1969-70

HOUSE JUDICIARY COMMITTEE

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3/13/69

JUDICIARY COMMITTEE REPORT

ON

HOUSE BILL NO. 10

The present AS 47.10.010(b) provides that the special procedures for handling minors accused of violating a law, etc., need not be followed when he is charged with violating traffic laws. Excepted from this provision are certain more serious traffic laws, such as driving while intoxicated and leaving the scene of an accident. The original House Bill No. 10 deleted this exception. The committee substitute makes the district court's jurisdiction over such offenses even clearer by requiring that the minor be charged, prosecuted, and sentenced in the district court in the same manner as an adult. An immediate effective date clause has also been added.

Barry Jackson, Chairman

2/19/6

JUDICIARY COMMITTEE

REPORT ON HOUSE BILL NO. 14

This bill seeks to protect the public from being sent and billed for merchandise which was not ordered. It is intended to discourage certain promotional schemes by which an individual would receive some merchandise, usually through the mail, and find that although he never asked for it he is faced with the inconvenience and expense of returning the merchandise or being billed for it. The bill covers only those situations in which the unsolicited sending constitutes an offer of sale and does not cover either contractual arrangements for the periodic sending of merchandise or cases of mistaken delivery where there was no actual "offer".

The committee substitute differs from the original bill in that it removes some redundant language and relocates the section so that it is covered by the definition of "merchandise" in AS 45.45.110. That definition is broadened to cover this new section, and the circularity of the definitions in sec. 110 is removed.

Barry Jackson, Chairman

3/17/69

JUDICIARY COMMITTEE REPORT ON

HOUSE BILL NO. 18

This bill is one product of the legislatively directed project to revise the Alaska Administrative Code and the Administrative Procedure Act. It clarifies the functions of the Department of Law with respect to administrative regulations, and establishes the concept of "regulations attorney." This person would work with the various administrative agencies, bringing to them a greater understanding of the nature of administrative regulations, preventing the Code from deteriorating after the revision project is completed, assisting in preparing regulations and relevant legislation, advising of the need for new regulations and amendment of old ones, and assuring constitutionality, legality and compliance with the Administrative Procedure Act and the drafting manual for administrative regulations. It is intended that this person be taken from these duties only when his work load permits or when the interests of the state definitely require it.

Some of the very serious problems relating to the present treatment of regulations are discussed at pp. 5 - 6 of the January 1968 study entitled, "Revision of the Alaska Administrative Code", prepared by the Legislative Affairs Agency. The primary cause of the problems is the fact that under the present system laymen, who may be excellent administrators or specialists in another field, are being required to analyze, interpret and apply complex legal matter without the requisite legal training. This is an illogical and inefficient system, leading to general frustration for administrators and users of the Code and to wasted money for the state.

To preserve uniformity of style, numbering, form, citation of authority, etc., the bill also requires adherence to the drafting manual for administrative regulations which Sec. 2(a), Ch. 70 SLA 1966 required the Legislative Affairs Agency to prepare.

3/17/69

JUDICIARY COMMITTEE REPORT

ON

HOUSE BILL NO. 19

This bill puts in permanent law the requirement in Sec. 2(a), Ch. 70 SLA 1966 that the Legislative Affairs Agency prepare a drafting manual for administrative regulations. This is consistent with AS 44.62.130(b), which requires this agency to prescribe a uniform system of indexing, numbering, arrangement of text and citation of authority and history notes for the Alaska Administrative Code. It also clarifies the provision relating to the distribution of regulations by the secretary of state, taking into account the eventual professional publication of the revised Alaska Administrative Code and Alaska Administrative Register. AS 44.62.090 is repealed because it is virtually identical to AS 44.62.140, and this duplication is not necessary.

Barry Jackson, Chairman

3/17/69

JUDICIARY COMMITTEE REPORT

ON

HOUSE BILL NO. 20

The purpose of this bill is twofold: (1) by making clear that emergency regulations may not be "renewed" as such, it helps prevent abuses of the state policy against unnecessary findings of "emergencies" (as declared in AS 44.62.270); and (2) it clarifies what sections of the Administrative Procedure Act apply to emergency regulations and increases the number that do.

Although the present statute could be interpreted as prohibiting it, the practice is to permit an unlimited number of renewals of an emergency regulation. The result of this is that a regulation can achieve virtually permanent status without the public ever being notified or given an opportunity to present statements or arguments on it. To facilitate compliance with the rather simple notice and related requirements in AS 44.62.060 and 44.62.190 - 44.62.210, the 90-day effective period for emergency regulations is extended to 120 days by the bill.

In addition, it seems apparent that, contrary to AS 44.62.290(b)(2), most sections in AS 44.62 would appropriately apply to emergency regulations (with the administrative adjudication sections having sort of a secondary relevance), and that only those which necessitate some delay (such as those requiring an attorney general opinion, public notice and public opportunity to be heard) should be excluded from application to the initial adoption of emergency regulations.

Barry Jackson, Chairman

3/17/69

JUDICIARY COMMITTEE REPORT

ON

HOUSE BILL NO. 21

The primary purpose of this bill is to clarify the use of the term "file" in the Administrative Procedure Act. "File" is used to describe the action of the secretary of state with regard to a proposed regulation approved by him. The term "submit" is used throughout to describe the action of an agency in delivering a proposed regulation to the secretary of state for his approval and filing. Presently, confusion results because the term "file" is used to describe both of these actions, and several other words ("send", "deliver", "submit") are used when the single act of submitting regulations is intended.

The bill, by adding subsection (b) to AS 44.62.040, also makes it clear that a citation of authority is required for each regulation submitted, and tells where the citation should be placed. In addition, sec. 5 of the bill makes clear that the secretary of state is required to file "voluntarily-submitted" regulations, which he has approved, in the same manner that he files other regulations, although he is still not required to publish them in the Alaska Administrative Code.

Barry Jackson, Chairman

2/13/69

JUDICIARY COMMITTEE

REPORT ON HOUSE BILL NO. 31

This bill makes clear, in AS 10.45.080, that shares in a professional corporation may not be transferred to an unlicensed person, which seems to have been the legislative intent, and which is consistent with AS 10.45.050 dealing with the issuance of those shares. Also, the words "or transfer" were added to parallel the phrase "sell or transfer" in the first clause of the sentence and avoid any question of approval not being required for a transfer which is not a sale.

Barry Jackson, Chairman

2/13/69

JUDICIARY COMMITTEE

REPORT ON HOUSE BILL NO. 32

This bill clarifies an ambiguity in what is now AS 44.62.310(d)(4), added by Ch. 78 SLA 1968. Under the language added last year, it is not clear whether all meetings of a "hospital medical staff" (as distinguished from "the governing body" or "any committee") or just those pertaining to professional qualifications, etc., are exempt from the open-meeting requirement. Since many of the meetings of a medical staff will pertain to the condition of patients the information and discussion would be confidential and not appropriate for an open meeting. Therefore, this bill exempts all meetings of the medical staff, and leaves the exemption for "the governing body" or "any committee" apply only to meetings relating to professional qualifications, etc.

Barry Jackson, Chairman

2/4/69

JUDICIARY COMMITTEE

REPORT ON SENATE BILL NO. 42

The main purpose of this bill is to establish in AS 17.12 (the chapter on depressant, hallucinogenic and stimulant drugs) the same definition of "sale" that is presently in AS 17.10 (the chapter on narcotic drugs). The slight variation in wording between the bill and AS 17.10.230(9) is intended just to remove awkward and redundant language and not to change the substance of the definition.

The second section of the bill simply removes the definition of "cannabis" from AS 17.10, where the word is no longer used. The same definition presently appears in AS 17.12.

Terry Miller, Chairman

3/11/69

JUDICIARY COMMITTEE REPORT

ON

HOUSE BILL NO. 77

This bill gives the governor temporary emergency powers to handle natural disaster and civil disorder situations -- ones in which martial law would be too extreme and inappropriate. (The term "civil disorder" is not defined.) The committee substitute limits the proclaimed state of emergency to 10 days, but allows renewal of the proclamation. It also adds a penalty clause, provides for orders to be issued by a designee of the governor (but only the governor may proclaim the state of emergency), and provides that a person may not be prevented from going to his home.

Barry Jackson, Chairman

Mr. Peterson

3/12/69

JUDICIARY COMMITTEE REPORT

ON

HOUSE BILL NO. 101

This bill seeks to protect against the hazards that can result from poor construction or workmanship in and on pipelines, tanks, vessels or other units used in the production, conveyance or storage of certain materials. The committee substitute differs from the original bill in that it clarifies this purpose, by requiring welders who work on these things to be "qualified" (as distinguished from "certified", which is apparently a term the industry finds misleading) by the board of welding examiners and by requiring the Department of Labor to establish construction and operation standards and an inspection system.

To meet the immediate needs of the state in establishing the protection under this bill, a supplemental appropriation will be necessary. A fiscal note, prepared by the Department of Labor, is attached to the bill.

Barry Jackson, Chairman

2/21/69

JUDICIARY COMMITTEE REPORT

ON

CS FOR HOUSE BILL NO. 127

This bill establishes a public defender agency to assure needy defendants of adequate legal representation and to more equitably distribute the public obligation to provide this representation. The constitutional right to counsel is held by the needy as well as the financially secure, and presently the obligation with regard to the former is met almost entirely by the members of the legal profession alone. While relieving the legal profession of this unique burden, the bill will establish a more efficient and more uniformly, highly skilled and specialized representation system, comparable to the services of the district attorneys' offices.

The bill provides that offices of the public defender agency shall be established in each judicial district and, when required by the public interest, permits the public defender to contract with private attorneys who, along with the substitute defenders occasionally appointed by the court, will be subordinate attorneys under his direction. It is the intent that at least a part-time office be established in Nome. The bill also provides that a needy defendant who is served by the public defender and who, within three years, acquires an ability to pay for the services shall do so.

Barry Jackson, Chairman

Mr. Peterson

4/17/69

JUDICIARY COMMITTEE REPORT

ON

HOUSE CS FOR SENATE BILL NO. 133 (H. W & E)

This bill does two main things: (1) it gives the State Commission for Human Rights the authority to seek in the superior court a temporary restraining order to restrain discriminatory practices pending final determination of proceedings under the Human Rights Commission chapter; and (2) it includes age and sex discrimination in certain prohibitions and as matters within the jurisdiction of the commission. The Judiciary Committee substitute deletes the provisions in this latter category with regard to state policy, practices of the state and local governments, labor organizations, employers and employment agencies, public accommodations, the sale and rental of housing accommodations, and financing.

Barry Jackson, Chairman

3/17/69

JUDICIARY COMMITTEE REPORT

ON

CS FOR SENATE BILL NO. 145

The original SB 145 mainly provided for the biennial (rather than annual) renewal of the license of an electrical contractor firm, consistent with the provisions for other occupations and professions covered by the centralized licensing chapter, AS 08.01. It also provided for reinstatement of a lapsed license and made clear that the grounds for suspending and revoking a license would also serve for refusing to grant a license.

The committee substitute adds a requirement that all electrical contractor licenses, not just those issued to firms, be renewed, and applies the same biennial and reinstatement language to them.

Barry Jackson, Chairman

3/17/69

JUDICIARY COMMITTEE REPORT

ON

HOUSE BILL NO. 159

The original HB 159 adds in our statutes a reference to two sections of the federal Internal Revenue Code. The first one, allowing corporations to pay their income tax in two equal installments, appears to have been just inadvertently omitted when the bulk revision of the Alaska Statutes was adopted in 1962. The second one, which requires corporations to prepay their taxes, was not included in Alaska law because it only applied to corporations with tax liabilities of more than $100,000; however, in 1968 Congress amended that section to apply to all corporations, and it is now appropriate for Alaska. The committee substitute adds a reference to the federal provision on enforcing this prepayment (by requiring payment of interest on delinquent tax payments), and sets Janaury 1, 1970 as the effective date.

Barry Jackson, Chairman

April 9, 1969

HOUSE JUDICIARY COMMITTEE

SECTIONAL ANALYSIS OF CSHB 202

The original HB 202 is identical to SB 128 (introduced by request of the governor), except for the exemption section (proposed AS 42.05.691). In the preparation of its committee substitute, the House Judiciary Committee considered the comments and suggestions numerous individuals presented at hearings and meetings held on the PSC bills, particularly the detailed written analyses of Don Hall, executive director of the Alaska Public Service Commission, and Karl Walter, Anchorage City Attorney. (It should also be noted that HB 188 and SB 54 are identical to each other. SB 54 is based on, and is very similar to, 1965 CSHB 138, as is 1967 HB 164.)

AS 42.05.010. This section implements the recommendation of Don Hall consistent with the practice in many other states where the state name precedes the commission name.

AS 42.05.020. This section is amended in the original bill to provide that the governor shall designate the chairman of the commission. The committee substitute amends the original bill by specifying that his term is four years rather than two years. The reason for this change is that two years seems like too short a term and by lengthening it the chairman is less subject to the pressures of politics.

AS 42.05.030. This section of the original bill is primarily concerned with providing for vacancies in the office of commissioner and specifies that they shall be filled by appointment by the governor and confirmed by the legislature. The committee substitute deletes some unnecessary language regarding the confirmation by the legislature (but confirmation will still be required).

AS 42.05.035. This section provides two methods of removal of commissioners. One is with the consent of a majority of the legislature and the other is for cause, such as incompetence or misconduct. The committee substitute does not change the original bill in this regard.

AS 42.05.040 is not amended by either the original HB 202 or the committee substitute. It states the professional qualifications required of commissioners.

AS 42.05.071. This section begins the entirely revised portion of the PSC Chapter. The old sections 70 - 650 are repealed. Section 71 provides that two members of the commission constitute a quorum. Present law is silent on this point.

AS 42.05.081. This section requires the commissioner and, under the committee substitute, the executive director to take the oath of office required of principle officers of the state. The language in the original bill said each commissioner and "each person appointed to a civil executive office", which language is not appropriate to Alaska law.

AS 42.05.091 provides for compensation of the members. It gives them per diem and travel expenses and an annual salary of $6,000 (it was $5,000 in the original bill). The chairman of the commission however, is to serve fulltime and is entitled to the salary of a superior court judge.

Source citations in this analysis are from George Benesch, Assist. A.G.

AS 42.05.101. This section simply provides for a principal office and branch offices and requires the commission to have an official seal. The committee substitute does not change this section.

AS 42.05.111. This section specifies that the attorney general is legal counsel for the commission. The section is not amended by the committee substitute.

AS 42.05.121. This provides that the commission may employ an executive director, requires him to be an experienced administrator and the committee substitute adds the provision that he may be one of the commission members. The committee substitute deletes the authority to hire hearing officers. It also deletes some unnecessary language regarding appointment of personnel. Both the original bill and the substitute provide for contracting for the services of consultants.

The following language should be added after the period on line 5, page 4 of CSHB 202: "The salary of the executive director may not exceed that of a superior court judge." This would prevent him from being paid the full salary for both the director's position and the chairman's position if he should happen to be appointed to both.

AS 42.05.131 is a section added by the committee substitute in order to protect against conflicts of interests of commissioners and employees. This provision is a slightly broadened version of proposed sec. 45 in HB 188.

AS 42.05.141 specifies the general powers and duties of the commission. The committee substitute makes some minor language changes in this section. One change is the deletion of the word "supervise" so that the commission will regulate utilities but not supervise them. (This section is a combination of AS 42.10.070 and California Public Utility's Code, sec. 701.)

AS 42.05.151 gives the commission authority to adopt regulations, requires the adoption of certain types of procedural regulations, and gives the commission and employees certain administrative authority. The committee substitute expands slightly upon the type of regulations the commission is required to promulgate, specifically mentioning the handling of procedural motions by a single commissioner. The committee substitute also allows for representation by out-of-state attorneys in accordance with Civil Rule 81. The committee substitute further provides for each commissioner acting alone to issue orders on procedural motions; this should expedite much of the commission's proceedings. (Part of this section is based on AS 42.07.150(b).)

AS 42.05.161. This section specifies that the Administrative Procedure Act applies to regulations adopted by the commission but does not apply to adjudicatory proceedings of the commission. It is felt that the provisions of the APA regarding accusations, statements of issues and hearing officers are not appropriate to proceedings of the PSC, such as rate hearings, etc. The committee substitute deletes some of the original bill's exceptions for the types of regulations required to be filed under the APA. (The deleted portion of (b) was based on the federal APA - 5 USC, §553.)

AS 42.05.171. This deals with investigations and hearings. The committee substitute makes a distinction between formal investigations and hearings and informal ones, requiring that for formal proceedings two or more commissioners must be present. It also requires a commissioner to hear or read the record before participating in making a decision of the commission. (The original section was adopted from the

California Public Utility Code, sec. 310. Cf. Pa. Stat., Title 66, Sec. 458.) The committee substitute deletes a section which is AS 42.05.181 in the original bill, (derived from Pa. Stat., Title 66, sec. 458) dealing with hearing officers and agents. The intent is to do away with the position of hearing officer and require hearings to be held by the commissioners themselves.

AS 42.05.181. This requires providing an opportunity to be heard before a final order of the commission may issue.

AS 42.05.191. This requires the commission to make reports on all proceedings held under this chapter.

AS 42.05.201 requires reports, orders, etc., to be in writing and requires that tney be published and be given proper distribution.

AS 42.05.211 simply requires the publication of annual reports by the commission. (It is the same as AS 42.07.140.)

AS 42.05.221 requires a public utility to get a certificate of convenience and necessity before operating as a utility. It also provides for the commission to eliminate the duplication of facilities. (Subsection (a) is similar to present AS 42.05.193, and subsection (b) was taken from proposed AS 42.05.245 in 1967 HB 164.) The committee substitute adds a subsection which grants grandfather rights to public utilities not presently required to have a certificate of convenience and necessity. Subsection (c) should be amended by adding the following language after the period in line 16 on page 8 of CSHB 202: "Such a certificate is subject to modification where there are areas of conflict with other utilities."

AS 42.05.231. This section provides for the filing of applications in the form and with the information required by the commission. The committee substitute deletes the requirement that the application be "verified", believing that this is unnecessary.

AS 42.05.241. This section requires that the utility be able to provide the utility services applied for and allows the commission to specify conditions for the issuance of a certificate. (It is adopted from proposed AS 42.05.265 in 1967 HB 164.)

AS 42.05.251. This section, which is added by the committee substitute, provides that public utilities have the right to use public streets, etc., upon the payment of a reasonable fee and upon reasonable conditions which the city or borough requires. Disputes as to reasonableness are to be decided by the commission.

AS 42.05.261. This section allows for the discontinuance of a service only when the commission finds that the continued service is no longer required by public convenience and necessity. It also allows the commission to require the reinstatement of service previously discontinued, again if the public convenience and necessity require it.

AS 42.05.271. This section sets out the basis for the commission's ordering the modification, suspension, or revocation of a certificate. The committee substitute adds a requirement that failure to comply with the provisions of the chapter or failure to comply with conditions of the certificate must be a wilful failure.

AS 42.05.281 prohibits the transfer of a certificate without prior approval of the commission.

AS 42.05.291. This section requires public utilities to furnish and maintain adequate, efficient, safe and reasonable service and facilities, and allows the commission to set standards for this. (Cf. present AS 42.05.190, 42.05.460 and Pa. Stat., Title 66, sec. 1171.) The committee substitute adds the requirement that the commission's standards shall conform to standard practices of the industry. Under this section, the commission also has the authority to require certain services or facilities or certain repairs, extensions, etc., which are reasonably necessary for the public.

AS 42.05.301 prohibits discrimination in service but allows the establishment of reasonable classifications of service. (This was adopted from Pa. Stat., Title 66, sec. 1172. Cf. present AS 42.05.460.)

AS 42.05.311 requires a public utility having certain distribution or transmission facilities such as conduits, poles, pipelines, etc., to allow the joint use and interconnection of these facilities upon being paid a reasonable compensation, when the public necessity and convenience require. This section also requires that the tariff of a public utility include rules setting out the terms by which its customers may hook up with certain facilities. The committee substitute deletes, as being unnecessary to state, the provision in the original bill that dealt with the contents of these rules, with regard to the customers aiding in construction of certain facilities. (This section is a revised version of present AS 42.05.360.)

AS 42.05.321 provides for the commission's resolution of conflicts when there is a failure to agree upon joint use or interconnection. (This section is a revised version of present AS 42.05.370.)

AS 42.05.331 gives the commission authority to set standards for the measurement of utility services. (Presently AS 42.05.410.)

AS 42.05.341 requires the commission to provide for periododic testing and certification of meter standards. (Presently AS 42.05.420.)

AS 42.05.351 requires the commission to provide for the examination and testing of measuring appliances used by a utility's customer. The committee substitute changes this section by making it identical to chapter 4, SLA 1969 (amending present AS 42.05.430), which will be repealed if the Public Service Commission bill passes.

AS 42.05.361 requires each public utility to file its complete tariff with the commission and requires that these tariffs be kept available for public inspection. (Cf. present AS 42.05.470.) The committee substitute changes this latter requirement so that the tariffs need be kept only at the principle office in each community served. The committee substitute also classifies special arrangement contracts which affect rates and charges as special tariffs. This classification is a suggestion of Karl Walter, as is the slightly expanded basis for the commission's rejection of the filing of a tariff.(in (c) of this section).

AS 42.05.371 prohibits deviation from a filed tariff. (Cf. present AS 42.05.510.)

AS 42.05.381 requires rates to be just and reasonable. (Cf. present AS 42.05.190.) The committee substitute adds a subsection which specifies that a municipality is entitled to a fair and reasonable rate of return in establishing the rates of a municipally owned and operated utility. In order to put municipal utilities on a par with other utilities, a municipality may include a reasonable street permit fee in determining the utility revenue requirements. (This new provision is also a suggestion of Karl Walter.)

AS 42.05.391 prohibits discrimination in rates. However, it provides that the rate charged by a municipality for a utility service furnished beyond the corporate limits is not necessarily unjustly discriminatory solely because it is different from the rate charged for service within the corporate limits. The committee substitute deletes the provision amplifying on the discrimination prohibition, the feeling being that the point was adequately covered by subsection (a). The substitute also adds a provision prohibiting other types of discrimination, such as by the payment of rebates or bonuses or by furnishing special facilities or services. The furnishing of equipment must conform to a tariff approved by the commission. (Cf. present AS 42.05.190; Calif. Public Utility Code, sec. 461; Pa. Stat., Title 66, sec. 1141.)

AS 42.05.401. This gives the commission authority to settle disputes as to the apportionment of joint rates. The committee substitute deletes the provision which allows the commission to employ consultants and require utilities to pay the fees and expenses of consultants, believing that this authority is already covered in other sections of the bill.

AS 42.05.411 requires commission approval for filing of new tariffs and changes in old ones. (Cf. present AS 42.05.490.)

AS 42.05.421 allows for commission investigation of a tariff change. (Cf. 46 USC, § 8-45 and proposed AS 42.05.345 in 1967 HB 164.) The committee substitute changes theseven month period for which the commission may suspend the operation of a tariff change to five months. The commission may require a utility to place in escrow all amounts received by reason of an increased rate. The committee substitute deletes the provision that required the utility to pay interest on amounts collected which have been found to be unreasonable or unlawful and which are required to be returned to the consumer.

AS 42.05.431. This section simply gives the commission power to determine just and reasonable rates, classifications, regulation, practices, etc. (Cf. present AS 42.05.520.). The committee substitute adds a provision allowing municipalities to covenant with bond holders with regard to rates of municipally owned utilities. This additional provision was picked up from sec. 335 of HB 188.

The committee substitute deletes two sections in the original House Bill 202 which provided for reparations and the recovery of reparations payments. (They were taken from Calif. Public Utility Code, secs. 734 and 735.)

AS 42.05.441 provides for the commission's valuation of property of a public utility. The original bill required the commission to be guided primarily by the element of original cost, less accrued depreciation. The committee substitute changes this by requiring the commission to be guided primarily by the average of original cost, less accrued depreciation, and reproduction cost, less physical deprication. (There is a typographical error on page 19, line 19 of the committee substitute; there should be a comma after the word depreciation in that line.)

AS 42.05.451. The original bill required public utilities to use an accounting system prescribed by the commission and the committee substitute allows the utility to use a generally recognized system of public utility accounting; if the utility does not do this then the commission will prescribe for the accounting system. (Cf. present AS 42.05.290 and 310.) This section also requires each utility to submit an annual report to the commission. The original bill required this to be done within 75 days after the close of the utility's annual accounting period; the committee substitute changes this to 90 days and allows additional time to be granted upon a showing of good cause.

(The committee substitute provision regarding the accounting system was picked up from HB 188, sec. 435.)

AS 42.05.461. This section allows the commission to require a utility to maintain a continuing inventory of all units of tangible property, showing the current location of the property, the original cost of the property, etc.

AS 42.05.471 requires utilities to keep depreciation accounts. The commission is to determine and allow depreciation expense in fixing rates, etc. (Cf. present AS 42.05.340.) The committee substitute adds a provision which allows a new utility to amortize operating losses, if any, which it has incurred in developing its market and system.

AS 42.05.481 requires utilities to keep accounts of subsidiaries separate and prohibits consideration of the property, expense and revenue of a subsidiary in the determination of rates and charges. (Cf. present AS 42.05.300.)

AS 42.05.491 simply requires that records and accounts be kept in Alaska. (Cf. Pa. Stat., Title 66, sec. 1214.)

AS 42.05.501 gives the commission access at all reasonable times to the books of the utility and, in the committee substitute, the affiliated interests of a utility. (Cf. present AS 42.05.540.)

AS 42.05.511 gives the commission authority to investigate management of a public utility to determine whether unreasonable practices are found to exist which adversely affect the cost or quality of service of the public utility.

AS 42.05.521 gives the commission authority to direct a utility to cease paying dividends on its common stock when the capital of the utility is impaired, or, under the committee substitute, when it might become impaired by a continuation of current practices. (This new language was suggested by Karl Walter.) (Cf. proposed AS 42.05.535 in 1967 HB 164.)

AS 42.05.531 requires surplus and profits to be distributed in accordance with bylaws and governing ordinances. (Cf. present AS 42.05 - 200.) The committee substitute deletes the reference to operating margins, the committee believing that to be an inappropriate term here. The substitute also deletes two sentences allowing the commission to govern the distribution of surplus and profits through regulation. This deletion implements a suggestion of Karl Walter, and it is believed that once the utility has made a profit the distribution of that profit is not a proper concern of the commission.

AS 42.05.541 simply gives regulations and orders adopted under this chapter the effect of law.

AS 42.05.551 allows for judicial review in accordance with the specified sections of the Administrative Procedure Act and provides for superior-court enforcement of this chapter. (Cf. proposed AS 42.05.555 in 1967 HB 164.)

AS 42.05.561 makes violation of a provision of this chapter or a regulation or order issued under it a misdemeanor. The committee substitute simply cleans up the language of the section deleting unnecessary words.

AS 42.05.571 - 591 establish a system of civil penalties for violations of this chapter or orders or regulations issued under it. These

sections are adopted primarily from the California Public Utility Code, sections 5312 - 5317, with some modifications reflecting Wasnington Public Utility Code, section 80.04.405. They allow the commission to impose a civil penalty as a means of enforcement. The committee substitute makes these provisions applicable only to a public utility and not to individuals.

AS 42.05.601 requires the attorney general to bring actions to recover penalties or impose fines under this chapter and specifies that they shall be paid to the commission and deposited by it in the general fund.

AS 42.05.611 provides that penalties imposed under this chapter are cumulative. The committee substitute clarifies this language and specifies that a criminal prosecution is not a bar to an action of a recovery of a civil penalty.

AS 42.05.621 allows for the joining of actions for recovery of a penalty, joining of applications for enforcement of commission orders and joining of appeals from orders of the commission. (Cf. proposed AS 42.05.575 in 1967 HB 164.)

AS 42.05.631 gives public utilities the power of eminent domain for public utility purposes. (Taken from proposed AS 42.05.585 in 1967 HB 164.)

AS 42.05.641. Subsection (a) of this section in the original bill was a carry over from existing section 620. The committee substitute deletes that subsection in the belief that it is no longer necessary to provide for pre-1959 grants or franchises. The language that remains in the committee substitute provides that orders, decisions, etc., of the commission prevail over charters, franchises, ordinances, etc., of a local government when there is a conflict. (Cf. proposed AS 42.05.587 in 1967 HB 164.)

AS 42.05.651. This section simply provides for the allocation among the parties, including the commission, of the cost of a public hearing. This allocation itself is subject to a hearing at the request of any party. (Cf. present AS 42.05.610.)

AS 42.05.661. In the original bill this section required the payment of regulatory fees by all utilities. The committee substitute deletes the provision for regulatory fees and retains only the provision for the submission of an application fee which will be paid to the commission and deposited into the general fund.

AS 42.05.671. To make the intent of this section clearer the committee substitute picks up a provision from existing section 180 of the PSC chapter providing that information in the possession of the commission is public. The language from the original bill (which was taken from AS 02.05.240) then provides for a person making a written objection to public disclosure of certain information.

AS 42.05.681. This section, which is unchanged in the committee substitute, protects the certificates already issued to public utilities grossing less than $25,000, which utilities were exempted from regulation by section 2, chapter 188 SLA 1968.

AS 42.05.691 is designed to fit the general plan of greater jurisdiction and authority of the commission. By allowing classification of utilities the commission can provide regulatory requirements that will fit the circumstances of utility variations.

AS 42.05.701. In this section the definition of "public utility" includes municipally owned utilities and, to a limited extent in the committee substitute, pipelines carrying products for sale or resale to a fully regulated public utility. (This latter language was proposed by Paul Robison.) Both the original bill and the committee substitute contain definitions of "public" and "affiliated interests", which terms are not defined in existing law. The definition of "affiliated interests" is taken from Washington Statute 80.16.010. Upon the recommendation of Don Hall the committee substitute also includes a definition of the word "tariff". In the definition of "public utility" the reference to steam in sub-paragraph (2)(C) to "steam" refers to steam heat, as it does in (2)(E). (The present definition section is AS 42.05.640.)

AS 42.05.711. In its comparable section, SB 128 provided for the exemption of municipally owned and operated utilities from the provisions regarding the regulation of rates, financial management regulations, and the requirement of a regulatory fees. (Cf. present AS 42.05.645 and Pa. Stat., Title 66, sec. 1141.) The original HB 202 deleted the exemption regarding rates. The committee substitute deletes the regulatory-fee exemption because the provision for regulatory fees itself has been deleted. The committee substitute also deletes the exemption from the financial management regulations since it is considered appropriate that a municipally owned and operated utility be subject to PSC jurisdiction in this regard.

Section 7 of the committee substitute (which was section 5 of the original HB 202) provides for the continuation of presently pending proceedings and for the continuation of current certificates, orders, etc. The committee substitute adds a sentence continuing the existing rates, charges, etc., of municipally owned and operated utilities unless otherwise ordered by the commission under this act.

Sections 8 and 9 of the committee substitute have no counterpart in the original bill. They provide that the limitations in Title 29, relating to the granting of franchises and regulation of public utilities, apply to home rule boroughs and cities, respectively.

Section 10 of the committee substitute limits the jurisdiction of cities over public utilities regulated under AS 42.05, the Public Service Commission Act. It also makes clear that utilities have the right to use the streets upon the payment of a reasonable permit fee and on reasonable terms and with reasonable exceptions the city council requires. These provisions with regard to cities also apply to boroughs, under AS 07.

Sections 11 and 12 of the committee substitute make existing language consistent with the limitations established in section 10.

Section 13 of the committee substitute sets July 1, 1969 as the effective date of the act. The original bill contained an immediate effective date clause.

2/11/69
Mr. Peters

JUDICIARY COMMITTEE REPORT

ON

SENATE BILL NO. 218

By providing for a single judicial ballot in each judicial district, this bill changes the present requirement that the name of each judge and supreme court justice seeking to succeed himself be placed on a separate ballot. The committee substitute clarifies the question which is to appear on the ballot by referring to the fact that the vote is required by law.

Barry Jackson, Chairman

3/1/69

JUDICIARY COMMITTEE REPORT

ON HOUSE BILL NO. 255, ESTABLISHING

THE ALASKA LAW REVISION COMMISSION

This bill establishes a law revision commission as a vehicle for continually reviewing the law of this state and providing in-depth legal research through the cooperation of the legislative council, the Alaska Bar Association and various law schools. (The bar has reached tentative agreement with the dean and some faculty of the U.C.L.A. Law School.) The lawyers and law students engaged in these activities will not be paid for their time, but members of the commission will be entitled to payment of a per diem allowance and travel expenses for commission business.

This arrangement would provide legal services and recommendations to the legislative council beyond which the revisor of statutes and the rest of the staff of the Legislative Affairs Agency presently have time for. It appears to have been the experience of some other states with a law revision commission that whereas the legislative council or comparable agency of the legislature has primarily devoted itself to "new law" or revision of "public law", the commission has been able to devote more time and effort to the development of "private law" -- the law which is administered between citizen and citizen.

The commission's research projects will be only on topics which the legislature has approved, and the commission will operate under the supervision and control of the legislative council, with adminstrative services provided by the Legislative Affairs Agency to the extent authorized by the council. It is expected that where there may be some overlapping of functions between the commission and the revisor of statutes the commission will work through him in presenting its recommendations to the council.

Barry Jackson, Chairman

4/21/69

JUDICIARY COMMITTEE REPORT

ON

HOUSE BILL NO. 378

This bill requires all banks in Alaska to acquire membership in the Federal Deposit Insurance Corporation by April 1, 1971. Presently there are two banks in the state which do not hold this membership, and it is believed that the protection afforded the public by such membership is essential.

Tom Fink, Vice-Chairman

4/16/69

JUDICIARY COMMITTEE REPORT

on

HOUSE BILL NO. 398

Section 3 is the heart of this bill. It provides clearly for an administrative hearing when requested by an applicant whose application for a right, etc., is denied, or whose existing right, etc., is revoked or suspended. Sections 1 and 2 are the basic companion provisions, and most of the other changes proposed by the bill merely conform the rest of the APA to the new provisions in sections 1 - 3.

Presently the sections of the APA relating to the initiation of hearings are awkward and confusing. There is a distinction between an "accusation" (AS 44.62.360) and a "statement of issues" (AS 44.62.-370) on the basis that the former deals with revoking, suspending, limiting or conditioning a right, etc., while the latter deals with granting, issuing or renewing a right, etc. This distinction is not realistic (in addition to being confusing) because an "accusation" is as appropriate to issuance as it is to revocation, and a "statement of issues" is as appropriate to revocation as it is to issuance. So the bill proposes a distinction based upon who initiates the proceeding (with a third party filing an accusation, and an agency serving a statement of issues) rather than upon the results of the agency action.

In addition, the existing AS 44.62.370(c) allows for a hearing to be requested by the person applying for a right, etc., but does so only in a backhanded manner which is further confused by referring to him as the "respondent". This term and the statement of issues may be appropriate in some cases but are not in others. The bill clarifies this.

Section 5 proposes a new provision to protect a person while he is pursuing his administrative and judicial remedies. Section 7 is partly clean-up and partly a change giving a person the opportunity to file an answer to a new charge against him. The first part of section 9 seeks to broaden the APA administrative adjudication notice provision in order to more appropriately handle the variety of proceedings required to be conducted in accordance with the APA.

Barry Jackson, Chairman

This report did not reach the floor during the 1969 session because, after introduction by the Judiciary Committee, the bill did not get back to the committee before the end of the session. WHP

April 2, 1969

Mel J. Personnett
Commissioner of Public Safety
Room 103
State Capitol
Juneau, Alaska

Dear Commissioner Personnett:

The House Judiciary Committee has considered the amended regulations submitted by you to the committee on March 6, 1969.

With the following changes, the regulations as proposed in this amended version meet with the approval of the committee.

The changes are as follows:

25.210: Do not abbreviate NCIC.

25.220: After "REQUIRED INFORMATION", ad "(a)". Change the period after "follows" in the same sentence to a colon. Delete second sentence, and place it after (14) as subsection "(b)".

25.220 (9): Delete the word "your" in second line and use some other language.

25.220 (10): Do not abbreviate M.O.

25.220 (14): Change this subsection to subsection (15). Add new subsection (14) to read: "Ultimate disposition of each proceeding, such as dropping of charges, dismissing a case or finding of "not guilty'".

25.250 (b): Change "department shall" to "department will".

25.250 (c): Change "deems" to "considers".

25.250 (d): Change "shall" to "may". (this does <u>not</u> change a mandatory statement to a permissive one.)

25.260: Change reference to "section 210" to "section 220".

25.260: Before "officers of the United States", insert, "law enforcement."

25.260: After the last word, delete the period and add, "for the purpose of the detection of crime and the detection of criminals."

25.290 (b): Add the term "probation officers" and delete paragraph (12) entirely since it is a duplication.

25.290 (8): After the word, "investigators," add, "of the state or a local fire department."

The committee is concerned with preserving the intent of AS 09.25.120 (2) and AS 47.10.090, and requests that the provisions of these regulations be consistent with those statutes.

If any additional information is needed concerning these changes, please contact Arthur Peterson.

Sincerely,

Barry Jackson
Chairman
House Judiciary Committee

April 11, 1969

M E M O R A N D U M

TO: Capt. James Barkley
Department of Public Safety

FROM: Arthur H. Peterson
Revisor of Statutes

SUBJECT: Dept. of Public Safety Criminal Information Regulations

You raised a question about including as one item of information the ultimate disposition of cases, such as dismissal, dropping of charges, finding of not guilty, etc. I discussed this with Barry Jackson, Chairman of the House Judiciary Committee, and he agrees that it would not be appropriate for you to "require" the judicial system to submit this information to you. He points out, however, that the information would probably be made available to you if you informally ask the Chief Justice, by letter, to direct the courts to send it to you. In addition, this type of information seems like a relatively simple clerical matter to handle; and, when the agencies and individuals in your list do have it, it should be forwarded to you.

AHP/eh

STATE OF ALASKA
THE LEGISLATURE
LEGISLATIVE AFFAIRS AGENCY

JUNEAU
ALASKA 99801

MEMORANDUM

April 15, 1969

Mr. Jackson:

A draft amendment to CSHB 202 am, to be offered in the Senate by the Commerce Committee, is attached. It does the three things Mr. Banfield said it should do: 1) it restores the SB 128 exemptions for municipally owned and operated utilities (except for the regulatory-fee exemption, of course, which is no longer appropriate); 2) it provides for this type of utility consenting to coverage by the chapter; and 3) it leaves the commission with authority to determine service areas for this type of utility when there is a conflict.

This amendment leaves this type of utility subject to the certificate requirement -- proposed AS 42.05.221. (Also see proposed secs. 231 -- 281.) Subsection (d) of that section is the provision allowing the commission to "eliminate competition and duplication of facilities by delineating the service area or areas of each utility, . . ." (This is point 3, above.) It also leaves them subject to proposed secs. 291 -- 351, Services and Facilities; secs. 451 -- 501, Accounts, Records and Reports; secs. 541 -- 621, Judicial Review, Penalties and Enforcement; and secs. 631 -- 701, General Provisions.

Using the SB 128 exemptions also leaves this type of utility subject to proposed sec. 401, Apportionment of Joint Rates, and subject to <u>all</u> the rate-regulation provisions (proposed secs. 361 -- 441) for service furnished outside the corporate limits of the municipality.

The consent provision in the amendment is taken, essentially, from some earlier bill, and is stated quite simply. It leaves three areas of questions unanswered: 1) Is the municipal consent irrevocable? If not, to what extent is it revocable? 2) How is municipal consent given? How is it revoked? Must there be a writing? Filed with the commission? Is it a decision of the utility manager or by majority vote of the governing body of the municipality? 3) Must municipal consent be for coverage by all provisions of the chapter (as the language in the amendment seems to require), or may the municipality choose which provisions it will consent to?

STATE OF ALASKA
THE LEGISLATURE
LEGISLATIVE AFFAIRS AGENCY

JUNEAU
ALASKA 99801

MEMORANDUM

The amendment does not affect the commission's resolution of conflicts as to the reasonableness of street permit fees and restrictions (proposed sec. 251), nor the supremacy of commission orders and regulations over local ordinances, etc. (proposed sec. 641).

Art

Arthur H. Peterson
Revisor of Statutes

Prepared for Hse. Jud. Com.

A M E N D M E N T

IN THE SENATE BY THE COMMERCE COMMITTEE

TO: CSHB 202 am

Page 29, between line 9 and 10:

Delete all matter inserted by floor amendment in the House (See page 705 of the House Journal).

Insert:

"Sec. 42.05.711. APPLICATION OF CHAPTER TO MUNICIPALLY OWNED AND OPERATED UTILITIES. (a) Secs. 361 - 391 and 411 - 441 of this chapter, concerning regulation of rates, do not apply to public utility services furnished by a municipally owned and operated public utility wholly within the corporate limits of the municipality. Those sections do apply to such services furnished by a municipally owned and operated public utility outside the corporate limits of the municipality.

"(b) Secs. 511 - 531 of this chapter, concerning financial and management regulation, do not apply to a municipally owned and operated public utility.

"(c) With the consent of a municipally owned and operated utility, all provisions of this chapter will apply to it."

Page 29, line 10:

Change "711" to read "721".

Page 29, between lines 14 and 15:

Delete all matter inserted by floor amendment in the House. (See page 705 of the House Journal.)

Page 29, line 15:

Change "721" to read "731".

1970

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Alaska Bar Association Proposals --- 22,25,27

Alaska Legal Services Proposals --- 19,21,23,29,48,53,55,67

ASHA Funding Committee --- 16,27,38

Anchorage Vocational Rehabilitation Investigation --- 70

Armed Forces Bill -- (Became HB-810) --- 128

Bank Holding Companies --- 197,199,231,232,251

Bill re July 1 filing date --- 269

Bill re Saloons or Bars Closing at 3:00 a.m. - 96,98

Bill re TAPS Road --- 140

Budget Reviews --- 10,16,18,20,46,27,29,50,52,54,57,67,72,78,93

Cherry Blossom Queen Resolution --- 140,170

Cities--owning liquor establishments (HB-811) --- 128

Collection agencies --- 44

Commission on executive, legislative, and individual salaries --- 2

Consumer Protection --- 105,109

Coroner --- 30

Corporations --- 85

Distraint Bill --- 67

Dramshop Act --- 5,19,36,51,67,69

Employee Rights and Grievance Procedures --- 223,224

Fish and Game Policy --- 29,44

Guides --- 51

Highway Regulations --- 23,29

Judges Salaries --- 4

Judicial Council Proposals --- 22,26,28

Jury List Problem --- 30,83,89,101,112,123,182,193

Land Laws --- 15

Landlord/Tenant Bill --- 55,67,90

Legislative Oversight --- 71

Mike Rose' Letter - APA Problem --- 2,19,24,44

North Slope Road Problem & TAPS Agreement --- 197,199,203-222,225-230,244-250,273-284,299-307,313

Oil Spill Resolution --- 235

Per Diem Allowance/Collection Agency Board --- 44,48

Pornography --- 5,8,24,28,29,36,44,47,51,53,56,59-61

Public Administrator --- 73

Public Safety Regulations --- 105,179,182,185,237-243,258,259,261

Public Safety Training Film --- 236,268,271,272

Raising Insurance Limits --- 56,67,69

Rehabilitation Bill --- 78

Removing Motor Vehicles from the State --- 21,28

Resolution on 90-day sessions --- 199

Robison Letter --- 67,84

Scott, Walter--Investigation --- 150,234,251,261,266,268

Sierra Club brochure --- 231

Stevens Village Investigation --- 150-169,172-177

Surveillance practices --- 94,108

Trust Companies Bill --- 179,180,183

Uniform Probate Code --- 13

Wills --- 50

Work Furlough --- 70,78,80,84,85,89

HOUSE JUDICIARY COMMITTEE WORKSHEET

##########

Total Number of Carry-over Items from Last Session: 42 Items

Actions Tabled Last Session: 11 Items

##########

For Week Ending January 17, 1970 :

New Items: 7 Items

New Subjects: 5 Subjects

Cumulative Total Items and Subjects: 49 Items and 5 Subjects

Items Tabled: 0

Subjects Completed: 0

Items Reported Out: 0

Total Completed Actions: 0

Cumulative Completed Actions: 11

Cumulative Uncompleted Items and Subjects: 49 Items and 5 Subjects

##########

For Week Ending January 24, 1970 :

New Items: 25 Items

New Subjects: 5 Subjects

Cumulative Total Items and Subjects: 74 Items and 10 Subjects

Items Tabled: 0

Subjects Completed: 2

Items Reported Out: 1

Total Completed Actions: 3

Cumulative Completed Actions: 14

Cumulative Uncompleted Items and Subjects: 73 Items and 8 Subjects

##########

HOUSE JUDICIARY COMMITTEE WORKSHEET

##########

Total Number of Carry-over Items from Last Session: 42 Items

Actions Tabled Last Session: 11 Items

##########

For Week Ending January 31, 1970 :

New Items: 9 Items

New Subjects: 7 Subjects

Cumulative Total Items and Subjects: 82 Items and 15 Subjects

Items Tabled: 1

Subjects Completed: 0

Items Reported Out: 0

Total Completed Actions: 1

Cumulative Completed Actions: 15

Cumulative Uncompleted Items and Subjects: 81 Items and 15 Subjects

##########

For Week Ending February 7, 1970 :

New Items: 11 Items

New Subjects: 3 Subjects

Cumulative Total Items and Subjects: 92 Items and 18 Subjects

Items Tabled: 3

Subjects Completed: 0

Items Reported Out: 8

Total Completed Actions: 11

Cumulative Completed Actions: 26

Cumulative Uncompleted Items and Subjects: 84 Items and 18 Subjects

##########

HOUSE JUDICIARY COMMITTEE WORKSHEET

##########

Total Number of Carry-over Items from Last Session: 42 Items

Actions Tabled Last Session: 11 Items

##########

For Week Ending February 14, 1970 :

New Items: 10 Items

New Subjects: 1 Subject

Cumulative Total Items and Subjects: 94 Items and 19 Subjects

Items Tabled: 1

Subjects Completed: 2

Items Reported Out: 7

Total Completed Actions: 10

Cumulative Completed Actions: 36

Cumulative Uncompleted Items and Subjects: 86* Items and 17 Subjects

* HR-5 withdrawn

##########

For Week Ending February 21, 1970 :

New Items: 20

New Subjects: 3

Cumulative Total Items and Subjects: 106 Items and 20 Subjects

Items Tabled: 0

Subjects Completed: 1

Items Reported Out: 9

Total Completed Actions: 10

Cumulative Completed Actions: 46

Cumulative Uncompleted Items and Subjects: 97 Items and 19 Subjects

##########

HOUSE JUDICIARY COMMITTEE WORKSHEET

##########

Total Number of Carry-over Items from Last Session: 42 Items

Actions Tabled Last Session: 11 Items

##########

For Week Ending **February 28, 1970** :

New Items: 2

New Subjects: 3

Cumulative Total Items and Subjects: **99 Items and 22 Subjects**

Items Tabled: 2

Subjects Completed: 1

Items Reported Out: 8

Total Completed Actions: 11

Cumulative Completed Actions: 57

Cumulative Uncompleted Items and Subjects: **91 Items and 21 Subjects**

##########

For Week Ending **March 7, 1970** :

New Items: 15

New Subjects: 5

Cumulative Total Items and Subjects: **106 Items and 26 Subjects**

Items Tabled: 2

Subjects Completed: 5

Items Reported Out: 9

Total Completed Actions: 16

Cumulative Completed Actions: 73

Cumulative Uncompleted Items and Subjects: **97 Items and 21 Subjects**

##########

1970
MINUTES
1/14/70 - 6/3/70

JUDICIARY COMMITTEE
MINUTES OF THE MEETING
JANUARY 14, 1970

Chairman Jackson called the meeting to order at 4:00 p.m. in the Masonic Temple. Members present were: Metcalf, Cornelius, Fink, Kay, and Harris. Absent: Miller, Banfield, and Hillstrand. Mr. Peterson, staff counsel for the committee, was also present.

