

**ALASKA LEGISLATURE COMMITTEE FILES 1997-1998 8672**

**9620 SENATE LABOR & COMMERCE**

We, the undersigned Alaska residents, voters, and working men and women in the Anchorage area, strongly oppose the passage of HB 68 and the Senate companion Bill No. 169. These bills have been termed "family/worker friendly;" we see it as quite the contrary. These bills weaken present labor laws and allow employers to work their employees beyond the eight hour shift without paying overtime. Excessive hours without overtime will displace workers by eliminating the three shift day and layoffs will result. Changing a law that protects Alaskan workers based on the economic needs of a single employer is a disservice to all working Alaskans. PROTECT WORKING ALASKANS AND VOTE "NO" on these two bills.

Name

Donald McArthur  
 [Signature]  
 [Signature]  
 Fabrice Currier RN  
 Carl Matter  
 [Signature]  
 Monica Hughes  
 Wendy Dawson  
 Herb Culler  
 [Signature]  
 [Signature]  
 [Signature]  
 [Signature]  
 Denise Trickett

Name

[Signature]  
 Sue Bailey  
 Bruce Martin  
 Tim Minnis  
 Carl Matter  
 [Signature]  
 James R. Baker  
 Anna Mc Mahon  
 Tom Marshall  
 John H. Surabai  
 Nancy Hartman  
 [Signature]  
 [Signature]  
 Faith & Hae,  
 Kaunette L. Hose





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Name

Robert Watkins

Steve Barnes

Darrell Little

Bennie A. Reed

David ...

John ...

Tom Fisher

John ...

John ...

John ...

John ...

John ...

John ...

John ...

Name

Thomas Palmer

John ...

David Little

John ...

John ...

John ...

John ...

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John ...

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John ...

John ...

John ...

John ...



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Name

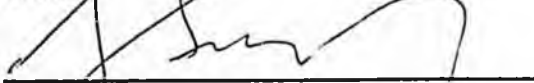
Andrew Green  
 Sandra Swanson  
 Ly dwelkins  
 Muriel Hackett  
 Ansel mondal  
 Topic Kutz  
 Alissa Hagman  
 Stuart S. Diley  
 Will [unclear]  
 Mathew wells  
 [unclear]  
 Billy [unclear]  
 Miranda [unclear]  
 Jeremy [unclear]

Name

Chase [unclear]  
 Muri [unclear]  
 H Johnston  
 Bonni [unclear]  
 Eric H. [unclear]  
 Stacy [unclear]  
 Anita G. Hansen  
 John [unclear]  
 Jean [unclear]  
 [unclear]  
 Felup Delpati  
 Maggie Hansen  
 Kaye [unclear]  
 [unclear]

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Name



Karen Mason

K. Mark Mason

Janet K Masery

John Dermaton

Rebecca Whitehurst

Shaun Hornesky

Kathleen F. McLaughlin

Beverly McLaughlin

Jean A Blumensly

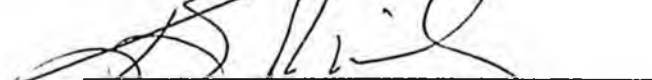
Tom D. Moe

Jayna Taylor

Alan Spring



Name



K. J. McQueen

Alison MacLitt

Maria M. Brown

Carol Bates

Les F. Wind

Jane Elliott

Jerry Hill

William Stale

Mako Koike

Ralph Butler

Robert Malone

Paul Hancock

Laura Costa

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Name

[Signature]  
Sabrina Odom  
Kimberly J. Wells  
Kathy A. Durand  
Jhaci Aguirre  
Jane Tranel  
[Signature]  
Diana Sykes  
[Signature]  
Trina J. Wells  
Tiffany Lehn  
Debbie Thompson  
[Signature]  
Jessie M. Mullen

Name

Cliff E. Mulligan  
James B. Harris  
Gloria C. Chalgerakis  
Deborah E. Bode  
Errol A. Torken  
Stella Matting  
Matthew Miller  
[Signature]  
Carrie Dale Ricks  
Michael Canley  
Julie Cross  
Michael P. Fife  
Barb Heathington  
EP Valantow

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Name

Name

Chase  
~~[Signature]~~  
~~[Signature]~~  
Chris Gu  
~~[Signature]~~  
~~[Signature]~~  
~~[Signature]~~  
~~[Signature]~~  
~~[Signature]~~  
~~[Signature]~~  
Henriette Mangin  
Sandra Gutierrez  
Jenny Hansen  
Tiffany Binner  
Jennifer Hart

D. Smallwood  
~~[Signature]~~  
Gene Evans  
Raymond Evans  
Nancy L. Pearson  
Claudia L. Pearson  
Doreen A. Kivallie  
TREN CLARK JR  
~~[Signature]~~  
Justine K. Ford  
~~[Signature]~~  
Roberta nurse  
Jill K. Anderson  
Robert P. Halverson

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Name

Barbara S. ...  
Sandra A. Newman  
Betty A. Brewster  
George Wagg, H.  
George Blain McNamee  
Chickie Sorell  
Melinda Marie  
Eric J. Johnson  
Bill Simeone  
James D. ...  
James Wright  
Robert ...  
David S. ...  
Robert ...

Name

Lillian M. Jensen  
Heidi Archer  
Ted ...  
George A. Babcock  
John Klein  
DDY  
Patricia A. Jones  
John ...  
Martha ...  
Martha ...  
Alec E. Peters  
Margaret ...

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Name

GEORGE SAM

Chauvette Mangum

Miss Camille

Atalima Terry

Susan Mason

Michael Jackson

John Baker

Dani Luvialuk

Carrie L. Brown

Jamie Johannes

David Kelly

Maria A. Valdes

Carol Conroy

Willie L. Buchanan

Name

Bonnie L. Huger

Narissa L. Mulkey

Alma H. Bolton

Lina Phillips

Elinor G. Search

Helga Kvekk

Rae McHale

Carlynn M. Komphoff

Helen A. Sells

Barbara

Victor Lee

Clara

Ann G. Norway

Evelyn Filardi

**SENATE COMMITTEE REPORT**  
**First Committee of Referral**

DATE: 4/10/97

FURTHER:

Date of 5-Day Notice: 4-10-97  
 (in accordance with Uniform Rule 23)

DATE TURNED  
 IN TO OFFICE: 4-17-97

Labor and Commerce Committee considered

SENATE BILL NO. 169

"An Act relating to an exemption from the requirement for payment for overtime under a voluntary work hour plan for work performed by employees at certain mines; and providing for an effective date."

and recommends:

- be replaced with \_\_\_\_\_ CS \_\_\_\_\_ (\_\_\_\_\_)
- adopt previous \_\_\_\_\_ CS \_\_\_\_\_ (\_\_\_\_\_)
- attached amendment(s)
- adopt Letter of Intent by \_\_\_\_\_ Committee
- further referral to the \_\_\_\_\_ Committee

- Senate Bill:**
- same title
  - new title
- House Bill:**
- same title
  - technical title
  - new: SCR# \_\_\_\_\_

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	NR	DNP	AM
<i>Mike Miller</i>	<input checked="" type="checkbox"/>	<i>Tom Keefe</i>	<input checked="" type="checkbox"/>		
		<i>[Signature]</i>	<input checked="" type="checkbox"/>		
<b>CHAIR:</b> <i>Tom A. Leman</i>	<input checked="" type="checkbox"/>	<b>CHAIR:</b>			

**NEW FISCAL NOTE(S):**

Department	Date	Zero	Fiscal
<i>Labor</i>	<i>4/14/97</i>	<input checked="" type="checkbox"/>	

**PREVIOUS FISCAL NOTE(S):\***

Department	Date	Zero	Fiscal

APPROPRIATION -- no fiscal note

\*include fiscal notes accompanying Governor's bill

Submitted by Carol DeNoyes

We, the undersigned Alaska residents, voters, and working men and women in the Fairbanks area, strongly oppose the passage of HB 68 and the Senate companion Bill No. 4-15-97. These bills have been termed "family/worker friendly;" we see it as quite the to Senate contrary. These bills weaken present labor laws and allow employers to work their LTC employees beyond the eight hour shift without paying overtime. Excessive hours without overtime will displace workers by eliminating the three shift day and layoffs will result. Changing a law that protects Alaskan workers based on the economic needs of a single employer is a disservice to all working Alaskans. PROTECT WORKING ALASKANS AND VOTE "NO" on these two bills.

SIGN NAME

PRINT NAME

ADDRESS

1. Kirk W. Mercer KIRK W. MERCER Box 294 Healy, AK. 99743
2. Charles D. Smith III Box 334 Healy AK 99743
3. Gregory V. Zumbel Gregory V. Zumbel Box 136 Healy AK 99743
4. Jeremy Belden Jeremy Belden Box 230 Healy AK 99743
5. Robert Tinsley ROBERT TINSLEY Box 71411 Fairbanks, AK. 99747
6. Michelle Doule Michelle Doule Box 231 Healy AK
7. Earl Phillips Earl Phillips Box 85 Healy AK
8. Stacey Skranek STACEY SKRANEK Box 17 Healy, AK 99743
9. Bruce A. Carter BRUCE A. CARTER Box 48 Healy AK 99743
10. Janita W. Howard Janita W. Howard Box 386 Healy
11. Walt Durham WALT DURHAM Box 313 Healy
12. Kay Durham KAY DURHAM " "
13. Vikki Nicholson VIKKI NICHOLSON PO Box 50027 N.P. AK 99705
14. Kathleen A. Mangon Kathleen A. Mangon PO Box 476 Healy
15. Sharilyne M. Conwood Sharilyne M. Conwood PO Box 475 Healy
16. Patsy Speer PATSY SPEER PO Box 50 Healy
17. Mike Ganaschini Mike Ganaschini PO Box 202 Healy AK 99743
18. Teri L. Lucier TERI L. LUCIER PO Box 503 Healy AK 99743
19. Molly A. Pherry Molly A. Pherry PO Box 133 Healy, AK 99743
20. George R. Hickins George R. Hickins PO Box 111 Healy, AK 99743

We, the undersigned Alaska residents, voters, and working men and women in the Kenai Peninsula area, strongly oppose the passage of HB 68 and the Senate companion Bill No. \_\_\_\_\_. These bills have been termed "family/worker friendly;" we see it as quite the contrary. These bills weaken present labor laws and allow employers to work their employees beyond the eight hour shift without paying overtime. Excessive hours without overtime will displace workers by eliminating the three shift day and layoffs will result. Changing a law that protects Alaskan workers based on the economic needs of a single employer is a disservice to all working Alaskans. PROTECT WORKING ALASKANS AND VOTE "NO" on these two bills.

