

ALASKA LEGISLATURE COMMITTEE FILES 1983-1984 86/2

2513 SJ SB 228 - SB 243

2513

Village Name	638 GRANTS	ANCSA VILLAGE	DETERMINED ELIGIBLE BY BIA	IRA COUNCIL	TRADITIONAL COUNCIL	BIA MARCH 72 LIST	NONE RULE	1ST CLASS CITY	2ND CLASS CITY
Lime Village		X	X		X	X			
Litnik			X						
Louden	X								
Lower Kalskag		X	X		X	X			X
McGrath	X	X	X		X	X			X
Makok		X							
Manley Hot Springs	X	X	X		X	X			
Manokotak	X	X	X		X	X			X
Marshall (Fortuna ledge)	X	X	X		X	X			X
Mary's Igloo		X	X						
Matanuska									X
Medfra		X							X
Hekoryuk	X	X	X	X		X			X
Hettlakatla	X			X		X			
Hentasta (Lake)	X	X	X		X				
Minchumina Lake		X							X
Minto	X	X	X	X		X			
Mt. Village	X	X	X		X	X			X
Nak-sua		X							
Naknek	X	X	X		X	X			

Village Name	638 GRANTS	ANCSA VILLAGE	DETERMINED ELIGIBLE BY BIA	IRA COUNCIL	TRADITIONAL COUNCIL	BIA MARCH 72 LIST	HOME RULE	1ST CLASS CITY	2ND CLASS CITY
Napaimitc		X	X			X			
Napakiak	X	X	X	X		X			X
Napankiak	X	X	X		X	X			X
Nelson Lagoon		X	X		X	X			
Nenana	X	X	X		X	X		X	
Newhalen		X	X		X	X			X
New Stuyahok		X	X		X	X			X
Newtok	X	X	X		X	X			X
Nightmute	X	X	X		X	X			X
Nikolski		X	X	X		X			
Ninilchik	X	X	X		X	X			
Noatak		X	X	X		X			
Nikolai	X	X	X		X	X			X
Nome (Eskimo Comm.)	X	X	X	X		X		X	
Nonalton	X	X	X		X	X			X
Noorvik	X	X	X	X		X			X
Northeast Cape		X				X			
Northway	X	X	X		X	X			
Nuiqsut (Nooiksut)	X	X	X		X				X
Nulato	X	X	X		X	X			X

Village Name	638 GRANTS	ANCSA VILLAGE	DETERMINED ELIGIBLE BY BIA	IRA COUNCIL	TRADITIONAL COUNCIL	BIA MARCH 72 LIST	HOME RULE	1ST CLASS CITY	2ND CLASS CITY
Rumapitchuk		X	X	X		X			
Ohogamuit		X	X		X				
Old Harbor	X	X	X		X	X			X
Oscarville		X	X		X	X			
Ouzinkie	X	X	X		X	X			X
Paimute			X						
Palmer						X			
Paradise		X							
Pauloff Harbor (Sanak)		X	X			X			
Pedro Bay	X	X	X		X	X			
Pelican	X				X	X		X	
Perryville	X	X	X	X		X			
Petersburg	X			X		X	X		
Pilot Point	X	X	X		X	X			
Pilot Station	X	X	X		X	X			X
Pitka's Point		X	X		X	X			
Platinum	X	X	X		X	X			X
Point Hope		X	X	X		X			X
Point Lay	X	X	X	X		X			
Portage Creek		X	X		X	X			

Village Name	638 GRANTS	ANCSA VILLAGE	DETERMINED ELIGIBLE BY BIA	IRA COUNCIL	TRADITIONAL COUNCIL	BIA MARCH 72 LIST	HOME RULE	1ST CLASS CITY	2ND CLASS CITY
Port Graham	X	X	X		X	X			
Port Heiden	X	X	X		X	X			X
Port Lions		X	X		X	X			X
Port William			X						
Quinhagak (Kwinhagak)		X	X	X		X			X
Rampart	X	X	X		X	X			
Red Devil		X	X		X	X			
Ruby	X	X	X		X	X			X
Russian Mission (Kuskokwim)		X				X			
Russian Mission (Yukon)		X	X		X	X			X
St. George	X	X	X	X		X			
St. Michael		X	X	X		X			X
St. Paul	X	X	X	X		X			X
Salamatof		X	X		X				
Sand Point	X	X	X		X	X		X	
Savonoski		X							
Savoonga	X	X	X	X		X			X
Saxman	X	X	X	X		X			X
Seamon Bay		X	X		X	X			X
Selawik	X	X	X	X		X			X

Village Name	638 GRANTS	ANCSA VILLAGE	DETERMINED ELIGIBLE BY BIA	IRA COUNCIL	TRADITIONAL COUNCIL	PIA MARCH 72 LIST	HOME RULE	1ST CLASS CITY	2ND CLASS CITY
Seldovia	X	X	X		X			X	
Shageluk	X	X	X	X		X			X
Shagtoolik (Shaktoolik)		X	X	X		X			X
Sheldons Point		X	X		X	X			X
Shishmaref	X	X	X	X		X			X
Shungnak	X	X	X	X		X			X
Sitka	X	X	X	X		X	X		
Skagway	X				X	X		X	
Slana		X							
Sleetmute		X	X		X	X			
Solomon			X						
South Naknek	X	X	X		X	X			
Squaw Harbor		X							
Stebbins	X	X	X	X		X			X
Sterling						X			
Stevens Village	X	X	X	X		X			
Stony River		X	X		X	X			
Takotna	X	X	X		X	X			
Tanacross	X	X	X	X		X			
Tanana	X	X	X	X		X			X

Village Name	638 GRANTS	ANCSA VILLAGE	DETERMINED ELIGIBLE BY BIA	IRA COUNCIL	TRADITIONAL COUNCIL	BIA MARCH 72 LIST	HOME RULE	1ST CLASS CITY	2ND CLASS CITY
Tatitlek	X	X	X	X		X			
Tazlina	X	X	X		X				
Teller		X	X		X	X			X
Telida	X	X	X		X				
Tenakee (Springs)					X	X			X
Tetlin	X	X	X	X		X			
Tigara	X								
Togiak	X	X	X		X	X			X
Tok	X				X	X			
Toksook Bay	X	X	X		X	X			X
Tuluksak	X	X	X	X		X			X
Tuotutuliak	X	X	X		X	X			
Tunurak	X	X	X	X		X			X
Twin Hills	X	X	X		X	X			
Tyonek	X	X	X	X		X			
Uganik			X						
Ugashik		X	X		X	X			
Unkumute (Unkumute)			X						
Unalaska		X	X		X	X		X	
Unalakleet	X	X	X	X		X			X

Village Name	638 GRANTS	ANCSA VILLAGE	DETERMINED ELIGIBLE BY BIA	IRA COUNCIL	TRADITIONAL COUNCIL	BIA MARCH 72 LIST	HOME RULE	1ST CLASS CITY	2ND CLASS CITY
Uyak		X	X						
Unga		X	X						
Valdez						X			
Venetic	X	X	X	X		X			
Wainwright	X	X	X		X	X			X
Wales		X	X	X		X			X
White Mountain	X	X	X	X		X			X
Woody Island			X						
Wrangell	X			X		X	X		
Yakutat	X	X	X		X	X		X	
TOTALS	160	219	222	71	142	217	8	19	100

FY 1982 STATE REVENUE SHARING ENTITLEMENTS
FOR MUNICIPALITIES

FEBRUARY 22, 1982

(REPLACES 2/19/82 COMPUTER RUN)

STATE OF ALASKA
DEPARTMENT OF COMMUNITY & REGIONAL AFFAIRS
DIVISION OF LOCAL GOVERNMENT ASSISTANCE
POUCH BH
JUNEAU, ALASKA 99811

(907) 465-4733 or 465-4736

FY 1982 MUNICIPAL REVENUE SHARING ENTITLEMENTS

TOTAL APPROPRIATION = \$55,707,600
 CHAPTER 88 APPROPRIATION = \$34,913,800
 CHAPTER 89 APPROPRIATION = \$14,047,800
 CHAPTER 90 APPROPRIATION = \$6,746,000

CHAPTER 88 PRORATION FACTOR = 6.43407506040690
 CHAPTER 89 PRORATION FACTOR = 0.92865022020026
 CHAPTER 90 PRORATION FACTOR = 0.83123348099043
 MINIMUM ENT. PRORATION FACTOR = 0.96709754619341
 HOLD HARMLESS PRORATION FACTOR = 0.99905232582675

KEY	MUNICIPALITY	POPULATION	MILL RATE EQV.	CHAPTER 88 ENTITLEMENT	CHAPTER 89 AND 90 ENTITLEMENT	MINIMUM ENTITLE. ADD ON	HOLD HARMLESS ENTITLEMENT	TOTAL FY 1982 ENTITLE.
BOROUGHES AND SERVICE AREA								
0010	ANCHORAGE A.W.	180,740	6.25	\$6,005,670	\$7,565,322	\$0	\$0	\$13,570,992
0020	CITY S.A.	53,410	0.48	\$161,606	\$0	\$0	\$157,448	\$319,054
0030	EAGLE RIVER	7,639	0.78	\$37,384	\$60,281	\$0	\$0	\$97,665
0040	CHUGIAK	5,105	0.76	\$24,416	\$0	\$0	\$11,921	\$36,337
0060	GIRDWOOD	539	1.13	\$3,818	\$24,446	\$0	\$0	\$28,264
0070	GLEN ALPS	245	2.13	\$3,245	\$24,562	\$0	\$0	\$27,807
0080	FIRE S.A.	148,761	1.28	\$1,189,204	\$0	\$0	\$86,312	\$1,275,516
0090	ROADS & DRAINAGE	130,845	1.18	\$962,464	\$0	\$0	\$0	\$962,464
0095	LIMITED ROAD S.A.	5,172	0.77	\$25,002	\$0	\$0	\$0	\$25,002
0100	POLICE S.A.	146,004	1.87	\$1,609,341	\$0	\$0	\$414,200	\$2,113,541
0110	PARKS & REC	148,710	0.57	\$531,363	\$0	\$0	\$342,741	\$874,104
0120	P & R/CHUGIAK	13,789	0.60	\$51,969	\$0	\$0	\$10,290	\$62,259
0130	SOLID WASTE S.A.	149,215	0.32	\$299,716	\$0	\$0	\$0	\$299,716
0140	CHUGIAK/SOLID WASTE	13,789	0.16	\$14,342	\$0	\$0	\$0	\$14,342
0150	BUILDING SAFETY	148,676	0.17	\$157,829	\$0	\$0	\$0	\$157,829
0160	CITY SA ROADS & DRAINAGE	53,410	0.08	\$26,958	\$0	\$0	\$1,226	\$28,184
0170	SERVICE AREA 35	77,435	0.58	\$282,266	\$0	\$0	\$0	\$282,266
175	UPPER O'MALLEY	1	0.00	\$0	\$33,863	\$0	\$0	\$33,863
180	PORT OF ANCH.	180,740	0.35	\$397,677	\$0	\$0	\$0	\$397,677
185	ROADS	1	0.00	\$0	\$134,897	\$0	\$0	\$134,897
190	AIRPORT S.A.	180,740	0.01	\$17,127	\$0	\$0	\$0	\$17,127
195	PUBLIC TRANSIT	180,740	0.09	\$108,844	\$0	\$0	\$0	\$108,844
200	PARKING S.A.	180,740	0.13	\$150,294	\$0	\$0	\$0	\$150,294
TOTAL				\$12,150,548	\$7,843,375			\$21,018,000

210	BRISTOL BAY BOROUGH	1,182	26.97	\$198,205	\$59,031	\$0	\$0	\$257,236
230	FAIRBANKS BOROUGH	51,659	2.21	\$2,613,784	\$251,551	\$0	\$0	\$2,865,335
240	ESTER F.P.	944	0.76	\$4,468	\$0	\$0	\$0	\$4,468
250	NORTH STAR F.P.	5,575	1.05	\$36,425	\$0	\$0	\$19,636	\$56,061
260	UNIVERSITY F.P.	6,156	1.49	\$57,199	\$0	\$0	\$0	\$57,199

FY 1982 MUNICIPAL REVENUE SHARING ENTITLEMENTS

PAGE 2
FEBRUARY 22, 1982

TOTAL APPROPRIATION = \$55,707,600
CHAPTER 88 APPROPRIATION = \$34,913,800
CHAPTER 89 APPROPRIATION = \$14,047,800
CHAPTER 90 APPROPRIATION = \$6,746,000

CHAPTER 88 PRORATION FACTOR = 6.43407506040690
CHAPTER 89 PRORATION FACTOR = 0.92865022020026
CHAPTER 90 PRORATION FACTOR = 0.83123348099043
MINIMUM ENT. PRORATION FACTOR = 0.96709754619341
HOLD HARMLESS PRORATION FACTOR = 0.99905232582675

KEY	MUNICIPALITY	POPULATION	MILL RATE EQV.	CHAPTER 88 ENTITLEMENT	CHAPTER 89 AND 90 ENTITLEMENT	MINIMUM ENTITL. ADD ON	HOLD HARMLESS ENTITLEMENT	TOTAL FY 1982 ENTITL.
BOROUGHES AND SERVICE AREAS								
	TOTAL			\$2,711,877	\$251,551			\$2,987,768
0270	HAINES BOROUGH	1,712	5.85	\$62,294	\$0	\$0	\$0	\$62,294
0280	FIRE DISTRICT	394	1.89	\$4,632	\$0	\$0	\$0	\$4,632
	TOTAL			\$66,926	\$0			\$66,926
0230	JUNEAU BOROUGH A.W.	21,080	14.81	\$1,932,690	\$424,736	\$0	\$0	\$2,357,427
300	S.A. 1	4,883	12.35	\$374,886	\$33,005	\$0	\$0	\$407,892
310	S.A. 2	1,378	6.60	\$56,586	\$11,782	\$0	\$0	\$68,368
320	S.A. 3	14,819	1.18	\$109,615	\$89,692	\$0	\$0	\$199,307
330	S.A. 4	1,848	0.56	\$6,482	\$0	\$0	\$5,450	\$11,933
340	S.A. 5	10,822	1.57	\$106,274	\$0	\$0	\$0	\$106,274
350	S.A. 6	855	1.01	\$5,406	\$0	\$0	\$338	\$5,745
360	S.A. 7	326	0.76	\$1,554	\$0	\$0	\$0	\$1,554
370	S.A. 8	695	0.23	\$1,219	\$0	\$0	\$3,077	\$4,297
	TOTAL			\$2,594,675	\$559,217			\$3,162,752
080	KENAI PENINSULA BOROUGH	26,520	4.01	\$649,435	\$6,965	\$0	\$0	\$656,401
085	CENTRAL PENINSULA HOSPITAL	15,921	2.60	\$257,865	\$249,662	\$0	\$0	\$507,528
090	NIKISKI F.P.	3,136	1.53	\$29,891	\$0	\$0	\$0	\$29,891
095	SOUTH PENINSULA HOSPITAL	6,027	1.33	\$50,135	\$249,662	\$0	\$0	\$299,798
100	NORTH KENAI REC.	2,344	0.58	\$8,571	\$0	\$0	\$11,071	\$20,543
110	BEAR CREEK F.P.	674	2.82	\$11,830	\$0	\$0	\$0	\$11,830
	TOTAL			\$1,007,729	\$506,291			\$1,525,992
020	PETCHIKAN BOROUGH	11,373	9.12	\$643,174	\$0	\$0	\$0	\$643,174
030	SEAWARDLINE S.A.	504	0.29	\$3,123	\$0	\$0	\$0	\$3,123

FY 1982 MUNICIPAL REVENUE SHARING ENTITLEMENTS

TOTAL APPROPRIATION = \$55,707,600
 CHAPTER 88 APPROPRIATION = \$34,913,800
 CHAPTER 89 APPROPRIATION = \$14,047,800
 CHAPTER 90 APPROPRIATION = \$6,746,000

CHAPTER 88 PRORATION FACTOR = 6.43407506040690
 CHAPTER 89 PRORATION FACTOR = 0.92865022020026
 CHAPTER 90 PRORATION FACTOR = 0.83123348099043
 MINIMUM ENT. PRORATION FACTOR = 0.96709754619341
 HOLD HARMLESS PRORATION FACTOR = 0.99905232582675

KEY	MUNICIPALITY	POPULATION	MILL RATE EQV.	CHAPTER 88 ENTITLEMENT	CHAPTER 89 AND 90 ENTITLEMENT	MINIMUM ENTITLE. ADD ON	HOLD HARMLESS ENTITLEMENT	TOTAL FY 1982 ENTITLE.
BOROUGHES AND SERVICE AREAS								
	TOTAL			\$646,302	\$0			\$646,302
0440	KODIAK ISLAND BOROUGH	8,358	6.84	\$355,490	\$375,493	\$0	\$0	\$730,983
0450	FIRE DISTRICT I	1,480	2.01	\$18,560	\$0	\$0	\$0	\$18,560
0455	SERVICE DISTRICT	1,207	1.16	\$8,748	\$0	\$0	\$0	\$8,748
0460	ROAD DISTRICT	230	4.00	\$5,727	\$37,449	\$0	\$0	\$43,176
	TOTAL			\$388,527	\$412,942			\$801,469
0470	MAT-SU BOROUGH	19,123	7.42	\$731,340	\$0	\$0	\$0	\$731,340
0480	WASILLA F.P.	3,201	0.50	\$10,019	\$0	\$0	\$20,163	\$30,182
0490	BUTTE F.P.	2,068	0.68	\$8,839	\$0	\$0	\$10,659	\$19,498
0500	GREATER PALMER F.P.	2,498	0.49	\$7,635	\$0	\$0	\$20,182	\$27,817
0510	SUTTON F.P.	675	2.32	\$9,754	\$0	\$0	\$0	\$9,754
0520	NON AREA-WIDE	14,695	0.51	\$47,458	\$0	\$0	\$0	\$47,458
0525	TALKEETNA FLOOD S.A.	254	1.21	\$1,912	\$0	\$0	\$0	\$1,912
0530	TALKEETNA F.P.	371	0.61	\$1,420	\$0	\$0	\$0	\$1,420
0540	GARDEN TERRACE	65	1.62	\$654	\$0	\$0	\$0	\$654
0541	MIDWAY	1	0.00	\$0	\$1,417,588	\$0	\$0	\$1,417,588
0550	LAKES F.P.	1,485	1.35	\$12,551	\$0	\$0	\$0	\$12,551
	TOTAL			\$931,588	\$1,417,588			\$2,400,186
0560	NORTH SLOPE BOROUGH	7,098	9.71	\$428,833	\$258,665	\$0	\$0	\$687,498
0570	SITKA BOROUGH	7,927	13.58	\$669,578	\$311,990	\$0	\$0	\$981,568
FIRST CLASS CITIES								
000	BARROW	2,539	5.98	\$94,458	\$0	\$0	\$0	\$94,458
010	CORDOVA	2,223	29.61	\$409,286	\$317,530	\$0	\$0	\$726,816
020	CRAIG	560	31.15	\$108,455	\$33,054	\$0	\$0	\$141,509

