


ALASKA LEGISLATURE COMMITTEE FILES 1991-1992 8672
7243 HOUSE STATE AFFAIRS

The Honorable Kay Brown - December 17, 1991
Page 2

Should you have any questions, please feel free to contact me.

Yours truly,


David L. Soulak
City Manager
City of Palmer

DLS/cac

cc: Mayor Carte'
Senator Jalmar Kerttula
Senator Curt Menard
Representative Ron Larson
Representative Pat Carney
Scott Burgess, AML



CITY OF WASILLA

290 E. HERNING AVE.
WASILLA, ALASKA 99687
PHONE: (907) 373-0050
FAX: (907) 373-0788

DEC 18 1991

December 13, 1991

The Honorable Kay Brown
Alaska State Legislature
3111 C Street, Suite 435
Anchorage, Alaska 99503

Re: Support for HB 155 and 157

Dear Representative Brown:

The City of Wasilla is extremely concerned about our ability to timely meet the requirements of the federal Americans with Disabilities Act. As do many local governments, we occupy old converted quarters that do not lend themselves to ready and cost-effective modification. Wasilla City Hall was constructed as a school house in the 1930's, then remodeled in 1980 for use as City offices.

The Mayor and City Administration wish to express our support for HB155 and HB157. We envision that legislation to be essential to achieve the requirements of ADA and make local government better available to all Americans.

Sincerely,

John C. Stein
Mayor, City of Wasilla

JCS/sbh

UPPER TANANA DEVELOPMENT CORPORATION

P. O. BOX 459 • TOK, ALASKA 99780

(907) 883-5157

JAN 15 1992

January 1992

Tanacross Village People

REPRESENTATIVE KAY BROWN:

WE SUPPORT HOUSE BILLS 155 AND 157 ON LEGISLATION THAT WOULD FINANCIAL ASSISTANCE TO MAKE FREE ACCESS IMPROVEMENTS.

- | | |
|---------------------------|-------------------------------|
| 1-7-92 Mellie Terwilliger | Mellie Terwilliger Rt 206 Tok |
| Lessie Mack | Joseph A. Quinn 254 Tok |
| Tamara Gene | Alice Cate |
| Mary Gene | Dorothy O Marunde |
| Albert John | Marie Frank |
| Jimmy Paul | Sarah Gabrielle |
| Jimmy Joe | Martha Samthly |
| Katie John | Walter Samthly |
| Ellen Dmit | Jelly Rogers |
| Billy Stopp | Brathas Dimit |
| Bb Fry | X Eliza Northway |
| Keperanza James | Kelen David |
| Silas. Salmon | Erna Albert |
| | Charlie David Jr |
| | Ada Nelson |
| | Pauline Euron |
| | Robert M. Carthy Tok |
| | Mae R. Cate |

City of St. Mary's

P.O. Box 163
ST. MARY'S ALASKA 99658
TELEPHONE (907) 438-2515

December 24, 1991

Representative Kay Brown
Legislative Information Office
3111 C. Street #435
Anchorage, Alaska 99503

RE: House Bill 155

Dear Madam:

The City of St. Mary's wishes to voice support for House Bill 155. Realizing the rights of all citizens of our State to have barrier free access to not only government and school facilities, but also to private business, the City has only praise for such legislation. However the implementation of such needed improvements to facilities will be a financial burden to many smaller cities, of which St. Mary's is one.

With a limited economic base and extremely limited locally generated revenue, communities like St. Mary's are much in need of State assistance to comply with Americans with Disabilities Act requirements.

Any support your office is able to generate on behalf of these impending expenses would be greatly appreciated.

Thank you for your assistance and support in our Cities efforts to stay current with State Legislation.

Sincerely,



Carrie L. Williams
Interim City Manager

DEC 30 1991



CITY OF HAINES, ALASKA

P.O. BOX 1049

HAINES, ALASKA 99827

(907) 766-2231 • TOURISM (907) 766-2234 • FAX (907) 766-3179

December 24, 1991

Representative Kay Brown
Alaska State Legislature
Legislative Information Office
3111 "C" Street #435
Anchorage, AK 99503

Re: House Bills 155 and 157

Dear Ms. Brown:

I read with interest your letter regarding the above-referenced bills and the attached news articles. It looks like the ADA will be an expensive act to implement and abide by.

Your two bills are a good starting point, especially for local municipalities who are already struggling with high unemployment and reduced revenues.

I am sure you will have no trouble garnering support for these two bills. I would like to lend you my strong support, and would be very interested in being kept informed on their progress. Thank you for all your hard work on behalf of local municipalities.

Sincerely,

A handwritten signature in cursive script that reads "Frank L. Wallace".

Frank L. Wallace
Mayor
CITY OF HAINES

FLW/SVJ

JAN 10 1991



P.O. BOX 39422

99639

Representative Kay Brown:

It has come to our attention that you are working with House Bills 155 and 157 regarding financial assistance for accessibility remodeling.

We are writing in support of these two measures. As Senoir Citizens this problem of accessibility affects us as well as the handicapped individual.

Hoping this will help to convince other legislators to support your effort we are using the only method available to us. Writing in support of these two bills.

Sincerely,

Ruby Schmidtbauer
 Ruby Schmidtbauer
 Director
 Ninilchik Senior Center

Mustine Martin
Joe McLean
Fathleen McLean
James A. Martin
Glen Thonator
John Franklin *Carl Beyer*
Albert A Lambert
Neta Reetz
Donald Reetz
Michael Butte
Marquette Lambert
Linda R. Monson
Gene Bergstedt

CITY OF UNALASKA
UNALASKA, ALASKA

RESOLUTION NO. 92-02

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNALASKA SUPPORTING HOUSE BILL #155 AND HOUSE BILL #157 OF THE ALASKA STATE LEGISLATURE.

WHEREAS, the Americans with Disabilities Act was signed into law by President George Bush and will go into effect on January 26, 1992; and

WHEREAS, this Act will require public agencies and private businesses to provide building accessibility to individuals with disabilities; and

WHEREAS, to bring current buildings into compliance with this Act will create a financial burden for many; and

WHEREAS, Alaska State Legislature House Bill #155 would provide financial assistance to state agencies, local governments, school districts and private businesses to help offset the cost of needed remodeling to make facilities accessible; and

WHEREAS, Alaska State Legislature House Bill #157 would appropriate \$5 million to capitalize the Barrier Free Remodeling Fund.

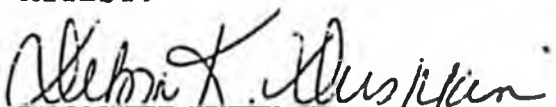
NOW THEREFORE BE IT RESOLVED that the City Council of the City of Unalaska supports House Bill #155 and House Bill #157 and urges the Alaska State Legislature to pass both bills.

PASSED AND ADOPTED BY A DULY CONSTITUTED QUORUM OF THE CITY COUNCIL OF THE CITY OF UNALASKA THIS 7 DAY OF January, 1992.



MAYOR

ATTEST:



CITY CLERK

Alaska

OCT 23 1991

Association of the
Deaf, Inc.

1345 Rudakof Circle, Suite 107
Anchorage, Alaska 99508
907-333-7545 (TTY)
907-333-4351 (V)
907-338-1020 (Fax)

21 October 1991

Representative Kay Brown
Alaska State Legislature
3111 C Street, Suite 435
Anchorage, AK 99503

RE: HB 157 and 157.

Dear Rep. Kay Brown:

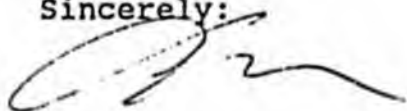
I apologize for not answering your letter of September 10, 1991 sooner. September found me out of state for various reasons.

I would like to express my support of House Bills 155 and 157, Barrier Free Remodeling Fund, in concept.

Regarding the issue you presented about awards as loans or grants...we believe the awards should be given as grants. This would encourage small businesses to improve accessibility. We think not only small businesses, but all businesses should be eligible for these grants. A maximum amount of each award can depend on monies available.

I realize my comments are late, but I am hoping this assists you in the next legislative session. Please feel free to contact me or Kelly Fehrman at our office if you have further questions or need additional information.

Sincerely:



Albert Berke
President

AB:kf

cc: Don Brandon, Chair, Governor's Committee on the Employment of
People with Disabilities



DEC 20 1991

Sheraton Anchorage
HOTEL

December 17, 1991

Representative Kay Brown
Legislative Information Office
3111 C Street, #435
Anchorage, Alaska 99503

Dear Representative Brown,

This letter is in support of House Bill 155 and 157, pending legislation which you are sponsoring to provide financial relief to businesses as they attempt to comply with the ADA requirements of making barrier free modifications to their facilities.

The Sheraton Anchorage Hotel supports this legislation. From the perspective on an affected business, the ADA has the potential of inviting financial hardships at a time when the economic factors are already difficult.

Please believe that our industry supports the ADA, opening our facilities to a potential 40 million new clients. We desire to comply not only to the "letter of the law" but the intent, making accessibility to public accommodations a reality to all segments of the public.

However, the scope of modification required in existing facilities to meet the requirements in such a limited time frame is staggering. Signed into law only 18 months ago, we received a copy of the regulations in October, 1991. There is simply no way to budget our limited resources in such a short time frame. And, although the law uses the words "readily achievable," collectively, even relatively minor modifications get pricey.

The desire to provide barrier free modification is off-set by the threat of litigation and bad public relations while the reality of the current economic situation dictates prudent expenditures. We realize that this legislation, if passed, will not solve all the accessibility challenges, but it will provide a pro-active basis from which to begin.

ITT Sheraton
WORLDWIDE HOTELS, INNS, RESORTS & ALL-SUITES

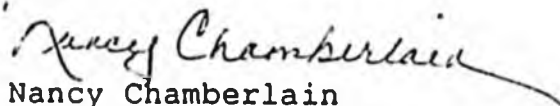
401 EAST 6TH AVENUE, ANCHORAGE, AK 99501
PHONE (907) 276 8700 FAX (907) 278 0441

THE SHERATON ANCHORAGE HOTEL IS OWNED AND OPERATED BY INTER ALASKA HOTEL INC UNDER A LICENSE ISSUED BY SHERATON

Representative Kay Brown
December 17, 1991
Page Two

It is with this in mind that the Sheraton Anchorage Hotel management supports your continuing efforts to be pro-active, assisting both public and private organizations to meet both the letter and intent of the Americans with Disabilities Act.

Best Regards,



Nancy Chamberlain
Executive Housekeeper

APR 02 1991



3710 Woodland Drive, Suite 900
Anchorage, AK 99517
Toll Free: (800) 478-4488
(907) 248-4777

3550 Airport Way, Suite 3
Fairbanks, AK 99709
(907) 479-7940

March 28, 1991

Representative Gene Kubina
Chairman, House State Affairs Committee
P.O. Box V (MS 3100)
Juneau, Alaska 99811

Dear Representative Kubina:

Please schedule HB 155 for a hearing before the House State Affairs Committee at your earliest convenience.

HB 155 establishes a Barrier-Free Remodeling Fund within the Department of Public Transportation and Public Facilities. HB 155 is far-sighted as well as timely legislation that is needed to help make Alaska's public facilities accessible to everyone.

Architectural barriers prevent countless mobility impaired Alaskans from fully participating in their communities. Barriers discourage employment, obtaining an education, shopping, entertainment, and even attending church or going to doctor appointments.

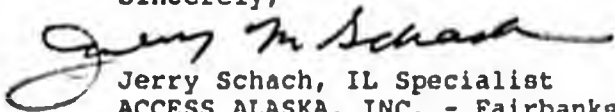
Most of us give little thought to stepping onto a curb, climbing a few stairs, or parking blocks away from our intended destination when necessary. We attend local functions confident in the knowledge that rest room facilities will be available to us, and that we will be able to sit with our family or friends, anywhere we are comfortable.

Although architectural design concepts are currently beginning to take new shape in response to the needs of an aging society, and a society where medical technology has enabled more disabled people to live independently outside of institutional care facilities, the accessibility of many existing structures lags far behind. Consequently, people with heart conditions or strokes, the elderly, wheelchair users, and small children are often excluded from community participation by architectural oversights which pose a handicap to their mobility.

HB 155 would go a long way toward making Alaskan communities accessible to all who live in them. In this era of Alaskan economic development we can ill afford to overlook the benefits of utilizing all of our resources--including human resources.

HB 155 is not only socially responsible, it makes good economic sense. Please consider scheduling this Bill for a hearing at your earliest convenience. Thank you.

