



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 their lives 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
L & S Travel	Aid to Veteran	\$ 250.00
Waldo's	Donation: Thanksgiving Turkeys	182.40
James Stewart	Aid to Veteran	300.00
American Kidney Fund	Donation	100.00
Blinded Veteran Association	Donation	100.00
Mel Wheeler	Aid to Veteran	500.00
U.S.O.	Donation	100.00
Coronary Heart	Donation	50.00
George Morrell	Aid to Veteran	500.00
Patricia Lczinac	Donation for: Aid to Polish Immigrants	300.00
American Legion Emblem Sales	Donation: Flags	37.60
Blumenfeld Sport Company	Equipment American Legion Baseball	160.00
Bill Hatch Sporting Goods	Balls & Shirts American Legion Baseball Team	290.84
TOTAL DEDICATION OF NET PROCEEDS. Enter here and on page 1, line 11.....		\$ 29,324.65



Ft. Yukon Lions Club

Box 5

Ft. Yukon, Alaska 99740

January 27, 1982

Charlie Parr
Pouch V
Juneau, Alaska 99811

Mr. Parr:

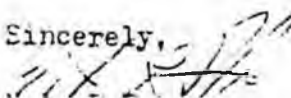
Received your letter and copy of SB 632 and appreciate you letting the club know what's happening with the "Pull-Tabs".

Below is a listing of projects that were completed by the selling of "Pull-Tabs".

A. Donated to city of Ft. Yukon 4 th of July Parade	\$ 200.00
B. Registration fee for Youth Camp in Fairbanks	130.00
C. Disaster Fire Victims Burned Out	400.00
D. Lions Park and Playground and controll center	18,657.07
E. Elderly eye-glasses	243.00
Total	<u>\$ 19630.07</u>

We would appreciate knowing the results of SB 632 whenever it comes on the floor to vote on.

Sincerely,


Nels R Petersen
Secretary Ft. Yukon Lions

LOYAL ORDER OF MOOSE

FAIRBANKS LODGE No. 1392
CLELAND P. DUNBAR • SECRETARY
507 GAFFNEY RD. • FAIRBANKS, AK 99701

The following is a list of the organizations which have received donations from the Fairbanks Loyal Order of Moose within the last three years.

Girl Scouts	\$ 2,780.00
Boy Scouts	2,780.00
Campfire Girls	2,780.00
U S O	5,000.00
Alaska Crippled Children	2,780.00
Red Cross	1,500.00
Literary Council	1,865.00
Santa's Clearing House	6,000.00
Youth Hockey	3,300.00
United Way	1,500.00
M S	1,000.00
Special Olympics	1,000.00
Close-Up Foundation	1,169.00
Northern Region Volleyball	300.00
West Valley Band	870.00
Fireman's Association	950.00
M D A	525.00
Fairbanks Junior Bowling	980.00
North Pole Wrestling	1,750.00
Fairbanks Softball	1,950.00
Cancer Fund	500.00
West Valley Basketball	1,500.00
Little League	1,250.00
Youth Soccer	450.00
Lions	1,600.00
Fairbanks Women's Softball	175.00
Four H	150.00
Shrine Crippled Children	500.00

Cont.

LOYAL ORDER OF MOOSE

FAIRBANKS LODGE No. 1392
CLELAND P. DUNBAR • SECRETARY
527 GAFFNEY RD. • FAIRBANKS, AK 99701

React	300.00
Alaska Peace Officers	125.00
Fairbanks Junior Basketball	856.00
Youth Bowling	992.00
Sweet Adelines	500.00
Acalia Chapter #5	100.00
Mooseheart Bowling	750.00
Kids Christmas	200.00
West Valley Yearbook	200.00
Delta Yearbook	110.00
Blizzard	95.00
Fairbanks Men's Softball	450.00
Fairbanks Youth Hockey	300.00
Safety, Inc.	605.00
Astro Little League	200.00
Randy Talui	300.00
Northern Lights Jaycees	100.00
	<hr/>
	\$53,168.00



SEWARD LODGE No. 1773

B. P. O. Elks

P. O. BOX 426
SEWARD, ALASKA

December 16, 1981

TO THE LEGISLATORS, STATE OF ALASKA

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

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

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

Thank you for your indulgence and consideration.

Sincerely yours,

Harold W. Davis
Secretary



COOK INLET NATIVE ASSOCIATION

670 West Fireweed Lane
Anchorage, Alaska 99503
(907) 278-4641

January 22, 1982

Senator Charles H. Parr
Alaska Legislature
Pouch V
Juneau, AK 99811

Dear Senator Parr:

Thank you for your letter and the copy of Senate Bill No. 632. We support Senate Bill No. 632 as we feel that pull-tabs should be legal. They are a large fund raiser for organizations such as ours and therefore enable us to make donations to other organizations and to carryout certain functions on behalf of the Native population of the Cook Inlet Region. Without the funds we could not perform any of these functions.

The following is a partial list of the worthy causes for which we use funds raised through the use of pull-tabs:

1. Twenty - thirty scholarships per year awarded to Native students enrolled in colleges and universities throughout the United States.
2. Annual Christmas Baskets Program which gives one hundred twenty-five baskets of food to low income families each year.
3. Annual Christmas party for two hundred Native children from low income families.
4. Support for the annual Miss CINA Scholarship Pageant.
5. Donations to organizations such as the Association for the Deaf, Association for the Blind, Multiple Sclerosis, Cerebral Palsy, etc.
6. Donations to Native families who have had deaths in their families and do not have funds for transportation, funerals, etc.

Letter to Senator Charles H. Parr
January 22, 1982

Page 2

7. Donations to various programs for Native Arts.
8. Donations to school programs which teach Native culture.

The list is longer than this, but these are the items funded every year. With the decline in Bingo revenue (due to no pull-tabs) that we are currently experiencing, few of these items, if any, will be funded in 1982 or in future years. We feel that without these donations to the community that many Native families and programs will suffer greatly.

If there is any further information that we can furnish to you, please let us know. Our telephone number is 278-4641. Thank you.

Sincerely,



Sharon D. Sobocienski
Deputy Director

SDS:klm



RAILBELT SCHOOL DISTRICT

Drawer 129, Healy, Alaska 99743 • (907) 683-2278
James W. Paul, Superintendent

January 20, 1982

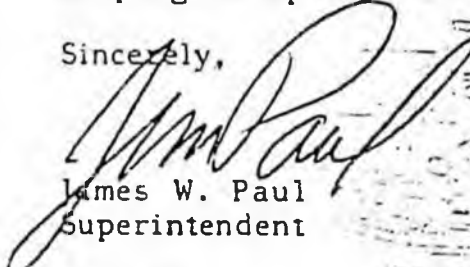
The Honorable Charles H. Parr
Alaska State Legislature
Pouch V (MS3100)
Juneau, Alaska 99811

Dear Senator Parr:

Thank you for your recent letter regarding SB 632 and use of pull-tabs.

Our school district has not used any pull-tabs in connection with our Games of Chance and Skill permit. However, we appreciate your concern and your keeping us up-to-date on this issue.

Sincerely,



James W. Paul
Superintendent

JWP:ca



274-4344

Alaska Shrine Temple

A.A.O.N.M.S.
Oasis of the Midnight Sun
Desert of Alaska



P. O. Box 1293
Anchorage, Alaska 99510

January 21, 1982

Charles H. Patt
Alaska Legislature
Pouch V
Juneau, AK 99811

RE: Your letter of January 19 on Senate Bill #632

Dear Senator Patt,

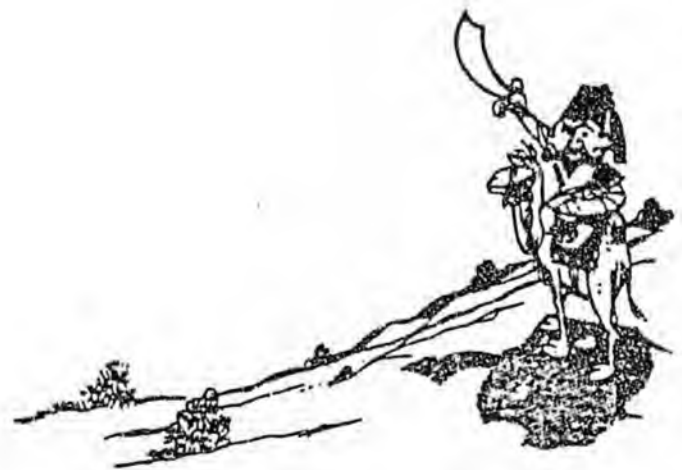
For many years we have used our permit for games of skill and chance for a bingo concession. The monies received have gone for the transportation of Alaska children from their home to the Shrine Hospital in Portland, Oregon for free treatment of Orthopedic or burns conditions.

The bingo is an important part of our revenue, and we have been told that without pull tabs it could cease to be so. Consequently, it is our hope that Senate Bill #632 will be passed.

Sincerely yours,

Roger O. Purcell
Recorder

POP:brh





NORTH STAR COUNCIL ON AGING, INC.

P.O. BOX 73888 • FAIRBANKS, ALASKA 99707

AREA CODE 907-452-1735

January 21, 1982

Senator Charles H. Parr
Pouch V, MS 3100
Juneau, Ak 99811

Re: Permit No. 82-181

Dear Senator Parr:

Your letter of January 14th with reference to the "pull-tab" problem was received by this agency as the holder of the above permit number. Though this agency, at the present time, is not fortunate enough to have a sponsor for a bingo game (which would of course include pull-tabs), I am most concerned about the Governor's decision to make these games of chance illegal. North Star Council on Aging at the present time has only been having small raffles to help promote cash to meet our federal matching funds requirements. However, as the money situation grows tighter we may have to resort to other types of income producing methods and the bingo, together with pull-tabs, would, of course, be our next avenue.

As an additional bit of information together with support for the continuance of pull-tabs - I am presently serving as vice-president of the Fairbanks USO Council, having served three previous terms as president. Since 1977 when Fairbanks lost the support of the National USO (since Alaska is no longer considered an overseas USO operation) I have been very much involved in the fundraising for this organization. The USO was barely able to keep its head above water during these lean years and during 1980 the local Eagles Lodge came forward to assist us with our plans for bingo operation. This has saved the life of the USO in its day to day operational costs. We anticipate experiencing many more military being served presently through the future as the result of the all the bases carrying almost maximum population. The sale of pull-tabs is a most vital part of a bingo operation and must be continued for any of the organizations' operational survival.

As a further aside - we find that many of our elderly people are avid bingo players as it provides for them a means of socializing with their friends, relieving their isolation and providing a means of recreation. If the pull-tabs are allowed to be eliminated, this will also mean the demise of the bingo operations and for many this would be an all-time disappointment as well as depriving them of the joys of being a winner at times.

All of us very much appreciate your and the other legislators efforts in behalf of our community organizations.

Sincerely,

Genevieve Reininger
Genevieve Reininger
Executive Director

CC: Alice Thompson, President, Fairbanks USO

Meals • Transportation • Information and Referral • Outreach • Escort • Shopping Assistance • Education • Recreation



FRATERNAL ORDER OF EAGLES NO. 1037

200 First Avenue - Fairbanks, Alaska 99701

CHARITY FUND DONATIONS For the Year 1981

Close UP Program	\$650.00
West Valley Student Council	\$500.00
March of Dimes	\$500.00
J. Durante Children's FUND	\$1,000.00
Max Baer Heart Fund	\$1,000.00
Art Erhman Cancer Fund	\$1,000.00
Fbks, Memorial Pediatric Ward	\$458.00
Tanana Chiefs Conference	\$250.00
Fbks. Memorial Hosp.	\$1,000.00
Gold Kings	\$693.00
Girls State	\$1,000.00
A.F. of L. Local 481	\$250.00
Fbks. Youth Baseball Assn.	\$500.00
Fbks. Softball Assn.	\$200.00
Fbks. Softball Assn.	\$550.00
Fbks. Softball Assn.	\$125.00
Gymnastics, Inc.	\$1,000.00
Fbks. Youth Boxing	\$500.00
Fbks. Youth Football	\$1,000.00
Interior City Girls Softball Assn.	\$500.00
Alaska Crippled Children's Fund	\$1,040.00
Alaska Goldpanners	\$785.00
Fbks. Softball Assn.	\$100.00
Sons of Norway	\$250.00
No. Star Little League	\$200.00
Fbks. Memorial Hosp.	\$1,620.00
Luthern Pacific U.	\$1,250.00
U. of Alaska	\$1,250.00
Carleton College	\$1,250.00
U. of Oregon	\$1,250.00
Muscular Dystrophy	\$500.00
Fbks. Memorial Burn Center	\$1,000.00
Little Dribblers Girls	\$500.00
West Valley Student Council	\$250.00
Fbks. Hockey Marchant	\$300.00
Art Erhman Cancer Fund	\$500.00
Breast Cancer Detection Center	\$500.00
Turning Point Boys Ranch	\$1,000.00
Fire Fighter's Assn;	\$240.00
Jr. Bowling League:	\$500.00
Pioneer's of Alaska	\$200.00
Young Life	\$500.00
The United Way Fund	<u>\$3,000.00</u>
	\$30,661.00 total

NATIONAL FEDERATION OF THE BLIND OF ALASKA

242 East 5th Avenue
Anchorage, Alaska 99501
272-0000

January 22, 1982

Charles H. Parr
Alaska State Legislature
Pouch V, State Capitol
Juneau, Alaska 99811

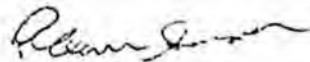
Dear Mr. Parr:

In response to your letter of January 14, 1982 concerning pull-tabs, I reply that once the Department of Revenue cleans up the games of chance by only non-profit organizations totally running the games themselves, then and only then will I be in agreement with your proposed legislation on pull-tabs etc.