FY 1982 MUNICIPAL REVENUE SHARING ENTITLEMENTS

TOTAL APPROPRIATION = \$55,707,600
 CHAPTER 88 APPROPRIATION = \$34,913,800
 CHAPTER 89 APPROPRIATION = \$14,047,800
 CHAPTER 90 APPROPRIATION = \$6,746,000

CHAPTER 88 PRORATION FACTOR = 0.43407506640690
 CHAPTER 89 PRORATION FACTOR = 0.92865022020026
 CHAPTER 90 PRORATION FACTOR = 0.83123348099043
 MINIMUM ENT. PRORATION FACTOR = 0.96709754619341
 HOLD HARMLESS PRORATION FACTOR = 0.99905232582675

KEY	MUNICIPALITY	POPULATION	MILL RATE EQV.	CHAPTER 88 ENTITLEMENT	CHAPTER 89 AND 90 ENTITLEMENT	MINIMUM ENTITLE. ADD ON	HOLD HARMLESS ENTITLEMENT	TOTAL FY 1982 ENTITLE.
FIRST CLASS CITIES								
1030	DILLINGHAM	1,670	24.03	\$249,506	\$23,318	\$0	\$0	\$272,824
1040	FAIRBANKS	25,568	15.67	\$2,492,152	\$1,850,514	\$0	\$0	\$4,342,666
1050	GALENA	805	22.08	\$110,500	\$28,363	\$0	\$0	\$138,863
1060	HAINES	1,017	23.97	\$151,555	\$26,064	\$0	\$0	\$177,619
1070	HOMER	2,588	13.27	\$213,571	\$45,188	\$0	\$0	\$258,759
1080	HOONAH	799	5.38	\$26,768	\$9,995	\$0	\$28,312	\$65,075
1090	HYDABURG	356	4.79	\$10,622	\$7,352	\$6,421	\$0	\$24,395
1100	KAKE	583	16.78	\$60,829	\$12,441	\$0	\$0	\$73,270
1110	KENAI	4,558	23.13	\$655,599	\$130,493	\$0	\$0	\$786,092
1120	KETCHIKAN	7,200	28.29	\$1,266,560	\$348,215	\$0	\$0	\$1,614,775
1140	KING COVE	513	21.13	\$67,388	\$18,906	\$0	\$0	\$86,294
1150	KLAWOCK	389	2.93	\$7,094	\$11,341	\$6,091	\$0	\$24,526
1160	KODIAK	4,678	17.83	\$518,592	\$36,650	\$0	\$0	\$555,242
1170	NENANA	592	21.76	\$80,097	\$41,289	\$0	\$0	\$121,386
1180	NOME	3,039	16.96	\$320,508	\$418,224	\$0	\$0	\$738,732
1190	NORTH POLE	921	8.19	\$47,302	\$28,810	\$0	\$0	\$76,112
200	PALMER	2,275	17.10	\$241,893	\$287,228	\$0	\$0	\$529,121
210	PELICAN	172	22.30	\$23,852	\$10,735	\$0	\$0	\$34,587
220	PETERSBURG	3,001	22.62	\$422,028	\$236,554	\$0	\$0	\$658,582
230	SAND POINT	697	22.08	\$95,676	\$34,632	\$0	\$0	\$130,308
240	SAINT MARY'S	432	21.36	\$76,165	\$53,732	\$0	\$0	\$129,897
250	SELDOVIA	505	15.15	\$47,585	\$23,742	\$0	\$0	\$71,327
260	SEWARD	1,943	16.45	\$198,785	\$439,281	\$0	\$0	\$638,066
270	SKAGWAY	819	12.30	\$62,654	\$31,707	\$0	\$0	\$94,361
280	SOLDOTNA	2,445	15.43	\$234,580	\$61,866	\$0	\$0	\$296,446
290	UNALASKA	1,944	36.39	\$439,880	\$124,905	\$0	\$0	\$564,785
300	VALDEZ	3,279	6.38	\$130,103	\$331,793	\$0	\$0	\$461,896
310	WRANGELL	2,345	23.04	\$335,932	\$273,199	\$0	\$0	\$609,131
360	YAKUTAT	430	16.92	\$45,233	\$16,253	\$0	\$0	\$61,486

COND CLASS CITIES

FY 1982 MUNICIPAL REVENUE SHARING ENTITLEMENTS

TOTAL APPROPRIATION = \$55,707,600
 CHAPTER 88 APPROPRIATION = \$34,913,800
 CHAPTER 89 APPROPRIATION = \$14,047,800
 CHAPTER 90 APPROPRIATION = \$6,746,000

CHAPTER 88 PRORATION FACTOR = 6.43407506040690
 CHAPTER 89 PRORATION FACTOR = 0.92865022020026
 CHAPTER 90 PRORATION FACTOR = 0.83123348099043
 MINIMUM ENT. PRORATION FACTOR = 0.96709754619341
 HOLD HARMLESS PRORATION FACTOR = 0.99905232582675

KEY	MUNICIPALITY	POPULATION	MILL RATE EQV.	CHAPTER 88 ENTITLEMENT	CHAPTER 89 AND 90 ENTITLEMENT	MINIMUM ENTITL. ADD ON	HOLD HARMLESS ENTITLEMENT	TOTAL FY 1982 ENTITL.
SECOND CLASS CITIES								
5010	AKIACHAK	435	3.23	\$8,763	\$31,760	\$0	\$1,115	\$39,158
5020	AKIAK	197	0.00	\$0	\$9,564	\$22,790	\$0	\$32,754
5030	AKOLMIUT	695	4.30	\$18,600	\$103,534	\$0	\$0	\$111,734
5040	AKUTAN	189	8.11	\$151,277	\$0	\$0	\$0	\$151,277
5050	ALAKANUK	534	14.26	\$47,349	\$37,365	\$0	\$0	\$84,714
5060	ALEKNAGITK	152	0.00	\$0	\$9,603	\$21,965	\$0	\$31,568
5070	ALLAKAKET	158	0.00	\$0	\$8,722	\$25,207	\$0	\$33,929
5080	AMBLER	198	8.05	\$9,919	\$27,200	\$0	\$0	\$37,119
5090	ANAKTUVIUK PASS	235	0.00	\$0	\$0	\$0	\$0	\$0
5100	ANDERSON	500	3.75	\$11,659	\$16,152	\$6,362	\$0	\$34,173
5110	ANGOON	445	1.43	\$3,983	\$12,476	\$9,034	\$13,274	\$38,767
5120	ANIAK	338	5.28	\$11,100	\$33,361	\$0	\$0	\$104,461
5130	ANVIK	110	3.94	\$2,698	\$10,337	\$20,946	\$0	\$33,981
5140	ATMAUTLUAK	226	1.13	\$1,598	\$9,973	\$21,214	\$3,613	\$35,614
5150	BETHEL	3,549	23.49	\$516,963	\$255,489	\$0	\$0	\$772,452
5160	BREVIG MISSION	149	7.11	\$6,520	\$10,337	\$17,054	\$0	\$33,911
5170	BUCKLAND	211	6.03	\$7,917	\$0	\$25,724	\$0	\$33,641
5180	CHEFORMAK	230	7.61	\$10,887	\$9,964	\$11,903	\$0	\$32,754
5190	CHEVAK	491	2.55	\$7,811	\$11,521	\$13,473	\$0	\$32,805
5200	CHUATHMALUK	104	5.72	\$3,700	\$34,889	\$0	\$0	\$24,704
5210	CLARK'S POINT	78	12.74	\$6,177	\$9,603	\$15,788	\$0	\$31,568
5220	DEERING	155	18.80	\$18,118	\$10,337	\$5,526	\$0	\$33,981
5230	DELTA JUNCTION	245	0.00	\$0	\$37,876	\$0	\$4,987	\$42,863
5240	DIOMEDE	149	2.35	\$2,181	\$0	\$29,071	\$0	\$31,252
5250	EAGLE	186	2.11	\$2,450	\$6,423	\$19,325	\$0	\$28,198
5260	EEK	226	0.00	\$0	\$0	\$0	\$0	\$0
5270	ERWICK	76	0.00	\$0	\$0	\$0	\$0	\$0
5280	FLIN	228	3.93	\$5,571	\$15,507	\$13,076	\$0	\$30,754
5290	EMMONAK	568	6.32	\$22,318	\$34,594	\$0	\$0	\$56,912
5300	FORT YUKON	599	10.86	\$49,465	\$43,611	\$0	\$0	\$84,076
5310	FORTUNA LEDGE	243	3.87	\$5,856	\$25,533	\$1,877	\$0	\$33,266

FY 1982 MUNICIPAL REVENUE SHARING ENTITLEMENTS

TOTAL APPROPRIATION = \$55,707,600
 CHAPTER 88 APPROPRIATION = \$34,913,800
 CHAPTER 89 APPROPRIATION = \$14,047,800
 CHAPTER 90 APPROPRIATION = \$6,746,000

CHAPTER 88 PRORATION FACTOR = 6.43407506040630
 CHAPTER 89 PRORATION FACTOR = 0.92865027020026
 CHAPTER 90 PRORATION FACTOR = 0.83123348099043
 MINIMUM ENT. PRORATION FACTOR = 0.96709754619341
 HOLD HARMLESS PRORATION FACTOR = 0.99905232582675

KEY	MUNICIPALITY	POPULATION	MILL RATE EQV.	CHAPTER 88 ENTITLEMENT	CHAPTER 89 AND 90 ENTITLEMENT	MINIMUM ENTITLE. ADD ON	HOLD HARMLESS ENTITLEMENT	TOTAL FY 1982 ENTITLE.

SECOND CLASS CITIES								
320	GAMBELL	480	3.91	\$11,681	\$0	\$21,960	\$0	\$33,641
330	GOLOVIN	94	6.93	\$4,050	\$10,337	\$19,594	\$0	\$32,011
340	GONDNIEWS BAY	167	0.00	\$0	\$0	\$0	\$0	\$0
350	GRAYLING	202	0.00	\$0	\$0	\$0	\$0	\$0
360	HOLY CROSS	233	5.16	\$7,477	\$23,259	\$3,670	\$0	\$34,407
370	HOOPER BAY	624	2.45	\$9,513	\$0	\$22,913	\$0	\$32,427
380	HOUSTON	583	0.11	\$416	\$73,996	\$0	\$0	\$74,413
390	HUGHES	71	0.00	\$0	\$0	\$0	\$0	\$0
400	HUSLIA	230	0.00	\$1	\$67,517	\$0	\$0	\$67,519
410	KACHEMAK	425	2.06	\$5,461	\$0	\$20,538	\$0	\$25,999
420	KAKTOVIK	201	0.25	\$323	\$0	\$33,313	\$0	\$33,642
430	KALTAG	239	0.00	\$0	\$0	\$0	\$0	\$0
440	KASAAN	64	0.10	\$43	\$7,422	\$16,933	\$0	\$24,399
460	KIANA	356	2.64	\$5,856	\$17,444	\$10,915	\$0	\$34,216
470	KIVALINA	249	4.16	\$6,441	\$0	\$27,200	\$0	\$30,641
480	KODUK	64	0.00	\$0	\$0	\$0	\$0	\$0
490	KOTLIK	339	3.48	\$7,339	\$9,964	\$15,451	\$0	\$32,755
500	KOTZERUE	2,250	14.66	\$205,125	\$56,856	\$0	\$0	\$261,981
510	KOYUK	203	5.40	\$6,817	\$16,120	\$11,235	\$0	\$34,172
520	KOYUKUK	95	8.75	\$5,167	\$13,568	\$15,352	\$0	\$34,088
530	KUPREANOF	49	0.00	\$0	\$0	\$0	\$0	\$0
540	KWETHLUK	451	0.00	\$0	\$0	\$0	\$0	\$0
550	LARSEN BAY	167	0.00	\$0	\$0	\$25,999	\$0	\$25,999
55	LOWER KALSKAG	244	2.81	\$4,270	\$100,339	\$0	\$0	\$108,540
60	MANOKOTAK	290	1.51	\$2,737	\$10,894	\$17,980	\$0	\$31,611
70	MCCRATH	343	1.71	\$3,666	\$45,711	\$0	\$0	\$49,378
80	MEKORYUK	176	7.90	\$8,646	\$9,964	\$14,144	\$0	\$32,755
90	MOUNTAIN VILLAGE	580	13.89	\$50,109	\$54,492	\$0	\$0	\$104,601
00	NAPAKTAK	283	7.25	\$12,764	\$17,686	\$2,553	\$0	\$33,003
10	NAPASKTAK	242	0.00	\$0	\$9,964	\$22,791	\$0	\$32,755
20	NEUHALEN	135	0.39	\$335	\$3,603	\$21,630	\$0	\$25,568

FY 1982 MUNICIPAL REVENUE SHARING ENTITLEMENTS

PAGE 7
FEBRUARY 22, 1982

TOTAL APPROPRIATION = \$55,707,600
CHAPTER 88 APPROPRIATION = \$34,913,800
CHAPTER 89 APPROPRIATION = \$14,047,800
CHAPTER 90 APPROPRIATION = \$6,746,000

CHAPTER 88 PRORATION FACTOR = 6.43407506040690
CHAPTER 89 PRORATION FACTOR = 0.92865022020026
CHAPTER 90 PRORATION FACTOR = 0.83123348099043
MINIMUM ENT. PRORATION FACTOR = 0.96709754619341
HOLD HARMLESS PRORATION FACTOR = 0.99905232582675

KEY	MUNICIPALITY	POPULATION	MILL RATE EQV.	CHAPTER 88 ENTITLEMENT	CHAPTER 89 AND 90 ENTITLEMENT	MINIMUM ENTITL. ADD ON	HOLD HARMLESS ENTITLEMENT	TOTAL FY 1982 ENTITL.
SECOND CLASS CITIES								
630	NEW STUYAHOK	327	0.00	\$0	\$9,603	\$21,965	\$0	\$30,813
640	NEWTOK	175	0.81	\$891	\$9,964	\$21,899	\$0	\$32,755
650	NIGHTMUTE	135	7.12	\$5,977	\$9,964	\$16,814	\$0	\$32,755
660	NIKOLAI	88	0.00	\$0	\$0	\$0	\$0	\$0
670	NONDALTON	171	0.18	\$197	\$14,105	\$17,414	\$0	\$31,717
680	NOORVIK	508	2.89	\$9,152	\$13,155	\$6,932	\$0	\$34,239
690	NULATO	338	2.07	\$4,362	\$29,074	\$1,162	\$0	\$34,599
700	NUJASIT	271	0.00	\$0	\$0	\$0	\$0	\$0
710	OLD HARBOR	334	0.18	\$387	\$11,110	\$14,867	\$0	\$26,365
720	OUZINKIE	170	1.39	\$1,473	\$7,739	\$17,041	\$0	\$26,254
730	PILOT STATION	323	5.17	\$10,398	\$6,227	\$16,005	\$0	\$32,632
740	PLATINUM	55	13.59	\$4,653	\$0	\$27,805	\$1,204	\$33,752
750	POINT HOPE	531	1.03	\$3,412	\$0	\$30,229	\$0	\$33,642
760	PORT ALEXANDER	90	2.59	\$1,450	\$0	\$23,609	\$0	\$25,060
770	PORT HEIDEN	91	1.08	\$613	\$89,432	\$0	\$0	\$90,046
780	PORT LEONS	218	8.99	\$12,189	\$8,463	\$5,624	\$0	\$26,276
790	QUINIAGAK	409	3.01	\$7,660	\$13,856	\$11,366	\$0	\$23,372
800	RUBY	190	0.60	\$715	\$0	\$32,927	\$0	\$33,642
810	RUSSIAN MISSION	168	0.00	\$0	\$0	\$0	\$0	\$0
820	SAINTE MICHAEL	258	2.33	\$3,750	\$10,337	\$19,894	\$0	\$33,982
830	SAINTE PAUL	591	8.45	\$31,051	\$112,541	\$0	\$0	\$143,592
840	SAVOONGA	530	6.59	\$21,734	\$10,337	\$1,910	\$0	\$33,982
850	SAXMAN	276	0.00	\$0	\$7,422	\$16,976	\$0	\$24,398
860	SCANNON BAY	249	2.36	\$3,667	\$3,802	\$24,995	\$0	\$32,555
870	SELAWIK	372	0.00	\$0	\$0	\$0	\$0	\$0
880	SHAGLUK	127	0.92	\$730	\$6,460	\$26,663	\$0	\$33,853
890	SHAKTOULIK	177	2.88	\$3,172	\$56,533	\$0	\$0	\$59,705
900	SHELDON POINT	103	5.67	\$3,636	\$9,964	\$19,154	\$0	\$32,755
910	SHISHBARUF	425	3.06	\$8,092	\$6,396	\$19,363	\$0	\$33,852
920	SHUNGNAK	208	1.96	\$2,546	\$10,337	\$21,099	\$0	\$33,982
930	STERLING	107	2.73	\$3,172	\$0	\$0	\$0	\$3,172

