

ALASKA LEGISLATURE COMMITTEE FILES 1987-1988 8672

4749 HJUD HJR 60 - SB 17

32

100TH CONGRESS
1ST SESSION

S. 1983

FEB 03 1988

To amend title 28, United States Cod..

IN THE SENATE OF THE UNITED STATES

DECEMBER 19 (legislative day, DECEMBER 15), 1987

Mr. STEVENS (for himself and Mr. MURKOWSKI) introduced the following bill;
which was read twice and referred to the Committee on the Judiciary

A BILL

To amend title 28, United States Code.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That section 152(a)(2) of title 28, United States Code, is
4 amended in the item relating to Alaska by striking out "1"
5 and inserting in lieu thereof "2".

○

Alaska State Legislature

REPRESENTATIVE
MIKE W. MILLER
P.O. Box 55094
North Pole, Alaska 99705
(907) 488-2687

District 18
North Pole
Badger Road
Eielson
Moose Creek
Salcha



While in Juneau
P.O. Box V
Juneau, Alaska 99811
(907) 485-4976

House of Representatives

MEMORANDUM

TO: Representative John Sund, Chairman
House Judiciary Committee

FROM: Representative Mike Miller *M. W. Miller*

RE: HJR 60, Urging expedient and positive action by the U.S. Congress on S. 1983, adding a second bankruptcy judgeship for Alaska

DATE: 2/15/88

House Joint Resolution 60 was introduced today, under my sponsorship, and referred to the House Judiciary Committee. A copy of the resolution is attached for your review.

This resolution urges the U.S. Congress to consider Senate Bill 1983 which would create a second bankruptcy judgeship for the District of Alaska. A copy of the U.S. Senate Bill is also attached for your review.

As a attorney, you are probably aware of Alaska's current Bankruptcy Court situation. With the current economic downturn, the number of bankruptcy filings in Alaska have soared yet the entire state is still served by a single Bankruptcy Judge stationed in Anchorage.

Federal legislation has been introduced, in the form of S 1983, which would accelerate the decision process for obtaining a second bankruptcy judgeship for Alaska. Although steps have been taken to ensure favorable consideration of this legislation, the bill needs to be scheduled for a hearing by the U.S. Senate Committee on the Judiciary. The chairman of this committee has expressed an interest in the bill, however; the recent requirement of time to confirm a new U.S. Supreme Court Judge has caused a backlog in the committee schedule. I believe it would be beneficial to express our collective state support for S. 1983 before the schedule for the Senate Committee on the Judiciary is filled with other matters.

I respectfully request that you consider scheduling HJR 60 before the House Judiciary Committee sometime during the week of February 22-26. I anticipate discussion on the resolution will consume very little of the Committee's time.

SUMMARY

The U.S. Committee on the Judiciary applies a three-pronged test in determining whether an additional bankruptcy judge is warranted.

1. MUST BE A HIGH PERCENTAGE OF ADVERSARIAL PROCEEDINGS PER JUDGE. These are more time consuming.

Judge Ross handled 773 adversarial proceedings in 1987 while the average 9th Circuit judge handled only 236. The national average is 212 adversarial proceedings per judgeship per year.

2. NUMBER OF CHAPTER 11 FILINGS MUST EXCEED 100 PER JUDGE.

In 1987, 204 Chapter 11 cases were filed in Alaska. The Ninth Circuit averaged 133 Chapter filings per judge while the national average is 80.

3. TOTAL NUMBER OF BANKRUPTCY FILINGS MUST EXCEED 1,800.

In 1987, Alaska had 1,351 bankruptcy filings which represented a 360% increase over 1984 filings and a 65% increase over 1986. Alaska does not meet this prong of the test; however, there are several OTHER SUBJECTIVE FACTORS which justify a second judge for Alaska.

(a) Alaska has a higher proportion of business filings than the rest of the 9th Circuit. 31% of the Alaska case filings are business filings compared to an average of 15% for the 9th Circuit and 16% for the nation. These kinds of cases are more time consuming.

(b) Alaska's Bankruptcy Judge spends approximately 30 hours a month traveling to court sites in Nome, Juneau, and Fairbanks. As early as 1982, the Administrative Office of the 9th Circuit recommended expanding the court sites in Alaska to include Cordova, Kodiak, Valdez and Sitka which would mean increased travel requirements. The existing travel schedule is also hampered by unpredictable weather around the state.

(c) Due to the existing number of bankruptcy filings and adversarial proceedings, the 9th Circuit has been sending a judge, clerk and secretary to Alaska for approximately one week every month. The personnel cost for this visiting judge and staff equal 25% of the cost of stationing a second judge in the state full-time.

LEGISLATIVE REPORTING SERVICE (BILL SUMMARY)

2nd Bankruptcy
Judgeship
(urging cre-
ation of)

HOUSE JOINT RESOLUTION NO. 60, by Reps. Miller, Frank and Gruenberg. Would urge the U.S. Congress: "to take expedient and positive action on s. 1983 creating a second bankruptcy judgeship for the District of Alaska". Cites the excessive work load in the District of Alaska Bankruptcy Court, due to the current economic conditions; and the fact that 25 percent of the cost for a second judge is already being spent on a part-time judge and support staff sent for one week a month by the Ninth Circuit Court of Appeals. Cites new facilities available in July, 1988 that will have room for a new judge, staff, and second courtroom in Anchorage.

Introduced February 15, 1988 and referred to Judiciary.

FISCAL NOTE

REQUEST:

Revision Date: _____
Title: Urqing expedient and positive
action on second bankruptcy judge
Sponsor: Miller
Requestor: _____

Agency Affected: None
BRU: _____
Components: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
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: John Hartle *JH* Phone: 465-4990
Division: House Judiciary Committee Date: 2/23/88
Approved by Commissioner: _____ Date: 2/23/88
Agency: _____

Distribution (by preparer):
Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies)

BILL HISTORY - HOUSE ACTION

HJR 60

HOUSE CALENDAR: WEDNESDAY / FEBRUARY 24, 1988

HOUSE JOURNAL FEBRUARY 15, 1988

HJR 60

HOUSE JOINT RESOLUTION NO. 60 by Miller, Frank and Gruenberg:

Urging expedient and positive action by the United States Congress on S. 1983, adding a second bankruptcy judgeship for Alaska.

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

HOUSE ACTION FEBRUARY 23, 1988

HJR 60

The House Judiciary Committee has considered:

HOUSE JOINT RESOLUTION NO. 60

"Urging expedient and positive action by the United States Congress on S. 1983, adding a second bankruptcy judgeship for Alaska."

And recommends: replace with CS HJR 60 (JUD) + new title recommending do pass. * CS ATTACHED

Recommending do pass (7): Sund, Uimer, Gruenberg, Barnes, Navarre, Cotten, Taylor

Zero fiscal note attached.

LEGISLATIVE REPORTING SERVICE (BILL SUMMARY)

Appropriations HOUSE BILL NO. 512, by the Rules Committee by Request of
(special) the Governor. See SB 430, page 1132, identical.
("jobs bill")

Introduced February 15, 1988 and referred to Finance.

Appropriations SENATE BILL NO. 430, by the Rules Committee by Request of
(special) the Governor. Makes special appropriations for projects to
("jobs bill") boost the Alaska economy (see accompanying letter). The bill's
"purpose" section states: "The purpose of this appropriation is to
commit the expenditure of approximately \$75,000,000 from the
state general fund to a series of projects selected to put Alaskans
throughout the state to work. . . ." The bill would become law
immediately after being signed by the governor.

Introduced February 16, 1988 and referred to Finance.

In his message that accompanied the bill, Governor Cowper stated:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill making appropriations designed to provide immediate economic benefit throughout the State of Alaska. The specific projects are explained in detail in material furnished by my division of budget review to the finance committees and in material assembled by the staffs of the finance committees.

The bill is unusual in that it is the product of extensive legislative/executive cooperation as to both purpose and content before introduction. This cooperative spirit had to precede introduction to assure completion of public hearings, legislative deliberations, and passage timed to put a "jobs bill" on my desk for signature by the end of the month.

As is the case with all appropriation bills, I must mention that I retain my line-item veto authority to strike or reduce items I believe unacceptable in the bill as passed by the legislature. But my staff and the staffs of all departments of the state government have been instructed to work closely with the finance committees to suggest any appropriate specific project modification or replacement. By this method, I hope to eliminate the need for line-item vetoes or reductions.

100TH CONGRESS
1ST SESSION

S. 1983

II
FEB 03 1988

To amend title 28, United States Code.

IN THE SENATE OF THE UNITED STATES

DECEMBER 19 (legislative day, DECEMBER 15), 1987

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4 amended in the item relating to Alaska by striking out "1"
5 and inserting in lieu thereof "2".

○

OFFICE OF THE CIRCUIT EXECUTIVE

United States Court of Appeals for the Ninth Circuit

P.O. BOX 42068
SAN FRANCISCO, CALIFORNIA 94142-2068

MEMORANDUM

TO : Judicial Council

FROM : Greg Walters and Carolyn F. McNiven

DATE : October 28, 1987

RE : Alaska Bankruptcy Judgeship Recommendation

The District of Alaska is seeking Judicial Council approval for a second bankruptcy judgeship. The district currently has one authorized bankruptcy judge whose official duty station is Anchorage.

In 1985 the Judicial Council recommended that a second judgeship be authorized for the district. The Judicial Conference of the United States (USJC), however, did not concur and did not include Alaska in its 1986 recommendations to Congress for new bankruptcy judgeships. As a result, Alaska was not granted one of the fifty-four bankruptcy judgeships approved by Congress.

The situation in Alaska has changed dramatically since the U.S. Judicial Conference last reviewed judgeship needs. Alaska is, therefore, asking the Judicial Council to approve this request and forward it to the U.S. Judicial Conference for immediate review. Although this is outside of the normal time-frame for requesting new judges, the need for assistance in Alaska justifies immediate consideration.

STAFF RECOMMENDATION

Approve a second Bankruptcy Judge for the District of Alaska.

UNITED STATES BANKRUPTCY COURT

DISTRICT OF ALASKA
FEDERAL BUILDING - U. S. COURTHOUSE
701 C STREET, BOX 47
ANCHORAGE, ALASKA 99513

WAYNE W. WOLFE
CLERK

THE CLERK
OCT 19 1987
CIRCUIT EXECUTIVE

Francis L. Bremson
Circuit Executive
Ninth Circuit Court of Appeals
Post Office Box 42068
San Francisco, California 94101

Re: Second Bankruptcy Judgeship for District of Alaska

Dear Mr. Bremson:

The following narrative is the request and justification for an additional judgeship as requested by Greg Walters.

CASELOAD

Our District's case load has increased by four time those figures considered in the basis for the recommendations of the Judicial Conference in 1982. The Main Case Statistical Summary Report attached covers the first three quarters of years 1983 through 1987 and illustrates this growth. Historically, the last quarter has generated approximately forty percent (40%) of our annual case count due to the nature of the Alaskan economy and seasonal working conditions. If the historical pattern continues, filings in excess of 1450 cases can be expected by year end. Chapter 11 cases, which number 112 for the district through September 1987, should exceed 155 cases by year end.

Conversions in this district, which are not included in any AO statistics, total 80 for the same period. Conversions are administered as a new case for all practical purposes. The yearly total will exceed 110 cases. A conversion data report is attached.

While the national annual average of 1800 to 2000 cases per judge exceeds our projected yearly case filings, the Chapter 11 cases filed and projected to year end exceed the national criteria per judge. The complexity and judicial time needed for these cases, considering logistics, more than balance the shortfall in total filings.

Business filings in this district are also higher than the national average; 31.8% of the total for the first three quarters of 1987.

