

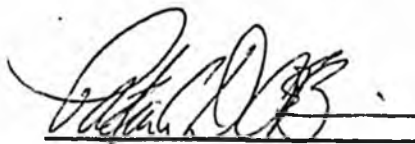
ALASKA LEGISLATURE COMMITTEE FILES 1987-1988  
5290 SJUD COMMITTEE CALENDARS - SB 1 8672

8672

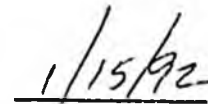


# RECORDS CERTIFICATION

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

  
\_\_\_\_\_

Signature of Camera Operator

  
\_\_\_\_\_

Date

1987-1988  
SENATE JUDICIARY COMMITTEE  
LIST OF FILES (PAGE 1)

MICROFICHE #

COMMITTEE CALENDARS

COMMITTEE CORRESPONDENCE

JUDICIAL COUNCIL CONFIRMATION

EO 67

SB 1

SB 5

SB 7

SB 15

SB 16

SB 19

SB 27

SB 28

SB 30

SB 32 (FILE 1)

SB 32 (FILE 2)

SB 35

SB 37

SB 38

SB 39

SB 43

SB 46

SB 50

SB 51

SB 52

SB 56

SJUD15

1987-1988  
SENATE JUDICIARY COMMITTEE  
LIST OF FILES (PAGE 2)

MICROFICHE #

SB 65

SB 79

SB 91

SB 93

SB 95

SB 96

SB 102

SB 103

SB 107

SB 108

SB 117

SB 120

SB 135

SB 141

SB 153

SB 156

SB 176

SB 177

SB 178

SB 185

SB 188

SB 189

SB 198

SB 199

SB 202

SJUD15

1987-1988  
SENATE JUDICIARY COMMITTEE  
LIST OF FILES (PAGE 3)

MICROFICHE #

SB 207  
SB 209  
SB 211  
SB 223  
SB 227  
SB 231  
SB 246  
SB 247  
SB 250  
SB 252  
SB 267  
SB 273  
SB 276  
SB 282  
SB 294  
SB 302  
SB 305  
SB 306  
SB 320  
SB 324  
SB 331  
SB 338  
SB 339  
SB 343  
SB 346

SJUD15

1987-1988  
SENATE JUDICIARY COMMITTEE  
LIST OF FILES (PAGE 4)

MICROFICHE #

SB 351  
SB 352  
SB 378  
SP 383  
SB 384  
SB 391  
SB 397  
SB 398  
SB 399  
SB 413  
SB 419  
SB 445  
SB 447  
SB 448  
SB 461  
SB 462  
SB 467  
SB 485  
SB 515  
SCR 2  
SCR 8  
SCR 23  
SJR 2  
SJR 6

SJUD15

1987-1988  
SENATE JUDICIARY COMMITTEE  
LIST OF FILES (PAGE 5)

MICROFICHE #

SJR 10  
SJR 12  
SJR 15  
SJR 25  
SJR 33  
SJR 52  
SJR 53  
SJR 60  
SR 11  
HB 2  
HB 3  
HB 6  
HB 7  
HB 36  
HB 44  
HB 57  
HB 59  
HB 70  
HB 85  
HB 86  
HB 88  
HB 106  
HB 121  
HB 122  
HB 139

SJUD15

1987-1988  
SENATE JUDICIARY COMMITTEE  
LIST OF FILES (PAGE 6)

MICROFICHE #

HB 140  
HB 143  
HB 160  
HB 177  
HB 185  
HB 196  
HB 198  
HB 203  
HB 217  
HB 229  
HB 237  
HB 247  
HB 261  
HB 266  
HB 285  
HB 306  
HB 312  
HB 322  
HB 323  
HB 327  
HB 332  
HB 339  
HB 340  
HB 344  
HB 345

SJUD15

1987-1988  
SENATE JUDICIARY COMMITTEE  
LIST OF FILES (PAGE 7)

MICROFICHE #

HB 367

HB 371

HB 372

HB 374

HB 386

HB 387

HB 399

HB 461

HB 468

HB 473

HB 491

HB 510

HB 545

HJR 18

HJR 19

HJR 60

HJR 67

COMMITTEE

CALENDARS

# STATE OF ALASKA



## SENATE JUDICIARY COMMITTEE

SEN. JAY KERTTULA  
SEN. ARLISS STURGULEWSKI  
SEN. JAN FAIKS  
SEN. JOE JOSEPHSON  
SEN. PAT RODEY

P.O. BOX V  
STATE CAPITOL  
JUNEAU, ALASKA 99811  
(907) 465-3717  
(907) 465-3771

JUDICIARY COMMITTEE CALENDAR  
Thursday, February 18, 1988  
1:30 p.m.  
Butrovich Room

- \* SB 331 Drug Paraphernalia (Fischer)
- SB 343 Liability of Directors of Corporations (Sturgulewski)
- \* SB 352 Attempted Murder in the First Degree (Halford)
  
- \* Indicates first hearing

# STATE OF ALASKA



## SENATE JUDICIARY COMMITTEE

SEN. JAY KERTTULA  
SEN. ARLISS STURGULEWSKI  
SEN. RICK HALFORD  
SEN. JOE JOSEPHSON  
SEN. PAT RODEY

P.O. BOX V  
STATE CAPITOL  
JUNEAU, ALASKA 99811  
(907) 465-3717  
(907) 465-3771

### COMMITTEE CALENDAR May 8, 1987

Tuesday, May 12, 1987; 1:30 p.m.; Butrovich Room.

- SB 65. "An Act providing for a state auditor; establishing the state auditor's powers and duties; abolishing the legislative audit division; and providing for an effective date."
- SJR 6. "Proposing amendments to the Constitution of the State of Alaska relating to the office of the state auditor."
- \* SB 231. "An Act relating to sexual abuse of a minor."
- \* SB 252. "An Act relating to communications to a psychologist or psychological associate by a client."
- \* SB 267. "An Act relating to the transfer of limited entry permits upon the death of the permit holder."
- SJR 15. "Proposing an amendment to the Constitution of the State of Alaska relating to the right of a citizen to keep and bear firearms."
- \* HB 6. "An Act relating to, and allowing tax credits for, contributions to certain educational institutions; and restricting state tax deductions under 26 U.S.C. 170."
- \* HB 7. "An Act relating to the office of public advocacy and volunteer guardians ad litem."

\* Indicates first hearing

# STATE OF ALASKA



## SENATE JUDICIARY COMMITTEE

SEN. JAY KERTTULA  
SEN. ARLISS STURGULEWSKI  
SEN. RICK HALFORD  
SEN. JOE JOSEPHSON  
SEN. PAT RODEY

P.O. BOX V  
STATE CAPITOL  
JUNEAU, ALASKA 99811  
(907) 465-3717  
(907) 465-3771

### COMMITTEE CALENDAR May 4, 1987

Tuesday, May 5, 1987; 1:30 p.m.; Butrovich Room.

- \*HB 121. "An Act repealing a provision related to payment of costs by private prosecutor."
- SB 27. "An Act relating to the crime of conspiracy."  
(Teleconference)
- \*SB 153. "An Act relating to the penalty imposed for certain traffic offenses."
- \*SB 79. "An Act relating to runaway and missing minors."

Thursday, May 7, 1987; 1:30 p.m.; Butrovich Room.

- SB 211. "An Act relating to civil liability; amending Alaska Rule of Civil Procedure 82; and providing for an effective date." (Teleconference)
- \*HB 70. "An Act relating to the State Medical Board and to services provided for boards established under AS 08; amending Rule 504(d) of the Alaska Rules of Evidence; and providing for an effective date."

\* Indicates first hearing

# STATE OF ALASKA



## SENATE JUDICIARY COMMITTEE

SEN. JAY KERTTULA  
SEN. ARLISS STURGULEWSKI  
SEN. RICK HALFORD  
SEN. JOE JOSEPHSON  
SEN. PAT RODEY

P.O. BOX V  
STATE CAPITOL  
JUNEAU, ALASKA 99811  
(907) 465-3717  
(907) 465-3771

### COMMITTEE CALENDAR

April 28, 1987

Tuesday, April 28, 1987; 1:30 p.m.; Butrovich Room.

- SB 96. "An Act implementing a settlement relating to the federally created mental health trust; and providing for an effective date."
- SB 32. "An Act relating to marijuana; and providing for an effective date."

Thursday, April 30, 1987; 1:30 p.m.; Butrovich Room.

- SB 198. "An Act relating to dishonored checks; amending Alaska Rules of Civil Procedure 79 and 82; and providing for an effective date."
- \*SB 37. "An Act relating to fingerprinting of minors; and amending Alaska Rule of Children's Procedure 24." (Off-net teleconference with Lt. John Sauve, Anchorage, 1:30 - 2:00)
- \*SB 189. "An Act relating to enhancement of a criminal sentence."
- \*SB 250. "An act giving effect to the declaration of a qualified patient during pregnancy."
- \*SB 270. "An Act relating to court instructions on possible immigration and naturalization consequences of guilty or no contest pleas; and changing Rule 11(c) and 11(h), Alaska Rules of Criminal Procedure."
- \*HB 122. "An Act relating to the authority to compromise certain misdemeanors."
- \*HJR 19. "Relating to resident hire on federal projects and jobs in the state."

Friday, May 1, 1987; 9:00 a.m.; Butrovich Room.

Confirmation hearings for:

Grace Berg Schaible - Attorney General  
Susan Humphrey-Barnett - Commissioner of Corrections  
Charles A. Dunnagan - Ak. Public Offices Commission  
Kathleen L. Whiteaker - Ak. Public Utilities Commission  
Jan Ackerman - Board of Governors of the Alaska Bar  
Patrick T. Brown, James L. Hanley, Georgianna Lincoln,  
Vincent P. Vitale, and Charles D. Weiler - Commission  
on Judicial Conduct.

Friday, May 1, 1987; 3:30 - 5:30 p.m.; Butrovich Room.

SB 32. "An Act relating to marijuana; and providing for  
an effective date." (Teleconference)

Tuesday, May 5, 1987; 1:30 p.m.; Butrovich Room.

\*HB 121. "An Act repealing a provision related to payment  
of costs by private prosecutor."  
SB 27. "An Act relating to the crime of conspiracy."

Thursday, May 7, 1987; 1:30 p.m.; Butrovich Room.

SB 211. "An Act relating to civil liability; amending  
Alaska Rule of Civil Procedure 82; and providing  
for an effective date." (Teleconference)

\* Indicates first hearing

# STATE OF ALASKA



## SENATE JUDICIARY COMMITTEE

SEN. JAY KERTTULA  
SEN. ARLISS STURGULEWSKI  
SEN. RICK HALFORD  
SEN. JOE JOSEPHSON  
SEN. PAT RODEY

P.O. BOX V  
STATE CAPITOL  
JUNEAU, ALASKA 99811  
(907) 455-3717  
(907) 465-3771

COMMITTEE CALENDAR  
April 22, 1987

Tuesday, April 28, 1987; 1:30 p.m.; Butrovich Room.

- SB 96. "An Act implementing a settlement relating to the federally created mental health trust; and providing for an effective date."
- SB 198. "An Act relating to dishonored checks; amending Alaska Rules of Civil Procedure 79 and 82; and providing for an effective date."
- SB 211. "An Act relating to civil liability; amending Alaska Rule of Civil Procedure 82; and providing for an effective date."
- SB 32. "An Act relating to marijuana; and providing for an effective date."

Thursday, April 30, 1987; 1:30 p.m.; Butrovich Room.

- \* SB 37. "An Act relating to fingerprinting of minors; and amending Alaska Rule of Children's Procedure 24."
- \* SB 189. "An Act relating to enhancement of a criminal sentence."
- \* SB 250. "An Act giving effect to the declaration of a qualified patient during pregnancy."
- \* SB 270. "An Act relating to court instructions on possible immigration and naturalization consequences of guilty or no contest pleas; and changing Rule 11(c) and 11(h), Alaska Rules of Criminal Procedure."
- \* HB 122. "An Act relating to the authority to compromise certain misdemeanors."