Sincerely,


Jerry Schach, IL Specialist
ACCESS ALASKA, INC. - Fairbanks

JS:cdk



MAR 13 1991

MAR 13 1991

3710 Woodland Drive, Suite 900
Anchorage, AK 99517
Toll Free: (800) 478-4488
(907) 248-4777

3550 Airport Way, Suite 3
Fairbanks, AK 99709
(907) 479-7940

March 12, 1991

Representative Kay Brown
Alaska State Legislature
P.O. Box V
Juneau, Alaska 99811

Dear Representative Brown:

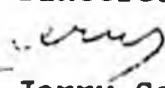
It was a pleasure meeting Eric Myers at the recent AHFC Housing Conference in Anchorage. To learn from Eric of your intention to introduce legislation creating a Barrier-Free Remodeling fund during this session was a real highlight of the Conference for me.

I would like to take this opportunity to express my appreciation for your obvious concern regarding issues which effect people with disabilities in Alaska. The disabled are often an overlooked and disenfranchised segment of American society. Passage of recent legislation (ADA of 1990, FHAA of 1988, Alaska's Human Rights Bill), on both national and state levels, has given those of us who are advocates for disability civil right's protections oppourtunities to be optimistic about the future. These are exciting times.

Accessibility to community living has made great strides in the eighteen years since I have been using a wheelchair, yet we still have a long way to go. Sadly enough, public attitudes as well as societal myths and misconceptions regarding people with disabilities have been, and continue to be, significant barriers to community acceptance.

It would be an honor and privilege to be given the opportunity to serve in some capacity on a newly created Barrier-Free Remodeling Advisory Committee. Needless to say, either I, or a representative from Access Alaska would readily accept such an offer. Please keep us apprised of your progress on HB 155. Thank you again, Kay, and nice work!

Sincerely,


Jerry Schach, IL Specialist
ACCESS ALASKA, INC. - Fairbanks

JS:cdk

PS We will publish a letter similar to that sent to the Interior Delegates in our upcoming quarterly newsletter (late March).



3710 Woodland Drive, Suite 900
Anchorage, AK 99517
Toll Free: (800) 478-4438
(907) 248-4777

3550 Airport Way, Suite 3
Fairbanks, AK 99709
(907) 479-7940

March 12, 1991

Senator Steve Frank
Alaska State Legislature
P.O. Box V (MS3100)
Juneau, Alaska 99811

Dear Senator Frank:

HB 155 legislation that would establish a Barrier-Free Remodeling Fund within the Department of Transportation and Public Facilities (DOT/PF) was recently introduced to the Alaska State Legislature.

With passage of the Americans with Disabilities Act of 1990 (ADA; PL 101-336) last summer, HB 155 is timely, responsible, and consistent with congressional intent. An Alaskan Barrier-Free Remodeling Fund will facilitate the full implementation of the ADA in Alaska and will help pave the way for Alaskans with disabilities into the economic and social mainstream.

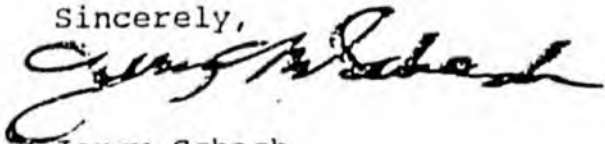
Elderly, infirmed, and physically disabled Alaskans are effectively excluded and discouraged from full and equal participation in their communities by architectural barriers which prevent them from working, shopping, conducting personal business, and socializing. In a state such as ours, which places a premium on individual freedom and civil liberties, passage of HB 155 will make it possible for all Alaskans to obtain a greater degree of freedom and access to essential community services.

Fifty-fifty incentive grants for access improvements for private facility owners who have facilities open to the general public will greatly ease their cost burden, and encourage the private sector to consider modifications which have been heretofore thought desirable and accommodating, but unobtainable when prioritizing capital overhead expenditures.

Senator Frank
Page 2
March 12, 1991

Please support HB 155 and its accompanying appropriation measure (HB 157), which would capitalize the Fund with \$5 million. The long range cost effectiveness of encouraging everyone to participate in and make contributions to their communities will be proven out with the removal of "handicapping" barriers to community life. HB 155 is long overdue. Thank you for your consideration.

Sincerely,



Jerry Schach
IL Specialist
ACCESS ALASKA, INC. - Fairbanks

JS:cdk

cc Interior Delegates
Representative Kay Brown



Grand Camp
Alaska Native Brotherhood

RESOLUTION NO. 08

TITLE: ELEVATORS FOR FERRIES SERVING THE CANOE COMMUNITIES

Whereas, The State of Alaska did not hear our voice in convention in Klawock or again in Hoonah for the need of elevators for our Elders on the ferry system, and

Whereas, our voice needs to be heard now for the needs that we express, and

Whereas, we need for them to picture their mothers, their fathers, their grandmothers and grandfathers climbing and climbing those seemingly endless stairs up to the top deck of the Alaska ferry, for them to experience the frustrations that we have on behalf of our Elders.

NOW THEREFORE BE IT RESOLVED, that the Alaska Native Brotherhood and the Alaska Native Sisterhood meeting in convention in Kake, Alaska during the week of October 14 - 20, 1990 we, once again, urge and remind the State of Alaska of the State law for accessibility for the handicapped to the public areas, and which includes our Elderly in this law, and, for the message to our State legislature to be heard in "GETTING ELEVATORS IN OUR FERRY SYSTEM FOR THE CANOE COMMUNITIES" as soon as possible, and

BE IT FURTHER RESOLVED, that copies of this resolution be sent to the State Dept. of Transportation Marine Highway System, the State legislature and the Governor of Alaska.

ATTEST: I certify that this resolution was adopted by the ANB/ANS Grand Camp in convention in Kake, Alaska during the week of Oct. 14 - 20, 1990.

Albert Kookesh

Albert Kookesh
Grand President

Andrew Ebona

Andrew Ebona
Grand Secretary

Disabilities law backed by big fines

Measure goes into effect on Jan. 26

By LIZ PULLIAM

TIMES WRITER

Buildings ranging from Anchorage's skyscrapers to remote lodges and roadhouses will be required to alter their facilities or risk expensive lawsuits under the new Americans with Disabilities Act, a local lawyer told business managers Thursday.

Courts can impose \$50,000 to \$100,000 in civil fines, plus attorneys fees and "pain and suffering" damages, for violations after the act goes into effect Jan. 26, said Robert Stewart of Davis Wright Tremaine.

The Anchorage law firm joined with Koonce Pfeffer, Inc. architects to present the two-hour seminar at the Anchorage Hilton Hotel.

Stewart recommended business people survey their buildings, seek advice from disability rights advocate groups and make relatively simple renovations, such as installing ramps, repositioning furniture and adding grab bars in toilet stalls, to protect themselves from suits.

"The best defense . . . is to make a good-faith effort," Stewart said.

A restaurant owner who could not enlarge bathrooms without tearing out walls could instead install grab bars, lower paper towel dispensers and insulate pipes under the sinks to prevent wheelchair users from being burned, said James Bohannon, a Koonce Pfeffer architect.

Bohannon recommended other
See Law, page C3

Law

Continued from page C1

lower-cost methods. Among them:

- Make curb cuts in sidewalks and entrances.
- Reposition shelves, furniture and telephones.
- Widen doors.
- Eliminate turnstiles or provide alternate routes.
- Install raised toilet seats and full-length mirrors in bathrooms.
- Remove high-pile carpeting.
- Add raised numbers in elevators.
- Add paper cup dispensers next to existing water fountains, if not easily accessible.

President George Bush signed the Americans with Disabilities Act into law last year. Public fa-

cilities such as restaurants, hotels, movie theaters, stores, day-care facilities and schools will be affected first, although all commercial establishments, from office buildings to warehouses and factories, will be covered after Jan. 26, 1993.

The act does not require businesses to make expensive renovations just to accommodate the disabled, but does require new buildings, and any remodeling of existing facilities, to be handicapped accessible, Stewart said.

That may include installing elevators if the building has three or more stories, has more than 3,000 square feet per floor, is a shopping mall or houses medical facilities, Stewart said.

Roadhouses or lodges in rural Alaska may have to pave gravel parking lots or install ramps to improve access.

Easing access for the disabled carries considerable price tag

Times
11/4/91

By LIZ PULLIAM

TIMES WRITER

Access Alaska Director Duane French was arrested, twice, for demonstrating in favor of the Americans with Disabilities Act.

In the end, he and dozens of other activists fighting for the rights of disabled people were invited to the Rose Garden last year to watch as President Bush signed the act into law.

Yet after all that, after living the fight's high and low points, he says one of the campaign's most interesting moments occurred at home. He watched as the Anchorage Assembly talked of finding money to remodel — the first time disabled access has been a local budget priority.

"I think it's great to see some of these moves made and no, I don't think they would have been made without the ADA," French said.

Anchorage is looking for \$500,000 to begin complying with the new law, which requires sweeping changes in public and private buildings.

The statewide tab is expected to be much higher, however — tens of millions of dollars higher. The act, which supporters labeled as the civil rights bill for the disabled, is expected to affect virtually every building the public uses in Alaska.

City officials estimate they will need at least \$1.5 million to widen doors, reconfigure bathrooms, in-

Anchorage is looking for \$500,000 to begin complying with the new law, which requires sweeping changes in public and private buildings.

stall power-assisted doors and make other changes needed to ease access for disabled people.

That figure does not include the cost of remodeling either the Municipal Hill Building or the Alaska Center for the Performing Arts, buildings that have been widely criticized as inaccessible to disabled people.

The city expects its landlord to foot the costs for the Hill Building, while the center's remodeling could cost about \$300,000.

"Right now we've got \$90,000 we'll spend before the end of the year," said Dick Raynor, city facility maintenance manager. "That does not take care of the major problems, like connecting the Discovery Theater with the rest of the facility so people in wheelchairs don't have to go outside."

The city's figure also does not include remodeling. See Access, page B3

The deficiencies are likely to prompt expensive lawsuits, he said. The act was designed to be enforced not by government agencies but through lawsuits, with courts interpreting the act case by case.

"While there are no penalties, enforcement will be swift," Fullingim said. "They (building owners) will not only have to do the remodeling, they'll have to pay for attorney's fees and reasonable court costs."

State officials hope to head off some of those suits by explaining the law to building owners. The state Department of Transportation is scheduled to publish some guidelines by Jan. 26, 1992, the day the act's public accommodation laws go into effect.

The huge costs involved in retrofitting Alaska's buildings prompted Rep. Kay Brown, D-Anchorage, to propose a "Barrier-Free Remodeling Fund" to provide money to state agencies, local governments, school districts and private businesses. The fund would give grants to public agencies, while private interests could get matching funds for every dollar they spent.

Brown has asked for \$5 million to start the fund; her bill is pending in the House State Affairs Committee.

City officials said Anchorage would be among the first in line at the fund. Voters rejected a bond proposition Oct. 1 that would have provided \$500,000 for studies and remodeling; the money is now on a proposed city wish list for state capital grant money.

Access

Continued from page B1

ing school district buildings, or any of the hundreds of private businesses — restaurants, theaters, hotels, shops and day-care centers — affected by the act.

The school district has received \$2 million in state grants to correct about \$12 million in life-safety problems, including barriers to disabled people, district facilities director Louis Overstreet said.

A state Department of Transportation and Public Facilities survey six years ago estimated it would cost some \$60 million to make state-owned buildings more accessible. Department architect Rod Wilson says the cost has probably grown \$20 million to \$30 million since then. The tab statewide for local agencies and private businesses could be more than triple that total, but no one knows for sure, Wilson said.

"This (DOT) report was more or less from the hip pocket," Wilson said. "Nobody has actually gone out there and inventoried the problems."

Earl Fullingim, president of the non-profit Alaska Center for a Barrier-Free Environment, believes government officials are seriously underestimating the cost of complying with the law.

Fullingim said he has seen many facilities touted as handicapped accessible that actually were not — doors that were too difficult to open, restroom stalls that were designed so a wheelchair could not turn around in them.



