

ALASKA LEGISLATURE COMMITTEE FILES 1905-1900
4106 SJUD SB 344 - SB 362

Superior Court Judges of the
Third Judicial District



Presiding Judge
Douglas Serdahely
Appointed 1980
Anchorage



Charles Cranston
Appointed 1981
Kenai



Roy Madsen
Appointed 1975
Kodiak



Beverly Cutler
Appointed 1982
Palmer



John Bosshard, III
Appointed 1984
Valdez



S. J. Buckalew, Jr.
Appointed 1973
Anchorage



Victor Carlson
Appointed 1970
Anchorage



Rene J. Gonzalez
Appointed 1984
Anchorage



Karen Hunt
Appointed 1984
Anchorage



Karl Johnstone
Appointed 1979
Anchorage



Joan M. Katz
Appointed 1984
Anchorage



Peter A. Michalski
Appointed 1985
Anchorage



J. Justin Ripley
Appointed 1975
Anchorage



Mark Rowland
Appointed 1977
Anchorage



Brian Shortell
Appointed 1980
Anchorage



Milton Souter
Appointed 1978
Anchorage

STATE OF ALASKA 1986 LEGISLATIVE SESSION FISCAL NOTE

Revision Date : _____

REQUEST

Bill/Resolution No. : SB 344
 Title : An Act Increasing the Number
of Judges
 Sponsor : Kerttula, Fischer, DeVries
 Requestor : _____
 Date of Request : 2/3/86

FISCAL DETAIL

Agency Affected : Alaska Court System
 BRU : Trial Courts
 Components : _____

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES		574.3	608.8	645.3	684.0	725.0
TRAVEL						
CONTRACTUAL		11.8	12.5	13.3	14.1	14.9
SUPPLIES		4.0	4.2	4.5	4.8	5.1
EQUIPMENT		34.1				
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		624.2	625.5	663.1	702.9	745.0

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

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

FUNDING : (Thousands of Dollars)

GENERAL FUND		624.2	625.5	663.1	702.9	745.0
FEDERAL FUNDS						
OTHER						
TOTAL		624.2	625.5	663.1	702.9	745.0

POSITIONS :

FULL-TIME		8	8	8	8	8
PART-TIME						
TEMPORARY						

ANALYSIS : Attach a separate page if necessary

Prepared by : Robert G. Fisher Phone : 264-8215
 Division : Alaska Court System Date : 2/3/86
 Approved by Commissioner : Arthur H. Snowden, II Date : 2/3/86
 Agency : Alaska Court System

Distribution (by Agency preparing fiscal note) :

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

ALASKA COURT SYSTEM
 SB 344 - AN ACT INCREASING
 THE NUMBER OF JUDGES

FISCAL IMPACT

PERSONAL SERVICES:	Salary	Benefits	Total Costs
Kenai:			
Superior Court Judge	\$82,716	\$96,245	\$178,961
In-Court Clerk (PFT, range 12B)	27,432	9,247	36,679
Secretary (PFT, range 12B)	27,432	9,247	36,679
Law Clerk (PFT, range 13A)	28,380	9,462	37,842
Subtotal Kenai			290,161
Palmer:			
Superior Court Judge	80,004	96,155	176,159
In-Court Clerk (PFT, range 12B)	26,604	9,059	35,663
Secretary (PFT, range 12B)	26,604	9,059	35,663
Law Clerk (PFT, range 13A)	27,432	9,247	36,679
Subtotal Palmer			284,164
Total Personal Services			574,325
CONTRACTUAL:			
Telephone and postage costs			4,000
Word processors			7,800
Total Contractual			11,800
SUPPLIES: 4,000			
EQUIPMENT: (one-time items)			
Office furniture			24,628
Reference materials (chambers and courtroom)			9,462
Total Equipment			34,090
TOTAL COST			\$624,215

Subsequent fiscal years adjusted to reflect 6% inflation.

STATE OF ALASKA 1986 LEGISLATIVE SESSION FISCAL NOTE

Revision Date: _____

REQUEST

Bill/Resolution No.: CSSB344 (JUD)
 Title: "An Act relating to the number of superior court judges..."

Sponsor: Senator Kertulla
 Requestor: Senate Judiciary
 Date of Request: 2/11/86

FISCAL DETAIL

Agency Affected: Dept. of Administration
 BRU: Office of Public Advocacy

Components: Office of Public Advocacy

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES	-0-	152.7	161.9	171.6	181.9	192.8
TRAVEL		5.0	5.3	5.6	5.9	6.3
CONTRACTUAL		127.7	135.4	143.5	152.1	161.2
SUPPLIES		3.0	3.2	3.4	3.6	3.8
EQUIPMENT		16.7	0	0	0	0
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	305.1	305.8	324.1	343.5	364.1

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

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

FUNDING : (Thousands of Dollars)

GENERAL FUND	-0-	305.1	305.8	324.1	343.5	364.1
FEDERAL FUNDS						
OTHER						
TOTAL	-0-	305.1	305.8	324.1	343.5	364.1

POSITIONS :

FULL-TIME	-0-	3.0	3.0	3.0	3.0	3.0
PART-TIME						
TEMPORARY						

ANALYSIS : Attach a separate page if necessary

Prepared by: Brant McGee, Public Advocate *Brant McGee*
 Division: Office of Public Advocacy

Phone: 274-1684

Date: 2/20/86

Approved by Commissioner: Eleanor Anderson *Eleanor Anderson*
 Agency: Department of Administration

Date: 2/24/86

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. CSSB344

This bill establishes three new superior court judgeships: one for the First Judicial District to be located in Ketchikan, and two for the Third Judicial District to be located in Palmer and Kenai. The addition of judges in any court location results in a substantial increase in required court appearances for Office of Public Advocacy staff attorneys and contract professionals who provide guardian ad litem representation for abused and neglected children. The OPA must have staff attorneys and contract professionals available to appear in the additional court hearings scheduled before the new judges.

BUDGET ANALYSIS

First District - Ketchikan

Additional Contract Professionals

300- Contract Services 47.5

Third District - Kenai & Palmer

Additional Anchorage Staff to Cover Kenai & Palmer Courts

Attorney IV 72.2
Associate Attorney II 53.1
Clerk Typist III 27.4
152.7

100- Personal Services 152.7
200- Travel 5.0
300- Contractual Services 80.2
400- Supplies 3.0
500- Equipment (One-Time) 16.7

TOTAL-----305.1

Position Title Attorney IV - Anchorage			No. of Positions 1	Range/Step 24/A	Barg. Unit X	Get.	Appr.	Disapp.
Time Status PFT	Staff Months 12.0	RP Number	Location EBA	Election District 8		Leg.		

Type of Expenditure		Amount
1	2	3
Salary	4,687/Per. Vol.	56,244
Benefits		15,990
Premium Pay		
Other		
Total Personal Services		72,234
Travel		2,500
Contractual		7,600
Commodities		1,000
Equipment		3,100
Other		
Total Cost		86,434

Justification

The increase in criminal caseloads in the Palmer and Kenai areas necessitates the addition of another felony trial lawyer in the Anchorage office. This single attorney could provide cost effective staff coverage of these locations. This position will enable OPA to absorb the increased caseload to be anticipated from the addition of Superior Court judges and court appearances for these areas.

Receipt Code	Funding Source	Amount
	Federal Receipts 1002	
	C. P. Match 1003	
	General Funds 1004	86,434
	J-A Receipts 1005	
	Program Receipts 1028	
	CIP Receipts 1061	
	Other	

For B&M Use Only
Key Number

**Request For
New Position**

Agency Department of Administration
 BRU Office of Public Advocacy
 Component Office of Public Advocacy

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Revised Date

FY 87

Position Title		Associate Attorney II - Anchorage		No. of Positions	1	Rate/Step	19/A	Barg. Unit	X	Gov.		Apprv.		Disapp.			
Time Status	Staff Months	RP Number		Location	EEA	Election District		H	LS								
PET	12.0			Justification													
Type of Expenditure												Amount					
1												2		3			
Salary												3,353/Mo.		40,236			
Benefits														12,849			
Premium Pay																	
Other																	
Total Personal Services														53,085			
Travel														2,500			
Contractual														7,600			
Commodities														1,000			
Equipment														3,100			
Other																	
Total Cost														67,285			
Receipt Code		Funding Source															
		Federal Receipts 1002															
		G. F. Match 1003															
		General Funds 1004		67,285													
		I-A Receipts 1005															
		Program Receipts 1028															
		CIP Receipts 1061															
		Other															
For B&M Use Only																	
Key Number																	

The increase in children's proceedings in the Palmer and Kenai areas necessitates the addition of another Associate Attorney II position in the Anchorage office. This single position would provide guardian ad litem representation to abused and neglected children in children's proceedings in Kenai and Palmer.