Tuesday, May 5, 1987; 1:30 p.m.; Butrovich Room.

- \* HB 121. "An Act repealing a provision related to payment of costs by private prosecutor."

\* Indicates first hearing

# STATE OF ALASKA



## SENATE JUDICIARY COMMITTEE

SEN. JAY KERTTULA  
SEN. ARLISS STURGULEWSKI  
SEN. RICK HALFORD  
SEN. JOE JOSEPHSON  
SEN. PAT RODEY

P.O. BOX V  
STATE CAPITOL  
JUNEAU, ALASKA 99811  
(907) 465-3717  
(907) 465-3771

### COMMITTEE CALENDAR April 22, 1987

Thursday, April 23, 1987; 1:30 p.m.; Butrovich Room.

- .SB 39. "An Act relating to the Real Estate Commission; and providing for an effective date."
- SB 96. "An Act implementing a settlement relating to the federally created mental health trust; and providing for an effective date." (If received by committee.)
- SB 198. "An Act relating to dishonored checks; amending Alaska Rules of Civil Procedure 79 and 82; and providing for an effective date."
- SB 199. "An Act relating to motor vehicle dealers; and providing for an effective date."
- SB 223. "An Act relating to civil liability of zoos and zoo operators."
- HB 139. "An Act relating to the jurisdiction of the superior and district courts; judicial disqualification, disciplinary actions, and impeachment; the procedure for judicial retirement due to incapacity or disability; proceedings before magistrates; and amending Rule 16(a), Alaska District Court Rules of Civil Procedure."

Tuesday, April 28, 1987; 1:30 p.m.; Butrovich Room.

- SB 211. "An Act relating to civil liability; amending Alaska Rule of Civil Procedure 82; and providing for an effective date."

SB 32 Pot.

\* Indicates first hearing

# STATE OF ALASKA



## SENATE JUDICIARY COMMITTEE

SEN. JAY KERTTULA  
SEN. ARLISS STURGULEWSKI  
SEN. RICK HALFORD  
SEN. JOE JOSEPHSON  
SEN. PAT RODEY

P.O. BOX V  
STATE CAPITOL  
JUNEAU, ALASKA 99811  
(907) 465-3717  
(907) 465-3771

### COMMITTEE CALENDAR

April 8, 1987

Friday, April 10, 1987; 1:30 p.m.; Mat-Su Community College,  
Palmer. Teleconference.

- \*SB 209. "An Act relating to mortgage loans purchased by the Alaska Housing Finance Corporation; relating to bonds issued by the Alaska Housing Finance Corporation; and providing for an effective date."

Tuesday, April 14, 1987; 1:30 p.m.; Butrovich Room.

- \*SB 108. "An Act relating to decisions on right-of-way lease applications."
- SB 156. "An Act relating to contributions from permanent fund dividends for political parties; and providing for an effective date."
- SB 30. "An Act relating to termination of parental rights of perpetrators of certain sexual offenses."
- \*SB 189. "An Act relating to enhancement of a criminal sentence."
- \*SB 120. "An Act relating to the entry of information regarding minors on the Alaska Public Safety Information Network."

Thursday, April 16, 1987; 1:30; Butrovich Room.

- SB 198. "An Act relating to dishonored checks; amending Alaska Rules of Civil Procedure 79 and 82; and providing for an effective date."
- \*SB 223. "An Act relating to civil liability of zoos and zoo operators."
- \*SB 211. "An Act relating to civil liability; amending Alaska Rule of Civil Procedure 82; and providing for an effective date."

\* Indicates first hearing

# STATE OF ALASKA



## SENATE JUDICIARY COMMITTEE

SEN. JAY KERTTULA  
SEN. ARLISS STURGULEWSKI  
SEN. RICK HALFORD  
SEN. JOE JOSEPHSON  
SEN. PAT RODEY

P.O. BOX V  
STATE CAPITOL  
JUNEAU, ALASKA 99811  
(907) 465-3717  
(907) 465-3771

### COMMITTEE CALENDAR March 25, 1987

Tuesday, March 31, 1987; 1:30 p.m.; Butrovich Room.

- \*SB 95. "An Act relating to renewal of a driver's license."
- SJR 10. "Proposing amendments to the Constitution of the State of Alaska relating to the use and expenditure of state money."
- \*SB 102. "An Act relating to reports of missing persons; and creating a missing persons information clearinghouse."
- \*SB 135. "An Act limiting recruitment and employment of teachers who are not residents of the state."
- \*SCR 23. "Requesting the Governor to appoint a peace officer nominated by the Alaska Peace Officers Association to serve on the Alaska Judicial Council."
- \*SB 50. "An Act relating to dissolution of a municipality."

Thursday, April 2, 1987; 1:30 p.m.; Butrovich Room.

- \*SB 108. "An Act relating to decisions on right-of-way lease applications."

Tuesday, April 7, 1987; 1:30 p.m.; Butrovich Room.  
Teleconference.

- \*SB 209. "An Act relating to mortgage loans purchased by the Alaska Housing Finance Corporation; relating to bonds issued by the Alaska Housing Finance Corporation; and providing for an effective date."

Thursday, April 9, 1987; 1:30 p.m.; Butrovich Room.

- SB 27 "An Act relating to the crime of conspiracy."
- \*SB 207. "An Act abolishing the Governor's Commission on the Administration of Justice and transferring responsibilities to the Governor's Commission on Criminal Justice Information; and providing for an effective date."
- \*SB 38. "An Act relating to the recording and collection of crime statistics."
- HB 85. "An Act relating to reporting of unclaimed intangible property; and providing for an effective date."

\* Indicates first hearing

# STATE OF ALASKA



## SENATE JUDICIARY COMMITTEE

SEN. JAY KERTTULA  
SEN. ARLISS STURGULEWSKI  
SEN. RICK HALFORD  
SEN. JOE JOSEPHSON  
SEN. PAT RODEY

COMMITTEE CALENDAR  
March 11, 1987

P.O. BOX V  
STATE CAPITOL  
JUNEAU, ALASKA 99811  
(907) 465-3717  
(907) 465-3771

Thursday, March 12, 1987; 1:30 p.m.; Butrovich Room.

- \*SB 1. "An Act relating to the rights of physically and mentally disabled persons."
- SB 15. "An Act relating to trade secrets."
- SB 117. "An Act relating to child support enforcement."
- SJR 2. "Proposing an amendment to the Constitution of the State of Alaska relating to the rights of the states."

Tuesday, March 17, 1987; 1:30 p.m.; Butrovich Room.

- \*SB 27. "An Act relating to the crime of conspiracy."
- SB 52. "An act relating to the rural housing program of the Department of Community and Regional Affairs; and providing for an effective date."
- HB 85. "An Act relating to reporting of unclaimed property; and providing for an effective date."
- SCR 2. "Establishing a Children's Law Task Force."

Thursday, March 19, 1987; 1:30 p.m.; House Judiciary Committee, Room 122. Annual joint committee meeting with the House Judiciary Committee to hear the Alaska Judicial Council.

Tuesday, March 24, 1987; 1:30 p.m.; Butrovich Room.

- SB 56. "An Act amending and making effective an annuity program and amendments to the longevity bonus program and the permanent fund dividend program provided for in secs. 2 - 18, ch. 99, SLA 1985; and providing for an effective date."

Thursday, March 26, 1987; 1:30 p.m.; Butrovich Room.

- SB 108. "An Act relating to decisions on right-of-way lease applications."

\* Indicates first hearing

# STATE OF ALASKA



## SENATE JUDICIARY COMMITTEE

SEN. JAY KERTTULA  
SEN. ARLISS STURGULEWSKI  
SEN. RICK HALFORD  
SEN. JOE JOSEPHSON  
SEN. PAT RODEY

P.O. BOX V  
STATE CAPITOL  
JUNEAU, ALASKA 99811  
(907) 465-3717  
(907) 465-3771

March 5, 1987

### COMMITTEE CALENDAR

Tuesday, March 10, 1987; 1:30 p.m.; Butrovich Room.

- \*SB 15. "An Act relating to trade secrets."
- \*SB 93. "An Act relating to investments by financial institutions."
- SB 52. "An act relating to the rural housing program of the Department of Community and Regional Affairs; and providing for an effective date."

Thursday, March 12, 1987; 1:30 p.m.; Butrovich Room.

- \*SB 1. "An Act relating to the rights of physically and mentally disabled persons."
- SB 117. "An Act relating to child support enforcement."

\* Indicates first hearing

# STATE OF ALASKA



## SENATE JUDICIARY COMMITTEE

SEN. JAY KERTTULA  
SEN. ARLISS STURGULEWSKI  
SEN. RICK HALFORD  
SEN. JOE JOSEPHSON  
SEN. PAT RODEY

P.O. BOX V  
STATE CAPITOL  
JUNEAU, ALASKA 99811  
(907) 465-3717  
(907) 465-3771

March 5, 1987

### COMMITTEE CALENDAR

Thursday, March 5, 1987; 1:30 p.m.; Butrovich Room.

- \*SB 52. "An Act relating to the rural housing program of the Department of Community and Regional Affairs; and providing for an effective date."
- \*SB 117. "An Act relating to child support enforcement."
- \*SJR 15. "Proposing an amendment to the Constitution of the State of Alaska relating to the right of a citizen to keep and bear firearms."

Tuesday, March 10, 1987; 1:30 p.m.; Butrovich Room.

- \*SB 15. "An Act relating to trade secrets."
- \*SB 93. "An Act relating to investments by financial institutions."

\* Indicates first hearing

# STATE OF ALASKA



## SENATE JUDICIARY COMMITTEE

SEN. JAY KERTTULA  
SEN. ARLISS STURGULEWSKI  
SEN. RICK HALFORD  
SEN. JOE JOSEPHSON  
SEN. PAT RODEY

P.O. BOX V  
STATE CAPITOL  
JUNEAU, ALASKA 99811  
(907) 465-3717  
(907) 465-3771

February 25, 1987

### COMMITTEE CALENDAR

Thursday, February 26, 1987; 1:30 p.m.; Butrovich Room.  
Teleconference.

- SB 65. "An Act providing for a state auditor; establishing the state auditor's powers and duties; abolishing the legislative audit division; and providing for an effective date."
- SJR 6. "Proposing amendments to the Constitution of the State of Alaska relating to the office of the state auditor."
- HB 2. "An Act providing for the adoption of the Uniform Simultaneous Death Act."

Tuesday, March 3, 1987; 1:30 p.m.; Butrovich Room.

- SB 91. "An Act limiting liability for activities of the Alaska National Guard."
- SB 107. "An Act making corrective amendments to the Alaska Statutes as recommended by the revisor of statutes; and providing for an effective date."
- SR 11. "Requesting the Governor to direct the filing of an amicus brief in Sierra Club v. Bureau of Land Management to advise the court of the state's position."

Thursday, March 5, 1987; 1:30 p.m.; Butrovich Room.

- \*SB 52. "An Act relating to the rural housing program of the Department of Community and Regional Affairs; and providing for an effective date."
- \*SJR 15. "Proposing an amendment to the Constitution of the State of Alaska relating to the right of a citizen to keep and bear firearms."
- \*SB 117. "An Act relating to child support enforcement."

\* Indicates first hearing

# STATE OF ALASKA



## SENATE JUDICIARY COMMITTEE

SEN. JAY KERTTULA  
SEN. ARLISS STURGULEWSKI  
SEN. RICK HALFORD  
SEN. JOE JOSEPHSON  
SEN. PAT RODEY

P.O. BOX V  
STATE CAPITOL  
JUNEAU, ALASKA 99811  
(907) 465-3717  
(907) 465-3771

February 19, 1987

### COMMITTEE CALENDAR

Thursday, February 19, 1987; 1:30 p.m.; Butrovich Room.