Adversary case filings, while appearing to remain constant since 1983, are deceptive. The 1984 Bankruptcy Amendments removed from adversary status Reliefs from Stay and certain other matters. Reliefs from Stay, now filed as motions, total 888 through September, 1987. The adversary filings for this year represent complex legal issues which require a great deal more judge time. Historical projection would produce 500 adversary proceedings and more than 1200 Reliefs from stay by year end.

ALASKA'S ECONOMIC PROGNOSIS

The economic prognosis in Alaska continues to be grim. We have two principal industries: oil and government. Depressed oil prices have stopped all oil company activity in exploration and drilling. Some existing wells have been capped. Government is also adversely affected, with revenues being tied directly to the price per barrel of oil, which price generates in excess of 90% of State revenues. The municipalities and boroughs receive shared revenue from the State as a supplement to the tax base. Shortfalls in revenue have created extensive job losses in every area of the economy. Economists here predict slow recovery, if any, for the next several years; many believe conditions will continue to deteriorate. Bankruptcy filings support this economic forecast.

ALASKA'S LOGISTICS

Alaska's land mass is approximately one-third of the entire continental United States. The court is housed in Anchorage. Travel to four regional locations to conduct hearings is required:

Location	Distance in Air Miles (One Way)
Fairbanks	260
Nome	539
Juneau	571
Ketchikan	776

Court is held in these outlying locations an average of four days per month (fewer trips are made to Nome, with occasionally additional days in Fairbanks). In excess of thirty hours per month are consumed in non-productive travel time. Actual bench time varies depending on calendars; however, due to the vast distances and restrictive airline schedules, it is necessary to commit a full day to each location. We have the largest travel budget of any one-judge court.

Telephonic conferences and hearings to minimize expense to the government and to parties are utilized extensively; but this process is far from perfect. Technical problems with microwave telecommunications in the geographical area require additional time for equipment adjustment and multiple calls to establish an acceptable connection. The time required and the low success rate reduces judge time available for other matters.

Alaska's weather also plays a part in travel. It is not unusual for a plane to be unable to land in Nome, Juneau or, Ketchikan due to weather conditions. Aborted flights to Southeast Alaska have taken the Judge and his staff to Seattle, causing delay, costs and inconvenience to everyone, as well as the inability to return from a regional court location where the plane cannot land due to heavy fog. These delays can, and often do, exceed more than one day.

MISCELLANEOUS CONSIDERATIONS

Visiting Judge

Since we are presently a single judge District, we have required a visiting judge to handle conflict cases. The visiting judge has provided approximately one week of his time per month during his appointment plus judge time outside Alaska for necessary telephonic hearings, case review and entry of orders. It is apparent that case load considerations will require these visits to become more frequent.

Minimal Increase in Government Costs

In July, 1988, this court will move to the remodeled former Federal Court Building. Facilities will be complete for a second Bankruptcy Judge, secretary and law clerk, including a second courtroom. Therefore facility costs are negated.

The visiting judge with a traveling law clerk is already one week per month in this district. Twenty-five percent of personnel costs (plus costs of travel) for the judge and support staffing is already being expended.

Standards of Court Service

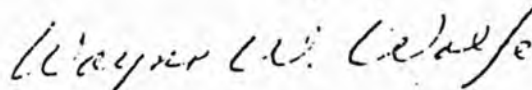
Growing case loads in the outlying areas have created pressures for additional support services and judge time in these locations. Current case loads in Anchorage and travel time

Francis L. Bremson
October 16, 1987
Page 4

requirements make it impossible to address these growing needs, and services presently provided in outlying areas are bare-bones at best for bar and litigants.

Attached also are copies of December, 1984, letters from former Judge Williams and Chief Judge James M. Fitzgerald discussing the existing need for a second bankruptcy judgeship for this District at that time. Judge Fitzgerald continues to support the second bankruptcy judgeship.

Very truly yours,



Wayne W. Wolfe, Clerk

Enclosures

cc: Honorable James M. Fitzgerald, Chief Judge
Honorable Herbert A. Ross
File

HJR

67

STATE OF ALASKA THE LEGISLATURE

POUCH Y - STATE CAPITOL
JUNEAU, ALASKA 99811
907-465-3800

LEGISLATIVE AFFAIRS AGENCY LEGISLATIVE REFERENCE LIBRARY

May, 1988

Copies of minutes listed below were originally included in this file. The minutes are available on the STAIRS database CMPR. In order to save space copies of minutes have not been left in the files.

Mary Van Nimwegen

H. JUD.	4-18-88	1:30p.m.
H. JUD.	4-8-88	1:30p.m.

HOUSE COMMITTEE REPORT

(7)

Date referred: 4/14/88

FURTHER REFERRALS: Finance

(returned to Judiciary 4/14)

DATE: April 18, 1988

The Judiciary Committee has considered HJR 67

Proposing an amendment to the Constitution of the State of Alaska relating to legislative confirmation of the board members of public corporations of the state.

RECOMMENDS:

- replace with _____ the same title
- attached amendment(s) a new title
- do pass
- do not pass
- no recommendation
- individual recommendations
- additional referral to the _____ Committee

ADOPTS: _____ letter of intent

ATTACHES NEW FISCAL NOTE(S):

- fiscal impact same as previous fiscal note published _____
- zero fiscal note same as previous zero fiscal note published _____
- zero with analysis

SIGNING DO PASS:

[Handwritten signatures]

SIGNING OTHER RECOMMENDATIONS:

[Handwritten signature: Richard Taylor]

[Handwritten signature]

 Chairman's signature

FISCAL NOTE

REQUEST:

Revision Date: 4/18/88
Title: Confirmation of public corporation
board members
Sponsor: H L&C
Requestor: _____

Agency Affected: Division of Elections
BRU: _____
Components: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL	-0-					
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

The Division of Elections can pay for printing costs from existing appropriations.

Prepared by: J. Hartle
Division: House Judiciary Committee
Approved by Commissioner: Rep. John Sund, Chair,
Agency: House Judiciary Committee

Phone: 465-4990
Date: 4/18/88
Date: 4/18/88

Distribution (by preparer):

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

HOUSE COMMITTEE REPORT

(7)

Date referred: 3/24/88

FURTHER REFERRALS:

DATE: ~~March~~ ^{April} 8, 1988

The Judiciary Committee has considered HJR 67

Proposing an amendment to the Constitution of the State of Alaska relating to legislative confirmation of the board members of public corporations of the state.

RECOMMENDS:

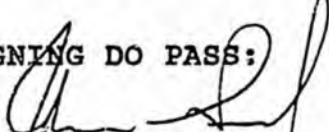
- replace with _____ the same title
- attached amendment(s) a new title
- do pass
- do not pass
- no recommendation
- individual recommendations
- additional referral to the Finance Committee

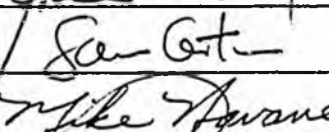
ADOPTS: _____ letter of intent

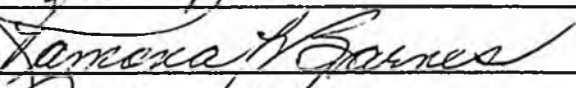
ATTACHES NEW FISCAL NOTE(S):

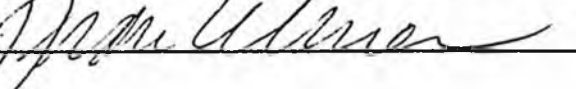
- fiscal impact same as previous fiscal note published 3/24/88
- zero fiscal note same as previous zero fiscal note published _____
- zero with analysis

SIGNING DO PASS:

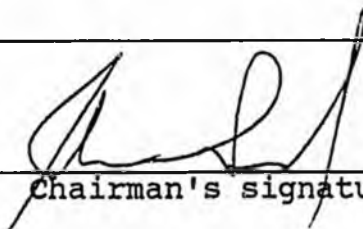








SIGNING OTHER RECOMMENDATIONS:



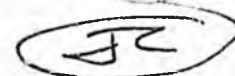
 Chairman's signature

HOUSE LABOR AND COMMERCE COMMITTEE

ALASKA STATE LEGISLATURE

P.O. BOX Y, JUNEAU 99811

(907) 465-3892



February 29, 1988

M E M O R A N D U M:

To: Representative Fran Ulmer, Chair
House State Affairs Committee

From: Representative Dave Donley, Chair *DB*
House Labor and Commerce Committee

Re: Request for hearing on HJR 67

I am writing to request a hearing on HJR 67, a resolution introduced by the House Labor and Commerce Committee to put a ballot proposition before the voters to require Legislative confirmation of appointments to public corporations in Alaska, at your earliest convenience.

As you know, the courts have ruled that Alaska's Constitution does not require legislative confirmation of appointments to public corporations, primarily because the founders of our Constitution did not anticipate the creation of public corporations in the future. They did, however, provide that the legislature is responsible for confirmations of appointments to regulatory agencies and I believe their intent was clear that confirmation authority was a critically important and appropriate tool to assure public accountability by members of public agencies.

Please feel free to call me or Ginger Baim at 4954 if you have any questions or need additional information.

cc: all members of State Affairs committee

STATE OF ALASKA
1988 LEGISLATIVE SESSION

BILL VERSION: HJR 67
PUBLISH DATE: 2/26/88

FISCAL NOTE

REQUEST:

Revision Date: 3/4/88
Title: Constitutional amendment relating to leg. confirmation of board members.
Sponsor: LABOR & COMMERCE COMMITTEE
Requestor: House State Affairs
Agency Affected: Office of the Governor
BRU: Division of Elections
Components: II - Primary & General Elections

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL	0	2.2*	0	0	0	0
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	2.2*	0	0	0	0

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

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

FUNDING: (Thousands of Dollars)

GENERAL FUND	0	2.2*	0	0	0	0
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

* Costs included cover 2 to 3 additional pages in each Official Election Pamphlet, for printing and typesetting, and costs estimated to cover computer programming requirements for vote (cont.)

Prepared by: Linda Edgeworth *Le/SV* Phone: 465-4611
Division: Elections Date: 3/4/88

Approved by Commissioner: *[Signature]* Date: 3/10/88
Agency: Office of the Governor, Division of Elections

Distribution (by preparer): 5/16/88
Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies)

STATE OF ALASKA
1988 LEGISLATIVE SESSION

BILL VERSION: HJR 67
PUBLISH DATE: _____



FISCAL NOTE

REQUEST:

Revision Date: _____ Agency Affected: Commerce & Econ. Dev.
 Title: Constitution amendment regarding BRU: Banking, Securities & Corporations
legislative confirmation of board members of public corps.
 Sponsor: Labor & Commerce Components: _____
 Requester: _____

EXPENDITURES / REVENUES : (Thousands of Dollars)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
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REVENUE	-0-	-0-	-0-	-0-	-0-	-0-
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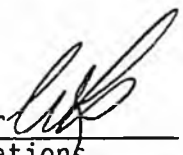
FUNDING: (Thousands of dollars)

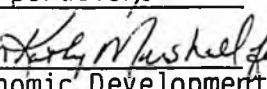
GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS:

FULLTIME	-0-	-0-	-0-	-0-	-0-	-0-
PARTTIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary.)

Prepared by: Willis F. Kirkpatrick, Director 
 Division: Banking, Securities and Corporations Phone: 465-2521
 Date: 3-2-88

Approved by Commissioner: J. Anthony Smith 
 Agency: Department of Commerce and Economic Development Date: 3/2/88

Distribution (by preparer):

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

0644D12/30188a

STATE OF ALASKA
THE LEGISLATURE

POUCH Y - STATE CAPITOL
JUNEAU, ALASKA 99811
907-465-3800

LEGISLATIVE AFFAIRS AGENCY


MEMORANDUM

January 25, 1988

RECEIVED
JAN 25 1987

SUBJECT: Confirmation of the board members of state corporations (Work Order No. 5-1694)

TO: Representative Dave Donley

FROM: Richard A. Bradley
Legislative Counsel 

You have requested a constitutional amendment that would require the legislative confirmation of the members of certain state boards. Those that we identified when we spoke included the Alaska Railroad Corporation (AS 42.40.010); the Alaska Power Authority (AS 44.83.020); the Alaska State Housing Authority, now called the Alaska State Building Authority (AS 18.55.020, 18.55.030); the Alaska Housing Finance Corporation (AS 18.56.020), and the Alaska Public Offices Commission (AS 15.13.020).