We have in the past tried to run games and lost considerably, mainly, because we could not compete with that element involved in Bingo who run it for other organizations.

Furthermore, I'm of the opinion that the Governor will veto any and all attempts to further gambling in any manner in the State.

Sincerely,



Allen Sanderson
President

LOYAL ORDER OF MOOSE

PETERSBURG LODGE No. 1092
BOX 222
PETERSBURG, ALASKA. 99833

DEAR MR PARR

WITHOUT PULL-TABS THIS PARTICULAR LODGE WILL BE HARD PRESSED TO STAY IN OPERATION & WE WILL CERTAINLY NOT BE ABLE TO COMPLY WITH THE GOALS FOR WHICH WE ARE COMMITTED BY JOINING & PARTICIPATING IN MOOSE LODGE 1092.

THE STATE HAS ALSO DEEMED IT APPROPRIATE THAT WE SPEND APPROX \$60,000.00 FOR FIRE & SAFETY CODES AT THIS TIME. IN ORDER TO OBTAIN SOME TIME NEEDED TO ACCOMPLISH THIS WE HAVE HAD TO CLOSE OUR BASEMENT FACILITIES. OTHER THAN 4 - 6 DINNER FUNCTIONS ANNUALLY THE MAIN LOSS IS WE HAD TO EVICT THE BOY SCOUTS & CAN NO LONGER HOLD TEEN DANCES ETC.

THE LODGE ITSELF OR ANY MEMBERS AS INDIVIDUALS DO NOT CARE WHAT THE INTEREST RATES FOR TCD'S OR ANYTHING LIKE THAT. OUR PROFITS ARE USED IN SUPPORT OF THE YOUNG PEOPLE OF THE COMMUNITY & IT'S SENIOR CITIZENS.

THE FOLLOWING IS A LIST OF ITEMS WE HAVE USED OUR PROFITS FOR IN THE PAST AND WOULD LIKE TO CONTINUE IN THE FUTURE.

SCHOLARSHIPS BOTH LOCAL & STATEWIDE

TEEN DANCES & ANY OTHER FUNCTIONS THAT CAN PROVIDE THEM SOME SMALL MEANS OF STAYING OUT OF TROUBLE.

BOY SCOUT FACILITIES & DONATIONS

GIRL SCOUT DONATIONS

SALVATION ARMY DONATIONS

CHILDRENS PICNICS & PARTIES

SENIOR CITIZENS PICNICS AND DINNERS

TRANSPORTATION FOR ANY EVENT

DONATIONS FOR SOCCOR & LITTLE LEAGUE BALL

SUPPORT OF CHILDRENS FACILITIES AT MOOSEBART & SENIOR CITIZENS AT MOOSEHAVEN

CHILDRENS MOVIES AT LOCAL THEATRE

A PLACE FOR FAMILIES TO CONGREGATE WITH A PLEASANT ATMOSPHERE NOT FOUND IN TOO MANY OF THE PRIVATELY OWNED LOUNGES OR SALOONS

Thant
Bill Miller Secretary



SOLDOTNA LIONS CLUB

District 49A, Box 1823, Soldotna, Alaska 99669

January 26, 1982

CHARLIE PARR
Alaska Legislature

Fouch V
Juneau, Alaska 99811

Dear Sir:

The Soldotna Lions have taken on the task of purchasing for our community a community building. We decided to do this on our own instead of asking for funds from State or Federal Government. This is a badly needed building in our area and will be for use by all non-profit organizations on a free basis. Our Bingo and Pull-Tab operation would eventually pay for this building but when Pull-Tabs were declared illegal our program practically stopped.

The Soldotna Lions also have various programs going on at all times, eye exams and glasses for needy persons, eye freezing unit for Peninsula Hospital, Scholarships, Klodde Park, Bus Shelters for students and many and any other service we are asked to perform.

The Pull*Tabs are a very vital fund raiser and the community seems to accept them and recognize our need of them as a fund raising means.

Yours Truly,


Don C. Buchanan
Bingo Chairman

NORTH SLOPE BOROUGH
VILLAGE COORDINATOR *Box 173*
PT. HOPE, ALASKA 99766

January 22, 1982

Alaska Legislature
Sen. Charlie Parr
Pouch V
Juneau, Alaska 99811

RE: Senate Bill 632

Dear Sen. Parr,

On behalf of City of Point Hope, not only am I a Mayor representing the organizations concerning the worthy causes with pull-tab monies, I also represent other civic affairs that I belong to which have created many projects and activities just for the purpose of good cause.

The list which I will give isn't all. The records of financial statement should be provided for at the State Revenue or Audit office at Juneau. It shows how much monies the clubs have spent, using these pull-tabs as a means of raising funds.

The clubs have donated for a good cause not only to the community itself but also to other areas where needed or requested. Pull-tabs is a must to raise that kind of money due to inflation and lack of opportunities of jobs. The clubs have purchased eye-glasses, providing medical assistance if PHS cannot provide transportation from point to point, donating food or fuel to a low-income poor family, donating to other civic committees to help in recreation or religious activities, sponsoring Basketball teams, sponsoring Boys Scout and Cubs Scout, donating to Thanksgiving and Christmas events, etc..the list goes on.

With these means of raising funds using pull-tabs, it helps secure charity to a family and the community.

I support the Senate Bill 632 that would make pull-tabs legal again.

Sincerely,

Morris Oviok
Morris Oviok, Club Liaison

C/c: Local Women Dog Musher's
Local Health Committee
Local Lioness Club
Local Lions Club
Local Tikiqag Search & Rescue
file

st. joseph catholic church

BOX 101
NOME, ALASKA 99762

Telephone: (907) 443-2675

October 15, 1981

Department of Revenue
Audit Division
Pouch SF
Juneau, Alaska 99811

Dear Department of Revenue:

As pastor of the Catholic Church in Nome, Alaska, I strongly disagree with your position not intending to make permanent emergency regulation, 15AAC 105.120(5) L & M, regarding the sale of pulltabs and punchboards.

Our Church has a very small income with huge expenditures for utilities. Frankly our weekly collection is given by very few donors--usually about \$300.00 per week for a parish with well over five hundred people. We have a full time staff of three and four part-time staff serving our people. Obviously this weekly income needs to be supplemented.

Our bingo program supplements our revenue and makes it possible for us to provide many services for our community: religious education, home visits, professional counseling, religious services, support to community service projects, and social activities. We see these activities as alternates to the bars and drinking, one of the major problems in Nome.

In our bingo program, pull-tabs account for about half our income and gives the people something to do between games for a good cause. We agree that pull-tabs could be abused, but we follow strict self-imposed limitations and guidelines--for example, any of our winners over \$25.00 sign for their winnings plus social security number for an IRS report. We agree that the 50¢ limit you directed us to follow be kept enforce--it prevents an over-dependency on pull-tabs and minimizes the income from the bingo.

In conclusion, pull-tabs are a great source of revenue for us to continue community service programs. The options without pull-tabs are few proven with the consistent success of this option. If you rule out pull-tabs you will do little to stop illegal gambling and abuse. But you will hurt lots of non-profit community service organizations like our Church. You will especially hurt native groups in western Alaska. I'm sure much of the money not spent on pull-tabs will go for alcohol. And what community service will this lead to?

Please do your best to make sure the use of pull-tabs for validly licensed groups in Alaska can continue. Your decision will have a great effect on our church and many social service groups. We hope to cooperate with you in the following of all laws and

regulations and welcome your inspection and advice at anytime.
Whether or not you do not respond favorably to our request:
the legislature, the governor, and to the people of Alaska. Please
don't get all caught up in a phoney "legalism" that
protects the public from the horrible abuses of false gambling
which in fact hurting the very people you say you are helping.

Your personal response to this letter would be greatly welcomed.

Sincerely,

Paul B. Macke, S.J.

Rev. Paul B. Macke, S.J.

Pastor

James of Chance & Skill Permit

81-123

st. Joseph catholic church

BOX 101
NOME, ALASKA 99762
Telephone: (907) 443 - 2675

January 25, 1982

Charles H. Parr
Alaska State Legislature
Pouch V, State Capitol
Juneau, Alaska 99811

Dear Legislature:

The governor's decision to make pull-tabs illegal is hurting many non-profit groups around the state. We urge you to pass SB 632 or a similar bill and over-ride the governor's veto. Enclosed is a letter that I sent to the department of revenue giving the reasons why continued use of pull-tabs is important to us.

Any help you can give the non-profit groups hurting around the state as a result of our governor's decision will be appreciated.

Sincerely,

Fr Paul B Macke, S.J.

Rev. Paul B. Macke, S.J.
Pastor

BRISTOL BAY NATIVE ASSOCIATION

P.O. BOX 182

BILLINGHAM, ALASKA 99576

PHONE (907) 462-1051 - 247-4325

January 27, 1982

Senator Charlie Parr
Alaska Legislature
Pouch V
Juneau, Alaska 99811

SUBJECT: Senate Bill 632

Dear Senator Parr:

Thank you for introducing SB 632.

In response to your request for information regarding the worthy causes that have been sided through the use of the sale of pull tabs, first of all it has helped the Bristol Bay Native Association's Regional Senior Citizens' Program.

Our Region covers 29 villages outside of Dillingham, plus the Senior Citizens (60 years or older) in Dillingham. We offer transportation services in Dillingham (otherwise there is only air travel to the rest of the villages); nutrition services in Dillingham, Topiak, Manokotak, and New Smyshok; and we also provide services in the area of home repair, information and referral, home-delivered meals, and other support services to enable elders to remain independent and in their own homes.

The Federal and State grants we receive to operate these programs require a local match. We have used our pull-tab revenues to meet our required local match. Otherwise our area has a small tax base and it is very difficult to always go to the private sector when there are just not that many stores, etc. in this area to solicit local support. The pull-tab revenues have really helped us continue and expand our programs. Now there is a projected cut in program grant funds and we do not know where we will be able to make up the difference.

If you have lived in a rural area in Alaska, you realize that support services are truly needed for the elderly person on a fixed income.

We are trying to be as independent as possible. We work hard (all volunteer time) at our Bingo and Pull-tab games. We are not asking anyone for a hand-out, but just the chance to offer a form of entertainment where the money does go to a good cause.

I strongly support legislation to return pull tabs to the non-profit groups in Alaska. I would suggest that the 50c limitation per chance, however, be raised to \$) per chance.

Thank you for this opportunity to comment.

Kathy W. ...

... Regional Senior Citizens' Program

November 30, 1981

Thomas K. Williams, Commissioner
Department of Revenue
Pouch S
Juneau, Alaska 99811

Dear Commissioner Williams,

I am the Chairperson of the Fraternal Order of Eagles Bingo, and the United Service Organization Bingo.

Your Department recently declared the sale of pull-tabs at our Bingo games illegal. You gave us an extension of time to January 1, 1982, to sell out our pull-tab inventory.

Bingo game profits go to charity and we have many requests for donations to charitable causes. We are not able to fill all of them. I am enclosing a list of the donations the F.O.E. have made in 1981. Because Bingo is a marginal operation, 85% of our donations are from the sale of pull-tabs, 15% from Bingo. It is easy to see that without pull-tab sales, many requests for help would go without.

I can say with some pride, that the USO in Fairbanks is solvent today because of the Bingo games and pull-tab sales. As Chairperson of the USO Bingo games, I have receipts for \$46,000.00, from the USO Director, to date for 1981. As 1980 was not a full year's operation, I only have receipts totalling to \$28,000.00.

I am sure that you agree that the F.O.E. and the USO Bingo games, with pull-tab sales, give this community a valuable service.

We request, and I hope that you will give us a 120 day extension for the sale of pull-tabs. This would be enough time for the Legislature to meet and pass legislation legalizing the sale of pull-tabs.

Thank you for your consideration.

Sincerely,

Martha Johnson

Martha Johnson
Chairperson: Bingo
USO
516 1st Avenue
Fairbanks, Alaska 99701

cc: Governor Jay Hammond

encl:

EAGLES LODGE, AERIE 1037

CHARITY FUND DONATIONS
1981

Close Up Program	\$650.00
West Valley Student Council	500.00
March of Dimes	500.00
J. Durante Children's Fund	1,000.00
Max Baer Heart Fund	1,000.00
Art Erhman Cancer Fund	1,000.00
Fairbanks Memorial Pediatric Ward	458.00
Tanana Chiefs Conference	250.00
Fairbanks Memorial Hospital	1,000.00
Gold Kings	693.00
Girls State	1,000.00
A.F. of L. Local 481	250.00
Fairbanks Youth Baseball Association	500.00
Fairbanks Softball Association	200.00
Fairbanks Softball Association	550.00
Fairbanks Softball Association	125.00
Gymnastics, Inc.	1,000.00
Fairbanks Youth Boxing	500.00
Fairbanks Youth Football	1,000.00
Interior City Girls Softball Association	500.00
Alaska Crippled Childrens	1,040.00
Alaska Goldpanners	785.00
Fairbanks Softball Association	100.00
Sons of Norway	250.00
North Star Little League	200.00
Fairbanks Memorial Hospital	1,620.00
Lutheran Pacific University	1,250.00
University of Alaska	1,250.00
Carleton College	1,250.00
University of Oregon	1,250.00
Muscular Dystrophy	500.00
Fairbanks Memorial Burn Center	1,000.00
Little Girls Dribblers	500.00
West Valley Student Council	250.00
Fairbanks Merchant Hockey	300.00
Art Ernman Cancer Fund	500.00
Breast Cancer Detection Center	500.00
Turning Point Boys Ranch	1,000.00
Firefighters Association	240.00
Junior Bowling League	500.00
Pioneers of Alaska	200.00
Young Life	500.00
United Way	3,000.00
	<hr/>
	\$30,667.00



NANCY

PHONE 277-8615 ● P.O. BOX 773 ● ANCHORAGE, ALASKA 99510
● LOCATION: 737 WEST 5TH AVENUE

A NON-PROFIT CIVIC ORGANIZATION

January 12, 1982

Thomas K. Williams,
Commissioner
Department of Revenue
State Office Building
Pouch SA
Juneau AK 99811

Dear Commissioner Williams:

This letter will inform you that as of December 31, 1981, Greater Anchorage Inc., d/b/a/ Anchorage Fur Rendezvous closed its Rony Palace Bingo Hall. After careful review, in order to comply with State rules and regulations governing the use of "pull tabs" we found we would be unable to operate without considerable losses and therefore made the difficult decision to cease all Bingo operations.