Assignments on active bills were as follows:

HB 5 - Metcalf & Harris ~~- at least to nominations~~ Bwj

HB 9 - Kay & Harris

HB 56 - Fink

HB 57 - Cornelius

HB 110 - Harris

HB 115 - Miller & Banfield

HB 154 - SB [redacted] 311 - both on insurance - Fink

HB 309 - Fink - A hearing had better be scheduled on that. Report back to chairman and advise.

HB 336 - Cornelius

HB 338 - Cornelius

HB 362 - Kay & Fink

HB 363 - Kay & Cornelius

HB 369 - Cornelius

HB 392 - Metcalf

SB 336 - judges salaries - Kay & Harris
This calls for salaries less that we passed at the last session. We can amend it as we see fit and send it back to the House for concurrence. If they don't concur, it will go to the Conference Committee.

The chairman has sent out notes to appropriate departments on [redacted] Bwj other active bills that have not been assigned.

Mr. Fink raised a question about HB 373: Should this bill be taken up? This sets a limit on the amount of money that can be spent in elections. Mr. Kay has some ideas on it, but doesn't like it as it is now. HB 373 has been assigned to Kay and Fink.

Chairman Jackson will assign the Constitutional amendment resolutions tomorrow. No one is expected to make reports tomorrow. Bills received in this session will be assigned also.

Mr. Fink is going to introduce a bill for a commission on executive, legislative, and individual salaries this year. He wants to know if the committee would wish to consider this. Mr. Fink was asked to draw it up and bring it before the committee. He stated that he had sent it to Legislative Affairs for typing. Mr. Jackson put this on the agenda for tomorrow.

Mr. Cornelius has been assigned HB 398 and the general APA problem. A proposal was discussed between Mr. Cornelius and Mike Rose where Mr. Rose offered his services to this committee for $150 per day plus $21 per day per diem while here. Mr. Jackson wants Mr. Rose to submit a proposal to the committee on his own letterhead that we use him as a consultant to the committee. At present he is chairman of the Anchorage Bar Association's Committee on Administrative Law. If we decide to use Mr. Rose, we should get all materials ready for him so his services would require only a short period of time in Juneau.

Meeting adjourned at 4:35 p.m.

Merle Mason, Secretary

JUDICIARY COMMITTEE
MINUTES OF THE MEETING
JANUARY 15, 1970

This meeting was cancelled as there were not enough members present to form a quorum.

Merle Mason, Secretary

JUDICIARY COMMITTEE
MINUTES OF THE MEETING
JANUARY 16, 1970

The chairman called the meeting to order at 4:00 p.m. in the Masonic Temple. Members present were: Metcalf, Fink, Banfield, and Harris.

judges salaries

Mr. Fink presented a bill on judges salaries. He would introduce it individually, but wanted to know if the members of the committee would like to introduce it. Mr. Jackson suggested that a motion be made that the committee introduce the bill, requesting that it be assigned to the Judiciary and Finance. Committees. Mrs. Banfield so moved; seconded by Fink. The Chairman called for the vote. Metcalf - Yes
Fink - Yes Harris - No
Banfield- Yes
Jackson - Yes

The secretary was assigned to take this document to Legislative Affairs and have its sponsor shown as by the Judiciary Committee and give to the Chief Clerk. A note was sent with the bill for the Speaker asking it to be referred to our committee first.

APA

Mr. Fink was asked to report on HB 398. He was unable to make contact with parties concerned until today.

Assignments:

HJR-11 - Kay & Banfield - Rotation of chief justice

HJR-27 - Fink & Miller - Increase in the Judicial Council; raises members to 15 and changes the selection process

HJR-51 - Kay - Relates to knowledge of English as a voting requirement

HJR-58 - Miller & Harris - Elective attorney general

HB-414 - Harris & Cornelius - Relates to assaults on law officers

HB-430 - Metcalf - Relating to lost persons

HB-432 - Kay - Relating to jurisdictional amount in district court

SB-245 - Kay & Cornelius - Contributions by the tortfeasors

SB-269 - Kay - Relating to small estates

HCR-1 - Harris - Relating to juror fees

HB-442 - Banfield - Repeal of the inheritance tax

pornography

The subject of pornography was brought up and more specifically what could be done about movies of this type. Two points were outlined by Mr. Jackson on (1) the protection of children and the right of parents in raising their children without this type of influence; and (2) the right to privacy. Mr. Fink will investigate our subpoena powers and then to draw up some type legislation. Mr. Jackson indicated that hearings could be held on this matter. Mrs. Banfield will contact Mr. Gross and seek support from the Civil Liberties Union. Mr. Peterson is assigned some research about this subject and how it has been handled in other states. A review of information from hearings held previously and contacting people involved will allow us to prepare for a public hearing, after which we can write some legislation that will hold up.

Dramshop Act

Mrs. Banfield brought up the subject of the Dramshop Act. This relates to responsibility of tavern owners in respect to persons leaving their establishment in such a state as to cause, for example, a traffic accident resulting in death to a family head. This will be taken up at a later meeting.

Meeting adjourned at 4:45 p.m.

JUDICIARY COMMITTEE
MINUTES OF THE MEETING
JANUARY 19, 1970

Meeting was called to order at 4:00 p.m. by Chairman Jackson. Members present were: Metcalf, Cornelius, Harris, Banfield, Miller, and Kay. Mr. Peterson, staff counsel, was also present. Mr. Fink was able to be present for the closing portion of this meeting.

In order to move a bill the chairman declared that a vote of 4 would bring a bill up for discussion on the agenda, and a vote of 5 do pass would be needed to move a bill out of committee.

Assignments:

HB-5 - Relates to nominations without regard to party - Harris & Metcalf. Mr. Metcalf would like to talk to Mr. Ray and two of the committeemen before reporting on this bill. This bill will be held as no motion was made to place it on the agenda. (A "hold" is not the same as tabling.)

HB-9 - Relates to bail after conviction for murder - Kay & Harris
Cornelius moved that it be placed on the agenda; Kay objected. Four voted for placement on the agenda; scheduled for January 21.

HB-57 - Payment of wages in state - Cornelius
Kay moved to place this on the agenda; motion passed. Mr. Cornelius will advise when he is prepared to report.

HB-110 - Diving - Harris
Placed on agenda. Mr. Harris will contact Mr. Schwamm and advise when he wants to report the bill.

HB-115 - Supreme Court Judges, number of - Banfield & Miller
Report scheduled on this bill for January 22.

HB-336 - Comparative negligence - Cornelius
This will be on the agenda for January 21 and a public hearing is scheduled for January 28. Witnesses are to register with secretary. May have to be night hearing.

HB-338 - Utility relocation - Cornelius
Tomorrow advise whether we will have public hearing and who should be notified.

HB-362 - Consumer sales - Kay & Fink
This is tentatively planned for next week.

HB-363 - Execution of judgments - Kay & Cornelius
To be placed on agenda for next week.

HB-369 - Attachment of wages - Cornelius
To be placed on agenda for next week.

HB-373 - Money spent for legislative campaigns - Kay & Fink
Motion to place this on the agenda failed, so it will be held.

HB-392 - Liquor licenses - Metcalf
Mr. Metcalf will check this out and advise January 21.

SB-336 - Judges salaries - Kay & Harris
Kay moved to place this on the agenda for next week; motion passed. On the agenda for Thursday, January 22, for 4:00 p.m. (Secretary has been advised to notify Mr. Richard Lauber that we will be taking up SB-336 and HB-115 on Thursday, January 22, at 4:00 p.m. Also that there will be a public hearing on HB-336 - Comparative negligence - on Wednesday, January 28.) by phone 1-20-70 mm

HJR-11 - Rotation of chief justice - Kay & Banfield
Motion was made and passed that this be placed on the agenda. Scheduled for Tuesday, January 20. (Advise Mr. Lauber.) by phone - 1-20-70 mm

HJR-27 - Judicial Council - 15 - Fink & Miller
This will be held.

HJR-49 - Increase legis to 21 & 41 - Unassigned
This will be held.

HJR-51 - English--voting - Kay
Placed on agenda for January 20 for discussion.

HJR-58 - Elected attorney general - Miller & Harris
Harris moved this be placed on the agenda; motion passed. Placed on agenda for discussion January 21.

HJR-67 - Permanent resource fund - Unassigned
Hold.

HB-414 - Assault and battery on law officers - Harris & Cornelius
Cornelius moved to place this on agenda; motion passed
Placed on agenda for Wednesday, January 21.

HB-430 - Lost persons - Metcalf
Metcalf will advise committee January 20 whether or not this bill should be taken up.

HB-432 - Jurisdictional amount in district court - Kay
Motion was made and passed to place this on the agenda for next week. Public hearing will be held on Tuesday, January 27.

SSSB-245 - Contributions by tortfeasors - Kay & Cornelius
Will advise how this should be handled on January 20.

SB-269 - Small estates - Kay
Motion passed and placed this on the agenda for Monday, January 26

HCR-1 - Juror fees - Harris
Placed on agenda for Thursday, January 29. Mr. Harris will prepare a costing on the bill. (Mr. Lauber is to be advised that we will be taking this bill up on said date.) by phone 1-20-70 mm

HB-442 - Repeal of inheritance tax - Banfield
Banfield is preparing an amendment to this bill and will advise chairman when she will be ready to report.

Secretary has been advised to prepare draft agenda for future meetings. Agenda is to be kept up to date.

New Bills:

HB-458 - Public defender - Cornelius
Placed on the agenda for Thursday, January 22. Secretary is to notify the Public Defender at their office. by phone - 1-20-70 mm

HB-484 - Legis term; 4th Monday - Harris
Placed on agenda for Thursday, January 22.

HB-483 - Public Works - 2nd Dist. Pen. - Kay
Kay will advise when he is ready to present it to the committee.

SB-153 am - Guides - Miller
Will advise when report is ready.

Pornography

Pornography--examination of films siezed in Anchorage. Chairman Jackson would like to start a research project on what laws have been held constitutional in other states. Mr. Cornelius has a brief on that and will get that for us. Mr. Peterson will start accumulating material.

abortion

Mr. Kay was asked to obtain an abortion brief. Many files were destroyed in the earthquake but most of the information could be gathered and reproduced. Hearings will be held January 23 in HWE and Mr. Jackson would like something by that time. Mr. Peterson will begin collecting information on this. Mrs. Banfield will write up some legislation, assisted by Mr. Kay. Mr. Cornelius stated that there is an attorney general's opinion on the law for our use.

Pornography

Back to the film---A letter will be written to Judge Davis letting him know this will be an executive session, restricted to committee members and staff. Mr. Cornelius will draft this letter. A copy should be sent to the District Attorney. The letter should show that we are seriously wanting to attack this problem and would like to review these films before legislation is prepared.

Committee Mr. Jackson appointed a committee of three on this matter. Mr. Cornelius, Chairman; Mr. Harris; and Mr. Miller.

HB-56 - Insurance losses - Fink
Fink will advise when this is to be brought up.

HB-154 and SB-311 - Auto insurance cancellation - Fink
Placed on the agenda for Wednesday, January 21.
Fink will advise lobbyists that wish to be heard.

HB-309 - Req. Auto Insurance - Fink
Public hearing has been scheduled for February 2. (Secretary will prepare announcements, distribution to press and any lobbyists who want to be heard, as appears in the file. Fink will advise if anybody else should be notified.)

Mr. Fink will report on HB-398 - A.P.A. - January 20.

Mr. Cornelius and Mr. Kay have been assigned to make arrangements for a party or dinner.

Meeting adjourned at 6:00 p.m.

JUDICIARY COMMITTEE
MINUTES OF THE MEETING
JANUARY 20, 1970

The meeting was called to order by Chairman Jackson at 4:00 p.m. in the Masonic Temple. Those in attendance were: Metcalf, Fink, Kay, Miller, Harris, Cornelius, and Banfield. Mr. Peterson, staff counsel, was also in attendance.

Raising interest rates

The subject of raising interest rates of ASHA bonds was discussed. Mr. Kay would like to be informed when such a bill is presented. Mr. Cornelius will find out how much it will cost for a new court building and let us know.

Assignments:

HJR-79 - Direct popular election of President - Harris & Metcalf

HB-485 - Commission to establish salaries - Banfield & Fink

HB-494 - Changes law on aggravated assault - Cornelius

HB-495 - Relating to bail on appeal - Kay & Harris

HB-496 - First degree murder - Kay & Harris

Mr. Jackson stated that budget documents for the Court System, Public Safety, Department of Law and Public Defender, and Division of Corrections have been requested but not received.

Court System Budget: Miller & Cornelius

Public Safety: Harris & Metcalf

Division of Corrections: Mrs. Banfield

Department of Law and Public Defender: Kay & Fink

Removing motor vehicles

HB-377, Cornelius' own bill, on removal of motor vehicles from the state, will be considered and possible that we sponsor a substitute as, for instance, in joy riding it says you have to have criminal intent.

Mr. Fink reported that HB-398 - A.P.A. - is coming out of State Affairs and we are next in line to receive this bill.

Mr. Metcalf will advise whether to take up HB-430 - Lost persons - on Wednesday, January 21.

Mr. Cornelius will advise how to handle SSSB-245 - Contributions by tortfeasors - on Wednesday, January 21.

Hearing should be held on HB-338, assigned to Cornelius, and they have been scheduled for 4:00 p.m., Thursday, January 29. (HB-338 - Relocation of utilities)

Voter Qual. English

HJR-51 - English requirement for voting
A discussion was held on this subject. Chairman Jackson read an already existing special voting provision for those who voted in the general election in 1924. He also presented an 8-page memo to John Hedland from Jim Spillane. Banfield moved bill out with "Do Pass"; seconded by Kay. Metcalf wanted to know how many people would be precluded by not being able to read. Mr. Kay felt it would be little more than a thousand. Kay called for the question.

Banfield-----Yes	Fink-------No
Kay----------Yes	Metcalf-----No
Miller-------Yes	Harris------No
Cornelius----Yes	
Jackson------Yes	

Mrs. Banfield was assigned to write a report on the bill.

" " Companion bill - HB-346 - repeals statutory language that spells out that you have to speak English - Jackson read from Alaska Statutes....."can speak or read English except for physical disability or that you voted in the general election in 1924." We may need a Committee Substitute; Mr. Peterson will take this. HB-346 is placed on the agenda for Wednesday, January 21.

Mr. Cornelius will have HB-369 - Attachment of wages - ready to report on Wednesday, January 21. He will obtain a cost analysis on HB-363 - Execution of judgments.

Mr. Harris will take up HB-110 - Diving - Wednesday, January 21.

Mr. Fink will take up HB-154 and SB-311 - Automobile insurance; cancellation or refusal - Wednesday, January 21.

Kay will consider HB-362 - Consumer sales and HB-363 - Execution of judgments - on Thursday, January 22.

SB-336 - judges salaries - will be taken up by Kay and Harris on Thursday, January 22.

by phone 1-21-70 mm

(On HB-362 and HB-363 - secretary is to advise Mr. Robertson, Division of Banking, and Legal Services Corporation, Mr. Regan. Also call Mr. Regan on HB-369.)

Rotation of Chief Justice

CSHJR-11 - Rotation of chief justice - Kay & Banfield
Much discussion was held on the resolution as to how this would affect the court administrator and also the changes the chief justice would have to make to be the chief administrator. The rotation would be of two-year duration out of a ten-year term for a justice. The Judicial Council supported this change. It appears that this has had a committee report written on it and has been sent to the Rules Committee. Mr. Kay will speak to the Rules Committee; with an assist from Mrs. Banfield.

Meeting adjourned at 5:00 p.m.

JUDICIARY COMMITTEE
MINUTES OF THE MEETING
JANUARY 21, 1970

Meeting was called to order by Chairman Jackson at 4:10 p.m. in the Masonic Temple. Present were: Metcalf,Fink, Kay, Banfield, Cornelius, Harris, and later joined by Mr. Miller. Mr. Peterson, staff counsel, also attended.

English Voting

HB-346 - Voting requirement - English - Banfield
Bill failed to pass out of committee due to insufficient votes; will hold for future action.

Attach Wages

HB-369 - Attachment of wages - will be taken up January 23, Thursday, along with HB-362 - Consumer sales - and HB-363 - Execution of judgments. (Alaska Legal Service is apprised of this.)

Cont. among Tort.

SSSB-245 - Contributions among tortfeasors - Cornelius
Mr. Cornelius needs about two weeks to contact interested persons and to complete research. This will be put on the agenda for consideration on February 5. (Mr. Lauber is to be advised.) Mr. N. Banfield offered some information on this bill and will get Mr. Wrightman's comments on this to the committee. At that time we can sponsor a substitute.

ssault attery

HB-414 - Assault and battery on law officers - Cornelius
The only change that this involves is to increase the penalty for assault of a police officer from six months to a year maximum. Consideration will be given this question later on in the meeting.

Lost Per.

Mr. Metcalf is ready to report on HB-430 - Lost persons - Scheduled for Monday, January 26.

Murder Bail

HB-9 - Relates to bail on murder cases after conviction - Kay and Harris. Mr. Kay felt HB-9 should be considered in connection with the governor's bill, HB-495 - Relating to bail on appeal. After much discussion HB-495 was tabled. Fink moved to table this bill; seconded by Metcalf. Vote was 4-2. Fink moved to pass HB-9 out of committee with "No Recommendation"; motion passed. Jackson, Banfield, Kay, Miller, and Fink - Yes. Cornelius, Metcalf, and Harris recommended "Do Pass". Mr. Kay was assigned to prepare a committee report on HB-9. Mr. Harris will submit a minority report.

English Voting

HB-346 - Since Mr. Miller joined us at this point, he was informed of the things accomplished in his absence. A motion was then made to have HB-346 replaced with CSHB-346 as the committee report. Mr. Cornelius moved "Do Pass"; seconded by Kay. Vote - Cornelius, Kay, Banfield, Miller, and Jackson - Yes. Metcalf, Fink, and Harris recommended "Do Not Pass."

Diving

HB-110 - Diving safety - Harris - This was placed on the agenda for Monday, January 26 in order that Mr. Schwamm could be here. Also the Department of Labor and Public Safety have been asked to have a report here by that time. (Informed by phone 1-22-70.)

Auto Insurance

HB-154 and SB-311 - Auto insurance - Fink
Both bills were designed to restrict the right of an insurance company to cancel. HB-154 is quite restrictive, while SB-311 gives only two grounds on which to cancel: nonpayment of premium and revocation of driver's license. Mr. Cornelius asked is a subcommittee would be appointed, or if the committee could come up with a committee substitute. Mr. N. Banfield then presented some testimony before the committee. Most insurance companies already have standards that have to be met and usually don't have to wait two or three weeks before finding out if you have met these standards. An individual will go to another company, if they don't meet our qualifications. He felt SB-311 was the model bill. Mr. Eastaugh reported that after extensive meetings of the national insurance organizations, SB-311 was presented as being the model bill, and he urged its adoption. Gradually it is hoped there will be more uniformity in insurance laws between states. Mr. Kay was appointed chairman of a subcommittee with Cornelius and Fink to be members. They will report recommendations to the full committee on Thursday, January 29.

Comp. Negligence

HB-336 - Comparative negligence - Kay
Public hearing is scheduled for January 28. Witnesses are to register with secretary.

Elected Attorney General

HJR-58 - Elected attorney general - Miller
This was compared to the Constitution as now worded and the language seems to be fine. Mr. Cornelius does not think that anyone below the age of 30 would have enough experience to do a good job. Fink would like to see the attorney general and governor run in tandem; Miller opposes this. Jackson would like to see either district attorneys or attorney generals elected. Fink moved that we amend the resolution. Motion passed. Fink, Miller, Metcalf, Kay, Banfield - Yes. Cornelius - no recommendation, Jackson, either elect a district attorney or an attorney general. Placed on the agenda for Wednesday, February 4.

Assault Battery

HB-414 - Assault and battery on law officers - Cornelius
Cornelius moved to have this bill go out of committee "Do Pass"; seconded by Miller. Metcalf, Cornelius, Miller, Fink, Banfield, Harris - Yes. Kay and Jackson - No. Mr. Cornelius will prepare committee report.

Uniform Probate Code

A letter from the Anchorage Committee on State Planning recommends that we do not attempt to pass Uniform Probate Code this session. Plan to introduce this in the next legislature. Chairman is holding on this.

Abortion

Chairman reported that the abortion bill is being drawn up. Further discussion will be held on this subject, Friday, January 23.

Meeting adjourned at 6:00 p.m.

JUDICIARY COMMITTEE
MINUTES OF THE MEETING
JANUARY 22, 1970

Meeting was called to order by Chairman Jackson at 4:00 p.m. in the Masonic Temple. Present were: Cornelius, Kay, Metcalf, Fink, Harris, later joined by Mr. Miller. Mrs. Banfield was absent. Mr. Peterson, staff counsel, attended.

Assignments:

HB-479- Motor vehicle inspections - Cornelius
The secretary will be advised whom to notify and when you would want this put on the agenda.

HB-497 - Revolving credit plans - Fink
Advise secretary who should be notified when we consider this bill.

Progress Reports:

HB-115 - Supreme court judges, number of - Banfield & Miller
(Both are absent at this time; passed over.)

SB-336 - Judges salaries - Kay & Harris

Judges salaries

Kay recommends a substitute bill omitting sections 1 and 2 and changing section 3 to read $24,000. Mr. Carlson appeared before the committee in favor of salary increases for judges. There was the feeling among the committee members that all judges salaries probably could not be raised this year, so a motion was made to provide for an increase in district court judges salaries only. Mr. Cornelius made a motion to provide for salary increases for district court judges at $25,000 annually; Kay seconded. Motion failed to pass. Fink made same motion but changing salary to $22,000; seconded by Metcalf. Motion failed. Kay moved to change salary to $24,000; seconded by Cornelius. Motion passed. Vote: Fink - No; Cornelius, Kay, Metcalf, Harris, and Jackson - Yes. Mr. Kay will prepare a legislative committee report. Jackson asked to replace SB-336 with HCSSB-336 on instruction to move out "Do Pass". Vote: Cornelius, Kay, Metcalf, Harris, and Jackson - Yes. Fink - No recommendation.

(Kay to obtain comparison salary chart from Reynolds.)

HB-458 - Public Defender - Cornelius

Public Defender

Mr. Carlson and Mrs. Johnson appeared before the committee explaining their need for an additional $5,000 to cover expenses for the Public Defender's Office. Cornelius moved we increase the appropriation to $51,500 in view of the information presented by Mr. Carlson; Kay seconded. Cornelius, Kay, Jackson, Fink - Yes; Metcalf & Harris, No. Cornelius made a motion to rescind the previous motion in order to bring this on the floor again as Mr. Miller has just arrived. Motion by Kay to allow the additional $5,000; seconded by Miller. Cornelius will prepare the committee report after getting the back-up material from Mr. Carlson. Jackson urged the Public Defender to advise the governor and to send this to the Finance Committee so that when this bill gets to their committee they will be well informed. Motion made by Jackson

that bill as amended go out "Do Pass"; seconded by Miller. Miller, Jackson, Kay, and Cornelius voted Yes. Harris, Fink, and Metcalf voted No.

Consumer Sales

HB-362 - Consumer sales - Kay asked for deferment of action until anticipated receipt of the governor's bill, HB-446. Mr. Kay will check to see when we will be getting this.

Execution of Judgments

HB-363 - Execution of judgments - Kay
Kay favors this legislation. Mr. Regan appeared before the committee and gave examples of the forms to be used for informing people of their rights to hold certain properties in judgment cases. Mrs. Kohls appeared and asked to have action deferred until the Alaska Bar Association meets in Juneau on January 27-29. On January 29 the ABA will meet with this committee and the Finance Committee. Further consideration of HB-363 will be scheduled for Monday, February 2.

Attachment of Wages

HB-369 - Attachment of wages - Cornelius & Kay
Mr. Regan appeared before the committee to support the bill. It was pointed out that wages are already partly exempt, and this bill would not protect nonexempt property. Kay moved to table this bill; Miller seconded. Vote: Cornelius, Kay, Metcalf, Miller, Harris, and Jackson. (Mr. Fink had been excused.)

Legis. Term

HB-484 - Legislative term - 4th Monday - Harris
We will wait until Mr. Fink is here; placed on the agenda for Monday, January 26.

Abortion

Chairman Jackson asked the committee whether or not they would want to prepare a bill on abortion. HWE is preparing a bill; it was decided to let them introduce it.

Land laws

A letter from Mr. Newman on land laws was put before the committee. Mr. Cornelius has put a bill on this in Legislative Affairs and will bring this bill in to our committee.

No meeting is scheduled for Friday, January 23.

Meeting adjourned at 5:30 p.m.

JUDICIARY COMMITTEE
MINUTES OF THE MEETING
JANUARY 26, 1970

The meeting was called to order by Chairman Jackson at 4:10 p.m. in the Masonic Temple. Present were: Fink, Metcalf, Banfield, Kay, Miller, and Cornelius. Mr. Peterson, staff counsel, also attended.

Assignments:

HB-522 - Council on criminal justice - Kay

Public Safety Budget - Kay & Metcalf

Department of Law - Kay & Fink

Courts - Miller & Cornelius

Corrections - Banfield

Secretary will contact heads of departments to schedule a date for budget people to meet with our committee. To be scheduled for dates between February 9 and February 18.

ASHA Funding--Jackson would like to appoint a committee to formulate a committee substitute. Banfield, Chairman; Fink and Kay. Report on activity due early next week.

Progress Reports:

Revolving Credit

HB-497 - Revolving credit - Fink
Fink moved to have it placed on the agenda. No objections, so a public hearing was scheduled for Thursday, February 5, at 4:00 p.m.

Motor Vehicle Inspections

HB-479 - motor vehicle inspections- Cornelius
Placed on the agenda for Monday, February 2. Secretary will notify Ralph Sanders; Bill Fritz, Director of Insurance; Ross Duncan; Mel Personette, Commissioner of Public Safety.

HB-485 - Legis Salary Commission - Banfield & Fink
Placed on agenda for Tuesday, January 27.

HB-494 - Aggravated assault - Cornelius
Placed on agenda for Tuesday, January 27.

HB-496 - First degree murder - Kay
Placed on agenda for Tuesday, January 27.

Utility Relocation

HB-338 - Utility relocation - Cornelius
Placed on agenda for Wednesday, January 28. Secretary will notify Commissioner of Highways, heads of public utilities, Don Barry, Don Hall, Public Service Commission. Also Bill Moran at the Baranof. This cancels hearing scheduled for January 29.

HB-9 - Bail; murder cases - Kay - Committee report will be ready tomorrow morning.

HJR-51 - English; voting requirement - Banfield
Committee report will be ready tomorrow morning.

HB-309 - Req. auto insurance - Fink
Request that lobbyist be heard at a later date as he will not be in town. Request granted.

Diving Safety

HB-110 - Diving safety - Reassigned to Kay (Harris went south for surgery) - Mr. Sydnam, Department of Public Safety and Mr. Bill Germain Dept. of Labor appeared before the committee in favor of the bill. Mr. Schwamm also appeared to explain why this legislation was submitted. The main purpose is to make sure that instructors for diving are qualified and observing safety practices in their training. Mr. Germain presented a copy of these regulations but they have not been adopted as yet. Kay moved "Do Pass"; Miller seconded. There were no objections. Kay will prepare a committee report to be ready tomorrow morning.

Small Estates

SB-269 - Small estates - Kay
Kay suggests we have a committee substitute prepared to cover both personal property and real property. Without objection Mr. Peterson will prepare a committee substitute. Fink objects. Fink withdraws objection. This will be placed on the agenda for Wednesday, January 28, for committee substitute.

Public Defender

HB-458 -Public Defender - Cornelius
Cornelius made a motion of "Do Pass" with additional $5,000 without objection. Vote: Metcalf, Banfield, Kay, Miller, Cornelius, Jackson - Yes. Fink - "No recommendation". No committee report to be prepared.

CSHB-336 - Judges salaries - Kay
Committee report will be ready tomorrow morning.

Legis. Term

HB-484 - Legislative term - 4th Monday - Reassign to Banfield (Harris) - Cornelius moves "Do Pass"; Miller seconded. Unanimous consent. Fink moves to send this to Rules for consideration; second by Miller. Unanimous consent.

HB-115 - Superior court judges - Banfield & Miller
Placed on the agenda for further consideration for Tuesday, February 3.

Lost Persons

HB-430 - Lost persons - Metcalf
Jackson asked if the wish of the committee was to prepare a committee substitute to add amendment suggested by the Department of Public Safety, without objection. Miller and Metcalf will confer with Mr. Peterson and prepare a committee substitute.

HB-442 - inheritance tax - Banfield
Mrs. Banfield reported that Mr. Manning is preparing a committee substitute.

Dinner party Friday, February 6. Mr. Cornelius in charge.

JUDICIARY COMMITTEE
MINUTES OF THE MEETING
JANUARY 27, 1970

The meeting was called to order by Chairman Jackson at 4:00 p.m. in the Masonic Temple. Present were: Cornelius, Miller, Fink and Metcalf.

Budget Schedule

Budget schedule was announced: Division of Corrections - February 9; Public Safety, February 10; Attorney General- February 11 - For Committee consideration Thursday, February 12. Supreme Court - February 16; Public Defender, February 17 - For Committee consideration Wendesday, February 18.

HB-9 - Bail; murder - and HB-414 - Assault and battery on law officers - will be considered on the House tomorrow. Kay will carry HB-414 without amendment; Cornelius will carry our amendment. Mr. Fink will carry HB-9.

(Banfield & Peterson arrived 4:05)

Juris. amt. in district court

HB-432 - Jurisdictional amount in district court - Kay Mr. Lauber appeared before the committee stating that the Bar Association had no official recommendations. They are conducting meetings this week to consider present legislation. Mr. Deveau, sponsor of the bill, explained some of the difficulties in obtaining statistics on how many cases were under $3,000 and how many were between $3,000 and $7,500. (Kay arrived 4:15) Further consideration on this matter was put off until we have an opportunity to hear from the Judicial Council. Without objection this was placed on the agenda for committee consideration for Tuesday, February 3. Secretary will request Bruce Monroe to appear before the committee on that date.

Legis. Salary Comm.

Mr. Fink asked for consideration of HB-485 - Legislative Salary Commission - he had another meeting at 4:30. Without objection this was taken up. Several changes in this bill were discussed by Mr. Fink after which he moved to change the word "remuneration" to "pay" and to delete the repealer. Without objection, it was so ordered. Mr. Fink left for another meeting. Further discussion was postponed until January 28, Wednesday. No objection, so ordered.

Assignments:

HB-530 - Relating to membership; council on criminal justice - Kay

HB-258 - Bond requirement for nonresidents - Banfield & Fink

HCR-1-Juror fees - Miller (Harris) - Placed on the agenda for Thursday, January 29.

HJR-79 - Popular election of president - Cornelius & Metcalf

HCR-14- Law school - U of A - Miller & Kay

HB-429 - Forfeiture of certain items used in fish and game violations - Miller

Progress Reports:

Letter from Mike Rose offering to work with this committee on complete revision of the APA. Without objection this will be taken up on Thursday, January 29. Mr. Peterson will work with Mr. Cornelius on this matter.

Dramshop Act - Banfield - On agenda for Wednesday, February 4. Mrs. Banfield and Mr. Peterson will work together to prepare a memo to present to the committee, covering such material as has been gathered thus far.

Dinner party has been scheduled for the evening of February 5, at the Tides. There was no objection; so ordered.

HB-522 - Council on criminal justice - Kay
Placed on the agenda for consideration Tuesday, February 3.
CS See. notify court system + public defender.
HB-57 - Wages in the state - Cornelius
Placed on agenda for Thursday, January 29.

Aggravated Assault

HB-494 - Aggravated assault - Cornelius
Without this was placed on the agenda of Wednesday, February 4, for further consideration. Mr. Peterson and Mr. Cornelius will review other statutory approaches and have a recommendation.

First Degree Murder

HB-496 - First degree murder - Kay
Discussion of acts listed under felony murder showed a number of things not being listed, such as, arson, armed robbery, rape, kidnapping, and acts toward a child. Without objection this will be held until more material has been considered. The secretary will request the Attorney General to have the one who researched and drafted this to appear before the committee at their convenience.

Judges Salaries

SB-336 - Judges salaries - This bill was held for the agenda of Monday, February 2, to allow time to hear from the Judicial Council and the ABA. Without objection the committee report and the bill will be held until then. There was no objection.

Safety in Maritime Employment

HB-280 - Safety in maritime employment - Correspondence with the Department of Labor indicates there is no longer the need for this legislation. Without objection this will be tabled; so ordered.

Alaska Legal Ser. Proposals

Mr. Regan, Alaska Legal Services Corporation, introduced Mr. Phil Byrne, who discussed their proposals before the committee. Three specific proposals were considered; copy of this is in our file. Further detailed consideration will be given to this on Wednesday, January 28.

Meeting adjourned at 5:55 p.m.

JUDICIARY COMMITTEE
MINUTES OF THE MEETING
JANUARY 28, 1970

The meeting was called to order by Chairman Jackson at 4:10 p.m. in the Masonic Temple. Present were: Peterson, Metcalf, Cornelius, Fink, Kay, and Banfield.

The public hearing on HB-338 - Utility relocation - will be continued until tomorrow when several people will be heard. They were unable to be present today because of a conflict in meetings.

HB-496 - First degree murder - will be scheduled for January 29. Mr. Bob Mahoney will represent the attorney general's office.

There is a budget schedule problem--holidays. This will be worked out as soon as possible and members will be notified of any changes.

Priority list will be presented tomorrow; to be up for consideration by the committee on Friday, January 30.

Comp. Negligence

Public hearing on HB-336 - Comparative negligence - Cornelius Mr. Eastaugh appeared before the committee, representing the American Insurance Association. His presentation was in opposition of the bill and preferred the Wisconsin Act to HB-336. He believes that it causes more litigation which results in higher insurance costs. Copies of letters and other documents were distributed to each committee member. Mr. Millard Ingram, from Fairbanks, appeared in favor of this bill. He felt this legislation would encourage settlement of claims. Mr. Bill Sweeney, Insurance Adjuster, was against this legislation. He felt it made claims adjusting more difficult and complicated. Ross Duncan was asked to collect statistics on claim loads for other states and particularly to find out if there are more claims filed. This will be continued on Wednesday, February 4. The committee desires to consider changes that can be made in this bill, due to testimony presented. Mr. Peterson will assist Mr. Kay and Cornelius in writing up the committee report on this bill. (Mr. Fritz could be contacted on this as he has practiced law in Wisconsin.)

Utility Relocation

Public hearing on HB-338 - Utility relocation - Cornelius Commissioner of Highways, Robert L. Beardsley, appeared before the committee, along with Charles Thompson, and Ed Spruce. This bill was introduced to spell out the procedures for removal of facilities on highway rights-of-way. After much discussion with these men, it was found agreeable to make such changes as time periods and penalty charges reasonable in the form of an amendment. This was placed on the agenda for continuation, January 29.

Assignments:

HB-493 - Relating to residency requirements for welfare benefits - Kay

HB-547 - Relating to number of superior court judges - Banfield & Miller - Public hearing scheduled for February 3, Tuesday.

HB-548 - Bad check penalties - Cornelius

Progress Reports:

HB-392 - Liquor licenses - Metcalf
Progress report on agenda for Tuesday, February 3.

HB-483 - Penal institution - Without objection was placed on the agenda for February 19. Just a report is necessary from Mr. Kay.

SB-153 am - Guides - Miller - Placed on agenda for action Monday, February 2.

HB-530 - Council; criminal justice - Kay
Placed on agenda for action, Monday, February 2.

HB-258 - Bond for nonresidents - Banfield & Fink
Mr. Snow would like to appear. Secretary will advise when Mr. Snow would like to be scheduled--one day next week.

Popular Election of President

HJR-79 - Popular election of President - Cornelius
Metcalf made a motion to table; seconded by Kay. Kay withdrew his second. Chairman called for motion to place on the agenda. Kay made the motion; seconded by Cornelius. Vote: Kay, Cornelius, Fink, and Banfield - Yes. Jackson and Miller - No. A public hearing was scheduled for Friday, February 6. (Secretary is to notify Democratic and Republican party heads.)

HCR-14 - Law school - Miller & Kay - Placed on agenda for Friday, February 6.

HB-429 - Forfeiture--F&G violations - Miller
Committee will consider this on their agenda for Friday, January 30.

Removing MV from State

Mr. Jackson has prepared a bill which creates criminal intent that meets the problem of removing motor vehicles from the state. Would the committee like to take this up? Committee members felt this should be considered. Some changes were suggested. Mr. Peterson will change the bill from felony to misdemeanor at which time it will be presented to the committee for further consideration.

Being short of time, Legal Service Proposals were rescheduled for final action, Friday, February 6.

HB-485 - Legis. Salary Commission - Banfield & Fink - Continued to Thursday, January 29. -21-

JUDICIARY COMMITTEE
MINUTES OF THE MEETING
JANUARY 29, 1970

The meeting was called to order at 4:05 p.m. in the Masonic Temple by Chairman Jackson. Present were: Cornelius, Kay, Metcalf, and Peterson.

ABA Proposals

The Board of Governors was invited to make their presentation on ABA proposals. (Banfield arrived) They are basically in agreement with the recommendations of the Judicial Council except they do not endorse increasing the jurisdictional amount in district court to $7,500. Their feeling was that this may be getting into an area of levels of courts. Too many appeals would be taken from the district court to the supreme court and in reality be making an inner appellate court. A resolution was passed this morning, unanimously, which endorsed the right of Alaska Legal Services to represent their clients the same as a private attorney could. A list of these proposals has been prepared and will be attached to a copy of the minutes. The committee began taking some action on individual actions. Mr. Cornelius asked without objection to have these placed on the agenda. These proposals will be considered tomorrow, January 30, and placed on the agenda for February 2 for action. So ordered. (Fink arrived-4:35)

" " " "

The Board of Governors asked the committee to carefully consider OEO legislation, and they feel that the OEO has the right to prepare legislation and also to lobby, although the board takes no position on this.

Mr. Lauber brought up HB-485 - Legis Salary Commission - The committee has held that bill and will have further discussion on this tomorrow.

Judicial Council Proposals

Mr. Robert Reynolds, Alaska Judicial Council, appeared before the committee to relate Council proposals for 1970. He recommended that all legislators read the first fourteen pages of their presentation which covers the Council programs. The Council feels it would be a mistake to wait for a salary commission to be established before increases are made for superior court judges; especially inview of the possibility of losing some of our good superior court judges to other and better positions. Proposals are listed on a separate sheet to be attached to these minutes. The Judicial Council has taken no position on HB-430 - Lost persons. Mr. Kay suggested that Mr. Reynolds direct a letter to the House Finance Committee calling attention to reading the information from the Judicial Council. The secretary will keep the Judicial Council advised of bills of concern by the Council to be considered by the committee. Further discussion of these proposals will be placed on the agenda of January 30.

Utility Relocation

HB-338 - Utility relocation - Cornelius
Cornelius moved this bill out "Do Pass", seconded by Kay. Further discussion brought out the need for a committee substitute to be prepared. Mr. Cornelius withdrew his motion. Mr. Jackson assigned Mr. Cornelius and Mr. Peterson to prepare a committee substitute and placed this on the agenda for action on Wednesday, February 4. The proposed amendment will be gone over by the Department of Highways before put in final form. (Special note should be taken to make necessary word changes; such as "30 days notice", "without permit", and any other word changes found to be needed.)

Highway Regs.

Highway regulations were distributed. After individual members have reviewed these and have portions they want discussed, report what sections you are interested in, and it will be placed on the agenda at that time.

Assignment: HR-5 - Law Revision Commission to study procedural defects in criminal law - Jackson (for revision)

Mr. Fink moved without objection to have HB-485 - Legis Salary Commission - taken up first thing on tomorrow's agenda. So ordered. Placed on agenda for January 30.

First Degree Murder

HB-496 - First degree murder - Kay. Mr. Bob Mahoney, from the Attorney General's office appeared before the committee to answer questions about the bill. Three changes in the law were considered: (1) Eliminates requirement that a killing in the course of being done be purposely done before felony-murder would be charged; (2) Added escape and lewd and lascivious acts in the felony category; and (3) Took our statutes and broke them into sections. Jackson asked why other acts were not specifically mentioned and thought it might be wise to have a separate statute on felony-murder rather than using first degree murder. A review and revision of the criminal code will not be completed for at least two years, therefore some legislation should be made to cover this problem. Mr. Mahoney will review the statutes and report his findings to the committee. Coordinate the results with Mr. Cornelius; at this time this will be placed on the agenda for Tuesday, February 3.

Because of a full schedule, committee members were asked if they were agreeable to scheduling a committee meeting for Saturday, January 31. Cornelius and Kay will be absent, but others agreed. The time agreed upon was 10:00 a.m.

Student Participation

Mrs. Banfield reported that two teachers of government classes had been contacted and the students were eager to make consideration of some bills for a class project. Suggested subjects were HJR-79 - Popular election of President - and the bill on 19-year olds.

Committee party was changed back to Friday, February 6, by majority vote.

Reassign: Preliminary ALS proposals -- Agenda, Saturday, January 31.

HB-430 - Lost persons - Metcalf & Miller - Committee substitute is ready and hopefully will take this up January 30. Amendment has been prepared.

CSHB-57 - Wages in the state - Cornelius - Thursday, February 5.

HCR-1 - Juror fees - Miller (for action) January 30.

Pornography

Pornography--Judge has advised chairman that he will honor subpoena. Art will prepare a draft subpoena; to be placed on the agenda for Monday, February 2.

APA - Mike Rose letter - Agenda for Monday, February 2. (Cornelius & Peterson)

Meeting adjourned 6:00 p.m.

Alaska Bar Association Proposals:

___ A. Certifying documents - draft bill to do away with notaries

___ B. Reduce time of residence requirement before taking Alaska Bar Examination

___ C. Persons practicing law in Alaska must physically reside here

___ D. Out of state attorneys to take an Attorney Examination - one day examination

E. Law Revision Commission bill in senate

F. Compensation - Judges salaries bill in

G. Increase number of district court judges

I. Minimum compensation for Deputy Magistrates - $3,000

J. Against reducing qualifications of district judges No bill required

K. Support appointments of acting district court judges " " "

L. Ketchikan Office Building No bill required

M. Anchorage Court Facility " " "

N. Recorded documents must have name, address, and signature of the one that has drafted and prepared same Governor's bill

O. No position on OEO legislation No bill required

Priority Items:

1. Number of superior court judges

2. Pay for judges be increased

3. Public Defender

4. Rotation of chief justice

5. Residency requirement in this state

6. Physically reside in state

Judicial Council Proposals:

A. Judicial Salaries bill in

B. Additional Superior Court Judges bill in

C. Trial Court Administrator, Third Judicial District no bill needed

D. Expansion of Anchorage Court Facilities " " "

E. Public Defender Program bill out

F. Coroner-Public Administrator where in bill?

G. Microfilming of Public Records no bill needed

H. Per Diem Allowance

I. Alaska Court System Budget no bill needed

JUDICIARY COMMITTEE
MINUTES OF THE MEETING
JANUARY 30, 1970

Meeting was called to order at 4:05 p.m. by Chairman Jackson in the Masonic Temple. Present were: Metcalf, Fink, Peterson, Banfield, and Harris.

Chairman announced the new phone number for our office - 586-1303.

LEGIS Salary Comm.

HB-485 - Legis Salary Commission - Banfield & Fink
Working this bill over, it was found desirable to change the word "remuneration" back to "salary or salaries" and strike the repealer clause 22.25.020. Paragraph B will be rewritten by Mr. Peterson. Without objection Mr. Fink will prepare the committee report and Art will prepare a committee substitute in final form. This will be ready for examination by the committee on Monday, Feburary 2.

ASHA

Mrs. Banfield will have a report on ASHA Funding scheduled for Friday, February 6.

Assignments:

SJR-2 - Change name Secretary of State to Lieutenant Governor - Fink - Fink moved that we pass it out "Do Pass" but taking out transitional clause; seconded by Harris. Motion failed; placed on agenda for action on Monday, February 2.

SB-399 HOLD

SB-399 - Changes age of jurors to be at least 19 years of age -Banfield moved to table this bill because there already is a bill on this; Miller seconded. After further discussion the chairman asked without objection to void the previous action and this will not be placed on the agenda, but will be on "hold". So ordered.

Beginning of priority list:

Priority List

HB-485 - Legis Salary Commission
HB-115 - Number of superior court judges
HJR-11 - Rotation of chief justice
HJR-23 - Election of district attorney
HJR-58 - Election of attorney general
HB-312 - Abortion

Further additions to this list will be considered, Saturday, January 31.

ABA Prop.

ABA proposals to draw up bills by this committee for introduction: (1) Reduce time to take examination - 60 day; (2) Reciprocity; (Assigned to Mr. Peterson to draft this bill using comedy concept); (3) Certifying documents instead of notarization. Without objection bills will be prepared on these proposals. Another proposal was considered - Out of state attorneys - which will not be considered, without objection of committee members. So ordered.

Jud. Coun. Prop.

Judicial Council proposals already have their bills before the committee. There was one on per diem but we have one in the Senate now. February 2 and 3, Monday and Tuesday, we will discuss these proposals further.

Porn.

Pornography - Mr. Peterson will prepare the subpoena and also check legal aspects of showing this film, answering such questions as how, where, and who will be admitted to the showing. A report on this will be ready by Monday, February 2.

Rented Motor Veh.

Mr. Jackson presented a bill relating to return of rented motor vehicles. This bill leaves it a misdemeanor in simple cases, but it becomes a felony if party attempts to sell or use it in any other way. Jackson asked for a motion to introduce this as a committee bill requesting reference back to this committee. Fink so moved; seconded by Metcalf. Unanimous.

Forfeit-ure F&G

HB-429 - Forfeiture in F&G violations - Metcalf - This makes seizure of gear and equipment optional instead of mandatory in violating regulations of F&G. This bill passed unanimously out of Resources. Miller moves "Do Pass"; Fink seconded. Further discussion ensued with the instruction that Mr. Miller would talk to the sponsor of this bill, Mr. Ray, and also to Buck Stewart. Without objection this was placed on the agenda for Tuesday, February 3.

Juror Fees

HCR-1 - Juror fees - Miller - Mr. Harris had received an answer to his letter showing about half a million dollars to cover fees. He will bring the letter to the committee. Jackson suggested that we give them our ideas and the court system could change the rules. Miller moved to pass the bill out "Do Pass" and including the letter Mr. Harris received showing that we have done some research. After further consideration, Miller withdrew his motion. Jackson proposed amending by striking "." on line 24 and adding"for a full day's service." Unanimously bill with amendment was recommended "Do Pass". So ordered. Mr. Peterson will prepare the committee report for Monday, February 2.

Lost Persons

HB-430 - Lost persons - Metcalf
Jackson asked for a motion to move this bill out with amendment "Do Pass", Fink so moved; seconded by Miller. Unanimous consent. Mr. Peterson will prepare committee report.

