

ALASKA LEGISLATURE COMMITTEE FILES 1991-1992 8672
7463 SENATE JUDICIARY

HOUSEHOLD DATA

Married Unmarried (including single, divorced or widowed) Number of dependents _____

State the name of your spouse _____

Does she/he permanently live at your present address? Yes No

If no, in what state does she/he live? _____

List the name, relationship and complete address of each dependent claimed on your latest Federal income tax return:

Name	Address	Relationship

EMPLOYMENT

Name of current employer _____

Address _____

Supervisor _____ Gross Monthly Salary \$ _____

Date of Hire _____ If less than one year, name of most recent previous employer:

Employer _____

Address _____ Telephone _____

Inclusive dates of employment from _____ to _____

RESIDENCY

Are you licensed to drive in Alaska? Yes No ADL # _____

Are you licensed to drive in any other state? Yes No

Are you registered to vote in Alaska? Yes No Voter Registration # _____

Have you received any Permanent Fund Dividend checks? Yes No

If yes, for which year(s)? _____

Do you possess a resident Alaska sport fishing, hunting or trapping license? Yes No

Type and License # _____

In what year did you first qualify for a resident Alaska sport fishing, hunting or trapping license? _____

Please provide the name, mailing address and telephone number of three adults in Alaska whom CFAB may contact to verify your residency:

Name	Address	Telephone

CO-APPLICANT (INCLUDING SPOUSE)

Name _____ Social Security # _____

Address _____ Telephone _____

Previous Address _____

Birthdate _____ Place of Birth (city and state) _____

Relationship to Applicant _____

Employer _____ Occupation _____

Employer Address _____ Phone _____

Date of Hire _____ Supervisor _____ Gross Monthly Salary \$ _____

GENERAL INFORMATION (Please use additional paper if necessary for explanation.)

1. Are any parts of your fishing operation carried out on a partnership basis or by a corporation? _____

If so, explain _____

2. Have all required income tax returns been filed? _____ Any unpaid deficiencies? _____ Any returns under dispute? _____

If so, explain _____

3. Liability:

Partnership loans \$ _____; or for others as endorser or guarantor

\$ _____; as surety \$ _____

If so, explain _____

4. Any judgements, suits or pending litigation outstanding against the applicant or a co-applicant? _____

If so, explain _____

5. Do you own a vessel required to be documented? Yes No

Port of Registry (official Coast Guard designation) _____

6. Are you aware of any claims of any kind which have been alleged or threatened against your vessel? _____

If so, explain _____

7. Have you, a co-applicant, or any business any of you were owners in, ever filed bankruptcy? _____

If so, explain _____

8. Have any commercial fishing violations ever been alleged or charged against you, or a co-applicant, or your vessel by a Federal or State agency? _____

If so, explain _____

9. Have you ever applied for a CFAB loan before? _____

If yes, approximately when? _____

I CERTIFY that I have been an Alaska resident for a continuous period of _____ year(s) immediately preceding this date and intend to remain an Alaska resident.

The undersigned hereby certifies that the information contained in this application is true and correct to the best of his/her knowledge.

Signature _____ Date _____

Signature _____ Date _____

Signature _____ Date _____

Signature _____ Date _____

Doug,

We've had some followup today to the Legislative Auditor's memo about CFAB.

(1) A clarifying memo from Randy Walker

(2) A memo from CFAB president Ed Crane.

I am providing these to you in order to complete the record.

Y. L. O'Brien

STATE OF ALASKA

THE LEGISLATURE

BUDGET AND AUDIT COMMITTEE

AUDIT DIVISION
P.O. BOX W
JUNEAU, ALASKA 99811-3300

RECEIVED APR 29 1991

TO: The Honorable Fred Zharoff
Alaska State Senate

FROM: Randy S. Welker *Randy*
Legislative Auditor

DATE: April 29, 1991

RE: Commercial Fishing and Agriculture Bank (CFAB)

As a follow up to my memo dated April 27, Mr. Ed Crane, President of CFAB, has communicated a concern to me that I believe is legitimate. On page two of my memo the primary schedule is titled "Questionable Loans". The schedule may have been more appropriately titled "Loans Issued with Unanswered Residency Questions".

If the schedule is viewed in light of the narrative preceding it, I believe it explains what the schedule is intended to convey. We strictly applied CFAB's residency standards and the schedule in the memo reflects all loans where we found anything in the loan file that should have caused the loan officers to further pursue a residency question.

Overall, while the memo shows that CFAB needs to re-emphasize the importance of documentation review with staff, there is clearly no indication of widespread noncompliance with the residency statute. This is further supported by the comparison to other independent sources as summarized at the end of the memo.

If further clarification is necessary, please contact me.

cc: Representative Ron Larson
Senator Virginia Collins
Edward E. Crane
Members of the Legislative Budget
and Audit Committee

TO: Randy Welker, Legislative Auditor

FROM: Ed Crane, CFAB *Ed Crane*

DATE: April 29, 1991

Thanks for the copy of your April 27 report. We are extremely grateful for your Division's timely response to the audit request; we would also like to compliment the professional approach of your staff.

Because I've been privy to some of the dialogue with the legislature relative to question at hand, and because I anticipate the likelihood of further discussion on the matter, I am frankly uneasy about your choice of the caption "QUESTIONABLE LOANS" on the table on Page 2. It is inconsistent with the first sentence on the page and inconsistent with my understanding of the auditors' questions (in most cases); and it is a phrase which lends itself to distortion and misapplied emphases.

Your staff members applied rigorous standards in their review. As expressed in the report, however, it was a review of documentation rather than of residency. To our knowledge there is a reason for each question raised by the auditors (under the standards they appeared to apply). In the aggregate, the questions they raised have already caused us to re-examine certain practices and to emphasize to loan officers the need to more consistently observe and address some kinds of details. In at least two cases, we now question whether individuals who had been lifelong Alaskans and who had two and three previous CFAB loans, respectively, may not have crossed the vague line into non-residency prior to their most recent loans. In short, we view this recent review as a constructive event, and we do not argue the reasons for any questions raised (again, within the context of the standards). Please, though, consider the following examples:

Your audit control No. 558 represents a 1991 loan to a lady who, it appears, has never lived outside of the Bristol Bay region. She has been an employee of the Southwest Regional School District since 1973. On 1987 and 1988 tax returns her family's permanent fund dividends clearly appear as separately identified items on the "other income" line. On her 1989 return there is a much larger amount on that line with a "see attached schedule" notation. CFAB does not have a copy of the supplemental schedule. Your auditor perceived that omission to be the basis for a "question"; however, we believe it is misleading to characterize such a situation as a "questionable loan." CFAB did not fail to satisfy itself with regard to residency -- it failed to anticipate review standards!

Your audit control No. 166 is a 1986 loan to a Petersburg couple. All of the application data, and normal file documents, support the fact that they were and are Petersburg residents. However, there is a stray undated note in the file which bears a Washington State address and

 FAX TRANSMITTAL MEMO
 TO: *Karl Oles*
 DEPT: _____ FAX #: *463-3043*
 FROM: *E. Crane - BUREAU 271-2000*

NO. OF PAGES

Randy Welker, Legislative Auditor
April 29, 1991
Page 2

phone number, whose existence your auditor regarded as a basis for a "question." (That address is not, and never has been, CFA's address of record for these borrowers). I am personally offended by cryptic, undated, unexplained, or incomplete material in a loan file and do not take issue with your auditor's approach; however, it troubles me that these circumstances fall under the caption of "questionable loans."

Among the 26 loans listed, there are considerable variations in the kinds of "questions," so I would not necessarily assert that the foregoing two are typical. Still, the fact is that most of the eyebrows were raised by "unanswered questions" rather than by "questionable loans"! I am wondering if you might consider issuing a supplement or addendum to your April 27 report which would provide some context for the caption in question and/or which would emphasize the rather rigorous standards used to determine "... whether substantial questionable situations remained unanswered ..."?

RWC:dmv

RECEIVED APR 29 1991

STATE OF ALASKA

AUDIT DIVISION
P.O. BOX W
JUNEAU, ALASKA 99811-3300

THE LEGISLATURE
BUDGET AND AUDIT COMMITTEE

MEMORANDUM

TO: The Honorable Fred Zharoff
Alaska State Senate

FROM: Randy S. Welker *Randy*
Legislative Auditor

DATE: April 27, 1991

RE: Alaska Commercial Fish and Agriculture Bank

In response to your request and with the approval of the Chairman of the Legislative Budget and Audit Committee, we reviewed the Alaska Commercial Fishing and Agriculture Bank's (CFAB) compliance with residency requirements.

Under AS 44.81.210(a)(1), CFAB is authorized to make loans only to Alaska residents and to companies owned by Alaskans. Alaska Statute 44.81.210(a)(23) and 44.81.210(c) provide narrow exceptions for protection-of-collateral loans and shore-based Alaskan processors, respectively. However, this chapter does not define the term "resident."

CFAB's credit policy also does not define residency, although it does state that borrowers must have been Alaska residents for at least one year prior to obtaining a loan. This credit policy requires applicants to offer evidence of residency including drivers license, real property ownership, voter registration, income taxes, Permanent Fund dividend status, and sport fishing/hunting license. Absent contradictory factors or matters suggesting further investigation, CFAB's policy is to accept all such representations at face value if they are certified as correct by the applicant. Questionable situations should be reviewed and reported in a memorandum which documents the evidence considered.

We made a random selection of 421 loans from CFAB's April 1991 portfolio of 569 loans. We reviewed the documents contained in each file at the time of loan origination. As there is no definition of an Alaska resident provided by the statute, we accepted CFAB's credit policy as the standard upon which to judge each applicant.

This was a documentation review not a fraud investigation; whether an applicant was or was not in fact an Alaska resident cannot be unequivocally determined solely by a documentation review. We judged each application as to whether substantial questionable situations remained unanswered by the file documentation. Our results were as follows.

Questions about the applicant's residency remained in 26 (6%) of the 421 loans reviewed. Although not a 100% review, our random sample allows us to make a statistical conclusion that we are 99% confident that the total percentage of questionable files in the population is less than 8%.

QUESTIONABLE LOANS by Year of Origination		
Year	Number	Original Loan Amount
1982	3	\$ 223,000
1983	1	172,500
1984	1	159,000
1985	0	-0-
1986	1	54,800
1987	0	-0-
1988	3	146,400
1989	3	214,100
1990	9	492,802
1991	5	126,200
Total	26	\$1,588,802

While the above review considered residency at the date of loan origination, we also tabulated current mailing addresses from CFAB, from the Commercial Fishing Entry Commission, and from a subscription list of the *Alaska Commercial Fisherman*. Note that neither the statutes nor CFAB's credit policy require Alaska residency after the date of the loan. While not all CFAB borrowers were listed by the Commercial Fishing Entry Commission or the *Alaska Commercial Fisherman*, the majority were included. The borrower name match using the first and last names and a middle initial were possible for the CFAB and the Commercial Fishing Entry Commission records. The *Alaska Commercial Fisherman* subscription list did not provide middle initials, therefore, matching names is less conclusive. CFAB borrower mailing addresses for each data base were as follows:

CFAB Borrowers' Addresses per Mailing List of:	Alaska Address
Alaska Commercial Fish and Agriculture Bank	99%
Commercial Fishing Entry Commission	100%
<i>Alaska Commercial Fisherman</i>	97%

In our review of the 421 loan files, we found that CFAB's current mailing addresses were supported by, or at least not contradicted by, recent correspondence.

If we can be of any further assistance, please contact me.

cc: Representative Ron Larson, Chairman
Legislative Budget and Audit Committee

Members of the Legislative Budget
and Audit Committee

Mr. Edward E. Crane, President
Alaska Commercial Fishing and Agriculture Bank

PHONE MEMO	TO	Doug	DATE	4/4	TIME	9:25	AM
	FROM	John Lindauer	AREA CODE		NO.	562-4684	
	OF	All Rural Newspapers	EXT.				
	MESSAGE	If SB93 is considered would like to be informed so can testify. "Heavy duty editorials on this bill"					
			SIGNED	RT			
PHONED	<input checked="" type="checkbox"/>	CALL BACK	<input checked="" type="checkbox"/>	RETURNED CALL	<input type="checkbox"/>	WANTS TO SEE YOU	<input type="checkbox"/>
		WILL CALL AGAIN	<input type="checkbox"/>	WAS IN	<input type="checkbox"/>	URGENT	<input type="checkbox"/>

SB

101

**SEVENTEENTH LEGISLATURE
SENATE JUDICIARY COMMITTEE BILL FILE**

BILL NUMBER: ^{SB} 701
 ABBREVIATED TITLE: District Court Jurisdiction / State

SPONSOR: Jud Bu Request ORIGINAL RECEIVED: 2-1
 WRITTEN REQUEST TO SCHEDULE REC'D: _____ FROM: _____
 SPONSOR'S STATEMENT REC'D: 1-30 FROM: Court Sup.
 SECTIONAL ANALYSIS RQST'D: _____ FROM: _____
 SECTIONAL ANALYSIS RECEIVED: _____

FISCAL NOTE (ORIGINAL)
 2-1 RQST'D OF: Chris Chestnut / Court REC'D FROM: Chin DATE: 2-5
 RQST'D OF: Regnes-law 3-5 REC'D FROM: _____ DATE: _____ 3672
 RQST'D OF: _____ REC'D FROM: _____ DATE: _____

FISCAL NOTE (C.S.)
 RQST'D OF: _____ REC'D FROM: Law DATE: 3-20-91
 RQST'D OF: _____ REC'D FROM: _____ DATE: _____
 RQST'D OF: _____ REC'D FROM: _____ DATE: _____
 FIVE DAY NOTICE GIVEN: _____ NOTICE OF HEARINGS GIVEN: _____
 COMMITTEES OF REFERRAL: FIRST: Jud SECOND: Fin THIRD: _____

COMMITTEE ACTION

DATE: Feb - Law & Rich met Will Prepare Fiscal Note -
with SWP Small Claims -
Want Draft with and without Small Claims -
3-5-91 Fiscal Note - Dept of Law - needed
C.S. is Adopted - Passed with Ind.
Rec based on Law Fiscal Note being zero.
3-26-91 Passed Ind. Rec. with letter saying Law
Fiscal Note Not Reliable. Delivered to
Sen Sec 3-27-91 -
4-8-91 Rec'd Zero Fiscal Note from LAW!