Fur Rendezvous, for the first time in several years, is now facing financial problems. Our organization, however, was not built or has become successful without having pitfalls along it's 47 years in existence. We, therefore, will dig in once again, fall back, regroup and find alternative methods to solve what currently appears "very black".

Our organization has conducted its Bingo operations over the years completely within the compliance of the Alaska statues. We would like to feel that all the halls in the Anchorage area have operated under these same conditions. We feel this is not the case, however, as some of the halls are continuing to use pull tabs. Not in the same manner of course, but nevertheless they are in use and it is our total understanding they are to be NON-EXISTENT. If we are incorrect, and this is not the case, please let us know so we may re-open our operation. On the other hand, if we are correct we request the statutes be enforced so all are treated equal. Our concern is that your department enforce the rules and regulations you have set forth and that all abide by them.: We do not feel Fur Rendezvous should suffer just because it does not want to take the chance of "being caught". It is the enforcement rather than the rules that need tending to. All agents must be given full authority to enforce the laws set forth by your department.



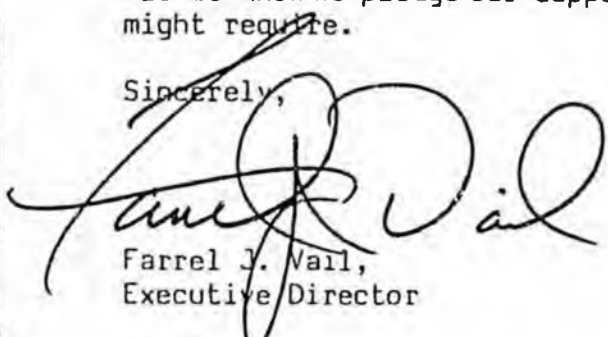
CONTINUED.....

Page 2
T.K. Williams-continued
1-12-82

In the future, if and when the "rules and regulations" become a matter for legislative decision, we strongly urge restrictions on the permit holders. They should be issued to non-profit organizations who are actually engaged in running the games. For it is those permit holders who "sell" their permits to individuals who have personal, profitable gain that are causing the legitimate operations difficulties.

Please know we pledge our support to your department and offer any assistance you might require.

Sincerely,



Farrel J. Vail,
Executive Director

FJV:rc

cc: Wilson L. Condon, Attorney General
Dick Randolph, Chairman, Administrative Regulation Review Committee
Rep. Mitch Abood
Rep. Charles G. Anderson
Rep. Ramona Barnes
Rep. M.F. Beirne
Rep. Thelma Buchholdt
Rep. Bernie Bylsma
Rep. Sam Cotten
Rep. David Cuddy
Rep. Joe L. Hayes
Rep. Terry Martin
Rep. Russ Meekins, Jr.
Rep. Ray H. Metcalfe
Rep. Joe Montgomery
Sen. Brad Bradley
Sen. Mike Colletta
Sen. M. Ed Dankworth
✓ Sen. Vic Fischer
Sen. Jim Kelly
Sen. Patrick Rodey
Sen. Terry Stimson
Sen. Arliss Sturgulewski

STATE OF ALASKA

DEPARTMENT OF REVENUE

OFFICE OF THE COMMISSIONER

JAY S. HAMMOND, GOVERNOR

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

January 27, 1982

The Honorable Vic Fischer
Chairman
Senate State Affairs Committee
Room 423 - Capitol Building
Juneau, Alaska 99801

Dear Senator Fischer:

Re: Senate Bill No. 632

Senate Bill No. 632, an Act relating to games of chance and contests of skill, was introduced in the Senate on January 11, 1982 and was referred to the Senate State Affairs and Judiciary Committees.

For the consideration of the Senate State Affairs Committee, I am enclosing copies of Fiscal Notes prepared by Mr. Joseph K. Donohue, Deputy Commissioner, Taxation, Department of Revenue for the Enforcement and Public Services Divisions concerning the proposed legislation.

Sincerely,



R. D. Stevenson
Special Assistant

RDS:mc

Enclosure

cc: The Honorable Patrick M. Rodey
Chairman
Senate Judiciary Committee

Joseph K. Donohue
Deputy Commissioner, Taxation
Department of Revenue

Marilla Gemmer, Director
Enforcement Division
Department of Revenue

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

FISCAL NOTE

I. REQUEST
 Bill/Resolution No. SB 632
 Title An Act relating to games of chance & contests of skill; and providing for an
 Requested by Senate State Affairs Date Jan. 13, 1982 effective date

II. FISCAL DETAIL
 Agency Affected Department of Revenue
 Program Category Affected Revenue Collection & Management
 BRU, Program, Or Subprogram(s) Affected Enforcement
 (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		64.7	71.1	78.3	86.1	94.7
200 TRAVEL		5.0	5.5	6.1	6.7	7.3
300 CONTRACTUAL		3.0	3.3	3.6	4.0	4.4
400 COMMODITIES		.8	.9	1.0	1.1	1.2
500 EQUIPMENT		2.5	-0-	-0-	-0-	-0-
600 LAND & STRUCTURES		-0-	-0-	-0-	-0-	-0-
700 GRANTS, CLAIMS, ETC.		-0-	-0-	-0-	-0-	-0-
TOTAL		76.0	80.8	89.0	97.9	107.6

FUNDING (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
GENERAL FUND		76.0	80.8	89.0	97.9	107.6
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
FULL TIME		2	2	2	2	2
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instruction, Section III)
 One Revenue Enforcement Officer III is needed for field compliance work, and one Clerk Typist III is needed for clerical support. This legislation will expand the number of permits issued each year and the types of games and/or contests available. Relaxing prize limitations will bring about an interest from professional gaming entrepreneurs.

IV. DATE January 26, 1982 PREPARED BY Joseph K. Donohue
 AGENCY Department of Revenue Taxation
 PHONE 465-2301
 Original: Legislative Finance
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)
 33-001 (Rev. 12/81)

FISCAL NOTE

I. REQUEST

Bill/Resolution No. SB 632

Title An Act relating to games of chance & contests of skill; and
~~requested by~~ providing for an effective date Date January 13, 1982

Requested by: Senate State Affairs

II. FISCAL DETAIL

Agency Affected Department of Revenue

Program Category Affected Revenue Collection and Management

BRU, Program, Or Subprogram(s) Affected Public Services Division

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

EXPENDITURES (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
100 PERSONAL SERVICES		26.7	29.4	32.3	35.5	39.1
200 TRAVEL		1.0	1.1	1.2	1.3	1.4
300 CONTRACTUAL		4.5	5.0	5.5	6.0	6.6
400 COMMODITIES		.4	.4	.5	.5	.6
500 EQUIPMENT		1.0				
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL		33.6	35.9	39.5	43.3	47.7

FUNDING (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
GENERAL FUND		33.6	35.9	39.5	43.3	47.7
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)

See attached memo to R. D. Stevenson from E. Jones dated January 25, 1982.

Joseph K. Donohue

IV. DATE January 26, 1982 PREPARED BY Joseph K. Donohue, Deputy Commis-
 AGENCY Department of Revenue sioner, Taxation

Original: Legislative Finance PHONE 465-2301

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

MEMORANDUM

State of Alaska Department of Revenue

TO: R.D. Stevenson
Legislative Assistant

DATE: January 25, 1982

FILE NO:

TELEPHONE NO:

FROM: Ervin Jones
Office Audit Manager
Audit Division

SUBJECT: SB 632
State Affairs and Judiciary

This bill proposes to amend five sections of AS 05.15. The effect of these proposed changes is to considerably broaden the privileges granted with the issuance of a games of chance and skill permit.

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

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

Section 2 of the bill would serve to supercede the existing administrative regulation 15 AAC 105.120(4) which reads:

"(4) In holding, operating and conducting raffles or lotteries, a permittee may not raffle prizes of personal property, including cash or a negotiable instrument, the aggregate total of which is in excess of the sum or value of \$30,000 in any one calendar year and real property in excess of the sum or value of \$50,000 in any one calendar year."

Lifting this limit would obviously permit substantially larger raffles to be held in Alaska, and would just as obviously invite the interest and participation of profit-seeking individuals into an activity which was originally designed for nonprofit, community oriented organizations. This profit opportunity is exactly what led to the all-too-frequent situation that exists in bingo in Alaska today, i.e. the nonprofit organization which holds a permit receiving a mere fraction of the gross receipts, with the control and use of the proceeds going to the profit-seeker who runs the games.

R.D. Stevenson
Legislative Assistant

-2-

January 25, 1982

Section 4 would amend the statutory definition of "labor organization" to apparently include any organization constituted "wholly or partly to bargain collectively or deal with employees..." It should be pointed out that this includes virtually any trade group, or industry conference. If this is the intent, it would be far better in my opinion to draft a new section called "trade group", or whatever.

Also, the way it reads now, possibly any state agency or political subdivision of the state would be entitled to a permit. Although many cities and villages would like to have permits, it seems unlikely that it is intended for a state agency to hold such a permit.

This bill should be referred to counsel for a simple, straightforward approach to achieve the desired purpose.

EJ:jg

Nancy

State tells Lions to stop bingo games

by Patti Epler
Times Writer

Two Anchorage Lions clubs could lose up to \$400,000 a year in revenue, most of which is donated to charities, if a Superior Court judge agrees with a state ruling prohibiting the club's bingo games.

Friday, the Fairview Lions and Government Hill Lions were notified by the state Department of Revenue that their darts game and pull tab or "rippies" game were illegal under state law. The state suspended their permits to conduct games of chance and skill — permits which also include the bingo games.

The clubs — and Taurus Inc.,

owners of the Lions' Plaza Bingo on Minnesota Drive — filed a lawsuit that afternoon. They succeeded in obtaining a court order temporarily allowing them to continue the operation until Superior Court Judge Daniel Moore can rule on the case.

A hearing before Moore is scheduled for 3 p.m. today.

The lawsuit — which names Commissioner of Revenue Tom Williams and revenue investigator Gilbert Hjellen as defendants — contends that the Lions and the community will suffer substantial loss if the state order to shut down the bingo operation is ruled valid. The Lions were never given a chance to discuss

the suspension with state officials, the lawsuit said.

The state's decision to suspend the Lions' permits apparently surrounds the legality of the darts game and pull tab game, both of which the state contends are illegal games of chance.

The suspension is effective for 90 days. The state said it would then seek to revoke the permit for a one-year period.

Fred Zimmerman, president of the Fairview Lions, said Wednesday the bingo game and other games bring in about \$400,000 annually to the Lions. About \$360,000 of that, Zimmerman said, is given to charities, including the Lions' Eye Bank,

which matches donors with potential eye recipients.

Zimmerman said the Lions have been sponsoring the bingo games for about a year and a half. "We have to report where our money goes," he said. "There's just no way of putting money in our own pockets. It's always been a good service and now they're (the state) saying it's not a good service."

The pull tab game involves small paper cards with strips covering rows of three pictures similar those found on slot machines. Players pull away the strips and win if the objects — lemons, apples, gold bars and other items — match up.

Doctors call Right to Life 'offensive'

by Patti Epler
Times Writer

Doctors who perform abortions are just as aware of the moral, philosophical and spiritual problems involved in terminating pregnancy as

Prices Effective Thursday
Thru Sunday

LIMITED TO
STOCK ON
HAND

SAVE DISCOUNT LIQUORS



**An
Inside
Look
By
Charlie
Parr**



By Sen. Charlie Parr

A matter which has not yet attracted much attention — but will — is that of pull-tabs, which are, for those who don't know, little devices with cornered numbers. The right number wins a prize. They seem to me to perform the same function as punchboards, but some members of the administration by strange logic consider them "paper slot machines."

Pull-tabs have been used for some time by a number of fraternal, social and philanthropic organizations in the state. They have been sold at the weekly or bi-weekly bingo nights, and information available indicates that they have raised more money than bingo itself.

Because of reported abuses in the Anchorage area the Department of Revenue last year to ban pull-tabs. A memo sent to all holders of bingo permits in the state would have cut them off immediately. Organizations in the Fairbanks area quickly, and properly, contacted the Fairbanks delegation.

When I followed up on this matter it turned out that revenue had not bothered to get an attorney general's opinion on pull-tab legality. I pointed out the good causes being assisted by organizations affected, and questioned the advisability of the prohibition. Other legislators raised a ruckus, too.

As a result of the protests the attorney general was asked for an opinion. Stripped of all the legal pros, cons and whereases, it said the revenue could make pull-tabs legal or illegal — the law is flexible enough for either. Revenue then bucked the problem upstairs to the governor, who decided that pull-tabs would be illegal after Dec. 31, 1981.

SB 632, which I introduced, would clearly state that pull-tabs are legal. It would remove them from arbitrary action by the governor or Department of Revenue. Why do I believe this to be necessary?

First, a few abuses in the Anchorage area is insufficient reason for abolishing the practice. If there are abuses then regulations can be changed and/or effective enforcement action

taken. If there is fraud or personal enrichment at the expense of the organizations and the good causes they support — prosecute.