All of the agencies except the Public Offices Commission are fairly described as "public corporations;" it is simply an agency of the state.

Certain other corporations that are presumably of interest and that get picked up in the description of a "public corporation" include

- (1) Alaska Student Loan Corporation (AS 14.42.100);
- (2) Alaska Seafood Marketing Institute (AS 16.51.010);
- (3) Alaska Medical Facility Authority (AS 18.26.010);
- (4) Medical Indemnity Corporation of Alaska (AS 21.88.020);
- (5) Alaska Resources Corporation (AS 37.12.010);

CORRECTION

**THIS DOCUMENT
HAS BEEN REPHOTOGRAPHED
TO ASSURE LEGIBILITY**

STATE OF ALASKA
1988 LEGISLATIVE SESSION

BILL VERSION: HJR 67
PUBLISH DATE: 2/26/88

FISCAL NOTE

REQUEST:

Revision Date: 3/4/88
 Title: Constitutional amendment relating to leg. confirmation of board members.
 Sponsor: LABOR & COMMERCE COMMITTEE
 Requestor: House State Affairs
 Agency Affected: Office of the Governor
 BRU: Division of Elections
 Components: II - Primary & General Elections

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL	0	2.2*	0	0	0	0
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	2.2*	0	0	0	0

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

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

FUNDING: (Thousands of Dollars)

GENERAL FUND	0	2.2*	0	0	0	0
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

* Costs included cover 2 to 3 additional pages in each Official Election Pamphlet, for printing and typesetting, and costs estimated to cover computer programming requirements for vote (cont.)

Prepared by: Linda Edgeworth *Le/SV* Phone: 465-4611
 Division: Elections Date: 3/4/88

Approved by Commissioner: *[Signature]* Date: 3/10/88
 Agency: Office of the Governor, Division of Elections

Distribution (by preparer): 5/16/88
 Legislative Finance
 Legislative Sponsor
 Requestor
 Office of Management and Budget
 Impacted Agency(ies)

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. HJR 67

counting purposes. However, these costs are based on the assumption that all candidates and issues will fit on three ballot cards, which is the norm. It should be noted, however that should the inclusion of this issue require a 4th ballot to be printed, the cost increase would have to be calculated at 16 cents per ballot x approximately 320,000 voters. The total cost of printing the additional ballot card would be \$51.2.

Under these circumstances the fiscal note would be:

53.4



FISCAL NOTE

REQUEST:

Revision Date: _____ Agency Affected: Commerce & Econ. Dev.
 Title: Constitution amendment regarding BRU: Banking, Securities & Corporations
legislative confirmation of board members of public corps.
 Sponsor: Labor & Commerce Components: _____
 Requester: _____

EXPENDITURES / REVENUES : (Thousands of Dollars)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
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REVENUE	-0-	-0-	-0-	-0-	-0-	-0-
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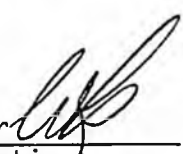
FUNDING: (Thousands of dollars)

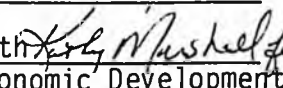
GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS:

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

ANALYSIS: (Attach a separate page if necessary.)

Prepared by: Willis F. Kirkpatrick, Director  Phone: 465-2521
 Division: Banking, Securities and Corporations Date: 3-2-88

Approved by Commissioner: J. Anthony Smith  Date: 3/2/88
 Agency: Department of Commerce and Economic Development

Distribution (by preparer):

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

STATE OF ALASKA
THE LEGISLATURE

POUCH Y - STATE CAPITOL
JUNEAU, ALASKA 99811
907-465-3800

LEGISLATIVE AFFAIRS AGENCY

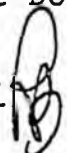
MEMORANDUM

January 25, 1988

RECEIVED
JAN 25 1987

SUBJECT: Confirmation of the board members of state corporations (Work Order No. 5-1694)

TO: Representative Dave Donley

FROM: Richard A. Bradley
Legislative Counsel 

You have requested a constitutional amendment that would require the legislative confirmation of the members of certain state boards. Those that we identified when we spoke included the Alaska Railroad Corporation (AS 42.40.010); the Alaska Power Authority (AS 44.83.020); the Alaska State Housing Authority, now called the Alaska State Building Authority (AS 18.55.020, 18.55.030); the Alaska Housing Finance Corporation (AS 18.56.020), and the Alaska Public Offices Commission (AS 15.13.020).

All of the agencies except the Public Offices Commission are fairly described as "public corporations;" it is simply an agency of the state.

Certain other corporations that are presumably of interest and that get picked up in the description of a "public corporation" include

- (1) Alaska Student Loan Corporation (AS 14.42.100);
- (2) Alaska Seafood Marketing Institute (AS 16.51.010);
- (3) Alaska Medical Facility Authority (AS 18.26.010);
- (4) Medical Indemnity Corporation of Alaska (AS 21.88.020);
- (5) Alaska Resources Corporation (AS 37.12.010);

Representative Dave Donley

Page 2

January 25, 1988

(6) Alaska Permanent Fund Corporation (AS 37.13.040);

(7) Alaska Gas Pipeline Finance Authority (AS 44.82.010);

(8) Alaska Municipal Bond Bank Authority
(AS 44.85.020); and

(9) Alaska Industrial Development Authority
(AS 44.88.020).

Others may exist. The computer search that I did of "public corporation" failed to identify the Alaska State Building Authority because it is a "public corporate authority".

At this point, since the governor seems to think that the members of the Alaska Public Offices Commission are subject to confirmation by the legislature--see his SSSB 241-- there may be no difficulty in not dealing with that issue. And my earlier opinion on that question may be wrong; I could be persuaded.

If I may be of further assistance, please advise.

RAB:gc
WKG1:047

HOUSE COMMITTEE REPORT

(7)

Date referred: 2/26/88

FURTHER REFERRALS: Judiciary

DATE: 3/23

The State Affairs Committee has considered HJR. 67

Proposing an amendment to the Constitution of the State of Alaska relating to legislative confirmation of the board members of public corporations of the state.

RECOMMENDS:

- replace with _____ the same title
- attached amendment(s) a new title
- do pass
- do not pass
- no recommendation
- individual recommendations
- additional referral to the _____ Committee

ADOPTS: _____ letter of intent

ATTACHES NEW FISCAL NOTE(S):

- fiscal impact same as previous fiscal note published _____
- zero fiscal note same as previous zero fiscal note published _____
- zero with analysis

SIGNING DO PASS:

[Handwritten signatures]

SIGNING OTHER RECOMMENDATIONS:

[Handwritten signatures]

[Handwritten signature]

 Chairman's signature

S B

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STATE OF ALASKA
THE LEGISLATURE

POUCH Y - STATE CAPITOL
JUNEAU, ALASKA 99811
907-465-3800

LEGISLATIVE AFFAIRS AGENCY
LEGISLATIVE REFERENCE LIBRARY

May, 1988

Copies of minutes listed below were originally included in this file. The minutes are available on the STAIRS database CMPR. In order to save space copies of minutes have not been left in the files.

Mary Van Nimwegen

H. JUD

5-7-87

1:30 p.m.

HOUSE COMMITTEE REPORT

(7)

Date referred 4/30/87

FURTHER REFERRALS:

DATE: 5-7-87
CSSB 1(Jud)

The Judiciary Committee has considered CSSB 1(Jud)
"An Act relating to the rights of physically and mentally disabled persons."

RECOMMENDS:

- replace with _____ the same title
- attached amendment(s) a new title
- do pass
- do not pass
- no recommendation
- individual recommendations
- additional referral to the _____ Committee

ADOPTS: _____ letter of intent

ATTACHES NEW FISCAL NOTE(S):

- fiscal impact same as previous fiscal note published _____
- zero fiscal note same as previous zero fiscal note published 3-31-87
- zero with analysis

SIGNING DO PASS:

[Handwritten signatures]

SIGNING OTHER RECOMMENDATIONS:

[Handwritten signature]
Chairman's signature



Alaska State Legislature

SENATOR JIM DUNCAN

P. O. Box V JUNEAU, ALASKA 99811

(907) 465-4766

COMMITTEES:
FINANCE
RESOURCES
BUDGET AND AUDIT

MEMORANDUM

April 29, 1987

TO: REPRESENTATIVE JOHN SUND, CHAIR
HOUSE JUDICIARY COMMITTEE

FROM: SENATOR JIM DUNCAN

SUBJ: CS Senate Bill 1 (Jud), An Act relating to the rights of physically and mentally disabled persons.

CS Senate Bill 1 provides for the rights of the blind, deaf and otherwise physically or mentally disabled to the safe and equal use of public streets, sidewalks, transportation and public accommodations. In exercising these rights, the disabled person's use of a service animal would also be protected.

This bill places protection of the rights of physically or mentally disabled persons within the purview of the Human Rights Commission. It protects the disabled from discrimination in purchase, rental or lease of housing, employment and financing. It is supported by organizations for the deaf, blind, physically disabled, mentally disabled and the Governor's Council on the Handicapped and Gifted.

The purpose of this legislation is to eliminate or prevent discrimination or inequity resulting from ignorance or misconceptions about physical or mental disabilities.

This bill moved through the House and Senate during the 14th Session of the Alaska Legislature as House Bill 172, so intent and substance of the bill are already familiar to many legislators.

Please schedule this important bill for a hearing as soon as possible. My staff contact on SB 1 is Roxanne Stewart at 465-4766.

STATE OF ALASKA 1987 LEGISLATIVE SESSION
FISCAL NOTE

FOURST:

Bill Version:
Publish Date:

Judy
CS SB 1 ~~HESS~~
3-5-87

Revision Date:
Title: Rights of physically and
mentally disabled persons
Sponsor: Duncan & Fischer
Requestor:

Agency Affected: Alaska Court System
BRU: Trial Courts

Components:

EXPENDITURES/REVENUES:		(Thousands of Dollars)					
OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92	
Personal Services	
Travel	
Contractual	4.6	4.6	4.6	4.6	4.6	
Supplies	
Equipment	
Land & Structures	
Grants & Claims	
TOTAL OPERATING	0.0	4.6	4.6	4.6	4.6	4.6	
<hr/>							
CAPITAL	
<hr/>							
REVENUE	

FUNDING:		(Thousands of Dollars)					
General Funds	0.0	4.6	4.6	4.6	4.6	4.6	
Special Funds	. . . .	. . . .	. . . .	. . . .	. . . .	. . . .
Other	. . . .	. . . .	. . . .	. . . .	. . . .	. . . .
TOTAL	0.0	4.6	4.6	4.6	4.6	4.6	

POSITIONS:							
Full-time	. . . .	. . . .	. . . .	. . . .	. . . .	. . . .
Part-time	. . . .	. . . .	. . . .	. . . .	. . . .	. . . .
Temporary	. . . .	. . . .	. . . .	. . . .	. . . .	. . . .

ANALYSIS:

See attached analysis.

