

ALASKA LEGISLATURE COMMITTEES 1983-1984

3004 SSA SB 59 - SB 61 (FILE 1)

8672

1 not apply to a public officer or employee associated with or a person
2 under contract with the University of Alaska. Those persons shall be
3 governed by the provisions of AS 14.40.345. The provisions of this
4 chapter do not apply to a member of the legislature.

5 Sec. 39.52.050. ADOPTION OF RULES. The council may adopt rules
6 implementing the provisions of this chapter in accordance with the
7 Administrative Procedure Act (AS 44.62).

8 Sec. 39.52.099. DEFINITIONS. As used in this chapter, unless
9 the context otherwise requires,

10 (1) "council" means the Alaska Council on Science and Tech-
11 nology established in AS 44.21.241;

12 (2) "intellectual work product" means any product of the
13 mind including but not limited to the following:

14 (A) discovery, invention, or idea;

15 (B) process, system, or method;

16 (C) machine, manufacture, or product;

17 (D) composition of matter;

18 (E) design or composition in letters, art, or graph-

19 ics;

20 (F) literary, dramatic, musical, educational, or
21 artistic work;

22 (G) certification mark, trademark, patent, or copy-
23 right.

24 * Sec. 2. AS 14.40 is amended by adding a new section to read:

25 Sec. 14.40.345. INTELLECTUAL PROPERTY DEVELOPED AT THE EXPENSE
26 OF THE UNIVERSITY. All right, title, and interest in and to an intel-
27 lectual work product developed by a public officer or employee asso-
28 ciated with or a person under contract with the University of Alaska
29 is the property of the university in accordance with a general policy

1 established by the university. The policy adopted by the University
2 of Alaska may provide for ownership, control, management, and disposal
3 of intellectual work products by an independent foundation created for
4 the purpose of obtaining intellectual work products, receiving gifts,
5 administering or disposing of interests in intellectual work products,
6 and promoting research.

7 * Sec. 3. AS 39.05 is amended by adding a new section to read:

8 ARTICLE 5. WAIVER OF RIGHT TO INTELLECTUAL PROPERTY.

9 Sec. 39.05.160. WAIVER OF RIGHT TO INTELLECTUAL PROPERTY. (a)

10 A public officer or employee of the state, before engaging in the
11 duties of the office or employment, shall sign a waiver of all right,
12 title, and interest in and to an intellectual work product that may be
13 developed by the officer or employee at the expense of the state as
14 set out in AS 39.52.

15 (b) Notwithstanding the requirement in (a) of this section, the
16 state, in accordance with AS 39.52.020, may share a portion of the
17 resulting revenue with or grant a cash award for resulting reductions
18 in operating costs to a public officer or employee who develops an
19 intellectual work product at the expense of the state.

20 (c) A public officer or employee may be required to sign, before
21 engaging in the duties of the office or employment, an acknowledgement
22 that the public officer or employee will not receive a share of the
23 revenue or reduction in operating costs attributable to an intellec-
24 tual work product developed as a duty of the office or employment.

25 (d) The waiver under (a) of this section and the acknowledgement
26 under (c) of this section are not considered terms and conditions of
27 employment that are subject to negotiation for purposes of collective
28 bargaining under the Public Employment Relations Act (AS 23.40).

29 * Sec. 4. AS 44.21.242(b) is amended by adding new paragraphs to read:

1 (9) consistent with the provisions of AS 39.52, retain,
2 assign, license transfer, sell, or otherwise dispose of, in whole or
3 in part and upon terms that the council may direct, any and all rights
4 to, interests in, or income from intellectual work products acquired
5 by the council under AS 39.52;

6 (10) adopt rules implementing the provisions of AS 39.52.

7 * Sec. 5. AS 37.12.070(9) and AS 46.12.110(10) are repealed.



JUNEAU, ALASKA

Alaska State Legislature

BLUE RIBBON COMMISSION ON THE
STATE PERSONNEL ACT

Senator Bill Ray, Chairman

Pouch YG
Mail Stop 3723
Juneau, Alaska 99811
(907) 465-4442

M E M O R A N D U M

January 25, 1983

TO: Senate State Affairs Committee

FROM: Teresa B. Cramer *Teresa B. Cramer*
Administrative Assistant

SUBJECT: Senate Bill 59 - Government Interests in Intellectual Work
Products Developed at the Expense of the State

The Blue Ribbon Commission is proposing legislation to create and protect the state's interest in inventions, discoveries and creations developed by state employees or contractors during their employment or developed with the use of state facilities or resources.

The commission became interested in the issue when an employee of the Department of Fish and Game testified about employment problems arising from his patenting of a production scale salmon incubator. He had begun developing the incubator before he accepted employment with the state. He began working for the department and continued his project after securing advice from the Department of Law concerning avoiding the potential conflict of interest. His job for Fish and Game was closely related to the development of incubators. The employee stated that he created the incubator on his own time. He then patented it and sold the patent to a private corporation which marketed it. Thereafter, the department was required to pay royalties for use of the process.

The employee has filed several grievances over poor performance evaluations, lost promotional opportunities, and an alleged retaliatory layoff which he believed resulted from his patenting the invention. The department testified that there had been considerable morale problems because other employees believed that they had contributed to the development of the process. They thought it unfair that one individual could secure a patent and potentially profit from an invention in which others had participated and in which the state should have an interest.

The Blue Ribbon Commission is concerned that there is no statute protecting the state's interest in the inventions, discoveries and creations made by its employees or made through the use of its facilities. Legislation for the Alaska Energy Center and the Alaska

Resources Corporation gives each agency the authority to hold patents. Nothing in either chapter spells out how the state acquires that interest.

While the proposed legislation does not specifically address the situation which occurred in the Department of Fish and Game, the commission believes that this system would alleviate similar problems in the future. Information about the number of conflict of interest hearings before the Personnel Board indicates that there will probably be no more than two or three applications of the bill per year.

Bill Analysis

- Page 1
Line 10 The first section of the proposed legislation gives the state all right, title and interest in any intellectual work product developed during working hours or with the use of state facilities or by employees whose duties include responsibility for research.
- Page 4
Line 12 "Intellectual work product" is broadly defined later in the bill to include anything which is subject to patent, trademark or copyright laws.
- Page 2
Line 8 A state employee or person under contract with the state is obliged to disclose the development of an intellectual work product to the Alaska Council on Science and Technology and to assign any interest in it to the state. If requested, the person is required to assist the Council in applying for a trademark, patent or copyright. The commission believes that the Council is the most appropriate existing state agency to administer the program.
- Page 2
Line 21 The Council is given broad discretion to decide whether to pursue patenting, trademarking, or copyrighting the invention after consultation with affected state agencies. The Council may waive any state interest in the discovery or may waive all interest but retain a royalty-free license in the intellectual work product so that the state would not have to pay for its use in the future. If the state waives its interest, then the inventor would be able to pursue protection of his own interest in the discovery.
- Page 3
Line 3 The proposed legislation gives the Council authority to grant monetary recognition to employees who develop an intellectual work product. The recognition could be in

the form of a cash award, a share in any royalties generated by the invention, or in any other manner the Council found appropriate. Payment would, of course, be subject to legislative appropriation. The commission believes that the Council should have wide discretion in implementing the monetary award system in order to best encourage employees in their work and serve the state's interests.

Page 3
Line 13

Any disagreements between an employee and the state pertaining to ownership of an intellectual work product would be subject to voluntary arbitration if the parties agreed to be bound by the result. If not, then the disagreement could be settled in court. In addition, the state and the employee or contractor may enter into an employment contract which requires compulsory arbitration.

Page 3
Line 29

Legislators and employees of the University of Alaska are exempted from the chapter. The University has its own policy on intellectual property developed at its expense which is codified in section 2 of the proposed legislation.

Page 4
Line 5

The Council is granted rule-making authority for the chapter in accordance with the Administrative Procedure Act.

Page 4
Line 24

Section 2 of the legislation adds language to codify the University of Alaska's right to intellectual work products developed by its employees.

Page 5
Line 7

Section 3 requires state employees to waive their interest in intellectual work products developed at the expense of the state as set out in section 1 of the bill. The waiver is not subject to negotiation under the Public Employment Relations Act.

Page 5
Line 21

Section 4 amends the Alaska Council on Science and Technology statutes to add the powers and responsibilities granted by the proposed legislation.

Page 6
Line 7

Section 5 repeals the patenting powers currently granted to the Alaska Energy Center and the Alaska Resources Corporation. The commission believes that there should be a single system which applies to all legislative, judicial and executive branch employees of the state.



Alaska Public
Employees Association **APEA**
State Headquarters: 340 N. Franklin, Juneau, AK 99801 (907) 586-2334

MEMORANDUM

TO: Senator Vic Fischer

FROM: Cherie Shelley *CS*
Executive Director

RE: Intellectual work products developed by state
employees, SB 59.

DATE: March 14, 1983

SB 59 would dramatically alter the current law with regard to ownership of intellectual property developed in connection with state service. The employer will reap a benefit much greater than is currently allowed at the expense of the employee who is responsible for the development of the idea.

This is not an improper result in all circumstances, but the proposed bill would go much further than is in the state's best interest. A careful review of the present state of the law and SB 59 bears this out.

Briefly stated, the current law is that the employer obtains all rights to the intellectual work product only if the employee was hired to invent, write, design, or to otherwise provide the employer with the intellectual work product that is eventually developed. However, if the employee is not hired to do original work of this type but does it on work time or using materials or facilities of the employer, then the employer gets only "shop rights" in the product. This means the employer gets the non-transferable right to use the product for its purposes without cost.

Inventions or products would remain the sole and exclusive property of the employee if developed outside of work time and without the employer's aid.

Federal employees fall under a federal regulation that follows the

law as explained above. The federal regulation provides that the government gets certain rights to an invention made:

- 1) during working hours,
- 2) with a contribution by the Government of facilities, equipment, materials, funds or information, or of time or services of other Government employees on official duty, or
- 3) which bears a direct relation to or is made in consequence of the official duties of the inventor." 37 CFR 100.6(b)(1).

This is practically identical to the proposed language of SB 59. However, the federal provision goes on to say that only an employee who is employed or assigned:

- 1) to invent or improve or perfect any art, machine, design, manufacture, or composition of matter,
- 2) to conduct or perform research, development work, or both,
- 3) to supervise, direct, coordinate, or review Government financed or conducted research, development work, or both, or
- 4) to act in a liaison capacity among governmental or non-governmental agencies or individuals engaged in such research or development work... will be required to transfer to the Government all their interest in the invention. 37 CFR 100.6(b)(3).

Employees not hired in a capacity related to inventing but using government resources must give only "a non-exclusive irrevocable, royalty-free license in the invention with power to grant licenses for all government purposes." 37 CFR 100.6(b)(2). Again, note the similar language in the proposed legislation.

To summarize the federal law, if work is done by an employee on government time or with government resources, the invention will be government property only if the person was employed in a research/development capacity. If not, then the government gets an irrevocable license to use the invention without cost. If the work was done without government aid or support, then the invention is the sole property of the employee without license or other rights in the government. This follows very closely the law applicable to all

include in SB 59

private sector employers.

On the other hand, SB 59 would give the state the right to all inventions if the state provided any support or aid at all for its development, regardless of the fact that the employee may not have been hired or told to produce inventions. The bill would make state employees a third class of citizen behind private sector employees and federal employees, insofar as their rights to the product of their own minds is considered.

There are sound policy considerations developed through the years that lay behind the courts' refusal to give employers the right to claim all inventions made by their employees. In United States v. Dubilier Condenser Corp., 289 U.S. 178 (1933), the court considered and rejected the government's argument that public employment should be treated differently than private employment, noting that the government has no more right to take an employee's intellectual property than it has to take his real estate by virtue of government employment. p. 191.

The court also noted that the effect of a policy such as that proposed in SB 59 would be to take any incentive away from public employees to develop new concepts and ideas that may have proven useful to the government and public generally. Further:

It would, on the one hand, render difficult securing the best sort of technical men for the service and, on the other, would influence technical workers to resign in order to exploit inventions which they might evolve and suppress while still in the service. There has always been more or less of a tendency for able men in the service to do this, particularly in view of the comparative meagerness of Government salaries; thus the Government has suffered loss among its most capable class of workers. p.207.

In summary it should be noted that the proposed legislation will have the effect of discouraging the development of new ideas among state workers and encourage those who discover or complete an invention to leave state service in order to obtain the benefits of their work. Unfortunately, those employees with the initiative and intelligence to come up with original ideas are the kind the state can least afford to lose.