FY 1982 MUNICIPAL REVENUE SHARING ENTITLEMENTS

TOTAL APPROPRIATION = \$55,707,600
 CHAPTER 88 APPROPRIATION = \$34,913,800
 CHAPTER 89 APPROPRIATION = \$14,047,800
 CHAPTER 90 APPROPRIATION = \$6,746,000

CHAPTER 88 PRORATION FACTOR = 6.43407506040690
 CHAPTER 89 PRORATION FACTOR = 0.92865022020026
 CHAPTER 90 PRORATION FACTOR = 0.83123348099043
 MINIMUM ENT. PRORATION FACTOR = 0.96709754619341
 HOLD HARMLESS PRORATION FACTOR = 0.99905232582675

KEY	MUNICIPALITY	POPULATION	MILL RATE EQV.	CHAPTER 88 ENTITLEMENT	CHAPTER 89 AND 90 ENTITLEMENT	MINIMUM ENTITL. ADD ON	HOLD HARMLESS ENTITLEMENT	TOTAL FY ENT
SECOND CLASS CITIES								
5940	TANANA	463	3.08	\$8,866	\$102,374	\$0	\$0	\$
5950	TELLER	229	7.51	\$10,695	\$19,027	\$4,545	\$0	\$
5980	TENAKEE SPRINGS	132	2.33	\$1,912	\$12,513	\$11,046	\$0	\$
5990	TOGIAK	511	2.69	\$8,559	\$24,609	\$0	\$0	\$
3000	TOKSOOK BAY	331	6.48	\$13,351	\$9,964	\$9,439	\$0	\$
3010	TULLUKSAK	234	2.93	\$4,265	\$119,882	\$0	\$0	\$
3015	TUNUNAK	301	1.92	\$3,611	\$9,964	\$19,179	\$0	\$
3020	UNALAKLEET	672	6.36	\$26,608	\$41,091	\$0	\$0	\$
3030	UPPER KALSKAG	128	2.52	\$2,007	\$36,827	\$0	\$0	\$
3040	WAINWRIGHT	410	0.00	\$0	\$0	\$0	\$0	\$
3050	WALES	143	1.21	\$1,079	\$0	\$30,174	\$0	\$
3060	WASILLA	1,928	0.33	\$4,026	\$124,026	\$0	\$0	\$
3070	WHITE MOUNTAIN	135	10.18	\$8,549	\$14,165	\$9,004	\$0	\$
3080	WHITTIER	211	33.93	\$44,509	\$16,125	\$0	\$0	\$
3090	EXT FIRE AREAS	7,443	0.00	\$0	\$69,053	\$0	\$0	\$
3100	NATIVE VILLAGE GOVT	1	0.00	\$0	\$1,275,683	\$0	\$0	\$1,
TOTAL				\$32,610,625	\$20,774,190	\$1,147,716	\$1,175,067	\$55,

TOTAL ENTITLEMENT = \$55,707,600

KEY	COMMUNITY	PUBLIC ROAD		HOSPITAL ENTITLEMENT	HEALTH FACILITIES ENTITLEMENT		HOSPITAL CONST. A1
		MILES	MILES				
BOROUGH AND SERVICE AREAS							
0010	ANCHORAGE A.W.	400.60	0.00	\$463,885	\$688,405	\$5,483,87	\$
0020	CITY S.A.	0.00	0.00	\$0	\$0	\$0	\$
0030	EAGLE RIVER	25.99	0.00	\$0	\$0	\$0	\$
0040	CHUGIAK	0.00	0.00	\$0	\$0	\$0	\$
0060	GIRDWOOD	10.54	0.00	\$0	\$0	\$0	\$
0070	GLEN ALPS	10.59	0.00	\$0	\$0	\$0	\$
0080	FIRE S.A.	0.00	0.00	\$0	\$0	\$0	\$
0090	ROADS & DRAINAGE	0.00	0.00	\$0	\$0	\$0	\$
0095	LIMITED ROAD S.A.	0.00	0.00	\$0	\$0	\$0	\$
0100	POLICE S.A.	0.00	0.00	\$0	\$0	\$0	\$
0110	PARKS & REC	0.00	0.00	\$0	\$0	\$0	\$
0120	P & R/CHUGIAK	0.00	0.00	\$0	\$0	\$0	\$
0130	SOLID WASTE S.A.	0.00	0.00	\$0	\$0	\$0	\$
0140	CHUGIAK/SOLID WASTE	0.00	0.00	\$0	\$0	\$0	\$
0150	BUILDING SAFETY	0.00	0.00	\$0	\$0	\$0	\$
0160	CITY ST. ROADS & DRAINAGE	0.00	0.00	\$0	\$0	\$0	\$
0170	SERVICE AREA 35	0.00	0.00	\$0	\$0	\$0	\$
0175	UPPER D. WALLEY	14.60	0.00	\$0	\$0	\$0	\$
0180	PORT OF ANCH.	0.00	0.00	\$0	\$0	\$0	\$
0185	ROADS	58.16	0.00	\$0	\$0	\$0	\$
0190	AIRPORT S.A.	0.00	0.00	\$0	\$0	\$0	\$
0195	PUBLIC TRANSIT	0.00	0.00	\$0	\$0	\$0	\$
0200	PARKING S.A.	0.00	0.00	\$0	\$0	\$0	\$
BOROUGHS AND SERVICE AREAS							
210	BRISTOL BAY BOROUGH	6.87	0.00	\$0	\$38,414	\$0	\$
230	FAIRBANKS BOROUGH	93.60	0.00	\$0	\$0	\$0	\$
BOROUGHS AND SERVICE AREAS							
240	ESTER F.P.	0.00	0.00	\$0	\$0	\$0	\$
250	NORTH STAR F.P.	0.00	0.00	\$0	\$0	\$0	\$
260	UNIVERSITY F.P.	0.00	0.00	\$0	\$0	\$0	\$
BOROUGHS AND SERVICE AREAS							
270	HAINES BOROUGH	0.00	0.00	\$0	\$0	\$0	\$

FY 1981 MUNICIPAL REVENUE SHARING ENTITLEMENTS (112)

FEBRUARY 22, 1982

TOTAL ENTITLEMENT = \$55,707,600

KEY	COMMUNITY	PUBLIC ROAD MILES	ICE ROAD MILES	HOSPITAL ENTITLEMENT	HEALTH FACILITIES ENTITLEMENT	HOSPITAL CONST. AUTH.
3280	FIRE DISTRICT	0.00	0.00	\$0	\$0	\$0
3290	JUNEAU BOROUGH A.W.			\$231,342	\$159,576	\$33,21
3300	S.A. 1	0.00	0.00	\$0	\$0	\$0
3310	S.A. 2	14.23	0.00	\$0	\$0	\$0
3320	S.A. 3	5.03	0.00	\$0	\$0	\$0
3330	S.A. 4	38.67	0.00	\$0	\$0	\$0
3340	S.A. 5	0.00	0.00	\$0	\$0	\$0
3350	S.A. 6	0.00	0.00	\$0	\$0	\$0
3360	S.A. 7	0.00	0.00	\$0	\$0	\$0
3370	S.A. 8	0.00	0.00	\$0	\$0	\$0
3380	KENAI PENINSULA BOROUGH	2.73	0.00	\$0	\$0	\$0
3385	CENTRAL PENINSULA HOSPITAL	0.00	0.00	\$249,662	\$0	\$0
3390	NIKISKI F.P.	0.00	0.00	\$0	\$0	\$0
3395	SOUTH PENINSULA HOSPITAL	0.00	0.00	\$249,662	\$0	\$0
3400	NORTH KENAI REC.	0.00	0.00	\$0	\$0	\$0
3410	BEAR CREEK F.P.	0.00	0.00	\$0	\$0	\$0
420	KETCHIKAN BOROUGH	0.00	0.00	\$0	\$0	\$0
430	SHORELINE S.A.	0.00	0.00	\$0	\$0	\$0
440	KODIAK ISLAND BOROUGH	0.00	0.00	\$249,662	\$125,830	\$0
450	FIRE DISTRICT I	0.00	0.00	\$0	\$0	\$0
455	SERVICE DISTRICT	0.00	0.00	\$0	\$0	\$0
460	ROAD DISTRICT	15.00	0.00	\$0	\$0	\$0
470	MAT-SU BOROUGH	0.00	0.00	\$0	\$0	\$0
480	WASILLA F.P.	0.00	0.00	\$0	\$0	\$0
490	BUTTE F.P.	0.00	0.00	\$0	\$0	\$0
500	GREATER PALMER F.P.	0.00	0.00	\$0	\$0	\$0

FY 1981 MUNICIPAL REVENUE SHARING ENTITLEMENTS (112)

FEBRUARY 22, 1982

TOTAL ENTITLEMENT = \$55,707,600

KEY	COMMUNITY	PUBLIC ROAD MILES	ICE ROAD MILES	HOSPITAL ENTITLEMENT	HEALTH FACILITIES ENTITLEMENT	HOSPITAL CONST. AT
0510	SUTTON F.P.	0.00	0.00	\$0	\$0	\$0
0520	NON AREA-WIDE	0.00	0.00	\$0	\$0	\$0
0525	TALKEETNA FLOOD S.A.	0.00	0.00	\$0	\$0	\$0
0530	TALKEETNA F.P.	0.00	0.00	\$0	\$0	\$0
0540	GARDEN TERRACE	0.00	0.00	\$0	\$0	\$0
0541	MIDWAY	581.83	12.00	\$0	\$0	\$0
0550	LAKES F.P.	0.00	0.00	\$0	\$0	\$0
0560	NORTH SLOPE BOROUGH	54.47	0.00	\$0	\$82,700	\$0
0570	SITKA BOROUGH	16.05	0.00	\$240,640	\$32,727	\$0
FIRST CLASS CITIES						
000	BARROW	0.00	0.00	\$0	\$0	\$0
010	CORCOVA	8.55	0.00	\$268,751	\$25,800	\$0
020	CRAIG	4.91	0.00	\$0	\$22,256	\$0
030	DILLINGHAM	7.77	0.00	\$0	\$0	\$0
040	FAIRBANKS	87.20	0.00	\$268,751	\$165,551	\$1,181,859
050	GALENA	5.58	0.00	\$0	\$10,337	\$0
060	HAINES	10.44	0.00	\$0	\$0	\$0
070	HOMER	11.70	0.00	\$0	\$15,978	\$0
080	HOODAH	4.00	0.00	\$0	\$0	\$0
090	HYDABURG	3.17	0.00	\$0	\$0	\$0
100	KAKE	5.17	0.00	\$0	\$0	\$0
110	KENAI	45.87	0.00	\$0	\$15,978	\$0
120	KETCHIKAN	16.60	0.00	\$231,942	\$37,110	\$40,659
140	KING COVE	3.10	0.00	\$0	\$9,603	\$0
150	KLAWOCK	1.69	0.00	\$0	\$7,422	\$0
160	KODIAK	14.03	0.00	\$0	\$0	\$0
170	NENANA	13.26	0.00	\$0	\$0	\$0
180	NOME	13.60	0.13	\$323,049	\$51,637	\$0
190	NORTH POLE	10.72	0.00	\$0	\$0	\$0
200	PALMER	19.36	0.00	\$240,640	\$0	\$0
210	PELICAN	1.10	0.00	\$0	\$7,980	\$0
220	PETERSBURG	9.48	0.00	\$240,640	\$21,101	\$0
230	SAND POINT	8.34	0.00	\$0	\$9,603	\$0
240	SAINT MARY'S	7.93	10.21	\$0	\$9,964	\$0
250	SELDOVIA	6.31	0.00	\$0	\$0	\$0

FY 1981 MUNICIPAL REVENUE SHARING ENTITLEMENTS (112)

FEBRUARY 22, 1982

TOTAL ENTITLEMENT = \$55,707,600

KEY	COMMUNITY	PUBLIC ROAD MILES	ICE ROAD MILES	HOSPITAL ENTITLEMENT	HEALTH FACILITIES ENTITLEMENT	HOSPITAL CONST. AID
260	SEWARD	18.35	0.00	\$249,662	\$143,805	\$0
270	SKAGWAY	9.50	0.00	\$0	\$7,989	\$0
280	SOLDOTNA	24.78	0.00	\$0	\$0	\$0
290	UNALASKA	38.42	0.00	\$0	\$9,603	\$0
300	VALDEZ	15.80	0.00	\$278,818	\$8,922	\$0
330	WRANGELL	7.13	0.00	\$240,640	\$15,400	\$0
360	YAKUTAT	3.31	0.00	\$0	\$7,989	\$0
SECOND CLASS CITIES						
000	AKHTOK	4.00	0.00	\$0	\$0	\$0
010	AKTACHAK	1.53	9.00	\$0	\$9,964	\$0
020	AKIAK	0.00	0.00	\$0	\$9,964	\$0
030	AKOLMIUT	0.00	44.75	\$0	\$19,928	\$0
040	AKUTAN	0.00	0.00	\$0	\$0	\$0
050	ALAKAPUK	4.00	8.00	\$0	\$9,964	\$0
060	ALEKNAGIK	0.00	0.00	\$0	\$9,603	\$0
070	ALLAKAKET	2.70	0.00	\$0	\$0	\$0
080	AMBLER	5.22	0.00	\$0	\$10,337	\$0
090	ANARTUMLIK PASS	0.00	0.00	\$0	\$0	\$0
100	ANDERSON	5.00	0.00	\$0	\$0	\$0
110	ANGON	5.18	0.00	\$0	\$0	\$0
120	ANIAK	8.10	24.00	\$0	\$20,675	\$0
130	ANYIK	0.00	0.00	\$0	\$10,337	\$0
140	ATMAUTLUAK	0.00	0.00	\$0	\$9,964	\$0
150	BETHEL	10.85	48.00	\$0	\$132,026	\$0
160	BREVIG MISSION	0.00	0.00	\$0	\$10,337	\$0
170	BUCKLAND	0.00	0.00	\$0	\$0	\$0
180	CHEFORNAK	0.00	0.00	\$0	\$9,964	\$0
190	CHEVAK	0.50	0.00	\$0	\$9,964	\$0
200	CHUATHALUK	4.00	6.00	\$0	\$10,337	\$0
210	CLARK'S POINT	0.00	0.00	\$0	\$9,603	\$0
220	DEERING	0.00	0.00	\$0	\$10,337	\$0
230	DELTA JUNCTION	10.88	0.00	\$0	\$8,600	\$0
240	DIONEDE	0.00	0.00	\$0	\$0	\$0

FY 1981 MUNICIPAL REVENUE SHARING ENTITLEMENTS (112)

FEBRUARY 22, 1982

TOTAL ENTITLEMENT = \$55,707,600

KEY	COMMUNITY	PUBLIC ROAD MILES	ICE ROAD MILES	HOSPITAL ENTITLEMENT	HEALTH FACILITIES ENTITLEMENT	HOSPITAL CONST. ALL
250	EAGLE	2.39	0.00	\$0	\$0	\$0
260	EEK	0.00	0.00	\$0	\$0	\$0
270	EKWOK	0.00	0.00	\$0	\$0	\$0
280	ELIM	1.60	0.00	\$0	\$10,338	\$0
290	EMMONAK	3.41	7.50	\$0	\$9,964	\$0
300	FORT YUKON	13.50	0.00	\$0	\$0	\$0
310	FORTUNA LEDGE	5.00	0.00	\$0	\$9,964	\$0
320	GAMBELL	0.00	0.00	\$0	\$0	\$0
330	GOLOVIN	0.00	0.00	\$0	\$10,337	\$0
340	GOODNEWS BAY	0.00	0.00	\$0	\$0	\$0
350	GRAYLING	0.00	0.00	\$0	\$0	\$0
360	HOLY CROSS	4.00	0.00	\$0	\$10,337	\$0
370	HOOVER BAY	0.00	0.00	\$0	\$0	\$0
380	HOUSTON	30.75	0.00	\$0	\$0	\$0
390	HUGHES	0.00	0.00	\$0	\$0	\$0
400	HUSLIA	17.70	0.00	\$0	\$10,337	\$0
410	KACHENAK	0.00	0.00	\$0	\$0	\$0
420	KAKTOVIK	0.00	0.00	\$0	\$0	\$0
430	KALTAG	0.00	0.00	\$0	\$0	\$0
440	KASAAN	0.00	0.00	\$0	\$7,422	\$0
460	KIANA	2.20	0.00	\$0	\$10,337	\$0
470	KIVALINA	0.00	0.00	\$0	\$0	\$0
480	KOBUK	0.00	0.00	\$0	\$0	\$0
490	KOTLIK	0.00	0.00	\$0	\$9,964	\$0
500	KOTZEBUE	15.50	3.50	\$0	\$0	\$0
510	KOYUK	1.79	0.00	\$0	\$10,337	\$0
520	KOYUKUK	1.00	0.00	\$0	\$10,337	\$0
530	KUPREANOF	0.00	0.00	\$0	\$0	\$0
540	KWETHLUK	0.00	0.00	\$0	\$0	\$0
550	LARSEN BAY	0.00	0.00	\$0	\$0	\$0
555	LOWER KALSKAG	3.86	40.00	\$0	\$10,337	\$0
560	MANOKOTAK	0.43	0.00	\$0	\$9,603	\$0
570	MCCRATH	10.95	0.00	\$0	\$10,337	\$0
580	NEKORYUK	0.00	0.00	\$0	\$9,964	\$0
590	MOUNTAIN VILLAGE	3.50	18.00	\$0	\$9,964	\$0
600	NAPAKIAK	2.48	0.00	\$0	\$9,964	\$0