PERSONS TO BE NOTIFIED OF HEARING

- | | |
|-----------------------------------|-----------|
| 1. SPONSOR <u>Sen Jud / Court</u> | 6. _____ |
| 2. AGENCY <u>Law -</u> | 7. _____ |
| 3. _____ | 8. _____ |
| 4. _____ | 9. _____ |
| 5. _____ | 10. _____ |

No Small Claims Requested Feb 13 -
Chris. 264 - 8228

Will create additional appellate brief
Small Claims Procedure Against State?

Alaska State Legislature



Senate Judiciary Committee

March 27, 1991

Senator Kerttula, Co-Chairman
Senator Pourchot, Co-Chairman
Senate Finance Committee
P.O. Box V
Juneau, Alaska 99811

Re: CSSB 101 (Judiciary) Relating to the jurisdiction of the
district Court

Dear Co-Chairs,

At the direction of the Senate Judiciary Committee I am sending you this communication concerning CSSB 101 (Judiciary). This bill was heard by Senate Judiciary February 12, February 22 and March 26, 1991. The Department of Law was present at the February 12 hearing.

While it was first thought that the bill would have little or no fiscal impact on the Department of Law, we received on March 20, 1991, a fiscal note for about \$700,000 annually. It is the sense of the committee that this is not in any way a fair appraisal of the fiscal impact of the bill.

Having considered the bill three times, it was passed out of committee with the Department of Law fiscal note but subject to the concerns expressed herein.

Sincerely,

A handwritten signature consisting of a stylized letter 'S' with a diagonal slash through it.

Senator Rick Halford
Chair, Senate Judiciary

RH/db

Post Office Box V • Juneau, Alaska 99811

STATE OF ALASKA
1991 LEGISLATIVE SESSION

Revision Date: April 8, 1991 Department Affected: Department of Law

Title: "...relating to the jurisdiction of the BRU: Legal Services

district court and...to hear actions as small claims. Component: Operations

Sponsor: Senate Judiciary by Request

Requestor: Senate Judiciary COMPONENT SERIAL NO.

		9	3
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Expenditures/Revenues: (Thousands of Dollars)

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

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

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

FUNDING: (Thousands of Dollars)

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

POSITIONS:

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

Estimate of current year impact:

ANALYSIS: (Attach a separate page if necessary.) The committee substitute for SB 101 changes the original bill by denying access to the relaxed procedures of small claims court if the defendant is the state. This change should eliminate most of the incentive for claimants to bring actions in district court cited in our original fiscal note, thus making fiscal note costs unnecessary.

Prepared By: Richard I. Pegues, (Director) Phone: 465-3672

Division: Administrative Services Date: April 8, 1991

Approved by Commissioner: Charles E. Cole, Attorney General

Agency: Department of Law Date: April 8, 1991

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

FISCAL NOTE

STATE OF ALASKA
1991 LEGISLATIVE SESSION

BILL NO. CSSB 101 (Jud)

Revision Date: April 8, 1991 Department Affected: Department of Law

Title: "...relating to the jurisdiction of the BRU: Legal Services

district court and...to hear actions as small claims." Component: Operations

Sponsor: Senate Judiciary by Request

Requestor: Senate Judiciary COMPONENT SERIAL NO.

		9	3
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Expenditures/Revenues: (Thousands of Dollars)

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

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

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

FUNDING: (Thousands of Dollars)

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

POSITIONS:

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

Estimate of current year impact:

ANALYSIS: (Attach a separate page if necessary.) The committee substitute for SB 101 changes the original bill by denying access to the relaxed procedures of small claims court if the defendant is the state. This change should eliminate most of the incentive for claimants to bring actions in district court cited in our original fiscal note, thus making fiscal note costs unnecessary.

Prepared By: Richard I. Pegues, Director Phone: 465-3672

Division: Administrative Services Date: April 8, 1991

Approved by Commissioner: Charles E. Coie, Attorney General

Agency: Department of Law Date: April 8, 1991

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

FISCAL NOTE

STATE OF ALASKA
1991 LEGISLATIVE SESSION

BILL NO. SB 101

Revision Date: _____ Department Affected: Department of Law
 Title: "An Act relating to the jurisdiction of the district court." BRU: Legal Services
 Sponsor: Senate Judiciary Component: Operations
 Requestor: Senate Judiciary COMPONENT SERIAL NO.

		9	3
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Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 92	FY 93	FY 94	FY 95	FY 96	FY 97
PERSONAL SERVICES	486.9	501.5	516.6	532.0	548.0	564.4
TRAVEL	32.5	33.5	34.5	35.5	36.6	37.7
CONTRACTUAL	99.8	102.8	105.9	109.1	112.4	115.8
SUPPLIES	37.2	38.3	39.4	40.6	41.8	43.1
EQUIPMENT	59.5					
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	715.9	676.1	696.3	717.2	738.8	761.0

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

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER - IAR	715.9	676.1	696.3	717.2	738.8	761.0
TOTAL						

POSITIONS:

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

Estimate of current year impact: _____

ANALYSIS: (Attach a separate page if necessary.)

Please see the attached analysis.

Prepared By: Richard I. Pegues Phone: 465-3672
 Division: Administrative Services Date: March 19, 1991
 Approved by Commissioner: Charles E. Cole, Attorney General
 Agency: Department of Law Date: March 19, 1991

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

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. SB 101

Senate Bill No. 101 amends AS 09.50.250 and AS 22.15.050 to provide that a person or a corporation having a contract, quasi-contract, or tort claim against the state may bring an action against the state in district court. At the present time, claims against the state, not settled administratively by state agencies, can be filed only in superior court, irrespective of the value of the claim. The superior court normally only adjudicates claims that exceed \$50,000. This bill would act to direct claims of up to \$50,000 to the district court. Claims that exceed \$50,000 would still be heard in superior court if they were not settled administratively.

Most contract claims against the state are handled administratively by the contract remedy process provided in AS 36.30.560 - AS 36.30.695, and AS 44.77.010 - AS 44.77.070. Contract claims that are currently appealed to the superior court after these administrative proceedings usually exceed the \$50,000 threshold for original entry as a superior court appeal, although they need not exceed the threshold to do so. The bill should not cause a substantial fiscal impact for contract appeals because of the comprehensive mandatory administrative remedy process provided in the state's Procurement Code, which must be exhausted before an appeal can be undertaken in court.

Tort claims, however, are an entirely different matter. The number of personal injury claims filed against the state during the past four and one-half years has averaged 700 claims per year and is growing steadily each year. Of this number, about 130 claims now result in lawsuits in superior court. Extending the jurisdiction of the district court to include claims against the state which do not exceed \$50,000 is expected to substantially increase the number of claims that result in lawsuits. This should result in a corresponding increase in the state's cost to defend against tort suits.

Most tort claims, about 570 of the 700 claims now being filed annually, are settled administratively by the state's contracted insurance adjustor. If resolution fails at the adjustor's level, a claim is settled by the Division of Risk Management. If a claimant is not satisfied with a settlement offer, or if a claim is denied, a claimant currently has the option of bringing a tort action in superior court. During the past four years approximately forty-five percent of the claims handled administratively were denied.

There is no existing requirement, however, that a claimant even contact the state to seek an administrative settlement, and a claimant may bring a lawsuit without ever having sought a settlement from the state's adjustor or the Division of Risk Management.

It is important to note that the state on its own initiative already contacts potential claimants in the course of investigating state agency accident reports and voluntarily offers settlements where it is appropriate to do so. Nevertheless, there are many instances where injuries are alleged in a lawsuit where the state does not have prior notice or knowledge. Indeed, the state does not receive prior notice of about ninety percent of the claims that are filed as lawsuits.

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. SB 101

It is unknown to what extent the bill, by itself, will encourage additional claims, but that eventuality seems likely in view of less complex district court procedures, and because of the relative ease by which claimants can represent themselves as pro se counsel in district court. There is no totally accurate way, and certainly no easy way to forecast the number of new lawsuits that will occur as a result of the enactment of this bill. However, we live in a litigious age where the state is perceived by some, including some of those who make their living prosecuting personal injury suits, as having a deep pocket. Therefore, for the purposes of this analysis, we have attempted to show that there will be an appreciable increase in the state's tort defense, while still employing conservative cost projections.

For example, if twenty-five percent of the 570 claims that do not now result in lawsuits end up in district court, the department would have to defend 142 new suits. Although the state's defense would be under rules that are less formal or strenuous than those required by the superior court, it is anticipated that a minimum of twenty attorney hours would be required to prepare for and present the state's defense in each case. This is an estimate of the minimum time that would be required, and there will be many occasions when a substantially greater effort will be necessary.

Furthermore, some percentage of the outcome of the new cases that will be heard in district court will be appealed to the superior court. Here again, it is difficult to provide an exact estimate, but it is not unreasonable to expect that about twenty-five percent of the district court cases will be appealed to the superior court by either claimant plaintiffs or the defendant state. It is estimated that each appeal of a district court judgment will require a minimum of 100 hours of state attorney time to prepare and litigate in superior court. There will also be numerous times when either side in a district court trial will appeal the court's rulings to the superior court during the course of a trial, in the form of petitions for review.

Apparently one of the anticipated results of this bill is to decrease superior court caseload by directing claims that do not exceed \$50,000 to the district court. Our analysis does not lead to this result.

The number of cases now filed in superior court with a value that does not exceed \$50,000 is relatively small, perhaps ten to fifteen percent of the 130 tort cases filed against the state in superior court. Thus the number of cases that would be directed to district court will be easily offset, and very likely be outweighed, by the number of district court appeals to the superior court. Moreover, the superior court will be repeatedly called upon to rule on petitions for review for tort cases being tried in district court. Also, because tort claims filed in district court will automatically have an additional level of appeal (Rule 601), some claims will take one or two years longer to complete before a final judgment is entered.

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. SB 101

Aside from the issue of the superior court serving as an appeals court for district court decisions, expanding the jurisdiction of the district court to hear tort claims will increase the number of claims that are filed in court and decrease the number of claims settled administratively, resulting in a corresponding increase in state costs. Although the individual value of most claims filed under the bill in district court would be relatively small, the state's tort defense will not change and it will often involve complex government immunity arguments. District courts rarely deal with these arguments and do not have the benefit of law clerk research assistants to help sort them out. Consequently, district courts will see a sharp increase in complicated civil caseload on top of their already crowded criminal calendars.

As mentioned previously, the bill will encourage additional lawsuits, to a large extent turning an administrative process into a legal fight. This will result in some unmeritorious lawsuits. And, in some instances, the bill will result in nuisance suits when it is understood that in some circumstances it will cost the state more to defend itself in court than the value of the claim, irrespective of a claim's merit. For example, the state receives numerous claims alleging vehicle damage caused by potholes, ranging from a few hundred dollars to a few thousand dollars per claim. The state is generally immune from this type of claim because it cannot repair all potholes at one time, and it must necessarily exercise its discretion in carrying out repairs. However, under the bill the state will have to defend against such claims in court, often at a cost that exceeds the amount being claimed. Most of these claims would otherwise be properly denied under the existing administrative process, at minimal cost to the state.

Therefore, based on the foregoing estimates of 142 new lawsuits and 33 new appeals, the bill will result in an annual increase of over 6,100 hours of attorney case work for the department. On average, each of the department's tort attorneys produce about 1500 hours annually devoted solely to case work. Consequently, the bill will require the addition of at least four attorneys. Moreover, because these cases could be heard before as many as fifteen different district court judges, scheduling will present some difficulties for these attorneys requiring additional paralegal and clerical support staff. It is therefore our estimate that two attorneys, one paralegal assistant, and one legal secretary will be required in Anchorage, and one attorney each and one legal secretary each will be required in both Fairbanks and Juneau.