- \*SB 103. "An Act relating to the disposal of property forfeited under federal drug enforcement laws."
- \*SJR 2. "Proposing an amendment to the Constitution of the State of Alaska relating to the rights of the states."

Tuesday, February 24, 1987; 1:30 p.m.; Butrovich Room.

- \*SB 91. "An Act limiting liability for activities of the Alaska National Guard."
- \*SB 107. "An Act making corrective amendments to the Alaska Statutes as recommended by the revisor of statutes; and providing for an effective date."
- \*SR 11. "Requesting the Governor to direct the filing of an amicus brief in Sierra Club v. Bureau of Land Management to advise the court of the state's position."
- \*HB 2. "An Act providing for the adoption of the Uniform Simultaneous Death Act."

Thursday, February 26, 1987; 1:30 p.m.; Butrovich Room.  
Teleconference.

- SB 65. "An Act providing for a state auditor; establishing the state auditor's powers and duties; abolishing the legislative audit division; and providing for an effective date."
- SJR 6. "Proposing amendments to the Constitution of the State of Alaska relating to the office of the state auditor."

\* Indicates first hearing

# STATE OF ALASKA



## SENATE JUDICIARY COMMITTEE

SEN. JAY KERTTULA  
SEN. ARLISS STURGULEWSKI  
SEN. RICK HALFORD  
SEN. JOE JOSEPHSON  
SEN. PAT RODEY

P.O. BOX V  
STATE CAPITOL  
JUNEAU, ALASKA 99811  
(907) 465-3717  
(907) 465-3771

February 13, 1987

### COMMITTEE CALENDAR

Tuesday, February 17, 1987; 1:30 p.m.; Butrovich Room.

\*SJR 10. "Proposing amendments to the Constitution of the State of Alaska relating to the use and expenditure of state money."

Confirmation of the governor's appointment of Hugh Malone, Commissioner of Revenue, to succeed to the office of lieutenant governor if the office of lieutenant governor becomes vacant.

Thursday, February 19, 1987; 1:30 p.m.; Butrovich Room.

\*SB 103. "An Act relating to the disposal of property forfeited under federal drug enforcement laws."

\*SJR 2. "Proposing an amendment to the Constitution of the State of Alaska relating to the rights of the states."

Tuesday, February 24, 1987; 1:30 p.m.; Butrovich Room.

Thursday, February 26, 1987; 1:30 p.m.; Butrovich Room.  
Teleconference.

SB 65. "An Act providing for a state auditor; establishing the state auditor's powers and duties; abolishing the legislative audit division; and providing for an effective date."

SJR 6. "Proposing amendments to the Constitution of the State of Alaska relating to the office of the state auditor."

\* Indicates first hearing

# STATE OF ALASKA



## SENATE JUDICIARY COMMITTEE

SEN. JAY KERTTULA  
SEN. ARLISS STURGULEWSKI  
SEN. RICK HALFORD  
SEN. JOE JOSEPHSON  
SEN. PAT RODEY

P.O. BOX V  
STATE CAPITOL  
JUNEAU, ALASKA 99811  
(907) 465-3717  
(907) 465-3771

February 5, 1987

### COMMITTEE CALENDAR

Thursday, February 5, 1987; 1:30 p.m.; Butrovich Room.

Department of Law. Briefing on major cases involving the State of Alaska which are presently before the courts and administrative bodies.

Tuesday, February 10, 1987; 1:30 p.m.; Butrovich Room.

Executive session for confidential briefing by Department of Law and Department of Revenue.

Thursday, February 12, 1987; 1:30 p.m.; Butrovich Room.

- SB 65. "An Act providing for a state auditor; establishing the state auditor's powers and duties; abolishing the legislative audit division; and providing for an effective date."  
SJR 6. "Proposing amendments to the Constitution of the State of Alaska relating to the office of the state auditor."

Confirmation hearing on the selection of Charles Anderson, Michael Irwin, and Thomas Stewart to serve as public members of the Select Committee on Legislative Ethics.

Tuesday, February 17, 1987; 1:30 p.m.; Butrovich Room.

- \*SB 107. "An Act making corrective amendments to the Alaska Statutes as recommended by the revisor of statutes; and providing for an effective date."  
\*SJR 10. "Proposing amendments to the Constitution of the State of Alaska relating to the use and expenditure of state money."

Thursday, February 19, 1987; 1:30 p.m.; Butrovich Room.

- \*SB 103. "An Act relating to the disposal of property forfeited under federal drug enforcement laws."
- \*SJR 2. "Proposing an amendment to the Constitution of the State of Alaska relating to the rights of the states."

\* Indicates first hearing

# STATE OF ALASKA



## SENATE JUDICIARY COMMITTEE

SEN. JAY KERTTULA  
SEN. ARLISS STURGULEWSKI  
SEN. RICK HALFORD  
SEN. JOE JOSEPHSON  
SEN. PAT RODEY

P.O. BOX V  
STATE CAPITOL  
JUNEAU, ALASKA 99811  
(907) 465-3717  
(907) 465-3771

January 29, 1987

### COMMITTEE CALENDAR

Thursday, January 29, 1987; 1:30 p.m.; Butrovich Room.

- \*SB 65. "An Act providing for a state auditor; establishing the state auditor's powers and duties; abolishing the legislative audit division; and providing for an effective date."
- \*SJR 6. "Proposing amendments to the Constitution of the State of Alaska relating to the office of the state auditor."
- SB 16 "An Act relating to the disposition of unclaimed real property." (Held over from 1/22)
- SB 43 "An Act relating to distribution of income from the Alaska permanent fund; and providing for an effective date." (Held over from 1/27)

Tuesday, February 3, 1987; 1:30 p.m.; Butrovich Room.

- \*SB 46. "An Act relating to the payment of certain tax obligations and use of the funds; and changing Alaska Court Appellate Rule 603."
- \*EO 67. "An Executive Order transferring the responsibility for the alcohol breath and blood testing program from the Department of Health and Social Services to the Department of Public Safety."

Thursday, February 5, 1987; 1:30 p.m.; Butrovich Room.

Department of Law. Briefing on major cases involving the State of Alaska which are presently before the courts and administrative bodies.

\* Indicates first hearing

# STATE OF ALASKA



## SENATE JUDICIARY COMMITTEE

SEN. JAY KERTTULA  
SEN. ARLISS STURGULEWSKI  
SEN. RICK HALFORD  
SEN. JOE JOSEPHSON  
SEN. PAT RCDEY

P.O. BOX V  
STATE CAPITOL  
JUNEAU, ALASKA 99811  
(907) 465-3717  
(907) 465-3771

January 21, 1987

### COMMITTEE CALENDAR

Thursday, January 22, 1987; 1:30 p.m.; Butrovich Room.

\*SB 16. "An Act relating to the disposition of unclaimed property."

Tuesday, January 27, 1987; 1:30 p.m.; Butrovich Room.

\*SB 43 "An Act relating to distribution of income from the Alaska permanent fund; and providing for an effective date."

Thursday, January 29, 1987; 1:30 p.m.; Butrovich Room.

- \*SB 46. "An Act relating to the payment of certain tax obligations and use of the funds; and changing Alaska Court Appellate Rule 603."
- \*SB 65. "An Act, providing for a state auditor; establishing the state auditor's powers and duties; abolishing the legislative audit division; and providing for an effective date."
- \*SJR 6. "Proposing amendments to the Constitution of the State of Alaska relating to the office of the state auditor."

Thursday, February 5, 1987; 1:30 p.m.; Butrovich Room.

Department of Law. Briefing on major cases involving the State of Alaska which are presently before the courts and administrative bodies.

\* Indicates first hearing

COMMITTEE

CORRESPONDENCE



# Alaska State Legislature

## Senate

Official Business

Pouch V  
State Capitol  
Juneau, Alaska 99811

January 26, 1987

Gov. Steve Cowper  
State Capitol Building  
Juneau, Alaska 99811

Dear Governor Cowper,

Sat. 24th, breakfast with Hensley, Kerttula and Stevens in attendance.

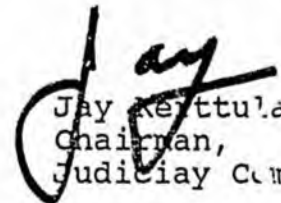
When meeting with Sen. Stevens, I expressed my concern over the state's 3rd party interest in ANWR being eroded with land claims exchanges. We have the example of the "gates of the arctic" trade for the Kaktovic 100,000 acres with sub-surface rights, the CIRI pressure in D.C. and Koniag's efforts.

Ted said native land exchanges would expedite drilling ..pressure was "on Interior"...he did not argue when I said we (the state) should have the same exchange rights with state lands and we had received little federal cooperation on exchange questions. But he stated "we had little of value to exchange with feds" and that there was a serious question about whether we even had 90% of ANWR royalty that, in fact, he doubted that the law intended or would give the state 90% royalty....and if it did the feds would take it anyway!

I believe we must research the law and all federal intent in this matter.

I am very worried that the Senator has made up his mind and it is really against the position I feel elected to represent on both the 90% issue and state land exchanges for key ANWR areas.

Sincerely,

  
Jay Kerttula  
Chairman,  
Judiciary Comm.

JK/jck

cc: Members of Senate Judiciary

JUDICIAL

COUNCIL

CONFIRMATION

# STATE OF ALASKA



## SENATE JUDICIARY COMMITTEE

SEN. JAY KERTTULA  
SEN. ARLISS STURGULEWSKI  
SEN. JAN FAIKS  
SEN. JOE JOSEPHSON  
SEN. PAT RODEY

P.O. BOX V  
STATE CAPITOL  
JUNEAU, ALASKA 99811  
(907) 465-3717  
(907) 465-3771

DATE: February 12, 1988  
TO: Judiciary Committee Members  
FROM: Senator Jay Kerttula *Jay*  
RE: Confirmation of Governor's Appointees

Attached are copies of the resumes and names of people the Governor has submitted as appointees to the Board of Governors of the Alaska Bar and to the Judicial Council. We will schedule a hearing in March on these people.



Official Business

# Alaska State Legislature

## Senate

Pouch V  
State Capitol  
Juneau, Alaska 99811

February 9, 1988

### MEMORANDUM

TO: Senator Kerttula, Chairman  
Judiciary Committee

FROM: Nancy Quinto  
Secretary of the Senate

RE: Confirmation of Governor's Appointees

Pursuant to AS 39.05.080, President Faiks has referred the position noted to your committee for a hearing, recommendation and report:

Board of Governors of the Alaska Bar

Stringer, Sandra S. - Fairbanks

Term began 5/22/87 expires 6/30/89

Williams, Jr., Lew M. - Ketchikan

Original term began 6/30/82, reappointed 6/1/87  
expires 6/30/90

Judicial Council

Okakok, Leona K. - Barrow

Term began 7/31/87 expires 5/18/93

*Springer*

BOARDS & COMMISSIONS

MAY 18 1987

May 14, 1987  
BOARDS & COMMISSIONS

MAY 18 1987

Sheila Gottehrer  
Director  
Boards and Commissions  
P. O. Box A  
Juneau, Alaska 99811

Dear Ms. Gottehrer,

Please accept this letter as an expression of my interest in being considered for appointment to the position of citizen member (non-attorney) of the Board of Governors of the Alaska Bar Association.

I have been interested in the Bar Association for some time. In the spring of 1980 I was working in Juneau, employed as the aide to the House Judiciary Committee chaired by Fairbanks representative Charlie Parr. At that time the committee was conducting sunset review of the Bar Association. Day after day, listening to the committee members question and debate, I became aware of the influence of attorneys in our society as a whole, and in Alaska in particular. It struck me that the law, and therefore attorneys, touched almost every aspect of our public and private lives. It further struck me that the responsibility of the Bar Association to set and uphold standards of performance for its membership was an especially important reason for the associations existence. If I am appointed to the Board of Governors I would expect to assist in helping carry out that responsibility.