Meeting adjourned 6:00 p.m.

JUDICIARY COMMITTEE
MINUTES OF THE MEETING
JANUARY 31, 1970

Meeting was called to order by Chairman Jackson at 10:05 a.m. in the Masonic Temple. Present were: Metcalf, Harris, Fink, Miller and Peterson.

Mr. Fink gave his priority list:

Priority List

CSHB-11 -am - Obstructing a peace officer - Ray for a total of 28 items. These will be added to the priority list started on Friday. The bills will be listed by number, short title, and sponsor. Also what committee they are in in the Senate and what additional committee they may have to pass through. These lists will be distributed to all committee members.

Juror Fees

HCR-1 - Jurors fees - Letter from Mr. Harris that will accompany the bill. Mr. Peterson will have committee report - Monday, February 2.

Porn.

Pornography - Mr. Harris will draft a letter to ~~Major Dankworth~~ Herb Shaindlin requesting him to appear at his convenience before the committee.

3 ALS Prop.

ALS proposals need quite a bit of work done on them to have proper implications. There are already provisions in Alaska statutes and in department regulations to cover the situations that needed correcting. Therefore letters were directed to the Commissioner of Commerce and to ALS on these three proposals. (The three proposals were: Collection agency procedures; Abolishing remedy of common law distraint; and Tenants rights to habitable dwellings.)

High. Regs.. F&G Policy

Mr. Peterson brought up two items that may be put on the agenda. One was the new highway regulations and their impact; the other Fish and Game regulations. Fish and Game policy will be placed on the agenda. Without objection Art will prepare material on Fish and Game policy, at which time it will be scheduled for consideration. So ordered. On Highway regulations, secretary will advise Ralph Sanders to appear before the committee. Also notify Commissioner of Public Safety.

Meeting adjourned at 11:10 a.m.

JUDICIARY COMMITTEE
MINUTES OF THE MEETING
FEBRUARY 2, 1970

Meeting was called to order by Chairman Jackson at 4:00 p.m. in the Masonic Temple. Present were: Metcalf, Kay, Fink, Harris, Miller, and Peterson.

Assignments:

HB-438 - Repeals collateral requirements - Fink

HB-564 - Revisor's bill - Kay

HB-571 - Courts be instructed - Kay

HB-575 - Composition - Board of Governors - Committee of three - Miller, Banfield, and Kay

Coroner

The supreme court notified us that legislation is needed to take care of coroner problem. Chairman advised that staff is preparing a bill to handle this.

Jury Lists

Harris and Banfield will be assigned to research jury lists and how they are drawn. A supreme court decision has been submitted to the committee.

HB-570 - Award of contracts; Public Works and Highways - Metcalf

Public Hearing:

Auto Insurance

HB-309 - Automobile Insurance - Mr. N. Banfield was the first to testify before the committee on this bill. He represented the American Insurance Alliance. They feel this is poor legislation and not desirable for our state. He provided committee members with statistics showing the number of persons not insured was approximately 10 per cent. (Banfield - 4:05) States of Maryland and New York are trying to repeal their compulsory insurance laws. Also this would be very expensive to administer. Therefore Mr. Banfield and the organization that he represents are opposed to this legislation. Bill (Cornelius Fritz, Insurance Director for the State of Alaska appeared 4:10) in opposition to this bill. Mr. Fritz gave information on how many persons were employed in New York and North Carolina to enforce this program in their states. Showing that the costs of this program would exceed the benefits derived. Jackson and Cornelius asked about compulsory uninsured motorists insurance. This insurance has its limitations because it does not cover property damage. Mr. Duncan, Alaska Insurance Agents appeared in opposition to the bill. He felt this legislation would not be in the best interests of the public. Mr. Personnett and Captain Barkley were available to answer questions by committee members. Mr. Personett will advise the committee of any other states that have laws that would make it a crime not to be covered by insurance. The probability of taking driver's licenses away if not insured

was also discussed. Mr. Snow was asked about the cost of handling reports, etc. He will furnish the committee with costing information.

Auto Insurance

Mr. Personett was asked to provide committee with recommendations from Public Safety to cover such things as the out-of-state driver who is covered by insurance but because he has not had his company file the power of attorney with the Commission of Commerce before he has an accident, he is not covered under the financial responsibility law.

Auto Insurance

Mr Kay and Fink will research this and further consideration and discussion will be held, Thursday, February 5. After further discussion, Mr. Cornelius felt we would be wasting time to consider this further. He moved to table; Fink seconded. Kay was the only one in opposition to tabling.

Salaries Commission Legis, Exec & Judicial

HB-485- Creating commission on legis, exec, and jud salaries - Motion to be replaced by Judiciary Committee Substitute and recommend "Do Pass" by Kay; seconded by Miller. Harris gave a dissenting vote. Without objection the committee recommends that this be referred directly to Finance Committee. So ordered.

Repeal Inher. Tax

HB-442 - Repeal inheritance tax - Mr. Snow gave the background of this act which was enacted in 1919 and very vague, even then. As it is it includes a tax imposed on transfer of property even between a husband and wife, before death. He recommends that this bill be repealed. Kay moved committee substitute go out "Do Pass", Miller seconded. Unanimous consent. Mr. Kay will prepare the committee report.

Bond; Nonres.

HB-258 - File bond for nonresidents - Department recommends repeal of Article 4 and to add or adopt two sections which will cover situation better. Fink will check this matter out and this will be placed on agenda for February 3. Kay moves to prepare committee substitute; after further discussion he withdrew his motion. Mr. Fink will write committee substitute report and carry the bill. (Copy of letter from Revenue in file.)

MV inspection

HB-479 - motor vehicle inspection - Mr. Sanders appeared before the committee in opposition to this bill. He was in favor in motor vehicle inspection of some kind, but listed abuses of this type legislation in other states, showing inequities involved. He recommended that Mr. Personett should consider the consensus of opinion and enact new regulations; giving the committee a report of accomplishments. Without objection this will be held in "Hold" status and will be considered as tabled tomorrow. Mr. Cornelius will advise the sponsor of the bill.

F&G seiz. violations

HB-429 - F&G seizure--violations - Without objection Mr. Miller and Mr. Peterson will prepare a committee amendment to be considered Wednesday, February 4.

Guides

SB-153 am - Guides - Mr. Miller discussed this with Hammond, Sassara, Young, and Tillion. There needed to be changes made in the wording. Mr. Miller and Mr. Peterson will prepare a proposed committee amendment for consideration by the committee at our Thursday, February 5 meeting.

Judges Salaries

SB-336 - Judges salaries - Further discussion was held on this bill. Kay moved to sign the committee substitute and send it out "Do Pass", seconded by Miller. Committee report was already signed, therefore this will be sent to Chief Clerk.

Cornelius made a motion to have party on Thursday evening. Kay secon Without objection party will be held on Thursday. So ordered.

Meeting adjourned at 6:25 p.m.

JUDICIARY COMMITTEE
MINUTES OF THE MEETING
FEBRUARY 3, 1970

Meeting was called to order at 4:05 p.m. by Chairman Jackson in the Masonic Temple. Present were: Fink, Kay, Banfield, and Metcalf.

No. of Superior Ct. Judges

Public Hearing - HB-547 - Number of superior court judges - Mr. Jackson asked for expression of committee members as to whether or not they favor increasing number of judges. All members were in favor of increasing number of judges, so principal issue before the committee was whether or not the place of residence of judges should be specified. Mr. Deveau appeared before the committee and felt the judge should be able to choose his place of residence. It would be desirable to have the judge live in the area which he serves. (Peterson arrived - 4:10) Mr. Doug Gregg and Judge Stewart also appeared and recommended that the court system should be allowed flexibility in the matter of residence. Judge Stewart also wanted the court system to decide what work a judge would do, and not specify that the man in Fairbanks be a family court judge, emphasizing that flexibility was what was needed to do a good job. The hearing was closed to take up other bills at this time.

Legal Holidays

HB-544 - Legal holidays - The Attorney General explained the necessity of making an amendment to this bill. Without objection a new section was added and the further recommenation that it pass without the amendment by Mr. Ray. Unanimous consent. So ordered.

Com. on Crim. Jus.

HB-522 and HB-530 - Commission on Criminal Justice - The Attorney General appeared before the committee in favor of HB-522, but against HB-530 which increased the commission to eleven. His personal recommendation was that a smaller board would be less expensive and a six-member commission would meet federal regulations. Mr. Jackson asked whether or not the public defender should be a member of the commission. The Attorney General hadn't considered this, but felt there would be no objection. Discussion was closed until later on in the meeting.

MV Insp.

HB-479 - Motor vehicle inspection - Action was taken by the committee to table this bill on February 2. Opportunity was extended to Mr. Sweet, sponsor of the bill, to have witnesses appear and also to testify in favor of this legislation. Department of Highways representatives and Mr. Don Cook, Insurance Rate Analyst, appeared for Bill Fritz. After hearing all testimony the committee recommended that Mr. Sweet sponsor a committee substitute including cars in the 5-7 year old category having such inspections. Then the committee would reconsider this subject again. Without objection the bill was tabled. So ordered.

Juris. Amt. in Dis. Ct.

HB-432 - Jurisdictional amount in district court - Judge Monroe appeared in favor of increasing the amount not only to $7,500 as in this bill, but up to $10,000. Other states have this provision and he felt it would work for Alaska. Some telegrams and letters had been received by the committee in favor of this bill. Kay suggested amending a portion of this bill. Because only five members are present (Cornelius left 5:30) without objection this will be put over. So ordered.

Com. on Crim. Jus.

HB-522 - Committee amendment to add Public Defender and increase the number by one was presented by Kay; seconded by Banfield. Vote: Kay, Banfield, and Jackson - Yes; Metcalf and Fink - No. This bill will be reported out as is and have a floor amendment.

" "

HB-530 - Without objection this bill will be tabled. So ordered. (Same subject as HB-522)

No. of superior ct. judges

HB-547 - Without objection this bill will go out as is with a report that we relying on the Judicial Council recommendation that the judge reside in the Kenai/Kodiak area. So ordered. Mr. Fink will write the committee report.

"

HB-115 (Same subject as above) will be tabled, without objection. So ordered.

Assignments:

HB-493- Residency requirements for welfare - Kay

HB-398 - APA - Fink & Cornelius. Peterson will work on that bill and work with Fink and Cornelius on the letter from Mike Rose.

Highway Regulations will be placed on "Hold."

SJR-2 - Lieutenant Governor - Fink - Placed on "Hold."

Announcement: We may not meet until 5:00 tomorrow. Look for notice.

HB-258 - Bonds for nonresidents - Received letter from Department of Labor stating they have had no problems.

Meeting adjourned at 6:00 p.m.

JUDICIARY COMMITTEE
MINUTES OF THE MEETING
FEBRUARY 4, 1970

Meeting was called to order by Chairman Jackson at 5:05 p.m. in the Masonic Temple. Present were: Miller, Fink, Kay, Banfield, Cornelius, and Metcalf.

Assignments:

HB-584 - Rental vehicles - Cornelius with Peterson

HB-586 - Relates to minor on premises - Metcalf

HB-605 - Number of magistrates - Banfield

Progress Reports:

HB-438 - Collateral - Fink - Without objection this was placed on "Hold".

HB-564 - Revisor of statutes - Kay. Placed on agenda for action, Friday, February 6.

Contracts Pub. Wks. Highways

HB-570 - Contracts; Public Works & Highways - Metcalf
Placed on agenda for Friday, February 6. (Metcalf will advise secretary whom to notify.)

HB-571 - Magistrate rule, jury instruction - Kay
Placed on the agenda for Friday, February 6.

Insurance Losses

HB-51- Insurance losses - Fink. Fink will attend next L & M meeting and will advise committee on whether we will be getting HB-51 out of committee.

MV insp.

Jackson reported that we had received a motor vehicle inspection clean-up act from the Department of Public Safety. A letter was also received from Banfield on raising coverage and giving rate increases to cover same. Mr. Fink will review this material and prepare a committee bill. (Peterson arrived 5:15)

Forfeit F&G vio.

HB-429 - Forfeiture; F&G violations - Miller
Miller has prepared a committee substitute to clear up the language. Mr. Ray had no objections to changes made. Motion made by Miller that committee substitute "Do Pass; Seconded by Banfield. Unanimous. Mr. Miller will write the committee substitute report.

Elected A.G.

HJR-58 - Elected Attorney General - Miller
After some discussion Miller made a motion to report this bill out "Do Pass" as is; seconded by Banfield. Motion failed. Kay moved to have it placed on agenda for tomorrow. Without objection; so ordered. On agenda for Thursday, February 5.

Comp. Neg.

HB-336 - Comparative negligence - Cornelius
Motion by Kay that this bill "Do Pass" with amendment; seconded by Miller. Banfield signed bill with "No recommendation"; Jackson, Cornelius, Kay, Metcalf, Miller and Fink signed "Do Pass" with amendment.

Dramshop Act will be placed on "Hold". Banfield will notify when to place it on the agenda.

Aggravated Assault

HB-494 - Aggravated assault - Cornelius and Peterson
Need for further research and review of how this is handled in other states is needed. Cornelius will work with Mr. Peterson and will place this on the agenda for Tuesday, February 10.

Utility Relocation

HB-338 - Utility relocation - Cornelius received a committee substitute from the attorney general based on California statutes. (Secretary will make copies for each member.) Mr. Cornelius will review this material with Mr. Peterson and this will be placed on the agenda for Tuesday, February 10.

Auto Insurance

HB-154 and SB-311 - Auto insurance - Subcommittee reported that there is no way to work out all the differences. After much discussion the committee decided to work some changes into SB-311 and to Table HB-154. Mr. Peterson will prepare a committee substitute to cover cutting down immunity and if 60 days passes the insurance policy is good for one year. SB-311 will be placed on the agenda for Friday, February 6.

Reschedule:

HB-392 - Liquor licenses - Metcalf- Monday, February 9 - Progress report

HB-258 - Bonds; nonresidents - Banfield & Fink - Monday, February 9.

Pornography - Progress report - Friday, February 6.

Meeting adjourned 5:55 p.m.

(HB-57 - Without objection is being placed in "Hold". "Wages in the state.") - Cornelius

JUDICIARY COMMITTEE
MINUTES OF THE MEETING
FEBRUARY 5, 1970

This meeting was cancelled due to lack of a quorum.

HB-9 am - will be considered Friday, February 6.

Public Hearing HB-497 - Revolving credit plans will be rescheduled.

JUDICIARY COMMITTEE
MINUTES OF THE MEETING
FEBRUARY 6, 1970

Meeting was called to order by Chairman Jackson at 4:05 p.m. in the Masonic Temple. Present were: Banfield, Harris, Metcalf, and Peterson.

Due to conflict of meetings, Miller, Fink, and Kay were not able to be in attendance. Mr. Cornelius was out of town.

Revolv. Credit Plans

Public hearing on HB-497 - Revolving credit plans - will be up for consideration. No action will be taken today, but testimony will be heard. Mr. Tom Smith, National Bank of Alaska appeared in opposition to this bill. **The full text of Mr. Smith's testimony will be attached to these minutes. Also Mr. Howard Rider, Lyle's Hardware Company, appeared in opposition to this bill. His testimony will also be attached to the minutes.**

Further action will be taken on this before the committee within two weeks. The time will be announced.

Popular Elec. of President

Public hearing on HJR-79 - Popular election of President - to be rescheduled for Friday, February 20. Government class students will research this question and then present their information.

HB-432 - Jurisdictional amount in district courts - will be placed on Hold.

HJR-58 - Elected attorney general - will be placed in Hold.

HCR-14 - Law school - Agenda for Monday, February 16.
Miller and Kay

HB-363 - Execution of judgments - Agenda for Wednesday, February 11.
Kay

HB-564 - Revisor Statutes Bill - Agenda for Monday, February 9. Kay

SB-311 - Auto insurance - Kay, Fink, and Cornelius - Agenda for Monday, February 16.

SSSB-245 - Contributions among tortfeasors - Cornelius - Will be put over.

Reschedule Corrections Budget for Monday, February 16.

Mr. Peterson reported that the Bar association lobbyist would like to add some amendments to the bill on time period for examinations. When we get the bill these additions can be considered.

Mr. Peterson also had a memo he presented on HB-9 relating some of the problems that exist. (Each member received copy of memo)

Mr. Jackson announced that a special meeting will be held on HB-9 at 8:30 monday morning, February 9.

ASHA

ASHA Funding Committee members have not been able to meet. A progress report is scheduled for next Wednesday, February 11.

Award of Contracts

HB-570 - Award contracts; public works and highways - Metcalf Secretary will advise Mr. Price in the Attorney General's office. Placed on the agenda for Monday, February 9.

Meeting adjourned at 5:00 p.m.

Mr. Tom Smith, National Bank of Alaska:

In opposition to HB497 - Revolving Credit Plans

"This bill in its body states that anybody that had an Americard, for instance, would walk in a merchants place of business and offer to pay cash and ask for a discount instead of using the card. The discount would be the amount the merchant would be paying for the credit program."

"Automatically this assumes: (1) Every merchant raised their prices to absorb the cost of the credit program. This does not take into consideration that he can offer customers an additional service and the convenience of buying on time. A businessman, especially a small businessman, cannot profitably run his own credit operations. (2) That the cost of %5 is not excessive, as the National Retailers Merchants Association showed large retailers had a cost of 7.77 % for their credit program. With NBofA it does not exceed 5%."

"The supposition that merchants raised prices is not true, as the merchant can expand his sales by offering more services."

"This legislation would wipe out Bank Americard in Alaska."

"The question now raised is this: Who has accepted this program in Alaska? Over 22,000 card holders and expanding daily; and for merchants, we have 815 members now and still have merchants signing up on an average of 3 per day. I say, that question can be answered by the people and merchants accepting this program."

"As far as credit cards go, this has been the most successful program in all of the 50 states."

"The people and merchants demanded this service, and this is why NBof A got into this program. We knew it was a losing situation for at least two years, but after than we expected to have reasonable returns. We couldn't reach too many people in Alaska on our own so we offered other banks to join us. Out of 10 banks in Alaska 7 are taking part in this program."

"I think it is illegal to be against bank credit cards. National cards charge a merchant discount at much higher rates than ours. We would have to cancel our program if this bill goes through."

Jackson asked about changes made by Commerce Committee by striking the words "to a bank".

"Striking the words "to a bank" would include all credit cards. This would only complicate matters. And include the "Big Three".

What about the cash buyer?

"If merchants had to give a 5% discount to cash buyers he would have to raise his prices 5%. This would cause him difficulty in getting volume sales, because his prices would not be competitive. He would have no choice."

"If you deprive the merchant of using credit to expand sales, you are creating a problem, one that is international in scope."

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Mrs. Banfield asked about the 5% the bank received, particularly what part does the local bank retain. The bank pays a franchise fee to Bank Americard which amounts to 1/8 of 1%. The bank retains the remainder of the 5%.

"Mr. Smith brought out that Bank Americard is good in all 50 states and in 39 foreign countries."

Banfield: What risks are there in the 5%? The merchant pays 5% and is credited for 95% of the total sum.

"This is what the card allows: (1) immediate credit; and (2) merchants have availability of offering the most complete credit card service to their customers."

"The bank assumes full risk for the 5% and there are no kickbacks. In items over $100 permission must be given, so the bank accepts calls from anywhere at their own cost, meaning no cost to the customer If I felt that the customer was paying an additional 5 per cent I certainly would not support this program. And any merchant that thinks he cannot expand his sales under this program, is not very well informed."

"The credit card is something the Alaskan public demanded and it has been a need for quite some time. We plan to lose money for at least two years."

Banfield: Does this encourage people to overspend themselves?

"People seem to be very sophisticated about their use of credit. They know what they can handle."

Harris: Why did three banks not join your program?

"They didn't even give us a reason. One said it would be of no profit to them."

Jackson: What about the ones that are making cards and selling them for $1. People use them and merchants give discounts.

"Some merchants do this, but they are the type of businessman that you could dicker with at any time. They would certainly be in the minority."

"Mr. Smith has heard no complaints of higher prices because of the card program. You would destroy credit in Alaska with this legislation."

HOward Rider, Lyle's Hardware Co.

In opposition to HB-497 - Revolving Credit Plans

"First I would like to verify that we agree **with what** Mr. Smith has just presented. We are in a **different** position than most. We have always handled our own paper work. I joined this program only to increase sales and expand service to our customers. It has done that for us. We were very frank with the bank as we already had our own accounts. We kept these accounts and the 5%. Our prices are all based on cash prices. We think this is the only fair way to do business. Card holders have interest and carrying charges added to their purchases. Cash customers do not have this charge. If we had to offer discount for cash purchases we would have to raise our prices. The fact that the more competitive the business is, the more he would be hurt and the quicker he would have to raise his **prices. If this bill would go into effect, we would drop the credit card plan. We couldn't afford the discount. Our prices are cash prices and we havenot raised them to help cover costs of administration. If the customer demanded a cash discount, prices would have to go up."**

SPECIAL
JUDICIARY COMMITTEE
MINUTES OF THE MEETING
February 9, 1970

Meeting was called to order by Vice Chairman Fink at 8:40 a.m. in the Masonic Temple. Present were: Kay, Metcalf, Miller, Banfield, Harris, and Peterson.

This special meeting was in consideration of HB-9 - Bail; murder.

Bail; Murder

The Attorney General, G. Kent Edwards, appeared before the committee to answer questions and also to give some recommendations. He felt it would be difficult to consider this bill as applying to first degree murder only, as many times it is difficult to classify the degrees of murder. He also asks the committee to see that whatever is drawn up will be in agreement with the work furlough agreement. (Jackson arrived 8:50) Mr. Edwards felt this bill, as is, would encourage appeals. (Kay left meeting 9:15) The attorney general also brought out that there might be a violation of due process in equal protection. First degree crimes are not bailable. The bail provision should be of the same concept. Mr. Miller felt that the judge should be allowed to decide whether or not to allow the criminal out on bail.

" "

Mrs. Banfield felt that if the criminal knew he was going to get out on bail after conviction of murder that he would plan his course accordingly. If he knew that he would not be released, he would reconsider his circumstances before committing the crime.

" "

Mr. Jackson brought out that the law now says that they are not bailable if there is nothing to prevent the individual from being a danger to the community. We have given the judge the authority to decide.

" "

The Speaker ruled that the bill failed the other day. There has been a reconsideration which brings the bill back before the body in third reading. A recommendation is before the committee as to whether or not a 2/3 vote is required. Banfield moved to recommend that the 2/3 rule is not necessary; seconded by Metcalf. Vote: Metcalf, Banfield, Fink, and Harris, yes; Miller and Jackson opposed. Fink made a motion that the recommendation strike the clause relating to 2/3 vote. Metcalf, seconded. Same vote as previous motion.

" "

AG's opinion has been spread on the journal. Without objection memos will be attached to the committee report and asked to be spread on the journal. So ordered.

" "

Miller feels that the discretion should be left with the court by giving them guidelines. Fink recommends that we report the bill back by asking the floor for an additional week; Miller seconded. Without objection; so ordered.

Meeting adjourned 9:50 a.m.

JUDICIARY COMMITTEE
MINUTES OF THE MEETING
February 9, 1970

Meeting was called to order by Chairman Jackson at 4:15 p.m. in the Masonic Temple. Present were: Kay, Metcalf, Miller, and Peterson.

Information about the Friday agenda was given for the benefit for those members not present. Rescheduling of assignments was noted. (Fink and Harris arrived - 4:20) A meeting is not planned for Friday, February 13. (Banfield arrived 4:30)

Resid. Bar Adm.

HB-624 - Residency requirement to be admitted to the Alaska Bar - Kay. Mr. Charles Mariner appeared before the committee to make three requests concerning this bill. He requested that this bill (Cornelius arrived 4:35) be considered as quickly as possible, otherwise he will not qualify to take the bar examination in March. He asked for an amendment to be introduced to allow for late applications up to 15 days, with the applicant paying a $50 penalty for late application. The third request was to have the recommendation added that this bill not go before the Finance Committee. Without objection amendment was made on Line 27 changing time period to 75 days. Kay moved to strike 60 to say 30; seconded by Fink. Motion carried. Miller moved the bill out "Do Pass" Kay, seconded. Unanimous consent with recommendation that it not be sent to the Finance Committee because there are no financial implications.

Mike Rose Letter

Mike Rose letter: Mr. Peterson has been working on this and finds that HB-398 covers only the one problem and actually is patchwork. His whole program covers about 22 items and Mr. Peterson does not have the time to prepare proper legislation at this time. Mr. Cornelius reported that Mr. Rose would be happy to draft the language but wants to be compensated for his work. Mr. Cornelius will get in touch with Mr. Rose and if they get something drafted we will consider it in this committee. Miller so moved; seconded by Cornelius. Motion passed. Peterson will write the letter.

Fish & Game Policies

Fish and Game Policies: Members are to advise chairman if they want these placed on the agenda. Until then, it will be placed in Hold.

Collection Agencies

Letter from Commissioner Kubley re collection agency practices. Legislation has been prepared; Mr. Peterson will report his findings.

Pornography

Pornography: Mr. Peterson has prepared a subpoena. Mr. Jackson will sign and ask the speaker to sign also; then have it served. Mr. Cornelius will be assigned to arrangements for projection of these films. Fink moved that prepared subpoena be issued; seconded by Kay. No objection, so ordered.

First Degree Murder

HB-496 - First degree murder - Cornelius - Mr. Cornelius presented the committee with a committee substitute prepared by the Attorney General's office. It was moved by Cornelius that we adopt the language"which results in the death of another person." Seconded by Metcalf. Kay, Banfield, and Harris oppose. Cornelius will draft committee report.

Revisor's Bill

HB-564 - Revisor's Bill - Kay Fink moves this bill out "Do Pass; seconded by Cornelius. Passed without objection; Harris had "No Recommendation". Mr. Kay will carry the bill on the floor and ask Art to be ready to render assistance.

Award Contracts

HB-570 - Awarding contracts; Public Works and Highways - Metcalf. Motion made by Mrs. Banfield that a 5% preference be given for Alaskan bidders up to $100,000; Kay seconded. Cornelius was opposed to the limitation. Peterson will prepare a committee substitute.

Bonds Nonres.

HB-258 - Bond for nonresidents - with proposed committee substitute will be put over for action on Thursday, Febraury 12.

Without objection HB-494 - Aggravated assault - and HB-338 - Utility Relocation - will be put over until February 17. Cornelius and Peterson will have committee substitutes prepared.

Meeting adjourned at 6:00 p.m.

JUDICIARY COMMITTEE
MINUTES OF THE MEETING
FEBRUARY 10, 1970

Meeting was called to order by chairman Jackson at 4:05 p.m. in the Masonic Temple. Present were: Cornelius, Metcalf, Fink, Banfield, Harris, Miller, and Peterson.

Cont. among torts

SSSB-245 - was the first item for consideration. (Contribution among tortfeasors). Mr. Eastaugh appeared before the committee in favor of this legislation. After considerable discussion and some questions raised on release of tortfeasors, without objection this will be put over until Thursday, February 12. Mr. Eastaugh will provide statistics and information from the minutes of a meeting which we will consider at that time. (The meeting was with the National Conference of Uniform State Laws.) (Kay arrived - 4:15)

Public Safety Budget

Public Safety - Commissioner Personett presented information on the public safety budget after which members of the committee asked questions. There are four main divisions in Public Safety Budget. They are: (1) General Administration, (2) Technical Services (3) State Troopers, and (4) Fire Prevention. The money amount listed is almost double that of last year. Most of the (Corne increase comes from adding 50 new troopers and under Technical(ius 4:3 Services an additional 8 positions and office equipment including a microcode which would be used in handling driver's license records. Criminal laboratory services are also increasing for this division. (Fink left - 5:00) Fire prevention includes 3 new positions and 1 clerical position. Also included in the budget in approximately $95,000 for overtime pay. New troopers would be stationed at the following locations: Prince of Wales Island, Craig-Klawock, Galena, McGrath, Lower Kuskokwim, Kotzebue, North Slope, Talkeetna, Sheep Mountain area, Cold Bay, Kodiak area, Dillingham-Naknek-King Salmon area, Big Delta, Haines-Skagway or Yakutat, Petersburg-Wrangell area, Sitka, and Juneau. Review of this budget by the committee is scheduled for Thursday, February 12.

HB-495 - Relating to bail on appeal - Tabled

HB-9 am - Bail; murder - Peterson is preparing a committee substitute.

Meeting adjourned 5:40 p.m.

JUDICIARY COMMITTEE
MINUTES OF THE MEETING
February 11, 1970

Meeting was called to order by Chairman Jackson at 4:05 p.m. in the Masonic Temple. Present were: Metcalf, Harris, Banfield, Kay, and Peterson. Also Cornelius.

Pornography

Pornography: Cornelius reported that he was a bit worried about public opinion created by a public showing of subject films. Mr. Kay felt that a public showing of these films might put our committee in for bad publicity. Mr. Metcalf concurred. Mr. Peterson will continue to research material to be presented to the committee. Mr. Jackson without objection will withdraw the subpoena, as he had not signed nor asked to have it sent out. So ordered. After thorough investigation of this subject, it may be that the committee may feel a showing of this film would be in order, but probably without so much public reaction.

Execution of Judgments

(Miller arrived 4:15) HB-363 - Execution of judgments - Kay. Kay moves this bill out "Do Pass", seconded by Miller. Unanimous, with Metcalf with "No recommendation". ALS information will be revised and used as the committee report. We will ask that it be put in the supplemental journal, without objection. So ordered.

Guides

SB-153 am - Guides - Miller. Without objection this will be placed on the agenda for Thursday, February 12, to consider amendments with the objective of coming up with a committee substitute. Mr. Mark Jensen gave his opinion on this legis- (Fink ar lation. He thought that the 20 years could be reduced to 10 4:30) and that it should specify that the registered guide must be actively participating in the guiding business and be in Alaska.

A.G.'s Budget

Attorney General's Budget: Mr. Edwards presented his budget to this committee. The main increases in this budget relate to increased personnel and office space and equipment. The committee will hold further discussion on this budget until next Monday, February 16.

Meeting adjourned at 5:30 p.m.

JUDICIARY COMMITTEE
MINUTES OF THE MEETING
February 12, 1970

Meeting was called to order by Chairman Jackson at 4:05 p.m. in the Masonic Temple. Present were: Metcalf, Fink, Harris, Peterson, Miller, and Kay.

New Assignments:

SB-382 am - Bail on appeal - Kay and Harris

HB-533 - Candidates for certain statewide offices - Miller

HB-580 - Definition Insurance Premiums - Harris

HB-623 - Relating to out-of-state attorney exams - Banfield & Harris

HB-~~282~~ 373 - Relating to campaign expenditures - may need public hearing - Miller and Kay

HB-492 - Providing for Women in the Alaska Militia - Banfield

HB-591 - Liquor licenses - Kay and Banfield

HB-639 - Disposition of Lost and Found Property - Fink

HB-633 - ESC Benefits - during training courses - Metcalf

Progress Reports

ALS Proposal

Jackson informed the committee that Mr. Kubley had submitted a letter regarding collection agency practices and asked if the committee would like to sponsor this bill. Kay moved to accept this as a committee bill; Miller seconded. Harris opposed. Without objection the recommendation was added that this be referred to the Finance Committee. So ordered.

Amend Judge in Kenai

Relating to HB-547 - Number of Superior Court judges - Mr. Jackson felt that some expression of the intent of this committee should be made showing that a judge should go to the Kenai-Kodiak area. Mr. Jackson had prepared an amendment to introduce and asked other members if they wanted to be included.

Penal Inst.

The committee has received a fiscal note on HB-483 - Penal Institution - showing the cost of running a jail facility will run about $900,000 a year. It will cost $3 million and require $250,000 per year to retire this amount.

Bail; Murder

HB-9 am - Bail; murder - was considered before the committee. After much discussion, the question arose as to whether we want to do this as HB-9 am or as SB-382. Fink moved that HB-9 am "Do Pass" and that HCS for SB-382, which is identical, be passed in lieu of HB-9. Seconded by Miller. Banfield and Harris opposed. Motion passed.

Public Safety Budget

Public Safety Budget recommendations by the committee. Fink moved that we send a letter to the Finance Chairman in support of the Public Safety Budget and programs offered, stating that we have reviewed it and are approving it. Mr. Fink will prepare a letter.

Bonds Nonres.

HB-258 - Bonds - nonresidents - Fink. Mr. Fink proposed some amendments to this bill. Kay moved to adopt CS; Miller seconded. Unanimous consent. Peterson will prepare a committee substitute for Thursday, February 19.

Cont. among torts

SSSB-245 - Contributions among tortfeasors - Mr. Eastaugh prepared some information for the committee on this bill. The Uniform Act was introduced and enacted in 4 states. There were still a few questions about this, so this will be put over until Wednesday, February 18, in order to allow Mr. Eastaugh more time to get additional information.

Guides

SB-153 am - Guides - Miller. Amendments by Harris and Ray were adopted by this committee. Amendments by Sweet,Young, Croft, and Jackson failed. Mr. Peterson will prepare a committee substitute. Kay moved to have CS go out "Do Pass"; seconded by Miller. Unanimous consent. Miller will prepare committee report. This will be put over until Monday, February 16.

# of Magis.

HB-605 - Number of magistrates - Banfield - Without objection this will be on the agenda for Thursday, February 19.

Revolv. Credit Plans

Public Hearing for HB-497 - Revolving Credit Plans has been rescheduled for February 23 and 4:00 p.m. Secretary will advise prime sponsor and other interested parties.) Banfield moved to table this bill; Seconded by Harris. 4-4. Motion failed.

Meeting adjourned at 5:50 p.m.

JUDICIARY COMMITTEE
MINUTES OF THE MEETING
FEBRUARY 16, 1970

Meeting was called to order by Chairman Jackson at 4:05 p.m. in the Masonic Temple. Present were: Banfield, Metcalf, Fink, Peterson, and Harris.

Wills — Mr. Jackson presented a bill he had prepared on the subject of wills, and asked if the committee would wish to submit same as a committee bill. This was without objection, so ordered.

Corrections Budget — Divisions of Corrections Budget - Banfield. Mr. Adams and Mr. Branton of the Division of Corrections presented their budget to the committee answering questions about programs and about the budget cuts that were made by the governor. Mr. Adams explained that most of the budget cuts were deleted because of the priority of other items, such as a water system or other such necessities. Mr. Adams brought out that Alaska lacks adequate research in his line of work and was disappointed when an analyst was deleted from the budget. Salary increases and the policy of HW requiring this division to pay for holiday time accounted for the increases under Code 900 - Interagency charges. Mr. Jackson asked Mr. Adams to give us a memorandum about the work release programs and statistics. He will prepare this for the committee. (Miller arrived 4:35)

" " — It will be noted that further discussion will be held regarding the deletion of the psychology-counselor position. This was without objection; so ordered.

" " — Mr. Adams felt that the "Honeymoon" program has worked well in Alaska. He also feels that it should be expanded here. Mr. Jackson asked for Mr. Adams to provide our committee with a memo and some proposed language to accomplish this. Mr. Adams will do as suggested.

" " — In the Northern area two positions were deleted. One of them was for a cook to train inmates in food services. The committee is interested in exploring this further.

" " — Continuation of the discussion of the Division of Corrections budget will be held on Thursday, February 19 at 4:00 p.m. There was no objection; so ordered.

Bonds for nonres. — Mr. Peterson brought out the problems he was having in using the correct wording for HB-258 CS. After considerable discussion, Mr. Peterson was given the assignment to work this out and then present the finished product to the committee. It will then be put before the committee for action. (Subject: Bonds for nonres.)

[illegible]ool — HCR-14 - Law School - Kay & Miller - There were many fine comments about the advantages of a law school in Alaska. Fink moved that we wait until we hear from the University; seconded by Miller. Unanimous. The secretary will advise Dr. Wood that we have HCR-14 before us and would like to have him or someone from the University appear before us in regard to this resolution next week. Also

to advise which date would be most convenient, stating time of our committee meetings as 4:00 p.m. in the Masonic Temple.

Guides

HCS for SB-153 am - Guides - Miller. Motion made by Harris to "Do Pass"; seconded by Miller. Banfield gave "No recommendation". No committee report necessary and Mr. Miller will carry on the floor.

SB-311 - Auto insurance - will be put over until later this week. Time to be announced.

Pornography subpoena for discussion February 17.

Dramshop Act material will be put over until Wednesday, February 18. (Banfield)

Assignment: Legislative Oversight memo - Read and go over material this week to see if there are any bills we want to introduce. This will be considered Wednesday, February 18.

Tuesday, February 17, we will have the assignments that were given and ask how they should be handled, or if they should be taken up at all. - Distraint proposal by ALS - Public Defender Budget - and 3 CS will be considered.

Meeting adjourned at 6:00 p.m.

JUDICIARY COMMITTEE
MINUTES OF THE MEETING
FEBRUARY 17, 1970

Meeting was called to order at 4:05 p.m. in the Masonic Temple by Chairman Jackson. Present were: Metcalf, Kay, Fink, Harris, Banfield, and Peterson.

Review of assignments:

HB-492 - Banfield - (Women in the Militia) - Agenda for Friday, February 20.

Mr. Kay brought up the question of persons playing in bands in places where liquor is dispensed having to be 21 years of age. Mr. Metcalf felt that HB-586 - Presence of minors on premises - could be amended by adding a paragraph to cover the situation.

HB-591 - Bigot liquor bill - Kay & Banfield - Placed in "Hold" until advised.

HB-633 - ESC - retraining bill - Metcalf - Agenda for Friday, February 20.

HB-639 = Lost and found property - Fink - Agenda for Friday, February 20.

HB-373 - Campaign expenditures - Miller and Kay - CS is being prepared to be put before the committee on Wednesday, February 18.

HB-623 - Attorney's bar exam - Banfield & Harris - Report on agenda for Monday, February 23.

HB-580 - Definition - insurance premiums - Harris - Agenda for Friday, February 20.

HB-533 - Certain statewide offices - Miller - Miller not in attendance - so passed over for now.

HB-398 - A.P.A. - Fink - Preliminary review on agenda for Monday, February 23.

# of Liq. Lic.

Fink asked to bring HB-588 - Limitations on number of liquor licenses held by one person - before committee at this time. Unanimous consent was given. After a brief discussion, Banfield moved the bill out "Do Pass"; Fink seconded. Motion failed. Fink asked to have this put over until tomorrow, February 18. Without objection; so ordered. HB-588 - was assigned to Mr. Kay. Art will prepare some alternatives on this.

P. Def. Budget

Public Defender Budget - Kay & Fink - Mr. Carlson outlined the way his agency provides defense services to people charged with serious crimes. Representing juveniles and persons against whom mental proceedings have come. He would like to see more rehabilitation work completed with work of counselors, etc. The budget was cut in this area particularly.

Pub. Def.

Kay suggested that the public defender hire another investigator and use him as a counselor. Jackson asked about the possibility of a joint program between the public defender and YAA. Mr. Carlson will provide the committee with a letter showing the desirability of having a counselor in Anchorage and Fairbanks and taking part in the summer intern program instituted. Mr. Fink will be delegated to investigate the salary ranges.

Util. Reloc.

HB-338 - Utility Relocation - Cornelius (absent) - CS was prepared by Art. Kay moves it out "Do Pass"; Banfield seconded. Harris signed "No recommendation". Art will write the committee report on CSHB-338.

Contracts

HB-570 - Contracts - Metcalf - After discussion; the original bill without CS was moved out "Do Pass" by Banfield; seconded by Kay. Fink signed "No recommendation". No committee report.

Agg. Aslt.

HB-494 - Aggravated Assault - Cornelius (absent) Peterson was preparing CS for this bill but ran into some wording difficulties. From committee suggestions, Art will present his finished product before the members on Wednesday, February 18 for further action.

Porn.

Pornography: Fink moved to issue subpoena. Jackson brought members of the committee up to date on what was being done on this. Harris seconded Fink's motion. Motion failed. Peterson will continue to gather laws that have withstood court test and present these to the committee.

ALS pro.

The chairman apologized to ALS for not having time to consider their proposals on distraint and landlord/tenant problems. These will be placed on the agenda for discussion for Wednesday, February 18.

Assignment: Fink - Write letter to Finance Committee chairman explaining the need for the collection agency practices bill.

Meeting adjourned 6:10 p.m.

JUDICIARY COMMITTEE
MINUTES OF THE MEETING
FEBRUARY 18, 1970

Meeting was called to order by Chairman Jackson at 4:00 p.m. in the Masonic Temple. Present were: Cornelius, Metcalf, Banfield, Peterson, and Kay.

Court System Budget

First item for consideration was the Court System Budget. Bob Reynolds and Judge Dimond answered questions after giving information on main points of increase. These were mainly in the field of travel, where perdiem was budgeted for $35 per day, and $50,000 to maintain and add to law libraries around the state. This was caused by an omission in last year's budget for this item. (Metcalf left at the start of the meeting; returned at 4:20) (Fink arrived 4:20) Discussion was held on caseload of judges and what could be done about it. Mr. Kay recommended a book,"The Case for Radical Reform" ~~to~~ be read by all that are interested in the court system. The problem regarding judges salaries came up for discussion and will have further discussion by the committee Thursday, February 19. Each member of the committee was given a copy of the Division of Personnel report of positions in the court system. It was shown that 103 positions needed to be reclassified. A chart was also submitted by Mr. Reynolds showing fiscal information for HB-605 - No. of magistrates & pay. Committee recommendations will be submitted to the Finance Committee after all budgets have been reviewed.

Contracts
Pub. Wks.
Highways

HB-570 - Contracts - Cornelius. Jackson apologized for taking this bill up in his absence. (Harris arrived 4:45) He asked for a motion to bring it back to this committee for consideration. Cornelius didn't think this was necessary. He will handle it when it comes on the floor of the House.

Liquor Licenses

HB-588 - Liquor license - no. of - Carl Webb appeared before the committee on this bill. He was in favor of such legislation, License board is also in favor. He brought out that there is no limitation on retail stores, so felt there would be no problem in this field either. Cities and Boroughs have the authority to allow or disallow licenses. Cornelius moves the bill out; seconded by Fink. Harris and Metcalf are opposed. Motion for "Do Pass"; 5-2. Motion passed. Same vote.

Minor on premises

HB-586 - Minor on premises - Mr. Webb recommends that the committee amend this bill to reduce age from 19 and 20 to 17 and 18. Jackson stated that HB-406 - Teenage bill - would do this. After much discussion and several motions regarding amendments, without objection a CS will be drawn for HB-586 - and will be placed on the agenda for Monday, February 23 for action. So ordered.

ing Requir.

SJR-40 - Voting requirements - English - Cornelius moved to pass bill out "Do Pass; seconded by Banfield. 3-3. Motion failed. This will be put over until tomorrow, February 19, for assignment.

Stopping on Highways

Banfield requests to consider HB-694 - service vehicles stopping on highway - This was assigned to Banfield for discussion on Friday, February 20. A public hearing probably should be held.

Without objection there will be a 10:00 a.m. meeting on Saturday, February 21.

Als

ALS proposals - Distraint - After a short discussion period, the committee without objection will have this bill drafted. Also, without objection Art will prepare this for us in final form and also submit a committee report. So ordered.

ALS

ALS proposals - Landlord/tenant problems - This new proposal applies to areas that have local housing codes and an official building inspector. Mr. Byrne entertained questions from committee membersand will work this material over in line with comments made by committee members. Without objection; so ordered.

Cont. among tort

SSSB-245 - Contributions among tortfeasors - Cornelius & Peterson Mr. Eastaugh is awaiting the back up material on this and it should be here by Monday, so this will be put over until then. (Feb. 23)

Auto Ins.

SB-311 - Auto insurance - Fink appointed chairman with Kay and Cornelius - this will be put on the agenda forFriday, February 20. Peterson will with with Fink on this.

HB-582 - Rental vehicles - Cornelius - On agenda for Monday, February 23.

Aggravated Assault

HB-494 - Aggravated assault - Cornelius. Much discussion was held on proper wording. Without objection a CS will be drawn to show "likely to produce bodily injury" and put over until Thursday, February 19. So ordered.

Jackson reviewed unfinished matters. Also noted agenda for tomorrow.

Campaign Expend

Art has questions on HB-373 - campaign expenditures - One was on bringing dates into agreement and how to add a new section. To be placed on the agenda for Friday, February 20.

Meeting adjourned at 6:00 p.m.

JUDICIARY COMMITTEE
MINUTES OF THE MEETING
FEBRUARY 19, 1970

Meeting was called to order at 4:05 p.m. by Chairman Jackson in the Masonic Temple. Present were: Metcalf, Harris, Fink, Peterson, and Kay.

Without objection HB-258 was put over until Friday, February 20.

New Assignments:

HB-682 - Storage liens on motor vehicles - Harris

HB-685 - Bond of testamentary guardian - Kay

HB-686 - Rights of conveyance of real property - Kay
HB-687 - Deeds of trust - Cornelius

HB-688 - Conveyance of real property - Cornelius

HB-689 - Execution after the death of a judgment debtor - Cornelius

HB-690 - Relating to decadents estates - Kay

HB-694 - Relating to the use of highways by service vehicles - Banfiel

HB-700 - Violation of conditions of bail - Cornelius & Harris

HB-311 - Preparation of tax foreclosure lists - Kay

HB-735 - Self-proved wills - Cornelius

SJR - 40 - Voter qualifications - Read and write English - Fink

Candidates Statewide

In the absence of Mr. Miller, HB-533 - candidates for statewide offices - will be placed on the agenda for Tuesday, February 24. Chairman requested Art to examine this bill for constitutional problems.

Penal Instit.

HB-483 - Penal institution - Kay - Progress report showed need for more research. Placed on the agenda for Thursday, February 26. (Banfield arrived 4:15)

Raising Ins. limits

Report on raising insurance limits is on agenda for Saturday, February 21 - by Fink.

Age of majority

HB-406 - Age of majority bill - Is now in State Affairs. Kay suggests to inform Chairman of State Affairs that you have checked with the committee and most are unwilling to indicate what they would do without reviewing the bill and hearing the testimony.

Pornography

Without objection we will meet tomorrow morning at 8:30 a.m. in order to hear Mr. Shaindlin on the subject of pornography.

Corrections Budget

Completion of Corrections Budget - Mr. Adams and Mr. Branton continued the explanation of their budget. Mr. Adams prepared a memo for the committee on the work release program. He showed that there were two reasons why they were not using this program in some areas. One reason is that the employers didn't want to hire these people, and the other was that the work release program does not permit release for training purposes. His letter has to go through the Commissioner's office and should reach us Friday, February 20. (Cornelius arrived 4:30) There are two youth facilities in the state; Alcantra Youth Camp and McLaughlin. Salary budget is high because most persons in these two divisions have reached to top in pay range and also maximum time for leave. Fink asked about success in the area of keeping or staying out of trouble after leaving and entering society once again. Mr. Adams explained that it was very difficult just to know what one meant by success, as it may only be a degree of success. We need some way to measure success and would like to have research done on this. It may be possible to get federal funding for this. Some training is given in cooperation Vocational Rehabilitation; they provide the training and corrections provide the salaries. If the new appropriations are given, there will not be any reason for sending juveniles out of state for treatment or training. When Mr. Admas was asked about the possibility of sharing counseling staff with the public defender he stated he would be opposed to this arrangement. He felt there would be too much conflict of nnterest. Saturday morning, February 21, the committee will make recommendations for the budget.