Name

Ed A. [Signature]  
Sherrisa A. Thomas  
Donell Duncan  
Robert J. [Signature]  
John Reynolds  
[Signature] (under 18)  
Mark [Signature]  
Clifford G. [Signature]  
Robert [Signature]  
Cynthia [Signature]  
Finnian K. DeRissiel  
Kathryn Baldwin  
Bette Schutt  
Billie [Signature]

Name

Mal [Signature]  
Phillip [Signature]  
Helma Musgrove  
Reed [Signature]  
Brian [Signature]  
Robert K. Lindeman  
Robert [Signature]  
[Signature]  
[Signature]  
James [Signature]  
Karen [Signature]  
Steven [Signature]  
Kay [Signature]

We, the undersigned Alaska residents, voters, and working men and women in the Kodiak area, strongly oppose the passage of HB 68 and the Senate companion Bill No. 169. These bills have been termed "family/worker friendly;" we see it as quite the contrary. These bills weaken present labor laws and allow employers to work their employees beyond the eight hour shift without paying overtime. Excessive hours without overtime will displace workers by eliminating the three shift day and layoffs will result. Changing a law that protects Alaskan workers based on the economic needs of a single employer is a disservice to all working Alaskans. PROTECT WORKING ALASKANS AND VOTE "NO" on these two bills.

Name

Name

B. [Signature]  
[Signature]  
[Signature]  
Richard L. Ketchum  
Michael W. Bevans  
[Signature]  
Richard M. Borton  
Melvin L. Borton  
Bart A. Rippen  
Cleo A. Chernoff  
Sandra Pherson  
Christal  
Charles Magnuson  
Robert Magnuson

[Signature]  
[Signature]  
Kenneth P. Wade  
Rick Ketchum  
MICHAEL W. BEVANS  
Lynn Wanzak  
Richard M. Borton  
MELVIN L. BORTON  
Bart A. Rippen  
Cleo A. Chernoff  
SANDRA PHERSON  
CELESTE MARISAL  
Charles MAGNUSON  
ROBERT MAGNUSON

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Name

Name

Thomas M. \_\_\_\_\_

James J. \_\_\_\_\_

George M. \_\_\_\_\_

E.C. \_\_\_\_\_

Charles \_\_\_\_\_

Daniel \_\_\_\_\_

Bill \_\_\_\_\_

\_\_\_\_\_

David E. \_\_\_\_\_

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Name

Name

Zoull Witterman

William Barber

Lanny Moore

Jack Boudreau

Dale M. Stewart

Robert J. Moore

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Apr 04, 97

To Whom it may concern:

Concerning HB 68 and any other bill trying to be passed concerning our laws regarding employment wages should not be passed! Our fathers and grandfathers worked hard to make life as we know it today in our state. Our laws concerning employment are there to protect each and everyone of us, not for Big or small business to have changed just because it doesn't suit their needs at the time. Protest the workers of Alaska!

Sincerely  
Carmen O Eckert.

Dear Sir

House Bill 68 is an anti-worker that gives bosses power to determine when I work and for how long I work. You know and I know that if he can work me longer one day for less pay and not work me the next he will.

I work in the trucking industry in Fairbanks and have a lot of dealings with Ft Knox mine. I have been told if they don't get product on time they can lose a million and a half dollars a day. My question is if they make a million and a half a day, why don't they want to pay their workers.

Next, I don't like the fact that an out of state company comes in and wants the state law makers to change the law so they can make more money and Alaskans make less, how dumb do they think you are?

I can see this bill being a tac hold for any industry that wants to lower the working mans pay. Why wont you do it for trucking or construction if you'd do it for mining.

This is a bad bill all around. The only one that wins is Ft Knox.

I am a voter and will be watching this vote, I urge you to kill this bill

Sincerely Yours

Thomas L. Coj

# PROCLAMATION

## ALASKAN WORKERS RIGHTS. WORKERS AGAINST HB68.

We, the undersigned concerned citizens of Alaska, union and non-union, stand against any further attempts to weaken our existing wage and hour laws and the basic precept of workers earning time and a half pay for hours worked over eight. We oppose HB68 or any legislation that will effect other Alaskan industries to the detriment of all Alaskan workers

SIGN / PRINT NAME  
ADDRESS

1. Stanley L. Besakowski / STANLEY L. BESAKOWSKI  
2340 WILSON WALK RD, NORTH POLE, AK 99705
2. Gordon E. Souza / GORDON E. SOUZA  
300 HOWLAND RD #33, FAIRBANKS AK 99712
3. Gordon R. Oseth / GORDON R. OSETH  
1014 O'CONNOR RD FAIRBANKS AK 99701
4. Carla J. Keller / CARLA J. KELLER  
4448 STANFORD DR. FAIRBANKS AK 99709
5. Roger Holland / Roger Holland  
1257 New Rich. Hwy. North Pole AK 99705
6. Antta C. Kicaki / Antta C. Kicaki  
1005 Pioneer Road Fairbanks, Alaska 99701
7. Diane Claassen / Diane Claassen  
P.O. Box 81879, College, Ak 99708
8. \_\_\_\_\_

MAIL THIS TO THE RULES COMMITTEE IN JUNEAU ALASKA:

# PROCLAMATION

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SIGN / PRINT NAME

ADDRESS

1. Michael N. McLean / MICHAEL N. MCLEAN  
P.O. Box 10403 FAIRBANKS AK 99710
2. Neville R. Lynch / NEVILLE R. LYNCH  
P.O. Box 3007 PALSON, AK 99737
3. William H. McCullum / WILLIAM H. McCULLUM  
1412 BIRCHWOOD DR. FAIRBANKS, AK 99709
4. Alan M. Armbruster / Alan M. Armbruster  
1637 Willow St. Fairbanks, AK 99709
5. Thomas D. Stewart / Thomas D. Stewart  
P.O. Box 60136, FAIRBANKS, AK 99706
6. David D. Straight / DAVID D. STRAIGHT  
Box 10128 FAIRBANKS AK 99712
7. Douglas J. Parsons / DOUGLAS J. PARSONS  
461 MARSHALL DR. FAIRBANKS, AK 99712
8. Cheryl A. Hallett / CHERYL A. HALLETT  
2105 MICAH RD. NORTH POLE AK 99705

MAIL THIS TO THE RULES COMMITTEE IN JUNEAU ALASKA:

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Name  
L. ZAFER  
Lomie W. Deen  
Richard Alan  
John V. Clark  
C. M. Butcher (Mr.)  
Stanley J. Jamel Jr  
William S. Alexander  
Harold R. Fisher  
Clayton R. Ray  
  
William C. Sipe  
Raymond S. Wilkey

Name  
John S. Fitch  
W. M. M. M.  
Willie H. Hensley Jr

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Name

Name

FRANK D HENGESBAUGH

Kathy Kraft KATHY KRAFT

John R Ault JOHN AULT

Ronald R Castillo RONALD CASTILLO

Richard P Bormann RICHARD BORMANN

John Gillette JOHN GILLETTE

Ralph W Mongold RALPH MONGOLD

Ray Cullen RAY CULLEN

Ronald Lenzke RONALD LENZKE

Ray Atka RAY ATKA

Jim Gallegher JIM GALLEGHER

Lindy Alexander LINDY ALEXANDER

Ed Hanson ED HANSON

John Gimbregier JOHN GIMBREGIER

Calvin D. Fickler CALVIN D. FICKLER

Charles Jurgens CHARLES JURGENS

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Name

Name

DON ALLMOND SR. A Williams

\_\_\_\_\_

GEORGIA ANNE JOHNSON ALLEN

\_\_\_\_\_

Fred Kerecny Fred Kane

\_\_\_\_\_

Dave Parker

\_\_\_\_\_

Annie Witt

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Name

Robt. Paul  
Janet Whitely  
Nancy J. Kozler  
Earl C. Sammers  
E. Burges  
Dolores M. Clark  
Carolee Terous  
William D. Hartz  
James Swenson  
Carol Jankovich 456-3608  
Cochran, Candy  
Debbie Smith  
Andree Prochod  
Andrew Hattig  
Juhani Kozlins

Name

Clint J. Reinmann  
Dudley A. Gordon  
Michelle  
Steve Howender  
Wanda M. Lyons  
Kenneth W. Finelburg  
Sylvia A. Wicker  
Mary J. Tomaszak  
Bob Bayler  
Steve J. Malin  
Cherie J. Butterfield  
Daniel Stwood  
Paul L. Hayes

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Name

Name

Donald W Kelly  
 Ralph W. Ridge  
 James R. Russell  
 Linda R. Clay  
 Nancy J. Whitehead  
 Frank Lester  
 Billy Rose  
 Katherine J. Wilkey  
 Sam L. Holm  
 Veka Nails  
 Sigd. Hopson  
 David G. Letts  
 Robert Stoddard  
 Joe Hill

Kevin Miller  
 Irene Watkins  
 Woodell  
 Will. A. Jacobs  
 Warren R. Smith  
 Richard A. Dular  
 Paul Ellis Dorey  
 Marquette Doper  
 Delpha B. Farmer  
 Jerry L. Chamberlain  
 Nelson B. Miller  
 Thomas J. Johnson  
 Melvin  
 Bruce E. Perotti

