

ALASKA LEGISLATURE COMMITTEE FILES 1981-1982 0072  
1702 SJ SB 594 - SB 632

**Sec. 44.62.630. Impartiality.** The functions of hearing officers and those officers participating in decisions shall be conducted in an impartial manner with due regard for the rights of all parties and the facts and the law, and consistent with the orderly and prompt dispatch of proceedings. These officers, except to the extent required for the disposition of ex parte matters authorized by law, shall not engage in interviews with, or receive evidence or argument from, a party, directly or indirectly, except upon opportunity for all other parties to be present. Copies of all communications with these officers shall be served upon all parties. (§ 31 (ch 2) ch 143 SLA 1959)

(1) Proposed Section:

Sec. 44.62.750, Separation of functions

(a) A person who has served as investigator, prosecutor or advocate in an adjudicative proceeding may not serve as presiding officer or assist or advise a presiding officer in the same adjudicative proceeding.

(b) A person who is subject to the authority, direction or discretion of one who has served as investigator, prosecutor or advocate in an adjudicative proceeding may not serve as presiding officer or assist or advise a presiding officer in the same adjudicative proceeding.

(c) A person who has participated in a determination of probable cause or other equivalent preliminary determination in an adjudicative proceeding may serve as presiding officer or assist or advise a presiding officer in the same adjudicative proceeding, unless a party demonstrates grounds for disqualification.

(d) A person may not serve as presiding officer at successive stages of the same adjudicative proceeding.

(2) Current Section:

(None)

(3)

Comments:

See related Drafter's Comments, Revised Model APA

(4)

Source:

Revised Model APA, §4-214

(1) Proposed Section:

Sec. 44.62.770, Public inspection and indexing of agency orders

(a) Each agency shall make available for public inspection and copying, and index by name and subject, all written final orders of potential precedential value.

(b) A written final order shall not be relied on as precedent by an agency to the detriment of any person until it has been made available for public inspection and indexed in the manner described in subsection (a). This provision is inapplicable to any person who has actual timely knowledge of the order. The burden of proving that knowledge is on the agency.

(2) Current Section:

(None)

(3) Comments:

(4) Source:

Administrative Law Committee Draft (July 1981)

(1) Proposed Section:

Sec. 44.62.760, Ex parte communications

(a) No party to an adjudication shall engage a presiding officer, presiding officer, member of the agency head, or other person who has, alone or with others, authority to decide the matters undergoing adjudication, in ex parte communications.

(b) Whenever an ex parte communication occurs, the party and the agency official involved shall each immediately cause a copy of such communication to be placed in the public file or record of the proceeding and to be served upon all parties to that proceeding to the extent required generally for other documents in that form of adjudicative proceeding. If the ex parte communication consists of an oral conversation, that conversation shall be reduced to writing and filed and served as provided for in this subsection.

(c) Any person or entity described in (a) of this section who receives an ex parte communication in violation of this section may be excused from the proceeding or may be subjected to a petition for disqualification if necessary to eliminate the effect of the communication.

(d) The agency shall, and any party may, report any willful violation of this section to appropriate authorities

for any disciplinary proceedings provided by law. In addition, each agency may provide by rule for appropriate sanctions, including default, for violations of this section.

(2) Current Section:

(None)

(3) Comments:

(4) Source:

Administrative Law Committee Draft. (July 1981)

Revised Draft APA, §4-213(e) and (f)

(1) Proposed Section:

Sec. 44.672.780, Definitions

(a) In subsection .010-.790 of this chapter, unless the context otherwise requires,

(1) "order of repeal" means a resolution, order or other official act of a state agency which expressly repeals a regulation in whole or in part;

(2) "regulation" means every rule, regulation, order, or standard of general application or the amendment, supplement or revision of a rule, regulation, order or standard adopted by a state agency to implement, govern its procedure, except one which relates only to the internal management of a state agency; "regulation" does not include a form prescribed by a state agency or instructions relating to the use of the form, but this provision is not a limitation upon a requirement that a regulation be adopted under this chapter when one is needed to implement the law under which the form is issued; "regulation" includes "manuals," "policies," "instructions," "guides to enforcement," "interpretative bulletins," "interpretations," and the like, which have the effect of rules, orders, regulations or standards of general application, and this and similar phraseology shall

not be used to avoid or circumvent this chapter; whether a regulation, regardless of name, is covered by this chapter depends in part on whether it affects the public or is used by the agency in dealing with the public;

(3) "lieutenant governor" means the office of the lieutenant governor in the executive branch of the state government, or another agency designated by executive order under the constitution;

(4) "state agency" means a department, office, agency, or other organizational unit of the executive branch, except one expressly excluded by law, but does not include an agency in the judicial or legislative branches of the state government.

(b) In subsection 330-790 of this chapter, unless the context otherwise requires,

(1) "agency member" means a person who is a member of an agency and includes a person who himself is an agency;

(2) "ex parte communication" is an undisclosed, informal contact between an agency official and a party or other person respecting the merits of a matter under adjudication before that official or that agency made without notice to and opportunity for all parties to participate in the manner prescribed by this chapter or by the rules of the agency;

(3) "hearing officer" means a hearing officer qualified under section .370 of this chapter;

(4) "party" includes the agency, the respondent, and a person, other than an officer or an employee of the agency in his official capacity, who has been allowed to appear in the proceeding;

(5) "Record" includes the notices of all proceedings, any pre-hearing order, any motions, pleadings, briefs, petitions, requests and intermediate rulings, evidence received or considered, a statement of matters officially noticed, proffers of proof and objections and rulings thereon, proposed findings, requested orders and exceptions, the tape recording or stenographic notes or symbols prepared for the presiding officer at the hearing, together with any transcript of all or part of the hearing considered before final disposition of the proceeding, any final order, initial order, or order on reconsideration, and matters placed on the record after an ex parte communication;

(6) "respondent" means a person against whom an accusation is filed under §.410 of this chapter or against whom a statement of issues is filed under §.420 of this chapter.

(2) Current Section:

(Attached at end of this draft section)

(3) Comments:

(4) Source:

Administrative law Committee Draft (July 1981)

AS 44.62.640

**Sec. 44.62.640. Definitions.** (a) In AS 44.62.010 — 44.62.320, unless the context otherwise requires,

(1) "order of repeal" means a resolution, order or other official act of a state agency which expressly repeals a regulation in whole or in part;

(2) "regulation" means every rule, regulation, order, or standard of general application or the amendment, supplement or revision of a rule, regulation, order or standard adopted by a state agency to implement, interpret, or make specific the law enforced or administered by it, or to govern its procedure, except one which relates only to the internal management of a state agency; "regulation" does not include a form prescribed by a state agency or instructions relating to the use of the form, but this provision is not a limitation upon a requirement that a regulation be adopted under this chapter when one is needed to implement the law under which the form is issued; "regulation" includes "manuals," "policies," "instructions," "guides to enforcement," "interpretative bulletins," "interpretations," and the like, which have the effect of rules, orders, regulations or standards of general application, and this and similar phraseology shall not be used to avoid or circumvent this chapter; whether a regulation, regardless of name, is covered by this chapter depends in part on whether it affects the public or is used by the agency in dealing with the public;

(3) "lieutenant governor" means the office of the lieutenant governor in the executive branch of the state government, or another agency designated by executive order under the constitution;

(4) "state agency" means a department, office, agency, or other organizational unit of the executive branch, except one expressly excluded by law, but does not include an agency in the judicial or legislative branches of the state government.

(b) In AS 44.62.330 — 44.62.630, unless the context otherwise requires,

(1) "agency" includes the state boards, commissions and officers listed in AS 44.62.330 and those to which this chapter is made applicable by law or executive order involving reorganization under the constitution;

(2) "agency member" means a person who is a member of an agency to which AS 44.62.330 — 44.62.630 apply, and includes a person who himself is an agency;

(3) "hearing officer" means a hearing officer qualified under AS 44.62.350;

(4) "party" includes the agency, the respondent, and a person, other than an officer or an employee of the agency in his official capacity, who has been allowed to appear in the proceeding;

(5) "respondent" means a person against whom an accusation is filed under AS 44.62.360 or against whom a statement of issues is filed under AS 44.62.370. (§§ 2, 3 art I (ch 1) ch 143 SLA 1959; § 1 (ch 2) ch 143 SLA 1959; am § 78 ch 69 SLA 1970)

(1) Prop sed Section:

Sec. 44.62.790, Short Title

This chapter may be cited as the Administrative  
Procedure Act.

(2) Current Section:

(Attached at end of this draft section)

(3) Comments:

(4) Source:

AS 44.62.650

Sec. 44.62.650. Short title. This chapter may be cited as the  
Administrative Procedure Act. (§ 1 art I (ch 1) ch 143 SLA 1959)

"CURRENT STATUTORY SECTIONS FOR WHICH  
NO DIRECT SUBSTITUTE SECTION IS PROVIDED"

**Sec. 44.62.610. Charge.** A sum authorized to be spent under AS 44.62.330 — 44.62.630 by an agency is a legal charge against the appropriations of the agency. (§ 29 (ch 2) ch 143 SLA 1959)

Sec. 44.62.580. Continuances. The agency may grant continuances. If a hearing officer is assigned to a hearing, no continuance may be granted except by him for good cause shown. (§ 26 (ch 2) ch 143 SLA 1959)

**Sec. 44.62.490. Amendment of accusation after submission.**  
The agency may order amendment of the accusation after submission of the case for decision. Each party shall be given notice of the intended amendment and opportunity to show that he will be prejudiced by it unless the case is reopened to permit the introduction of additional evidence in his behalf. If prejudice is shown, the agency shall reopen the case to permit the introduction of additional evidence. (§ 17 (ch 2) ch 143 SLA 1959)

**Sec. 44.62.470. Evidence by affidavit.** (a) At any time 10 or more days before a hearing or a continued hearing, a party may mail or deliver to the opposing party a copy of an affidavit which he proposes to introduce in evidence, together with a notice as provided in (b) of this section. Unless the opposing party, within seven days after that mailing or delivery, mails or delivers to the proponent a request to cross-examine an affiant, his right to cross-examine the affiant is waived and the affidavit, if introduced in evidence, shall be given the same effect as if the affiant had testified orally. If an opportunity to cross-examine an affiant is not given after request for it is made, the affidavit may be introduced in evidence, but shall be given only the same effect as other hearsay evidence.

(b) The notice referred to in (a) of this section shall be substantially in the following form:

The accompanying affidavit of (here insert name of affiant) will be introduced as evidence at the hearing in (here insert title of proceeding). (Here insert name of affiant) will not be called to testify orally and you may not question him unless you notify (here insert name of proponent or his attorney) at (here insert address) that you wish to cross-examine him. To be effective your request must be mailed or delivered to (here insert name of proponent or his attorney) before (here insert a date eight days after the date of mailing or delivering the affidavit to the opposing party). (§ 15 (ch 2) ch 143 SLA 1959)

S B

603

COMMITTEE REPORT

SENATE

2/4/82

FURTHER: None

Date: MARCH 12, 1982

Mr. President:

The Committee on WEDNESDAY has had SB 603

regional resource centers

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

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

MEMBERS SIGNING  
DO PASS

MEMBERS HAVING  
OTHER RECOMMENDATIONS:

\_\_\_\_\_

*Walter B. Anderson Jr.*

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

CHAIRMAN



Official Business

# Alaska State Legislature

## Senate

### Committee on Judiciary

Pouch V  
State Capitol  
Juneau, Alaska 99811

#### MINUTES OF THE SENATE JUDICIARY COMMITTEE

OF

March 12, 1982

Butrovich Committee Room, State Capitol Juneau, Alaska

Legislation Before Committee:

SB 741 - "An Act relating to child support enforcement."

