

ALASKA LEGISLATURE COMMITTEE FILES 1987-1988 8672  
5349 SJUD HB 461 - HB 510 921

FST0400P TERMID: YAV3

CRIMINAL HISTORY

12/03/87 12:42:12

PERSON NAME: [REDACTED]

AKA: [REDACTED]

DOB: 11/16/1954

SSN: 401-65-0264

SEX: M

WEIGHT: 175

HEIGHT: 5 01

HAIR: BLK

EYE COLOR: BRO

RACE: B

SKIN: MED

MEDICAL:

TEMPERAMENT:

MARKS:

BIRTH CITY: COLUMBUS

STATE: GA

COUNTRY:

AST NUMBER: 99912

FBI NUMBER: 313167N8

CITIZEN:

MAILING ADDR:	STREET/EXTRA LINE	CITY/COUNTRY	STATE	LAST CHGD
1200 COLUMBINE -C-17		ANCHORAGE	AK	11/02/1981

RES ADDR:	STREET/EXTRA LINE	CITY/COUNTRY	STATE	LAST CHGD
1200 COLUMBINE -C-17		ANCHORAGE	AK	09/24/1981

OCCUPATION: JANITOR  
ID/LIC NUM: 1001613

EMPLOYMT: TIMSONS JANITORIAL  
UPDATED:

CRIMINAL HISTORIES MAY EXIST IN: KY

PF2 MULT PERSON

PF8 CONVICTIONS

MORE...

F 0410P TERMID: YAV3

CRIMINAL HISTORY

12/03/87 12:42:23

PERSON NAME: [REDACTED]

AKA: [REDACTED]

AST NUMBER: 99912

ID/LIC NUMBER: 1001613

FBI NUMBER: 313167N8

ARRESTING AGENCY:	DATE:	CHARGE:
AND	05/20/1981	2303 SHOPLIFTING
CONVICTING COURT: DAN	DATE: 06/02/1981	CHARGE: 2303 SHOPLIFTING
COURT DOCKET: 81-2934	POS ID: Y	DISPOSITION: SIS/DIS
CONDITION:		

SENTENCE	YEARS	DAYS	AMOUNT	DATE TO COMPLETE
JAIL		1		
FINE			\$ 050.00	
SIS				06/02/1982
RESTITUTIO				
PROBATION	1			

PF8 CONVICTIONS

MORE...

410P TERMID: YAV3

CRIMINAL HISTORY

12/03/87 12:42:27

PERSON NAME: [REDACTED]  
AKA: [REDACTED]

AST NUMBER: 99912 ID/LIC NUMBER: 1001613 FBI NUMBER: 313167N8

ARRESTING AGENCY: DOCA DATE: 02/07/1983 CHARGE: 2303 SHOPLIFTING  
CONVICTING COURT: DAN DATE: 03/22/1983 CHARGE: 2303 SHOPLIFTING  
COURT DOCKET: 83-820 POS ID: Y DISPOSITION: GUILTY  
CONDITION:

8-3-84: PROB REV - PROB EXT 8-3-88:					
SENTENCE	YEARS	DAYS	AMOUNT	DATE TO COMPLETE	
JAIL		60			
JAIL SUSP		45			
PROBATION	2				

FFS CONVICTIONS

MORE...

410P TERMID: YAV3

CRIMINAL HISTORY

12/03/87 12:42:58

PERSON NAME: [REDACTED]  
AKA: [REDACTED]

AST NUMBER: 99912 ID/LIC NUMBER: 1001613 FBI NUMBER: 313167N8

ARRESTING AGENCY: DAN DATE: 08/03/1984 CHARGE: 5012 PROBATION VIOLATION  
CONVICTING COURT: DAN DATE: 08/03/1984 CHARGE: 5012 PROBATION VIOLATION  
COURT DOCKET: 83-820 POS ID: DISPOSITION: GUILTY  
CONDITION: PROBATION EXTENDED TO CONCIDE W/84-6451 AND 84-5148

SENTENCE	YEARS	DAYS	AMOUNT	DATE TO COMPLETE

FFS CONVICTIONS

MORE...

P 0410P TERMID: YAV3

CRIMINAL HISTORY

12/03/87 12:43:11

PERSON NAME: [REDACTED]

AKA: [REDACTED]

AST NUMBER: 99912

ID/LIC NUMBER: 1001613

FBI NUMBER: 313157N8

ARRESTING AGENCY: DAN DATE: 06/18/1984 CHARGE: 9741 CONCEALMNT OF MERCI  
 CONVICTING COURT: DAN DATE: 09/20/1984 CHARGE: 9741 CONCEALMNT OF MERCI  
 COURT DOCKET: 84-4552 POS ID: N DISPOSITION: GUILTY  
 CONDITION: 96 HRS CWS; CONC W/83-6451 & 84-5148

5-16-85: REASS TO ALC SCR; 10-22-86 TO SERVE 12 DYS  

SENTENCE	YEARS	DAYS	AMOUNT	DATE TO COMPLE
JAIL		120		
JAIL SUSP		90		
PROBATION	4			08/03/1988

PFS CONVICTIONS

MORE...

PSTD410P TERMID: YAV3

CRIMINAL HISTORY

12/03/87 12:43:29

PERSON NAME: [REDACTED]

AKA: [REDACTED]

AST NUMBER: 99912

ID/LIC NUMBER: 1001613

FBI NUMBER: 313157N8

ARRESTING AGENCY: AND DATE: 12/26/1984 CHARGE: 2303 SHOPLIFTING  
 CONVICTING COURT: DAN DATE: 04/04/1985 CHARGE: 2303 SHOPLIFTING  
 COURT DOCKET: 85-42 POS ID: Y DISPOSITION: GUILTY  
 CONDITION: 96 HRS CWS

SENTENCE	YEARS	DAYS	AMOUNT	DATE TO COMPLE
JAIL		180		
JAIL SUSP		90		
FINE			\$ 100.00	
PROBATION	5			

PFS CONVICTIONS

MORE...

P8TD410P TERMID: YAV3

CRIMINAL HISTORY

12/03/87 12:43:41

PERSON NAME: [REDACTED]  
AKA: [REDACTED]

SET NUMBER: 99912 ID/LIC NUMBER: 1001613 FBI NUMBER: 313167N8

ARRESTING AGENCY: ANC DATE: 07/14/1984 CHARGE: 2303 SHOPLIFTING

CONVICTING COURT: DAN DATE: 08/03/1984 CHARGE: 2303 SHOPLIFTING

COURT DOCKET: 84-5148 POS ID: Y DISPOSITION: GUILTY

CONDITION: 96 HRS CWS;

10-22-86 TO SERVE 12 DYS

SENTENCE	YEARS	DAYS	AMOUNT	DATE TO COMPLETE
JAIL		120		
JAIL SUEP		90		
PROBATION	4			

PFS CONVICTIONS

MORE...

P8TD410P TERMID: YAV3

CRIMINAL HISTORY

12/03/87 12:44:01

PERSON NAME: [REDACTED]  
AKA: [REDACTED]

SET NUMBER: 99912 ID/LIC NUMBER: 1001613 FBI NUMBER: 313167N8

ARRESTING AGENCY: DAN DATE: 10/07/1983 CHARGE: 9741 CONCEALMNT OF MERCH

CONVICTING COURT: DAN DATE: 08/03/1984 CHARGE: 9741 CONCEALMNT OF MERCH

COURT DOCKET: 83-8451 POS ID: N DISPOSITION: GUILTY

CONDITION: 96 HRS CWS;

10-22-86 PETITION TO REVOKE TO SERVE 12 DY

SENTENCE	YEARS	DAYS	AMOUNT	DATE TO COMPLETE
JAIL		120		
JAIL SUEP		90		
PROBATION	4			08/03/1988

PFS CONVICTIONS

MORE...

FETD41CP TERMID: YAV3

CRIMINAL HISTORY

12/03/87 12:44:15

PERSON NAME: [REDACTED]  
AKA: [REDACTED]

AST NUMBER: 99912 ID/LIC NUMBER: 1001613 FBI NUMBER: 313167N8

ARRESTING AGENCY: ANO DATE: 11/06/1982 CHARGE: 3532 COCAINE-POSSESS  
CONVICTING COURT: DAN DATE: 04/07/1983 CHARGE: 3532 COCAINE-POSSESS  
COURT DOCKET: 82-XXX POS ID: Y DISPOSITION: GUILTY  
CONDITION: 90 HRS CWS;

SENTENCE	YEARS	DAYS	AMOUNT	DATE TO COMPLETE
JAIL	1			
JAIL SUSP	1			

PFS CONVICTIONS

MORE...

FETD41CP TERMID: YAV3

CRIMINAL HISTORY

12/03/87 12:44:33

PERSON NAME: [REDACTED]  
AKA: [REDACTED]

AST NUMBER: 99912 ID/LIC NUMBER: 1001613 FBI NUMBER: 313167N8

ARRESTING AGENCY: DAN DATE: 09/08/1986 CHARGE: 2303 SHOPLIFTING  
CONVICTING COURT: DAN DATE: 11/08/1986 CHARGE: 2303 SHOPLIFTING  
COURT DOCKET: 86-6169 POS ID: N DISPOSITION: NOLO CONTENDRE  
CONDITION:

SENTENCE	YEARS	DAYS	AMOUNT	DATE TO COMPLETE
JAIL		120		
JAIL SUSP		95		
PROBATION	1			

PFS CONVICTIONS

MORE...

PST0410P TERMID: YAV3

CRIMINAL HISTORY

12/03/87 12:44:47

PERSON NAME: [REDACTED]

AKA: [REDACTED]

AST NUMBER: 99912

ID/LIC NUMBER: 1001613

FBI NUMBER: 313167N8

ARRESTING AGENCY: DAN DATE: 07/12/1986 CHARGE: 9741 CONCEALMNT OF MERCH

CONVICTING COURT: DAN DATE: 11/08/1986 CHARGE: 9741 CONCEALMNT OF MERCH

COURT DOCKET: 86-4838 FOS ID: N DISPOSITION: NOLO CONTENDRE

CONDITION:

SENTENCE	YEARS	DAYS	AMOUNT	DATE TO COMPLETE
JAIL		30		
JAIL SUSP		18		
PROBATION	1			

PF8 CONVICTIONS

MORE...

PST0410P TERMID: YAV3

CRIMINAL HISTORY

12/03/87 12:45:05..

PERSON NAME: [REDACTED]

AKA: [REDACTED]

AST NUMBER: 99912

ID/LIC NUMBER: 1001613

FBI NUMBER: 313167N8

ARRESTING AGENCY: DAN DATE: 07/07/1986 CHARGE: 5015 FAILURE TO APPEAR

CONVICTING COURT: DAN DATE: 11/08/1986 CHARGE: 5015 FAILURE TO APPEAR

COURT DOCKET: 86-4096 FOS ID: N DISPOSITION: GUILTY

CONDITION:

SENTENCE	YEARS	DAYS	AMOUNT	DATE TO COMPLETE
JAIL		30		
JAIL SUSP		25		
PROBATION	1			

PF8 CONVICTIONS

MORE...

FLTD410P TERMID: YAV3

CRIMINAL HISTORY

12/03/87 12:45:18

PERSON NAME: [REDACTED]  
AKA: [REDACTED]

AST NUMBER: 99912 ID/LIC NUMBER: 1001613 FBI NUMBER: 313167N8

ARRESTING AGENCY: DAN DATE: 06/05/1986 CHARGE: 9896 DRIV W/O LICENSE

CONVICTING COURT: DAN DATE: 11/08/1986 CHARGE: 9896 DRIV W/O LICENSE

COURT DOCKET: 86-4096 POS ID: N DISPOSITION: NOLO CONTENDRE

CONDITION:

SENTENCE	YEARS	DAYS	AMOUNT	DATE TO COMPLETE
FINE			\$ 200.00	
FINE SUSP			\$ 150.00	
JAIL		10		
JAIL SUSP		10		
PROBATION	1			

PFS CONVICTIONS

MORE...

FLTD410P TERMID: YAV3

CRIMINAL HISTORY

12/03/87 12:45:34

PERSON NAME: [REDACTED]  
AKA: [REDACTED]

AST NUMBER: 99912 ID/LIC NUMBER: 1001613 FBI NUMBER: 313167N8

ARRESTING AGENCY: AND DATE: 01/26/1987 CHARGE: 2399B LARCENY

CONVICTING COURT: SAN DATE: 03/25/1987 CHARGE: 2399B LARCENY

COURT DOCKET: 87-727 POS ID: Y DISPOSITION: GUILTY

CONDITION: PROB REV 11-13-1987 SUSP PORTION OF SENT TO BE SRVD

SENTENCE	YEARS	DAYS	AMOUNT	DATE TO COMPLETE
JAIL	2			
JAIL SUSP	1	305		
PROBATION	2			

PFS CONVICTIONS

MORE...

PSTD410P TERMID: YAV3

CRIMINAL HISTORY

12/03/87 12:45:49

PERSON NAME: [REDACTED]  
AKA: [REDACTED]

AST NUMBER: 99912 ID/LIC NUMBER: 1001613 FBI NUMBER: 313167N8

ARRESTING AGENCY: DAN DATE: 11/07/1986 CHARGE: 2303 SHOPLIFTING

CONVICTING COURT: DAN DATE: 03/04/1987 CHARGE: 2303 SHOPLIFTING

COURT DOCKET: 86-2218 POS ID: N DISPOSITION: GUILTY

CONDITION:

SENTENCE	YEARS	DAYS	AMOUNT	DATE TO COMPLETE
JAIL		180		
JAIL SUSP		120		
PROBATION	2			

PF8 CONVICTIONS

MORE...

PSTD410P TERMID: YAV3

CRIMINAL HISTORY

12/03/87 12:46:06

PERSON NAME: [REDACTED]  
AKA: [REDACTED]

AST NUMBER: 99912 ID/LIC NUMBER: 1001613 FBI NUMBER: 313167N8

ARRESTING AGENCY: DCCA DATE: 07/13/1987 CHARGE: 2303 SHOPLIFTING

CONVICTING COURT: DAN DATE: 08/31/1987 CHARGE: 2303 SHOPLIFTING

COURT DOCKET: 87-5394 POS ID: Y DISPOSITION: NOLO CONTENDRE

CONDITION:

SENTENCE	YEARS	DAYS	AMOUNT	DATE TO COMPLETE
JAIL		90		

PF8 CONVICTIONS

MORE...

FSTD410P TERMID: YAV3

CRIMINAL HISTORY

12/03/87 12:46:0

PERSON NAME: [REDACTED]

AKA: [REDACTED]

AST NUMBER: 99912

ID/LIC NUMBER: 1001613

FBI NUMBER: 313167N8

ARRESTING AGENCY: DOCA DATE: 06/23/1987 CHARGE: 9890 PECKLESS DRIVING

CONVICTING COURT: DAN DATE: 08/31/1987 CHARGE: 9890 RECKLESS DRIVING

COURT DOCKET: 87-4858 POS ID: Y DISPOSITION: NOLO CONTENDRE  
CONDITION:

SENTENCE	YEARS	DAYS	AMOUNT	DATE TO COMPLETE
JAIL		90		
JAIL SUSP		80		
PROBATION	2			
LIC RST/SU		30		

FFS CONVICTIONS

MORE...

FSTD410P TERMID: YAV3

CRIMINAL HISTORY

12/03/87 12:46:37

PERSON NAME: [REDACTED]

AKA: [REDACTED]

AST NUMBER: 99912

ID/LIC NUMBER: 1001613

FBI NUMBER: 313167N8

ARRESTING AGENCY: DOCA DATE: 06/23/1987 CHARGE: 9896 DRIV W/O LICENSE

CONVICTING COURT: DAN DATE: 08/31/1987 CHARGE: 9896 DRIV W/O LICENSE

COURT DOCKET: 87-4858 POS ID: Y DISPOSITION: NOLO CONTENDRE  
CONDITION:

SENTENCE	YEARS	DAYS	AMOUNT	DATE TO COMPLETE
JAIL		30		
JAIL SUSP		25		

FFS CONVICTIONS

MORE...