House State Affairs Committee

Representative Gene Kubina, Chair

DATE: January 22, 1992

PLACE: Capitol Room 102

SUBJECT OF MEETING:

- HB 155 Barrier-free Remodeling Fund
- HB 157 Approp: Barrier Free Facility Fund
- HJR 13 Run-off Election: Gov. & Lt. Gov
- HJR 51 Halt Testing Nuclear Weapons
- HJR 45 Reapportionment Board & Reapportionment

NAME	REPRESENTING	BUSINESS/PERSONAL MAILING ADDRESS	ZIP	(H) PHONE	(W) PHONE	DO YOU WANT TO TESTIFY?	WHAT SUBJECT/ WHICH BILL?
Don Brandon	Gov. Comm on Employment	2920 Valkyrie Dr Anch AK	99577	248-7325	same	<input checked="" type="radio"/> Y <input type="radio"/> N	HB 155 ✓
Red Wilson	DOT&PF	3132 Channel Drive Juneo	99801	789-4867	465-2960	<input checked="" type="radio"/> Y <input type="radio"/> N	will answer questions on HB 155 ✓
Judy Knight	Labor	Box 3-7000 Juneo	99802	465-2911		<input checked="" type="radio"/> Y <input type="radio"/> N	HB 155 ✓
Virginia Jensen	Labor SEFP	1111	99802	465-4531	465-4111	<input checked="" type="radio"/> Y <input type="radio"/> N	HB 155 ✓
Crystal Smith	Alaska Min. League	217 2nd Suite 200 Juneo	99801	463-3775 586-1325	586-1325	<input checked="" type="radio"/> Y <input type="radio"/> N	HB 155/157 ✓
Art Snowden	COURTS	303 K St Anch	99501	244-0444	264-8947	<input checked="" type="radio"/> Y <input type="radio"/> N	HJR 45 + HB 157 ✓
Terry Schack	SAIL	8800 Glacier Hwy, Ste. JUNEAU 99801 236		789-9665	789-9665	<input checked="" type="radio"/> Y <input type="radio"/> N	HB 155 ✓
						<input type="radio"/> Y <input type="radio"/> N	
						<input type="radio"/> Y <input type="radio"/> N	
						<input type="radio"/> Y <input type="radio"/> N	
						<input type="radio"/> Y <input type="radio"/> N	



House State Affairs Committee

Representative Gene Kubina, Chair

DATE: May 15, 1991

PLACE: Capitol, Room 102

SUBJECT OF MEETING:
 HB 155 - Relating to Barrier-Free Remodeling Fund
 HB 157 - Relating to Approp: Barrier Free Facility Fund
 *HB 289 - Relating to Change of Interexchange Carrier

NAME	REPRESENTING	BUSINESS/PERSONAL MAILING ADDRESS	ZIP	(H) PHONE	(W) PHONE	DO YOU WANT TO TESTIFY?	WHAT SUBJECT/ WHICH BILL?
Jeff Bush	Dept. of Law	P.O. Box K, Juneau	99811		465-3600	(Y) N	HB 308
Virginia Kasper	Dept of Labor	Box 3-7000 Juneau	99802		465-4531	(Y) N	HB 155
✓ Rod Wilson	DOT & PF	P.O. Box 2 Juneau	99811		465-2960	(Y) N	HB 155
CHRISTINE HARMEIER	Self	7364 LAKEVIEW CT Juneau	99801	789-5492		(Y) N	HB 155
Judy Knight	DOL	P.O. Box 3-7000	99803		465-2711	(Y) N	HB 155
						Y N	
						Y N	
						Y N	
						Y N	
						Y N	
						Y N	

HB

157

(7)

HOUSE COMMITTEE REPORT

Date Referred: February 22, 1991

FURTHER REFERRALS:

HES
Finance

Date of Committee Action: 1/22/92

The STATE AFFAIRS Committee considered

HB 157

HOUSE BILL NO. 157

HB 157 APPROP: BARRIER FREE FACILITY FUND

"An Act making a special appropriation to the barrier free facility fund; and providing for an effective date."

RECOMMENDATIONS:

be replaced with CSHB 157 (STA) the same title

a new title

have attached amendments(s)

do pass

do not pass

no recommendations

individual recommendations

additional referral to the _____ Committee

ADOPTS: _____ letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept) _____

APPROVES PREVIOUS: (Dept/Date) _____

fiscal impact _____

fiscal note(s) _____

zero fiscal note _____

zero fiscal note(s) _____

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
<i>Eugene St. Kubera</i>		<i>Tommy...</i>		<input checked="" type="checkbox"/>	
		<i>David...</i>		<input checked="" type="checkbox"/>	
		<i>[Signature]</i>		<input type="checkbox"/>	
		<i>[Signature]</i>		<input type="checkbox"/>	
		<i>[Signature]</i>		<input checked="" type="checkbox"/>	

Eugene St. Kubera
CHAIRMAN'S SIGNATURE

FISCAL NOTE

Revision Date: Introduced February 22, 1991
 Title: An Act making a special appropriation to the barrier free facility fund
 Sponsor: Rep. Kay Brown
 Requestor:
 Department Affected: DOT&PF
 BRU: Design and Const.
 Component: Design and Const.
 Component Serial Number:

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY93	FY94	FY95	FY96	FY97	FY98
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING:	0	0	0	0	0	0

CAPITAL	0	0	0	0	0	0
---------	---	---	---	---	---	---

REVENUE	0	0	0	0	0	0
---------	---	---	---	---	---	---

FUNDING: (Thousands of Dollars)

GENERAL FUNDS	0	0	0	0	0	0
FEDERAL FUNDS	0	0	0	0	0	0
OTHER	0	0	0	0	0	0
TOTAL FUNDING:	0	0	0	0	0	0

POSITIONS

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

Estimate of current year impact: _____

ANALYSIS: (Attach a separate page if necessary)

This funding will enable the department to begin a long term program targeted at the removal of accessibility barriers within facilities owned by state and private entities. Conservatively the estimate for the removal of such barriers could exceed \$200 million.

See also fiscal note for companion bill HB 155.

Prepared by: 

Phone: 465-3900

Division: Engineering and Operations Standards

Date: January 21, 1992

Approved by Commissioner: 

Phone: 465-3900

Agency: Department of Transportation and Public Facilities

Date: January 21, 1992

Distribution By Preparer: Leg. Finance, Leg. Sponsor, Requestor, OMB/DBR, Gov. Leg. Office, Impacted Agency(ies).

FISCAL NOTE

STATE OF ALASKA
1992 LEGISLATIVE SESSION

BILL NO : HB 155

Revision Date: _____
 Title: "An Act relating to facility and vehicle accessibility for persons with disabilities..."
 Sponsor: Brown, et.al.
 Requestor: House State Affairs

Department Affected: Labor
 BRU: Employment Security
 Component: Governor's Committee on Employment of the Disabled
COMPONENT SERIAL NO. 333

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES	54.7	54.7	54.7	54.7	54.7	54.7
TRAVEL	14.5	9.0	8.0	7.0	7.0	7.0
CONTRACTUAL	23.1	15.0	7.0	2.5	2.0	2.0
SUPPLIES	3.5	2.5	2.5	2.5	2.5	2.5
EQUIPMENT	9.5	0.0	0.0	0.0	0.0	0.0
LAND&STRUCTURES						
GRANTS,CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	105.3	81.2	72.2	66.7	66.2	66.2

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

REVENUE FUND SOURCE:						
-----------------------------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
Barrier Free Remodeling Fund	105.3	81.2	72.2	66.7	66.2	66.2
TOTAL	105.3	81.2	72.2	66.7	66.2	66.2

POSITIONS:

FULL-TIME	1.0	1.0	1.0	1.0	1.0	1.0
PART-TIME						
TEMPORARY						

Estimate of current year impact: None

ANALYSIS: (Attach a separate page if necessary)

(see attached)

Prepared by: Judy Knight, Director Phone: 465-2712
 Division: Employment Security Division Date: 1/17/92
 Approved by Commissioner: John Abshire, Acting Commissioner
 Agency: Department of Labor Date: 1/17/92

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB, & Impacted Agency(ies).

Fiscal Note Analysis for
"An Act relating to facility and vehicle accessibility for persons with disabilities...."

This bill would place additional responsibilities on the Governor's Committee on Employment of People with Disabilities related to the barrier free remodeling fund. The committee currently has funding that allows for three committee meetings per year and provides minimum support of its employment outreach activities. The budget appropriation for FY 93 is anticipated to be \$39.1 (a reduction of \$9.0 from FY 91). The committee does not have funding for staff support.

During the first year this legislation would require regulations to be promulgated and additional committee meetings held to organize the barrier free remodeling fund prioritization. These additional duties would require funding for an analyst to assist the committee on a half-time basis. After the first year, staff focus will change from regulatory duties to analyzing proposals in relationship to regulations, updating information, presenting seminars, and being available as a public information person.

Additional travel funds would also be required. We estimate the committee as a whole will need to meet at least two additional times to initiate advice on the facility remodeling and regulations required for the distribution of funds. A subcommittee of five members with staff support would be responsible for the majority of the drafting and planning necessary for the implementation of this bill requiring several meetings. After the first year, travel expenses would be reduced.

Additional contractual and commodity expenses would also be incurred for the advertising of additional meetings, promulgation of regulations, and supplies associated with the added duties. Approximately \$15,000 in the first year would be spent printing and distributing pamphlets explaining disability laws. Again, after the first year these expenses would be reduced.

Equipment needed would be a personal computer with a laser printer. This would be used by the public for accessing in-depth Americans with Disabilities Act information. The committee would need their own phone, recordaphone, and fax machine for easier public access and dissemination of information.

An effective date of July 1, 1992 is assumed.

Position Title Grants Administrator			No. of Positions 1	Range/Step 17A	Org. Unit GGU
Time Status Full Time	Staff Months 12		Location Anchorage		Election District 7
Type of Expenditure			Justification		
		Amount	<p>This position would provide the necessary staff support for the Governor's Committee on Employment of People with Disabilities. During the first year the position would assist in the promulgation of required regulations. The following year the position would assist in the grant review and awarding processes. Also the position will function as a public information person by presenting seminars and answering questions from the public on the aspects of this bill.</p> <p>Travel costs would cover three trips to attend committee meetings and for the regulation hearing process.</p> <p>Contractual costs would cover the cost of a phone and fax line as well as the long distance calls associated with the committee. Costs of a copy machine and other average per employee costs are also included.</p> <p>Commodities covers normal office supplies for this position.</p> <p>Equipment expense would be a one-time item and include a personal computer, laser printer, fax machine, telephone, and office furniture.</p>		
1	2	3			
Salary	\$39,500				
Benefits	15,200				
Premium Pay					
Other					
Total Personal Services		\$54,700			
Travel		2,000			
Contractual		8,100			
Commodities		3,500			
Equipment		9,500			
Other					
Total Cost		\$77,800			
Funding Source for Total Cost					
Federal Receipts	1002				
G. F. Match	1003				
General Fund	1004				
GF Program Receipts	1005				
Other					

**Request For
New Position**

Agency Labor
 BRU Employment Security
 Component Committee on Employment of Disabled

Page 3 of 3
 Revised Date

FY 92

7-LS0731ND ✓

Bannister

1/16/92

JAN 16 1992

CS FOR HOUSE BILL NO. 157 ()

IN THE LEGISLATURE OF THE STATE OF ALASKA

SEVENTEENTH LEGISLATURE - SECOND SESSION

BY

Offered:

Referred:

Funding Information:	General Fund	\$5,000,000
	Other Funds	<u>-0-</u>
		\$5,000,000

Sponsor(s): REPRESENTATIVES BROWN, Ellis, Hudson

A BILL

FOR AN ACT ENTITLED

1 "An Act making a special appropriation to the barrier free remodeling fund; and
 2 providing for an effective date."

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

4 * Section 1. The sum of \$5,000,000 is appropriated from the general fund to the barrier free
 5 remodeling fund (AS 35.50.010).

6 * Sec. 2. The appropriation made by this Act is not a one-year appropriation and does not lapse under
 7 AS 37.25.010.

8 * Sec. 3. This Act takes effect on the effective date of an Act enacted by the Seventeenth Alaska
 9 State Legislature that creates the barrier free remodeling fund (AS 35.50.010).

Legislative Information Office
3111 C Street #435
Anchorage, Alaska 99503
(907) 561-7627

During Session
P.O. Box V
Juneau, Alaska 99811
(907) 465-4998

SPONSOR STATEMENT

Barrier Free Remodeling Fund

House Bills 155 & 157

Background

The Americans with Disabilities Act (ADA) was signed into law by President George Bush on July 26, 1990. This landmark legislation, called by some the "Emancipation Proclamation for the Disabled," provides civil rights protection to individuals who experience disabilities.