28

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Name

Name

Robert L. Connor

Harry C. Munier

Paul D. Wolfe

NO Thallo

Karen Swerman

Kathleen Phillips

Ray Cuyler

Andrew Hobbs

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8

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Name

ROBERT McLaughlin

Kent Moeckler

FERRY MUELLER

HENRY GUENZLER

THOMAS HOWARD

SCOTT R. JAMES

PETER DANKER

DAVE TOTA

LARRY J. JIMM

TERRY COSTELLO

MICHAEL CONLEY

EDWARD BUSH

BARRY CRIVANOVICH

HEATHER L. SEWELL

Name

ROBERT McLaughlin

Kent Moeckler

Ferry Mueller

Henry Guenzler

Thomas Howard

Scott R. James

Peter Danker

Dave Tota

Larry J. Jimm

Terry Costello

Michael Conley

Edward Bush

Barry Crivovich

Heather L. Sewell

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Name

Address

George C. Berry

PO Box 81590, FBKS, AK 99718

Lisa Bryant

2936 Gehrmann FBks Ak 99709

Bruce Bennett

P.O. Box 55292 NORTH POLE, AK 99705

Lance May

1655 Woodpecker Ln. FBks. AK 99712

Quinn Olson

2628 Clydesdale DR North Pole, AK 99705

Deb Bennett

253 Bentley Dr. FBks. AK 99701

Randy Smith

4482 DARTMOUTH RD, FBKS 99709

Ed Jones

2043 Hilton, FBKS AK 99701

Anna Dalt

3589 Rose CK FBKS 99708

Karen Rude

PO Box 73416 FBKS, AK 99707

Wayne Balda

206 HOPY DR FBK AK 99701

Bob L. Fox

130 JNA ST. FAIRBANKS 99701

Roger L. Brooks

1208 28th AVE Fairbanks AK 99701

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Name

Name

Carol Rourke

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

Wally White

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[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

Christine R Atwood

[Signature]

[Signature]

[Signature]

Bryan M. King

Bryan D King

[Signature]

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[Signature]

[Signature]

Thomas Hult

[Signature]

(28)

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Name

Name

HA Hopkins

\_\_\_\_\_

Karin A. Johnson

\_\_\_\_\_

Chris M. Bailey

\_\_\_\_\_

James R. Nicholls

\_\_\_\_\_

J. M. Butcher

\_\_\_\_\_

James P. Meskill

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Name

Name

Alan M. M. Zucchi  
Ronald D. Lund  
Ken Becker

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Name

Name

*Susan Gauthier*

*Sherry Johnson*

*Daniel Rautio*

*Mike Ald*

*Blaine Lee*

*LELAND WEAVER*

*Frank Sulisik*

*Ann Lamb Durand*

*James O'Brien*

*Debbie Boyd*

*Don Simons*

*Tony Anderson*

*Tony Anderson*

*[Signature]*

*[Signature]*

*[Signature]*

*Barbara McDonald*

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Name

Carlos Gloria

Debra Branson

Patricia Harrison

R. Walker

Sean Coulery

Ed Davis

Name

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6



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Name

[Signature] <sup>Andrew Wenzel</sup>  
[Signature] <sup>William Jouncky</sup>  
[Signature] <sup>Mark Sayre</sup>  
[Signature]  
[Signature] <sup>Richard Robinson</sup>  
[Signature]  
[Signature] <sup>John Nani</sup>  
[Signature] <sup>John Murphy</sup>  
[Signature] <sup>JOHN FENDER</sup>  
[Signature] <sup>Dorothy Pender</sup>  
[Signature] <sup>Darrell Peterson</sup>  
[Signature]  
[Signature]

Name

[Signature]  
[Signature]  
[Signature]  
[Signature]

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Name

Carl S. ...  
...  
Wendy H. ...  
Dale Riley  
...  
Jessie ... LOCAL  
Jessie Benefield  
R. Galowski  
Fred ...  
...  
John ...  
M. ...  
Gisela Stave  
A. O. ...

Name

V. ...  
Jennifer De ...  
...  
Richard E. ...  
Ricky A. ...  
Hilbert ...  
John ...  
Cynthia ...  
Thomas P. ...  
Thomas ...  
ROCK  
Alycia Mitchell  
W. ...  
Bruce W. Mitchell

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Name

Name

Jacobson, Y. Kugan  
J. J. Peterson  
George Bonatellomer  
Doug G. Sichel  
Thomas E. Sichel  
Carl Hamel  
Doug Tully  
Mark J. Niigushi  
Michael Pickering  
George Wade  
Daryl C. Cote  
Robert W. Winkler  
Mike Jones  
Wally Duff  
Tom Deede  
Martin J. Dambrin

Burns, J. Cotts  
John Phiberg  
Jay Mite  
John  
Milton E. May Jr  
Don Witzgen  
Mike Dawson  
Marly Hays  
Michael Fantazi  
Mark A. Klue  
James A. Young  
Tom C.  
John Edgar Smart Jr  
Med N. Jeffers  
Clyde D. Lorenz  
Sita Kruckenberg Bywater  
Fabian Charles

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Name

Robert Miller

Kentricia M. Moore

Thany Blenier

Jocelyn Martin

[Signature]

W. Keith Ad

Aerde Wagner

Hilda Stark

Sue Sadler

Lynette Polansky

Rebecca A. Priddy

Cheryl J. D. Karella

Michelle [Signature]

Ann Hughes

Name

Kerby Thon

Julia Baer

Danny Spear

Barbara A. Smith

Michael [Signature]

Jempe [Signature]

Christina Williams

A. R. Willey

Beverly Spear

Thom [Signature]

Cathy [Signature]

[Blank]

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(25)

# HEALY

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Name

Daniel M. Cassill

Jim Blashaw

Brent Keith

Jeff P. Grouse

David D. Damm

Scott K. Damm

Robert Engman

William H. Howard

William A. Benck

Keith Durham

Nick D. Damm

Jay Carter

Frank P. Schreyer

Joseph W. Miller

Name

Jack A. Chapman

Wayne LaChapelle

Scott A. Luchie

George S. Luchie

James W. Spange

Steve Rusk

Loren H. Kene

Christaak

W. J. Hall

John E. Westphal

Donald F. Pollock #

Bruce A. Carter

Ken E. Gaud

John B. Parker HEALY

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Name

Deborah SCARIFE

Steve M. Morgan

John C. Blum

Jim Devette

Ryan Thomas

Thomas Jackson

Robert M. ...

Darryl Duffell

John M. Tolson

Michael ...

Ann Schacht

David ...

Henry B. ...

Robert ...

Name

Anna M. Stone

Daniel F. Day

Yacov ...

Ronald ...

Rina ...

Art M. ...

Heidi T. Rain

Pe Simon

Jill ...

J. ...

Magnum ...

... ..

Patricia ...

Kevin M. ...

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SIGN NAME

PRINT NAME

ADDRESS

1. Billy Smart BILLY SMART #C 1 BOX 3955 Healy AK
2. Daniel M. Claspill DANIEL M CLASPILL PO. Box 397 HEALY AK
3. Joyce Elmore JOYCE ELMORE HCL Box 3000 Healy AK 99743
4. James O. Murphy JAMES O. MURPHY PO. Box 243 Healy AK 99743
5. Lyle J. Stratton LYLE STRATTON P.O. Box 120 Healy AK 99743
6. Nancy Stratton NANCY STRATTON P.O. Box 120 Healy AK 99743
7. Joseph D. Rule JOSEPH D. RULE 3000 E BANNER WHEATLAND AK
8. Leslie L. Rule LESLIE L. RULE 3000 E BANNER WHEATLAND AK
9. Mark Spahn MARK SPAHN 5321 TUDOR TOP CR AK AK 99507
10. Linda Spahn LINDA SPAHN 5321 TUDOR TOP CR AK AK 99507
11. Barbara A. Cox BARBARA A. COX P.O. Box 2 Healy AK
12. Thomas A. Brooks THOMAS A. BROOKS P.O. Box 416 HEALY AK 99743
13. David Sawatzky DAVID SAWATZKY P.O. Box 371 Healy AK 99743
14. Jean A. Sawatzky JEAN A. SAWATZKY P.O. Box 371 HEALY AK 99743
15. PO Box 70 Healy AK 99743
16. Shawn Kloster Shawn Kloster Box 68 Healy, AK 99743
17. Zeke Wilkerson Zeke Wilkerson P.O. Box 275 Healy AK 99743
18. Raymond Gilligan
19. Garrett Benich P.O. 225 Healy AK 99743
20. Chris Miller Chris Miller Box 67 Healy 99743
21. Mark Smagala MARK SMAGALA BOX 473 HEALY AK 99743
22. Steve Eickert STEVE EICKERT PO BOX 113 DENALI PARK, AK

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SIGN NAME	PRINT NAME	ADDRESS
1. <u>Anthony J Hoffman</u>	<u>Anthony Hoffman</u>	PO Box 108 Healy
2. <u>L. Scott Killian</u>	L. Scott Killian	Box 341 Healy AK
3. <u>Roger Speer</u>	Roger Speer	Box 303 Healy AK
4. <u>Amy S. Reiskind-Speer</u>	<del>Roger Speer</del> Amy S. Reiskind-Speer	Box 303 Healy AK
5. <u>Heath L. Priestley</u>	Heath L. Priestley	Box 380 Healy AK
6. <u>Karen Keith</u>	Karen Keith	Box 18, Denali AK, AK
7. <u>Brian Rubio</u>	BRIAN RUBIO	Box # 286 Healy
8. <u>Joanne Kovach</u>	Joanne Kovach	Box 118 Healy, AK
9. <u>Lisa E. Taka</u>	Lisa E. Taka	Box 60 Healy AK
10. <u>Cheryl A. Giese</u>	CHERYL GIESE	Box 138 Denali 99755
11. <u>Janet Powers</u>	Janet Powers	Box 79, Healy AK 99743
12. <u>Tom Van Ostrand SR.</u>	TOM VAN OSTRAND SR.	Box 314 Healy AK 99743
13. <u>Bobbi Jean Stewart</u>	Bobbi Jean Stewart	Box 505 Healy AK 99745
14. <u>Adam J Wallin</u>	Adam J Wallin	mile 260 Parks
15. <u>Amy D. Wallin</u>	Amy D. Wallin	mile 260 Parks
16. <u>Senan D. Mahoney</u>	SEAN D. MAHONEY	P.O. Box 72659, Fairbanks, AK 99707
17. <u>Gary D. Dixon Jr.</u>	GARY D. DIXON JR.	1080 Postlat H Anchorage 99503 AK,
18.		
19.		
20.		