FY 1981 MUNICIPAL REVENUE SHARING ENTITLEMENTS (112)

FEBRUARY 22, 1982

TOTAL ENTITLEMENT = \$55,707,600

KEY	COMMUNITY	PUBLIC ROAD MILES	ICE ROAD MILES	HOSPITAL ENTITLEMENT	HEALTH FACILITIES ENTITLEMENT	HOSPITAL CONST. AI
610	NAPASKIAK	0.00	0.00	\$0	\$9,964	\$0
620	NEWHALEN	0.00	0.00	\$0	\$9,603	\$0
630	NEW STUYAHOK	0.00	0.00	\$0	\$9,603	\$0
640	NEWTOK	0.00	0.00	\$0	\$9,964	\$0
650	NIGHTMUTE	0.00	0.00	\$0	\$9,964	\$0
660	NIKOLAI	0.00	0.00	\$0	\$0	\$0
670	NONDALTON	1.50	0.00	\$0	\$9,603	\$0
680	NOORVIK	2.42	0.00	\$0	\$10,337	\$0
690	NULATO	5.80	0.00	\$0	\$10,337	\$0
700	NUIQSUT	0.00	0.00	\$0	\$0	\$0
710	OLD HARBOR	4.45	0.00	\$0	\$0	\$0
720	OUZINKIE	3.10	0.00	\$0	\$0	\$0
730	PILOT STATION	2.00	0.00	\$0	\$0	\$0
740	PLATINUM	0.00	0.00	\$0	\$0	\$0
750	POINT HOPE	0.00	0.00	\$0	\$0	\$0
760	PORT ALEXANDER	0.00	0.00	\$0	\$0	\$0
770	PORT HEIDEN	26.60	0.00	\$0	\$9,603	\$0
780	PORT LIONS	3.39	0.00	\$0	\$0	\$0
790	QUINHAGAK	1.25	0.00	\$0	\$9,964	\$0
800	RUBY	0.00	0.00	\$0	\$0	\$0
810	RUSSIAN MISSION	0.00	0.00	\$0	\$0	\$0
820	SAINT MICHAEL	0.00	0.00	\$0	\$10,337	\$0
830	SAINT PAUL	37.50	0.00	\$0	\$0	\$0
840	SAVOONGA	0.00	0.00	\$0	\$10,337	\$0
850	SAXMAN	3.20	0.00	\$0	\$0	\$0
860	SCAMMON BAY	1.25	0.00	\$0	\$0	\$0
870	SELAWIK	0.00	0.00	\$0	\$0	\$0
880	SHAGELUK	2.00	0.00	\$0	\$0	\$0
890	SHAKTOOLIK	3.50	18.00	\$0	\$10,337	\$0
900	SHELDON POINT	0.00	0.00	\$0	\$9,964	\$0
910	SHISHMARF	1.98	0.00	\$0	\$0	\$0
920	SHUNGAK	0.00	0.00	\$0	\$10,337	\$0
930	STEBBINS	0.00	0.00	\$0	\$10,337	\$0
940	TANANA	31.69	0.00	\$0	\$0	\$0
950	TELLER	2.69	0.00	\$0	\$10,337	\$0
980	TENAKEE SPRINGS	2.00	0.00	\$0	\$7,700	\$0

FY 1981 MUNICIPAL REVENUE SHARING ENTITLEMENTS (112)

FEBRUARY 22, 1982

TOTAL ENTITLEMENT = \$55,707,600

KEY	COMMUNITY	PUBLIC ROAD MILES	ICE ROAD MILES	HOSPITAL ENTITLEMENT	HEALTH FACILITIES ENTITLEMENT	HOSPITAL CONST. ATT
.990	TOGLAK	5.00	0.00	\$0	\$9,603	\$0
.000	TOKSOOK BAY	0.00	0.00	\$0	\$9,964	\$0
.010	TULUKSAK	9.50	43.00	\$0	\$9,964	\$0
.015	TUNUNAK	0.00	0.00	\$0	\$9,964	\$0
.020	UNALAKI EET	9.52	0.00	\$0	\$10,337	\$0
.030	UPPER KALSKAG	1.50	13.50	\$0	\$0	\$0
.040	WAINWRIGHT	0.00	0.00	\$0	\$0	\$0
.050	WALES	0.00	0.00	\$0	\$0	\$0
.060	WASILLA	45.14	0.00	\$0	\$15,400	\$0
.070	WHITE MOUNTAIN	1.52	0.00	\$0	\$9,603	\$0
.080	WHITTIER	6.00	0.00	\$0	\$0	\$0
.090	EXT FIRE AREAS	0.00	0.00	\$0	\$0	\$61,810
.100	NATIVE VILLAGE GOVT	0.00	0.00	\$0	\$0	\$1,141,852
		TOTAL		\$4,028,354	\$2,476,985	\$7,943,272

S

B

2

3

1

COMMITTEE REPORT
SENATE

FURTHER:

Date: _____

Mr. President:

The Committee on Judiciary has had SB 233

Extending the life of the parole board; and aff. date

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

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

MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS:

CHAIRMAN

BILL SHEFFIELD
GOVERNOR



STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

April 6, 1983

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 extending the life of the State Board of Parole to June 30, 1985. Under the current law, that board "sunsetted" June 30, 1982 and is now in its one-year wrap-up period. Unless it is extended, it will go out of existence on June 30, 1983. However, art. III, sec. 21, of the Alaska Constitution says that "A parole system shall be provided by law." Therefore, it is necessary either to extend the life of the present board or establish a new parole system before the present board goes out of existence. It is my intent that members of my administration work with the legislature in dealing with additional issues confronting the parole system.

Sincerely,

A handwritten signature in cursive script that reads "Bill Sheffield".

Bill Sheffield
Governor

STATE OF ALASKA
FISCAL NOTE

Revision Date , 1983

I. REQUEST
 Bill/Resolution No.:
 Title: Extend life of Parole Board
 Sponsor: Rules Committee
 Requestor: Governor

II. FISCAL DETAIL
 Agency Affected: Health & Social Services
 Program Category Affected:
 BRU, Program of Subprogram(s) Affected:

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
REVENUE	-0-	-0-	-0-	-0-	-0-	-0-

FUNDING: (Thousands of Dollars)

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

POSITIONS:

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

III. SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

IV. ANALYSIS: Attach a separate page for any Analysis

Prepared By: Parole Board
 Division: Parole Board

Phone: 465-3384
 Date: April 5, 1983

Approved by Commissioner: [Signature]
 Department: Health and Social Services

Date: 4/5/83

Distribution:

- Original to Legislative Finance
- Copy to Office of Management and Budget (for Legislature introduced bills)
- Copy to Department (for Governor introduced bills)
- Copy to Sponsor
- Copy to Requestor (if different from Sponsor)

3/8/83

Alaska State Legislature

SENATOR
ROBERT H. ZIEGLER, SR.
307 BAWDEN STREET
KETCHIKAN, ALASKA 99801

While in Juneau
POUCH V
JUNEAU, ALASKA 99811



Senate

VICE CHAIRMAN
SENATE RESOURCES COMMITTEE

MEMBER
SENATE JUDICIARY COMMITTEE

WESTERN STATES LEGISLATIVE
FORESTRY TASK FORCE

WESTERN CONFERENCE COUNCIL
OF STATE GOVERNMENTS

April 14, 1983

Senator Bill Ray,
Chairman - Senate Judiciary Committee
Alaska State Legislature
Juneau, Alaska

RE: SB 231

Dear Senator Ray:

The captioned bill extends the life of the Parole Board until June 30, 1985. If it doesn't pass, the Board goes kaput as of June 30 of this year.

It should pass.

Very truly yours,

A handwritten signature in cursive script that reads "R. H. Ziegler, Sr.".

Robert H. Ziegler, Sr.

RHZ:lk

S

B

2

32

STATE OF ALASKA

BILL SHEFFIELD, GOVERNOR

DEPT. OF ENVIRONMENTAL CONSERVATION

OFFICE OF THE COMMISSIONER
POUCH O
JUNEAU, ALASKA 99811

Telephone: (907)
Address:

(907) 465-2600

June 20, 1983

The Honorable Bill Ray
Chairman, Senate Judiciary Committee
Alaska State Senate
Pouch V
Juneau, Alaska 99811

RE: Senate Bill 232
Seafood Liability

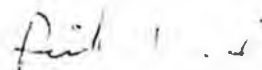
Dear Senator Ray:

After SB 232 was introduced, several problems were identified with the legislation which mandate certain amendments.

I would appreciate your committee withholding any action on this legislation until my department can iron out the problems that exist with the current bill.

I regret any difficulties this might cause you or your committee.

Sincerely,



Richard A. Nevé
Commissioner

MEMORANDUM

State of Alaska

TO: The Honorable Ernst W. Mueller
Commissioner
Department of Environmental
Conservation


DATE: November 30, 1982

FILE NO:

TELEPHONE NO: 465-3603

FROM: Wilson L. Condon
Attorney General

SUBJECT: State liability on
"sealed" seafood


By: William G. Mellow
Assistant Attorney General

You have asked whether the state can be held liable for injury associated with consumption of seafood bearing a state approved seal. The answer is yes.

State liability claims can be predicated upon two broad bases; (1) negligence in carrying out statutory and regulatory duties and, (2) misrepresentation of the quality of food products.

The broad concept of sovereign immunity which shielded state and federal government from operational negligence a decade ago is now almost nonexistent. The basic rule applied by our court is that where there is negligence, there should be liability; immunity is the exception. State v. Abbott, 498 P.2d 712 (Alaska 1972). The state is liable for negligent inspections and failure to enforce discovered safety violations. Adams v. State, 555 P.2d 235 (Alaska 1976); Wallace v. State, 557 P.2d 1120 (Alaska 1976). Nevertheless, by statute, AS 09.50.250, the state is immune from liability arising solely from misrepresentation. Consequently, it is probable that as to this latter base of liability there would be state immunity. However, here the immunity is somewhat ethereal as the court's declaration that immunity is the exception will generally result in a finding wherever conduct which results in "misrepresentation" is also negligence of another form.

To reduce the above to a concrete example assume that pursuant to AS 03.05.010(c) regulations authorizing inspections and setting standards are promulgated and that a state inspector negligently fails to detect a sanitary violation or having detected same, fails to diligently pursue enforcement. A subsequent death which is proximately linked to the unsanitary condition of the product exposes the state to liability to the estate of the decedent. Simultaneously, if the contaminated product carried a State of Alaska quality seal, it could be stated that the decedent relied upon the quality assurance of the seal to his detriment and thereby has a claim for damages for the misrepresentation. A claim based solely upon misrepresentation might

The Hon. Ernst W. Mueller
Dept. of Environmental Conservation

November 29, 1982
Page 2

well be struck on grounds of sovereign immunity but would survive challenge if it also rested upon the claim of negligence in inspection. It would be very unlikely, where a large damages claim is involved, that an attorney would himself be negligent enough to present a claim solely on the basis of injury by misrepresentation. Rather, it can be anticipated that all claims would also include a claim based upon negligent performance of a ministerial function.

The letter of November 1, 1982 from Eric Eckholm to Glenn Akins, a copy of which you attached to your opinion request, states that Canada, the U.S. Department of Commerce, and the State of Maine have no liability for the quality of products passing through their respective inspection programs. This is surely because of specific, well defined statutory immunity. Carefully drafted statutory language specifically addressing state inspection and quality assurance would eliminate state liability exposure. Unless such statutory immunity comes into existence in the future, the unequivocal answer to your question is that there is liability for state negligence to the same extent as would be present if the liability exposing activity were carried out by a nongovernmental entity.

I am willing to meet informally with your staff or representatives of the ASMI to discuss this matter and answer your questions and will additionally provide desired bill drafting upon request.

WGM/jal

MEMORANDUM

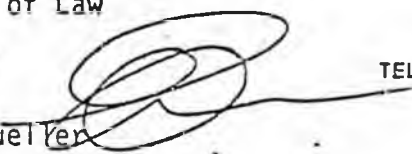
State of Alaska

TO: The Honorable Wilson Condon
Attorney General
Department of Law

DATE: November 22, 1982

FILE NO:

TELEPHONE NO: 465-2600

FROM: Ernst W. Mueller 
Commissioner
Department of Environmental
Conservation

SUBJECT: Opinion regarding
state liability
on "sealed" seafood.

Chapter 57, SLA 1982 significantly amended state law regarding sanitation and quality control in the seafood processing industry. As part of this new program, the Department of Environmental Conservation and the Alaska Seafood Marketing Institute are to cooperate in the development of standards for a "quality" seafood inspection program, to design seals for both the "quality" and "inspection" levels of standards, and for ASMI to develop marketing programs based on the seals and standards. Individual processors who meet the standards may use the seal on their products and in their advertising.

During the deliberations before the Alaska Legislature, the question was raised of liability of the state for injury, illness or death associated with a product which bears the state-approved seal. That matter was not resolved to the satisfaction of some, particularly officers of the Alaska Seafood Marketing Institute. I did discuss liability with former Assistant Attorney General Ken Vassar, who indicated that he would discuss it with others in your department; however, a formal request for opinion was not made at that time. We would appreciate any comments you might have on the potential liability of the state, although the ASMI staff and I realize the sensitivity of the question. Attached is a copy of a letter from ASMI Executive Director Eric Eckholm to Glenn Akins requesting us to pursue this matter.

Enclosure

November 1, 1982

Mr. Glenn Akins, Deputy Commissioner
Alaska Department of Environmental Conservation
Pouch "O"
Juneau, AK 99811

Dear Glenn:

As we discussed at the Alaska Seafood Marketing Institute / Alaska Department of Environmental Conservation seafood quality assurance program development meeting on September 23, the use of "Inspection" and "Premium Quality" seals, authorized by Senate Bill 872 (Chapter 57 SLA 82), presents certain questions pertaining to the State's liability for consumer protection from products bearing these seals.

In addition, several questions have been raised by the Institute's Quality Committee concerning (1) the jurisdiction of the State of Alaska to perform product inspections, and, according to provisions of the premium quality program, authorize the use of the "Premium Quality" seal, in warehouses, cold storages, or other locations outside the boundaries of the state of Alaska; (2) the ability of the State of Alaska to influence product handling practices during transportation and in warehouses and retail outlets after the application of the seal and beyond the boundaries of the State; and (3) the ability of the State to control unauthorized use of the seal or any seal implying State of Alaska "Inspection" or "Premium Quality", beyond State boundaries.

In our research of both mandatory and voluntary seafood industry quality assurance programs, we have found that (1) the Canadian Government assumes no consumer liability for their Grade A salmon export program, which uses the "Maple Leaf" seal to identify products which are certified for export from Canada on, if they pass certain quality specifications, (2) the U.S. Department of Commerce does not assume any consumer liability for the quality of products certified under their voluntary Packed Under Federal Inspection (P.U.F.I.), Lot Inspection, or Grade A programs, and (3) the newly developed State of Maine Fresh Groundfish Program applies a dated seal at the processing facility, and does not assume liability for the freshness of products at the retail outlet or on the consumer's table.

Alaska Seafood Marketing Institute
526 Main Street
Juneau, Alaska 99801
(907) 586-2902



*Alaska
Seafood*

STATE OF ALASKA
FISCAL NOTE

Revision Date , 1983

I. REQUEST

Bill/Resolution No.: SB 232
 Title: State Liability (AS 03 05)
 Sponsor: Governor
 Requestor: Judiciary

II. FISCAL DETAIL

Agency Affected: N/A
 Program Category Affected:
 BRU, Program of Subprogram(s) Affected:

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC						
TOTAL OPERATING	0	0	0			
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

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

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						
	0	0	0			

III. SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

IV. ANALYSIS: Attach a separate page for any Analysis

Prepared By: George A. Hart Phone: 272-1561
 Division: Seafood & Animal Industries Date: April 11, 1983
 Approved by Commissioner: Richard A. News Date: 4/14/83
 Department:

Distribution:

Original to Legislative Finance
 Copy to Office of Management and Budget (for Legislature introduced bills)
 Copy to Department (for Governor introduced bills)
 Copy to Sponsor
 Copy to Requestor (if different from Sponsor)

ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Seafood and Animal Industries

Senate Bill No. 232

Position Paper

This bill will meet the needs to enforce the "Premium Quality" seal program.

Chapter 57, SLA of Alaska requires the Department of Environmental Conservation, Division of Seafood & Animal Industries to establish a program for the use of a "Premium Quality" seal for Alaska Seafood Products, and to fully implement a seafood inspection program capable of carrying out the "premium quality" seal provisions for promoting Alaskan seafood products, for those in industry who wish to meet product standards and specifications.

State liability must be addressed before this program can proceed.



Richard A. Neve
Commissioner
Environmental Conservation

ALASKA STATE LEGISLATURE - SENATE

SENATOR RICHARD I. ELIASON

LABOR AND COMMERCE COMMITTEE, CHAIRMAN
RESOURCES COMMITTEE
JUDICIARY COMMITTEE
FISHERIES SUB-COMMITTEE



P.O. BOX 143
SITKA, ALASKA 99835
POUCH V
JUNEAU, ALASKA 99811
(907) 465-4916

MEMORANDUM

TO: Sen. Bill Ray, Chair
Senate Judiciary Committee

FROM: Senator Dick Eliason *Dick*

DATE: April 19, 1983

RE: SB 232 "An Act relating to state liability under AS 03.05; and providing for an effective date."