The ADA will have broad impact in Alaska. The ADA prohibits discrimination against individuals with disabilities and requires that buildings be made accessible. In particular, the ADA will significantly impact a great number of public agencies and private businesses challenged by the need to ensure that public accommodations such as state and local government agency buildings, museums, libraries, schools, restaurants, hotels, theaters and day care centers are fully accessible.

As of January 26, 1992, most public and private facilities throughout the state will be legally liable to provide barrier free access. Under the ADA, building and facility owners that fail to meet the ADA accessibility requirements can be sued in federal court.

43 Million Americans

During a recent ADA seminar sponsored by the Governor's Committee on Employment of People with Disabilities, it was noted that some 43 million Americans experience a disability.

A national survey of disabled individuals (including many senior citizens) determined that the disabled are routinely discouraged from full participation in our society. The survey findings included that some 40% of disabled persons do not often leave their homes due to accessibility problems; people experiencing disabilities are far less likely to patronize restaurants; and that about 65% of disabled people do not work.

DISTRICT 12

Downtown • Fairview • City View • Bootleggers Cove • Inlet View • South Addition • Thunderbird Terrace
Eastridge • Penland Park • Airport Heights • Government Hill

The survey also found that disabled Americans are a large untapped resource both as consumers of goods and services as well as potential contributors to the nation's work force. Most importantly, the survey confirmed that the lack of access to public and private facilities and services was discriminatory and violates the right that individuals with disabilities have to full and equal participation in society.

The ADA was enacted by Congress in 1990 — and House Bills 155 and 157 are now under consideration in the state legislature — to help address this problem.

House Bill 155 and 157

In anticipation of the ADA requirements, House Bill 155 was introduced to provide financial assistance to state agencies, local governments, school districts and private businesses to help offset the cost of needed remodeling to make public facilities and accommodations accessible.

House Bill 155 (1/2/92 work draft) would:

- Establish a Barrier Free Remodeling Fund within the Department of Transportation and Public Facilities (DOT/PF) to provide funding assistance to businesses, state agencies, local governments and school districts finance barrier free access remodeling projects;
- Designate the Governor's Committee on Employment of People with Disabilities as the agency responsible for the evaluation of grant awards:
 - State, municipal, school districts and non-profits could apply for grants to pay for the incremental costs of barrier free access improvements;
 - Private businesses facilities could apply for zero interest loans.
- Direct DOT/PF, in cooperation with the Governor's Committee on the Employment of People, to provide information services to agencies and businesses affected by the ADA.

House Bill 157 (1/16/92 draft), a companion appropriation measure, would appropriate \$5 million to capitalize the Barrier Free Remodeling Fund.

Assistance for Barrier Free Investments

The essential purpose of HB 155 is to provide a pro-active incentive to businesses and government agencies to meet the requirements of the ADA, make public accommodations accessible and avoid unnecessary litigation.

While the full scope of the problem of limited accessibility is not yet well defined in Alaska, it is evident that making Alaska's buildings barrier free will be an expensive undertaking. The magnitude of the challenge is evident from a survey of state-owned facility needs prepared by the state Department of Transportation and Public Facilities. DOT/PF compiled a list of state owned facilities indicating a total estimated remodeling cost exceeding \$60 million.

The enforcement remedies provided by the ADA essentially involve use of the federal court system to compel accessibility. Reliance on the court system as an enforcement mechanism is, at a minimum, cumbersome. Lawsuits often yield little more than bitter confrontation and needless legal expenses. Future ADA lawsuits may also have the unintended effect of diverting limited financial resources that would be better utilized making facilities barrier free. Many small businesses lack adequate financial resources to comply with the ADA while State and local government agencies also have budget constraints.

A Barrier Free Remodeling Fund as proposed by HB 155 would help overcome these problems, speed compliance with the law, stimulate private sector investment in access improvements, reduce state liability for non-compliance and help eliminate unnecessary lawsuits.

Establishment of a Barrier Free Remodeling Fund would not only help businesses comply with the federal requirements of the ADA, it would also stimulate private sector employment by funding a wide range of remodeling projects.

state agency, local government, school district and private facility remodeling. The Governor's Committee on Employment of People with Disabilities would be designated as an advisory body, charged with the responsibility of reviewing financial assistance applications and making recommendations to the Commissioner of DOTPF.

Specific changes incorporated into the 1/2/92 proposed draft CS relative to the 4/29/91 draft are briefly described below.

Local Government: The phrase "local government" has been used (rather than the more narrow term "municipality") in order to ensure that local government entities such as villages could apply to use the Barrier Free Remodeling Fund.

Loans for Businesses: The 1/2/92 draft replaces the previously proposed 50-50 matching grant program with a no interest loan revolving loan fund for private businesses. In evaluating the type of financial assistance that would be most useful to businesses, it became apparent that matching grants would result in a tax liability for businesses. By contrast, a revolving loan fund would avoid the creation of a tax liability for businesses and also provide a source of credit for businesses that might not be able to afford the required 50% match "out of pocket." Additionally, a revolving loan fund would provide a recurring stream of repayments to the Barrier Free Remodeling Fund that could be used to finance subsequent projects. (See attached letter from the University of Alaska Small Business Development Center.)

Information Services: Language was added to clarify that DOTPF, in cooperation with the Governor's Committee on Employment of People with Disabilities, shall provide information services to parties affected by the ADA regarding the requirements of the law and the financial assistance program established by HB 155.

Compliance Monitoring: In the earlier 4/29/91 draft, DOTPF was directed to "monitor" ADA compliance in the state. Upon further review, it became apparent that this charge would be difficult to implement and could result in an unintended confusion of state vs. local authority regarding building code enforcement. This provision was eliminated.

Consideration of Alternative Sources of Funding: Language was added to enable the Governor's Committee on Employment of People with Disabilities to consider whether alternative sources of funding are available to an applicant when making recommendations concerning project priorities.

Use of the Remodeling Fund for Implementation: Language was added in the 1/2/92 draft to clarify that the Fund can be used to pay for the cost of program implementation (ie, used to support the incremental costs experienced by

DOTPF and the Governor's Committee on Employment of People with Disabilities). Use of the Fund would be subject to annual appropriation by the legislature.

Definitions: Language was added to clarify that use of the phrases "public accommodation" and "commercial facilities" in HB 155 are to be consistent with the federal ADA.

House Bill 157

A revised draft CS for House Bill 157 (dated 1/16/92) is also provided for the Committee's consideration. The only changes made were technical phrasing changes to make consistent references in both HB 155 and 158 to the "Barrier Free Remodeling Fund."

* * * * *

Again, thank you for your consideration of these bills. If you have any questions, please let me know or contact Eric Myers of my staff at 465-4998.



*Department of Transportation
and Public Facilities*

POSITION PAPER

BILL NO: HB 157

APPROVED: *[Signature]*

TITLE: An Act making a special appropriation
to the barrier free facility fund

DATE: 1/21/92

The department supports the bill. However, the funding level as provided will only begin to pay for the work that is actually needed. The department's conservative estimate is that the total, statewide cost for removing barriers in facilities owned by the state and private entities may be well in excess of \$200 million.



Department of Transportation
and Public Facilities

POSITION PAPER

BILL NO: HB 157

APPROVED: *[Signature]*

TITLE: Approp: Barrier Free Facility Fund


DATE: 5-14-91

The department supports the bill. However, the funding level as provided will only begin to pay for the work that is actually needed. The department's conservative estimate is that the total, statewide cost for removing barriers in facilities owned by the state and private entities may be well in excess of \$200 million.



January 22, 1992

TO: Representative Gene Kubina, Chair
Members, House State Affairs Committee

FROM: Scott A. Burgess, Executive Director 

SUBJECT: HB 155 - Barrier-free remodeling fund
HB 157 - Appropriation for barrier-free remodeling fund

Provisions of the Americans with Disabilities Act (ADA), which goes into effect January 26, 1992, place a number of obligations on municipalities and other employers. While the federal legislation is directed toward a laudable goal, its implementation will not be without considerable cost. HB 155, which establishes a fund to help employers remodel facilities to make them accessible by the physically handicapped, aged, and infirm, and HB 157, which makes an appropriation to that fund, will help Alaska's local governments meet the costs of those obligations.

Under provisions of the ADA and its implementing regulations, municipalities must, among other things:

- conduct an evaluation of current services, policies, and practices, including employment practices, and modify them to extent necessary for compliance by January 26, 1993
- if they have 50 employees or more, appoint an ADA coordinator and adopt a grievance procedure for handling complaints about non-compliance with ADA
- provide public notice of the rights and protections provided by ADA and the compliance actions undertaken and post signs indicating whether building entrances are accessible or directing individuals to accessible entrances
- ensure that communications with disabled individuals are as effective as communications with others; this could include purchase of telecommunication devices for the deaf, preparation of braille or recorded informational materials, and provision of readers and interpreters
- if structural changes are necessary to make programs and services accessible, complete them by January 26, 1995; in municipalities with 50 or more employees, a transition plan outlining the timing of structural changes must be completed by July 26, 1992

All of these federally mandated but unfunded activities will cost money for Alaska's state and local governments, private businesses, and our citizens. HB 155 and HB 157 will provide some much-needed state assistance to address at least the required structural changes.

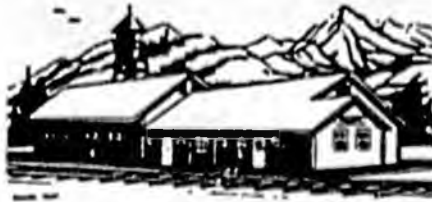
cc: Representative Kay Brown

CLE092.HB155.122

CITY OF PALMER



231 W. EVERGREEN AVE.
PALMER, ALASKA 99645



A HOME RULE CITY



Phone (907) 745-3271

December 17, 1991

The Honorable Kay Brown
Representative, State of Alaska
Legislative Information Office
3111 "C" Street, #435
Anchorage, Alaska 99503

RECEIVED
DEC 20 1991
ALASKA MUNICIPAL LEAGUE

RE: CS for House Bill 155

Dear Representative Brown,

The City of Palmer has received your December 10, 1991 letter regarding CS for House Bill 155.

As CS for House Bill 155 now stands, the funds, if appropriated can only be used for remodeling facilities to be accessible to the handicap.

Probably the most important aspect of the American Disabilities Act is making the work place handicap accessible which can cost from a few dollars to megabucks. I believe CS for House Bill 155 should have an additional section relating to making the work place handicap accessible as well.

Presently, the new American Disabilities Act has not received as much attention in the State of Alaska as it should, particularly the area in making the work place handicap accessible. Remodeling of facilities is an area which will in all probability have to be spread over a many year period. The need to implement a handicap accessible work place by either the State or a local government with over 50 employees is something which will need immediate funding on a case by case basis for compliance. Many small communities such as Palmer will be financially strapped to make the necessary work place accommodations should this be required.

The City of Palmer supports CS for House Bill 155 but would like to see an amendment to specifically address the issue of making the work place handicap accessible.



House State Affairs Committee

Representative Gene Kubina, Chair

DATE: January 22, 1992

PLACE: Capitol Room 102

SUBJECT OF MEETING:
 HB 155 Barrier-free Remodeling Fund
 HB 157 Approp: Barrier Free Facility Fund
 HJR 13 Run-off Election: Gov. & Lt. Gov
 HJR 51 Halt Testing Nuclear Weapons
 HJR 45 Reapportionment Board & Reapportionment

NAME	REPRESENTING	BUSINESS/PERSONAL MAILING ADDRESS	ZIP	(H) PHONE	(W) PHONE	DO YOU WANT TO TESTIFY?	WHAT SUBJECT/ WHICH BILL?
Don BRANDEN	Gov. Comm on Employment	2920 Valkyrie Rd Anchorage	99507	244-7325	244-7325	(Y) N	HB 155 ✓
Red Wilson	DOT&PF	3132 Channel Drive Juneau	99801	789-4867	465-2960	(Y) N	will answer questions on HB 155 ✓
Judy Knight	Labor	Box 3-7000 Juneau	99801	465-2711		(Y) N	HB 155 ✓
Virginia Kasper	Labor (CFR)	1111	99802	465-4531	465-4531	(Y) N	HB 155 ✓
Crystal Smith	Alaska Min. League	217 2nd Suite 200 Juneau	99801	463-5775	586-4325	(Y) N	HB 155/157 ✓
Art Snowden	COURTS	303 K St Anchorage	99501	244-0444	244-2291	(Y) N	HJR 45 + HB 157 ✓
Jerry Schach	SAIL	8800 Glacier Hwy, Ste. 230 Juneau 99801		789-9665	789-9665	(Y) N	HB 155 ✓
						Y N	
						Y N	
						Y N	
						Y N	

P.