As a citizen member of the Board of Governors I feel I could offer something of a grassroots perspective to the groups deliberations. Alaska has been my home for many years. I have lived primarily in the Fairbanks area, but also have spent parts of two years in Juneau and have travelled and worked in Western Alaska, in the Interior and in the Homer area. As a result of this mobility over the years I feel I have some understanding of the differences of life styles and community concerns in several areas of the state. I think this perspective is important in a member of any group with statewide jurisdiction.

I came to Alaska as an eighteen year old, looking for a year or two of adventure in the North before moving on to other places and other things. That was twenty-five years ago. In the intervening years I have been a student and graduate student at the University of Alaska, studying linguistics and anthropology. I have taught for the Upward Bound program, worked three sessions for the Alaska legislature and been co-owner of a small consulting business. I have married, and with my husband bought and cleared land and had the educational experience of personally designing and building

two small houses, one for sale and one to make our home. I live in a semi-rural area near Fairbanks and appreciate the peace and freedom life in our state can still offer its citizens. I think that is also an important perspective to bring to any statewide body.

Over the years I have been active in many community groups. Most recently these have included the University of Alaska Alumni Association, the Tanana Valley Fair Association, the League of Women Voters and the newly formed public radio support group, the Friends of KUAC. In past years I have been active in the Democratic party, and have occasionally contributed enthusiasm, work and (small amounts of) money to both partisan and non-partisan political campaigns.

Several years ago I served as the League of Women Voters member on the statewide committee established by Lt. Governor Terry Miller to draft and submit to the legislature a revision of the state election code. That draft revision of title 15 was accepted by the legislature substantially as submitted and is now state law. That experience taught me a great deal about the technical skill and patience attorneys who work at writing law in conjunction with non-attorneys must possess. I think it provided me with another insight into the legal community that would prove useful as a member of the Board of Governors.

In 1982 I was elected to the Fairbanks North Star Borough Assembly. I was reelected three years later, and am now serving my fifth year as a member of that body. The North Star Borough encompasses the cities of Fairbanks and North Pole and several smaller, unincorporated settlements, plus a large rural area. The population is about 75,000. The Assembly is the policy making body for any public policy issues within the borough. Since my election to the Assembly I have served as its presiding officer for one year, and for two years as chairman of its legislative committee. Both positions have involved close work with the borough staff attorneys, and another opportunity to observe various aspects of the performance of numerous legal duties.

In summary, I am very interested in serving as the citizen member of the Board of Governors of the Alaska Bar Association, and think I might be well qualified to do so. If I am appointed I would have the interest to attend and participate in all the meetings, and to do whatever study or background work that might be necessary to enable me to competently participate in the groups deliberations. I am aware of the oversight function of the group, and feel that function is crucial to the policing of the performance of attorneys in our state. If appointed I would work hard at becoming an informed and fully participating member of the group.

If you would like me to provide any further information, please feel free to contact me at the address or phone number listed below.

Sincerely,

*Sandra S. Stringer*

Sandra S. Stringer  
Box 81088, Fairbanks, Alaska 99708  
479-6606 (message/home)  
456-7482 (message/borough)

LLEWELLYN (LEW) WILLIAMS, JR., <sup>from '82 app T.</sup> ~~\$6,~~ is publisher and part owner of the Ketchikan Daily News. His wife, Dorothy, who came to Alaska 28 years ago as a school teacher, is co-publisher, business manager and the other owner of the newspaper.

Prior to moving to Ketchikan in 1966, the Williams owned and operated the Petersburg Press for ten years. During their time in Petersburg, Williams served five years as mayor. They were the first newspaper owners in Alaska to convert their publication to the offset form of printing. All Alaska newspapers now are produced by offset.

Before buying the Petersburg paper, the Williams lived in Wrangell where Williams ran the Wrangell Sentinel for his parents while his father served as secretary of Alaska. Williams also served on the school board in Wrangell.

Three of Alaska's four governors since statehood have appointed Williams to state boards. Gov. William Egan appointed him to the Alaska Judicial Council on which he served four years. Gov. Walter Hickel appointed him chairman of the Jones Act Relief Task Force. Gov. Jay Hammond appointed him to the Governor's Commission on the Administration of Justice, on which he still serves. And Lt. Gov. Terry Miller appointed him to serve on the Alaska lands Blue Ribbon Task Force.

Williams was one of the organizers of the Southeastern Conference and its first secretary. It is an organization of Southeast Alaska communities and chambers of commerce. He was an organizer of the Alaska Publishers' Association in 1963 and of the new Alaska Newspaper Association in 1980.

The Ketchikan Daily News has won over two dozen professional awards since the Williams became sole owners in 1976, including awards for editorials written by Williams, The National Newspaper

Foundation has designated the Ketchikan Daily News as a National Blue Ribbon Newspaper.

Williams has served on numerous civic committees in Wrangell, Petersburg and Ketchikan. He was a volunteer fireman in Wrangell and Petersburg and served as secretary of the Petersburg advisory committee to the Alaska Department of Fish and Game. He is holder of the Silver Beaver award for his work with the Boy Scouts of America. He is a past officer of the Elks lodge, the American Legion, Rotary, the chambers of commerce in Wrangell, Petersburg and Ketchikan and the Alaska State Chamber of Commerce.

Two of the Williams three children are reporters for newspapers in Washington state. The other is a computer operator for a printing and office supply firm in Missouri.

Williams was awarded an honorary doctor of humanities degree by the University of Alaska, Juneau in 1981.

PROGRAM III: MARCH 15, 1981

Optional add:

Williams was born in Spokane, Wash. He began his newspaper career in 1936 as a paper carrier for the Juneau Empire. He attended schools in Tacoma, Juneau and Wrangell, graduating from Wrangell High School in 1942. He attended prep school in Washington, D.C., then served three years in the U.S. Army in World War II. He was discharged honorably as a sergeant in the parachute troops.

Except for a year at business college in Berkeley, California in 1950, he has been active in the newspaper business in Alaska since World War II. In addition to newspaper activities in Wrangell, Petersburg and Ketchikan, Williams ran the Alaska Sunday Press in Juneau for its owners for six months and he and his wife owned the Sitka Sentinel for four years.

7/16/87

RESUME

LEONA KISAUTAQ OKAKOK

DATE OF BIRTH: 16 April 1944  
NEE: Leona Kisautaq Mayak Simmonds  
CURRENT ADDRESS: P.O. Box 957  
Barrow, Alaska 99723  
(907) 852-7650

EDUCATIONAL BACKGROUND:

1975-77 University of Alaska, Fairbanks - Inupiat  
Language Major (one year short of graduation)  
1962-63 Sheldon Jackson Jr. College - Math major  
1958-62 Sheldon Jackson High School - Graduated  
Valedictorian

MARITAL STATUS: Married; Spouse - Rex A. Okakok  
No. of Children - Five

EMPLOYMENT RECORD:

11/86-Present POSITION: Liaison Officer  
DIVISION: Inupiat History, Language  
and Culture  
DEPT: Planning  
EMPLOYER: North Slope Borough  
ADDRESS: P.O. Box 69  
Barrow, Alaska 99723  
(907) 852-2611 ext.234

DUTIES: To serve as the administrative  
officer for the Inupiat History, Language and Culture Commission  
of the North Slope Borough; to carry out the mandate by  
the North Slope Borough Assembly which is to record and  
preserve the history, language and culture of the Inupiat  
people of the North Slope region of the State of Alaska.  
The mandate also includes translation of all major documents  
of the North Slope Borough. The office maintains a staff  
of six: Liaison Officer, Administrative Secretary, Oral  
History Coordinator, one Translator/Inupiat Language Consultant  
and two Translator/Editors.

Some of the work of this office is done through contracts  
with translators, historians, consultants and other researchers.  
These contracts may include documentation of Traditional  
Land Use Inventories, Cultural Research (such as Traditional  
Law), Inupiat Language Dictionary Projects, Life Histories  
of Inupiaq Elders.

On-going office projects include: updating geneology  
records of Inupiaq families; translating Elders' Conferences;  
computerizing office records; maintaining photo and film  
archives; acquisition and storage of rare artifacts; acquisition  
of oral history records from all villages of the North

Page Two  
Resume  
Okakok

Slope Borough; working on a common orthography for the Inuit Language which covers Siberia, Alaska, Canada and Greenland.

5/83-11/86 POSITION: Executive Vice-President  
EMPLOYER: RexLee, Inc.  
ADDRESS: P.O.Box 957  
Barrow, Alaska 99723  
(907) 852-7650

DUTIES: This was a family-owned corporation which did contracts for translations, consultant services and research. Duties included: translation of one of the Elders' Conference of the North Slope Borough's IHLC Division; TV host for a statewide weekly half-hour topical interview show in either one or both languages (Inupiat or English) taped locally at the North Slope Borough TV Studio; serve as researcher and consultant for cultural research; filled in as a manager and baker for family-run bakery; did research for an employment survey for a NSB contractor for four villages; and served as an official translator for the State of Alaska Court System. Recognized as an Expert Witness by the court on matters relating to the Inupiaq Culture.

11/79-5/83 POSITION: Translator II  
DIVISION: Inupiat History, Language  
and Culture  
DEPARTMENT: Planning  
EMPLOYER: North Slope Borough  
ADDRESS: P.O. Box 69  
Barrow, Alaska 99723  
(907) 852-2611

DUTIES: To translate major documents, Elders' Conferences and other works as deemed necessary by the Commission and the Liaison Officer. Trained new translators on techniques; fill in as Acting Liaison Officer to run the affairs of the office; attended various meetings to promote the work of IHLC and also to gather information useful to our work.

Part of the duties also included assisting in the preparation and operance of the annual Elders' Conferences; serving as part of a team of simultaneous translators for the ICC conference in Iqaluit, Canada; and serving as an on-call translator for the court system.

10/74-8/77 POSITION: Clerk-Typist/Inupiat Language  
Specialist  
DEPARTMENT: Alaska Native Language Center  
EMPLOYER: University of Alaska, Fairbanks  
ADDRESS: Fairbanks, Alaska 99701

Page Three  
Resume  
Okakok

**DUTIES:** Worked as half-time clerk-typist for specialists working on all Native Languages of Alaska and also worked as a half-time Inupiat Language Specialist. Duties as the Inupiat Language Specialist involved gathering words for the Inupiat language dictionary by researching into any and all printed word lists, working with elders who were serving as informants for the project; researched words, including breaking them up into morphemes; duly noted all discoveries regarding the Inupiat language; translated legends and stories; and filled in as instructor for the Inupiat language classes when needed.

**OTHER INTERESTS AND INVOLVEMENT:**

Member of the Board of Directors of the Institute of Alaska Native Arts, 1980-84

Member of the Board of Directors North Alaska Health Resources Association, 1985-Present; Executive Board Vice-President, 1986-Present

Member of the Board of Education, North Slope Borough School District, 1984-Present; Board Clerk 1984-Present

**PUBLICATIONS:**

1981 Kisautaq (Transcriber and Translator). PUIGUITKAAT: THE 1978 ELDERS' CONFERENCE. Barrow: North Slope Borough Commission on History and Culture (653 pp.)