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SIGN NAME	PRINT NAME	ADDRESS
1. <del>Thomas A. Pharo</del>	THOMAS PHARO	H C - 1 Box 3453 Healy AK 99743
2. <del>Brett Baysinger</del>	BRETT BAYSINGER	P.O. Box 264 Healy AK 99743
3. <del>Richard Anderson</del>	RICHARD ANDERSON	PO Box 103 - Healy AK 99743
4. <del>Gary L. Dixon</del>	GARY L. DIXON	PO Box 80 Healy AK 99743
5. <del>Jens Graham</del>	JENS GRAHAM	Box 337 Healy AK
6. <del>Rand Bailey</del>	RANDE BAILEY	PO 3039 ANDERSON
7. <del>Dianne W Burbank</del>	DIANNE BURBANK	P.O. Box 245 Healy AK
8. <del>Jane Tranel</del>	JANE TRANEL	PO Box 123 Denali Park, AK 99755
9. <del>Deborah A. Ciznowski</del>	DEBORAH A CIZNOWSKI	PO 391 Healy AK 99743
10. <del>Tim MacTier</del>	TIM MACTIER	PO Box 11 Healy AK 99743
11. <del>Monte Lamer</del>	MONTA LAMER	P.O. Box 277 Healy AK 99743
12. <del>Richard Weibel</del>	RICHARD WEIBEL	Box 323 HEALY 99743
13. <del>John A. Carter</del>	JOHN A CARTER	Box 199 Healy 99743
14. <del>Debra K Guhet</del>	DEBRA K GUHET	BOX 173 HEALY 99743
15. <del>Wendy Mahovic</del>	WENDY MAHOVIC	Box 235 Denali AK 99755
16. <del>Mark Barbas</del>	MARK BARBAS	Box 514 Healy AK 99743
17. <del>John M. War</del>	JOHN M WAR	Box 41 Healy AK 99743
18. <del>Lynette Shultz</del>	LYNETTE SHULTZ	Box 414 Healy AK 99743
19. <del>Dace R. Hannus</del>	DACE R HANNUS	Box 192 Healy 99743
20. <del>Patricia Dawson</del>	PATRICIA DAWSON	PO. Box 63 Cantwell, AK 99729
(X) <del>Larry Johnson</del>	LARRY J JOHNSON	PO Box 414 HEALY, AK

April 15, 1997



APR 10 '97 9:51AM

907 283 8030

P. 3

# Alaska State Legislature

Please enter into the record my testimony to the Senate Labor & Commerce  
 committee on SB 169 , dated \_\_\_\_\_  
 bill/subject

The purpose of these bills is to have one worker work 12 hours Monday, Tuesday & Wednesday then another worker work 12 hour days Thursday, Friday & Saturday. The employer, as a result, gets 72 hours at straight time pay and doesn't have to pay benefits because neither employee worked a 40 hour week.

Then they have enough reserve to call the "Family Flexibility Plan" as if a bunch of family oriented workers dreamed up the scheme.

Who will buy all of the high ticket consumer products after the MIDDLE CLASS is destroyed? Think of that Mr. Factory owner.

Signed: James Sandin James Sandin

Testifier

working people of America

Representing (Optional)

Box 1223 Kodiak AK 99615

Address

907 486-3360

Phone No.

April 13, 1997

Senator Loren Lehman,

Re: SB 169 (companion to HB 68)

I oppose this proposed change in the Alaska overtime labor laws.

This bill will ultimately cost the state and its residents more than we can afford to give up.

It will cost us in the loss of wages that are being spent in Alaska. Dollars that are strengthening the local and state economies.

It will cost us in the increased company profits that are being taken out of Alaska by companies that don't "live" here.

It will especially affect the standard of living of those of us who do not live in the major cities. It is the overtime hours and pay that have allowed us to more easily afford to pay the higher cost of fuel oil, gas, housing, telephone long distance tolls, access to medical and dental services; all of which increase the cost of living in the rural and remote areas of Alaska.

We wear a car out travelling the highways to the cities to take advantage of access to supply our basic needs such as groceries, doctors, household supplies, clothing, banking and other services. This again increases the cost to live in this part of Alaska.

We would never have been able to have afforded our home in Healy had it not been for the availability of overtime hours and pay. This opportunity to improve one's living standard should be available to all workers in Alaska. Without the overtime wages we would have remained in a dwelling that, by all statistics, was substandard and too small.

I cannot support any bill that takes wages from the worker merely to increase the company's percentage of profit. We're not talking about helping a small business remain viable. This is a case of big business wanting more, even if they have to take it out of the pockets of their employees.

Very truly yours,



Beth T. Westphal  
PO Box 45  
Healy AK 99743-0045

phone: (907) 683 2339  
fax: (907) 683 2338

Senator Lehman:

This is to let you know that I am opposing S. B. 169, companion bill to H.B. 68.

These bills take away the incentive that workers need . If employers don't have to pay overtime, it is the same as saying their time isn't worth much. Please read the following "Letter to the Editor" and see what consequences could be from such a bill.

I am an employee of Usibelli Coal Mine and a union member. With or without the union, my time is still being used to the advantage of my employer. Paying me overtime is just one way of telling me that my employer appreciates the extra time I am spending away from my family and trying to compensate me for any problems my absence from home those extra hours might cause. Please don't try to erode the American work ethic any more than it is already.

Walt Durham  
P. O. Box 313  
Healy, Ak.  
(907) 683-1254

April 13, 1997

Senator Loren Lehman,

Re: SB 169 (companion to HB 68)

I oppose this proposed change in the Alaska overtime labor laws.

This bill will ultimately cost the state and its residents more than we can afford to give up.

It will cost us in the loss of wages that are being spent in Alaska. Dollars that are strengthening the local and state economies.

It will cost us in the increased company profits that are being taken out of Alaska by companies that don't "live" here.

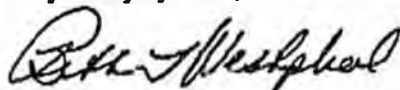
It will especially affect the standard of living of those of us who do not live in the major cities. It is the overtime hours and pay that have allowed us to more easily afford to pay the higher cost of fuel oil, gas, housing, telephone long distance tolls, access to medical and dental services; all of which increase the cost of living in the rural and remote areas of Alaska.

We wear a car out travelling the highways to the cities to take advantage of access to supply our basic needs such as groceries, doctors, household supplies, clothing, banking and other services. This again increases the cost to live in this part of Alaska.

We would never have been able to have afforded our home in Healy had it not been for the availability of overtime hours and pay. This opportunity to improve ones living standard should be available to all workers in Alaska. Without the overtime wages we would have remained in a dwelling that, by all statistics, was substandard and too small.

I cannot support any bill that takes wages from the worker merely to increase the company's percentage of profit. We're not talking about helping a small business remain viable. This is a case of big business wanting more, even if they have to take it out of the pockets of their employees.

Very truly yours,



Beth T. Westphal  
PO Box 45  
Healy AK 99743-0045

phone: (907) 683 2339  
fax: (907) 683 2336

Senator Lehman:

This is to let you know that I am opposing S. B. 169, companion bill to H.B. 68.

These bills take away the incentive that workers need . If employers don't have to pay overtime, it is the same as saying their time isn't worth much. Please read the following "Letter to the Editor" and see what consequences could be from such a bill.

I am an employee of Usibelli Coal Mine and a union member. With or without the union, my time is still being used to the advantage of my employer. Paying me overtime is just one way of telling me that my employer appreciates the extra time I am spending away from my family and trying to compensate me for any problems my absence from home those extra hours might cause. Please don't try to erode the American work ethic any more than it is already.

Walt Durham  
P. O. Box 313  
Healy, Ak.  
(907) 683-1254

**SB**

**195**



ALASKA COURT SYSTEM  
ADMINISTRATIVE OFFICES

**DOUG WOOLIVER**  
ADMINISTRATIVE ATTORNEY

820 W. FOURTH AVENUE  
ANCHORAGE, ALASKA 99501-2005

(907) 264-8265  
FAX (907) 264-8291

# FISCAL NOTE

**STATE OF ALASKA**  
**1998 LEGISLATIVE SESSION**

**BILL NO. SB 195**

Revision Date (Note if correction) _____	Dept. Affected _____	Law _____
Title <u>An Act relating to common law liens, to remedies,</u>	BRU _____	Criminal Division/Civil Division _____
<u>costs, and fees imposed for the registration, filing or recording ...</u>	Component _____	1st-4th Jud Dist., OSPA: Collections _____
Sponsor <u>Senate Rules Committee</u>	& Support, Gov't Affairs, Special Lit. _____	
Requester <u>Senate Labor and Commerce Committee</u>	Component Serial No. _____	<u>2198-99, 2261, 79, 01, 03;</u>

Expenditures/Revenues	(Thousands of Dollars)						2210, 2207, 2213
OPERATING EXPENDITURES	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04	
Personal Services							
Travel							
Contractual							
Supplies							
Equipment							
Land & Structures							
Grants & Claims							
Miscellaneous							
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	

CAPITAL EXPENDITURES						
CHANGE IN REVENUES ( )						

FUND SOURCE	(Thousands of Dollars)					
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY98) cost: \_\_\_\_\_

**POSITIONS**

Full-time						
Part-time						
Temporary						

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

SB 195 makes it easier, and faster, to remove a nonconsensual common law lien against the personal property of a public servant that was not filed accompanied by a specific court order. In addition, a person filing such a lien would be liable for actual and punitive damages, as well as cost and reasonable attorneys fees. Criminal penalties for offering a false instrument for recording are created by this bill.

If the nonconsensual lien was filed against the property of a public servant employed by the Executive or Judicial Branch based on their performance or nonperformance of their duties, the Department of Law would represent them. Unless someone were to file wholesale liens against many public servants at once, as has happened in Montana and Texas, the department believes the effect of the bill to be minimal and is not submitting a fiscal note with costs.