Judges Salaries

SB-336 - Judges salaries - Chairman of Finance Committee would be willing to change our bill to include supreme court judges and superior court judges. If the committee is in agreement, I will advise him that Judiciary Committee would like to do this. Cornelius moved that we recommend to the Finance Committee $31,000 for Supreme court judges and $30,000 for superior court judges. Kay seconded. Motion carried. 4-3. Harris, Fink, and Metcalf opposed. Letter will be written.

No. of Magistrates and pay

HB-605 - Number of magistrates and pay - Mr. Hohman appeared before the committee in favor of HB-605. He explained the training such magistrates will received to equip them to do a better job. The university is involved in training for magistrates and mostly is funded under Title I funds. This is the same source of funds as used for the incorporation of cities project. Cornelius moved the bill out "Do Pass"; seconded by Kay. 3-3. Motion failed. The chairman directed Mr. Peterson to prepare a memo of qualifications for magistrates and if necessary should write to the supreme court for such information. Banfield moved bill out with individual recommendations; seconded Cornelius. Fink and Harris opposed; Banfield "No recommendation". Also Metcalf "No recommendation". Jackson, Cornelius and Kay in favor.

Agg. Assault

HB-494 - Aggravated Assault - Cornelius - Fink moved CS for HB-494 out of committee, seconded by Metcalf. Kay opposed. Fink moved for "Do Pass"; seconded by Metcalf. Kay opposed. Art will write a short committee report.

Jackson reminded everyone of 8:30 a.m. meeting and a review of the agenda for tomorrow's meeting.

Meeting adjoured 6:00 p.m.

SPECIAL
JUDICIARY COMMITTEE
MINUTES OF THE MEETING
FEBRUARY 20, 1970

Meeting was called to order by Vice Chairman Fink at 8:45 a.m. in the Masonic Temple. Present were: Metcalf, Harris, Peterson, and Cornelius.

This was a special meeting called to hear Herb Shaindlin on the subject of pornography.

Notes taken from discussion held before meeting was called to order:

Mr. Shaindlin spent 21 months gathering material and pursuing his investigation.

Metcalf: How is this subject handled in other countries?

Here, it is forbidden; in other countries it is open but they have the same problems. It just costs less for the customer. We do the greatest thing in the world when we advertise a film for adult audiences only. It ups the gross income tremendously. Kids should be our concern, and they are definitely affected by what they see and read. I am opposed to censorship of any kind. Some things are regulated that affect people; but you can't regulate what people write, or you can't regulate what a man reads. Impressionable people, and especially young people, will make what they see and read a way of life--this will affect our culture in about 7-10 years. This material is easy to write and a good moneymaker. Mr. S. has talked with youngsters who have leveled with him and told him about the things they have don after reading or viewing pornographic materials. They have definitely been affected, at least to some degree. I believe that you are the sum total of your experiences, and if what you read and see is in the pornographic field you will be affected by these things. My mind is not made up as to whether the effects would be good or bad. I would expect that it can have different effects on different people. As a citizen I would say that society has the right to protect itself. The good of the majority takes priority over the good of the individual. One would hope that the country would get back to the point where the good of the majority must be considered. It seems the individual is getting out of hand. We should protect the mainstream of our public.

Fink called the meeting to order at 8:45 a.m.--Several years ago I came to the conclusion that a documentary on TV on this subject would be interesting to produce. I did not know whether it was good, bad, or indifferent. I actually undertook this as an academic exercise. I took this as a challenge and launched my investigation. Tony Schwamm, the Post Master, was informed of my project. I then clipped a coupon from a magazine and was destined to never again be lonesome. Efficiency of some corporations have been questioned, but I received a notice within 8 days from the company that my merchandise was on its way.

In the same mail and daily thereafter, I received brochures and materials from other states: California, New York, Mississippi, Texas, and also Canada. I was astounded because somebody's corporate structure was really working at high speed. Eventually I was privileged to experience all of the pains of trying to get off a mailing list. All the claims you have ever heard about this are true, believe you me. But I found out that if you send their self-addressed envelopes back empty they get you off their list real fast. From this point on I got brochures from different locations offering recording, films, still photos, devices--the gamut. Books, magazines, just everything. The motion pictures were in range from terrible quality 8mm in black and white to superior quality 16 mm in color with sound, excellently produced. There was a whole range to choose from. For the 8mm prices started at $3.50 going up to the 16mm for $25-$50. You may want an answer to the question as to whether you have to seek this material out or not. On a national and international basis the answer is yes, but on the local level this is not the case. If you are a businessman, or a housewife, you go to a local establishment, and if you are in high school it is even easier to obtain. For example, there are retail establishments which sell material which can easily be labeled pornographic. I do not consider myself a prude, but as to just how to define pornographic is another side of the question. My idea of anything pornographic is that it excites sex for sex's sake. With delight I would report that I am capable of being excited by material of this nature. There are varying degrees of material available from straight pornographic to some materials that are quite rewarding in other areas. There are some products that are rewarding in some ways, but from my study I found that approximately 10 out 500-700 books had nothing to offer but sex. This is not a number picked at random. This is what I have found when looking for something socially rewarding in the material. In most of the others you will find straight sex or pornography. Interestingly you will not find 500-700 different story lines; only seven or eight. Usually tending to the sadistic or masochistic. Eventually if you are of some turn of mind, enough of this material will get you fed up. It is the same thing over and over again. Once in a while a book has some social ideas or philosophic ideas but these are rare. These books which take for granted sex activity which is in different times and different social settings perverse to the general practice--this then becomes the norm. This is the crux of the problem. At my time of life one is equipped to equate the value of literature of this nature. This was not always true in everyone's life. Unfortunately, the material is made available to those unable to judge and evaluate it. It is made available to those of impressionable age--young people who come from within the civilian community and military community--at least near Anchorage. These young people are then transferred out of this area and take their pronography and ideas about it with them. The Arcade has rack after rack of books with titles of this nature. Usually with highly pornographic covers. This is where the young GI meets the other members of the youth group and it is just like waving the red flag in front of the bull. The youngsters have told me in private conversation how they have been affected by reading this type of literature. After

reading book after book of this type, there is nothing left to do but go out and try what it says. Therefore society becomes a product of that to which it is exposed. This material is being dangled in front of young people who are not equipped to judge it. They are in a time of life when everything should be investigated, so they do just that. By the way, I am informed that the average production cost of a pocket book is from 15-20¢ and the average going price is between $2.25 and $7.50. Most of these are without illustrations except for the cover. I have a collection of samples of this kind of material. If there are criminal aspects behind this material and its production, I have probably contributed about $600-700 to this cause.

A great number of books are distributed--you could possibly get a pickup load of different books without a duplicate. I have purchased a book under one title and got the same book only under a different cover. If you wait three months---the same thing all over again. Another pickup load of books. Many are being published. He illustrated the point of how books affect people by listing writings of Hitler, Jefferson, and stating that revolutions had been started by written materials. Like with medicine, it does not affect all the people the same, so it is given by prescription. I do not know what the solution is, but I do know that these young people told me they have literally gone out and acted as a result of written material to which they were exposed. That it was the reason for what they did and the way they did it, or the reason that they did anything at all. The amount of this material that exists in this state is unbelievable and the ease with which it is obtained is appalling. There is comparatively speaking no manufacturing of this material in the state whatsoever. There are several small operations, but the state itself in certain areas of our society is already full of this stuff. This includes dirty books, pictures, films, recordings, devices, and other items of merchandise.

This material finds its way into foot lockers of the GI and right on into the high schools. I have done what I came here to do. I am telling you people what the results of my investigation which did not include police, legislators, mothers, or fathers were. I had a program called "The Twig is Bent" where kids talked to me in confidence. I even changed the speeds of the recordings so their voices wouldn't be recognized. Growing up has numerous meanings. It means emotionally, mentally besides physically. They are going to take the effects and show the results of having been exposed to this type of material. They are going to perform what yesterday was perverse and different from the norm; and it will not be perverse but will now become the norm. Who is crazy when 51 per cent of the people are crazy? The guardians of our culture have the threat of alteration hanging over them. You, the legislators, must decide whether this is good,bad, or indifferent.

Is there a serious per cent of kids that are involved?

Relatively speaking, a very small per cent are involved. It is not upsetting unless that one happens to be one in your own family. Then it becomes very important. He used the illustration of a cut on the finger of Charles Atlas. Just a small thing. But if not checked it could become infected and possibly have to lose his finger.

We do not give sharp objects to people who cannot handle them. I think it should be the same way with this material.

Since you have been looking into this are you convinced that there is a problem for society?

Definitely! There's a problem, Legislators, and you should do something about it. Do you want my opinion on a solution as a member of the press or as a citizen?

As a citizen first.

You doctors are charged with the responsibility of keeping me healthy. I am not interested in a doctor saying to me, "What is wrong with you?" I am not interested in telling him how to treat me. If there are solutions, I don't like to be operated on, besides, there are others in our society who will scream bloody murder if we try to stop the flow of pornography. That is your job. If you aren't going to put disinfectant on the wound, it will cause the infection to spread. You will probably have to pass a law that not everybody is crazy about. You are going to hear some screams. Your responsibility is to the majority. But that is your decision to make. There are many solutions. Some prehibition is indicated, I believe. If these books are damaging to this segment of society, then your job is to protect society and maybe prohibit distribution of this type of material. Perhaps people under a certain age should not be exposed. At least until they have built up an immunity so that they can cope with that decision.

How are you going to tackle the situation with censorship?

There is one bigger problem. That is the problem of deciding what is to be labeled as pornography. You could take the negative approach and use censorship or you could take the positive approach and use a term indicating that you are protecting society. Actually there is a problem in determining what is pornography. Does it excite you sexually? Is it a cute girl in the ad for the SPA or Coca Cola girls with that fresh, clean, scrubbed look. This is what you get into when you look for an answer to that question.

One of the problems is whether or not you are going to get by the Supreme Court with legislation. They have certainly taken a generous view.

You could possibly pass general legislation for the general public without specifics. Everyone has a right to certain things. Perhaps the question might come back on appeal.

Local book seller--does not keep books out on display but has them in the back room for those that ask. The main customers are the middle aged and older men. Would we drive pornographic materials underground if we took legislative action?

In the course of sitting for months at a time, two or three nights of the week for an hour or two, in front of these places, you would be astounded about the type of individual who frequents this type of establishment. Has it occurred to you that maybe underground is where it belongs as opposed to being wide open. The assumption that taking bans off material renders it impotent is grossly false. It drives the price down because it no longer is forbidden. Other countries which have taken this out of the underground have experienced this. Because it is no longer forbidden, the price goes down. The volume doesn't change. Perhaps this belongs underground. The real solution to this is not here, though. The real solution to this is in the home. Everybody knows that. You can't legislate lust. The problem is that the mother and the father have to treat this material in the same way you would take Tom Sawyer walking on the fence to impress his girl. We, as parents, never use things we understand about children when dealing with them. And we don't do it where it has to be done--right in the home. I have thought very seriously about public service announcements--like getting quotes from every legislator--to give me a good image of being interested in good government. I have also thought about this in the field of commercials--using public service announcements showing the kid snickering and having a dirty book in his hand. Maybe it is my upbringing that shows the other character. He says to the other one, "Oh, you'll grow up." Aura it out of existence. As long as you run away from the problem it will not go away. The place to start is in the home. It is our fault because we have n't told the kids that this is kids' stuff. An example is hair tonics. Kids can't wait to grow up and use more sophisticated hair preparations, instead of the greasy kid stuff. Same for this. They can't wait to grow up; so if we make it clear that this is just kids' stuff, they won't want anything to do with it. I don't know what has happened to home? Especially when I see who is buying this material at 2:30 in the morning.

Partly the responsibility of the schools, isn't it?

You know this better than I do. When I have my darkroom man tell me that his wife doesn't teach any more, it disturbs me. One of the kids starts arguing with her and spits in her face. Principal said, "What do you want me to do about it?" You are not going to be teaching kids morality. Circle it right back to the parents. I don't mean to imply that I was some super type student when in school, but I did want to understand and questioned my teachers, but to challenge a teacher's authority was unthinkable. I didn't have time to think up reforms or plan new policies during my school days. Outspoken young people who are involving themselves in society and failing to be good citizens are a deterioration. If you don't happen to

like something; well, everybody is entitled to his own opinion. Applied in this way--having kids tell us whether or not it will rain next April. They do not have the knowledge. These kids do not have the knowledge or ability to base an opinion on this subject of pornography. Perhaps this should be investigated. In my own home, I don't like the radio blaring after 10. I don't ask you to change your habits; but you do what I say or get out in my home.

Have you ever put on this documentary?

No, it has not been produced. What about the films that were confiscated?

The Billikin is a unique situation. I know the owner. I have watched the Billikin and watched the people who go inside. He does try to enforce selective age limits. The Arcade doesn't.

We hear from all sorts of people. We get recommendations from them. It seems to me that you would be thinking of some answers to these problems.

I have not dwelt on the answer. Nobody seems to know that there is a problem. It seems that there is, and it indicates control of the availability of this material. Especially with those who may not be able to handle this material. You have talked to kids on the effects of written things. Do you get the same reaction from those that have seem films? Yes, it appeared to affect them more. Are there more participants at the movie than in the written material? This is a possibility.

Advertising reaches different segments of society. The problem is that the action and the availability in movie situations is much too close together. Having a so-called dirty book at 2:00 p.m. in the afternoon and having a film which is exciting in a drive-in is quite different. At a drive-in you are in a highly intimate situation--enclosed car--sort of an instant sex situation. This would make the drive-in the most objectionable.

You say you have checked these things out and find it is adverse to our society. You also think it ought not be allowed to continue. This is particularly true of the impressionable segment of society.
There are no means available at the present to curb sales of films or books. We prohibit sale of liquor to minors; possession of drugs is a crime. This material is highly inflammatory, just terrible for his mind; we don't restrict this. In other words, we protect their physical health, but not mentally. My project has now become a social necessity and not an academic undertaking. Most people have not really seen this material. It is appalling.

JUDICIARY COMMITTEE
MINUTES OF THE MEETING
FEBRUARY 20, 1970

Meeting was called to order at 4:05 p.m. by Chairman Jackson in the Masonic Temple. Present were: Metcalf, Harris, Banfield, Peterson, and Fink.

New assignments:

HB-596 - Surplus line insurance - Fink

HJR-97 - Initiatives - Miller

HJR-96 - Obscene material through mail - Miller & Fink

Popular election

Public Hearing was held on HJR-79 - direct popular election of president - Banfield - Three students from the Government class at Juneau-Douglas High School appeared before the committee against this resolution. The students were Peggy Whelan, Nancy Banfield, and Georgene Brabaw. They expressed the thought that there were only three ways to handle the election of a president. (1) Leave as it is; (2) Reform it; and (3) Direct popular election of the president. Mr. Jackson asked about the problem of voting age, since in Alaska it is 19, and in other states it is 21. He also asked whether or not vote fraud would not increase. (Kay arrived 4:15)

Stopping on highway

HB-694 - Stopping vehicles on roadway - Banfield - Mr. Red Holloway, Northland Motor Coaches, operates a commuter bus between here and Tee Harbor. Regulations by the Department of Public Safety do not allow the bus to stop on the road to pick up passengers. This bill has been introduced to try and solve this problem. Mr. Clarence Foster, Chilkat Fuel, also appeared before the committee in favor of legislation that would allow necessary stopping on the highway. Mr. Jackson asked committee members whether there was a need for a clause in the second section to insure against any of these vehicles completely blocking the highway. Chet Strohmeyer, Acme Disposal, showed the need for garbage trucks to stop along or on the highway to pick up garbage, and that predetermined stopping areas would be an additional expense in handling of the garbage. The consideration to scheduling stops, other than for the bus which carries state and federal workers into Juneau, at a time when the roadway would allow stopping without any inconvenience to other users of the highway. For HB-694.

" "

William Wilde, District Engineer for the Department of Highways, brought to the attention of committee members the many deficiencies of one particular portion of roadway -Norway Point to Vanderbilt Hill--or more easily described as City Limits to Mile 5 on Glacier Highway. He gave accident statistics for this portion of the road. Mr. Kay asked how many accidents had been caused by a bus stopping on the roadway. Kay also suggested that maybe we should encourage bus transportation to reduce congestion of the highway because of the number of cars with one person driving to and from work. Consideration was given to turn-out areas, and this seemed to be the only immediate solution to the problem, except there were no funds available that were not pledged at this time. Opposes HB-694.

Mr. Wilde estimated that the turn-outs would cost approximately $50,000.

Stopping on highway

Lieutenant Sydnam, Public Safety, also appeared before the committee to explain the new regulations and to answer questions of committee members. He explained that these regulations have been in effect since 1956 and the only changes made were to clarify the wording. Also to his knowledge these regulations have been enforced since then. He felt the law or regulation should be applied equally in all areas and that amending the regulation or enacting another law would not be the answer. Public Safety is interested in protecting all citizens from danger. He was in opposition to HB-694.

Discussion of this bill will be continued later, and placed on the agenda for Tuesday, February 24.

Campaign Expenditures

HB-373 - Campaign expenditures - Kay. A CS has been prepared and is a combination of four bills. (1) Was to limit campaign expenditures (2) Make it unlawful for certain institutions and organizations to make contributions in statewide elections; (3) Section taken from Oregon law; and (4) Campaign pamphlets to be sent to every voter. Dwayne Carlson appeared before the committee against the committee substitute because it would not allow unions to contribute to political candidates. Mr. Jackson read the State Affairs Committee amendment and put this over until Saturday, February 21, for further discussion.

E[illegible]-Train.

HB-633 - Employment Security--Training - Thomas J. Moore, Commissioner of Labor, appeared before the committee in favor of this bill. It will solve a problem where persons are sent out of the state for less-than-class training and will be able to get the full amount of their unemployment compensation, if they are eligible, instead of the minimum for those outside the state, $20.00 per week. Fink moved this bill out "Do Pass"; seconded by Kay. Unanimous consent.

Bonds for Nonres.

HB-258 - Bonds for nonresidents - Kay moves we accept and adopt the amendment; seconded by Fink. Without objection, so ordered. Mr. Snow will furnish material for committee report.

All remaining matters will be put over until 10:00 a.m. Saturday, February 21.

Meeting adjourned at 6:05 p.m.

JUDICIARY COMMITTEE
MINUTES OF THE MEETING
FEBRUARY 21, 1970

Meeting was called to order 10:15 a.m. by Vice Chairman Fink in the Masonic Temple. Present were: Kay, Peterson, Harris, Metcalf.

Campaign Expenditures

CSHB-373 - Mr. Carlson appeared before the committee to be sure and emphasize the point that we should not name organizations because we may accidentally leave someone out. Much work was done on this bill (Banfield arrived 10:20) (Jackson arrived 10:50), working down to page six. Work will be continued on Tuesday, February 24.

ALS prop.

Alaska Legal Services distraint proposal - Kay moves it out "Do Pass"; seconded by Metcalf. Unanimous.

ALS prop.

Alaska Legal Services Landlord/Tenant proposal - Kay moves it out and recommends that the committee introduce this as a committee bill and that we request it to be returned to our committee; seconded by Fink. We will do further work on this and also hold a public hearing. Unanimous consent.

HB-258 - This will be placed on the agenda for Monday, February 23. (Bonds for nonresidents)

Defines Ins. Prem.

HB-580 - Defines insurance premiums - Harris has not been able to contact Mr. Fritz on this, but feels this bill is ready to be passed out of committee. Harris moves it out "Do Pass"; seconded by Kay. Unanimous. No committee report.

Cont. among tortfeasors

Mr. Kay reported that Mr. Eastaugh had provided the material that we had requested on SSSB-245 - Contributions among tortfeasors - this will be scheduled for Monday, February 23.

Lost & Found

HB-639 - Lost and found property - Fink - To be placed on the agenda for Wednesday, February 25, for public hearing.

Auto Ins.

SB-311 - Auto insurance - Fink & Kay - CS changes immunity and lists two reasons for cancellation--revocation of driver's license and nonpayment of premiums. Kay moved to adopt HCS for SB-311 and move it out "Do Pass"; seconded by Fink. Fink will prepare a committee report. Motion passed unanimously.

Budgets

Budget items will be of first priority--meeting will begin at 3:00 p.m. Monday, February 23.

Robison Letter

Jackson gave Mr. Peterson the Paul Robison letter so that he could prepare a bill that will be brought before the committee. This letter will be distributed to all members of the committee. Without objection; so ordered.

Ins. limits

Fink will recommend re raising insurance limits on Monday, February 23.

Dram. Act

Dramshop Act - Banfield - Material will be distributed Monday, Feb. 23

JUDICIARY COMMITTEE
MINUTES OF THE MEETING
FEBRUARY 23, 1970

Meeting was called to order by Chairman Jackson at 4:00 p.m. in the Masonic Temple. Present were: Harris, Metcalf, Fink, and Kay.

Revolving Credit Plans

Public Hearing on HB-497 - Revolving credit plans - The committee will hear testimony until 5:00 p.m.

" "

Mr. Borer, sponsor of the bill, spoke in behalf of the bill. He felt that there probably were some technical errors and problems with the bill, but felt that the Judiciary Committee could work these out. Mr. Fink asked how Mr. Borer felt about the Commerce Committee amendment. He felt that it would make it more difficult to enforce.

" "

Jim Nelson, Nugget Shop: Opposed HB-497 - He felt giving a discount to cash customers would cause strained customer relations with persons having different credit cards, charging differing % fees for the use of these cards.

" "

Martha Edwards, Baranof Gift Shop: Opposed to HB-497 - One reason she is against this bill is the affect it has on tourist trade. She was against the discount for cash precept because it could not be written off as a business expense. (Cornelius arrived 4:17)

" "

Ernie Hamm, Retail Division of the Anchorage Chamber of Commerce: Opposes because he found it impedes sales volume. You sell more if you allow credit cards. (Banfield arrived 4:20) This legislation would institute the barter system over the system we now have.

" "

Dean Ehrich, Alaska Retail Association: Opposed to HB-497 - He really doesn't know the purpose of the bill, but thought maybe price control was being initiated. Telegram on subject is in the file.

" "

Richard Hall, NB of A: Opposed to HB-497 - Testimony was presented in memo form; filed for committee member's reference.

" "

Don McBride, President, Bank of America Service Corporation: Opposed to this legislation. Brought up the question of checks. They have handling charges attached to the businessman that accepts them. Would this be considered cash? He didn't think separate parts of a business should be singled out, as one segment would cover deficiencies in other parts. An example, summer customers subsidize winter customers--overhead is higher in winter. He answered Mrs. Banfield's questions on whether this was the first time this type of legislation has come up. He answered in the affirmative stating that the card is honored in 50 states and 49 international areas. If this legislation is passed, credit cards perse would go out of existence. Cash would then become the chief medium of exchange.

Notice will be given when this bill will be brought up for further

committee consideration.

Chairman called a five-minute recess.

Meeting came to order at 5:05 p.m. Motion by Mrs. Banfield to table HB-497; seconded by Metcalf. Harris, Metcalf, & Banfield; yes. Jackson, Kay, and Fink: No. Motion failed. Consideration of HB-497 will be put over until Tuesday, March 3. Secretary will advise Mr. Borer.

Revolving credit plans

Raising insurance limits - Fink - Committee has received estimated increase in premium rates to cover suggested changes. Kay moves that committee introduce bill and have it referred back to this committee; seconded by Fink. Fink will draft a committee bill working with Mr. Peterson. Without objection; so ordered.

Raise Ins. Limits

Kay brought up the matter of HB-442 - Inheritance tax - and how it should be handled on the floor. The procedure to be taken was discussed and decided upon.

Inheritance Tax

HB-586 - Minor on premises - Metcalf - Peterson had some questions on preparing the committee substitute. Further discussion was held and changes expressed by committee members. Mr. Peterson will have the CS ready for our Tuesday, February 24 meeting.

Minor on Premises

CSHB-258 - Bonds for nonresidents - This is ready for signature with a committee report. Fink moves it out "Do Pass"; seconded by Kay. Unanimous.

Bonds for nonres.

HB-582 - Rental vehicles - Cornelius - Cornelius was not here, so this will be placed on Tuesday, February 24 agenda.

Rental vehicles

HB-623 - Attorney bar exam - Jackson suggested leaving reciprocity arrangement in effect; providing for a one-day exam for out of state attorneys. Without objection a CS will be prepared by Mr. Peterson. So ordered.

Attorney Bar exams

HB-398 - A.P.A. - Fink - Secretary will advise AG's office that this will be on the agenda for Wednesday, February 25.

A.P.A.

Dramshop material - Banfield - Metcalf made a motion to table this subject; seconded by Fink. Banfield and Kay opposed. Motion failed. Without objection, this will be placed on hold. So ordered.

Dramshop

Marital convey., Bond of Guardian, Widow's allow.

HB-685 - Bond of Guardian - HB-686 - Marital conveyances - and HB-690 - Widow's allowance - Kay - To be placed on agenda for Wednesday, February 25.

Surplus line insurance

HB-596 - Surplus line insurance - Fink - Agenda for Thursday, February 26. Secretary will advise Mr. Fritz, Division of Insurance.

Cont. torts

SSSB-245 - Placed on agenda for Wendesday, February 25.

Law School

Secretary will contact Dr. Wood, President, University of Alaska, and arrange an appearance before the committee on HCR-14 - Law School - for Tuesday, February 24.

Meeting adjourned at 5:55 p.m.

JUDICIARY COMMITTEE
MINUTES OF THE MEETING
FEBRUARY 24, 1970

Meeting was called to order by Chairman Jackson at 4:05 p.m. in the Masonic Temple. Present were: Fink, Peterson, Harris, and Banfield.

Work Furlough

Work furlough--Memo distributed to members of committee; Art will prepare a committee bill. Without objection; so ordered.

New assignments:

SJR-87 - Rotation of Chief Justice - Banfield and Kay

HJR-104 - Sierra Club court action - Banfield and Kay

Investigation of Anchorage Vocational Rehabilitation problem - Harris and Metcalf. Mr. Jackson will get the material to them. (Cornelius arrived 4:07)

Law School

HCR-14 - Law school - Kay - Dr. Wood appeared before the committee in favor of this resolution. He gave the history of when such a school was proposed--April 1956--by the Tanana Valley Bar Association. Mr. Kay was in attendance at a conference held at the University when a report was issued concluding that there was a need for a law school to be started in Alaska. In the following years it was dropped in favor of priority or other emergency items such as the flood. An estimated $200,000 would be necessary to hire professionalsand purchase or acquire a good law library. This would be the first professional school in Alaska. (Metcalf arrived 4:42) Several motions were made to amend the resolution. Cornelius moved the bill out do pass"; seconded by Fink. Banfield and Harris - no; motion failed. This will be put on the agenda for Wednesday, February 25. Dr. Wood requested to have the Constitutional Convention held on the University Campus, if and when one would be held.

Stopping on Highway

HB-694 - Service vehicles stopping - Banfield. Mrs. Banfield has prepared a bill to cover the problem and would like to submit it to the committee. Metcalf seconded. Motion failed. Harris, Jackson, Metcalf, and Banfield - yes. Fink & Cornelius - no.

" "

Mr. Charney - Borough Chairman - appeared before the committee in favor of HB694. He sent a letter to the committee with a copy of a resolution passed by the borough on this problem. The letter had not been received by the chairman so Mr. Charney presented him with a copy. He felt that this is a problem that must have s olution soon. He was against people walking along the highway to reach bus turnouts as for several months of the year it is dark and the weather is rainy and misty frequently actually making more of a danger to the public in this manner than by having a bus stop with flashing red lights. Necessity for transportation is very important when you consider the new

Stopping on highway

hospital, Indian Health Clinic, Community College, and any other such developments planned for the future. He brought out that the community had to promise that transportation would be provided for these facitilities before the Congressional appropriation could be obtained.

" "

Mr. Fink definitely feels that the Department of Public Safety should resolve this problem and not involve the entire state by passing legislation for one particular problem.

" ""

Mr. Chuck Porter - Juneau Chamber of Commerce - Appeared in favor of HB-694 - showing need for bus transportation to certain areas. A definite need for a morning and evening run was established. He reasoned that if the school bus could stop briefly--providing a needed service--why not allow a commuter bus to do the same.

" "

Mr. Sanders - Appeared in favor of HB-694 - He testified of the necessity for all types of vehicles that perform services to the public should be considered in this as our highway was not designed for modern traffic and such services. He felt this was also necessary for other parts of the state where similar conditions exist.

" "

Red Holloway - Northland Coaches - I would just like to say that I have been driving this road for ten years and no one has ever been hurt. I don't feel stopping for bus passengers on the highway has caused any of the accidents in recent years. He stated that he was not notified by Public Safety to attend any public hearing on these regulations. He was not notified about the change in the hitchhiking law either. At the hearing at the airport, Public Safety felt that the lights were not a sufficient warning. (This last sentence by another witness - Teddy)

" "

Cornelius moved to add delivery trucks; seconded by Banfield. Motion failed for this amendment. Mrs. Banfield will work with Art and this will be placed on the agenda for February 26, Thursday. Committee requested to have the Commissioner appear at our Thursday meeting; secretary will notify.

Leg. Over.

Legislative Oversight - Tabled without objection.

Minors on prem.

CSHB-586 - Minors on premises - To be placed on agenda for Wednesday, February 25.

Women in Militia

HB-492 = Women in the Militia - Banfield - Helen Beirne sponsor of the bill appeared before the committee to explain what the bill would do. She, of course, was in favor of the bill. This would make women a part of the National Guard and women could become commissioned officers. Main purpose was to give equal rights and equal opportunity to women. Mr. Jackson moved to amend by inserting (a) in lines 8 and 9. Seconded by Banfield. Banfield moved it out do pass; seconded by Cornelius. 3-3. Motion failed. This will be placed for further action on Thursday agenda as originally scheduled. February 26.

Rental Vehicles — HB-582 - Rental Vehicles - Cornelius - This will be put over until Thursday, February 26.

Candidates — HB-533 - Relating to certain candidates/statewide offices - to be put over.

Budget — Budget consideration - Thursday, February 26.

Cam. Exp. — HB-373 - Campaign expenditures - Kay - Wait until Kay is here. Agenda Thursday, February 26.

Announcement: No meeting on Friday or Saturday of this week.

Meeting adjourned 5:45 p.m.

JUDICIARY COMMITTEE
MINUTES OF THE MEETING
FEBRUARY 25, 1970

Meeting was called to order by Chairman Jackson at 4:05 p.m. in the Masonic Temple. Present were: Metcalf, Fink, Cornelius, Peterson, Banfield, Kay, and Harris

A.P.A. — HB-398 - APA - will be placed on the agenda for Monday, March 2 - Cornelius and Peterson

Lost & Found — HB-639 - Lost and Found Property - Fink - Captain Barkley, Department of Public Safety - appeared before the committee in favor but indicated some work needed to be done to modify this for Alaska. A need was shown for disposal methods for subject property. (Miller arrived 4:10) The various sections were gone over one at a time discussing certain changes. After this detailed discussion, Art will prepare a CS to be presented to the committee.

Law School — HCR-14 - Law school - Kay. Fink moves this resolution out "Do Pass"; seconded by Miller. Fink, Jackson, Cornelius, Kay, and Miller - Yes. Metcalf, Banfield, and Harris - No. Motion carried.

Sierra Club — HJR-104 - Sierra Club court action - Banfield & Kay - Fink moves it out "Do Pass"; seconded by Banfield. Cornelius, Fink, Banfield, and Harris, Yes. Jackson, Kay, Metcalf, and Miller - "No recommendation".

Minor on premises — HB-586 - Minors on premises - Metcalf - Fink proposed amendment to bring language into conformity - accepted by committee. Kay moves CS out "Do Pass"; seconded by Miller. The report was signed this day and CS will be retyped for tomorrow. Without objection so ordered. Cornelius and Harris - no. Five yeas.

Att. Bar Exam. — HB-623 - Attorney Bar Exam - Miller moves it out "Do Pass"; Kay seconded. Cornelius and Harris - "Do not pass". Art will prepare committee report.

Cam. Expend. — HB-373 - Campaign expenditures - Kay - Will be placed for further work on our agenda for Thursday, February 26, starting on page 6.

Work Fur. — Work furlough was passed out - Art will prepare bill.

Cont. among Torts — SSSB-245 - Contributions among tortfeasors - Cornelius - Motion by Kay to strike "not"; second by Miller. Metcalf and Banfield - no. Without objection this bill as amended will be reported out "Do Pass". Art will draft amendment and prepare a short committee report.

Popular election president — HJR-79 - Testimony of popular election of president was solidly against direct election of the president. Without objection this will be tabled. Kay objected. Harris moved to table; seconded by Cornelius. Kay opposed; Banfield and Miller "No recommendation". Resolution tabled.

P. Adm. — Bill prepared for committee on Public administrator - Cornelius

moved it out "Do Pass"; seconded by Miller. Fink and Harris - no. Committee recommendation to refer to Finance Committee. Art will prepare a short report.

New assignments:

HB-608 - Methods of attending meetings - Kay

SCR-27 - Annul hitchhiking regulation - Harris - Secretary will ask Public Safety to prepare to comment on this for Thursday, February 26.

SB-116 - Notice of lien foreclosure to be sent to State - Kay

SB-481 am - Certification of documents - Cornelius

HB-707 - Uniform Anatomical Gift Act - Banfield

HB-742 - Excessive noise by autos - Metcalf

Members will advise chairman when they are ready to report.

Meeting adjourned 5:45 p.m.

JUDICIARY COMMITTEE
MINUTES OF THE MEETING
FEBRUARY 26, 1970

Meeting was called to order at 4:00 p.m. by chairman Jackson in the Masonic Temple. Present were: Fink, Cornelius, Kay, Metcalf.

Surplus Line Insurance

HB-596 - Surplus line insurance - Fink - Bill Fritz, State of Alaska Division of Insurance, appeared in support of this bill. The bill originated from their division. He recommended two changes be made. (1) Changing $50,000 to $25,000; and removing the $450-600,000 deposit requirement. (Hillstrand arrived 4:10) This last requirement was to assure solvency of the company. (Miller arrived 4:15) The insurance brokers object to the deposit requirement. Mrs. Beyer answered questions of committee members of filing certain companies and also trust agreements.

" " "

Ross Duncan, Alaska Association of Insurance Agents, brought out that members of the association would not have objection to the $25,000 bond but that it would be very difficult to obtain the $50,000. Agents would like to have some was of determining financial status--something like the lists is Washington and California.

" " "

Mr. Cutler, Marsh and McLennan, expressed the same concern over the $50,000 bond being required. He felt that $25,000 would be more satisfactory. (Banfield arrived 4:40)

" " "

Fink moves to make change of $50,000 to $25,00 on line 13. Unanimous consent. Fink moves bill out "Do Pass"; seconded by Kay. Unanimous. Fink will write a short committee report.

Stopping on Highway

HB-694 - Service vehicles - Banfield - Commissioner Personett appeared before the committee to answer questions on the bus problem. Jackson informed Mr. Personett that the committee had not taken any votes on this bill, and also that it was of some concern that this be in effect all over the state when Juneau was the basic problem. Personett reported that it had been 10 days since a request had been sent to the bus company assuring the committee that had formed to handle this problem that ~~he~~ Holloway would reinstitute bus service. Today a bus stopping morning and evening on the highway would be all right, but what about in coming years? This will be placed on the agenda for Wednesday, March 4 for further consideration. Banfield enlisted help of committee members in introducing a bill to appropriate $50,000 for the highway department to build turnouts. Metcalf so moved; Fink, seconds. Motion carried 5-3. Cornelius, Hillstrand, and Miller - no.

Hitchhiking

SCR-27 - Hitchhiking - This regulation was developed for safety purposes, so stated Mr. Personett. He testified that he would defy anyone to make a law that would be enforceable without someone using common sense when enforcing it. This law has been in effect since 1953 and only minor word changes were made in the new regulations. This will be put on the agenda for Wednesday, March 4 for further consideration. The committee feels that you as a department could set out standards within the regulation

which would not seem to encourage disrespect for the law as it now is.

Campaign expend.

CSHB-373 - Campaign expenditures - Kay - Starting from page 5 a line by line discussion was held on what changes would be necessary to make this bill acceptable to the members. Kay moves that Art be directed to rewrite Sections 3, 4, and 5 to permit a tax credit up to $25. Fink seconded. Motion carried with a 5-3 vote. Metcalf, Cornelius, and Banfield objected.

Rental Vehicles

HB-582 - Rental vehicles - Cornelius - This makes it a misdemeanor to refuse to return rented vehicles. Kay moves it out "Do Pass"; seconded by Banfield. Motion passed. Metcalf, Miller, and Fink "No recommendation". Art will write a committee report.

Budget Subcommittee

Jackson appointed a subcommittee to consider budget and give committee their recommendations. Fink, Chairman; Banfield, Metcalf, and Kay. Subcommittee will meet at 4:00 p.m. to prepare letter to Finance Committee.

Meeting adjourned at 6:05 p.m.

JUDICIARY COMMITTEE
MINUTES OF THE MEETING
MARCH 2, 1970

Meeting was called to order by Chairman Jackson at 4:00 p.m. in the Masonic Temple. Present were: Kay, Metcalf, Harris, Miller, Peterson, Cornelius, Hillstrand, and Fink.

New Assignments:

HB-665 - Establishing client security fund - Kay and Harris

HB-667 and SB-364 - Violent Crimes Compensation Board - Cornelius and Jackson.

HB-741 - Distraint bill - Fink and Kay

HB-751 - Cooperative corporations - Harris

HB-767 - Relates to driving offense records - Metcalf

HB-756 - Division of recruitment in the office of Military Affairs - Banfield

HB-406 - Age of majority - Fink and Jackson

Consumer Protection Legislation Subcommittee: Fink, Chairman; Kay; and Banfield.

Review Assignments:

Notify State of Foreclosure — SB-116 - Requires notice to be given to State when foreclosing - Kay - On agenda for Tuesday, March 3. Secretary will notify Senator Rader and ask him to come and testify on behalf of his bill.

Cert. of Documents — SB-481 am - Certification of documents - Cornelius (Banfield arrived 4:15 and was informed of assignments) -Agenda March 3.

Anatomical Act — HB-707 - Uniform Anatomical Gift Act - Banfield - More research needed.

Bad Checks — HB-548 - Bad check penalties - Cornelius - Agenda for Wednesday, March 4.

Jury inst. — HB-571 - Instructions in district court - Kay - Agenda for Wednesday, March 4.

Elected AG's — Kay asked for HJR-58 to be brought before the committee. Without objection; so ordered. Kay moves HJR-58 - Elected Attorney General - out "Do Pass"; seconded by Miller. Banfield, Fink, and Cornelius - No. Motion passed.

Camp. Exp. — HB-373 - Canpaign expenditures - Kay - Art will return this to us after making changes adopted by committee. This will also

need a fiscal note. Mr. Hillstrand will get a fiscal note.

Camp. Spend. Mr. Kay will prepare the committee report. (Hillstrand left 4:35) This will be on the Wednesday, March 4 agenda for final action.

Women in Militia HB-492 - Women in the Militia - Banfield - Representative Beirne appeared before the committee in behalf of this bill. Kay moved it out "Do Pass"; seconded by Banfield. Metcalf, Fink, and Harris voted no. Motion passed.

A.P.A. HB-398 - A.P.A. - Fink - Tom Wardell, from the Attorney General's office, appeared before the committee in a work session. Further work will be necessary so a Saturday morning meeting has been scheduled. Mr. Wardell will attend the Saturday, March 7, meeting to be held at 10:00 a.m. (Miller leaves at 5:30) Mr. Cornelius will get in touch with Mr. Rose and inform him of the 10:00 a.m. meeting on Saturday.

Budget Recom. Budget recommendations: Mr. Kay will prepare a letter for the Public Defender's budget; Banfield will do same for Corrections; general committee letter will be prepared to include Court System, Department of Law, and Public Safety budgets.

" " Public Defender - Fink moved to support all six items listed for this budget; seconded by Kay. Motion carried. Metcalf and Harris - no. Kay will draft letter to the Finance Committee.

" Corrections - Recommend a general statement that this budget is weak in treatment programs and work programs, showing that additional money is necessary. (Send a copy of our letter to Frank Harris.)

Work Fur. Work Furlough Committee - Cornelius, Jackson, and Metcalf.

Rehab. Bill Metcalf and Banfield are assigned to Rehabilitation Bill - on agenda for Tuesday, March 3.

Meeting adjourned 6:00 p.m.

JUDICIARY COMMITTEE
MINUTES OF THE MEETING
MARCH 3, 1970

Meeting was called to order by Vice Chairman JFink at 4:10 p.m. in the Masonic Temple. Present were: Kay, Metcalf, Harris, Peterson, Banfield, and Cornelius. Also Mr. Miller.

Railroad Crews

HB-666 - Railroad crews - testimony was heard from out-of-town people.

Robert L. Shake, 321 West Manor Avenue, Anchorage. Chairman of the General Grievance Committee, United Transportation Union, representing all trainmen on the Alaska Railroad. He is also the Alaska State Legislative Representative, UTU Trainmen. He appeared before the committee in favor of this bill. He explained that "full crew" as outlined in the bill meant Engineer, Fireman, Conductor, and two Brakemen. Mr. Shake stated that there was no problem at the present time, but that he wanted to keep the same number on the crew as they have now. He felt this was necessary to protect the public from undue danger. He made it clear that he did not want to add additional men to the crew, but only wanted to keep the crew number that they have now. He wanted the committee to understand that employment was important to them, but that safety was of the first concern. The witness made reference to Rule 14.a stating 6 rules and regulations for trainmen on Alaska Railroad. Under these rules they feel fully covered and adequately protected, it is only when private industry may come into the picture that they are concerned that the dollar sign might be put before the interest and safety of our people. This bill would not affect the operations of the Alaska Railroad as it now operates.

Don Berry: General Chairman United Transports - Skagway. He appeared in favor of this bill stating that three men were needed on the ground when switching and the necessity of having two men, one on each side of the engine. White Pass has already been using a full crew, but we want to keep the crew that we have. In answer to Mrs. Banfield's question he stated that a full crew was necessary for the entire trip, even in Canada.

Marvin Taylor - Manley side of the Yukon Route - He appeared in opposition to this bill. He stated that a full crew is their policy except in Item 3, Section 1, where this would increase their crew by one man. We are protesting this piece of legislation because we feel this belongs with management and labor. Where is this going to stop. Are you going to set the crews for fishing boats, trucks, etc.? What industry is next to get a regulation such as this? We have always done our own negotiating and found this very successful. There are only 20 miles of this road in Alaska, the other 91 is in Canada and we have 100 per cent Alaskan personnel. Fink asked is Alaskan hiring was done by design. Mr. Taylor stated that it was basically tradition carried over from the early days, so this is the way it still operates. At Skagway we have never been a part of the National movements and their agreements. We have always set down with the people involved up to this point. I think it is only fair to say that this has worked very

well for us. The Law #282 never applied to Canada. (U.S. Federal law) We, therefore, never took advantage of that law and now it has expired and they are back where they started. Railroading is a very old industry and we are regulated already. We have federal regulations, boards, and districts, and then we have the Canadian regulations on our side. This law would just be a new regulation for us. Banfield asked about the effects of taking men off the crews. He stated that their company had asked that we have one man off on our freight train crews. They would use proper radio communications. This would leave an engineer, conductor, and a brakeman. He feels strongly that this should be a matter of management and labor and not for legislation. Fink asked about statistics on accident rates for reduced crews. Mr. Taylor was requested to supply this material. In conclusion Mr. Taylor stated that he felt this was special legislation aimed right at his company because it will not be applied to the Alaska Railroad.

Railroad Crews

" "

Alf Knorr - Skagway - Legislative Representative for the union in Skagway. He appeared before the committee in favor of this bill. He stated that this was the second time he had been employed by White Pass. He gave a definition of the two classes of freight trains. Anvil trains which are 100 per cent gondola type cars, and mixed freight which usually carry passenger and baggage cars. The anvil freight trains carry 3 man crews, mixed freight carry 4 man crews and passenger trains carry 5 man crews.

" "

Harris moved this bill out "Do Pass". Fink called for discussion and reminded committee members that we had asked for statistics. Harris withdrew his motion. Mrs. Banfield moved that it be placed on the agenda for Monday, March 9. Seconded by Kay. Unanimous.

" "

Work Furlough - Information distributed to members of committee. No action taken. Placed on agenda for March 4.

Work Fur.

SB-481 am - Certification of documents - Cornelius - Kay moves it out "Do Pass"; seconded by Miller. Motion carried. Metcalf and Harris signed "No recommendation". Cornelius will write the committee report.

Cert. of Documents

Meeting adjourned at 5:40 p.m.

JUDICIARY COMMITTEE
MINUTES OF THE MEETING
MARCH 4, 1970

Meeting was called to order by Chairman Jackson at 4:05 p.m. in the Masonic Temple. Present were: Cornelius, Harris, Banfield, Fink, Peterson, Hillstrand, Kay, Metcalf, and Miller.

New Assignments:

HB-666 - Railroad crews - Fink

HB-730 - Lobbyist Fees - Metcalf

Committee on Consumer Protection: Fink, Chairman; Kay, and Banfield. SB-352, HB-446, HB-444, and SB-188 - Mr. Fink will get a copy of the AG's written analysis on these bills for Thursday, March 5. A work session is scheduled for Saturday, March 7.

Distraint

HB-741 - Distraint - Fink and Kay - Kay moves to adopt amendment #1, by Croft, and the bill to go out "Do Pass". Motion failed. Kay moves we adopt our bill with amendment #2; Cornelius seconded. Motion passed 6-3. Hillstrand and Harris "Do not pass"; Fink - "No recommendation".

Camp. Expend.

HB-373 - Campaign expenditures - Miller and Kay - Kay moves this CS bill out "Do Pass"; seconded by Miller. Motion passed. Banfield voted "No recommendation". Mr. Kay will prepare the committee report. (Hillstrand provided committee with fiscal note as requested on March 3.) (Hillstrand left 4:40)

Violent Crimes Board

SB-364 - And HB-667 - Violent Crimes Board - Cornelius and Jackson Senator Terry Miller appeared before the committee to explain SB-364. He placed the maximum compensation at $10,000 because he felt it would pass the Senate easier this way. He would like to see it placed at $25,000 as in HB-667 and has no objection to the committee amending his bill. He stated that the idea was copied from what was being done in Great Britain and in other of the United States. New York was cited as the best example. Senator Miller suggested a subcommittee meeting with Mr. Jackson, Cornelius, and Joel Bennett. This will be placed on the agenda for further consideration March 6, Friday.

Hitch-hiking

SCR-27 - Hitchhiking - Harris - Senator asked if he could make a few comments on this resolution as he was to attend another meeting. He recommended to the committee to repeal this regulation. He felt it was necessary to show Public Safety that they can be reversed by the Legislature. Cornelius moved this resolution out "Do Pass"; seconded by Miller. Motion failed. Cornelius and Miller voting Yes.

Age of Majority

HB-406 - Age of majority - Fink and Jackson - HWE has revised this bill and added drinking for 19 year olds. John Schwamm appeared before the committee in favor of this bill and explained the reason for the CS. He brought out that at the hearings held in his committee there was no testimony against the bill. He would like to see the committee adopt the CS to allow drinking for 19 year olds. One section should be compared to HCS for SB-76 to make sure of conformity. This bill has been assigned to Fink and Jackson and will be put

over for consideration on Friday, March 6.

Revolv. Credit — HB-497 - Revolving Credit plans - Placed in Hold until Mr. Borer can get information needed. Without objection; so ordered.