COST SUMMARY - SB 101

<u>Location</u>	<u>Title</u>	<u>Personal Services</u>	<u>Travel</u>	<u>Contractual</u>	<u>Supplies</u>	<u>Equipment</u>	<u>Total</u>
Anchorage	Attorney IV	81.8	7.5	20.0	6.0	6.5	121.8
	Attorney III	72.4	7.5	20.0	6.0	6.5	112.4
	Paralegal Asst II	49.3	2.5	6.6	3.3	6.5	68.2
	Legal Secretary I	35.9		4.4	3.3	9.0	52.6
Fairbanks	Attorney IV	92.6	7.5	20.0	6.0	6.5	132.6
	Legal Secretary I	37.2		4.4	3.3	9.0	53.9
Juneau	Attorney IV	81.8	7.5	20.0	6.0	6.5	121.8
	Legal Secretary I	35.9		4.4	3.3	9.0	52.6
TOTAL		486.9	32.5	99.8	37.2	59.5	715.9

FY92 costs are shown above. Costs after FY92 include a three percent inflation factor.

Position Title Attorney IV		No. of Positions 1	Range / Step 24 A	Barg. Unit PX
Time Status PFT	Staff Months 12	Location Anchorage		Election District 5 - 15, 23 - 27
TYPE OF EXPENDITURE		Amount		
Salary		61,008		
Benefits		20,760		
Premium Pay				
Other				
Total Personal Services		81,768		
Travel		7,500		
Contractual		20,000		
Commodities		6,000		
Equipment		6,500		
Other				
Total Cost		121,768		
FUNDING SOURCE FOR TOTAL COST				
Federal Receipts	1002			
G.F. Match	1003			
General Fund	1004			
I-A Receipts	1007	121,768		
CIP Receipts	1061			
Other				
Justification This Attorney IV position will be needed to handle part of the increased caseload in Southcentral Alaska caused by implementation of SB101. The position will handle some of the new lawsuits in district court and most of the appeals of these cases in superior court. Most of this work involves court trials and requires experience in personal injury defense and state immunity defenses. Because of the extensive trial work, additional amounts are required for travel, depositions, expert witnesses, and exhibits. This position requires full journey-level skills as an Attorney IV because of the involvement in appeals.				

**Request For
New Position**

AGENCY Department of Law
 BRU Legal Services
 COMPONENT Operations

FY 92

Page 1 of 1
 Revised Date: _____

Position Title Attorney III		No. of Positions 1	Range / Step 22 A	Barg. Unit PX
Time Status PFT	Staff Months 12	Location Anchorage		Election District 5 - 15, 23 - 27
TYPE OF EXPENDITURE		Amount	Justification This Attorney III position will be needed to handle part of the increased caseload in Southcentral Alaska caused by implementation of SB101. The position will handle many of the new lawsuits in district court and a few of the appeals of these cases in superior court. Most of this new work involves court trials and requires personal injury defense experience. Because of the extensive trial work, additional amounts are needed for travel, depositions, expert witnesses, and exhibits. This position requires three or more years of experience of an Attorney III to handle this level of work.	
Salary		53,298		
Benefits		19,092		
Premium Pay				
Other				
Total Personal Services		72,390		
Travel		7,500		
Contractual		20,000		
Commodities		6,000		
Equipment		6,500		
Other				
Total Cost		112,390		
FUNDING SOURCE FOR TOTAL COST				
Federal Receipts	1002			
G.F. Match	1003			
General Fund	1004			
I-A Receipts	1007	112,390		
CIP Receipts	1061			
Other				

**Request For
New Position**

AGENCY Department of Law
 BRU Legal Services
 COMPONENT Operations

FY 92

Page 1 of 1
 Revised Date: _____

Position Title Paralegal Assistant II		No. of Positions 1	Range / Step 16 A	Barg. Unit GG
Time Status PFT	Staff Months 12	Location Anchorage		Election District 5 - 15, 23 - 27
TYPE OF EXPENDITURE		Amount	Justification This paralegal assistant will be needed to handle witness scheduling that will be needed by the two attorneys in Anchorage who will handle the new torts caseload caused by the implementation of SB101. The position will also assist and prepare case files and evidence used at trial. These duties are appropriate for a Paralegal Assistant II.	
Salary		35,166		
Benefits		14,110		
Premium Pay				
Other				
Total Personal Services		49,276		
Travel		2,500		
Contractual		6,600		
Commodities		3,300		
Equipment		6,500		
Other				
Total Cost		68,176		
FUNDING SOURCE FOR TOTAL COST				
Federal Receipts	1002			
G.F. Match	1003			
General Fund	1004			
I-A Receipts	1007	68,176		
CIP Receipts	1061			
Other				

**Request For
New Position**

AGENCY Department of Law
BRU Legal Services
COMPONENT Operations

FY 92

Page 1 of 1
Revised Date: _____

Position Title Legal Secretary I		No. of Positions 1	Range / Step 10 B	Barg. Unit GG
Time Status PFT	Staff Months 12	Location Anchorage		Election District 5 - 15, 23 - 27
TYPE OF EXPENDITURE		Amount	Justification The Legal Secretary I position will be needed to prepare the trial documents required by the new attorneys in Anchorage who will handle the additional tort caseload caused by implementation of SB101. Trial work of this sort is paper-intensive, involving extensive motion practice and briefing. Allocation of the position to the Legal Secretary I level is therefore appropriate.	
Salary		24,636		
Benefits		11,276		
Premium Pay				
Other				
Total Personal Services		35,912		
Travel				
Contractual		4,400		
Commodities		3,300		
Equipment		9,000		
Other				
Total Cost		52,612		
FUNDING SOURCE FOR TOTAL COST				
Federal Receipts 1002				
G.F. Match 1003				
General Fund 1004				
I-A Receipts 1007		52,612		
CIP Receipts 1061				
Other				

**Request For
New Position**

AGENCY Department of Law
 BRU Legal Services
 COMPONENT Operations

FY 92

Page 1 of 1
 Revised Date: _____

Position Title Attorney IV		No. of Positions 1	Range / Step 24 A	Barg. Unit PX
Time Status PFT	Staff Months 12	Location Fairbanks		Election District 17 - 22, 24
TYPE OF EXPENDITURE		Amount	Justification This Attorney IV position will be needed to handle the increased caseload in Central and Northern Alaska caused by implementation of SB101. The position will handle the new lawsuits in district court and the appeals of these cases in superior court. Most of this work involves court trials and requires experience in personal injury defense and state immunity defenses. Because of the extensive trial work, additional amounts are required for travel, depositions, expert witnesses, and exhibits. This position requires full journey-level skills as an Attorney IV because of the involvement in appeals.	
Salary		70,092		
Benefits		22,558		
Premium Pay				
Other				
Total Personal Services		92,560		
Travel		7,500		
Contractual		20,000		
Commodities		6,000		
Equipment		6,500		
Other				
Total Cost		132,560		
FUNDING SOURCE FOR TOTAL COST				
Federal Receipts	1002			
G.F. Match	1003			
General Fund	1004			
I-A Receipts	1007	132,560		
CIP Receipts	1061			
Other				

**Request For
New Position**

AGENCY Department of Law
 BRU Legal Services
 COMPONENT Operations

FY 92

Page 1 of 1
 Revised Date: _____

Position Title Legal Secretary I		No. of Positions 1	Range / Step 10 B	Barg. Unit GG
Time Status PFT	Staff Months 12	Location Fairbanks		Election District 17 - 22, 24
TYPE OF EXPENDITURE		Amount		
Salary		25,620		
Benefits		11,541		
Premium Pay				
Other				
Total Personal Services		37,161		
Travel				
Contractual		4,400		
Commodities		3,300		
Equipment		9,000		
Other				
Total Cost		53,861		
FUNDING SOURCE FOR TOTAL COST				
Federal Receipts 1002				
G.F. Match 1003				
General Fund 1004				
IA Receipts 1007		53,861		
CIP Receipts 1061				
Other				
Justification The Legal Secretary I position will be needed to prepare the trial documents required by the new attorney in Fairbanks who will handle the additional tort caseload caused by implementation of SB101. Trial work of this sort is paper-intensive, involving extensive motion practice and briefing. In addition, the position will handle witness scheduling in the absence of paralegal support at this location. Allocation of the position to the Legal Secretary I level is therefore appropriate.				

**Request For
New Position**

AGENCY Department of Law
 BRU Legal Services
 COMPONENT Operations

FY 92

Page 1 of 1
 Revised Date: _____

Position Title Attorney IV		No. of Positions 1	Range / Step 24 A	Barg. Unit PX
Time Status PFT	Staff Months 12	Location Juneau		Election District 1 - 4
TYPE OF EXPENDITURE		Amount	Justification This Attorney IV position will be needed to handle the increased caseload in Southeastern Alaska caused by implementation of SB101. The position will handle the new lawsuits in district court and the appeals of these cases in superior court. Most of this work involves court trials and requires experience in personal injury defense and state immunity defenses. Because of the extensive trial work, additional amounts are required for travel, depositions, expert witnesses, and exhibits. This position requires full journey-level skills as an Attorney IV because of the involvement in appeals.	
Salary		61,008		
Benefits		20,760		
Premium Pay				
Other				
Total Personal Services		81,768		
Travel		7,500		
Contractual		20,000		
Commodities		6,000		
Equipment		6,500		
Other				
Total Cost		121,768		
FUNDING SOURCE FOR TOTAL COST				
Federal Receipts 1002				
C.F. Match 1003				
General Fund 1004				
I-A Receipts 1007		121,768		
CIP Receipts 1061				
Other				

Request For New Position

AGENCY Department of Law

BRU Legal Services

COMPONENT Operations

FY 92

Page 1 of 1

Revised Date: _____

Position Title Legal Secretary I		No. of Positions 1	Range / Step 10 B	Barg. Unit GG
Time Status PFT	Staff Months 12	Location Juneau		Election District 1 - 4
TYPE OF EXPENDITURE		Amount	Justification The Legal Secretary I position will be needed to prepare the trial documents required by the new attorney in Juneau who will handle the additional tort caseload caused by implementation of SB101. Trial work of this sort is paper-intensive, involving extensive motion practice and briefing. In addition, the position will handle witness scheduling in the absence of paralegal support at this location. Allocation of the position to the Legal Secretary I level is therefore appropriate.	
Salary		24,636		
Benefits		11,276		
Premium Pay				
Other				
Total Personal Services		35,912		
Travel				
Contractual		4,400		
Commodities		3,300		
Equipment		9,000		
Other				
Total Cost		52,612		
FUNDING SOURCE FOR TOTAL COST				
Federal Receipts 1002				
G.F. Match 1003				
General Fund 1004				
I-A Receipts 1007		52,612		
CIP Receipts 1061				
Other				

**Request For
New Position**

AGENCY Department of Law
 BRU Legal Services
 COMPONENT Operations

FY 92

Page 1 of 1
 Revised Date: _____

FISCAL NOTE

STATE OF ALASKA
1991 LEGISLATIVE SESSION

Bill No. SB 101

Revision Date: _____ Department Affected: Alaska Court System
 Title: An Act relating to the jurisdiction of BRU: Trial Courts
the District Court Components: _____
 Sponsor: Judiciary
 Requestor: Judiciary Committee COMPONENT SERIAL NO.

000 000	000 768
-----------	-----------

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 92	FY 93	FY 94	FY 95	FY 96	FY 97
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS & CLAIMS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

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

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

FUNDING: (Thousands of Dollars)

GENERAL FUNDS	0.0	0.0	0.0	0.0	0.0	0.0
FEDERAL FUNDS						
OTHER						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year impact: None

ANALYSIS: (Attach a separate page if necessary)

No fiscal impact.

Prepared by: C. S. Christensen III, Staff Counsel Phone: 264-8228
 Division: Alaska Court System Date: 02/08/91

Approved by: Arthur H. Snowden, II, Administrative Director *Stephanie Cole for*
 Agency: Alaska Court System Date: 02/08/91

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

FISCAL NOTE

Bill Version: SB 101

(S) Publish

STATE OF ALASKA
1991 LEGISLATIVE SESSION

Revision Date: _____ Department Affected: Alaska Court System
 Title: An Act relating to the jurisdiction BRU: Trial Courts
of the district court Components: _____
 Sponsor: Judiciary
 Requestor: Judiciary COMPONENT SERIAL NO. 000 | 000 000 | 768

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 92	FY 93	FY 94	FY 95	FY 96	FY 97
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS & CLAIMS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUNDS	0.0	0.0	0.0	0.0	0.0	0.0
FEDERAL FUNDS						
OTHER						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year impact: None

Changes in CS SB 101 (Jud) reflect NO FISCAL CHANGE from the original fiscal note. This fiscal note is appropriate.
 Mar 27, 91 QBS/Smh
 date Comte Aide (initial)

ANALYSIS: (Attach a separate page if necessary)

No fiscal impact.