Prepared by <u>Joan M. Kasson</u>	Phone <u>465-5370</u>
Division <u>Attorney General's Office</u>	Date <u>1/26/98</u>
Approved by Commissioner <u>Bruce M. Botelho, Attorney General</u>	Date <u>1/26/98</u>
Agency <u>Department of Law</u>	

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For further distribution information, call the Governor's Legislative Office

# FISCAL NOTE

**STATE OF ALASKA**  
**1998 LEGISLATIVE SESSION**

**BILL NO. SB 195**

Revision Date: 01/23/98  
 Title: Common Law Liens

Dept. Affected: Alaska Court System  
 BRU: Trial Courts

Sponsor: Senate Rules by Request  
 Requestor: Senate L&C

Component: \_\_\_\_\_  
 COMPONENT SERIAL NO. 788

Expenditures/Revenues		(Thousands of Dollars)					
OPERATING EXPENDITURES	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04	
PERSONAL SERVICES							
TRAVEL							
CONTRACTUAL							
SUPPLIES							
EQUIPMENT							
LAND & STRUCTURES							
GRANTS & CLAIMS							
MISCELLANEOUS							
<b>TOTAL OPERATING</b>							
<b>CAPITAL EXPENDITURES</b>							
<b>CHANGE IN REVENUES ( )</b>							

Fund Source		(Thousands of Dollars)					
1002 Federal Receipts							
1003 GF Match							
1004 GF							
1005 GF/Program Receipts							
1037 GF/Mental Health							
Other							
<b>TOTAL</b>							

Estimate of any current year (FY 98) cost: \$ None

Positions							
Full-Time							
Part-Time							
Temporary							

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

No fiscal impact.

Prepared by: Doug Wooliver, Administrative Attorney  
 Agency: Alaska Court System

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

Phone: 264-8265  
 Date: 01/23/98

Date: 01/23/98

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# SENATE COMMITTEE REPORT

## First Committee of Referral

DATE: 5/6/97

FURTHER: Judiciary

Date of 5-Day Notice: 1-22-98  
(in accordance with Uniform Rule 23)

DATE TURNED  
IN TO OFFICE: 1-27-98

Labor and Commerce Committee considered

SENATE BILL NO. 195

"An Act relating to common law liens, to remedies, costs, and fees imposed for the registration, filing, or recording of certain nonconsensual common law liens, and to penalties for recording common law liens."

and recommends:

- be replaced with \_\_\_\_\_ CS \_\_\_\_\_ (\_\_\_\_\_)
- adopt previous \_\_\_\_\_ CS \_\_\_\_\_ (\_\_\_\_\_)
- attached amendment(s)
- adopt Letter of Intent by \_\_\_\_\_ Committee
- further referral to the \_\_\_\_\_ Committee

- Senate Bill:**
- same title
  - new title
- House Bill:**
- same title
  - technical title
  - new: SCR# \_\_\_\_\_

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	NR	DNP	AM
<i>Jim Kelly</i>	—				
<i>Jim Kelly</i>	✓				
<b>CHAIR:</b> <i>Loren A. Simon</i>	✓	<b>CHAIR:</b>			

**NEW FISCAL NOTE(S):**

Department	Date	Zero	Fiscal
Att. Court System	1/23/98	φ	
Law	1/26/98	φ	

**PREVIOUS FISCAL NOTE(S):\***

Department	Date	Zero	Fiscal

APPROPRIATION -- no fiscal note

\*include fiscal notes accompanying Governor's bill

01/27/98 14:11:16 LEGISLATIVE TELECONFERENCE NETWORK SYSTEM  
MESSAGE FROM: LIOCJEN IN ANCHORAGE

LTN1120  
JNU

RE TCN: 80170 SCHEDULED FOR:01/27/98 13:30 TO 15:30  
SPONSOR: SENATE LABOR & COMMERCE PURPOSE: PUBLIC HEARING

MESSAGE TEXT: CLIFF GROH IS HERE-FINALLY GOT ATN BRIDG  
OPERATOR TO TAKE ANC OUT OF LO

*THEY MAY BE ABLE TO HEAR YOU NOW.*

01/27/98 LEGISLATIVE TELECONFERENCE NETWORK SYSTEM LTN1150  
13:38:52 PARTICIPANT LIST (ALL PARTICIPANTS) BY:ANC  
TCN:80170 SCHEDULED FOR:01/27/98 13:30 TO 15:30 FOR:ANC  
PUBLIC HEARING SENATE LABOR & COMMERCE  
LOCATION:ANCHORAGE  
SB 195 SHARON YOUNG\_\_\_(HERE TO ANS ?'S) REC'S OFFC TESTIFY

# THE ALASKA COURT SYSTEM

Doug Wooliver  
Administrative Attorney

Telephone (907) 264-8265  
Facsimile (907) 264-8291

## Sponsor Statement SB 195

The Alaska Court System asks that the legislature consider SB 195. This bill addresses the growing problem of bogus "common law" liens being filed against the property of Alaskans. It has become common in recent years for "patriot" groups and others to record such liens against the property of public officials and private citizens with whom they disagree. The person generally finds out about the lien when he or she attempts to obtain a loan or sell property, and discovers that he or she cannot do so until the lien has been released. This may take many months.

Until recently, this activity has not been of major concern in Alaska. Last year, however, a number of employees and elected officials of the Municipality of Anchorage discovered that nonconsensual common law liens had been recorded against their property. The long list of persons who were targeted by these liens included Mayor Rick Mystrom, and the members of the Anchorage Assembly.

SB 195 makes it a misdemeanor to record a nonconsensual common law lien without the specific authorization of a court. It streamlines the judicial process for releasing a lien, and authorizes the attorney for a public official to record a "notice of invalid lien" pending the release of the lien by the court. Finally, it provides for civil penalties against persons who record or benefit from nonconsensual common law liens.

The Alaska Court System requests your support for this bill.



ALASKA COURT SYSTEM  
State of Alaska  
Office Of The Administrative Director

820 West 4th Avenue  
Anchorage, Alaska 99501-2005  
(907) 264-8265  
FAX (907) 264-8291

Doug Woolver  
Administrative Attorney

January 20, 1998

Senator Loren Lemman, Chair  
Senate Labor and Commerce Committee  
Alaska State Legislature  
State Capitol  
Juneau, Alaska 99801

Dear Senator Lemman:

The Alaska Court System respectfully requests that SB 195 be scheduled for a hearing before the Senate Labor and Commerce Committee at your earliest convenience.

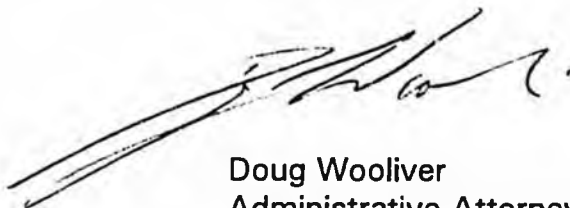
This bill seeks to address the growing problem of bogus "common law" liens being filed against the property of Alaskans. It has become common in recent years for "patriot" groups and others to record such liens against the property of public officials and private citizens with whom they disagree. The person generally finds out about the lien when he or she attempts to obtain a loan or sell property, and discovers that he or she cannot do so until the lien has been released. This may take many months.

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Thank you for your consideration of this bill. If I can be of any assistance or provide you with any additional information please let me know.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Doug Wooliver', written over a horizontal line.

Doug Wooliver  
Administrative Attorney

# Alaska Court System

Doug Wooliver  
Administrative Attorney

Telephone: (907) 264-8265  
Facsimile: (907) 264-8291

## SECTIONAL ANALYSIS OF SB 195

Section 1 is a conforming amendment to AS 09.38.500(9) (the definition section of the Alaska Exemptions Act) that adds a reference to common law liens within the definition of "lien." The new reference states that, to be valid, a common law lien must either be consented to by the owner or accompanied by a court order.

Section 2 adds article 2A to AS 9.45 (Actions Relating to Real Property). The new article is entitled "Actions Relating to Nonconsensual Common Law Liens" and contains 4 sections.

- A) Section 09.45.161 states that if a nonconsensual common law lien is recorded or filed against the property of a public servant and is not accompanied by a court order, an attorney representing the public servant may submit for recording or filing a notice of invalid lien. A copy of the notice is sent to the person who recorded or filed the common law lien.
- B) Section 09.45.164 provides for an expedited court proceeding to have an invalid nonconsensual common law lien released. Under the provisions of this section, a person submits a request to the court containing an affidavit setting out the facts upon which the request is based. If the facts support the need for an expedited hearing, the court can order the person who recorded or filed the lien to appear at a hearing within 20 days. If the court finds that the lien is invalid, or if the person who recorded or filed the lien does not appear, the court can grant the order releasing the lien and order the lien claimant to pay the costs and actual reasonable attorney fees incurred by the party making the request.
- C) Section 09.45.167 states that a person who records or files an invalid nonconsensual common law lien is liable to the owner for actual and punitive damages as well as actual reasonable attorney fees. This section also provides for the liability of a person who is a grantee of an invalid nonconsensual common law lien if he or she refuses to release the lien when requested by the owner of the property affected.

- D) Section 09.45.169 provides definitions for "filed," "nonconsensual common law lien," "public servant," "record," and "recorder."

Section 3 amends AS 11.46.550 (offering a false instrument for recording) by making this current crime the crime of offering a false instrument for recording in the first degree. This section is a conforming amendment that is necessary for the creation of the new crime of "offering a false instrument for recording in the second degree" added by section 4 of the bill. Section 3 does not make any substantive changes.

Section 4 amends AS 11.46.550 by creating the new crime of offering a false instrument for recording in the second degree. This section makes it a class A misdemeanor to record or file an invalid common law lien against real or personal property.

Section 5 amends AS 34.35 (the liens chapter in title 34) by adding a new section entitled "Nonconsensual common law liens." This section prohibits the recording or filing of nonconsensual common law liens against real or personal property without an accompanying court order. This section also provides definitions for the terms "filed," "nonconsensual common law liens," "record," and "recorder."

# LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES  
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STATE OF ALASKA

(907) 465-3867 or 465-2450  
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Mail Stop 3101

130 Seward Street, Suite 409  
Juneau, Alaska 99801-2105


## MEMORANDUM

March 18, 1997

**SUBJECT:** Common law liens and establishing mechanisms by which to respond to improper recording of nonconsensual common law liens (Work Order 0-LS0799A)

**TO:** Senator Tim Kelly, Chair  
Senate Rules Committee  
ATTN: Tim Benintendi

**FROM:** Jack Chenoweth  
Legislative Counsel



I have modified the measure substantially from the form as presented. There is one reference to common law liens in current law, AS 09.38.500(9), that, in my judgment, needed also to be addressed and I have done so. I've not heard of common law liens being filed against personal property, only against real estate. Consequently, I have moved the suggested civil action remedy out of AS 34.35 where it was proposed to be placed and into the "special actions relating to real property" in AS 09.45. In the draft's AS 09.45.164, the measure does not definitively indicate which court--district or superior--has jurisdiction to consider the action for release of the lien; should that not be specified? The draft came with several references to the need to show "a specific order from a court of competent jurisdiction" as supporting a recorded claim of a nonconsensual common law lien, but did not indicate the necessity of requiring recording of that order; I've added that requirement.

There are possible court rule concerns that merit attention.

Civil Rule 11's third sentence states: "Except when otherwise specifically provided by rule or statute, pleadings need not be . . . accompanied by affidavit." This measure requires, in proposed AS 09.45.164(a), a complaint initiating an action for release of a nonconsensual common law lien that is supported by an affidavit. On its face, the court rule would seem to invite the legislature to add the affidavit requirement as a matter of substantive law, by enactment of a law with a simple majority vote in each house. It is possible, however, that the language of the court rule would be viewed by the court as acknowledging a statutory changes only if made by a statute that has been adopted by the two-thirds vote of each house required by the last sentence of art. IV, sec. 15, Constitution of the State of Alaska, on the theory that the controlling constitutional provision does not permit the court to sanction a

Senator Tim Kelly

March 18, 1997

Page 2

rule change made by law that obtains less than the two-thirds vote required in each house. We don't know. For the purposes of this draft bill, I am prepared to take the chance that the court means what it has stated in its own rule, and that the affidavit requirement may be added by a substantive law adopted by a simple majority of each house. To avoid any controversy on the point, however, the change could be noted in an additional bill section that notes the effect of the rule change and requires a two-thirds vote. I need your guidance on the point.

A similar question arises in conjunction with the four places in the measure--proposed AS 09.45.164(b) and (c), and proposed AS 09.45.167(a) and (b)--where the attorney is entitled to recover from the lien claimant "actual reasonable attorney fees." This is at variance with Civil Rule 82, which requires computation of fees under that rule. However, the rule operates "[e]xcept as otherwise provided by law . . . ." Here, a law proposes to take the calculation and award of fees out from under the requirement of the Rule. Again, on its face, the court rule would seem to invite the legislature to modify the attorney fee award calculation formula as a matter of substantive law, by enactment of a law with a simple majority vote in each house. But as with the earlier, it is possible that the language of the court rule would be viewed by the court as allowing a change only if made by a statute that has been adopted by the two-thirds vote of each house required by the last sentence of art. IV, sec. 15, Constitution of the State of Alaska. I have opted to take the language of Civil Rule 82(a) on its face and have prepared the measure without adding a separate section noting the rule change and the need for a two-thirds vote. But, as with the earlier, I would take your instruction on the point.

Since this bill is "by request" of the Alaska Court System, based on Chief Justice Compton's reference in his recent speech, you might want to take back to appropriate Alaska Court System officials my suggested drafting changes and the questions concerning the need for a simple majority vote or a two-thirds vote to enact the provisions affecting the court rules.

JBC:jdr  
97-189.jdr

Enclosure

**IN THE SUPERIOR COURT FOR THE STATE OF ALASKA  
THIRD JUDICIAL DISTRICT AT ANCHORAGE**

MR. JIMMIE DREW LOCKHART, SR. )  
 )  
 Plaintiff, )  
 )  
 v. )  
 )  
 THE MUNICIPALITY OF ANCHORAGE, )  
 ET AL. )  
 )  
 Defendants. )

FILED in the Trial Courts  
STATE OF ALASKA, THIRD DISTRICT  
JAN 14, 1997  
Clerk of the Trial Courts  
D.D. Der

Case No. 3AN 96-852 CI

**CORRECTED ORDER AND RELEASE OF "REAL ESTATE LIENS"**

Having held a hearing on the Motion for Preliminary Injunction, the Court hereby makes the following findings of fact:

1. Jimmie Drew Lockhart, Sr. has recorded multiple unjustified documents denominated "real estate liens." Some of these "real estate liens" have been filed against defendants in this action, and some have been filed against non-parties. These so-called "real estate liens" affect the real property described below.

2. These so-called "real estate liens" are not indicative of any debt.

The Court hereby makes the following conclusions of law:

1. The so-called "real estate liens" filed by Jimmie Drew Lockhart, Sr. against the real property described below are legally invalid.

2. These so-called "real estate liens" are causing irreparable harm to those persons whose properties are affected by the "real estate liens."

3. The potential injury to Jimmie Drew Lockhart, Sr. from ordering these so-called "real estate liens" released and declared null, void, invalid, and of no legal effect is slight in comparison

JAN '2

**MUNICIPALITY  
OF  
ANCHORAGE**  
OFFICE OF THE  
MUNICIPAL ATTORNEY  
P.O. Box 196650  
Anchorage, Alaska  
99519-6650  
Telephone: 343-4545  
Facsimile: 343-4550

*M. Lockhart*

to the harm suffered by those whose properties are affected by the so-called "real estate liens."

4. The Municipality of Anchorage has raised serious and substantial questions going to the merits of the case.

Having made these findings of fact and conclusions of law, **IT IS HEREBY ORDERED** that the "real estate liens" recorded in the Anchorage Recording District by Jimmie Drew Lockhart, Sr. affecting the following described real property are **NULL, VOID, INVALID, AND OF NO LEGAL EFFECT** and are **RELEASED**:

**PROPERTY OWNER**

**LEGAL DESCRIPTION**

Mary K. Hughes

Parcel No. 076-015-99-029-97 - Telequana Heights, Lot 1A. 2240 Kissee Ct., Book 2318, Page 0072. Date: 09/21/92. 2240 Kissee Ct., Anchorage, Alaska 99517-1003, filed in Book 02988, Page 806.

Mary K. Hughes

Parcel No. 005-014-53-000-97 - Alyeska North #1, Block 3, Lot 3B. Alyeska North 610. Book 2305, Page 0453. Date: 08/17/92. Plat 730010. 2240 Kissee Ct., Anchorage, Alaska 99517-1003, filed in Book 02988, Book 806.

Craig Campbell  
Anne Marie Campbell

Parcel No. 050-904-03-000-97 - Parkview Terrace, Block 2. Lot 3.18324 N. Parkview Terrace Loop, Eagle River, Alaska 99577-8525. Book 0946, Page 0109. Plat 820448. filed in Book 02986, Page 806.

Michael W. Kerr  
Barbara Kerr

Parcel No. 007-234-75-000-97 - Comm. Council Turnagain Homes, Block G 14, 2425 Saint Elias Drive, Anchorage, Alaska 99517-1250, filed in Book 02973, Page 201.

Michael W. Kerr  
Barbara Kerr

Parcel No. 012-203-28-000-97 - Comm. Council Scenic Park, Block 3, Lot 30, Chugach Foothills #5, 4324 Butte Circle. Anchorage, Alaska 99504-4701, filed in Book 02973, Book 201.

**MUNICIPALITY  
OF  
ANCHORAGE**  
OFFICE OF THE  
MUNICIPAL ATTORNEY  
P.O. Box 196650  
Anchorage, Alaska  
99519-6650  
Telephone: 343-4545  
Facsimile: 343-4550

Mary Ann Moseley

Parcel No. 005-111-68-024-97 - College Alps, Tr. 2 College Alps Phase 3, P.O. Box 2111044, Anchorage, Alaska 99521-1044, Site #74, filed in Book 02973, Page 204.

Charles Jackson

Parcel No. 003-251-41-000-97 - Green Acres Subdivision, Block 8, Lots 5 and 6, P. 152, Grid 1733, 3722 Young Street, Anchorage, Alaska 99508-4528, filed in Book 02973, Page 197.

[DAVE] David L. Brennen

Parcel No. 006-282-46-000-97 - Colleeigate East #3, Block 8, Lot 11, 5938 Glenkerry Dr., Anchorage Alaska 99504-3243, Book 2678, Page 0690. Date: 07/11/94, Plat 720049, filed in Book 02986, Page 802.

Kevin G. Meyer  
Mary Ann Meyer

Parcel No. 014-141-66-000-97 - Bulen Heights, Lot 5, Book 1088, Page 0645, Plat 830230, 7240 Bulen Drive, Anchorage, Alaska 99507-2879, filed in Book 02986, Page 808.

George P. [WURECH] (Wuerch)  
Brenda B. [WURECH] (Wuerch)

Parcel No. 003-246-31-000-97 - Geneva Woods, Block 3, Lot 6, 1332 Crescent Dr., Anchorage, Alaska 99504, Book 1178, Page 0062. Date: 10/24/84, Plat 670065, filed in Book 02986, Page 796.

Mark P. Begich  
Margaret J. Begich

Parcel No. 006-323-25-000-97 - Commercial Apartment Garden, T13N R3W, Sec. 22, Lot 46, W70' of S117'. 5205 E. 26th Ave., Anchorage, Alaska. Book 2016, Page 0149. Date: 04/03/90. P.O. Box 201627, Anchorage, Alaska 99520-1627, filed in Book 02986, Page 798.

Mark P. Begich  
Margaret J. Begich

Parcel No. 006-323-24-000-97 - Commercial Apartment Garden, T13N Sec. 22, Lot 46 W85' of E260' of S117'. 5215 (5211) E. 26th Ave., Book 2016, Page 0149. Date: 04/03/90. Russian Jack PA, filed in Book 02986, Page 798.