Second, purchase of pull-tabs is voluntary. We have not had one reported instance in which a buyer was handcuffed, dragged in, and forced to spend his money.

Third, the amount of good done by fraternal, social and philanthropic organizations is incalculable and pull-tabs have been a primary source of their income. Here are only a few of the good causes which have been helped:

20-30 scholarships are awarded annually to Native students enrolled in colleges and universities throughout the nation by the Cook Inlet Native Association, which has used pull-tabs. The Eagles Lodge, Aerie 1037, contributed \$30,661 to various organizations including the United Way, Fairbanks Memorial Hospital as well as 41 other organizations. The Alaska Black Caucus also uses pull-tabs as a fund-raising device.

It is too bad that the governor regards the sale of pull-tabs as somehow "immoral." It is too bad that he decided to impose his own standards on the rest of Alaska. It is too bad that he is threatening to veto the bill if it passes.

One can only wonder how many Alaskans would be here if they didn't take chances. In many bush areas they take chances with their lives — over and over again. Many people in the construction and transportation fields take chances.

On a lower level — how many Alaskans who came here from somewhere else had guaranteed security when they came? (We didn't. We had three teenagers, a dog, a nine-year-old car, less than a \$1,000 — and no job when we came).

I'm afraid the administration is getting too conservative, too unwilling to admit risk into Alaskan life. When it comes to handling public money that's not a bad approach. When we are talking about the individual decisions made by individual Alaskans it's time to draw the line.

"Where there is shouting, there is no true knowledge."
Leonardo Da Vinci

Constitutional Session

A slightly muddled House Judiciary Committee wrestled valiantly with compound-complex grammatical problems before wording a committee substitute for House Joint Resolution (HJR) 12, which would constitutionally limit legislative sessions to 120 days, with a possible one-time extension of up to ten days. And a slightly cynical committee member suggests that even a constitutional provision may not be an absolute bar to longer sessions.

Citing practices of the Oregon Legislature — which is constitutionally supposed to meet for only 60 days every other year, but routinely calls itself into special session time after time — Rep. Russ Meekins said of Alaska's proposed constitutional session limit, "The first time, you violate it; after that, it's easy."

Meekins explained later that he fully supports the popular session limit idea, but also pointed out that the public may at some other time think the Legislature should meet for as long as it takes to get the work done. Since the Constitution allows the Legislature to call itself into special session by a two-thirds vote, legislators

special session limit under judgment allowed the se half of that sentence (pro ing recesses longer than 3 without the agreement of houses) to apply to both s and regular sessions without ing to repeat the lang

If you feel a bit con by this, you would have a with most committee men who asked that the bill d come and explain this rea to them. But the drafter of '12 was John Chenoweth, w now the State Ombud There was a delay while an bill drafter was summ

Rep. Pat O'Connell po out that the proposed ar ment allowed regular sessio tions only after "a vot at least two-thirds of each b but did not specifically "an affirmative vote" or " curring vote." Rep. Rick H cited three sections of the stitution on required votes later agreed that each se he had cited contained an tional qualifying word de what kind of vote it was.

Bill drafter Diane Colv appeared and suggested the proposed amendment most simply go in under se 8 of Article II. Everyone se



Ring
Around
Seat

For as little as

STATE OF ALASKA

DEPARTMENT OF REVENUE

OFFICE OF THE COMMISSIONER

JAY S. HAMMOHD, GOVERNOR

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

March 9, 1982

The Honorable Patrick M. Rodey
Chairman
Senate Judiciary Committee
Room 125 - Capitol Building
Juneau, Alaska

Dear Senator Rodey:

Re: CS for Senate Bill No. 632 (State Affairs)

CS for Senate Bill No. 632 (State Affairs), and Act relating to games of chance and contests of skill, was referred by the Senate State Affairs Committee on February 26, 1982 to the Senate Judiciary Committee.

For the consideration of the Senate Judiciary Committee, I am enclosing a copy of a Fiscal Note prepared by Mr. P. A. Wall, Director, Public Services Division, Department of Revenue concerning the Committee Substitute.

Sincerely,



R. D. Stevenson
Special Assistant

Enclosure

cc: Joseph K. Donohue
Deputy Commissioner
Department of Revenue

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

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. CSSB 632(SA)
Title Relating to Games of Chance and Contests of Skill
Requested by Senate Judiciary Committee Date 3/8/82

II. FISCAL DETAIL

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

EXPENDITURES (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
100 PERSONAL SERVICES		45.6	48.8	52.2	55.9	60.0
200 TRAVEL						
300 CONTRACTUAL		5.0	5.4	5.7	6.1	6.6
400 COMMODITIES		1.0	1.1	1.1	1.2	1.3
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL	-0-	51.6	55.3	59.0	63.2	67.9

FUNDING (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
GENERAL FUND	-0-	51.6	55.7	59.0	63.2	67.9
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS

	1/12mm	1/12mm	1/12mm	1/12mm	1/12mm
FULL TIME					
PART TIME	2/8mm	2/8mm	2/8mm	2/8mm	2/8mm
TEMPORARY					

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

CS SB 632 (SA) adds "business league", "municipality", and "political action" to those who may receive permits under AS 05.15. The bill also adds "game of chance (including pull tabs and punch boards)" to the activity permitted under HS 05.15.

Assumptions:

Over 600 permits are presently issued. The bill will increase the potential permits by over 700 if the present qualifying factors remain the same: business leagues - 100, games of chance - 400, municipalities - 166, political action organizations - 50.

Continued on next page.

IV. DATE 3/8/82 PREPARED BY *P. A. Wall*
AGENCY Revenue
Original: Legislative Finance PHONE 465-2313
cc: Budget and Management
Prime Sponsor (First Legislator Named)
33-001 (Rev. 12/81)

FISCAL NOTE
CS SB 632 (SA)

Page 2

Program Summary

One employee is presently assigned to administering the AS 05.15 programs. Peak application periods require that another be assigned to help the one employee. CS SB 632 (SA) will more than double the work.

1. Positions --

1 PFT Tax Examiner R12 @\$1889 mo plus .32 costs = 29.9

Receive and examine the additional applications, approve and issue permits and respond to letters, phone, and in-person inquiries.

2 PFT Clerk Typists R8 @ \$1487 mo plus .32 costs for 4 mos. each. = 15.7

2. Other Expenditures --

Contractual - Postage, toll calls, typewriter rental, miscellaneous. = 5.0

Commodities = 1.0

S

B

6

3

3

Original sponsor: Parr

Offered: 3/5/82
Referred: Judiciary

1 IN THE SENATE

BY THE HEALTH, EDUCATION
AND SOCIAL SERVICES COMMITTEE

2

CS FOR SENATE BILL NO. 633 (HESS)

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 work programs for prisoners in
7 state institutions."

8

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

9

Section 1. AS 33.30.225 is repealed and reenacted to read:

10

Sec. 33.30.225. WORK PROGRAMS; REMUNERATION. (a) The commis-

11

sioner may, in his discretion, direct that a prisoner participate in

12

non-institutional work projects and in institutional work programs,

13

including personal housekeeping, while detained or confined in a prison

14

facility. A prisoner who participates in non-institutional work projects

15

is eligible for the credit provided under AS 33.30.280 or for a gratuity

16

payment. A prisoner who participates in institutional work programs is

17

eligible for a gratuity payment. [The gratuity payment may not exceed \$3

18

a day except that this limit does not apply to a work program in which a

19

portion of the payment is designated for the prisoner's daily living

20

expenses.

21

(b) A prisoner who refuses to work when directed to do so by the

22

commissioner under (a) of this section is subject to disciplinary action

23

in accordance with regulations, which the commissioner shall adopt,

24

providing for discipline of prisoners who refuse to work.

25

(c) For purposes of this section, "non-institutional work" means

26

work on government or other public projects outside the confines of a

27

prison facility. For purposes of this section, "institutional work"

28

means work inside the prison facility.

29

* Sec. 2. AS 33.30.250(a) is amended to read:

SUBMITTED
3330,
225(B)

1 (a) When a person is convicted of a crime and is sentenced to a
2 prison facility, or is imprisoned in the prison facility for nonpayment
3 of a fine, for contempt, or as a condition of probation for a criminal
4 offense, the commissioner may, if he concludes that the person is a fit
5 subject for a work furlough and is not prohibited from it under (g) of
6 this section, direct that the person [BE PERMITTED TO] continue in his
7 regular employment, if that is compatible with the requirements of (c)
8 of this section, or may direct [AUTHORIZE] the person to secure employ-
9 ment for himself, unless the court at the time of sentencing has ordered
10 that the person not be granted work furloughs.

11 * Sec. 3. AS 33.30.250(b) is amended to read:

12 (b) If the commissioner directs that the prisoner [BE PERMITTED
13 TO] continue in his regular employment, the commissioner shall arrange
14 for a continuation of the employment so far as possible without inter-
15 ruption. If the prisoner does not have regular employment, [AND] the
16 commissioner may direct [HAS AUTHORIZED] the prisoner to secure employ-
17 ment for himself. The [THE PRISONER MAY DO SO, AND THE] commissioner
18 may assist the prisoner in securing employment [HIM IN DOING SO]. Any
19 employment secured must, as determined by the commissioner, be suitable
20 for the prisoner. The employment must be in accordance with the prevail-
21 ing working conditions and wages in the area. No employment may be
22 permitted where there is a labor dispute in the establishment in which
23 the prisoner is, or is to be, employed.

24 * Sec. 4. AS 33.30.250(c) is amended to read:

25 (c) Whenever the prisoner is not employed and between the hours or
26 periods of employment, he shall be confined in a prison facility, ^{PR} as
27 directed by the commissioner [THE JAIL. UNLESS THE COURT DIRECTS OTHER-
28 WISE].

29 * Sec. 5. AS 33.30.250(e) is amended to read:

UNLESS THE COMMISSIONER
DIRECTS OTHERWISE
ASK PIRAZ

1 (e) If the prisoner violates the conditions established for his
2 conduct, custody, or employment, or if the prisoner refuses to work when
3 directed to do so under (a) or (b) of this section, the commissioner may
4 order the balance of the prisoner's sentence to be spent in actual con-
5 finement or may discipline the prisoner, in accordance with regulations,
6 which the commissioner shall adopt, providing for discipline of pris-
7 oners who refuse to work.

8 * Sec. 6. AS 33.30.245 is amended by adding a new subsection to read:

9 (h) This section does not apply to correctional industries or to
10 prisoners who work in correctional industries.

11 * Sec. 7. AS 41.20.110(b) is amended to read:

12 (b) As an aid to the construction and maintenance of trails and
13 campsites under (a) of this section the commissioner of health and
14 social services is authorized to establish a program that would direct
15 [ALLOW] prisoners to [VOLUNTEER FOR] work on the trails and campsites.
16 The commissioner is authorized to grant remuneration for the work,
17 either in money or reduction of sentence, which he considers sufficient.
18 The commissioner shall adopt regulations to provide for discipline of
19 prisoners who refuse to work when directed to do so under this section.

20 * Sec. 8. AS 36.10.060 is repealed.
21
22
23
24
25
26
27
28
29



Official Business

Alaska State Legislature

Senate

Committee on Judiciary

Pouch V
State Capitol
Juneau, Alaska 99811

MINUTES OF THE SENATE JUDICIARY COMMITTEE

OF

March 24, 1982

Butrovich Committee Room, State Capitol Juneau, Alaska

Legislation Before Committee:

SB 327 - "An Act relating to parole of offenders; continuing the existence of the Board of Parole; and providing for an effective date."

SB 633 - "An Act relating to work programs for prisoners in state institutions."

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

002 - Call to order.

005 - Chairman Rodey brought SB 327 before the committee.

010 - Mr. Pettyjohn, Vice-Chairman of the Parole Board, testified in favor of SB 327, stating that the Parole Board works should be continued. The Board would recommend inserting the words "or municipal ordinance" at the end of line 26 on page 11, and inserting the same wording on line 27, page 12 after the phrase "or federal law". This amendment would clarify that the Board may revoke a parolee for violation of a city ordinance when a person is involved in serious misdemeanor behavior, such as driving while intoxicated. The Board also recommends that the words "judicial officer" be deleted from line 4 on page 13 and instead the wording "Board member or the Board" be inserted instead. The issuance of parole violation warrants by judicial officers does not offer any more real protections to parolees than having the warrants issued by a Board member pursuant to applicable laws and United States and Alaska court decisions.

The Committee discussed the following areas of SB 327:

Page 1, Line 19 - Paragraph (c), Senator Ray questioned language.

Page 2, Line 10 - Senator Ray questioned having members of the Board serving at the Governor's discretion.

Page 3, Line 6 - Senator Ray stated that there should be flat

compensation.

- Page 3, Line 14 - Senator Ray stated that 3 votes should be required for official action. Senator Anderson concurred. Senator Rodey stated that a designee should be allowed to serve. Senator Ray thought that it should be a 30 day appointment period.
- Line 23, Page 6 - Senator Ray stated that the language was unclear.
- Line 10, Page 11 - Senator Ray wanted to know why only parolees who had not been charged with a felony (vs. a misdemeanor) during their time on parole were discharged from parole after a five year period.
- Line 16, Page 14 - Senator Ray questioned language.

670 - Mr. Barry Stern, Department of Law, distributed a committee substitute to the bill. Mr. Stern stated that the Parole Board is not constitutionally mandated, only a parole system is needed. He further stated that the number of paroles have been constant although inmate population has doubled in the last few years. He informed the committee that the House had introduced HB 293 which addresses the Parole Board. He expressed the administration's wanting to see HB 293 approach:

- A.) presumptive sentencing for first offenders, and
- B.) restricting the Parole Board in supervising offenders currently in the system.