**Request For
New Position**

Agency Department of Administration
 BRU Office of Public Advocacy
 Component Office of Public Advocacy

FY 87

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Revised Date

Position Title Clark Typist III - Anchorage			No. of Positions 1	Range/Step 00/A	Borg. Unit G	Gov. <input type="checkbox"/>	Approved <input type="checkbox"/>	Disapp. <input type="checkbox"/>
Time Status PT	Staff Months 12.0	RP Number	Location EBA	Election District 8		Leg. <input type="checkbox"/>		
Type of Expenditure			Justification					
		Amount	<p>The addition of two professional positions in the Anchorage office necessitates an additional clerk typist position. Presently, the Anchorage office has three legal secretary positions who are providing clerical support to 12 professional positions. The Anchorage office has no receptionist position and these duties are covered by the legal secretaries. The addition of two professional positions will increase the secretarial workload substantially. The present secretary positions will be able to absorb this additional workload only if they are relieved from receptionist duties.</p>					
1	2	3						
Salary 1,631/HR.	19,572							
Benefits	7,805							
Premium Pay								
Other								
Total Personal Services		27,377						
Travel		0						
Contractual		0						
Commodities		1,000						
Equipment		10,500						
Other								
Total Cost		38,877						
Receipt Code	Funding Source							
	Federal Receipts 1002							
	G. F. Match 1003							
	General Funds 1004							
	I-A Receipts 1005							
	Program Receipts 1028							
	CIP Receipts 1061							
	Other							
For B&M Use Only								
Key Number								

**Request For
New Position**

Agency Department of Administration
 DRU Office of Public Advocacy
 Component Office of Public Advocacy

Page 5 of 5
 Revised Date

FY 87

ALASKA COMMON LAW SCHOOL
507 Hemlock Street
Kenai, Alaska 99611

January 24, 1986

TO: All members of Senate
Judiciary Committee
Pouch V (MS 3100)
Juneau, AK 99811

RE: SB #344 (Act Relating to the Number of Superior Court Judges in the Third Judicial District)

Dear Elected Official/Appointed Official;

According to a release in the January 8th edition of the Peninsula Clarion, additional personnel and monetary support has been requested from the State by the Kenai Court system in order to handle an increase in the workload experienced in 1985. Alaska Common Law School (ACLS) is writing this letter in hopes of clearing a question that should be addressed in this matter. The question of "Why" the increase in cases being filed.

The ACLS provides facilities for citizens to study the Common Law, how the US Constitution guarantees citizens Common Law rights, and the conflicts that exist today between those citizens demanding their Common Law rights in the present Civil Law society.

As ACLS hopes you know, our present form of government was set up into three (3) branches: the Legislative, the Executive, and the Judicial. When a law is written by our Legislators and enacted into law (civil law) by the Executive branch, the ONLY WAY a citizen has to "voice" his conscience on that law is ONLY THROUGH CHALLENGING IT in the Judicial branch.

As you may have acknowledged by now from this letter, there are in existence today two (2) sets of laws: the Common Law, which is God's Law and is based from the Bible; and the Civil Law, which is man made law and is written in the statutes, codes, etc. Many of the Common Law students are currently challenging various civil laws as being unconstitutional in regards to their Common Law rights. It is this challenging that has caused a great increase in the workload being experience today by the Kenai court system. All of the challenges involved are from complaints from the various police powers to address "victimless" crimes: subsistence rights, and traveling rights ("driving" without a license, no vehicle registration and many other "commerce" related statutes, regulations, and codes of the civil

law). Only in the civil law is there a crime without a victim. In the Common Law, a crime is only committed when a person has been damaged. Only when this damage is committed, is when the court system is called into the picture under the Common Law. One of the goals of ACLS is to get the court system involved only when there is a victim of a crime as it rightfully should be.

The students that are fighting in the court systems have families and jobs. They do not like spending the time and money in order to claim their rights which should be automatically recognized from birth. The following analogy can be made between our goal and the request of the Kenai court system:

"If you are bleeding from a cut artery, the solution would not be to keep applying bandages to the cut, as the blood will keep flowing. The proper solution would be to apply a tourniquet above the flow and cut off the source of the blood supply or apply direct pressure to the cut to stop the flow."

By supplying money and personnel to the court system would be applying bandages to the cut. What must be done is apply direct pressure at the source of the problem (the police powers, see attached letter from Senator Stump of Arizona) or apply a tourniquet above the cut (cut off the additional monetary support and personnel).

We urge all elected officials of this State to take note of our stand. The People should not have to fight for rights that belong to them at birth. The constant supply of money into the bureaucratic system in this instance is unjust and very punishable for those who demand and fight for their rights at the Common Law. The students of the Common Law are very devoted to their goals and will continue to fight for what is right. See attached affidavits. Please consider your constitutional path of office and PLEASE help in our fight to protect our rights.

Thank you for your time.

Sincerely,

ALASKA COMMON LAW SCHOOL

Attachments

cc: Bill Sheffield, Governor
Steve McAlpine, Lt. Governor
Harold Brown, Attorney General
Tim Rogers, Attorney for the City of Kenai
Richard Ross, Kenai Police Chief
Paul Fischer, Senator - Dist. D
Jalmar Kerttula, Senator - Dist. E

Edna DeVries, Senator - Dist. E
Mike Navarre, Representative - Dist. 5
Andre Marrou, Representative - Dist. 5
Mike Szymanski, Representative - Dist. 7
Members of the Senate Finance Committee
Members of the Senate Judiciary Committee

WAYNE STUMP
STATE SENATOR

THIRTY SEVENTH LEGISLATURE
DISTRICT 10

STATE CAPITOL - SENATE WING
PHOENIX, ARIZONA 85007
PHONE (602) 232-3201



COMMITTEES
EDUCATION
ELECTIONS
GOVERNMENT
HEALTH CARE

Arizona State Senate

Phoenix, Arizona

December 10, 1985

Maricopa County Sheriff's Office
Dick Godbahere, Sheriff
120 S. First Avenue
Phoenix, Arizona 85003

Dear Sheriff Godbahere:

It has come to my attention that numerous individuals in our state have rescinded all of their contracts with the United States federal government, the State of Arizona, and each of its political subdivisions, establishing themselves as freemen under the organic national Constitution of the Republic of the United States of America. Consequently, they may be driving without auto registration, driver's license, or any other evidence of contract.

Because many law enforcement personnel may be unaware of the contractual nature of auto registration and driver's licenses, it is conceivable that this situation may lead to confrontation between these individuals and law enforcement personnel.

I urge you to inform yourself and your personnel about this matter as soon as possible. If you would like to be briefed by someone knowledgeable on this subject, please contact me.

In the meantime, inasmuch as this procedure is entirely appropriate when properly carried out, I would like to be personally notified of every such instance of confrontation in order that the persons involved and the public officials involved may be apprised of the correct procedure and the appropriateness of their actions on the part of each concerned.

My office phone is 255-5261 and I am requesting to be notified of the times and incidents along with addresses and phone numbers of participants in any such confrontations arising from the exercise of a person's freeman status in order to evaluate the outcome of properly rescinded contracts.

Sincerely,

Wayne Stump
State Senator

WS:pg

That the cause should be the focal point, ie. Dept. of Law and District Attorney's office, and not the result, ie. overloaded court system;

That I will continue to demand all of my rights under God, and will continue to exercise those rights recognized at the Common Law.

These statements are true and correct to the best of my knowledge.

Kenneth W. Cole
KENNETH W. COLE

Witnessed by:

1. [Signature]
2. [Signature]
3. [Signature]

"...at the mouth of two witnesses or at the mouth of three witnesses shall the matter be established." Deut. 19:15

That this citizen will continue to exercise his Constitutional rights, and petition for redress of grievances, in pursuit of a Judicial system and public officials that will consistently uphold the Supreme Constitutional Law of our land instead of subverting it as in the case today in the Kenai court house.

That these statements are true and correct to the best of my knowledge.

Further the Affiant Sayeth Naught.



M. A. RHOADS
Box 4585
Soldotna, Alaska 99669
907-262-6224

Witnessed by:

1.  _____
2.  _____
3.  _____

"...at the mouth of two witnesses or at the mouth of three witnesses still the matter be established." Deut. 19:15

AFFIDAVIT OF MARTIN H. LOWRY

United States of America)
State of Alaska) ss.
Third Judicial Dist.)