FD410P TERMID: YAV3

CRIMINAL HISTORY

12/03/87 12:46:49.

PERSON NAME: [REDACTED]

AKA: [REDACTED]

AST NUMBER: 99912 ID/LIC NUMBER: 1001613 FBI NUMBER: 313167N8

ARRESTING AGENCY: DAN DATE: 07/01/1987 CHARGE: 9741 CONCEALMNT OF MERCH  
CONVICTING COURT: DAN DATE: 08/31/1987 CHARGE: 9741 CONCEALMNT OF MERCH  
COURT DOCKET: 87-5312 POS ID: N DISPOSITION: NOLO CONTENDRE  
CONDITION:

SENTENCE	YEARS	DAYS	AMOUNT	DATE TO COMPLETE
JAIL		70		

FFB CONVICTIONS

MORE...

FD410P TERMID: YAV3

CRIMINAL HISTORY

12/03/87 12:47:12.5

PERSON NAME: [REDACTED]

AKA: [REDACTED]

AST NUMBER: 99912 ID/LIC NUMBER: 1001613 FBI NUMBER: 313167N8

ARRESTING AGENCY: DAN DATE: 07/10/1987 CHARGE: 2303 SHOPLIFTING  
CONVICTING COURT: DAN DATE: 08/31/1987 CHARGE: 2303 SHOPLIFTING  
COURT DOCKET: 87-5517 POS ID: N DISPOSITION: NOLO CONTENDRE  
CONDITION:

SENTENCE	YEARS	DAYS	AMOUNT	DATE TO COMPLETE
JAIL		110		

\* CONTACT FBI. SOME CRIMINAL RECORDS DO NOT MEET OCH CRITERIA \*

FFB CONVICTIONS

\* AT END \*

CRIMINAL HISTORY OF  
SUBJECT #3

PF12300P TERMID: YAV3 BASIC PERSON RECORD 12/03/87 13:38:05

PERSON NAME: [REDACTED]  
(MORE) DOB: 07/07/1940 (MORE) SEN: 574-14-1858 SEX: M  
HEIGHT: 5 05 WEIGHT: 140 HAIR: BLK EYE COLOR: BRN  
BIRTH PLACE CITY: EEK STATE: AK COUNTRY:  
STREET/EXTRA LINE CITY/COUNTRY ST LAST CHG  
MAILING ADDR: 1021 E 3RD ANCHORAGE AK 09/15/1986  
RES ADDR: 1021 E 3RD ANCHORAGE AK 09/15/1986  
ID/LIC NUM: 6005E42 STATUS:  
CLASS EXPIRES CLASS EXPIRES  
ID 07/07/1991

RESTRICTIONS:

PF3 MULT PER  
PF7 DRIV HST PF8 CRIM HST PF9 CITN UPD PF10 NCIC W/W

PF02300P TERMID: YAV3 PERSON ALIAS NAMES 12/03/87 13:38:30

PERSON NAME: [REDACTED]  
DOB: 07/07/1940 07/07/1940  
SEN: 574-14-1858 574-14-1858 574-44-1858  
AKA: 1. [REDACTED]  
2. [REDACTED]  
3. [REDACTED]

PF3 MULT PERSON

\* AT END \*

P=TD400P TERMID: YAV3

CRIMINAL HISTORY

12/03/87 13:39:14

PERSON NAME: [REDACTED]

DOB: 07/07/1940 07/07/1940  
 SSN: 574-14-1858 574-14-1858 574-44-1858  
 SEX: M WEIGHT: 140 HEIGHT: 5 08 HAIR: BLK  
 EYE COLOR: BRN RACE: I SKIN: MED MEDICAL:  
 TEMPERAMENT: MARKS:  
 BIRTH CITY: SEK STATE: AK COUNTRY:  
 APT NUMBER: 22520 FBI NUMBER: 264920E  
 CITIZEN:

MAILING ADDR:	STREET/EXTRA LINE	CITY/COUNTRY	STATE	LAST CHGD
1021 E 3RD		ANCHORAGE	AK	09/15/1986

FEE ADDR:	STREET/EXTRA LINE	CITY/COUNTRY	STATE	LAST CHGD
1021 E 3RD		ANCHORAGE	AK	09/15/1986

OCCUPATION: FISHERMAN EMPLOYMT: SELF  
 ID/LIC NUM: 6005542 UPDATED:

CRIMINAL HISTORIES MAY EXIST IN: CA

PF2 MULT PERSON                      PF8 CONVICTIONS                      MORE...

P=TD410P TERMID: YAV3

CRIMINAL HISTORY

12/03/87 13:39:19.5

PERSON NAME: [REDACTED]

APT NUMBER: 22520                      ID/LIC NUMBER: 6005542                      FBI NUMBER: 264920E

ARRESTING AGENCY: SEM                      DATE: 09/03/1974                      CHARGE: 5311                      DISORDERLY CONDUCT  
 CONVICTING COURT: MSW                      DATE: 09/03/1974                      CHARGE: 5311                      DISORDERLY CONDUCT  
 COURT DOCKET: 74-XXX                      POS ID: Y                      DISPOSITION: GUILTY  
 CONDITION:

SENTENCE	YEARS	DAYS	AMOUNT	DATE TO COMPLETE
FINE			\$ 025.00	

PF8 CONVICTIONS                      MORE...

PTD410P TERMID: YAV3

CRIMINAL HISTORY

12/03/87 13:39:32

PERSON NAME: [REDACTED]

AST NUMBER: 22520

ID/LIC NUMBER: 6005542

FBI NUMBER: 264920E

ARRESTING AGENCY: SEW DATE: 09/03/1974 CHARGE: 9933 DRINKING IN PUBLIC  
 CONVICTING COURT: MEW DATE: 09/03/1974 CHARGE: 9933 DRINKING IN PUBLIC  
 COURT DOCKET: 74-000 POS ID: Y DISPOSITION: GUILTY  
 CONDITION:

SENTENCE	YEARS	DAYS	AMOUNT	DATE TO COMPLETE
FINE			\$ 010.00	

FFS CONVICTIONS

MORE...

PTD410P TERMID: YAV3

CRIMINAL HISTORY

12/03/87 13:39:54

PERSON NAME: [REDACTED]

AST NUMBER: 22520

ID/LIC NUMBER: 6005542

FBI NUMBER: 264920E

ARRESTING AGENCY: FPD DATE: 09/17/1975 CHARGE: 2399 LARCENY  
 CONVICTING COURT: DPA DATE: 09/22/1975 CHARGE: 2399 LARCENY  
 COURT DOCKET: 75-3245 POS ID: Y DISPOSITION: GUILTY  
 CONDITION:

SENTENCE	YEARS	DAYS	AMOUNT	DATE TO COMPLETE
JAIL		5		

FFS CONVICTIONS

MORE...

FETD410F TERMID: YAV3

CRIMINAL HISTORY

12/03/87 13:40:05

PERSON NAME: [REDACTED]

WST NUMBER: 22520

ID/LIC NUMBER: 6005542

FBI NUMBER: 264920E

ARRESTING AGENCY: AND DATE: 07/16/1976 CHARGE: 2399 LARCENY

CONVICTING COURT: DAN DATE: 07/17/1976 CHARGE: 2399 LARCENY

COURT DOCKET: 76-XXX POS ID: Y DISPOSITION: GUILTY

CONDITION:

SENTENCE	YEARS	DAYS	AMOUNT	DATE TO COMPLETE
JAIL		15		

FFS CONVICTIONS

MORE...

FETD410F TERMID: YAV3

CRIMINAL HISTORY

12/03/87 13:40:22

PERSON NAME: [REDACTED]

WST NUMBER: 22520

ID/LIC NUMBER: 6005542

FBI NUMBER: 264920E

ARRESTING AGENCY: DCCA DATE: 11/13/1976 CHARGE: 5311 DISORDERLY CONDUCT

CONVICTING COURT: DAN DATE: 11/14/1976 CHARGE: 5311 DISORDERLY CONDUCT

COURT DOCKET: 76-XXX POS ID: Y DISPOSITION: GUILTY

CONDITION:

SENTENCE	YEARS	DAYS	AMOUNT	DATE TO COMPLETE
JAIL		1		

FFS CONVICTIONS

MORE...

FETD410P TERMID: YAV3

CRIMINAL HISTORY

12/03/87 13:40:33.

PERSON NAME: [REDACTED]

AST NUMBER: 22520

ID/LIC NUMBER: 6005542

FBI NUMBER: 264920E

ARRESTING AGENCY: BET DATE: 05/08/1979 CHARGE: 9932 OPEN CONTAINER

CONVICTING COURT: DBE DATE: 05/09/1979 CHARGE: 9932 OPEN CONTAINER

COURT DOCKET: 79-370 POS ID: Y DISPOSITION: BAIL FORFEITURE

CONDITION:

SENTENCE	YEARS	DAYS	AMOUNT	DATE TO COMPLET
FINE			\$ 025.00	

FFB CONVICTIONS

MORE...

FETD410P TERMID: YAV3

CRIMINAL HISTORY

12/03/87 13:40:50..

PERSON NAME: [REDACTED]

AST NUMBER: 22520

ID/LIC NUMBER: 6005542

FBI NUMBER: 264920E

ARRESTING AGENCY: BET DATE: 08/26/1979 CHARGE: 5311 DISORDERLY CONDUCT

CONVICTING COURT: DBE DATE: 08/29/1979 CHARGE: 5311 DISORDERLY CONDUCT

COURT DOCKET: 79-835 POS ID: Y DISPOSITION: GUILTY

CONDITION:

SENTENCE	YEARS	DAYS	AMOUNT	DATE TO COMPLETE
FINE			\$ 025.00	

FFB CONVICTIONS

MORE...

PSTD410P TERMID: YAV3

CRIMINAL HISTORY

12/03/87 13:41:01

PERSON NAME: [REDACTED]

AST NUMBER: 22520

ID/LIC NUMBER: 6005542

FBI NUMBER: 264920E

ARRESTING AGENCY: KOD DATE: 09/27/1981 CHARGE: 2399D LARCENY

CONVICTING COURT: DKO DATE: 09/29/1981 CHARGE: 2399D LARCENY

COURT DOCKET: 81-784 POS ID: Y DISPOSITION: GUILTY

CONDITION: NO SIMILAR VIOLATION/OR ALCOHOL VIOLATION.

SENTENCE	YEARS	DAYS	AMOUNT	DATE TO COMPLETE
JAIL		10		
JAIL SUSP		2		
PROBATION		180		
RESTITUTION			\$ 950.00	

PFS CONVICTIONS

MORE...

PSTD410P TERMID: YAV3

CRIMINAL HISTORY

12/03/87 13:41:19

PERSON NAME: [REDACTED]

AST NUMBER: 22520

ID/LIC NUMBER: 6005542

FBI NUMBER: 264920E

ARRESTING AGENCY: AND DATE: 12/23/1982 CHARGE: 2303 SHOPLIFTING

CONVICTING COURT: DAN DATE: 02/07/1983 CHARGE: 2303 SHOPLIFTING

COURT DOCKET: 82-8759 POS ID: Y DISPOSITION: GUILTY

CONDITION: NEW/NO ALCOHOL.

SENTENCE	YEARS	DAYS	AMOUNT	DATE TO COMPLETE
JAIL		30		
JAIL SUSP		25		
PROBATION	2			
ALCOHOL SC				

PFS CONVICTIONS

MORE...

PSTD410P TERMID: YAV3

CRIMINAL HISTORY

12/03/87 13:41:31

PERSON NAME: [REDACTED]

AST NUMBER: 22520

ID/LIC NUMBER: 6005542

FBI NUMBER: 264920E

ARRESTING AGENCY: AND DATE: 03/17/1984 CHARGE: 9741 CONCEALMNT OF MERCH  
 CONVICTING COURT: DAN DATE: 03/19/1984 CHARGE: 9741 CONCEALMNT OF MERCH  
 COURT DOCKET: 84-1958 POS ID: Y DISPOSITION: GUILTY  
 CONDITION: NSV; 24 HRS COMM WORK SERV  
 4-9-85 CWS SATISFIED BY 1 DY JAIL.

SENTENCE	YEARS	DAYS	AMOUNT	DATE TO COMPLETE
JAIL		30		
JAIL SUSP		25		
PROBATION	1			03/18/1985

FFS CONVICTIONS

MORE...

PSTD410P TERMID: YAV3

CRIMINAL HISTORY

12/03/87 13:41:53

PERSON NAME: [REDACTED]

AST NUMBER: 22520

ID/LIC NUMBER: 6005542

FBI NUMBER: 264920E

ARRESTING AGENCY: AND DATE: 04/23/1984 CHARGE: 2303 SHOPLIFTING  
 CONVICTING COURT: DAN DATE: 04/24/1984 CHARGE: 2303 SHOPLIFTING  
 COURT DOCKET: 84-3029 POS ID: Y DISPOSITION: GUILTY  
 CONDITION: NSCV; ALC SCR; REPORT W/I 48 HRS OF RELESE TO ALC SCR

SENTENCE	YEARS	DAYS	AMOUNT	DATE TO COMPLETE
JAIL		10		
JAIL SUSP		8		
PROBATION	1			

FFS CONVICTIONS

MORE...

FD410P TERMID: YAV3

CRIMINAL HISTORY

12/03/87 13:42:00

PERSON NAME: [REDACTED]

AST NUMBER: 22520

ID/LIC NUMBER: 6005542

FBI NUMBER: 264920E

ARRESTING AGENCY: XXX DATE: 08/10/1962 CHARGE: 5311 DISORDERLY CONDUCT  
 CONVICTING COURT: DAN DATE: 08/10/1962 CHARGE: 5311 DISORDERLY CONDUCT  
 COURT DOCKET: 62-XXX POS ID: Y DISPOSITION: GUILTY  
 CONDITION:

SENTENCE	YEARS	DAYS	AMOUNT	DATE TO COMPLETE
JAIL		180		
JAIL SUSP		60		

PFS CONVICTIONS

MORE...

FD410P TERMID: YAV3

CRIMINAL HISTORY

12/03/87 13:42:00

PERSON NAME: [REDACTED]

AST NUMBER: 22520

ID/LIC NUMBER: 6005542

FBI NUMBER: 264920E

ARRESTING AGENCY: XXX DATE: 04/04/1964 CHARGE: 5311 DISORDERLY CONDUCT  
 CONVICTING COURT: DAN DATE: 04/04/1964 CHARGE: 5311 DISORDERLY CONDUCT  
 COURT DOCKET: 64-XXX POS ID: Y DISPOSITION: GUILTY  
 CONDITION:

SENTENCE	YEARS	DAYS	AMOUNT	DATE TO COMPLETE
JAIL		90		

PFS CONVICTIONS

MORE...

PETD410F TERMID: YAV3

CRIMINAL HISTORY

12/03/87 13:42:42

PERSON NAME: [REDACTED]

AST NUMBER: 02520

ID/LIC NUMBER: 6005542

FBI NUMBER: 264920E

ARRESTING AGENCY: XXX DATE: 08/04/1962 CHARGE: 9613 DRUNK IN PUBLIC  
 CONVICTING COURT: DUJ DATE: 08/04/1962 CHARGE: 9613 DRUNK IN PUBLIC  
 COURT DOCKET: 42-XXX POS ID: Y DISPOSITION: GUILTY  
 CONDITION:

SENTENCE	YEARS	DAYS	AMOUNT	DATE TO COMPLET
FINE			\$ 050.00	

PF8 CONVICTIONS

MORE...