Bad Checks — HB-548 - Bad check penalties - Cornelius - This is the Governor's bill and the main problem seems to be in receiving bad checks for license plates. Fink moves to table the bill; Cornelius seconded. Motion carried. Metcalf, Banfield, and Harris voted "No".

Jury Instructions — HB-571 - Instructions to jury in district court - Kay - Kay gave the background information and history of jury instruction by judges, showing that it has not been too recently that superior court judges had the right to give instructions. In Illinois this was not allowed prior to 1930. The committee desires to ask the court's opinion on this. The secretary will invite Judge Dimond to appear before the committee for March 5 meeting.

Hitch-hiking — SCR-27 - Hitchhiking - Harris - After a short discussion on this matter the secretary was directed to invite Commissioner Personett to come to our March 5 meeting and discuss SCR-27 and ask what proposals they now have. Public Safety could amend the regulation or the Legislature could annul this one and then Public Safety could make whatever changes the Legislature wants. On the agenda for March 5.

Stopping on Highway — HB-694 - Service vehicles on highways - Banfield - Mrs. Banfield reported that Mr. Holloway has sent a letter to Mr. Personett saying he does want to run the bus. Mr. Holloway is going to have to recognize that he is going to have to pull off the roadway where he can. Placed on Hold without objection. Fink moves that we put in the bill Mrs. Banfield has prepared and pass it out "Do Pass"; Seconded by Metcalf. Motion carried. Harris voted "Do not pass". Recommendation was made to have this referred to Finance Committee. Without objection; so ordered.

Review of agenda for March 5.

Meeting adjourned at 5:40 p.m.

JUDICIARY COMMITTEE
MINUTES OF THE MEETING
MARCH 5, 1970

Meeting was called to order by Chairman Jackson at 4:05 p.m. in the Masonic Temple. Present were: Banfield, Fink, Harris, Cornelius, Peterson, and Metcalf.

Hitchhiking

SCR-27 - Hitchhiking - Harris - Mr. Personett presented a copy of the old regulation and a comparison was made between the old and the new regulation. The main difference was "a person shall not stand in a roadway in a manner that will distract the driver's attention" changed to "a person shall not stand along a highway .....". Mr. Fink asked what the purpose of a hitchhiking regulation would be. Mr. Personett gave three reasons: (1) Safety, (2) Distracting the driver, and (3) Danger to the hitchhiker or the driver from the opposite party - such as in criminal acts. Mrs. Banfield asked if there were other areas of the regulations that needed changes. Mr. Personett mentioned snowmobiles, vehicles stopping on roadway, and hitchhiking as the most pressing items. (Kay arrives 4:15) Mr. Personett stated that Public Safety would rather go back to the old regulation rather than having no regulation at all, even though it is harder to enforce. He informed the committee that his department will go ahead and review the situation with the intent of going back to the old regulation. Fink moved to express to the Commissioner that the committee would like to see him go through the procedure that would allow adhering to the old regulation on hitchhiking. The Chairman is to draft this letter. Metcalf seconded. Passed unanimously. SCR-27 will be placed in Hold.

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Turnouts

Mrs. Banfield informed Commissioner Personett that we had submitted the bill for $50,000 appropriation to build turnouts.

Jury Instruction

HB-571 - Instruction to jury in district court - Justice Dimond appeared before the committee. He expressed the opinion that the courts had a rule change in the making and felt that it was desirable to make this change. Mr. Carlson was asked his opinion on this. He concurred with Justice Dimond but felt this change should be accomplished through a change in court rule rather than through legislation. The secretary was directed to call the AG's office to have someone come over to our meeting and give their opinion. Mr. Page will be here soon.

Jury lists

Jury lists - While we are waiting for Mr. Page we will ask Justice Dimond about the jury list problem. He reported that he has received no information regarding Fishing and Hunting license lists and nothing has come in from the Department of Revenue income tax lists. Fink expressed the opinion that if these lists were not in by January 1971, something may have to be done about changing the law. The Governor's Executive Assistant, Mr. Henry Pratt, will be invited to our meeting to give us more information on this. This will be scheduled for Monday, March 9, and the secretary will advise Mr. Pratt.

Jury instruction

Mr. Page arrived from the AG's office. It is the position of the AG's office that a rule change is in order. I do not know who should make the change. I have my own feelings on this and I feel they should be changed. If this bill came from the Governor's office, I should say it should be passed. I know that district court judges are very eager to have this rule changed.

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Justice Dimond had no knowledge of being contacted on this legislation. He reports that the court rule change possibly can be completed in two months.

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Miller arrived 4:40) Cornelius moves that we express our opinion that jury instruction should be given in the district court; Kay seconds. Motion passed unanimously. Kay moves to table this bill; seconded by Cornelius. Motion carried - Metcalf and Harris voted No.

State notice of lien

SB-116 - State--supplementary notice of lien - Kay. Mr. Fink notified the committee that Mr. Rader could not be here. He explained some parts of the bill. After further discussion it was felt that the committee would like to hear Mr. Rader before making final decision. This will be put over until Friday, March 6, and the assignment will be changed to Cornelius.

Work Furlough

Work Furlough: Two bills have been prepared: one by the Public Defender and the other by H & W. A work session was held on these bills and a CS will be prepared for Friday, March 6.

Warden Murdon to appear

Mr. Cornelius brought up another subject. He expressed the desire to have Warden Murdon appear before the committee and talk to us on Corrections. Kay so moved, seconded by Cornelius. Unanimous. Mr. Fink will make contact so he can stop in Juneau on his way north.

Robison letter

Banfield asked about the Robison letter and the bill being prepared. This will be on the agenda for Friday, March 6.

Member-ship legis.

HJR-49 - Membership in Legislature - 21 and 41 - Discussion was held on whether to table this resolution or to place it in Hold. Cornelius moves it out without recommendation; Fink seconded. Motion carried. Metcalf and Banfield voted "No".

Bonds of Guardians

HB-685 - Bonds of Guardians - Kay - Harris moves it out "Do Pass"; seconded by Kay. Unanimous.

Marital Conveyances

HB-686 - Marital conveyances - Kay. Fink moves this out "Do Pass"; Kay seconds. Unanimous.

Widow's Allowance

HB-690 - Widow's allowance - Kay. Some changes are necessary in this bill. This bill will be held unto Mr. Miller returns and will be placed on the Tuesday, March 10 agenda.

Three bills will be put over for tomorrow. Jackson reviewed agenda for March 6.

Meeting adjourned 6:00 p.m.

JUDICIARY COMMITTEE
MINUTES OF THE MEETING
MARCH 6, 1970

Meeting was called to order by Chairman Jackson at 4:05 p.m. in the Masonic Temple. Present were: Kay, Banfield, Fink, and Peterson,

Work Furlough

Jackson called on Mr. Adams, Division of Corrections, to send us a letter in support of the work furlough program. As we did not have a quorum no action could be taken. The committee would appreciate this letter by next Monday, March 9.

Bills to be handled by Cornelius and Miller will be put over until Tuesday, March 10.

Notice of Lien

SB-116 - State--supplemental notice of lien - Put over until Tuesday, March 10. Secretary will advise Mr. Rader.

19-Age of Majority

HB-406 - 19 year old age of majority - Jackson - Mr. Jackson asked opinion of committee members their feeling on 19 year olds drinking.

No members of the public were present, so committee members were asked their opinion on the abortion bill.

Corporations

Mr. Jackson presented a bill that could be introduced as a committee bill on the subject of corporations, with the recommendation that it be returned to this committee for further work. Fink moved to introduce this as a committee bill; Kay seconded. Unanimous.

19-Age of Majority

HB-406 - Age of majority - Cornelius and Jackson. Some clean up language is needed in a portion of this bill. A committee substitute is needed, probably two. One CS with the drinking provision and one without the drinking provision. Without objection Art will prepare the draft of CS and we take this up Monday, March 9. Harris objects. Majority agreed, so ordered.

Abortion

HB-776 - Abortion - Mr. Metcalf arrived 4:40 and was asked how he would vote on this matter. He was not sure at this time.

New Assignments:

HB-776 - Abortion - Kay, Fink, and Banfield

Notice of Lien

SB-116 - State supplemental notice of lien - Kay - Motion is in order to move this bill out. Fink moves bill out without recommendation; Kay seconds. Four voted "Do Pass"; Banfield and Metcalf voted "No recommendation".

Violent Crimes Board

SB-364 and HB-667 - Violent Crimes Board - Cornelius and Jackson. These are identical bills except for the amount of recovery. The purpose is to pay medical and hospital expenses for persons who have been innocent victims of violent crimes. These bills are similar to the one that was adopted in Hawaii. Some revision was necessary. The committee felt the board could easily consist of three members. Art will prepare appropriate language and this will be on the agenda for Monday, March 9 for further work.

Meeting adjourned 5:40 p.m.

JUDICIARY COMMITTEE
MINUTES OF THE MEETING
MARCH 7, 1970

Meeting was called to order at 10:10 a.m. by Chairman Jackson in the Masonic Temple. Present were: Kay, Metcalf, Harris, and Peterson.

A.P.A.

HB-398 - A.P.A. - Fink - was the first order of business. Mr. Wardell from the AG's office appeared before the committee. He noted that he had reviewed Mike Rose's letter but felt that as far as the committee was concerned, the passage of HB-398 would result in patch work. He suggested that the committee might like to consideration the opinion of the Administrative Law Committee and get positive comments from them. It was brought that the federal procedures should be followed as closely as possible; Jackson concurred in this. The committee would like to have the feeling of the Department of Law as to whether there any areas of clean-up language necessary, and also whether or not HB-398 should be passed. Mr. Wardell didn't see any immediate problems arising by keeping things the way they are for the present. He did suggest that it would probably be better to revise the entire Act. (Banfield arrived 10:17) Mr. Fink brought out that it is customary to make small corrections a little bit at a time, they have better chance for passage this way. Mr. Jackson stated that LAA is taking this problem under consideration and Mr. Peterson mentioned that the amount of time spent on this fluctuated according to priorities. The suggested thought that there did not seem to be an emergency now, Mr. Wardell asked the committee if they passed the bill out that they consider this comments and suggestions given Monday, March 2. Fink moves to table the bill; motion failed. Kay moves to place this bill in "Hold"; Fink, seconds. Unanimous. Jackson assumes that the Legislative Affairs Agency will continue to work on this problem and probably this will be introduced in the next session. Without objection this was placed on "HOld". Art will write a letter to Rose stating that we have suspended work on HB-398. We anticipate that the AG's office and the Legislative Council will be working on a comprehensive revision, along with the Bar, hopefully for introduction at the next session.

Consumer Protection

Consumer Protection: Fink - HB-446 - and SB-352 am are extremely similar. These are the differences: SB-352 has the objection of the AG's office in that it takes out the criminal penalties as given in HB-446. SB-352 has all the investigatory powers which the AG does not desire because AG feels it is not necessary for Alaska. It took out the punative damages provision. Mr . Fink felt it necessary to have the Banking Director here to answer the question on the affect on the economy. Mr. Robertson should be contacted to learn the banks' ability to buy two-name papers. Fink will draft a memo to Mr. Robertson.

Consumer Protection

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William Spear testified before the committee on consumer protection. Mr. Spear suggested that the material in the AG's office on this subject might be of interest. He will provide such material for the committee. The essential difference between the bills is related to enforcement procedures. All of these bills are aimed at helping low income and ignorant people who are more subject to being defrauded. Fink asked about the investigative powers in 352 and what they are, and why the AG's office doesn't like them. HB-444 is the only bill that has this provision retained in it. We felt this was for the larger states where they couldn't get court cases heard speedily. Also it is felt that Alaska is unique in that fly-by-night characters don't get away with too much. The second question by Fink related to "class actions". Mr. Spear brought out that class action becomes necessary when items of small value are concerned. It would be entirely unprofitable and impractical in an individual case. This kind of action reimburses people for actual damages. The AG's office would like to see a strong bill.

Pat Irvine - Representing Standard Oil Company of California - He submitted a memo to the committee that was prepared on the Senate Bill but the footnotes are on the two House Bills. This is the first time he had heard testimony before a committee in favor of a consumer law. Mr. Irvine didn't feel that there was any need for such a bill. Mr. Kay disagreed with Mr. Irvine and mentioned the number of good books that had come into print on this subject. As a representative of Standard Oil, Mr. Irvine would like to see uniformity between federal laws and state laws in this category. I haven't seen any true justification for changing the law, and I know your committee would have to rewrite the whole bill. I would be very happy to get an expert in the field to assist in this. We are opposed to the class action concept of this bill.

Dean Ehrich, Alaska Retail Association - Mr. Ehrich was very gratified to know that the AG's office supports its view. The Retail Association actually did the drafting of the bill which was sent to the Senate Judiciary Committee, and was patterned after United States SB-3201. We would like to see some modification to the class action. We are submitting some amendments to cover this section. We would like to see language in the bill that class action could be taken only after there is positive proof that there has been a deceptive trade practice. The purpose would be to eliminate harrassment. We favor the criminal penalties provision. We do not object to triple value action.

The "holder in due course" was discussed at length. Mr. Fink suggested that these gentlemen submit their information by Monday, March 9 and also that we have the AG and Mr. Robertson appear. The committee will use the text of the Governor's bill as the base to work from. The committee desires to hear from Mr. Robertson, AG's office, ALS, and OEO on this matter. This will be on the agenda for Tuesday, March 10.

Meeting adjourned 12:05 p.m.

JUDICIARY COMMITTEE
MINUTES OF THE MEETING
MARCH 9, 1970

Meeting was called to order by Chairman Jackson at 4:05 p.m. in the Masonic Temple. Present were: Miller, Fink, Harris, Banfield, Metcalf, Cornelius, Kay, and Peterson.

Railroad Crews

A great deal of material was submitted on HB-666 - Railroad crews. This will be available to all committee members. Mr. Fink also has a copy of 282, union position and two-page letter from Mr. Manley.

Work Furlough

Work Furlough: We are awaiting a letter from the Divisoon of Corrections for a committee report. Kay moves we submit the bill on work furlough; Miller seconds. Motion carried. Harris abstained. Five votes for submitting bill.

Pub. Adm./ Coroner

HB-762 - Public Administrator/Coroner - Bruce Monroe, District Judge, appeared before the committee to present amendments to be suggested to the Finance Committee. (A letter was drafted by Mr. Monroe to fully explain the reason and justification for the suggested changes. A copy of the letter is in the file.) He explained that this position is budgeted for the 1971 Fiscal Year under the District Court. When this bill was drafted by Justice Dimond he did not know that the Judicial Council had discussed this and that district judges had an interest in this. Many problems would be encountered if this position was placed in the superior court. Miller moved to send a letter to the Finance Committee recommending the changes as outlined by Judge Monroe; Cornelius seconded. Unanimous.

Bad Check Penalties

HB-548 - Bad check penalties - Kay moves this bill be taken off the "Table"; seconded by Metcalf. Unanimous. Mr. Snow sent a letter to the committee asking this bill to have consideration at our earliest convenience. He brought out that the Department of Revenue has a problem, particularly with license plates. Fink moves to "Table" the bill; Cornelius seconds. Motion failed. Kay moves bill out "Do pass"; seconded by Harris. Motion failed. Banfield moves bill out of committee; seconded by Kay. Motion carried. Four members voted "Do Pass". Jackson, Cornelius, Banfield, and Fink voted "No". Jackson informed the committee that if this bill goes on the floor he will offer the amendment to add the IRS provision.

Jury List

Jury List: Phil Wall and Vern Snow commented on jury list compilation for the Department of Revenue. Both of these men felt that the task of providing such a list, showing name, address, and verifying state residency was a great task. Mr. Snow indicated that the biggest drawback was to find resident addresses and the problem of duplication. The committee would appreciate a report on a meeting between Revenue, Fish and Game, and the Court system to see if they can get together and meet the terms of the law. A meeting will be scheduled for March 18. The secretary will advise the Department of Fish and Game, Department of Administration, and the Court System of this meeting.

Secretary will also obtain copies of the law that was passed last year.

Railroad Crews

HB-666 - Railroad crews - Fink. Cornelius has been assigned to this bill with Fink. Dwayne Carlson, representing the union, appeared before the committee on this bill. He urges adoption of this bill. The main points of the discussion developed from the opinions of opposing parties as to whether this was a safety measure or not. Material was presented to support both sides of this issue. Mr. Cornelius read a paragraph from an ICC report describing the duties of a fireman. Mr. Fink expressed the opinion that for railroads to operate efficiently they should be able to decide how much of a crew to have on a particular run because trains vary and routes vary. Some would need more than a "full crew"; others less. Harris brought out that firemen are needed on passenger trains but not on other trains because of the presence of a brakeman in the cab. This is not true, because the brakeman is not always in the cab. This was a quote from one of the reports on Page 7 that he was referring to. This is to be placed on the agenda for Wednesday, March 11 to take final action. Mr. Harris has requested Art to make some corrections in HB-666. So ordered.

ALS prop. Landlord/ Tenant

ALS - Landlord/Tenant proposal - After considerable discussion it was agreed by committee members that they did not want to introduce this proposed bill. Metcalf moved to table this subject; seconded by Miller. Kay, Jackson, and Cornelius voted "No".

Age of Majority

CS for HB-406 - Age of majority - Jackson and Cornelius - Art explained the changes he had made in the bill and that he had checked SB-76 to see that it did not conflict with this bill. Banfield moved to include the age of consent for women to be 19, also; seconded by Fink. Unanimous. Jackson informed the committee that when this reaches the floor he will vote against the drinking provision. Miller moves this CS out "Do Pass" with the inclusion of the motion made by Banfield; Seconded by Fink. Motion carried. Harris, Jackson, and Banfield voted "No".

Meeting adjourned at 5:42 p.m.

JUDICIARY COMMITTEE
MINUTES OF THE MEETING
MARCH 10, 1970

This meeting was cancelled because of the long session in the House.

JUDICIARY COMMITTEE
MINUTES OF THE MEETING
MARCH 11, 1970

Meeting was called to order by Chairman Jackson at 4:10 p.m. in the Masonic Temple. Present were: Kay, Peterson, Banfield, Harris, Miller, Fink, Cornelius, and Metcalf.

New Assignments:

HB-214 - Pioneer's Home - Cornelius

HB-526 - Report of payment - Workmen's Comp - Harris

HB-626 - Relating to professional corporations - Kay

HB-638 - Uniform Commercial Code - Central depository - Fink

HB-740 - Relating to land subdivision - Miller

HB-743 - Management and preservation of public records - Banfield

SB-239 am - Credit card crimes and consumer act - Kay & Fink

SB-469 am - Alcohol related crimes - Cornelius

Review of previous assignments:

HB-665 - Client security funds - Kay - Agenda March 16, Monday.

HB-682 - Storage lien - motor vehicle - Harris - Monday, March 16 agenda. Mr. Saunders wants to testify on this.

HB-707 - Uniform Anatomical Gift Act - Banfield. Hasn't been able to get copy of booklet replaced. Banfield will advise.

HB-751 - Cooperative corporation mortgages - Harris. Agenda for Wednesday, March 18.

SJR-87 - Rotation of chief justice - Banfield & Kay, Placed in "Hold".

Business of the day:

Cert. of Documents

SB-481 am - Certification of Documents - Jackson was concerned about submitting this SB the way it was written because it was modeled on the California law, and the California law spells out the documents to which this applies. Without objection previous committee action was set aside and Mr. Peterson was assigned to draft a committee substitute to be presented to the committee. So ordered.

Magistrates

Mary Allice Miller letter: Subject: HB-571 - Requiring jury instruction in district court. This letter brought to the attention of committee members that the rules referred to

should show they are "District Court Rules" and not "Magistrate Rules". She wanted to emphasize that the magistrates should not be empowered to instruct juries. She especially mentioned the problems involved in the defendants' consent to trial before a magistrate, and how these consents are accomplished. Jackson asked the committee whether they wanted to take action on this. Without objection Art will prepare a bill in the manner specified. So ordered.

Magistrates

Budget Letter

Mrs. Banfield advised the committee that Mr. Ray through our letter on budgets in the waste basket so didn't feel that sending the letter on the Corrections budget would get any more consideration than the last one. Kay felt that this should be reported to the Speaker of the House. Jackson noted that we were sending copies to all members so they can be informed of our opinion. Mrs. Banfield will draft letter.

Sup. Ct. Judges

HB-547 - Number of Superior Court Judges - On the calendar for tomorrow - Banfield will carry this.

First Degree Murder

HB-496 - Relating to first degree murder - On the calendar for tomorrow - Cornelius will carry this.

Professional Corporations

HB-626 - Relating to professional corporations - Fink. This bill should have a public hearing. This was scheduled for Monday, March 16. Secretary will put out notice to the press.

Railroad Crews

HB-666 - Railroad crews - Fink. Harris recommends word and title changes to be made by Art. Committee considered all changes necessary and Art will prepare a CS. Cornelius moved to direct Art to make a CS as per committee suggestions and pass this out "Do Pass"; Harris seconded. Motion carried. Five voted for this; Fink, Banfield, and Jackson voted "No recommendation." CS will be ready for tomorrow and for signing. Chairman will accept a motion to sign today. No motion made.

Violent Crimes Board

SB-364 and HB-667 - Violent Crimes Compensation Board - Cornelius and Jackson. A work session was held on these bills, which are identical except for the dollar amount. The main item for discussion was who or who not to include in these provisions. The main point for the bill is to protect people on the streets and not in the home. More work will be done on this matter at our Thursday, March 12 meeting.

HB-687, HB-688, and HB-689 will be taken up March 12. These are assigned to Cornelius and are sponsored by Mr. Miller. (Deeds of trust, Conveyances, and Execution after death.)

Meeting adjourned at 5:35 p.m.

JUDICIARY COMMITTEE
MINUTES OF THE MEETING
MARCH 12, 1970

Meeting was called to order by Chairman Jackson at 4:10 p.m. in the Masonic Temple. Present were: Fink, Harris, Peterson, Metcalf, and Kay.

Motor Veh. Inspec.

First order of business was to notify the committee members that Mr. Sweet had prepared a committee substitute for HB-479 - Motor vehicle inspection - Cornelius was assigned to original bill 479 so will consider this committee substitute and bring his findings before the committee.

Mr. Jackson notified committee members that Senator Miller had reported out two of our bills. They were HB-401 - Writ of habeas corpus - and HB-249 - Process in District Court. Mr. Jackson advised committee members that Senator Miller would like us to take action on the CS SJR-87 - Supreme Court--Rotation of chief justice. (Cornelius arrived 4:17)

Railroad Crews

HB-666 - Railroad crews - Fink. CS is ready to sign out. All action was completed yesterday, March 11. Harris will prepare a committee report; Fink will prepare a minority report.

Motor Veh. Inspec.

HB-479 - Cornelius will confer with Mr. Sweet and Mr. Peterson on this CS substitute that was provided by Mr. Sweet. Mr. Cornelius will then advise the committee how this should be handled. A report on this will be ready for Monday, March 16.

Cert. of Documents

SB-481 am - Certification of documents - (Banfield arrives 4:30) Art has prepared a CS for this senate bill, but there was still some doubt in the minds of committee members as to what papers would be included in this bill. The two main purposes for the bill are to diminish perjury and forgery problems. Fink moves that we clean up the deficient areas and Art will submit another CS. We will invite the sponsor to appear on Tuesday, March 17. Without objection; so ordered.

Surveillance Practices

Mr. Kay brought up a subject for discussion. Without objection Mr. Calhoon, Department of Public Safety, will be invited to come before the committee next week at his convenience. The secretary will advise that we are interested in surveillance practices of the department.

Deeds of Trust

HB-687 - Deeds of trust - Cornelius -This changes the language of the present statute to allow the filing of an affadavit in order for a sale to be recorded before the sale. Other questions came up on this matter and Mr. Miller was not here to give us his assistance. This will be placed on the agenda for Tuesday, March 17.

Conveyances

HB-688 - Conveyances - Cornelius - It appeared that this bill was to make corrections in property descriptions easier. It seems to require court determination and was not decided if this is not already the case. This will be placed on the Tuesday, March 17 agenda. (Miller arrived 4:45) Mr. Miller will call his partner and the title companies.

Execution after death

HB-689 - Execution after death - Cornelius. The question was raised as to what affect the widow's allowance would have on this. I think this section should be investigated, but not to be repealed as this bill would do. Mr. Miller will look into this and bring information to the committee for the Tuesday, March 17 meeting.

Consumer Protection Bills

Consumer Protection: SB-352 am; HB-444; and HB-446. A letter from the AG's office clarifies the holder-in-due-course doctrine. Fink reported that there would be not problem in handling two-name papers. Fink raised a question on the statute of limitations feeling that this should be included in the Governor's bill. Further discussion by the committee showed that a two-year limitation would be the most acceptable to the members. Also the matter of investigative powers of the AG was discussed. The Senate version takes out the criminal penalties and takes out the power of the AG to issue regulations. Kay moves that we substitute HB-446 and include investigative powers in the AG's office from HB-444 and add a two-year statute of limitations; report the substitute bill out "Do Pass". Fink asks to comment. Cornelius objected to motion. Cornelius asked if the statute of limitations was to include both civil and criminal actions. Kay doesn't want this to go on the calendar until SJCs report out the bill on Comparative Negligence. Jackson thinks Senator Miller would ask his committee to concur. Fink suggests we wait until early next week to take final action on this. The subject of class action was considered next. Mr. Kay brought out that a class action in Alaska would be quite unusual except in the case of utilities. There was a motion(Kay)that we put out HB-446 as a substitute for SB-352 am and not let it go out of committee until we get the comparative negligence bill. (Kay's motion was not acted on.) Jackson felt that both motions were premature at this time as we had a quantity of material distributed at this meeting that had not been researched. A detailed analysis has not been given to the letters from the Governor. Without objection Art will go through this material and pick up things out of the Governor's bill that we may have missed. This will be placed on the agenda for Tuesday, March 17.

Public Records

Banfield requested to have HB-743 placed on the agenda. (Records Preservation - She was requested to sum up what the other committee had had before them. This will be on the agenda for March 16.

Cornelius wanted HB-767- Drivers records offense - put on the agenda. Monday, March 16 agenda. Mr. ~~Robertson~~ Gris will be asked to give us a memo on this. Secretary will advise. Also notice to Mr. Banfield and Mr. Eastaugh will be given by the secretary.

Meeting adjourned 5:30 p.m.

JUDICIARY COMMITTEE
MINUTES OF THE MEETING
MARCH 13, 1970

The meeting was called to order by Chairman Jackson at 4:00 p.m. in the Masonic Temple. Present were: Peterson, Harris, Miller, Metcalf, and Banfield.

Door-to-Door sol.

Public Hearing on SB-188 - Door-to-door solicitation - is cancelled because no one was here to testify. (It is now 4:05.)

The Chairman advised of Public Hearing on HB-626 - Professional Corporations - for Monday, March 16. He also notified members of taking up HB-106 - Civil Service Commission -; HCR-23 - Law Revision Commission; HB-784 - Magistrate jurisdiction - to be assigned. Chairman Jackson will ask for reports on HB-479 - Motor Vehicle Inspection; HB-756 - National Guard; HB-214 - Pioneer's Home; HB-638 - Central Depository.

The committee will act on the following legislation: HB-665 - Client Security Funds; HB-682 - Storage lien - motor vehicles; HB-743 - Public Records; HB-767 - Driving offense records; HB-667 and SB-364 - Violent Crimes Compensation Board; and SB-481 am - Certification of Documents.

There was a discussion about 19-year-olds in bars. Mrs. Banfield has talked to several people about this, and they do not want to see 19-year-olds in bars. It would be acceptable to have them in restaurant areas. This is relating to HB-406 - Age of majority - and Mr. Peterson will help Mrs. Banfield draft an amendment that she will offer from the Floor.

Early next week copies of all of the abortion bills will be distributed.

Mr. Harris had a request to put before the committee. He wanted to know if the committee would be interested in putting in a bill for the bars to close at 3:00 a.m. Art will assist Mr. Harris in drafting such a bill.

Meeting adjourned at 4:15 p.m.

JUDICIARY COMMITTEE
MINUTES OF THE MEETING
MARCH 16, 1970

Meeting was called to order at 4:05 p.m. Present were: Fink, Cornelius, Peterson, and Harris. Mr. Jackson presided.

Prof. Corp.

First order of business was a public hearing on HB-626 - Professional Corporations. Mr. Jackson read a telegram and notified committee members of correspondence received on this bill. All of this material is available in the file. (Banfield arrived 4:10) Mr. Rettig appeared before the committee and explained that he had introduced this bill by request of an engineering firm who had an apparent problem in registering as a professional corporation because all members were not of the same profession. All Mr. Rettig knew about the problem was what he received in the form of comments through letters, etc. He has received correspondence in favor of this legislation and an equal number of letters opposing it. Before this was enacted certain professions weren't able to incorporate under the business corporation law, namely the engineering firms. Jackson feels there is a problem when engineers can have partnerships and would like to take advantage of the corporation act. Only members of a single profession can incorporate. Cornelius moves the bill out of committee; seconded by Fink. Motion failed 3-2. Banfield and Jackson voted "No". (Metcalf arrived 4:20) This will be put over until Thursday, March 19, for further action. The Secretary will contact the Architect Licensing Board, invite the AG, and the Commissioner of Commerce to attend this Thursday meeting.

Pin Ball

Pin Ball Machine Bill - Does the committee wish to take this up? It takes four votes to bring this before us. No action. HB-360.

Storage Liens

HB-682 - Storage liens on motor vehicles - Harris. Mr. Sanders appeared before the committee on this legislation. He explained that in the last legislature this law was amended from the Floor. I don't think the people that did this realized what effect this had. They put in a charge per day for storing impounded, picked up vehicles inflexibly at $1 per day. In some areas of the state as far back as 10 years ago they were charging 1.50 and this law doesn't allow for competitive charging of fees. It wasn't until after the law was passed that He found out about it. He favors this bill. He explained that where there are more than one carrier in an area they compete for the right to the storage of vehicles by bid. Harris moved this bill out "Do Pass"; seconded by Metcalf. Motion carried. Fink had "No Recommendation".

Public Records

HB-743 - Public Records - Banfield - Mr. McVeigh appeared before the committee in favor of this bill. He explained that this bill represents the CS by State Affairs taken from two separate bills. The original bills were: (1) Archives; and (2) Records Management. This is a combination of the two functions within the Department of Administration. This bill has been gove over several times and many hours spent in preparing it in its final form. He personally feels that this is a piece of legislation that should be enacted this session. He felt that there probably were records that had

Public Records

real archival value to the State that had been lost and feels that an attempt to do something so that we do not lose any more of these important items should be made. The subject of micro-filming was considered. It was learned that there is not too much of this type equipment available in the State. Mr. Ed Young, from the Department of Administration, testified that the Department of Highways and Health and Welfare actually have been using this equipment. Highways uses aperture cards. The library has some old equipment that they have been using, too. There is a request in for new equipment that falls in this category by Public Safety. The main use of this equipment is to retrieve data and is not practical just to save space. Records could be stored as they accumulate as long as 25-30 years at the same cost of a micro-filming machine to be used for saving space. Retrieval is used widely in the library and would be similarly useful for other agencies. Cornelius thinks this is a good bill and should be referred to Finance Committee. Banfield also was going to request this. A fiscal note should be prepared on this also. Mrs. Keibowitz, State Library, testified that the state now has some records that would fall under the archives section. She particularly had in mind State and Territorial records and materials from agencies which are now defunct. She is in favor of this legislation. Further consideration of this bill brought to the attention of committee the problem of possession of documents. This will be investigated further;Mr. Peterson will take note of committee members' suggestions to prepare a CS. Also confidentiality of records was questioned. Art will have the CS ready by March 18, next Wednesday, for consideration by the committee.

Driving Offense Records

HB-767 - Driving offense records - Metcalf. Jackson read letters from Banfield and Public Safety saying that this legislation was poorly drafted. Mr. Cornelius introduced this bill to correct a problem that apparently affects quite a few people. Having had an accident or a traffic violation against their record, they had had to pay very high insurance rates for up to 10 years after having had the violation. This bill is to try to correct this situation. Mr. Don Cook, Division of Insurance, for Director Fritz, appeared before the committee in favor of this bill. At least to make some provision that insurance companies could not obtain driving offense records older than three years. He did n't think it was necessary to have the records destroyed, however. Mr. Cornelius will have this bill redrafted as several minor changes were noted. This bill make make it so that the courts will have to destroy their records also. Fink suggested to have someone appear before the committee on underwriting insurance because we are not too familiar with this field. This will be brought before the committee again on Thursday, March 19, to consider the bill as redrafted. Mr. Ross Duncan brought up another point on this bill. It was the possibility of a person having his license revoked for a period of three years and having his record wiped clean at the end of this time. He stated he was in favor of a bill of this type.

Close Bars

Mr. Harris requested the consent of the committee in introducing a bill to close the bars at 3:00 a.m. Miller was the only one that voice an objection. This is to be submitted as by The Judiciary Committee By Request. (Fink left 5:30)

Cert. of Documents	SB-481 am - Certification of documents - Ready to sign out and will be placed on agenda for March 17.
MV Insp.	HB-479- Motor vehicle inspections - This will be put on the agenda for Monday, March 23. (Cornelius)
Natl.Gd.	National Guard - HB-756 - Banfield. Agenda for Thursday, March 19.
Cen.Dep.	HB-638 - Central depository - Fink will be on agenda for Wednesday, March 18.
Law Rev. Comm.	HCR-23 - Law Revision Commission - It goes from this committee to the Finance Committee. Cornelius moves it out "Do Pass"; seconded by Metcalf. Motion carried. Harris voted "No".

Meeting adjourned at 5:40 p.m.

JUDICIARY COMMITTEE
MINUTES OF THE MEETING
MARCH 17, 1970

This meeting was cancelled because of the long session in the House.

JUDICIARY COMMITTEE
MINUTES OF THE MEETING
MARCH 18, 1970

Meeting was called to order by Chairman Jackson at 4:15 p.m. in the Masonic Temple. Present were: Metcalf, Harris, Peterson, Kay, Cornelius, Banfield, and Fink part of the time. (Attending Senate Commerce Committee meeting in next room, also.)

Jury List

The jury list problem was the first and only item of business, as there was a Republican Caucus at 5:00 p.m.

Mr. Don Dungan, Clerk of the Court, did not have a prepared statement to present to the committee. Prior to this statute, it cost $372 to get a panel ready to call a jury each year. Under this new statute we do not feel we can do it for less than $1700. Outlining what the court system must do to accomplish the obtaining of a jury list are these things: First of all, we have to set up the machinery to do this particular job, because we have never done this before. Next, we will have to put all three lists together and take out names that are listed more than once. Under our old system we eliminated all those that we knew to be unable to serve on the jury, such as spastics, men prone to heart attacks, etc., making sure that 5/7 of the number on the voting lists were put in the box. We sent out about 600 questionnaires hoping to get enough favorable replies to cover all juries for the year. (Miller arrives 4:23) There are eight qualifications that must be met under our present system, only one of which applies to a list as prepared by the Fish and Game Department and the Department of Revenue has none of these qualifications for individuals who would be on their list. There was some discussion on the possibility of using the registration lists. Another problem noted in lists from Fish and Game and the Department of Revenue were that their lists were not according to election districts. With the list from Fish and Game those between 16-20 would have to be eliminated. The possibility of using data processing was discussed and the suggestion from the Department of Administration was that the zip code could be used, but on examination of sample forms it was found that an estimated 30 per cent do not give their zip code. The problem involved in names was discussed as many persons do not sign their name the same way every time. They also do not always give the same address. Sometimes they give a post office box number, and another time they will give the physical location address. This seems to indicate there will have to be personal handling in the formation of this list. (Information given by Mr. Snow is filed under "Jury Lists") Mr. Snow strongly recommends that we have the lists from the Fish and Game and the Department of Revenue on a two year basis. Mr. Snow asked for a letter of intent from the committee showing that he would not be required to place nonresidents on the list. He was encouraged to get the Attorney General's opinion. Cornelius brought out that in the past funding was providing for instituting new laws, but in this case it was not done. Kay felt there was no reason not to comply with the law by simply sending a list to the court system and let them sort out the lists and take out the duplication. Jackson felt there was a need for clarification of the law. This will be taken up at a later date.

Meeting adjourned 5:00 p.m.

JUDICIARY COMMITTEE
MINUTES OF THE MEETING
MARCH 19, 1970

Meeting was called to order at 4:10 p.m. by Chairman Jackson in the Masonic Temple. Present were: Metcalf, Fink, Peterson, Banfield, and Kay.

New Assignments:

HB-785 - Youth hostels - Cornelius

HB-786 - Notice of Proposed Reg. by Adm. Agencies - Fink

SB-497 - Conveyances - Miller

SB-507 - Power of fourth class cities - Jackson

HB-106 - Civil Service Commission - Kay and Banfield

HB-784 - Magis. Jurisdiction - Kay

HB-478 - Mining leasing - Miller, Kay, and Fink - Contact administration and see what they want to do with this bill.

HB-642 - Qualifications for political parties - Kay and Harris

SB-514 - National Guard - S&S Civil Relief Act - Kay

Tax Foreclosure Lists

First order of business was consideration of HB-311- Tax Foreclosure Lists - Kay. Mr.Jackson read a wire received on this legislation which was opposed. Mr. Duane Price, Assessor for the Greater Juneau Borough, appeared before the committee and was also opposed to this bill. He explained that tax foreclosure lists are now being prepared by listing the names of property owner alphabetically, so this bill would not improve things, but would cost more money to operate. (Cornelius arrived 4:20) Kay moved to "Table" HB-311. No objection. Motion carried.

Prof. Corp.

HB-626 - Professional Corporations - Kay and Fink - Felix Toner appeared before the committee in opposition to this bill. He is a consulting engineer in private practice and was president for the board of examiners for engineers for five years. He explained that the engineering profession is now working out a draft for a law that would solve the problem that this piece of legislation was intended to accomplish. Hopefully it's to be presented to the Legislature next session for consideration. He also stated that as it is now you can't offer to do business and you can't do business as a corporation unless you are all of one profession.

Mr. Douglas Ackley, practicing architect, and president of the board of Architectural Examiners, appeared before the commitee in opposition to this bill. He started out by emphasizing the responsibility that professional people have. He gave a case where several years

years ago there was a corporation that was practicing engineering. This was owned by businessmen around town and they would hire and fire engineers at will. I would be opposed to see this happening here. As pointed out, the wording of this law would make it very restrictive on many of the professions. Mr. Jackson asked about the problem that came to him, which was for three different persons being able to practice together, involved in different professions, and wanting to be included under professional corporations. Mr. Ackley felt that the law could be changed to allow this practice, but not the way it is outlined in this bill. Mr. Cornelius suggested we contact the man that drafted the bill and he will contact him and have him come here and testify in behalf of his bill. This will be placed in "Hold" status. (Miller arrived 4:55)

Prof. Corp.

Abortion Bills

HB-776 - Abortion bill - Kay, Fink, and Banfield - Distribution of materials for research by members. On agenda for Thursday, March 26.

Anti-Discrimination

SB-297 - Jurisdiction of superior court over anti-discrimination law violations - Mr. Jackson brought this to the attention of the committee and asked a bill be submitted from this committee as SB-297 was held up State Affairs (House). Discussion was held on the merits of such a bill and there being no objection, this bill will be submitted as a committee bill.

Cert. Documents

SB-481 - Certification of documents - Without objection this will be passed out of committee. It is already signed, but needs to be dated. Mr. Jackson asked if anyone wanted to change their votes. Voting remained the same.

Lost and Found

HB-639 - Lost and Found Property - Fink - Mr. Jackson asked the committee how they wanted to handle this. There were several amendments and the suggestion of a committee substitute was considered. This will be placed on the agenda for a possible CS on Tuesday, March 24.

National Guard

HB-756 - National Guard - Banfield - The purpose of this bill, as outlined by Mr. Burnett, of the National Guard, is to use the National Guard files and facilities in finding employment for people away from the populated areas. Recruitment bulletins could be scanned and persons matched to them, or the agencies approached and notified as to what types of skill is available in these outlying areas so they can write their bulletins to fit these people. Banfield moves this bill out "Do Pass"; seconded by Miller. Unanimous

Driving Records

HB-767 - Driving offense records - Metcalf. Mr. Don Cook appeared before the committee in favor of the concept but felt that the three year period was not long enough. He suggested a five year record. He presented a memo covering his presentation which is in the file. Mr. Cook suggested we get the feeling of Bruce Monroe, District Judge, on this matter also. This will be placed on the agenda for March 25 and Art will have a redraft ready for consideration.

Meeting adjourned 5:35 p.m.

JUDICIARY COMMITTEE
MINUTES OF THE MEETING
MARCH 23, 1970

Meeting was called to order at 4:05 by Chairman Jackson in the Masonic Temple. Present were: Fink, Peterson, Metcalf, Kay and Harris.

New Assignments:

HB-13 - Dept. of Insurance - Kay and Fink

HB-782 - Guaranty Insurance - Fink - Agenda for March 27, Friday.

HB-796 - Pub. Emp. Labor Rel. Act - Kay and Banfield - Also HB-106 - Civil Service Commission - Two philosophies on handling employees' problems.

SJR-94 - Pilot's Baseball - Harris (Banfield arrived 4:07)

Schedule of previous assignments:

HB-493 - Welfare residency requirements - Kay - Scheduled for March 31, Tuesday.

HB-638 - Central depository - Fink - To get administration's position on this for March 26, Thursday. This is a technical bill so we would desire to have Administration explain the need for it.

SJR-87 - Rotation of Chief Justice - Kay and Banfield - This is in "Hold". Does the committee wish to take this out of "Hold"? Unanimous to leave in "Hold" status.

HB-642 - Qual for Political Parties - Kay and Harris - On agenda for Tuesday, March 31. Secretary notified Secretary of State, Robert K. Ward, and the Attorney General that committee desired their position on this bill.

HB-478 - Mining leasing - Miller, Kay, and Fink - Scheduled for Monday, March 30. The secretary advised the Attorney General, John Beard, and Commissioner of Natural Resources that the committee desires their position on this bill.

HB-665 - Client Security Funds - Kay - Scheduled for Tuesday, March 24.

HB-786 - Notice of Proposed Regulations - Fink and Miller - Agenda for Thursday, March 26.

HCR-52 - Study Maximum Security Institution - Banfield (New assignment) - This is scheduled for Monday, March 30 agenda to allow for research.

SB-524 - Privacy of Government Employees - Banfield (New assignment)

Truck Approp.

SB-127 - Wright Truck appropriation - Kay - Scheduled for action on Thursday, March 26. (new assign.)

MV Insp.

Mr. Jackson reported that HB-479 - Motor vehicle inspection - has been withdrawn by the prime sponsor. The committee was scheduled to consider a cs for this bill, but all action will be dropped.

Public Hearing Con. Prot. & Max. Sec. Inst.

Kay moves that we have a hearing in Anchorage next weekend on the question of a maximum security institution in Alaska and invite interested persons to testify. This will include consumer fraud and abortion for Saturday afternoon. Hearing will run from 2-6 p.m. Harris moves to amend out "abortion"; seconded by Banfield. Motion to amend out "abortion" carried 4-3. Without objection a public hearing will be held in Anchorage on Saturday, March 28 on the subjects of Consumer Protection and Maximum Security Institution.

Land Subdiv.

HB-740 - Land subdivision - Miller - This bill needs some language change. Miller, Fink, Harris, and Banfield voted to place this on the agenda. Scheduled for Monday, March 30. Mr. Don Berry, of the the Alaska Municipal League, was contacted and notified that the committee is desirous of his opinion on this legislation.

Violation bail

HB-700 - Violation of conditions of bail - Cornelius & Harris - Kay moves to "Table" this bill; Miller seconds. Kay, Miller, Banfield, and Jackson voted "Yes". Harris and Metcalf voted "No"; and Fink did not vote. This will be placed on "Hold".

Coop Corp Mort.

HB-751 - Coop Corp. Mortgages - Harris - The main reason for this bill is that coop corporations have to get majority permission for a sale or to make a loan. They have a problem in getting the people together for the meetings. Kay moves it out "Do Pass"; Harris seconds. Motion carried. Miller and Fink did not vote. Jackson, Kay, Metcalf, Banfield, and Harris voted "Yes".

Mrs. Banfield asked about HB-743 - Public Records - This is scheduled for Tuesday, March 24.

Pioneer's Home

HB-214 - Pioneer's Home - John Schwamm, prime sponsor, appeared before the committee to explain his bill. The intent of the bill is to take the power away from the State they now have in requiring anyone that goes to the pioneer home to sign over any real property to the State even if they are able and willing to pay for their care. He wasn't sure that the language was clear enough as it now is, but made sure the intent was understood. Several changes were noted among which were residency requirements, whether or not this was constitutional, and increase the amount per month that a person in the Pioneer's Home may be entitled to, without claim by the State, from $20 to $30 or $35, which it is now. Art will research these points and bring back a possible CS for consideration on Monday, March 30.

RR Crews

HB-666 - Railroad Crews - Fink - This is back in our committee and is on the agenda for Tuesday, March 24.

Hitch-hiking

Secretary will contact Public Safety to get a report on the hitch-hiking problem. Also Mr. Calhoon will be before the committee on Tuesday, March 24.

Mrs. Banfield moved to draw up a resolution commending Buell A. Nesbitt for his work. After a short discussion it was felt by most members that a personal letter from members wishing to send one would be more in order and would not cause any hard feelings. Mrs. Banfield withdrew her motion.

Violent Crimes Comp. Board

HB-667 and SB-364 - Violent Crimes Compensation Board - Work continued on this bill starting with Page 7. Discussion was held on what items should be included in the list of crimes. Jackson mentioned burglary and arson that should be added. Without objection Art will draw up a list and Mr. Jackson will review it with him. The next matter that received very much attention was the amount being 10,000 or $25,000. Fink moved that we adopt $10,000; Metcalf seconded. Kay and Jackson were opposed. Metcalf, Miller, Fink, Banfield, and Harris desired the $10,000 figure. Kay moves the bill out "Do Pass" but further discussion prompted him to withdraw his motion. Without objection Art will clean this up and bring it back to us for consideration. Mr. Kay stated that he will write a minority report showing the necessity for $25,000.

Agenda for Tuesday, March 24, was reviewed. A Consumer Protection bill hopefully can be drawn up tomorrow, after our discussion of the appropriate bills.

Meeting adjourned at 5:25 p.m.

JUDICIARY COMMITTEE
MINUTES OF THE MEETING
MARCH 24, 1970

Meeting was called to order by Chairman Jackson at 4:00 p.m. in the Masonic Temple. Present were: Banfield, Cornelius, Harris, Miller, Peterson, and Metcalf.

Prof. Corp.

Mr. Loren Lounsberry, a professional engineer, appeared before the committee on HB-626 - Professional Corporations. He distributed back-up material that was prepared by Mr. Havelock. He stated that he had indications from the Commissioner of Commerce that engineering firms, such as his, could incorporate under present law, but he also had opinions from attorneys that he could not, and still others that didn't know for sure. The law, as it is now, would not allow acquisition by a foreign corporation nor would it allow mergers between Alaskan corporations and corporations from Washington State, for example. As a result, very few firms like those practicing engineering, are taking advantage of the Professional Corporation Act. Forty-seven of the fifty states presently allow the corporation of professional engineering firms and combinations thereof. Representative Rettig submitted this bill in my behalf. What this bill does is that it allows a professional corporation to incorporate as a business corporation providing that it is not prohibited by the cannons of ethics or the regulations of a regulatory board. Mr. Havelock, Mr. Lowe, and Mr. Burr, besides others, have doubts as to whether you can or cannot use the provision to incorporate as a professional corporation as it is now. They suggested that this would be a means to clarify the matter. It is a great benefit to my profession to be able to incorporate as a professional corporation. He concluded his presentation by asking committee members to consider all aspects carefully, noting that he was in favor of this legislation.