I, Martin H. Lowry, am a United States Citizen and domiciled in Alaska, in the presence of three witnesses, do solemnly state the following:

1. That I am a firm believer in God's Law and principles and further believed that the common law originates out of Biblical Commandments, statutes, and judgments.

2. That I also believe rights are being denied the sovereign freemen individuals of this state by assertion of state privileges and licenses under the name of the "sovereign state."

3. That I personally have been "victimized" under the guise of "police powers" with the consent of the local court system.

4. That it has cost the taxpayers at least \$3,000 to prosecute me for "victimless" crimes, where there has never been any damage or hardship on any one of those taxpayers, yet the fines gained, all totaled, equal less than one-third of that spent.

5. That I have personally witnessed blatant wastes of taxpayers dollars in the Ketchikan Courthouse by unwarranted and unnecessary prosecutions by the D.A.'s office.

6. That the answer to this problem is to cut-back funding for the courthouse, not vice-versa.

7. That the people of this state deserve better treatment than is presently being accorded to them. Abusive actions of the D.A.'s office should stop or be dismissed by the court's and not sanctioned by them.

These facts are true and correct to the best of my knowledge.

Martin H. Lowry
MARTIN H. LOWRY

Witnessed by:

1. Edward C. Scott
2. Kenneth W. Cole
3. R. D. D. D.

"...at the mouth of two witnesses or at the mouth of three witnesses shall the matter be established." Deut. 19:15

search warrants which according to Alaska Statutes are illegal.

In the last week there have been four (4) or five (5) incidents where the prosecutors have dismissed just prior to trial or the Courts have dismissed or the victims have been acquitted by the jury.

In my opinion, our police agency's (bureaucrats) responsibilities, under our State and Federal Constitutions, are to protect we the people's Life, Liberty, and Property. It is the duties of the prosecutor's office to do the same. The exact opposite of this is the case, and is the reason for the heavy work load in our local Court system.

The answer to the problem is not to keep feeding our "out of control" bureaucracies with more money to prosecute more citizens, nor is the answer to enlarge the Court with more people to satisfy our eager prosecutors.

The answer lies within the Courts themselves, to put a stop to the over zealous prosecution of victimless crime.

My position on this matter is: any case important enough for the State to prosecute is important enough for me to defend all the way to the Supreme Court of the United States, if necessary, no matter what the cost.


There are a growing number of us who feel this way and who have been abused by the Lawmakers of all branches of government.

I stand in part on the Miranda Doctrine: "Where rights secured under the Constitution are involved, no rule making or legislation may abrogate them."

I would appeal to you to make the laws and decisions according to our Constitutional and Common Law Rights.

These statements are true and correct to the best of my knowledge.

Further Affiant Sayeth Naught.



EDMOND C. RECTOR

Witnessed by:

1. 

2. 

3. 

"...at the mouth of two witnesses or at the mouth of three witnesses shall the matter be established." Deut.19:15

Cash, checks missing from state courthouse

Alaska State Troopers are investigating the disappearance of approximately \$25,000 in checks and cash from the downtown state courthouse.

The money — about \$3,000 in cash and the rest in personal checks and endorsed Alaska Permanent Fund dividend checks — was reported missing from the trial court clerk's office Thursday morning, said Paul Edscorn, trooper spokesman. The funds represented Wednesday's receipts of payments for fines, fees, assessments and other court payments, he said.

The receipts were contained in a zippered and locked bank deposit bag, said LeEllen Baker, chief deputy clerk of trial court. Normal procedure is for all court payments made at the clerk's

office to be stored in the bag at the end of each day. That bag is locked in a safe overnight and the bag is taken to a bank for deposit the following morning, Baker said.

The money was discovered missing when court employees went to retrieve it from the safe Thursday morning, she said.

Court clerks spent the next two days calling people who had paid fees by check, asking them to cancel payments on those checks and make new payments, Edscorn said.

The case is being investigated by troopers with the Criminal Investigations Bureau in Anchorage. They would not say whether they have identified any suspects.

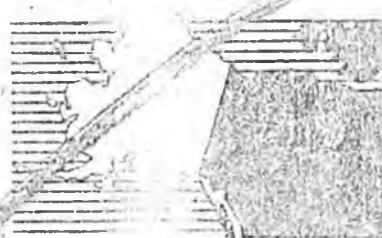
Wanted man arrested

A 27-year-old man wanted on minor drug charges in Nome was arrested at the Canadian border early Thursday morning as he tried to flee the state, according to Alaska State Troopers.

Paul A. Byers of Anchorage was ordered held in lieu of a \$200,000, and will be returned to Nome to stand trial, said Paul Edscorn, trooper spokesman.

Byers was stopped at the border about 2:30 a.m. Thursday after prosecutors in Nome issued an arrest warrant. The warrant was based on tips given to troopers about Byers' intent to leave Alaska.

Byers was originally arrested last spring for trying to smuggle marijuana to Whiskmeyer through Nome,



Edscorn said. Authorities at the time ordered that if Byers successfully completed a drug treatment or diversion program, he could avoid prosecution.

Earlier this month, prosecutors had Byers arrested again after they found out he was violating the conditions of the program, Edscorn said. The suspect freed himself with a \$50,000 bond, and was later reported heading for Canada.

police report

Armed robbers keep police busy

A spate of armed robberies, all carried out within two hours, kept Anchorage police rushing to and west Thursday night. One robbery occurred in the downtown area.

Annual Percentage Rate
G.M.A.C. Financing

ON OR
1/2 TON
IN STOCK
7.9%

McCLURE-KEYES
MI. 43 Parks Hwy.

EXHIBIT
A

AFFIDAVIT OF KENNETH W. HOLLAND

United States of America)
State of Alaska) ss
Third Judicial District)

I, Kenneth W. Holland, a natural born citizen of these United States and domiciled in the State of Alaska, do solemnly state as follows:

That I firmly believe in God, the Creator, and in the Laws He set forth and that I vigorously believe and demand all of my rights that are given to me by Him, "God", and that these rights are supported by man's law, the Constitution of the United States of America, both in color and intent.

That I believe and know that these unalienable rights and the rights guaranteed to me by the Alaska State Constitution and its statutes are being violated and subverted to benefit the legal system, ie. the courts, lawyers, judges, etc. and are not in the best interest of the hard working public and taxpayers, who are being preyed upon unmercifully.

That some of the Magistrates and Judges of this state are truly not informed or knowledgeable in the Common Law or Maritime Law. This is a bigger crime than they are charging the citizens with; for they are entrusted with the responsibility of guaranteeing our Rights at law and due process of law.

That I am currently being persecuted for exercising my Common Law Rights, to contract with my fellow man on a one to one basis as guaranteed to me by the US Constitution.

That I have had my property searched and seized without reasonable probable cause. These actions are supported by District Court Judge Michael White, in his court decision of my evidentiary hearing stating "in my opinion had the evidence been brought before me, for the issuance of the search and seizure warrant, I would not have issued it." It is plain to all in the courtroom that something was not right with the alleged evidence the State had in the case. To top it off, I was not formally charged for two weeks after the search and seizure.

That I am firmly against increasing the State's ability to continue this kind of "justice" on its citizens, to more court buildings and judges and jails. Clean up the system we have now. That will help in handling the "overload" that the court system is currently experiencing instead of shoveling more money and personnel to the mouth of the monster.

That the Legislatures and Lawmakers must keep in mind is their oath of office; to protect the Constitution and the rights of the People and not the Law Enforcement Growth system of today.

The means by which the load on the court can be reduced is well within the capabilities of the Attorney General. To stop the vindictive prosecutions by those assistant attorneys under him. The court also have the ability to stop a good percentage of these cases, by not issuing warrants that have no reasonable probable cause.

Therefore the answer is not to feed this system by adding more money and personnel but to reduce it and force those people to use prudence, wisdom, and integrity in support of the citizens instead of against them.

These facts are true and correct to the best of my knowledge.


KENNETH W. HOLLAND

Witnessed by:

1. Edward C. Rester
2. Robert A. Blair
3. Kenneth W. Cole two witnesses,

"...at the mouth of two witnesses, or at the mouth of three witnesses, shall the matter be established." Deut. 19:15

AFFIDAVIT OF PHILIP J LAFRAMBOISE JR.

United States of America)
)
)
State of Alaska)

s.s.

I, Philip J LaFramboise Jr., a Citizen of the United States of America and a resident of Alaska for approximately thirty-six years, being of sound mind do solemnly state the following:

In March of 1984, I was stopped by the Kenai City Police for a headlight violation, this being a victimless crime, I should have been cautioned or cited and been on my way. I demanded some of my Constitutional Rights, was arrested for resisting arrest and bodily pulled out of my automobile by a choking hold and a hand full of hair. Abuse of the Police Powers? (I think so).