PETD410F TERMID: YAV3

CRIMINAL HISTORY

12/03/87 13:42:58

PERSON NAME: [REDACTED]

AST NUMBER: 02520

ID/LIC NUMBER: 6005542

FBI NUMBER: 264920E

ARRESTING AGENCY: XXX DATE: 02/22/1985 CHARGE: 5311 DISORDERLY CONDUCT  
 CONVICTING COURT: DAN DATE: 02/23/1985 CHARGE: 5311 DISORDERLY CONDUCT  
 COURT DOCKET: 85-1366 POS ID: DISPOSITION: GUILTY  
 CONDITION: NSCV:

SENTENCE	YEARS	DAYS	AMOUNT	DATE TO COMPLET
JAIL		5		
JAIL SUSP		3		
PROBATION		180		

PF8 CONVICTIONS

MORE...

PETD410P TERMID: YAV3

CRIMINAL HISTORY

12/03/87 13:43:09

PERSON NAME: [REDACTED]

AST NUMBER: 22520

ID/LIC NUMBER: 6005542

FBI NUMBER: 264920E

ARRESTING AGENCY: XXX DATE: 04/23/1984 CHARGE: 5012 PROBATION VIOLATION  
 CONVICTING COURT: DAN DATE: 04/09/1985 CHARGE: 9845 PROBATION-REVOC  
 COURT DOCKET: 84-3029 POS ID: DISPOSITION: GUILTY  
 CONDITION: MAY SERVE ANY PART IN RESIDENT ALC PROGRAM;  
 SENTENCE YEARS DAYS AMOUNT DATE TO COMPLETE  
 JAIL 8

PF8 CONVICTIONS

MORE...

PETD410P TERMID: YAV3

CRIMINAL HISTORY

12/03/87 13:43:26

PERSON NAME: [REDACTED]

AST NUMBER: 22520

ID/LIC NUMBER: 6005542

FBI NUMBER: 264920E

ARRESTING AGENCY: XYY DATE: 02/03/1985 CHARGE: 2303 SHOPLIFTING  
 CONVICTING COURT: DAN DATE: 04/15/1985 CHARGE: 2303 SHOPLIFTING  
 COURT DOCKET: 85-983 POS ID: DISPOSITION: NOLD CONTENDRE  
 CONDITION: NSCV; STAY AWAY FROM MARKET BASKET  
 SENTENCE YEARS DAYS AMOUNT DATE TO COMPLETE  
 JAIL 65  
 JAIL SUSP 60  
 PROBATION 2  
 ALCOHOL 30

PF8 CONVICTIONS

MORE...

PD410P TERMID: YAV3

CRIMINAL HISTORY

12/03/87 13:43:40

PERSON NAME: [REDACTED]

AST NUMBER: 22520

ID/LIC NUMBER: 6005542

FBI NUMBER: 264920E

ARRESTING AGENCY: AND DATE: 09/21/1986 CHARGE: 5707 CRIMINAL TREEPASS  
 CONVICTING COURT: DAN DATE: 09/22/1986 CHARGE: 5707 CRIMINAL TREEPASS  
 COURT DOCKET: 86-2514 POS ID: Y DISPOSITION: NOLO CONTENDRE  
 CONDITION: NOV;L

SENTENCE	YEARS	DAYS	AMOUNT	DATE TO COMPLETE
JAIL		30		
JAIL SUSP		25		
PROBATION	2			

PFS CONVICTIONS

MORE...

PSTD410P TERMID: YAV3

CRIMINAL HISTORY

12/03/87 13:44:12

PERSON NAME: [REDACTED]

AST NUMBER: 22520

ID/LIC NUMBER: 6005542

FBI NUMBER: 264920E

ARRESTING AGENCY: AND DATE: 09/21/1986 CHARGE: 2303 SHOPLIFTING  
 CONVICTING COURT: DAN DATE: 09/22/1986 CHARGE: 2303 SHOPLIFTING  
 COURT DOCKET: 86-6513 POS ID: Y DISPOSITION: NOLO CONTENDRE  
 CONDITION: NOV;

SENTENCE	YEARS	DAYS	AMOUNT	DATE TO COMPLETE
JAIL		90		
JAIL SUSP		80		
PROBATION	3			

PFS CONVICTIONS

MORE...

FD410P TERMID: YAV3

CRIMINAL HISTORY

12/03/87 13:44:23.

PERSON NAME: [REDACTED]

AST NUMBER: 22520

ID/LIC NUMBER: 6005542

FBI NUMBER: 264920E

ARRESTING AGENCY: ANC DATE: 01/25/1987 CHARGE: 5311 DISORDERLY CONDUCT  
 CONVICTING COURT: DAN DATE: 01/25/1987 CHARGE: 5311 DISORDERLY CONDUCT  
 COURT DOCKET: 87-667 POS ID: Y DISPOSITION: GUILTY  
 CONDITION:

SENTENCE	YEARS	DAYS	AMOUNT	DATE TO COMPLETE
JAIL		10		
JAIL SUSP		8		
PROBATION	1			

PF8 CONVICTIONS

MORE...

PF410P TERMID: YAV3

CRIMINAL HISTORY

12/03/87 13:44:41.

PERSON NAME: [REDACTED]

AST NUMBER: 22520

ID/LIC NUMBER: 6005542

FBI NUMBER: 264920E

ARRESTING AGENCY: ANC DATE: 05/07/1987 CHARGE: 2303 SHOPLIFTING  
 CONVICTING COURT: DAN DATE: 05/08/1987 CHARGE: 2303 SHOPLIFTING  
 COURT DOCKET: 87-3627 POS ID: Y DISPOSITION: GUILTY  
 CONDITION:

SENTENCE	YEARS	DAYS	AMOUNT	DATE TO COMPLETE
JAIL		60		
JAIL SUSP		55		
ALCOHOL ED				
PROBATION	2			

PF8 CONVICTIONS

MORE...

PETD410P TERMID: YAV3

CRIMINAL HISTORY

12/03/87 13:44:53

PERSON NAME: [REDACTED]

AST NUMBER: 22520

ID/LIC NUMBER: 6005542

FBI NUMBER: 264920E

ARRESTING AGENCY: DAN DATE: 05/07/1987 CHARGE: 5707 CRIMINAL TRESPASS

CONVICTING COURT: DAN DATE: 05/08/1987 CHARGE: 5707 CRIMINAL TRESPASS

COURT DOCKET: 87-3627 POS ID: N DISPOSITION: GUILTY

CONDITION:

SENTENCE	YEARS	DAYS	AMOUNT	DATE TO COMPLETE
JAIL		60		
JAIL SUSP		55		
ALCOHOL SC				
PROBATION	2			

PF8 CONVICTIONS

MORE...

PETD410P TERMID: YAV3

CRIMINAL HISTORY

12/03/87 13:45:10

PERSON NAME: [REDACTED]

AST NUMBER: 22520

ID/LIC NUMBER: 6005542

FBI NUMBER: 264920E

ARRESTING AGENCY: DAN DATE: 07/07/1987 CHARGE: 2303 SHOPLIFTING

CONVICTING COURT: DAN DATE: 08/26/1987 CHARGE: 2303 SHOPLIFTING

COURT DOCKET: 87-5486 POS ID: N DISPOSITION: GUILTY

CONDITION:

SENTENCE	YEARS	DAYS	AMOUNT	DATE TO COMPLETE
JAIL		60		
JAIL SUSP		45		

PF8 CONVICTIONS

MORE...

PSTD410P TERMID: YAW3

CRIMINAL HISTORY

12/03/87 13:45:33

PERSON NAME: [REDACTED]

AET NUMBER: 22520

ID/LIC NUMBER: 6005542

FBI NUMBER: 264920E

ARRESTING AGENCY: DAN DATE: 07/07/1987 CHARGE: 5707 CRIMINAL TRESPASS

CONVICTING COURT: DAN DATE: 09/26/1987 CHARGE: 5707 CRIMINAL TRESPASS

COURT DOCKET: 87-5486 POF ID: N DISPOSITION: NOLO CONTENDRE

CONDITION:

SENTENCE	YEARS	DAYS	AMOUNT	DATE TO COMPLETE
JAIL		60		
JAIL SUSP		45		

\* CONTACT FBI. SOME CRIMINAL RECORDS DO NOT MEET OCH CRITERIA \*

PFS CONVICTIONS

\* AT END \*

HB

468

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26-817  
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TELECOPIER/FACSIMILE:  
(907) 272-2082

April 26, 1988

Representative John L. Sund  
Attn: John W. Hartle, Legislative Aide  
Alaska State Legislature  
P.O. Box V  
Juneau, Alaska 99811

Re: H.B. No. 468 ("AUTMA")

Dear Sirs:

The proposed Alaska Uniform Transfers to Minors Act ("AUTMA") (H.B. 468) provides a much needed revision and update to the current Alaska Uniform Gifts to Minors Act ("AUGMA"). AUGMA was originally enacted by the Legislature in 1967, and was based on the Uniform Gifts to Minors Act, which was created by the Uniform Commissioners in 1966. Since that time many states, on their own initiative, have greatly expanded the scope and flexibility of the Uniform Gifts to Minors Act. In response to these changes the Uniform Commissioners revised and updated the Uniform Gifts to Minors Act in 1983. The revised and updated Uniform Gifts to Minors Act was titled the Uniform Transfers to Minors Act; the proposed AUTMA (H.B. 468) is, with few exceptions, the Uniform Commissioners' revised and updated Uniform Transfers to Minors Act.

The proposed AUTMA improves on the current AUGMA in three significant respects: (1) AUTMA allows virtually any type of property, real or personal, tangible or intangible, to be transferred into a custodial account; (2) AUTMA allows a custodial account to be established through the use of multiple legal vehicles (e.g. wills and trusts) from multiple parties (e.g. guardians, third party debtors, and estates); and (3) AUTMA allows tremendous flexibility in determining when the custodial property will be distributed to the beneficiary. These improvements are briefly described below.

Rep. John L. Sund  
April 26, 1988  
Page 2

Under the current AUGMA only cash, insurance, annuities, and securities may be held in a custodial account for the benefit of the beneficiary. This unnecessarily restricts the usefulness of a custodial account; for example, the family home or other interests in real property may not be transferred into a custodial account for the benefit of a beneficiary. The proposed AUTMA will allow virtually any type of property, real or personal, tangible or intangible, to be transferred into a custodial account.

Under the current AUGMA the only way to transfer property into a custodial account is through a gift. This further unnecessarily restricts the usefulness of a custodial account; for example, a person cannot currently transfer property through his will or through his trust into a custodial account. The proposed AUTMA will allow such transfers. Moreover, the current AUGMA does not allow a trustee, personal representative, or third party debtor to establish a custodial account for the beneficiary's benefit; the proposed AUTMA would allow such custodial accounts to be established.

And finally under the current AUGMA, the property in the custodial account must be distributed to the beneficiary at the age of 18. Many people prefer to have the beneficiary receive the distribution from the custodial account at a more mature age or would prefer to use the custodial account to give financial support to a beneficiary throughout college. The proposed AUTMA allows the creator of the custodial account to determine any age between the age of 18 and 25 when the beneficiary will receive the distribution from the custodial account.

The current estate planning alternative to a custodial account is to use a trust. In many cases, the use of a trust is unnecessary and expensive. A trust has a far higher cost to create and to administer, and, in fact, professional administration is largely unavailable for a trust of less than \$50,000. In short, the proposed AUTMA would allow a custodial account to be used as a flexible and inexpensive alternative to a trust.

The proposed AUTMA does differ in some respects from the Uniform Commissioner's Uniform Transfers to Minors Act. The differences, however, largely reflect clarifications to the Uniform

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Transfers to Minors Act which were adopted by California. The major substantive difference, however, which also reflects the approach adopted by California, is that the distribution of the property in the custodial account may be delayed until the age of 25.

In my current position as Chairman of the Estate Planning and Probate Section of the Alaska Bar Association, I have had occasion to discuss the proposed AUTMA with many of the estate planning attorneys in the Anchorage area. In fact, the proposed AUTMA has been extensively discussed at several of our Section meetings. All of the estate planning attorneys with which I have discussed the proposed AUTMA are in support of its enactment. If there are any questions or if I may be of any assistance, please feel free to call. Thank you for your consideration.

Very truly yours,

ATKINSON, CONWAY & GAGNON

By Robin O. Brena  
Robin O. Brena

ROB:blg

COMMENTARY TO THE

PROPOSED

Alaska Uniform Transfers to Minors Act

November 1987

Division of Legal Services  
Legislative Affairs Agency  
P.O. Box Y - State Capitol  
Juneau, Alaska 99811

## Preface

The Uniform Transfers to Minors Act (UTMA) revises and restates the Uniform Gifts to Minors Act (UGMA), one of the National Conference of Commissioners on Uniform State Laws most successful products, some version of which has been enacted in every American jurisdiction.

The original version of UGMA was adopted by the Conference in 1956 and closely followed a model "Act concerning Gifts of Securities to Minors" which was sponsored by the New York Stock Exchange and the Association of Stock Exchange Firms and which had been adopted in 14 states. The 1956 version of the UGMA broadened the model act to cover gifts of money as well as securities but made few other changes.

In 1956 and 1966 the Conference revised the UGMA to expand the types of financial institutions which could serve as depositories of custodial funds, to facilitate the designation of successor custodians, and to add life insurance policies and annuity contracts to the types of property (cash and securities) that could be made the subject of a gift under the UGMA.

Alaska adopted the 1966 version of the UGMA in 1967 (AS 45.-60). Many states which adopted the 1956 or 1966 version of the UGMA, have substantially revised their versions of the UGMA to expand the kinds of property that may be made the subject of a gift under the UGMA. A few states permit transfers to custodians from other sources, such as trusts and estates, as well as from lifetime gifts. Some states also permit the transferor to have an option to extend the date the custodial property may be distributed to the minor. As a result, a great deal of non-uniformity has arisen among the states. Uniformity in this area is important, for the Conference has cited the UGMA as an example of an act designed to avoid conflicts of law when the laws of more than one state may apply to a transaction or a series of transactions.

The Alaska Uniform Transfers to Minors act (AkUTMA) follows the expansive approach taken by several states and allows any kind of property, real or personal, tangible or intangible, to be made the subject of a transfer to a custodian for the benefit of a minor (sec. 13.46.990(6)). In addition, it permits such transfers not only by lifetime outright gifts (sec. 13.46.030), but also from trusts, estates, and guardianships, whether or not specifically authorized in the governing instrument (secs. 13.46.040 and 13.46.050), and from other third parties indebted to a minor who does not have a conservator, such as parties against

whom a minor has a tort claim or judgment, and depository institutions holding deposits or insurance companies issuing policies payable on death to a minor (sec. 13.46.060). For this reason, and to distinguish the enactment of this statute from the 1956 and 1966 versions of the UGMA, the title of this Act has been changed to refer to "Transfers" rather than to "Gifts," a much narrower term. Moreover, the AkUTMA permits the transferor or the minor to have an option to extend beyond the age of minority the date the custodial property may be distributed to the minor (sec. 13.46.195).

As so expanded, the AkUTMA might be considered a statutory form of trust or guardianship that may terminate at age 18 or, if the transferor or minor so elects, may be terminated at any age prior to age 25. Note, however, that unlike a trust, a custodianship is not a separate legal entity or taxpayer. Under sec. 13.46.100(b), the custodial property is indefeasibly vested in the minor, not the custodian, and thus any income received is attributable to and reportable by the minor, whether or not actually distributed to the minor.

The expansion of the AkUTMA to permit transfers of any kind of property to a custodian creates a significant problem of potential personal liability for the minor or the custodian arising from the ownership of property such as real estate, automobiles, general partnership interests, and business proprietorships. This problem did not exist under the UGMA under which custodial property was limited to bank deposits, securities, and insurance. In response, sec. 13.46.160 generally limits the claims of third parties to recourse against the custodial property, with the minor insulated against personal liability unless he is personally at fault. The custodian is similarly insulated unless he is personally at fault or fails to disclose his custodial capacity upon entering into a contract.