SB 603 - "An Act relating to regional resource centers."

The meeting of the Senate Judiciary Committee was called to order by Chairman Rodey at 1:35 P.M. Committee members present were: Senators Rodey, Anderson, Parr, and Ray. Senator Bennett was absent.

002 - Chairman Rodey calls to order.

012 - Chairman Rodey brought SB 741 before the committee.

380 - Robin Foster, representing herself, testified against SB 741, stating she was against the whole Child Enforcement Agency.

529 - Chairman Rodey moves that the committee adopt an amendment to SB 741 on Page 1, Line 17, to delete "an obligor to pay" and insert "the payment of". There was no objection.

720 - Chairman Rodey laid SB 741 on the table and directed staff to prepare a memorandum explaining the section of the bill which repeals AS 47.23.070.

724 - Chairman Rodey next brought SB 603 before the committee.

789 - After brief discussion, Senator Anderson moves to pass the bill from committee with a do pass recommendation. There was no objection and the bill was passed.

802 - Adjourn.

Alaska State Legislature

SB603

SENATOR  
TERRY STIMSON  
POUCH V  
JULIAFAU, ALASKA 99811

WHILE IN ANCHORAGE  
1610 E STREET  
ANCHORAGE, ALASKA 99501



Senate

TO: Senator Charlie Parr, Chair Senate HESS Committee  
FROM: Senator Terry Stimson  
SUBJECT: Statement of Intent for Senate Bill 551  
DATE: May 26, 1981

Attached please find a statement of intent that I have written to accompany Senate Bill 551. As the bill currently resides in the Senate HESS Committee I would like to see that you attach it to any discussion of the bill.

Thank you in advance for your attention to this matter.

Senate Bill 551

Statement of Intent

It is the intent of this bill that \$400,000 be appropriated to the Department of Education for payment of all outstanding claims, notes or other liabilities against the South Central Regional Resource Center.

While introduction and passage of this bill is not an indication that the Alaska State Legislature believes that the South Central Regional Resource Center is an agent of the Government of the State of Alaska, neither does it assume that the State is liable for the actions of the South Central Regional Resource Center, or other Resource Centers. It is rather a clear statement that it is not the best use of state resources to <sup>u</sup> pursue the case. Passage of this bill will allow the State and affected school districts to get on with the task of educating Alaska's youth and not force the same to spend additional education dollars on further litigation.



House of Representatives

COMMITTEES  
 CHAIRMAN  
 HOUSE TRANSPORTATION  
 VICE CHAIRMAN  
 HOUSE HEALTH EDUCATION  
 AND  
 SOCIAL SERVICES

REPRESENTATIVE  
 BETTE CATO  
 DISTRICT 5  
 BOX 775  
 VALDEZ ALASKA 99686  
 (907) 835-4568  
 WHILE IN JUNEAU  
 POUCH V  
 JUNEAU, ALASKA 99801  
 (907) 465-4858

MEMORANDUM

TO : All Legislators  
 All Interested Parties

FROM : Rep. Bette Cato *BC*

RE : Southcentral Regional Resource Center

DATE : May 29, 1981

Regional Resource Centers were established in 1975 with adoption of AS. 14.08.141. The intent was to establish a pool of knowledge and abilities for development of programs and studies for the school districts.

The Southcentral Regional Resource Center (S.C.R.R.C.) has the following member schools;

- Adak Regional School District
- Aleutian Chain School District
- Chugach School District
- Copper River School District
- Cordova School District
- Kodiak Island Borough School District
- Kenai Peninsula Borough School District
- King Cove School District
- Matanuska-Susitna Borough School District
- Pribilof Island School District
- Unalaska City School District
- Valdez City School District

*dismissed*

The school districts of; Delta-Greely, Railbelt, Sand Point, and Yukon Flats, applied for membership in 1980 and received it but are not to be included in the discussion that follows.

There were problems in this regional resource center when administrative costs and accounting practices got out of hand. There is currently an audit taking place to find the extent of the problems and persons involved. Consequently, the Attorney Generals office issued a complaint against S.C.R.R.C..

The underlying question: are the Regional Resource Centers an entity of the State or is it a voluntary association of individual members?

Page 2  
Rep. Bette Cato

If it is a state agency, then the state is liable for all debts incurred. If it is a voluntary association, then each of the members is liable for the debts of the association.

While this is a moot point, the funding in either case comes from the State Legislature. The school boards are funded by the state as are the S.C.R.R.C and the attorney generals office. The point is, the state is suing itself over a problem that should be solved internally. The school districts involved are now going through the trouble and expense of hiring outside attorneys.

The Attorney Generals office says that they will not press charges until the legislature has a chance to vote on Senate Bill 551. The bill would fund the outstanding debts of the S.C.R.R.C..If the bill does not pass the legislature by the end of this session, then the litigation will begin over the summer. The amount of indebtedness is nearly \$400,000 and costs for attorneys, etc. to this point have gone over \$100,000, and will, if the case continues, go much higher, this cost, in one line item or another will be paid by the state of Alaska.

This point must be addressed this session to prevent further litigation and allow for a resolution to this matter without the outcome of "the State suing the State".

I hope that you will join with me in supporting this bill and preventing this waste of money in the litigation process.

cc. Governor Jay Hammond  
Lt. Governor Terry Miller  
Sen. Terry Stimson  
Attorney General's Office  
School District's in S.C.R.R.C.

S

B

6

/

0

COMMITTEE REPORT  
SENATE

1/11/82

FURTHER: None

Date: FEB. 27, 1982

Mr. President:

The Committee on JUDICIARY has had SB 610

Certificates of birth

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

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

MEMBERS SIGNING  
DO PASS

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

MEMBERS HAVING  
OTHER RECOMMENDATIONS:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
CHAIRMAN



Official Business

# Alaska State Legislature

## Senate

### Committee on Judiciary

Pouch V  
State Capitol  
Juneau, Alaska 99811

#### MINUTES OF THE SENATE JUDICIARY COMMITTEE

OF

FEBRUARY 22, 1982

Butrovich Committee Room, State Capitol Juneau, Alaska

#### Legislation Before Committee:

- SB 610 - "An Act relating to certificates of birth."
- SB 692 - "An Act relating to the duties of coroners and the coroner's inquest."
- SB 765 - "An Act exempting importation of alcoholic beverages for religious purposes."

The meeting of the Senate Judiciary Committee was called to order by Chairman Rodey at 1:05 P.M. Committee members present were: Senators Rodey, Ray, and Parr. Senator Bennett was absent.

Chairman Rodey first brought SB 765 before the committee. Senator Ray moved that on page 1, line 18, after "body" insert ", are limited in quantity to the amount necessary for religious purposes, and are dispensed for religious purposes by a person authorized by the church or religious body to dispense the alcoholic beverage". There was no objection and the amendment was adopted.

Senator Ray motioned that SB 765 be moved from committee. There was no objection. All members present signed do pass.

The next item on the agenda was SB 610. Senator Parr explained the intent of the bill. Chairman Rodey next called Joan Brooks, Vital Statistics, before the committee. Ms. Brooks testified in favor of the bill stating that SB 610 would alleviate problems she had encountered with mothers requesting the name of the natural father, other than her husband, being placed on the child's birth certificate. She reported receiving one (1) call a week to her office on the subject.

After discussion Senator Parr moved that the bill be passed from committee. Senator Parr signed do pass, Senator Rodey signed no recommendation, Senator Ray signed do not pass.

Next Chairman Rodey brought SB 692 before the committee. Mr. Bruce gave a brief history of the bill at the request of Chairman Rodey.

After discussion, Senator Ray moved that the committee substitute for SB 692 be passed from committee. There was no objection. All members present signed do pass.

Chairman Rodey adjourned the meeting at 2:00 P.M.



Official Business

# Alaska State Legislature

## Senate

### Committee on Judiciary

Pouch V  
State Capitol  
Juneau, Alaska 99811

#### MINUTES OF THE SENATE JUDICIARY COMMITTEE

OF

FEBRUARY 10, 1982

Butrovich Committee Room, State Capitol Juneau, Alaska

#### Legislation Before Committee:

SB 610 - "An Act relating to smoking in public places."

HB 406 - "An Act relating to sales of alcoholic beverages to and by licensed wholesalers."

SB 626 - "An Act relating to certificates of birth."

The meeting of the Senate Judiciary Committee was called to order by acting Chairman Ray at 1:40 P.M. Committee members present were: Senators Ray, Bennett, and Parr. Senator Rodey was absent.

Acting Chairman Ray first brought before the committee SB 610. Joseph Geldhof, representing the Tobacco Institute, testified against the bill.

Dr. Rabeau, Department of Health & Social Services, addressed the committee on the health ramifications to nonsmokers when smoking is permitted in crowded public places.

After brief discussion, Senator Parr suggested moving the bill from committee with individual recommendations. This action failed; Senators Parr and Bennett voting to move the bill, Senator Ray voting against moving the bill.

Acting Chairman Ray next brought HB 406 before the committee. Doug Metz, Wine and Spirits Wholesaler of America, Inc., and Russel Shannon, Distilled Spirits Council of the U.S. Inc., testified in favor of this bill.

Mr. Hanford, representing Odom Corporation, offered amendments to HB 406 without testimony.

Next, Joe Donohue, Department of Revenue, addressed the committee and offered his assistance to the committee on any questions which he could help answer. The Department had no recommendation on the bill.

Acting Chairman Ray next called Mr. King, representing the Juneau Retail Dealers Assoc., to testify. Mr. King expressed the local retailers

opposition to HB 406, stating that it would only cause an increase in prices to the consumer. Mr. Thibideau and Mr. Tallman, both local retailers, joined Mr. King and stated their opposition to this legislation.

Maurice Druhe, representing DISCUS, testified in favor of HB 406.

After discussion, acting Chairman Ray asked if any member of the committee wished to suggest action on the bill. There was no motion.

SB 626 was not addressed by the committee today.

Acting Chairman Ray adjourned the meeting at 2:50 P.M.

POSITION PAPER

SENATE BILL NO. 610

"An Act relating to certificates of birth."

Under AS 18.50.160 (d), as it is presently written, the husband of a married woman is listed as father on the certificate of birth of her child, unless paternity has otherwise been determined by the court. That determination would be made either through an adjudication of paternity or in an action for divorce.

By amending this section to add the new provision under (d) (2), it simplifies matters for the parents. An action for divorce is the most-often used remedy to provide the legitimation process for a child born to a married woman, whose husband is not the natural father. However, the divorce may take months to be finalized. This amendment makes it unnecessary for the court to address the question, and permits the original birth certificate to be filed and registered reflecting the true facts of birth, while fulfilling the intent of the Legislature, to provide legitimacy to the child.

The Department of Health and Social Services recommends passage of SB No. 610

RECOMMENDED BY:

*Joan P. Brooks*  
JOAN P. BROOKS  
STATE REGISTRAR  
BUREAU OF VITAL  
STATISTICS

DATE:

*January 21, 1982*

APPROVED BY:

*Heleen D. Beirne*  
HELEEN D. BEIRNE  
COMMISSIONER  
DEPARTMENT OF HEALTH  
& SOCIAL SERVICES

DATE:

*January 22, 1982*

THE LEGISLATURE OF THE STATE OF ALASKA  
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. Senate Bill No. 610  
Title "An Act relating to certificates of birth."  
Requested by Senator Parr Date \_\_\_\_\_

II. FISCAL DETAIL

Agency Affected Department of Health & Social Services  
Program Category Affected Administrative Services  
BRU, Program, Or Subprogram(s) Affected Vital Statistics  
(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	0	0	0	0	0	0
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)

No fiscal impact.