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Cornelius moved to bring HB-626 up before the committee, as it had been "Tabled". Miller seconded. Motion carried unanimously.

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Cornelius suggested several amendments, one of which referred to persons being licensed and registered; not wanting to include surveyor's aides or other unskilled labor related to this field of activity. He then moved the bill out "Do Pass". Jackson wanted to bring other correspondence before the committee prior to final action. Cornelius withdrew his motion. This will be placed on the agenda for Thursday, March 27.

Lost and Found

HB-639 - Lost and found property - Fink - CS is ready and Art will explain changes that have been made. He outlined changes line by line. It was decided to take out the reference to "contraband" and to be sure to include "or stolen". In the definition section there was another changed noted by Mr. Jackson. This should be a different section indicating that this action and the provisions for storage, etc., is not to supersede any other statutes on these matters. Discussion was held on whether to move this bill out today or to wait until a revised CS would be ready. Art will prepare this for the committee and this will be placed on the agenda for Thursday March 26.

Public Records

HB-743 - Public Records - Banfield - Confidentiality of records was discussed. Mr. Ed Young, Records Management, appeared before the committee in favor of this bill.

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Consideration was given to payment in obtaining documents and also for the safe care and keeping of such documents. It was noted that in the bill there was provision for negotiating payment for acquisition of public records. An amendment was made to this section clarifying the obtaining of such records. It reads: "Negotiate payment for acquisition of public records with the possessor of them for his expenses incurred in obtaining and preserving them."

" "

It is likely that most of the people that have these collections are members of the Historical Society. The value of some of these things is in the originals. That is why microfilming is important. In case of accidental damage or destruction, the State would have a copy of these documents. Mr. Miller objects to the State stepping in and taking possession, maybe against the will of the individual. Also there is the possibility of damaging some things while doing the microfilming. (Fink arrived 5:05) Art brought out another change that was necessary on Line 2, Page 3. "Except as otherwise provided in this chapter". There was no "otherwise" in this chapter. Line 18 should start with a Capital "e" and delete the exception. Without objection this will be changed. There was also some discussion on definitions. One particular one was whether to define "public" or "record" or both. Art will prepare a CS to be ready for tomorrow, March 25, on Wednesday.

" "

Mr. Calhoon

Mr. Calhoon was dismissed as Mr. Kay was absent. Without objection he will be invited to return at a definite time and will not have to wait. He was offered an apology by the committee for the inconvenience.

Fink was appointed Vice Chairman for the Saturday Public Hearing in Anchorage. He was to locate a place to hold the hearing and to notify the press. The feeling expressed was that perhaps the members were hasty in planning this hearing. Metcalf moved to rescind the motion to have the public hearing; seconded by Fink. Motion carried 5-2. There will be no public hearing on Saturday.

RR Crews

HB-666 - Railroad crews - Fink - CS needs to be changed to solve the problem of short railroads in the state. Harris suggested that no person operating a railroad with over 10 miles of track in the state might solve the problem. Cornelius had a similar suggestion only including those railroads regulated by the ICC. Jackson suggested giving a governmental department such as the Department of Labor the authority to grant exemptions to this law. The final amendments decided on were: Delete "A railroad" on Page 1, Line 10; and insert "An ICC regulated railroad offering passenger service" on Page 1, Line 23. Harris moved to make the amendment re ICC; seconded by Cornelius. Motion carried 4-2. Banfield and Jackson voted "no". Harris moves CSHB-666 with amendments out "Do Pass"; seconded by Miller. Vote was 5-2. Fink and Banfield "no"; Cornelius, Metcalf, Miller, Harris, and Jackson "yes".

Door-to-door sol.

SB-188 - Door - to-door solicitation - Metcalf wanted to know if this bill would interfere with the federal Constitution in limiting the area in which you can make a contract. There did not seem to be any problem constitutionally. Fink brought that other states had passed similar legislation and that the United States law has passed a law along this same line, too. After the discussion was concluded, Fink moved the bill out "Do Pass"; seconded by Cornelius. Metcalf and Harris voted "no"; Cornelius, Miller, Fink, Banfield, and Jackson voted "yes".

Con. Prot.

Consumer Protection - Fink - Fink has a couple of different understandings and this can be done in less than ten minutes. Miller explained that he was opposed to class action so thought it would take a little longer. This was postponed until tomorrow afternoon.

Jackson reviewed agenda for Wednesday, March 25. He also gave dates for consideration of bills recently placed on agenda.

HB-665 - Client Security Fund - Kay - was put over due to Mr. Kay's absence.

Meeting adjourned at 5:55 p.m.

JUDICIARY COMMITTEE
MINUTES OF THE MEETING
MARCH 25, 1970

Meeting was called to order by Chairman Jackson at 4:05 p.m. in the Masonic Temple. Present were: Cornelius, Peterson, Harris, Fink, and Metcalf.

The first order of business was consideration of real estates problems. HB-740 - Land subdivision - and SB-165 - Real estate brokers and salesmen - were the bills of interest. SB-165 is not in this committee as yet, but will be considered as soon as we have it. Mr. George Zmuda appeared before the committee in favor of HB-740 explaining that this bill was initiated by the State local boards in and throughout the State Association of Realtors. (Miller arrived 4:10) Extensive studies were conducted and it was advantageous to allow parcels of land to be sold in pieces of 5 acres or larger without going through the planning authorities. The cost of surveying large acreages of land and the delays caused by the Planning Commission are too great for many land owners and delays are very costly. This bill allows for subdividing in this way up to four parcels and no more. Cornelius brought out that present law makes it impossible for an ordinary citizen to buy 20-30 acres of land. Fink suggested giving the Planning Commission the right to waive the regulations. Jackson felt that a simplified procedure could be developed that would be inexpensive to the individual property owner.

Mr. Catrell, Matanuska-Susitna Borough, stated that they did not have any great objections to this type of subdividing. He outlined two problems: (1) The public is adverse to buying in a subdivision at an inflated price, to cover surveying, etc., and (2) people are waiting to get this law relaxed so that things can proceed. Further consideration will be given to this bill on Monday, March 30.

HB-432 - Jurisdictional amounts in district court - This raises the limit to $7,500 from the $3,000 limit. This bill was placed in "Hold" until action had been taken on the judges bill. This leaves it up the individual as to which court he wants to be tried in; the district court or the superior court. Cornelius moves that we place HB-432 on the agenda; Metcalf seconds. Motion carried 4-2. Miller and Fink voted "no".

Consumer Protection - Fink - We are using HB-446 as CS for SB352. (Banfield arrived 4:45) The first discussion was held on class actions. Mr. Fink made several comments before hearing testimony from the AG's office. He brought out that investigative powers had been included in the CS. He personally is not in favor of adding these. He would add a statute of limitations to class action. He also would add to Page 8, line 9, that"actual damages or $200 or whichever is greater". The court may award additional damages and also there was a section on treble damages in one of the other bills. Mr. Fink asked Mr. Don Bigley, from the AG's office, to tell the committee why class actions are so important.

Mr. Bigley stated that he favored class action because it is for the protection of the consumer. In fact, it is the only meaningful remedy and a deterrent against the type of conduct that you are legislating against. I have had some experience in class actions and the investigative costs are too much for an individual to bear.

Jackson states that some small businesses feel that they will be harrassed by this legislation. Some way should be available to protect the businesses from this kind of treatment. Jackson suggested the requirement of receiving approval from the AG's office before bringing a class action.

Mr. Spear, AG's office, commented on the nature of class actions in opposition to criminal actions--remembering that the people are the ones that are being hurt. Also that the consumer is in a position to see deceptive practices than are the investigators. I think the amendment proposed by Chairman Jackson would certainly be acceptable to the AG's office.

Mr. Miller is going to Fairbanks this weekend and will talk to businessmen in that area and get their comments on this amendment.

Without objection Art will prepare an amendment which takes into consideration comments of committee members. (AG's approval, $200 whichever is greater, limited to individual action on line 18, and recovery of actual damages.)

Motion was made by Harris to remove class action from bill; seconded by Miller. Motion failed. Miller, Metcalf, and Harris voted "yes". Cornelius, Fink, Banfield, and Jackson voted "no".

The next subject discussed was the idea of putting intent into the bill. Mr. Miller suggested putting "willingly and knowingly at the time of sale " in the bill.

Mr. Spear commented on this aspect. He stated that most states do not contain intent. This is required in criminal actions is quite different, but in this type of civil action it would be virtually impossible to prove that the man had the intent to sell you a bad item.

Cornelius suggested on Page 2, number 9, between advertisement and discloses add "prominently". Fink moves for unanimous consent to insert "prominently" and in addition to what we had already done to add on Page 8, Part B, to incorporate the idea of Part A in any case where treble dagames apply you must show willful and knowing intent.

Fink asks unanimous consent to change "any person" to"buyer". No objection; so ordered. Jackson asked unanimous consent to pass this CS out as amended. Motion failed 4-3.

Art commented on his memo and asked approval to rewrite two different items. This was granted. He will prepare a new CS for approval of committee members, without objection. So ordered.

Harris asked about HB-796 - This will be discussed Thursday, March 26. (Public Emp. Labor Relations Act)

(Fink and Miller left at 5:40)

Jackson read memo from Mr.Personett re SCR-27 - Hitchhiking. Hearings will be held in a month or so. Hitchhiking regulations as in effect before 1969 will be reinstituted. Mr. Peterson brought up some points about requirements on motorcycles that are causing problems.

Jackson brought up SB-320 - Agreement-Qualification of Teachers - and asked if the committee wished to waive the Judiciary referral. He brought that it is supported by the administration and that the Department of Education is actually doing this now. Without objection the referral was waived.

HB-743 - Public Records - Banfield moves Judiciary CS out "Do Pass"; Cornelius seconded. Unanimous.

Jury list bill as prepared by Art will be put over Tuesday, March 31.

Chairman Jackson reviewed the agenda for Thursday, March 26.

Meeting adjourned at 5:55 p.m.

JUDICIARY COMMITTEE
MINUTES OF THE MEETING
MARCH 26, 1970

Meeting was called to order at 4:00 p.m. by Chairman Jackson in the Masonic Temple. Present were: Harris, Kay, Cornelius, and Peterson.

New Assignments:

CSSB-271 - Regulation of motor freight carriers - Fink and Kay

SB-160 - am - Multistate Tax Compact - Cornelius

SB-127 - Wright Truck appropriation - Kay. Senator Rader appeared before the committee in favor of his bill. He explained the situation surrounding this dispute. Wright had a highway contract on the Kenai peninsula and ran into some difficult soil conditions that were not anticipated. The state refused to pay and the contractor went to court and won his case. He couldn't meet his payroll in the meantime and had to go through bankruptcy; putting him out of business. He eventually won his law suit and asked for interest on the judgment. The State Supreme Court ruled that they couldn't give him the interest, as the paying of interest on judgments applied only to private litigants. Vance Phillips reported from the Senate Floor that the bill or statute covering this had been repealed in 1961 or 1962. As a result of the Wright case, the next legislature passed a statute that would make the State pay interest as well as private individuals. (Fink arrived 4:05) This bill covers the interest on the judgment and includes interest on the amount withheld by the State until paid. (Metcalf arrived 4:10 Cornelius moves this bill out "Do Pass"; seconded by Kay. Motion failed. Cornelius amends his motion to just move the bill out; seconded by Kay. Motion passed. Four votes were for "Do Pass"; and two were "no recommendation". These were Fink and Harris.

Cornelius asked to have discussion on HB-740 in order to hear Mr. Robison. (Land subdivision). Mr. Robison testified that there was a need for such a law as some people are becoming subject to heavy taxation and it would be helpful to do some subdividing as economically as possible. It is very expensive if you have to go before the Planning Commission, hire engineer/surveyors to survey the exterior sides and then have a plat drawn, after which you must get the approval of the platting authority. Maybe this bill should be changed to permit subdividing along road frontage or main street. This way normal access will be available to utilities, etc. (Miller arrived 4:15) Mr. Jackson moved to add "all of" before which on line 12. Without objection; so ordered. (Banfield arrived 4:25) Further discussion will be held on this bill on Monday, March 30.

HB-639 - Lost and Found Property - Fink. CS changes were discussed and explained. Banfield moved bill out "Do Pass"; seconded by Fink. Miller voted "no recommendation". Motion passed.

HB-214 - Pioneer's Home - CS was prepared by Art. Metcalf moves bill out "Do Pass"; seconded by Banfield. Motion carried. Fink voted "no recommendation".

Consumer Protection: CSSB-352. Mr. Jackson reviewed all changes that had been made by Art at the request of the committee. Fink moves this bill out; seconded by Kay. Kay, Cornelius, Fink, Metcalf, Banfield, and Jackson voted "yes". Miller and Harris voted "no recommendation". With the consent of the committee, this bill will be held over the weekend.

Mr. Regan asked to be heard on this bill. He explained that giving the AG's office the power of approval in class actions took the strength from this bill. Mr. Jackson and other members of the committee explained the reason for the compromise on this point. Mr. Regan didn't want to see the bill killed in committee, but wanted to make his views known to the committee.

The AG's office will prepare a committee report and will consult Art. (This bill will be held for the committee report and for the change to be made on the bill itself.)

HB-444 and 446 will be placed in "Hold" status unless there is objection. No objection. Also without objection HB-362 - will be placed in "Hold".

HB-786 - Notice of Proposed Regulations - Fink and Miller. Although this bill applies to other than Fish and Game Board, most of the discussion centered around their activities. Keith Goltz discussed this matter with the committee. It was his opinion (from the Ag's office) that this bill would give the board more leeway or flexibility. Cornelius suggested a broader notice and was informed by Mr. Miller that in order to do this there would have to a change in the A.P.A. Miller suggested that Art bring back some suggested language to convey the thoughts expressed. Without objection this will be put over until Tuesday, March 31, so Art can work on it. Also, if the AG's office has any suggestions we would be happy to have them.

HB-638 - Central depository - Fink. Willis Kirkpatrick, Division of Banking, from the Department of Commerce, appeared before the committee in favor of this bill. He explained that it was taken from the Uniform Commercial Code. It allows an Alaskan corporation that is a domestic corporation to Alaska trade on the New York Stock Exchange can have its shares placed in a central depository or, in other words, a clearing corporation of the New York Stock Exchange. This will save a great deal of paper handling. There would also be an exchange possible without the transmission of certificates. Brokerage firms and banks will take advantage of this. Changes noted were discussed with Mr. Kirkpatrick. He was asked for copies of the background material so that when this is on the floor, this material will be available. Mr. Kirkpatrick was asked to provide a brief report of what this bill will do (about two paragraphs.) Kay moves it out "Do Pass"; Miller seconds. Unanimous.

HB-665 - Client Security Funds - Kay. Mr. Lauber testified before the committee on this bill. He brought out that the Alaska Bar

had a fund like this in 1957 or 58. It was voluntary. At that time attorneys found it difficult to obtain malpractice insurance. We are undertaking a survey at this time, but so far have found out there is nearly 100 per cent participation in malpractice insurance. It was suggested that if such a fund is set up that those will malpractice insurance would not have to pay as much as an attorney that does not have this insurance. From this fund,claims could be paid before waiting for court action in judgments in order to save and keep good working relations with the public. (Miller leaves 5:45) Kay recommends that for the fund, an upper limit be placed on it. Kay favors a client security fund, but thinks this bill should be rewritten. This bill will be given further consideration on Thursday, April 2. Mrs. Banfield will call Shirley Kohls and get her opinion.

Mr. Jackson has indication from Mr. Lauber that they would like a public hearing scheduled on HB-796 - Public employees labor relations act -. Dwayne Carlson also is to be contacted. A public hearing is scheduled for Wednesday, April 1.

Meeting adjourned 6:00 p.m.

JUDICIARY COMMITTEE
MINUTES OF THE MEETING
MARCH 30, 1970

Meeting was called to order at 4:55 p.m. by Chairman Jackson in the Masonic Temple. Present were: Miller, Banfield, Metcalf, Harris, and Kay.

HCR-52 - Study Maximum Security Institution - will be put over until tomorrow - March 31.

HB-782 - Guaranty Insurance - Fink. Mr. Fink was absent so final action could not be taken on this bill, but testimony was heard from Mr. Banfield and Mr. Eastaugh.

Mr. Banfield represented the Alliance of Mutual Insurance Companies which is in favor of this bill. The purpose of this type of legislation is to protect Alaskan policy holders when they have insurance from companies outside of Alaska, and these companies become bankrupt. This would provide an assurance that Alaskan policyholders would be paid for all claims and also have premium monies refunded in this case. The plan would be for all insurance companies in Alaska to form a nonprofit corporation for the purpose of handling and paying claims against an insolvent insurance company. This would not include life insurance, title insurance, disability insurance, mortgage insurance, or marine insurance. There would in actuality be three corporations because there would be separate functions for property, casualty, and workmen's compensation. Mr. Miller asked whether or not this would increase the insured's premiums. Mr. Banfield assured him that this would not be the case until some company actually became insolvent. (Peterson arrived 5:10) He brought to the attention of the committee that the states of the United States have unanimously elected to control their own fund rather than to go to the federal program.

Mr. Eastaugh testified against this bill, preferring the concept in United States Senate Bill No. 2236 which is supported by the American Insurance Association. He presented a detailed brief of this information and Chairman Jackson asked him to prepare a short resume of pertinent material for all committee members. He will have this information ready for the committee at their Thursday, April 2, meeting.

Mr. Kay moved to take up CSHB-776 - Abortion; seconded by Miller. Motion carried. Metcalf and Harris voted "No". Jackson outlined the changes made in the original bill. After this discussion, Miller moved the bill out "Do Pass"; seconded by Banfield. Metcalf asked to have the 90 day time limit taken out of the bill. Miller seconded. Motion failed 4-3. Cornelius and Jackson voted "no". Harris did not vote. Banfield amended the motion to read 60 days; Cornelius seconded. Harris opposed. Cornelius repeated the motion by Miller to move bill out "Do Pass"; seconded by Kay. Motion carried. Metcalf and Harris voted "no recommendation". Cornelius asked unanimous consent to hold this bill until all members of the committee had an opportunity to sign it. So ordered.

Meeting adjourned at 5:38 p.m. after Mr. Jackson reviewed the agenda for March 31.

JUDICIARY COMMITTEE
MINUTES OF THE MEETING
MARCH 31, 1970

Meeting was called to order at 4:05 p.m. by Chairman Jackson in the Masonic Temple. Present were: Banfield, Peterson, Kay, Metcalf, and Harris.

New assignments:

HCSSB-98 - Highway beautification - Banfield

HB-393 - Drunkenness - Kay

SB-538 am - Lease school lands - Harris. There may be some kind of federal problem. Take this up with the AG's office or Legislative Counsel. Make sure it is all right.

HB-803 - Jurisdiction of the superior court - Cornelius - Jackson apologized to the committee because this bill was introduced as a committee bill, but had not been authorized as such.

Kay asked when HB-776 would be submitted. This has already been submitted with a one-page committee report and a memorandum from Hayden Kaden attached. Mention was made of a case in Wisconsin and one in New York on this subject.

Motor Freight Carriers

Public Hearing on SB-271. There are a number of witnesses to be heard on this bill. (Motor Freight Carrier Regulation) Mr. Sanders was the first witness to be heard. He presented a memo to committee members explaining the bill. He explained that the Motor Freight Carriers Act is out moded because of the changing pattern of moving freight. He explained the two amendments that the carriers recommended. He also mentioned that in the fee section of this bill, that the fees would become uniform. Kay asked whether at the present time the Transportation Commission doesn't have the power to deny a certificate. Showing that those desiring certification present a financial statement and a list of their equipment, etc. Jackson noted what the present law provides for. (Fink arrives 4:25; Miller arrives 4:27) Minor revisions were gone over by Mr. Sanders. Mr. Jackson noted that the committee would not finish work on this bill today and appointed a subcommittee to give further consideration to this matter on Friday, April 3 and will again be placed on the agenda for Wednesday, April 8. Mr. Jackson requested Mr. Sanders to provide the committee with a memo covering the repeal section.

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Mr. Riddell, General Association of Contractors, is in favor of this bill and feels that it is essential. He noted the variation of paying weight fees. Seven years have elapsed during which time we have been trying to get this problem straightened out. We want to be under the safety clause. There will be an increase in revenue under this Act. We would like to see this bill moved out of committee. We are in some cases operating illegally and would like to be in compliance with the law. We feel this will straighten out the difficulty.

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George Benesch, Commissioner, Alaska Transportation Commission, commented that he was in agreement with Mr. Sanders after he presented the proposed amendments. His greatest concern was in the area of enforcement. Any person could come in

Motor Freight Carriers

and obtain a contractor's license and then whether or not he ever engaged in this type work he would be permitted to operate in the state. Some limitations should be made in this area. I do not have the suggested language to accomplish this. Jackson asked Mr. Benesch's opinion on the problem that may come up in regard to a contractor who is not operating at the present time but has operated in the past and wants to resume operations in the future. He had no suggestions to cover this situation. He did mention the area of insurance coverage when a carrier had suspended operations temporarily. This should be shown in such a way that it would be known that the contractor had not abandoned his operation. It does not seem necessary to have the carrier have insurance during the time he has suspended his operation. Another area of discussion was in the field of "public convenience and necessity". There is some question about what it really means and a good definition would be helpful. Mr. Benesch was asked whether or not he endorsed the idea of an office in Fairbanks and Juneau. He stated that in Fairbanks it was already budgeted for this fiscal year, and that Juneau could have a full time office, although not budgeted for this year. Mr. Metcalf asked whether or not garbage trucks were included in this legislation. He was assured that they were covered in Section 18. There will be a subcommittee meeting on this bill scheduled for Friday, April 3. Mr. Fink has been appointed chairman. Art will consider the repeal sections and report back to the committee. Further consideration will be given to this matter by the committee on Wednesday, April 8.

New assignment: HB-780 - Liability Corporate Officers - Fink

New Assignment: HB-803 - Jurisdiction in Superior Court - Cornelius
(Cornelius was absent; secretary will advise)

SB-71 - Narcotic Drugs - This was tabled last session and the chairman asked if any members wanted to discuss this subject. No action taken.

HB-478 - Mining leasing - This will be on the agenda for tomorrow. Jackson handed out a memo to all members from the Department of Natural Resources.

Qual. of Pol. Pty.

HB-642 - Qualifications of Political Parties - Charles Merriner, from the AG's office appeared before the committee in favor of this bill. He stated that the AG's office had recommended to the Governor that this bill be introduced because of a supreme court case which struck down the Ohio statute, that called for 15 per cent voter petition being necessary to establish a political party. The statutes certainly should be clarified. Mr. Merriner commented on the 2,000 votes necessary to get your name on the Presidential ballot. Mr. Kay though that the 1 per cent as in other states would be good for the State of Alaska, too. This would mean only about 800 voters would have to sign the petition. The AG's office was against lowering the number of votes required because they felt everybody that could get enough publicity would get their name on the ballot. Motion by Miller to delete word "greater" on line 17 and insert word "lesser". Motion failed. Banfield, Metcalf, and Fink objected. Miller moves to amend his motion to change 2,000 to 1 per cent; seconded by Kay. Motion passed 4-3. Kay, Miller, Jackson, and Harris voted "yes". Banfield, Fink, and Metcalf voted "no". Mr. Merriner then offered committee members copies of a committee substitute that he had had prepared. All changes discussed previously had been made except the one the committee made changing the 2,000 to 1 per cent. Without objection Mr. Merriner will confer with Art on this and bring back a committee substitute with amendments as outlined by committee. This will be on the agenda for April 2, Thursday.

Mrs. Thelma Cutler, Director of Elections, appeared before the committee and added to the testimony given by Mr. Merriner. She emphasized that she felt
Qual. of Pol. Pty. the 2,000 figure should be left in because of the inconvenience of having persons names placed on the ballot, especially those who are not seriously interested in becoming President.

HB-493 - Welfare residency requirements - Kay. Dr. Beirne appeared before the committee on this bill and explained that this was really a bill to clean up
Welfare Res. Req. the language. This bill is necessary because federal statute requires that states cannot have residency requirements. Mr. Metcalf asked whether or not other states made persons turn over their property to the state if they were on welfare. This varies. There is a bill in on this and it will be made retroactive. Jackson accepted a motion to move this bill out "Do Pass". Motion carried. Metcalf and Harris voted "Do not pass".

HB-740 - Land subdivision - George Zmuda, of the State Association of Realtors, appeared before the committee on this bill. He appeared earlier this week and commented on the proposed amendment that would limit such subdividing to road
Land Subdiv. front or street frontage areas. He felt this would be too restrictive. Miller moves this bill out "Do Pass". Jackson brought up the question about slow subdivision, over a period of years. This bill seems to allow only four portions to be divided in this manner. Metcalf seconded Miller's motion. Harris and Miller voted "Do Pass"; Metcalf and Jackson, also Banfield, signed "No recommendation".

Mr. Jackson reviewed the April 1, Wednesday, agenda.

Meeting adjourned at 5:45 p.m.

JUDICIARY COMMITTEE
MINUTES OF THE MEETING
APRIL 1, 1970

Meeting was called to order by Chairman Jackson at 4:18 p.m. in the Masonic Temple. Present were: Metcalf, Miller, Peterson, Kay and Fink.

Public Employees Labor Relations Act

HB-796 - Public Employees Labor Relations Act - Kay and Banfield
Mr. Jackson explained that the general purpose of this bill was to provide a labor relations act for all public employees, both state, city and borough. Also to provide for a means of administration that would be under the Department of Labor.

A number of witnesses were to be heard. Dwayne Carlson was the first to be heard. The first thing Mr. Carlson did was to compliment the chairman of the committee for the finely drafted bill. There is a fairly large class of employees that do not have the authority and freedom to set down and do collective bargaining. One hundred percent desire to be represented by a union to bargain with the employees in the public sector. Under our statute now they are not recognized. He mentioned Page 14 where the courts can enjoin before it becomes a matter of interest, health, safety of the people, etc. We need a procedure for this. He also mentioned some doubt about definitions on page 16. This is particularly in the matter of whether or not this covers school districts. Art can get an opinion from Greg on whether or not teachers are covered. Mr. Carlson is in favor of this legislation and strongly urges its adoption and passage.

Tom Brown, from Chignik, representing himself. He questioned information on line 26, page 2, where it mentioned no collective bargaining unit may include both professional and nonprofessional people, unless the majority of the profession and the nonprofessional voted for inclusion of their respective groups in the unit. Miller moves to adopt this amendment. Jackson made known that we were not acting on this bill today but will work on it early next week. Motion withdrawn.

Bill Germain, Department of Labor, I will agree with the other two witnesses in that this is a finely drafted bill. I have some questions regarding certain aspects of the bill and I will outline these for you. Page 4 regarding the exclusion of a person who is engaged in a private practice which voted in an election, which excluded him from being on the ballot. Mr. Germain next indicated that there shoul be a time lag after a petition for certification. He felt that one year would be sufficient. Kay felt this was too long and favored six months. In regard to 6(b), page 6, line 18, it is an unfair labor practice for an employee to do so and so. Employee is unlawful but also his organization can be responsible for this too. Mr. Germain feels there should be provision made for additional remedies such as reinstatement, back pay, etc. on page 8. I also notice that page 12, line 23, matters subject to collective bargaining precludes wages, or at least it does not enumerate them.

PELRA

On the second category of employees, I disagree with Mr. Carlson when he said if an injunction is brought then arbitration should be imposed. I have a natural aversion to this solution. In compulsory arbitration you cause the parties to hold very determined positions. I would prefer a provision that would send the workers back to work but as soon as their work is caught up, they could go out on strike again. Mr. Germain also questions the timing of submitting this legislation, feeling that the employees may not have the maturity to handle the responsibilities of collective bargaining.

Lewis Dischner - union representative - This is a good act for the purpose for which it was written. If you want a NRLB act then adopt this one as including the suggested amendments. If you do this you will change the whole concept of this bill. I do concur with Dwayne Carlson and his suggested amendments. Mr. Germain didn't mention how many states have legislation of this type, but in Alaska it is not the state but individual cities that have this type of legislation. He noted the areas where employees were covered in collective bargaining. He also mentioned an area where there was no coverage, bus drivers, and felt that these people should be recognized. He urges adoption of this bill with a limited number of amendments.

Ferrall Campbell - Operating Engineers and Local #302 - I don't have much argument with the act. I am trusting to the testimony of the preceding witnesses. I have worked for many years for the union and we have run into the problem of city councils, municipal governments, failing to recognize groups of workmen that want to be organized. I think the resistance at the local level is because of the permissive act we have now. The tenor of the times may have reached the point where we can organize men who want to have collective bargaining rights. I have had men who lost their jobs just because they were interested in organizing for collective bargaining. Kay brought out that most problems have been caused by failing to listen to the legitimate gripes of the person involved. Mr. Campbell pointed out that he had a part in organizing the ferry system program and it is working very well. Let's extend this to all the people.

Mr. Germain omitted giving his suggestion to the committee that they put the handling of this into an independent agency. Also that this bill is based on election procedures in the NLRB.

Dwayne Carlson in responding to Department of Labor amendments. I personally feel that this should not be changed as there are union members paying their dues who may one day be a supervisor and the next day just a common ordinary working stiff. In these unions you accrue certain benefits that follow them wherever they go. They would have to either turn down a better job or give up their membership in the union.

Work is scheduled for this bill on Monday, April 6.

SB-165 - Real estate licensing - Fink (New assignment) Jackson was advised that a statement was made in Commerce Committee by Givan and he has now okayed this bill in its original form.

Hb-805 - Old Age tax exemption - Miller (New assignment)

HB-702 - Collection activities - Miller " "

HB-643 - Banking Code - Kay and Fink " "

Driving Offense Records

HB-767 - Driving offense records - Metcalf - This bill does not do what I thought it was going to do. (Cornelius arrives 5:10) Kay notes that this bill could not work as records are kept in many places. Therefore, the bill would not accomplish anything. Metcalf moves to table this bill. Jackson felt that Fink's proposal had some merit. This was to limit insurance underwriters from using these records. Fink will meet with Art and draw up a CS along these lines. Metcalf withdraws his motion. Kay moves to consider a CS by Art. Motion passed 4-2. Metcalf and Jackson voted "no".

Class Action

Kay mentioned an article in Trial Magazine on class action by Senator Tidings from Maryland that he thought committee members would enjoy.

Max. Sec. Institution

HCR-52 - Study maximum security institution - This will be placed in Hold because there is such a study being conducted in the department and they have sent a memo to the committee showing this study to be unnecessary.

Land Subdiv.

Mr. Jackson reported on HB-740 - Land subdivision - that planners have been discussing this bill. They are upset and thought they could live with 20 acres rather than 5.

Meeting adjourned 5:25 p.m.

JUDICIARY COMMITTEE
MINUTES OF THE MEETING
APRIL 2, 1970

Meeting was called to order by Chairman Jackson at 4:10 p.m. in the Masonic Temple. Present were: Kay, Metcalf, Miller, Fink, and Peterson.

SB-79 - labor conditions under oil and gas leases - Metcalf (New assignment)

HB-643 - Banking Code - will be considered for placement on the agenda April 6, Monday. Fink and Kay.

SB-165 - Real estate licensing - Fink. Chairman asked when to place this on agenda. Fink wanted it on the agenda for next week.

Lost and Found Prop.

HB-639 - Lost and Found property - Amendment by Holm which made a minor change where the finder could notify the State police rather than take the item to them was approved by the committee.

Juris. Amt. in Dis. Ct.

HB-432 - Jurisdictional amount in district court - (Cornelius arrived 4:17) - Kay. There was some discussion that this bill would be acceptable if there was an amendment showing that either party has the right to be tried in superior court. Cornelius moved to have this amendment to the bill: "If the suit is over $3,000 and under $7,500 that either party has the right to have it tried in superior court. Motion carried 4-1. Fink abstains and Miller objects. An amendment will be drawn up on this.

Multistate Tax Com.

SB-160 - Multistate Tax Compact - Cornelius - Cornelius explained that the purpose of the bill is to provide an alternative to federal tax regulation in cases where businesses have multistate operations.

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Mr. Snow, Department of Revenue, testified before the committee, giving all committee members copies of his presentation. The department is in favor of this bill. This bill would permit Alaska to become a full member state, along with other states in the Pacific Northwest. This means they could have multistate audits also. He strongly favors this bill and urges its passage. There was some question about the arbitration board but Mr. Jackson explained that this board is composed of three persons. Tax payers do have the opportunity to see who they want from the arbitration panel. If they don't agree, they are then selected by lot. He also stated that this bill is intended to insure against double payment of taxes. Fink moves it out "Do Pass". Seconded by Miller. 5-1 motion passed. Metcalf signed "No recommendation".

Jury List Problem

Jury list problem was considered next as Mr. Snow was here on that subject, also. Metcalf objected to the list of jurors residing in the immediate area. He felt that they should be district wide. Mr. Metcalf asked Mr. Snow how many other states depart from the customary practice of using voters lists to select juries. He did not have an answer to this question. Mr. Snow suggested making a change on lines 16 and 17. "All persons who file income tac returns for the preceding year showing an Alaska address". Jackson asked if the committee should submit the bill. Kay felt that by taking this

action and giving a delayed compliance date that we would be altering the court order. Fink moves to put this over until a later agenda. Without objection, so ordered. This will be on the agenda for Monday, April 6.

Notice of Pro. Reg.

HB-786 - Notice of proposed regulation - Fink and Miller - Av Gross testified before the committee because of his familiarity with the problem that is involved. This deals primarily with the activity of the Fish and Game Board and what has to be done in the line of public notice of hearings before regulations can be adopted or changed. The restrictions are so limited that they have to hold several meetings to accomplish their work. Opinions from the AG have indicated that it is illegal for the board to change open season dates, bag limits, etc. without specifically announcing this in the title of their hearing. Art has prepared a good substitute for your consideration. Kay moves to have the CS prepared. Without objection; so ordered. Av will work with Art and also assist in preparing a committee report.

Guaranty Insurance Plan

HB-782 - Guaranty Insurance Plan - Fink - Mr. Fritz, Insurance Director for the State of Alaska, appeared before the committee on this bill. He is in favor of this bill and presented some information from a Mutual Insurance Bulletin showing that this bill was in effect a consumer protection instrument. People would be protected from insolvent insurance companies. We have just completed collecting for Alaska and it is slightly less than 2½ million dollars. This bill sets up a board made up of companies licensed to do business in the State of Alaska. Each one will be assessed and a trust fund established to take care of any time an admitted carrier becomes insolvent. This fund will be used to pay off all claims against the company. Mr. Fritz will probably be a member of the board. He estimates that fund will initially contain $200,000 to take care of the needs of this state. He has not had any problems of companies that went insolvent while in his position as insurance director. He states that there is not problem of real necessity involved now, but the thing he wants to see accomplished is to offset the affect of the Magnusson bill pending in Congress. This bill establishes the same thing only on the federal level. One part on page 11, line 17, seemed to need clarification and also the immunity section should cover intent. Without objection Art will rewrite this as suggested by the committee. Mr. Fritz also mentioned that there would be no additional cost to administer this fund.

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Mr. Eastaugh reported that he had word that SB-2336 (U.S.) was on the way to him with the amendments that were added on March 16.

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This will be scheduled for more work on Tuesday, April 7, at which time the amendment will have been prepared.

Rotation of Chief Justice

Kay commented on SJR-87 - Rotation of chief justice - We have this resolution and the Senate Judiciary Committee has our bill. I have brought this up in the committee several times and have tried to work out a compromise but Miller wants to go to Free Conference Committee. I will be glad to take his bill and strike everything and substitute our bill and pass it again and then to to FCC. Chairman Jackson scheduled this for Monday, April 6.

Meeting adjourned 6:00 p.m.

JUDICIARY SUBCOMMITTEE
MINUTES OF THE MEETING
APRIL 3, 1970

Meeting was called to order by Chairman of the subcommittee, Rep. Fink to consider SB-271 am - Regulation of motor freight carriers - at 4:25 p.m. in the Masonic Temple. Present were: Metcalf, Peterson, Miller, and Kay.

Reg. of Motor Freight Carriers

Mr. Sanders was available to the committee to answer questions as needed. A general discussion was held on the several aspects of this bill. Dump trucks were under discussion because the problem they have now is related to rate levels. These rates have never been raised to keep up with the raise in wages. Mr. Sanders stated that the rates on file with the commission will now be minimum rates. He explained the process this bill went through in Senate Commerce Committee last year and that this bill will clear up the problems. Public interest and convenience needs to be adhered to. SB-546 was referred to and is in Senate Finance now and will go to Rules on Monday or Tuesday. This provides for hearing officers. Mr. Sanders stated that he has based the new rates on SB-271 am and this has brought in an extra $150,000. He also mentioned the increase of freight over the ice road from last year which was approximately 7,000 tons. This year it is between 25-27,000 tons.

Mr. Fink reviewed the main items in this bill at the conclusion of the discussion. Transfer permits; weight fees and clarification of properties; changing from maximum to minimum rates on dump trucks; definite definition of convenience and necessity; review of penalty provision. Under the repealer, some sections are being repealed. These will be reviewed and there will also be the removal of conflicting ambiguous statements. A review of the section on rebates on page 7, line 20 is necessary too. Mr. Sanders was asked if there was anyone that might be opposed to any part of this law. He stated that he did not know of anybody that was opposed.

Meeting adjourned at 5:25 p.m.

JUDICIARY COMMITTEE
MINUTES OF THE MEETING
APRIL 6, 1970

Meeting was called to order by Chairman Jackson at 4:10 p.m. in the Masonic Temple. Present were: Metcalf, Fink, and Cornelius.

No business was conducted for lack of a quorum. Discussion was held in regard to scheduling of bills for placement on the agenda.

Prof. Corp. HB-626 - Professional Corporations - Opinions on this bill varied. Cornelius didn't see any reason for not passing this bill out, as is. Fink doesn't think a bill like this is necessary; Jackson would like to pass this bill out with a clarifying amendment. This will be scheduled for Thursday, April 9. (Kay & Fink)

SB-239 - Credit Card Crimes Act - Agenda Monday, April 13. Kay & Fink

SJR-40 - English - Voting requirement - Fink - Scheduled for April 7.

Juris. of Magis. HB-784 - Letter from Justice Dimond on the bill which would eliminate the jurisdiction of a magistrateto hear cases with the consent of the defendant. He is opposed to the bill. The court system now has a training program where magistrates will attend seminars. Experience has shown that this is successful. This bill will be placed in "Hold" Status. Without objection, so ordered. (Magistrates' jurisdiction--misdemeanor cases) (Kay)

HB-803 - Jurisdiction of Superior Court - Cornelius asked about scheduling of this bill. It was on the agenda for Wednesday, April 8.

HB-643 - Banking Code - (Kay and Fink) - Scheduled for April 9, Thurs.

HB-786 - Notice of proposed regulations - Fink and Miller - CS is scheduled for Tuesday, April 7.

Land Subdiv. HB-740 - Land subdivision - was discussed. Fink stated that if the pressure continues on this bill that we could make a motion of recommittal or request a referral to the Local Government Committee.

Meeting adjourned at 4:30 p.m.

JUDICIARY COMMITTEE
MINUTES OF THE MEETING
APRIL 7, 1970

Meeting was called to order by Chairman Jackson at 4:07 p.m. in the Masonic Temple. Present were: Metcalf, Harris, Peterson, Fink, and Kay.

Jackson noted that every member has received a list of bills assigned to him, some of which are not now scheduled for action.

New Assignments:

SB-527 (HWE) - Abortion is assigned to Kay, Fink, and Banfield.

HB-636 - Game breeding - Miller

SB-446 - Historical sites - Metcalf - To be on the agenda for Monday, April 13. (Banfield arrives 4:08)

SJR-40 - English--voting requirement - Fink. Action is to be deferred on this resolution. This will be placed in "Temporary Hold".

Public Hearing

HB-13 - Department of Insurance - (Kay moved to report out HB-591 - Liquor licenses - Banfield objects. Kay then moved to place this on the agenda for April 8, Wednesday. This was without objection; so ordered.) Kay and Fink. Several witnesses appeared to be heard on HB-13.

Dept. of Ins.

Ross Duncan, representing the Alaska Association of Insurance Agents: The association is extremely interested in the creation of a separate department of insurance. He mentioned that research went back to 1940 which recommended that there be a separate department of insurance. This was recommended by the Judiciary Committee of the United States. This bill would give the department of insurance the absolute authority to set rates and to examine insurance companies as to their financial condition. There have been instances where the department head would make a rule and the commissioner would overrule him. We need the power to operate without interference. Banfield questioned Mr. Duncan on the possibility of unqualified persons holding the appointive position. Also the political aspect was discussed. He brought out that when he was the Commissioner there were 4 other employees. Now the division has 11 employees. Jackson asked for suggestions for insulation from political implications. Mr. Duncan felt that if HB-13 did not pass that they would like to have some consideration to having the rulings go to the court. Mr. Jackson also stated that this would make the 16th department and the state has a limit of 20. Mr. Duncan brought out that the recommendation by Congress is that the Department of Insurance be manned by qualified men. Jackson asked Mr. Duncan to submit some recommendations to the committee.

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Dept. of Ins.

Mr. Fritz, Director, Division of Insurance: I do not take a position on this bill. Revenue is running in the area of $2,750,000. There are 11 persons employed in the division. The legislature gave us the budget as requested for last year. I have had no political interference from either the Commissioner or the department on insurance matters. The department is run on a nonpartisan basis. I serve the people of Alaska. Most states do have a commissioner at cabinet level. The basis for that is the impact of the insurance regulations are becoming more and more federalized. I clear correspondence with our representative in Congress and clarify and state our position on regulations. I have had no difficulty up until now. I do not know the governor's position on this bill, but I do not take a position on it. Jackson asked about opening new offices.

" Mr. Fritz stated that in the long-range planning of the division that an office will be opened in Ketchikan and one in Fairbanks. The budget has been approved for these two offices. The main problem is finding qualified personnel to fill positions.

B. L. McMurtrey, Deputy Commissioner of Commerce: We are opposed to the bill at this particular time. I am not saying that two or

" three years from now it won't change the situation. You have to keep in mind what happens if this is made into a department. What happens to banking, etc. We only have 20 departments. In the field of politics, the commissioner is involved more politically than a director would be. (Miller arrives 4:30)

This will be placed in "Hold" status and we will wait for suggestions from the Department or Mr. Duncan. Cornelius volunteered to work

" on this bill in order to get it out of committee. Fink and Kay are assigned and Cornelius will work with them. Fink moved this bill out "Do Pass"; seconded by Cornelius. Motion failed in a 4-4 vote. Cornelius then moved to have this placed on the agenda for Thursday,

" April 9. This was without objection; so ordered.

SB-469 - Alcohol--crimes - Cornelius. Cornelius asked to take this bill up tomorrow. This will be scheduled along with HB-393 - Drunkenness - Kay - for Wednesday, April 8.

Cities-own liquor estab.

Jackson brought a bill before the committee dealing with the rights of cities to own liquor establishments. This was submitted as by the Judiciary Committee by request and this will be referred back to this committee. This was agreeable; so ordered.

Armed Forces Bill

Kay presented a bill modeled after the law of Massachusetts which will require that Alaska residents do not have to serve outside the limits of the United States as members of the armed forces unless Congress has declared a war. This is to be introduced as by the Judiciary Committee by request and a request be submitted that it be returned to this committee for action. Kay moves that it be accepted by the committee. Cornelius objects. He didn't think it would pass the house. Kay felt that it would have no trouble passing the House. Mr. Kay showed that the cost of war would be

" $2,300,000,000,000 by the 2050. Fink seconded Kay's motion. Motion carried 5-2. Banfield and Harris did not vote.

HB-526 - Workmen's Compensation - Harris. Scheduled for Thursday-- Harris is waiting for an AG's opinion. April 9.

Abortion

SB-527 - Abortion - Kay, Fink, and Banfield - Jackson noted that this bill tightens up the existing law in the following ways: It will be limited to physicians performing abortions; abortions will be performed in a hospital or other medically accepted place; have consent in certain cases; have a 30-day residency requirement; and it will apply only to the mothers. There was some discussion relating to substituting the subject of our bill and sending it on to Rules after shortening the residency requirement to 30 days. Kay felt that if the bill was changed in any way it might not be passed. The committee decided that the best thing to do was to pass this bill without any changes. Kay moves to have this bill go out "Do Pass". Metcalf asked several questions which were answered to his satisfaction. Miller called for the question. Metcalf, Fink, and Harris voted "No". Cornelius, Kay, Miller, Banfield, and Jackson voted "Yes". A committee report will be prepared and will be brought before the committee before it is submitted. The bill itself will be submitted in the morning.

Client Security Fund

HB-665 - Client Security Fund - Kay. Kay was asked whether we should schedule this bill. He wanted to make some contact with the Bar association on this first. Mrs. Banfield called Shirley Kohls during the meeting. This will be scheduled for Monday, April 13.

SB-79 - Oil and gas labor - Metcalf - This will be scheduled for Monday, April 13.

Violent Crimes Board

Jackson asked the committee if they were agreeable to acting on the Violent Crimes Compensation Board. Kay mentioned that the comparative negligence bill was still being held in committee. He learned that the committee deferred action to permit Rader to get recommendations of the Anchorage Bar (until Tuesday) and Merdes to get the recommendations of the Fairbanks Bar. Cornelius stated that Senate Judiciary is hold three of our bills. He doesn't know what can be done about it. We have dealt with the bills from them in good manner. Banfield mentioned that she had had harsh words with him on SB-524 - Privacy of government employees - It was decided to put out our bill on HB-667 and hold SB-364 for awhile. We will also "Hold" ~~HB~~-524 and SB-364 temporarily. HB-667 will be scheduled for action early next week and then have it referred to finance. SB-524

Mining Leasing

HB-478 am - Mining leasing - Miller, Kay, and Fink. Mr. Dale Wallington appeared before the committee in favor of this bill; with one suggested amendment. He felt 20 years would be better than the 10-year period for leasing. The main objection to 10 years is that experience shows that it takes that long to get a find into production. The price per year for leasing is $1 per acre and they usually are leased in 40-acre lots. Individual persons are allowed more than one claim. Mr. Wallington was asked what changes he would make if he were rewriting the law. He stated he would include a development plan. It was moved that a substitute bill be introduced embracing the ideas of Mr. Sweet and adding a development plan. This was without objection; so ordered. Mr. Wallington will give us a memo to Mr. Peterson to be used in forming the committee substitute.

Mining Leases

Mr. Sweet appeared in favor of his own bill. He felt that the suggestions of the committee were acceptable and the development plan would be beneficial. He was also agreeable to the 20 year amendment proposed by Mr. Wallington. Without objection Mr. Jackson is going to postpone action until we have received the suggestions from Mr. Wallington and then a committee substitute can be drafted.

Metcalf requested to hear from Tury Anderson on this bill when it is brought back before us.

Notice of Prop. Regs.

HB-786 - Notice of proposed regulations - Fink & Miller - There is a committee substitute that has been prepared for this bill. Mr. Jackson read this to the committee.