SIDE TWO

133 - SB 327 was laid on the table to allow for some of the language to be worked on.

136 - Chairman Rodey brought SB 633 before the committee.

198 - Mr. Walt Jones, Department of Health & Social Services, testified in favor of SB 633, and explained the zero fiscal note attached to the bill.

316 - Mr. Mike Stark testified and suggested SB 633 be incorporated with HB 194, relating to prison industry, as this bill had already passed the House and is on its way to the Senate.

419 - SB 633 was laid on the table to allow for combination of the language.

426 - Chairman Rodey adjourned the meeting at 2:45 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

MARCH 17, 1982

Butrovich Committee Room, State Capitol Juneau, Alaska

Legislation Before Committee:

- HB 573 - "An Act relating to the crime of tampering with a witness."
- SB 741 - "An Act relating to child support enforcement."
- SB 633 - "An Act relating to work programs for prisoners in state institutions."
- SB 473 - "An Act relating to urban renewal and development projects of municipalities; and providing for an effective date."

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, Ray, and Anderson. Senator Bennett was absent.

010 - Call to order by Chairman Rodey.

012 - Chairman Rodey brings SB 741 before the committee.

014 - Mr. Bruce gave explanation of the committee substitute.

037 - Senator Ray moves to adopt the committee substitute and pass the bill with individual recommendations. There was no objection.

085 - Next Chairman Rodey brought HB 573 before the committee.

100 - Mr. Bruce explains the changes that the committee substitute would make.

126 - Senator Ray moves to adopt the committee substitute and move the bill from committee with individual recommendations. There was no objection.

144 - SB 473 was the next item on the agenda.

152 - Mr. Lee Shark, City Attorney for Juneau, testified in favor of SB 473, stating it would clear up some confusion that exists in present law.

367 - Palmer McCarter, representing the Department of Community and Regional Affairs, testified in favor of the bill.

401 - Pat Anderson, representing the Municipality of Anchorage, testified in favor of SB 473.

526 - After brief discussion, Senator Parr asked that the bill be held in committee until Monday's meeting to enable time to review the bill further. There was no objection.

534 - Chairman Rodey next brought SB 633 before the committee.

540 - Senator Parr gave an overview of the bill.

581 - Mr. Walt Jones, Division of Corrections, testified in favor of SB 633.

The Committee spent considerable time discussing the merits of work programs and gratuity payments.

SIDE TWO

177 - Chairman Rodey suggests adopting amendments to SB 633 made by the Department of Health, Education, and Social Services. See attached amendments.

185 - Senator Ray objects to amendment on Page 1, Line 17. Chairman Rodey requested the Division of Corrections to review its fiscal note to insure that no fiscal impact is possible.

287 - SB 633 is laid on the table.

293 - Chairman Rodey adjourned at 2:35 P.M.

1. Page 1, line 17. Delete the last line in this paragraph and replace with:
The amount of the gratuity payment may not exceed \$3.00 a day except
in institutions where the work programs require prisoners to pay
their daily expenses.

2. Page 2 Insert after line 22:

AS 33.30.250(c) is amended to read:

(c) Whenever the prisoner is not employed and between the hours of
periods of employment, he shall be confined in jail or furlough facility
as directed by the commissioner. ((UNLESS THE COURT DIRECTS OTHERWISE))

3. Page 1 After line 27. Insert:

AS 33.30.250 is amended by adding a new sub section (d)

(d) Notwithstanding provisions of this section,, prisoners may not be
required to participate in Correctional Industries Programs except on a
voluntary basis.

STATE OF ALASKA
THE LEGISLATURE

POUCH Y STATE CAPITOL
BUREAU ALASKA 99511
907-465-3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

March 23, 1982

SUBJECT: Requiring prisoners to work -- SB 633
(Work Order No. 12-2750)

TO: Senator Patrick M. Rodey
Chairman, Senate Judiciary
Committee

FROM: Diane T. Colvin *DC*
Legislative Counsel

You have asked whether SB 633, which would if enacted require prisoners to work, is constitutional, and, in particular, whether the work requirement constitutes involuntary servitude, prohibited by the Thirteenth Amendment to the U.S. Constitution. In response, we have the following information.

We do not believe that the bill is subject to attack on Thirteenth Amendment grounds. The Thirteenth Amendment expressly exempts punishment of a crime from its prohibitions:

Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.
(Emphasis added)

Courts have consistently held that lawfully convicted criminals may be required to work by prison authorities. The leading case is Draper v. Rhay, 315 F.2d 193 (9th Cir. 1963), in which the court found that prison labor is not the sort of involuntary servitude which violates Thirteenth Amendment rights. The court stated:

There is no federally protected right of a state prisoner not to work while imprisoned after conviction. . .

While SB 633 is probably not vulnerable on Thirteenth Amendment grounds, this does not mean that the bill is not open to legal challenge on other grounds. Statutes dealing with work by prisoners have been the subject of considerable litigation in the various states. Most of the cases involve just compensation for work performed while incarcerated and are challenged on Fifth and Fourteenth Amendment grounds (deprivation of property without due process) as well as on Thirteenth Amendment grounds. The courts have, however, generally rejected these arguments. For example, in Sims v. Parke Davis and Co., 334 F.Supp. 774 (E.D. Mich. 1971), the court held that, where state prison inmates were compelled to work in a research clinic operated in prison by private drug manufacturers, the failure to pay reasonable value for prisoners' work is not a denial of due process rights in view of the traditional notion that "lawful incarceration brings about the necessary withdrawal or limitation of many privileges and rights". The Alaska Supreme Court has reached a similar conclusion. In McGinnis v. Stevens, 543 P.2d 1221 (1975), the Court found that neither the rehabilitation directive nor the due process clause of the Alaska Constitution require a holding that an inmate is entitled to a minimum wage.

The rehabilitation directive of the Alaska Constitution, Article I, Sec. 12, may provide another basis for challenging this bill, since it might be argued that only voluntary, and not involuntary work, would serve to rehabilitate a prisoner. 1/ Whether such a challenge would be successful is difficult to predict. Since the Court has consistently recognized the multiple goals encompassed in the standards of Sec. 12, it seems likely that the Court would uphold the

1/ Article I, Sec. 12 of the Alaska Constitution provides in part as follows:

Penal administration shall be based on the principle of reformation and upon the need for protecting the public.

Senator Patrick M. Rodey
Page 3
March 23, 1982

work requirement on the basis that it serves to fulfill other sentencing goals if not the goal of rehabilitation.

We hope this information is of use to you in consideration of SB 633. If you wish further information, please do not hesitate to contact us.

DTC:ljb

STATE OF ALASKA

DEPT. OF HEALTH AND SOCIAL SERVICES

DIVISION OF ADULT CORRECTIONS

JAY S. HAMMOND, GOVERNOR

POUCH H-03
JUNEAU, ALASKA 99811
PHONE: 465-3376

DOCUMENT NO. 96-82

March 18, 1982

Honorable Patrick M. Rodey
Chairman
Senate Judiciary Committee
Pouch V
Juneau, Alaska 99811

Dear Senator Rodey:

The question was raised at yesterday's hearing on Committee Substitute for Senate Bill 633 (HESS) regarding the potential fiscal impact for the language "The Gratuity payment may not exceed \$3.00 per day except that this limit does not apply to a work program in which a portion of the payment is designated as for the prisoners daily living expenses." As testified before the committee, the Palmer Correctional Center is currently operating under this practice. The superintendent was contacted regarding the fiscal impact this practice has on his correctional center. The following was learned:

1. The maximum daily gratuity which can be earned by an inmate is \$6.00 per day. However, the average gratuity earnings are between \$4.00 and \$4.50 per inmate per day at the Palmer Correctional Center.
2. The inmates at the Palmer camp are required to purchase the following items which are furnished at no cost to inmates at other institutions:
 - A. All clothing
 - B. All health and comfort items (toothpaste, toothbrush, soaps, towels, wash-cloths, etc.)
 - C. All materials to launder their own clothing (soaps, bleach, etc.)
 - D. Stamps
 - E. A portion of vendor payments for medical services. The inmate is charged back at the rate of \$0.10 per hour for medical costs incurred on his behalf by a local physician, hospital, or pharmacy. The \$0.10 per hour is deducted from his pay until he has satisfied the entire bill or until he is released from the Palmer Correctional Center.

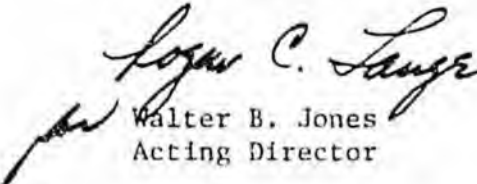
The purchases, other than medical care, are made through the commissary. The cost of the purchases are deducted from the inmates individual trust account and transferred to the commissary account. The commissary supplies are charged to the commissary account, not the correctional centers operating budget. The end result of the operating budget is a greater expenditure for inmate gratuities and a smaller expenditure for commodities which the inmates are required to purchase for themselves.

Letter to Honorable Patrick M. Rodey
Chairman
Senate Judiciary Committee
Dated March 18, 1982

Page 2

Because of the program requirements for inmates to purchase the above identified items, it is estimated that the higher earnings now being paid at the Palmer Correctional Center result in no greater expenditures of state dollars. Using similar guidelines throughout the state if committee substitute for Bill No. 633 (HESS) were enacted, it is estimated that there would be no fiscal impact as a result of the provision on lines 17 through 20 of the bill.

Sincerely,



Walter B. Jones
Acting Director

POSITION PAPER
COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 633

The "Act relating to work performed by prisoners in state institutions," would effect operations and management of state institutions.

Enactment of this act would result in eliminating disputes between staff and prisoners in reference to work assignment responsibilities. The act would also be consistent with 7 AAC 60.400 which is titled "Prohibited Conduct for Prisoners." Under Major Infractions, paragraph b #(15), disciplinary action may be taken against a prisoner who refuses to work or participates in a work stoppage.

The Department supports this bill and recommends the following amendments.

Section 33.30.250, page 2 - amend paragraph (c) to read as follows:
(c) Whenever a prisoner is not employed and between the hours or periods of employment, he shall be confined in a prison facility or furlough facility as directed by the commissioner.

AS 33.30.250, page 2 - add paragraph (d) to read:
(d) Not withstanding provisions of this section, prisoners may not be required to participate in Correctional Industries Programs except on a voluntary basis.

Recommended by:

Walter B. Jones Jr.
Walter B. Jones, Jr.
Acting Director
Division of Adult Corrections

Date:

3-16-82

Approved by:

Helen D. Beirne
Helen D. Beirne
Commissioner

Date:

3-17-82

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST
 Bill/Resolution No. CS for Senate Bill No. 633 (HESS)
 Title "An Act Relating to work programs for prisoners in state institutions"
 Requested by Parr Date March 5, 1982

II. FISCAL DETAIL
 Agency Affected Dept. of Health and Social Services
 Program Category Affected Offender Confinement Reformation & Supervision
 BRU, Program, Or Subprogram(s) Affected Adult Confinement
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

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

FUNDING (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
GENERAL FUND		-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-
PART TIME						
TEMPORARY						

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

An analysis of Committee Substitute for Senate Bill No. 633 does not disclose any significant fiscal impact on the Division of Adult Corrections if the proposed legislation were enacted.

IV. DATE March 16, 1982 PREPARED BY Roger C. Lange
 AGENCY Division of Adult Corrections
 PHONE 465-3376
 Original: Legislative Finance
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)
 33-001 (Rev. 12/81)

1. Page 1, line 17. Delete the last line in this paragraph and replace with:
The amount of the gratuity payment may not exceed \$3.00 a day ~~at~~
in institutions where the work programs require prisoners to pay
their daily expenses.

2. Page 2 Insert after line 22:

AS 33.30.250(c) is amended to read:

(c) Whenever the prisoner is not employed and between the hours of
periods of employment, he shall be confined in jail or furlough facility
as directed by the commissioner. ((UNLESS THE COURT DIRECTS OTHERWISE))

3. Page 1 After line 27. Insert:

AS 33.30.250 is amended by adding a new sub section (d)

(d) Notwithstanding provisions of this section, prisoners may not be
required to participate in Correctional Industries Programs except on a
voluntary basis.

POSITION PAPER

SENATE BILL NO. 633

The "Act relating to work performed by prisoners in state institutions," would effect operations and management of state institutions.

Enactment of this act would result in eliminating disputes between staff and prisoners in reference to work assignment responsibilities. The act would also be consistent with 7 AAC 60.400 which is titled "Prohibited Conduct for Prisoners." Under Major Infractions, paragraph b #(15), disciplinary action may be taken against a prisoner who refuses to work or participates in a work stoppage.

The Department supports this bill and recommends the following amendments.

Section 1. AS 33.30.225, page 1, paragraph (a) - The last sentence in paragraph (a) should be amended to read as follows. The amount of the gratuity payment may not exceed \$3.00 a day except in institutions where the work programs require prisoners to pay their daily expenses. For example, the Palmer Correctional Center has a work program that requires prisoners to pay for personal clothing, shoes, health and comfort items, medical and dental expenses. The prisoners are paid a low of \$.35 per hour to a high of \$.80/hour.

Section 33.30.225, page 1, paragraph (b) should be amended to read as follows: (b) A prisoner who refuses to work when directed to do so by the commissioner under (a) of this section is subject to disciplinary action in accordance with regulations under 7 AAC 60.400 which the commissioner has adopted to provide for the discipline of prisoners who refuse to work.

Section 33.30.250 page 2 - add a paragraph "c" to read as follows: (c) Whenever a prisoner is not employed and between the hours or periods of employment, he shall be confined in the jail or furlough facility as directed by the commissioner.