Prepared by: Robert G. Fisher, Fiscal Officer
Division: Alaska Court System

Phone: 264-8215
Date: 2-24-87

Approved by: *Stephanie J. Cole*
Stephanie J. Cole, Deputy Director
Agency: Alaska Court System

Date: 2-24-87

- Distribution (by preparer):
- Legislative Finance
 - Legislative Sponsor
 - Requestor
 - Office of Management & Budget
 - Impacted Agency(ies)
 - Senate Secretary

OK to go Fin

ALASKA COURT SYSTEM
SB 1 - RIGHTS OF PHYSICALLY AND MENTALLY
AND DISABLED PERSONS

FISCAL IMPACT

This legislation allows physically and mentally disabled individuals to serve on juries. Additionally, interpreters are provided for deaf persons while on jury duty. Providing interpreters for deaf persons will impact the Court's contractual budget. The other aspects of the legislation will not impact the Court.

Historically, six to eight percent of all eligible persons are required to perform jury duty. The Center for Deaf Adults estimates that between 250 and 300 deaf individuals would be eligible for jury duty. The Center estimates that 200 are located in Anchorage, 10 are in Juneau, and 10 are in Fairbanks. The remainder live outside urban areas. To be eligible for jury service, the deaf juror would have to be proficient in the use of sign language. Each deaf juror would require an interpreter for all activities in the court.

Based on past experience, it is estimated that approximately fourteen deaf individuals could be called for service in a year. Based on probabilities of jury service for 1986, it is projected that thirteen of the jurors would be called for service in Anchorage and the other juror would be called in either Fairbanks or Juneau. Qualified interpreters are available in these locations.

Interpreter fees are estimated to cost \$4,600 per year.

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STATE OF ALASKA 1987 LEGISLATIVE SESSION

FISCAL NOTE SENATE

BILL VERSION: CSSB 1(Jud)
PUBLISH DATE: 3/31/87

REQUEST:

Revision Date:
Title: Rights of Physically and
Mentally Disabled Persons

Agency Affected: Office of the Governor
BRU: Commission, Special Issues

Sponsor: Duncan and Szymanski
Requestor: Health, Education and Social
Services; Judiciary; Finance

Component: Human Rights Commission

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		0	0	0	0	0

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

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

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL		0	0	0	0	0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS :

As requested by Senator Paul Fischer

Prepared by: Michael A. Nizich, Director
Division: Div. of Administrative Services

Phone: 465-3616
Date: 3-6-87

Approved by Commissioner: Carol P. Kastelic
Agency: Exec. Assistant, Office of the Governor

Date: 3-6-87

Distribution (by preparer):

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

Replaces No. 95 Fiscal Note

97

STATE OF ALASKA 1987 LEGISLATIVE SESSION
FISCAL NOTE

Bill Version CS S.B. 1
Publish Date: 3-5-87

REQUEST: _____

Revision Date: _____
Title: An Act Relating To The Rights Of
Physically & mentally disabled persons.
Sponsor: Duncan
Requestor: _____

Agency Affected: Health & Social Services
BRU: Community Mental Health
and Developmental Disabilities
Components: Developmental Disabilities

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
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 :

Prepared by: Christine L. Haqmeier Phone: 465-3370
Division: Mental Health and Developmental Disabilities Date: 1/22/87

Approved by Commissioner: Kam Rudul Date: 1/30/87
Agency: Health and Social Services

- Distribution (by preparer):
- Legislative Finance
 - Legislative Sponsor
 - Requestor
 - Office of Management and Budget
 - Impacted Agency(ies)
 - Senate Secretary

STATE OF ALASKA
THE LEGISLATURE

POUCH Y - STATE CAPITOL
JUNEAU, ALASKA 99811
907 465-3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

March 31, 1987

SUBJECT: Sectional analysis of CSSB 1(Jud) -- rights
of physically and mentally disabled persons

TO: Senator Jim Duncan

FROM: Edward H. Hein *EHA*
Legislative Counsel

Section 1 adds two new subsections to AS 09.20.010, relating to qualifications of jurors. Subsection (b) provides that persons who suffer from loss of hearing, sight, or mobility are not automatically disqualified from jury service. Subsection (c) requires the court system to provide and pay for interpreters and readers for deaf and blind jurors.

Sec. 2 is the so-called "white cane" law that imposes on motor vehicle drivers a higher duty of care with respect to pedestrians who are physically disabled and identifiable because they are using a white or metallic cane, a wheel chair, crutches or other mobility equipment, or a service animal, such as a dog guide. This provision has been placed in AS 09, the Code of Civil Procedure, because it relates to civil liability. The mentally disabled are omitted from this section because they do not use white canes, mobility equipment, or service animals, and are not readily identifiable by motorists. Definitions are inserted for "physically disabled pedestrian" and "service animal".

Sec. 3 establishes the crime of interference with the rights of a disabled person. This provides that it is a class B misdemeanor to prevent or restrict a physically or mentally disabled person from using streets, sidewalks, and walkways to the same extent as any other pedestrian. It is also a class B misdemeanor under this section to refuse to allow a physically disabled person to bring his or her service animal into a common carrier or other place open to the public. The service animal must be certified as having completed a training course, and the disabled person is liable for any damage the animal does to the property.

Senator Duncan
Page 2
March 31, 1987

Sec. 4 amends the criminal presumptive sentencing provisions by making it an aggravating factor to commit certain felonies against a physically or mentally disabled person because of the person's disability. The finding of an aggravating factor allows the court to increase what would otherwise be the presumptive sentence.

Sec. 5 directs the state Human Rights Commission to adopt regulations about when reasonable accommodations must be made for disabled persons in employment, financing, credit, public accommodations, housing, and government of services. The commission would have the authority to adopt regulations requiring some alteration necessary to make reasonable accommodation for a disabled person.

Secs. 6 - 12 and 14 amend various sections of AS 18.80 to ensure that those sections cover physically and mentally disabled persons. The amended sections require the State Human Rights Commission to study problems of discrimination. The sections amended also make certain discriminatory practices unlawful. These include discrimination in housing, employment, public accommodation, sale and rental of real property, lending, and the provision of state or federal funds, services, goods, facilities, advantages, and privileges. Sec. 7 also transfers to AS 18.80.200 the statement of state policy in AS 18.06 and amends it to say that it is the state's policy to encourage and enable mentally disabled persons, as well as physically disabled persons, to participate fully in the social and economic life of the state and to be employed. Sec. ~~13~~ also provides that it is not unlawful to post notice that facilities to accommodate the physically or mentally disabled are not available.

Sec. 13 provides that a financial institution may refuse to contract with someone if the institution has reasonable doubts about the person's legal capacity to contract, despite the fact that the institution may not otherwise consider a person's mental or physical disability.

Sec. 15 adds new definitions to AS 18.80 in order to incorporate federal definitions of "physical and mental disability".

Sec. 16 repeals AS 18.06. The provisions of that chapter have been transferred to AS 09, AS 11, and AS 18.80. Sec. 16 also repeals AS 18.80.300(11), which is the definition of "physical handicap" for purposes of AS 18.80.

EHH:mkr
m10/073



THE ALASKA ALLIANCE FOR THE MENTALLY ILL

"An affiliate of the National Alliance for the Mentally Ill"

February 7, 1987
Box 211247
Auke Bay, 199801

Senator Jim Duncan
Alaska State Senate
Juneau, Alaska, 99801

Dear Senator Duncan and Members of
the Senate Health and Social Services
Committee:

The Alaska State Alliance for the Mentally Ill endorses Senate Bill 1 as introduced this year. We believe the draft as presented offers substantial gains in equity for disabled persons in Alaska. By including the disabled populations in this Statute, discrimination is prohibited in many significant areas. Since this law is parallel to Federal legislation, the disabled have long been denied equal protection under the law.

In particular, we wish to commend you on solving some of the more difficult problems with the bill that were advanced last session. The decision to submit to the regulation process those details which caused concern to the banking and housing industries is a much fairer way to address the issue. To what extent and under what circumstances an employer, a lender, or landlord has a right to know of a persons disability, whether or not it is physical or mental, must be carefully determined on the greater need and we believe the Civil Rights Commission has the expertise to make that determination.

One of the most controversial parts of the bill last year was whether or not to include the mentally ill among the disabled population. We would like to advance the following supportive information on this issue:

* The mentally ill are no more "dangerous" than the general population, and courts are now supporting the civil rights of the mentally ill in cases involving zoning laws restricting group homes.

* Those with long time or serious mental illness are among the minority of those who have had mental illness. For example in the State of Alaska, of the 8,000 cases treated by the Community Mental Health Centers, only 613 of these have serious mental illness. Should those who just have one episode or who have a situational distress which causes them to receive treatment be required for the rest of their lives to disclose that treatment? Among those with even the most serious mental illness schizophrenia, about 1/3 of the cases recover after only one episode.

* The mentally ill are the most stigmatized of any subgroup in the United States. Last year our members reported several incidents of discrimination. One of them involved a person having to disclose being under treatment for mental illness on their drivers license and another was denied general health insurance because of a nervous breakdown. In both cases, the question was not related to the request. Being a safe driver does not necessarily relate to having had an incidence of mental illness whereas perhaps a more appropriate question would be " Are you under medication which would make you drowsy ?" Why should someone be a greater risk of breaking a leg or contracting cancer simply because they have experienced mental illness? We know of no research which supports this. Certainly having cancer would be of concern to lenders but there is no requirement for persons with illnesses which might be considered "terminal" to have to disclose their condition.

This is not to say that the mentally ill are all worthy of extended credit, every individual in our State must qualify according to the rules of the lending agency providing assurances of their assets etc. Decisions must be made on a case by case basis. However, to the extent that they are functioning members of society the mentally ill should have the same rights to seek employment, have access to public facilities and other rights afforded citizens of the State of Alaska.

Sincerely,

Sharron Lobaugh
Pres. Alaska Alliance
for the Mentally Ill



PEOPLE - ANIMAL - CONNECTION

February 11, 1987

Dear Senator Fischer:

I am president of People-Animal-Connection/Delta Society. This letter is in support of SB1. We are the group which in conjunction with Alaska SPCA train the service animals for the physically/mentally disabled individual. Alaska is the only state in the USA which does not have legislation regarding service animals.

We presently have 20 service animals in Alaska with requests for many more, but need the legislation before we can place these animals.

We define a service animal as an animal which is trained as a hearing/blind guide animal or as a support animal for a person who has physical disabilities such as stroke or accident patient. *WHO MAY BE CONFUSED TO GET AN ASSISTANCE*

Our trainer is a certified obedience trainer who has trained with numerous other institutions that train and place service animals. Our main facility is at the training center of the Alaska SPCA and our trainers home kennel as well as field work areas.

These animals pass a vigorous physical/temperment test and upon completion of their training are certified by a committee from the PAC/Delta Society.

These animals are then provided with the proper ID colored collar/harness and the owner is given a certified card which states the animal to be a certified service animal. Our animals have been placed in Anchorage, Valdez, Palmer, and Fairbanks.

The animals provide a vital function for many people in our state. They provide physical support, mental support and love to persons who otherwise may not have any support network. These service dogs and their owners need this legislation as protection for their rights and abilities to work together and live together as a team.

If SB1 cannot find support for its passage then I encourage the HESS committee to take the service animal portion out of SB1 and introduce it as a separate bill. Originally, the service animal bill was separate legislation but in the last 2 years it has become "hung up" with other legislation. I urge strongly either the passage of SB1 or separate legislation for the service animal. Many people in Alaska are concerned with this and I hope they will be contacting the committee members over the next few days.

I would be willing to answer any questions regarding my letter or support of legislation for the service animal. *WE DO HAVE MODEL LEGISLATION FROM OTHER STATES & ORGANIZATIONS WHICH WE WOULD BE HAPPY TO PROVIDE*
Thank you very much.

Sincerely,

Joyce M. Murphy
Joyce M. Murphy, D.V.M.

Dear Senator Fisher,

My husband and I are in the process of setting up a training facility for hearing ear dogs in Homer. So we are concerned about Senate Bill 2060, which provides equal access for guide dogs. We have identified five short coverings of in the bill as it is now written.