IV. DATE Jan. 21, 1982 PREPARED BY Jean P. Brooks JPC  
AGENCY D/H & S.S.  
Original: Legislative Finance PHONE 465-3391  
cc: Budget and Management  
Prime Sponsor (First Legislator Named)  
33-001 (Rev. 12/81)

**Sec. 18.50.140. Payment of fees to local registrars and others.** The state registrar shall certify monthly, or at least quarterly, the number and type of records filed by, and the amount due to each local registrar and deputy registrar, and the amount due to each subregistrar. Upon certification, the amounts due shall be paid from the proper state appropriations by the Department of Administration. (§ 11 ch 118 SLA 1960)

**Article 3. Registration Requirements, Procedures and Certificates.**

Section	Section
150. Form of certificate	220. New certificate of birth
160. Birth registration	230. Death registration
170. Foundling registration	240. Fetal death registration
180. Delayed registration of birth	250. Permits
190. Delayed registration of death or marriage	260. Extension of time
200. Judicial procedure to establish facts of birth	270. Marriage registration
210. Court reports of adoption	280. Court reports of divorce and annulment

**Sec. 18.50.150. Form of certificate.** The form of certificates, reports, and other returns required by this chapter, or by regulations adopted under it, shall include as a minimum the items recommended by the federal agency responsible for national vital statistics subject to approval of any modification by the state registrar. The bureau shall prescribe and furnish forms. (§ 12 ch 118 SLA 1960)

**Sec. 18.50.160. Birth registration.** (a) A certificate of birth for each live birth which occurs in the state shall be filed with the local registrar of the registration district in which the birth occurred, as provided in this section, within seven days after the birth. When a birth occurs on a moving conveyance a birth certificate shall be filed in the district in which the child was first removed from the conveyance.

(b) When a birth occurs in an institution, the person in charge of the institution or his designated representative shall obtain the personal data, prepare the certificate, secure signatures required on the certificate and shall file it with the local registrar. The physician in attendance shall certify to the facts of birth and provide the medical information required by the certificate within five days after the birth.

(c) When a birth occurs outside an institution, the certificate shall be prepared and filed by one of the following in the indicated order of priority:

(1) the physician in attendance at or immediately after the birth; or in his absence

(2) a person in attendance at or immediately after the birth; or in his absence

(3) the father, mother, or, in the absence of the father and the inability of the mother, the person in charge of the premises where the birth occurs.

(d) If the mother was married at the time of conception or birth, the name of the husband shall be entered on the certificate as the father of the child unless paternity has been determined otherwise by a court of competent jurisdiction, in which case the name of the father, if determined by the court, shall be entered.

(e) If the mother was not married at the time of conception or birth, the name of the father shall not be entered on the certificate of birth unless paternity has been determined by a court of competent jurisdiction, or both the mother and father request the entry, or otherwise as specified by statute.

(f) In the case of a child born out of wedlock, the certificate of birth shall be filed in accordance with (a), (b), and (c) of this section unless the state registrar directs another procedure. (§ 13 ch 118 SLA 1960; am § 83 ch 127 SLA 1974)

**Effect of amendment.** — The 1974 Am. Jur. reference. — 15 Am. Jur., amendment inserted "or both the mother Health, § 47. and father request the entry" near the end of subsection (e).

**Sec. 18.50.170. Foundling registration.** (a) The person who assumes the custody of a living infant of unknown parentage shall within seven days report the information prescribed by the state registrar on a form and in the manner prescribed by the state registrar to the local registrar of the registration district in which the child was found.

(b) The place where the child was found shall be entered as the place of birth and the date of birth shall be determined by approximation.

(c) A report registered under this section constitutes the certificate of birth for the infant.

(d) If the child is identified and a certificate of birth is found or obtained, a report registered under this section shall be sealed and filed in accordance with instructions of the state registrar, and may be opened only by order of a superior court or as provided by regulation. (§ 14 ch 118 SLA 1960)

**Am. Jur. reference.** — 1 Am. Jur., Adoption of Children, §§ 27 — 29, 49, 67.

**Sec. 18.50.180. Delayed registration of birth.** (a) When the birth of a person born in the state has not been registered a certificate may be filed in accordance with regulations issued under this chapter. The certificate shall be registered subject to the evidentiary requirements the department prescribes by regulation to substantiate the alleged facts of birth.

(b) When the birth occurred more than seven days but less than one year before the application for registration, the birth may be filed with the proper local registrar in accordance with regulations issued under this chapter.

(c) When the birth occurred one year or more before the application for registration, the birth shall be filed on a form prescribed by the

bureau, and shall registrar may ac required by regu certificate regist

(d) When the for registration, entitled "delayed form shall be su be registered bel person is not c subscribed and representative. person whose bi other informati submitted, the s each document original delayed

(e) The state was born in th established to t evidence estab substantiated, number of nec description and shall be prescr national stand. national vital s national securi necessary by re filings by Indi otherwise satisf

(f) When the support of his question the v evidence, the s birth and shall of his right of a the dismissal o a-f ch 118 SLA

**Sec. 18.50.1** a death or ma certificate may this chapter. T requirements substantiate t death and ma occurrence sha

S

B

6

//

# COMMITTEE REPORT

## SENATE

2/9/82

FURTHER: None

Date: FEB 24, 1982

Mr. President:

The Committee on JUDICIARY has had SB 611  
revising criminal penalties for unlawful operation of an aircraft

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

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

MEMBERS SIGNING  
DO PASS

[Signature]  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

MEMBERS HAVING  
OTHER RECOMMENDATIONS:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

[Signature]  
CHAIRMAN



District Court

State of Alaska

FOURTH JUDICIAL DISTRICT  
604 BARNETTE STREET, RM. 329

FAIRBANKS, ALASKA

99701

October 20, 1981

CHAMBERS OF  
HUGH H. CONNELLY, JUDGE

Don Bennett  
Box 2801  
Fairbanks, Alaska 99707

Re: Criminal Penalties for  
AS 02.35.030-Airmen License  
Required (See AS 02.35.120  
Penalty)

and  
AS 02.30.030-Reckless Operation  
(See AS 02.30.040 Penalty)

Dear Don,

Recently I heard my second case involving Reckless Operation of an Aircraft in AS 02.30.030, and my first case of Operating a Civil Aircraft Without a License in AS 02.35.030, and would respectfully suggest that these two crimes be made either Class "C" felonies or Class "A" misdemeanors.

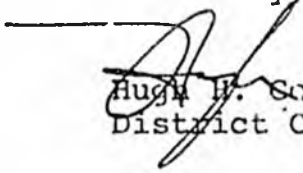
In regard to AS 02.30.030-Reckless Operation of Aircraft: When you consider that the operation of a rotor vehicle while under the influence of intoxicating liquor or other habit forming drugs is a Class "A" misdemeanor carrying a maximum penalty of \$5000.00 fine or 1 year in jail or both, and also carrying a mandatory minimum jail sentence with no provision for probation or parole on a first offense, the \$500.00 maximum penalty with no possible jail sentence for the Operation of an Aircraft While Under the Influence of Intoxicating Liquor or Drugs appears to be grossly inadequate. When you consider the potential danger to passengers, the pilot himself, the aircraft, ground or water car airports, and other aircraft which may be located

Page 2 (Penalties in AS 02.35.120 and AS 02.30.040)

at and near airports, it is my recommendation that the offense of Reckless Operation of Aircraft should be a Class "C" felony, or at least a Class "A" misdemeanor.

In regard to AS 02.35.030-Airmen License Required: In my recent case a person was operating a Cessna 180 airplane without a license. It is respectfully recommended that the penalty provision found in AS 02.35.120 be changed to a Class "A" misdemeanor because of the potential danger to other aircraft, passengers and the public in and around airports.

Cordially,

  
Hugh H. Connolly  
District Court Judge

HHC/ajw

PATRICK RODEY  
ANCHORAGE

*Aircraft*  
601 W. 5TH AVE. SUITE 820  
ANCHORAGE, ALASKA 99501

Alaska State Senate  
JUNEAU, ALASKA 99811

DURING SESSION  
POUCH V  
JUNEAU, ALASKA 99811

November 16, 1981

The Honorable Don Bennett  
P.O. Box 2801  
Fairbanks, AK 99707

Dear Don:

Thanks for forwarding Judge Connelly's suggestion to my office.

We can probably add this item to some bills I am proposing in Committee.  
I will forward drafts of these to you when I have them completed.

Sincerely,



Patrick M. Rodey  
Senator

PMR/ds

Alaska State Legislature



Senate

SENATOR

DON BENNETT

P.O. BOX 2801

FAIRBANKS, ALASKA 99707

LEGISLATIVE ADDRESS

POUCH V - STATE CAPITOL  
JUNEAU, ALASKA 99811

MEMO

DATE: October 30, 1981

TO: Senator Pat Rodey, Chairman Senate Judiciary Committee

FROM: Senator Don Bennett

I am forwarding to you Judge Hugh Connelly's letter regarding increased penalties for Reckless Operation of an Aircraft and Operating an Aircraft Without a License,

The specific suggestions seem good. Increasing the penalties appear appropriate.

I would appreciate your help in having Judiciary take whatever action necessary for implementation.

DEAR DON,

THANKS FOR FORWARDING ~~THE~~ JUDGE CONNELLY'S  
SUGGESTION TO MY OFFICE.

~~I HAVE ALREADY CORRESPONDED WITH~~  
WE CAN PROBABLY ADD THIS ITEM TO  
SOME BILLS I AM PROPOSING IN  
COMMITTEE. I WILL FORWARD DRAFTS  
OF THESE TO YOU WHEN I HAVE  
THEM COMPLETED.

Sincerely  
PJR



Official Business

# Alaska State Legislature

## Senate

### Committee on Judiciary

Pouch V  
State Capitol  
Juneau, Alaska 99811

#### MINUTES OF THE SENATE JUDICIARY COMMITTEE

OF

FEBRUARY 24, 1982

Butrovich Committee Room, State Capitol Juneau, Alaska

#### Legislation Before Committee:

- SB 620 - "An Act repealing the limitations on awarding compensation to victims of violent crime if the victim is a relative or member of the household of the offender."
- SB 193 - "An Act amending state personnel laws; and providing for an effective date."
- SB 611 - "An Act revising the criminal penalties for unlawful operation of an aircraft."

The meeting of the Senate Judiciary Committee was called to order by Chairman Rodey at 1:30 P.M. Committee members present were: Senators Rodey, Parr, Bennett, and Ray.

Chairman Rodey first brought before the committee SB 620. Mr. Bruce gave a brief summary of previous action on the bill.

Sue Johnson, Violent Crimes Compensation Board, testified against CSSB 620, stating that the Board would rather have the discretion in awarding claims than the language in the committee substitute.

Chairman Rodey next called Caren Robinson, Alaska Network on Domestic Violence, before the committee. She testified in favor of the concept of CSSB 620, but stressed that a section should be added to allow direct payment to care providers.