Recommended by:

Walter B. Jones, Jr.
Walter B. Jones, Jr.
Acting Director
Division of Adult Corrections

Date:

1/25/82

Approved by:

Helen D. Beirne
Helen D. Beirne
Commissioner

Date:

1/25/82

FISCAL NOTE

I. REQUEST

Bill/Resolution No. Senate Bill No. 633

Title An Act Relating to Work Performed by Prisoners

Requested by PARR

Date January 12, 1982

II. FISCAL DETAIL

Agency Affected Dept. of Health and Social Services

Program Category Affected Offender Confinement Reformation & Supervision

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

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

EXPENDITURES (Thousands of Dollars)

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

FUNDING (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
GENERAL FUND		-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-
PART TIME						
TEMPORARY						

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

An analysis of Senate Bill No. 633 does not disclose any significant fiscal impact on the Division of Adult Corrections if the proposed legislation were enacted. Under AS 41.20.110(b) amendment, if the Commissioner opted to grant remuneration to prisoners in lieu of reducing their sentences, it would result in an additional cost of approximately \$15,000 per year statewide. In the event the Commissioner authorized a reduction of sentence to each prisoner who worked it would result in a daily cost of care savings to the state large enough to eliminate the cost of the work program.

IV. DATE January 20, 1982

PREPARED BY Roger C. Lange

AGENCY Division of Adult Corrections

PHONE 465-3376

Original: Legislative Finance

cc: Budget and Management

Prime Sponsor (First Legislator Named)

33-001 (Rev. 12/81)

Roger C. Lange

JCC

construction, repair, preliminary surveys, engineering studies, consulting, maintenance work or any other retention of services necessary to complete any given project, 95 per cent residents shall be employed where they are available and qualified. If 10 or fewer persons are employed under the contract, then 90 per cent residents shall be employed where they are available and qualified. In all cases of public works projects, preference shall be given to residents. (§ 1a ch 177 SLA 1960; am § 11 ch 142 SLA 1972; am § 1 ch 208 SLA 1972)

Effect of amendments. — The first 1972 amendment substituted "or a political subdivision of the state" for "boroughs, cities and school districts" in the first sentence.

The second 1972 amendment, in the

first sentence, substituted "consulting" for "or" and inserted "or any other retention of services necessary to complete any given project."

Am. Jur. reference.—43 Am. Jur., Public Works and Contracts, § 123.

Sec. 36.10.020. Apprentices. Apprentices must be properly registered apprentices in their particular craft. (§ 1c ch 177 SLA 1960)

Sec. 36.10.030. Reduction of work force. When a work force is reduced, resident workers, except supervisory personnel, shall be terminated last. (§ 1d ch 177 SLA 1960)

Sec. 36.10.040. Application to contracts involving federal funds. In a contract involving expenditure of federal aid funds, this chapter may not be enforced in a manner that conflicts with federal statutes giving preference to veterans or prohibiting other preferences or discriminations among United States citizens. (§ 2 ch 177 SLA 1960)

Am. Jur. reference.—43 Am. Jur., Public Works and Contracts, § 4.

Sec. 36.10.050. Employment of aliens.

Repealed by § 17 ch 142 SLA 1972.

Editor's note.—The repealed section derived from § 3, ch. 177, SLA 1960.

Am. Jur. reference.—43 Am. Jur., Public Works and Contracts, §§ 17, 51, 52, 123.

Sec. 36.10.060. Employment of prisoners. No prisoner currently serving sentence in a penal or correctional institution may be employed on a public works project subject to the provisions of this chapter. (§ 4 ch 177 SLA 1960)

Sec. 36.10.070. Unavailability of resident workers. (a) When resident labor is unavailable, the contractor shall inform the commissioner of labor of the number of additional workers needed. The commissioner of labor shall investigate the facts and designate the

number of nonresidents within a period.

(b) When residents other than those in § 10 of this chapter, are notified the commissioner of labor shall be notified if needed. (§ 5 ch 177 SLA 1960)

Effect of amendment. — The amendment added subsection (b).

Sec. 36.10.075. Duties of commissioner of labor shall promote the provisions of this chapter in the most efficient method, time and content possible. The commissioner of labor shall report to the Department of Public Works and Contracts the manner of compliance with this chapter and reporting required by the Department of Public Works and Contracts. (§ 6 ch 177 SLA 1960)

Sec. 36.10.076. Duties of commissioner of labor of political subdivision of the state shall notify the Department of Public Works and Contracts of the manner of compliance with this chapter and reporting required by the Department of Public Works and Contracts. (§ 7 ch 177 SLA 1960)

Sec. 36.10.080. Chapter provisions of this chapter are not applicable to a public works contract let after April 1, 1972.

Sec. 36.10.090. Publication of list of names of persons who are not eligible for employment. The commissioner of labor shall distribute to the state government and to the local government a list of the names of persons who are not eligible for employment under this chapter. No person applying for employment, partnership or association with a contractor may work as a contractor on a public works construction contract for the state or a local government for three years from the date of publication of the list.

(b) A local government or political subdivision of the state which is in violation of the provisions of this chapter which require that a list of names of persons who are not eligible for employment be available for the project in the manner prescribed in this chapter may be denied up to and including the date of the public school foundation may be found to be in violation of this chapter and may forfeit his position.

(c) A person or government

30.140

d 134, on
unds, 584

ecutive
day deci-
interfer-
v. State,
172), 582
on other

safety to

psychiatric
er certain
resulting
therefore
late, Sup.
592 P.2d

er.

rehearing
4 P.2d 38

authority to
ctions to
designated
Cl. Op. No.
2d 134, on
ounds, 584

classification,
on of the
soner is to
the admin-
sion of Cor-
cing courts
ppropriate that
e weight to
ondations,
rt does not
te a partic-
prisoner is
Sup. Ct. Op.
P.2d 134, on
ounds, 584

§ 33.30.150 PROBATION, PRISONS, AND PRISONERS § 33.30.250

Although the sentencing court can recommend that the defendant be incarcerated in a particular facility under Alaska's statutes, the ultimate responsibility for the classification and thus placement of prisoners in its charge has been vested in the Division of Corrections. Rust v. State, Sup. Ct. Op. No. 1668 (File No. 3172), 582 P.2d 134, on rehearing

modified on other grounds, 584 P.2d 38 (1978).

Resource allocation is an executive concern involving many day to day decisions which necessitate that court interference be kept to a minimum. Rust v. State, Sup. Ct. Op. No. 1668 (File No. 3172), 582 P.2d 134, on rehearing modified on other grounds, 584 P.2d 38 (1976).

Sec. 33.30.150. Visitation privileges. An honor prisoner with good behavior serving a sentence of one year or more may be permitted as a privilege and not as a right to visit with his family at a place other than his place of confinement and at his own expense for a period not exceeding one week nor more frequently than once each six months under rules and regulations adopted by the commissioner and in his sole discretion. The wilful failure of a prisoner to return to the place of confinement not later than the expiration of a period during which he is authorized to be away from the place of confinement under this section is an unlawful evasion under AS 11.30.093. (§ 7 ch 133 SLA 1960; am § 4 ch 171 SLA 1976)

Effect of amendments. — The 1976 amendment added the second sentence.

Editor's notes. — AS 11.30.093, referred to at the end of the section, was

repealed by § 21, ch. 116, SLA 1978. For present provisions concerning unlawful evasion, see AS 11.56.340 and 11.56.350.

Article 3. General Provisions.

Section

- 225. Gratuity for institutional work
- 250. Work furlough
- 260. Rehabilitation furloughs
- 270. Employment of imprisoned persons
- 280. Credit for labor while imprisoned
- 290. Forfeiture of property upon conviction and lien for fine and costs

Section

- 300. Crime against convict in penitentiary
- 310. Effect of judgment of imprisonment in penitentiary
- 320. Effect of sentence to life imprisonment

Sec. 33.30.225. Gratuity for institutional work. A prisoner not on furlough may not be required to perform work other than personal housekeeping while detained or confined in a prison facility. A prisoner who voluntarily participates in institutional work programs is eligible for a gratuity payment. The amount of the gratuity may not exceed \$3 a day and must be the same among all state prison facilities for the performance of similar work. (§ 1 ch 124 SLA 1978)

Editor's notes. — Section 3, ch. 124, SLA 1976, provides: "No position in the classified service existing on the effective

date of this Act may be abolished in favor of employing a prisoner to carry out the responsibilities of the position."

Sec. 33.30.250. Work furlough. (a) When a person is convicted of a crime and is sentenced to a prison facility, or is imprisoned in the

S

B

6

35

COMMITTEE REPORT

SENATE

FURTHER:

Date: _____

Mr. President:

The Committee on _____ has had _____

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

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

MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS:

CHAIRMAN



Official Business

Alaska State Legislature

Senate

Committee on Judiciary

Pouch V
State Capitol
Juneau, Alaska 99811

MINUTES OF THE SENATE JUDICIARY COMMITTEE

OF

March 10, 1982

Butrovich Committee Room, State Capitol Juneau, Alaska

Legislation Before Committee:

SB 535 - "An Act relating to criminal laws of the state."

SB 635 - "An Act relating to liability of public officers and employees for an injury resulting from a determination relating to probation or parole."

SB 714 - "An Act relating to sexual assault."

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, Ray, Parr, and Anderson. Senator Bennett was absent.

001 - Call to order.

005 - Chairman Rodey brings SB 635 before the committee.

011 - Senator Ray gives overview of the bill.

079 - Kermit Humphries, Division of Corrections, testified, stating that the Department of Health and Social Services was neither for or against SB 635.

123 - Senator Ray moves to pass SB 635 from committee with a do pass recommendation. There was no objection and the bill was passed.

149 - Chairman Rodey next brought SB 714 before the committee.

158 - Barry Stern, Department of Law, gives an overview of the bill.

483 - Senator Anderson moves to adopt a zero fiscal note instead of the Department of Health and Social Services' fiscal note.

494 - Senator Parr objects.

497 - Mr. Humphries, Division of Corrections, testifies stating that the fiscal note would allow for funding required to supply additional space for the anticipated additional inmates.

643 - Chairman asked for a vote on the adoption of the zero fiscal note. Senator Parr voted no, Senators Ray, Rodey, and Anderson voted yes. The zero fiscal note was recommended by the Committee.

652 - Senator Ray moves to pass SB 714 from committee with individual recommendations. There was no objection and the bill was passed. Senator Rodey signed do pass, Senators Parr, Anderson, and Ray signed no recommendation.

660 - The last item on the agenda was SB 535.

667 - Mr. Bruce explains the latest committee substitute to the bill and asks for Committee direction on sections 7 and 8 of the committee substitute.

695 - Barry Stern, Department of Law suggests removing section 7 in order to reflect a zero fiscal note.

820 - Senator Anderson asked that the committee hold the bill over until Monday, March 15, so that he could review it further. There was no objection.

SIDE TWO

035 - Senator Rodey moves that Sec. 7 and Sec. 8 be deleted from the committee substitute.

040 - Senator Ray objects, then withdraws his objection. The amendment was adopted.

101 - Gordon Evans, Multivisions, testifies asking to include Sec. 5 of the original bill in the committee substitute to enable criminal charges to be exercised against sellers of pirate antennas for access to illegal visions.

120 - Chairman Rodey holds the bill over to allow time for staff to develop language for Gordon Evan's amendment, and to insure that persons owning satellite reception dishes would not be harmed.

406 - Chairman Rodey adjourned at 2:40 P.M.

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. CS for Senate Bill 635 (HESS)
 Title "Liability of Public Offices & Employees...Relating to Probation & Parole"
 Requested by RAY Date March 1, 1982

II. FISCAL DETAIL

Agency Affected Department of Health & Social Services
 Program Category Affected Offender Confinement, Reformation & Supervision
 BRU, Program, Or Subprogram(s) Affected Parole 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						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

NO FISCAL IMPACT

FUNDING (Thousands of Dollars)

NO FISCAL IMPACT

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

POSITIONS

NO POSITIONS

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

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

NO FISCAL IMPACT

IV. DATE March 9, 1982 PREPARED BY Samuel H. Trivette *ST*
 AGENCY H & S S Parole Board
 Original: Legislative Finance PHONE 465-3384
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)
 33-001 (Rev. 12/81)

STATE OF ALASKA

JAY S. HANROND, GOVERNOR

DEPARTMENT OF LAW

OFFICE OF THE ATTORNEY GENERAL

POUCH K - STATE CAPITOL
JUNEAU, ALASKA 99811
PHONE: (907) 465-3600

January 28, 1982

Hon. Charles Parr, Chair
Senate HESS Committee
Alaska State Legislature
Pouch V
Juneau, AK 99811

Re: SB 635; Immunity of public
employees from liability for
parole/probation decisions

Dear Senator Parr:

At your request, we have reviewed SB 635, regarding immunity of public employees from liability for decisions regarding probation or parole. We understand that the bill is intended to protect persons who have responsibility for making parole and probation decisions from civil liability for injuries which may be inflicted by persons on parole or probation. We believe that the bill as drafted would probably be interpreted to achieve this result.

However, since the term "public employee" is not defined either in the bill or in the chapters of Title 33 which the bill amends, there is room for doubt whether the bill would protect members of the parole board or the commissioner of health and social services, who are not generally considered to be employees. Members of the parole board are considered as employees for the purposes of worker's compensation, AS 23.30.-242, but not for other purposes, including compensation or leave accrual. AS 39.20, 39.20.150. Commissioners are considered to be officers rather than employees of the state under AS 39.

This potential ambiguity may be removed by amending section 2 of the bill to include "A public officer or employee or member of the parole board . . ." Since section 1 of the bill amends AS 33.05, the Probation Administration Act, it need not refer to the parole board. It should, however, include "public officer" as well as "public employee."