**PRESENTATIONS:**

1983 Oral History Conference, Anchorage. Was part of a panel on Oral History and Elders' Conferences

1983 National Oral History Association Conference, Seattle. Was part of a panel on Oral History Projects

1985 Heritage North Conference, Yellowknife, Northwest Territories, Canada. Spoke on two panels - on North Language Preservation and Oral History Projects

**REFERENCES:**

Karla Kolash, Deputy Director  
Planning and Community Services Department  
North Slope Borough  
P.O.Box 69  
Barrow, Alaska 99723  
(907)852-2611

Judge Michael I. Jeffery  
State of Alaska Court System  
Pouch 2700  
Barrow, Alaska 99723  
(907)852-4800

Page Four  
Resume  
Okakok

Dr. Tom Wood, Superintendent  
North Slope Borough School District  
P.O.Box 169  
Barrow, Alaska 99723  
(907)852-5311

John W. Carnahan  
P.O.Box 956  
Wellsboro, PA 16901  
(717) 724-4786

EO

67

# STATE OF ALASKA



## SENATE JUDICIARY COMMITTEE

SEN. JAY KERTTULA  
SEN. ARLISS STURGULEWSKI  
SEN. RICK HALFORD  
SEN. JOE JOSEPHSON  
SEN. PAT RODEY

P.O. BOX V  
STATE CAPITOL  
JUNEAU, ALASKA 99811  
(907) 465-3717  
(907) 465-3771

February 6, 1987

Senator Jan Faiks  
President of the Senate  
P.O. Box V - State Capitol  
Juneau, AK 99811

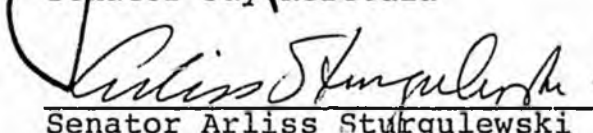
Dear Senator Faiks:

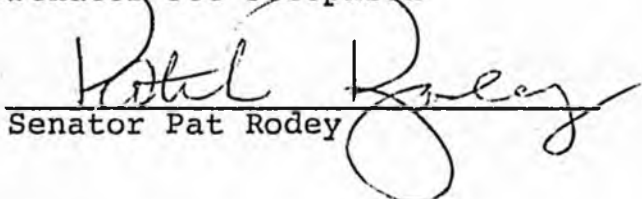
You referred Executive Order No. 67, transferring responsibility for the alcohol breath and blood testing program from the Department of Health and Social Services to the Department of Public Safety, to the Senate Judiciary Committee on January 19, 1987.

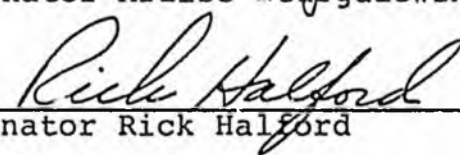
The committee has heard testimony from the Departments of Public Safety, Health and Social Services, and Law on the proposed transfer and finds Executive Order No. 67 to be in the state's best interest for the efficient administration of the program.

  
\_\_\_\_\_  
Senator Jay Kerttula

  
\_\_\_\_\_  
Senator Joe Josephson

  
\_\_\_\_\_  
Senator Arliss Sturgulewski

  
\_\_\_\_\_  
Senator Pat Rodey

  
\_\_\_\_\_  
Senator Rick Halford



# Alaska State Legislature

## Senate

### Office of the Secretary

OFFICIAL BUSINESS

P.O. BOX V  
CAPITOL BUILDING  
JUNEAU, ALASKA 99811

January 19, 1987

#### MEMORANDUM

TO: Senator Kerttula, Chairman  
Judiciary Committee

FROM: Peggy Mulligan *PM*  
Secretary of the Senate

RE: Executive Order No. 67

The President has referred Executive Order No. 67 (transferring the responsibility for the alcohol breath and blood testing program from the Department of Health and Social Services to the Department of Public Safety).

Attached is a copy of Section 23, Article III of the Constitution describing procedures for executive orders.

Thank you.

Enclosure

cc: State Affairs Committee and  
Finance Committee

invasion. The governor, as provided by law, shall appoint all general and flag officers of the armed forces of the State, subject to confirmation by a majority of the members of the legislature in joint session. He shall appoint and commission all other officers.

Martial  
Law

SECTION 20. The governor may proclaim martial law when the public safety requires it in case of rebellion or actual or imminent invasion. Martial law shall not continue for longer than twenty days without the approval of a majority of the members of the legislature in joint session.

Executive  
Clemency

SECTION 21. Subject to procedure prescribed by law, the governor may grant pardons, commutations, and reprieves, and may suspend and remit fines and forfeitures. This power shall not extend to impeachment. A parole system shall be provided by law.

Executive  
Branch

SECTION 22. All executive and administrative offices, departments, and agencies of the state government and their respective functions, powers and duties shall be allocated by law among and within not more than twenty principal departments, so as to group them as far as practicable according to major purposes. Regulatory, quasi-judicial, and temporary agencies may be established by law and need not be allocated within a principal department.

Reorganization

SECTION 23. The governor may make changes in the organization of the executive branch or in the assignment of functions among its units which he considers necessary for efficient administration. Where these changes require the force of law, they shall be set forth in executive orders. The legislature shall have sixty days of a regular session, or a full session if of shorter duration, to disapprove these executive orders. Unless disapproved by resolution concurred in by a majority of the members in joint session, these orders become effective at a date thereafter to be designated by the governor.



STATE OF ALASKA  
OFFICE OF THE GOVERNOR  
JUNEAU

January 19, 1987

The Honorable Jan Faiks  
President of the Senate  
Alaska State Legislature  
P.O. Box V  
Juneau, AK 99811

Dear Senator Faiks:

Under the authority of art. III, sec. 23, of the Alaska Constitution, I am transmitting an executive order that will transfer administrative and regulatory authority for the state's alcohol breath and blood testing program from the Department of Health and Social Services to the Department of Public Safety. This transfer is necessary to improve the administration of Alaska's alcohol breath and blood testing program and to ensure that the program is conducted in the most efficient and legally defensible manner.

Under AS 28.35.033(d), amended in sec. 2 of this order, the Department of Health and Social Services (DHSS) currently possesses regulatory authority for the state's breath test program. Much of the responsibility for the actual administration and day-to-day functioning of the program rests with the Department of Public Safety (DPS), however. DPS purchases and distributes the breath test instruments, repairs the instruments, purchases and distributes necessary supplies, and conducts the training of breath test operators and supervisor-instructors. The present division of functions between the two departments has led to difficulties in the administration of the present program. Since there is no one office or agency with clear administrative authority over the breath test program, some uncertainty about areas of responsibility and lines of authority has developed. Occasionally some necessary duties have "fallen between the cracks." As a direct result of this lack of a centralized oversight authority, state prosecutors have sometimes had to dismiss DWI prosecutions, and have had to defend scores of DWI cases on appeal.

Alaska has had criminal laws prohibiting drunken driving since territorial days. See ch. 49, SLA 1947. In ch. 83, SLA 1969, Alaska adopted an "implied consent" statute, AS 28.35.031, requiring a person suspected of drunken driving to submit to a breath test to determine blood alco-

hol content. AS 28.35.033(d), also enacted in ch. 83, SMA 1969, made the Department of Health and Social Services (at that time called the Department of Health and Welfare) responsible for approving "satisfactory techniques, methods, and standards of training" for analysis of the alcohol content of a DWI arrestee's breath or blood sample. At the time that this responsibility was given to DHSS there was no other state agency that had either the facilities or the technical expertise to perform this function.

In 1978 a state forensic crime laboratory was established in the Department of Public Safety to provide essential scientific support services to local law enforcement officers and state troopers throughout the state. Since that time the state crime laboratory has performed a steadily increasing array of scientific functions and analyses. The laboratory now employs 14 persons full-time, including four forensic chemists who routinely analyze blood samples and suspected controlled substances and have testified in countless misdemeanor and felony trials. In recent years, laboratory personnel have begun conducting analyses of diverse crime scene evidence, including physical evidence in arson cases, urine testing, footprint comparisons, and some limited fiber, trace, and serological analyses.

In 1983 and 1984, the legislature appropriated five and one-half million dollars to the Department of Public Safety to build and equip a sophisticated new crime laboratory facility in Anchorage. The new laboratory, which opened in January of 1986, contains some of the most modern and sophisticated scientific equipment available anywhere in the country. The new laboratory provides expanded testing capabilities in the areas of forensic chemistry, serology, toxicology, firearms identification, and trace evidence identification.

At this point in the state's history, it makes administrative and public policy sense to transfer the responsibility for administration of Alaska's alcohol breath and blood testing program to DPS's new "state-of-the-art" laboratory. Transfer of this function to the DPS laboratory would be consistent with the national trend in DWI law enforcement and alcohol breath testing. Currently, over half of the states in the country have placed full administrative responsibility for their alcohol breath test programs with their departments of public safety. Several of these states, such as Texas, Minnesota, New York, New Jersey, and Michigan, have sophisticated programs that serve as models for other states. Only about one-fourth of the states con-

tinue to place administrative oversight authority for the state's breath test program in their departments of public health. Although alcohol blood tests are administered only in limited circumstances under AS 28.35.033(c) and 28.35.035, responsibility for those tests should also rest with DPS.

Alaska's vast size and unique geographic characteristics present tremendous practical problems in the administration of the state's alcohol breath test program. The state owns approximately 70 Intoximeter 3000 breath test instruments located in 45 different communities in the state. These instruments require routine maintenance, and the calibration of the instrument must be verified every 60 days. There are approximately 1,000 certified breath test operators, 30 supervisor-instructors, and six instrument technicians in the state. All breath test operators and supervisor-instructors are police officers, either state troopers or members of local police departments.

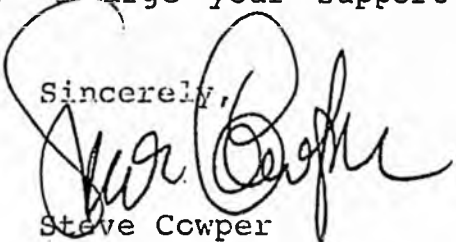
Since the effective enforcement of the DWI laws is such an integral part of the law enforcement duties of these agencies, the DPS laboratory should assume responsibility for a unified system, rather than one administered piecemeal without clear lines of authority or defined duties. This change would eliminate unnecessary confusion, expense, and duplication of effort, and reduce the potential for legal challenges to the system.

Section 3 of the Order provides that existing regulations regarding the administration of the program will remain in effect until new regulations are adopted by the Department of Public Safety. Section 4 establishes an effective date of July 1, 1987. This date has been chosen because it will be necessary to transfer some resources from the Department of Health and Social Services to the Department of Public Safety when the Order takes effect. July 1st is the beginning of the new fiscal year, and a convenient point at which to transfer positions.

Although not dealt with in this Order, the section heading of AS 29.35.033 should be modified so that it also refers to chemical analysis of breath. The existing title refers only to chemical analysis of blood, and therefore does not accurately reflect that both types of analyses are currently dealt with in that section. This change should be made by the revisor of statutes under AS 01.05.031(b)(2).

Drunken drivers maim and kill numerous innocent people every year, and cause significant property damage and economic loss. The just and efficient administration of our alcohol breath and blood testing program is a primary concern for all of us. Transfer of the administrative authority for the state's breath and blood testing program from the Department of Health and Social Services to the Department of Public Safety will improve our ability to effectively enforce our laws against drunk driving. I urge your support of this Order.

Sincerely,



Steve Cowper  
Governor

STATE OF ALASKA 1987 LEGISLATIVE SESSION  
FISCAL NOTE

Revision Date : 12/8/86

**REQUEST**

Bill/Resolution No. : 773-87-0061 E.O.#67  
 Title : An Act relating to chemical analysis of breath and blood; & providing for effective date  
 Sponsor : \_\_\_\_\_  
 Requestor : \_\_\_\_\_  
 Date of Request : 11-15-86

**FISCAL DETAIL**

Agency Affected : Dept of Public Safety  
 BRU : DPS Administration  
 Components : Laboratory Services

**EXPENDITURES/REVENUES : (Thousands of Dollars)**

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES		63.9	63.9	63.9	63.9	63.9
TRAVEL		2.4	2.4	2.4	2.4	2.4
CONTRACTUAL		11.5	11.5	11.5	11.5	11.5
SUPPLIES		3.0	3.0	3.0	3.0	3.0
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>		<b>80.8</b>	<b>80.8</b>	<b>80.8</b>	<b>80.8</b>	<b>80.8</b>

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

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

**FUNDING : (Thousands of Dollars)**

GENERAL FUND		80.8	80.8	80.8	80.8	80.8
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>		<b>80.8</b>	<b>80.8</b>	<b>80.8</b>	<b>80.8</b>	<b>80.8</b>

**POSITIONS :**

FULL-TIME		1	1	1	1	1
PART-TIME		1	1	1	1	1
TEMPORARY						

**ANALYSIS :** Attach a separate page if necessary

All costs are to be transferred from the Department of Health and Social Services to the Department of Public Safety. See attached details.