Prepared by: C. S. Christensen III, Staff Counsel Phone: 264-8228
 Division: Alaska Court System Date: 02/04/91

Approved by: Arthur H. Snowden, II, Administrative Director Stephanie Cole, for
 Agency: Alaska Court System Date: 02/04/91

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

FISCAL NOTE

STATE OF ALASKA
1991 LEGISLATIVE SESSION

Bill No. SB 101

Revision Date:	Department Affected:	<u>Alaska Court System</u>		
Title: <u>An Act relating to the jurisdiction of the District Court</u>	BRU:	<u>Trial Courts</u>		
Sponsor: <u>Judiciary</u>	Components:			
Requestor: <u>Judiciary Committee</u>	COMPONENT SERIAL NO.	<table border="1"> <tr> <td>000 000</td> <td>000 768</td> </tr> </table>	000 000	000 768
000 000	000 768			

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 92	FY 93	FY 94	FY 95	FY 96	FY 97
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS & CLAIMS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

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

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

FUNDING: (Thousands of Dollars)

GENERAL FUNDS	0.0	0.0	0.0	0.0	0.0	0.0
FEDERAL FUNDS						
OTHER						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year impact: None

ANALYSIS: (Attach a separate page if necessary)

No fiscal impact.

Prepared by: C. S. Christensen III, Staff Counsel *[Signature]* Phone: 264-8228
 Division: Alaska Court System Date: 02/08/91

Approved by: Arthur H. Snowden, II, Administrative Director *[Signature]*
 Agency: Alaska Court System Date: 02/08/91

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

ALASKA STATE LEGISLATURE

Anchorage Office:
3111 C St., Suite 530
Anchorage, AK 99503
907-561-7616



While in Juneau:
P.O. Box V
Juneau, AK 99811
907-465-4958

Senator Rick Halford

MEMORANDUM

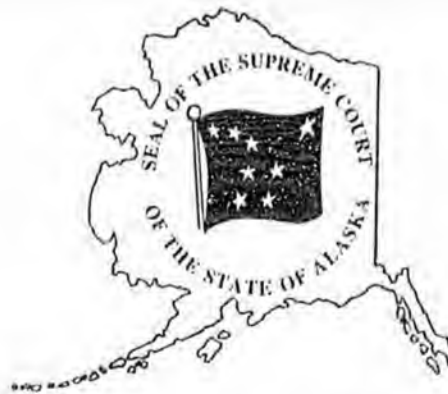
TO: Senate Judiciary Committee Members

FROM: Doug Baily

DATE: February 11, 1991

RE: Bill file supplement

Attached is the supplement to the Judiciary committee file on
SB 101.



Alaska Court System
State of Alaska

OFFICE OF ADMINISTRATIVE DIRECTOR

CHARLES S. CHRISTENSEN III
Staff Counsel

303 K Street
Anchorage, AK 99501
(907) 264-8228

February 8, 1991

The Honorable Rick Halford
Chairman, Senate Judiciary Committee
P.O. Box V
Juneau, Alaska 99811

Dear Senator Halford:

Thank you for scheduling Senate Bill 101, relating to the jurisdiction of the district court.

Current law provides that the superior court has jurisdiction in civil cases exceeding \$50,000 in value; the district court has jurisdiction over claims not exceeding that amount. However, current law also requires that all actions against the state be brought in superior court, regardless of the size of the claim. This has resulted in situations like one which took place recently in Fairbanks, when the superior court was used to try a \$2000 claim against the state. Not only is \$2000 significantly less than the maximum amount of the district court's jurisdiction, it is significantly less than the maximum amount of a small claims case (\$5,000).

This restriction on district court jurisdiction was enacted at the time of statehood, when district court judges were not required to be attorneys. The prevailing view was that cases in which the state was a defendant should not be decided by a court presided over by a person who was not learned in the law. Today, however, this distinction is an anachronism, since a district court judge must be licensed to practice law in Alaska, and is subject to the same appointive and retention election processes as are judges of the superior court.

SB 101 proposes to treat the state like any other litigant, by making it subject to the jurisdiction of the district court when the matter in controversy does not exceed \$50,000.

The Honorable Rick Halford
February 8, 1991
Page 2

As drafted, SB 101 would make the following changes to existing law:

Section 1. Amends AS 09.50.250, relating to sovereign immunity. The existing statute requires that a contract, quasi-contract or tort claim against the state be brought in superior court. This section deletes that requirement.

Section 2. Amends AS 22.15.050, relating to the jurisdiction of the district court. The existing statute provides that the jurisdiction of that court does not extend to cases in which the state is a defendant. This section deletes that restriction on jurisdiction.

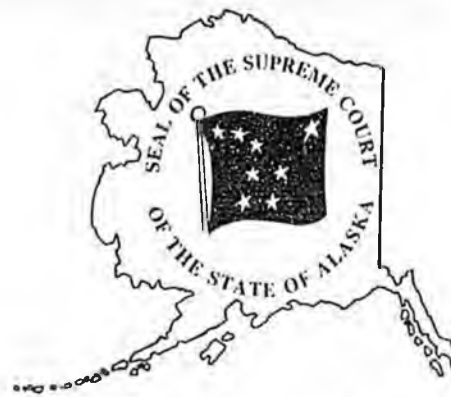
Please feel free to contact me if you have any questions or comments.

Very truly yours,



C. S. Christensen III
Staff Counsel

CSC:bh



Alaska Court System
State of Alaska

OFFICE OF ADMINISTRATIVE DIRECTOR

CHARLES S. CHRISTENSEN III
Staff Counsel

303 K Street
Anchorage, AK 99501
(907) 264-8228

January 29, 1991

The Honorable Rick Halford
Chairman, Senate Judiciary Committee
Capitol Building - Room 103
Juneau, Alaska 99811

Dear Senator Halford:

The court system has requested introduction of a bill relating to claims against the state; a bill draft was provided to your office last week.

As you know, current law requires that all actions against the state be brought in superior court, regardless of the size of the claim. This bill proposes to treat the state like any other litigant, by making it subject to the jurisdiction of the district court when the matter in controversy does not exceed \$50,000.

As drafted, the bill proposes the following changes to existing law:

- Section 1. Amends AS 09.50.250, relating to sovereign immunity. The existing statute requires that a contract, quasi-contract or tort claim against the state be brought in superior court. This section deletes that requirement.
- Section 2. Amends AS 22.15.050, relating to the jurisdiction of the district court. The existing statute provides that the jurisdiction of that court does not extend to cases in which the state is a defendant. This section deletes that restriction on jurisdiction.

The Honorable Rick Halford
January 29, 1991
Page 2

Please feel free to contact me if you have any questions or comments. Thank you for your courtesy in this matter.

Very truly yours,

A handwritten signature in cursive script, appearing to read "C. S. Christensen III".

C. S. Christensen III
Staff Counsel

CSC:bh



Alaska Court System
State of Alaska

OFFICE OF ADMINISTRATIVE DIRECTOR

CHARLES S. CHRISTENSEN III
Staff Counsel

303 K Street
Anchorage, AK 99501
(907) 264-6228

January 25, 1991

The Honorable Rick Halford
Chairman, Senate Judiciary Committee
Capitol Building - Room 103
Juneau, Alaska 99811

Dear Representative Halford:

Attached you will find four pieces of draft legislation, per your conversation with Arthur Snowden. We respectfully request that the Judiciary Committee introduce these bills on behalf of the Alaska Supreme Court.

As drafted, these pieces of legislation propose the following changes to existing law:

1. Relating to the Jurisdiction of the District Court

Declaratory Judgment?

Gives the district court jurisdiction over cases in which the state is a defendant, as long as the claim otherwise falls within the court's jurisdiction. Presently, AS 09.50.250 (waiver of sovereign immunity) and AS 22.15.050 (jurisdiction of the district court) require that all cases in which the state is a defendant be brought in superior court, regardless of the size of the claim. *OK*

2. Collection of Fines/Execution on the Permanent Fund Dividend

OK

Simplifies the process of executing on a PFD, by eliminating the complex debtor notice requirements needed to execute on other types of property. Simplified notice to the debtor by the Department of Revenue is substituted. Also eliminates the existing debtor's exemption of 45% of a PFD in the case of execution to satisfy a court-ordered fine.

add - To pay for Public Defender -

The Honorable Rick Halford

January 25, 1991

Page 2

3. Protection of Funds in the Judicial Retirement System

Protects a debtor's retirement account in the JRS from alienation, sale, assignment, and levy to the same extent that existing law protects the funds of other state employees in the Public Employees' Retirement System and the Teachers' Retirement System.

4. Shared Child Custody/Findings of a Neutral Mediator

Amends existing law by requiring a court to consider the findings of a "custody investigator" rather than a "neutral mediator" when it considers awarding shared custody of a child.

I will forward a more detailed analysis of each bill under separate cover. In the meantime, if you have any questions or comments, please do not hesitate to contact me.

Thank you for your courtesy.

Very truly yours,



C. S. Christensen III
Staff Counsel

CSC:bh

Attachments

CS SB 101 Jurisdiction of District Court
to hear certain cases where state
is a defendant.

This Bill Passed Sen Jud on 3-5
with individual Recommendation

Subject To Department of Law

Fiscal Note being Zero

Dept of Law came in at \$700,000 +

So - Need further action -

Motion to Revisit Earlier Adoption?

CS-SB101

March 26, 1991 -

Discuss Fiscal note of Dept of law -
Law assumption are that Dist. Court are
less complicated. It says law arguments are
irrelevant.

Rub thinks it should be a zero note.
~~A~~ Letter to be sent -

March 27 Drafted letter to Sen F. Maine re law Fiscal Note.
Requested final form CS from Ragume by phone.

Proposed

CS FOR SENATE BILL NO. 101 (JUDICIARY)
IN THE LEGISLATURE OF THE STATE OF ALASKA
SEVENTEENTH LEGISLATURE - FIRST SESSION

BY THE SENATE JUDICIARY COMMITTEE

Offered:
Referred:

Sponsor(s): SENATE JUDICIARY COMMITTEE BY REQUEST

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the jurisdiction of the district court and to the district court's ability
2 to hear actions as small claims."

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

4 * Section 1. AS 09.50.250 is amended to read:

5 Sec. 09.50.250. ACTIONABLE CLAIMS AGAINST THE STATE. A person or
6 corporation having a contract, quasi-contract, or tort claim against the state may bring an action
7 against the state [IN THE SUPERIOR COURT]. A person who may present the claim under
8 AS 44.77 may not bring an action under this section except as set out in AS 44.77.040(c). A
9 person who may bring an action under AS 36.30.560 - 36.30.695 may not bring an action under
10 this section except as set out in AS 36.30.685. However, an action may not be brought under
11 this section if the claim

12 (1) is an action for tort, and is based upon an act or omission of an employee of
13 the state, exercising due care, in the execution of a statute or regulation, whether or not the
14 statute or regulation is valid; or is an action for tort, and based upon the exercise or performance

1 or the failure to exercise or perform a discretionary function or duty on the part of a state agency
2 or an employee of the state, whether or not the discretion involved is abused;

3 (2) is for damages caused by the imposition or establishment of a quarantine by
4 the state;

5 (3) arises out of assault, battery, false imprisonment, false arrest, malicious
6 prosecution, abuse of process, libel, slander, misrepresentation, deceit, or interference with
7 contract rights; or

8 (4) arises out of the use of an ignition interlock device certified under
9 AS 33.05.020(c).

10 * Sec. 2. AS 22.15.040(a) is amended to read:

11 (a) When a claim for relief does not exceed \$5,000 exclusive of costs, interest, and
12 attorney fees, and request is so made, the district judge or magistrate shall hear the action as a
13 small claim unless important or unusual points of law are involved or unless the state is a
14 defendant. The supreme court shall prescribe the procedural rules and standard forms to assure
15 simplicity and the expeditious handling of small claims.

16 * Sec. 3. AS 22.15.050 is amended to read:

17 Sec. 22.15.050. ACTIONS NOT WITHIN CIVIL JURISDICTION. The jurisdiction of
18 the district courts does not extend to

19 (1) an action in which the title to real property is in question;

20 (2) an action for false imprisonment, libel, slander, malicious prosecution, or
21 actions of an equitable nature, [() except as otherwise provided by law ()], OR ACTIONS IN
22 WHICH THE STATE IS A DEFENDANT].