Senator Ray moved that the following amendment be made: Page 1, Line 15, and 17, delete "reported", and insert "filed with"; Page 1, Line 18, delete "report", and insert "filing". Senators Ray, Bennett, and Parr voted in favor of the amendment. Senator Rodey voted against the amendment. The amendment was adopted.

Senator Ray moved that on Page 1, Line 16 and 17, the word "five" be deleted and "fifteen" inserted in its place. Senators Rodey, Bennett, and Ray voted in favor of the amendment. Senator Parr voted against the amendment. The amendment was adopted.

Senator Bennett left the committee meeting to attend to his Finance Committee duties.

Senator Ray moved to pass CSSB 620 from committee as amended. There was no objection. Senator Parr signed no recommendation. Senators Ray and Rodey signed do pass.

Chairman Rodey next brought SB 611 before the committee. Senator Ray explained the purpose of the bill and its background.

After brief discussion Senator Ray moved that the bill be passed from committee. There was no objection. Senators Rodey, Ray, and Parr signed do pass.

The last item on the agenda was SB 193. Mr. Bruce reviewed the history of the bill for the committee.

Chairman Rodey calls Cherie Shelly, APEA, before the committee. Ms. Shelly testified against the deletion of the Limited Entry Commission and the Post Secondary Education from the classified service.

Ken Kareen, Director of Personnel, briefly explained the amendments that the Department of Administration submitted to the Committee last meeting.

There was no action taken on SB 193 and it was returned to the file.

Chairman Rodey adjourned the meeting at 2:50 P.M.

\* Sec. 1

AS 18.67.130(a) is amended to read:

(a) No order for the payment of compensation may be made under AS 18.67.080 unless the application has been made within two years after the date of the personal injury or death, and

(1) the personal injury or death was the result of an incident or offense listed in AS 18.67.101 which had been reported to the police within five days of its occurrence or, if the incident or offense could not reasonably have been reported within that period, within five days of the time when a report could reasonably have been made; and

(2) the applicant has not initiated the dismissal of criminal charges against the offender for conduct that is the basis for the applicant's claim for compensation.

\* Sec. 2. AS 18.67.130(b) is amended to read:

(b) No compensation may be awarded if the victim

[(1) IS A RELATIVE OF THE OFFENDER;]

(2) is, at the time of application for compensation [THE PERSONAL INJURY OR AT THE TIME OF THE INJURY WHICH RESULTS IN THE DEATH OF THE VICTIM] living with the offender as a member of the same family or household, or maintaining a sexual relationship, whether illicit or not, with the offender [OR WITH A MEMBER OF THE OFFENDER'S FAMILY];

(3) violated a penal law of the state, which violation caused or contributed to his injuries or death; or

(4) is injured as a result of the operation of a motor vehicle, boat or airplane unless the vehicle was used as a weapon in a deliberate attempt to injure or kill the victim.

\* Sec. 3

AS 18.67 is amended by adding a new section to read:

Sec. 18.67.135. FORFEITURE OF COMPENSATION. A person awarded compensation under this chapter shall repay the compensation to the state and shall be ineligible for future compensation for additional personal injuries inflicted by the same offender, if the person initiates the dismissal of criminal charges against the offender for conduct that is the basis for the person's claim for compensation.

RECKLESS ENDANGERMENT

NEW CRIMINAL CODE

Sec. 11.41.250. RECKLESS ENDANGERMENT. (a) A person commits the crime of reckless endangerment if he recklessly engages in conduct which creates a substantial risk of serious physical injury to another person.

(b) Reckless endangerment is a class A misdemeanor.

PRIOR CRIMINAL CODE

None.

COMMENTARY

From Senate Journal, 17:

If a person engages in reckless conduct and death results, he will be guilty of either murder in the second degree or manslaughter depending on the presence of "extreme indifference to the value of human life." If the person engages in the same conduct but no one is killed, but someone is injured, he will be guilty of some degree of assault. The crime of reckless endangerment covers the situation where the person acts with the same degree of recklessness as regards human life, but no one is injured. The person, for example, who shoots a bullet through a tent and fortunately does not kill or injure anyone could be charged with reckless endangerment.

See also TD I, 51; LR 55-56.

CROSS REFERENCES

Definition of "serious physical injury" - AS 11.81.-  
900(b)

Definition of "recklessly" - AS 11.81.900(a)

Assault in the first, second and third degree - AS  
11.41.200-230

Murder in the second degree - AS 11.41.110(a)(1), (2)

(Effective January 1, 1980)

Sec. 11.81.640. Application of §§ 600 — 630. Sections 600 — 630 of this chapter apply only to this title. (§ 10 ch 166 SLA 1978).

### Article 6. Definitions.

Section  
900. Definitions

Sec. 11.81.900. Definitions. (a) For purposes of this title, unless the context requires otherwise,

(1) a person acts "intentionally" with respect to a result described by a provision of law defining an offense when his conscious objective is to cause that result;

(2) a person acts "knowingly" with respect to conduct or to a circumstance described by a provision of law defining an offense when he is aware that his conduct is of that nature or that the circumstance exists; when knowledge of the existence of a particular fact is an element of an offense, that knowledge is established if a person is aware of a substantial probability of its existence, unless he actually believes it does not exist; a person who is unaware of conduct or a circumstance of which he would have been aware had he not been intoxicated acts knowingly with respect to that conduct or circumstance;

(3) a person acts "recklessly" with respect to a result or to a circumstance described by a provision of law defining an offense when he is aware of and consciously disregards a substantial and unjustifiable risk that the result will occur or that the circumstance exists; the risk must be of such a nature and degree that disregard of it constitutes a gross deviation from the standard of conduct that a reasonable person would observe in the situation; a person who is unaware of a risk of which he would have been aware had he not been intoxicated acts recklessly with respect to that risk;

(4) a person acts with "criminal negligence" with respect to a result or to a circumstance described by a provision of law defining an offense when he fails to perceive a substantial and unjustifiable risk that the result will occur or that the circumstance exists; the risk must be of such a nature and degree that the failure to perceive it constitutes a gross deviation from the standard of care that a reasonable person would observe in the situation.

(b) As used in this title, unless otherwise specified or unless the context requires otherwise,

(1) "affirmative defense" means that

(A) some evidence must be admitted which places in issue the defense; and

(Effective

(B) the defendant has the preponderance of the evidence;

(2) "benefit" means a profit, advantage, or benefit to a beneficiary or to a third party;

(3) "building", in addition to a structure adapted for carrying on business, including apartment units, is considered a separate building;

(4) "cannabis" has the same meaning as in AS 11.81.010;

(5) "conduct" means an act or omission;

(6) "controlled substance" means:

(A) a narcotic drug as defined in AS 11.81.010;

(B) a depressant, hallucinogenic drug, or cannabis, as defined in AS 11.81.010;

(7) "correctional facility" means a facility used for the confinement of a person;

(8) "credit card" means a credit card, credit plate, or other name, issued with the name of the cardholder in obtaining credit;

(9) "crime" means an act or omission which is authorized; a crime is a crime if it is authorized;

(10) "culpable mental state" means "intentionally", "knowingly", "recklessly", or with "criminal negligence" as defined in (a) of this section;

(11) "dangerous instrument" means a dangerous instrument in which circumstances in which the instrument is to be used, is capable of causing death or serious physical injury;

(12) "deadly force" means the use of force which creates a substantial risk of causing death or serious physical injury; "deadly force" includes intentional or reckless use of force against another person or in the presence of another person;

(13) "deadly weapon" means a dangerous instrument which is capable of causing death or serious physical injury; a knife, an axe, a club, or a gun is a deadly weapon;

(14) "deception" means the use of false information to induce another person to act;

(A) create or confirm a false impression; or  
(B) does not believe to be true; and false impressions.

S

B

6

20

COMMITTEE REPORT  
SENATE

FURTHER: Finance

1/11/82

Date: Feb 21, 1982

Mr. President:

The Committee on JUDICIARY has had SB 620  
repealing the limitations on awarding compensation to victims of violent crime

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

- do pass  do not pass
- do pass with attached amendments(s)
- replace with CS for SB620  same title  
 new title
- and recommends \_\_\_\_\_
- AND attaches a "Letter of Intent"  New Fiscal Note
- reports it back without recommendation
- referred to the \_\_\_\_\_ Committee

MEMBERS SIGNING  
DO PASS

MEMBERS HAVING  
OTHER RECOMMENDATIONS:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

CHAIRMAN

Lear ✓

~~18.67.130~~  
Delete  
18.67.180(4)?

Original sponsor: Bradley

1 IN THE SENATE BY THE JUDICIARY COMMITTEE  
2 CS FOR SENATE BILL NO. 620 (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 compensation to victims of violent  
7 crime."

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

9 \* Section 1. AS 18.67.130(a) is amended to read:

10 (a) No order for the payment of compensation may be made under  
11 AS 18.67.080

12 (1) unless the application has been made within two years  
13 after the date of the personal injury or death; [, AND]

14 (2) the personal injury or death was the result of an incident  
15 or offense listed in AS 18.67.101 which had been <sup>filed with</sup> reported to the police,  
16 ~~WITH THE INTENT OF INITIATING A CRIMINAL PROSECUTION~~  
17 within <sup>15</sup> five days of its occurrence or, if the incident or offense could  
18 not reasonably have been reported within that period, within <sup>15</sup> five days  
19 of the time when a ~~report~~ could reasonably have been made; and

20 (3) the applicant has not initiated the dismissal of criminal  
21 charges against the offender for conduct that is the basis for the  
22 applicant's claim for compensation.

23 \* Sec. 2. AS 18.67.130(b) is amended to read:

24 (b) No compensation may be awarded if the victim

25 [(1) IS A RELATIVE OF THE OFFENDER;]

26 (2) is, at the time of application for compensation [THE  
27 PERSONAL INJURY OR AT THE TIME OF THE INJURY WHICH RESULTS IN THE DEATH  
28 OF THE VICTIM] living with the offender as a member of the same family  
29 or household, or maintaining a sexual relationship, whether illicit or  
not, with the offender ~~OR WITH A MEMBER OF THE OFFENDER'S FAMILY];~~

1 (3) violated a penal law of the state, which violation caused  
2 or contributed to his injuries or death; or

3 (4) is injured as a result of the operation of a motor  
4 vehicle, boat or airplane unless the vehicle was used as a weapon in a  
5 deliberate attempt to injure or kill the victim.

6 \* Sec. 3. AS 18.67 is amended by adding a new section to read:

7 Sec. 18.67.135. EFFECT OF SEEKING DISMISSAL OF CHARGES. A person  
8 awarded compensation under this chapter shall repay the compensation to  
9 the state and is ineligible for future compensation for additional  
10 injuries inflicted by the same offender, if the person initiates the  
11 dismissal of criminal charges against the offender for conduct that is  
12 the basis for the person's claim for compensation.



Official Business

# Alaska State Legislature

## Senate

### Committee on Judiciary

Pouch V  
State Capitol  
Juneau, Alaska 99811

#### MINUTES OF THE SENATE JUDICIARY COMMITTEE

OF

FEBRUARY 24, 1982

Butrovich Committee Room, State Capitol Juneau, Alaska

#### Legislation Before Committee:

- SB 620 - "An Act repealing the limitations on awarding compensation to victims of violent crime if the victim is a relative or member of the household of the offender."
- SB 193 - "An Act amending state personnel laws; and providing for an effective date."
- SB 611 - "An Act revising the criminal penalties for unlawful operation of an aircraft."

The meeting of the Senate Judiciary Committee was called to order by Chairman Rodey at 1:30 P.M. Committee members present were: Senators Rodey, Parr, Bennett, and Ray.