CORRECTION

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



231 W. EVERGREEN AVE.
PALMER, ALASKA 99645

CITY OF PALMER



A HOME RULE CITY



Phone (907) 745-3271

December 17, 1991

The Honorable Kay Brown
Representative, State of Alaska
Legislative Information Office
3111 "C" Street, #435
Anchorage, Alaska 99503

RECEIVED
DEC 20 1991

ALASKA MUNICIPAL LEAGUE

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The City of Palmer supports CS for House Bill 155 but would like to see an amendment to specifically address the issue of making the work place handicap accessible.

The Honorable Kay Brown - December 17, 1991
Page 2

Should you have any questions, please feel free to contact me.

Yours truly,

David L. Soulak
City Manager
City of Palmer

DLS/cac

cc: Mayor Carte'
Senator Jalmar Kerttula
Senator Curt Menard
Representative Ron Larson
Representative Pat Carney
Scott Burgess, AML



House State Affairs Committee

Representative Gene Kubina, Chair

DATE: January 22, 1992

PLACE: Capitol Room 102

SUBJECT OF MEETING:
 HB 155 Barrier-free Remodeling Fund
 HB 157 Approp: Barrier Free Facility Fund
 HJR 13 Run-off Election: Gov. & Lt. Gov
 HJR 51 Halt Testing Nuclear Weapons
 HJR 45 Reapportionment Board & Reapportionment

NAME	REPRESENTING	BUSINESS/PERSONAL MAILING ADDRESS	ZIP	(H) PHONE	(W) PHONE	DO YOU WANT TO TESTIFY?	WHAT SUBJECT/ WHICH BILL?
Don BRANDEN	Gov. Comm on Employment	2920 Valkyrie Pl Anch AK	99577	248-7325	same	(Y) N	HB 155 ✓
Red Wilson	DOT & PF	3132 Channel Drive Juneau	99801	789-4867	465-2960	(Y) N	will answer questions on HB 155 ✓
Judy Knight	Labor	Box 3-7000 Juneau	99801	465-2711		(Y) N	HB 155 ✓
Virginia Kessen	Labor SCFD	1111	99802	465-4531	465-4531	(Y) N	HB 155 ✓
Crystal Smith	Alaska Miners League	217 2nd Suite 200 Juneau	99801	463-3775 586-4325	586-7325	(Y) N	HB 155/157 ✓
ART SNOWDEN	COOPRA	303 K St Anch	99501	264-0444	264-2241	(Y) N	HJR 45 + HB 157 ✓
Terry Schack	SAIL	8800 Glacier Hwy, Ste. 230 Juneau 99801		789-9665	789-9665	(Y) N	HB 155 ✓
						Y N	
						Y N	
						Y N	
						Y N	

HB

167

HOUSE COMMITTEE REPORT

(7)
Date Referred: February 25, 1991

FURTHER REFERRALS:

Judiciary
Finance

Date of Committee Action: 4-15-91

The STATE AFFAIRS Committee considered:

HB 167

HOUSE BILL NO. 167

ABSENTEE VOTING

"An Act relating to absentee voting."

RECOMMENDATIONS:

be replaced with _____ the same title

a new title

have attached amendments(s)

do pass

do not pass

no recommendations

individual recommendations

additional referral to the _____ Committee

ADOPTS: _____ letter of Intent

ATTACHES NEW FISCAL NOTE(S): _____ (Dept)

APPROVES PREVIOUS: _____ (Dept/Date)

fiscal impact _____

fiscal note(s) _____

zero fiscal note _____

zero fiscal note(s) Elections 2-25-91

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
<i>Gene Kubina</i>					
<i>Tommy...</i>	X				
<i>David...</i>	✓	<i>[Signature]</i>			
<i>Jan...</i>	✓	<i>E Brus...</i>			
<i>Mike Miller</i>	✓				

Gene Kubina
CHAIRMAN'S SIGNATURE

FISCAL NOTE

Bill Version: HB 167
 (H) Publish Date: 2/25/91

STATE OF ALASKA
 1991 LEGISLATIVE SESSION

Revision Date: _____ Department Affected: Office of the Governor - Election
 Title: Absentee Voting BRU: Elections
 Component: Elections I

Sponsor: Governor's Office
 Requestor: Division of Elections

COMPONENT SERIAL NO.

0	0	2	2
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Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 92	FY 93	FY 94	FY 95	FY 96	FY 97
PERSONAL SERVICES	-0-	-0-	-0-	-0-	-0-	-0-
TRAVEL	-0-	-0-	-0-	-0-	-0-	-0-
CONTRACTUAL	-0-	-0-	-0-	-0-	-0-	-0-
SUPPLIES	-0-	-0-	-0-	-0-	-0-	-0-
EQUIPMENT	-0-	-0-	-0-	-0-	-0-	-0-
LAND & STRUCTURES	-0-	-0-	-0-	-0-	-0-	-0-
GRANTS, CLAIMS	-0-	-0-	-0-	-0-	-0-	-0-
MISCELLANEOUS	-0-	-0-	-0-	-0-	-0-	-0-
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

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

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

FUNDING: (Thousands of Dollars)

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

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year impact: -0-

ANALYSIS: (Attach a separate page if necessary.)

Prepared By: Elizabeth Ziegler, Deputy Director Phone: 465-4611

Division: Division of Elections Date: _____

Approved by Commissioner: *Charles E. Hickman*

Agency: Division of Elections Date: 2-6-91

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB, & Impacted Agency(ies).

STATE OF ALASKA

OFFICE OF THE GOVERNOR

DIVISION OF ELECTIONS
P.O. BOX AF
JUNEAU, ALASKA 99811-0105
PHONE (907) 465-4611

MEMORANDUM

To: Representative Gene Kubina, Chairman
House State Affairs Committee

From: Elizabeth A. Ziegler, Deputy Director
Division of Elections

Re: Overview of Division Activities

Date: April 15, 1991

ORGANIZATION OF THE DIVISION

The director's office oversees the implementation of Title 15, the Alaska Election Laws. Staffing in the director's office is comprised of the deputy director, information officer, election coordinator, a programmer analyst and three clerical positions.

There are four regional supervisors responsible for the conduct of elections within their areas. Regional supervisors are located in Juneau, Anchorage, Fairbanks and Nome. The supervisors oversee between one and 4 clerical positions depending on their location.

In addition to statewide primary and general elections that occur every two years, the division administers statewide special elections, retention elections for the judicial system, and supervises several local and regional elections that occur throughout the year.

In 1975, Rural Educational Attendance Areas (REAA) school districts and Coastal Resource Service Areas (CRSA) were formed, and the authority to conduct all board member, recall, runoff, or reapportionment elections was placed with the Division. There are 21 REAA and 4 CRSA districts serving 65,000 voters, requiring on an average of 65 special elections each year. For example, in February, Region IV conducted a CRSA reapportionment election in Bristol Bay. New board members were elected in the reapportioned area. The majority of REAA elections will occur this October.

In 1980, the division was charged with the conduct of local liquor option elections. These elections are called whenever a petition is circulated in unincorporated communities to pose a

question to voters related to the sale, importation, or possession of alcoholic beverages. The division administers about 4 of these elections annually.

The division also conducts initial incorporation elections within an unincorporated area. We presently are preparing for an election in Egegik that will determine whether the residents want to incorporate into a second class city.

Also the division conducts advisory elections related to annexation and deannexations around the state.

DIVISION BUDGET

The division operating budget is comprised of three components: 1) elections 2) general and primary elections and 3) data processing.

Every year the division's operating costs fluctuate because primary and general elections are only held every two years. This year additional funds were needed to deal with costs associated with the reapportionment process, a major data processing conversion and the reprinting of forms necessitated by 1990 court decisions.

Included in your material is a memorandum prepared to accompany a \$253,000 capital budget request. Since 1986 the division's budget has been reduced by 38%. Due to these reductions the division has been unable to upgrade its equipment in its 4 regional offices. This equipment includes copier machines, vote counting equipment, microfilm readers, printers and the associated maintenance contracts. The division would also like to produce video training films to be used in rural areas for registrar education and voter outreach.

DIVISION ISSUES

The first quarter of 1991 has been a busy one for the division. In addition to our standard operations, the division is now working on 1) the Region II office move 2) a request for information regarding a recall petition and 3) reviewing the Republican Party of Alaska's submittal to the Department of Justice regarding a semi-closed primary.

On April 2 the Anchorage elections office received smoke damage from a fire in an adjacent paint store. According to the insurance adjusters, all electrical equipment was damaged beyond repair. The division has since moved from its East Third Avenue location to the third floor of the Dimond Center. While the region's computers have not yet arrived they are open for business.

On April 3 the Division received a letter from Howard Scaman, a member of the Alaska Independence Party requesting information about how to initiate a petition for the recall of the Governor and

Lieutenant Governor. There has never been a statewide recall petition processed by the Division. The Division is currently developing an application form for this process as required by statute.

As mentioned before, the Republican Party of Alaska submitted its by-law rules changes to the Department of Justice (DOJ) on March 14, 1991. The Department has 60 days to object to this submittal. The Division is currently working with the attorney general's office on this submittal regarding proposed comments and objections.

STATE OF ALASKA

OFFICE OF THE GOVERNOR

DIVISION OF ELECTIONS
P.O. BOX AF
JUNEAU, ALASKA 99811-0105
PHONE (907) 465-4611

MEMORANDUM

To: The Honorable Gene Kubina, Chairman
House State Affairs Committee

From: Elizabeth Ziegler, Deputy Director
Division of Elections

Re: Committee Information Request

Date: April 12, 1991

The House State Affairs Committee requested that the Division of Elections prepare a memorandum regarding questions relating to HB 167.

HB 167, Relating to Absentee Voting

The committee asked how the present AS 15.20.082(c) compares to prior law. This section was added in 1986 to the election laws. There was no prior law on overseas absentee voting.

The committee asked how many regular ballots were returned by overseas voters who also received special overseas ballots initially. Overseas voters mailed in 203 regular ballots which contained all of the eligible candidates for the general election.

The division reviewed other states' statutes regarding special overseas ballots. Half the states conduct their primaries much earlier than August so there is no need to send a write-in ballot. Other states' statutes do not require the special ballots to be sent out 60 days before the date of the election. Hawaii sends its special ballots out 35 days before the election, but it is considering following the federal guidelines and may adopt a ballot similar to that used in Alaska.

The committee also asked about the impacts of sending the primary ballot to overseas voters for the general election. This ballot does not contain the names of candidates who qualify for the ballot by the petition process. Also to maintain ballot security primary ballots are sequentially numbered. Commingling general and primary ballots would interfere with maintaining the integrity of our present election security system.



JOHN B. COGHILL
LIEUTENANT GOVERNOR

STATE OF ALASKA
P O BOX AA
JUNEAU 99801-0111
(907) 465-3520

April 12, 1991

The Honorable Gene Kubina
Chairman, House State Affairs Committee
Alaska State Legislature
Mail Stop 3100
Juneau, Alaska 99811

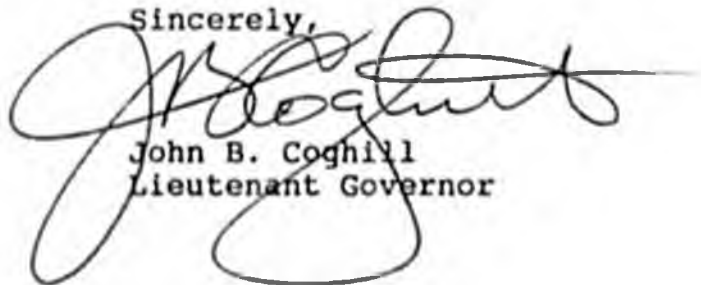
Dear Representative Kubina;

Thank you for your invitation of April 9, 1991 to appear before the House State Affairs Committee to discuss the Division of Elections plan for implementation of a closed Republican primary.

The Republican Party submitted its party rules changes to the Department of Justice on March 17, 1991 for preclearance. The Department of Justice must notify the party within 60 days whether it objects to the submission. Until this occurs it would be premature for the division to begin any type of implementation plan.

The division will provide the House State Affairs Committee with any correspondence from the Department of Justice regarding its determination on the rule changes and is willing to work with the committee on needed legislative amendments to Title 15.