As requested, I reviewed the above-referenced bill and I am now reporting my findings to you.

Senate Bill 232, introduced by the Rules Committee by request of the Governor, relates to state immunity from civil liability for injuries resulting from the state's handling of various inspection functions. The immediate focus of the bill is on the elimination of state liability exposure due to consumption of contaminated seafood products.

This bill will not affect common law or statutory liability of non-governmental entities for injuries resulting from consumption of seafood.

A zero fiscal note accompanies this bill.

Attachments

SB 232

SENATE BILL NO. 232 by the Rules Committee by Request of the Governor, entitled:

"An Act relating to state liability under AS 03.05; and providing for an effective date."

was read the first time and referred to the Judiciary Committee.

Fiscal note is zero.

Governor's transmittal letter dated April 6 follows:

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 state immunity from civil liability for injuries resulting from the state's handling of various inspection functions under AS 03.05.

SB 232 cont'd

The bill affirms state governmental immunity from liability arising from state action or inaction in inspection and control of agricultural products, state processed foods, and disease control. The immediate focus of the bill is on the elimination of state liability exposure due to consumption of contaminated seafood products.

The bill makes clear that the state is protected from liability for injuries resulting from consumption of seafood which has been inspected by the state. The intent declaration in sec. 1 and the text of the statute in sec. 2 express an intent that the Act be liberally construed by the courts to achieve the goal of immunity of the state, its employees, and those acting on its behalf. This is necessary to overcome the judicial policy announced in the case of *State v. Abbott*, 498 P.2d 712 (Alaska 1972), extending state liability into areas where it did not previously exist. Additionally, on several past occasions, for example in *Carlson v. State*, 598 P.2d 969 (Alaska 1979), the court has restricted state immunity to policymaking decisions. This bill expresses an intent that state immunity not be so restricted for these inspection functions and that the immunity extends to lower-level activities such as inspecting.

This bill will not affect common law or statutory liability of nongovernmental entities for injuries resulting from consumption of seafood.

It is felt that, in eliminating the concern about liability exposure because of state activities in this area, state agencies will be less hesitant to undertake programs protecting public health -- especially with regard to actively carrying out the state program of inspection and certification of seafood.

Sincerely,

/s/ Bill Sheffield

Bill Sheffield
Governor

Alaska Statutes

Title 3. Agriculture and Animals.

Chapter

- 05. Powers and Duties of Commissioner of Natural Resources (§§ 03.05.010—03.05.090)
- 10. Alaska Agricultural Loan Act (§§ 03.10.010—03.10.060)
- 15. Agriculture Pest and Disease Control (§§ 03.15.010—03.15.020)
- 17. Marketing of Milk (§§ 03.17.010—03.17.100)
- 19. Small Grain Incentive Program (§§ 03.19.010—03.19.070)
- 20. Agricultural and Industrial Fairs (§§ 03.20.010—03.20.070)
- 22. Plant Materials Center (§§ 03.22.010—03.22.080)
- 25. Veterinarians (§§ 03.25.010—03.25.020)
- 30. Fences (§§ 03.30.010—03.30.060)
- 35. Grazing Districts (§§ 03.35.010—03.35.070)
- 40. Brands and Marks (§§ 03.40.010—03.40.270)
- 45. Diseased Livestock (§§ 03.45.010—03.45.080)
- 50. Estrays (Repealed)
- 55. Dogs (§§ 03.55.010—03.55.060)
- 57. Vegetables of Alaska Origin (§§ 03.57.010—03.57.040)
- 60. General Provisions (§ 03.60.010)

Chapter 05. Powers and Duties of Commissioner of Natural Resources.

Section	Section
10. Powers and duties of commissioner	50. Products in violation of regulations
20. Miscellaneous powers of commissioner	60. Checking spread of contagious diseases
30. Rules for grading and classification of agricultural products	70. Control of rabies
40. Inspection	80. Controlling exportation of animals
	90. Penalty for violation

Sec. 03.05.010. Powers and duties of commissioner. (a) The commissioner shall direct, administer, and supervise experimental work not in conflict with existing federal or state activities for the purpose of promoting and developing the agricultural industry within the state including such fields as horticulture, dairying, cattle raising, fur farming, etc.

(b) The commissioner shall procure and preserve all information pertaining to the development of the agricultural industry and disseminate that information to the public.

(c) The commissioner may regulate and control the entry into the state and the transportation, sale or use inside the state of

COPYRIGHT 1962, 1978
BY
THE STATE OF ALASKA

plants, seeds, vegetables, fruits and berries, nursery stock, animal feeds, remedies and mineral supplements, fertilizers, and agricultural chemicals in order to prevent the spread of pests, diseases, or toxic substances injurious to the public interest, and to protect the agricultural industry against fraud, deception and misrepresentation. In this connection he may require registration, inspection, and testing, and establish procedures and fees.

(d) The commissioner shall provide prospective settlers and others desiring to engage in the agricultural industry in the state with information concerning areas suitable for agriculture and other information essential to the development of the agricultural industry in the state.

(e) The commissioner shall make a study of the marketing of agricultural products inside the state including transportation with special emphasis upon local production and shall negotiate for the marketing of agricultural products of the state with federal and state agencies operating in the state.

(f) The commissioner may issue rules, orders, regulations and quarantines necessary to carry out the purposes of this title in relation to

(1) the examination and inspection of premises containing products, articles or commodities carrying pests;

(2) establishment of quarantines for eradication of pests;

(3) standards and labels pertaining to the sale of agricultural and vegetable seeds;

(4) analyzing and testing and the giving of notice for hearings to determine whether stop orders or quarantine shall issue;

(5) the cooperation with federal and state agencies to carry out the purposes of this title. (§ 33-1-2 ACLA 1949; am § 1 ch 46 SLA 1960)

Am. Jur., ALR and C.J.S. references.—2 Am. Jur., Agriculture, § 1 et seq.; 2 Am. Jur., Animals, § 1 et seq.; 15 Am. Jur., Crops, § 1 et seq.; 30 Am. Jur., Irrigation, § 1 et seq.; 35 Am. Jur., Markets and Marketing, § 1 et seq.

Exemption of farm tools, implements, etc., 2 ALR 828, 830, 837; 9 ALR 1020; 36 ALR 669; 52 ALR 830.

Legality of combination among farmers, 11 ALR 1185; 130 ALR 1326.

Liability of farmer selling unwholesome food for personal injury to the buyer, 13 ALR 1181; 74 ALR 343; 168 ALR 1054.

Constitutionality of regulations as to milk, 18 ALR 235; 42 ALR 556; 58

110 ALR 644; 119 ALR 243; 155 ALR 1383.

Delegation of legislative power to board of health or other board, officer or group with regard to milk regulations, 18 ALR 237; 42 ALR 556; 58 ALR 672; 80 ALR 1226; 101 ALR 65; 110 ALR 646; 119 ALR 245; 155 ALR 1383.

Cooperative marketing of farm products by producers' associations, 25 ALR 1115; 33 ALR 247; 47 ALR 936; 77 ALR 405; 98 ALR 1406; 12 ALR2d 130.

Tenant's right to increase of livestock leased with farm, 72 ALR 858, 862.

Constitutionality and construction

Federal Agricultural Marketing Act, 92 ALR 1492.

Breed of cows as basis of milk price differential, 153 ALR 1174.

Federal crop loans, 1 ALR2d 712.

Construction and application of federal Perishable Agricultural Commodities Act, 21 ALR2d 840.

3 C.J.S. Agriculture §§ 1, 2, 4, 6.

Sec. 03.05.020. Miscellaneous powers of commissioner. The commissioner shall

(1) require routine inspection of food animals and poultry and derivative food products, to protect the public against fraud, disease and spoilage, and in this connection he shall promulgate uniform regulations establishing standards of identity and composition of these food products and minimum standards of sanitation and handling methods as to all phases of slaughtering, processing, storing, transporting, displaying and selling of these food products;

(2) issue orders or cause the orders to be issued by an authorized veterinarian prohibiting transportation and sale of food products intended for human consumption which do not meet the minimum requirements established under (1) of this section, and limiting their use and disposal in conformity with protection of the public;

(3) promulgate a schedule of fees or charges, and credit provisions, for services rendered by state veterinarians to farmers and others at their request in caring for livestock and poultry, and all the fees shall be transmitted to the commissioner for deposit in the state treasury;

(4) designate points of entry for admission of livestock or poultry into the state, and arrange inspection at those points with or without collaboration and assistance of the federal government, and bar entry of stock or poultry not shipped under a valid permit or not free from contagious or infectious disease;

(5) promulgate, repeal, and amend regulations consistent with existing law for

(A) the labeling and grading of milk and milk products and standards of cleanliness and sanitation, to at least the minimum of current recommendations of the United States Public Health Service, for the operation of dairies selling, or offering for sale, milk or milk products;

(B) the production and sale of ice cream and allied frozen desserts;

(C) the production and sale of imitation milk and imitation milk products. (§ 33-1-2(b) (c) (e) (f) ACLA 1949; am § 1 ch 193 SLA 1968; am § 1 ch 25 SLA 1972)

Effect of amendment. — The 1972 amendment, in paragraph (1), deleted "inspection," substituted "food animals" for "livestock," inserted "at state expense" following "routine" and "fraud," deleted "rules and" follow-

ing "uniform," inserted "standards of identity and composition of these food products and," deleted "and" preced-

ing "transporting," and inserted "displaying and selling."
Sec. 03.05.030. Rules for grading and classification of agricultural products. The commissioner may make and promulgate rules, regulations and procedures requiring the classification, grading and inspection of agricultural products sold or offered for sale for general consumption before they are sold, and requiring the marking or labeling of any sack, box, carton or other container of agricultural products to show the kind, grade or other prescribed classification of the contents. (§ 33-1-2 ACLA 1949; am § 1 ch 121 SLA 1955)

Am. Jur., ALR and C.J.S. references.—2 Am. Jur., Agriculture, §§ 13, 14, 31 to 33, 35, 36, 43, 48, 49.
Federal Agricultural Marketing Act, 92 ALR 1492.
3 C.J.S. Agriculture § 2; 36 C.J.S. Food §§ 2, 4, 6 et seq.
Constitutionality of statutes relating to grading, packing or branding of farm products, 73 ALR 1445.

Sec. 03.05.040. Inspection. On any business day during the usual hours of business the commissioner or his authorized inspector may, for the purpose of inspecting agricultural products subject to regulation, enter a storehouse, warehouse, cold storage plant, packing house, slaughterhouse, retail store or other building or place where those products are kept, stored, processed or sold. (§ 33-1-2 ACLA 1949; am § 1 ch 121 SLA 1955; am § 2 ch 25 SLA 1972)

Effect of amendment. — The 1972 amendment inserted "slaughterhouse, retail store," deleted "or" preceding "stored," and added "processed or sold."
Am. Jur. and C.J.S. references.—2 Am. Jur., Agriculture, §§ 13, 16, 33, 35 to 42.
3 C.J.S. Agriculture §§ 24 to 43.

Sec. 03.05.050. Products in violation of regulations. An agricultural product found by the commissioner, or his authorized inspector, to violate a rule or regulation is declared to be a public nuisance injurious to the public interest and shall not be moved by the person in whose possession it may be except upon the specific direction of the commissioner or inspector. (§ 33-1-2 ACLA 1949; am § 1 ch 121 SLA 1955)

Sec. 03.05.060. Checking spread of contagious diseases. The commissioner shall issue or cause to be issued by an authorized veterinarian, emergency orders designed to prevent the spread of contagious or infectious diseases among livestock and poultry inside designated areas or from one part of the state to another in cases of epidemic or threatened epidemic. The orders may cover care or extermination of afflicted stock and may prohibit the transportation of the stock and products derived from the stock, with

compensation to owners as authorized by law. (§ 33-1-2(d) ACLA 1949)

Am. Jur. and ALR references.—2 Am. Jur., Agriculture, §§ 13, 14, 30 to 33, 35 to 40; 22 Am. Jur., Food, § 1 et seq.

Constitutionality of statute or ordinance providing for destruction of diseased animal, 8 ALR 69; 56 ALR2d 1024.

Officer's liability for killing or injuring animals, while acting, or professing to act, under a statute in relation to the inspection or destruction of livestock, 12 ALR 734.

Validity of municipal ordinance

prohibiting or regulating keeping of livestock, 32 ALR 1372; 40 ALR 1395.

Constitutionality of statute for control of diseases of livestock, 65 ALR 523.

Constitutionality of prohibition against cattle entering state, in effort to control diseases of livestock, 65 ALR 534.

Constitutionality of statute as to liability of owner, 65 ALR 552.

Right to compensation for animals destroyed to prevent spread of disease or infection, 67 ALR 208.

Sec. 03.05.070. Control of rabies. The commissioner shall promulgate rules and regulations for the reporting of rabies cases occurring in dogs and other animals and providing for care and restraint of animals suspected of having rabies and for extermination and disposal of rabid animals. The commissioner shall use the services of peace officers and wildlife agents, who are authorized to assist in the protection of the public in accordance with the regulations of the commissioner. (§ 33-1-2(g) ACLA 1949)

Sec. 03.05.080. Controlling exportation of animals. The commissioner shall establish requirements and procedures for examination and certification of dogs, cats and other animals being shipped out of the state. (§ 33-1-2(h) ACLA 1949)

Am. Jur., ALR and C.J.S. references.—2 Am. Jur., Agriculture, §§ 30 to 33, 35 to 39; 2 Am. Jur., Animals, §§ 26 to 28.

Constitutionality of statute making presence of brand on animal prima

facie evidence that animal belongs to owner of brand, 51 ALR 1168; 86 ALR 179; 162 ALR 495.

3 C.J.S. Agriculture §§ 2, 6; 3 C.J.S. Animals §§ 23, 24.

Sec. 03.05.090. Penalty for violation. Any person who violates this chapter or a rule, regulation, order or quarantine made under authority of this chapter, or sells seeds failing to meet the labeling requirements, standards and tests provided for by regulation of the commissioner is, upon conviction, punishable for each offense by a fine of not more than \$1,000, or by imprisonment for not more than one year, or by both. (§ 33-1-3 ACLA 1949)

Chapter 10. Alaska Agricultural Loan Act.

Section
10. Declaration of policy
20. Powers of the department
30. Limitations on loans
40. Creation of fund

Section
50. Administration of fund
54. Sale or transfer of mortgages and notes
60. Short title

S

B

2

41

COMMITTEE REPORT
SENATE

FURTHER:

Date: _____

Mr. President:

The Committee on TERRITORY has had SS 241

relating to adoption of off. date.

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 SS 241 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

January 18, 1984

CS Sponsor Substitute SB 241 (Aud)

Analysis-Alaska Chapter, National Association of Social Workers

- Section 1- Provides that a court order is required for inspection of adoption or legitimation records and deletes the Bureau of Vital Records' authority to adopt regulations with respect to such inspection. It is currently the practice of the Bureau of Vital Records to release original birth certificates by regulation, although the statutes prohibit such release .
- Section 2- -Provides for access to adoption information.
-Clarifies that biological parents can file a statement with the Bureau of Vital Records consenting to release of the original birth certificate.
-States that if such a statement has not been filed a court order is required for release of the original birth certificate.
-Permits the release of ten items of non-identifying information to adoptive parents and/or adoptees 18 years of age or older.
-Requires that after the effective date of the act the State shall provide the non-identifying information on a standard form.
-Requires the State Registrar to attach to the original birth certificate the name and address of the adoptee and/or biological parent should they so request and then enables release of the name and address of the adoptee to the biological parent and the biological parent to the adoptee.
-Requires that anyone placing a child for adoption after the effective date provide the ten items of non-identifying information to the State Registrar.
-Requires that the Department of Health and Social Services attempt to obtain the ten non-identifying information items upon request for adoptions occurring before January 1, 1984.
-Requires maintenance of records.
- Section 3- -Amends A.S. 25,23.060 to provide that consent to adoption forms must state the person's right to withdraw the consent and also that a copy of the consent form be provided to the person.
- Section 4- -Clarifies access to adoption records under A.S. 25.23.150 and provides for release of non-identifying information on request and identifying information with consent.
- Section 5- -Clarifies language prohibiting release of identifying information on adoption.

- Section 6- ~~Requires the Superior Court to obtain for the State Registrar the ten items of non-identifying information.~~
- Requires a statement from the biological parent regarding whether the adoptee may have the original birth certificate when 18 years of age or older.
 - Requires a statement indicating the biological parent has been informed that the State Registrar must attach the current name and address of biological parent and/or adoptee to original birth certificate at any time.
 - Requires that the non-identifying information shall be attached to original birth certificate.
 - Requires that the biological parent must be given a copy of their statement regarding release of original birth certificate.
 - Provides that the biological parent must be informed on their copy of the information that they have the option of changing their mind about the release of identifying information at any time.

~~The Alaska Chapter, National Association of Social Workers believes that Sponsor Substitute SB 241 addresses the interests of both adoptees and biological parents and provides a balance between their needs. Furthermore, Sponsor Substitute SB 241 provides for a change in adoption records in the future in order to address a fundamental injustice which has heretofore been done adoptees by denying them access to information about themselves.~~

~~Cecilia Kleinkauf
Alaska Chapter, National Association of Social Workers
1/18/84~~

Section 7

Add the requirement for the inclusion of non-identifying information to the documents which must be provided to the court -

~~Section 8
effective date~~

January 17, 1984

M E M O R A N D U M

TO: Senator Bill Ray, Chairman
Senate Judiciary Committee
Senator Joe Josephson
Senator Richard Eliason
Senator Fritz Pettyjohn
Senator Robert Ziegler, Sr.