Chairman Rodey first brought before the committee SB 620. Mr. Bruce gave a brief summary of previous action on the bill.

Sue Johnson, Violent Crimes Compensation Board, testified against CSSB 620, stating that the Board would rather have the discretion in awarding claims than the language in the committee substitute.

Chairman Rodey next called Caren Robinson, Alaska Network on Domestic Violence, before the committee. She testified in favor of the concept of CSSB 620, but stressed that a section should be added to allow direct payment to care providers.

Senator Ray moved that the following amendment be made: Page 1, Line 15, and 17, delete "reported", and insert "filed with"; Page 1, Line 18, delete "report", and insert "filing". Senators Ray, Bennett, and Parr voted in favor of the amendment. Senator Rodey voted against the amendment. The amendment was adopted.

Senator Ray moved that on Page 1, Line 16 and 17, the word "five" be deleted and "fifteen" inserted in its place. Senators Rodey, Bennett, and Ray voted in favor of the amendment. Senator Parr voted against the amendment. The amendment was adopted.

Senator Bennett left the committee meeting to attend to his Finance Committee duties.

Senator Ray moved to pass CSSB 620 from committee as amended. There was no objection. Senator Parr signed no recommendation. Senators Ray and Rodey signed do pass.

Chairman Rodey next brought SB 611 before the committee. Senator Ray explained the purpose of the bill and its background.

After brief discussion Senator Ray moved that the bill be passed from committee. There was no objection. Senators Rodey, Ray, and Parr signed do pass.

The last item on the agenda was SB 193. Mr. Bruce reviewed the history of the bill for the committee.

Chairman Rodey calls Cherie Shelly, APEA, before the committee. Ms. Shelly testified against the deletion of the Limited Entry Commission and the Post Secondary Education from the classified service.

Ken Kareen, Director of Personnel, briefly explained the amendments that the Department of Administration submitted to the Committee last meeting.

There was no action taken on SB 193 and it was returned to the file.

Chairman Rodey adjourned the meeting at 2:50 P.M.



# Alaska Network on Domestic Violence and Sexual Assault

P.O. Box 3356, ANCHORAGE, ALASKA 99510

POSITION PAPER: Senate Bill 620, Senate Bill 108 and House Bill 345

The Alaska Network on Domestic Violence and Sexual Assault is a non-profit corporation composed of 17 domestic violence, sexual assault, and adult crisis intervention programs throughout the State. Network programs are funded in part through grants and contracts awarded by the recently established Council on Domestic Violence and Sexual Assault in the Department of Public Safety.

Based on experience with the issues of sexual assault and domestic violence, the Network offers the following remarks regarding Senate Bill 620, and House Bill 345.

The Network supports Senate Bill 620 and House Bill 345.

Violent Crimes Compensation Programs represent a new commitment to helping people recover from the effects of crime. Some see the programs as an obligation of the state for failure to provide adequate protection. Others view victims compensation as a humanitarian duty. Whatever the rationale for such programs, the exclusion of victims who had a relationship with the offender, is unfair and inconsistent with the goals of compensating victims of violent crimes.

Other states have recognized the injustice of a provision which excludes victims who knew the offender. California, Delaware, Florida, Indiana, and Michigan permit awards to victims who live with or are related to the offender. Michigan's board makes payment for loss directly to the provider of services, when the victim resides with the offender. Minnesota, Montana, North Dakota and Ohio permit awards to household members where "justice requires." Nebraska only denies compensation when the victim was a member of the household and aided and abetted the offender. Finally, Tennessee will only deny an award to a family member if the Board believes such award will unjustly enrich the offender.

Senate Bill 620 and House Bill 345 will not unjustly enrich the offender given the guidelines the Board must follow prior to making an award. Under the current statute the Board must consider all relevant material including: provocation, consent and other relevant behavior of the victim.

One argument against including household members has been the possible fiscal impact. There is no indication that family exclusion saves money. It does, however, deny relief to innocent victims.

Without the amendments included in Senate Bill 620 and House Bill 345, the State of Alaska will continue to deny awards to those who may need help the most. Under the current statute a child may receive nothing even if one parent kills another. The amendments are necessary for the fair and equal protection of all victims of violent crime.

The Network also supports Senate Bill 108 which increases the amount of compensation a victim will be eligible to receive.



Official Business

# Alaska State Legislature

## Senate

### Committee on Judiciary

Pouch V  
State Capitol  
Juneau, Alaska 99811

#### MINUTES OF THE SENATE JUDICIARY COMMITTEE

OF

JANUARY 25, 1982

Butrovich Committee Room, State Capitol Juneau, Alaska

#### Legislation Before Committee:

SJR 54 - Proposing amendments to the Constitution of the State of Alaska relating to the confirmation of appointments by the Governor.

SB 108 - "An Act raising the limits of compensation which may be awarded by the Violent Crimes Compensation Board."

SB 620 - "An Act repealing the limitations on awarding compensation to victims of violent crime if the victim is a relative or member of the household of the offender."

The meeting of the Senate Judiciary Committee was called to order by Chairman Rodey at 1:45 P.M. Committee members present were: Senators Rodey, Bennett, and Parr. Senator Hohman and Ray were absent.

The first legislation brought before the committee was SJR 54. Senator Bennett moved that the resolution, as amended be moved from committee with individual recommendations. There was no objection and the resolution was passed. Senators Rodey, Bennett, and Parr signed do pass.

Senator Ray entered the room and his presence was noted for the record.

SB 108 was brought before the committee by Chairman Rodey. Senator Bradley testified in favor of the bill and reported to the committee that there were new fiscal notes being prepared for this bill, but were unavailable to the committee at this time.

Nola Capp, Department of Public Safety, Violent Crimes Compensation Board, testified in favor of SB 108. She stated that the board does not feel the fiscal impact would be dramatic as they will still decide each award on a case by case basis, and in very few instances would the new maximum be applied.

Nola Capp, was again called to witness before the committee. She testified in favor of SB 620.

The next witness called was Victor Krumm, Department of Law, who testified in favor of SB 108, but expressed some concern with the present bill. There were three specific concerns which he addressed:

- 1.) There may be impeachment problems if the witness, at the time of the trial, is asked if she has received an award resulting from the offense.
- 2.) The perpetrator could benefit from this legislation by receiving the compensation award.
- 3.) A possibility of fraudulent claims and a problem with checking on them.

Mr. Krumm added that possibly the funding could be provided through a shelter system and/or some compensation payments could go to service providers to avoid problem 2.

Caren Robinson, Alaska Network on Domestic Violence and Sexual Assault, also testified in favor of SB 620. She stated that domestic violence is a crime and that victims of these offenses should be treated the same as other victims.

After discussion, the committee held the bill over pending staff work on the proposal. The committee adjourned at 2:45 P.M.

FISCAL NOTE

I. REQUEST

Bill/Resolution No. Senate Bill 620

Title An Act repealing the limitations on awarding compensation to victims of violence

Requested by Bradley Date 1/21/82 crime if the

II. FISCAL DETAIL

Agency Affected Department of Public Safety offender.

Program Category Affected Administration of Justice

BRU, Program, Or Subprogram(s) Affected Violent Crimes Compensation Board

(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		20.1	31.7	34.6	37.7	41.1
200 TRAVEL		8.5	9.3	10.1	11.0	12.0
300 CONTRACTUAL		11.7	7.1	7.7	8.4	9.2
400 COMMODITIES		.5	.6	.7	.8	.9
500 EQUIPMENT		1.5	-	-	-	-
500 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.		150.0	163.5	178.2	194.2	211.7
TOTAL		199.8	212.2	231.3	252.1	274.9

FUNDING (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
GENERAL FUND		199.8	212.2	231.3	252.1	274.9
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
FULL TIME		1	1	1	1	1
PART TIME						
TEMPORARY						

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

If the proposed legislation is enacted, it is anticipated that claims would double. The current staff for the Violent Crimes Compensation Board consists of the program administrator and a clerical position. The anticipated increase in casework will necessitate the addition of an Administrative Assistant (range 12) and associated costs, including equipment. With the increase in claims and investigation necessary for claims, the Violent Crimes Compensation Board would hold several additional Board meetings at a cost of approximately \$4500 plus additional hearings for approximately \$4000.00. Since this will be a major change in the statute, the public must be made aware through TV spots, radio and newspapers. Production of the TV spots will be a one time expense as will the radio spots. These spots should cost around \$6500 plus another \$1000 for public notices in newspapers around the state. The Department of Administration requested a space rental of \$3200 be placed in the budget.

IV. DATE January 21, 1982

PREPARED BY Nola K. Capp

AGENCY Department of Public Safety

Original: Legislative Finance

PHONE 465-3040

cc: Budget and Management

Prime Sponsor (First Legislator Named)

33-001 (Rev. 12/81)

S

B

6

26

Introduced: 1/11/82  
Referred: State Affairs and  
Judiciary

1 IN THE SENATE

BY PARR

2 SENATE BILL NO. 626

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 smoking in public places."

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

8 \* Section 1. AS 18.35.300 is amended by adding a new paragraph to read:

9 (7) a room in which a jury is meeting.

10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29

*PARR - DEC REGULATIONS / EXCEPTIONS TO 18.35.310*

*PARR - SIGNATURES NOTICE OF JURY*

*LESTER REBER - DICKS - SUPPORTS BILL IN TOTAL*

*BREWER - MURPHY - JOE CALDWELL - ...*

*THE MAYOR - ...*



# Alaska State Legislature

## Senate

### Judiciary Committee

Pouch V  
State Capitol  
Juneau, Alaska 99811

Official Business

#### MINUTES OF THE SENATE JUDICIARY COMMITTEE

OF

MARCH 3, 1982

Butrovich Committee Room, State Capitol Juneau, Alaska

#### Legislation Before Committee:

SJR 6 - Proposing an amendment to the Constitution of the State of Alaska relating to sessions of the legislature.

SB 811 - "An Act relating to compilation of the jury list."

SB 626 - "An Act relating to smoking in public places."

SB 741 - "An Act relating to child support enforcement."

The meeting of the Senate Judiciary Committee was called to order by Chairman Rodey at 1:30 P.M. Committee members present were: Senators Rodey, Ray, Bennett, Parr, and Anderson.

Chairman Rodey brought the first order of business before the committee, SB 811.

After a brief discussion, Senator Ray motioned to move SB 811 from committee with individual recommendations. There was no objection. Senators Rodey, Ray, and Bennett signed do pass. Senators Parr and Anderson signed no recommendation.

Chairman Rodey next brought SB 741 before the committee.

Senator Eliason testified in favor of SB 741 and distributed an amendment to the committee which would direct interest on delinquent payments to the obligee, and directs the penalty to the Child Enforcement Agency.

Dan Copeland, Director, Child Support Enforcement, Division of Department of Revenue, testified in opposition of SB 741, stating that it would place an extra administrative burden on the Agency for handling the cost of the enforcement. He did not think that the interest and penalty fee would add any incentive to the obligor and that it may actually decrease the amount of payments since it will add a financial cost to people who make the payments, some of whom don't want to make them anyway. The Federal Government has a law that allows them to charge a fee (10%), however, it is not enforced for the same reason. It

will require more administrative help, and they are concerned it may actually reduce the payments they currently receive.

Senator Rodey discussed the fiscal note. How much federally funded? What about non-ADFC?