We suggest that SB 59 not be passed in its present form because it goes too far. The current law as interpreted and applied by the courts provides the state with all the protection that is required. However, it is in the state's best interests to have some

established incentive plan for employees who develop new ideas and concepts that materially benefit the state as appears in proposed AS 39.52.020, so this provision or one like it should be retained.

Please find attached a language proposal which is patterned on federal incentive program, with the discretion to grant awards limited by tying them to the value of the contribution or service.

"PROPOSED LEGISLATION"

Free
Section 39.52.020. An agency or department of the state is authorized to give monetary recognition to an employee who, by suggestion, invention, superior accomplishment, or other personal effort contributes to the efficiency, economy, or other improvement of government operations, or who performs a special act or service in the public interest in connection with or related to official employment.

Free
Section 39.52.021. Monetary recognition under AS 39.52.020 may not exceed \$10,000 except in the event the award is in recognition of highly exceptional and unusually outstanding contribution or service under AS 39.52.020, in which event the award may not exceed \$25,000. Awards in excess of \$10,000 require the approval of the governor.

Free
Section 39.52.022. Monetary recognition under 39.52.020 is in addition to the regular pay of the recipient. Acceptance of monetary recognition constitutes an agreement that the use by the state of a suggestion, idea, method, device or other intellectual work product as defined in AS 39.52.099 for which the recognition is given does not form the basis of a further claim against the state by the employee, ~~his~~ heirs, or assigns.

his
of
Free

Policy for intellectual work products.

1) appreciation to only those who are assigned to do research, inventions, etc.....

Incentive ~~is~~ as personal as possible: least amt. of discretion.

1) Awards based on

- A) ^{monetary value} ~~use~~ to staff or recommendation
 - B) ~~review~~ of supervisors, or
 - C) application to board of
- 1) ~~Council of~~ ACET, 2) Business person.

Section 39.52.023. To the extent a contribution or service results in a measurable economic benefit to the state, the employee shall receive a monetary award equal to no less than ten percent of the total savings to the state, subject to the limitations set forth in 39.52.021. This does not limit or bar monetary recognition for contributions or services not subject to economic evaluation or measurement, which may still be awarded under 39.52.020.

ALASKA STATE LEGISLATURE

SENATE STATE AFFAIRS COMMITTEE

SENATOR VIC FISCHER, CHAIRMAN

POUCH V, JUNEAU 99811

(907) 465-4954



Sectional Analysis SB 59

April 19, 1983

Prepared by: Suzanne Tryck,
Senate State Affairs Committee

Section 1: Adds a new chapter to Title 39 (chapter 52). Section (a) of that chapter gives the state all right and title to intellectual work products developed on state time with state facilities, or by employees or persons under contract with the state whose duties may include responsibility for research. → Actual 1

Page 2, line 8 (b) relates the responsibilities of the developers of intellectual work products as defined in (a) above. These responsibilities include:

- (1) disclosing the intellectual work product to the Alaska Council on Science and Technology.
- (2) assigning all right and title to the product to the state, and signing a waiver to that effect upon commencement of employment with the state.
- (3) assisting the state in applying for a trademark, copyright, or patent.

(c) The state need not to apply for a trademark etc... if the council deems it inadvisable. The council may waive all state interest in the product or may waive all interest but retain a royalty-free license in the intellectual work product so that the state would not have to pay for its use in the future.

Page 3, line 3 Adds another section to chapter 52 (AS 39.52.030) authorizing the council to grant monetary recognition to state employees who develop an intellectual work product, and allowing the council to determine the terms and amount of payment.

Page 3, line 13 Sec. 39.52.030 is created to address disagreements between the state and the developers of the intellectual work products. These disagreements can be settled by voluntary binding arbitration, in court, or by compulsory arbitration. Subsection (b) gives the council the authority to make contracts for compulsory arbitration.

Page 3, This section exempts U. of Alaska employees and

line 29 public officers from this chapter.

Page 4, This section determines that the adoption of rules 'y
line 5 council in implementing this chapter must be in
accordance with the Administrative Procedures Act.

Page 4, This section defines "intellectual work product" and
line 8 "council."

Section 2: states that the intellectual work products developed by
employees of the U. of Alaska are the property of the
university as determined by the general policy of the
university.

Section 3: adds a new section to Title 39 which requires state
employees to waive the right to their intellectual work
products as defined in Section 1 of this legislation.
This waiver is ot subject to negotiation under Public
Employees Relations Act.

Section 4: Adds to the statutes on the Alaska Council on Science
and Technology the powers and authority in accordance
with the proposed legislation.

Section 5: Repeals the patenting powers of the Alaska Energy
Center and the Alaska Resources Corporation.

STATE OF ALASKA
FISCAL NOTE

Revision Date 4/19 , 1983

I. REQUEST

Bill/Resolution No.: SB 59
 Title: An act relating to... intellectual work products... at the expense of the state
 Sponsor: Rules by request of the Legislative
 Requestor: Council for the Blue Ribbon Commission...

II. FISCAL DETAIL

Agency Affected: Dept. of Administration
 Program Category Affected: General Government
 BRU, Program of Subprogram(s) Affected:
 AK Council on Science & Technology

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		50.0	50.0	50.0	50.0	50.0
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC						
TOTAL OPERATING		50.0	50.0	50.0	50.0	50.0
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND		50.0	50.0	50.0	50.0	50.0
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

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

IV. ANALYSIS: Attach a separate page for any Analysis

Prepared By: Christopher Noah, Executive Director
 Division: Alaska Council on Science and Technology

Phone: 465-3510
 Date: April 19, 1983

Approved by Commissioner: Commissioner Lisa Rudd
 Department: Department of Administration

Date: April 19, 1983

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)

Check what other states do about
Intellectual work products

Problems w/ SB59.

- 1) The product developed by the employer does not need to be connected whatsoever to that person's employment for the product to belong to the state.
- 2) The reward system in this bill is nebulous. ~~The~~ AEST may or may not reward the person for their product. ~~This~~ This is open for discrimination ^{perhaps,} (based on personalities)
- 3) It is possible under SB59, for ~~an idea~~ ^{any} innovative product ~~to~~ (the ~~or~~ property of the state) to sit and remain undeveloped as it isn't economically feasible for the state. The person developing the idea will not be able to go out and develop the idea, a product, or what have you.
- 4) ~~The isn't is a~~
This bill doesn't provide any way of measuring value of an intellectual work product. ~~That~~ for the purposes of rewarding the developer, or for providing an incentive.

Senator ~~Ray~~ Rodey -
felt that we should look
into this problem. Outline some
work.

- University handles this problem
- Other states handle this problem
- See Act.

Get some comment from
The University.

ALASKA STATE LEGISLATURE

SENATE STATE AFFAIRS COMMITTEE

SENATOR VIC FISCHER, CHAIRMAN

POUCH V, JUNEAU 99811

(907) 465-4954



Sectional Analysis SB 59

April 19, 1983

Prepared by: Suzanne Tryck,
Senate State Affairs Committee

Section 1: Adds a new chapter to Title 39 (chapter 52). Section (a) of that chapter gives the state all right and title to intellectual work products developed on state time, with state facilities, or by employees or persons under contract with the state whose duties may include responsibility for research.

Page 2,
line 8 (b) relates the responsibilities of the developers of intellectual work products as defined in (a) above. These responsibilities include:

- (1) disclosing the intellectual work product to the Alaska Council on Science and Technology.
- (2) assigning all right and title to the product to the state, and signing a waiver to that effect upon commencement of employment with the state.
- (3) assisting the state in applying for a trademark, copyright, or patent.

(c) The state need not to apply for a trademark etc... if the council ~~deems~~ it inadvisable. The council may waive all state interest in the product or may waive all interest but retain a royalty-free license in the intellectual work product so that the state would not have to pay for its use in the future.

Page 3,
line 3 Adds another section to chapter 52 (AS 39.52.030) authorizing the council to grant monetary recognition to state employees who develop an intellectual work product, and allowing the council to determine the terms and amount of payment.

Page 3,
line 13 Sec. 39.52.030 is created to address disagreements between the state and the developers of the intellectual work products. These disagreements can be settled by voluntary binding arbitration, in court, or by compulsory arbitration. Subsection (b) gives the council the authority to make contracts for compulsory arbitration.

Page 3, This section exempts U. of Alaska employees and

line 29 public officers from this chapter.

Page 4,
line 5 This section determines that the adoption of rules by council in implementing this chapter must be in accordance with the Administrative Procedures Act.

Page 4,
line 8 This section defines "intellectual work product" and "council."

Section 2: states that the intellectual work products developed by employees of the U. of Alaska are the property of the university as determined by the general policy of the university.

Section 3: adds a new section to Title 39 which requires state employees to waive the right to their intellectual work products as defined in Section 1 of this legislation. This waiver is not subject to negotiation under Public Employees Relations Act.

Section 4: Adds to the statutes on the Alaska Council on Science and Technology the powers and authority in accordance with the proposed legislation.

Section 5: Repeals the patenting powers of the Alaska Energy Center and the Alaska Resources Corporation.

Introduced: 1/18/83
Referred: State Affairs and
Judiciary

BY THE RULES COMMITTEE BY
REQUEST OF THE LEGISLATIVE
COUNCIL (for the Blue
Ribbon Commission on the
State Personnel Act)

1 IN THE SENATE

2

SENATE BILL NO. 59

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 government interests in intellec-
7 tual work products developed at the expense of the
8 state."

8

9

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

10

* Section 1. AS 39 is amended by adding a new chapter to read:

11

CHAPTER 52. INTELLECTUAL PROPERTY DEVELOPED

12

AT THE EXPENSE OF THE STATE.

13

Sec. 39.52.010. RIGHT TO INTELLECTUAL WORK PRODUCT. (a) Except

14

as provided in AS 39.52.040 and AS 14.40.345, all right, title, and
15 interest in and to an intellectual work product of any kind that is
16 subject to the trademark, copyright, or patent laws of the United
17 States or this state or any foreign country that is developed by a
18 public officer or employee or a person under contract with the state
19 is the property of the state if developed

20

(1) during working hours;

21

(2) with the contribution of the state beyond what is
22 available to the public in general in the form of facilities, equip-
23 ment, materials, money, or information, or of time or services of
24 another public officer or employee in the course of state employment
25 or another person under contract with the state; or

26

(3) in connection with the official duties of the public
27 officer or employee or the person under contract, including but not
28 limited to circumstances in which the public officer or employee or
29 the person is employed or assigned to

- 1 (A) produce or improve an intellectual work product;
2 (B) conduct or perform research, development work, or
3 both;
4 (C) supervise, direct, coordinate, or review state
5 financed or conducted research, development work, or both; or
6 (D) act in a liaison capacity among governmental or
7 nongovernmental agencies or individuals engaged in such work.

8 (b) If a public officer or employee or a person under contract
9 with the state develops an intellectual work product that is the
10 property of the state, the developer is obligated to

11 (1) fully and promptly disclose the intellectual work
12 product to the Alaska Council on Science and Technology (AS 44.21.-
13 241);

14 (2) assign to the state the entire right, title, and inter-
15 est in and to the intellectual work product if not already waived by
16 signing of a general waiver upon commencement of employment in accor-
17 dance with AS 39.05.160 or as part of a contract for services; and

18 (3) upon request by the council, execute and reasonably
19 assist in the prosecution of an application for a trademark, copy-
20 right, or patent.

21 (c) If the state has a right to an intellectual work product
22 under (a) of this section but the council decides that it is inadvis-
23 able to prosecute an application for trademark, copyright, or patent,
24 the council, on behalf of the state, may, after consultation with
25 affected state agencies,

26 (1) waive all right, title, and interest in and to the
27 intellectual work product; or

28 (2) waive all right, title, and interest in and to a trade-
29 mark, copyright, or patent but reserve a nonexclusive, irrevocable,

1 royalty-free license in the intellectual work product with power to
2 grant licenses for all governmental purposes.

3 Sec. 39.52.020. COUNCIL AUTHORIZED TO GRANT MONETARY RECOGNITION
4 FOR CREATION OF INTELLECTUAL WORK PRODUCT. (a) The council is autho-
5 rized to give monetary recognition to a public officer or employee who
6 develops an intellectual work product that is the property of the
7 state and who discharges the obligations set out in AS 39.52.010.

8 (b) The council shall determine the guidelines, terms, and
9 conditions, as well as amount, source, distribution, and manner of
10 payments under (a) of this section. The council shall consider the
11 actual or potential value of the intellectual work product in terms of
12 revenue or reduced operating costs to the state.