FROM: Karla Forsythe ^{KF}
General Counsel
Alaska Court System

SUBJECT: SS for SB 241, an act relating to adoption.

The Alaska Court System appreciates this opportunity to bring to your attention court-related concerns about SS for SB 241, an act relating to adoption.

Under section six of the proposed legislation, the clerk of the superior court, the department of health and social services, or the person placing a child for adoption is required to obtain from each known biological parent a variety of nonidentifying information, as well as statements about access to identifying information. It is the position of the court system that the reference to the clerk of the superior court should be deleted.

The practical effect of including the court as one of the information-gathering agencies is to add a new and inappropriate clerical procedure to the work of the courts. The implication of this section is that if an agency or the

department is not involved in an adoption, the court should obtain the information. In almost all step-parent adoptions, an agency or the department is not involved, so the court would have to collect the information from the biological parent. These types of adoptions comprise a substantial portion of the court's adoption workload. Moreover, in these situations the biological parent is often difficult to contact. Therefore the court will spend a great deal of time obtaining this information, which will likely require additional staff in major court locations. This investigatory function is not compatible with the court's adjudicatory role.

An easier and more appropriate way to obtain this information in step-parent adoptions is for the person petitioning for adoption and not the court to furnish it to the registrar. If the phrase "person placing a child for adoption" is intended to include these petitioners, the court's concerns with section six can be remedied simply by deleting the reference to the clerk of the superior court. However, if petitioners in step-parent adoptions are not meant to be included in the phrase, they should be specifically mentioned. If this is the case, the court system suggests that lines 10-12, page five of the proposed bill, should read: "The person petitioning for the adoption, the department, or the person placing a child for adoption shall obtain from each known biological parent of the adopted person for the state registrar"

Deleting the reference to the court comports with the apparent intent of the legislation. Proposed section 18.50.510 requires the commissioner, an adoption agency, or a person placing an adoptee, and not the court, to provide information to the registrar. It is inconsistent to then require the court to obtain the information under the adoption provisions of title 25. Also, a reference to the court implies that inability or failure to obtain the information will affect the court's review of the adoption. However, it is clear from proposed section 18.50.500 that the missing information results not in denial of the adoption, but in nondisclosure.

In summary, the court system recommends deletion of the reference to the "clerk of the superior court" from section six.

cc: Senator Kerttula
Senator Rodey
Senator Sturqulewski
Senator Fahrenkamp
Senator Halford
Senator P. Fischer
Senator Moss
Paula Scavera
Arthur H. Snowden, II



NATIONAL
ASSOCIATION OF
SOCIAL WORKERS, INC.

P.O. Box 10430
Fairbanks, Alaska 99701
907-456-5914

POSITION PAPERS '83-84
ADOPTION

BOARD OF DIRECTORS

President
Gene Kingma, BSW
Fairbanks - '83

Vice-President
Janey Jensen, ACSW
Fairbanks - '83

Secretary
Leslie Simar, BSW
Fairbanks - '83

Treasurer
Floy MacPhae, BSW
Fairbanks - '83

President-Elect
Susan Johnson, MSW
Anchorage - '85

Northern Representative
Nettie Jean Scott, ACSW
McGrath - '85

Southcentral Representatives
Elizabeth Robinson, ACSW
Anchorage - '83

Karen Hobbstock, ACSW
Anchorage - '83

Southeastern Representative
Diane Bechen, ACSW
Sitka - '85

Member-At-Large
CeCe Esparza, ACSW
Bethel - '85

Executive Director
Marena Schneider, MSW
Fairbanks

BACKGROUND :

Alaska's laws concerning adoption need to be revised. Adult adoptees in Alaska are presently denied access to information about themselves and their socio-biological heritage.

The Alaska Chapter of the National Association of Social Workers believes adult adoptees should be provided with access to nonidentifying information about themselves upon request as a matter of legal right, without court order.

ACTION RECOMMENDED:

--Adult adoptees and biological parents should be provided access to identifying information about each other through a mechanism which protects their rights. This mechanism could be either an intermediary agency or a registry which would gather the information and attach it to the child's birth certificate.

--There should be provision for an affidavit consenting to release (or not to release) identifying information signed by the biological parent attached to the birth certificate.

--The Division of Vital Statistics should be prohibited from releasing birth certificates without consent, as is their current practice.

- (GABRIELLI) -

JAN 18 1983

P.O. Box 58153
Fairbanks, Alaska 99701
January 10, 1982

Senator Don Bennett
Pouch V
Juneau, Alaska 99811

Dear Senator Bennett:

As an individual I am writing to request that you sponsor legislation changing the wording of AS 20.15.100(d). The current section reads:

"(d) Except as provided in (g) and (i) of this section, an investigation shall be made by the department or any other qualified agency or person designated by the court to inquire into the conditions and antecedents of a minor sought to be adopted and of the petitioner for the purpose of ascertaining whether the adoptive home is a suitable home for the minor and whether the proposed adoption is in the best interest of the minor."

"(g)" and "(i)" serve to allow the court discretion in ordering investigations where agencies are a party to the adoption, in the cases of relative (usually step-parent) adoption and in the adoption of adults.

The above provision gives the court the power to order the Department of Health and Social Services, Division of Family and Youth Services to conduct such studies in what would otherwise be private adoptions. Possibly because the Department does not charge it has apparently become very popular, at least in the Fairbanks area, for the court to order these studies done by the department even in those cases where the families seem well able to afford the cost. And despite the fact that there are at least two private agencies in the Fairbanks area that have experience in the field of adoptions as well as a number of experienced social workers available on a private fee basis.

While it can be argued that it is legitimate for the state to provide this service in those cases where there are no private resources available, or where the adoptive family is not able to afford the cost, it would seem somewhat questionable for the state to provide a free service in direct competition with comparable resources in the private sector.

The Division of Family and Youth Services has been ordered with increasing frequency to provide this service at a time when other caseloads, especially in the area of child sexual abuse, have been climbing at a steady rate. Yet there has been no concurrent increase in the staff available to provide this service. I would respectfully suggest that either the department be reasonably staffed to provide this public service or that the wording of the statute be changed to allow the department to decline the investigation in those cases where other resources are available to the adoptive family and to the court. An adequate adoptive study requires a minimum of about 20 hours of time, often more, and the Family and Youth Services office in Fairbanks has been asked to do as many as 7 per month. Or, put another way, the rough equivalent of a full time job.

The concern of the statute is to provide a protection to the child and to this end I do not advocate removing the requirement for an investigation of the family and the child's "conditions and antecedents". However, elsewhere in the statute there is provision for notice to the department of all adoptions and this notice provides an opportunity for the department to screen cases to some extent for possible abuse or neglect concerns. Also, if the court (or other agency doing the investigation) discovers some child protection concerns the Child protection resources of the department would be available to to the court or the agency.

Therefore I respectfully suggest that AS 20.15.100(d) be reworded to read as follows:

"(d) Except as provided in (g) and (i) of this section, an investigation shall be made by [the department or any] a qualified agency or person designated by the court to inquire into the conditions and antecedents of a minor sought to be adopted and of the petitioner for the purpose of ascertaining whether the adoptive home is a suitable home for the minor and whether the proposed adoption is in the best interest of the minor. For the use of the court in carrying out provisions of this section the department shall maintain and provide to the court a list of appropriate agencies and individuals available to provide such investigations, and if no such agencies or individuals are available within a reasonable proximity to the adoptive family the department shall provide such services to the court."

Thank you for your time and consideration.

Sincerely,


James J. Fox

SECTIONAL ANALYSIS CSSSB 241 (JUDICIARY) WORK DRAFT

SECTION 1

Deletes the authority by regulation to disclose information concerning adoption or legitimation.

SECTION 2

Provides for access to adoption records and sets the procedure for the notifying of the biological parent. Permits the release of ten items of non-identifying information to adoptive parents and/or adoptees 18 years or older. Requires that after the effective date of the act the State shall provide the non-identifying information on a standard form. Requires that anyone placing a child for adoption after the effective date, provide the ten items on non-identifying information to the State Registrar. Requires that the Department of Health and Social Services attempt to obtain the ten non-identifying information items upon request for adoptions occurring before January 1, 1985. Requires maintenance of records.

SECTION 3

Consent to adoption forms must state the person's right to withdraw the consent and also that a copy of the consent form be provided to the person.

SECTION 4

Non-Identifying information shall be filed with the clerk of the court

SECTION 5

Clarifies language prohibiting release of identifying information on adoption

SECTION 6

Clarifies language on the release of information concerning disclosure or identity of adoptive children or adoptive parents.

SECTION 7

Adds the requirement for the inclusion of non-identifying information to the documents which must be provided to the court. Also adds the requirement of a statement that the biological parent is aware of the procedures of the release of adoption information

SECTION 8

Effective date clause

MEMORANDUM

TO: Senator Bill Ray ✓
Senator Jalmar Kerttula

FROM: Elizabeth J. Hickerson

RE: SB 241: An Act Relating to Adoption

DATE: April 26, 1983

SB 241 seeks to accomplish several things regarding adoption records. As background information it should be noted that presently, although the statute provides that all adoption records shall be confidential (see AS 18.50.220, AS 25.23.150), upon request the Division of Vital Statistics is releasing original birth certificate to adoptees. In addition, at the time of adoption no information regarding the medical background of the biological parents or other non-identifying information is obtained.

According to authorities on adoptees and their search for their biological parents, often the only information sought is basic non-identifying information. This bill seeks to provide the adoptee with non-identifying information so as to aid in filling the void often experienced when an adoptee, whether as a child or as an adult, learns that he/she is adopted. In addition this bill provides that a state registry will be established whereby the biological parent and the adoptee, having obtained majority, may attach identifying information to the original birth certificate. This is optional and only at the request of either party.

A summary of the individual sections follows.

SECTION 1

Section 1 provides that inspection of the original birth certificate shall only be made by order of the court or upon the request of an agent of the state or federal government acting in the performance of the agent's official duties. This change ensures that inspection of

original birth certificates will follow the confidential guidelines provided by statute.

SECTION 2

Under this section, non-identifying information is to be collected at the time of adoption and released to the adoptive parent and the adopted person upon turning 18 years of age. The non-identifying information that is to be collected on a standard form by the state registry includes the following information: the age of the biological parent at the birth of the adopted person; the heritage of the biological parent; the health history of the biological parent and of blood relatives; the general physical appearance of the biological parent at the time of birth; a statement as to whether or not the parental rights of the biological parent were voluntarily relinquished or court ordered in a termination proceeding; the existence of another child or children of the biological parent; talents, hobbies and special interests of the biological parent; education completed by the biological parent at the time of the birth; the religion of the biological parent; and the legal relationship if any between the biological parents.

Either the biological parent or the adopted person may request that identifying information (name and address) be attached to the original birth certificate and made available to the other party.

The commissioner, a child adoption agency, and a person authorized by law to place a person for adoption shall furnish the state registrar the non-identifying information required under this section. In the event that these individuals cease to place persons for adoption they are required to transfer their records to the commissioner. This ensures that this information will be preserved.

SECTION 3

This section provides that at the time of adoption the persons required to consent to adoption will be given notice that they may withdraw their consent to the adoption as provided in AS 25.23.070. Under AS 25.23.070 consent to adoption may be withdrawn:

before the entry of a decree of adoption, within 10 days, by delivering written notice to the person obtaining the consent, or after the 10 day period, if the court finds, after notice and opportunity to be heard is afforded to petitioner, the person seeking the withdraw and the agency placing the child for adoption, that the withdrawal is in the best interest of the person to be adopted and the court orders the withdraw.

Compliance with this statutory requirement guarantees that one is informed about the limited right to withdraw consent to adoption.

SECTION 4

This section provides that the papers and records relating to adoption are subject to inspection only upon consent of the court. However this section also allows inspection of the papers or records with the consent of all interested persons or by order of the court for good cause shown.

SECTION 5

Section 5 states that only with the consent of the adopted child, 14 years or older, or by the adoptive parent or by order of the court for good cause shown may the name or identity of either an adoptive parent or an adopted child be disclosed.

SECTION 6

Records and information regarding adoption are to be obtained by the clerk of the Superior Court, the Department, or the person placing the child for adoption. Non-identifying information is to be compiled on a form prepared by the Department. The procedure for attaching identifying information to the original birth certificate is to be provided the biological parent.

Paragraph (d) of this section provides that identifying information may be changed or removed at any time if requested by the biological parent. This ensures that if the biological parent later wishes to remain anonymous, it is within the power of the biological parent to so remove information which is identifying.

SECTION 7

This section provides that SB 241 takes effect January 1, 1984.

SUMMARY

SB 241 provides a means whereby non-identifying information regarding the biological parent will be attached to the original birth certificate at the time of the adoption. Further this bill provides that identifying information may be attached to the original birth certificate only at the request of either the biological parent or the adopted child. Unless so ordered by a court or at the request of an officer of a state or federal agency, identifying information may not otherwise be released. This ensures that adoption records remain confidential and that vital statistics is without power to release original birth certificates.

Possible opposition to this bill comes from those who believe that original birth certificates should be completely open to the adopted child. As long as our statutes provide that adoption records shall be confidential any measure allowing inspection of an original birth certificate, unless so ordered by a court or with the consent of all interested parties, is violative of the law.

May 3, 1983

Sponsor Substitute SB241

Analysis - Alaska Chapter, National Association of Social Work

Section 1 - Provides that a court order is required for inspection of adoption or legitimation records and deletes the Bureau of Vital Records authority to adopt regulations with regard to such inspection. It is currently the practice of the Bureau of Vital Records to release original birth certificates under regulations the Bureau adopted many years ago.

Section 2 - Provides for access to adoption information.

- Clarifies that the biological parent can file a statement with the Bureau of Vital Records permitting release of original birth certificate.
- States that if such a statement has not been filed a court order is required for release.
- Permits the release of ten items of non-identifying information to adoptive parent and adoptee 18 or older.
- Requires that for adoptions after January 1984 (or effective date) the state shall provide the non-identifying information on a standard form.
- Requires the State Registrar to attach to the original birth certificate the name and address of the adoptee and/or biological parent should they so request and then enables release of name and address of adoptee to biological parent and biological parent to adoptee.
- Requires that anyone placing a child for adoption after effective date provide the ten items of non-identifying information to the State Registrar.
- Requires that the Department of Health and Social Services attempt to obtain the ten non-identifying information items upon request for adoption occurring before January 1, 1984.
- Requires maintenance of records.

Section 3 - Amends AS25.23.060 to provide that consent to adoption forms state the person's right to withdraw the consent and provide a copy of the consent to the person.

Section 4 - Clarifies access to adoption records under AS25.23.150 and provides for release of non-identifying information on request and identifying information with consent.

Section 5 - Clarifies language prohibiting release of identifying information on adoption.

- Section 6 - Requires the Superior Court to obtain for the State Registrar -
- Ten items of non-identifying information.
 - Statement from biological parent whether adoptee may have original birth certificate when 18 years of age or older.
 - Statement indicating biological parent has been informed State Registrar must attach current name and address of biological parent and/or adoptee to original birth certificate at any time.
 - Statement that non-identifying information shall be attached to original birth certificate.
 - Biological parent must be given a copy of their statement regarding release of original birth certificate.
 - The biological parent must be informed on the information they receive a copy of that they have the option of changing their mind about release of identifying information at any time.

The Alaska Chapter, National Association of Social Workers believes that SB241 addresses the interests of both adoptees and biological parents and provides a balance between their needs. Furthermore, SB241 provides for a change in adoption records for the future in order to address a fundamental injustice which has heretofore been done adoptees by denying them access to information about themselves.

Cecilia K. Lemkau

Public opinion favors opening adoption records

By CECILIA KLEINKAUF

Throughout the winter and spring of 1980, the subject of "opening" adoption records in Alaska received a good deal of attention.

A public forum, sponsored by the League of Women Voters, the National Association of Social Workers and the Social Work Department at the University of Alaska generated much discussion and a series of resolutions supporting opening records for release of non-identifying information (i.e. — medical, racial data) and opening records for release of identifying information with the consent of the individual whose name is released. Legislation was also introduced in the 11th Alaska Legislature to amend the Alaska statutes to provide for open records but did not pass.

In order to determine the opinions of the general public regarding adoption issues, the Social Work Department at the University of Alaska agreed to undertake a research survey of public opinion and make the results available to the legislature and the public at large.

Both KIMO-TV, Channel 13, and the Anchorage Daily News provided assistance by actually publicizing the short questionnaire, thus assuring participation by the general public.

The survey asked the following questions:
 1) Whether respondents believed that non-identifying information should be available to adult adoptees without a court order.

2) Whether respondents believed that identifying information (names) should be accessible to adult adoptees, adoptive and biological parents —

- a) Only with written consent of the person to be adopted;
- b) Only with a court order and the written consent of the person to be adopted;
- c) Only with a court order;
- d) Not at all;

3) Whether adoptions should be done by a licensed adoption agency or the state — except for relative or stepparent adoptions.