Senator Parr brought to the committee's attention an incident where a man who had requested a certified copy of his check was not given one. He hired an attorney to obtain the copies and the attorney also had problems in getting the copy. Senator Parr was not aware of whether the agency ignored the request, lost it, or was giving the man the run-around, but that was how it was presented to him. Senator Parr expressed that copies should be made available of the payment upon written request.

Senator Ray stated that the number of copies should be limited so the agency isn't inundated with request. Limit it to one copy per year.

Senator Eliason stated that child support is a legal debt and we need to be able to enforce payments.

Mr. Copeland discussed the collection of fees and how it would offset the expenses of administering. He thinks it would cost considerable man hours and would not be cost effective. He compared it to the Court System that used to charge 3% to obtain a copy of the payment. They have discontinued it because it was not worth their time and administrative expense of providing the service.

Senator Rodey suggested that they lay the bill on the table and do more work with Senator Eliason. Senator Ray said that he will help work up a compromise.

Fred Jenkins, Men's Support Network and Alaska Domestic Violence Network, testified, stating that he agrees that the obligor should recognize payment. State will need more clerical work to administer. Should address penalty and interest and assign a specific amount. Look at the \$182,000 figure for clerical help and make sure it is reasonable.

The next item on the agenda was SB 626.

Senator Parr discussed the law passed in 1975/76 dealing with smoking in public places. He stated that the Department of Environmental Conservation should change their definition regarding public places.

Karla Forsythe, General Counsel for the Alaska Court System, testified stating that the Court System does not have an official position on the bill. As the statute presently exists, smoking can occur in jury rooms. If rooms are adequately ventilated, smoking is allowed so needs of smokers and non-smokers can both be accomplished. It is a balancing situation to serve everyone's interest. Doesn't seem to interfere with allowing it in jury rooms.

Senator Parr raised the question as to whether or not there is adequate ventilation in jury rooms? All jury rooms?

Ms. Forsythe stated that again, it is a matter of balancing. Our Court Administrator believes the jury rooms are adequately ventilated.

Dr. E.S. Rabeau, stood up and indicated he had left a brief message expressing his thoughts. He asked Senator Rodey to read it or relay it to the other members of the Committee.

Senator Rodey said that basically the message is that non-smokers can risk lung cancer by being exposed to smokers.

Walt McPherson testified stating that his wife is allergic to smoking. She served on a jury and tried to get out of jury duty, but was not allowed. She was informed there would not be smoking; however, smoking did occur. She was sick for a week. He supports amendment and discussed problems in public places such as airports, restaurants, waiting areas, ferries, etc.

Senator Parr commented he also feels the problems occur in other public areas i.e. supermarkets, airports, etc., but feels jury rooms should be addressed since people don't have a choice of serving. It is unfair to expose them to the problem when they aren't there as a matter of choice.

The committee decided to hold the bill for further review. Senator Rodey adjourned the meeting at 2:40 P.M.

Since the prime sponsor of SJR 6, Senator Kelly, did not attend the meeting, that bill was not taken up.



Official Business

# Alaska State Legislature

Senate

Committee on Judiciary

Pouch V  
State Capitol  
Juneau, Alaska 99811

## MINUTES OF THE SENATE JUDICIARY COMMITTEE

OF

FEBRUARY 10, 1982

Butrovich Committee Room, State Capitol Juneau, Alaska

Legislation Before Committee:

SB 610 - "An Act relating to smoking in public places."

HB 406 - "An Act relating to sales of alcoholic beverages to and by licensed wholesalers."

SB 626 - "An Act relating to certificates of birth."

The meeting of the Senate Judiciary Committee was called to order by acting Chairman Ray at 1:40 P.M. Committee members present were: Senators Ray, Bennett, and Parr. Senator Rodey was absent.

Acting Chairman Ray first brought before the committee SB 610. Joseph Geldhof, representing the Tobacco Institute, testified against the bill.

Dr. Rabeau, Department of Health & Social Services, addressed the committee on the health ramifications to nonsmokers when smoking is permitted in crowded public places.

After brief discussion, Senator Parr suggested moving the bill from committee with individual commendations. This action failed; Senators Parr and Bennett voting to move the bill, Senator Ray voting against moving the bill.

Acting Chairman Ray next brought HB 406 before the committee. Doug Metz, Wine and Spirits Wholesaler of America, Inc., and Russel Shannon, Distilled Spirits Council of the U.S. Inc., testified in favor of this bill.

Mr. Hanford, representing Odom Corporation, offered amendments to HB 406 without testimony.

Next, Joe Donohue, Department of Revenue, addressed the committee and offered his assistance to the committee on any questions which he could help answer. The Department had no recommendation on the bill.

Acting Chairman Ray next called Mr. King, representing the Juneau Retail Dealers Assoc., to testify. Mr. King expressed the local retailers

opposition to HB 406, stating that it would only cause an increase in prices to the consumer. Mr. Thibideau and Mr. Tallman, both local retailers, joined Mr. King and stated their opposition to this legislation.

Maurice Druhe, representing DISCUS, testified in favor of HB 406.

After discussion, acting Chairman Ray asked if any member of the committee wished to suggest action on the bill. There was no motion.

SB 626 was not addressed by the committee today.

Acting Chairman Ray adjourned the meeting at 2:50 P.M.

SENATOR,  
PATRICK M. RODEY  
3271 MONTCLAIFE COURT  
ANCHORAGE, AK 99503



SENATE MAJORITY LEADER  
CHAIRMAN  
SENATE JUDICIARY COMMITTEE  
CHAIRMAN  
SENATE SPECIAL COMMITTEE  
ON BANKING

ALASKA STATE LEGISLATURE

POUCH V  
JUNEAU, ALASKA 99811  
(907) 465-3717

March 10, 1982

Ms. Barbara Tabbert  
SR Box 20106  
Fairbanks, AK 99701

Dear Ms. Tabbert:

Thank you for your letter regarding SB 626, relating to smoking in jury rooms.

As you are probably well aware, SB 626 is currently in the Judiciary Committee. The Committee did have a hearing on this bill February 10 and March 3, but no action was taken. It is pending further action.

Being a non-smoker myself, I can understand your position. In an enclosed area, such as a jury room, it is very uncomfortable for a non-smoker to spend many hours breathing smoke filled air. As I am sure that other members of the Committee will be interested in your views, I am enclosing a copy of your letter in their files for their information.

Again, thank you for contacting me with your concerns.

Kindest regards,

A handwritten signature in cursive script that reads "Pat".

Patrick M. Rodey  
Senator

PMR/ds

FILE SBG 20

# ALASKA LUNG ASSOCIATION, Inc.

March 4, 1982

Leo C. Kaye, *Executive Director*

The Honorable Charles Farr  
Alaska State Senate  
Pouch "V" State Capitol Building  
Juneau, Alaska 99811

Dear Senator Farr:

The Alaska Lung Association was pleased to learn that you have introduced Senate Bill No. 626, "An Act Relating to Smoking in Public Places," with special attention to "a room in which a jury is meeting."

From personal experience, I found that several individuals who served on a jury with me could not tolerate "second-hand smoke". We finally made a decision to move the smokers close to an open window. One person became ill and this delayed deliberations.

Thank you for placing this public health nuisance on your priority list.

Respectfully,



Leo C. Kaye  
Executive Director

/f

cc: Patricia A. Book, Ph. D.  
Donald Allan

PAT Radey

## LUNG CANCER AND INVOLUNTARY TO SMOKING

The DHHS report states that 3 epidemiologic studies examined involuntary or passive smoking and lung cancer in nonsmokers this past year. Two studies found a statistically significant correlation between involuntary smoking and lung-cancer risk in nonsmoking wives of men who smoked. The third noted a positive, but not statistically significant, association. While the nature of this association is unresolved, it does raise the concern that involuntary smoking may pose a carcinogenic risk to the nonsmoker.

### Reference

1. Office on Smoking and Health. The health consequences of smoking: Cancer. A report of the Surgeon General. Rockville, MD: Public Health Service, U.S. Department of Health and Human Services, 1982.

Introduced: 1/11/82  
Referred: State Affairs and  
Judiciary

1 IN THE SENATE

BY PARR

2 SENATE BILL NO. 626

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 smoking in public places."

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

8 \* Section 1. AS 18.35.300 is amended by adding a new paragraph to read:

9 (7) a room in which a jury is meeting. → NO SMOKING IN

10 People Against this Bill THE JURY ROOM

11	12 NAME	13 ADDRESS	14 PHONE #
12	JIM O'Donnell	1020 Glacier Highway	789 7400
13	Burt L. Bryan	PO Box 2798	
14		9131 Glacier Highway suite 2.	789-3233
15	Rene Mayer	2911 Linda Ave	789-3772
16	JH [unclear]	9300 [unclear] Hwy	789-2740
17	Keith Mayer	2911 Linda Ave	789-3772
18	JAMES L HEDDON	3335 TOCAY	789-2010
19	Thomas E. Clayton	2985-83 Kodzoff II	789-3632
20	Jeff Pilsner	12020 Glacier Hwy #4	789-3226
21	Thomas [unclear]	9500 Glacier Hwy #1	789-3958
22	Randy Taylor	Glacier View trailers etc	# 789-4215
23	Bruce Rainick	455 S. Franklin	586. 2050
24	David Holte	437 W. 11th St. Juneau, 99801	789-3632
25	Donald Parsons	8265 GARNET ST JUN.	789-3893
26	Julie Mangold	Box 2771 Juneau	789-3933
27	[unclear]	NICHOLAS 17895 PT. STEPHENS RD	789-0550
28	Melody G. Smith	SMITH JUNEAU	" "
29	Melba Henderson	901612 GILMER AVE JUNEAU	364-2282

SB 626

364-2282

## INFORMATION SHEET

A number of people have expressed concern that cigarette smoke endangers non-smokers. Here is what two major opponents of smoking said on this subject:

\* United States Surgeon General. "Healthy non-smokers exposed to cigarette smoke have little or no physiologic response to the smoke, and what response does occur may be due to psychological factors". Derived from the most recent Surgeon General's report on this subject.

\* The American Cancer Society stated in a report covering 17 years and some 200,000 people that: "Second-hand" smoke has insignificant effect on the lung-cancer rates in non-smokers". Derived from a report published by the Statistical Director of the ACS in June, 1981.

Additionally, a number of questions have been raised on whether public smoking laws are necessary. Officials who have to enforce public smoking laws had the following to say concerning public smoking laws:

\* A police officers association in Arlington, Virginia, told city officials that a proposed public smoking law was "virtually unenforceable.... well-intended, but frivolous, " a measure that "will only cause greater animosity".

\* In New York, James Hargrove, Chairman of the National Black Police Association, told the state's Senate that a public smoking proposal would be "a waste of law enforcement time." Mr. Hargrove said, "the limited amount of personnel we do have could better spend their time in making our neighborhoods safe."

The Tobacco Institute.

POSITION PAPER / Department of Health and Social Services

POSITION PAPER

SENATE BILL NO. 626

"An Act relating to smoking in public places."

SB No. 626 adds to the "smoking in public places" statute an additional area that will be declared off limits to smoking.

Smoking is the single most important preventable cause of disease and is responsible for approximately 320,000 deaths annually in the U.S. It is associated with heart and blood vessel disease; chronic bronchitis and emphysema; cancers of the lung, larynx and other problems such as respiratory infections and stomach ulcers. The Department of Health and Social Services knowing this, and that even the involuntary or passive inhalation of cigarette smoke can precipitate or exacerbate symptoms of existing disease status such as asthma, cardiovascular and respiratory disease has mandated, and requires, strict enforcement of a policy that, pursuant to AS 18.35.300 - AS 18.35.330, prohibits smoking in elevators; meeting or public assembly rooms while a meeting or public assembly is in process; waiting rooms, restrooms, lobbies or hallways of health centers, health clinics, or laboratories; any room to which the public has access with respect to DHSS services when occupied by a member of the public.