Sincerely,



John B. Coghill
Lieutenant Governor

STATE OF ALASKA

OFFICE OF THE GOVERNOR

DIVISION OF ELECTIONS
P.O. BOX AF
JUNEAU, ALASKA 99811-0105
PHONE (907) 465-4611

March 19, 1991

The Honorable Gene Kubina, Chairman
House State Affairs Committee
House of Representatives
Alaska State Capitol, Room 102
Juneau, Alaska 99811

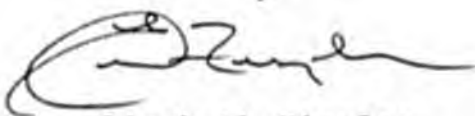
Dear Representative Kubina:

The Division of Elections respectfully requests the scheduling of HB 167, "An Act relating to absentee voting." This legislation has been supported in the past by the League of Women Voters and various individuals who have assisted disabled, handicapped or elderly persons to vote by personal representative.

Under current law, a person who volunteers to assist someone to vote by personal representative must make five trips back and forth to an elections office to allow the person to cast his or her ballot. This bill simplifies the process by allowing the personal representative to complete the task in one round trip. The bill would allow the personal representative to apply on behalf of the voter, and pick up the voter's confirming application and ballots at the same time and then return them both at the same time.

Please let me know if you have any questions about this legislation. I would be happy to meet with you or your staff regarding any backup needs.

Sincerely,



Elizabeth Ziegler
Deputy Director

WALTER J. HICKEL
GOVERNOR



STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

February 25, 1991

The Honorable Ben Grussendorf
Speaker of the House
Alaska State Legislature
P.O. Box V
Juneau, AK 99811

Dear Speaker Grussendorf:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill relating to absentee voting.

Currently, AS 15.20.071 provides a procedure for absentee voting by personal representative that is extraordinarily burdensome for the voter and for the personal representative. A personal representative must make several trips between the voter and election officials in order for a disabled voter to use this method of voting. The bill streamlines the procedure, allowing the personal representative to accomplish in a single round trip all of the steps necessary to allow a disabled voter to vote. Additionally, the bill would allow a person confined to an institution to vote absentee by personal representative. Safeguards and accountability necessary to ensure the integrity of the election process are also maintained in this bill.

Currently, AS 15.20.071(e) prohibits a candidate from acting as a personal representative. In the bill, that provision is removed. New AS 15.20.071(g) would prohibit a voter's employer, an agent of the employer, or an officer or agent of the voter's union from acting as the voter's personal representative. Both these changes are required by federal law. 42 U.S.C. 1973aa-6. Federal law also provides that, for federal elections, state laws may require medical certification from handicapped voters only in limited circumstances. 42 U.S.C. 1973ee-3. This bill removes the current requirement (in existing AS 15.20.071(b)) that a voter's application under this section be accompanied by a letter or statement regarding the voter's disability from a physician or from two qualified voters.

I urge your favorable action on this bill.

Sincerely,

Walter J. Hickel
Governor

Withdrawn by Max

7-GH0020A.2
Gaguine
03/27/91

A M E N D M E N T

OFFERED IN THE HOUSE

BY REPRESENTATIVE GRUENBERG

TO: HB 167

Page 3, following line 21:

Insert a new bill section to read:

"* Sec. 3. AS 15.20.082(c) is repealed and reenacted to read:

(c) The director shall prepare the special absentee ballot with a blank line for each office that will be voted on at that election. For the special absentee ballot prepared for a primary election or a statewide special election, the director shall provide the voter with the name of each candidate certified to appear on the ballot. For the special absentee ballot prepared for a general election, the director shall provide the voter with the name of each candidate appearing on the primary election ballot and the name of each candidate who has qualified by petition to appear on the general election ballot. The voter may vote for a candidate by writing in the name of that candidate on the blank line provided and by marking the square opposite the name of the candidate. The vote shall be counted as a write-in vote under AS 15.15.360."

NOTES TO DECISIONS

Former statutory sections governing absentee ballot voting construed. — See *Hammond v. Hickel*, Sup. Ct. Order (File Nos. 4281, 4282, 4283, 4284, 4285, 4291), 588 P.2d 256 (1978), cert. denied, 441 U.S. 907, 99 S. Ct. 1996, 60 L. Ed. 2d 376 (1979).

Subsection (d) contravened. — Where absentee voter "witnessed" his own absentee ballot, such a "witnessing" contravenes subsection (d); and his ballot should not have been counted. *Fischer v. Stout*, Sup. Ct. Op. No. 3208 (File No. S-1963), 741 P.2d 217 (1987).

Attesting officer may initial attestation. — Where the attesting officer had initialed the attestation section rather than signed, the ballot should have been counted. *Fischer v. Stout*, Sup. Ct. Op. No. 3208 (File No. S-1963), 741 P.2d 217 (1987).

Attesting officer's failure to provide the source of his authority will not of itself invalidate an absentee ballot. *Fischer v. Stout*, Sup. Ct. Op. No. 3208 (File No. S-1963), 741 P.2d 217 (1987).

Presumption of official's attestation. — It must be presumed that a person who attests an absentee ballot as an authorized official does so in full cognizance of the text and oath on the absentee ballot form. Although this presumption may be rebutted by an affirmative showing that the attesting officer lacks appropriate authority, where contestant has produced no

evidence rebutting the presumption of authorization, all ballots challenged on this basis will be held properly counted. *Fischer v. Stout*, Sup. Ct. Op. No. 3208 (File No. S-1963), 741 P.2d 217 (1987).

Satisfaction of requirement that ballots be marked on or before election day. — *Hammond v. Hickel*, Sup. Ct. Order (File Nos. 4281, 4282, 4283, 4284, 4285, 4291), 588 P.2d 256 (1978), cert. denied, 441 U.S. 907, 99 S. Ct. 1996, 60 L. Ed. 2d 376 (1979); *Willis v. Thomas*, Sup. Ct. Op. No. 1923 (File No. 4398), 600 P.2d 1079 (1979).

The failure of the absentee ballot to be properly postmarked or dated when received by an election official was not included as a violation of the absentee ballot statute mandating the canvass board to invalidate the ballot. *Hammond v. Hickel*, Sup. Ct. Order (File Nos. 4281, 4282, 4283, 4284, 4285, 4291), 588 P.2d 256 (1978), cert. denied, 441 U.S. 907, 99 S. Ct. 1996, 60 L. Ed. 2d 376 (1979).

Ballots properly counted. — Where ballots with postmark and date stamps later than election day had been signed by attesting witnesses, and the date space on the voter's certificate indicated that the vote had been cast on or before election day, these ballots were properly counted in the recount. *Willis v. Thomas*, Sup. Ct. Op. No. 1923 (File No. 4398), 600 P.2d 1079 (1979).

Sec. 15.20.082 Absentee voting by mail from outside the United States. (a) The director shall prepare special absentee ballots under this section for use in a state primary election, a state general election, and a state special election when the voter notifies the director in writing that the voter expects to be living, working, or traveling outside the United States at the time of the election. The director shall prepare the ballot so that it may be sent to the absentee voter 60 days before the date of the election. The director shall list on the ballot the different races to be voted on at the particular election on a statewide basis and, if the director prepares the ballot without the names of candidates printed on the ballot, the director shall provide the voter with information described in (c) of this section.

(b) A special state absentee ballot prepared for use under (a) of this section shall contain each judicial retention election and ballot proposition or question scheduled to appear on the particular ballot.

(c) A special state absentee ballot prepared for the state general election or for a state special election shall, if the names of candidates

are not yet certified, permit a voter to cast a ballot for all the candidates of a particular political party that expects to have candidates appear on the ballot; for this purpose, the director shall prepare the ballot with party boxes and a blank line for each office to be voted on in that election. The voter may vote for a candidate for that office by writing in the name of a person and marking the box to the right of that name or the voter may mark one of the party boxes. If the voter puts a mark in a party box for that office, the director shall count the mark as a vote cast for the candidate for that office nominated by that party. If the voter writes in a name for an office, the vote shall be counted as a write-in vote for that office. The director shall count the ballots under AS 15.15.360. The director shall provide the voter with the names of each candidate appearing on the primary election ballot and the names of any candidates who have qualified by petition to appear on the general election ballot.

~~(d) The director shall prepare the regular absentee ballots as soon as is reasonably possible and shall send the regular absentee ballot to each person receiving a special absentee ballot under this section. The director shall, if the regular absentee ballot is received within the time required by law, count the regular absentee ballot in preference to the special absentee ballot. (§ 12 ch 85 SLA 1986)~~

Secs. 15.20.090 — 15.20.150. Dates for and procedure on applications; casting votes. [Repealed, § 231 ch 100 SLA 1980.]

Sec. 15.20.160. Fee prohibited. A person may not receive a fee from the voter for attesting to any voter's certificate required in voting absentee. (§ 4.16 ch 83 SLA 1960)

Sec. 15.20.170. Disposition of ballots. Each absentee voting official shall transmit the dated envelopes containing the marked ballots by the most expeditious mail service to the election supervisor for the district. Upon receipt of the absentee ballots the election supervisor shall stamp on the envelope the date on which the ballot is received. (§ 4.17 ch 83 SLA 1960; am § 18 ch 228 SLA 1968; am § 23 ch 197 SLA 1975; am § 88 ch 100 SLA 1980)

NOTES TO DECISIONS

The purpose of former AS 15.20.150 and this section was to provide methods by which to insure that absentee ballots have been cast on or before election day. *Hammond v. Hickel*, Sup. Ct. Order (File Nos. 4281, 4282, 4283, 4284, 4285, 4291), 588 P.2d 256 (1978), cert. denied, 441 U.S. 907, 99 S. Ct. 1998, 60 L. Ed. 2d 376 (1979).

Satisfaction of requirement that bal-

lots be marked on or before election day. — The mandatory requirement of former AS 15.20.150 that ballots be marked on or before election day was satisfied by a date received stamp, or a postmark, or the date of witnessing of the voter certificate, or any combination of these. *Hammond v. Hickel*, Sup. Ct. Order (File Nos. 4281, 4282, 4283, 4284, 4285, 4291), 588 P.2d 256 (1978), cert. denied,

OUR LADY
OF COMPASSION
CARE CENTER

4900 EAGLE STREET
ANCHORAGE, ALASKA 99503-7446
PHONE:(907) 562-2281



SERVING IN THE WEST SINCE 1856

Mr Steven McAlpine
Office of the Lt. Governor
PO Box AA
Juneau, AK 99801

STATE OF ALASKA
RECEIVED
FEB 23 1989

February 20, 1989

LIEUTENANT GOVERNOR

Dear Sir:

I am writing concerning proposed changes in the procedures associated with voting by personal representative. I understand you are contemplating simplifying the process.

I am the sole registrar for a residential facility that has between 65 and 85 registered voters. Much of this population has resided here for some time and will continue to do so. There is, however an approximate 30% turnover of people who are capable and interested in voting.

At present we attempt to serve them by completing absentee voter forms prior to each election. This method best serves those that are stable in their residency. Others who have moved recently, or been recently admitted are more problematic. For these people we must pursue the personal representative procedure. This requires the time consuming process of either myself or another registered voter helping them complete the form, three trips down and back to the Elections Office, and helping them vote along with the others who have received their absentee ballots. (In order to emphasize the importance of voting, and to minimize staff time we try to complete all balloting at one time.)

As you can see we are very interested in any change that might reduce staff or volunteer time expenditures would be welcome. I would be happy to review and offer comment on any proposed changes.

Sincerely,

Liz Illg
Volunteer Services Coordinator

Tanana Valley League of Women Voters

P.O. Box 1974 — Fairbanks, Alaska 99707

Sandra Stout, director
Division of Elections
P.O. Box AF
Juneau, Alaska 99811-0105

RECEIVED
FEB 12 1990
DIRECTOR OF ELECTIONS
February 1990

Dear Ms. Stout,

I am writing to reiterate the support of the state and local leagues of Women Voters for the simplification of personal representative voting procedures.

I asked league members, statewide, to write you in support of the legislative Proposal. I hope you have received mail from these volunteers and that attention is being paid by legislators to the proposal.

I have just called our LIO to see what they know of the Proposal, but they can find no bill that sounds like it. Has it been introduced? I realize that it is getting late to do that, and am concerned that the opportunity has been missed.

Sincerely,

Eleanor J. Elman, director
League of Women Voters, Alaska
Voter Service Chain.