Prepared by : George M. Taft, Jr. Phone : 269-5687  
 Division : Laboratory Services Date : 12/8/86

Approved by Commissioner: [Signature] Date : 12/11/86  
 Agency : Department of Public Safety

Distribution (by Agency preparing fiscal note) :

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

*JMR*  
*12/11/86*

# CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. Law Log # 773-87-0061

## LABORATORY SERVICES

COSTS RELATED TO THE TRANSFER OF THE ALCOHOL  
BREATH TESTING PROGRAM FROM D.H.S.S. TO D.P.S.

### Personal Services

PCN-1558, Chemist III, Range 18B, 12 months			
Salary	\$38,712		
Benefits	<u>12,280</u>		
Subtotal		\$50,992	
PCN-1316, Clerk-Typist III, Range 8A, 6 months			
Salary	9,786		
Benefits	<u>3,096</u>		
Subtotal		12,882	
Total Personal Services			\$63,874

### Travel

72240 Field Travel -	1,000		
72300 Conference & Meetings	400		
72500 Per Diem	<u>1,000</u>		
Total Travel			2,400

### Contractual

73100 Professional Services	5,000		
73300 Communications	2,500		
73500 Printing	1,000		
73700 Repair & Maintenance	<u>3,000</u>		
Total Contractual			11,500

### Supplies

74220 Office Supplies	500		
74520 Scientific Supplies	2,000		
74650 Repair & Maintenance Supplies	<u>500</u>		
Total Supplies			3,000

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. Law Log # 773-87-0061

Equipment

The following equipment is transferred. No purchasing costs are involved.

1. Perkin Elmer gas chromatograph sigma 2000 with 360C Data Station and automated head space.
2. IBM PC XT with Intoximeter modems.
3. Spare Intoximeters (2)
4. Nalco tank jig for mix...g gases.
5. Expendible supplies, tanks, line conditioner, etc.

TOTAL COST

\$80,774

# STATE OF ALASKA 1987 LEGISLATIVE SESSION FISCAL NOTE

Revision Date: \_\_\_\_\_

**REQUEST**

Bill/Resolution No. : 773-87-0061 *6067*  
 Title : Alcohol Breath & Blood Testing

Sponsor : Governor  
 Requestor : \_\_\_\_\_  
 Date of Request : \_\_\_\_\_

**FISCAL DETAIL**

Agency Affected : Health & Social Services  
 BRU : State Health Services

Components : Lab Services

**EXPENDITURES/REVENUES : (Thousands of Dollars)**

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES		(42.0)				
TRAVEL		-0-				
CONTRACTUAL		(11.4)				
SUPPLIES		( 4.0)				
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>		(57.4)	-0-	-0-	-0-	-0-
<b>CAPITAL</b>						
<b>REVENUE</b>						

**FUNDING : (Thousands of Dollars)**

GENERAL FUND		(57.4)				
FEDERAL FUNDS		-0-				
OTHER		-0-				
<b>TOTAL</b>		(57.4)	-0-	-0-	-0-	-0-

**POSITIONS :**

FULL-TIME		(1)				
PART-TIME						
TEMPORARY						

**ANALYSIS :** Attach a separate page if necessary

SEE ATTACHED PAGE

Prepared by : Elizabeth Ward, Director *E. Ward* Phone : 465-3090  
 Division : Public Health Date : November 20, 1986

Approved by Commissioner : *John R. Poy* Date : 11/27/86  
 Agency : Health & Social Services

Distribution (by Agency preparing fiscal note):

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

## FISCAL NOTE ANALYSIS

With the transfer of the DWI regulatory authority to the Department of Public Safety it is assumed that there will be a transfer of the Chemist III and supporting funds from the Department of Health & Social Services. The original amount for the position was authorized in SB 611, CH 139 SLA 82 p. 12. This amount has been adjusted to reflect subsequent legislative appropriations, and is based on the FY 87 revised budget. \$42,000 is allocated for personal services. Other funds include \$11,400 for associated contractual costs and \$4,000 for supplies. The total transfer (\$57,400) will be from the General Fund.

The impact of this transfer on the Division of Public Health will be to eliminate the ability of the laboratory system to perform any public health toxicology activities. It will also entail the transfer of an employee from Juneau to Anchorage.

SB

1

5-0193L  
Hein  
3/18/87

Original sponsors: Duncan, Szymanski,  
Uehling and Sturgulewski

1 IN THE SENATE

BY THE JUDICIARY COMMITTEE

2 CS FOR SENATE BILL NO. 1 (Judiciary)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the rights of physically and  
7 mentally disabled persons."

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

9 \* Section 1. AS 09.20.010 is amended by adding new subsections to read:

10 (b) A person is not disqualified from serving as a juror solely  
11 because of the loss of hearing or sight in any degree or a disability  
12 that substantially impairs or interferes with the person's mobility.

13 (c) The court shall provide, and pay the cost of services of, an  
14 interpreter or reader when necessary to enable a person with impaired  
15 hearing or sight to act as a juror.

16 \* Sec. 2. AS 09.65 is amended by adding a new section to read:

17 Sec. 09.65.150. DUTY TO DISABLED PEDESTRIANS. (a) The driver  
18 of a vehicle approaching a physically disabled pedestrian who is  
19 carrying a white or metallic-colored cane, or using special equipment  
20 for mobility, or using a service animal, shall take precautions neces-  
21 sary to avoid injury to the pedestrian or the service animal. A  
22 driver who fails to take necessary precautions and, as a result,  
23 causes injury to the pedestrian or the service animal is liable in  
24 damages for the injury caused.

25 (b) In this section

26 (1) "physically disabled pedestrian" means a person who has  
27 a physical conditior. that limits the person's ability to function as a  
28 pedestrian without the assistance of another person, a service animal,  
29 a cane, or other equipment or device;

1 (2) "service animal" means a dog guide or other animal that  
2 assists a physically disabled person to function as a pedestrian.

3 \* Sec. 3. AS 11.76 is amended by adding a new section to read:

4 Sec. 11.76.130. INTERFERENCE WITH RIGHTS OF DISABLED PERSON.

5 (a) A person commits the crime of interference with the rights of a  
6 disabled person if the person prevents or restricts

7 (1) a physically or mentally disabled person from having  
8 full and free pedestrian use of a street, highway, sidewalk, walkway,  
9 or other thoroughfare, to the same extent that any other person has a  
10 right to pedestrian use; or

11 (2) a physically disabled person from being accompanied or  
12 assisted by a certified service animal, without an extra charge for  
13 the service animal, in a common carrier, place of public accommoda-  
14 tion, or other place to which the general public is invited, except as  
15 provided in (b) of this section.

16 (b) A physically disabled person who is accompanied or assisted  
17 by a certified service animal in a common carrier, place of public  
18 accommodation, or other place to which the general public is invited,  
19 is liable for property damage done by the animal.

20 (c) In this section

21 (1) "certified service animal" means an animal trained to  
22 assist a physically disabled person and certified by a school or  
23 training facility for service animals as having completed such train-  
24 ing;

25 (2) "physically or mentally disabled" has the meaning given  
26 in AS 18.80.300.

27 (d) Interference with the rights of a disabled person is a class  
28 B misdemeanor.

29 \* Sec. 4. AS 12.55.155(c)(22) is amended to read:

1 (22) the defendant knowingly directed the conduct consti-  
2 tuting the offense at a victim because of that person's race, sex,  
3 color, creed, physical or mental disability, ancestry, or national  
4 origin;

5 \* Sec. 5. AS 18.80.050 is amended by adding a new subsection to read:

6 (b) The commission shall adopt regulations relating to dis-  
7 crimination because of physical and mental disability. The regula-  
8 tions shall furnish guidance concerning the circumstances under which  
9 it is necessary to make a reasonable accommodation for a physically or  
10 mentally disabled person when providing employment, financing or  
11 credit, public accommodations, the sale or rental of real property, or  
12 other goods, services, facilities, advantages, or privileges under  
13 this chapter.

14 \* Sec. 6. AS 18.80.060(a) is amended to read:

15 (a) In addition to the other powers and duties prescribed by  
16 this chapter the commission shall

17 (1) appoint an executive director approved by the governor;

18 (2) hire other administrative staff as may be necessary to  
19 the commission's function;

20 (3) exercise general supervision and direct the activities  
21 of the executive director and other administrative staff;

22 (4) accept complaints under AS 18.80.100;

23 (5) study the problems of discrimination in all or specific  
24 fields of human relationships, and foster through community effort or  
25 goodwill, cooperation and conciliation among the groups and elements  
26 of the population of the state, and publish results of investigations  
27 and research as in its judgment will tend to eliminate discrimination  
28 because of race, religion, color, national ancestry, physical or  
29 mental disability [HANDICAP], age, sex, marital status, changes in

1 marital status, pregnancy or parenthood;

2 (6) make an overall assessment, at least once every three  
3 years, of the progress made toward equal employment opportunity by  
4 every department of state government; results of the assessment shall  
5 be included in the annual report made under AS 18.80.150.

6 \* Sec. 7. AS 18.80.200 is amended to read:

7 Sec. 18.80.200. PURPOSE. (a) It is determined and declared as  
8 a matter of legislative finding that discrimination against an inhabi-  
9 tant of the state because of race, religion, color, national origin,  
10 age, sex, physical or mental disability, marital status, changes in  
11 marital status, pregnancy or parenthood is a matter of public concern  
12 and that this discrimination not only threatens the rights and privi-  
13 leges of the inhabitants of the state but also menaces the institu-  
14 tions of the state and threatens peace, order, health, safety and  
15 general welfare of the state and its inhabitants.

16 (b) Therefore, it is the policy of the state and the purpose of  
17 this chapter to eliminate and prevent discrimination in employment, in  
18 credit and financing practices, in places of public accommodation, in  
19 the sale, lease, or rental of real property because of race, religion,  
20 color, national origin, sex, age, physical or mental disability,  
21 marital status, changes in marital status, pregnancy or parenthood.  
22 It is also the policy of the state to encourage and enable physically  
23 and mentally disabled persons to participate fully in the social and  
24 economic life of the state and to engage in remunerative employment.  
25 It is not the purpose of this chapter to supersede laws pertaining to  
26 child labor, the age of majority or other age restrictions or require-  
27 ments.

28 \* Sec. 8. AS 18.80.210 is amended to read:

29 Sec. 18.80.210. CIVIL RIGHTS. The opportunity to obtain

1 employment, credit and financing, public accommodations, housing  
2 accommodations and other property without discrimination because of  
3 sex, physical or mental disability, marital status, changes in marital  
4 status, pregnancy, parenthood, race, religion, color or national  
5 origin is a civil right.