I demanded my Constitutional Rights both of the State and the United States in the Courts, but to no avail. Evidently our public officials do not take their "Oaths of Office" seriously. The state police, the local police, the lower courts and the prosecuting attorneys do not recognize my God given inalienable and constitutional rights.

That the State of Alaska thinks my case is important enough to prosecute, that I being the Accused know it is important enough to defend all the way to the Supreme Court of the United States to receive Justice.

That I am aware of the current heavy workload at the Kenai Court House, the majority of the cases being victimless crimes, to further increase the "law enforcement growth industry". This is the abusive prosecution without cause and unprecedented waste of the citizens' monies.

That the citizen's of this great state and the legislative bodies should not warrant such actions under the disguise of "law and order".

That the solution is not to burden the citizens of Alaska with more debt by allocating monies to feed the "law enforcement growth industry", but to put an end to these frivolous prosecutions that are not in the best interest of the citizens of Alaska.

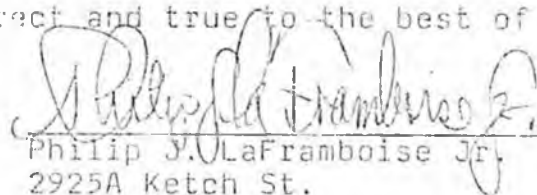
That the cause should be the focal point, ie. Dept. of Law and District Attorney's office, and not the result, ie. overloaded court system.

That the results of the frivolous prosecutions will bring about lawsuits against the State for injuries recieved by those who demand their God given and Constitutional rights.

Those results will bring about higher insurance rates, which in turn will advocate an unfavorable bond rating in the financial networks. It has happened in the lower forty-eight and the course the Judicial Branch advocates will lead to the same end.

That I will continue to demand all my rights under God, and the Constitutions of Alaska and the United States. I will continue to exercise these rights recognized at the Common Law.

That these statements are correct and true to the best of my knowledge.



Philip J. LaFramboise Jr.
2925A Ketch St.
Kenai, Alaska 99611
(907)283-9289

Witnessed by:

1. Kenneth W. Cole
2. Robert Reed
3. Kenneth W. Hallam

"...at the mouth of two witnesses or at the mouth of three witnesses shall the matter be established." Deut.19:15



RECORDS CERTIFICATION

I, the undersigned, an employee of the State of Alaska, do hereby certify that the microfilm images on this microform are accurate reproductions of the original records of the State of Alaska as accumulated during the regular course of business, and that it is the established policy and practice of this State to microfilm its records and to dispose of the original records after microfilm reproductions have been made.

James O. Smith

Signature of Camera Operator

11/7/89

Date

S B

3 5 3

To: Sen Judiciary

- SB 357
SB 358

From: Dale
Anderson

→ glen off sponsored

EVALUATION SUMMARY

→ today requested

1986 ALASKA STATE DUCK STAMP AND PRINT PROGRAM

<u>Categories</u>	<u>Voyageur Art</u>	<u>Northlight</u>	<u>Alaska Nature</u>
	J. Meger #19	E. Tussey #6	D. Braendel #15
ARTWORK (30%)			
Form and proportion	85	85	65
Accuracy of detail	95	90	65
Composition	95	90	65
Print/stamp image	100	65	60
Artist credits	75	60	55
Art Weighted Total	270	234	186
METHODOLOGY (20%)			
Advertising materials	90	90	60
Advertising scope	65	85	70
Local promotion	90	75	65
Collector features	65	70	50
Sales distribution	90	75	50
Stamp quality	95	95	60
Print quality	95	90	80
Supplemental products	80	80	75
Accounting and audit	65	65	65
Schedule	80	75	60
Methods Weighted Total	164	160	127
PERSONNEL AND ORGANIZATION (25%)			
Project management	90	85	60
Staff qualifications	90	75	60
Facility commitment	85	85	70
Corporate experience	95	80	75
Personnel Weighted Total	225	203	166
BUDGET (25%)			
Reasonable costs	75	75	65
Reasonable prices/profit	90	90	85
Revenue to the state	60	95	50
Budget Weighted Total	187	217	167
TOTAL WEIGHTED SCORE	846	814	855

+5%
BIDDER
PREFERENCE



SENATOR FRED F. ZHAROFF
ALASKA STATE LEGISLATURE

P. O. BOX 405, KODIAK, ALASKA 99615 (907) 486-5259

DURING SESSION:

P. O. BOX V, JUNEAU, ALASKA 99811 • (907) 465-3473 • 465-3474 • 465-3844 (Labor and Commerce Committee)

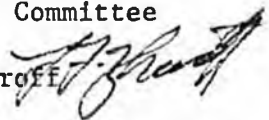
DISTRICT N

ALASKA PENINSULA • ALEUTIAN CHAIN • BRISTOL BAY • KODIAK ISLAND • LAKE CLARK/LAKE ILIAMNA • PRIBILOF ISLANDS • SHUMAGIN ISLANDS

M E M O R A N D U M

April 2, 1986

TO: Senator Pat Rodey, Chair
Senate Judiciary Committee

FROM: Senator Fred Zharoff 

RE: SB 353 - Relating to the waterfowl conservation stamp program

I respectfully request that SB 353 be scheduled for a hearing before the Senate Judiciary Committee. Attached is copy of a letter and petition in support of limiting the duck stamp competition to Alaska residents.

I would be amenable to constructive options to residency participation in the duck stamp competition such as: restricting competition to Alaska residents in alternate years; preferential bidding for residents, both artists and publishers; reciprocal participation by outside artists from states with duck stamp competition open to Alaska; and separating the artist/publisher package by selecting the artwork first, then let out a bid for a publisher.

I will be happy to provide additional back-up information at your request.
Thank you for your consideration.



SENATOR FRED F. ZHAROFF

ALASKA STATE LEGISLATURE

P. O. BOX 405, KODIAK, ALASKA 99615 (907) 486-5259

DURING SESSION:

P. O. BOX V, JUNEAU, ALASKA 99811 • (907) 465-3473 • 465-3474 • 465-3844 (Labor and Commerce Committee)

DISTRICT N

ALASKA PENINSULA • ALEUTIAN CHAIN • BRISTOL BAY • KODIAK ISLAND • LAKE CLARK/LAKE ILIAMNA • PRIBILOF ISLANDS • SHUMAGIN ISLANDS

April 2, 1986

Ms. Betty J. Hebert
SR 1 Box 2015
Chugiak, Alaska 99567

Dear Ms. Hebert;

I wish to thank you for your time and energy spent in collecting signatures and support for Alaska artists for the state's Waterfowl Stamp competition. A copy of your letter and petition was forwarded to my by Governor Sheffield.

Senate Bill 353, a bill which I sponsored to restrict artistic competition in the duck stamp program to Alaska residents, was considered and passed out of the Senate Resources committee two weeks ago. Currently, it is in the Senate Judiciary committee, chaired by Senator Rodey, but it has not been scheduled for a hearing at this time. I will copy your letter and petition to the Judiciary committee to lend additional support to SB 353.

Thanks again, and if I can be of any assistance to you, please feel free to contact me.

Sincerely,

Fred F. Zharoff
State Senator

cc: Senator Pat Rodey, Chair
Senate Judiciary Committee

Betty J. Hebert
SR 1 Fx 2015
Chugiak, Alaska 99567

January 29, 1986

Bill Sheffield
Governor of Alaska
Juneau, Alaska 99811

RECEIVED
FEB - 4 1986

GOVERNOR'S OFFICE

Mr. Sheffield;

Attached to a copy of my letter to you dated January 16 are 201 signatures of people who also feel the State should support her local artists.

You will also find an article from our local paper and a photograph of the painting submitted by one of our local artists Carl Branson.

Again I say, why should the money go out of State when we have some of the greatest Wildlife artists right here in our great State of Alaska, especially since every time I turn on the news you are supporting Alaska hire or Alaska support Alaska.

There is an old saying you might have heard, "Practice what you preach".



Betty J. Hebert

January 16, 1986

Bill Sheffield
Governor of Alaska
Juneau, Alaska

Mr. Sheffield,

On the news a short time ago you were shown signing posters, "Alaska buy Alaska". That is all well and good but dont you think the best place to start would be the State itself?

I am referring to the fact that for two years now we have had our own Duck Stamp and both years the award has gone to an out of state artist.

The excuse cannot be used that we dont have qualified artists here in the State of Alaska, proof of that was hanging in the Museum January 5th of this year.