*Sponsor letter
fiscal note requested
Jan. 29 for
Chr. Christensen.*

1 IN THE SENATE

2 SENATE BILL NO.

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SEVENTEENTH LEGISLATURE - FIRST SESSION

5 *Judiciary Committee By Request* A BILL

6 For an Act entitled: "An Act relating to the jurisdiction of
7 the district court."

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

9 *Section 1. AS 09.50.250 is amended to read:

10 Sec. 09.50.250. ACTIONABLE CLAIMS AGAINST THE STATE.

11 A person or corporation having a contract, quasi-contract,
12 or tort claim against the state may bring an action against
13 the state [IN THE SUPERIOR COURT]. A person who may present
14 the claim under AS 44.77 may not bring an action under this
15 section except as set out in AS 44.77.040(c). A person who
16 may bring an action under AS 36.30.560 - 36.30.695 may not
17 bring an action under this section except as set out in AS
18 36.30.685. However, an action may not be brought under this
19 section if the claim

20 (1) is an action for tort, and is based upon an act or
21 omission of an employee of the state, exercising due care,
22 in the execution of a statute or regulation, whether or not
23 the statute or regulation is valid; or is an action for
24 tort, and based upon the exercise or performance or the
25 failure to exercise or perform a discretionary function or

1 duty on the part of a state agency or an employee of the
2 state, whether or not the discretion involved is abused;

3 (2) is for damages caused by the imposition or
4 establishment of a quarantine by the state;

5 (3) arises out of assault, battery, false
6 imprisonment, false arrest, malicious prosecution, abuse of
7 process, libel, slander, misrepresentation, deceit or
8 interference with contract rights; or

9 (4) arises out of the use of an ignition interlock
10 device certified under AS 33.05.020(c).

11 *Sec. 2. AS 22.15.050 is amended to read:

12 Sec. 22.15.050. ACTIONS NOT WITHIN CIVIL JURISDICTION.

13 The jurisdiction of the district courts does not extend to

14 (1) an action in which the title to real property is
15 in question;

16 (2) an action for false imprisonment, libel, slander,
17 malicious prosecution, or actions of an equitable nature
18 (except as otherwise proved by law) [, OR ACTIONS IN WHICH
19 THE STATE IS A DEFENDANT].

02/13/91 12:49:49
(akdefa)

Page A1

A Review of Master Name Indexes
For Calendar Year 1990 to Identify
Cases Where The State of Alaska is a Defendant

Court Location	Name Records For Cases With CI Suffix	Subset of CI Name Records For Defendants	Number of Records In Which SOA or State Agency is Defendant	Estimated % of General Civil Cases Filed in Calendar Year 1990 w/ Defendant=SOA
Anchorage	16,870	9,471	268	2.8
Bethel	321	175	6	3.4
Fairbanks	4,913	2,294	38	1.7
Juneau	1,459	737	34	4.6
Kenai	969	562	34	6.0
Ketchikan	526	271	4	1.5
Kodiak	583	352	5	1.4
Palmer	569	334	30	9.0
Sitka	314	157	5	3.2
Totals	26,524	14,353	424	3.0

Given the results at these selected sites, it is probably safe to assume that there are between 400 and 500 cases filed annually in which the State of Alaska or one of its agencies is the defendant.

Note: All civil cases without a CI suffix on the case number were excluded. Probate, Domestic Relations, Small Claims, etc. omitted.

2B101

SB

105

**SEVENTEENTH LEGISLATURE
SENATE JUDICIARY COMMITTEE BILL FILE**

BILL NUMBER: 105
 ABBREVIATED TITLE: _____

Jogging Penalty

SPONSER: Jones (Halford) ORIGINAL RECEIVED: Feb 5, 91
 WRITTEN REQUEST TO SCHEDULE REC'D: _____ FROM: _____ *Wait for it -*
 SPONSER'S STATEMENT REC'D: _____ FROM: _____
 SECTIONAL ANALYSIS RQST'D: _____ FROM: _____
 SECTIONAL ANALYSIS RECEIVED: _____

FISCAL NOTE (ORIGINAL)
 RQST'D OF: Car - "Bill" REC'D FROM: Car DATE: 4-10-91 *Zero*
 RQST'D OF: Low-Leave REC'D FROM: Low DATE: 4-2-91
 RQST'D OF: _____ REC'D FROM: _____ DATE: _____

FISCAL NOTE (C.S.)
 RQST'D OF: _____ REC'D FROM: _____ DATE: _____
 RQST'D OF: _____ REC'D FROM: _____ DATE: _____
 RQST'D OF: _____ REC'D FROM: _____ DATE: _____

FIVE DAY NOTICE GIVEN: 3-28-91 NOTICE OF HEARINGS GIVEN: _____
 COMMITTEES OF REFERRAL: FIRST: Jud SECOND: _____ THIRD: _____

*April 4, 1991
April 11, 1991*

COMMITTEE ACTION *Drafted John Bourgeois - 2450*

DATE: _____
4-4-91 *on schedule - removed at Request of Sponsor -*
Need new 5 Day Notice -
4-11 *Set over - Not Heard -*
4-16- *Heard - Jones Presents - Jud CS Adopted -*
Moved out on Ind. Ref. 4 in favor - Adams absent
4-16-91 *Revised CS (Jud) in final form Bourgeois*
4-17-91 *Revised to Ch. Car +*

PERSONS TO BE NOTIFIED OF HEARING

1. SPONSOR Jones (Ras - 3743)
2. AGENCY Corrections -
3. _____
4. _____
5. _____
6. _____
7. _____
8. _____
9. _____
10. _____

Wait for Request from Jones.

FISCAL NOTE

STATE OF ALASKA
1991 LEGISLATIVE SESSION

BILL NO. SB 105

Revision Date: _____ Department Affected: Department of Law

Title: "...amending the penalty..." BRU: Prosecution

unauthorized taking of a propelled vehicle Component: All

Sponsor: Senator Jones

Requestor: Senate Judiciary

COMPONENT SERIAL NO.

		8	9
--	--	---	---

Expenditures/Revenues: (Thousands of Dollars)

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

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

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

FUNDING: (Thousands of Dollars)

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

POSITIONS:

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

Estimate of current year impact: _____

ANALYSIS: (Attach a separate page if necessary.)

Please see the attached analysis.

Prepared By: Richard I. Pegues, Director

Phone: 465-3672

Division: Administrative Services

Date: March 29, 1991

Approved by Commissioner: _____

Richard I. Pegues / FOR
Charles E. Cole, Attorney General

Agency: Department of Law

Date: March 29, 1991

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

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. SB 105

This bill amends AS 11.46.484 by adding a new subsection that imposes a mandatory minimum sentence for joyriding of a term of imprisonment of not less than 72 hours, a fine of not less than \$250, and restitution. These sentencing provisions will not have a fiscal impact on the Department of Law. It should be noted that some additional prosecutor time will be needed because defendants can be expected to offer a more vigorous defense in the face of a mandatory jail term, in some first offense cases where jail time is not currently imposed. Because this bill amends a sentencing provision the department recommends that it be located in Title 12 rather than Title 11. Finally, to the extent that additional imprisonment occurs, there will be a fiscal impact for the Department of Corrections.

FISCAL NOTE

STATE OF ALASKA
1991 LEGISLATIVE SESSION

BILL NO. CSSB 105(JUD)

Revision Date: _____
Title: Minimum Penalty for Joyriding

Department Affected: Public Safety
BRU: Alaska State Troopers
Component: Detachments

Sponsor: Senator Jones
Requestor: Senate Judiciary

COMPONENT SERIAL NO.

	7	9	9
--	---	---	---

EXPENDITURES/REVENUES: (Thousands of Dollars) (Inflation not Included)

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

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

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

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER/PROG RCPT						
TOTAL	-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 None

ANALYSIS: (Attach a separate page if necessary)

No fiscal impact upon the Alaska State Troopers is anticipated.

Prepared by: Gayle Horetski, Deputy Commissioner Phone: 465-4322
Division: Office of the Commissioner Date: 4/17/91

Approved by Commissioner: *Gayle A. Horetski* for Richard L. Burton
Agency: Department of Public Safety Date: 4/17/91

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

DIVISION OF LEGAL SERVICES

JAN 30 1991

**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

January 30, 1991

SUBJECT: Amending the penalty for misdemeanor
joyriding (W. O. 7LS0590A)

TO: Senator Lloyd Jones

FROM: John B. Gaguine *JBG*
Legislative Counsel

The legislation imposes a mandatory minimum sentence for a first conviction for the offense of misdemeanor joyriding ("criminal mischief in the third degree") involving the taking of a propelled vehicle in which the damage or expenses are less than \$500. A first conviction for the offense is defined as a class A misdemeanor, with normal maximum penalties of a \$5000 fine and one year in jail. Under this bill, one convicted would face a mandatory sentence of

- imprisonment for a minimum of 72 hours;
- a minimum fine of \$250; and
- payment of restitution as the court may order.

The court would be precluded from suspending imposition or execution of sentence and would be precluded from admitting the convicted defendant to probation unless the minimum sentence was served.

In essence, the penalty incorporates the content of the penalty for first offense Driving While Intoxicated (AS 28.35.030(c)).

Although this bill suggests a "go to jail" approach, under AS 33.30.151 - 33.30.161, the mandatory sentence required by the bill may be served in a correctional restitution center.

Senator Lloyd Jones

January 30, 1991

Page 2

The penalty for felony joyriding, involving damage to the vehicle of \$500 or more--a class C felony--is unchanged: a maximum fine of \$50,000 and maximum term of imprisonment of five years.

JBG:pl

91-040.plm

Department of Law
Proposed Amendment to HB 123/SB 105
April 2, 1991

Whenever possible, sentencing provisions appear in AS 12.55, rather than as part of the statute defining the criminal offense. In accordance with this policy, this bill should amend AS 12.55.135 ("sentences of imprisonment for misdemeanors"), rather than AS 11.46.484.

It could do so by moving existing AS 12.55.135(e) to (f) and adding a new (e), which would read:

A defendant convicted of criminal mischief in the third degree in violation of AS 11.46.484(a)(2), whose conviction is not a felony, shall be sentenced to a minimum term of imprisonment of not less than 72 hours, payment of a fine of not less than \$250, and restitution.

John
Please prepare a draft
CS SB 105 (Jud) as above -
T Banks -

Department of Law
Proposed Amendment to HB 123/SB 105
April 2, 1991

Whenever possible, sentencing provisions appear in AS 12.55, rather than as part of the statute defining the criminal offense. In accordance with this policy, this bill should amend AS 12.55.135 ("sentences of imprisonment for misdemeanors"), rather than AS 11.46.484.

It could do so by moving existing AS 12.55.135(e) to (f) and adding a new (e), which would read:

A defendant convicted of criminal mischief in the third degree in violation of AS 11.46.484(a)(2), whose conviction is not a felony, shall be sentenced to a minimum term of imprisonment of not less than 72 hours, payment of a fine of not less than \$250, and restitution.



*City of Petersburg
P. O. Box 329
Petersburg, Alaska 99833*

February 29, 1988

Senator Lloyd Jones
Pouch V
Juneau, Alaska 99811

Dear Senator Jones:

A petition has been circulated by Petersburg residents calling for the crime of Criminal Mischief in the Third Degree (a Class A misdemeanor) for vehicle theft be increased to a felony offense category.

The Petersburg Police Chief has advised the City Manager that the District Attorney's office has been reluctant to charge persons stealing cars in Petersburg with Theft in the Second Degree, a C Felony, because one of the elements of that offense is that the person taking the vehicle has the intent to deprive the owner of the property indefinitely. In that Petersburg is on an island, the District Attorney's office feels that proving that element would be difficult or impossible and have elected to charge under the criminal Mischief statutes. Unless there is damage done over \$500 to the vehicle taken, Criminal Mischief statutes require that the person be charged with Criminal Mischief in the Third Degree, an A Misdemeanor.

It seems somewhat incongruent that a person in Petersburg can enter a home and take a \$600 VCR and be later apprehended and charged with Burglary in the Second Degree, a C Felony, and that another person can take a \$10,000 vehicle from the street or a driveway and when apprehended only be charged with Criminal Mischief in the Third Degree, an A Misdemeanor.

During 1987, registered owners reported ten vehicles stolen and the investigations into these thefts showed the registered owners suffered a property damage loss totaling \$481.30. These losses did not include losses such as inconvenience to the owners such as towing, etc. So far in 1988, the police department has had three vehicles reported stolen and property damage has amounted to \$15,771.72 which should result in one to two felony charges due to the excessive damages.

Most other states classify auto theft as a felony and with the increasing cost of vehicles and the inconvenience of such a loss, it seems appropriate that the State of Alaska increase the penalty and level of this offense so that it is consistent with the theft of other valuable property.

Sincerely,

Patricia Curtis
Yes.

Doug Barber, Mayor
City of Petersburg

MAR 2 1988

February 26, 1988

Senator Lloyd Jones
P.O. Box V (MS-3100)
Juneau, Alaska 99811

Dear Senator Jones:

Enclosed please find copies of the petition that has been circulating in Petersburg. The citizens of Petersburg would like the Legislature to change the Laws regarding Stolen Vehicles. We feel that a person who steals a vehicle, be it an automobile, boat, or airplane: should be prosecuted as having committed a Felony, rather than Criminal Mischief. The fact that we live on an island is immaterial, and should not make a difference in the level of punishment for stealing a vehicle.

Only you, as our elected representative, can author a Bill to change the Law. So we are formally requesting you to do this.

If I can be of any assistance to you in doing this, please feel free to contact me.