Box 207
Ester, Alaska 99725



House State Affairs Committee

Representative Gene Kubina, Chair

DATE: Mar. 27, 1991

PLACE: Capitol, Room 102

SUBJECT OF MEETING:

- *HCR 17 - Relating to Task Force on Governmental Roles
- *HB 167 - Relating to Absentee Voting
- *HCR 10 - Relating to Alaska Garden Week

NAME	REPRESENTING	BUSINESS/PERSONAL MAILING ADDRESS	ZIP	(H) PHONE	(W) PHONE	DO YOU WANT TO TESTIFY?	WHAT SUBJECT/ WHICH BILL?
→ Ron Garzini	SELF	Box 112290 Anchorage	99511	345-3818	586-2660	(Y) N	Govt Roles - HCR 17
Jim Douglas	SELF	9112 Mudwell Blvd	99801	784-2789	582-7102	(Y) N	Garden Week HB 2-10
Scott Burgess	AMIC	Juneau			6-1325	(Y) N	HCR 17
MIKE MORLEY	DCRA	P.O. Box B JUNY	811		5-4787	Y (N)	HCR 17
Elizabeth Ziegler	elections	3rd Flr. Court Plaza		465-4611		(Y) N	HB 167
						Y N	
						Y N	
						Y N	
						Y N	
						Y N	
						Y N	



House State Affairs Committee

Representative Gene Kubina, Chair

DATE: April 15, 1991

PLACE: Capitol, Room 102

SUBJECT OF MEETING:
 HB 167 - Relating to Absentee Voting
 HB 237 - Relating to State Leasing of New Buildings
 HCR 12 - Relating to Susitna Basin Motorized Use Restrictions.

NAME	REPRESENTING	BUSINESS/PERSONAL MAILING ADDRESS	ZIP	(H) PHONE	(W) PHONE	DO YOU WANT TO TESTIFY?	WHAT SUBJECT/ WHICH BILL?
Elizabeth Ziegler	Elections				4611	<input checked="" type="radio"/> Y <input type="radio"/> N	HB 167
						<input type="radio"/> Y <input type="radio"/> N	
						<input type="radio"/> Y <input type="radio"/> N	
						<input type="radio"/> Y <input type="radio"/> N	
						<input type="radio"/> Y <input type="radio"/> N	
						<input type="radio"/> Y <input type="radio"/> N	
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						<input type="radio"/> Y <input type="radio"/> N	
						<input type="radio"/> Y <input type="radio"/> N	
						<input type="radio"/> Y <input type="radio"/> N	



House State Affairs Committee

Representative Gene Kubina, Chair

SUBJECT OF MEETING:

DATE:

PLACE:

NAME	REPRESENTING	BUSINESS/PERSONAL MAILING ADDRESS	ZIP	(H) PHONE	(W) PHONE	DO YOU WANT TO TESTIFY?	WHAT SUBJECT/ WHICH BILL?
Jim Baldwin	AG	Box 11			3600	Y <input checked="" type="radio"/> N	
Elizabeth Ziegler	Elections				4611	<input checked="" type="radio"/> Y N	HB167
Art Snowden	Counties	303 K St			264-0547	<input checked="" type="radio"/> Y N	AB237
						Y N	
						Y N	
						Y N	
						Y N	
						Y N	
						Y N	
						Y N	
						Y N	

2



House State Affairs Committee

Representative Gene Kubina, Chair

DATE: April 8, 1991

PLACE: Capitol, Room 102

SUBJECT OF MEETING:
 HB 225 - Relating to Retirement Credit for Unused Sick Leave
 HB 167 - Relating to Absentee Voting
 *HB 138 - Relating to Approp: Clean Water Fund/Waste Mgt Loans

NAME	REPRESENTING	BUSINESS/PERSONAL MAILING ADDRESS	ZIP	(H) PHONE	(W) PHONE	DO YOU WANT TO TESTIFY?	WHAT SUBJECT/ WHICH BILL?
JEFF MACH	DEC	P.O. BOX 0 JUNEAU			2671	<input checked="" type="radio"/> Y N	HB 138
Elizabeth Ziegler	Elections				4611	<input checked="" type="radio"/> Y N	HB 167
Bob Mitchell / Karen Morgan	DOA				4803	Y N	HB 138
						Y N	
						Y N	
						Y N	
						Y N	
						Y N	
						Y N	
						Y N	
						Y N	

HB

170

Alaska State Legislature
Representative Niilo Koponen


House District 21

Pouch V
Juneau, Alaska 99811
(907) 465-4992

119 N. Cushman, Suite 207
Fairbanks, Alaska 99701
(907) 456-8172

M E M O R A N D U M

FEB 26 1991

To: Representative Kubina
From: Representative Niilo Koponen 
Re: HB 170 and HCR 11
Date: February 27, 1991

I would appreciate the House State Affairs Committee scheduling HB 170 and HCR 11 concerning the Women's Commission at your earliest convenience.

HE 170 places the Commission under the purview of the Legislature; HCR 11 creates a task force which would carry the same responsibilities as the Commission. This latter measure should preserve the function of the Commission should the other bill fail to receive the Governor's approval.

If you have any questions please feel free to give me a call or my aide, Shari Paul at 4992.

Thank you.

HPB

1711

Monsanto

FRANCIS J. STOKES
Director, Policy Planning

Monsanto Company
800 N. Lindbergh Boulevard
St. Louis, Missouri 63167
Phone: (314) 694-1000

April 2, 1992

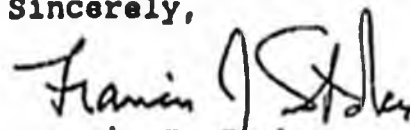
The Honorable Gene Kubina
Chairman
House State Affairs Committee

Dear Chairman Kubina:

Monsanto opposes Alaska House Bill 171 that prohibits courts from ordering non-disclosure of information concerning public hazards.

Removing this protection would harm both plaintiffs and defendants who have information that should be kept confidential. Businesses stand to lose valuable trade secrets. The public's interest in good corporate conduct is better served by government regulatory agencies and criminal prosecution -- not by the indiscriminate release of confidential information gathered in lawsuits.

Sincerely,


Francis J. Stokes

cc: Members of the House State Affairs Committee

Statement

Pharmaceutical
Manufacturers
Association

STATEMENT OF THE PHARMACEUTICAL MANUFACTURERS ASSOCIATION

The Pharmaceutical Manufacturers Association (PMA) represents more than 100 companies that are responsible for the new prescription medicines discovered and developed in this country. We appreciate the opportunity to express our opposition to Alaska House Bill 171, which would restrict or eliminate the use of protective orders -- court orders ensuring the confidentiality of sensitive, private information, such as trade secrets or medical records. We believe confidentiality is essential to businesses and corporations engaged in litigation to ensure that valuable, confidential business information is not revealed to competitors or others who could harm the business or gain an unfair advantage if armed with the information.

Under traditional rules, courts have discretion to enter a protective order, ensuring confidentiality, when the litigant requesting the protective order has demonstrated a need for it. Alaska House Bill 171 ~~simply~~ would restrict or eliminate this discretion.

The advocates behind proposals of this type argue that courts are granting protective orders with increasing frequency to conceal information about dangerous consumer products or harmful corporate practices such as environmental pollution. According to these advocates, the public has a right to know this information. In reality, if someone has information about a harmful product or environmental hazard, that information should be reported to the appropriate governmental agency for action. Courts are meant to resolve legal disputes, not to act as public information clearinghouses. The real purpose behind these proposals is to allow plaintiffs' lawyers to share or sell information from litigation for use in other litigation, thus perpetuating the litigation explosion and generating additional contingency fees.

Any attempt to restrict or eliminate protective orders, and the confidentiality they ensure, will have numerous negative consequences:

Increased Litigation Costs: If confidentiality cannot be protected, litigants will fight every document request that an opposing party makes for information that may be sensitive or confidential. This will cause increased hearings before the court, increased legal costs to both parties, as well as increased public costs for the additional court time.

Increased Court Congestion: Confidentiality promotes cooperation in discovery and private settlement of legal disputes outside of the courtroom. Without confidentiality, these components of litigation will end up back before the judge, requiring increased attention that could have been used to resolve other cases. Consequently, there will be increased court congestion. This is an unjustifiable result in light of the long delays litigants already face and the excessive burdens that confront courts due to overcrowded court dockets.

Loss of Fundamental Litigant Rights: The right to privacy and the right to exclusive ownership of private property are fundamental rights protected by the Constitution. Both of these rights are lost when private information becomes public, or a trade secret is revealed to a competitor. Without the authority to issue protective orders to guarantee confidentiality, courts cannot protect these fundamental rights of the litigants.

Unfair Treatment of Corporate Defendants: Generally, only corporate defendants possess trade secrets or other confidential business information that can be put at risk of unwarranted disclosure during litigation. Thus, if the use of confidentiality is restricted in litigation, corporate defendants frequently will have much more at stake and much more to lose than private individuals. Further, defendants have no choice about whether to participate in lawsuits. Unlike plaintiffs, defendants cannot consider whether to risk exposing highly confidential information before entering into the litigation. Consequently, corporate defendants would be unfairly disadvantaged by a change in court rules such as those proposed.

Perpetuation of the Litigation Explosion: Various segments of the plaintiffs' bar often package and sell information obtained from one lawsuit for use in other lawsuits. These aggressive sales and distribution of discovery and settlement materials stir up copy-cat lawsuits and generate adverse publicity against a "target" defendant. Without protective orders, the packaging and sale of litigation will grow phenomenally, perpetuating spurious lawsuits and creating additional burdens on already overcrowded courts. This will mean more money for lawyers and more lawsuits and legal expenses for everyone else.

In summary, PMA believes that protective orders, and the confidentiality they ensure, are a crucial device in several components of the litigation process. The rules governing discovery and settlement operate as a system of checks and balances designed to ensure that both plaintiffs and defendants are treated fairly. When the rules give parties free access to their opponents' most sensitive and confidential information, courts must have the authority to balance this intrusion with a guarantee of confidentiality. Although both plaintiffs and defendants have important rights at stake, defendants often have far more to lose when confidentiality cannot be guaranteed. Thus, restricting or eliminating the discretion of courts to protect confidential information will undermine the delicate system of checks and balances to the detriment of litigants, the courts, and the public. Therefore, we respectfully urge that you vote against House Bill 171.

STATE OF ALASKA
THE LEGISLATURE

POUCH V STATE CAPITOL
JUNEAU ALASKA 99811
907 465 3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

October 11, 1990

SUBJECT: Bill restricting non-disclosure of discovery
(Work Order No. 7-0112)

TO: Representative Dave Donley

FROM: John B. Gaguine ~~JK~~
Legislative Counsel

Enclosed is a bill that would prohibit courts from ordering non-disclosure of information concerning public hazards (very broadly defined in the bill) and that would render unenforceable private non-disclosure agreements executed to settle civil litigation. I modeled the bill on the Florida statute that Ginger sent me (and that she got from the trial lawyers). In one way this bill is significantly broader than even the broad Florida statute: I deleted the part of the definition of "public hazard" that an instrumentality both have caused and be likely to cause injury, leaving only the "have caused" part. It seemed to me that with the "likely to cause" language a court might find that the statute might not apply to products that had caused significant injury in the past but that are no longer on the market.

Note sections 2 and 3 of the bill, which state that the bill changes the rules of civil procedure and hence must be passed by a two-thirds majority in each house. It perhaps could be argued that the bill deals with substantive law, rather than procedure, and hence is not subject to Article IV, Section 15 of the state constitution. However, the bill does seem to require modifications in the three civil rule sections cited, and the Alaska Supreme Court's decisions on Article IV, Section 15 give a very broad reading to the term "procedure". See, e.g., State v. Williams, 681 P.2d 313 (Alaska 1984) (Criminal Rule 45, requiring trial in a criminal case within 120 days of the commencement of proceedings, was constitutionally adopted by the supreme court under Article IV, Section 15); State v. Smith, 593 P.2d 625

Representative Dave Donley
Page 2
October 11, 1990

(Alaska 1979) (appellate rule governing award of attorney's fees in judicial appeals of administrative agency decisions was properly adopted under same section).

I think that the Florida approach of making all non-disclosure agreements unenforceable is far preferable to a statute that would simply prohibit attorneys from entering into such agreements. As I indicated to Ginger, the latter approach would in my opinion have raised significant separation-of-powers problems. The Alaska Supreme Court has indicated that regulation of attorneys is exclusively a judicial function under Article IV, Section 1, and the legislature may not legislate in the area. See, e.g., In re Park, 484 P.2d 690 (Alaska 1971) (court refused to recognize a statute requiring applicants to practice law in Alaska to be citizens). While the court might, as a matter of comity, choose to follow a statute in this area, see Application of Steelman, 448 P.2d 817, 819 (Alaska 1969), the Florida approach, by not framing the matter in terms of regulation of attorneys, seems to me to avoid the problem altogether.