First of all, the definition of a service animal needs to be clarified. Dogs are being trained to aid people in the major life activities of seeing, hearing, and mobility. We favor limiting the definition of service animals to dogs only.

Secondly, the bill needs to clarify just what a training facility is. Both John Leedum (who trains support dogs in Anchorage) and I have studied under one of the original hearing dog trainers, Donald P. MacMunn. The American Humane Society in Denver, Colorado has a listing of hearing ear dog training

facilities throughout the United States.

Third, the bill should include some way in which a support dog can be identified. A number of different systems exist now in other states. Bright yellow or orange harnesses are used, as well as brass name plates on plain harnesses. Photo identification cards which picture the dog and the dog's owner or trainer are widely used. The identification card also lists the training facility and cites the law which gives the dog equal access. We recommend that because there is no standardized identification among states, that all the above listed be allowed until support dog programs of the country recommend standardization.

Fourth, because the identification card cites the law which gives the support dog equal access, the law should have a statutory title which makes it easily recognized as a law that grants equal access to support dogs.

SE

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Lastly, the bill should also grant the support dog equal access when it is accompanied by its trainer. It is important that while in training the dog be taught how to behave in public buildings.

We would appreciate your support in passing this bill, and your consideration of these recommendations, as there will be increasing numbers of dogs assisting physically handicapped people.

Sincerely,
Wendy Norman

P.S. If you have any questions, please feel free to contact me at 235-7690.

JUSTICE

Can Justice Be Deaf, Too?

A fight over jury service

When Allen Hammel was called to jury duty in Blair County, Pa., last month, he attracted more attention than the assault case he helped decide. The 3-year-old postal worker is deaf, and he was assisted throughout the two-day trial and jury deliberations by an interpreter using sign language. Hammel performed well, according to fellow jurors. "He was more observant than some people with all their senses," said foreman Josette Shiffler of Altoona. But Hammel is one of only a handful of hearing-impaired people who have been allowed to serve on juries. Earlier this month, JoAnn DeLong, a deaf assembly-line worker in the same county, filed suit in federal court challenging her exclusion from a jury by a different Blair County judge. "I didn't feel like an American citizen anymore," she says.

Only a few years ago exclusion of deaf



'I didn't feel like a citizen': DeLong with interpreter

people from juries was automatic; Arkansas still has a court-approved ban on seating deaf jurors. "With so many people who don't want to serve on jury duty, it's really incredible that deaf people are still excluded," says Muriel Strassler of the National Association of the Deaf, which is lobbying states for new jury laws.

Few states have laws governing jury service by the deaf. Most, including Pennsylvania, leave the decision to individual trial judges, and practices differ widely,

premier may not be able to convey emotions or a witness's tone of voice. Some opponents also believe that the presence of a 13th person in the jury room violates the sanctity of deliberations.

Body posture: That's nonsense, contends Kenneth Rust, a board member of the Registry of Interpreters for the Deaf, which certifies translators. Through such tactics as body posture and speed of gestures, interpreters can convey the meaning of language as accurately as the spoken word, he says. Rust believes that the

presence of an extra person during deliberations is irrelevant, because interpreters are ethically bound to convey only the conversation, without injecting their feelings or opinions. Most states already require the courts to provide interpreters for deaf defendants and witnesses in criminal cases. "What's the difference?" Rust asks.

Opponents also fear that interpreters could prove costly. But advocates say the cost averages only around \$20 an hour. One deaf juror in Oregon answered that argument with finality. When the court refused to pay for his interpreter, he footed the \$400 bill himself.

That same brand of determination gave birth to JoAnn DeLong's lawsuit. "I've been fighting for my rights all my life," said DeLong, who lost her hearing at seven to spinal meningitis. "Maybe now I can help change things for other deaf people." If necessary, she says, she'll ask the U.S. Supreme Court to determine if justice can be deaf as well as blind.

GINNY CARROLL

RELIGION

The Condom Preacher—And His Pantless Past

Two weeks ago the Rev. Carl F. Thitchener became famous as the minister who handed out condoms at his church outside Buffalo, N.Y. (NEWSWEEK, Feb. 16). The point, said Thitchener, was not to promote promiscuity but to educate the public on the danger of AIDS and how to slow its deadly spread. Now the Unitarian Universalist's sudden notoriety has plunged him into deeper controversy: according to police files, Thitchener has an arrest record that stretches back 30 years.

Thitchener's last brush with the law occurred in 1984, when he was put on five years' probation following his second conviction for drunken driving. Two years earlier a woman Scout leader who was conducting a meet-

ing in a church with a group of Brownies told police that a man with no pants or underwear was parading outside. Later, police arrested Thitchener after he drove through a MacDonald's restaurant in a similar state of undress. He pleaded guilty to disorderly conduct and was fined \$75. His record also includes a conviction for public exposure in 1958. And the year before that, charged with attempted rape and attempted burglary, he had pleaded guilty to second-degree assault.

Thitchener, who was ordained in 1980 and hired a year later by the Unitarian Universalist church in Williamsville, N.Y., claimed the 1982 incidents involve someone who stole his driver's license. The police disagree.

Nevertheless, the church's board of trustees unanimously voted to support their beleaguered preacher. "I think his message on AIDS is going to save lives," says former board member Victor Doyno. "If any of this material about his past is true, he was very brave for having gone ahead with his sermon."

Notorious: Thitchener

JOE TRAVER—GAMMA-LIAISON



share of an additional 3 percent of cases with undetermined causes may have spread through heterosexual intercourse as well.

Part of the mystery and fear about AIDS arises from the fact that many carriers of the virus are not aware of it. The virus can lurk in the body without causing disease and, among those who develop AIDS, the average time between infection and diagnosis of AIDS may be five years or more.

While much remains to be learned about AIDS, scientists assert with confidence that studies of victims and disease patterns have provided a clear picture of how the virus has spread in this country, and how it has not.

Q. How does AIDS spread?

Many studies have documented the spread of the AIDS virus to an uninfected person through anal or vaginal

cause anal sex often involves breaks in rectal tissues, thus allowing easier entry of the virus into the bloodstream. Studies suggest that the receptive partner in anal sex is at greater risk. One study has suggested that the virus may be able to directly infect cells in the colon.

Q. Can the virus spread from an infected person in vaginal intercourse?

believe the virus may also enter through mucous membranes or other soft tissues in the genital areas. No one knows if the virus can penetrate the lining of the male urethra, the tubelike passage through which urine flows.

Q. What is the risk of getting the virus from a single act of vaginal intercourse with an infected person?

Precise data are lacking. From indirect evidence, Federal scientists judge the risk of transmission in a single encounter to be low. Quantification is complex: Some infected people have said they had only a single exposure, while other people who have had hundreds of exposures have escaped infection. Still, several studies have shown that with repeated intercourse, as many as half the sexual partners of infected men or women become infected.

In Africa, where vaginal intercourse is believed to be the major means of spreading AIDS, studies suggest that the virus may pass more easily among people who have had gonorrhea, genital herpes or other sexually transmitted diseases, perhaps as a result of open sores in the skin of the genital area and the presence there of larger than usual numbers of the types of white blood cells that the virus invades.

Q. Can the virus spread through oral sex?

and condoms are believed to offer a high degree of protection. However, condoms are not foolproof: They may tear, slip or be misused, and in one study two cases were documented in which the virus passed between partners who used condoms in intercourse over an extended period. Because the virus may be present in men's pre-ejaculation emissions and in vaginal secretions, experts recommend that

Bishops Say Condoms May Not Prevent AIDS

DALLAS, Feb. 14 (AP) — More than 150 Roman Catholic bishops meeting here have concluded that abstinence and marital fidelity are better weapons to fight AIDS than are condoms, which they believe create a false sense of security, a bishop said Friday.

The group determined that health officials, in promoting condoms, might be misleading the public since condoms do not always prevent transmission of the disease, said Bishop Leroy Matthiesen of Amarillo. The Catholic church has long opposed artificial birth control.

Catholic bishops from the United States, Mexico and Central America took part in the conference this week on medical research. The group plans to develop an educational program emphasizing abstinence for single people and fidelity for married couples, the Bishop said.

At the conference, Dr. Lamber N. King of St. Vincent's Hospital in New York presented a paper citing studies that showed condoms offered 70 percent protection from acquired immune deficiency syndrome.

If condom advertisements are put on television, "it's going to boomerang with people who do not listen carefully," Bishop Matthiesen said.

Msgr. William B. Smith, professor of moral theology at St. Joseph Seminary in New York, outlined an ethical pastoral approach for the bishops.

Bishop Matthiesen said the monsignor's theme was that the bishops should be kind when dealing with AIDS victims. The Bishop said: "The way he phrased it is that is we don't condone sin, but neither do we condone self-righteousness, judging people. There's a natural temptation to do that."

"We want to have a strong emphasis on marital fidelity," he said, adding that the threat of AIDS was a new argument in support of fidelity. "And for those who are not married," he added, "we are going to emphasize celibacy."

Deaf Woman Sues Over Jury

PITTSBURGH, Feb. 14 (AP) — A woman barred from serving on a jury because she is deaf has sued the Blair County judge who dismissed her, alleging she was a victim of discrimination.

The woman, JoAnn DeLong, alleged in her suit that the judge, R. Bruce Brunbaugh, violated a Federal act that prohibits discrimination against the handicapped in any activity in which Federal funds are used when he dismissed her in October.

The lawsuit, filed Wednesday in Federal District Court, is intended to establish that Federal funds help finance county court operations, her lawyer, Robert W. Lape, said Thursday.

Ms. DeLong is seeking no financial damages, only a court order to permit the disabled to participate on juries.

Judge Brunbaugh did not return telephone calls made to his office.

Ms. DeLong was called as a potential juror for a civil case, but Judge Brunbaugh rejected her before lawyers for either side questioned her, Mr. Lape said.

Ms. DeLong had full hearing until the age of 7 and "can speak amazingly well," he said. An illness left her without any hearing.

She uses an interpreter who translates word by word under the Signed English system, Mr. Lape said. Under another system, American Sign Language, translators skip some words in favor of concepts, he said.

In dismissing Ms. DeLong, Judge Brunbaugh cited a Pennsylvania case in which a criminal defendant received a new trial after it was learned that one juror's hearing was impaired.

A general argument against seating deaf jurors is that jurors often must weigh the credibility of witnesses by subtle aspects of the way they answer questions.

"That's probably the major argument," Mr. Lape said. "We say the deaf are used to judging from facial expressions and other nonverbal demeanor. Deaf people may even be more perceptive visually."

NY Times Sunday Feb. 22, 1987

Hearing impairment probably not discovered until after trial.

HOUSE COMMITTEE REPORT

(7)

Date referred: 4/3/87

FURTHER REFERRALS: Judiciary

DATE: 4/28/87

The Health, Education and Social Services Committee has considered CSSB 1(Jud)

"An Act relating to the rights of physically and mentally disabled persons."

RECOMMENDS:

- replace with _____ the same title
- attached amendment(s) a new title
- do pass
- do not pass
- no recommendation
- individual recommendations
- additional referral to the _____ Committee

ADOPTS: _____ letter of intent

ATTACHES NEW FISCAL NOTE(S):

- fiscal impact same as previous fiscal notes published _____
- zero fiscal note same as previous zero fiscal note published _____
- zero with analysis

SIGNING DO PASS:

RACE & TELL
 Ellis
 Rita Korman
 Bill Hurd
 Mark Munberg

SIGNING OTHER RECOMMENDATIONS:

Renee Harley - No Rec
 Dave Donley - NO REC

Rita Korman
 Co Chairman's signature
 Ellis

S B

15

STATE OF ALASKA THE LEGISLATURE

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May, 1988

Copies of minutes listed below were originally included in this file. The minutes are available on the STAIRS database CMPR. In order to save space copies of minutes have not been left in the files.