One hundred forty-two (142) individuals responded to the brief questionnaire. Of this number — 19 were adopted persons, 17 were adoptive parents, 22 were biological parents of a child released for adoption, 13 were professional and 46 were classified "other." Composite breakdowns of their responses are as follows:

1) Those believing that non-identifying information should be available to adult adoptees without a court order —

- Yes.....89 percent
- No.....6 percent
- Don't Know.....4 percent

2) Those believing that identifying information (names) should be accessible to adult adoptees, adoptive and biological parents —

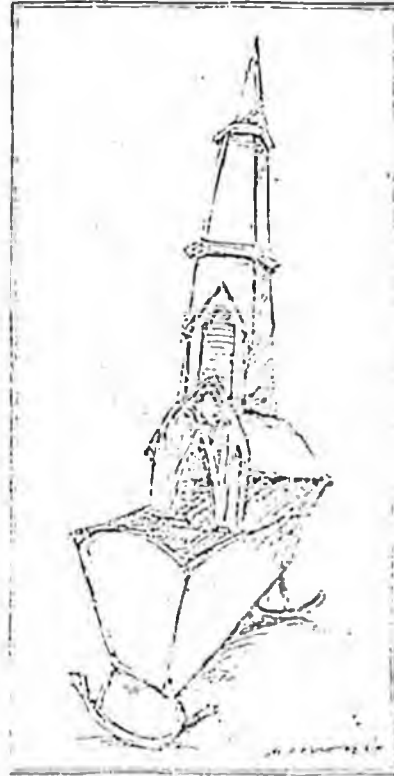
- Written consent.....77 percent
- Court order & written consent.....15 percent
- Only with court order.....7 percent
- Not at all.....4 percent
- Don't Know.....1 percent

3) Those believing that adoptions should be done by a licensed adoption agency or the state — (except for relative or stepparent adoptions) —

- Yes.....65 percent
- No.....17 percent
- Don't Know.....18 percent

Contrary to what might be expected, when the responses are broken down by adoptive, adoptive parents and biological parents, the support for open records remains strong within a discrete group.

Of those respondents who were ADOPTIVE PARENTS, 89 percent believed that access to identifying information should be granted with the consent of the person to be identified. Ninety-five percent believed adult adoptees should have access to non-identifying information without a court order. Fifty-one percent of



the adoptive parents believed adoptions should be done by a licensed agency or the state and 35 percent disagreed. Fourteen percent weren't sure.

Of those respondents who were the BIOLOGICAL PARENT of a child released for adoption, 82 percent believed that access to identifying information should be granted with the written consent of the person to be identified. Nine percent believed adult adoptees should have access to non-identifying information without a court order. Forty-five percent of the biological parents believed adoptions should be done by a licensed agency or the state. Forty-one percent weren't sure and 11 percent disagreed.

Of the respondents who were ADOPTEEES, 51 percent believed that access to identifying information should be provided with the written consent of the person to be identified. Ninety-five percent believed that access to non-identifying information should be possible without a court order, and 81 percent believed adoptions should be done by a licensed agency or the state. Eleven percent disagreed and five percent weren't sure.

Of the remaining respondents, 59 percent believed that written consent should be required for the release of identifying information, 27 percent believed that access to non-identifying information should be possible without court order and 14 percent believed a licensed agency or the state should do the adoptions.

Survey results such as these give clear indications of changing social attitudes about adoption and about "secret" adoptive records.

It is obvious that the majority of respondents in this survey believe that Alaska should "open" adoptive records. It remains to be seen whether the 12th Alaska Legislature will agree.

Cecilia "Pudge" Kleinkauf is a faculty member of the University of Alaska, Anchorage with the Department of Social Work.

"An Act relating to adoption; and providing for an effective date."

Senate Bill No. 241 amends the Vital Statistics Act and the adoption statute pertinent to access to adoption records and consent procedures. The Bill has the effect of denying persons adopted in Alaska prior to enactment of this Bill access to their original birth certificates, which is presently permitted by regulation. The Bill provides that, for adoption which occurred prior to January 1, 1984, the State Registrar may not release any information, on the biological parent named on the certificate without that person's permission. However, it does allow for a biological parent to file a statement with the Bureau of Vital Statistics permitting access. This Bill reflects the view that the present practice does not protect the confidentiality of the biological parents since their names are made available without their consent or knowledge. While this position may have merit, persons adopted prior to the enactment of this proposed legislation would argue that since the State did not provide a mechanism for collection and retention of non-identifying information before January 1, 1984, they should not be denied access to the information which is presently on file, namely, the original birth certificate.

The Division of Family and Youth Services receives numerous inquiries every year from parents who have relinquished a child and from adult adoptees wanting to locate their biological family. Senate Bill 241, as written, would deny access to any identifying information, unless specific instructions are left on record by the biological parent. The national trend appears to be moving more toward open adoption records and for older children, the biological parent often remains active in his child's life, even after parental rights are terminated. While the Division of Family and Youth Services would support the collection of non-identifying information it would recommend considering access to identifying information where available.

For adoptions occurring after January 1, 1984, information on the biological parents including race, physical characteristics, religion, health history, and existence of another child or children will be collected, and this non-identifying information may be provided to adoptive parents and to adopted persons 18 years of age or older. The Bill also recommends that information be collected on the legal relationship, if any, between the biological parents. The Department would question whether it is necessarily in the best interests of the child to collect this information (for example, when the child is the result of an incestuous relationship) and would recommend removal of that item.

Minor changes are also recommended in three additional areas:

oPage 2, line 3: "prepared by the commissioner" be removed to make the Bill consistent with other areas of AS 18.50. the Registrar of Vital Statistics would normally be the person with the responsibility for preparing new forms.

POSITION PAPER
SENATE BILL NO. 241 (Sponsor Substitute)

PAGE 2

°Page 3, line 12: "and a person..." be changed to "or a person...." as it is necessary for only one of the sources mentioned to provide necessary information to the State Registrar.

°Page 3, lines 18 and 19: omit the words "request the commissioner" to make the sentence more consistent with present procedure.

The Bill also amends the adoption statute to provide that a consent to adoption is not valid unless the consent form states that the person has a right to withdraw the consent and is provided with a copy of the consent. The Department would support the amendment.

RECOMMENDED: *for* Michael L. Price
Michael L. Price, Director
Division of Family and
Youth Services

DATE: April 27, 1983

RECOMMENDED: Joan Brooks
Joan Brooks, State Registrar
Bureau of Vital Statistics

DATE: April 27, 1983

APPROVED BY: for John R. Byrne
Robert London Smith, Ph.D.
Commissioner

DATE: May 6, 1983

I. REQUEST
 Bill/Resolution No.: SSSB 241
 Title: Adoptions
 Sponsor: Kerttula
 Requestor: Kerttula

II. FISCAL DETAIL
 Agency Affected: H&SS
 Program Category Affected: _____
 BRU, Program of Subprogram(s) Affected: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC						
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL						
---------	--	--	--	--	--	--

REVENUE						
---------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

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

POSITIONS:

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

III. SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

IV. ANALYSIS: Attach a separate page for any Analysis

Prepared By: *Jeanne Edelweiser for Michael Pinc* Phone: 465-3170
 Division: Family and Youth Services Date: 4/27/83

Approved by Commissioner: *John R. Poy* Date: 5/6/83
 Department: H&SS

Distribution:

- Original to Legislative Finance
- Copy to Office of Management and Budget (for Legislature introduced bills)
- Copy to Department (for Governor introduced bills)
- Copy to Sponsor
- Copy to Requestor (if different from Sponsor)

3/8/83

4505 Dredge Lake Rd.
Juneau, Alaska 99801
May 4, 1983

The Honorable Bill Ray
Senate Judiciary Committee, Chairman
Alaska State Senate
Juneau, Alaska

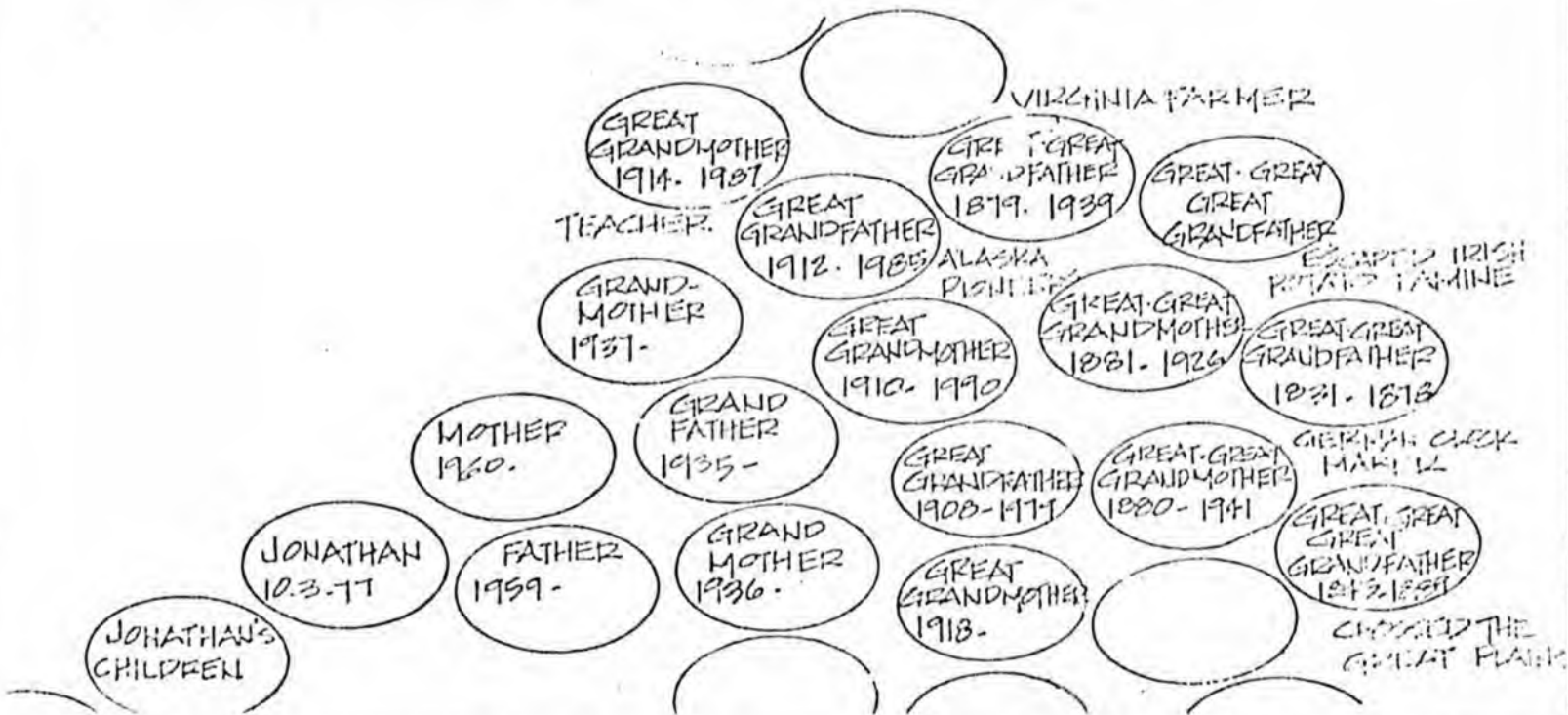
Dear Senator Ray:

I am writing on behalf of my 5 year old adopted son, Jonathan, because he will be adversely affected by the passage of SSSB 241, an act relating to adoption.

Under present regulation, 7 ACC 05.730, Jonathan may obtain a copy of his original birth certificate when he becomes 18 years old. That certificate names his biological parents, their ages and birthplaces. This information will enable JONATHAN to research his ancestry - to find answers to questions such as:

- Who am I?
- Where did I come from?
- Do I have brothers and sisters?
- Are there medical problems that I may likely inherit?
- Will any medical problems influence my decision to have children?
- What am I worth if I was given away?

This information will be the first stepping stone to going back in history - to opening to Jonathan the fascinating study of his own genealogy.



But SSSB 241 proposes to change that. It would place the rights of the adopted person in the hands of the natural parent for access to the original birth certificate becomes contingent upon consent from the biological parent. I am opposed to this; the right of anyone to his own birth certificate should not be conditional upon permission from anyone.

The persons most adversely affected by SSSB 241 have already been adopted. Most of these are children - like Jonathan - under age 18 - who cannot fight for their rights and he cannot get a copy of of their original birth certificates now before the law is changed. The passage of SSSB 241 will effectively erect a stone wall in front of any search Jonathan and his descendants may conduct for their own "roots."

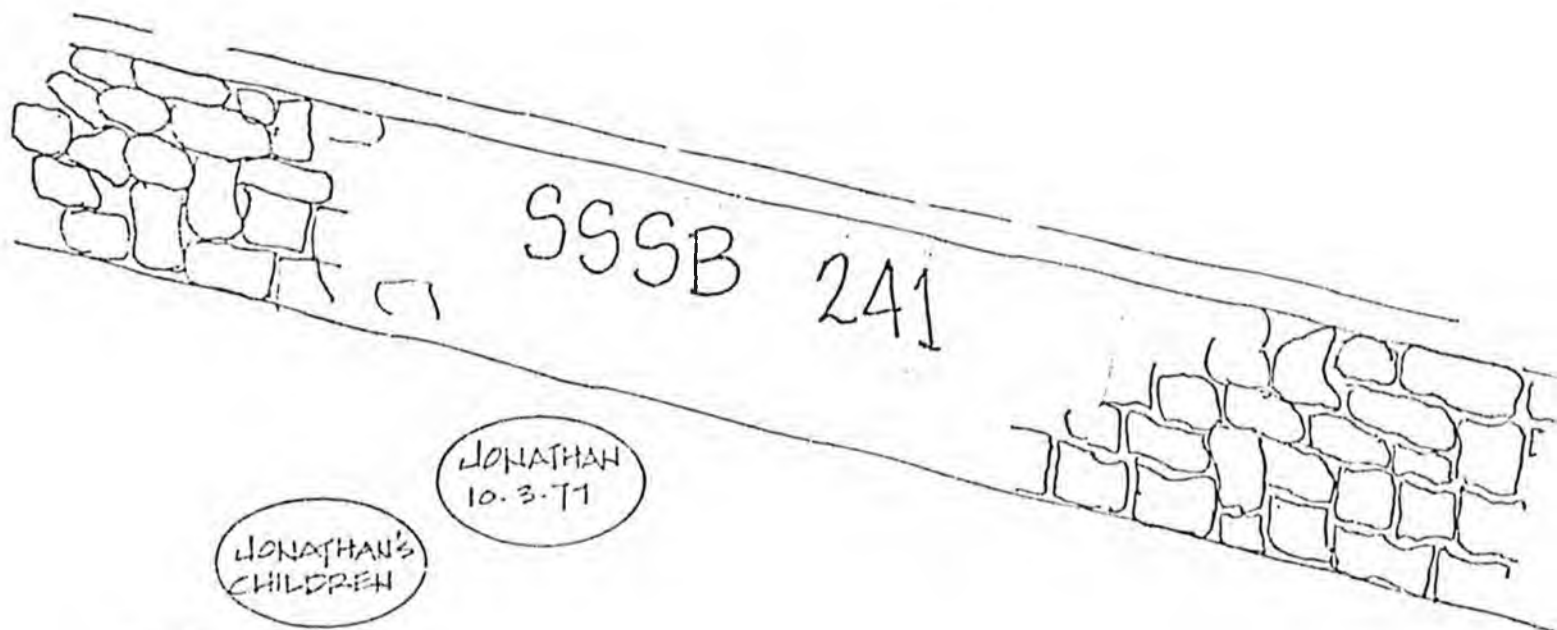
As an adoptive mother I am most concerned that the rights of my son are not violated. I have done a lot of research and have tried to consider all view points. I offer suggestions for more responsible legislation which I attach to this letter along with a copy of the bill marked to reflect those changes.

Please, leave stepping stones for Jonathan, not stone walls.

Sincerely,

Joyce E. Lanier

Joyce E. Lanier



JONATHAN'S
CHILDREN

JONATHAN
10.3.71

JONATHAN'S
GRAND
CHILDREN

SSSB 241

Listed below are my suggestions for more responsible legislation which more equally balances -

the right of the adoptee to know the identity of his natural parents,
the desire of those natural parents who may wish to remain anonymous,
the wishes of any adoptive parents who may consider the entrance of
natural parents into the life of the adoptee a personal threat to their
own security.

Amendments and additions to SSSB 241:

1. Retain the right of the adopted person to his original birth certificate at age 18 and over, and additionally allow his descendants that same right, just as descendants of all other persons have that right.
2. Allow the birth parent to place a statement with the original birth certificate as to whether he/she would WELCOME contact with the adopted person.
3. Provide written notification that must be acknowledged to the adoptive and the natural parents of the adoptee's rights to the original birth certificate. Establish a counseling program that advises natural parents of their responsibilities to provide as much non-identifying information as possible to the adoptee, that advises adoptive parents that curiosity of the adoptee is very natural and is no personal threat, and counsels adoptees who may wish to contact natural parents. I believe that by eliminating the element of surprise, all parties concerned will harbor fewer hard feelings.
4. Attach all the non-identifying information to the original birth certificate as some adoptive parents donot tell the child that he is adopted and thus would not pass this information to him. This information would be available when the adoptee discovers he is adopted.
5. Allow and encourage the birth parents to update the health history and sibling existance as changes occur. Many inheritable medical problems do not materialize until many years after the adoption. Someday those siblings may be the only family the adoptee has, especially in the case of an adoptee who was raised as an only child in his adoptive home.

Joyce Lanier
4505 Dredge Lake Rd.
Juneau, Alaska 99801

789-0515 586-7701

5/4/83

CHANGES PROPOSED BY JOYCE LANIER

Introduced: 4/25/83
Referred: Judiciary

BY KERTTULA, RODEY, RAY
STURGULEWSKI, FAHRENKAMP,
HALFORD, P. FISCHER,
PETTYJOHN AND MOSS

1 IN THE SENATE

2 SPONSOR SUBSTITUTE FOR SENATE BILL NO. 241

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 THIRTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to adoption; and providing for an
7 effective date."