Nevertheless, the AkUTMA should be used with caution with respect to property such as real estate or general partnership interests from which liabilities as well as benefits may arise. Many of the possible risks can and should be insured against, and the custodian has the power under sec. 13.46.120(a) to purchase such insurance, at least when other custodial assets are sufficient to do so. If the assets are not sufficient, there is doubt that a custodian will act, or there are significant uninsurable risks, a transferor should consider a trust with spendthrift provisions, such as a minority trust under Section 2503(c), Internal Revenue Code, rather than a custodianship, to make a gift of such property to a minor.

Finally, the AkUTMA restates and rearranges rather than amends, the 1966 version of the UGMA. The addition of other forms of property and other forms of dispositions made adherence to the format and language of the prior act very unwieldy. In addition, the 1966 version of the UGMA closely followed the language of the earlier model act, which had already been adopted in several states, even though it did not conform to Conference style. It is hoped that this re-writing and revision of the UGMA will improve its clarity while also expanding its coverage.

## ALASKA UNIFORM TRANSFERS TO MINORS ACT

### Sec. 13.46.010. SCOPE AND JURISDICTION.

This section has no counterpart in the 1966 version of the UGMA. It attempts to resolve uncertainties and conflicts-of-law questions that have frequently arisen because of the present nonuniformity of the UGMA in the various states and which may continue to arise during the transition from the UGMA to the UTMA.

The creation of a custodianship must invoke the law of a particular state because of the form of the transfer required under sec. 13.46.080(a). This section provides that a choice of the AkUTMA is appropriate and effective if any of the nexus factors specified in subsection (a) exists at the time of the transfer. The AkUTMA continues to govern, and subsection (b) makes the custodian accountable and subject to personal jurisdiction in the courts of Alaska for the duration of the custodianship, despite subsequent relocation of the parties or the property.

Subsection (c) recognizes that residents of Alaska may elect to have the law of another state apply to a transfer. That choice is valid if a nexus with the chosen state exists at the time of the transfer. If personal jurisdiction can be obtained in Alaska under other law apart from the AkUTMA, the custodianship may be enforced in Alaska courts, which are directed to apply the law of the state elected by the transferor.

If the choice of law under subsection (a) or (c) is ineffective because of the absence of the required nexus, the transfer may still be effective under the UTMA of another state with which a nexus does exist. See sec. 13.46.200.

### Sec. 13.46.020. NOMINATION OF CUSTODIAN.

This section is new and permits a future custodian for a minor to be nominated to receive a distribution under a will or trust, or as a beneficiary of a power of appointment, or of contractual rights such as a life or endowment insurance policy, annuity contract, P.O.D. account, benefit plan, or similar future payment right. Nomination of a future custodian does not constitute a "transfer" under the AkUTMA and does not create custodial property. If it did, the nomination and beneficiary designation would have to be permanent, since a "transfer" is irrevocable and indefeasibly vests ownership of the interest in the minor under sec. 13.46.-100(b).

Instead, this section permits a revocable beneficiary designation that takes effect only when the donor dies, or when a

lifetime transfer to the custodian for the minor beneficiary occurs, such as a distribution under an inter vivos trust. However, an unrevoked nomination under this section is binding on a personal representative or trustee (see sec. 13.46.040(b)) and on insurance companies and other obligors who contract to pay in the future (see sec. 13.46.060(b)).

The person making the nomination may name contingent or successive future custodians to serve, in the order named, in the event that the person first nominated dies, or is unable, declines, or is ineligible to serve. Such a substitute future custodian is a custodian "nominated . . . under AS 13.46.020" to whom the transfer must be made under secs. 13.46.040(b) and 13.46.060(b).

Any person nominated as future custodian may decline to serve before the transfer occurs and may resign at any time after the transfer. See sec. 13.46.170.

#### Sec. 13.46.030. TRANSFER BY GIFT OR EXERCISE OF POWER OF APPOINTMENT.

To emphasize the different kinds of transfers that create presently effective custodianships under the AkUTMA, they are separately described in secs. 13.46.030, 13.46.040, 13.46.050, and 13.46.060. This section in part corresponds to Section 2(a) of the 1966 version of the UGMA and covers the traditional lifetime gift that was the only kind of transfer authorized by the 1966 version of the UGMA. It also covers an irrevocable exercise of a power of appointment in favor of a custodian, as distinguished from the exercise of a power in a revocable instrument that results only in the nomination of a future custodian under sec. 13.46.020.

#### Sec. 13.46.040. TRANSFER AUTHORIZED BY WILL OR TRUST.

This section is new and has no counterpart in the UGMA. It is based on nonuniform provisions adopted by Connecticut, Illinois, Wisconsin, and other states to validate distributions from trusts and estates to a custodian for a minor beneficiary, when the use of a custodian is expressly authorized by the governing instrument. It also covers the designation of the custodian whenever the settlor or testator fails to make a nomination, or the future custodian nominated under sec. 13.46.020 (and any alternate named) fails to qualify.

#### Sec. 13.46.050. OTHER TRANSFER BY FIDUCIARY.

This section is new and has no counterpart in the UGMA. It covers a new concept, already authorized by the law of some

states through nonuniform amendments to the UGMA to permit custodianships to be used as guardianships or conservator substitutes, even though not specifically authorized by the person whose property is the subject of the transfer. It also permits the legal representative of the minor, such as a conservator or guardian, to transfer the minor's own property to a new or existing custodianship for the purposes of convenience or economies of administration.

A custodianship may be created under this section even though not specifically authorized by the transferor, the testator, or the settlor of the trust if three tests are satisfied. First, the fiduciary making the transfer must determine in good faith and in his fiduciary capacity that a custodianship will be in the best interests of the minor. Second, a custodianship may not be prohibited by, or inconsistent with, the terms of any governing instrument. Inconsistent terms would include, for example, a spendthrift clause in a governing trust, provisions terminating a governing trust for the minor's benefit at a time other than the time of the minor's age of majority, and provisions for mandatory distributions of income or principal at specific times or periodic intervals. Provisions for other outright distributions or bequests would not be inconsistent with the creation of a custodianship under this section. Third, the amount of property transferred, (as measured by its value) must be of such relative small amount that the lack of court supervision and the typically stricter investments standards that would apply to the conservator otherwise required will not be important. However, if the property is of significant size, transfer to a custodian may still be made if the court approves and if the other two tests are met.

The custodianship created under this section without express authority in the governing instrument will terminate upon the minor's attainment of the statutory age of majority in Alaska, i.e., at the same age a conservatorship of the minor would end. See sec. 13.46.190 and the Commentary to sec. 13.46.190.

#### Sec. 13.46.060. TRANSFER BY OBLIGOR.

This section is new and, like sec. 13.46.050, permits a custodianship to be established as a substitute for a conservator to receive payments due a minor from sources other than estates, trusts, and existing guardianships covered by secs. 13.46.040 and 13.46.050. For example, a tort judgment debtor of a minor, a bank holding a joint or P.O.D. account of which a minor is the surviving payee, or an insurance company holding life insurance policy or benefit plan proceeds payable to a minor may create a custodianship under this section.

Use of this section is mandatory when a future custodian has been nominated under sec. 13.46.020 as a named beneficiary of an insurance policy, benefit plan, deposit account, or the like, because the original owner of the property specified a custodianship (and a future custodian) to receive the property. If that custodian (or any alternate named) is not available, if none was nominated, or none could have been nominated (as in the case of a tort judgment payable to the minor), this section is permissive and does not preclude the obligor from requiring the appointment of a conservator to receive payment. It allows the obligor to transfer property to a custodian unless the property exceeds the stated value, in which case a conservator must be appointed to receive it.

Sec. 13.46.070. RECEIPT FOR CUSTODIAL PROPERTY.

This section discharges transferors from further responsibility for custodial property delivered to and receipted for by the custodian. See also sec. 13.46.150 which protects transferors and other third parties dealing with custodians. Because a discharge or release for a donative transfer is not necessary, this section had no counterpart in the UGMA.

This section does not authorize an existing custodian, or a custodian to whom an obligor makes a transfer under sec. 13.46.060 to settle or release a claim of the minor against a third party. Only a conservator, a guardian ad litem, or other person authorized under other law to act for the minor may release such a claim.

Sec. 13.46.080. MANNER OF CREATING CUSTODIAL PROPERTY AND EFFECTING TRANSFER; DESIGNATION OF INITIAL CUSTODIAN; CONTROL.

The 1966 version of the UGMA contained optional bracketed language permitting an adopting state to limit the class of eligible initial custodians to an adult member of the minor's family or a guardian of the minor. This optional limitation has been deleted because it would preclude the use of an individual and uncompensated custodian if no qualified or willing family member is available.

Otherwise, with respect to transfers of securities, cash, and insurance or annuity contracts, this section tracks the cognate provisions of subsection 2(a) of the 1966 version of the UGMA, with one exception. Under sec. 13.46.080(a)(1)(ii), a transfer of securities in registered form may be accomplished without registering the transfer in the name of the custodian so that transfers may be accomplished more expeditiously, and so that securities may be held by custodians in street name. In other words, sec. 13.46.080(a)(1)(i) is not the exclusive manner for making effective transfers of securities in registered form.

In addition, subsection (a) creates new procedures for handling the additional types of property now subject to the Act; specifically:

Paragraph (a)(3) covers the irrevocable transfer of ownership of life and endowment insurance policies and annuity contracts.

Paragraph (a)(4) covers the irrevocable exercise of a power of appointment and the irrevocable present assignment of future payment rights, such as royalties, interest, and principal payments under a promissory note, or beneficial interests under life or endowment or annuity insurance contracts or benefit plans. The payor, issuer, or obligor may require additional formalities such as completion of a specific assignment form and an endorsement, but the transfer is effective upon delivery of the notification. (See sec. 13.46.020 and the Commentary to sec. 13.46.020 for the procedure for revocably "nominating" a future custodian as a beneficiary of a power of appointment or such payment rights.)

Paragraph (a)(5) is the exclusive method for the transfer of real estate and includes a disposition effected by will. Under the law of those states in which a devise of real estate vests in the devisee without the need for a deed from the personal representative of the decedent, a document such as the will must still be "recorded" under this provision to make the transfer effective. For inter vivos transfers, of course, a conveyance in recordable form would be employed for dispositions of real estate to a custodian.

Paragraph (a)(6) covers the transfer of personal property such as automobiles, aircraft, and other property subject to registration of ownership with a state or federal agency. Either registration of the transfer in the name of the custodian or delivery of the endorsed certificate in registerable form makes the transfer effective.

Paragraph (a)(7) is a residual classification, covering all property not otherwise covered. Examples would include nonregistered securities, partnership interests, and tangible personal property not subject to title certificates.

The form of transfer document recommended and set out in subsection (b) contains an acceptance that must be executed by the custodian to make the disposition effective. While such a form of written acceptance is not specifically

required in the case of registered securities under (a)(1), money under (a)(2), insurance contracts or interests under (a)(3) or (a)(4), real estate under (a)(5), or titled personal property under (a)(6), it is certainly the better and recommended practice to obtain the acknowledgment, consent, and acceptance of the designated custodian on the instrument of transfer, or otherwise.

A transferor may create a custodianship by naming himself as custodian, except for transfers of securities under (a)(1)(B), insurance and annuity contracts under (a)(3)(B), and titled personally under (a)(6)(B), which are made without registering them in the name of the custodian, and transfers of the residual class of property covered by (a)(7). In all of these cases a transfer of possession and control to a third party is necessary to establish donative intent and consummation of the transfer, and designation of the transferor as custodian renders the transfer invalid under sec. 13.46.100(a)(2).

Note, also, that the Internal Revenue Service takes the position that custodial property is includable in the gross estate of the donor if he appoints himself as custodian and dies while serving in that capacity before the minor attains the age of 21. Rev.Rul. 57-366, C.B. 1957-2, 618; Rev.Rul. 59-357, C.B. 1959-2, 212; Rev.Rul. 70-348, C.B. 1970-2, 193; Estate of Prudowsky v. Comm'r, 55 T.C. 890 (1971), affd. per curiam, 465 F.2d 62 (7th Cir. 1972).

The AkUTMA has been drafted in an attempt to avoid income attribution to the parent or inclusion of custodial insurance policies on a custodian's life in the estate of the custodian through the changes made in the standards for expenditure of custodial property and the custodian's incidents of ownership in custodial property. See secs. 13.46.120 and 13.46.130 and the Commentary to secs. 13.46.120 and 13.46.130. However, the much greater problem of inclusion of custodial property in the estate of the donor who serves as custodian remains. Therefore, despite the fact that this section permits it in the case of registered securities, money, life insurance, real estate, and personal property subject to titling laws, it is generally still inadvisable for a donor to appoint himself custodian or for a parent of the minor to serve as custodian. See, generally Sections 2036 and 2038 Internal Revenue Code and Rulings and cases cited above; with respect to gifts of closely held stock when a donor retains voting rights by serving as custodian, see Section 2036(b), Internal Revenue Code overruling U.S. v. Byrum 408 U.S. 125 (1972), rehearing denied 409 U.S. 896.

Subsection (c) tracks in substance Section 2(c) of the 1966 version of the UGMA. However, it replaces the requirement

that the transferor "promptly do all things within his power" to complete the transfer, with the requirement that such action must be taken "as soon as practicable." This change is intended only to reflect the fact that possession and control of property transferred from an estate can rarely be accomplished with the immediacy that the term "promptly" may have implied. In the case of inter vivos transfers, no relaxation of the former requirement is intended, since "prompt" transfer of dominion is usually practicable.

Sec. 13.46.085. NATIVE CORPORATIONS; CUSTODIANS.

This section has no comparable provision in the UGMA or the UTMA. This section is derived from AS 45.60.016 which was added to the Alaska Uniform Gifts to Minors Act in 1972 to address the issue of transfers to minors arising under the Alaska Native Claims Settlement Act.

Sec. 13.46.090. SINGLE CUSTODIANSHIP.

The first sentence follows Section 2(b) of the 1966 version of the UGMA. The second sentence states what was implicit in the 1966 version of the UGMA, that additional transfers at different times and from different sources may be made to an existing custodian for the minor and do not create multiple custodianships. This provision also permits an existing custodian to be named as successor custodian by another custodian for the same minor who resigns under sec. 13.46.170 for the purpose of consolidating the assets in a single custodianship.

Note, however, that these results are limited to transfer made under the AkUTMA. Gifts previously made under the Alaska UGMA or under the UGMA or the UTMA of another state must be treated as separate custodianships, even though the same custodian and minor are involved, because of possible differences in the age of distribution and custodian's powers under those other Acts.

Even when all transfers to a single custodian are made under the AkUTMA and a single custodianship results, custodial property transferred under secs. 13.46.050 and 13.46.060 must be accounted for separately from property transferred under secs. 13.46.030 and 13.46.040 because the custodianship will terminate sooner with respect to the former property since the State of Alaska has a statutory age of majority at 18, which is lower than 21. See sec. 13.46.190 and the Commentary to sec. 13.46.190.

Sec. 13.46.100. VALIDITY AND EFFECT OF TRANSFER.

Subsection (a) generally tracks Section 2(c) of the 1966 version of the UGMA, except that the transferor's des-

ignation of himself as custodian of property, for which he is not eligible to serve under sec. 13.46.080(a) makes the transfer ineffective. See Commentary to sec. 13.46.080.

The balance of this section generally tracks Section 3 of the 1966 version of the UGMA with a number of necessary, and perhaps significant, changes required by the new kinds of property subject to custodianships. The 1966 version of the UGMA provides that a transfer made under its terms "conveys to the minor indefeasibly vested legal title to the [custodial property]." Because equitable interests in property may be the subject of a transfer under the AkUTMA, the reference to "legal title" has been deleted, but no change concerning the effect or finality of the transfer is intended.