We still have petitions out, in Petersburg, but it appears that we have 100% of the adult population in favor of the above change; AND we also have the endorsement of the Petersburg City Council.

Respectfully yours,


Gayle M. Eastwood

enc:

cc: Governor Cowper
Representative Sund
Representative Taylor

We, the citizens of Petersburg, feel the need for a change from "Joy-riding" to Grand Theft Auto. if a person steals a vehicle. We feel that it is immaterial if we live on an island or not. It is a case of taken someone's property without their permission and should receive the penalty for their actions. If the owners leave their key in the ignition, that is between their insurance company and themselves. The thief should be prosecuted as a car thief.

NAME	ADDRESS
Ken Taylor	Box 1677 PS6 AK
R. Christensen	Box 824 Petersburg AK
J. Olson	Box 814 P.O. No.
B. Welds	Box 875 P.O. No.
Larry Basinger	Box 521 PS6 AK
Larry Basinger	Box 521 Petersburg AK
Manish - Manishi	Box 1030 PS6 AK
Manish - Manishi	Box 912 P.O. AK
Manish - Manishi	Box 990 Petersburg AK
Manish - Manishi	Box 730 P.O. AK
Manish - Manishi	Box 162 PS6 AK
Manish - Manishi	Box B. 10630 PS6
Manish - Manishi	Box 231 Petersburg AK
Manish - Manishi	Box 615 PS6
Manish - Manishi	Box 454 Petersburg AK
Manish - Manishi	Box 1115 -
Manish - Manishi	PO 707 Petersburg, Alaska
Manish - Manishi	PO Box 581 Petersburg Alaska
Manish - Manishi	PO Box 1336 PS6 AK
Manish - Manishi	PO Box 1348 Petersburg AK
Manish - Manishi	PO Box 1056 Petersburg AK
Manish - Manishi	P.O. Box 1113 PETERSBURG, AK
Manish - Manishi	PO. 1308 277 PS6 AK
Manish - Manishi	Box 452 Petersburg Alaska
Manish - Manishi	Box 770 PS6 AK
Manish - Manishi	Box " " AK
Manish - Manishi	Box 481 Petersburg
Manish - Manishi	Box 253 PS6
Manish - Manishi	Box 1711
Manish - Manishi	Box 1271 PS6 AK
Manish - Manishi	Box 1252 PS6 AK
Manish - Manishi	Box 1195 PS6 AK
Manish - Manishi	Box 1083 PS6 AK
Manish - Manishi	Box 1557 PS6 AK
Manish - Manishi	Box 1187 P.O. AK
Manish - Manishi	Box 434 " " "
Manish - Manishi	Box 1531 P.O. AK
Manish - Manishi	Box 352 " " "
Manish - Manishi	Box 504 " " "
Manish - Manishi	Box 1701 " " "
Manish - Manishi	Box 1701 " " "

We, the citizens of Petersburg, feel the need for a change from "Joy-riding" to Grand Theft Auto. If a person steals a vehicle. We feel that it is immaterial if we live on an island or not. It is a case of taken someone's property without their permission and should receive the penalty for their actions. If the owners leave their key in the ignition, that is between their insurance company and themselves. The thief should be prosecuted as a car thief.

NAME	ADDRESS	
Dave N. Ohmer	413 Sandy Beach Road	Dave Oh
Arthur Powell	Box 627	P. O. Box
Alvin W. Collins	801 Sandy Beach Road - Apt 272	Petersburg Alaska
James R. Isom	210 Millard	2nd Fl
John J. ...	110 HARBOR WAY	INTL
John Henderson	1125	John Henderson
Walter T. Johnson	Box 1655	
Spencer Mungden	Box 1701	
JERRY HEAD	P.O. Box 1135	
R.H. Sherman	P.O. Box 89	34/9
Fay Willard	Box 941	AK
Jim Dan Ruse	Box 1751	AK
Helen Dean	Box 689	503 Nordic Dr. Helen Dean
Donald ...	Box 1002	
Walter ...	P.O. Box 35	MILITARY A.F.
Paul ...	P.O. Box 1091	
Charles W. ...	P.O. Box 38	117B Valkyrie St Petersburg AK
Montgomery ...	P.O. Box 501	Petersburg AK
Paul W. ...	Box 782	IV
Paul ...	Box 836	Petersburg
...	Box 32	AK
Al Miller	Box 1524	P.O.
James P. ...	Box 947	Petersburg AK
James ...	Box 978	P.S.G.
Charles ...	High Del.	FEB Cuddeap Beer
Frank ...	Box 1225	PSG, AK 99833
Byron ...		
...	Box 544	CITY
Christina ...	Box 1746	CITY
...	Box ?	PSG
...	P.O. Box 1225	PSG
Robert ...	Box 416	PSG
...	Box 76	PSG
Robert ...	Box 988	PSG
...	Box 1767	PSG
James ...	Box 484	PSG
ROBERT ...	Box 662	PSG
...	Box 1264	PSG
David ...	Box 396	PETERSBURG, AK
...	" 1628	
...	" 1628	
...	" 260	PSG AK
...	Box 1505	PSG AK

We, the citizens of Petersburg, feel the need for a change from "Joy-riding" to Grand Theft Auto, if a person steals a vehicle. We feel that it is immaterial if we live on an island or not. It is a case of taken someone's property without their permission and should receive the penalty for their actions. If the owners leave their key in the ignition, that is between their insurance company and themselves. The thief should be prosecuted as a car thief.

----- Please put Street address -----

NAME	ADDRESS
Richard Martin	Behrenda Clayton Box 883 Petersburg AK 99833 #9 Beach St.
Verna Wagoner	Wright " " " "
Sharon White	Box 1603 PSC
James D. Wood	P.O. Box 1440 Petersburg AK 99833
Jenny Capen	Box 1378 Petersburg AK 99833
Mark Lyden	Box 1021 Petersburg AK 99833-1021
Johanna Berk	Box 547 Petersburg AK 99833
Rita Jack	Box 333 400 2nd Ave. N Petersburg AK
Tocotia Single	Box 315 105 55th St Petersburg AK 99833
Margaret Keritz	Box 1113 1004 N. Nordic Dr Petersburg AK 99833
Jerisa Stacie	200 Sailing Beach Road Petersburg AK 99833
Charmilla	301A Mitkof Hwy DSG AK 99833
Wren Severson	Box 1502 PSC AK 99833
Debra J. Carrill	Box 384 384 Mitkof Hwy PSC AK 99833
Teresa Gordon	Box 1565 PSC AK 99833
Beverly Hammer	Box 723 220 Kenner St PSC AK 99833
Eric S. Sula	205 2nd St Petersburg AK 99833
Michael J. Mearns	Box 11341 Petersburg AK 99833
William Rose	Box 1010 Petersburg AK 99833
Eric Rose	Box 1114 703 Mitkof Highway Petersburg
Debra Ruth	Box 1008 310th S. Nordic Dr Petersburg AK 99833
Victoria McDonald	Box 556 103 Lewis Lane Petersburg AK 99833
MARGARET ROGERS	Box 893 602 IRA ST. Petersburg AK 99833
Yvonne Johnson	Box 1010 1113A Waltham (Petersburg) AK 99833
Jella R. Taylor	Box 16 706 N. Nordic Dr Petersburg AK 99833
Therese (Berk)	1621 1010 N. Nordic Dr Petersburg AK 99833
KATHRYN CHANEY	1276 1008B N. NORDIC DR. PETERSBURG AK 99833
David E. Halvick	PO Box 913 Dave's handling Petersburg
Theresa Ball	P.O. Box 1476 Petersburg Alaska
Viaclynn Bunnell	706 Odin Dharma AK
Cecilia Erickson	PO 1404 Petersburg
Marie Bush	Box 64 Petersburg Alaska
John J. White	Peter's Petaluma DRN DRK Petaluma AK 99933
Jana White	Tina Huggert Div 173 Petersburg Alaska 8 HUNTERFORD Hill
Ray Beam	321 Mitkof Hwy Petersburg AK 99833 (Box 1618)
John J. White	Box 246 Petersburg AK 99833
Kath A. Wood	Box 797 PSC AK 99833
Yvonne Meucci	Box 1086 541 Mitkof Highway Petersburg AK 99833
Dick Aho	Box 1272 103 Cornelius Ed Petersburg AK 99833
Yvonne Eberberger	Box 164 285 Mitkof Highway Petersburg AK 99833
John J. White	Box 105 Pet AK
Maria Small	Halvick Hwy AK
Dorothy Caples	Box 524 PSC AK 99833 (205 from)
Martha	176 1st St " " " "

We, the citizens of Petersburg, feel the need for a change from "Joy-riding" to Grand Theft Auto, if a person steals a vehicle. We feel that it is immaterial if we live on an island or not. It is a case of taken someone's property without their permission and should receive the penalty for their actions. If the owners leave their key in the ignition, that is between their insurance company and themselves. The thief should be prosecuted as a car thief.

NAME	ADDRESS	
Thomas Duncan	711 Wrennell Ave.	Petersburg
W. H. H. H. H.	116 Wrennell St.	Petersburg
Arthur A. Bess	405 Tanager Rd.	Petersburg
Robert R. Venable	405 Tanager Dr.	Petersburg
John H. H. H.	723 Wrennell Ave.	Petersburg
Richard H. H.	361 Wrennell St.	Petersburg
Clark Moulton	P.O. 716	Petersburg
Myrtle	P.O. 271	City
Sam D. H.	#4 200 2nd St. Bx 622	City
Audrey Moulton	1306 Wrennell Bx 385	Petersburg
R. R. Cook	P.O. Box 1675	Petersburg
Marcia H.	P.O. Box 815	Petersburg
Wanda Battuck	P.O. Box 1718	Petersburg
Howard H.	P.O. Box 871	Petersburg
Alice H.	Box 447	Petersburg
Caroline H.	Box 74	Petersburg
Elizabeth G. H.	Box 1093	Petersburg
Beulah D. H.	Box 1043	Petersburg
Naomi H.	Box 730	Petersburg
Bernice A. H.	General Delivery	Petersburg
Frances H.	Box 710	Petersburg
Lucy H.	Box 695	Petersburg
Richard P. H.	Box 1434	Petersburg
Rene MacDonald	Box 575	Petersburg
Pete Wall	Box 495	Petersburg
David H.	P.O. Box 272	Petersburg
Margaret H.	P.O. Box 443	Petersburg
Sonia H.	P.O. Box 190	Petersburg
Walter H.	P.O. Box 1063	Petersburg
Lillian H.	P.O. Box 427	Petersburg
Ed H.	P.O. Box 119	Petersburg
Theresa H.	Box 1275	Petersburg
Theresa H.	Box 1516	Petersburg
Ray H.	Box 1111	Petersburg
Bessie H.	Box 51	Petersburg
Brenda H.	Box 1082	Petersburg
John H.	Box 1082	Petersburg
John H.	Box 1327	Petersburg
John H.	Box 487	Petersburg
John H.	Box 6473	Petersburg
John H.	Box 1111	Petersburg
John H.	Box 1503	Petersburg
John H.	Box 930 901 Ave	Petersburg

Mary
 Kent Road Box 174 City
 Shiloh Road PO Box 174 City

We, the citizens of Petersburg, feel the need for a change from "Joy-riding" to Grand Theft Auto, if a person steals a vehicle. We feel that it is immaterial if we live on an island or not. It is a case of taken someone's property without their permission and should receive the penalty for their actions. If the owners leave their key in the ignition, that is between their insurance company and themselves. The thief should be prosecuted as a car thief.