I dont know much about water fowl but milling around the crowd that was at the Museum I learned several things.

1. One of the restrictions for entering was the birds to be Steller Eiders which have black dots on their breasts. The one chosen as winner did not.
2. There was no way a bird could fly that had their wings in a compound curve, the winners did.
3. Another restriction was there to be a typical Alaska background, yet a few days ago someone from fish and game stated in the paper they didnt want to show tundra, just the birds.

Why both years have the birds had to be in flight, they do sit you know.

Do you realize the prize money will be spent in Minnesota and not in Alaska? It's an insult to the Alaskan artists, not to mention the Alaskan people, for the LOWER 48 to think we are not capable of winning our own Duck Stamp!

I realize its all politics, what ever publisher gives the State the best deal is who wins the competition its still a damn shame.

I truly hope there is a boycott against the stamps.

Keith Callan
Barot A. Wheeler
Jacky Lewis
Bill Wylie
Jim Weber
Kevin Redden

Robert C. Sheffield
Mark Cohen
Deey Cloud
Steve Jensen
James A. Chappell
Bob Smith
Bob Schumann

Sharon Ferguson
Richard P. Robinson
Nancy W. White
Bob Trueman Jr.
Don Skelton
James
Don Good
Daniel K. Kuff
Bonnie L. Haskin

William K...
2000 - 2001 - 2002 - 2003 - 2004 - 2005 - 2006 - 2007 - 2008 - 2009 - 2010 - 2011 - 2012 - 2013 - 2014 - 2015 - 2016 - 2017 - 2018 - 2019 - 2020 - 2021 - 2022 - 2023 - 2024 - 2025

Robert 676385
Name of...

S.R. 3 Box 5151 Cheyenne 82007

2011 in 46th - April, AK, 99517 - 688 3200 -
301 (CSI) 501 0206 99 - 555 154 -
Ken Bennett SR 3 Box 306 Shadley Springs for Cheyenne AK 99567
583-2011



Small Community -
Cheyenne
SR 3 Box 6754-H Palmer, AK
99615
99567

Joseph J. Darden
General
Cheyenne AK 99567
99567

SP 2 Box 4669 Cheyenne AK 99567
Dennis Sawyer
Cheyenne
99567

Mabel Ulrich
Mark Ulrich
Eliée Madson
J. Michael Hagg
Jimmy Skrent
Sherman Pennington
Sunday Farmer
The Bell
~~W. Kott~~

Ginny Wright

Janet Graham
5531 E 40
Anch AK 99504

Diane West
Skippy W. Barmeskie
Denise M. Lague
Nancy Magnuson
RB Seals
Sherry Bean
Tom Smith
Lyle Cherg
Dorinda R. Belle
Ronald E. Casey
K & Hank
Regina S. Cameron
Robert T. Mickerson

Sherry Harrison

Lyle Clark
 Linda Ballard
 Scott Ward
 Chugiak Alaska Birchwood

Sandy Thompson SR3 Box 7634 Chugiak AK 99567
 Linda Adams Box 570007 Chugiak AK 99567

Kasha and George P.O. Box 770478 Anchorage AK 99577
 Joe Morris General Delivery Palmer AK 99545

Mary W. Hooty P.O. Box 671012 Chugiak AK 99567
 Frank Cormier 1501 BOUTFACE BLVD ANCHORAGE AK 99504

Robert Purgett P.O. Box 671465 Chugiak AK 99567
 Robert Purgett P.O. Box 3274 Palmer AK 99645

Linda McKinnon Rte 2 Box 5110 Chugiak AK 99567

Loretta 11715 3rd St Anchorage AK 99504
 Loretta 11715 3rd St Anchorage AK 99504

Carl S. Douthett P.O. Box 38 Chugiak AK 99567
 Carl S. Douthett P.O. Box 38 Chugiak AK 99567

Mary Schenke SR3 Box 1421 Chugiak AK 99567
 Mary Schenke Box 3001 EISELE LANE, AK 99571

William Selman P.O. Box 671012 Chugiak AK 99567
 William Selman P.O. Box 671012 Chugiak AK 99567

William Selman P.O. Box 671465 Chugiak AK 99567
 William Selman P.O. Box 671465 Chugiak AK 99567

Leslie Johnson SR3 Box 203, Greengarden, Chugiak
 Taylor G. Moody PO Box 670340 Chugiak
 Charles A. Fullerton SR3 Box 210 Chugiak 99567
 W. E. Lynn SR2 Box 105 Tulwong Dr., Chugiak, AK. 99567
 Kathryn Brewer SR 2 Box 4318 Chugiak, AK 99567
 Mr. & Mrs. Michael Frankland. SR2 Box 7220 Chugiak, AK. 99567
 Mr. & Mrs. Michael K. Muller SR Box 6525 - m Wasilla, AK. 99677
 Mr. & Mrs. Jack Carney SR Pt. 3 Box 1408 Chugiak AK 99567
 C. W. W. W. SR 2 Box 10540 Pt. 200 99567

P.O. Box 2805 Eagle River, AK 99577
 P.O. Box 670616 Chugiak, AK 99567
 Herman Adams SR2 Box 5107 Chugiak AK 99567
 Gene Marshall SR2 Box 4000 Pt. 200 99567
 77 Marianne Kerklin Box 789 Chugiak, AK 99567
 Bill Keller " " " " " "
 Diane Cullinan, P.O. Box 670270 Chugiak, AK 99567
 John S. SR-B Box 7360 Palmer Alaska 99545
 Connetta Washon SR 2 Box 4560 Chugiak, AK 99567
 P.O. Box 670615 Chugiak, AK 99567

Regina McClelland Box 7633 Chugiak

Paul Leslee P.O. Box 713852 E.R.

Michaela Kelley F.D. Box 2117 Tuzo 7#215 4831

Kesley Gummidge SRA 2 Box 362 Eagle River, AK 99577
Brian Smith

Jan Bettin 200 W. 34th Ave #109 Anchorage, AK 99503

Bernie Kale P.O. Box 670029 Chugiak, AK 99567

Letha Devereaux P.O. Box 670517 Chugiak, AK 99567

Yvonne Estridge General Delivery Chugiak, AK 99567

Merle Long 218 Meadow Creek Eagle River AK 99577
Scott Gill P.O. Box 671469 Chugiak, AK 99567

Hj. Lorene (Ref) SR3 Box 7210 Chugiak AK 99567

Maik Puhala SR2 Box 6735 Chugiak AK 99567

Georgia Mackey SR1 Box 2665 Chugiak AK 99567

Janne A. Pelt (P.H.S) SR3-5375 Chugiak, AK 99567

Mike Twenge PO Box 1761 Eagle River, 99577

Patricia etc. 1567... Chugiak 99567

Wanda H. ... SR ... Chugiak 99567

Terry ... SR ... Chugiak 99567

Carl Cain Box 6710615 Chugiak 99567

Birba Smith	Box 70965	Chugiak, AK	99567
Carol J. Miller	Box 759	Chugiak AK	99567
Donald W. Oller	Box 627	Chugiak, AK	99567
Greg P. O'Rourke	Box 875765	Wasilla, AK	99687
Joy Cook	P.O. Box 142	Chugiak AK	99567
Patricia L. Markley	SR3 Box 7127	Chugiak AK	99567
Leona Chiado	Box 1024	Eagle River AK	99544
Maria Freitag	P.O. Box 561	Chugiak AK	99567
Carl W. Freitag	"	" " "	"

Mabel Ulrich

Mark Ulrich

Elise Madson

D. Michael Lutz

Johnny Skrent

Sherman Pennington

Sandy Turner

Tom Bell

~~Walter~~

Diane West

Skippy W. Bormoskie

Glenn M. Logue

Nancy Magnusson

B. Seals

Sherry Bean

Tom Smith

Lyle Chess

Denise R. Bell

Tonced Carey

K. & Hart

Belva S. Cannon

Robert T. Nickerson

Ginny Wright

Janet Graham

5531 E 40

ANCHORAGE AK 99504

Sherry Hamilton

Mr. Tugan

Eugene Skyle

PO BOX 770818
EAGLE RIVER AK 99577

PO BOX 671473
Eugene AK 99567

Residents protest award of duck stamp design to Outside

By Ed Branson
Of The Star Staff

Several Peters Creek residents are angered by the selection of a Minnesota artist for this year's Alaska duck stamp, and plan to ask Gov. Sheffield to allow only Alaskan artists in the competition from now on.

The state official overseeing the contest said national competition promotes higher quality artwork — but he also said art quality is given lower consideration than the amount of revenues the winning publisher expects to generate for the state. Artists who enter must be sponsored by a publisher who presents a marketing plan.