13 Sec. 39.52.030. ARBITRATION OF DISAGREEMENTS. (a) Disagree-
14 ments between a public officer or employee or a person under contract
15 with the state and the council pertaining to ownership of an intellec-
16 tual work product or obligations of the respective parties shall be
17 disposed of by

18 (1) voluntary arbitration of all relevant issues, if the
19 disagreeing parties agree to be bound by the decision upon arbitra-
20 tion;

21 (2) compulsory arbitration if that is provided for in any
22 applicable contract between the disagreeing parties; or

23 (3) recourse to the court if arbitration cannot be resorted
24 to.

25 (b) The council is authorized to make contracts for compulsory
26 arbitration on behalf of the state.

27 (c) If arbitration is used to settle disagreements, the provi-
28 sions of AS 09.43 (Uniform Arbitration Act) shall govern.

29 Sec. 39.52.040. EXCEPTIONS. The provisions of this chapter do

1 not apply to a public officer or employee associated with or a person
2 under contract with the University of Alaska. Those persons shall be
3 governed by the provisions of AS 14.40.345. The provisions of this
4 chapter do not apply to a member of the legislature.

5 Sec. 39.52.050. ADOPTION OF RULES. The council may adopt rules
6 implementing the provisions of this chapter in accordance with the
7 Administrative Procedure Act (AS 44.62).

8 Sec. 39.52.099. DEFINITIONS. As used in this chapter, unless
> the context otherwise requires,

10 (1) "council" means the Alaska Council on Science and Tech-
11 nology established in AS 44.21.241;

12 (2) "Intellectual work product" means any product of the
13 mind including but not limited to the following:

14 (A) discovery, invention, or idea;

15 (B) process, system, or method;

16 (C) machine, manufacture, or product;

17 (D) composition of matter;

18 (E) design or composition in letters, art, or graph-

19 ics;

20 (F) literary, dramatic, musical, educational, or
21 artistic work;

22 (G) certification mark, trademark, patent, or copy-
23 right.

24 * Sec. 2. AS 14.40 is amended by adding a new section to read:

25 Sec. 14.40.345. INTELLECTUAL PROPERTY DEVELOPED AT THE EXPENSE
26 OF THE UNIVERSITY. All right, title, and interest in and to an intel-
27 lectual work product developed by a public officer or employee asso-
28 ciated with or a person under contract with the University of laska
29 is the property of the university in accordance with a general policy

1 established by the university. The policy adopted by the University
2 of Alaska may provide for ownership, control, management, and disposal
3 of intellectual work products by an independent foundation created for
4 the purpose of obtaining intellectual work products, receiving gifts,
5 administering or disposing of interests in intellectual work products,
6 and promoting research.

7 * Sec. 3. AS 39.05 is amended by adding a new section to read:

8 ARTICLE 5. WAIVER OF RIGHT TO INTELLECTUAL PROPERTY.

9 Sec. 39.05.160. WAIVER OF RIGHT TO INTELLECTUAL PROPERTY. (a)

10 A public officer or employee of the state, before engaging in the
11 duties of the office or employment, shall sign a waiver of all right,
12 title, and interest in and to an intellectual work product that may be
13 developed by the officer or employee at the expense of the state as
14 set out in AS 39.52.

15 (b) Notwithstanding the requirement in (a) of this section, the
16 state, in accordance with AS 39.52.020, may share a portion of the
17 resulting revenue with or grant a cash award for resulting reductions
18 in operating costs to a public officer or employee who develops an
19 intellectual work product at the expense of the state.

20 (c) A public officer or employee may be required to sign, before
21 engaging in the duties of the office or employment, an acknowledgement
22 that the public officer or employee will not receive a share of the
23 revenue or reduction in operating costs attributable to an intellec-
24 tual work product developed as a duty of the office or employment.

25 (d) The waiver under (a) of this section and the acknowledgement
26 under (c) of this section are not considered terms and conditions of
27 employment that are subject to negotiation for purposes of collective
28 bargaining under the Public Employment Relations Act (AS 23.40).

29 * Sec. 4. AS 44.21.242(b) is amended by adding new paragraphs to read:

1 (9) consistent with the provisions of AS 39.52, retain,
2 assign, license, transfer, sell, or otherwise dispose of, in whole or
3 in part and upon terms that the council may direct, any and all rights
4 to, interests in, or income from intellectual work products acquired
5 by the council under AS 39.52;

6 (10) adopt rules implementing the provisions of AS 39.52.

7 * Sec. 5. AS 37.12.070(9) and AS 46.12.110(10) are repealed.

[

January 18 and referred to Labor & Commerce, State Affairs, then to Finance.

Intellectual
Work Products
(state
property)

HOUSE BILL NO. 52, by the Rules Committee by Request of the Legislative Council (for the Blue Ribbon Commission on the State Personnel Act). Provides that all right, title, and interest in and to intellectual work products of any kind that are developed by public officers and employees or persons under state contract, is the property of the state if developed 1) during working hours; 2) with the contribution of the state in the form of facilities, equipment, materials, money or information, or of time or services of public employees; or in connection with the official duties of public or contract employees. Also provides for ~~state ownership~~ of intellectual work products developed by public or contract employees of the U of A, with the University establishing a general policy to provide for ownership, control, management, and disposal of such products.

Requires contract employees to disclose intellectual work products they develop to the Alaska Council on Science and Technology, assign the entire right, title and interest in the product if not

FROM
THE LEGISLATIVE
REPORTER

HB 52 (cont'd)

already waived, and, upon request of the Council, execute and reasonable assist in the prosecution of an application for a trademark, copyright or patent. Authorizes the Council to give monetary recognition for public employee who develops a product. Outlines procedure for arbitration of disagreements between public employees and the Council to ownership of work products. Adds language to AS 39.05 (Public Officers and Employees. Qualifications, Appointment and Tenure), requiring employees to sign a waiver of rights to intellectual work products.

Repeals AS 37.12.070(9) (gives the Alaska Resources Corporation the power to hold , as a means of securing the providing of financial assistance, patents, copyrights, trademarks, royalties, or any other evidences of protection or exclusivity issued under the laws of the U.S. or any state or nation); AS 46.12.110(10) (gives the Alaska Energy Center the power to hold patents, copyrights, trademarks, royalties or other evidences of protection or exclusivity issued under the laws of the U.S. or any state or nation obtained by persons receiving financial assistance from the center.). Does not provide for an effective date (effective 90 days after Governor's signature).



Alaska Public
Employees Association

APEA

State Headquarters: 340 N. Franklin, Juneau, AK 99801 (907) 586-2334

MEMORANDUM

TO: Senator Vic Fischer

FROM: Cherie Shelley *CS*
Executive Director

RE: Intellectual work products developed by state employees, SB 59.

DATE: March 14, 1983

SB 59 would dramatically alter the current law with regard to ownership of intellectual property developed in connection with state service. The employer will reap a benefit much greater than is currently allowed at the expense of the employee who is responsible for the development of the idea.

This is not an improper result in all circumstances, but the proposed bill would go much further than is in the state's best interest. A careful review of the present state of the law and SB 59 bears this out.

Briefly stated, the current law is that the employer obtains all rights to the intellectual work product only if the employee was hired to invent, write, design, or to otherwise provide the employer with the intellectual work product that is eventually developed. However, if the employee is not hired to do original work of this type but does it on work time or using materials or facilities of the employer, then the employer gets only "shop rights" in the product. This means the employer gets the non-transferable right to use the product for its purposes without cost.

Inventions or products would remain the sole and exclusive property of the employee if developed outside of work time and without the employer's aid.

Federal employees fall under a federal regulation that follows the

Fairbanks Field Office
825-D College Road
Fairbanks, AK 99701
Telephone: (907) 456-5412

Anchorage Field Office
833 Gambell Street, Suite A
Anchorage, AK 99501
Telephone: (907) 274-1688

Juneau Field Office
227 4th Street
Juneau, AK 99801
Telephone: (907) 586-6305

law as explained above. The federal regulation provides that the government gets certain rights to an invention made:

- 1) during working hours,
- 2) with a contribution by the Government of facilities, equipment, materials, funds or information, or of time or services of other Government employees on official duty, or
- 3) which bears a direct relation to or is made in consequence of the official duties of the inventor." 37 CFR 100.6(b)(1).

This is practically identical to the proposed language of SB 59. However, the federal provision goes on to say that only an employee who is employed or assigned:

- 1) to invent or improve or perfect any art, machine, design, manufacture, or composition of matter,
- 2) to conduct or perform research, development work, or both,
- 3) to supervise, direct, coordinate, or review Government financed or conducted research, development work, or both, or
- 4) to act in a liaison capacity among governmental or non-governmental agencies or individuals engaged in such research or development work... will be required to transfer to the Government all their interest in the invention. 37 CFR 100.6(b)(3).

Employees not hired in a capacity related to inventing but using government resources must give only "a non-exclusive irrevocable, royalty-free license in the invention with power to grant licenses for all government purposes." 37 CFR 100.6(b)(2). Again, note the similar language in the proposed legislation.

To summarize the federal law, if work is done by an employee on government time or with government resources, the invention will be government property only if the person was employed in a research/development capacity. If not, then the government gets an irrevocable license to use the invention without cost. If the work was done without government aid or support, then the invention is the sole property of the employee without license or other rights in the government. This follows very closely the law applicable to all

private sector employers.

On the other hand, SB 59 would give the state the right to all inventions if the state provided any support or aid at all for its development, regardless of the fact that the employee may not have been hired or told to produce inventions. The bill would make state employees a third class of citizen behind private sector employees and federal employees, insofar as their rights to the product of their own minds is considered.

There are sound policy considerations developed through the years that lay behind the courts' refusal to give employers the right to claim all inventions made by their employees. In United States v. Dubilier Condenser Corp., 289 U.S. 178 (1933), the court considered and rejected the government's argument that public employment should be treated differently than private employment, noting that the government has no more right to take an employee's intellectual property than it has to take his real estate by virtue of government employment. p. 191.

The court also noted that the effect of a policy such as that proposed in SB 59 would be to take any incentive away from public employees to develop new concepts and ideas that may have proven useful to the government and public generally. Further:

It would, on the one hand, render difficult securing the best sort of technical men for the service and, on the other, would influence technical workers to resign in order to exploit inventions which they might evolve and suppress while still in the service. There has always been more or less of a tendency for able men in the service to do this, particularly in view of the comparative meagerness of Government salaries; thus the Government has suffered loss among its most capable class of workers. p.207.

In summary it should be noted that the proposed legislation will have the effect of discouraging the development of new ideas among state workers and encourage those who discover or complete an invention to leave state service in order to obtain the benefits of their work. Unfortunately, those employees with the initiative and intelligence to come up with original ideas are the kind the state can least afford to lose.

~~We suggest that SB 59 not be passed in its present form because it goes too far.~~ The current law as interpreted and applied by the courts provides the state with all the protection that is required. However, it is in the state's best interests to have some

established incentive plan for employees who develop new ideas and concepts that materially benefit the state as appears in proposed AS 39.52.020, so this provision or one like it should be retained.

Please find attached a language proposal which is patterned on the federal incentive program, with the discretion to grant awards somewhat limited by tying them to the value of the contribution or service.

"PROPOSED LEGISLATION"

Section 39.52.020. An agency or department of the state is authorized to give monetary recognition to an employee who, by suggestion, invention, superior accomplishment, or other personal effort contributes to the efficiency, economy, or other improvement of government operations, or who performs a special act or service in the public interest in connection with or related to official employment.

Section 39.52.021. Monetary recognition under AS 39.52.020 may not exceed \$10,000 except in the event the award is in recognition of highly exceptional and unusually outstanding contribution or service under AS 39.52.020, in which event the award may not exceed \$25,000. Awards in excess of \$10,000 require the approval of the governor.

Section 39.52.022. Monetary recognition under 39.52.020 is in addition to the regular pay of the recipient. Acceptance of monetary recognition constitutes an agreement that the use by the state of a suggestion, idea, method, device or other intellectual work product as defined in AS 39.52.099 for which the recognition is given does not form the basis of a further claim against the state by the employee, his heirs, or assigns.

Section 39.52.023. To the extent a contribution or service results in a measurable economic benefit to the state, the employee shall receive a monetary award equal to no less than ten percent of the total savings to the state, subject to the limitations set forth in 39.52.021. This does not limit or bar monetary recognition for contributions or services not subject to economic evaluation or measurement, which may still be awarded under 39.52.020.

[

ALASKA STATE LEGISLATURE

SENATE STATE AFFAIRS COMMITTEE

SENATOR VIC FISCHER, CHAIRMAN

POUCH V, JUNEAU 99811

(907) 465-4954



April 19, 1983
3:00 p.m.