If I may be of further assistance, please advise.

JBG:gc
G15/022

Enclosure

DIVISION OF LEGAL SERVICES

LEGISLATIVE AFFAIRS AGENCY STATE OF ALASKA

P.O. Box Y, Juneau, Alaska 99811
(907) 465-3867 or 465-2450
FAX (907) 465-2029

Deliveries to: 240 Main Street
Court Plaza, Room 500
Mail Stop 3101

MEMORANDUM

February 4, 1991

SUBJECT: Court secrecy bill (W.O. 7LS0112)

TO: Representative Dave Donley
Attn: H. Kaden

FROM: John B. Gaguine *JBG*
Legislative Counsel

Enclosed is the new version of the court secrecy bill. It has the changes we discussed, plus one more. I amended the definition of "interested person" (AS 09.25.250(1)) to exclude parties to litigation. I don't see why such parties should ever need to file, since they will already have the material in their files; it seems to me that the only people who would ever file would be non-parties, such as other litigants, the press, academic researchers, and government agencies. But without a change to the definition, parties could file, and that would effect a change to Civil Rule 60(b), which limits the grounds for which parties can seek to vacate judgments and puts time limits on parties to file their motions to vacate. Rather than bring in a reference to Rule 60(b) it seemed simpler just to exclude parties from the "interested person" definition.

JBG:lmb
91-012.lmb

Enclosure



Alaska Action Trust

P.O. Box 102323 • Anchorage, Alaska 99510
Office: 540 L Street, Suite 104 • Anchorage
(907) 258-4040

FEB 6 1992

February 3, 1992

The Honorable Gene Kubina
Chair, State Affairs Committee
Alaska State House of Representatives
Alaska State Capital
Juneau, Alaska 99801

Re: HB 171 -- The Sunshine in Litigation Act

Dear Gene:

We recently received the enclosed letter from Lloyd Doggett, a Justice of the Texas Supreme Court. I thought you might be interested in reading it. Justice Doggett indicates that the Sunshine in Litigation Rule adopted in Texas has not had the effect of increasing litigation, as its critics predicted. He strongly supports our efforts to enact HB 171, and has offered whatever assistance he might provide towards that end.

Please let me know when you plan to schedule hearings on this bill. I will plan to attend them in Juneau at that time.

Very truly yours,

Russell L. Winner, Chair

cc: The Honorable Dave Donley, w/ encl.



THE SUPREME COURT OF TEXAS

CHIEF JUSTICE
THOMAS R. PHILLIPS

P.O. BOX 12248 AUSTIN, TEXAS 78711

TEL: (512) 463-1512

FAX: (512) 463-1365

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JOHN CORNYN
ROBERT A. "BOB" GAMMAGE

January 28, 1992

Debra C. Gravo
Executive Director
Alaska Action Trust
P. O. Box 102323
Anchorage, Alaska 99510

Dear Ms. Gravo:

Thank you for providing current information on Alaska's efforts. If it would be helpful in any way, I would be willing to personally discuss at length our experience and, if it should prove necessary, various alternatives to the Texas Rule that might appear to be compromises but would achieve most of the objective of the Rule.

With approximately a year and a half of experience under both the Texas Rule and the Florida statute discouraging court secrecy, there have not yet been any published appellate opinions. Our Supreme Court has received only one direct request from a media organization for documents in a pending appeal. This was denied with an order noting that the trial court had previously adopted a protective order covering the same documents and was empowered to modify its order under Rule 76a if any modification was justified. The court has at least one other case pending which involves the appropriate method for appellate review of a trial court determination on disclosability. Another appellate review issue has been considered in an unpublished opinion of an intermediate court of appeals.

Texas is the only state in the nation which has a readily accessible data base for evaluating the type and number of secrecy

requests that are being made. This results from the requirement in Rule 76a that all public notices announcing a request for closure be filed with the Clerk of the Supreme Court. From September 1, 1990 to January 23, 1992, notices were filed in 106 cases involving wide-ranging subject matter and types of documents. While the largest single category appears to be requests by defendants in products liability cases, a number have come from plaintiffs in personal injury and non-personal injury claims.

The insistence of the opponents of openness that our courts would be strangled by battles over secrecy have proven false. No doubt this is true in part because those who lack a legitimate basis for secrecy are less likely to demand it when the extensive requirements of Rule 76a must be satisfied. There have been few reported interventions by third parties seeking to oppose secrecy.

Undoubtedly our rule is not perfect and further experience may indicate the need for some improvement. However, I believe that Rule 76a is accomplishing its purpose with no significant adverse side effects on either our judiciary or our business community.

Unfortunately in our State and across the country the culture of secrecy had become so commonplace that it enveloped litigation even when any actual benefits were minimal. "Why take a chance on openness when secrecy is so readily available" became the standard mindset. Countering this growing trend, we recognized that public court records are rich with democracy's indispensable raw material: information.

Several concerns were present in our adoption of Rule 76a. First, greater access to civil judicial records promotes public health and safety. Secrets that are buried in court records preclude public recognition of dangers, accident prevention, and a reduction of injury exposure. In this sense, court secrecy can, literally, kill and maim. Attorney Generals in both Texas and New York have also emphasized the danger to the public when secrecy orders deny law enforcement agencies information necessary to their effective operation.

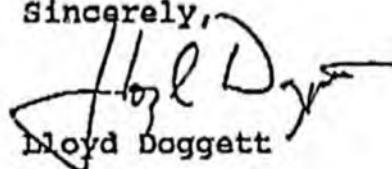
Second, access to judicial records encourages greater integrity from attorneys and their clients. If documents are made public in one case, a party is less likely to deny their existence in later

litigation. In this regard, the courts are not burdened; rather they are unburdened of the task of hearing repetitive battles over the same discovery disputes.

Third, access ensures greater integrity from the bench. An old adage tells us that "doctors bury their mistakes, but judges publish theirs." Inspection of public records provides a check upon the judiciary and the "good-ol'-boy system" that sometimes develops between judges and favored lawyers.

I commend you and your colleagues for tackling this tough issue and stand ready to provide any assistance that may be appropriate.

Sincerely,

A handwritten signature in black ink, appearing to read "Lloyd Doggett". The signature is stylized with a large, sweeping initial "L" and "D".

Lloyd Doggett

LD:vs

FISCAL NOTE

STATE OF ALASKA
1992 LEGISLATIVE SESSION

Bill No. HB 171

Revision Date: 03/27/92 Department Affected: Alaska Court System
 Title: An Act restricting court orders and BRU: Trial Courts
certain private agreements... public hazards Components:
 Sponsor: Judiciary Committee
 Requestor: House State Affairs COMPONENT SERIAL NO. 000 | 000 | 000 | 788

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES	41.4	41.4	41.4	41.4	41.4	41.4
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS & CLAIMS						
TOTAL OPERATING	41.4	41.4	41.4	41.4	41.4	41.4
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUNDS	41.4	41.4	41.4	41.4	41.4	41.4
FEDERAL FUNDS						
OTHER						
TOTAL	41.4	41.4	41.4	41.4	41.4	41.4

POSITIONS:

FULL-TIME						
PART-TIME	2.0	2.0	2.0	2.0	2.0	2.0
TEMPORARY						

Estimate of current year impact: None

ANALYSIS: (Attach a separate page if necessary)
 See attached analysis.

Prepared by: C. S. Christensen III, Staff Counsel *CS* Phone: 264-8228
 Division: Alaska Court System Date: 03/27/92
 Approved by: Arthur H. Snowden, II, Administrative Director *AS*
 Agency: Alaska Court System Date: 03/27/92

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB, & Impacted Agency(ies).

Alaska Court System
Fiscal Analysis of House Bill 171

Sec. 09.25.240(b) grants a broad right to any interested person to bring an action for injunctive relief against a party to a private settlement or discovery agreement in cases involving a public hazard. Exercise of this right will increase the workload of the court system by generating new cases. In addition to the burden that additional filings have on the clerk's office, requests for injunctive relief require in-court time far more frequently than do other types of civil cases.

It has been strongly suggested that this legislation will also have the effect of increasing the number of cases that go to trial by discouraging settlement. We cannot determine if this view is correct. Should this result, the court system will need to request additional funding.

Fiscal Impact

Personal Services

	<u>Salary</u>	<u>Benefits</u>	<u>Total</u>
Pro Tem Superior Court Judge, PPT - 6 months, Anchorage (25% of active judge salary)	\$12,075	\$9,837	\$21,912
In-Court Clerk, PPT - 6 months, 12B	13,962	5,943	<u>19,500</u>
Estimated Total Cost			<u>\$41,412</u>



Alaska Action Trust

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HB 171: SECRECY OF PUBLIC HAZARDS

House Bill 171 would prevent litigants and courts from keeping information secret concerning hazards to the public. Frequently, a defendant will only release information about public hazards to a plaintiff in a lawsuit if there is an agreement to keep the information secret. This bill would prevent that from occurring.

There are many examples of past cases where defendants have kept public dangers secret. Some examples include cases where people have been burned and killed when Bic lighters failed to extinguish properly or exploded, and cases where people have been burned and killed in GM vehicles with exploding gas tanks that could have been altered at a nominal cost. There have been cases which involve scout masters who sexually abuse their scouts. As lawsuits are brought and settled, these defendants insist on secrecy as a part of the settlement. This allows the scout masters to keep their positions and abuse other children. These hazards should not be hidden from the public.

Often a defendant will settle with a plaintiff and require that the dangers uncovered by the plaintiff be kept secret. When that is a condition of settlement, an impoverished and injured plaintiff is not in a position to require disclosure. House Bill 171 would prevent the defendant from requiring that the plaintiff keep the public danger secret.

The procedures of House Bill 171 are simple. If a defendant files a motion to keep secret materials produced in litigation discovery, the court must deny the motion if the materials have previously been disclosed or if the materials concern a public hazard. A court may not enter any order which has the effect of concealing information about a public hazard.

HB 171 would permit people who are not parties to the litigation to oppose a defendant's request to keep discovery materials secret if they contain information about public hazards. If a court enters an order which conceals public hazards, in violation of HB 171, then a person who was not a party to the litigation can file a motion to vacate the judgment and allow disclosure of the information concerning the public hazard.

In a situation where there is a private agreement between a plaintiff and a defendant to keep a public hazard secret, HB 171

would void that portion of the agreement and allow disclosure of the public hazard. Again, HB 171 would allow people who are not parties to the agreement to bring an action for a court order allowing disclosure of the public hazard.

The definition of public hazard in HB 171 includes any instrumentality that has caused injury to a person or property, including devices, instruments, persons, procedures, products and conditions of devices, instruments, persons, procedures, or products.

Legislation and court rules similar to HB 171 have already been enacted in Florida, North Carolina, Virginia, New York, Texas and part of California. Similar legislation and court rules are now pending in 14 other states besides Alaska. There is no valid public policy reason to allow public dangers to remain secret. To the contrary, this is an opportunity to promote public safety without adding any new burdens to any already-existing governmental agencies. It is an opportunity to prevent future injuries at no cost to the Alaskan public.

HOUSE BILL NO. 171
IN THE LEGISLATURE OF THE STATE OF ALASKA
SEVENTEENTH LEGISLATURE - FIRST SESSION

BY THE HOUSE JUDICIARY COMMITTEE

Introduced: 2/27/91

Referred: State Affairs, Judiciary

A BILL

FOR AN ACT ENTITLED

1 "An Act restricting court orders and certain private agreements relating to the concealment
2 of public hazards and information on public hazards; and amending Alaska Rules of Civil
3 Procedure 24, 26(c), 26(f), 29, 30(d), and 37(a)(2)."

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

5 * Section 1. AS 09.25 is amended by adding new sections to read:

6 Sec. 09.25.230. COURT ORDERS ON MATERIALS CONCERNING PUBLIC
7 HAZARDS. (a) A court may not enter an order or judgment that has the effect of concealing
8 a public hazard or information concerning a public hazard. If an order or judgment that violates
9 this subsection contains provisions that do not violate this subsection, those provisions are valid.

10 (b) Upon the motion by a party to litigation for an order prohibiting the disclosure of
11 materials produced or to be produced in discovery, the court shall examine the materials in
12 camera. The court shall deny the motion if it finds that the materials have previously been
13 disclosed to the public in this or another jurisdiction or that the materials concern a public
14 hazard. If the court finds that only a portion of the materials have been previously disclosed or