Among the losers in the competition were Peters Creek artist Carl Branson, Eagle River artist George Rodgers, and an Eagle River-based publishing company called Alaska Nature Press.

Branson's painting was on display at the Peters Creek Trading Post before it was submitted, and, according to manager Ruth Callan, drew rave reviews from all her customers.

When those same customers learned the picture was not chosen as the winner, they lined up this week to sign a letter to the governor protesting the decision. A total of 48 people signed the letter in four hours, Callan said.

Callan said she inspected all 29 of the submissions when they were displayed at the Anchorage Museum of Fine Arts. "We just knew it [Branson's painting] was a winner," Callan said. "It's a perfect painting. I'm real disappointed he didn't win."

Callan said she was especially upset that an Outside artist won the competition. "We have many, many qualified artists in Alaska, and I think the rules should allow only Alaskans. We sure didn't need to go to Minnesota to get a painting of an Alaskan bird."

Branson himself, whose paintings command \$2,500 apiece and who is a year behind on orders, voiced disappointment in the contest results. "I'm a little bitter after this thing," he said. "It's pretty obvious merit has very little to do with it. It's making competent people up here look like fools."

Tom Rothe, waterfowl coordinator for the state fish and game department, was in charge of the duck stamp contest. He praised Branson's work as "showing fine ability," and said entries from Wasilla and Kodiak were also of top quality.

But Rothe said the quality of

the painting makes up only 30 percent of the decision leading to selection of a particular picture. The rest hangs on a marketing plan proposed by publishers who compete for the right to sell prints of the painting around the country, with the state getting a royalty. The state sells the stamps directly.

"The whole purpose of the program is to generate revenues to be used to improve waterfowl habitat," Rothe said. As a result, a publisher with a good marketing plan is extremely important, since good print sales enhance state revenues.

The money involved in the program is sizeable. Branson said gross sales of the 1985 stamp amounted to about \$2.5 million, with the artist getting \$80,000-\$90,000 in royalties. Rothe could not confirm those numbers, but did say that so far, the sale of prints has netted the state \$670,000, with an additional \$200,000 in revenue from the stamps.

Rothe said that this year, three companies submitted proposals for the 1986 stamp. The eventual winner was Voyager Art of Minneapolis, Minnesota. It was selected over Northlight Publishing of Juneau and Alaska Nature Press of Eagle River. Rothe said Northlight's submission was "quite competitive" with Voyager's — but the Outside firm won in the end.

Rothe said the winning stamp and publisher are selected by a complicated process that assigns points to each entry. This year, 29 paintings were selected; of those, the top 10 were picked and each rated on the basis of technical accuracy, Alaskan background, composition, and its ability to be reduced to stamp size.

The five-member panel of judges then analyzed the publishers' proposals, with 17 criteria used. Each publisher was given a point score. That score was then added to the scores the artists the publisher signed up (all artists had to be sponsored by a publisher). The highest combined score won. Ironically, both Branson and the winner were sponsored by the same publisher, Voyager.

Rothe said the panel of judges consisted of himself and another fish and game biologist, the visual arts director of the state council on the arts, a fish and game employee from Juneau with an arts background, an a state contracting officer. He said the panel combined the needed



Peters Creek residents think this painting of Stellar Eiders by a local artist should have been selected for the state's 1986 duck stamp, instead of a painting by a Minnesota artist — and they've written Gov. Sheffield a letter saying just that.

PAINTING BY CARL BRANSON. USED BY PERMISSION

expertise in biology, composition, and publishing that was needed.

Rothe defended the panel's final decision, and the way it made that decision. "We feel that open competition is the best way to get the best art," he said.

"All I can say is that the panel's selection won on the criteria. It will always be one of the best paintings, even if it has minor flaws. I'm confident we selected what we felt was the painting that best met the criteria."

This year's contest featured a duck which lives only in Alaska called a Stellar Eider. It can be identified by a small black spot on its breast. Branson said the spot was either missing or almost invisible on the winning painting but was prominent on all 28 other entries, including his. Rothe said the spot is present on the winning painting, but is in the shadow of the bird's wing so it's hard to see.

Branson also said the winning bird's wings are bent in a curve that is physically impossible because of the Stellar Eider's bone structure; Rothe said he didn't see anything wrong. "I can't figure out if there's anything wrong with the wing," he said. "It didn't look like a technical flaw."

Rothe said the selection of Voyager to be the publisher is being appealed by one of the

losers, with a decision on that appeal expected next week. At that time, the bird for the next

year's duck stamp will be announced, and the process begin all over again.

a letter saw a letter to the editors that pointed out the fatal flaw in Branson's painting is that the Stellar Eider is in an environment where in an environment in which you would not find it. - Paul



RECORDS CERTIFICATION



I, the undersigned, an employee of the State of Alaska, do hereby certify that the microfilm images on this microform are accurate reproductions of the original records of the State of Alaska as accumulated during the regular course of business, and that it is the established policy and practice of this State to microfilm its records and to dispose of the original records after microfilm reproductions have been made.

James O. Smith
Signature of Camera Operator

11/7/89
Date

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BILL CONTACT/ACTION

DATE	CONTACT/ACTION
4/30	Karla Foray will testify
	Art Snowden
2/3	Art will bring fiscal notes on 2/4

STATE OF ALASKA 1986 LEGISLATIVE SESSION FISCAL NOTE

Revision Date : _____

REQUEST

Bill/Resolution No. : SB 361
 Title : An Act Relating to the Powers
of Magistrates

 Sponsor : _____
 Requestor : Senate Judiciary
 Date of Request : 2/3/86

FISCAL DETAIL

Agency Affected : Alaska Court System
 BRU : Trial Courts

 Components : _____

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

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

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

FUNDING : (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS :

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : Attach a separate page if necessary

No Fiscal Impact

Prepared by : Robert G. Fisher Phone : 264-8215
 Division : Alaska Court System Date : 2/3/86
 Approved by Commissioner : Arthur H. Snowden, II Date : 2/3/86
 Agency : Alaska Court System

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

January 16, 1986

M E M O R A N D U M

TO: Arthur H. Snowden, II
Administrative Director

FROM: Karla L. Forsythe *KLF*
Staff Counsel

SUBJECT: Powers of Magistrates in Proceedings for
the Extradition of Fugitives

As you requested, I have drafted proposed legislation relating to the powers of magistrates in proceedings for extradition of fugitives.

The extradition statute (AS 12.70) provides that a person arrested as a fugitive from justice must be brought before a judge of the district or superior court. Judicial resources would be maximized if the matters could also be handled by magistrates. Since magistrates have legal authority to arraign persons accused of crimes like murder, there is no reason why they should not be empowered to arraign fugitives from justice and handle other preliminary proceedings.

I have redrafted relevant sections of AS 12.70* to substitute the word "court" whenever the words "judge of the superior court or a district judge" appear (proposed sections 1 - 9). In proposed section 10 "court" is defined to include a judge of the superior court, a judge of the district court or a magistrate.

Proposed section 11 amends AS 22.15.120 by adding these proceedings to the types of matters in which a magistrate can preside.

*. AS 12.70.090, AS 12.70.120, AS 12.70.130,
AS 12.70.140, AS 12.70.150, AS 12.70.170, AS 12.70.220(c),
AS 12.70.240(a) and (b).

1 IN THE SENATE

BY THE JUDICIARY COMMITTEE

2 SENATE BILL NO.

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to powers of magistrates in the
7 extradition of fugitives."

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

9 * Section 1. AS 12.70.090 is amended to read:

10 Sec. 12.70.090. RIGHTS OF ACCUSED PERSON AND APPLICATION FOR
11 WRIT OF HABEAS CORPUS. A person arrested on [UPON] a warrant may not
12 be delivered over to the agent that [WHOM] the executive authority
13 demanding the person has [SHALL HAVE] appointed to receive the person
14 unless the person is first taken immediately before a judge or magis-
15 trate [OF THE SUPERIOR COURT OR A DISTRICT JUDGE] of this state, who
16 shall inform the person of the demand made for the person's surrender,
17 and of the crime with which the person is charged, and that the person
18 has the right to demand and procure legal counsel. If the prisoner or
19 the prisoner's counsel states a desire to test the legality of the
20 arrest, the judge or magistrate [OF THE SUPERIOR COURT OR THE DISTRICT
21 JUDGE] shall fix a reasonable time to be allowed the prisoner within
22 which to apply for a writ of habeas corpus. When that writ is applied
23 for, notice of the application [THEREOF] and of the time and place of
24 hearing on it [THEREON] shall be given to the prosecuting attorney of
25 the judicial district in which the arrest is made and in which the
26 accused is in custody, and to the agent of the demanding state.