Butrovich Room
Capitol Bldg.

Members Present

Senator Vic Fischer, Chair
Senator Bill Ray, Vice-Chair
Senator Arliss Sturgulewski
Senator Tim Kelly
Senator Pat Rodey

Agenda

SB 57--Limiting adjustment of retirement benefits

SB 59--Intellectual work products

HB 142--Special Appropriation to the Iditarod Committee

SB 137--Regulation of lobbying

SB 57--Limiting adjustment of retirement benefits

Terry Cramer, Administrative Assistant to the Blue Ribbon Commission on State Personnel, testified that the changes in the proposed committee substitute prepared by committee staff were generally appropriate.

Ken Humphries, Director of the Division of Retirement and Benefits, testified that he was opposed to the committee substitute. He asked the committee to consider another committee substitute which he had prepared. He felt that current procedures of the retirement board concerning review and waiver of overpayment are adequate. He said that persons who receive a waiver for an overpayment should be required to show that they did not have knowledge of the overpayment. He also said that the board should have the power to review these cases.

Senator Ray disagreed with Mr. Humphries regarding the adequacy of past board practice in these matters. He cited an example of someone who was unfairly treated, in his opinion. He felt it was necessary to address the problem with legislation.

Senator Kelly was of the opinion that persons who receive overpayments have an obligation to notify the state.

Senator Fischer said he was concerned about those people who have no knowledge that they are being overpaid and who do not have enough funds to repay once the error is discovered by the state.

Mr. Humphries and Senator Ray shared opposing views on the record of the retirement board in trying to solve these problems in good faith.

Senator Sturgulewski moved and asked unanimous consent to adopt the committee substitute submitted by Mr. Humphries. There was no objection.

Senator Rodey moved to pass the bill from committee with individual recommendations. There was no objection.

SB 59--Intellectual work products

Terry Cramer, testified in support of the bill and gave a general explanation of its provisions.

Senator Ray stated that he supports the bill.

Stan Moberly, Director of the F.R.E.D. Division in the Department of Fish and Game testified that he favors the bill conceptually but that many problem areas remain.

Senator Fischer temporarily tabled the bill to allow discussion of HB 142.

HB 142--Special Appropriation for the Iditarod Committee

Representative Ron Larson (prime sponsor) gave a summary of the bill.

Senator Ray moved and asked unanimous consent to pass the bill from committee with individual recommendations. There was no objection.

SB 59 (Cont)

Chris Noah, Executive Director of the Council on Science and Technology testified that the Council has no problem with provisions of the bill affecting it.

Lee Powelson, A.P.E.A. read a written statement in opposition to the bill.

Senators Fischer and Ray disagreed with the sweeping statements of the A.P.E.A. position.

Greg Young, representing himself, testified against the bill. He does not like the waiver provision.

Dale Young, representing himself, said he supported Mr. Moberly's testimony. He thinks it is a good idea to give incentives for technological innovation.

Senator Ray disagreed with the idea that state employees who develop innovations on state time should own the property rights to that innovation.

Senator Fischer stated that the bill would be held over.

SB 137--Regulation of Lobbying

Sandy Stone, Aide to Senator Faiks, discussed a proposed committee substitute she had prepared.

Committee members engaged in an informal discussion of the merits of the committee substitute, including the effect of the bill on elected and appointed municipal officials.

Senator Ray stated that he did not like the bill. He said he would vote to move it from committee, but will work to kill it on the floor of the Senate. He then moved and asked unanimous consent to adopt the committee substitute and to move the bill from committee with individual recommendations. There was no objection.

The meeting adjourned at 4:30 p.m.

by
David Dye
Committee Aide



JUNEAU, ALASKA

Alaska State Legislature

BLUE RIBBON COMMISSION ON THE
STATE PERSONNEL ACT

Senator Bill Ray, Chairman

Pouch YG
Mail Stop 3123
Juneau, Alaska 99811
(907) 465-4442

M E M O R A N D U M

January 25, 1983

TO: Senate State Affairs Committee

FROM: Teresa B. Cramer *Teresa B. Cramer*
Administrative Assistant

SUBJECT: Senate Bill 59 - Government Interests in Intellectual Work
Products Developed at the Expense of the State

The Blue Ribbon Commission is proposing legislation to create and protect the state's interest in inventions, discoveries and creations developed by state employees or contractors during their employment or developed with the use of state facilities or resources.

The commission became interested in the issue when an employee of the Department of Fish and Game testified about employment problems arising from his patenting of a production scale salmon incubator. He had begun developing the incubator before he accepted employment with the state. He began working for the department and continued his project after securing advice from the Department of Law concerning avoiding the potential conflict of interest. His job for Fish and Game was closely related to the development of incubators. The employee stated that he created the incubator on his own time. He then patented it and sold the patent to a private corporation which marketed it. Thereafter, the department was required to pay royalties for use of the process.

The employee has filed several grievances over poor performance evaluations, lost promotional opportunities, and an alleged retaliatory layoff which he believed resulted from his patenting the invention. The department testified that there had been considerable morale problems because other employees believed that they had contributed to the development of the process. They thought it unfair that one individual could secure a patent and potentially profit from an invention in which others had participated and in which the state should have an interest.

The Blue Ribbon Commission is concerned that there is no statute protecting the state's interest in the inventions, discoveries and creations made by its employees or made through the use of its facilities. Legislation for the Alaska Energy Center and the Alaska

Resources Corporation gives each agency the authority to hold patents. Nothing in either chapter spells out how the state acquires that interest.

While the proposed legislation does not specifically address the situation which occurred in the Department of Fish and Game, the commission believes that this system would alleviate similar problems in the future. Information about the number of conflict of interest hearings before the Personnel Board indicates that there will probably be no more than two or three applications of the bill per year.

Bill Analysis

Page 1
Line 10

The first section of the proposed legislation gives the state all right, title and interest in any intellectual work product developed during working hours or with the use of state facilities or by employees whose duties include responsibility for research.

Page 4
Line 12

"Intellectual work product" is broadly defined later in the bill to include anything which is subject to patent, trademark or copyright laws.

Page 2
Line 8

A state employee or person under contract with the state is obliged to disclose the development of an intellectual work product to the Alaska Council on Science and Technology and to assign any interest in it to the state. If requested, the person is required to assist the Council in applying for a trademark, patent or copyright. The commission believes that the Council is the most appropriate existing state agency to administer the program.

Page 2
Line 21

The Council is given broad discretion to decide whether to pursue patenting, trademarking, or copyrighting the invention after consultation with affected state agencies.

The Council may waive any state interest in the discovery or may waive all interest but retain a royalty-free license in the intellectual work product so that the state would not have to pay for its use in the future. If the state waives its interest, then the inventor would be able to pursue protection of his own interest in the discovery.

*Person must apply!!
to waive copyright released!!*

Page 3
Line 3

The proposed legislation gives the Council authority to grant monetary recognition to employees who develop an intellectual work product. The recognition could be in

the form of a cash award, a share in any royalties generated by the invention, or in any other manner the Council found appropriate. Payment would, of course, be subject to legislative appropriation. The commission believes that the Council should have wide discretion in implementing the monetary award system in order to best encourage employees in their work and serve the state's interests.

Page 3
Line 13

Any disagreements between an employee and the state pertaining to ownership of an intellectual work product would be subject to voluntary arbitration if the parties agreed to be bound by the result. If not, then the disagreement could be settled in court. In addition, the state and the employee or contractor may enter into an employment contract which requires compulsory arbitration.

Page 3
Line 29

Legislators and employees of the University of Alaska are exempted from the chapter. The University has its own policy on intellectual property developed at its expense which is codified in section 2 of the proposed legislation.

Page 4
Line 5

The Council is granted rule-making authority for the chapter in accordance with the Administrative Procedure Act.

Page 4
Line 24

Section 2 of the legislation adds language to codify the University of Alaska's right to intellectual work products developed by its employees.

Page 5
Line 7

Section 3 requires state employees to waive their interest in intellectual work products developed at the expense of the state as set out in section 1 of the bill. The waiver is not subject to negotiation under the Public Employment Relations Act.

Page 5
Line 29

Section 4 amends the Alaska Council on Science and Technology statutes to add the powers and responsibilities granted by the proposed legislation.

Page 6
Line 7

Section 5 repeals the patenting powers currently granted to the Alaska Energy Center and the Alaska Resources Corporation. The commission believes that there should be a single system which applies to all legislative, judicial and executive branch employees of the state.

ALASKA STATE LEGISLATURE

SENATE STATE AFFAIRS COMMITTEE

SENATOR VIC FISCHER, CHAIRMAN

POUCH V, JUNEAU 99811

(907) 465-4954



Sectional Analysis SB 59

April 19, 1983

Prepared by: Suzanne Tryck,
Senate State Affairs Committee

Section 1: Adds a new chapter to Title 39 (chapter 52). Section (a) of that chapter gives the state all right and title to intellectual work products developed on state time, with state facilities, or by employees or persons under contract with the state whose duties may include responsibility for research.

Page 2, line 8 (b) relates the responsibilities of the developers of intellectual work products as defined in (a) above. These responsibilities include:

- (1) disclosing the intellectual work product to the Alaska Council on Science and Technology.
- (2) assigning all right and title to the product to the state, and signing a waiver to that effect upon commencement of employment with the state.
- (3) assisting the state in applying for a trademark, copyright, or patent.

(c) The state need not to apply for a trademark etc... if the council deems it inadvisable. The council may waive all state interest in the product or may waive all interest but retain a royalty-free license in the intellectual work product so that the state would not have to pay for its use in the future.

Page 3, line 3 Adds another section to chapter 52 (AS 39.52.030) authorizing the council to grant monetary recognition to state employees who develop an intellectual work product, and allowing the council to determine the terms and amount of payment.

Page 3, line 13 Sec. 39.52.030 is created to address disagreements between the state and the developers of the intellectual work products. These disagreements can be settled by voluntary binding arbitration, in court, or by compulsory arbitration. Subsection (b) gives the council the authority to make contracts for compulsory arbitration.

Page 3, This section exempts U. of Alaska employees and

line 29 public officers from this chapter.

Page 4,
line 5 This section determines that the adoption of rules by council in implementing this chapter must be in accordance with the Administrative Procedures Act.

Page 4,
line 8 This section defines "intellectual work product" and "council."

Section 2: states that the intellectual work products developed by employees of the U. of Alaska are the property of the university as determined by the general policy of the university.

Section 3: adds a new section to Title 39 which requires state employees to waive the right to their intellectual work products as defined in Section 1 of this legislation. This waiver is not subject to negotiation under Public Employees Relations Act.

Section 4: Adds to the statutes on the Alaska Council on Science and Technology the powers and authority in accordance with the proposed legislation.

Section 5: Repeals the patenting powers of the Alaska Energy Center and the Alaska Resources Corporation.

STATE OF ALASKA
FISCAL NOTE

Revision Date 4/19, 1983

I. REQUEST

Bill/Resolution No.: SB 59
 Title: ~~An act relating to... intellectual work products... of the expense of the state~~
 Sponsor: Rules by request of the Legislative
 Requestor: Council for the Blue Ribbon Commission...

II. FISCAL DETAIL

Agency Affected: Dept. of Administration
 Program Category Affected: General Government
 BRU, Program of Subprogram(s) Affected:
 AK Council on Science & Technology

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		50.0	50.0	50.0	50.0	50.0
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC						
TOTAL OPERATING		50.0	50.0	50.0	50.0	50.0
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND		50.0	50.0	50.0	50.0	50.0
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

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

IV. ANALYSIS: Attach a separate page for any Analysis

Prepared By: Christopher Noah, Executive Director
 Division: Alaska Council on Science and Technology

Phone: 465-3510
 Date: April 19, 1983

Approved by Commissioner: Commissioner Lisa Rudd
 Department: Department of Administration

Date: April 19, 1983

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)

10/10/83

1) AD Hoc Committee on Copyright
(202) 337-7666

2) Council on State Governments

3) Stan Moberly.

4)

- Preliminary Report to be before taking
job to: 1) AG's office
2) Private Attorney

- MAJOR QUESTION: How is the state to
going to ~~ac~~ acquire their ~~rightful~~
interest in a product developed
at the cost of the state.

- Who owns the idea?
NO ONE owns the idea,

← Find out how ~~private~~ a sampling
of private companies deal with this
situation.

U.S. V. Dubilier Condenser Corp,
289 U.S. 178 (1933).