However, subsection (b) qualifies the rights of the minor in the property, by making them subject to "the rights, power, duties and authority" of the custodian under the AkUTMA, a concept that may have been implicit and intended in the 1966 version of the UGMA, but not expressed. The concept is important because of the kinds of property, particularly real estate, now subject to custodianship. If the minor is married, it would be possible for homestead, dower, or community property rights to attach to real estate (or other property) acquired after marriage by the minor through a transfer to a custodianship for his benefit. The quoted language qualifying the minor's interest in the property is intended to override these rights insofar as they may conflict with the custodian's ability and authority to manage, sell, or transfer the property while it is custodial property. Upon termination of the custodianship and transfer of the custodial property to the former minor, the custodial property would then become subject to such spousal rights for the first time.

For a list of the immunities enjoyed by third persons under subsection (c), see sec. 13.46.150 and the Commentary to sec. 13.46.150.

Because of custodianship under the AkUTMA can extend beyond the age of majority in many states, or beyond emancipation of a minor through marriage or otherwise, the Drafting Committee of the UTMA considered the addition of a spendthrift clause to this section. The idea was rejected because neither the 1966 version of the UGMA nor its predecessors had such a provision, because spendthrift protection would extend only until 21 in any event and judgments against the minor would then be enforceable, and because the spendthrift qualification on the interest of the minor in the property may be inconsistent with the theory of the UTMA to convey the property indefeasibly to the minor.

Subsection (d), (e), and (f) are derived from California amendments to the UTMA but are not included in the UTMA. These subsections are included in the AkUTMA to make clear that (1) a person serving as guardian of the estate of the minor (conservator) may also serve as custodian and in this case the custodial property does not become a part of the guardianship estate; and (2) property may be transferred from a guardianship estate to the person who serves as guardian to be held by that person as custodian, and in such case the property is no longer a part of the guardianship estate but instead is governed solely by the AkUTMA. (17 Cal.L.Rev.Comm.Reports 61 (1984)).

#### Sec. 13.46.110. CARE OF CUSTODIAL PROPERTY.

Subsection (a) expands Section 4(a) of the 1966 version of the UGMA to include the duties to take control and appropriately register or record custodial property in the name of the custodian.

Subsection (b) restates and makes somewhat stricter the "prudent person" fiduciary standard for the custodian, since it is now cast in terms of a prudent person "dealing with property of another" rather than one "who is seeking reasonable income and the preservation of his capital," as under the 1966 version of the UGMA. The rule also adds a slightly higher standard for professional fiduciaries. The rule parallels section 7-302 of the Uniform Probate Code (AS 13.36.075) in order to refer to the existing and growing body of law interpreting that standard. The 1966 version of the UGMA permitted a custodian to retain any security or bank account received, without the obligation to diversify investment. This subsection extends that rule to any property received.

In order to eliminate any uncertainty that existed under the 1966 version of the UGMA, subsection (c) grants specific authority to invest custodial property in life insurance on the minor's life, provided the minor's estate is the sole beneficiary, or on the life of another person in whom the minor has an insurable interest, provided the minor, the minor's estate, or the custodian in his custodial capacity is made the beneficiary of the policies.

Subsection (d) generally tracks Section 4(g) of the 1966 version of the UGMA but adds the provision requiring that custodial property consisting of an undivided interest be held as a tenant in common. This provision permits the custodian to invest custodial property in common trust funds, mutual funds, or in a proportional interest in a "jumbo" certificate of deposit. Investment in property held in joint tenancy with right of survivorship is not permitted, but the AkUTMA does not preclude a transfer of such an

interest to a custodian, and the custodian is authorized under subsection (b) to retain a joint tenancy interest so received.

Subsection (e) follows Section 4(h) of the 1966 version of the UGMA, but adds the requirement that income tax information be maintained and made available for preparation of the minor's tax returns. Because the custodianship is not a separate legal entity or taxpayer, the minor's tax identification number should be used to identify all custodial property accounts.

#### Sec. 13.46.120. POWERS OF CUSTODIAN.

Subsection (a) replaces the specific list of custodian's powers contained in Section 4(f) of the 1966 version of the UGMA which related only to securities, money, and insurance, then the only permitted kinds of custodial property. It was determined not to expand the list to try to deal with all forms of property now covered by the AkUTMA and to specify all powers that might be appropriate for each kind of property, or to refer to an existing body of state law, such as the Trustee's Powers Act, since such powers would not be uniform. Instead, this provision grants the custodian the very broad and general powers of an unmarried adult owner of the property, subject to the prudent person rule and to the duties of segregation and record keeping specified in sec. 13.46.110. This approach permits the AkUTMA to be self-contained and more readily understandable by volunteer, nonprofessional fiduciaries, who most often serve as custodians. It is intended that the authority granted includes the powers most often suggested for custodians, such as the power to borrow, whether at interest or interest free, the power to invest in common trust funds, and the power to enter contracts that extend beyond the termination of the custodianship.

Subsection (a) further specifies that the custodian's powers or incidents of ownership in custodial property such as insurance policies may be exercised only in the capacity as custodian. This provision is intended to prevent the exercise of those powers for the direct or indirect benefit of the custodian, so as to avoid as nearly as possible the result that a custodian who dies while holding an insurance policy on his own life for the benefit of a minor will have the policy taxed in his estate. See, Section 2042, Internal Revenue Code; but compare Terriberry v. U.S., 517 F.2d 286 (5th Cir. 1975), and Rose v. U.S., 511 F.2d 259 (5th Cir. 1975).

#### Sec. 13.46.130. USE OF CUSTODIAL PROPERTY.

Subsections (a) and (b) track subsections (b) and (c) of Section 4 of the 1966 version of the UGMA, but with two significant changes. The standard for expenditure of custodial property has been amended to read "for the use and benefit of the minor," rather than "for the support, maintenance, education and benefit of the minor" as specified under the 1966 version of the UGMA. This change is intended to avoid the implication that the custodial property can be used only for the required support of the minor.

The Internal Revenue Service has taken the position that the income from custodial property, to the extent it is used for the support of the minor-donee, is includable in the gross income of any person who is legally obligated to support the minor-donee, whether or not that person or parent is serving as the custodian. Rev.Rul. 56-484, C.B. 1956-2, 23; Rev.Rul. 59-357, C.B. 1959-2, 212. However, Reg. 1.662(a)-4 provides that the term "legal obligation" includes a legal obligation to support another person if, and only if, the obligation is not affected by the adequacy of the dependent's own resources. Thus, if under local law a parent may use the resources of a child for the child's support in lieu of supporting the child himself or herself, no obligation of support exists, whether or not income is actually used for support, at least if the child's resources are adequate. See, Bittker, Federal Taxation of Income Estates and Gifts Para. 80.44 (1981).

For this reason, subsection (c) has been added to specify that distributions or expenditures may be made for the minor without regard to the duty or ability of any other person to support the minor and that distributions or expenditures are not in substitution for, and shall not affect, the obligation of any person to support the minor. Other possible methods of avoiding the attribution of custodial property income to the person obligated to support the minor would be to prohibit the use of custodial property or its income for that purpose, or to provide that any such use gives rise to a cause of action by the minor against his parent to the extent that custodial property or income is so used. The first alternative was rejected as too restrictive, and the second as too cumbersome.

The "use and benefit" standard in subsections (a) and (b) is intended to include payment of the minor's legally enforceable obligations such as tax or child support obligations or tort claims. Custodial property could be reached by levy of a judgment creditor in any event, so there is no reason not to permit custodian or court-ordered expenditures for enforceable claims.

An "interested person" entitled to seek court ordered distributions under subsection (b) would include not only the

parent or conservator or guardian of the minor and a transferor or a transferor's legal representative, but also a public agency or official with custody of the minor and a third party to whom the minor owes legally enforceable debts.

Sec. 13.46.140. CUSTODIAN'S EXPENSES, COMPENSATION, AND BOND.

This section parallels and restates Section 5 of the 1966 version of the UGMA. It deletes the statement that a custodian may act without compensation for services, since that concept is implied in the retained provision that a custodian has an "election" to be compensated. However, to prevent abuse, the latter provision for permissive compensation is denied to a custodian who is also the donor of the custodial property.

The custodian's election to charge compensation must be exercised (although the compensation need not be actually paid) at least annually or it lapses and may not be exercised later. This provision is intended to avoid imputed income to the custodian who waives compensation, and also to avoid the accumulation of a large unanticipated claim for compensation exercisable at termination of the custodianship.

This section deletes as surplusage the bracketed optional standards contained in the 1966 version of the UGMA for determining "reasonable compensation" which included, "in the order stated," a direction by the donor, statutes governing compensation of custodians or guardians, or court order. While compensation of custodians becomes a more likely occurrence and a more important issue under the AkUTMA because property requiring increased management may now be subject to custodianship, compensation can still be determined by agreement, by reference to a statute or by court order, without the need to so state in the AkUTMA.

Sec. 13.46.150. EXEMPTION OF THE THIRD PERSON FROM LIABILITY.

Sec. 13.46.150 carries forward, but shortens and simplifies, Section 6 of the 1966 version of the UGMA with no substantive change intended. The 1966 version of the UGMA permitted a 14 year old minor to appoint a successor custodian and specifically provided that third parties were entitled to rely on the appointment. Because this section refers to any custodian, and "custodian" is defined to include successor custodians (Sec. 13.46.990(7)), a successor custodian appointed by the minor is included among those upon whom third parties may rely.

Similarly, because this section protects any third "persons," it is not necessary to specify here or in sec.

13.46.100(c) that it extends to any "issuer, transfer agent, bank, life insurance company, broker, or other person or financial institution," as did the 1966 version of the UGMA. See the definition of "person" in AS 01.10.060.

This section excludes from its protection persons with "knowledge" of the irregularity of a transaction, a concept not expressed but probably implied in Section 6 of the 1966 version of the UGMA. See, e.g., State ex rel. Paden v. Currel, 597 S.W.2d 167 (Mo. App. 1980) disapproving the pledge of custodial property to secure a personal loan to the custodian.

Similarly, this section does not alter the requirements for bona fide purchaser or holder in due course status under other law for persons who acquire from a custodian custodial property subject to recordation or registration.

#### Sec. 13.46.160. LIABILITY TO THIRD PERSONS.

This section has no counterpart in the 1966 version of the UGMA and is based upon Section 5-429 of the Uniform Probate Code (AS 13.26.305), relating to limitations on the liability of conservators. Because some forms of custodial property now permitted under the AkUTMA can give rise to liabilities as well as benefits (e.g., general partnership interests, interests in real estate or business proprietorships, automobiles, etc.) the Drafting Committee for the Uniform Transfers to Minors Act believed it is necessary to protect the minor and other assets the minor might have or acquire from such liabilities, since the minor is unable to disclaim a transfer to a custodian for his benefit. Similar protection for the custodian is necessary so as not to discourage nonprofessional or uncompensated persons from accepting the office. Therefore this section generally limits the claims of third parties to recourse against the custodial property, as third parties dealing with a trust are generally limited to recourse against the trust corpus.

The custodian incurs personal liability only as provided in subsection (b) for actual fault or for failure to disclose his custodial capacity "in the contract" when contracting with third parties. In oral contracts, oral disclosure of the custodial capacity is sufficient. The minor, on the other hand, incurs personal liability under subsection (c) only for actual fault.

When custodial property is subjected to claims of third parties under this section, the minor, the minor's legal representative, if not a party to the action by which the claim is successfully established, may seek to recover the loss from the custodian in a separate action. See sec. 13.46.180 and the commentary to sec. 13.46.180.

Sec. 13.46.170. RENUNCIATION, RESIGNATION, DEATH, OR  
REMOVAL OF CUSTODIAN; DESIGNATION OF SUCCESSOR CUSTODIAN.

This section tracks but condenses Section 7 of the 1966 version of the UGMA to provide that the custodian, or if the custodian does not do so, the minor if he is 14, may appoint the successor custodian, or failing that, that the conservator of the minor or a court appointee shall serve. It also covers disclaimer of the office by designated or successor custodians or by nominated future custodians who decline to serve.

The AkUTMA broadens the category of persons who may be designated by the initial custodian as successor custodian from an adult member of the minor's family, his conservator, or a trust company to any adult or trust company. However, the minor's designation remains limited to an adult member of his family (expanded to include a spouse and a stepparent, see sec. 13.46.990(10)), his conservator, or a trust company.

Sec. 13.46.180. ACCOUNTING BY AND DETERMINATION OF  
LIABILITY OF CUSTODIAN.

This section carries forward Section 8 of the 1966 version of the UGMA, but expands the class of parties who may require an accounting by the custodian to include any person who made a transfer to the custodian (or that person's legal representative), the minor's guardian of the person, and the successor custodian.

Subsection (b) authorizes but does not obligate a successor custodian to seek an accounting by the predecessor custodian. Since the minor and other persons mentioned in subsection (a) may also seek an accounting from the predecessor at any time, it is anticipated that the exercise of this right by the successor should be rare.

Subsection (a) also gives the same parties (other than a successor custodian) the right to seek recovery from the custodian for loss or diminution of custodial property resulting from successful claims by third persons under sec. 13.46.160, unless that issue has already been adjudicated in an action under that section to which the minor was a party.

This section does not contain a separate statute of limitations precluding petitions for accounting after termination of the custodianship. Because custodianships can be created without the knowledge of the minor, a person might learn of a custodian's failure to turn over custodial property long after reaching majority, and should not be precluded from asserting his rights in the case of such fraud. In addition, the 1966 version of the UGMA has no such preclusion

and seems to have worked well. Other law, such as general statutes of limitation and the doctrine of laches, should serve adequately to protect former custodians from harassment.

Sec. 13.46.190. TERMINATION OF CUSTODIANSHIP.

This section tracks Section 4(d) of the 1966 version of the UGMA and provides that custodianships created by fiduciaries without express authority from the donor of the property under sec. 13.46.050 and by obligors of the minor under sec. 13.46.060 terminate upon the minor's attaining age 18, since these custodianships are substitutes for conservatorships that would otherwise terminate at that time. All other custodianships terminate at the time the minor attains 18 years of age unless the time of transfer of the custodial property is delayed under sec. 13.46.195 to a time after the time the minor attains the age of 18 years. Because property in a single custodianship may be distributable at different times, separate accounting for custodial property by source may be required. See Commentary to sec. 13.46.090.

Sec. 13.46.195. DELAY IN TRANSFER OF CUSTODIAL PROPERTY AFTER MINOR ATTAINS AGE 18.

This section is adopted from the California Uniform Transfers to Minors Act. This section is new. There is no provision for choice as to when custodial property shall be transferred to the minor under the Uniform Transfers to Minors Act or under prior Alaska law. This section gives this choice since most transferors who specifically authorize a custodian wish to preserve the custodianship as long as possible. This is most likely to be the case, for example, where the custodial property is intended to be preserved and used to finance a college education.

A transferor may feel that a particular child at 18 does not have, or will not have, sufficient maturity to manage a substantial gift, particularly when the transferor wishes to make the gift for a particular purpose, e.g. education. A custodian under the Alaska Uniform Gifts to Minors Act must deliver the property to the minor when the minor reaches 18 (AS 45.60.031(d)). Therefore, a testamentary or inter vivos trust may be necessary to achieve the transferor's goals. Continuing the custodianship past the age of 18 permits the transferor donor to avoid the expense of preparing a trust instrument to create a trust that otherwise would be required in order to retain the property under custodial management until the minor reaches the specified age.

The custodian is required to transfer the property to the minor when the minor attains the age of 18 years unless the

transfer under sec. 13.46.080 specifies a later time. See sec. 13.46.190.