Mary Van Nimwegen

H. JUD.	4-28-88	1:30p.m.
H. JUD.	4-27-88	1:30p.m.

HOUSE COMMITTEE REPORT

(7)

Date referred: 3/16/88

FURTHER REFERRALS:

DATE: April 28, 1988

The Judiciary Committee has considered CSSB 15(Jud)

"An Act relating to trade secrets."

RECOMMENDS:

- replace with _____ the same title
- attached amendment(s) a new title
- do pass
- do not pass
- no recommendation
- individual recommendations
- additional referral to the _____ Committee

ADOPTS: _____ letter of intent

ATTACHES NEW FISCAL NOTE(S):

- fiscal impact same as previous fiscal note published _____
- zero fiscal note same as previous zero fiscal note published 3/16/88
- zero with analysis

SIGNING DO PASS:

[Handwritten signatures]

SIGNING OTHER RECOMMENDATIONS:

[Handwritten signature]

Chairman's signature

STATE OF ALASKA

DEPARTMENT OF LAW

OFFICE OF THE ATTORNEY GENERAL

BILL SHEFFIELD, GOVERNOR

P.O. BOX K—STATE CAPITOL
JUNEAU, ALASKA 99811
PHONE: (907) 465-3600

February 3, 1987

The Honorable Tim Kelly
Alaska State Legislature
P.O. Box V
Juneau, AK 99811

Re: SB 15 (Trade Secrets)

Dear Senator Kelly:

Mark Johnson of your office asked the Department of Law to propose language which would alleviate our concerns about the application of SB 15 to the Alaska Consumer Protection Act, AS 45.50.471 et seq. and the Alaska Restraint of Trade Act, AS 45.50.462 et seq.

Our suggestion would be to add another subsection to proposed AS 45.50.930, "Effect on Other Laws," to read:

(c) AS 45.50.910 - 45.50.945 do not apply to investigations or actions by the Attorney General under the Unfair Trade Practices and Consumer Protection Act, AS 45.50.471 -- 45.50.561, or under the Restraint of Trade Act, AS 45.50.562 -- 45.50.596.

Thank you for your consideration of this proposed language.

Sincerely,

GRACE BERG SCHAIBLE
ATTORNEY GENERAL

By: 

Richard D. Monkman
Assistant Attorney General

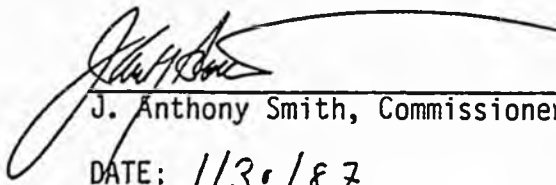
RDM:nb

Backup

SB 15 An Act relating to trade secrets.

The Department of Commerce and Economic Development has no position on this bill.

Although the bill amends Title 45, which generally applies to the department, Section 50 does not contain a stipulation of responsibility for the department. Sec. 45.50.910(a) stipulates that a court may provide relief. Under this circumstance, the department defers to the Department of Law.



J. Anthony Smith, Commissioner

DATE: 1/30/87

5282W13087a

STATE OF ALASKA 1987 LEGISLATIVE SESSION
FISCAL NOTE

SENATE
BILL VERSION: CSSB 15(Jud)
PUBLISH DATE: 3/13/87

REQUEST: _____

Revision Date: _____
Title: "An Act relating to trade secrets."

Agency Affected: Department of Law
BRU: Legal Services, Consumer Protection

Sponsor: Senator Faiks
Requestor: Senate Labor and Commerce

Components: Antitrust, Consumer Protection

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		-0-	-0-	-0-	-0-	-0-

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

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

FUNDING: (Thousands of Dollars)

GENERAL FUND		-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

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

ANALYSIS :

Please see attached analysis.

Prepared by: Richard I. Pegues, Director Phone: 465-3672
 Division: Administrative Services Date: Jan. 27, 1987
 Ronald W. Lorensen,
 Approved by Commissioner: Acting Attorney General Date: Jan. 27, 1987
 Agency: Department of Law

Distribution (by preparer):

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

170/21
CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. SSB15 Sub

This legislation could have an adverse impact on the Department of Law's enforcement of both the Restraint of Trade Act (AS 45.50.562) and the Consumer Protection Act (AS 45.50.471). Under both of these statutes, the attorney general routinely subpoenas information which could be classified as "trade secret" under SB15. Consequently, prospective defendants could use SB15 to block or delay our investigations.

The cost of investigations and prosecution of antitrust and consumer protection cases could go up as a result. Because it is difficult to quantify increased cost, any estimate on our part would be speculative at best. More importantly, enactment of the bill in its present form could seriously delay the state's ongoing antitrust activities. It is therefore recommended that the bill be amended by adding a clause exempting investigations and prosecutions by the attorney general.

No. 41

STATE OF ALASKA 1987 LEGISLATIVE SESSION
FISCAL NOTE

Bill Version:
Publish Date:

SENATE
CS SB 15 *jud*
2/12/87

REQUEST:

Revision Date:
Title: An Act Relating to Trade
Secrets
Sponsor: Faiks & Kertula
Requestor: Senate Labor & Commerce

Agency Affected: Alaska Court System
BRU: Trial Courts

Components:

<u>EXPENDITURES/REVENUES:</u>		<u>(Thousands of Dollars)</u>					
	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92	
OPERATING							
Personal Services	
Travel	
Contractual	
Supplies	
Equipment	
Land & Structures	
Grants & Claims	
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0	
CAPITAL	
REVENUE	

<u>FUNDING:</u>		<u>(Thousands of Dollars)</u>					
	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92	
General Funds	0.0	0.0	0.0	0.0	0.0	0.0	
Federal Funds	. . . .	. . . .	. . . .	. . . .	. . . .	. . . .
Other	. . . .	. . . .	. . . .	. . . .	. . . .	. . . .
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0	

<u>POSITIONS:</u>							
Full-time	. . . .	. . . .	. . . .	. . . .	. . . .	. . . .
Part-time	. . . .	. . . .	. . . .	. . . .	. . . .	. . . .
Temporary	. . . .	. . . .	. . . .	. . . .	. . . .	. . . .

ANALYSIS:

No fiscal impact.

Prepared by: Robert G. Fisher, Fiscal Officer
Division: Alaska Court System

Phone: 264-8215
Date: 1-27-87

Approved by: *Stephanie Cole*
Stephanie J. Cole, Deputy Director
Agency: Alaska Court System

Date: 1-27-87

- Distribution (by preparer):
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 - Office of Management & Budget
 - Impacted Agency(ies)
 - Senate Secretary

Alaska State Legislature

APR 8 1987



PRESIDENT
907-465-3755

JAN FAIKS
POST OFFICE BOX V
JUNEAU, ALASKA 99811

Senate

April 6, 1987

MEMORANDUM

TO: Representative Dave Donley, Chairman
House Labor and Commerce Committee

FROM: Senator Jan Faiks
President of the Senate *Jan Faiks*

SUBJECT: Background on Senate Bill 15
An Act relating to trade secrets

Senate Bill 15 has been referred to your committee for consideration. This bill proposes the enactment of the Uniform Trade Secrets Act in Alaska.

The purpose of the act is to provide statutory protection for persons who develop and own trade secrets in Alaska. By protecting trade secrets, the person who develops and owns them obtains a competitive advantage which is different from, but in addition to, protection allowed under the federal patent and copyright laws.

Trade secrets are identified by an element of secrecy. A trade secret is not merely the privacy in which an ordinary commercial business is carried on; rather, it is something known to only one or a few, which is kept from the general public, and not susceptible of general knowledge. The nature of a trade secret is such that so long as it remains a secret it is valuable property to its possessor, who can exploit it commercially to his own advantage.

The classic example of a trade secret is the formula for Coca-Cola. Had the company sought a patent on the formula, it would have been kept a secret from the public for a period of seventeen years. Upon the expiration of the patent, all the

OUT OF SESSION

6060 YUKON DRIVE ANCHORAGE, ALASKA 99516 907-274-6611

world would have access to the formula, thus extinguishing the monopoly that the Coca-Cola Company has had to produce its beverage. Instead, by keeping the formula as a trade secret, the company has had exclusive use of it for almost one hundred years.

A patent is best described as a contract between the inventor and the public, providing a seventeen-year monopoly for disclosure of the idea.

The protection of ideas depends on the nature of the idea. If the product itself can be used to determine the invention, then protection by patent should be used. For example, if the invention contained in a marketed product can be ascertained by taking the product apart, then patent law will provide the inventor with a monopoly of his idea for a period of seventeen years. To properly qualify for patent protection, the material must merit such monopoly.

However, if the idea can be kept a secret even if it is marketed, as in the example of Coca-Cola, then trade secret protection should be sought.

Technical innovation and its development into marketable products can take place only in surroundings that encourage the development of new ideas and protect the right of developers to grow and profit from their work. The protection provided by trade secret legislation is essential to an innovative society.

Given the unusual geographical and climatic conditions in our state, Alaskans have historically been innovative in developing unique means and methods to solve unusual and challenging construction and industry problems. As such, Alaskans should be afforded protection from misappropriation of their efforts, which are of value to the public at large.

Senate Bill 15 proposes the following:

Section 1. AS 45.50 is amended to add the Alaska Uniform Trade Secrets Act (AS 45.50.910 - 45.50.945)

AS 45.50.910 (a). A court may enjoin actual or threatened misappropriation of trade secrets. An injunction will be terminated when the trade secret has ceased to exist, or within a reasonable time thereafter to eliminate commercial advantage that would otherwise be derived from such misappropriation.

AS 45.50.910 (b). The court may issue an injunction which conditions future use of a trade secret upon payment of a reasonable royalty, should it determine that it would be unreasonable to prohibit such future use.

AS 45.50.910 (c). The court may order affirmative acts to protect a trade secret.

AS 45.50.915 (a) The complainant may recover for unjust enrichment and damages for the actual losses caused by the misappropriation.

AS 45.50.915 (b). Exemplary damages in an amount up to twice the actual damages may be awarded for willful and malicious misappropriation.

AS 45.50.920. The court shall preserve the secrecy of an alleged trade secret by reasonable means.

AS 45.50.925. An act for misappropriation must be brought within three years of discovery of the misappropriation.

AS 45.50.930(a). This act displaces conflicting tort, restitutionary, and other state laws which effect civil liability for misappropriation of a trade secret.

AS 45.50.930 (b). This act does not affect contractual or other civil liability or relief that is not based upon misappropriation of a trade secret, or criminal liability which may arise from such misappropriation.

The Committee Substitute prepared by the Senate Judiciary Committee adds additional language to exempt the investigation and prosecution of antitrust and consumer protection cases by the Attorney General, as the Department of Law felt that this legislation might have an adverse effect on its enforcement in these areas.

AS 45.50.935. This act shall be applied and construed to make the laws consistent with respect to trade secret legislation enacted by other states.

AS 45.50.940. Definitions of relevant terms.

AS 45.50.945. This act shall be named the Alaska Uniform Trade Secrets Act.

I would appreciate the committee's consideration of this legislation at its earliest convenience. Should you need any additional information, please let me know.

Thank you.

FISCAL NOTE

REQUEST:

Revision Date: March 11, 1988
Title: "An Act relating to trade secrets."

Agency Affected: Department of Law
BRU: Legal Services
Consumer Protection
Components: Antitrust
Consumer Protection

Sponsor: Senate Judiciary
Requestor: House Labor & Commerce

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL						
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REVENUE						
---------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

GENERAL FUND	-0-	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

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

ANALYSIS : (Attach a separate page if necessary)

Please see the attached analysis.

Prepared by: Richard I. Pegues, Director Phone: 465-3672
Division: Administrative Services Date: March 11, 1988
Approved by Commissioner: Richard I. Pegues / FOR /
Grace Berg Schaible, Atty. Gen. Date: March 11, 1988
Agency: Department of Law

Distribution (by preparer) :

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

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. CSSB 15 (Jud.)