27 * Sec. 2. AS 12.70.120 is amended to read:

28 Sec. 12.70.120. ARREST PRIOR TO REQUISITION. When a person
29 within this state is charged on the oath of a credible person before a

1 within this state is charged on the oath of a credible person before a
2 judge or magistrate [OF THE SUPERIOR COURT OR DISTRICT JUDGE] of this
3 state with the commission of a crime in another state and, except in
4 cases arising under AS 12.70.050, with having fled from justice, or
5 with having been convicted of a crime in that state and having escaped
6 from confinement, or having broken the terms of bail, probation, or
7 parole; or whenever complaint is made before a judge or magistrate [OF
8 THE SUPERIOR COURT OR DISTRICT JUDGE] in this state setting out
9 [FORTH] on the affidavit of a credible person in another state that a
10 crime has been committed in the other state and that the accused has
11 been charged in that state with the commission of the crime and,
12 except in cases arising under AS 12.70.050, has fled from justice, or
13 with having been convicted of a crime in that state and having escaped
14 from confinement, or having broken the terms of bail, probation, or
15 parole and is believed to be in this state, the judge or magistrate
16 [OF THE SUPERIOR COURT OR DISTRICT JUDGE] shall issue a warrant
17 directed to a peace officer commanding the officer to apprehend the
18 person named in the warrant, wherever that person may be found in this
19 state, and to bring that person before the same or another judge or
20 magistrate [OF THE SUPERIOR COURT OR DISTRICT JUDGE] who is available
21 in or convenient of access to the place where the arrest may be made,
22 to answer the charge or complaint and affidavit. A certified copy of
23 the sworn charge or complaint or affidavit upon which the warrant is
24 issued shall be attached to the warrant.

25 * Sec. 3. AS 12.70.130 is amended to read:

26 Sec. 12.70.130. ARREST WITHOUT WARRANT. The arrest of a person
27 may also be lawfully made by a peace officer or a private person
28 without a warrant upon reasonable information that the accused stands
29 charged in the courts of another state with a crime punishable by

1 death or imprisonment for a term exceeding one year, but when [SO]
2 arrested the accused must be taken before a [SUPERIOR COURT] judge or
3 magistrate [DISTRICT JUDGE] without unnecessary delay and, in any
4 event, within 24 hours after arrest, including Sundays and holidays,
5 and complaint shall be made against the accused under oath setting out
6 [FORTH] the ground for the arrest as in AS 12.70.120. Thereafter the
7 answer of the accused shall be heard as if the accused had been
8 arrested on a warrant.

9 * Sec. 4. AS 12.70.140 is amended to read:

10 Sec. 12.70.140. COMMITMENT TO AWAIT REQUISITION. If at the
11 examination before the [SUPERIOR COURT] judge or magistrate [DISTRICT
12 JUDGE] it appears that the person held is the person charged with
13 having committed the crime alleged and, except in cases arising under
14 AS 12.70.050, that the person has fled from justice, the [SUPERIOR
15 COURT] judge or magistrate [DISTRICT JUDGE] shall commit the person to
16 jail for not more than 30 days, as will enable the arrest of the
17 accused to be made under a warrant of the governor on a requisition of
18 the executive authority of the state having jurisdiction of the
19 offense, unless the accused gives bail as provided in AS 12.70.150, or
20 until legally discharged. The commitment by the judge or magistrate
21 [OF THE SUPERIOR COURT OR BY THE DISTRICT JUDGE] shall be by a warrant
22 that [WHICH] shall recite the following:

23 (1) the accusation against the accused;

24 (2) the fact that the commitment is for a time as will
25 enable the arrest of the accused to be made under a warrant of the
26 governor of this state; and

27 (3) that in any event the commitment shall be for not more
28 than 30 days.

29 * Sec. 5. AS 12.70.150 is amended to read:

1 Sec. 12.70.150. BAIL. Unless the offense with which the pris-
2 oner is charged is shown to be an offense punishable by death under
3 the laws of the state in which it was committed, a [SUPERIOR COURT]
4 judge or magistrate [DISTRICT JUDGE] in this state shall admit the
5 prisoner to bail by bond or undertaking, with sufficient sureties, and
6 in a sum the judge or magistrate considers proper, conditioned upon
7 the prisoner's appearance before the judge or magistrate at a time
8 specified in the bond or undertaking and for the prisoner's surrender,
9 to be arrested on [UPON] the warrant of the governor of this state.

10 * Sec. 6. AS 12.70.160 is amended to read:

11 Sec. 12.70.160. EXTENSION OF TIME OF COMMITMENT. If the accused
12 is not arrested under warrant of the governor by the expiration of the
13 time specified in the warrant, bond, or undertaking, a judge or magis-
14 trate [OF THE SUPERIOR COURT OR DISTRICT JUDGE] may discharge the
15 accused or may recommit the accused for a further period of not more
16 than 60 days, or a judge or magistrate [OF THE SUPERIOR COURT OR
17 DISTRICT JUDGE] may again take bail for the appearance and surrender
18 of the accused, as provided in AS 12.70.150, but within a period of
19 not more than 60 days after the date of the new bond or undertaking.

20 * Sec. 7. AS 12.70.170 is amended to read:

21 Sec. 12.70.170. FORFEITURE OF BAIL. If the prisoner is admitted
22 to bail and fails to appear and surrender according to the conditions
23 of the bond or undertaking, the [SUPERIOR COURT] judge or magistrate
24 [DISTRICT JUDGE], by proper order, shall declare the bond or undertak-
25 ing forfeited, and order the immediate arrest of the prisoner if the
26 prisoner is within this state. Recovery may be had on the bond or
27 undertaking in the name of the state as in the case of other bonds or
28 undertakings given by the accused in criminal proceedings within this
29 state.

1 * Sec. 8. AS 12.70.220(c) is amended to read:

2 (c) The application shall be verified by affidavit, shall be
3 executed in duplicate and shall be accompanied by two certified copies
4 of the indictment returned, or information and affidavit filed, or the
5 complaint made to the [SUPERIOR COURT] judge or magistrate [DISTRICT
6 JUDGE], stating the offense with which the accused is charged, or of
7 the judgment of conviction or of the sentence. The attorney general or
8 the prosecuting attorney, the parole or probation authority, or the
9 commissioner of corrections may also attach further affidavits and
10 other documents in duplicate [HE DEEMS PROPER] to be submitted with
11 the application. One copy of the application, with the action of the
12 governor indicated by endorsement on the application, and one of the
13 certified copies of the indictment, complaint, information and affida-
14 vits, or judgment or conviction or sentence shall be filed in the
15 office of the governor to remain of record in that office. The other
16 copies of all papers shall be forwarded with the governor's requisition.
17

18 * Sec. 9. AS 12.70.240 is amended to read:

19 Sec. 12.70.240. WRITTEN WAIVER OF EXTRADITION PROCEEDINGS. (a)
20 A person arrested in this state charged with having committed a crime
21 in another state or alleged to have escaped from confinement, or
22 broken the terms of bail, probation, or parole may waive the issuance
23 and service of the warrant provided for in AS 12.70.060 and 12.70.070
24 and all other procedure incidental to extradition proceedings, by
25 executing or subscribing in the presence of a [SUPERIOR COURT] judge
26 or magistrate [DISTRICT JUDGE] within this state a writing which
27 states that the person consents to return to the demanding state;
28 however, before the waiver is executed or subscribed by that person,
29 the judge or magistrate shall inform that person of the right to the

1 issuance and service of a warrant of extradition and of the right to
2 apply for a writ of habeas corpus as provided for in AS 12.70.090.

3 (b) If and when that consent is executed, it shall immediately
4 be forwarded to the office of the governor of this state and filed
5 therein. The judge or magistrate shall direct the officer having the
6 person in custody to deliver immediately that person to the duly
7 accredited agent of the demanding state, and shall deliver or cause to
8 be delivered to the agent a copy of the consent.

9 (c) Nothing in this section is considered to limit the rights of
10 the accused person to return voluntarily and without formality to the
11 demanding state, nor shall this waiver procedure be considered
12 [DEEMED] to be an exclusive procedure or to limit the powers, rights,
13 or duties of the officers of the demanding state or of this state.