The effect of this bill would be to further the Department's policy of health promotion and disease prevention through placing greater emphasis on environmental and occupational hazards. The bill is consistent with the program objectives of the department and should be enacted.

Recommended by: E. S. Rabeau  
E. S. Rabeau, M.D., Director  
Division of Public Health

Date: 1-22-82

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

Date: 1-25-82

THE LEGISLATURE OF THE STATE OF ALASKA  
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. Senate Bill No. 626  
 Title "An Act relating to smoking in public places."  
 Requested by Commissioner's Office Date 1-14-82

II. FISCAL DETAIL

Agency Affected Department of Health and Social Services  
 Program Category Affected Health/Public Health  
 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	0	0	0	0	0	0
200 TRAVEL	0	0	0	0	0	0
300 CONTRACTUAL	0	0	0	0	0	0
400 COMMODITIES	0	0	0	0	0	0
500 EQUIPMENT	0	0	0	0	0	0
600 LAND & STRUCTURES	0	0	0	0	0	0
700 GRANTS, CLAIMS, ETC.	0	0	0	0	0	0
TOTAL	0	0	0	0	0	0

FUNDING (Thousands of Dollars)

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

POSITIONS

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

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

IV. DATE 1-14-82 PREPARED BY David Bruce  
 AGENCY Health and Social Services  
 Original: Legislative Finance PHONE 465-3090  
 cc: Budget and Management  
 Prime Sponsor (First Legislator Named)  
 33-001 (Rev. 12/81)

# CHARLIE PARR

## ALASKA LEGISLATURE

S.R. Box 50599  
Fairbanks, Alaska 99701  
(907) 456-5029

Fairbanks Interim Office  
5 Third Avenue, Suite D  
Fairbanks, Alaska 99701  
(907) 456-8925

Pouch V  
Juneau, Alaska 99811  
(907) 465-4907

November 16, 1981

Ernst W. Mueller, Commissioner  
Alaska Department of Environmental Conservation  
Pouch O  
Juneau, Alaska 99811

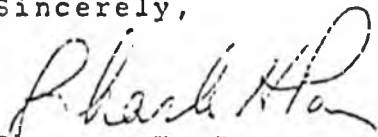
Dear Commissioner:

Constituents have pointed out to me the seemingly illogical provisions of 18 AAC 55.900 (b) defining "public meetings". This portion seems to have been taken over intact from the public meeting statutes.

The purpose of the statute on smoking in public places was entirely different from that of the one guaranteeing the public's right to know what public bodies are doing. Looked at this way some of the exceptions should be different, e.g. juries.

Please have your staff review the regulation in this light.

Sincerely,



Charles H. Parr

CHP:dm

cc: Mr. Grant Carlin  
S. R. Box 20784  
Fairbanks, Alaska 99701

# STATE OF ALASKA

JAY S. HAMMOND, GOVERNOR

## DEPT. OF ENVIRONMENTAL CONSERVATION

465-2600

POUCH D - JUNEAU 99811

November 30, 1981

Honorable Charles H. Parr  
Alaska Legislature  
Fairbanks Interim Office  
545 Third Avenue, Suite D  
Fairbanks, AK 99701

Dear Senator Parr:

Thank you for your November 17, 1981, letter concerning the definition of a public meeting in the regulations on smoking in public places. In that letter, you emphasize that the purpose of the statutes on smoking is different from the purpose of statutes on public meetings; i.e., guaranteeing the public's right of information.

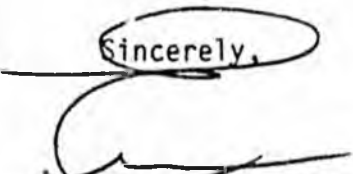
Unfortunately, AS 18.35.300-340 does not contain a definition of what the Legislature intended to be a "... place of meeting or public assembly ...". It, therefore, was necessary for us to search other statutes and regulations to find an applicable definition. The state of Oregon defines a public meeting in its similar statute as "Any regular or special public meeting or hearing of a public body to exercise or advise in the exercise of any power of government in buildings or rooms rented, leased, or owned by the state of Oregon or by any county, city, or other political subdivision of the state regardless whether a quorum is present or required" (ORS 192.710(a)). The only useful definition we could find in the statutes was the one we adopted.

Certainly, the purposes of public meetings differ, but the definition of what constitutes a public meeting can be valid in all cases, including the exceptions noted. For example, a jury room is not a public place of meeting or assembly, nor are the deliberations of a jury open to the public.

I would have preferred the Legislature define "public meetings" so that the applicability of the statute was clear. As the Legislature did not do so, it was likely that the courts might do so in the event of litigation. To order to prevent such potential arbitrary action, we chose to promulgate a definition by regulation.

Again, thank you for your letter and concern with these regulations. If you desire to seek amendment to the statutes, my staff has many comments and recommendations from the public hearings that you may want to consider.

Sincerely,

  
Ernst W. Mueller  
Commissioner

S

B

6

32

COMMITTEE REPORT

SENATE

FURTHER: JUDICIARY

1/31/82

Date:

2/23/82

Mr. President:

The Committee on STATE AFFAIRS has had SB 632

games of chance and contests of skill

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

- do pass  do not pass
- do pass with attached amendmerts(s)
- replace with CS for SB 632  same title  
 rew title
- and recommends \_\_\_\_\_
- AND attaches a "Letter of Intent"  New Fiscal Note
- reports it back without recommendation
- referred to the \_\_\_\_\_ Committee

MEMBERS SIGNING  
DO PASS

MEMBERS HAVING  
OTHER RECOMMENDATIONS:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

CHAIRMAN

THE LEGISLATURE OF THE STATE OF ALASKA  
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. CSSB 632 (State Affairs)  
 Title "An Act relating to games of chance..."  
 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						

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)

If gambling became legalized in the State of Alaska as a result of the passage of this bill, a substantial impact upon the Division of Alaska State Troopers would take place. The degree of such an impact is not known at this time. An extensive study would have to be made to address the degree of impact that would take place upon the populace of the state and the law enforcement needed to control the negative factors involved. See attached memorandum from Colonel T.R. Anderson.

IV. DATE March 16, 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)



# Alaska State Legislature

## Senate Committee on State Affairs

Vic Fischer, Chairman • Pouch V • Juneau, Alaska 99811 • (907) 465-4954

Official Business

### MEMORANDUM

TO: Sen. Pat Rodey  
FROM: Sen. Vic Fischer *Vic*  
DATE: March 3, 1982  
RE: SB 632, games of chance

In approving a committee substitute, the State Affairs Committee omitted a section initially proposed by Sen. Parr that eliminated a ceiling on the amount of prizes that could be awarded in a lottery.

We did not really address this issue, the principal response being that we should not remove any limit.

At the same time, there was recognition that the current \$30,000 limit is too low. You might consider a provision increasing the present limit to \$80,000 or \$100,000.

Thanks for your consideration.

Last year the Department of Revenue asked the Attorney General for an opinion as to whether or not municipalities qualified under AS 05.15 as qualified organizations. Susan Burke, assistant attorney general, in an opinion dated February 4, 1981, said that they did not. This change would include municipalities as organizations eligible for permits under Title 5.

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

Sec. 05.15.140. PROOF NECESSARY TO QUALIFY FOR PERMIT. The commissioner of revenue may not issue or renew a permit except upon proof, satisfactory to him, that the applicant is a qualified organization or municipality, and activity may be permitted under this chapter....

From Sen.  
Stupulewski

United States Coast Guard  
CHIEF PETTY OFFICERS ASSOCIATION

P. O. BOX 3-5000  
JUNEAU, AK 99802

10 December 1981



Charles H. Parr  
Alaska State Senator  
S. R. Box 50599  
Fairbanks, Alaska 99701

Dear Mr. Parr:

The U. S. Coast Guard Chief Petty Officers Association, Juneau Chapter is presently quite concerned over notice from the Alaska Department of Revenue concerning action aimed at prohibiting for sale after 31 December 1981 any games of chance known widely as "Pull-Tabs."

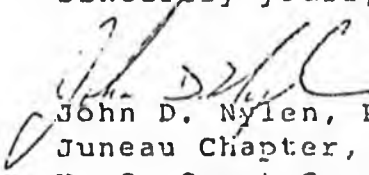
As a non-profit organization dependent on these games as a source of revenue to support many worthwhile community activities, I would respectfully request that you would initiate appropriate legislation to reinstate the present regulation so that "Pull-Tabs" would remain a source of revenue for those organizations holding valid Games of Chance and Skill Permits.

Revenues from the sale of "Pull-Tabs" has enabled my organization to help fund the following projects or activities with monetary donations, and which we would no longer be able to support should we lose this source of revenue.

- |                                      |                  |
|--------------------------------------|------------------|
| 1. Senior Citizens Christmas Dinner  | 1980 - \$1750.00 |
| (Estimated)                          | 1981 - \$2000.00 |
| 2. Juneau Youth Football             | 1980 - \$2500.00 |
|                                      | 1981 - \$ 250.00 |
| 3. Juneau Little League Baseball     | Annual \$ 300.00 |
| 4. Boy Scouts of America             | Annual \$ 25.00  |
| 5. Delegate to CPOA Nat'l Convention | Annual \$ 750.00 |
| 6. Little League Bowling             | 1981 \$ 40.00    |

This is only a partial list of activities which we help support monetarily, or to better and strengthen our own National Organization. We are a small Chapter of only 67 active members, but these revenues are vital to our present programs if we are able to continue or expand.

Sincerely yours,

  
John D. Nylan, President  
Juneau Chapter, CPOA  
U. S. Coast Guard

# *Kenaitze Indian Tribe*

P. O. BOX 988  
KENAI, ALASKA 99611  
(907) 283-3633

January 27, 1982

Senator Charles Parr  
Pouch V  
Juneau, Alaska 99811

Dear Senator Parr,

The Kenaitze Indian Tribe has only been conducting Bingo games since the 29th of October on a twice weekly basis (Tuesday and Thursday), so we have not had any profit so far. But the money we made with pull-tabs did pay for most of our equipment before they were stopped. At the present time, without pull-tabs, we are just managing to pay expenses.

We had definite plans to utilize any profits from pull-tabs and Bingo to assist our educational program here at K. I. T. and also for employment training for our tribal members. We also are very concerned with the loss of our culture and language and would have used some of the profits to assist our work in retaining some vestiges of our language.

Please make every effort to see that Senate Bill 632 is passed.

Thank you very much for your efforts and we are looking forward to having pull-tabs back on our tables in the near future.

Sincerely,

June Lindgren-Gagnon  
Bingo Director

January 25, 1982

Dear Sir:

As many other organizations, we also would not like to see the use of pull-tab's stopped. It has helped us in many way's with our bingo. We have helped many people with the profit of pull-tabs. We've helped the Kake City Schools, cheerleaders, band, Indian dancer's, and we helped also with high school scholarship fund. We also help Kake Health Council, police department, fire department, churches and Alaska Native Sisterhood. We would appreciate it if you would help make them legal again. Thank you.