The Senate Committee Substitute for SB 15 exempts investigations or actions by the attorney general, under the state's unfair trade practices and consumer protection act and the restrain of trade act, from the bills provisions, which protect against the misappropriation of trade secrets. Without this exception, parts of the bill would seriously delay the state's ongoing antitrust activities. Because of the substitute change, contained in Section 1 under AS 45.50.925 (c), there will not be a fiscal impact for the Department of Law.

3 + 4

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KENNETH D. JENSEN
R. EVERETT HARRIS
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SCOTT H. FINLEY
TIMOTHY C. VERRETT
KENNETH W. LEGACKI

April 24, 1987

Representative Dave Donley
Chairman, Labor & Commerce Committee
Alaska House of Representatives
P.O. Box V
Juneau, Alaska 99811

Dear Representative Donley:

Congratulations on your assuming the Chairmanship of the House Labor & Commerce Committee. Your legal training and experience will undoubtedly prove to be of great benefit in fashioning legislation to guide the state in these troubled economic times.

In connection with the Cowper administration's efforts to create fertile soil for the planting and growth of new and fruitful private industry, I write to urge your support of Senate Bill 15, the Uniform Trade Secrets Act, which has passed the Senate unanimously and is now in your committee for consideration.

As you may know from your own law practice or experience, trade secret protection is not a substitute for patent protection under the federal patent laws. It is primarily aimed not so much as protection of a particular device or invention, but from wrongful appropriation of any information which is unique in some way and provides an economic advantage because it is not generally known.

Trade secret information can include a device or invention (whether eventually patentable or not); an improvement on a device; a process of manufacturing or a method of manufacturing; customer lists; computer software; knowledge of particular economic information (such as feasibility and marketability and/or demand for a particular products or services); engineering data; recipes; etc.

Usually trade secret disputes arise where a competitor to an individual possessing such information engages in industrial espionage of some kind or type, either through contact with a competitor's employers or by other means, or, very often, through an employee who either learns of or simply appropriates one's employers trade secret information and

Representative Dave Donley
April 24, 1987
Page 2

utilizes it for the benefit of him or herself, or seeks to market it to a competitor.

It is only fair that the possessor of trade secret information be protected, with at least a statute which defines generally the nature of a trade secret and what constitutes misappropriation. S.B. 15 is such a statute. It is only fair that individuals who might be tempted to take and utilize information of another be apprised by statute as to the standards of conduct to which they will be held by law. It is also only fair that people who receive trade secret information (even though themselves not culpable), be apprised by law of the risks of receiving and benefiting from such information under circumstances where the information has been misappropriated.

The leading authority on trade secret law in this country is Roger M. Milgrim, author of Milgrim on Trade Secrets, published by Matthew Bender & Co. We have contacted Mr. Milgrim, a member of the New York Bar, about the possible enactment of a uniform trade secrets act in Alaska and he has commented that there are three principal reasons why the act should be passed in Alaska.

First, Mr. Milgrim believes that passage of the act would be helpful in attracting industry, particularly high-tech industry, which is acutely conscious of the value of and the need for protection of trade secret information. Second, Mr. Milgrim suggests that by enactment of the act, the state would have not merely the benefit of the act itself, but the case law which exists from other jurisdictions directly interpreting the terms of the act. Finally, Mr. Milgrim comments that enactment of the act would put Alaska in the vanguard of progressive states which are recognizing the needs for trade secret legislation in light of modern emerging industrial needs.

There are also several general salutary benefits to be gained from passage of the Uniform Trade Secrets Act. First, legislative definition of the standards of business and personal conduct which are the subject of the act will avoid having those definitions made by the Supreme Court of Alaska on a case by case basis. Secondly, the objectives of the Uniform Trade Secrets Act are totally consistent with the announced policies of the Cowper administration to plant, nurture and tend imaginative, inventive private enterprise in Alaska. Finally, the Uniform Trade Secrets Act will not cost the state treasury one dime. In fact, because it will define the parties' rights in this field, it may very well discourage litigation.

Representative Dave Donley
April 24, 1987
Page 3

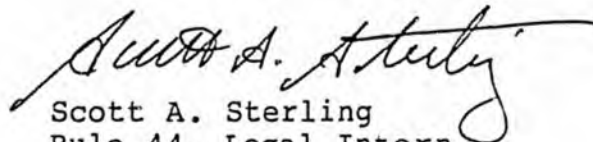
At present, there is no statutory or case law in Alaska with regard to trade secrets. That void necessarily means that in a given case the parties must craft from the common law the basic principals of appropriate relief in each and every case. Passage of the act should mitigate the necessity for litigation and in the event of litigation reduce the costs of deciding what law is applicable.

Should you or any other member of the committee desire further information on the nature and history of the Uniform Trade Secrets Act, please do not hesitate to call or write with your questions and concerns.

Thank you for your consideration.

Very truly yours,

JENSEN, HARRIS & ROTH


Scott A. Sterling
Rule 44, Legal Intern

SAS:bmg

STATE OF ALASKA
THE LEGISLATURE

POUCH Y - STATE CAPITOL
JUNEAU, ALASKA 99811
407 465 3800

LEGISLATIVE AFFAIRS AGENCY

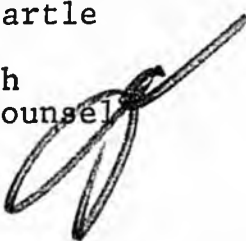
MEMORANDUM

April 25, 1988

SUBJECT: CSSB 15, relating to trade secrets

TO: Representative John Sund, Chair
House Judiciary Committee
ATTN: John Hartle

FROM: Jack Chenoweth
Legislative Counsel



The Senate-adopted committee substitute closely follows the model Uniform Trade Secrets Act approved by the National Commissioners on Uniform State Laws in August, 1979. Modifications are made to conform the model uniform act to the style of Alaska drafting. There are these changes from the model act that are noteworthy:

- (1) In proposed AS 45.50.910, the original bill and the committee substitute recast the language relating to injunctive relief, without making a substantive change.
- (2) The original bill and the committee substitute omit a definition, for purposes of this Act, of the word "person," relying instead on the general definition of the term set out in AS 01.10.060. There is no substantive distinction in the definition of the term under that state statute versus the language suggested in the model uniform act.
- (3) The committee substitute inserts, at p. 2, lines 23 - 26, language specifically disclaiming a limitation by this Act on the authority of the attorney general to investigate or commence actions under either of the two acts specifically cited in that subsection.
- (4) The original bill and the committee substitute omit a suggested section in the model uniform act covering attorney's fees. The text of the omitted section reads as follows:

Representative John Sund
Page 2
April 25, 1988

If (i) a claim for misappropriation is made in bad faith, (ii) a motion to terminate an injunction is made or resisted in bad faith, or (iii) willful and malicious misappropriation exists, the court may award reasonable attorney's fees to the prevailing party.

Apparently, drafting practice has been to omit these special kinds of attorney fee references in deference to the authority of the courts to award fees.

(5) The original bill and the committee substitute omit a suggested section in the model uniform act covering the time of taking effect of the act, and limiting it to misappropriations of trade secrets occurring on and after the bill's effective date. A specific provision is almost certainly not warranted under Alaska law. See AS 01.10.070 and 01.-10.090.

JFC:gc
WKG3:034

SB

17

STATE OF ALASKA
THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY
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POUCH Y - STATE CAPITOL
JUNEAU, ALASKA 99811
907-465-3800

May, 1988

Copies of minutes listed below were originally included in this file. The minutes are available on the STAIRS database CMPR. In order to save space copies of minutes have not been left in the files.

Mary Van Nimwegen

H. JUD. 4-25-88 1:30p.m.

DATE: April 25, 1988

The Judiciary Committee has considered SB 17

"An Act relating to unlawful possession and vandalism of official traffic control devices, disregard of a highway obstruction, and damages to highways."

RECOMMENDS:

- replace with HCS CS SB 17 (JL) the same title
- attached amendment(s) a new title
- do pass
- do not pass
- no recommendation
- individual recommendations
- additional referral to the _____ Committee

ADOPTS: _____ letter of intent.

ATTACHES NEW FISCAL NOTE(S):

- fiscal impact same as previous fiscal note published _____
- zero fiscal note same as previous zero fiscal note published _____
- zero with analysis

SIGNING DO PASS:

[Handwritten signatures]

SIGNING OTHER RECOMMENDATIONS:

[Handwritten signature]

 Chairman's signature

Original sponsors: Faiks and Sturgulewski

1 IN THE SENATE

BY THE JUDICIARY COMMITTEE

2 HOUSE CS FOR CS FOR SENATE BILL NO. 17 (Judiciary)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to unlawful possession and vandalism
7 of official traffic control devices, disregard of a
8 highway obstruction, and damages to highways."

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

10 * Section 1. AS 11.46 is amended by adding new sections to read:

11 Sec. 11.46.460. DISREGARD OF A HIGHWAY OBSTRUCTION. (a) A
12 person commits the crime of disregard of a highway obstruction if,
13 without the right to do so or a reasonable ground to believe the
14 person has the right, the person

15 (1) drives a vehicle through, over, or around an obstruc-
16 tion erected upon a highway under authority of AS 19.10.100; or

17 (2) opens an obstruction erected upon a highway under
18 authority of AS 19.10.100.

19 (b) Violation of this section is a class B misdemeanor.

20 Sec. 11.46.462. UNLAWFUL POSSESSION OF OFFICIAL TRAFFIC CONTROL
21 DEVICE. (a) A person commits the crime of unlawful possession of an
22 official traffic control device if, without the right to do so or a
23 reasonable ground to believe the person has the right, the person pos-
24 sesses an official traffic control device.

25 (b) Unlawful possession of an official traffic control device is
26 a violation and is punishable by a fine of

27 (1) not less than \$100 for the first offense; or

28 (2) not less than \$300 for each subsequent offense.

29 * Sec. 2. AS 11.46.484(a) is amended to read:

1 (a) A person commits the crime of criminal mischief in the third
2 degree if, having no right to do so or any reasonable ground to be-
3 lieve the person has such a right

4 (1) with intent to damage property of another, the person
5 damages property of another in an amount of \$50 or more but less than
6 \$500;

7 (2) the person drives, tows away, or takes the propelled
8 vehicle of another;

9 (3) having custody of a propelled vehicle under a written
10 agreement with the owner of the vehicle that includes an agreement to
11 return the vehicle to the owner at a specified time, the person know-
12 ingly retains or withholds possession of the vehicle without the
13 consent of the owner for so long a period beyond the time specified as
14 to render the retention or possession of the vehicle an unreasonable
15 deviation from the agreement;

16 (4) the person tampers with a fire protection device in a
17 building that is a public place;

18 (5) the person knowingly accesses a computer, computer
19 system, computer program, computer network, or [ANY] part of a com-
20 puter system or network; [OR]

21 (6) the person uses a device to descramble an electronic
22 signal that has been scrambled to prevent unauthorized receipt or
23 viewing of the signal unless the device is used only to descramble
24 signals received directly from a satellite or unless the person owned
25 the device before September 18, 1984; or

26 (7) the person knowingly removes, relocates, defaces,
27 alters, obscures, shoots at, destroys, or otherwise tampers with an
28 official traffic control device or damages the work upon a highway
29 under construction.

1 * Sec. 3. AS 11.46 is amended by adding a new section to read:

2 Sec. 11.46.487. FORFEITURE OF PROPERTY UPON CONVICTION. Fire-
3 arms and other personal property, except a motor vehicle, used in aid
4 of a violation of AS 11.46.460, 11.46.462, or 11.46.484(a)(7) may be
5 forfeited to the state upon conviction of the offender for the crime.