Subsection (c) contains optional language which the donor-transferor may use to allow a minor the option of terminating the custodianship during a six month period beginning on the minor's 21st birthday. In order to exercise this option, a minor must provide written notice of the minor's intention to terminate to the custodian within 6 months of the minor's 21st birthday. This option has been provided so that a transferor may transfer property by irrevocable gift, under sec. 13.46.030, into a custodianship in a manner consistent with Section 2503(c) of the Internal Revenue Code and the Internal Revenue Service's position as put forth in Rev.Rul. 74-43.

Rev.Rul. 74-43 provides, in relevant part, that a gift into a trust for the benefit of a minor, when such a trust contains a provision that the minor has the right to compel distribution at age 21 by giving written notice to the trustee, qualifies as a gift of a present interest, and, therefore, also qualifies for the annual exclusion provided in Section 2503(b) of the Internal Revenue Code.

The use of the optional language contained in subsection (c) that allows a minor to compel delivery of custodial property when the minor reaches the age of 21 should qualify a transfer of property by irrevocable gift under sec. 13.46.030 as a gift of a present interest under Section 2503(c) of the Internal Revenue Code.

Subsection (d) permits the custodianship to continue until not later than the time the minor attains the age of 25 years where the transfer is made under a provision in a will or trust that provides that the custodianship is to continue until the specified age, not later than the time the beneficiary attains the age of 25. A custodianship may be established under a provision in a will or trust that provides that the custodianship is to continue until a specified age after age 18 even though the beneficiary has attained an age older than 18 but younger than the specified age at which the custodianship is to terminate. See sec. 13.46.990(11).

Subsection (e) permits the custodianship to continue until the time the minor attains the age of 25 years where the custodial property is transferred under sec. 13.46.030 if the transfer specifies that the custodianship is to continue until the specified age.

This section does not provide for continuance beyond age 18 of a custodianship created under secs. 13.46.010, 13.46.050,

13.46.060, 13.46.100, 13.46.110 or 13.46.120. These custodianships terminate at age 18 because they are substitutes for a guardianship that otherwise would terminate at that time (see sec. 13.46.150). And, in the cases where this section permits the custodianship to continue after the minor attains the age of 18 years, if the transfer under sec. 13.46.080 does not specify any age, the custodianship terminates when the minor attains 18 years of age. See (f) of this section.

Subsection (g) validates a transfer that specifies a maximum time for the duration of the custodianship that is longer than permitted by this section by reducing the duration of the custodianship to the maximum duration permitted for a custodianship created by that type of transfer.

Because property in a single custodianship may be distributable at different times, separate accounting for custodial property by source may be required. See Commentary to sec. 13.46.090. Also see 17 Cal.L.Rev.Comm. Reports 601 (1984); 84 Cal.S.J. 11794.

#### Sec. 13.46.200. APPLICABILITY.

This section is new and has two purposes. First, it operates as a "savings clause" to validate transfers made after its effective date which mistakenly refer to Alaska's UGMA rather than to the AkUTMA. Second, it validates transfers attempted under the UGMA of another state which would not permit transfers from the source or of property of that kind or under the UTMA of another state with no nexus to the transactions, provided in each case that Alaska has a sufficient nexus to the transaction under sec. 13.46.010.

#### Sec. 13.46.210. EFFECT ON EXISTING CUSTODIANSHIPS.

Subsection (a) is new and is based on Section 45-109a of the Connecticut Uniform Transfers to Minors Act which validates gifts of real estate and partnership interests made prior to their inclusion as "custodial property" under that Act. However, this provision goes further and purports also to validate prior transfers of the kind now covered by that Act, i.e., transfers from estates, trusts, guardianships, and obligators.

All states have previously enacted some version of the UGMA, and it will be more orderly to subject gifts or other transfers under the UGMA to the procedures of the UTMA rather than to keep both the UGMA and UTMA in force, presumably for 18 or 21 years until all custodianships created under prior law have terminated. Subsection (b) is intended to apply the AkUTMA to prior gifts and existing custodianships

insofar as it is constitutionally permissible to do so. However, prior custodianships will continue to terminate at the age prescribed by the Act under which the gift or transfer was made.

Subsection (c) is also new and is based upon Section 45-109b of the Connecticut Act. This subsection is intended for adoption in those states that reduced the age of majority to 18, but which adopt the recommended return to 21 as the age at which custodianships terminate. Its purpose is to avoid resurrecting custodianships for persons not yet 21 which terminated during the period that the age of 18 governed termination.

Subsection (d) is also new. This subsection is derived from sec. 27 of the UTMA, relating to the effect of the repeal of the UGMA.

Sec. 13.46.220. UNIFORMITY OF APPLICATION.

No commentary.

Sec. 13.46.990. DEFINITIONS.

To reflect the broader scope and the unlimited types of property to which the AkUTMA will apply, a number of definitional changes have been made from the 1966 version of the UGMA. In addition, several definitions specifically applicable to the limited types of property (cash, securities, and insurance policies) subject to the 1966 version of the UGMA have been eliminated as unnecessary. These include the definitions of "bank," "issuer," "life insurance policy or annuity contract," "security," and "transfer agent." No change in the meaning or construction of these terms as used in the AkUTMA is intended by these deletions.

The definitions of "domestic financial institution" and "insured financial institution" have been eliminated because few, if any, states limit deposits by custodians to local institutions, and the prudent person rule of sec. 13.46.110(b) of the AkUTMA may dictate the use of insured institutions as depositories, without having to so specify.

The principal changes or additions to the remaining definitions are discussed below.

"Benefit Plan" The definition of "benefit plan" is intentionally very broad and is meant to cover any contract, plan, system, account, or trust such as a pension plan, retirement plan, death benefit plan, deferred compensation plan, employment agency arrangement, or stock bonus, option or profit sharing plan.

"Conservator" The term "conservator" rather than "guardian of the estate" has been employed to conform to Uniform Probate Code terminology (AS 13.06 - 13.36). The term includes a guardian of the minor's property, whether general, limited or temporary, and includes a committee, tutor, or curator of the minor's property.

"Custodial Property" The definition of "custodial property" has been generalized and expanded to encompass every conceivable legal or equitable interest in property of any kind, including real estate and tangible or intangible personal property. The term is intended, for example, to include joint interests with right of survivorship, beneficial interest in land trusts, as well as all other intangible interests in property. Contingent or expectancy interests such as the designation as a beneficiary under insurance policies or benefit plans become "custodial property" only if the designation is irrevocable, or when it becomes so, but the AkUTMA specifically authorizes the "nomination" of a future custodian as beneficiary of such interests (see sec. 13.46.020). Proceeds of custodial property, both immediate and remote, are themselves custodial property, as is the case under UGMA.

Custodial property is defined without reference to the physical location of the property, even if it has one. No useful purpose would be served by restricting the application of the AkUTMA to, for example, real estate "located in this state," since a conveyance recorded in the state of the property's location if done with proper formalities, should be effective even if that state has not enacted the UTMA. The rights, duties, and powers of the custodian should be determined by reference to the law of the state under which the custodianship is created, assuming there is sufficient nexus under sec. 13.46.010 between that state and the transferor, the minor, or the custodian.

"Minor" "Minor" is defined as an individual who has not attained the age of 18 years (consistent with AS 25.20.010), except that the term "minor" may include an older individual under some circumstances when the term is used with reference to the beneficiary for whose benefit custodial property is held or is to be held for a period past the age of 18 years. See the Commentary to secs. 13.46.190 and 13.46.195.

"Personal Representative" The definition of the term "personal representative" is based upon the definition in the Uniform Probate Code (AS 13.06.050(30)).

"Transfer" The new definition of "transfer" is necessary to reflect the application of the AkUTMA not only to gifts, but

also to distributions from trusts and estates, obligors of the minor, and transfers of the minor's own assets to a custodianship by the legal representative of a minor, all of which are now permitted by the AkUTMA.

"Transferor" The new definition of "transferor" is required because the term includes not only the maker of a gift, i.e., a donor in the usual sense, but also fiduciaries and obligors who control or own property that is the subject of the transfer. Nothing in the AkUTMA requires that a transferor be an "adult." If permitted under other law of the state relating to emancipation or competence to make a will, gift, or other transfer, a minor may make an effective transfer of property to a custodian for his benefit or for the benefit of another minor.

"Trust Company" Only entities authorized to exercise "general" trust powers qualify as a "trust company"; that is, the authority to exercise only limited fiduciary responsibilities, such as the authority to accept Individual Retirement Account deposits, is not sufficient.

Sec. 13.46.999. SHORT TITLE.

No commentary.

wkmi2/002

HB

473

FISCAL NOTE

REQUEST:

Revision Date: \_\_\_\_\_  
Title: "An Act amending the composition and membership."  
Sponsor: Rep Swackhammer  
Requestor: Gruenberg and Boyer

Agency Affected: Department of Corrections  
BRU: \_\_\_\_\_  
Components: Correctional Industries - Production Cost

EXPENDITURES/REVENUES: (Thousands of Dollars)

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

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

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

POSITIONS:

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

ANALYSIS : (Attach a separate page if necessary)

The travel and per diem costs associated with adding a member to the Correctional Industries Commission will be funded through the Correctional Industries Revolving Fund.

*Susan E. Knighton*

Prepared by: Susan E. Knighton, Director Phone: 465-3376  
Division: Administrative Services Date: 2-26-88

Approved by Commissioner: Susan Humphrey-Barnett Date: 2-26-88  
Agency: Department of Corrections

Distribution (by preparer):

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

REPRESENTATIVE  
C.E. "SWACK" SWACKHAMMER

# Alaska State Legislature



## House of Representatives

SOLDOTNA

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SOLDOTNA, ALASKA 99669  
(907) 262-7663

JUNEAU

BOX V  
JUNEAU, ALASKA 99811  
(907) 465-2689

### MEMORANDUM

TO: All Interested Parties  
FROM: Rep. C.E. Swackhammer  
DATE: February 12, 1988  
TOPIC: House Bill 473

.....

Last session, the 15th Legislature passed a bill keeping Correctional Industries. House Bill 473 has been introduced by me to assure the industries program in corrections remains viable, productive and noncompetitive with private industry and labor in Alaska.

Alaska's economic downswing has made it necessary to address potential problems of the correctional industry negatively impacting free enterprise. To assist in this effort, HB473 changes the composition of the Corrections Industry Commission by adding another member from labor. Currently, the commission calls for one member of organized labor; at this time the member is from the building trades. It is felt that, although corrections industry may impact the construction trades, it is more likely to affect service oriented laborers. For this reason, HB 473 specifically designates that a member from the building trades be supplemented by a representative of the service trades in Alaska.

Corrections and I have had extensive interaction with labor representatives over the past few months. We have come to a consensus that the additional labor member will greatly enhance the industries program, while protecting the "free-world" enterprise.

It is for this reason, I respectfully solicit your support for this piece of legislation.

### CORRECTIONAL INDUSTRIES IN ALASKA

The Corrections Industry program started in the Palmer Correctional Center. It is composed of a potato farm which produces potatoes for state institutions. It employs 2 or 3 inmates during the winter and as many as 15 during the summer, through harvest time in October. Palmer also has a body and fender shop which does repairs to state vehicles only; it employs 4 to 6 offenders.

The Palmer area is also the locale of a slaughter house operated by offenders. The facility was reclaimed from private enterprise which had been funded through state loans. The initial reaction to the operation was negative, with the greatest amount of negative input coming from meat processors and cold storage operations in Anchorage. The intent of the slaughterhouse is to primarily provide a service for Alaskan ranchers and dairy cull stock in the Matanuska Valley. The operation has been struggling, the processor "hurdle" has been overcome; they are now purchasing wholesale meats from the corrections operated plants.

Lemon Creek Correctional Center, in Juneau, houses a laundry facility which provides laundry services to the Alaska Marine Transportation System. Prior to its opening, laundry services were provided through a facility in Prince Rupert, British Columbia. It is a state of the art facility which has been operating at a profit. It employs XX offenders.

Two years ago it was suggested that the laundry wholesale laundry in Southeast. Because of negative reaction on the part of organized labor, the idea was scrapped.

Lemon Creek was also the site of a bakery which provided bake goods to the Marine Transportation System. Previous to its opening, the bake goods were provided by a Seattle firm. The bakery no longer exists and has returned to Seattle. A report of the closing of the bakery follows.

Wildwood Correctional Center has a metal fabrication industry which employs as many as 60 offenders. Its primary products are furniture and bear-proof trash containers used by the park service.

Uniquely, the industry received the contract to provide the secure furniture for the new facility soon to open in Seward, Spring Creek Correctional Center.

Wildwood CC Industries also makes top of the line office furniture. At one time it manufactured more than 200 models. There had been no

complaints from the private sector until the major decline in Alaska's economy. Because of slowing sales, statewide retailers asked corrections to reconsider the scope and magnitude of their operations. Through cooperative agreement, corrections reduced its furniture line to less than twenty models.

The Department of Corrections is currently seeking industries for Fairbanks Correctional Center and Spring Creek.

The Department recently received negative press regarding the prospects of doing data processing in the Fairbanks facility. This is not to be an industry program, but the comments were directed at it. The data processing issue has been tabled, with assurances by corrections that nothing would be done without complete support of the Fairbanks delegation.

LEMON CREEK CORRECTIONS BAKERY REPORT: In the Summer of 1987, a steward on the Alaska Marine Transportation System informed the Dept. of Transportation and Public Facilities that he had received information from an undisclosed source that the bakery products were contaminated. This contamination was allegedly human excretions. A large staple was also allegedly been implanted at the facility.

DOT/PF immediately stopped receiving products from Lemon Creek and conducted an investigation. The Alaska State Troopers were called into the investigation. The supervisors and inmates in the bakery industry volunteered to take polygraph tests regarding their activities in the bakery.

There was absolutely no evidence of foul play by staff or inmates; they were exonerated of any charges. The steward never disclosed his source of information.

Because of the negative press and potential spin-off of the accusations, the Department of Corrections has cancelled the bakery industry. The Department is speculating on moving the equipment to Southcentral Alaska to provide bakery goods to correctional facilities in the Anchorage Bowl Area.

REPRESENTATIVE  
C.E. "SWACK" SWACKHAMMER

# Alaska State Legislature



## House of Representatives

SOLDOTNA  
PO. BOX 417  
SOLDOTNA, ALASKA 99669  
(907) 262-7683  
JUNEAU  
BOX V  
JUNEAU, ALASKA 99811  
(907) 465-2689

January 16, 1988

Anna Bell Stevens  
825 East 8th Avenue  
Anchorage, AK 99501

Dear Anna Bell;

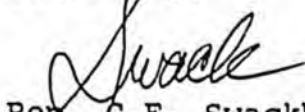
Thank you for your input regarding prison industries in general, and your position regarding the use of inmates to process fishing licenses. I share your concerns.

Currently, it is the policy of the Department of Corrections to only introduce industry programs that will not compete with state located industry, or some industry that has not had a response from the private sector within Alaska. I brought the data processing issue up recently and your concerns were shared by several of us. We were assured that this industry will not start without a guarantee that every safety precaution and/or policy is followed.

I believe prison industries should exist, just as long as they do not take away work from the "free-world" laborer. The spin-off of a good industry program is the development of working skills for offenders who will eventually become members of society. Granted, the cost of housing an offender is high. A major part of incarceration is to rehabilitate the offender. Having an individual housed in a facility will cost the same whether the person is learning a skill, or merely sitting idle.

Please feel confident, I will do everything in my power to protect the working Alaskan. If I can be of any further assistance, or if you wish to share additional ideas, please do not hesitate to contact this office.

Sincerely,

  
Rep. C.E. Swackhamer

CES/cn

JANUARY 21, 1988

JAN 25 1988

DEAR REPRESENTATIVE SWACKHAMMEER;

AS A PAST LAW ENFORCEMENT OFFICER YOU MUST SURELY BE ABLE TO IDENTIFY WITH THE PROBLEM THAT THE NEWEST PROJECT THE CORRECTION INDUSTRIES PROGRAM IS TRYING TO OFF GET THE GROUND WILL CREATE. HOW CAN THEY ALLOW CONVICTS THE ACCESS TO VITAL CONFIDENTIAL INFORMATION SUCH AS HOME ADDRESSES AND SOCIAL SECURITY NUMBERS IS QUIT BEYOND ME. THE SAFETY AND WELL BEING OF NOT ONLY LAW ENFORCEMENT OFFICERS BUT ANY CITIZEN WHO BUYS A LICENSE WILL BE JEOPARDIZED.