ALASKA STATE LEGISLATURE

SENATE STATE AFFAIRS COMMITTEE

SENATOR VIC FISCHER, CHAIRMAN

POUCH V, JUNEAU 99811

(907) 465-4954



Sectional Analysis SB 59

April 19, 1983

Prepared by: Suzanne Tryck,
Senate State Affairs Committee

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- (2) assigning all right and title to the product to the state, and signing a waiver to that effect upon commencement of employment with the state.
- (3) assisting the state in applying for a trademark, copyright, or patent.

(c) The state need not to apply for a trademark etc... if the council deems it inadvisable. The council may waive all state interest in the product or may waive all interest but retain a royalty-free license in the intellectual work product so that the state would not have to pay for its use in the future.

Page 3, line 3 Adds another section to chapter 52 (AS 39.52.030) authorizing the council to grant monetary recognition to state employees who develop an intellectual work product, and allowing the council to determine the terms and amount of payment.

Page 3, line 13 Sec. 39.52.030 is created to address disagreements between the state and the developers of the intellectual work products. These disagreements can be settled by voluntary binding arbitration, in court, or by compulsory arbitration. Subsection (b) gives the council the authority to make contracts for compulsory arbitration.

Page 3, This section exempts U. of Alaska employees and

line 29 public officers from this chapter,

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line 5 council in implementing this chapter must be in
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Page 4, This section defines "intellectual work product" and
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employees of the U. of Alaska are the property of the
university as determined by the general policy of the
university.

Section 3: adds a new section to Title 39 which requires state
employees to waive the right to their intellectual work
products as defined in Section 1 of this legislation.
This waiver is ot subject to negotiation under Public
Employees Relations Act.

Section 4: Adds to the statutes on the Alaska Council on Science
and Technology the powers and authority in accordance
with the proposed legislation.

Section 5: Repeals the patenting powers of the Alaska Energy
Center and the Alaska Resources Corporation.

JAY S. HAMMOND
GOVERNOR



STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

August 23, 1977

Mr. J. Christopher Noah
R. R. 6, Box 6224
Juneau, Alaska 99803

Dear Mr. Noah:

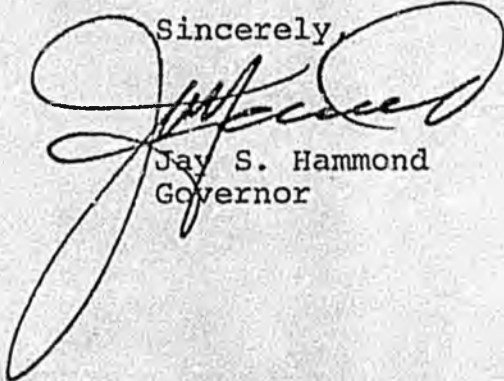
Thank you very much for your letter of August 2, 1977 in which you offered your views on establishing an employee suggestion award system. Quite obviously you have given considerable thought to this subject and I wholeheartedly agree with the merits of such a proposal.

Considerable study has been given to this subject by personnel in the Department of Administration. As you well know a program of this nature requires considerable long-range planning in order to assure its success. There is no doubt about the significant benefits which can be achieved by utilizing ideas which are generated by employees of the State of Alaska. Every year substantial expenditures are made to hire consultants, however; that does not necessarily give us the best ideas which might be implemented. The individuals who are performing the work on a daily basis can most often provide suggestions which will be the most successful when implemented.

In the very near future, I intend to have some form of employee suggestion award system established. If you have any further thoughts in this area, I would appreciate your sharing those ideas with Commissioner Allen so that they can be incorporated into whatever final program is established.

Again, many thanks for your interest in improving the quality of State government. A copy of your letter has been sent to the Department of Administration for their perusal.

Sincerely,



Jay S. Hammond
Governor



THE ALASKA COUNCIL ON SCIENCE AND TECHNOLOGY

May 26, 1983

Suzanne Tryck
c/o Senator Vic Fischer
State Capitol
Pouch V
Juneau, Alaska 99811

Dear Suzanne,

After our meeting I happened to come across the letter Governor Hammond had written to me in 1977 regarding the "employee suggestion award system" you and I discussed. You may wish to find out what happened to the system in your research on S.B. 59.

Sincerely,

Christopher Noah
Executive Director

CN/mc

Enclosure

Contacts

- 1) Amer. Elect. Assoc.
415-857-9300
- 2) DOT
- 3) Division of Energy & Power,
Keith Jefferts, / ground rule
 - A) all related work owned by employer.
 - B) unrelated - you have all rights
- 4) Dep. of Env. Conservation
Dick Neve
Bruce Carbon / ^{information} management

mechanism for complaints if don't get adequate recognition.

? c) sharing in patent royalties.

a) proposed to reward good guys,
state must prosecute patent.

b)

? ← d) Mechanism for individual patents,

e) incl. patent.

royalties on individual basis,

f) ind. can't expect state to develop-
ment of product.

← people will exaggerate merit of product,
- better to have ~~fewer~~ less
flourish in product.

Public Domain - not patentable

Patent
Lawyer
Tom
Jente

70x
Something needs to speak to the problem
of what is in the public domain

- Can this newer problem be
addressed by a personnel rule.

S

B

6

|

#

|

see

HB17/SB226

* see also HB 17, SB 226 +

STATE OF ALASKA
FISCAL NOTE

Revision Date _____, 1983

I. REQUEST

Bill/Resolution No.: SB 61
 Title: "...relating to driving a motor vehicle."
 Sponsor: Sen. Josephson
 Requestor: Sen. Vic Fischer

II. FISCAL DETAIL

Agency Affected: Department of Law
 Program Category Affected: Gen. Gov.
 BRU, Program of Subprogram(s) Affected: Legal Services

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
OPERATING						
100 PERSONAL SERVICES		240.0	305.3	323.6	343.0	363.6
200 TRAVEL		15.5	16.5	17.5	18.6	19.7
300 CONTRACTUAL		32.4	38.7	41.0	43.5	46.1
400 COMMODITIES		19.4	11.4	12.1	12.7	13.5
500 EQUIPMENT		35.0				
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC						
TOTAL OPERATING	-0-	342.3	371.9	394.2	417.8	442.9
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND	-0-	342.3	371.9	394.2	417.8	442.9
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS:

FULL-TIME	-0-	5	5	5	5	5
PART-TIME		1	1	1	1	1
TEMPORARY						

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

Not specified by Sponsor.

IV. ANALYSIS: Attach a separate page for any Analysis

Prepared By: Richard L. Pegues, Director
 Division: Administrative Services Division

Phone: 465-3672
 Date: April 1, 1983

Approved by Commissioner: Richard L. Pegues / RAR
Norman C. Gorsuch, Attorney General
 Department: Department of Law

Date: April 1, 1983

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)

SB 61
Analysis

This bill makes several significant amendments to the state laws pertaining to driving while intoxicated, including raising the mandatory minimum sentences which must be imposed upon conviction for driving while intoxicated or refusal to take a breath test. There is the distinct possibility that the number of guilty pleas for Driving While Intoxicated or Refusal to Take a Breath Test will decrease due to the generally more severe penalties specified. With the corresponding increase in trials, a need for additional prosecuting attorney positions may arise. This possibility is speculative and, consequently, no additional prosecution positions have been requested at this time. Any legislative action diminishing the resources available to the department in FY 84, coupled with the enactment of this and other crime bills requiring a greater prosecution effort, will severely hamper the department's overall ability to prosecute criminal offenses.

The bill also authorizes the impoundment or forfeiture of motor vehicles driven by persons arrested for driving while intoxicated. If an impoundment or forfeiture is contested by the vehicle owner, or by someone who has financial interest in the vehicle, a court hearing must be held. It is anticipated that many of these hearings will involve representatives from banks or financing companies who retain a financial interest in the vehicle. The hearings would create a substantial additional workload for Department of Law civil attorneys, and will require an increase in the number of attorneys and support staff in the large offices. The department estimates that an additional three and a half attorney positions will be required: one Attorney IV and one Attorney III in Anchorage, one Attorney III in Fairbanks and half of an Attorney III in Juneau. Two new clerical staff will be needed, one legal secretary in Anchorage and one legal secretary in Fairbanks.

A fiscal impact statement from the Department of Health and Social Services, Division of Corrections should also be sought, as the additional days in jail which a person would be required to serve after conviction under the bill will probably increase the number of beds in correctional institutions which are permanently filled by D.W.I. convictees and thus unavailable for other offenders.

1.	POSITION TITLE Attorney IV				RANGE/STEP 24A	BARG. UNIT X	FORM 12 PAGE/LINE	GOV.	APPROV.	DISAPP.
2.	TYPE OF POSITION PFT	STAFF MONTHS 10	RP NUMBER	PCN NUMBER	BRU PRIORITY	LOCATION Anchorage	ELECTION DISTRICT	LEC.		

3.	CONTINUATION LEVEL	ADDITION	
4.	TYPE OF EXPENDITURE		AMOUNT
	1	2	3
	PERSONAL SERVICES		
5.	Salary	4,469/month	44,690
6.	Benefits		6,890
7.	Supplemental Benefits		2,240
8.	Fixed Benefits		2,400
9.	TOTAL PERSONAL SERVICES		01 56,220
10.	Travel		02 5,000
11.	Contractual		03 8,000
12.	Commodities		04 3,500
13.	Equipment		05 1,500
14.	Other		
15.	TOTAL COST		74,220

JUSTIFICATION

This is one of four attorney positions required by the Department of Law in order to absorb the significant increase in workload which will result from new legislation authorizing the impoundment or forfeiture of motor vehicles driven by persons arrested for driving while intoxicated. The new legislation requires a court hearing when an impoundment or forfeiture is contested by the vehicle owner, or by someone who has a financial interest in the vehicle. It is anticipated that many of these hearings will involve representatives from banks or financing companies who retain a financial interest in the vehicle.

	RECEIPT CODE	FUNDING SOURCE	
16.		Federal Receipts 1002	
17.		G.F. Match 1003	
18.		General Funds 1004	74,220
19.		I-A Receipts 1005	
20.		Program Receipts 1028	
21.		Other	

FOR B&M USE ONLY
4A KEY NUMBER _____

13 REQUEST FOR
NEW POSITION

AGENCY DEPARTMENT OF LAW
PROGRAM LEGAL SERVICES
BRU LEGAL SERVICES
COMPONENT LEGAL SERVICES OPERATIONS

Page _____ of _____
Revised Date _____

FY 84

1.	POSITION TITLE Attorney III				RANGE/STEP 22A	BARG. UNIT X	FORM 12 PAGE/LINE	GOV.	APPROV.	DISAPP.	
2.	TYPE OF POSITION PFT	STAFF MONTHS 10	RP NUMBER	PCN NUMBER	BRU PRIORITY	LOCATION Anchorage	ELECTION DISTRICT	LEG.			
3.	CONTINUATION LEVEL		ADDITION		JUSTIFICATION						
4.	TYPE OF EXPENDITURE			AMOUNT		<p>This is the second of four attorney positions required by the Department of Law in order to absorb the significant increase in workload which will result from new legislation authorizing the impoundment or forfeiture of motor vehicles driven by persons arrested for driving while intoxicated. The new legislation requires a court hearing when an impoundment or forfeiture is contested by the vehicle owner, or by someone who has a financial interest in the vehicle. It is anticipated that many of these hearings will involve representatives from banks or financing companies who retain a financial interest in the vehicle.</p>					
	1		2		3						
	PERSONAL SERVICES										
5.	Salary	3,905/month		39,050							
6.	Benefits			6,020							
7.	Supplemental Benefits			2,240							
8.	Fixed Benefits			2,400							
9.	TOTAL PERSONAL SERVICES		01	49,710							
10.	Travel		02	3,000							
11.	Contractual		03	8,000							
12.	Commodities		04	3,500							
13.	Equipment		05	1,500							
14.	Other										
15.	TOTAL COST			65,710							
	RECEIPT CODE	FUNDING SOURCE									
16.		Federal Receipts 1002									
17.		G.F. Match 1003									
18.		General Funds 1004		65,710							
19.		I-A Receipts 1005									
20.		Program Receipts 1028									
21.		Other									
FOR B&M USE ONLY											
4A KEY NUMBER											

13 REQUEST FOR
NEW POSITION

AGENCY DEPARTMENT OF LAW
 PROGRAM LEGAL SERVICES
 BRU LEGAL SERVICES
 COMPONENT LEGAL SERVICES OPERATIONS

FY 84

Page of
 Revised Date

1.	POSITION TITLE Legal Secretary I				RANGE/STEP 10B	BARG. UNIT GGU	FORM 12 PAGE/LINE	GOV.	APPROV.	DISAPP.
2.	TYPE OF POSITION PFT	STAFF MONTHS 10	RP NUMBER	PCN NUMBER	BRU PRIORITY	LOCATION Anchorage	ELECTION DISTRICT	LEG.		
3.	CONTINUATION LEVEL				JUSTIFICATION					
4.	TYPE OF EXPENDITURE			AMOUNT						
	1	2	3							
	PERSONAL SERVICES									
5.	Salary	1,817/month	18,170							
6.	Benefits		2,800							
7.	Supplemental Benefits		1,110							
8.	Fixed Benefits		2,400							
9.	TOTAL PERSONAL SERVICES		01	24,480						
10.	Travel		02	-0-						
11.	Contractual		03	2,200						
12.	Commodities		04	2,700						
13.	Equipment		05	14,500						
14.	Other									
15.	TOTAL COST			43,880						
	RECEIPT CODE	FUNDING SOURCE								
16.		Federal Receipts	1002							
17.		G.F. Match	1003							
18.		General Funds	1004	43,880						
19.		I-A Receipts	1005							
20.		Program Receipts	1028							
21.		Other								
FOR B&M USE ONLY 4A KEY NUMBER _____										

This is one of two secretary positions required to provide secretarial support for the four new attorney positions assigned to Juneau, Anchorage, and Fairbanks. This particular secretarial position will serve the needs of the two new attorneys assigned to Anchorage. Included in the duties of this position will be the responsibility of coordinating the activities of the Civil Division attorneys handling the forfeiture action with the attorneys and support staff of the criminal division who originally prosecuted the intoxicated operator of the motor vehicle.