**MUNICIPALITY  
OF  
ANCHORAGE**  
OFFICE OF THE  
MUNICIPAL ATTORNEY  
P.O. Box 196850  
Anchorage, Alaska  
99519-6850  
Telephone: 343-4545  
Facsimile: 343-4550

Mark P. Begich  
Margaret J. Begich

Parcel No. 006-313-25-000-97 - Commercial Apartment Garden, T13N R3W, Sec. 22, Lot 30, E2E2. 5233 E. 21st Ave., Anchorage, Alaska 99520-1627. P.O. Box 201627, Anchorage, Alaska 99520-1627. Book 2246, Page 0474. Date: 03/06/92, filed in Book 02986, Page 798.

Patrick E. Von Gemmingen  
Fay J. Von Gemmingen

Parcel No. 001-224-04-000-97 - Hunnington (Huntington) Park #2, Lot 13, Block 4, Plat 68-12. 2132 Arlington Dr., Site 1305 W. 27th Anchorage, Alaska 99517-1367. Date 04/15/91 filed in Book 02986, Page 0800.

Charles P. [WHOLFORTH]  
(Wohlforth)  
Barbara E. [WHOLFORTH]  
(Wohlforth)

Parcel No. 002-041-18-000-97 - North Addition, Lot 1, Block N, Plat NA4, 828 Erickson Street, Anchorage, Alaska 99502-1138, Book 02986, Page 0804.

Timothy G. Middleton  
Joyce F. Middleton

Parcel No. 001-052-55-000-97 - Site 717 "M" Street, Anchorage, Alaska 99501-3307 Lot 10A, Block 85, Plat Nos. 80-45 and 67-30, Book 02986, Page 0810.

Timothy G. Middleton  
Joyce F. Middleton

Parcel No. 001-161-45-034-97 - Petersons, Blk. 3, Lt 3 B. Woronzof # 700, 717 "M" Street, Anchorage, Alaska 99501-3307, Book 2539, Page 0721.

Rick Mystrom  
Mary Mystrom

Lot 4, Block 32B, Plat C-78B  
Lot 3B, Block 13, Plat 73-229  
Lot 14, Block 1, Plat 72-69  
Lot 3, Block 32B, Plat C-78AB  
Lot 4, Block 32B, Plat C-78AB  
Lot 12, Block 21, Plat 66-167  
Lot 23, Block 3, Plat 83-419  
Lot 22, Block 3, Plat 83-419  
Lot 12, Block 21, Plat 66-167  
Lot 2, Block 6, Plat P-580  
Lot 6, Block 4, Plat 83-235

Lot 6, Block 4, Plat 83-235  
Lot 24, Block 3, Plat 83-419  
Lot 14A, Plat P-67G  
Lot 2, Block 29A, Plat C-76  
Lot 8A, Block 1, Plat 69-90

All filed in Book 02987, Page 0361.

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OF  
ANCHORAGE**  
OFFICE OF THE  
MUNICIPAL ATTORNEY  
P.O. Box 196650  
Anchorage, Alaska  
99518-6650

Daniel W. Kendall  
Dittbrender  
Robert Dyal  
Ellen Dyal

Parcel No. 851-383-83-889-97 - SE 30 T15N R1W, Wilbur NE4SW4SW4, filed in Book 02973, Page 0199. Located in Eagle River, Alaska 99577.

Telephone: 343-4545  
Facsimile: 343-4550

John W. Groh, Jr.  
John W. Groh, Jr.  
(Cliff John Groh)

Parcel No. 011-101-43-000-97 - Brentwood, Lot 9, Block 4,  
Plat 65-44, Site: 7908 Brentwood Dr., P.O. Box 100734,  
Anchorage, Alaska 99510-0734. Book 02988, Page 0808.

DATED at Anchorage, Alaska, this 14<sup>th</sup> ~~January~~ <sup>February</sup> day of ~~January~~, 1997.

Arthur A. Michalski

JUDGE OF THE SUPERIOR COURT

Certificate of Service

I hereby certify that I mailed a true and correct copy of the foregoing to: Jimmie Drew Lockhart, 3727 Randolph St., Anchorage, AK 99508 on this 2<sup>nd</sup> day of January, 1997.

Marilyn Bennett  
Marilyn Bennett

I certify that on 2-19-97  
a copy of the above was mailed to each  
of the following at their addresses of  
record: J. Lockhart <sup>MA - Groh</sup>  
J. Lockhart, pro per  
J. Newby  
Secretary/Deputy Clerk

MUNICIPALITY  
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99519-6650  
Telephone: 343-4545  
Facsimile: 343-4550

[ 37083-1 ]

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA  
THIRD JUDICIAL DISTRICT AT ANCHORAGE

MR. JIMMIE DREW LOCKHART, SR., )  
 )  
 Plaintiff, )  
 )  
 v. )  
 )  
 THE MUNICIPALITY OF ANCHORAGE, )  
 et al. )  
 Defendants. )

Case No. 3AN 96-852 CI

MEMORANDUM IN SUPPORT OF TEMPORARY RESTRAINING ORDER  
AND PRELIMINARY INJUNCTION

Plaintiff Jimmie Drew Lockhart, Sr. (Lockhart) is engaged in a calculated campaign to injure officials and employees of the Municipality of Anchorage by filing liens against real estate owned by those individual officials and employees. Preliminary injunctions are made to stop abuses like those perpetuated by Lockhart, and defendants meet the three-part test for preliminary injunctions. Defendants ask that the court: order the liens expunged; order Lockhart to stop filing liens; and order the Recorder to refuse to record any liens by Lockhart without a court order authorizing such liens.

A party is entitled to a preliminary injunction if: (1) the moving party is faced with irreparable harm; (2) the opposing party is adequately protected; and (3) the moving party raises serious and substantial questions going to the merits of the case. State v. Kluti Kaah Native Village, 831 P.2d 1270, 1273 (Alaska 1992). Defendants meet all three prongs.

The increasing number of liens on the real property of Municipal officials and employees puts the Municipality in an intolerable position. These officials and employees may find it difficult to sell their homes and may find their credit ratings damaged merely for doing their jobs. Others

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may suffer similar harm merely because they hold posts which Lockhart imagines gives them the power to conspire against him. This injury is irreparable. See id. at 1273 n. 5.

Expunging these unjustified liens and ordering Lockhart to stop filing such liens will in no way remove any legitimate protections from Lockhart. He would remain completely free to litigate his positions in accordance with the law.

Michael Kerr's affidavit establishes there are serious and substantial questions going to the merits of the case. Indeed, the Municipality has prevailed entirely in the current code enforcement case. Moreover, Lockhart's liens are defective on their face because they do not fit in any of the categories for pre-judgment liens on real property set out in AS 34.35.

Lockhart's liens are an abuse of process. The Municipality respectfully requests that the court remove them forthwith and stop him from filing any more.

DATED this 23<sup>rd</sup> day of October, 1996.

MARY K. HUGHES  
Municipal Attorney

By: CO Groh  
Cliff John Groh  
Assistant Municipal Attorney

Certificate of Service

I hereby certify that I mailed a true and correct copy of the foregoing to:  
Jimmy Lockhart, 3727 Randolph St.,  
Anchorage, AK 99508 on the 23<sup>rd</sup>  
day of October, 1996.

Maig Benoit

MUNICIPALITY  
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ANCHORAGE  
OFFICE OF THE  
MUNICIPAL ATTORNEY  
P.O. Box 196650  
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99519-6650  
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**SB**

**1988**

# FISCAL NOTE

**STATE OF ALASKA**  
**1998 LEGISLATIVE SESSION**

**BILL NO. SB 198**

Revision Date (Note if correction) \_\_\_\_\_ Dept. Affected Law  
 Title An Act relating to partnerships; amending Rules BRU Civil Division  
25(c), 79, and 82, Ak Rules of Civil Procedure Component Commercial  
 Sponsor Senate Labor and Commerce Committee  
 Requester Senate Labor and Commerce Committee Component Serial No. 2211

**Expenditures/Revenues** (Thousands of Dollars)

OPERATING EXPENDITURES	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

<b>CAPITAL EXPENDITURES</b>						
-----------------------------	--	--	--	--	--	--

<b>CHANGE IN REVENUES ( )</b>						
-------------------------------	--	--	--	--	--	--

**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY98) cost: \_\_\_\_\_

**POSITIONS**

Full-time						
Part-time						
Temporary						

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

This bill would repeal Title 32, Chapter 5, the Uniform Partnership Act, and add a new Chapter 6, concerning partnerships and limited liability partnerships. Section 32.06.925 of the new chapter allows the attorney general to maintain actions against foreign limited liability partnerships to restrain illegal acts.

The Department of Law believes that such actions will be rare, and the potential fiscal impact very minimal, and so is submitting a zero fiscal note for this bill.

Prepared by Joan M. Wasson Phone 465-5370  
 Division Attorney General's Office Date 1/13/98  
 Approved by Commissioner Bruce M. Botelho Attorney General Date 1/13/98  
 Agency Department of Law

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# FISCAL NOTE

STATE OF ALASKA  
1998 LEGISLATIVE SESSION

BILL NO. SB 198

Revision Date: \_\_\_\_\_  
Title: Partnerships

Department: Commerce and Economic Development  
BRU: Banking, Securities and Corporations  
Component: Banking, Securities and Corporations

Sponsor: Senate Labor and Commerce Committee  
Requestor: Senate Labor and Commerce Committee

COMPONENT SERIAL NO. \_\_\_\_\_

Expenditures/Revenues	(Thousands of Dollars)					
OPERATING EXPENDITURES	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	0.0	0.0	0.0	0.0	0.0	0.0
<b>CAPITAL EXPENDITURES</b>	0.0	0.0	0.0	0.0	0.0	0.0
<b>CHANGE IN REVENUES</b>	0.0	0.0	0.0	0.0	0.0	0.0

FUND SOURCE	(Thousands of Dollars)					
1002 Federal Receipts						
1003 GF Match						
1004 General Fund						
1005 GF/Program Receipts						
1006 GF/Mental Health						
Other						
<b>TOTAL</b>	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY 98) cost: \$ 0.0

POSITIONS						
FULL-TIME						
PART-TIME						
TEMPORARY						

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

Prepared by: Willis F. Kirkpatrick, Director  
 Division: Banking, Securities and Corporations  
 Approved by Commissioner: Debby Sedwick  
 Agency: Commerce and Economic Development

Phone: 465-2521  
 Date: 1-13-98  
 Date: 1-12-98

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Official Business

# Alaska State Legislature

## SENATE

State Capitol  
Juneau, AK 99801-1182

### Senate Labor & Commerce Committee

#### Memo

TO: Senator Robin Taylor, Chairman  
Senate Judiciary Committee

FROM: Senator Loren Leman, Chairman  
Senate Labor & Commerce Committee

DATE: May 4, 1998

RE: Proposed amendment to SB 198: Uniform Partnership Act

---

I have attached a copy of two amendments received after SB 198 was moved from the Senate Labor & Commerce Committee. I promised the requester, Dave Shaftell of Anchorage, that I would forward his proposal to the next committee of referral.