14 * Sec. 10. AS 22.15.120 is amended to read:

15 Sec. 22.15.120. LIMITATIONS ON PROCEEDINGS WHICH MAGISTRATE MAY
16 HEAR. A magistrate shall preside only in cases and proceedings under
17 AS 22.15.040, 22.15.100, and 22.15.110, and as follows,

18 (1) for the recovery of money or damages only when the
19 amount claimed, exclusive of costs, interest, and attorney fees, does
20 not exceed \$1,000;

21 (2) for the recovery of specific personal property when the
22 value of the property claimed and the damages for the detention do not
23 exceed \$1,000;

24 (3) for the recovery of a penalty or forfeiture, whether
25 given by statute or arising out of contract, not exceeding \$1,000;

26 (4) to give judgment without action upon the confession of
27 the defendant for any of the cases specified in this section, except
28 for a penalty or forfeiture imposed by statute;

29 (5) to give judgment of conviction upon a plea of guilty by

1 the defendant in a criminal proceeding within the jurisdiction of the
2 district court;

3 (6) to hear, try, and enter judgments in all cases involv-
4 ing misdemeanors, if the defendant consents in writing that the magis-
5 trate may try the case;

6 (7) to hear, try and enter judgments in all cases involving
7 infractions under AS 28 and violations of ordinances of political
8 subdivisions;

9 (8) for the extradition of fugitives as authorized under
10 AS 12.70 [REPEALED].



RECORDS CERTIFICATION



I, the undersigned, an employee of the State of Alaska, do hereby certify that the microfilm images on this microform are accurate reproductions of the original records of the State of Alaska as accumulated during the regular course of business, and that it is the established policy and practice of this State to microfilm its records and to dispose of the original records after microfilm reproductions have been made.

James O. Smith
Signature of Camera Operator

11/7/89
Date

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BILL CONTACT/ACTION

DATE	CONTACT/ACTION
2/11/87	IAN NELSON - SEATTLE - WANTS TO BE
	CONTACTED WHEN BILL GETS SCHEDULED
	(206) 935-4389
3/14	GROSS - JIM AYELS
	NELSON
3/17	SENATOR JOSEPHSON - WISHES TO TESTIFY
3/18	NOTIFIED OF 3/20 MEETING
	IAN NELSON
	JIM AYELS
	SEN. JOSEPHSON (METS)
3/25	NOTIFIED OF 3/27 MEETING; AYELS &
	JOSEPHSON
4/1/86	NOTIFIED IAN NELSON
	JIM AYELS } 4 1/2 MEETING
	JOSEPHSON }

Testimony to Senate Judiciary Committee
March 18, 1986

Senate Bill 362

by
Senator Josephson

Thank you for the opportunity to testify on Senate Bill 362, introduced by the request of Governor Sheffield.

I firmly support the concept of the Budget Reserve Fund. As I see it the Budget Reserve Fund is the most practical solution for cushioning the precipitous revenue declines that we are now experiencing.

The Governor deserves credit for introducing the concept of the Budget Reserve Fund. However, the idea was conceived before there was indication that state revenues would drop as steeply as they have during the past several weeks. Because of the fiscal situation we are now in, we need to expedite enactment of the Budget Reserve Fund. Also, we need to consider some amendments that would improve its utility.

I have introduced SB 446 which establishes a Budget Reserve Fund similar in concept to that proposed by the Governor but with changes that are more in line with our current revenue picture. The differences between SB 362 and SB 446 include:

Senator Josephson
March 18, 1986
SB 362 testimony
Page Two

	<u>SB 362</u>	<u>SB 446</u>
Enactment	Constitutional Amendment	Statute
Capitalization	Windfall revenues	Windfall revenues & UIA
Capacity Limit	100% of previous year appropriation	50% of previous year appropriation
Maximum use of Fund	25% a year	33.3% a year

1. SB 446 establishes a Budget Reserve Fund by statute rather than constitutional amendment. The advantages of a statutory fund are:

- a. It could be in effect before FY'87 appropriations are made.
- b. There would be no uncertainty about approval by two-thirds of the voters.
- c. If the fund needs fine tuning, legislation can accomplish this without another constitutional amendment.
- d. A statutory fund and constitutional fund are not mutually exclusive. A statutory fund could be established now and then repealed by a constitutional amendment if approved by the voter.

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SB 362 Testimony
Page Three

2. SB 446 allows appropriations from the Undistributed Income Account of the Permanent Fund to the Budget Reserve Fund. Without this source of revenue, there would not be enough windfall revenues to cover FY'86 revenue shortfalls, FY'87 revenue reductions, and capitalization of the Budget Reserve Fund. Chart A gives an accounting of these revenues.

I am aware that there are other settlements pending which, during the next year or two, could yield more than a billion dollars of windfall revenues to the State. However, the risks and costs of these windfall revenues are too high to count on.

It is important to realize that using the Undistributed Income Account to capitalize the Budget Reserve Fund does not touch the corpus of the Permanent Fund nor change how earnings flow to the dividend program and inflation proofing. My bill would provide a spigot from the earnings of the Permanent Fund to the General Fund - but with a control valve which would allow earnings to be drained only when revenues decline and only to predetermined levels.

3. SB 446 establishes a capacity limit to the size of the Budget Reserve Fund of no greater than 50% of the

Senator Josephson
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SB 362 Testimony
Page Four

General Fund appropriation for the previous year. SB 362 sets the capacity limit at 100%. I chose 50% because it is a more achievable level of capitalization.

4. SB 446 as now written states that no more than 25% of the Budget Reserve Fund can be utilized in any one year. I plan to amend this and raise that to 33.3%. I did not think that 25% provides a big enough cushion, particularly under current circumstances.

Attached are amendments to SB 362 that I would like you to consider. These amendments would make SB 362 and SB 446 virtually identical.

Attachment

Senator Joe Josephson
 March 18, 1986

Senate Bill 446
 Chart A

Assumptions:

1. March 1986 revenue forecast
2. BRF capitalized first with settlement revenues then
 UIA

	(in \$ millions)		
	<u>FY'86</u>	<u>FY'87</u>	<u>FY'88</u>
G.F. Unrestricted Revenues	2,636.1	1,907.6	1,531.2
TAPS Tariff	85.0	170.0	83.0
TAPS Refunds	216.0		
ARCO Settlement	243.0		
TOTAL REVENUES	3,180.1	2,077.6	1,614.2
APPROPRIATIONS	2,838.3	2,665.1*	
Surplus/Shortfall	341.8	(587.5)	
BRF	(341.8)	473.1	425.1
Adjusted Surplus/Shortfall	0	(114.4)	
Adjusted Revenues	2,838.3	2,550.7	2,039.3
Budget Reserve Fund			
Capacity		1,419.3	1,275.4
95% Limit		2,696.5	2,423.2
1/3 Utilization		473.1	425.1
Capitalization			
- FY86 Surplus	341.8		
- Rainy Day Fund	280.0		
- 8(g) Settlement	51.0		
- UIA	746.5		
- Other settlements		329.2	
TOTAL	1,419.3	1,275.4	

* Governors Budget Proposal

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* Governors Budget Proposal

Senator Josephson

Amendments for Consideration
Senate Bill 362

1. Title change: lines 6-7; delete "constitutional appropriation limitation and"
2. Delete: in Section 1 (a), page 1, lines 13-14; after "money" delete "dedicated"; and after "to that fund" delete "by art. IX, sec. 17 of the Alaska Constitution."
3. And insert: money "appropriated" to that fund "from the Undistributed Income Account of the Alaska Permanent Fund and other sources of unrestricted revenues from the General Fund. The maximum amount in the Fund may not exceed 50 percent of the total amount of appropriations made from unrestricted revenues of the General Fund, not including appropriations to the Alaska Permanent Fund, during the preceding fiscal year."
4. Delete: Section 1 (b), page 1, lines 15-25.
5. Delete: in Section 1 (d), page 2, line 4 "governor" and insert "legislature".
6. Delete: in Section 1 (d), page 2, line 8 "25" and insert "33.3".
7. Delete: Section 1 (e), lines 14-18, page 2.
8. Delete: Section 1 (f); lines 19-22, page 2.
9. Delete: in Section 1 (g); lines 23-24, page 2; "and art. IX, secs. 16 and 17, of the Alaska Constitution"
10. Delete: Section 1 (g); lines 24-25, page 2; "(1) the undistributed income account in the permanent fund, and (2)"
11. Delete: Section 1 (g); line 26, page 2; "and".
12. Insert: Section 1 (g); page 2, line 27; after "for a specific purpose" insert "and (D) windfall revenues."
13. Delete: Section 2, page 2-3, lines 28-29 and 1-4.
14. Delete: Section 4, page 3, lines 8-10.
15. Delete: Section 5, page 3, line 11: "Section 2 of"
16. Renumber all sections and subsections accordingly.