13 REQUEST FOR
NEW POSITION

AGENCY DEPARTMENT OF LAW
PROGRAM GENERAL GOVERNMENT
BRU LEGAL SERVICES
COMPONENT LEGAL SERVICES OPERATIONS

FY 84

Page of
Revised Date

1.	POSITION TITLE Attorney III			RANGE/STEP 22A	BARG. UNIT X	FORM 12 PAGE/LINE	COV.	APPROV.	DISAPP.
2.	TYPE OF POSITION PFT	STAFF MONTHS 10	RP NUMBER	PCN NUMBER	BRU PRIORITY	LOCATION Fairbanks	ELECTION DISTRICT	LEG.	
3.	CONTINUATION LEVEL	ADDITION			JUSTIFICATION				
4.	TYPE OF EXPENDITURE			AMOUNT					
	1	2	3						
	PERSONAL SERVICES								
5.	Salary	4,469/month	44,690						
6.	Benefits		6,890						
7.	Supplemental Benefits		2,240						
8.	Fixed Benefits		2,400						
9.	TOTAL PERSONAL SERVICES		01	56,220					
10.	Travel		02	5,000					
11.	Contractual		03	8,000					
12.	Commodities		04	3,500					
13.	Equipment		05	1,500					
14.	Other								
15.	TOTAL COST			74,220					
	RECEIPT CODE	FUNDING SOURCE							
16.		Federal Receipts 1002							
17.		G.F. Hatch 1003							
18.		General Funds 1004		74,220					
19.		I-A Receipts 1005							
20.		Program Receipts 1028							
21.		Other							
FOR B&H USE ONLY 4A KEY NUMBER _____									

This is the third of four attorney positions required by the Department of Law in order to absorb the significant increase in workload which will result from new legislation authorizing the impoundment or forfeiture of motor vehicles driven by persons arrested for driving while intoxicated. The new legislation requires a court hearing when an impoundment or forfeiture is contested by the vehicle owner, or by someone who has a financial interest in the vehicle. It is anticipated that many of these hearings will involve representatives from banks or financing companies who retain a financial interest in the vehicle.

13 REQUEST FOR
NEW POSITION

AGENCY DEPARTMENT OF LAW
PROGRAM LEGAL SERVICES
BRU LEGAL SERVICES
COMPONENT LEGAL SERVICES OPERATIONS

FY 84

Page _____ of _____
Revised Date _____

1.	POSITION TITLE Legal Secretary I				RANGE/STEP 10B	BARG. UNIT GGU	FORM 12 PAGE/LINE	GOV.	APPROV.	DISAPP.
2.	TYPE OF POSITION PFT	STAFF MONTHS 10	RP NUMBER	PCN NUMBER	BRU PRIORITY	LOCATION Fairbanks	ELECTION DISTRICT	LEG.		

3.	CONTINUATION LEVEL	ADDITION		
4.	TYPE OF EXPENDITURE			AMOUNT
	1	2		3
	PERSONAL SERVICES			
5.	Salary	2,048/month	20,480	
6.	Benefits		3,160	
7.	Supplemental Benefits		1,260	
8.	Fixed Benefits		2,400	
9.	TOTAL PERSONAL SERVICES		01	27,300
10.	Travel		02	-0-
11.	Contractual		03	2,200
12.	Commodities		04	2,700
13.	Equipment		05	14,500
14.	Other			
15.	TOTAL COST			46,700

JUSTIFICATION

This is the second of two secretary positions required to provide secretarial support for the four new attorney positions assigned to Juneau, Anchorage, and Fairbanks. This particular secretarial position will serve the needs of the new attorney assigned to Fairbanks. Included in the duties of this position will be the responsibility of coordinating the activities of the Civil Division attorneys handling the forfeiture action with the attorneys and support staff of the Criminal Division who originally prosecuted the intoxicated operator of the motor vehicle.

	RECEIPT CODE	FUNDING SOURCE	
16.		Federal Receipts 1002	
17.		G.F. Match 1003	
18.		General Funds 1004	46,700
19.		I-A Receipts 1005	
20.		Program Receipts 1028	
21.		Other	

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13 REQUEST FOR
NEW POSITION

AGENCY DEPARTMENT OF LAW
PROGRAM GENERAL GOVERNMENT
BRU LEGAL SERVICES
COMPONENT LEGAL SERVICES OPERATIONS

FY 84

Page _____ of _____
Revised Date _____

1.	POSITION TITLE Attorney III				RANGE/STEP 22A	UARG. UNIT X	FORM 12 PAGE/LINE	GOV.	APPROV.	DISAPP.
2.	TYPE OF POSITION PPT	STAFF MONTHS 10	RP NUMBER	PCN NUMBER	BRU PRIORITY	LOCATION Juneau	ELECTION DISTRICT	LEG.		
3.	CONTINUATION LEVEL				ADDITION		JUSTIFICATION			
4.	TYPE OF EXPENDITURE			AMOUNT			<p>This is the fourth of four attorney positions required by the Department of Law in order to absorb the significant increase in workload which will result from new legislation authorizing the impoundment or forfeiture of motor vehicles driven by persons arrested for driving while intoxicated. The new legislation requires a court hearing when an impoundment or forfeiture is contested by the vehicle owner, or by someone who has a financial interest in the vehicle. It is anticipated that many of these hearings will involve representatives from banks or financing companies who retain a financial interest in the vehicle.</p>			
	1	2	3							
	PERSONAL SERVICES									
5.	Salary	1,952/month	19,520							
6.	Benefits		3,010							
7.	Supplemental Benefits		1,200							
8.	Fixed Benefits		2,400							
9.	TOTAL PERSONAL SERVICES		01	26,130						
10.	Travel		02	2,500						
11.	Contractual		03	4,000						
12.	Commodities		04	3,500						
13.	Equipment		05	1,500						
14.	Other									
15.	TOTAL COST			37,630						
	RECEIPT CODE	FUNDING SOURCE								
16.		Federal Receipts 1002								
17.		G.F. Match 1003								
18.		General Funds 1004		37,630						
19.		I-A Receipts 1005								
20.		Program Receipts 1029								
21.		Other								
FOR B&H USE ONLY										
4A KEY NUMBER										

AGENCY DEPARTMENT OF LAW

PROGRAM LEGAL SERVICES

BRU LEGAL SERVICES

COMPONENT LEGAL SERVICES OPERATIONS

FY 84

13 REQUEST FOR
NEW POSITION

Page	of
Revised Date	

Lucy Whitehead
1543 L St.
Anchorage, AK 99501

April 15, 1983

Senator Vic Finken
Alaska State Legislature
Juneau, Alaska

Dear Senator Finken:

Enclosed is a list of signatories from your district requesting that you give full support to Senate Bill 61. We strongly support raising the drinking age to 21 and to strengthen the offense of D.W.I.

Please note the signatories on the petitions as you will find many of your friends have signed it.

We must stop the slaughter on the highway and streets.

Sincerely

Lucy Whitehead

M. H. D. O.

261

We the undersigned ask your support of CS FOR HOUSE BILL NO. 6 (State Affairs)
 Original sponsors: Abood, Furnace, Lindauer, ~~to raise the drinking age to 21 years of age~~
 We ask that this Bill be passed in it's entirety. To strengthen the offense of D.W.I.

<u>NAME</u>	<u>ADDRESS</u>	<u>ANCHORAGE, ALASKA</u>	<u>ZIP</u>
<i>[Signature]</i>	923 - 11th Ave	Anchorage	99501
Elizabeth H Roche	923 - 11th	Anchorage	99501
K.P. Hanson	802 Pine St #12	Anchorage	99504
Mella M. Howard	" " "	" "	" "
James W. Ruff	1534 K St	Anchorage	99501
Grace E. Ruff	1534 K St	"	99501
Gracie Newman	1521 L St	Anchorage	99501
Marlene G. Fulton	2306 Junction Dr	Anchorage	99503
Doree A. Fulton	2306 Junction Dr	Anchorage	99503
Mary Ann Erickson	221 E 7th Ave	Anchorage	99501
Doree A. Fulton	2306 Junction Dr	Anchorage	99503
Lolene Erickson	1949 Wisconsin Dr	Anchorage	99503
Russ C. Fulton	1949 Wisconsin Lane	Anchorage	99503
Flora S. Harwick	409 Eagle St	Anchorage	99501
Lois M. McClain	7100th Division Dr	Anchorage	99502
Skuldene McClain	7165 Division Dr	"	99502
Kathleen Eriksen	Anchorage	"	99502
Marilyn (S. Feil)	618 1st St. (S. 1st St.)	Anchorage	99501
Mavis R. Logan	257 E. Heid	Anchorage	99501
Jane Burston	333 M St Apt 407	Anchorage	99501
Divina Arnold	525 W. 3rd apt 611	Anchorage	99501
Bette Bessie	2245 Chillingham Dr	"	99503
Kate Meyer	1328 W. 11th Ave	"	99501
Mary Ann Lindbeck	4007 Bowland Dr.	"	99503
Esther McElligott	500 N St.	"	99501
Alice Hockema	1028 N St.	"	99501
Marcel B. Knight	1522 Coffey Lane	"	99501

261

We the undersigned ask your support of CS FOR HOUSE BILL NO. 6 (State Affairs)
 Original sponsors: Abood, Furnace, Lindauer, ~~xxxxxx and xxxxx~~
 We ask that this Bill be passed in it's entirety. To strengthen the offense of D.W.I.
~~xxxxxx and xxxxx~~ raise the drinking age to 21

NAME	ADDRESS	ANCHORAGE, ALASKA	ZIP
Patricia A. Jackson	8341 Ragged Top		99504
Anette C. Showalter	2320 Tasha Dr.		99502
Jean Adyima	4324 Beetle Cir		99504
Helen Gastlock	8331 Pioneer		99504
Carol Marker	1018 G -		99501
Norma J Hoyt	230 W 16 th		99501
Mary G. Peterson	1001 - W. 2 nd St		99503
Betty A. Stephens	1135 Hillcrest Dr		99503
Alice S Green	2405 Benjamine St Apt 33		99501
Grace Nurse	804 W 13 th		99501
Pauline V Burkner	341 W 11 th		99501
Maxine Roberts	1035 Barron St		99501
Joyce Lewis	1221 West 11 th Ave.		99501
Richard Michalski	809 W. 16 th	272-8377	
Jean Lindemuth	1218 F St	277-5287	
Marilyn Southam	SRA Box 1568-H		99507
Carol Wilson	1519 Hidden Lane		99501
Maire M Tepley	3324 Princeton Way		99504
Louisa K Schwantz	Box 2045 Anch.		99510
Nancy K Newell	145 West 6 th Anch.		99501
Belen Mc Dowell	139 - W 6 th Anchorage		99501
Kenneth E Hall	131 W. 6 th AVE APT 3 Anchorage		99501
Susan Molder	527 B St Anchorage Ak.		99501
J. Donald L Chazy	527 B St Anchorage Ak.		99501

261

We the undersigned ask your support of CS FOR HOUSE BILL NO. 6 (State Affairs)

Original sponsors: Abood, Furnace, Lindauer, ~~xxxxxx~~ ~~xxxxxx~~ ~~xxxxxx~~ ~~xxxxxx~~ ~~xxxxxx~~ ~~xxxxxx~~ ~~xxxxxx~~ ~~xxxxxx~~ ~~xxxxxx~~ ~~xxxxxx~~

We ask that this Bill be passed in it's entirety. To strengthen the offense of D.W.I. ⁴

raise the drinking age to 21.