Sincerely,

Lena Skeck

Kake Heari Start Bingo

# MIDNIGHT SUN LIONS

FAIRBANKS, ALASKA

600 Steese Hwy  
99701

January 28, 1982

State Senator Charlie Parr  
Pouch V  
Juneau, Alaska 99811

Dear Senator Parr:

The Midnight Sun Lions Club of Fairbanks, Alaska was established on February 11, 1955. Since that time we have contributed to many charitable projects within our community.

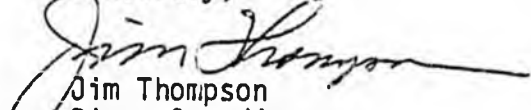
Most of the years since 1955 we have solicited funds from the public such as individuals and businesses through Lotteries or Raffles or in some cases just asking for donations. We were able to raise money to help many worthwhile community projects that were not able to get the assistance they needed from Government.

Several years ago we adopted Bingo and through Bingo have been able to raise money necessary to help our community such as listed below.

1. We donated about 25 baskets of food each Thanksgiving and each Christmas to those that were recommended to us as needing help. This past Thanksgiving we gave out over 30 baskets totaling over \$2000.00.
2. We support the Fairbanks Health Center who operates our Lions Revolving Fund to procure eye glasses for those that cannot to afford them or who does not qualify from the Gov't. Our donations have been averaging about 1500.00 per year.
3. Donation to Santa Calls, sponsored by Fbks News-Miner, \$1000.00
4. Donated to Fbks Memorial Hosp and optional piece of equipment for the Lazer Beam Machine that will remove Birthmarks estimate cost \$10,000.00.
5. PRIOR TO DISCONTINUATION OF THE PULL TABS, HAD ENTERED INTO AGREEMENT WITH THE NORTH STAR BOROUGH TO PLAN TO SPEND AT LEAST \$43,000.00 ON THE PLAYGROUND THAT WE DONATED TO THE BOROUGH LATELY SO THAT IT COULD BE UPDATED AND BE SIMILAR TO OTHER PLAYGROUNDS. ( THIS WILL HAVE TO BE POSTPONED FOR NOW)
- 6 There are many other charitable things we contribute to each month such as , People that have been burned out, Special Olympics, Boy Scouts, Girl Scouts, Senior Citizens to name a few, in fact this past year we contributed to our community over \$28,000.00 that either would not have been possible or the people would go without unless the Government Helped.

We intend to help our community as much as possible regardless, however we have been able to do so much since we have been able to have Bingo and Pull Tabs. We hope you will be able to help us continue with our Bingo as operated in the past so we can help even more.

Sincerely,

  
Jim Thompson  
Bingo-Coordinator  
Midnight Sun Lions

The  
American  
Legion



For God and Country

JACK ALLMAN POST 17

☆ P.O.BOX 687 ☆ KODIAK, ALASKA 99615 ☆ (907) - 486 - 5757 ☆

January 28, 1982

Honorable Senator Charlie Parr  
Pouch V  
Juneau, Alaska 99811

Dear Senator Parr:

Enclosed is a copy of the information you requested as back-up material for SB 632. We are very pleased that you have introduced this bill to assist all service organizations within the State.

We consider passage of this bill vital to our continuing efforts to assist worthwhile organizations and needy individuals.

We have testified before the Teleconference Committee on a companion bill introduced in the House (HB 640). If we can be of further assistance to assure passage of this bill, please let us know.

Again, we would like to thank you for your efforts on our behalf.

Sincerely,

*Raye E. Wilson*

Raye E. Wilson  
Post Commander

REW/pm

encl.

List in detail all dedications of net proceeds. Give the full name of each recipient and indicate the reason or purpose of the payment. Use additional pages as necessary, or any reasonable facsimile that contains all of the requested information.

Failure to report dedications of net proceeds in detail may result in the nonrenewal of your games of chance and skill permit.

AS 05.15.150 LIMITATION ON USE OF NET PROCEEDS. (a) The authority to conduct the activity authorized by this chapter is contingent upon the dedication of the net proceeds of the games or contests to the awarding of prizes to contestants or participants and to political, educational, civic, public, charitable, patriotic, or religious uses in the state. "Political, educational, civic, public, charitable, patriotic, or religious uses" mean uses benefitting persons either by bringing them under the influence of education or religion or relieving them from disease, suffering, or constraint, or by assisting them in establishing themselves in life or by providing for the promotion of the welfare and well-being of the membership of the organization within their own community, or through aiding candidates for public office or groups which

support candidates for public office, or by erecting or maintaining public buildings or works, or lessening the burden on government, but do not include the erection, acquisition, improvement, maintenance or repair of real, personal or mixed property unless it is used exclusively for one or more of the uses stated.

(b) The net proceeds derived from the activity must be devoted within one year to one or more of the uses stated. An organization desiring to hold the net proceeds for a period longer than one year must apply to the Commissioner of Revenue for special permission, and upon good cause shown, the Commissioner may grant the request.

NAME OF RECIPIENT OF DEDICATION	REASON OR PURPOSE	AMOUNT GIVEN
The Flower Pot	Flowers to the Sick - 1981	\$ 810.05
Kodiak Cable T.V.	T.V. for Hope House	\$374.85
National Emblem Sales	Patches for Baseball Jackets	\$ 19.35
Bill Hatch Sporting Goods	Caps for Baseball Team	\$ 87.26
L & S Travel	American Legion Baseball Team	\$2195.00
American Legion Baseball	Team Fees - State Tournament	\$ 110.00
American Legion Baseball Manager	Expenses-Baseball State Tournament	\$2550.00
Hertz	Delegate Travel	\$ 805.60
Kitchen American Legion	Delegate Convention Fees	\$ 819.00
Travelers Inn	Department Convention-Hotel Room	\$ 49.68
Bovey Trophies	1980&1981 Donation 4th of July Activities	\$3745.50
George W. Parker Sr.	Aid to Veteran	\$ 100.00
Genevieve Still	Aid to Family of Deceased Vets	\$ 665.00
Coronary Heart Research	Donation	\$ 25.00
Tona Perez	Aid to Veteran	\$ 200.00
American Legion Auxiliary	Movie for Children's Christian Party	150.00
B.P.O.E. Elks	Donation	\$ 50.00
U.S.O.	Donation	\$ 25.00
C.A.R.E.	Donation	\$ 25.00
TOTAL DEDICATION OF NET PROCEEDS. Enter here and on page 1, line 11.....		\$ CONT.

List in detail all dedications of net proceeds. Give the full name of each recipient and indicate the reason or purpose of the payment. Use additional pages as necessary, or any reasonable facsimile that contains all of the requested information.

Failure to report dedications of net proceeds in detail may result in the nonrenewal of your games of chance and skill permit.

AS 05.15.150 LIMITATION ON USE OF NET PROCEEDS. (a) The authority to conduct the activity authorized by this chapter is contingent upon the dedication of the net proceeds of the games or contests to the awarding of prizes to contestants or participants and to political, educational, civic, public, charitable, patriotic, or religious uses in the state. "Political, educational, civic, public, charitable, patriotic, or religious uses" mean uses benefiting persons either by bringing them under the influence of education or religion or relieving them from disease, suffering, or constraint, or by assisting them in establishing themselves in life or by providing for the promotion of the welfare and well-being of the membership of the organization within their own community, or through aiding candidates for public office or groups which

support candidates for public office, or by erecting or maintaining public buildings or works, or lessening the burden on government, but do not include the erection, acquisition, improvement, maintenance or repair of real, personal or mixed property unless it is used exclusively for one or more of the uses stated.

(b) The net proceeds derived from the activity must be devoted within one year to one or more of the uses stated. An organization desiring to hold the net proceeds for a period longer than one year must apply to the Commissioner of Revenue for special permission, and upon good cause shown, the Commissioner may grant the request.

NAME OF RECIPIENT OF DEDICATION	REASON OR PURPOSE	AMOUNT GIVEN
March of Dimes	Donation	\$ 25.00
Hope	Donation	26.00
American Kidney Fund	Donation	25.00
Federation of the Blind	Donation	20.00
L & S Travel	S.E. Distric Convention Delegates	684.00
William Bishop	TO: Reimburse Western District Convention Delegate Fees & Housing	700.00
Kodiak Chamber	Donation	150.00
James Stewart	Aid to Veteran	300.00
Shelikoff Lodge	Lodging for Veterans Funeral	262.71
March of Dimes	Donation	25.00
L & S Travel	Donation: Transportation Spelling Bee	202.00
Hertz	Delegate Travel	768.00
National Glaucoma Research	Donation	25.00
Guiding Eyes for Blind	Donation	25.00
L & S Travel	Western District Convention Delegates Travel	388.05
National Cancer Center	Donation	25.00
Blinded Veterans Association	Donation	25.00
Attu Memorial Fund	Donation	200.00
American Legion Auxiliary	Donation	300.00
TOTAL DEDICATION OF NET PROCEEDS. Enter here and on page 1, line 11.....		\$ Cont.

List in detail all dedications of net proceeds. Give the full name of each recipient and indicate the reason or purpose of the payment. Use additional pages as necessary, or any reasonable facsimile that contains all of the requested information.

Failure to report dedications of net proceeds in detail may result in the nonrenewal of your games of chance and skill permit.

AS 05.15.150 LIMITATION ON USE OF NET PROCEEDS. (a) The authority to conduct the activity authorized by this chapter is contingent upon the dedication of the net proceeds of the games or contests to the awarding of prizes to contestants or participants and to political, educational, civic, public, charitable, patriotic, or religious uses in the state. "Political, educational, civic, public, charitable, patriotic, or religious uses" mean uses benefiting persons either by bringing them under the influence of education or religion or relieving them from disease, suffering, or constraint, or by assisting them in establishing themselves in life or by providing for the promotion of the welfare and well-being of the membership of the organization within their own community, or through aiding candidates for public office or groups which

support candidates for public office, or by erecting or maintaining public buildings or works, or lessening the burden on government, but do not include the erection, acquisition, improvement, maintenance or repair of real, personal or mixed property unless it is used exclusively for one or more of the uses stated.

(b) The net proceeds derived from the activity must be devoted within one year to one or more of the uses stated. An organization desiring to hold the net proceeds for a period longer than one year must apply to the Commissioner of Revenue for special permission, and upon good cause shown, the Commissioner may grant the request.

NAME OF RECIPIENT OF DEDICATION	REASON OR PURPOSE	AMOUNT GIVEN
Vietnam Veterans Memorial Fund	Donation	\$ 100.00
Blair & Hickman	11 Tickets to Ketchikan Department Convention	2849.00
Gullivers Travel	Donation - Baseball trip	1920.00
Child Welfare	Donation	200.00
Kodiak 4-H	Donation	300.00
Eggemevers, Inc.	Clothing Fire Victims	200.00
Sentry Insurance	Insurance for Baseball Team	65.00
St. Judes	Donation	245.00
American Legion Dept. of Alaska	Convention Registration Fees	40.00
Erickson	Donation: Jackets for Baseball Team	770.00
V.F.W.	Donation	551.14
George Parks Sr.	Aid to Veteran	100.00
The Wash Tub	Donation: Cleaning Baseball Uniforms	136.62
Salvation Army	Donation	500.00
Ruben A. Meeks	Aid to Veteran	200.00
Brent Sngita	Donation: Baseball Camp Tuition	325.00
Jack Couchy	Donation - Memorial Services	40.00
L & S Travel	Transportation: Conference in Anchorage for Delegates	830.00
Santa To The Villages	Donation	100.00
TOTAL DEDICATION OF NET PROCEEDS. Enter here and on page 1, line 11.....		\$ CONT.