As an alternative to perpetuating the distinctions between officers, employees, and members of boards and commis-

CORRECTION

CORRECTION

STATE OF ALASKA

JAY S. HAMMOND, GOVERNOR

DEPARTMENT OF LAW

OFFICE OF THE ATTORNEY GENERAL

POUCH K - STATE CAPITOL
JUNEAU, ALASKA 99811
PHONE: (907) 465-3600

January 28, 1982

Hon. Charles Parr, Chair
Senate HESS Committee
Alaska State Legislature
Pouch V
Juneau, AK 99811

Re: SB 635; Immunity of public
employees from liability for
parole/probation decisions

Dear Senator Parr:

At your request, we have reviewed SB 635, regarding immunity of public employees from liability for decisions regarding probation or parole. We understand that the bill is intended to protect persons who have responsibility for making parole and probation decisions from civil liability for injuries which may be inflicted by persons on parole or probation. We believe that the bill as drafted would probably be interpreted to achieve this result.

However, since the term "public employee" is not defined either in the bill or in the chapters of Title 33 which the bill amends, there is room for doubt whether the bill would protect members of the parole board or the commissioner of health and social services, who are not generally considered to be employees. Members of the parole board are considered as employees for the purposes of worker's compensation, AS 23.30.-242, but not for other purposes, including compensation or leave accrual. AS 39.20, 39.20.150. Commissioners are considered to be officers rather than employees of the state under AS 39.

This potential ambiguity may be removed by amending section 2 of the bill to include "A public officer or employee or member of the parole board . . ." Since section 1 of the bill amends AS 33.05, the Probation Administration Act, it need not refer to the parole board. It should, however, include "public officer" as well as "public employee."

As an alternative to perpetuating the distinctions between officers, employees, and members of boards and commis-

Hon. Charles Parr
Chair, Senate HESS Committee

January 29, 1982
Page #2

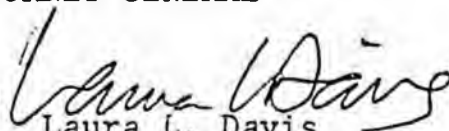
sions, you could amend the bill to provide as follows:

No person who has authority to make probation/
parole determinations may be held civilly lia-
ble for injuries resulting from an act or omis-
sion within the scope of that authority.

We hope that these comments are helpful.

Sincerely yours,

WILSON L. CONDON
ATTORNEY GENERAL

By: 
Laura L. Davis
Assistant Attorney General

LLD/pjg

cc: Hon. Bill Ray
Alaska State Senate

S

B

6

5

4



Official Business

Alaska State Legislature

Senate

Committee on Judiciary

Pouch V
State Capitol
Juneau, Alaska 99811

MINUTES OF THE SENATE JUDICIARY COMMITTEE

OF

MARCH 26, 1982

Butrovich Committee Room, State Capitol Juneau, Alaska

Legislation Before Committee:

- SB 535 - "An Act relating to the criminal laws of the state."
- SB 774 - "An Act reducing the fee for a club license to sell alcoholic beverages."
- SB 855 - "An Act repealing the requirement that an applicant for a beverage dispensary license file a bond."
- SB 654 - "An Act relating to alcoholic beverage licenses; and providing for an effective date."

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, Parr, Anderson. Senator Bennett was absent.

005 - Call to order.

008 - Chairman Rodey brought SB 535 before the Committee and the amendments which were offered by Senator Fischer: On Page 3, Line 15: Delete "a new paragraph" and insert "new paragraphs"; Page 3, Line 18: Change the period to a semi-colon; Page 3, following Line 18: Insert the following: (20) the defendant knowingly directed the conduct constituting the offense at a victim because of that person's race, sex, color, creed, ancestry, or national origin.

039 - Senator Fischer testified in favor of CSSB 535 stating that it would add aggravating factors the judge could consider in sentencing.

111 - Barry Stern, Department of Law, testified stating that the Department is generally supportive of this legislation.

380 - Chairman Rodey set SB 535 aside.

400 - Chairman Rodey next brought SB 774 before the Committee.

433 - Don House, representing himself, testified, stating that it would be ridiculous to drop the fees.

471 - Chairman Rodey laid SB 774 on the table.

474 - The next item brought before the Committee was SB 855.

496 - Merle Jensen, Budget & Audit, testified in favor of SB 855.

546 - Pat Sharrock, representing the ABC Board, testified, stating that he had no opposition to the bill.

585 - SB 855 was laid on the table.

591 - Mr. Bruce distributed a bill relating to interest in eminent domain cases for the Committee member's approval of introduction. There was no objection.

603 - SB 654 was the last item before the Committee.

610 - Mr. Sharrock, Bill Gordon, and Mr. House, of the ABC Board, testified in favor of SB 654.

SIDE TWO

068 - After discussion, SB 654 was laid on the table.

074 - Adjournment at 2:25 P.M.

JAY S. HAMMOND
GOVERNOR



STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

January 11, 1982

The Honorable Jalmar Kerttula
President of the Senate
Alaska State Legislature
Pouch V
Juneau, Alaska 99811

Dear Mr. President:

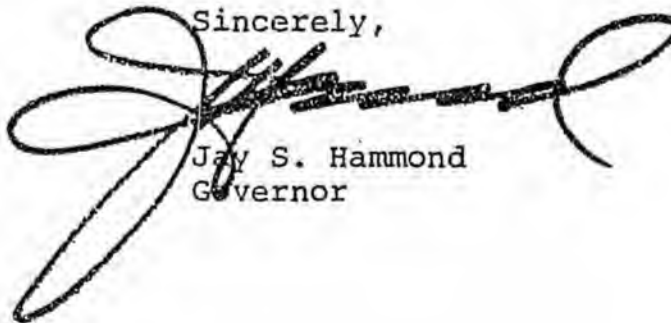
Under the authority of art. III, sec. 18 of the Alaska Constitution, I am transmitting a bill relating to the issuance of alcoholic beverage licenses. Its basic purpose is to delete the provision authorizing the Alcoholic Beverage Control Board to issue a license in excess of the population limitation "if the board finds that issuance of the license is necessary for the public convenience."

This provision places an unnecessary burden on local governing bodies and the ABC Board. Because of its vagueness and lack of direction, it subjects members of local councils and assemblies and ABC Board members to potential improprieties. Compounding this, it contradicts the clearly stated policy in the statutes of one license of each type for each 1,500 persons. It is not in the public interest for this provision to stand. Municipalities and the board have been under criticism too long because of the existence of licenses issued in excess of population limitations. These excesses presently exist from similar exceptions and discretionary statutes in years past.

The repealer in sec. 5 is the heart of this bill. Sections 1 -- 4 make corresponding, clean-up amendments. Section 1 deals with the bases for denial of renewal of a license. Section 2 deals with the bases for denial of a transfer of a license to another location, and sec. 3 with the denial of a transfer to another person. Section 4 deals with the basic population limitation.

The repealed provision was included in the numerous 1980 amendments to the alcoholic beverage control statutes. Only one license has been issued under it. Section 6 of this bill makes clear that that license is valid until its regularly established expiration date and that it may be renewed but not transferred. Section 6 also makes clear that no more licenses may be issued under the statute being repealed in this bill.

Sincerely,

A handwritten signature in black ink, appearing to read "Jay S. Hammond". The signature is stylized with large loops and a long horizontal stroke extending to the right.

Jay S. Hammond
Governor

FISCAL NOTE

I. REQUEST

Bill/Resolution No. _____ For introduction
 Title Relating to alcoholic beverages
 Requested by _____ Date _____

II. FISCAL DETAIL

Agency Affected Revenue
 Program Category Affected Consumer Protection
 BRU, Program, Or Subprogram(s) Affected Alcoholic Beverage Control 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						
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						
PART TIME						
TEMPORARY						

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

Enactment of this legislation will not have any fiscal impact on the Alcoholic Beverage Control Board.

IV. DATE December 31, 1981

PREPARED BY Patrick L. Sharrock
 AGENCY Alcoholic Beverage Control Board
 PHONE 277-8638

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

S

B

6

8

6

COMMITTEE REPORT
SENATE

FURTHER:

Date: _____

Mr. President:

The Committee on _____ has had _____

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

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

MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS:

CHAIRMAN



Official Business

Alaska State Legislature

Senate

Committee on Judiciary

Pouch V
State Capitol
Juneau, Alaska 99811

MINUTES OF THE SENATE JUDICIARY COMMITTEE

OF

APRIL 7, 1982

Butrovich Committee Room, State Capitol Juneau, Alaska

Legislation Before Committee:

SB 686 - "An Act relating to the return of property received or seized by law enforcement agencies or acquired as evidence in a criminal proceeding."

SB 863 - "An Act providing for the award of costs and attorney fees incurred by defendants acquitted of offenses and by individuals who prevail in certain state administrative proceedings; changing Rules 79 and 82, Rules of Civil Procedure; and providing for an effective date."

HB 194 - "An Act relating to prisoner employment and correctional industries; and providing for an effective date."

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, Ray, Parr, and Anderson. Senator Bennett was absent.

002 - Call to order.

005 - Chairman Rodey brought SB 686 before the committee.

179 - Senator Ray moved that on Page 2, Line 22, delete [six months] and insert 60 days. There was no objection.

202 - Senator Parr moved to pass SB 686 with individual recommendations. There was no objection.

228 - Chairman Rodey brought SB 863 before the committee.

245 - Ron Lorenson, Department of Law, testified that the committee substitute was superior to the original bill and that the fiscal impact would be considerably smaller.

771 - Gary Jenkins, National Federation of Independent Business' testified in favor of this bill, but asked the committee to adopt language which would allow individuals that file against the state in tax cases be covered for attorney fees.

820 - Chairman Rodey directed Mr. Bruce to work with Mr. Asper to prepare language to include all state agencies within the bill, including the University of Alaska. Staff was directed to delete [offense or] on Line 24, Page 1, and to draft language to meet Mr. Jenkins concerns.

845 - SB 863 returned to file.

SIDE TWO

234 - Chairman Rodey brought HB 194 before the committee.

295 - Mr. Stark, Department of Law, testified in favor of HB 194.

635 - Mr. Charles Campbell and Mr. Roman, Department of HESS, Division of Corrections, testified in favor of this bill.

684 - HB 194 returned to file.

756 - Adjourned 3:05 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

APRIL 5, 1982

Butrovich Committee Room, State Capitol Juneau, Alaska

Legislation Before Committee:

- SB 327 - "An Act relating to parole of offenders; continuing the existence of the Board of Parole; and providing for an effective date."
- HB 377 - "An Act relating to factors in aggravation for purposes of imposing presumptive terms of imprisonment for felonies."
- SB 686 - "An Act relating to the return of property recovered or seized by law enforcement agencies or acquired as evidence in a criminal proceeding."
- SB 864 - "An Act continuing the existence of the Alaska Code Revision Commission and amending the statutes relating to its responsibilities."

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

002 - Call to order.

005 - Chairman Rodey brought SB 327 before the committee.

027 - Senator Anderson moved to delete [\$100] and insert \$150 on Page 3, Line 1. Senator Ray objected.

076 - Senator Anderson's amendment was adopted with Senator's Rodey, Parr, and Anderson a yes vote. Senator Ray voted no.

124 - Senator Parr moved to pass SB 327 with individual recommendations. There was no objection.

184 - Chairman Rodey brought SB 864 before the committee.

220 - Mr. Bruce goes over language.

417 - Senator Parr moved that beginning on Page 2, Line 24 the following language be added: Each draft of legislation submitted by the commission shall be accompanied by a sectional analysis; the commission shall prepare the sectional analysis using language that is understandable to a layman. There was no objection.

531 - Senator Ray moved to strike Sec. 4 of the committee substitute beginning on Page 2, Line 21: [(2) establish one or more subcommissions to assist it in the performance of its duties; the commission may appoint any person to serve on a subcommission established under this paragraph.] There was no objection.

547 - Senator Ray moves to pass SB 864 with individual recommendations. There was no objection.

558 - Chairman Rodey brought HB 377 before the committee.

560 - Mr. Bruce explains the committee substitute.

640 - Senator Anderson moved to adopt the committee substitute for HB 377. Senator Ray objected on the basis that the committee substitute is not germane to the original bill.

659 - Senator Anderson moved to pass HB 377 pending the chair's decision on germaneness.

675 - Chairman Rodey brought SB 686 before the committee.

677 - Pat Conheady, Department of Law, testified, giving the changes in the bill.

107 - Don Magneson, representing the Alaska Retailers Association, testified in favor of photographing evidence.

180 - SB 686 returned to file.

183 - Adjourned at 3:15 P.M.

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. Senate Bill No. 686
Title "An Act relating to...property...seized...as evidence...."
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		86.5	94.3	102.8	112.1	122.1
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES		217.3	236.9	258.2	281.5	306.8
500 EQUIPMENT		35.0				
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL		338.8	331.2	361.0	393.6	428.9

FUNDING (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
GENERAL FUND		338.8	331.2	361.0	393.6	428.9
FEDERAL FUNDS						
OTHER (Specify Source)						
Total		338.8	331.2	361.0	393.6	428.9

POSITIONS

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
FULL TIME		3	3	3	3	3
PART TIME						
TEMPORARY						
Total		3	3	3	3	3

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

The Division's review of the potential impact of this Bill indicates that three Clerk' IV's will be required to man evidence rooms in Anchorage, Fairbanks and Juneau for more hours than are presently required. Additionally, a sufficient number of cameras (100) will be needed to equip troopers not already equipped with 35mm rigs. Film is estimated at \$20.70 per roll for purchase and processing and it is estimated that each of 300 officers will use 35 rolls per year.