6 * Sec. 4. AS 11.46.490 is amended by adding new paragraphs to read:

7 (5) "highway" has the meaning given in AS 19.45.001;

8 (6) "motor vehicle" has the meaning given in AS 28.40.100;

9 (7) "official traffic control device" means a traffic
10 control device that has been placed on a highway by authority of a
11 state or municipal agency, a utility, or a contractor employed by a
12 state or municipal agency or a utility;

13 (8) "traffic control device" includes a sign, signal, road
14 marker, barricade, flare, warning light, reflector, railroad sign or
15 signal, shield, insignia, milepost, or similar device intended to
16 warn, inform, or control the flow of pedestrian, equestrian, bicycle,
17 or motor vehicle traffic.

18 * Sec. 5. AS 19.25.030 and 19.25.040 are repealed.
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Alaska State Legislature

PRESIDENT
907-465-3755

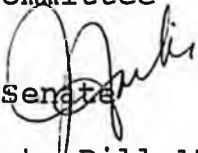
JAN FAIKS
POST OFFICE BOX V
JUNEAU, ALASKA 99811

Senate

May 9, 1987

MEMORANDUM

TO: Representative John Sund, Chairman
House Judiciary Committee

FROM: Senator Jan Faiks 
President of the Senate

SUBJECT: Background to Senate Bill 17
An Act relating to vandalism of official
traffic control devices and damages to highways
and roads.

Senate Bill 17 has been referred to the House Judiciary Committee for consideration. This bill expands the current statutes relating to vandalism of official traffic control devices and damages to highways and roads.

Safety on our highways and roads has long been of prime concern to all Alaskans. In recent years, the increase in the number of vehicles on our roads, along with an increase in major highway construction projects has lead to an alarming rate of accidents.

Vandalism to traffic signs, barricades, warning lights, and other safety devices contributes greatly to the deaths, personal injuries, and property damages suffered each year on our highways, roads, waterways, and other public and private property. The intent of this legislation is to provide criminal sanctions for vandalism to and theft of traffic control devices which have been utilized to protect or warn of dangers to real or personal property.

Senate Bill 17 strengthens the current provisions found in AS 19.25.30-40 by incorporating language of the Model Statute on Vandalism as developed by the American Traffic Safety Services Association. The criminal sanctions specified by this bill

OUT OF SESSION

6060 YUKON DRIVE ANCHORAGE, ALASKA 99516 907-274-6611

conform with those currently provided under the Alaska Statutes.

Since filing, and upon further review of this bill, various concerns were raised, which the CS from the Senate Transportation Committee effectively answers. The particular provisions of that CS are as follows:

Section 1. DISREGARD OF A HIGHWAY OBSTRUCTION/UNLAWFUL POSSESSION OF OFFICIAL TRAFFIC CONTROL DEVICE. AS 11.46 is amended by adding new sections (11.46.460 - 11.46.462) which provide criminal sanctions for the disregard of a highway obstruction or the unlawful possession of official traffic control devices by any person who neither has the right to do so nor a reasonable ground to believe that he does. Disregard of a highway obstruction is a class A misdemeanor (up to one year in prison and \$5,000 fine). Unlawful possession of official traffic control is punishable by not less than \$100 for the first offense, and not less than \$300 for subsequent offenses.

Section 2. CRIMINAL MISCHIEF IN THE 3RD DEGREE. AS 11.46.484(a) is amended by adding a new section (7) which creates the crime of criminal mischief in the third degree for a person who knowingly removes, destroys, or otherwise tampers with an official traffic control device or damages work upon a highway under construction. Section (1) of this statute as presently enacted would cover those situations in which damage is done to the traffic control devices utilized by private persons to protect their property or warn others of possible dangers.

Section 3. FORFEITURE OF PROPERTY UPON CONVICTION. Amends AS 11.46 by adding a new section, 11.46.489, which provides for forfeiture to the state, upon conviction, of firearms and other personal property, excluding motor vehicles, which are used to aid the commission of these acts.

Section 4. DEFINITIONS. Adds new definitions to AS 11.46.490, including "highway", "motor vehicle", "official traffic control device", and "traffic control device".

Section 5. DAMAGES TO STATE HIGHWAYS AND ROADS. AS 19.25.040 presently requires the commissioner of administration to separately account for money deposited in the general fund that is derived from damages to property related to state-owned highways and roads that are recovered from vehicle owners, drivers, or insurance companies. Such related property includes bridges, overpasses, signal poles, street lights and poles, traffic signals, guardrails, or fences.

SB 17 expands AS 19.25.040 to include "other person" in the class of persons from whom damages to property may be recovered. Additionally, it replaces the phrase "traffic signals" with the broader term "traffic control devices". The purpose of these amendments is to increase the amount of money deposited in the general fund for damages to state highways and roads.

Section 6. Repeals AS 19.25.030, which is provided for in Section 1 and Section 2 of this bill. This is the language which makes it a crime to disregard a highway obstruction or to unlawfully possess an official traffic control device.

I would appreciate the committee's consideration of this legislation at its earliest convenience. Should you need any additional information, please let me know.

Thank you.

STATE OF ALASKA 1987 LEGISLATIVE SESSION
FISCAL NOTE

Bill Version: CSSB 17 (Trsp)

Publish Date: _____

Agency Affected: Public Safety

BRU: Alaska State Troopers

Components: Detachments & CIB

REQUEST

Revision Date: _____

Title: "An Act relating to vandalism of official traffic control devices.."

Sponsor: Sen. Faiks

Requestor: House Transportation

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		0	0	0	0	0
CAPITAL		0	0	0	0	0
REVENUE						

FUNDING:: (Thousands of Dollars)

GENERAL FUNDS		0	0	0	0	0
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

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

ANALYSIS: (Attach a separate page if necessary)

No fiscal impact is anticipated.

Prepared by: Francis C. Allan
Division: Alaska State Troopers

Phone: 269-5691

Date: 4/08/87

Approved by Commissioner: William R. Nix
Agency: Public Safety

Date: 4/8/87

Distribution (by preparer):

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

page ____ of ____

Jick
4/3/87

BILL NO: CSSB 17 (Trsp)

DATE: 4/08/87

TITLE: "An Act relating to unlawful possession and vandalism of official traffic control devices, disregard of a highway obstruction, and damage to highways."

CONTACT: James Vaden
Deputy Commissioner

DEPARTMENT OF PUBLIC SAFETY

This bill groups these types of offenses in one area of statutes, clarifies penalties, and provides a mechanism for forfeiture of firearms and other personal property, except a motor vehicle, used in aid of a violation.

Provides penalties and/or forfeiture of property relating to unlawful possession and vandalism of official traffic control devices, disregard of erected highway obstructions, and damages to highways.

Sec. 11.46.460 provides authority to arrest or charge an individual who disregards traffic control devices and/or detours through construction zones, closed roadways, and barricaded traffic lanes.

Sec. 11.46.462 appears to be redundant to AS 11.46.190 "Theft by Receiving." However, this may be necessary to clarify forfeitures under Sec. 11.46.487 - 489 of this bill.

Sec. 11.46.484(a)(7) provides penalties for theft or vandalism of traffic control devices, etc.

Sec. 11.46.487 would allow for stiff penalties to be applied to individuals who knowingly violate the law. This would provide the Court with a mechanism to forfeit the instrumentalities of the offense to the State.

The Department of Public Safety supports this legislation.

William R. Nix
William R. Nix
Acting Commissioner

(7)

HOUSE COMMITTEE REPORT

Date referred: 4/8/87

FURTHER REFERRALS: Judiciary

DATE: May 8, 1987

The Transportation Committee has considered CSSB 17(Trsp)

"An Act relating to unlawful possession and vandalism of official traffic control devices, disregard of a highway obstruction, and damages to highways."

RECOMMENDS:

- replace with _____ the same title
- attached amendment(s) a new title
- do pass
- do not pass
- no recommendation
- individual recommendations
- additional referral to the _____ Committee

ADOPTS: _____ letter of intent

ATTACHES NEW FISCAL NOTE(s):

- fiscal impact same as previous fiscal note published _____
- zero fiscal note same as previous zero fiscal note published _____
- zero with analysis

SIGNING DO PASS:

Mike Miller

W. G. Linder

Heinrich Sprungel

Wm. J. Jones

Bill Hudis

Butte Oats

SIGNING OTHER RECOMMENDATIONS:

Butte Oats

 Chairman's signature

**STATE OF ALASKA 1988 LEGISLATIVE SESSION
FISCAL NOTE**

REQUEST: _____

Bill Version: CSSB 17
Publish Date:

Revision Date: 1-6-88
Title: Unlawful possession and van-
dalism ... traffic control devices
Sponsor: Faiks & Sturgulawski
Requestor: Senate Transportation
Committee

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

EXPENDITURES/REVENUES:		(Thousands of Dollars)					
	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93	
OPERATING							
Personal Services	
Travel	
Contractual	
Supplies	
Equipment	
Land & Structures	
Grants & Claims	
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0	
CAPITAL	
REVENUE	

FUNDING:		(Thousands of Dollars)					
	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93	
General Funds	0.0	0.0	0.0	0.0	0.0	0.0	
Federal Funds	. . . .	. . . .	. . . .	. . . .	. . . .	. . . .
Other	. . . .	. . . .	. . . .	. . . .	. . . .	. . . .
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0	

POSITIONS:							
Full-time	. . . .	. . . .	. . . .	. . . .	. . . .	. . . .
Part-time	. . . .	. . . .	. . . .	. . . .	. . . .	. . . .
Temporary	. . . .	. . . .	. . . .	. . . .	. . . .	. . . .

ANALYSIS: (Attach a separate page if necessary)

Based on information provided by the Department of Law, it appears that enforcement of this measure will be at a level which the courts could absorb without additional fiscal resources.

Prepared by: *Jan Strandberg*
Jan Strandberg, General Counsel Phone: 264-8228
Division: Alaska Court System Date: 1-6-88
Approved by: *Stephanie Cole, for*
Arthur H. Snowden, II, Administrative Director Date: 1-6-88
Agency: Alaska Court System

- Distribution (by preparer):
Legislative Finance
Legislative Sponsor
Requestor
Office of Management & Budget
Impacted Agency(ies)
Senate Secretary

FISCAL NOTE ANALYSIS
HB 263

Applies also to 52 17

The Division of Finance did not understand the detailed accounting and reporting for revenues that this bill and the previous bill, SLA 1986 Chapter 138, intended. We, therefore, underestimated the complexity of the changes to the accounting system and the accounting procedures that would be required to implement this bill and the required reporting and accounting of revenues. The Division of Finance, over the next three fiscal years, will be able to implement the provisions of this bill.

To accomplish this we will have to make procedural and program change to AKSAS. The accounting system (AKSAS) has built-in edits segregating revenues historically identified as budgeted revenues (Restricted Revenue) and revenues not specifically appropriated (Unrestricted Revenue). This bill crosses this budgetary distinction. To comply with the statutory provision that the Commissioner of Administration shall separately account for a specific revenue that a department deposits in the general fund, we will need to create a new budgetary revenue type and establish adequate controls to ensure that the legislature can make appropriations based upon this type revenue. We will accomplish this task in three parts: first, in FY 88 we will develop a new revenue structure to accommodate general fund classified revenues; secondly, in FY 89 we will develop and make needed program changes to allow for this type revenue to be referenced as a funding source for a specific appropriation; and finally, when we close the accounting records for FY 89, we will develop procedures to ensure all revenue types are properly classified in the annual report. We will have an ongoing cost each new fiscal year ensuring that for each revenue source or estimate, a cross structure control transaction is submitted for approval. We should be able to absorb this increased workload if the agencies and the Office of Management and Budget work with us to identify the accounts where revenues are to be controlled. However, there will be a one-time cost for making needed changes next fiscal year. It will be necessary to hire one nonpermanent Accountant IV for eight months at \$39.2 and one nonpermanent Programmer IV for six months at \$30.6.