NAME	ADDRESS
Ernest H. Trask	Box 1333 400 2nd Ave. N. Petersburg, AK 99833
HARLES M. ROSE	Box 1040 Psg. AK. 99833
Robert W. Lutz	Box 881 Psg. AK 99833
Lee Whitehouse	Box 86 Psg. AK. 99833
Vivian Malina	Box 1152 P.S.G. AK 99833
Joseph M. Anderson	Box 1124 P.S.G. AK 99833
Robert McCallister	Box 1724 P.S.G. AK. 99833
Russ Whitell	Box 1353 P.S.G. AK. 99833
Michael Whitell	Box 1411 P.S.G. AK 99833
Gary D.	Box 119 " " "
Eric Faith	Box 771 " " "
Stanley	361
Chris L. Lutz	Box 285 P.S.G. AK 99833
Karen Lutz	Box 1412 P.S.G. AK 99833
Ernie Mariani	Box 1610 P.S.G. AK 99833
Joe B. B. B.	Box 481 P.S.G. AK 99833
John M. Steele	Box 843 P.S.G. AK 99833
John M. Steele	Box 985 P.S.G. AK 99833
John M. Steele	Box 1658 P.S.G. AK 99833
John M. Steele	Box 97 " " 99833
John M. Steele	Box 1033 " " "
John M. Steele	Box 715 " " "
Christine L. Lutz	Box 253 P.S.G. AK 99833
John M. Steele	Box 279 P.S.G. AK 99833
John M. Steele	Box 125 " " "
John M. Steele	Box 1497 P.S.G. AK "
John M. Steele	Box 363 P.S.G. AK 99833
John M. Steele	Box 163 P.S.G. AK 99833
John M. Steele	Box 373 P.S.G. AK "
John M. Steele	1256 Taina
John M. Steele	Box 173 P.S.G. ALASKA 99833
John M. Steele	181
John M. Steele	Box 455 P.S.G. AK 99833
John M. Steele	Box 1655 P.S.G. AK 99833
John M. Steele	Box 1315 P.S.G. AK 99833
John M. Steele	Box 745 P.S.G. AK 99833
John M. Steele	Box 129 P.S.G. AK 99833
John M. Steele	Box 1778 P.S.G. AK 99833
John M. Steele	Box 1606 P.S.G. AK 99833
John M. Steele	Box 1773 P.S.G. AK 99833
John M. Steele	Box 1555 P.S.G. AK 99833
John M. Steele	Box 523 P.S.G. AK 99833
John M. Steele	Box 479 P.S.G. AK 99833

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NAME	ADDRESS	ADDRESS
Courtney Lyons	Box 189	*14 Maxella Petersburg Ak.
Sharon J. Johnson	Box 907	Petersburg AK
Joni J. Johnson	"	"
Mary Lou Johnson	Box 1468	Petersburg AK
Marjorie Johnson	Box 846	PS AK
Elizabeth Johnson	Box 89	PG AK
Judy Johnson	Box 1473	PG AK
Robert Little	Box 898	"
Michael R. Peterson	Box 65	Petersburg AK 99833
Leona L. Wadell/William	Box 1772	Petersburg AK 99833
Judy Wadell	"	"
Marilyn Wadell	Box 331	Dutchman AK 99833
J. Brichell	Box 1026	Petersburg AK 99833
Brookman Jones	Box 77	Petersburg AK 99833
Jane G. Jones	Box 1864	Petersburg AK 99833
Mary Ann Bowen	Box 668	Petersburg AK 99833
Tommy G. Jones	Box 1053	PSG AK
J. Johnson	378	PSG
MULT HILL	Box 1478	PSG 99833
Pat Johnson	PO 365	PSA 99833
John C. Jones	PO 1025	PSA 99833
Ralph Johnson	P.O. Box 512	PSA AK 99833
Malbin J. King	P.O. Box 1638	PSA AK 99833
Ernie Jones	Box 1524	PSL AK 99833
Theresa P. Jones	Box 1005	PSB6 AK 99833
Richard W. Jones	Box 761	Petersburg AK 99833
Patricia Jones	Box 1555	Petersburg AK 99833
Lawrence Jones	Box 133	PSG AK 99833
Eric L. Johnson	Box 1624	PSG AK 99833
Susan H. Hunt	Box 690	Petersburg AK 99833
Way C. Johnson	Box 423	PSG AK 99833
Walter C. Cronlund	Box 363	PSB6 AK 99833
Thomas W. Lawrence	Box 267	PSG AK 99833
Ken Dawson	Box 72	"
Thomas J. Stewart	Box 134	"
Tracy Johnson	Box 710	"
John P. Johnson	Box 925	PSG AK
Mark Johnson	Box 207	PSG AK
Michael J. Neal Price	Box 162	PSB6 AK 99833
Lura Matney	Box 646	PSG AK
Steve Bergman	365	PSG AK
MIKE COOPER	Box 177	PSG AK 99833
William E. [Signature]	Petersburg AK Del	steal a car go to jail

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NAME	ADDRESS
James Stumpf	2012 SANDY BEACH RD
Mrs. Betty Weimer	501 HALLGREN DR. Box 258
Donald Beck	Box 341 805 D
John Koso	Box 716 800 318 th ST. City
Jenna Armer	Box 1563 451 MIKEF HWY.
Wendy (A. L. D. L. T. R. E.)	Box 786 14 S. 3 rd St.
W.C. Armer	Box 725 PSC AK
Archie Buckwell	Box 819 DSN AK
Jack M. Thomas	Box 1290 DSN AK
Elias Lucas	Box 1161 PSC AK
Mitchell L. Eide	Box 15 PSC AK
Paul A. Anderson	Box 1454 JAGG AK
Ernie Deloach	Box 1292 PSC AK
Sam McLaughlin	Box 707 PSC AK
Chris J. [unclear]	Box 1006 PSC AK
Mike Villars	Box 1704 PSC AK
James Stambach	Box 1326 PSC AK
Wendy [unclear]	Box 752 PSC AK
Richard Fleming - Rick Fleming	Box 1092 - Petersburg AK 99833
Jon STEPHEN	Box 584 PSC AK 99833
Joseph M. Hubbard	P.O. Box 1586 PSC AK 99833
Beth Rhoden	Box 426 - PSC AK 99833
Anna Lou SADLER	Box 1463 PSC AK 99833
Tracy & Alex Reid	Box 1167 Petersburg AK 99833
Alan [unclear]	Box 257 Petersburg AK 99833
Dennis [unclear]	Box 730 PSC AK 99833
Richard Burdell II	Box 78 Petersburg AK 99833
Bron At Fuld	Box 141 PETERSBURG AK 99833
Bob Denny	Box 132 II
John W. [unclear]	7 th MI MIKEF HWY
Gene W. [unclear]	Box 1312 PSC AK 99833
Cheryl Christensen	Box 524 PSC AK
Gene Weiser	Box 1424 PSC AK 99833
Quinn [unclear]	Box 952 PSC AK 99833
Monica Martensen	1306 Wicungell Ave - Box 305 Petersburg
Jennis Rogers	857 Wicungell Ave. Box 502 Petersburg AK
Pete [unclear]	Box 414 Petersburg AK 99833
[unclear]	Box 414 Petersburg AK 99833
[unclear]	Box 1173 Petersburg AK
R. D. Mccay	Box 161 PSC AK 99833
Steve Connor	Box 1174 PSC AK
GERHARD HILLER	Box 1361 PSC AK
MIVO [unclear]	[unclear]

We, the citizens of Petersburg, feel the need for a change from "Joy-riding" to Grand Theft Auto, if a person steals a vehicle. We feel that it is immaterial if we live on an island or not. It is a case of taking someone's property without their permission and should receive the penalty for their actions. If the owners leave their key in the ignition, that is between their insurance company and themselves. The thief should be prosecuted as a car thief.

NAME	ADDRESS		
Sis Mathison	Rox 1460	Petersburg Alaska	99833
Edith Mathison	Box 239	"	"
James H. Mathison	Box 504	"	"
Casper Westre	P.O. Box 1530	Petersburg AK	
Lena Eide	Box 114	"	"
Margaret Kroenke	P.O. Box 949	"	"
Emil Eide	Box 274	"	"
Wes Abbott	Box 83	Petersburg Alaska	998
David P. Clayton	Box 185	Petersburg AK	99833
Maryann B. Clayton	Box 852	Petersburg AK	99833
Jack Eide	Box 882	PETERSBURG AK	99833
John Eide	Box 1765	PETERSBURG AK	99833
Margaret A. Eide	General Delivery	Petersburg AK	99833
Margaret A. Eide	Box 981	Petersburg AK	99833
Margaret A. Eide	Box 981	Petersburg AK	99833
Byrd Eide	Box 647	Petersburg AK	
George P. Eide	Box 615	PSG	
William Eide	Box 1520	PSG	
Jack H. Eide	Box 204	PSG	
Thomas Eide	Box 507	"	"
John Eide	Box 557	PSG	
John Eide	Box 577	"	"
Dale Eide	Box 532	PSG	
Ray Eide	Box 504	PSG	
Dray Eide	Box 875	PSG	
James Eide	Box 1967	KU AK	
Sherry Eide	Box 991	Petersburg	
John Eide	Box 152	Petersburg AK	
John Eide	Box 152	Petersburg AK	
John Eide	Box 152	Petersburg AK	
John Eide	Box 523	PSG	
John Eide	Box 125	PSG	
William A. Price	Men. Del.	Dillingham AK	99833
John Eide	Box 16	"	"
John Eide	Box 1303	"	"
John Eide	Box 143	"	"
John Eide	Box 561	"	"
John Eide	Box 172	"	"
John Eide	Box 1580	"	"
John Eide	Box 559	"	"
John Eide	Box 685	"	"
John Eide	Box 513	"	"
John Eide	Box 571	"	"

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NAME	ADDRESS	
Robert M. King	Box 625	PSC
Rocky M. King	Box 446	
William M. King	Box 155	
Michael Jones	Box 206	Petersburg
Michael Conklin	1580	7460
Mary Christman	Box 1	PSC
15711 R. 125	Box 1176	PSC
Brenda F. Hart	Box 1562	PSC
John M. King	Box 1302	PSC AK
Robert Doll	Box 25	PSC AK
V. H. King	Box 973	PSC AK
Robert King	Box 135	PSC AK
Robert Phillips	Gen Del	PSC AK
CHARIS PAINTER	P.O. Box 1147	PSC AK
John King	P.O. Box 1147	PSC
Jay D. Williams	Box 130	P.O. Petersburg
William Smith	P.O. Box 123	P.O. Petersburg
Brian Smith	Box 1161	Box AK 99833
Charles A. Johnson	P.O. Box 1451	Box AK 94833
Charles King	Box 532	PSC
John King	Box 873	PSC
Tom King	Box 681	Petersburg
Stephanie Davis	Box 1423	City
Mike Price	Gen Del	City
John King	Box 174	City
John King	Box 174	City
Andy Kramer	432	"
Heidi King	264	"
Scott Newman	830	"
Michael King	Box 1145	PSC
Paul King	Box 166	PSC
Michael King	Box 935	PSC
Michael King	Box 131	PSC
Michael King	Box 1007	"
John King	Box 1325	PSC
John King	Box 1273	Petersburg
Elaine King	Box 1044	Petersburg
Michael King	Box 1243	Petersburg
John King	Box 446	"
John King	Box 62	Petersburg
John King	Box 275	Petersburg
John King	Box 1185	Petersburg
John King	Box 485	Petersburg

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NAME PRINT	SIGNATURE	STREET ADDRESS	BOX #
Chris Valentine	<i>Chris Valentine</i>	Box 1146	PSG
Jeanne Wheat	<i>Jeanne Wheat</i>	Box 1230	PSG
Toni Wheat	<i>Toni Wheat</i>	Box 1274	PSG
Marge Fike	<i>Marge Fike</i>	Box 181	PSG
Linda Bunge	<i>Linda Bunge</i>	Box 238	PSG
Edward Buzaraki	<i>Edward Buzaraki</i>	Box 1018	PSG
Patricia Nurbst	<i>Patricia Nurbst</i>	Box 1104	PSG
Billie Taylor	<i>Billie Taylor</i>	Box 1267	PSG
Susan Hestrod	<i>Susan Hestrod</i>	Box 1727	PSG
H.C. Gilliland	<i>H.C. Gilliland</i>	Box 107	PSG
Jack Wilson	<i>Jack Wilson</i>	Box 1130	PSG
Jala Milser	<i>Jala Milser</i>	Box 1287	PSG
Faye Ennis	<i>Faye Ennis</i>	Box 213	PSG
Beryl E. Luhn	<i>Beryl E. Luhn</i>	188 Miller Highway	Petersburg
MARK WEAVER	<i>Mark Weaver</i>	Box 1181	PETERSBURG
Barbara Rickard	<i>Barbara Rickard</i>	Box 511	"
Ruth Sandvik	<i>Ruth Sandvik</i>	Box 526	"
Shelley Hiest	<i>Shelley Hiest</i>	Box 1576	PSG
Joy JANSSEN	<i>Joy Janssen</i>	Box 161	8025 Nord. Dr. PS, AK 998
WALTER SITTEN	<i>Walter Sitten</i>	Box 161	PSG
RICHARD J. WALSH	<i>Richard Walsh</i>	Box 1480	PSG
Cynthia Button	<i>Cynthia Button</i>	Box 193	PSG
Laura G. Compton	<i>Laura G. Compton</i>	Box 943	Petersburg
Denise Hulthnick	<i>Denise Hulthnick</i>	Box 775	Petersburg
Alice Langworth	<i>Alice Langworth</i>	Box 328	PSG AK
Ann Wambach	<i>Ann Wambach</i>	Box 643	PSG AK
Kenneth H. Elmree	<i>Kenneth H. Elmree</i>	306 Nord. Dr. Box 1	Petersburg AK 998
Tina M. Curtiss	<i>Tina M. Curtiss</i>	P.O. Box 879	PETERSBURG AK 99833 907-772-3975
William P. Sharp	<i>William P. Sharp</i>	Box 227	Petersburg AK 99833 907-772-4448