" Keith Goltz, AG's office, appeared before the committee on this bill. We had no objection to this bill as written. The reason I am here is that it is unclear as to how this changes the present law. I have talked to Av Gross on this and his indication was simply to clarify present law. If this is not the intent, and you wish to do away with board meetings that we have now, or do you want to change the advise of the Department of Law? I am not sure how this proposal would affect these two problems. A good committee report might help. The affect of this change is to force more people to attend more meetings that they had to before. The first meeting is an informational meeting, the second meeting is to adopt regulations using the APA procedures. Kay moves to continue the discussion on this matter on Wednesday, April 8. Without objection; so ordered.

Guaranty Insurance Plan

HB-782 - Guaranty Insurance Plan - Fink - Art has the language from the other bill that the committee worked on. Mr. Fritz was called on to testify for this bill. He stated that he had nothing further to add to this discussion. He mentioned that the staff was to prepare an amendment to include immunity. Art had not prepared this in final form, but had the language. He mentioned that the language from other bills did not really convey the thoughts as outlined by the committee. An additional sentence was recommended on Page 11, line 22. Kay moved adoption of amendment; Metcalf seconds. Kay moves bill out "Do Pass" with amendment; Kay seconds. Unanimous consent.

Jackson gave a review of agenda for Wednesday, April 8.

Rotation of Chief Justice

Discussion was held on SJR-87 - Rotation of Chief Justice - Kay moves it out "Do Pass"; Harris seconds. Motion carried unanimously.

Meeting adjourned at 6:10 p.m.

JUDICIARY COMMITTEE
MINUTES OF THE MEETING
APRIL 8, 1970

Meeting was called to order by Chairman Jackson at 4:15 p.m. in the Masonic Temple. Present were: Metcalf, Banfield, Kay, and Harris.

The first order of business was to make assignments on bills that have come in to our committee.

HB-740 - Land subdivision - This has come back into this committee and is assigned to a subcommittee--Jackson, Miller and Fink.

HB-810 - Rights of residents of Alaska serving in the armed forces - Banfield and Kay

HB-587 - Liquor licenses - (Fink arrived 4:16) Fink is assigned this bill and it will be on the agenda for Thursday, April 9.

HB-105 - Voter registration - Kay & Harris - Scheduled for Thursday, April 9. Secretary will advise the Secretary of State that we will be working on HB-105 and would like to have a representative at the meeting.

Mr. Metcalf requested the committee to hear Mr. Nordale, attorney for the Kenai Peninsula Borough, on HB-740. This will be scheduled for Thursday, April 9, at which time Mr. Nordale will be heard.

SB-538 - Lease of school lands - Harris - This is to be scheduled for Monday, April 13, as Mr. Harris did not understand that this was to be reported on today.

The chairman asked the committee if they desired to take up the regulation of motor freight carriers at this time. (SB-271) Mr. Fink stated that Mr. Miller should be here as he has some strong feelings on this.

HB-591 - Booze for bigots - Kay (Miller arrives 4:20) & Banfield

Booze for Bigots

One witness is to be heard on this bill. This bill has a proposed amendment by the HWE Committee that this takes effect on December 31, 1971.

Mr. Richard Stitt, Grand President of the ANB, appeared before the committee in favor of this bill. The effects of discrimination do not disappear overnight. When natives are not allowed to do the same things that other people are, they begin to feel like second class citizens. It is demoralizing for the native people to know that there are exclusive clubs that do not allow our people and flaunt this is our faces. Denying the right to obtain liquor licenses will be a control. Banfield asked Mr. Stitt whether there was any discrimination in the ANB. He stated that nonnatives are allowed to join the organization, but cannot hold positions of leadership. (Peterson arrived 4:22)

Most members of the committee expressed themselves on this bill on an individual basis. There was some consideration given to an amendment, but no final decision was reached. Kay moved to

put this bill over until later next week. Without objection; so ordered. This will be rescheduled for Tuesday, April 14.

Abortion

SB-527 - Committee report was distributed to all members by the chairman. (Abortion) The report covers only the legal implications. The chairman invited members to submit minority reports. Any suggestions for changes in the committee report must be made before tomorrow morning when this report will be submitted. Mr. Metcalf objected to submitting the bill and the committee report and wanted to have this be a referendum choice of the people. He was advised he could offer this from the floor.

Notice of Prop. Regs.

HB-786 - Notice of proposed regulations - is being rescheduled for Friday. Mr. Miller requested this to be scheduled for Monday as Av Gross could not be here on Friday. This will be scheduled for Monday, April 13.

Reg. of motor frt. carriers

SB-271 am - Regulation of motor freight carriers - Ralph Sanders, representing carriers, is in favor of this bill. He was available to answer questions of committee members during this work session. An amendment was adopted for section 2, line 20. This was to put "every" before "Exempt". There was strong feeling expressed by Mr. Miller that need and necessity had to be spelled out more clearly. Especially in view of the fact that cases are not heard sometimes for over a year. Need and necessity could have changed in the meantime. Miller recommended to put"public interest"in the places where "need and necessity"were shown in the bill. Banfield does not like to make it so tight that a new carrier cannot begin operation.

Mr. McMurtrey, Deputy Commissioner of Commerce, testified before the committee. ATC is in favor of this bill and they feel a great need for it. He admitted that he did not understand some parts of the bill. He believes that the ATC has come up with a bill that is workable. There has also been an increase in the budget which will help eliminate some of the problems now facing his department. Salaries were raised so better qualified people could fill the necessary positions. This bill radically increases the weight fees amount; bringing in $100,000 more during the year. A straw vote was taken on whether or not to support the convenience and necessity clause, as written. Four voted "yes"; Metcalf, Miller, and Banfield voted "no". This will be scheduled for further consideration on Tuesday afternoon, April 14. Fink requests that this be the first order of business on that day. Without objection; so ordered.

SB-469 and HB-393 - Drunkenness - Kay (Cornelius on SB) will be scheduled for Wednesday, April 15.

HB-796 - Public employee labor relations act - To be rescheduled for Thursday, April 9. (Kay & Banfield)

Limited Pol. Parties

The committee could take up HB-642 - Limited Political Parties - if desired. (Miller left 5:50) The problems were worked out with the administration. Fink moves it out "Do Pass"; Kay seconds. CSHB-642 passed unanimously.

HB-803 - Jurisdiction of Sup. Ct. discrimination - Cornelius - will be rescheduled for Friday, April 10.

There was discussion relative to meeting times. Friday meeting will begin at 3:00 p.m. There will be no Saturday meeting. Next week we will have evening meetings beginning at 8:00 p.m.

Meeting adjourned 5:55 p.m.

JUDICIARY COMMITTEE
MINUTES OF THE MEETING
APRIL 9, 1970

Meeting was called to order by Chairman Jackson at 4:02 p.m. in the Masonic Temple. Present were: Fink.

Land Subdiv.

Jackson formed a subcommittee of Mr. Fink and himself in order to hear Mr. James Nordale on HB-740 - Land subdivision. Mr. Nordale is the attorney for Kenai Peninsula Borough. Mr. Nordale extended his appreciation and thanks to the chairman for permitting him to be heard on this bill. He will submit written material to the committee and Mr. Jackson suggested he have it here by next Wednesday. (Kay arrives 4:03) He expressed the need to define subdivision. At the present time any subdivision of property into two or more parcels is subject to regulation. (Harris arrived 4:04) He is opposed to this bill in the areas where it takes away authority from the planning board. He explained that the boards have powers of waivers for use in certain special situations. This would certainly apply to where surveys would cost an excessive amount in order to sell a small parcel--at least in rural areas. He noted that each area of the state has its own unique situation. (Peterson arrived 4:13) (Miller arrived 4:15) Jackson has an amendment that would require any subdivision over four to be considered by the planning board. Nordale felt that if the committee desired to describe land by the aliquot parts that this be spelled out definitiely as to what this meant because it means different things to different people. He urges the committee to recognize that this language does not become self-operative. It requires regulations to be adopted by other regulatory bodies and review by the city and borough planning commissions, besides adequate provision to provide for waivers. He felt that there possibly could be some way to distribute the cost of surveys in unsurveyed sections. Jackson asked Mr. Nordale to submit changes which may tend to ease the problems that we have been discussing. He also will send a copy of the ordinance covering this. This has been scheduled for work on Tuesday afternoon, April 14, at 4:00 p.m.

HB-800 - Qualifications--Insurance Companies - Fink - Scheduled for Tuesday, April 14. Secretary will advise Mr. Fritz and Mr. Hillstrand. Also advise Mr. Ross Duncan.

Real Est. Licensing

SB-165 - Real Estate Licensing - Fink - To obtain a real estate broker license you must be a licensed real estate salesman for 24 months. There was some discussion on the requirement that a new examination would have to be taken if you let your license lapse for three years. A provision that branch offices had to be within a 25-mile radius is included in Section 9. The definition of realestate salesman is no longer needed as they have to be licensed for two years.

Mr. George Zmuda, representing the State Association of Realtors, appeared before the committee in favor of this bill.

" Jackson suggested a percentage figure should be added to distinguish between an individual or corporation. Such as 25% owner of stock.

Real Estate Licensing

Zmuda made mention of Section 4 relating to the conduct of a person making him unfit to have a brokers license. Fink brought out that in the insurance field it specifies that a person be of trustworthy conduct. Jackson asked is there were any provisions where licenses would be revoked? More discussion centered on lapsed licenses and when it was learned that licenses cost $50 per year and that an inactive license is one-half the cost of an active license, or $25, this was considered inconsequential. There was some discussion on whether or not the real estate board could make regulations rather than require laws to be made in the legislature. Further work will be done on the bill on Tuesday, April 14.

Workmen's Comp. Reporting

Harris requested that we consider HB-526 - Workmen's Compensation - at this time. Without objection; this was done. Mr. Bill Germain, Deputy Commissioner of the Department of Labor, appeared before the committee on this bill. This bill is necessary for both the injured worker and the Workmen's Compensation Board. The department is in favor of this bill. The amendment was discussed with Mr. Germain and he favored it. Miller moves it out "Do Pass" with amendment; seconded by Fink. Unanimous.

Banking Code

HB-643 - Banking Code - Kay & Fink - Mr. Robertson presented a memo to all committee members. He will go over the material and answer any questions.

Pub. Emp. Lab. Rel. Act

HB-796 - Public employees labor relations act - will be rescheduled for 3:00 p.m. Friday, April 10. This will be the first order of business. Mr. Carlson stated that he would be going out of town but that Mr. Dischner under Mr. Carlson's position and would be here at that time. Stood

Banking Code

HB-643 - Consideration of the CS for HB-643 was done by Mr. Robertson, Division of Banking, and committee members. Detailed work was done on this. Mr. Borer joined the group and presented a problem that he would like to see worked out. This involved leased land that was held on a 30-day notice of vacation of such land. Forest Service land was mentioned, as well as railroad lands in Anchorage and Fairbanks. Mr. Robertson will meet with the committee for further consideration of this matter on Tuesday evening, April 14, at 8:00 p.m.

Meeting adjourned at 5:45 p.m.

JUDICIARY COMMITTEE
MINUTES OF THE MEETING
APRIL 10, 1970

Meeting was called to order by Chairman Jackson at 3:05 p.m. in the Masonic Temple. Present were: Kay, Fink , Peterson, Banfield, Harris, and Metcalf.

Public Employee Labor Relations Act

This meeting was devoted to a line-by-line examination of HB-796-Public Employees Labor Relations Act. Jackson asked the committee how they felt about a separate commission administering this Act. Most felt that they did not want a separate commission. Banfield questioned whether or not this would apply to local governments, such as small city governments. Fink read in the bill where it applied to all public employment, including home-rule cities, etc. On line 27 appropriate language is to be included after "employee" add "and a majority of the nonprofessional employees". This was without objection so it will be included. On the last line of page 4 should there be a requirement that the petition be 30% of the public employees in the unit? Page 3 of HB-368 covers this in a procedure that we might adapt into this bill. Kay thinks the bill is all right as it is. Fink and Metcalf like the idea of the 30%. Kay suggests just saying a petition of 30% and leave it as it is. There was some discussion on a time limit for elections. The Department of Labor suggested a 6 months or one year limit. On line 5 after "Held" add within the preceding year". This would allow elections when needed. On lines 17-22 take out "supervisor" on line 18 and add after "labor" on line 19 "or employee". On page 6 there was minor language change. On line 12 "or employee" was added: and on line 18 after "for" add " an employee organization or a". Then on page 7, line 15 an amendment was offered. It was to add after "a" "labor or employee organization or any other". This was acceptable to the members of the committee. Examples of affirmative action will not be given. All committee members agreed to this action. The title on page 8 will be changed by striking"Form and Service of" and also striking the last part of line 8, after (AS 44.62). and line 9. One other place on page 8 was struck. This was "or division" on line 21. Page 9 contained a few changes. Lines 15 and 16 - strike "from time to time issue" and the word "rescind". Add on line 16 "adopt" and "repeal". "Or employee" was added in two places; one on line 22, page 10 and one on line 2, page 12. Under the title of Subjects of Collective Bargaining,wages were not listed. This is what the committee desired. Kay felt that wages should be included in the list but the majority of the members felt that wages should not be included. Discussion on page 13 centered around section (b). Strike "statutory and regulation provided" in line 10 and "governing civil service." in lines 13 and 14. Add after "law" ", ordinance, or regulation. Minor language changes were made on line 1, page 14. Much discussion centered around adding snow removal on page 14, line 8. This was inserted after "utility," and before "sanitation". Line 14, page 14 contained another minor language change. On line 22, page 14, an additional sentence is to be added. "If an impasse or deadlock still exists after the issuance of an injunction, the parties shall submit to arbitration to be carried on as under the Arbitration Act." Without objection; so ordered. We will not vote on this bill today, but we now are in a position to do so. Meeting adjourned at 4:05 p.m.

JUDICIARY COMMITTEE
MINUTES OF THE MEETING
APRIL 13, 1970

Meeting was called to order at 5:00 p.m. by Chairman Jackson in the Masonic Temple. Present were: Cornelius, Metcalf, Kay, Fink, Peterson, and Harris.

CSSB-79 - Oil and gas--labor - Metcalf. This bill doesn't do too much. Mr. Moore, Commissioner of the Department of Labor, endorses this bill. Metcalf moves it out "Do Pass"; Cornelius seconds. Cornelius, Metcalf, Harris and Jackson voted "Do Pass"; Fink and Kay voted "No recommendation".

HB-478-am- Mining leasing - Miller, Kay, and Fink - Art read a letter from Dale Wallington, Deputy Commissioner of the Department of Natural Resources while Mr. Jackson handed out other correspondence that had been received. Mr. Tury Anderson appeared before the committee on this bill. He mentioned one item that needed to be clarified and improved, if possible. This was in regard to mining claims. He didn't want to see a man develop a claim and then have it put on the block for lease. The person developing the claim should be reimbursed for his expenses. There did not seem to be any difficulty in the 55-year lease program because the present law states "up to 55 years". Mr. Sweet testified on his bill and after hearing the discussion will work this bill over to include a development plan. This will be placed in "Hold" until that time.

SB-446 - Historical sites - Metcalf - He does not have this ready. This will be ready for Tuesday, April 14.

SB-538-am- Lease of school lands - Harris. The question on the bill was whether or not this bill was in violation of federal law. This was researched and found to be all right. There has been an amendment made by the HWE requiring approval of the State Board of Education before such transactions are undertaken. The secretary will advise the AG's office and Thomas Kelly, of the Department of Natural Resources, that we would like to have them attend our meeting on Tuesday, April 14.

SB-239-am- Credit Cards Crimes Act - Kay and Fink. Since neither had considered the bill, this will be put over until Thursday, April 16.

General discussion was held on our bills that were in the Senate Judiciary Committee. Jackson asked whether or not the committee wished to give consideration to moving out SB-364 - Violent Crimes Compensation Act -. Kay moved to pass CSHB-667 - same subject - The changes made in the HB were discussed and questions answered. Fink seconded Kay's motion. Metcalf voted "Do not pass"; Cornelius, Kay, Fink, Harris, and Jackson voted "Do pass".

Does the committee wish to move CSSB-364 out at the same time as HB-667? It was decided to wait a few days before moving on this. Fink requested Jackson to inquire about the consumer fraud bill.

HB-13 - Department of Insurance - will be taken up tonight at our 8:00 p.m. meeting. Kay, Fink, and Cornelius.

HB-626 - Professional Corporations - Discussion was held on this bill and Cornelius would like to move it out. Several suggested amendments were considered. Kay recommended this one: "It may render more than one type of service under regulations adopted by the board or boards regulating the profession concerned." Art read the amendment that had been suggested for the last sentence. It read: "Each person in a supervisory capacity must be licensed by a regulatory board." Other language read like this: "Those in responsible charge of services must be licensed." This takes care of only one problem in this bill and does not solve the problem of two professions wanting to incorporate. They can incorporate under a business corporation but not under a professional corporation. They can have partnerships now, also. Cornelius moves to amend HB-626 as suggested by Art. This was without objection; so ordered. Cornelius does not want this to be too liberal, such as to allow a merger with an outside firm. Especially a large firm. A CS will be prepared that will add a two-profession clause. Cornelius will call Lounsberry on this. Art will prepare the CS for HB-626 and this will be put over until Wednesday, April 15.

Meeting adjourned at 6:00 p.m.

JUDICIARY COMMITTEE
MINUTES OF THE MEETING
APRIL 13, 1970
8:00 p.m.

Meeting was called to order by Chairman Jackson at 8:05 p.m.iin the Masonic Temple. Present were: Kay, Metcalf, Fink, Cornelius, Banfield, and Harris.

The PFC was informally discussed with Mr. Banfield and committee members.

HB-105- Voter registration - Kay and Harris. - Mrs. Cutler, from the Secretary of State's office, met with the committee on this bill. She was against this legislation. The purpose of the bill was to prevent fraud. This allows those people that discover they are not registered the privilege to register at the Secretary of State's office. Mr. Jackson stated the purpose of the bill and what it does while a memo from Mrs. Cutler was passed out for their consideration. Copy of memo is in the file. Mrs. Cutler mentioned that the amount of work involved in tabulation in the persons with late registration was overwhelming. The man-hours necessary for members of the Absentee Ballot Board would be too great. Also this would cause an additional problem at the voting places because of delays in voting and also among the candidates you will find them dissatisfied because they cannot find out who has won the election. Cornelius felt that this would cause a big line-up if registration was allowed. Harris moved to "Table" the bill; Motion failed on a 4-2 vote. It takes five votes to "Table" in this committee. Fink asked Mrs. Cutler about the number of registrars in the state. Mrs. Banfield stated that voting continues to be a privilege and that it was no great difficulty to register two weeks in advance. Kay moved to have this bill placed in "Hold". This was without objection; so ordered.

HB-13 - Department of Insurance - Kay, Fink, and Cornelius - Kay feels this is a bad bill and the wrong approach to the problem. He feels that the director should be a professional man, not a political appointee. He suggests giving them enough staff to do a good job and not make the head man a political man. Harris feels that the director needs more latitude of action and that the only way he can get it is through being a commissioner. Mrs. Banfield doesn't think you can legally put qualifications of a commissioner in the bill, as he will be a Governor's appointee. Another argument was developed around the thought that the director does not have direct access to the governor. The director cannot defend his own budget, for example. Cornelius moves this bill out of committee; Harris seconds. Kay and Jackson opposed. Cornelius moves it out "Do Pass"; Fink seconds. Harris, Banfield, Fink and Cornelius voted "Do Pass"; Kay and Jackson voted "Do not Pass"; Metcalf voted "without recommendation".

Review of tomorrow's agenda was considered. HB-667 was to be turned in and at the time Finance does their work, we can keep possession of SB-364 - Violent Crimes Compensation Act.

Meeting adjourned at 9:00 p.m.

JUDICIARY COMMITTEE
MINUTES OF THE MEETING
APRIL 14, 1970

Meeting was called to order by Chairman Jackson at 4:05 p.m. in the Masonic Temple. Present were: Fink, Metcalf, Harris, and Cornelius.

The first order of business was to consider HB-800 - Domestic Mutual Insurance - Fink. Director of Insurance, Bill Fritz, appeared before the committee in favor of this bill. He explained that the most pressing problem was the high cost of insurance for fishing vessels or the unavailability of it. (Banfield arrived 4:07) He told how this was conducted in Canada for their fishermen. (Kay arrived 4:12) (Miller arrived 4:13) Fink asked Mr. Fritz's opinion on the state loaning the mutual company the money to start out. Mr. Fritz explain d that this would actually kill the program, as they could not be selective in choosing the persons that would be good insurance risks. The success or failure of this program depends upon restrictive underwriting, and if you use state monies to fund it, you would not be able to do this. Harris moves this bill out "Do Pass". Fink seconds. Unanimously signed "Do Pass".

SB-538 - am - Lease of school lands - Mrs. Mason advised your office (AG's office) and the Department of Natural Resources that we were interested in the position of the administration on this bill. Jackson gave the preceding information to Mr. Dick Edwards, from the AG's office. Mr. Edwards had been given the assignment late in the afternoon and requested questions from the committee on this bill. Fink stated that what the committee wanted was the position of the AG's office on this legislation. Harris requested that this be put over until we could hear from both the Department of Natural Resources and the AG's office. This will be scheduled for Thursday, April 16.

Cornelius asked the committee to introduce a minor bill that he wanted to submit. This was for an "Act relating to state support of the Trans Alaska Pipeline System road." After his explanation of the reason for submitting this bill, Fink moved to submit it as by the Judiciary Committee. Vote was 4-4. Motion failed. Kay moved to amend Fink's motion adding "By request". This also was a 4-4 vote, but Jackson changed his vote. Motion carried.

Mrs. Banfield has a resolution that she will bring before the committee tomorrow which is on the Cherry Blossom Queen. This is the first time Alaska has been represented by a queen.

SB-507 - 4th Class Cities - Jackson. Jackson reported that the Alaska Municipal League had opposed the original bill, but had no objection to the CS. Miller moves the CS out "Do Pass"; Kay seconds. Harris voted "Do not Pass"; Fink and Banfield had "No recommendation". Jackson,Cornelius, Kay, Metcalf, and Miller voted "Do Pass"

SB-165-am - Real Estate Licensing - Fink. George Zmuda, Alaska Association of Realtors, appeared before the committee in favor of this bill. He had made contact with other people in his line of business while in Fairbanks and Anchorage. They, too, are in favor of this bill. (Kay reported that Comparative Negligence was voted out with a unanimous "Do Pass" today.) An amendment in the equity exception was discussed. 15% was decided upon and will be accepted. Kay moves to adopt 10 years; motion carried 5-3. Fink moves to strike sections 4 and 5 as amended; 3-5 vote. Miller, Fink, and Jackson voting yes. Miller moves that 10 years be reduced to 5 years; Fink seconds. 2-6 vote; motion failed. Minor changes to delete unnecessary language was without objection. Section 7 will be left as is. Section 8 is deleted. Without objection, so ordered. Motion was made that Art prepare a CS and that this be moved out "Do Pass" Also to sign the committee report at this time. Unanimously adopted.

HB-740 - Land Subdivision - This will be considered at our evening meeting and we will probably not get to it until 8:30 p.m.

Cornelius asked to hear Mr. Sanders on SB-271-am - Regulation of motor freight carriers at this time. Without objection; so ordered. Jackson distributed a letter from George Benesch, Commissioner, ATC. Mr. Sanders appeared before the committee in favor of this bill. He brought to the attention of the committee's attention the amendment that included putting in a definition of construction contractor. He checked this out and found other carriers to be in favor of this. Jackson had a question on the definition of a construction contractor who is temporarily out of work and would like to lease some of his equipment. Miller desires the committee report to reflect that a dump truck operator hauling his own equipment is not covered by this bill. Fink noted a change on page 12; and Jackson noted that the language change in Section 12 "work" should be deleted and "business" inserted. Cornelius moved to have a CS prepared as outlined by Mr. Sanders and recommend it go out "Do Pass". Also sign the committee report today. This was unanimously adopted. We will have a committee report prepared and Mr. Fink will carry this on the Floor. At the close of his presentation, Mr. Sanders highly commended/for their work with him on this bill.
the committee

HB-707 - Uniform Anatomical Gift Act - Banfield - Mrs. Banfield explained that the Medical Association is behind this bill. Human bodies are in great demand today because of the trend in transplants. Mrs. Banfield read some legal problems that might be encountered from a booklet on this subject. There was some discussion about an amendment to cover the physician that would perform the transplant. No amendment was adopted. The age mentioned was 19 to be in conformity. Kay moves it out "Do Pass"; Miller seconds. Unanimously adopted. Banfield will carry on the Floor.

SB-364 - Violent Crimes Compensation Act. Jackson asked if the committee was agreeable to moving this bill out. Kay moves it out "Do Pass"; Miller seconds. Metcalf voted "Do not pass"; Banfield and Harris had "No recommendation".

Meeting adjourned 5:50 p.m.

JUDICIARY COMMITTEE
MINUTES OF THE MEETING
APRIL 14, 1970
8:00 p.m.

Meeting was called to order by Chairman Jackson at 8:05 p.m. in the Masonic Temple. Present were: Fink, Banfield, Metcalf, Kay, Harris, and Miller.

SB-446 - Historical sites - was the first order of business. Metcalf. The governor's letter explains the purpose of this bill. Kay moves it out "Do Pass". Miller moves that the bill "do not pass". He mentioned Kodiak as a case in point. He felt that people living in the area could look for things without being in violation of the law. It was explained to him that the lands had to be public lands or designated as historical sites before there was any problem. Jackson called for those in favor of Kay's motion to raise their right hand. Miller was opposed to this bill. Fink, Jackson, Harris, Banfield, Metcalf, Kay, and Cornelius voted "Do Pass".

Jackson presented a second committee report to the committee on CSSB-527 - abortion - The reason this report was prepared was to answer a question by Representative Borer on the Floor of the House while this bill was under discussion. Mr. Jackson would like to see that there is a proper understanding of the bill. He read the report to committee members. Fink thought that it was unusual to submit a supplemental committee report and asked to sign a dissent. This was acceptable to the chairman. The committee report will be submitted.

CSHB-643 - Banking Code - Fink. John Robertson appeared before the committee in favor of this bill. He worked with the committee on a line-by-line consideration of the remainder of the bill. Page 3, lin 18 was discussed. This referred to whether or not "and" or "or" should be the word used here. After the completion of the discussion, it was decided that the word should be"and". Lines 10 and 11 on Page 5 needed an addition "(1), (2), and (3)". Fink reminded everyone that National Banks cannot make loans on unimproved property under existing National Banking laws today. (Cornelius arrives 8:50) Mr. Robertson feels that there is a need for this section stated in this manner because we are dealing with raw land. Second liens were discussed and it was Mr. Robertson's feeling that where the borrower has sufficient equity that he can come within the limits established for loans, that this is sound business policy. It is actually less expensive to write a second lien that to refinance the whole mortgage. Kay mentioned that Section 7 was new. This allows banks to make loans to cover forest tract areas. Harris asked about fire insurance. Robertson said this had been considered but no one sells insurance of this type that he knows of. Work will continue on this bill tomorrow evening at 8:00 p.m.

The chairman called for a five-minute recess.

Mr. Jackson reported that HB-796 - Public Employees Labor Relations Act - having a CS prepared for this bill. Hopefully this will be ready for our meeting tomorrow.

HB-740 - Land Subdivision - Jackson, Miller. George Zmuda, Alaska Association of Realtors, appeared before the committee in favor of this bill. (Kay and Fink left at the recess) Banfield expressed the feeling of the people in this borough as being against this bill. Mr. Zmuda explained that this bill affects homesteaders and large raw land owners. Mr. Zmuda suggested an amendment on line 9 that would after the word "two" add "or more". Delete "more than". Miller opposes this change and Cornelius wants to make sure that a person should be able to get a lot from his neighbor without going through the platting board. Jackson brought out that if you don't make the change that any single division is not a subdivision. Miller hadn't thought about that phase of it. Adding an except clause was suggested and we will have to call upon Art to help us with the corre language. Miller moves that we make an except clause and also adopt the amendments that these men have made. The except clause should read: "Division of a previously subdivided lot into two parcels for the purpose of conveyance to the adjoining property owners is not a subdivision." This was unanimously adopted. Jackson presented two amendments that he had drawn. Miller suggests redoing the bill providing for division of land in sections of not less than 40 acres is not a subdivision. Amendment #2 by Jackson would not be necessary if the bill was amended in this way. This will be rescheduled for further work tomorrow evening at 8:00 p.m. We will get Art to draft the material for us. If we can reach this at the afternoon meeting we will take it up them.

Meeting adjourned 9:50 p.m.

JUDICIARY COMMITTEE
MINUTES OF THE MEETING
APRIL 15, 1970

The chairman announced that there were a number of meetings conflicting with this one, so he rescheduled Judiciary for 4:30 p.m. Later he extended the time to 5:00 p.m. at which time it was learned that we would not have enough members to form a quorum. The meeting was then cancelled. Jackson announced that there would be an evening meeting and that all items on the agenda would be put over until Thursday or Friday. He extended his apology to the many witnesses present for this meeting.

JUDICIARY COMMITTEE
MINUTES OF THE MEETING
APRIL 16, 1970

Meeting was called to order by Chairman Jackson at 4:20 p.m. in the Masonic Temple. Present were: Banfield, Metcalf, Harris, and Miller.

Jackson asked for the wishes of committee members to be expressed regarding bills in our committee. There are quite a few in our committee that deserve work. Banfield asked if a public hearing could be scheduled on SB-524 - Government employees, privacy of. A public hearing will be scheduled for Wednesday, April 22.

SB-98 - Highway Beautification - Banfield desires to have the people from the Department of Highways here when we discuss this bill. She noted that she moved it out of State Affairs just to get it out of committee and now wishes this committee to consider it. This will be put over until Tuesday, April 21. Dick Chitty of the Highway will be invited to attend by the secretary.

HB-636 - Game breeding - Miller - All this bill does is provide that you may have a game breeding area as long as you don't have less than 240 acres. This may be leased land or owned land. The type of birds specified are necessary to protect our own native stock. Birds released in these areas must be at least 14 weeks old. Keith Goltz from the AG's office conferred with the committee on this bill. (Fink arrived 4:30) Miller moves the bill out "Do Pass". Vote was 5-1. Metcalf signed "without recommendation".

HB-786 - Notice of Proposed Regulation - Miller moves it out "Do Pass." Keith Goltz was here to be heard on this bill. He said that he had talked with Av Gross and he recommended a couple more changes. One was to change subsection 3. This was agreeable to the committee. This change had been made in our committee substitute. Mr. Jackson read the proposed committee report. Miller restated his motion; Metcalf seconded. There was unanimous approval of this bill.

SB-469 - Alcohol related crimes - and HB-393 - Drunkenness - Cornelius and Kay, respectively. Glenn Wilcox, Coordinator of the Office of Alcoholism appeared before the committee in favor of SB-469. He brought out that the present law is violated by a great many persons when going on a picnic, because it is against the law to consume alcoholic beverages in a public place that is not licensed to sell same. A new subsection is added to define public drunkenness. Now, if you are drinking in airlines terminals, businesses offering services to the public, etc., to the annoyance of another then you are guilty of a misdemeanor. A fine not more than $300 or not more than 30 days. This change has brought the sentence down from 6 months to 30 days. This change is aimed at putting more emphasis on rehabilitation. Any rehabilitation that may take place, does not take place in the jail. Many persons who are picked up in a state of drunkenness do not have a home to go to or a permanent address, so there is no place to take them, except the jail. This bill provides that they be in jail for five days and then they can be placed in a rehabilitation program. Banfield asked who was going to pay for all this. The borough, HW, or who? There was no definite answer to this.

Mr. Wilcox mentioned that public drunkenness has been outlawed as a crime in 5 states. He indicated that this was a trend. Metcalf asked him what he meant by that when we have 50 states. Wilcox explained that five years ago there were none. Now we seeking to treat these people from a different approach--medical, psychiatry, etc. AA organization has been providing their services without cost.

The HB-393 - is Sackett's. the first page is essentially the same. Jackson likes the governor's bill - SB-469 - on its definition of crime. Fink felt some of the language was cumbersome. Page, of the AG's office, pointed out that the SB retained the aspect of criminal law. There does appear to be a wide area of discretion in the HB which in Section 4 people can be picked up and released. It is not an unlawful arrest, if not charged. Jackson explained how in Fairbanks they have a waiver and they can sign one of these two times, but the third time it has to go to the courts. Page noted that there would be problems in this area. One example he gave is when an officer releases the drunk to go home and he doesn't and causes some serious damage or performs a criminal act. Then the municipality could be sued, which has been done in the past. Harris suggested an amendment: "To the annoyance of another in a public place, or a private place not his own property or his own place of abode." Jackson suggested several amendments - Lines 11, 15, 16-19. This was to make sure that the judge could suspend the sentence to less than five days if he so desired. The problem of DT's was also considered. It was felt that in most cases this would have shown up by five days' time. It will be remembered that this is talking about 5 days in jail, but the confinement continues in some other area, hospital, etc. The only problem evident now is where it is taking place in a city, and the city has an ordinance that provides for a waiver. Where it mentions continued intoxication, how could this be possible when the person is confined in jail? We will not be able to finish with this today and Metcalf would like to have the Commissioner of Public Safety's opinion on these two bills. Secretary will advise Mr. Personnet - if he cannot attend a memo would suffice. Further consideration of this bill we be held on Wednesday, April 22.

HB-796 - Public Employee Labor Relations Act - The proposed committee substitute have been prepared with the requested changes. Jackson reviewed the changes that had been made. One further amendment was considered on line 11: "Employees in this class may engage in a strike after mediation and fact finding, subject to the voting requirement of (d) of this section, for a limited time." This amendment was adopted and the secretary will see that it is typed. Miller moves it out "Do Pass". Motion failed. Banfield would like to have Ernie Lahn and Mr. Hunt over here on this bill before we make the final decision. Harris moves it out with individual recommendations. Motion failed. This will be rescheduled for Monday, April 20. The secretary will invite Mr. Lahn, Mr. Downes or Mr. Hunt, and Mr. Berry.

Meeting adjourned at 6:10 p.m.

JUDICIARY COMMITTEE
MINUTES OF THE MEETING
APRIL 16, 1970
8:00 P.M.

Meetnng was called to order by Chairman Jackson at 8:10 p.m. in the Masonic Temple. Present were: Metcalf, Banfield, Harris, and Fink.

Mr. John Robertson, Division of Banking, State Department of Commerce, appeared before the committee on HB-643 - Banking Code. We had already considered six pages of this bill with Mr. Robertson, so discussion started with page 7. A lengthy discussion was held on the pros and cons of Banking Service Corporations. A final decision was not reached at this time. Section 9 was the next portion for consideration. Before going to that Fink suggested adding a new subsection definint a bank service corporation and stating what it could do specifically. Fink opposes this section, also. This allows leasing as a tool for lending money. Robertson stated that banks are not allowed to do this. Miller asks to strike this section. Robertson brought out that this is being used throughout the United States and that it will provide greater services to the bank's customers. The committee questioned Robertson on the interest rates. He did not feel that there had been any abuse in the higher rate being allowed but Miller and Fink disagreed and mentioned banks that were using up to 9½ per cent interest rates. Federal government tends to allow its organization within a state to do the things that the state allows, that is why I hesitate to start something new for this state. Mr. Jackson requested Mr. Robertson to submit additional material on the last two sections. Next section for consider was Bank Holding Corporations. This is a plan to encourage the smaller banks to combine into larger and more efficient units so they can enjoy the benefits of a wider scope of operation. Robertson recommends to the committee that while a committee substitute is being written on this that a new section be prepared and he will bring it back to the committee and have it inserted if the committee so desires. The committee would like to see a good definition of "company" and take care of affiliate interests, especially in a family arrangement. There was some discussion of alien banks, also. Pacific Rim trade was mentioned. Fink was for this arrangement and Miller was opposed. Because of our location, Fink felt that this development would be very beneficial. Miller didn't object if the money in the banks would be kept in this country. Jackson requested a memo from Mr. Robertson on this problem. Under Section 11, Mr. Robertson requested the addition of another subsection that had been omitted. Section 12 needed an amendment to that portion of the banking code where we set par value on stock. We are suggesting going from $10 to $1. Section 13 requires a $1,000 application fee for each new bank application. This is to allow us to make adequate investigation before giving approval for a new bank. Section 14 amends the present section in regard to conversions, mergers, and consolidations. This requires certain papers to be filed in these transactions. Fink has another amendment that he would like to offer. This was on trust banks and whether or not they operate as a trust bank or as a commercial bank. A trust bank in Anchorage has introduced a bill in the Senate to pick up some of the conflicts. They have suggested that we might pick up these things in this bill. Fink read through his amendment than gave it to Mr. Robertson for his consideration. This will be put over until Monday, April 20, 5:00 P.M. Special order of business.

Secretary will advise Mark Jenson and Behrends Bank that we will be considering HB-643 - Banking Code - If they have any views on this we would like to hear them on Monday, April 20, at 5:00 p.m. in the Masonic Temple.

Meeting adjourned at 9:45 P.M.

JUDICIARY COMMITTEE
MINUTES OF THE MEETING
APRIL 20, 1970

Meeting was called to order by Chairman Jackson at 5:20 p.m. in the Masonic Temple. Present were: Cornelius, Metcalf, Miller, Fink, Banfield, Harris, and Peterson.

First item for discussion was HB-796 - Public Employees Labor Relations Act. We have several witnesses who wish to be heard on this bill.

Pat Hunt, Director of Personnel, appeared before the committee in opposition to this bill. Existing statutes permit organizing and we just don't know what this will do to ASEA. They how have a large majority of the employees in their organization. He felt there could be conflict between civil service rules and personnel rules as now written. The state personnel division can accomplish these things without this bill. When asked just how this would be in conflict Mr. Hunt did not have a specific example to give. Mr. Fink brought out that the Department of Labor generally supported this bill. Mr. Hunt didn't think we needed all of the detail as listed in the bill. Mr. Fink asked what Mr. Hunt's position was on strikes. He stated that they are not specifically allowed but they are not disallowed. Cornelius and Miller brought out that state statute would take precedence over rules of the state regarding personnel. Hunt suggested that the attorneys should look to see if this is consistent with the Alaska Constitution. Miller endorsed seniority system and has seen such systems in operation. They should be coupled with the merit system. Jackson mentioned that federal presidential executive orders relating to recognition of labor unions are not in conflict with the CS arrangement. Hunt said that he believed that collective bargaining is put into the federal civil service. Mr. Hunt's position would be that he doesn't see what good this bill could possibly do. Miller asked him whether he thought this was a good bill or not. Mr. Hunt felt that this would cause fractionalization. It has in other states. Jackson mentioned that there were certain things that could not be bargained for which would cause no problem in Alaska. Banfield questioned Mr. Hunt about the number of unions in Wisconsin and also about our ferry system. He said there were 17 unions in Tacoma, as an example. Fink asked if the ferry system arrangement jibed with personnel rules. Mr. Hunt stated that by law these persons were not under the personnel system. Mr. Carlson spoke out at this time stating that in his opinion the ASEA agreement would stand and the people would not leave it and try to form another organization. There would have to be a decertification first. Then there would have to be an election. It is not customary in union circles to raid another union to start a new unit.

Ernie Lahn, ASEA, ----I have avoided being heard publicly on this bill. First reason is that our association does not have a firm position on this bill. Other states have more experience in collective bargaining than the people of this state. I do feel that every groups of employees has the right to be represented. I am convinced that this is the most direct route to resolving employee problems. I think Mr. Germain hit a keynote when he testified that both the employee groups and the employer groups were immature in this area. Collecting bargaining is the more efficient of resolving

difficulties. Jackson will continue on this bill tomorrow afternoon. Miller moves the bill out "Do Pass" Fink questions whether or not ASES can continue to function as is. Miller agrees this should be looked into and withdraws his motion. Banfield is in favor of collective bargaining. Mr. Lahn assured the committee members that he was not trying to kill the bill. I would like to make sure that all people concerned could live with it. If we could have three or four days where we could work with Mr. Hunt and Mr. Carlson and provide some new language to cover the areas in question. Jackson asked Art to check for constitutional problems. This will be put over until tomorrow, April 21.

Police Investigation - Fink would like to make a report. Mr. Metcalf called Roberts after the meeting with Scott. Then Roberts called me. He mentioned that when Irv called him that he got a hold of him through the police department. He knew that he would be called in about the call from Juneau. We should call in Personett or Calhoon. He has been with the force about 20 years and work until he retires from the force. He thinks that things are in a very unsettled situation. Personnet was a better man than Underwood. It needs a lot of change. They have booted some competent people out. He personally isn't dissatisfied enough to leave. He enjoys his work. He has been in his present position for quite some time, but that is where he likes to stay because he doesn't like politics. He does the civil process for the court. He is about 48 years of age. Jackson requests that Fink contact Personnet and tell him that the committee will be talking to him as a committee. Miller asked that no names be mentioned. If we make proper records of our work, it will be easy to document this for the next legislature. He mentioned that he would be running again. Fink stated that he would like to have a committee letter go to Personnet and Calhoon asking about hiring and firing practices and police brutality. We would then have an executive meeting. Jackson would like to have Tom draft the letter to the commissioner and then he will sign it before tomorrow noon. Mr. Fink and Mr. Jackson will talk to him before the letter is sent as a matter of courtesy.

The Stevens Village investigation will be held tonight at 8:00 p.m.

The Banking Code will be continued at 8:00 p.m. April 21.

Meeting adjourned at 6:10 p.m.

SPECIAL JUDICIARY SUBCOMMITTEE

MINUTES OF THE MEETING
April 20, 1970
8:00 p.m.

The meeting was called to order by Chairman Fink at 8:05 p.m. in the Masonic Temple. Present were Miller, Cornelius.

Fink gave a synopsis of proceedings so far for the benefit of Mr. Cornelius who had not been present when this problem first came up.

Friday Mr. Young brought up on the floor that he had information from the council in Stevens Village that they were not in favor of an injunction and he questioned the propriety of the suit. John Sackett felt that things were in order. Saturday Mr. Fink met with John Hedland and went over copies of the complaints. I have copies of the papers for the litigation signed by Mr. Evans, president of the council, Mr. Smoke, Mr. Silvers, and William Pitts.

I have a resolution dated in January signed by the native villages of Minto, Rampart, Alakaket, and Bettles. (There was mention of the DNH corporation at this point.) They wanted to revoke the release from all claims for right of way.

There was complaint of the suit of the various villages and natives against Hickel. (Peterson arrived 8:08) I have copies of the complaints and amont others Allakaket, Bettles, Rampart, Stevens Village filed suit against Keith Miller, Beardsley, and Kelly.

We have requested a copy of the OEO Guidelines on legal services. (Metcalf arrived as a spectator at 8:09)

There is also some information from Alaska Legal Services.

Copies of this information will be made for all subcommittee members.

Cornelius wanted to ask some questions before he left for another meeting. What is DNH? Ans. It is an organizations consisting of natives organized by the Tanana Chiefs to take care of the contract rights of the villagers. Are they a client of the ALS? Is DNH a profit-making organization? Ans. It is hoped to be. Does Legal Services ordinarily represent profit-making organizations? Ans. Yes. When this initial suit was filed, was this done after legally constituted meeting of the Stevens Village council including 30% of the people?

Fink asked him to hold his questions and allow the witnesses to testify first.

First Witness: Don Young: (Miller asked whether or not the testimony should be recorded. He meant with a recording device. No arrangements of this effect had been made. The secretary will take as complete a set of notes as possible.)

I may ramble a little on this. You have heard Friday's discussion and the orientation on the floor and you have had about enough of it. At ~~that time I was not attacking~~ ALS

that time I was not attacking ALS. Stevens Village happens to be a village that I represent even though I don't get that many votes out of it. It is my duty as a representative to inquire into any problem in my area. This was the sole purpose of bringing it to the floor. To try to defend the village. They will be thoroughly jeopardized now and until after all the oil is gone. I am going to do something tonight that - maybe I shouldn't do. I made some allegations and they were wrong. After cooling down I went through all my records and found that there were two letters written. One to Isabel Holm. This is the one I have the answer to. I offe my apology to Mr. Croft. It is basically the same letter but it is pleading the cause of the state. It wasn't in the form that they would not receive certain things. It was a representatives' inquiry of those people, the same things that I requested of Isabel. Many times the people are not present so I dealt with someone sho knows what is going on, and that is the postmistress. The answer to my letter will be submitted. (Ex. A) He next submitted the letter to the village council as Ex. B. This is where we have the heat of the battle. I apologize to Mr. Croft. They are basically the same letter. After this occurred, I contacted a friend. I have a good personal friend, Joe Nichols, in Fairbanks, and I called him. I said, "Joe, I have a letter. Are you going into Stevens Village in the near future? If so, would you find out exactly what happened? I am sending a letter to Charles Evans and asking him to answer." The letter and the man arrived the same day. I received a letter back with an answer. The letter he sent back to me that has caused so much trouble. (Ex. C) Next letter presented was on DNH as Ex. D . When I received that letter, as a legislator, I was in a quandary as to what to do. ALS asked why I didn't come to them. I was at a loss as to what to do. I believed that these people did not know what they were doing. Anybody can sell me anything if they are smooth talkers. Same way with the natives. I went to the only lawyer I know that represented the people in the state of Alaska. I went to the AG's office. I asked for a legal form or affidavit. I requested that they send the AG in Fairbanks, Steve Cooper, into Stevens Village to find out if the natives had been consulted, and if they had voted on this issue. This is what I requested. (Ex. E) The original of this has been turned over to the AG's office today and another copy has probably gone to Washington, D. C. The originals of both (Ex. E and Ex. F) will be provided for the subcommittee as Ex. E & F.

My opening statement was that I had no argument with ALS on Friday. I was trying to protect the people from Stevens Village from being abused. In doing so, I had to bring these things to light. This has been a remote area for a long while. I know that I can go there and receive a reverse affidavit to the one that was read on the floor today. I want to make sure that the people who represent the people in the villages cover both sides of the issue.

I will state what your purpose of a hearing is in this committee. The ALS and the committee want to see what happened before this was ever brought to light before this was ever considered. Did they truly represent the people in Stevens Village or not? Were the legal governing bodies consulted? If they were not, then the statement I made was true, then my information was true. (Miller - What is your opinion on whether the people were approached and fairly treated?) I would say this. The Stevens Village people probably received more benefits locally but did not know that the information was going to be filed. Now, were they fairly treated? I don't think that they were because they were not exposed to all the facts.

Fink: It appears to me that we are going to get contradictory affidavits. The original ones and the ones that you received. How will the committee solve this?

Young: I don't think we can solve this. The people of Stevens Village will have to solve this. The committee and ALS should be kept informed. The sad part about this is that the people in the remote areas don't really know. It is like they mentioned on the floor. Bill Carlowe, He is a native man. If they know this would jeopardize their jobs and their situation they never would have done this. It is so easy to go in and sell something to a group of people that don't really understand. If I think they fully understood this, I wouldn't be so concerned. They referred to the ecology and the game. There is nothing I can see that mentioned the litigation. The people of Stevens Villagers are the persons that have the legal need to be given both sides of the story.

Cornelius: Don, have you been in Stevens Village since this issue arose? Who drew up these papers? Do you know where he got the information to draw up these affidavits? Did he contact the natives before he drew up the affidavits? To

Young: To my knowledge, he flew into the village to inquire about the letter.

Cornelius: You don't know the source of this information.

Young: This is information from the council of the village.

Cornelius: Have you ever found out whether this initial action was taken in a duly constituted meeting of the Stevens Village Council at which time ALS would file an injunction to stop the pipeline?

Young: The countil never met on the injunction and the affidavits were sworn to.