6 \* Sec. 9. AS 18.80.220(a) is amended to read:

7 (a) It is unlawful for

8 (1) an employer to refuse employment to a person, or to bar  
9 a person from employment, or to discriminate against a person in  
10 compensation or in a term, condition, or privilege of employment  
11 because of the person's race, religion, color or national origin, or  
12 because of the person's age, physical or mental disability [HANDICAP],  
13 sex, marital status, changes in marital status, pregnancy or parent-  
14 hood when the reasonable demands of the position do not require dis-  
15 tinction on the basis of age, physical or mental disability [HANDI-  
16 CAP], sex, marital status, changes in marital status, pregnancy or  
17 parenthood;

18 (2) a labor organization, because of a person's sex, mari-  
19 tal status, changes in marital status, pregnancy, parenthood, age,  
20 race, religion, physical or mental disability, color or national  
21 origin, to exclude or to expel a person from its membership, or to  
22 discriminate in any way against one of its members or an employer or  
23 an employee;

24 (3) an employer or employment agency to print or circulate  
25 or cause to be printed or circulated a statement, advertisement, or  
26 publication, or to use a form of application for employment or to make  
27 an inquiry in connection with prospective employment, which expresses,  
28 directly or indirectly, a limitation, specification or discrimination  
29 as to sex, physical or mental disability, marital status, changes in

1 marital status, pregnancy, parenthood, age, race, creed, color or  
 2 national origin, or an intent to make the limitation, unless based  
 3 upon a bona fide occupational qualification;

4 (4) an employer, labor organization or employment agency to  
 5 discharge, expel or otherwise discriminate against a person because  
 6 the person has opposed any practices forbidden under AS 18.80.200 -  
 7 18.80.280 or because the person has filed a complaint, testified or  
 8 assisted in a proceeding under this chapter;

9 (5) an employer to discriminate in the payment of wages as  
 10 between the sexes, or to employ a female in an occupation in this  
 11 state at a salary or wage rate less than that paid to a male employee  
 12 for work of comparable character or work in the same operation, busi-  
 13 ness or type of work in the same locality; or

14 (6) a person to print, publish, broadcast or otherwise  
 15 circulate a statement, inquiry or advertisement in connection with  
 16 prospective employment that expresses directly, a limitation, speci-  
 17 fication or discrimination as to sex, physical or mental disability,  
 18 marital status, changes in marital status, pregnancy, parenthood, age,  
 19 race, religion, color or national origin, unless based upon a bona  
 20 fide occupational qualification.

21 \* Sec. 10. AS 18.80.230 is amended to read:

22 Sec. 18.80.230. UNLAWFUL PRACTICES IN PLACES OF PUBLIC ACCOMMO-  
 23 DATION. It is unlawful for the owner, lessee, manager, agent or  
 24 employee of a public accommodation

25 (1) to refuse, withhold from or deny to a person any of its  
 26 services, goods, facilities, advantages or privileges because of sex,  
 27 physical or mental disability, marital status, changes in marital  
 28 status, pregnancy, parenthood, race, religion, color or national  
 29 origin;

1 (2) to publish, circulate, issue, display, post or mail a  
2 written or printed communication, notice or advertisement that states  
3 or implies

4 (A) that any of the services, goods, facilities,  
5 advantages or privileges of the public accommodation will be  
6 refused, withheld from or denied to a person of a certain race,  
7 religion, sex, physical or mental disability, marital status,  
8 color or national origin or because of pregnancy, parenthood, or  
9 a change in marital status, or

10 (B) that the patronage of a person belonging to a  
11 particular race, creed, sex, marital status, color or national  
12 origin or who, because of pregnancy, parenthood, physical or  
13 mental disability, or a change in marital status, is unwelcome,  
14 not desired or solicited.

15 \* Sec. 11. AS 18.80.240 is amended to read:

16 Sec. 18.80.240. UNLAWFUL PRACTICES IN THE SALE OR RENTAL OF REAL  
17 PROPERTY. It is unlawful for the owner, lessee, manager or other  
18 person having the right to sell, lease or rent real property

19 (1) to refuse to sell, lease or rent the real property to a  
20 person because of sex, marital status, changes in marital status,  
21 pregnancy, race, religion, physical or mental disability, color or  
22 national origin; however, nothing in this paragraph prohibits the  
23 sale, lease or rental of classes of real property commonly known as  
24 housing for "singles" or "married couples" only;

25 (2) to discriminate against a person because of sex, mari-  
26 tal status, changes in marital status, pregnancy, race, religion,  
27 physical or mental disability, color or national origin in a term,  
28 condition or privilege relating to the use, sale, lease or rental of  
29 real property; however, nothing in this paragraph prohibits the sale,

1 lease or rental of classes of real property commonly known as housing  
2 for "singles" or "married couples" only;

3 (3) to make a written or oral inquiry or record of the sex,  
4 marital status, changes in marital status, race, religion, physical or  
5 mental disability, color or national origin of a person seeking to  
6 buy, lease or rent real property;

7 (4) to offer, solicit, accept, use or retain a listing of  
8 real property with the understanding that a person may be discrimin-  
9 ated against in a real estate transaction or in the furnishing of  
10 facilities or sources in connection therewith because of a person's  
11 sex, marital status, changes in marital status, pregnancy, race,  
12 religion, physical or mental disability, color, national origin or  
13 age;

14 (5) to represent to a person that real property is not  
15 available for inspection, sale, rental, or lease when in fact it is so  
16 available, or to refuse to allow a person to inspect real property  
17 because of the race, religion, physical or mental disability, color,  
18 national origin, age, sex, marital status, change in marital status or  
19 pregnancy of that person or of any person associated with that person;

20 (6) to engage in blockbusting;

21 (7) to make, print or publish, or cause to be made, printed  
22 or published, any notice, statement or advertisement, with respect to  
23 the sale or rental of real property that indicates any preference,  
24 limitation, or discrimination based on race, color, religion, physical  
25 or mental disability, sex, or national origin, or an intention to make  
26 the preference, limitation or discrimination.

27 \* Sec. 12. AS 18.80.250(a) is amended to read:

28 (a) It is unlawful for a financial institution or other commer-  
29 cial institution extending secured or unsecured credit, upon receiving

1 an application for financial assistance or credit for the acquisition,  
2 construction, rehabilitation, repair or maintenance of a housing  
3 accommodation or other property or services, or the acquisition or  
4 improvement of unimproved property, or upon receiving an application  
5 for any sort of loan of money, to permit one of its officials or  
6 employees during the execution of the official's or the employee's  
7 duties

8 (1) to discriminate against the applicant because of sex,  
9 physical or mental disability, marital status, changes in marital  
10 status, pregnancy, parenthood, race, religion, color or national  
11 origin in a term, condition or privilege relating to the obtainment or  
12 use of the institution's financial assistance or credit, except to the  
13 extent of a federal statute or regulation applicable to a transaction  
14 of the same character;

15 (2) to make or cause to be made a written or oral inquiry  
16 or record of the sex, physical or mental disability, marital status,  
17 changes in marital status, pregnancy, parenthood, race, religion,  
18 color or national origin of a person seeking the institution's finan-  
19 cial assistance or credit, unless the inquiry is for the purpose of  
20 ascertaining the creditor's rights and remedies applicable to the  
21 particular extension of credit and is not made or used in order to  
22 discriminate in a determination of creditworthiness;

23 (3) to refuse to extend credit, issue a credit card or make  
24 a loan to a married person or a person with a physical or mental  
25 disability, who is otherwise creditworthy, if so requested by the  
26 person;

27 (4) to refuse to issue a credit card to a married person in  
28 that person's name, if so requested by the person, provided, however,  
29 that the person so requesting a card may be required to open an

1 account in that name.

2 \* Sec. 13. AS 18.80.250 is amended by adding a new subsection to read:

3 (d) This section does not prohibit an institution described in  
4 (a) of this section from refusing to contract with a person if the  
5 person lacks the legal capacity to contract or if the institution is  
6 reasonably in doubt about the person's legal capacity to contract.

7 \* Sec. 14. AS 18.80.255 is amended to read:

8 Sec. 18.80.255. UNLAWFUL PRACTICES BY THE STATE OR ITS POLITICAL  
9 SUBDIVISIONS. It is unlawful for the state or any of its political  
10 subdivisions

11 (1) to refuse, withhold from or deny to a person any local,  
12 state or federal funds, services, goods, facilities, advantages or  
13 privileges because of race, religion, sex, color or national origin;

14 (2) to publish, circulate, issue, display, post or mail a  
15 written or printed communication, notice or advertisement that states  
16 or implies that any local, state or federal funds, services, goods,  
17 facilities, advantages or privileges of the office or agency will be  
18 refused, withheld from or denied to a physically or mentally disabled  
19 person or a person of a certain race, religion, sex, color or national  
20 origin or that the patronage of a physically or mentally disabled  
21 person or a person belonging to a particular race, creed, sex, color  
22 or national origin is unwelcome, not desired or solicited; it is not  
23 unlawful to post notice that facilities to accommodate the physically  
24 or mentally disabled are not available;

25 (3) to refuse or deny to a person any local, state, or  
26 federal funds, services, goods, facilities, advantages or privileges  
27 because of physical or mental disability.

28 \* Sec. 15. AS 18.80.300 is amended by adding new paragraphs to read:

29 (15) "major life activities" means functions such as caring

1 for one's self, performing manual tasks, walking, seeing, hearing,  
2 speaking, breathing, learning, and working;

3 (16) "physical or mental disability" means

4 (A) a physical or mental impairment that substantially  
5 limits one or more major life activities,

6 (B) a history of, or a misclassification as having, a  
7 mental or physical impairment that substantially limits one or  
8 more major life activities; or

9 (C) having

10 (i) a physical or mental impairment that does not  
11 substantially limit a person's major life activities but  
12 that is treated by the person as constituting such a limita-  
13 tion;

14 (ii) a physical or mental impairment that sub-  
15 stantially limits a person's major life activities only as a  
16 result of the attitudes of others toward the impairment; or

17 (iii) none of the impairments defined in this  
18 paragraph but being treated by others as having such an  
19 impairment;

20 (D) a condition that may require the use of a prosthe-  
21 sis, special equipment for mobility or service animal;

22 (17) "physical or mental impairment" means

23 (A) physiological disorder or condition, cosmetic  
24 disfigurement, or anatomical loss affecting one or more of the  
25 following body systems: neurological, musculoskeletal, special  
26 sense organs, respiratory including speech organs, cardiovascu-  
27 lar, reproductive, digestive, genito-urinary, hemic and lymph-  
28 atic, skin, and endocrine; or

29 (B) mental or psychological disorder, including mental

1           retardation, organic brain syndrome, emotional or mental illness,  
2           and specific learning disabilities.

3           \* Sec. 16. AS 18.06 and AS 18.80.300(11) are repealed.  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29

A M E N D M E N T

Offered in the SENATE

By Josephson

TO: CSSB 1 (HESS)

Page 10, after line 22:

Insert a new bill section to read:

\*Sec. 14. AS 18.80 is amended by adding a new section to read:

Sec. 18.80.256. CAPACITY TO CONTRACT. This chapter does not prohibit a person from

(1) refusing to contract with an individual who lacks legal capacity to contract or whose capacity is in doubt to such person; or

(2) making or causing to be made a written or oral inquiry or record of an individual's mental disability if

(A) the person, before making the inquiry, reasonably doubts that the individual has the legal capacity to contract; and

(B) the inquiry or record is limited to information that is relevant to the question of whether the individual has the legal capacity to contract."

Renumber following bills sections accordingly.

# STATE OF ALASKA THE LEGISLATURE

POUCH Y STATE CAPITOL  
JUNEAU, ALASKA 99811  
907 465 3800

## LEGISLATIVE AFFAIRS AGENCY

M E M O R A N D U M

March 12, 1987

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

TO: Senator Jim Duncan

FROM: Edward H. Hein *E.H.H. lms*  
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.

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 - 13 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. 14 adds new definitions to AS 18.80 in order to incorporate federal definitions of "physical and mental disability".

Sec. 15 repeals AS 18.06. The provisions of that chapter have been transferred to AS 09, AS 11, and AS 18.80. Sec. 15 also repeals AS 18.80.300(11), which is the definition of "physical handicap" for purposes of AS 18.80.