THE CORRECTION INDUSTRIES CANCER THAT IS SPREADING THROUGH OUT ALASKA MUST BE STOPPED BEFORE THERE ARE NO JOBS LEFT FOR HONEST ALASKANS.

CHEAP LABOR IS NOT WHAT THE INDUSTRIES PROGRAM IS ABOUT, NO LABOR WE HAVE CAN COST MORE. WE PAY SOME FORTY TO FORTY-SIX THOUSAND DOLLARS PER YEAR TO SECURE AND MAINTAIN EACH CONVICT THAT IS INCARCERATED AND THE MONEY THEY MIGHT EARN WILL NOT BE USED TO DEFRAY THE MAINTAINING OF THE CONVICT, BUT IT WILL GO BACK INTO THE INDUSTRIES PROGRAM SO IT CAN EXPAND AND TAKE MORE JOBS FROM HONEST ALASKANS.

WE NEED TO CURE THIS CANCER NOW!!!

ANY HELP YOU CAN AFFORD IN THIS AREA WILL BE GREATLY APPRECIATED.

SINCERELY:

  
ANNA BELL STEVENS

825 EAST 8th AVENUE

ANCHORAGE, ALASKA 99501

(907) 279-1124

REPRESENTATIVE  
C.E. "SWACK" SWACKHAMMER

# Alaska State Legislature



House of Representatives

SOLDOTNA  
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SOLDOTNA, ALASKA 99669  
(907) 262-7663  
JUNEAU  
BOX V  
JUNEAU, ALASKA 99811  
(907) 465-2689

January 28, 1988

Anna Bell Stevens  
825 East 8th Avenue  
Anchorage, AK 99501

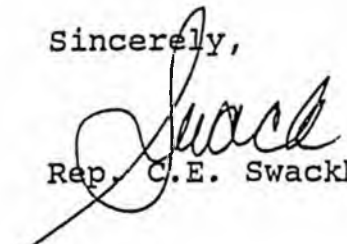
Dear Anna Bell;

Thank you for sharing your insights and ideas during the recent teleconference with Corrections. Also, thanks for allowing me to monitor it. I was, unfortunately, unable to attend. Carl Nickel of my staff was in attendance and briefed me afterwards.

I want to see the Prison Industries program succeed and I believe involving organized labor in the process is critical to its success. Industries develop skills for offenders, as I stated in a recent letter to you. It is, however, important that these skills are not developed at the expense of the laborer, on the street and out of work.

Please feel confident that I will work for a meaningful industries program that meets needs without stealing jobs.. Again, thanks for your input and time.

Sincerely,

  
Rep. C.E. Swackhammer

CES/cn

FEBRUARY 3, 1988

REPRESENTATIVE SWACKHAMMER  
BOX V  
JUNEAU, ALASKA 99811

DEAR SWACK:

ENCLOSED IS A COPY OF THE CORRECTIONS COMMISSION BOARD.


I WOULD LIKE TO THANK YOU FOR ALLOWING <sup>ME</sup> TO APPEAR BEFORE YOUR COMMITTEE ON  
TUESDAY. I FEEL THAT WE HAVE MADE A MOVE IN THE RIGHT DIRECTION. GRANTED  
MORE NEEDS TO BE DONE, BUT A START HAS BEEN MADE.

I FEEL THAT LABOR NEEDS TO BE BETTER REPRESENTED ON THE INDUSTRIES COMMISSION.

I WILL FOLLOW THIS WITH A LETTER OF SOME OF THE IDEAS THAT HAVE BEEN PRESENTED  
BY PEOPLE FROM THE PRIVATE SECTOR TO ME OVER THE PAST YEAR AS TO AREAS THAT THE  
INDUSTRIES MIGHT LOOK INTO.

HOPING TO SEE YOU AGAIN SOON IN JUNEAU.

SINCERELY;

  
ANNA BELL STEVENS

825 EAST 8th AVE.

ANCHORAGE, ALASKA 99501

REPRESENTATIVE  
C.E. "SWACK" SWACKHAMMER

# Alaska State Legislature



House of Representatives

SOLDOTNA

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SOLDOTNA, ALASKA 99669  
(907) 262-7663

JUNEAU

BOX V  
JUNEAU, ALASKA 99811  
(907) 465-2689

February 8, 1988

Anna Bell Stevens  
825 East 8th Avenue  
Anchorage, AK 99501

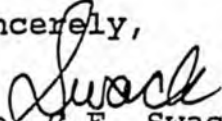
Dear Anna Bell;

Thanks for the information on the Corrections Industry Commission. This information will be added to our records.

Carl tells me you are sending a list of prospective industry programs that you and your co-workers have developed. I look forward to seeing the list.

Again, thank you for the input. I feel confident that these mutual concerns can be resolved. If I can be of additional services, please do not hesitate to contact this office.

Sincerely,

  
Rep. C.E. Swackhammer

CES/cn

REPRESENTATIVE  
C.E. "SWACK" SWACKHAMMER

# Alaska State Legislature



## House of Representatives

SOLDOTNA

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SOLDOTNA, ALASKA 99669  
(907) 262-7663

JUNEAU

BOX V  
JUNEAU, ALASKA 99811  
(907) 465-2689

March 26, 1988

Anna Bell Stevens  
825 E 8th Street  
Anchorage, AK 99501

Dear Anna Bell;

Thank you for the information regarding the private operation of prisons. Carl, on my staff, has been watching this issue for me.

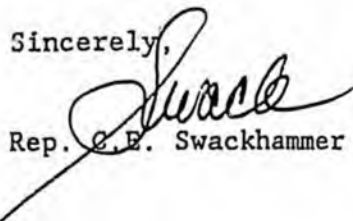
Alaska uses private providers for "soft beds" in corrections. This translates to those beds necessary to handle work release needs, furloughs and "other" beds which do not require a cell type secure setting.

Nationally, there have been some private operations of "hard bed" facilities with mixed results. There are some inherent problems. Private providers tend to pay less, have lower requirements for hiring and cannot necessarily provide adequate training. This all lends itself toward less than satisfactory institutions.

There is also the question of responsibility. Who is responsible for the custody, care and control of a state's offenders (or federal)? Laws are developed, enforced and adjudicated. If government is willing to do this, why shouldn't it also be responsible for the supervision and/or rehabilitation of the offender?

It is a complex question which I'm sure does not have a simple answer. Thanks again for the material, I will include it in our growing collection of pertinent information. I knew you hadn't forgotten us.

Sincerely,

  
Rep. C.E. Swackhammer

CES/cn

C-31

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# Prisoners process paper for overworked agency

By Larry Persily  
Associated Press

JUNEAU — A state agency that could not keep up with its paperwork is turning to Fairbanks inmates for help in processing 500,000 annual hunting and fishing licenses.

State prisoners are expected to begin work next month at new computer terminals and type in data from hunting, trapping, sport and commercial fishing licenses, all recorded by the Department of Revenue.

For two years the department has not been able to keep up with license processing because of severe staff cutbacks, said Sally Smith, public services division director. As of last fall, she said, only 40 percent of the 1986 licenses had been entered into the computer and none from 1987 had been processed.

Without any computer record of license information, state officials often had to search through boxes of receipts when they needed to verify a license, such as in law enforcement cases.

The Department of Fish and Game paid the bill for Revenue to hire five temporary workers this past fall, and the backlog was cleaned up by late December, Smith said.

Although the temporary workers were able to get enough of the information into the computer to allow the state to qualify for federal sport fishing shared

revenues, much of the information went unrecorded, Smith said.

Revenue, Fish and Game and Public Safety officials would like all of the license information recorded, she said, and they have turned to the Department of Corrections for help.

Fairbanks Correctional Center was selected because it has no prison industries program, said Susan Knighton, director of administrative services for Corrections. "They were excited to have a nice clean project to start with," she said.

Palmer inmates work at a meat packing plant, a farm and an auto body shop, Juneau inmates operate a laundry, and the Kenai jail offers work at a metal fabrication and furniture plant, she said.

Inmates are paid a maximum of \$1.75 an hour for prison industries work, which employs more than 100 inmates statewide, Knighton said.

If a prison industries employee owes court fines or child support, money is deducted from their paycheck to pay the debt, she said.

The \$26,000 first-year cost of the license recording program will be shared by Revenue, Fish and Game and Public Safety, said Ervin Jones, administrative services director for Revenue. The state collects almost \$2 million a year from the licenses, Jones said.

# State will reevaluate work plan for inmates

By LARRY PERSILY  
The Associated Press

JUNEAU — In response to criticism from some hunters and law enforcement personnel, state officials are reviewing plans to have Fairbanks inmates help process state hunting and fishing licenses.

Opponents of the program fear that inmates could gain access to home addresses of law enforcement personnel and could threaten their safety.

Fairbanks legislators also have entered the debate.

Rep. Mike Davis, D-Fairbanks, has asked the Department of Corrections to take another look at the plan. Rep. Mark Boyer, D-Fairbanks, has asked the Department of Revenue to answer several questions about the proposal.

"It just does not appear

appropriate to have criminals have access to that sort of information," said Dale Florian, president of the Fairbanks chapter of the Alaska Peace Officers Association.

Florian said he expects the association will take formal action to oppose the plan.

"I've got a real negative feeling," said Larry Poland, a vice president with the Tanana Valley Sportsmen's Association.

Inmates will know who has a hunting license and who has guns at home, Poland said. "I don't want every convict in the country knowing where I live."

Poland said he is discussing the issue with the group's board of trustees.

Officials from the Departments of Revenue and Corrections met Monday to discuss

the plan, which would send hunting and fishing license applications to the Fairbanks state prison for processing.

About 500,000 licenses are issued a year and staff cuts have prevented Revenue from keeping up with the work load in the past two years.

Under the prison work program now under consideration, Revenue employees would handle initial processing of the applications, and inmates then would type in the rest of the data using new computers purchased for the project.

Inmates would be paid up to \$1.75 an hour for their work and would be screened for the job assignment, said Corrections officials.

Regardless of the screening, law enforcement personnel are concerned that in-

mates would gain access to their home addresses and might distribute the information. Boyer and Davis share those concerns.

"These people go to great lengths in their normal everyday lives to keep this information confidential," said Ed Flanagan, an aide to Boyer.

Davis said he, too, shares the concern for safety of police, attorneys, bail bondsmen, probation officers and other professionals who have dealings with inmates.

Flanagan said Boyer wants answers from Revenue and Corrections officials on how they plan to ensure the security of the information. If adequate safeguards are not possible, Flanagan said, Boyer plans to look at the cost of keeping all the work at the Department of Revenue.

H B

4 9 11

WHILE IN SESSION  
P.O. BOX V  
JUNEAU, ALASKA 99811  
(907) 465-3704



REPRESENTATIVE JOHNNY ELLIS

M E M O R A N D U M

TO: The Honorable *John* Elmar Kertulla  
Chair, Senate Judiciary Committee

FROM: Rep. Johnny *John* Ellis

RE: HB 491; "Statutory Form Power of Attorney"

DATE: May 2, 1988

MAY 2 1988

I respectfully request that you schedule a hearing on HB 491 as soon as possible.

This bill creates a power of attorney form and sets into statute the description of powers authorized. My staff developed the legislation with the assistance of the Older Alaskans Commission, the probate section of the Alaska Bar Association, and Alaska Legal Services.

The need for this legislation is based upon problems associated with the broadness of Alaska's existing power of attorney statutes. Because the existing statute is so broad, powers of attorney drafted by its authority lack uniformity. This is confusing to the people who need a power of attorney and to the third party who is supposed to honor the power.

A critical secondary need for this legislation is based upon the necessity of an increasing number of Alaskan Seniors to designate in advance the people they wish to manage their affairs should a temporary or permanent disability occur. The form created by this statute contains a check off section for designating the effectiveness of the power in case of incapacitation.

I have enclosed some back up for your convenience and would be more than happy to supply more information at your request.

Thank you for considering this request.

enclosures

## Power of attorney bill: 'Senior-friendly'

by Rebecca Goodman

A "much improved" durable power of attorney bill — CS HB491 — emerged from the House Health, Education and Social Services committee in late April following some technical changes suggested by the Older Alaskans Commission and several health/legal specialists.

At *Senior Voice* press time the bill also had passed House Judiciary and was poised for a House floor vote April 26 or 27.

The bill, co-sponsored by Reps. Johnny Ellis (D-Anchorage) and Max Gruenberg (D-Anchorage), would clarify existing statutes and provide an approved form for consumers to use in drawing

up a durable power of attorney.

A durable power of attorney permits an individual to give another individual the authority to act on their behalf to do a variety of everyday legal matters.

Unlike the simple power of attorney which becomes ineffective upon incapacitation of the individual, a "durable" power of attorney becomes effective either at the start of a disability of the individual, or it starts prior to the disability and remains in effect throughout it.

"This bill is much improved," Ellis told committee members. "It clears up language in key sections and addresses concerns with reference to seniors' benefits and

with reference to the existing Living Will statutes."

Ellis said the bill shortens the time required and reduces the expenses involved in put-

**A durable power of attorney permits an individual to give another individual the authority to act on their behalf to do a variety of everyday legal matters.**

ting a power of attorney into place.

Connie Sipe, executive director of the Older Alaskans Commission, told lawmakers, "we're very supportive of this bill."

The new streamlined form in the measure would make the creation of a power of attorney more understandable to consumers, yet not affect their legal rights in any way, Sipe said.

A recent workshop on guardianship issues illustrated the need for clearer statutes on powers of attorney, she added.

Most of the nearly 100

health/legal specialists who attended the Anchorage workshop agreed durable power of attorney could help seniors avoid wasting their time and money in planning "advance directives," or measures that spell out an individual's wishes in the event of incapacitation.

Most health care providers strongly support this legislation as a means to avoid the turmoil of court-appointed guardianships, Sipe said.

Rep. Bill Hudson (R-Juneau) said he could see the logic behind the bill.

"Having a mother-in-law who is now widowed and 75 years old, I can really see the

need to have these forms available and in terms people can understand.

"It seems a good idea to distribute this information around to the various senior centers so seniors could make these choices," Hudson suggested.

The amended version of the bill is now in House Judiciary. Aides to Ellis said although "time's running out" for the bill this session, the "groundwork for a good piece of legislation" had been established for introduction in a new legislative session.

"If it doesn't pass this time around, it doesn't mean we've lost the issue," one aide noted.

### SENIOR BILL DIGEST

**SCSCS HB 36 — Grussendorf (D-Sitka). Car insurance rate break for seniors.**

Allows reduced auto insurance rates for persons 55 and older who undergo approved driver training courses. Governor signed into law March 1988. Chapter 9 SLA 88.

**HB 159 — Governor by Request. Income-based senior property tax exemption.**

Would tie senior homeowners' and disabled veterans' property tax exemptions to income level on sliding-scale basis. Bill "shelved" February 10, 1988, by House Community and Regional Affairs Committee.

**SSHB 246 — Adams (D-Kotzebue). Fishing areas for seniors.**

Would authorize Board of Fisheries to establish

ALASKA LEGAL SERVICES CORPORATION

**Legal services for seniors**

(60 and older)

Assistance available with

- housing
- government benefits
- health care
- wills
- other legal problems

This OAC - funded service is available in:

**Come Celebrate!**

OPAG's 20th birthday

## JUNEAU REPORT

# Bill redefines power of attorney laws

by Rebecca Goodman

When Louise Black's 80-year-old mother had a massive, debilitating stroke in Anchorage last year, the last thing Black expected she'd have to do was go to court to gain financial control of her mother's assets just so she could pay for her mother's expensive and necessary nursing care.