NAME	ADDRESS	ANCHORAGE, ALASKA	ZIP
Vieno N. Petersen	1046 Mila	anch. AK	99504
Mariane Vellow	2905 W. 34th	Anch. Ak.	99503
Carol Kunderson	6941 Gemini	Anch. Ak.	99504
Genevieve Griffith	3407 Spencord Rd.	Anch. AK	99503
Luis E. Bruck	1811 Crescent An	Anch AK	99508
Margaret Gogrecht	2035 Cliffside Dr.	✓ ✓	99501
Esther Ball	2926 Winturck	✓ ✓	99504
Bredes, Malven	1835 - Bantlinger "E" Ave "		99501
Phyllis Hill	1730 Eastridge Dr	Anch AK	99501
Pat Wendling	283 MULDOON RD Box 142	" "	99504
Mary Ann Dodge	SRA Bx 1763D	Anch	99507
Douglas E. Schneider	2201 SENTRY	ANCH	99507
Nadine Richard	1405 Sunrise	Anch	99504
Claudette Hampton	434 Cherry	Anch.	99504
Ann Johnston	2075 Shepherdia	Anch	99504
Debra Babum	7600 Ravenna	Anch	99502
Pamela Sue Dipe	2500 Lawrence St	AK	99504
Eva M. Johnson	2233 - Knoll Circle	AK	99501
Pat Murray	1625 Birchwood	AK	99508
Bernice Andrews	841 Dogwood	AK	99501
21 Susie Mikkelsen	3825 Shalagon	Anchorage AK	99504
Rayl Weed	1037 - W - 16th	anchorage AK	99501
Nara Weed	1037 - W - 16th	Anchorage Ak.	99501
Anne E. Garfield	PO Box 10-1711	anchorage AK	99511
Tom M. Jenkins	510 - St # 202	Anchorage ak	99501
Alic Chadwick	P.O. Box 1761	Anchorage ak	99510
George P. Schwarz	PO Box 2045	Anchorage	99510

161

We the undersigned ask your support of CS FOR HOUSE BILL NO. 6 (State Affairs)
 Original sponsors: Abood, Furnace, Lindauer, to raise the drinking age to 21 years. We
 We ask that this Bill be passed in it's entirety. *Must be off on DWI*

NAME	ADDRESS	ANCHORAGE, ALASKA	ZIP
Elizabeth A. Sherwood	9240 Ateliev Dr.	Anch., Alaska	99507
Marian Z. Hitchcock	2637 Shephardia Dr.	Anchorage	99504
Charlotte Hill	112 E. 24th Ave #40	Anchorage AK	99503
George Marvin	3421 W. 69 th Av	Anchorage, AK	99502
Pauline Tindian	1123 Valley	Anch.	99504
Margaret M. Madsen	2122 Forest Park Dr.		99502
Margaret M. Madsen	3532 North Point		99502
Connie Longacre	410 W. 15 th Ave.	PO Box 2621 Anchorage, AK	99510
Judy Clardy	SRA Box 2282	Anchorage	99507
Carol Wilson	1519 Hidden Lane		99501
Christina M. Hawk	2600 Lyrama Lane	Anch., Ak.	99502
Jane J. Clardy	S.P.A. Box 2282	Anch., AK.	99507
Robert Sweetnam	2948 Princeton Way	Anch., AK	99504
Mrs Wilson	1519 Hidden Ln	Anch AK	99501
Lisa Lee Sweetnam	2948 Princeton Way	Anch. Ak.	99504
Claire M. Teply	3324 Princeton Way	Anch. AK	99504
Elizabeth Johnson	813 1/2 W-3 rd Ave	Anchorage	99501
Mary Jane Landstrom	813 W. 3 rd Ave #4	Anchorage, AK	99501
Franklin C. Landstrom	813 W. 3 rd Ave #4	Anchorage, Ak.	99501
Margaret Donatelli	701 W. 11 th Ave.	Anchorage, AK	99501
Mrs Donatelli	701 W 11 th Ave	Anch	
Box J Donatelli	843 W. 14 th Ave	Anch AK	
Mrs Howard	9240 Ateliev Dr	Anchorage AK	99507
Mrs Howard	993 12 th St # 207	Anch	99501
L. Warren Hines	1300 W 7 th #404	Anch	99501
Mary J. Hines	1300 W. 7 th #404	Anch.	99501
Royal M. Brown	1517 W 15 th Ave	Anch.	99501
Jorahy V. Markley	1519 - H St.	Anch.	99501
Jack B. Markley	1519 - H St	Anch.	99501

M. A. D. D. (M) O'Brien Agreed House Bill

We the undersigned ask your support of CS FOR HOUSE BILL NO. 6 (State Affairs)
 Original sponsors: Abood, Furnace, Lindauer, ~~to raise the drinking age to 21 years.~~
 We ask that this Bill be passed in it's entirety. To strengthen the offense of D.W.I. ~~to~~
 raise the drinking age to 21.

NAME	ADDRESS	ANCHORAGE, ALASKA	ZIP
Matthew G. Necker	101 East Cook Ave.	Anchorage	99501
Charles F. Heston	" " " "	" "	" "
Louis Thurner	7220 DAWN DR	ANCHORAGE	99502
Manou B. Foch	Cardigan Circle	-	99503
Ernest I. Brown	855 NORMAN ST.	L	99504
June Brown	955 NORMAN ST.	L	99504
Janne Edwards	4208 Harrison	✓	99503
Ellen C. Webb	2825 Redwood Place	✓	99504
Lorraine Idwell	1305 Ingra		99501
Lena E. Swain	1315 Cordova		99501
Dorothy Butrum	3138 Madison		99508
Dorothy J. Durnell	7911 Jewel Lake Rd. Apt. #2		99502
Jackie D. Smith	4224 Chess Dr.	Anch, AK	99504
Quinn B. Stewart	1703 Hansen Court	Anchorage, AK	99501
Bernice Palmer	3028 E. Tudor Rd		561-1501
Lee Wilson	4359 Kodiak Avenue	Anch, AK	99504
Anna Lee Jackson	58A Box 30484	Anch, AK	99507
Charlotta Lahti	9012 Jupiter Anch,	AK	99507
Green Goodwin	1408 W. 23 Ave	Anch	99503
E. Paul	15711 Inuvik Circle		99502
Deborah A. Clinton	7325 Madeline St	Anchorage	99504
Phyllis Eads	7830 Liana Circle	Anch.	99507
Shirley Preston	1729 Orca	Anch, AK	99501
Yoko Schimmgard	7413 E 17TH	ANCH. AK.	99504
Marian Rylabender	1440 K St	Anch AK	99501
Helen A. Joseph	1200 E ST #414	Anch	99501
Trichelle Vachss	3324 Old Muldron Rd	Anch. AK.	99504

Sent
4/21

We the undersigned ask your support of CS FOR HOUSE BILL NO. 6 (State Affairs)
 Original sponsors: Abood, Furnace, Lindauer, to raise the drinking age to 21 years.
 We ask that this Bill be passed in it's entirety. *Strengthen the offense of DWI*

<u>NAME</u>	<u>ADDRESS</u>	<u>ANCHORAGE, ALASKA</u>	<u>ZIP</u>
Beth J. Michel	1626 Garden St.	ANCH. AK.	99504
Mrs H. T. Marshall	1341 Hillcrest Dr.	Anch.	03
June Sherks	3201 Westmar Cir	Anchorage, AK	99504
Virginia Smith	1020 "L" St.	Anchorage, AK	99501
Helen Thompson	1228 Redwood Ct.	Anchorage, AK.	99504
Dee D. Alden	5137 Sellaray	Anchorage, AK	99504
Carolyn Walter	2771 Pelican Ct.	Anchorage AK.	99502
Jan M. Datz	Se. ^{By Falls} Rd # 2563	Wasilla AK.	99687
Hilda Lewis	Box 1276	Anchorage AK.	99510
June Fullington	7333 Madeline Dr.	Anchorage	AK 99504
Lelah Armstrong	144 West 23rd	Anchorage, AK	99503
Janet D. Duvall	2744 Sycamore	Anch, AK	99503
LaVice Stephen	SRA Box 925	Anch, Alaska	99502
Roberta Clay	SRA Box 410	Anch AK.	99507
Janet A. Snyder	221 E. 7 th #201	ANCH AK	99501
Sharon A. Hepler	1510 Patterson St	Anchorage AK	99504
Alice L. Edwards	8624-1 Barclay	Anchorage	99504
Kara Faeo	1430 COLOMBINE	ANCHORAGE AK	
Linda Ann Franke	SRA STAR Route 372-L	Anchorage AK	
Wendy Metcalf	1006 E 26 th	Anchorage	
Kathleen C. Anderson	2003 Crestview Cir	Anchorage	99504
Ellen P. Vaulin	1751 E. 0TH Way	Anchorage AK.	99504
Virgula Heath	1751 Lakeview Pl	Anchorage AK.	99504
Patsy Harmon	127 Pelican Dr.	Anchorage	99502
Doris Fabroner	3131 Lakeside Dr.	Anchorage	99502
B. Anger	221 E 7th #201	Anchorage AK	99501
Robert D. Whitford	1573 L St.	Anchorage	99501

We the undersigned ask your support of CS FOR HOUSE BILL NO. 6 (State Affairs)
 Original sponsors: Abood, Furnace, Lindauer, ~~to raise the drinking age to 21 years~~
 We ask that this Bill be passed in it's entirety. To strengthen the offense of D.W.I.
 Raise the drinking age to 21.

NAME ADDRESS ANCHORAGE, ALASKA ZIP

Mary Bauer 3406 Lincoln Anchorage AK 99503
 James DeWalt SRA Box 1272 CHUGIAK AK 99527
 Joseph S Budnow 2080 WALDORF ANCHORAGE AK 99507
 Theresa Ann Ottwood 1902 Talbot St Anch AK 99504
 Geneva P Walters 2606 E 17th Ave Anch, Ak 99504
 Charlotte M Lewis 2205 Daybreak Ct. Anch. AK 99501
 Irma E. Gussom 3311 Wesleyan Dr. Anch. Ak. 99504
 Joan K. Larson 4002 Lois Ave Anch Ak 99503
 Elizabeth Henderson 2124 Scenic Dr Anch Ak 99508
 Maria Johnson 2761 Sanctuary Dr., Eagle River, AK 99577
 Patricia Anderson 3761 Penrose Circle Anchorage, 99502
 Jan Paul Cochran P.O. Box 100374 Anch. Ak. 99510
 Florence E. Schlegel 1921 So. Salem Dr. Anch. Ak. 99504
 Ann D. Gross 1714 Birchwood Anchorage 99504
 Evelyn N. McQuell 403 E 24 Ave. Anch. 99503
 Jean B. Sullivan 1831 Hobart Anchorage 99504
 Kiniko Alexander P.O. BOX EAGLE RIVER AK 99577
 Virginia Burke 3605 Arctic #1815 Anch. AK 99503
 Lee Groat 3200 Shuttle Cir Anch AK 99503
 Marie Molen 221 E 7th Ave #309 Anch AK 99501
 Rita Sillitto P.O. Box 6241 Anch. AK 99502-0241
 James Edward 4208 Harrison Anch 99503
 Chuck Chapin 3214 Wyoming Dr Anch 99503
 Roderic Carpenter 1410-E-16th Ave. Apt 11 Anch 99501
 Elmer L. Dyer 1535 L ST., ANCHORAGE AK 99501
 Bernadette L. Nodal 1535 L St Anchorage, ak 99501
 Wendel Kemman P.O. Box 197 Anch, Ak 99510

5/16/61 Rare the drinks
age 21

We the undersigned ask your support of CS FOR HOUSE BILL NO. 6 (State Affairs) ~~to raise the drinking age to 21 years.~~
Original sponsors: Abood, Furnace, Lindauer, to ~~raise the drinking age to 21 years.~~
We ask that this Bill be passed in it's entirety. strengthen the offense of D.W.I.