Law Offices  
**Beard & Lawer**

First National Building  
425 G. Street  
Suite 630  
Anchorage, Alaska 99501  
907/277-4531

Re: SBI

John R. Beard  
David A. Lawer

March 3, 1987

Richard C. Enberg, President  
Alaska Bankers Association  
P.O. Box 100600  
Anchorage, AK 99510-0600

Re: Senate Bill 1

Dear Dick:

You have asked that we elaborate upon the comments we made February 3 concerning this bill. To illustrate our concern that the bill's provisions respecting mental disability will conflict with the law governing the contracts of incompetent persons, let me suggest some examples.

In each of the following illustrations, "A" is a person who has a "mental impairment" within the meaning of the bill's definition [§18.80.300(17)(B)] which constitutes both "mental disability" for purposes of the bill [§18.80.300(16)] and incompetence for purposes of determining his common law capacity to bind himself by contract [e.g., his mental impairment so affects his mind as to make him unable to understand the nature or consequences of his acts -- unable, as the bill would put it, to care for himself, §18.80.300(15)]. "B", "C", and "D" are persons who know of A's mental impairment, mental disability, and incompetence.

1. B owns, wants to sell, and has listed for sale with a broker, real property in Alaska (Blackacre). A offers to buy Blackacre, for cash, at B's listed price (\$100,000), and he has the cash necessary for payment of that price.

An apparent purpose of the proposed statute is to prohibit B from refusing A's offer because of A's mental disability/incompetence. The only thing that distinguishes A from any other cash purchaser is A's disability, and the bill would forbid B from recognizing that distinction. It would effectively compel B to accept A's offer not simply in spite of, but precisely because of, A's mental disability/incompetence. [§18.20.240]

So B complies with the new statute. He accepts A's offer, receives A's \$100,000, and conveys Blackacre to A.

Richard C. Enberg, President  
March 3, 1987  
Page 2

---

Real property values fall (Blackacre's included). A's disability/incompetence ends (or, alternatively, leads to the appointment of a conservator or guardian for A), and A (or his conservator or guardian) immediately seeks to disaffirm the purchase of Blackacre. Contract law entitles him to do that precisely because A was, and B knew him to be, mentally disabled/incompetent when he contracted to purchase Blackacre. Contract law entitles him to require B to return A's \$100,000 (perhaps with interest); it may or may not require A to return Blackacre (now worth \$75,000) to B.

Note: It is precisely because B knows of A's mental disability/incompetence that (a) contract law will allow A to avoid the contract and, so, encourage B not to accept A's offer and (b) the proposed statute will compel B not to decline A's offer.

2. Short of cash by reason of his recent purchase of Blackacre, A applies to C, a "financial institution or other commercial institution extending . . . credit", for a "loan of money". He tells C that he is proposing to launch a meat packing business in Palmer and wants to borrow \$50,000 to finance the costs of an expedition to round up cattle on an Aleutian island. He offers to repay the loan, with interest, in six months, and he has the resources (\$100,000 in U.S. treasury bills which mature in six months) to do so without regard to the success or failure of his proposed venture. He offers to give C his negotiable, promissory note. He offers, perhaps, to pledge his treasury bills to C to secure payment in accordance with his note. But for his mental disability/incompetence, he is creditworthy by every standard applied by C.

An apparent purpose of Senate Bill 1 is to prohibit C from refusing to make the loan A is requesting. As A's mental disability/incompetence is the only thing that distinguishes him from the most creditworthy of borrowers, and as the bill would forbid C's noticing that distinction, the bill would effectively compel C to make the loan. [§18.80.250]

So C complies with the new statute. It loans A \$50,000 upon A's written negotiable promise to pay \$50,000 and interest in six months. When, six months later, C seeks to enforce A's promise, A (or his conservator) asserts his mental disability/incompetence as a defense. The law of contracts recognizes A's incapacity as a defense against even a holder in due

Richard C. Enberg, President  
March 3, 1987  
Page 3

course -- a person who, by definition, gave value in good faith and without any notice of A's mental disability/incompetence -- of A's negotiable promissory note [A.S. 45.03.305(2)(B)]. And beyond enabling A to defeat C's demand for payment, contract law also entitles A to recover from C any payment he might have made (or that C might have effected by resort to the treasury bill collateral) while A was mentally disabled/incompetent. The very most C can expect of the law is that it will oblige A to pay (or prevent A from recovering) so much of the \$50,000 as C can persuade the court to have been spent for "necessaries" -- a task that would be difficult enough if "necessaries" were, as it is not, a concept of reasonably precise or consistent meaning, and likely impossible if A did spend the money on an unprofitable voyage to the Aleutians. It is very uncertain that C could expect even that much of the law if, as we are assuming, C knew of A's mental disability/incompetence when it made the loan.

Note, again: It is precisely because C knows of A's mental disability that (a) contract law will allow A to avoid his promise to pay and, so, encourage C to decline A's request for credit and (b) Senate Bill 1 will compel C to extend A the credit he requests.

3. A variant of 2: Instead of a six-month loan, A seeks a 15-year loan and offers real property he owns as collateral. C makes such loans if, but only if, it can first obtain the prior commitment of an investor to buy the loan. C knows that A's credit and proposed collateral satisfy the requirements of two of its investors -- the Alaska employees retirement fund and a stateside insurance company -- for a loan in the amount, and on the terms, A is seeking.

Would Senate Bill 1 permit C to inform the investor of A's mental disability/incompetence when it seeks the investor's commitment to buy the proposed loan? How else could C avoid making -- and exposing itself to liability on -- a warranty to the investor that A has no good defense against C on the note C will be selling to the investor? [See A.S. 45.03.417(b)(4); and note, again, that A's incompetence defense is so good that it is available against the investor as well as against C, A.S. 45.03.305(2)(B).] Would the bill's §18.80.255 prohibit the state retirement fund (or, e.g. AHFC, or the Alaska permanent fund) from declining to buy A's loan if it were told by C,

Richard C. Enberg, President  
March 3, 1987  
Page 4

---

or otherwise learned, of A's mental disability/incompetence? If so, could C escape warranty liability simply by selling A's loan to the state or a political subdivision of the state, with or without notice of A's incompetence defense?

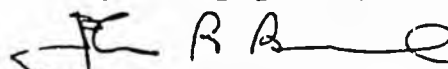
4. D provides deposit services to the general public. If, as seems probable, that constitutes D a "public accommodation" [A.S. 18.80.300(12)], Senate Bill 1 would appear to forbid D from either declining to continue its business with A, or refusing to accept A's deposit business, by reason of A's mental disability/incompetence. [§18.80.230]

At least in the former instance (continuing services pursuant to a contract with A made before D knew of A's disability/incompetence), and perhaps even in the latter instance (contracting to provide services knowing of A's disability/incompetence), D seems to be shielded by A.S. 45.04.405 from risk in complying with Senate Bill 1's requirements so long as D does not know that A's affairs are being administered by a conservator or other fiduciary in protective proceedings pursuant to A.S. 13.26. But unlike the protection of A.S. 45.04.405, the compulsion of Senate Bill 1 does not end when D (or, for that matter, B or C in the previous illustrations) learns that A has been adjudicated incompetent.

[The protection of A.S. 45.03.405 is uniquely available to D (and other banks in connection with the deposit, collection of items), in whose favor it establishes the rule that an adjudication is the only fact whose knowledge by D will enable A to avoid his contractual obligations. There is nothing comparable in contract law to protect others -- B or C in the previous illustrations, for example -- in their dealings with known (or suspected) incompetents prior to an adjudication of incompetence.

[It is possible, of course, that B and C will have no reason to know of, or suspect, A's mental disability/incompetence other than knowledge or notice of an adjudication. That even that knowledge will not, under Senate Bill 1, allow B or C -- any more than it would allow D -- to decline to deal with A. This illustrates the bill's direct conflict with those rules of contract which underlie A.S. 13.26.]

Very truly yours,

  
John R. Beard

JRB/11j

March 11, 1987

The Honorable Jim Duncan  
Senator  
Alaska State Legislature  
Pouch V  
Juneau, AK 99811

Dear Senator Duncan:

I appreciate the opportunity to respond to Mr. Beard's letter of March 3, 1987, regarding his concerns about portions of Senate Bill 1.

The commentary presented in this letter appears to be based on the same assumptions that we see in most forms of discrimination and in fact is, in my opinion, a good example of why Senate Bill 1 needs to be passed. The following are a few of the assumptions found in Mr. Beard's letter and my responses:

1. throughout this letter it is assumed that the mentally disabled person is also incompetent - this type of stereotyping has resulted in some very unfortunate examples of discrimination. Many members of the lay public do not understand that most mentally disabled persons are not incompetent. A mentally disabled person may or may not have experienced mental illness. It also may be true that a mentally disabled person who is now mentally restored would fall under the definition cited in Senate Bill 1 only because they are wrongfully regarded as being mentally disabled.
2. The examples given in Mr. Beard's letter also assume that all agents described know that the mentally disabled person referred to as "A" is incompetent. In this country it is the role of the courts to determine whether an individual is competent or not. Therefore, the three agents ("B", "C", and "D") could only "know of" the mentally disabled person's competency by viewing court documents, not by assumption, hearsay, or gossip, as implied. If official documents are presented and do indeed determine that the individual is mentally incompetent and is prohibited from entering into a contract without benefit of a guardian or conservator, that may be a valid point to be presented in a written notice explaining a bank's choice to deny a loan or credit. Since federal banking regulations require that a written statement be provided explaining the reasons for such denials, I cannot imagine that any agent or lending institution would

care to sign a statement which cites the reason for denial of credit or a loan was due to the impression that the individual "appeared", or "sounded" or was "regarded" as incompetent.

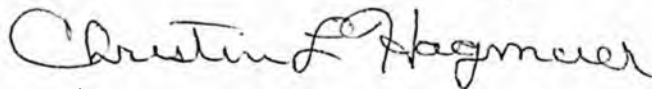
3. Mr. Beard's letter also refers to a hypothetical scenario where an individual who is regarded as being incompetent is deemed credit worthy and enters into a financial agreement which he/she later seeks to rescind. It is my opinion (and the opinion of most professionals in the field of mental health) that this situation is extremely unlikely to occur. In fact, most professionals in the field of mental health are observing precisely the opposite outcome. That is, mentally disabled applicants who have successfully maintained a good credit history are less likely to default on financial agreements than non-handicapped applicants.

It is unfortunate that history so often repeats itself without learning from its own examples. The assumptions made in Mr. Beard's letter are virtually identical to those made in past arguments which sought to restrict the rights of blacks, women, and other members of the protected classes.

Hopefully Senate Bill 1 will help us get past these assumptions and stereotypes and demonstrate that mentally and physically disabled can, and must be treated equally under the law.

Thank you for your continuing interest in this matter.

Sincerely,



Christine L. Hagmeier

SENATE COMMITTEE REPORT

FIRST COMMITTEE OF REFERRAL

Date of 1/29/87 5-DAY NOTICE  
IN ACCORDANCE WITH UNIFORM RULE 23

FURTHER: JUDICIARY  
FINANCE

\*\*FISCAL NOTE(S) ATTACHED 3 \*\*  
IN ACCORDANCE WITH AS 24.08.035  
(see below)

1/19/87  
Mr. President:

DATE TURNED INTO OFFICE 3/24/87

HESS Committee considered SB 1

relating to the rights of physically and mentally disabled persons.

and recommended:

- replace with CS SB 1 (HESS)  same title
- attached amendment(s) and  new title
- do pass
- do not pass
- no recommendation
- individual recommendations
- further referral to \_\_\_\_\_
- letter of intent adopted and attached

\*\* Committee  attached or  adopted fiscal note(s)  
1  zero 2  fiscal impact 2/zero

MEMBERS SIGNING DO PASS

OTHER RECOMMENDATIONS

[Signature]  
[Signature]  
[Signature]  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Paul A. Finch Do Pass  
Chairman signature and recommendation

Committee Backup Attached