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

9 * Section 1. AS 18.50.220(b)(1) is amended to read:

10 (1) thereafter, the original certificate and the evidence
11 of adoption or legitimation are not subject to inspection except upon
12 order of the superior court; ~~however, the state registrar [OR AS PRO-~~
13 ~~DECENDANTS WHO ARE 13 YEARS OLD OR OVER AND~~
~~VIDED BY REGULATION; HOWEVER, THE REGULATION] shall allow inspection~~
14 by an agent of the state or federal government acting in the perfor-
15 mance of the agent's [HIS] official duties;

16 * Sec. 2. AS 18.50 is amended by adding new sections to read:

17 ARTICLE 6. ACCESS TO ADOPTION INFORMATION.

18 Sec. 18.50.500. ACCESS TO ADOPTION INFORMATION. (a) If a bio-
19 logical parent named on the original certificate of birth ~~for a birth~~
20 ~~occurring before January 1, 1984, has not filed with the state regis-~~
~~trar a statement that the information on the original certificate of~~
21 ~~birth may be disclosed, the state registrar may not disclose the~~
22 ~~information on that biological parent to an adopted person unless~~
23 ~~disclosure is ordered by the court under AS 25.23.150.~~
24

25 (b) The state registrar shall disclose information identifying
26 the biological parents of an adopted person 18 years of age or older
27 ~~if the biological parent has filed a statement that the information on~~
~~the original certificate of birth may be disclosed.~~
28 ~~AND THE STATEMENTS OF THE BIOLOGICAL PARENTS AS~~
~~DESCRIBED IN (A) OF THIS SECTION.~~

29 (c) The state registrar shall ~~provide the adoptive parents of a~~
~~BIRTH CERTIFICATE & PROVIDE THE ADOPTIVE PARENTS~~
~~OF A~~ ~~ATTACH TO THE ORIGINAL~~

1 (d) The state registrar shall, on the request of an adopted
2 person over the age of 18 years, attach to the original birth certifi-
3 cate of the adopted person the current address and name of the adopted
4 person. The information provided under this subsection may be
5 released to the biological parent of the adopted person.

6 (e) The state registrar shall, on the request of a biological
7 parent, attach to the original birth certificate of the child of the
8 biological parent the current address and name of the biological
9 parent. The information provided under this subsection may be
10 released to the child of the biological parent.

11 Sec. 18.50.510. MAINTENANCE OF RECORDS. (a) The commissioner,
12 a child adoption agency, and a person authorized by law or regulation
13 to place a person for adoption shall furnish the state registrar the
14 information concerning biological parents required under AS 18.50.-
15 500(c) for all adoptions that occur after January 1, 1984. If the
16 information concerning biological parents required under AS 18.50.-
17 500(c) is requested but is not available for adoptions that occurred
18 before January 1, 1984, the state registrar shall request the commis-
19 sioner to attempt to obtain the required information from the child
20 adoption agency, records of the commissioner, or court adoption re-
21 cords, or a person authorized by law or regulation to place a person
22 for adoption.

23 (b) A child adoption agency licensed under AS 47.35.100 and a
24 person authorized by law or regulation to place a person for adoption
25 shall maintain records required under AS 18.50.500(c) and by the
26 regulations of the commissioner. If a child adoption agency or a
27 person authorized by law or regulation to place a person for adoption
28 ceases to place persons for adoption, it shall transfer its records to
29 the commissioner.

1 established under AS 18.50 are subject to inspection under the pro-
2 visions of AS 18.50.

3 * Sec. 5. AS 25.23.150(c) is amended to read:

4 (c) Except as authorized in writing by the adopted child if 14
5 or more years of age, or by the adoptive parent, or upon order of the
6 court for good cause shown [IN EXCEPTIONAL CASES], no person may [IS
7 REQUIRED TO] disclose the name or identity of either an adoptive
8 parent or an adopted child.

9 * Sec. 6. AS 25.23 is amended by adding a new section to read:

10 Sec. 25.23.185. RECORDS AND INFORMATION. (a) The clerk of the
11 superior court, the department, or the person placing a child for
12 adoption shall obtain from each known biological parent of the adopted
13 person for the state registrar

14 (1) the information listed in AS 18.50.500(c) on a form
15 prepared by the department;

16 (2) a statement as to whether the ~~adopted person may have~~ ^{BIOLOGICAL PARENT WISHES}
17 ~~access to information on the original certificate of birth~~ ^{TO HAVE CONTACT WITH THE ADOPTED PERSON} when the
18 person is 18 years of age or older;

19 (3) a statement that indicates the biological parent has
20 been informed that the state registrar must attach the biological
21 parent's current name and address to the original birth certificate at
22 any time the biological parent wishes to have a current address
23 attached; and

24 (4) a statement which indicates the biological parent has
25 been informed that the child, after reaching 18 years of age, may have
26 a current name and address attached to the original birth certificate.

27 (b) The statement and the information provided by a biological
28 parent under (a) of this section shall be attached to the original
29 birth certificate of the adopted person.

1 (c) The biological parent shall be given a copy of a statement
2 provided under (a)(2) of this section.

3 (d) The biological parent of a child placed for adoption may
4 change a statement filed under (a)(2) of this section at any time and
5 this option of the biological parent shall be stated on the copy of
6 the statement provided to the biological parent under (c) of this sec-
7 tion, AND MAY UPDATE INFORMATION FILED UNDER

8 * Sec. 7. This Act takes effect January 1, 1984. AS 18.50.500 (f)

(e) THE ADOPTIVE PARENTS SHALL BE ADVISED IN WRITING BY THE CLERK, SUPERIOR COURT, DEPARTMENT OR PERSON PLACING THE CHILD FOR ADOPTION THAT THE CHILD HAS THE RIGHT TO ACCESS TO THE ORIGINAL BIRTH CERTIFICATE AT AGE 18 OR OLDER AND THE NON-IDENTIFYING INFORMATION DESCRIBED IN 18.50.500 (c). EACH ADOPTIVE PARENT SHALL ACKNOWLEDGE RECEIPT OF THE FORM & SHALL BE GIVEN A COPY OF THE FORM.

(f) A CHILD ADOPTION AGENCY OR A PERSON AUTHORIZED BY LAW TO PLACE A CHILD FOR ADOPTION SHALL PROVIDE COUNSELING SERVICES TO ADOPTEEES, BIOLOGICAL PARENTS & ADOPTIVE PARENTS AT THE TIME OF ADOPTION AND ON-GOING AS REQUESTED, SO THAT ALL PARTIES ARE TREATED WITH RESPECT & COMPASSION FOR EACH OTHER. COUNSELING GUIDELINES SHALL BE PROVIDED BY THE COMMISSIONER.

SJ 1855
(1984)

with a majority vote. Signed by
Ray, Chairman and concurred in by Senators Pettyjohn and
Eliason. Senator Ziegler signed "no recommendation".

The committee attached:

"Senate Judiciary Committee
Letter of Intent"

CSSSSB 241 (Judiciary)

It is the intent of the Judiciary Committee that the right of privacy of the biological parents of an adopted child shall be recognized as preferential when said parent or parents have consented to an adoption, as contra-distinguished from the adopted person's 'right to know.' Furthermore, it is the intent of the committee, when requests for identifying information are made by an adopted person, that notice of such requests must be given each biological parent insofar as possible. However, on behalf of an adopted person who is seeking genealogical identification of his or her biological parents, this legislation provides - and this committee intends - that such information may be divulged provided that no objection to the release of the same has been filed by that biological parent.

/s/ Bill Ray
Senator Bill Ray, Chairman
Senate Judiciary Committee

Adopted 1/25/84"

SPONSOR SUBSTITUTE FOR SENATE BILL NO. 241 was referred to the Rules Committee.

to
in
6,

ve
ue
se
ed

sl
f
to
f

S

B

2

4

3

COMMITTEE REPORT
SENATE

FURTHER:

1/8/53

Date: _____

Mr. President:

The Committee on _____ has had _____

Modifying or abolishing some common law property rules.

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 *Individuals NC*
- 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

FILE WITH SB

THE ALASKA MORTGAGE AND DEED ACT

THE TEN BILL DAY 1983

JUNEAN

THE PROBATE LAW SECTION OF THE ALASKA BAR ASSOCIATION
CONSIDERED THE DRAFT OF SB243 RELATING TO THE ABOLITION OF
THREE COMMON LAW PROPERTY RULES AT ITS REGULAR MEETING ON
JANUARY 22 1983. THE SECTION FAVORS THE PASSAGE OF THE BILL.
THE SECTION FEELS THAT THE THREE COMMON LAW RULES IN QUESTION
ARE ANTICQUATED AND WERE DESIGNED TO DEAL WITH SOCIAL PROBLEMS
THAT NO LONGER EXIST. THE SECTIONS AGREE THAT PROPOSED
LEGISLATION IS SUFFICIENTLY SIMPLE AND DIRECT TO ACCOMPLISH
THE DESIRED RESULTS. WE URGE YOUR FAVORABLE CONSIDERATION OF
THE BILL.

KATHRYN A BLACK CHAIRPERSON

Alaska State Legislature

SENATOR
ROBERT H. ZIEGLER, SR.
307 BAWDEN STREET
KETCHIKAN, ALASKA 99901

While in Juneau
POUCH V
JUNEAU, ALASKA 99811



Senate

VICE CHAIRMAN
SENATE RESOURCES COMMITTEE
MEMBER
SENATE JUDICIARY COMMITTEE
WESTERN STATES LEGISLATIVE
FORESTRY TASK FORCE
WESTERN CONFERENCE COUNCIL
OF STATE GOVERNMENTS

April 14, 1983

Senator Bill Ray,
Chairman - Senate Judiciary Committee
Alaska State Legislature
Juneau, Alaska 99811

RE: S3 243

Dear Senator Ray:

As a guess, I would say the Code Revision Commission is doing unprovoked good.

I blow neither hot nor cold on the rule against perpetuities, the abolition of the rule in Shelley's case and the doctrine of destructibility of contingent remainders.

As matter of fact, I care so little about this bill that I refuse to even attempt to carry it on the floor of the Senate.

If it must leave your Judiciary Committee, please reassign it to one of the brighter attorneys, like Senator Josephson or Senator Pettyjohn.

Very truly yours,

3 -

Robert H. Ziegler, Sr.

RHZ:lk

Enclosure

Senae
o



Doc #8
NB 340
SB 243
EXECUTIVE SECRETARY
BILLY G. BERRIER

COMMISSIONERS
JOHN W. ABBOTT - CHAIRMAN
JAMES L. BALDWIN - VICE CHAIRMAN
PATRICK M. RODEY
CHARLES G. ANDERSON
L. S. KURTZ, JR.
JUDGE (RET.) THOMAS B. STEWART

ALASKA STATE LEGISLATURE
POUCH Y - STATE CAPITOL
JUNEAU, ALASKA 99811
(907) 465-4878

MEMORANDUM

TO: Chairman, Alaska Legislative Council
FROM: John W. Abbott, Chairman
Alaska Code Revision Commission *JWA*
DATE: February 22, 1983
RE: Bill on common law property rules

Pursuant to authority granted in AS 24.20.075(c), the Alaska Code Revision Commission has prepared the attached bill on common law property rules and asks that it be introduced in the legislature.

The bill deals with three old common law property rules. If enacted it will modify the rule against perpetuities, and will abolish the rule on destructibility of contingent remainders and a rule known to lawyers as "the rule in Shelley's case."

The reasons for treating these rules by statute and the debt the commission owes to Professor Jesse Dukeminier in its preparation are matters covered in the attached commentary on the bill.

JWA:chw

Attachment

cc: Hon. Bill Sheffield
Hon. Edmond W. Burke, Chief Justice
Myrton R. Charney, Executive Director
Legislative Affairs Agency

FEBRUARY 1983
COMMENTARY TO ACCOMPANY DRAFT BILL
ON COMMON LAW PROPERTY RULES
BILL NO.

GENERAL BACKGROUND

The rules dealt with in the attached bill reach so far back that few remember they exist. That is one of the main reasons for the bill. The rules, when not recognized and dealt with by statute, can defeat the intention of a person who makes a will or otherwise transfers real property. Many Alaskans draft their own wills, and many Alaska attorneys are general practitioners who may not be aware that these archaic rules still may be in effect in Alaska.

The common law that has developed through custom and precedent is the basic law of Alaska, subject to AS 01.10.010. That section provides:

SEC. 01.10.010. APPLICABILITY OF COMMON LAW.
So much of the common law not inconsistent with the Constitution of the State of Alaska or the Constitution of the United States or with any law passed by the legislature of the State of Alaska is the rule of decision in this state.

Statutes are needed to make clear whether certain of the old common law rules regarding land transfers continue to apply and to assure that the rules that apply are modified if no longer consistent with current conditions. A distinguished professor of real property law, Jesse Dukeminier of the UCLA Law School, has focused on the problem caused by these common law property rules and the need for legislation to abolish or modify them. His pointing out the need for legislation in Alaska caused the Alaska Code Revision Commission to consider the subject and to propose the attached bill on three rules--the rule against perpetuities, the rule in Shelley's Case, and the doctrine of

destructibility of contingent remainders. With minor exceptions, the following explanations of the rules and the need for legislation is Professor Dukeminier's, and is adopted by the commission.

Section 1

The Statement of Purpose is self-explanatory.

Section 2

Three common law property rules are dealt with here:

I. AS 34.27.010. MODIFICATION OF THE COMMON LAW RULE AGAINST PERPETUITIES.

Purpose of Proposed AS 34.27.010. Proposed AS 34.27.-010 is to provide the State of Alaska with a Rule against perpetuities that preserves (a) the essential purpose of the Rule, and (b) the intentions of testators, grantors, and settlors of trusts to the maximum extent possible.

What is the Rule Against Perpetuities?

Expressed in the technical language of the law, the rule is as follows:

No interest is good unless it must vest, if at all, not later than 21 years after some life in being at the creation of the interest.

The purpose of the rule is to prevent property from being tied up for too long a period. It was developed by the English courts to curb the efforts of land owners who wanted to establish family dynasties. These problems are almost nonexistent today.

Why Does the Rule Need Modification?

Many unsound incrustations upon a basically sound rule have accumulated over the many years of the rule's existence. The rule is ridden with superfluous technicalities and decisions that destroy careful and reasonable estate plans offering no threat to the public interest. The following examples illustrate

these technicalities, which are traps for people who write their own wills and for lawyers and their clients:

The fertile octogenarian. Testator devises property in trust to pay the income 'to my sister A for life, then to A's children for their lives, and then to distribute the principal to A's grandchildren.' A is eighty years old at testator's death. Because the law conclusively presumes A to be capable of bearing children, for purposes of the rule against perpetuities, the remainder to A's grandchildren might not vest until the death of A's children conceived after testator's death, which is too remote. The remainder to A's grandchildren is void.

The unborn widow. Testator devises property 'to my son A for life, then to A's widow for life, then to A's issue per stirpes.' The remainder to A's issue may not vest until the death of A's widow, who might be a woman not yet born at testator's death. Hence the remainder to A's issue is void.

The slothful executor. Testator devises property 'to my issue living upon distribution of my estate.' Because the law assumes the distribution of testator's estate may occur more than twenty-one years after lives in being at testator's death, the gift to testator's issue is void.

The two basic difficulties with standard perpetuities doctrine, which result in defeating reasonable dispositions by reasonable property owners, are these:

1. In determining whether an interest violates the rule the courts close their eyes to events which actually happen and decide the case upon events which might happen after testator's death. For example, the courts assume that a man or woman of any age--even eighty or beyond--can have a child. See the fertile octogenarian case above. It will be observed that the first sentence of proposed AS 34.27.-010 corrects this by declaring that 'the period of perpetuities shall be measured by actual rather than possible events.' If in fact A does not have a child born after testator's death the gift is good. This sentence enacts the wait-and-see doctrine.

2. If it is found that an interest violates the rule, the entire interest is struck down instead of cutting it down to permissible size. It will be observed that the second sentence of proposed AS 34.17.010, corrects this

by declaring that the interest 'shall be reformed, within the limits of that rule, to approximate most closely the intention of the creator of the interest.' (It should be noted that this provision of proposed AS 34.17.010 applies to private dispositions the cy pres doctrine, with which all lawyers are familiar, whereby when the purpose of a charitable trust fails the money is applied, under the supervision of the Attorney General, to such other charity as most closely approximates the general charitable intent of the settlor of the trust.)

All the known anomalies in the decisions on the rule will be automatically corrected by these two simple provisions. Modification of the rule by these provisions will avoid a trap for people who draft their own wills, and will also practically eliminate any potential liability of lawyers for falling into what John Chipman Gray (the great authority on the rule) called "the net which the rule spreads for the unwary."

Is There General Recognition that the Rule is Defective?

Yes. The wait-and-see doctrine determines validity by what actually happens, not by what might happen. The wait-and-see doctrine has been adopted in one form or another by fourteen states, England, and several Commonwealth jurisdictions. Fla. Stat. § 689.22(2) (1977); Ky. Rev. Stat. § 381.216 (1972); Ohio Rev. Code Ann. § 2131.08 (Page 1978); 20 Pa. Cons. Stat. Ann. § 6104(b) (Purdon 1975); Va. Code § 55-13.3 (approved April 7, 1982); Vt. Stat. Ann. tit. 27, § 501 (1975); Ill. Ann. Stat. ch. 30, § 195 (Smith-Hurd 1969 & Supp. 1979); Wash. Rev. Code §§ 11.98.010-.050 (1976); Conn. Gen. Stat § 45-95 (1979); Me. Rev. Stat. tit. 33, § 101 (1978); Md. Est. & Trusts Code Ann. § 11-103(a) (1978); Mass. Gen. Laws Ann. ch. 184A, § 1 (West 1977); Phelps v. Shropshire, 254 Miss. 277, 785, 183 So. 2d 148, 161-62 (1966); Merchants Nat'l Bank v. Curtis, 90 N.H. 225, 230-31, 97 A.2d 207, 211 (1953); English Perpetuities