NAME	ADDRESS	ANCHORAGE, ALASKA	ZIP
Lucy Whitehead	1543 L St	" "	99501
Mary Digney	801 W. 7th Ave.	" "	99501
Ray Hathhorn	5531 Arctic Blvd	" "	99502
Patricia James	1559 K St	" "	99501
Vicki S. Singluff	3300 Iowa St	" "	99503
Ina Reekin	1311 E. Street	" "	99501
(Annie) Howard	7200 Alaska St	" "	99502
Mildred Patricia Mantle	1600 W. 11th Ave 35	" "	99501
Grace Abbas	1561 Muldoon Ave Anch.	" "	99504
Inez Parkko	119 W. 12th	" "	99501
Colandrea M. Bend	4409 Forest Rd. #1A	" "	99503
Evelyn E. Martin	1309 Hillcrest Tr.	" "	99503
Martha K. Kessel	1026 P St. Apt. 7	" "	99501
Misses Godfrey	1575 7th St #1	" "	99501
Orelia Tomsted	P.O. Box 857 Anch.	" "	99510
Muri Burnett	1225 "5" St	" "	99501
Doris Jackson	1600 W 11th #307	" "	99501
Flora Landi	905 S Street	" "	99501
Carol Wilson	1519 Hidden Lane	" "	99501
Laura Davis	1221 West 11th Col.	" "	99501
Dean Donatello	701 W. 11th Ave	" "	99501
Anthony Sanna	Box 110413 Anch. Alaska	" "	99570
J. M. Martin	1527 G St Anchorage	" "	99501
Suzanne Heisner	1207 G. St Anchorage	" "	99501
Janet Martin	1527 G St Anchorage	" "	99501
Louise Hill	1237 H St	" "	" "
Kenneth H. Norman	527 L St Anchorage	" "	99501

We the undersigned ask your support of CS FOR HOUSE BILL NO. 6 (State Affairs)
Original sponsors: Abood, Furnace, Lindauer, to raise the drinking age to 21 years.
We ask that this Bill be passed in it's entirety.

NAME

ADDRESS

ANCHORAGE, ALASKA

ZIP

Katherine Steth 101 E 23rd Anch ak 99503

William C. Shouder 124 E 23rd Anch. Alaska 99503

Patricia J. Brewster 124 E 23rd Anch. Alaska 99503

CMC-V N 70

The alcohol abuse prevention and treatment programs in the state would be a joke, if they weren't so expensive in money, time, and incredible waste of valuable lives, of abusers and their victims.

Enormous sums are spent and yet the problem is officially ignored in terms of prevention/correction of abuse. Fear of the liquor lobby--the consumer liquor lobby that includes Alaskans of all political persuasions, as well as lack of an effective plan to significantly reduce overall abuse without violating civil rights are two major stumbling blocks negating efforts beyond band-aid applications.

Acceptable and effective alcohol control programs of any scale seem non-existent. Prohibition, except in small villages, is impractical. Centers only address those who have decided to lick the problem on their own. Politicians of all stripes, with no qualms about attacking marijuana and cocaine users, are silent when it comes to alcohol.

Can anything be done? Perhaps...

A system which could work statewide must:

- a) be field tested in an Alaskan community;
- b) receive wide-spread community support from most political/social sub-groups;
- c) prove effective beyond any shadow of doubt, to all observers.

I believe, after a good deal of thinking, possibilities exist to develop such a program; a program that will protect civil liberties, encourage individual self-control, provide external control when essential, be administratively workable, politically popular and effective as proven through field validation with broad based

community support, in Alaska.

First, a community or communities of size must be provided financial incentive to pilot-test the program. Since alcohol is such an integral part of the individual life-style/social setting of nearly every Alaskan community, the financial reward must be exceptional in order to overcome fears and resentments of residents.

- a) A program to be field tested should pay each adult resident a \$50 stipend to respond to a two-part (pre and post) program questionnaire, to be distributed to all registered voters if the community chooses to participate in the pilot program.
- b) The city government would also receive \$100 (?) per resident adult to cover any unforeseen additional costs of program administration not covered in the pilot program's operating budget.
- c) Extra unforeseen administrative, police, alcohol treatment expenses would be absorbed by the program.
- d) Pilot program would be three years with a yearly renewal at the option of the community. Three to five communities should be involved if possible, with each having a total population of no less than 1000 and no more than 15,000.

THE PROGRAM:

There must be an accepted definition of drinking--like driving--as a privilege, not a right. Abuse of this privilege in a manner detrimental to the public or to other individuals can result in a loss of this privilege/mandated treatments for periods of time/depth of treatment directly related to the seriousness and frequency of the abuse. No criminal penalties are attached to such privilege loss unless a) a crime is committed along with the abuse, b) the subject is found to be guilty of violating a previous loss of privilege or c) the subject is found guilty of providing

or dispensing alcohol to someone who has lost such privilege.

The administrative system used to enact/operate/administer such a program is a permit system. Each resident individual in the community reaching majority would have the right to receive a "drinking license". No test except local residency. A numbered photo identification card would be issued at no or minimal cost to the resident.

Non-resident guests of residents would, upon presentation of out-of-state drivers license, voters registered card, etc., would be allowed a non-renewable, non-transferable 30-day permit.

Out of state hotel guests would be provided daily permits during their stay in the hotel.

Independent tourists (e.g. driving in) would be permitted up to thirty day permits with presentation of licenses. Escorted tours would prearrange completion of applications to be submitted to authorities on arrival in the field testing community. Permits would be for the duration of the tour.

Out of state fishermen, in ports of call, would be given permits for port of call visits of up to one week. Seasonal workers would be given renewable thirty day permits.

Violations/abuses by above temporary permit holders would deny them reapplication rights for one year.

Purveyors/dispensers of alcohol in pilot communities are obliged to verify that the individual served is indeed, a valid permittee.

ENFORCEMENT:

All bars and liquor stores would be provided with a free,

portable breathalyzer unit to satisfy/justify to their customers the correctness of their decision-making in denying a drink to a customer. Training in non-embarrassing use of the device would be provided.

Fear of not selling to a potentially violent customer plays an important role in some alcohol sales. A free "beeper" system with access to local police would be provided to bars/liquor stores for rapid enforcement response. Training in usage would be provided.

The pilot program would, in agreement with city officials, pay for extra "alcohol control" slots on the city force. These officers (and others) would receive intensive alcohol abuse control training, and would be assigned to problem alcohol areas. As with vehicles, officers would have the right to stop someone upon reasonable suspicion of alcohol abuse and request them to take a breathalyzer test. Refusal, as in driving, would be assumed admission of guilt with the accompanying loss of permit for a length as determined in the project guidelines.

(Someone in the position of being threatened by a suspected alcohol abuser can notify police. Such a suspect can be required to take a breathalyzer test. Failure would be noted in conjunction with the complaint, and taken into consideration in loss of license/permit.)

Extra judicial/magisterial and support positions would be funded by the project. Extra-alcohol counseling services would be supported by the project.

Expected support groups:

women's groups--antiviolence
churches--anti-alcohol
parental/school groups--antiviolence/anti-drunkdrivers
police groups--control and extra enforcement tools
property owners--\$ to community for pilot
individuals--\$50 payment per person for survey involvement

SAMPLE BUDGET

Community K: 1,000 registered voters:

1) Survey stipend to registered voters	\$50 x 1000= \$ 50,000
2) Payment to community for administration	\$100 x 1000= \$100,000
3) Costs for license issuing office:	
a) staff (2)	50,000
b) rent	5,000
c) equipment	3,000
d) phone/utilities	2,000
4) Beepers/breathalyzers	7,500
5) Extra police assistance (1)	30,000
6) Extra alcohol program staff (2)	60,000
7) Extra magisterial/judicial support	15,000

Estimate: \$337,500

This, of course, has its highest cost in selling the program to the community--thus items 1 and 2. The \$50 and \$100 figures are arbitrary. Item 1 could be cut in half the second year and eliminated after year three, and item 2 could be a one-time-only shot. The point is, it would be great to take a million or so, try three communities (e.g. Kotzebue, Petersburg and Seward/Wasilla, some place on a road) for implementing the program for three years, document and prepare a video-tape on results and, if it works, try to sell it statewide.

A M E N D M E N T

#2

Offered in the SENATE

By V.Fischer

TO: CSSB 61 (State Affairs)

Page 9, following line 27,

Insert a new section to read:

"* Sec. 13. AS 28.35 is amended by adding a new section to read:

Sec. 28. 35.029. OPEN CONTAINER. (a) A person may not operate a motor vehicle when there is an open bottle, can or other receptacle containing an alcoholic beverage in the passenger compartment of the vehicle.

(b) In this section,

(1) "open" includes having a broken seal;

(2) "passenger compartment" means the area of a motor vehicle normally occupied by the driver and passengers and includes a utility or glove compartment accessible by the driver or a passenger while the vehicle is being operated.

(c) A person who violates (a) of this section is guilty of an infraction."

Renumber subsequent sections.

A M E N D M E N T

#3

Offered in the SENATE

By V.Fischer

TO: CSSB 61 (State Affairs)

Page 11, line 8, following "addition,":

Insert: "the court shall order, and"

Page 11, line 9, following "undertake":

Insert: "treatment or education commensurate with the person's needs and the resources of the community where the person lives."

Page 11, line 9,

Delete ", for a term"

Insert: "[, FOR A TERM]"

Page 11, lines 10 - 12:

Delete: all material

Insert: "[SPECIFIED BY THE COURT, THAT PROGRAM OF ALCOHOL EDUCATION OR REHABILITATION WHICH THE COURT, AFTER CONSIDERATION OF ANY INFORMATION COMPELED UNDER (d) OF THIS SECTION, FJNDS APPROPRIATE.]"

Page 13, line 27, following "In addition,":

Insert: "the court shall order, and"

Page 13, line 28, following "undertake"

Delete all material and insert: "treatment or education commensurate

with the person's needs and the resources of the community where the person lives [, FOR A TERM SPECIFIED BY THE COURT, THAT PROGRAM OF]"

Page 13, line 29 - page 14, line 1:

Delete all material and insert: "[ALCOHOL EDUCATION OR REHABILITATION THAT THE COURT, AFTER CONSIDERATION OF ANY INFORMATION COMPILED UNDER (h) OF THIS SECTION,]"

Page 14, line 2

Delete: "finds appropriate"

Insert: "[FINDS APPROPRIATE]"



Amendment to Proposed CSSB 61 (State Affairs)

Page 9, delete lines 12 through 15 and substitute:

In addition, the person's privilege to drive must be suspended for not less than one additional [MAY NOT BE RESTORED FOR AN ADDITIONAL PERIOD OF ONE] year after the date that the person would have been entitled to restoration of driving privileges if the person had not been convicted under this section.

Du
1 yr. or more
may suspend,
for more than
one year

Amendment to Proposed CSSB 61 (State Affairs)

Page 9, at line 28 insert a new section as follows:

*Sec. 13. AS 28.35.030(a)(2) is amended to read:

(2) when, as determined by a chemical test given within four hours after the alleged offense was committed, there is 0.10 percent or more by weight of alcohol in that person's [HIS] blood or 100 milligrams or more of alcohol per 100 milliliters of that person's [HIS] blood, or when there is 0.10 grams or more of alcohol per 210 liters of that person's [HIS] breath; or



4 hrs.

No fiscal impact

4

Amendment to Proposed CSSB 61 (State Affairs)

On page 11, delete section 14 at line 13, et. seq. and insert a new section:

* Sec. 14. AS 28.35.031 is amended by adding a new subsection to read:

(b) A person who drives a motor vehicle that is involved in an accident, has committed an offense under AS 28.15.181(a), or has committed a moving traffic violation shall be considered to have given consent to a preliminary breath test for the purpose of determining the alcoholic content of the person's blood or breath. The test shall be administered at the scene of the incident at the direction of a law enforcement officer who has reasonable grounds to believe that a person's ability to operate a motor vehicle is impaired by the ingestion of alcoholic beverages, drugs or a combination of drugs and alcohol, and that the person:

list of things for which license can be suspended
reasonable suspicion

DPS

- (1) drove a motor vehicle that was involved in an accident,
 - (2) has committed an offense under AS 28.15.181(a), or
 - (3) has committed a moving traffic violation.
- The result of the test may be used by the law enforcement

mandatory part

officer to determine whether the driver should be arrested. Before administering the test, the officer shall advise the person that refusal may be used against the person in a civil or criminal action arising out of the incident and that refusal is an infraction. If the person refuses to submit to the test, the test shall not be administered. ~~Refusal to submit to a preliminary breath test at the request of a law enforcement officer is an infraction.~~