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NAME	ADDRESS
DON KOENIGS	Don Koenigs P.O. Box 674 700 EST. PETERSBURG, AK 99833
Myrtle SIAFLESTAD	341 304 Sande Beach 99833
Muriel C. Phillips	P.O. Box 1289 200 S 2nd St. Petersburg 99833
Lesly Philbin	Kieth & Hella P.O. Box 414 100 N 3rd 99833
Kim McFadyen	Kim McFadyen " 792 129 Kings Row " 99833
Miriam Hubert	Miriam Hubert Box 981 108 S Nordic Drive 99833
ALLY AMIYSS	ALLY AMIYSS Box 1332 Petersburg, AK 99833
Phillip M. Adgaard	Phillip M. Adgaard Box 1054 371 M. H. F. Hwy 99833
John E. Wilkes	P.O. Box 157 Petersburg AK 99833
TINA Hilbert	Tina Hilbert Box 873 Petersburg AK 99833
Loren Cornelius	Loren Cornelius P.O. Box 1727 Petersburg, AK 99833
Ruth Dawson	Ruth Dawson P.O. Box 706 Petersburg, AK 99833
Alvaresse Smith	Box 702 Petersburg, AK 99833
Aylina Jansen	Box 802 Petersburg AK 99833
PETER PETRILIS	Box 1637 Petersburg AK 99833
Boy Dorys	Box 1236 Petersburg AK 99833
Maude K. H. H. H.	Box 265 Petersburg AK 99833
John B. Wilke	P.O. Box 1587 Petersburg, AK 99833
John Corner	P.O. Box 1354 Petersburg, AK 99833
Margaret Priest	Margaret Priest Box 9101 Petersburg, AK 99833
Sharon & Alex Kidd	Box 1187 Petersburg, AK 99833
Roy & Sandra Scudler	Box 1676 Petersburg, AK 99833
Christina Morrison	Box 584 Petersburg, AK 99833
VIVIAN F. HEASLEY	Vivian F. Heasley 6604 Petersburg AK 99833
Carol A. Woods	Gen. Del Petersburg AK 99833
Gary Weavil	Box 1481 Petersburg, AK 99833
Jessith A. Brown	Box 771 Petersburg, AK 99833
John H. Lee	Box 514 Petersburg 99833
Flora Baker	Box 491 Petersburg AK 99833
Myrtle Foy	Myrtle Foy Box 691 Petersburg, AK 99833
Thomas M. Koenig	Box 326 Petersburg AK 99833
Michael R. Healey	Michael R. Healey P.O. Box 604 Petersburg, AK 99833
Ethel Davenport	Ethel Davenport Box 1734 Petersburg 99833
Beth Allison-Draus	Beth Allison-Draus Box 967 Petersburg
John H. H.	Box 1463 Petersburg 99833
Kathleen H. H.	Box 97 Petersburg 99833
Sally H. H.	Box 968 Petersburg 99833
Judy S. H.	Box 861 Petersburg 99833
Dee Brantley	Box 238 Petersburg 99833
Sara Burkhardt	Box 1530 Petersburg 99833

Adam P. Eubank

Box 234 City

Thomas W. Rockwell

Box 1305

Petersburg

Louis McNeil

Box 601

Petersburg

City

Wendy Davis

Box 142

Petersburg

99833

Berry E. Bracken
Box 1201
705 Sandy Beach Road

Dist

Jean A. Curry
Box 583

Margaret Rubin
Box 1207
967 Whynge

Kath. Hammer
Box 1194
104 S. Sing, 1st Alley
P.O. Box 99833

Patly Thompson
Box 608
906 20 Ave
P.O. Box 99833

Bob Bennett
Box 916
724 W. Mitchell Hwy.
P.O. Box 99833

S B

1 1 2

**SEVENTEENTH LEGISLATURE
SENATE JUDICIARY COMMITTEE BILL FILE**

BILL NUMBER: CS SB 112 (HES)

ABBREVIATED TITLE: Anatomical Gifts

SPONSER: Fahrenkamp ORIGINAL RECEIVED: March 6, 1991

WRITTEN REQUEST TO SCHEDULE REC'D: _____ FROM: _____

SPONSER'S STATEMENT REC'D: _____ FROM: _____

SECTIONAL ANALYSIS RQST'D: _____ FROM: _____

SECTIONAL ANALYSIS RECEIVED: _____

FISCAL NOTE (ORIGINAL)

RQST'D OF: _____

REC'D FROM: Public Sat. DATE: With Bill File

RQST'D OF: _____

REC'D FROM: HSS DATE: 3-10-91

RQST'D OF: _____

REC'D FROM: _____ DATE: _____

FISCAL NOTE (C.S.)

RQST'D OF: _____

REC'D FROM: _____ DATE: _____

RQST'D OF: _____

REC'D FROM: _____ DATE: _____

RQST'D OF: _____

REC'D FROM: _____ DATE: _____

FIVE DAY NOTICE GIVEN: 28 Feb 91 NOTICE OF HEARINGS GIVEN: _____

COMMITTEES OF REFERRAL: FIRST: HSS SECOND: JUD THIRD: _____

COMMITTEE ACTION

DATE:	
<u>3-19-91</u>	<u>Debate Admin amendment -</u>
_____	<u>Passed w/ David Red CS + 2 amendments -</u>
_____	<u>Need to circulate & assign for signature.</u>
_____	<u>Sent to LAA for final draft 3-19-</u>
<u>3-27</u>	<u>Called LAA for CS in finished form -</u>
_____	<u>Delivered original to Collins -</u>
<u>4-3-91</u>	<u>All original DePass turned in to office.</u>
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

PERSONS TO BE NOTIFIED OF HEARING

- | | |
|----------------------------------|---------------------------|
| 1. SPONSOR <u>Fahrenkamp HES</u> | 5. <u>Barbara Johnson</u> |
| 2. AGENCY <u>HES</u> | 7. _____ |
| 3. <u>Hospital Assoc.</u> | 8. _____ |
| 4. _____ | 9. _____ |
| 5. _____ | 10. _____ |

Get CS -

FISCAL NOTE

STATE OF ALASKA
1991 LEGISLATIVE SESSION

BILL NO. SB 112

Revision Date: _____ Department Affected: Public Safety
Title: An Act relating to anatomical gifts. BKU: Alaska State Troopers
Component: Detachments

Sponsor: Senator Fahrenkamp
Requestor: Senate HESS

COMPONENT SERIAL NO.

	7	9	9
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EXPENDITURES/REVENUES: (Thousands of Dollars) (Inflation not Included)

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

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

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

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER/PROG RCPT						
TOTAL	-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 None

ANALYSIS: (Attach a separate page if necessary)

No fiscal impact on Alaska State Troopers.

Prepared by: Gavle A. Horetski Phone: 465-4322
Division: Commissioner's Office Date: 3/5/91
Approved by Commissioner: *Richard L. Burton* Richard L. Burton
Agency: Department of Public Safety Date: 3/5/91

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

REQUEST: FISCAL NOTE

Revision Date: _____ Agency Affect: Health & Social Services
 Title: Anatomical Gifts BRU: State Health Services
 Sponsor: Falirenkamp Components: Public Health Administration
 Requester: Senate HESS

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 91	FY 92	FY 93	FY 94	FY 95	FY 96
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants, Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL	0.0	0.0	0.0	0.0	0.0	0.0
----------------	-----	-----	-----	-----	-----	-----

REVENUE	0.0	0.0	0.0	0.0	0.0	0.0
----------------	-----	-----	-----	-----	-----	-----

FUNDING: (Thousands of Dollars)

General Funds	0.0	0.0	0.0	0.0	0.0	0.0
Federal Funds						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS

Full-Time	0					
Part-Time	0					
Temporary	0					

ANALYSIS: (attach a separate page if necessary)

No fiscal impact.

Prepared By: Alfred G. Zangri
 Division: PUBLIC HEALTH

Phone: 465-3090
 Date: 02/27/91

Approved By Commissioner: Theodore Mala, M.D., MPH
 Agency: HEALTH & SOCIAL SERVICES

Date: 3-5-91

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

Alaska State Legislature

SENATOR BETTYE FAHRENKAMP
CHAIRMAN, LEGISLATIVE COUNCIL
CHAIRMAN, ADMINISTRATIVE REGULATION
REVIEW COMMITTEE
119 N. CUSHMAN STREET, SUITE 201
FAIRBANKS, ALASKA 99701
OFFICE (907) 452-4882
HOME (907) 456-2899



Senate

WHILE IN JUNEAU
P.O. BOX V
JUNEAU, ALASKA 99811
CAPITOL, ROOM 125
OFFICE (907) 465-3834
HOME (907) 780-6027

MEMORANDUM

TO: All Senators

FROM: Senator Bettye Fahrenkamp

DATE: April 15, 1991

SUBJECT: CS SB 112 (Judiciary)
An Act relating to anatomical gifts.

BILL SUMMARY

- * Reinforces that an individual's decision to donate body organs does not require the consent or concurrence of any individual after the donor's death.
- * Requires that a reasonable search must be made for documentation that identifies the individual as a donor or as someone who has refused to make an anatomical gift. Failure to do so may result in administrative sanctions.
- * Law enforcement or medical personnel and hospitals located in areas where hospitals don't have the provisions to accept an organ donation, are exempt from being required to make a reasonable search for documentation. But the hospital is required to make an effort to contact a donor bank if they are aware that the individual is a donor.

FISCAL IMPACT: Zero fiscal notes from HESS and Dept. of Public Safety.

PREVIOUS COMMITTEE ACTION:

HESS: DO PASS Sturgulewski, Cotten and Menard.
JUDICIARY: DO PASS Halford, Collins, Adams and Frank.

DEPARTMENT POSITION: Supported by the Department of Public Safety.

ABOUT THE BILL:

Currently hospitals require the consent of the next of kin before accepting an organ donation. SB 112 requires that hospitals and organ procurement centers comply with the wishes of the individual to make a gift upon their death and not require the consent of another person. Hospitals that are not equipped to accept a donation are required to make a reasonable effort to contact a donor bank if the individual is an organ donor.

CORRECTION

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

Alaska State Legislature

SENATOR BETTYE FAHRENKAMP
CHAIRMAN, LEGISLATIVE COUNCIL
CHAIRMAN, ADMINISTRATIVE REGULATION
REVIEW COMMITTEE
119 N. CUSHMAN STREET, SUITE 201
FAIRBANKS, ALASKA 99701
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HOME (907) 456-2899



Senate

WHILE IN JUNEAU
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JUNEAU, ALASKA 99811
CAPITOL, ROOM 125
OFFICE (907) 465-3534
HOME (907) 780-6027

MEMORANDUM

TO: All Senators

FROM: Senator Bettye Fahrenkamp

DATE: April 15, 1991

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An Act relating to anatomical gifts.

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PREVIOUS COMMITTEE ACTION:

HESS: DO PASS Sturgulewski, Cotten and Menard.

JUDICIARY: DO PASS Halford, Collins, Adams and Frank.

DEPARTMENT POSITION: Supported by the Department of Public Safety.

ABOUT THE BILL:

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Alaska State Legislature



Senate

SENATOR BETTYE FAHRENKAMP
CHAIRMAN, LEGISLATIVE COUNCIL
CHAIRMAN, ADMINISTRATIVE REGULATION
REVIEW COMMITTEE
119 N. CUSHMAN STREET, SUITE 201
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OFFICE (907) 452-4882
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WHILE IN JUNEAU
P.O. BOX V
JUNEAU, ALASKA 99811
CAPITOL, ROOM 125
OFFICE (907) 465-3834
HOME (907) 780-6027

TO: Senator Rick Halford, Chair
Senate Judiciary Committee

FROM: Senator Bettye Fahrenkamp

DATE: March 7, 1991

SUBJECT: Senate Bill 112
"An act relating to anatomical gifts."

A constituent of mine, upon renewing his driver's license this summer, decided to become an organ donor. He was then advised that hospital policy still required the consent of next of kin or they would not accept the donation.

By accepting next of kin's refusal to honor an organ donor's wishes, hospitals and organ procurement centers may be withholding medical care from transplant recipients. This would hold particularly true in the instance where a recipient is on hand and the next of kin cannot be reached to ask for consent. No one should interfere with an individual's right to make the final decision on organ donation.

BILL SUMMARY:

SB 112 clarifies that an individual's decision not revoked by the donor before death does not require the consent or concurrence of any person after the donor's death.

SB 112 also requires that a reasonable search must be made for documentation that identifies the person as either a donor or someone who has declined to donate. Failure to make a reasonable search may be the basis for appropriate sanctions under regulations of the Department of Health and Social Services, the State Medical Board or private hospital accrediting organizations. Any hospital or person acting in good faith or attempting to do so in accordance with this chapter could not be held liable for any damages.

SB 112 is an attempt to put the decision about organ donation back into the donor's hands, while clearly defining the protection against liability to hospital officials and physicians who act on the basis of signed donor cards.

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February 21, 1991

As Joel Swerdlow of the Annenberg Washington Program wrote in Matching Needs, Saving Lives, "By letting donors themselves decide, we protect two basic values: First, we protect our right to decide, which is already granted by law. Second, we can save lives: when health-care institutions accept the next of kin's refusal to honor an organ donor's wishes, they may be withholding medical care from transplant candidates."

I urge your early scheduling and favorable consideration of this measure. I would be happy to answer any questions you may have and provide further information upon request.