The process was not simple.

Black said she spent "several exhausting weeks" and "several thousand dollars on attorney and court fees" trying to arrange to have herself appointed conservator of her mother's assets.

"Mother does have a will and I figured that would take care of all the legal details we'd ever run into," Black said. "I never dreamed she'd end up like this unable to run her own affairs."

If Black and her mother had known about a legal device

known as a durable power of attorney, they might have been able to save themselves some expense and delay.

A durable power of attorney should not be confused with a general, nondurable power of attorney.

A general, nondurable power of attorney permits an individual (such as Black's mother) to give another person (such as Black) the authority to act on their behalf to do things such as receive and deposit assets; sign contracts; spend income from trusts; and act on a variety of everyday legal matters.

This kind of power of attorney is limited because it's effective only as long as the person who gave the power of attorney, the "principal," remains mentally competent.

For Black's mother, disabled by stroke, a general, nondurable power of attorney would have become ineffective

just at the moment when she most needed someone such as her daughter to act in her behalf.

A durable power of attorney goes beyond a general power

---

**'Mother does have a will and I figured that would take care of all the legal details . . . I never dreamed she'd end up like this unable to run her own affairs.'**

*-Louise Black*

---

of attorney in that it becomes effective either at the start of the disability of the "principal," or it starts prior to the disability and remains in effect throughout it.

Durable power of attorney authorizations can save time, money and frustrations. So why don't more Alaskans take advantage of them?

The problem, said Rep. Johnny Ellis (D-Anchorage),

is in Alaska's existing statutes.

"The first concern is the vagueness of the existing statutes. Because the existing statute does not explicitly describe the powers which the principal may delegate, many institutions (such as banks, health facilities, etc.) do not honor powers of attorney drafted under the statute," Ellis said.

To clear up the problem, Ellis has sponsored HB 491 to set into statute the actual form an individual may use in the event of disability.

Among other things, HB 491 would:

- spell out in detail the specific powers which may be exercised under a power of attorney;

- provide for a simple method to determine "disability," without requiring a judicial determination; and

- provide an approved form for use to save time and expense in the drawing up of a power of attorney.

During a mid-March teleconference on HB 491 in the House Health, Education and Social Services Committee, several attorneys and seniors signaled their support for the measure.

Speaking for the Older Alas-

kans Commission, project coordinator Fran Toland told lawmakers the commission "strongly supports" the bill but would like to see some minor amendments.

One of the suggested amendments would tie together the power of attorney measure and the Living Will statute which went into effect two years ago.

Toland and others said the health care provisions in the power of attorney measure should dovetail with the Living Will statutes to prevent conflicts.

Alaska Legal Services attorney Colleen DuFour echoed those suggestions.

"We need clarifications on what an attorney could do. If a person executes a separate Living Will, that individual should be able to empower their legal agent to see that the will is carried out. We need clear signals to enforce a validly executed Living Will form," DuFour said.

Ellis said suggested amendments to streamline and clarify HB 491 would be addressed soon.

At *Senior Voice* press time another hearing on the measure was expected.



REPRESENTATIVE JOHNNY ELLIS

HB 491: CREATING A STATUTORY FORM POWER OF ATTORNEY

1) IS THERE A NEED FOR THIS LEGISLATION?

Yes. There is a need because the existing power of attorney statute is too broad. The broadness of the existing statute results in a lack of uniformity which is confusing to the people who need a power of attorney and to the third party who is supposed to honor the power. The current process for drafting a power of attorney is time-consuming and expensive.

2) WHO WILL BENEFIT BY THIS LEGISLATION?

All Alaskans interested in creating a power of attorney in any form will benefit by passage of this bill because the statutory form:

- a. will require less attorney time and, as a result will be less costly to produce
- b. carries with it an enforcement provision warning third parties of possible penalties for refusing to honor the powers granted
- c. will increase awareness of the ability and need to designate an agent before incapacitation
- d. contains provisions which will allow family members to take care of an individual who is no longer able to make rational decisions

3) HOW DOES THE "DURABILITY CLAUSE" WORK?

If an individual chooses the durability option set out on page 3 of the form, that individual will have the advantage of choosing ahead of time the person who will manage his or her affairs in the event of a disabling illness or accident.

HB 491: CREATING A STATUTORY FORM POWER OF ATTORNEY  
(CONT'D.)

4) WHY IS THIS BILL SO LONG?

The form will be enforceable only if an unambiguous interpretation of each provision is set out in the statute. This is especially important in the instance where a principal is interested in granting only some powers to an agent rather than full general power.

5) WHO SUPPORTS THIS LEGISLATION?

Senior organizations  
Alaska Legal Services  
Individual members of the probate section of the Alaska  
Bar Association  
Residential care facilities

# *Older Alaskans Commission*

Box C  
Juneau, Alaska 99811-0209  
907/465-3250

POSITION PAPER -- APRIL 22, 1988

CSHB 491 (HESS)

"An Act Establishing a Statutory Form Power of Attorney"

The Older Alaskans Commission strongly supports passage of this bill. Senior citizens can best keep their own financial and personal affairs in order through the use of "advance directives" or Life Planning, by use of a Durable Power of Attorney. A previously signed Durable Power of Attorney would often eliminate the need for family or caregivers of an incapacitated senior to seek a guardianship. Petitioning the court for a guardianship takes up to four months, and is quite cumbersome and costly to both the petitioner's and the public's pocketbook.

At an OAC sponsored Workshop for Professionals on the Guardianship System in Alaska, March 31 and April 1, nearly 100 representatives from nursing homes, hospitals, social service agencies, the court system, the Offices of the Attorney General and the Public Guardian discussed the many problems surrounding the need for guardianship for people no longer competent to make decisions.

The workshop group reached a strong consensus on the need to avoid court guardianship proceedings whenever possible. They agreed that Alaska needs a statutory form Durable Power of Attorney which is easy and inexpensive to use. Once this exists, seniors should be strongly encouraged to use the forms; through a series of clinics at senior centers, hospitals, and certainly upon admission to a nursing home.

Although durable powers of attorney are currently authorized under AS 13.26.325, each person must pay a lawyer to draft the power, a job which can easily cost over \$ 500, because the lawyer must try to specify and define all sorts of contingencies about numerous types of financial and personal transactions.

The primary benefits of CSHB 491 (HESS) are that it provides a statutorily approved form Power of Attorney, and defines in detail the specific powers which an agent may exercise under the power of attorney. This will enable many individuals to enact a Durable Power of Attorney without any expense for consultation with a lawyer.

POSITION PAPER ON CSHB 491 -- PAGE 2  
OLDER ALASKANS COMMISSION

In addition, CSHB 491 requires that third parties presented with a properly executed statutory Power of Attorney must honor it. The opposite frequently happens now, to even the best drafted Power of Attorney: when the agent presents it to a stock brokerage firm, bank or insurance company, the third party refuses to honor it and asks for a differently formatted Power--but if the principal is in the hospital in a coma, it is too late to get the principal's signature on a new form.

CSHB 491 might at first glance appear to be rather long, but the lengthy definitions are needed to ensure that third parties know what their obligations are to carry out the agent's instructions.

CSHB 491 makes several other improvements upon current law because it provides for a simple method to determine "disability," without requiring a judicial determination, provides a hold harmless guarantee to third parties, and ties in with the Living Will statute so that a person may appoint an agent for all health care decision-making.

In summary, the Commission strongly supports this bill in its present form. CSHB 491 (HESS) makes Alaska's current statute on powers of attorney much more beneficial and accessible for seniors and their families, friends, and caregivers who wish to plan for the senior's future.

APPROVED BY:

*for* Connie Lise Eves, Director  
Dove Kull, Chair  
Legislative Committee  
Older Alaskans Commission

REVIEWED BY:

John M. Andrews  
John M. Andrews, Commissioner  
Department of Administration

DATE: April 22, 1988

DATE: 4/25/88



ALASKA STATE LEGISLATIVE COMMITTEE

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MAR 25 1988

3/22/88

and  
Representatives Niilo Koponen  
and Johnny Ellis, Co-Chairmen  
House HESS Committee  
PO Box V  
Juneau, AK 99811

Dear Representatives Koponen and Ellis:

AARP/Alaska State Legislative Committee is pleased to see legislation such as HB 491, "An Act establishing a statutory form power of attorney."

We feel such legislation is vital to clearly defining for Alaskans both general and durable powers of attorney. Such clarification is important not only to those who deal with complex legal issues through attorneys or who can afford to have attorneys draw up their powers of attorney, but also to those whose lower incomes cause them to rely on pre-printed forms for these matters.

Because low-income elderly persons are often unknowing victims of unclear or scattered statutes, bringing together these materials into a clear package seems especially important.

We urge your committee's support of this legislation and hope that it will include protection of "living wills" and state benefits.

Sincerely yours,

Miss Patricia Oakes, Chairman  
AARP/Alaska State Legislative Committee

# CARTA

## Central Alaska Retired Teachers Association

Advocate for Retired and Pre-Retired Educators

1620 Crescent Drive  
Anchorage, AK 99504  
April 15, 1988

Representative Johnny Ellis  
Alaska State Legislature  
PO Box V (MS 3100)  
Juneau, AK 99811

APR 20 1988

Dear Representative Ellis:

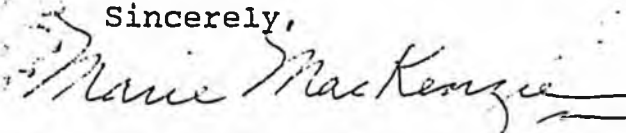
The Legislative Committee of the Central Alaska Retired Teachers Association (CARTA) has studied and considered a number of proposed bills this past year. We recently sent you a report of our activities that led to making our decisions. As we near the end of the session, we strongly urge passage of the following bills:

1. House Substitute for SB56 - Annuity Bill (First Priority)
2. SB67 - Mental Health Insurance Bill
3. HB491 - Establishing a Statutory Form Power of Attorney
4. SB442 - Relating to the Older Alaskan Commission and the protection of elderly persons, establishing the office of Older Alaskan Ombudsman
5. HB306 - Anatomical gifts

CARTA also strongly supports funding the recommendations of the Governor's Commission on Children and Youth.

We appreciate your attention and time for our concerns.

Sincerely,

  
Marie MacKenzie, Chairman  
Legislative Committee

cc: Vera Gazaway, President, CARTA  
Joan McKinnon, President, Alaska State Retired Teachers Assn  
Patricia Oakes, Chairman, AARP State Legislative Committee  
Anchorage Senior Citizens Advisory Committee

Anchorage, Alaska  
March 18, 1986

MAR 24 1986

TO: REPRESENTATIVE JOHNNY ELLIS  
REPRESENTATIVE MAX GRUENBERG, Jr.

FROM: Thelma P. Langdon - 2363 Capt. Cook Drive - Anchorage 99517

RE: HB NO. 491 - "An Act establishing a statutory form power of attorney"

**I am in strong support of this bill.** As one of the organizers of the Alzheimer's Disease Family Support Group, I know what a great help it would be to the families of victims of Alzheimer's Disease and Related Disorders.

My own father has a severe and progressive dementia and my sister and I need to have the kind of authority and protection this bill addresses. In carrying out our responsibility we need to have the authority to make decisions he cannot or will not make.

Thank you for introducing this bill.

*Thelma P. Langdon*  
MSR  
3/21/86

H B

5 1 0

# STATE OF ALASKA

STEVE COWPER, GOVERNOR

## COMMERCIAL FISHERIES ENTRY COMMISSION

P.O. BOX KB  
JUNEAU, ALASKA 99811-0302  
PHONE: (907) 465-4081

April 19, 1988

Hon. Jay Kerttula, Chairman  
Judiciary Committee  
Alaska State Senate

APR 20 1988

Re: CSHB 510 (Res.)

Dear Senator Kerttula:

We are aware that your Committee is currently considering HB 510, which recently passed the State House. This letter expresses our support for the Bill; clearly, the changes proposed therein are in the public interest and will undoubtedly save money, as its proponents contend.

Our problem is only with those portions of the Bill that would authorize agents or vendors to assist applicants for entry and interim-use permits. In short, we would like to see all references to such permits deleted.

Our concern arises from history. In 1979, the last time any vendors assisted with permit applications, a number of problems were encountered, including the following:

1. Confusion over the service being provided. An individual seeking a commercial fishing (crewman) license or a sport hunting or fishing license fills out the application form (a copy of which, when certified by the vendor, constitutes the actual license), pays the appropriate fee, and is then authorized to engage in the licensed activity. To the contrary, an applicant for an interim-use or entry permit can only complete an application for the permit; actual issuance of the permit card must be accomplished by the Commission. For this purpose, there are only three embossing machines in the state (in Juneau and Kodiak, and a portable machine which can be linked to Juneau through on-line computer ports) which work in conjunction with the state main-frame computer. The design of the card is unique (for instance, use of a "black light" reveals the signature of the Commission Chairman) to guard against forgery or other fraud. Only after all relevant information is entered and verified will the computerized system allow for the card to be issued and mailed to the fisherman (who cannot legally fish until the card is in his or her possession).

2. The Commission cannot issue a card until the application is properly completed and the fees have been paid and recorded. Mistakes in the application (improper fishery code, permit number, etc.) were found to be common. Even more commonplace was the miscalculation of the appropriate fees (depending on the residency and economic status of the permit applicant and the fishery, there are 11 different fee categories, ranging from \$15.00 to \$750.00). When mistakes were made, it was almost impossible to know whether to contact the vendor or the applicant fisherman. This was especially troubling when the mistake was in the calculation of fees, since the agent would have already deducted the 15% service charge before sending the money to the Commission. As a result, contrary to the intent, fishermen were frequently disadvantaged by the system, and were required to wait much longer before getting their cards and going fishing.
3. The 15% provision is difficult to compute, because of the absence of a uniform fee structure. An agent can receive up to \$112.50 for assisting a non-resident to complete an application for certain permits, but only \$37.50 for assisting a resident to apply for the same class of permit (and only \$2.25 for assisting a resident to obtain a permit under the poverty fee provisions). In all cases, the amount of actual work is the same; i.e., insuring that the fishery code(s) are correct, that residency information is properly understood and sworn to, and that correct fees are assessed.
4. The Commission can neither train nor supervise the vendors, but is responsible for their actions. A problem exists in that the Commission has no control or authority over the agents and they, in turn, are not required to have any knowledge of the Commission's requirements or experience with the Limited Entry Program.

As noted, the Commission has not been faced with vendor-related problems for some nine years (because no vendors have been assisting with permit applications); however, now that the issue is before the Legislature in the form of HB 510, we feel it is time to simply delete the authority in its entirety, rather than transferring it to the Commissioner of Fish and Game.

Senator Jay Kerttula

(3)

April 19, 1988

Attached hereto is a copy of CSHB 510 (Res) with the Commission's suggested amendments indicated thereon. We would appreciate it if you could place the amended version before your Committee for discussion and appropriate action.

We have discussed these issues with Rep. Boyer and with the Office of the Commissioner of the Department of Fish and Game. All agree that the proposed deletions would be appropriate.

Thank you very much for your assistance. Please do not hesitate to contact us should you have any questions. Also, of course, we would be pleased to appear before your committee to discuss our concerns in greater detail with you and the other members.

Sincerely,

COMMERCIAL FISHERIES ENTRY COMMISSION  
Bruce Twomley, Chairman  
Rich Listowski, Commissioner  
Phil Smith, Commissioner

By: 

Attachment

cc: Hon. Mark Boyer  
House of Representatives

Mr. Bob Evans  
Legislative Liaison  
Office of the Governor

Don Collinworth, Commissioner  
Alaska Department of Fish and Game  
Attn: Warren Wiley, Deputy Commissioner