IV. DATE February 17, 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)

Sec. 12.30.070. Contempt. Nothing in this chapter shall prevent a court from exercising its power to punish for contempt. (§ 1 ch 20 SLA 1966)

Stated in *White v. State*, Sup. Ct. Op. No. 946 (File No. 1907), 514 P.2d 814 (1973).

Sec. 12.30.080. Definitions. In AS 12.30.010 — 12.30.070

(1) "judicial officer" means a person authorized to release a person pending trial, sentencing, or pending appeal;

(2) "offense" means any criminal offense. (§ 1 ch 20 SLA 1966)

Chapter 35. Search and Seizure.

Section

- 10. Issuance of search warrant
- 20. Grounds for issuance
- 25. Seizure of property
- 30. (Repealed)
- 40. Authority of officer executing warrant
- 50. Disposition of property taken
- 60. Malicious procurement of search warrant

Section

- 70. Search of defendant in presence of judge or magistrate
- 80. Judge, magistrate or officer to hold property allegedly stolen or embezzled
- 90. Delivery of property to owner
- 100. Property not delivered to owner
- 110. Disposal of unclaimed property
- 120. Definition of search warrant

Sec. 12.35.010. Issuance of search warrant. A judicial officer may issue a search warrant upon a showing of probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the thing to be seized. (§ 4.01 ch 34 SLA 1962; am § 13 ch 69 SLA 1970)

Cross references. — See Cr. R. 37(a) For constitutional provisions as to searches and seizures, see Alaska Const., art. I, § 14.

Legislative history report. — For report on ch 69, SLA 1970 (HB 564), see 1970 House Journal Supplement No. 2, p. 7 (February 10, 1970).

For discussion of when an affidavit contains sufficient facts to establish probable cause for the issuance of a search warrant, see *Keller v. State*, Sup. Ct. Op. No. 1221 (File No. 2330), 543 P.2d 1211 (1975).

Am. Jur. 2d and ALR references. — 68 Am. Jur. 2d, Searches and Seizures, § 16.

Supporting affidavit, disputing matters stated in, 5 ALR2d 394.

Propriety and legality of issuing only one search warrant to search more than one place or premises occupied by same person, 31 ALR2d 44.

Sufficiency of description of automobile or other conveyance to be searched, 47 ALR2d 1444.

Sufficiency of description of person to be searched, 49 ALR2d 1209.

Interest in, or connection with, premises searched as affecting standing to attack legality of search, 78 ALR2d 246.

Propriety or lawfulness of seizure, not incident to arrest, of papers, documents, letters, books, and records not described in warrant, 79 ALR2d 1005.

Lawfulness of nonconsensual search and seizure without warrant, prior to arrest, 89 ALR2d 715.

Sufficiency of showing as to time of occurrence of facts relied upon, 100 ALR2d 525.

Propriety of considering hearsay or other incompetent evidence in establishing probable cause for issuance of search warrant, 10 ALR3d 359.

Sufficiency of description, in search warrant, of apartment or room to be searched in multiple-occupancy structure, 11 ALR3d 1330.

Modern status of rule as to validity of nonconsensual search and seizure made

without warrant after lawful arrest as affected by lapse of time between, or difference in places of, arrest and search, 19 ALR3d 727.

Propriety of execution of search warrant at night time, 26 ALR3d 951.

Sec. 12.35.020. Grounds for issuance. A search warrant may be issued if the judicial officer reasonably believes any of the following:

- (1) that the property was stolen or embezzled;
- (2) that the property was used as a means of committing a crime;
- (3) that the property is in the possession of a person who intends to use it as the means of committing a crime, or in possession of another to whom he may have delivered it for the purpose of concealing it or preventing its being discovered;
- (4) that the property constitutes evidence of a particular crime or tends to show that a certain person has committed a particular crime;
- (5) that either reasonable legislative or administrative standards for conducting a routine or area inspection with regard to air pollution are satisfied with respect to the particular place, dwelling, structure, premises, or vehicle, or there is reason to believe that a condition of nonconformity exists with respect to the particular place, dwelling, structure, premises, or vehicle. (§ 4.02 ch 34 SLA 1962; am §§ 1, 2 ch 198 SLA 1968; am § 4 ch 86 SLA 1969; am § 14 ch 69 SLA 1970)

Cross reference. — See Cr. R. 37(a).
Legislative history report. — For report on ch. 69, SLA 1970 (HB 564), see 1970 House Journal Supplement No. 2, p

7 (February 10, 1970).
C.J.S. reference. — 79 C.J.S. Searches and Seizures §§ 63-84, 91-97, 112-117.

Sec. 12.35.025. Seizure of property. Property described in AS 12.35.020 may be taken on a warrant from:

- (1) a house or other place in which it is concealed or may be found;
- (2) the possession of the person by whom it was stolen, embezzled, or used in the commission of a crime;
- (3) a person who is in possession of the property;
- (4) the possession of a person to whom the property has been delivered for the purpose of concealing it or preventing its being discovered, or from a house or other place occupied by him or under his control. (§ 15 ch 69 SLA 1970)

Legislative history report. — For report on ch. 69, SLA 1970 (HB 564), see 1970 House Journal Supplement No. 2, p 7 (February 10, 1970).
ALR references. — Authority to

consent for another to search or seizure, 31 ALR2d 1078.
 Validity of consent to search given by one in custody of officers, 9 ALR3d 858.

Sec. 12.35.030. Showing of probable cause.

Repealed by § 16 ch 69 SLA 1970.

Editor's note. — The repealed section derived from § 4.03, ch. 34, SLA 1962. Legislative history report. — For report on ch. 69, SLA 1970 (HB 564), see 1970 House Journal Supplement No. 2, p. 7 (February 10, 1970).

Sec. 12.35.040. Authority of officer executing warrant. In the execution or service of a search warrant, the officer has the same power and authority in all respects to break open any door or window, to use the necessary and proper means to overcome forcible resistance made to him, or to call any other person to his aid as he has in the execution or service of a warrant of arrest. (§ 4.04 ch 34 SLA 1962)

Cross reference. — For discussion of knock and announce requirement, see note to AS 12.25.100.

AS 12.25.100, in conjunction with this section, establishes the procedure for forcing entry in executing both a search warrant and an arrest warrant. Davis v. State, Sup. Ct. Op. No. 1070 (File No. 1973), 575 P.2d 541 (1974).

AS 12.25.100 and this section operate jointly to establish the procedure required for the lawful execution of a search warrant. Lockwood v. State, Sup. Ct. Op. No. 1809 (File No. 3356), 591 P.2d 969 (1979).

~~Sec. 12.35.050. Disposition of property taken. When the property is delivered to the judge or magistrate, he shall, if it was stolen or embezzled, dispose of it as provided in AS 12.35.090 and AS 12.35.100. If it was taken on a warrant issued on the grounds stated in AS 12.35.020(2) and (3), he shall retain it in his possession, subject to the order of the court to which he is required to return the proceedings before him, or any other court in which the crime in respect to which the property was taken is triable. (§ 4.05 ch 34 SLA 1962)~~

~~Sec. 12.35.060. Malicious procurement of search warrant. A person who maliciously and without probable cause causes a search warrant to be issued and executed is guilty of a misdemeanor. (§ 4.06 ch 34 SLA 1962)~~

15 WHERE THIS REPEALS

OK

Sec. 12.35.070. Search of defendant in presence of judge or magistrate. When a person charged with a crime is believed by the judge or magistrate before whom he is brought to have on his person a dangerous weapon, or anything which may be used as evidence of the commission of the crime, the judge or magistrate may direct the accused to be searched in his presence, and the weapon or other thing be retained subject to his order or the order of the court in which the defendant may be tried. (§ 4.07 ch 34 SLA 1962)

Sec. 12.35.080. Judge, magistrate or officer to hold property allegedly stolen or embezzled. When property alleged to have been stolen or embezzled comes into the custody of a judge, magistrate or peace officer, he shall hold it subject to the order of the judge or

magistrate who examines the charge against the person accused of stealing or embezzling the property. (§ 4.08 ch 34 SLA 1962; am § 11 ch 8 SLA 1971)

Cross reference. — See Cr. R. 37(b). report on ch. 8, SLA 1971 (HB 15), see 1971 Legislative history report. — For House Journal, p. 52.

~~Sec. 12.35.090. Delivery of property to owner. On satisfactory proof of ownership of the property, the judge or magistrate who examines the charge against the person accused of stealing or embezzling it shall order it to be delivered to the owner or his duly authorized agent, on his paying the reasonable and necessary expenses incurred in its preservation, to be certified by the judge or magistrate. The order entitles the owner to demand and receive the possession of the property but does not affect the rights of third persons. (§ 4.09 ch 34 SLA 1962; am § 12 ch 8 SLA 1971)~~

~~Legislative history report. — For report on ch. 8, SLA 1971 (HB 15), see 1971 House Journal, p. 52.~~

~~Sec. 12.35.100. Property not delivered to owner. If the property stolen or embezzled has not been delivered to the owner, the court before which the trial is had for the theft or embezzlement of the property may order its delivery to the owner or his agent under the conditions of AS 12.35.090. (§ 4.10 ch 34 SLA 1962)~~

~~Sec. 12.35.110. Disposal of unclaimed property. If property stolen or embezzled is not claimed by the owner within 60 days after the conviction of the person for stealing or embezzling it, the judge, magistrate or other officer having it in custody shall, if it is money, deposit it in court, or if it is other property, sell it in the same manner as a sale upon an execution. After paying the expenses of the sale and preservation of the property as certified by the court, the proceeds shall be disposed of in the same manner as money collected upon judgments in favor of the state. (§ 4.11 ch 34 SLA 1962; am § 13 ch 8 SLA 1971)~~

~~Cross reference. — See Cr. R. 37(b). report on ch. 8, SLA 1971 (HB 15), see 1971 Legislative history report. — For House Journal, p. 52.~~

Sec. 12.35.120. Definition of search warrant. A search warrant is an order in writing, signed by a judge or magistrate, directed to a peace officer, commanding him to search for personal property and bring it before the judge or magistrate. (§ 4.01 ch 34 SLA 1962; am § 14 ch 8 SLA 1971)

ARTICLE IX. DOCUMENTARY EVIDENCE**Rule 901. Requirement of Authentication or Identification.**

The requirement of authentication or identification as a condition precedent to admissibility is satisfied by evidence sufficient to support a finding that the matter in question is what its proponent claims, except as provided in paragraphs (a) and (b) below:

(a) Whenever the prosecution in a criminal trial offers (1) real evidence which is of such a nature as not to be readily identifiable, or as to be susceptible to adulteration, contamination, modification, tampering, or other changes in form attributable to accident, carelessness, error or fraud, or (2) testimony describing real evidence of the type set forth in (1) if the information on which the description is based was acquired while the evidence was in the custody or control of the prosecution, the prosecution must first demonstrate as a matter of reasonable certainty that the evidence is at the time of trial or was at the time it was observed properly identified and free of the possible taints identified by this paragraph.

(b) In any case in which real evidence of the kind described in paragraph (a) of this rule is offered, the court may require additional proof before deciding whether to admit or exclude evidence under Rule 403. (Added by Supreme Court Order 364 effective August 1, 1979)

S

B

6

8

7



Official Business

Alaska State Legislature

Senate

Committee on Judiciary

Pouch V
State Capitol
Juneau, Alaska 99811

MINUTES OF THE SENATE JUDICIARY COMMITTEE

OF

FEBRUARY 3, 1982

Butrovich Committee Room, State Capitol Juneau, Alaska

Legislation Before Committee:

SB 688 - "An Act making special appropriation to the Department of Public Safety for a computerized fingerprint system; and providing for an effective date."

SB 687 - "An Act relating to the issuance of search warrants; and changing Rule 37, Rules of Criminal Procedure."

SB 299 - "An Act relating to elections."

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, Ray, Parr, and Bennett. Senator Hohman was absent.

The first item on the agenda was SB 687. Barry Stern, representing the Department of Law was called before the committee to testify. Mr. Stern expressed the Department's support for this SB 687 and suggested an amendment to this bill which would require persons who request warrants to first contact the District Attorney to avoid any warrants be inappropriately issued.

Mr. Bruce responded to Mr. Stern's suggested amendment, stating that he had spoken to several District Attorney's and they had expressed concern that by having to contact the District Attorney, it would delay the issuance of the warrant.

The committee declined to adopt Mr. Stern's amendment.

Chairman Rodey next called Mr. Korhonen, representing the State Troopers, before the committee. Mr. Korhonen testified, expressing the State Troopers support for SB 687.

Senator Ray moved that SB 687 be moved from committee with individual recommendations. There was no objection, and the bill was passed. Senator Rodey, Ray, Parr, and Bennett all signed do pass.

Senator Bennett was excused from the committee due to Finance Committee responsibilities.

The next item on the agenda was SB 688.

Chairman Rodey recalled Mr. Korhonen before the committee. Mr. Korhonen expressed the State Troopers support for SB 688 and gave a detailed explanation of the system's capabilities.

After brief discussion of the bill, Senator Ray moved that SB 688 be passed from committee with individual recommendations. There was no objection and the bill was passed. Senators Rodey, Ray, and Parr all signed do pass.

The last item before the committee was SB 299. Chairman Rodey called Patty Ann Polley, Division of Elections, to testify. She spoke in favor of three specific sections of the bill; Sec. 6, Sec. 9, and Sec. 20, and asked that the committee consider moving these three sections through the committee as expeditiously as possible to allow for them to be in effect for the 1982 election.

Senator Ray moved that the committee delete all sections from SB 299 except Sec. 6, Sec. 9, and Sec. 20. There was no objection and the amendment was adopted.

Senator Ray moved that the committee move SB 299 from committee. There was no objection and the bill was passed. Senators Rodey and Parr signed do pass. Senator Ray signed no recommendation.

Chairman Rodey adjourned the meeting at 2:30 P.M.