EXPLANATION OF PROPOSED AMENDMENTS TO  
ALASKA REVISED LIMITED PARTNERSHIP ACT AND  
ALASKA REVISED LIMITED LIABILITY ACT

Limited partnerships and limited liability companies are often used for closely-held businesses or investment activities. They are frequently used by families. One of the key advantages of these business entities is that the partners or members can choose who will be their business associates.

If a creditor obtains a judgment against a partner or member, the statutes provide that the creditor can obtain a "charging order" against the debtor's partnership or limited liability company interest. This allows the creditor to receive the distributions to which the partner or member would be entitled.

On its face, these statutes do not expressly allow for any other creditor remedies. This is consistent with the concept that the partners of a partnership or members of a limited liability company should not be forced to take in a substitute partner or member (e.g., the judgment creditor).

There have been very few judicial decisions concerning whether a judgment creditor of a limited partnership or a limited liability company has any other remedies. However, recently a Connecticut court held that a judgment creditor of a limited partnership could foreclose on the partnership interest. This holding was in conflict with a prior Florida court decision which held that foreclosure was not an available remedy for a judgment creditor of a limited partner. Such foreclosure would allow the judgment creditor to become a partner of the limited partnership, or member of the limited liability company. Depending on the provisions of the partnership agreement or operating agreement, this could result in a forced dissolution of the entity and sale of its assets. Such a result could be very harmful to the other partners or members.

The proposed amendments make it clear that a judgment creditor of an Alaska limited partnership or limited liability company has only the remedy of a charging order. Thus, the creditor will receive all distributions made to the debtor or debtor partner or member. However, the judgment creditor cannot foreclose on the debtor's interest in the entity.

Sec. 32.11.340. Rights of creditor. On application to a court of competent jurisdiction by a judgment creditor of a partner, the court may charge the partnership interest of the partner with payment of the unsatisfied amount of the judgment with interest. To the extent charged, the judgment creditor has only the rights of an assignee of the partnership interest. This chapter does not deprive a partner of the benefit of an exemption law applicable to the partner's partnership interest. (§ 1 ch 99 SLA 1994) This section provides the exclusive remedy by which a judgment creditor of a partner or partner's assignee may satisfy a judgment out of the judgment debtor's interest in the partnership. No other remedies, such as foreclosure, are available to the judgment creditor.

Sec. 10.50.380. Rights of judgment creditors. (a) If a judgment creditor of a limited liability company member applies to a court of competent jurisdiction, the court may charge the member's limited liability company interest for payment of the unsatisfied amount of the judgment.

(b) To the extent a limited liability company interest is charged under (a) of this section, the judgment creditor has only the rights of an assignee of the member's interest. (§ 1 ch 99 SLA 1994)

(c) This section provides the exclusive remedy by which a judgment creditor of a member or member's assignee may satisfy a judgment out of the judgment debtor's interest in the limited liability company. No other remedies, such as foreclosure, are available to the judgment creditor.

# SENATE COMMITTEE REPORT

DATE: 5/7/97

FURTHER: Judiciary

Date of 5-Day Notice: 1-8-98  
(in accordance with Uniform Rule 23)

DATE TURNED  
IN TO OFFICE: 3-25-98

Labor and Commerce Committee considered

SENATE BILL NO. 198

"An Act relating to partnerships; amending Rules 25(c), 79, and 82, Alaska Rules of Civil Procedure; and providing for an effective date."

and recommends:

- be replaced with CS 513 198 (LTC)
- adopt previous CS \_\_\_\_\_
- attached amendment(s)
- adopt Letter of Intent by \_\_\_\_\_ Committee
- further referral to the \_\_\_\_\_ Committee

- Senate Bill:**
- same title
  - new title
- House Bill:**
- same title
  - technical change
  - new: SCR# \_\_\_\_\_

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	NR	DNP	AM
<i>Tom Kelly</i>	✓				
<i>[Signature]</i>	✓				
<i>Mike Miller</i>	✓	<i>[Signature]</i>	x		
CHAIR:		CHAIR:			

**NEW FISCAL NOTE(S):**

Department	Date	Zero	Fiscal
Commerce	4/3/98	✓	
Law	4/13/98	✓	

**PREVIOUS FISCAL NOTE(S):\***

Department	Date	Zero	Fiscal

APPROPRIATION -- no fiscal note

\*include fiscal notes accompanying Governor's bill

# LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES  
LEGISLATIVE AFFAIRS AGENCY  
STATE OF ALASKA

(907) 465-3867 or 465-2450  
FAX (907) 465-2029  
Mail Stop 3101

130 Seward Street, Suite 409  
Juneau, Alaska 99801-2105

## MEMORANDUM

January 13, 1998

**SUBJECT:** Questions relating to SB 198, a bill relating to partnerships (Work Order 20-LS0613\E)

**TO:** Senator Loren Leman, Chair  
Senate Labor and Commerce Committee  
Attn: Annette Kreitzer

**FROM:** <sup>TJB</sup> Theresa Bannister  
Legislative Counsel

You have asked for some information regarding SB 198, a bill relating to partnerships.

1. Conflicts between SB 198 ("bill") and ch. 78, SLA 1997 ("new law"). You asked that the bill be reviewed to see if it conflicts with the new law. There is one conflict that needs to be addressed. In sec. 3 of the bill, the amendment to AS 32.11.890 (rules for conversions and other cases not covered by chapter) needs to be changed to delete the reference to a "conversion of a partnership to a limited partnership." This is because the new law added AS 32.11.095, which addresses this type of conversion, so conversion is now covered by AS 32.11. Although the new chapter (AS 32.06) to be established by the bill also addresses conversion of a partnership to a limited partnership (sec. 32.06.902), this duplication will not affect the application of AS 32.11.095 because the bill contains a provision that expressly states that AS 32.06.902 is not exclusive and that other methods of conversion (e.g. AS 32.11.095) can be used.

There is one other matter that needs to be resolved. Section 32.06.905 of the bill addresses mergers of partnerships and limited partnerships into new entities, which would include limited partnerships. AS 32.11 does not address mergers; therefore, AS 32.11.890, as it stands now, directs that the merger provisions of the new bill would govern. Do you want this result or do you want to amend AS 32.11 to address the situation when partnerships are merged into a limited partnership? The amendment of AS 32.11.890 (sec. 3 of the bill) depends on how you want to approach these mergers. If you amend AS 32.11 to cover mergers, then AS 32.11.890 should not be amended. If you want the bill's merger provisions to govern, sec. 3 of the bill could remain as it is (after the change suggested in the previous paragraph).

Senator Loren Leman, Chair  
Senate Labor and Commerce Committee  
January 13, 1998  
Page 2

*1. uniform rules. Fred*

2. Joint and several liability. The 1987 Initiative Proposal No. 2 amended AS 09.17.080(d), which directed a court to enter judgment against each party liable on the basis of joint and several liability. The amendment deleted the reference to joint liability and replaced it with a percentage of fault approach. This approach made each party liable only for damages equal to the person's share of fault. The initiative also repealed AS 09.16, which dealt with reimbursement from other parties. In SB 198, AS 32.06.306(a) and AS 32.06.308(a) and (b) direct that liability be imposed jointly and severally in certain circumstances. Therefore, these subsections would modify the application of AS 09.17.080(d). This can be done despite the initiative, since a law established by initiative can be amended by the legislature at any time and can be repealed by the legislature after two years after its effective date. (Art. XI, sec. 6 of the Alaska Constitution) The effective date of this initiative was March 5, 1987. (Additional note: I suggest adding a cross-reference to AS 09.17.080(d) to the subsections in the bill that modify AS 09.17.080(d), e.g. "notwithstanding AS 09.17.080(d)") to make it clear how the AS 32.06 provisions relate to AS 09.17.080(d). *Am 1*

3. Location of definitions. I reviewed the uniform acts listed in the statutes' general index, since they are the most likely to have definitions placed in the front. Of these, in addition to the Uniform Commercial Code, only the probate code appears to have its definitions at the beginning of a chapter. See, e.g., AS 13.06.050. If you would like me to review other statutes, please advise.

4. Parallel table. This will be prepared as time allows.

If I may be of further assistance, please advise.

TLB:jdr:glc  
98-007.jdr

32.11 \ merger 2 beoral 1

7% Commission

but doesn't deal with Commission

back to basic partnership act or not?

Ryan may want to amend 32.11.



Official Business

# Alaska State Legislature

## SENATE

State Capitol  
Juneau, AK 99801-1182

### Senate Labor & Commerce Committee

#### Sponsor Statement SB 198: Uniform Partnership Act

Senate Bill 198 was introduced by the Committee at the request of the National Conference of Commissioners on Uniform State Laws (NCCUSL). This group has worked for the uniformity of state laws since 1892. Alaska has chosen to include 23 Uniform laws in its statutes, including the Uniform Partnership Act (UPA).

The Uniform Partnership Act governs the creation of a partnership, establishes what the nature of this business organization is, and provides some rules respecting the rights and obligations of partners among themselves and those between partners and other parties that do business with the partnership and the partners. The amendments increase choices for those who intend to do business together.

SB 198 incorporates the 1994 revision of the Revised Uniform Partnership Act (RUPA) by the NCCUSL, an NCCUSL technical amendment to UPA sec. 801(s)(A), and the 1996 NCCUSL amendments for RUPA to cover limited liability partnerships.

In 1997, the Legislature passed HB 266 (CH 78 SLA 97) addressing limited liability companies and limited partnerships. SB 198 has been amended to incorporate the changes made under that legislation, also.