Cornelius: Were they informed that an injunction would be requested? Were they told of any course of action that the ALS might take?

Young: I can't answer that. They may have. If they were, I don'e know why Isabel in her answer stated she knew nothing about this injunction. She is the postmistress. She is active in village affairs and knew nothing about it. That is what prompted me to do what I did. When the suit was originally filed, it stunned. me. Even more so when the injunction was granted. This is what prompted me to write these two letters. Haxxexxxx

Cornelius: Have you inquired about their arrival? Would it be a charter airline?

Young: Legal Services. Definitely. They went in on Saturday and are here on Monday.

Miller: I would respect your secrecy regarding the individual. Is it a person that would know these things?

Young: The person I am referring to has access to all persons entering or leaving the village.

Cornelius: Was he ever in Stevens Village:

Young: I don't think he was.

Miller:; Would you recognize signatures of Evans and the others?

Young: Yes.

Miller: In the council how many votes would it take to be a majority? The chief, is he an ex-officio member?

Young: He has a vote because they have a vote in their capacity.

Miller: This is a majority of the council?

Young: I had no knowledge of any of these. The action I took was not before I knew.

Second Witness: Robert Price, AG's office. At this time I would like to perhaps correct the record. I really believe that the information you are looking for is something like Mr. Young submitted. I would merely like to comment on a question by Mr. Miller. Affidavits which had been brought back to Juneau and secured by Mr. Stephen Cooper, District Attorney in Fairbanks--I discussed the affidavits with him after his return from Stevens Village on the 14th. He said that he put the affidavit before them but he first discussed with the villagers just what had happened. Same kind of factfinding that you are doing tonight. Then their own language was put in the form of a statement which they signed. That is the only statement that I have at this time.

Miller: Was any motion for discovery made?

Price: As far as we know we have not been served a summons. It was the inquiry of a legislator that wanted to know what had happened to the people which he represented. The AG has broad powers. Merely to determine what set of facts or circumstances were true. Di

Miller: Did the state at any time enter into amicus curiae? No.

Price: No. It depends upon what stage. There are three different lawsuits. The one is in Washington, D. C. There has been a preliminary injunction against Secretary of Interior Hickel. The state is in no way involved but is an interested party.

Miller: Are there any suits against the state?

Price: There is a complaint against Miller, Beardsley, and Kelly. This was instituted ten days ago. The state has not as yet received the summons.

Miller: Was your Stevens Village inquiry prior to that suit being brought?

Price: Probably. We still have not been served a summons in the suit.

Miller: At the time Steve went up there were you anticipating that the state was going to be sued?

Price: Yes. We had been suied but we had not been served. Yes, through the newspapers.

Miller: Was your action in contacting the village not involved with that suit?

Price: I really don't know. It may have been. Our greatest concern was in regard to the Washington, D. C., suit.

Miller: Were the documents you received in the village used in any way in any of these actions?

Price: They have not been used. They have been transmitted to the Department of Justice.

Miller: For use in that suit?

Price: For whatever use the department sees fit to make of them.

Miller: Do you have any idea as to what that might be?

Price: No.

Miller: Do you think it would have any effect on the suit as filed?

Price: I would assume that it could have a certain weight. XX

Miller: As it is now, do you still have the decision that you have to file a motion of discovery?

Price: We are still only an extremely interested party in all the suits filed. We has not yet been served. It is my knowledge that there is no litigation until you are served with summons, especially since this is more than a week ago. XXXXXXXXXXXXXXXX

Miller: You can file an Answer without being served, can't you?

Price: I am not aware of this.

Miller: Then in your testimony to this committee, your testimony was prepared in the villagers own words and transcribed from them.

Price: It could have been recorded, but wasn't.

Third Witness: Alaska Legal Services - There has been a tremendous amount of unsworn statements of an unidentified third person and certain conclusions by various witnesses. There is the point that the Executive Director was not in Stevens Village and statement by Mr. Price that the affidavits were obtained by Mr. Cooper after talking to the villagers.

Mr. Croft: I am interested in the scope of your investigation or inquiry so far as it relates to determining if they have the authority to institute suits as they did.

ALS: We do not plan to submit such evidence. The reason is because this constitutes correspondence between the attorney and the client. We do ~~not~~

not have authorization from the client to release the correspondence that we have had sent to us. We would not in the presence of the AG's office give information regarding our strategy in this case. It is unfair to expect that we would come before the committee and tell them everything that we had advised our clients. We are willing to show that we did have authority to do what was done. We obtained the authority initially. We have affidavits which are not part of the litigation but are related to the inquiry here. We will present these. I am curious as to the scope of the committee in this case.

Fink: There were no specific guidelines. A question was raised on the propriety of a profit-making corporation being represented by ALS. We are just trying to see what everything looks like. Judiciary Committee might have an interest. We are not asking that the AG's office or ALS give any attorney/client information.

ALS: I just wanted it to be understood that we are willing to cooperate with the committee. Our clients have the same rights and respect as other clients. It is a matter of great public interest to the state. We will certainly within our limits answer your questions. David Wolf and John Hedland are here to testify.

Miller: As I read that authorization, I wondered how suits are brought against the state. Certainly that might be something to be inquired into.

ALS: The one interested in this is the Secretary of Interior. Authorizations is not as broad as the action that is taken. I don't intend to be limited in any aspect. I wonder about that authority, it if has not been exceeded. John Hedland is on the Board of Directos of Alaska Legal Services and David Wolf, is Director of Litigation and supervisory attorney in Fairbanks. William J. Jacobs is present director of ALS.

Miller: John, what is the scope of the authorization granted to Bill Jacobs and any attorney that he cares to associate with?

ALS: The affect is to permit and authorize ALS to take any action including litigation directed at restraining the grant of a pipeline permit by Hickel. Then the action of the governor. ---against construction of the pipeline or the road. He was going to authorize road construction himself. Secretary of Interior notified him and requested his assistance. He then went to the Interior and Insular Affairs Committee to see whether his prime action in lifting the land freeze would authorize this action. So any action TAPS took did not affect the building. It is planned that the pipeline----------bythe Secretary of Interior, unless a road is built. I believe that the scope of this committee is necessary. Prevent TAPS from building the pipeline across land owned and claimed by natives.

Miller: Were you authorized and directed to take any action to release a claim granted on the pipeline system?

ALS: That apparently is a contract. -----right to do anything you can to release that claim. The second goes to the Secretary of Interior regarding the right of way. The governor took another older authorization.

It has the provision that he can grant the right of way. ---and he has taken these steps. Suits have been filed on this. The only suit filed against the state was directed at enjoining ---------federal court in Washington in the case in which we are not involved. The Secretary of Interior has no authority to issue right-of-way permit for a road. He cannot issue a pipeline construction permit----------there will be no answers for it.

Miller: Do you have an authorization from the Stevens Village Council to sue the State?

ALS: Yes, we have now.

Miller: When did you obtain that?

ALS: 18 of April 1970.

Miller: You feel that the authorization is broad enough?

ALS: Yes.

Miller: If that was so, why did you feel it necessary to obtain further authorization.

ALS: This was when the newspaper reported that we were involved.

Miller: You were given authorization on Apriil 18 to continue the suit.

ALS: I was aware of the fact that they were circulating these documents since last Tuesday. Nobody from the AG's office had been involved in obtaining them.

Miller: This authorization signed by the Village Council, where is it?

ALS: It is not on here. It was signed on the 30th of January. This was in the possession of ALS when they entered the village. It was the intent of ALS to ask for this authority. We had previously represented the DNH corporation. -------about our inability to get contracts from TAPS. They thought this was their right in the agreements with TAPS. DNH was the beneficiary of the arrangement between DNH and TAPS. If they intended to rescind the waivers as a means of putting pressure on TAPS then it would be necessary for the villages to execute the recision. The firm, DNH, without the ALS, and obtained from them permission to rescind the waiver. One further thought before I became involved in the matter---ALS went back along with people from DNH. They would have to themselves rescind the waiver. We had forms as well as the authority from----------. When problems like this come up, we want evidence that we have been acting on the request of our clients.

Miller: Was Stevens Village your client?

ALS: It was not intended to obtain them as a client. Yes. To solicit them as a client. We were seeking to protect the rights of the DNH Corporation.

Miller: You also sought authority from the Council?

ALS: They had already given authority through DNH to rescind the waivers. This is the resolution about DNH.

Miller: Is ALS authority the same as any other attorney? Can you solicit clients?

ALS: Yes. We have been instructed that it is our duty and our right to adivse a person whose rights are being violated. This was the result of an informal complaint. We were instructed to do it and criticized because we did do it. We have concluded that it would be proper where a practice that is detrimental, even if he does not request it. We sent it to the ethical matters for the Board of Governors. After the meeting I talked to Skip Matthews. Merely advising the client does not mean that you go out to seek a client.

Miller: Didn;t you have to have the client come to you first?

ALS: Yes. Supported by United States vs. Button. In this case you had prepared authorization with you when
Miller: In this case you had prepared authorization with you when you went into the village to have them become your clients. You feel that you haven't solicited them?

ALS: I don't think it is improper for any attorney to suggest that the third party become a party to the action. We represented DNH in their request. The only way to protect the interest in the contracts was for these other parties who had made a contract for the benefit of DNH to support this other action. [illegible]

Miller: In order to adequately represent my client, could I go out and solicit another client. Example was in an airplane crash. I needed further evidence. There are three or four other survivors. Not because I wanted the additional fees, but I wanted to get further evidence for my own case. I need that other client so I could adequately support my original case.

I have read your complaint. The authority that you had at the time authorized you to take such action as was necessary. What did the villagers consider just compensation?

ALS: They considered this as preferential hiring. ----and in contracts in DNH.

Miller: Suit against Keith Miller has nothing to say about compensation or contracts. If you don't mention what your authority tells you to do. You are to do these things until just compensation has been made. It is our view in the action of the ----------governor would have been illegal. Is it your view or is it your people's view? I have made my own judgment on that point. Should not you have received an authorization as broad as your action?

ALS: We have already received that, in my opinion.

Miller: You consider that a ratification?

ALS: As I read the authorization, and perhaps I am wrong. This authorization authorizes whatever action is necessary to stop taking land for the pipeline until they had been adequately compensated for this. XXXXX

Miller: What is the precedent for "any action"?

ALS: It is limited by practical capability to do something for his client. Getting a release to these claims. --------limited on the right of way against Hickel.

Miller: Seems to be a very limited authority.

ALS: Our action was authorized and it was the understanding that the village authority covered this. There has been a lot of talk about the time the AG went to Stevens Village to speak to our clients to get them to sign papers to drop our lawsuit, but they say they haven't been served so there is no litigation.

XXX (Second witness for ALS) The position of the state at that time we have been told is that the state was planning to intervene in the Washington action against Hickel and had in fact filed documents in support of this. Take an active part in the litigation. In my mind, there is no question that this action was proper.

Wolf: I suppose it is an aside at this point. Compensation. There isn't a legal provision for the type of land you are dealing with here. There is no recognized provision where you could sue for the money involved----------is to insist through that injunction until the consent is given. That is why both suits say nothing about money. There are many provision for just compensation. XX

Miller: Do you have an opinion as to what "compensation" means?

Wolf: Originally in July of 1969 the Tanana Chiefs had a meeting and they agreed on what it meant. I don't know what they did consider proper. I have no answer.

Miller: What about the subject of "eminent domain"?

Wolf: We are talking about a right of way. I am not sure that they do. ------over private land now. Villages claim this land. Title is not the same as what you and I own. It is unique from all other titled land. It is in some other form. There is no analogy.

(Five-minute recess)

Croft: I might say that I discussed what was my understanding about the question of authorization. It has been my understanding and it is now that the suit originally was instituted against the Secretary of Interior Hickel enjoining him from issuing a permit for the pipeline. The governor shortly thereafter announced that he could issue the needed permit for the right-of-way for the construction of a road. Indicating he did not have to wait for the authorization from Interior to go ahead.

It was the opinion of ALS that if a permit were obtained by the governor of Alaska that the governor could authorize the Secretary of interior to construct the pipeline. Since the basis of our suit had nothing to do with the ecology.

Wolf: I went to Stevens Village and other people went in there at my direction. Yes, there were forms prepared ahead of time so that one action would be large enough to cover everything. Preparatory to going, we were representing DNH and they had gone to the villages and obtained the resolution that I gave you. The village of Bettles signed their resolution and sent Evans to Fairbanks to sign. He came to my office. He signed that resolution in my office. By then several days later, we had decided that that did not suffice in the situation. It was in my office that Bettles signed their authority. Having discussed it iwht the village council with no one present. I didn't go to Allakaket. I went to Stevens Village with Ruby. I did not go to Minto. Others did. Ruby and the lawyer who had gone to each of the other places also a law clerk. ----------we spent three or four hours. In Evans home. All members of the council were present. I had a stack of these authorizations And the recisions. After an hour and a half of talking----then I gave one copy to everybody. I explained all terms contained in the papers regarding any action we would be taking. I don't think I solicited these people as clients. You don't go in with an authorization saying you don't do anything. I don't think the situation was the type of situation that we had the authorization to do.

Miller: Was a village meeting called where 30% of the people were present?

Wolf: We advertised over the radio that we would like to meet with the Council. There were several other people who wanted to sign but I told them I didn't think they should sign. A village meeting calling for 30% of the people signed the agreement. We did not ask for a village meeting. XXXX

Wolf: No. We had a slight amount of money which carried us a way this year.

Miller: You are a public organization (ALS) a nonprofit corporation?

Wolf: We have contracted with the federal government to render legal services on behalf of poor people in the State of Alaska. [illegible]

Miller: You have borrowed this money to continue your operation now? How big a budget do you have a month.

Wolf: We have the figures for 14 months. We have used approximately $490,000 in the 14-month period. We have applied for approximately $460,000 for a 12-month period. $40,000 or less per month.

Miller: Where have you obtained your funds to operate?

Wolf: From Rural CAP. Authority camr for OEO out of Washington, D. C. to lend the money to ALS.

Miller: That has been your sole source of support for the last two months? Have you obtained any funds for this project from any conservation groups?

Wolf: We have two other sources of funding: (1) Services allegedly rendered by contributions in kind, and (2) we have three foundation-type -----of attorneys-----pays salary------is paid by the foundation but we supplement their pay. We receive no contributions of any kind. Attorneys have done this without charge.

Miller: Did you personally go back on the April 18 meeting? Why did they change their mind from the affidavit from what Mr. Young had?

Wolf: Mr. Evans gave me two documents - signed. Five----one from each village council member. Horace Smoke's affidavit is the most interesting. This is after the village council meeting, April 19. He said he went to Evan's house--this is taken from affidavit. The rest of the affidavits indicate that the letter was signed by all village council members. Written by Allan John after Nichols came on that Saturday and had it in his possession when Bill Karlow came in on Monday. ----FNA meeting that week on Tuesday or Wednesday night stating that he was taking this letter to the District Attorney. What happened to it, I don't know. Steve Cooper typed up a version of that letter and had everyone sign it. This was going on at the same time. ---------handed out other affidavits. There was a great deal of tension when I came to the village. They felt that a village meeting ought to be held. There was one held from 4-7 p.m. on the 18th. After that meeting that Evans showed me the two documents sent by Cooper. Until that time----------that the council members told me about the affidavits. I knew Cooper had been there, but I didn't know what was going on. At the same time, there were other people ------ AlKetsler was in attendance at the committee meeting---also a BIA official. -------get the air cleared was my intent. This was typed in the village. The rest of these were handwritten. This explains that there was a village meeting. There was some confusion because Evans did not show the other council member the letter that I had sent and in fact he had

not opened the last one I sent. Two members were not in town at the original decision. Also the letters had not been distributed. There was some confusion as to what was going on.

Fink: I cannot understand where they sit. The one form by Evans to Young. Did Mr. Evans write this letter:

Wolf: Yes.

Miller: Get Don Young's permission to let someone see the documents. What we wanted to know was whether or not these people have been misled and whether they do or do not want an injunction.

Wolf: On April 18 there was a meeting. There was the Chief of Minto. There was misconception in the press. Minto and Stevens Village really are IRA villages and the law applies the same. Allakaket, Rampart, and Bettles are not IRA villages. The regulations that apply here are different. Brings the same result. Judge Hart heard arguments with respect to an IRA village and decided at 3:00 that he would issue the injunction as from Stevens Village even though Minto was only a mile away. Minto was not included in the injunction. At the time the attorney asked the judge if he would like to hear about the other three villages and he said no, not at this time. I don't need to talk about the other three villages. Their claims are still alive and they are parties in the lawsuit. Minto's claims seems to be unclear. Because of the confusion there is no injunction from Minto.

Miller: How do you reconcile the affidavits that are entirely contradictory? In one case they say "Yes" and in the other they say "No" we do not want to have anything to do with this. Do the people know that they are suing or not? The villagers signed the papers to tell you to stop the lawsuit and they refused----------state officials at state expense that they would get such things as power plants and freezers because they were visited by the AG's office and Representative Young told them that they wouldn't get an airport. The state official Nichols ---------- in----------He did not file a law suit because he had children. There is a great deal of trouble. People losing their jobs. There are no jobs for negroes or natives----------this was to provid projects in the villages through a state office. The very same things that the people say they want. This man goes on to ----------to the village and tells them that they are going to get these things. He also told them they should drop the lawsuits and to be careful because of their children. ----------and with the AG's attorney telling them to drop the lawsuit.

Miller: Did someone tell them that the state would lose a lot of funds if the pipeline was stopped? Was the economic effect stated to them?

Wolf: The original discussion at the first meeting----------I feel I cannot tell you about this.

Miller: Do you have any objection to have members of this committee go into the village? How long have you been in the State?

Wolff Two years in Alaska. Both of them.

Miller: Are either of you Earth Project or Sierra Club members?

Wolf: No, It is not the intent of the villages and ALS to stop the pipeline. There is no way the villages can get favorable results---- was to have the pipeline. Get themselves jobs and contracts in the construction of the pipeline because their land and subsistence economy is going to be affected by the pipeline.

Miller: Hasn't their action stopped all the rights? What rights do they have left now that the injunction is in effect? It is the reason that the pipeline isn't being built------because of the Stevens Village injunction. Do you not contend that Secretary Hickel gave them authority that he would be cited for contempt of court? If this is so, you continue what is the most important to you or to Stevens Village.

Wolf: I said it was my judgment as to whether this could be legal authorization for the road. The value is the same for any person. If If somebody is going to take your land without paying for it---------- There is nothing that would match a monetary settlement. The injunction says that the secretary is enjoined from issuing right-of-ways--------- ------pipelines without consent of the villagers.

Miller: If the people wanted to give their consent, would they have to talk to you in order to consent? You would have no objection to them entering into such an agreement without your authorization?

Wolf: If I think they are making a mistake. I would give them my opinion.

Fink: May I ask you when you became involved with DNH?

Wolf: In the last couple of weeks of January 1970. I knew the people in DNH and knew about it by also being contacted about legal problems. DNH organized in 1969.

Fink: It is your opinion that 9,000 Athabascan Indians---------- being held in trust to have a roll call. All the people in the Tanana Chiefs. All are equally stockholders. When were the waivers signed?

Wolf: July 27, 1969. The following month DNH was organized. They have 8 o r 9 on the board and they have an executive board of three.

Fink: Do they have a full-time chairman?

Wolf: Tim Wallace and Ruby Tanzy is Secretary/Treasurer.

Fink: When they felt TAPS did not cooperate, they felt their agreement was being breached?

Wolf: DNH said we are not doing business with you. The villages ought to consider revoking your provision because we haven't lived up to their agreement. I don't know what Tim said. ----------without any lawyers going out. Tim went out first. No one from ALS was present.

Fink: You had nothing to do with DNH xxxpxxxxxxxxx operations?

Wolf: I did not go out when it was signed. Xxxxxxxxxxx

Fink: You did not represent the villages at this time?

Wolf: It was subsequent to this that you ----------

Fink: Did you adivse these people to go to the villages?

Wolf: I think, the decision had already been made. He had sent a telegram on the 21st. --------was sent to Hickel and oil company------ because of the problems DNH was having with them----------/

Fink: You knew at the time of the resolution that this was being done?

Wolf: Yes, the question was with some of the wording.

Fink: You went to the villages on the 18th and talked to these people and at that time they advised you that they would like to drop the lawsuit. Did they advise of the affidavits given to Do n Young?

Wolf: They indicated some documents had been signed, but did not tell me what they said. I asked them about this.

Fink: Were they sticking to that story when you arrived there?

Wolf: The council didn't meet and make adecision one way or the other.

Fink: Didn't they meet, the entire village, the time you were ther?

Wolf: They wanted the shole thing to be ----------. We did not have enough funds to stay long enough to have a village meeting. There never have been any of these problems. There was a meeting of the whole village.

Fink: What did they do at the meeting?

Wolf: They discussed whether or not to continue the suit.

Fink: Did anyone speak on the opposing side?

Wolf: Yes. I am concerned about that part. Discussed if the records that had to do with settlement----------. This was at that time. It is not a privileged communication. The whole village is a client. I don't think it was an open meeting. ----------times others were asked to leave. Larry Braaten was there and the council asked that he leave. This was because they thought he was a newsman. I told them that they could ask him to leave if they wanted to.

Fink: You more or less directed the meeting while you were there? You gave the best legal advice to them?

Wolf: I told them what the choices were.

Fink: Actions of a city council---is that the hearings are public records. Do you not consider these council meetings as public records?

Wolf: I dont think so when you are involved with a litigation possibility.

Fink: Were there other people there other than natives?

Wolf: Yes. Me, Larry Braaten, and Larry's wife.

Fink: Is the postmistress there a native. Are they all of the descent that they would own property in the village?

Wolf: -----have these rights under the 1934 Act. Yes. I think so. If you are excluding people who have rights under the IRA village Act. Evans has lived in the village ten years. He was born in Rampart. They have the rights of the villages that they are residents of.

Fink: They have given affidavits two different ways. Do you consider that area privileged?

Wolf: I told them now that it was going to this committee and it would be public. They are privileged communications.

Fink: Either in your documents or in the ones Don Young presented to us?
Wolf:
I think the one with the affidavit that I know of signed by five members of the council referring to the first meeting---------I think that was confidential or privileged. I would be willing to consider it if the council said "Yes".

Fink: ------waived where you give a public statement. We have three statements here on this. Do you still consider those privileged even though they have become public documents?

Wolf: I don't think they were the free choice of the villagers. Nichols ------Frank Gardner------three hours is how long they were there.

Miller: You are saying due to the fact that some of these things are documented that they are not freely given. Even though they have been made public.

Wolf: I think so. -------any subject that might relate to the affidavit.
Mil: If the affidavits were used in court--------. ------could be opening yourself up for some sort of cross examination. You got involved with the villages because you represented DNH and this was necessary for you to do the best job for DNH. The

Wolf: The village members are stockholders and DNH was third party beneficiary.

ALS (Third witness) Any settlement that would come at the time --------- and it would go to the villages. It was doubtful that DNH would ever profit from the lawsuit. We went in because of the involvement of DNH.

As a result-----one village coming to my office. The way things stand now, the villages are the prime client in the returns from the lawsuit. It cannot go directly to DNH and they may decide not to give them anything. ~~Why did they not file against labor unions instead?~~

Miller: Why didn't they file against labor unions instead?

~~W~~ ALS; Jobs seem to be emphasized. Some were actually employed while we were there. Some eventually got jobs on the ice bridge. ---------- merely compensation for a piece of property. This in the confusion of the press is being overlooked.

Miller: What is the stake?

ALS: It is a lot more than jobs. The value is greater than jobs on a pipeline or road for a year or two. Villages need water, airports, power plants, and other things. This is what they want in exchange for this property; not to be under BIA control, but have some economic base for that village. That is worth a great deal more than jobs. I believe jobs is only a smoke screen. It was in the paper that a member of Legal Services said that. How could you limit it to jobs? It would give them an opportunity for training and money that would not be available for just mere jobs. I was going to say that the article he was referring to --------jobs and construction contracts----------. Refusal to settle on jobs and contracts. (Croft read an article from the Saturday to the committee.) One of the reasons for DNH was to perform contractual services and not just perform manual labor.

Miller: When the waivers were given by the villages, were they for jobs or for contracts?

Hedland read some information regarding this to the committee. Wolf read the covering resolution. They do not want to stop the pipeline but want to profit from it. These papers were drawn by Barry Jackson.

DNH------Ketzler and Mr. Sackett. There have been some allegations that the villagers are not kept informed. There are 12 affidavits signed. Miller would be in favor of asking authorization for the committee to visit the village to talk to them regarding this.

What would be the purpose? (Five-minute recess - 10:30)

ALS: Our position that we are not at this time willing to give conse- t on behalf of ourselves or our client. We are not capable of making our own decision. Not without conferring with our clients. I don't think the committee has to get consent from anyone. Maybe not as attorneys, but if we go over there as laymen we probably would have the right.

Croft: I think there is a concern on our part and we would like to investigate it further with our client. As to the committee coming into the village and investigating--nobody has suggested that the attorney for TAPS could be called in and asked any question about TAPS. There is some reluctance on our part in the behalf of our clients.

Miller: It is not to investigate attorney-client relationship, but to determine the two sides of the issue that have been charged. Why did

they give Young affidavits and you affidavits? Signed by the same people?

Ketzler: Tanana Chiefs and a little insight into the indians. Different when dealing with the whites, attorneys, and others in authority over them. Through the years, I have been involved in the Council at Tanana. I have gone through this process. The whites, attorneys, agency heads come in; have all the education; things we don't have. They say we will give you this if you do this for us. So they do it. Without any thought to their legal rights. This is the case in Stevens Village. The people came into Stevens Village; talked to them telling them----------. When it ended up I would sign anything. When he went in on the 18th.------- being head of the AFN. I look at both sides of the questions. Trying to determine what the affect will be. When I went in to the meeting I tried to give them the proposition and what their legal rights were. From this meeting and the one from Minto, who believes that they have legal rights? They made this decision. You could lead them with your questions and get anything out of them that you want. Someone would have to know exactly what the legal rights were. ------not what they know to be right but what they think that you want to hear so you will go away.

Miller: By your comments, you think that we are going there to get support for some attorneys. I would like to ask why they couldn't have signed without the influence of anyone. Just ask the individual natives what they want. Forget what anyone has told them.

Cornelius: Their attorneys should have a right to be present so that they would know what was said at this particular meeting. I don't think the committee needs our counsel to do this. Now we are not going to tell you how----------. This is an unusual assigment for this committee. We needed to know. We can't get answers from you. Letters go to the people.

ALS: (FIrst witness) Will they believe that you have no interest?

(Second witness) Another problem you have to face. People who have never had these rights----------litigate before. Or had anyone ever considered that they had rights to this land. Hickel tried to issue permits denying they had any rights. It took a court order to stop that. ----------should have hearing is a problem for people that are not used to or part of extensive experience in owning property. They are in a terrible crises. Not something they have ever done before or do everyday. When a legislative committee comes in what are they after and what do they want me to say. I think you have to recognize this fact.

Miller: If this is true, if whatever they say is what you want, you have a problem.

ALS: I have made a recommendation that they had rights to this land. I would protect these rights. Problem I am raising is not limited to Indians.

We are representing people who have never been represented before. Especially in the big suits and the pressures are great. If you go in there now, I am not sure how these people will feel. These people are involved in the native land claims. They are not under pressure like this. I would like to ask one thing--doesn't anybody think that it is unusual that this committee would inquire into the attorney/client relationship? Nothing unusual??? Sending the District Attorney into investigate between the villages and the attorneys. There is not a single member of the legislature or the AG's office that would suggest that the legislature should inquire into the delay by the TAPS----------. advice given about the method of obtaining the rights-of-way. They don't think of talking to Humble Oil without seeing their attorney.

Cornelius: In that case----------TAPS at their own free will, while these attorneys----------. In this case, how do you render services covering legal problems in the bush unless you go there? Now as to Stevens Village, when you go there it shouldn't be to see if there is a problem. In that case, you would have to go to every village.

Price: Re what the action of the Attorney General has been in the case. We had been consulted by a legislator about a problem which has been noted affecting citizens of the state. There was a question of whether or not there was adequate representation. Representative Young sent someone. (Mr. Cooper only listened to the villagers.) No suggestion of pay-offs or other details. He merely listened to their story. Then he put it down for them and they signed it.

Larry Braaten and Al Kretzler- They wanted a piece of the action. The thing that comes to mind here is that we don't understand that we ourselves hire attorneys. There isn't one person there that knows how to fill out an application and get money from Operation Mainstream. So you tell them -- I am an official-----you will have an opportunity to get some money. I think this is what is involved here. They talk to the people. They have put together a DNH Corporation and want to work together. We better cut out---------- This is that simple. What's the name of the game? The issue I am raising now, because I have been involved in this. ----------taking jobs from natives. I worked near native villages. No natives were on the job. The only place where I saw natives was on the Dewline and at Bettles. I did a survey-------I think that already TAPS has a very poor record. The state has been well aware of this. -------- jobs for the pipeline. Having been a surveyor, I was very much aware of this. If----------I am not sure--------every surveyor on that survey to Valdez was from some other state or not from the immediate area. I gave this ----------to the other----------there were two people that were trained surveyors; several at Barrow; one at Glennallen; and 20-25 from the Fairbanks area. Not one of the people were hired. This is what is bothering a lot of us. ----------Congressional office. Deals with international unions. They will go outside and bring in labor. I think it is that the natives want to be a piece of the action.

Joe Nichols did not just visit Stevens Village. Sunday, April 12, he went to Minto and went to Peter John and wanted to see all the papers on this case. It is not due to some letters to Don Young and Stevens Village that is involved.

Fink: Is it customary for the AG to respond to a request for investigation from members of the legislature? As to whether they are being adequately represented by their attorneys?

Price: I can't speak for the custom on this matter which is of an exceptional nature. It should be looked into. The affidavits speak for themselves. It is also exceptional because TAPS is unwilling to settle. As long as this issue is open----------. Unless the clients back out. That Judge in Washington give the Justice Department ----------. If at any time he believes that these villages are being unreasonable in their demands.

Wolf: Would you say that TAPS wasn't willing to settle?

Fink: We need to know more about DNH and then we will see where to go from there. We will go into DNH tomorrow at 1:30.

Meeting adjourned 10:55 p.m.

JUDICIARY COMMITTEE
MINUTES OF THE MEETING
APRIL 21, 1970

Meeting was called to order by Chairman Jackson at 4:35 p.m. in the Masonic Temple. Present were: Kay, Metcalf, Miller, Banfield, and Hillstrand.

Banfield would like to submit a resolution by the Judiciary Committee on the Cherry Blossom Queen. Without objection this will be submitted by the Judiciary Committee by Request. Mrs. Banfield also submitted a letter from which a resolution is requested to be drawn regarding congratulations to Evelyn Sears, Secretary of the Year. This, too, was without objection and will be submitted as by the Judiciary Committee by Request. Secretary will take this to Legislative Affairs for typing.

HB-373 - Campaign expenditures - Kay. Kay requests to take up this bill at this time. There was no objection. (Harris and Fink arrived 4:38) Kay felt that this bill was ready to sign out, but after a brief discussion it was seen necessary to give further consideration to this bill. This will be put over until tomorrow, April 22.

SB-531 - Chiropractry - There are some problems with this bill that will have to be worked out. First we will hear the witnesses.

Two points mentioned by the chairman to be considered were the composition of the board from a list submitted to the governor, and the portion relating to accrediting. The witnesses were asked to comment on these points. (Harris went over to the Capitol Building to get some witnesses on this bill.) The amendments that had been proposed for this bill were discussed and the ones that were adopted were noted.

Dr. Hammond, Juneau, Secretary of the Board of Examiners, was the first witness. He spoke against putting "fully accredited" in the bill as some schools from time to time are not fully accredited; some are provisionally accredited. (Cornelius arrived 4:48) The Board of Examiners now has the power to accept graduates from the schools that are accredited from either the ICA or the ACA. There was some discussion of the length of instructional period. This was in consideration of 4 years of 9 months each or 3 years of 12 months each. He was in favor of this bill.

Dr. Norma Godfrey, Vice President of the Chiropracters Board. She stated that this bill would effectively remove her from serving on the board. Her great concern was whether or not one organization should be allowed to gain control of all of the chiropracters. (Peterson arrived 5:25) (Kay left 5:25) Cornelius felt it was wrong for the legislature to be acting on this as it appears that this is a fight between two organizations. Hillstrand commented that if these things are not changed, we have not done anything to correct the situation. That is because the AG's opinion is that the law is not specific on this so they have to give licenses even though the schools are not accredited. A copy of the AG's opinion was submitted.

Helen Beirne--She was asked what her opinion of the amendments was, especially as it relates to one accrediting agency. This is what most professional people have and want. Therefore, she felt that the goal was to have one organization and one accrediting agency, preferably national. There will be further discussion on this matter at 4:00 p.m. April 22. The chairman will ask the Floor for permission to extend the time in this committee for one more day. We will continue hearing testimony on this at 8:00 p.m. tonight. Final action is scheduled for 4:00 p.m., April 22.

Meeting adjourned at 6:00 p.m.

JUDICIARY COMMITTEE
MINUTES OF THE MEETING
APRIL 21, 1970
8:00 p.m.

Meeting was called to order by Chairman Jackson at 8:05 p.m. in the Masonic Temple. Present were: Kay, Metcalf, Fink, Banfield, Peterson, and Miller.

SB-531 - Chiropractry - Continuation from our earlier meeting today.

Dr. Hampton, from Fairbanks, Secretary of the ACA. Our association feels that the present bill is what we would like to see passed; without amendments. (Harris arrived 8:10) Again there was much discussion as to what constituted an accredited school. This is a facet in our profession that is in a transitional state at this time. Hopefully something can be worked out on the accrediting of schools before long. April 970 Chiropractry Jou nal had an article where it discussed North Western's library and new class room and the possibility of its receiving accreditation. There is an organization for accrediting these schools being planned on the national level. This is the Council of Education on Chiropractry.

There will be no debate on this bill this evening. It will be scheduled for action tomorrow afternoon, April 22.

HB-643- Banking Code - Mr. Robertson, Division of Banking with the Department of Commerce, testified previously before this committee. He has returned with material to be presented as a committee substitute. He went over these changes with the committee. (Peterson left 9:10) Page 7, line 9, change adopted was: "for banks such as". Fink moved to strike Section 9. Miller seconds. Jackson would like to have the bankers in the room comment on this. Mr. Kennard: (1) This is the section on leasing by banks. This is permitted by national banks and (2) this is what is happening today, you are having leasing companies come in from outside doing the same thing. If the banks are allowed to join in the leasing concept, the middle man will be eliminated. At the present time you have the national banks and the outside organizations doing this. State banks should be allowed to compete. Jackson mentioned a place where the bill says "the lessee" He thinks it should say "any one lessee". Kay moved to make the change. Adopted unanimously. Fink renews his motion to strike section 9. Miller renews his second. A provision for this section to become effective when the national banks in Alaska are doing this, then this could be authorized by this section. Mr. Page, AG's office, said it raised some questions and that the AG's office would have to draft a provision of this sort. Fink withdraws his motion in favor of a "wild card clause". Motion for wild card clause passed with a 4-2 vote. Mr. Robertson will submit new language for Section 10. We will not take any further action until the new Section 10 is prepared.

There will be a subcommittee meeting on Stevens Village at 9:00 am. April 22.

Meeting adjourned 9:50 p.m.

SPECIAL JUDICIARY SUBCOMMITTEE

MINUTES OF THE MEETING (9:00 a.m.)
April 22, 1970

Meeting was called to order by Chairman Fink at 9:05 a.m., in the Masonic Temple. Present were: Miller, Peterson, and Kay.

Fink gave Kay some fill-in information because he was not in attendance at the first meeting on Monday evening.

We are taking testimony from Barry Jackson regarding the DNH Corporation this morning.

"First of all, I have been representing the Tanana Chiefs. This is a formal organization comprising between 30 and 40 villages, historically located along the Yukon. This was usually held where the Tanana and the Yukon Rivers met. This was until about 1911, when Al Ketzler sparked a revision of the organization in the 60's, about 1963 or 1964. I wasn't involved at that time. The organization got going again and now they have about 34 members in the Tanana Chiefs Conference. Al was the first president. The second one was John Sackett, who was president for a number of years. Then Al became president again. The organization has the meeting twice a year, generally either in Fairbanks or in Tanana to which delegates are selected from all of the villages. In practice, the chief is usually unable to attend. They also have an executive committee that takes action between meetings.

"The Tanana Chiefs were approached by TAPS early last year at the beginning of the summer to request a waiver from the villages of the Tanana Chiefs so that the pipeline could cross their lands. The deal was, as we understand it, that we would form a business corporation that would probably have two associates, other business corporations that have the ability to do the work--in a joint venture--to work with TAPS or with the contractors. After discussing this with others who had been similarly approached, including those in the first agreement with TAPS, the Tanana Chiefs agreed to hold a meeting financed by Atlantic Richfield to grant a waiver by the Tanana Chiefs and also by the villages. Specifically, five villages were asked to send representatives in, in order to sign waivers as village representatives.

This was done about the same time that the Tanana Chiefs decided it was to form a separate business corporation. It was to do business and, secondly, they hoped to benefit under native land claims settlement. Thirdly, they wanted to demonstrate that such a corporation could be successful.

It would allow a number of opportunities. I drafted the Articles of Incorporation that were executed by the Tanana Chiefs Conference in a meeting. They met to consider the Articles at the conference and at the request of the incorporators, the corporation was formed. $1,000 was paid by

the Conference for this. The Articles specified that the stock would be initially held in trust under a committee of the Tanana Chiefs to hold it for the Chiefs and that this in turn was to be held further for the stock would be distributed to all natives who were enrolled in the villages belonging to the Tanana Chiefs Conference.

As a matter of interest--the Tanana Chiefs Conference is not a tribe. In Alaska the villages are recognized. Only the villages have land rights, and for this reason the Tanana Chiefs Conference cannot act and bind the villages. They can, however, represent the villages, but only by delegated authority.

Then the corporation anticipated getting placed on the bidder's list. They were told that they would be given word on the work that would be coming up. Such contracts were made in anticipations with several (they were named) corporations in the area, including a number of motor transport people. Contact was made with a construction contractor who had not been at work in Alaska recently, but at one time did a great deal of work for Governor Hickel. Contact was also made with Hugh Gellert of the lumber company at Seward to do work with TAPS. Then, too, contact was made with White Swan Laundry in Fairbanks to get service contracts for laundry. There were other contracts made as well. One was with a communiciations company. Generally the contacts worked out well. The people were interested in going with us. They needed information as well, and sometimes we would have to come up with some cash; sometimes not. We had anticipated the need for money. We contacted Bank of America in San Francisco and at least two Eastern investment companies. Approximately $30,000 was incurred as expenses by the DNH Development Corporation.

We were not getting the information or contracts from TAPS as promised. The clients began to get disturbed. The communications within TAPS is terrible. The Board of Directors which had been selected by the incorporators is on the list that is available to you. The people became very upset and decided that TAPS wasn't acting in good faith and had some reason to believe they weren't. It appeared to me that it might be necessary to enter into litigation. I have sent wires to the attorney for TAPS, Secretary of Interior Hickel, and Tom, the attorney I had been working with in TAPS. He was not a member of TAPS and eventually Tom did get up here.

I discussed setting up a conference of three native leaders and three from TAPS and perhaps Father Warren as a mediator--dedicated to bring about effective action--in Anchorage to line out the work. I though this might work, but by this time I was in Juneau.

Since I was no longer in a position to do this work, I did have an associate who could. A great deal of work was going to have to be done . I suggested to DNH that since I would not be available this might be an appropriate role for Alaska Legal Services, and they had been thinking of this as well. Also, my attorney fees were mounting and they didn't have the money to pay me. Then I talked to Dave Wolf and I know they had considerable discussion with Alaska Legal Services as to whether they could represent them. We also taked to Mr. Price. He has an interest in Alaska and is professor of law at UCLA. He talked with the Board of Directors of DNH.

The former head of SBA advised us not to talk to the oil companies or to give them one inch. After he reviewed the situation, he thought we were about to be "shafted".

I have a contract with Minto on "land claims". I though court action might be necessary. If they agreed to such court action, I would support them in their action. I do not represent Stevens Village and never have, only Minto. I had no contact with them and their decision as to whether or not to file the lawsuit. This occurred after I came to Juneau for the legislative session. I had no direct involvement. After the suit was filed, Tom came through Juneau. He reported that they did not want to stop the pipeline, and would like to get this thing settled. There was then a conference between DNH and TAPS. The feeling was to get the case thrown out of court and then maybe they would be willing to talk.

Fink: Can you get us a copy of the Articles of Incorporation for the Committee? (Jackson will provide copy)

Kay: What is the issue before this committee?

Fink: We have to determine the issue. At the time the lawsuit was filed, did Alaska Legal Services represent the villages? They already represented DNH. What we want to know is whether Stevens Village did or did not request them to file the lawsuit.

Kay: This is a matter that is pending before some court. There are three lawsuits. These are matters for the court to decide. As to whether or not the pipeline is being held up because of these suits, we need a report as to whether or not it is in fact being held up. This is a legal matter involving several sets of clients and actually there is a question on ethical conduct on the part of both parties. It is a matter for the Bar Association, especially if Alaska Legal Services filed this without their clients' permission. The Attorney General's involvement is a matter of discipline from the Bar Association.

Fink: As to the validity of the suits; whether they were property filed and what the issues are is a matter for the courts. I fail to see any reasonable area in which the legislature can investigate this. You would get into the Bar Association field and also into the jurisdiction of the

courts. The state has a legitimate interest in whether or not the pipeline is being stopped. I think the committee should investigate what is holding up the pipeline. It is being held up by TAPS, according to the people in Fairbanks. This is because they refuse to supply the necessary information to the people in the area. We are supposed to find out about the difference between the two legislators as to what really happened. There is a "yes" and "No" before the legislature. It appeared to me that one or the other was trying to mislead us. Barry appointed this committee to do this job. I have a definite opinion that Alaska Legal Services is out on a limb, and the Attorney General's Office is also out on a limb. They did violate the ethics and about the only thing we can do is ask that their conduct should be investigated.

Kay: On one occasion the head of the village took one position and then it appears that on another occasion they took another position. It appears possible that influence may have been used by either or both sides in a manner which may or may not be proper. We suggest that the proper committee of the Alaska Bar Association look into the activity of both sides. This is especially, so, since both affidavits are conflicting and both were obtained by attorneys. The only way you are going to find out who is at fault is to find out what the promises were. We could not decide this unless someone went up there personally and spent about two days cross examining everybody concerned.

DNH is a profit-making corporation. Really there are only a few peopel involved now, but someday they would issue stock to all the natives. As you know, native people are not very agressive. Clients come in, accused of something or other, and they won't tell you what they want you to do, you have to pump out of them very clowly the facts and the circumstances. Then you tell them what you are going to do for them.

Jackson: It was understood that when we first went in, that the Tanana Chiefs had no authority to go into this. We wanted to make Tanana Chiefs and this corporation to be formed for the benefit of all. We wanted everybody to benefit. There was a close relationship between all of the parties. I did not personally hear the testimony. Ruby Tanzy, Tanana Chiefs Secretary went to try and help explain to the villagers what was wanted. I don't know what she said. I did try to put it in language that they coul understand. I had asked for authority.

Who has the right to make decisions for the villages? In the case of BIA for serious issues, it is required that a village meeting be held and the entire village acts on it. When it relates to signing documents or taking legal action, is there a rsolution of the representatives of the village or does the entire village enter into it? Is this to be a council action? Or do the five representatives have the power to act for the village? And for serious acts, do you have an attorney present besides having a meeting with the entire village? Dick Bradley could give you better information on this than I can.

We are advised that there is a report made by the BIA concerning these aspects. Their opinion as to what is the final authority of the villageis and what it takes to get this authority can be obtained from this report. Also there is information as to what transpired at the meeting of the 18th. The whole village did meet. Mr. Regan felt that Mr. Hedland could give the committee further help on this.

Regan: What was the intention and what is the statement of the village? The report from the BIA is something the committee should have. Then if you feel there is an ethical question it should be referred to the Bar Association. There was to be a signed copy of this report in the mail to the BIA.

Fink: The Judiciary Committee is requested to prepare some information from the Monday night meeting. It should be a statement that summarizes our position on the whole affair.

The committee is inquiring into the legitimacy of the official acts of Stevens Village of which the BIA has prepared a report. It should be considered inappropriate for the committee to go into this matter any further--as it relates to whether or not the resolution is valid or not. It is beyond the authority of your committee since this is a federally chartered village. I know what the report says. The villages action of the 18th was a fact. I think that before this is referred to any other parties, you should read that report. As regards to referring this to the Bar Association--Als acted properly, but what about the role of the Attorney'General's Office? I have been in contact with Mr. Hedland this morning and I think this is a disO pute between ALS and the AG. I think can be resolved without going through the grievance procedurss. Young called Joe to see if he could find out what the documents contained--those that were obtained in connection with "Mainstream."

We would certainly have to broaden our authority to find out what is holding up TAPS. Maybe even ask the Speaker of the House. We will meet again, when the minutes are completed re TAPS, and Page 18 was missing from one of the documents that was submitted.

Meeting adjourned at 9:55 a.m.

JUDICIARY COMMITTEE
MINUTES OF THE MEETING
APRIL 22, 1970
8:00 P.M.

Meeting was called to order by Chairman Jackson at 8:10 p.m. in the Masonic Temple. This was an executive session. Present were: Kay, Metcalf, Fink, Banfield, and Hillstrand.

A discussion on HB-796 - Public Employee Labor Relations Act - was held. A waiver of referral to L&M and Finance could be done if we reworked this bill. Then it will directly go to the floor. This would be agreeable if the committee so desires.

Tom requested an executive session so we could talk about the police investigation. Then I would like to take the committee through the bills in active status and ask which ones that we want to work on. There are more important bills coming into the committee all the time and we have limited time. Unless there are four members that want to work on a bill it will be placed in hold. (Miller arrived 8:15)

Back to the discussion on HB-796. Miller felt that if L&M doesn't take care of the problems, we can take care of it by amending it on the floor. Maybe we could send it to L&M and have them give it back to us. Especially where is doesn't mesh with the present situation. (Peterson arrived 8:18) Fink mentioned that ASEA would have to have three bargaining units, and now they have one. Miller moves it out without recommendation with further referral to Judiciary at which time we will report it back out. Fink seconds. Carlson was invited in at this point and thanked the committee for extending him this courtesy.

Carlson had talked with Art. He made suggestions for changes. He feels that this is good legislation and that there probably would still be time to get it enacted this session.

Miller's motion carried. Metcalf signed "Do not pass" and so did Hillstrand. Jackson, Banfield, Harris, Kay, Miller, and Fink, signed CSHB-796 to have referral to L&M and then be returned to this committee.

Police Investigation: Whatever we are going to do,I think we should do it. We need to write a letter to Personnet and Calhoon. I talked with Tommy Roberts and they do have problems. He feels that they are dismissing some people that are good men. He said that Irv called him and they asked him who would be calling him from Juneau and hy. We don't want any retribution just because we are talking to them. They are losing some good people. He feels that Personnet doesn't know what is going on. I think we should have Personnet and Calhoon and ask them about hires and discharges. I will go down there with him. Miller thinks we should get him here tomorrow. I am sure that he knows that Scott has been here. Jackson asked the committee whether or not we should have him here in the evening or in the afternoon. It was decided to ask im for the most convenient for him. The next step is to talk to them. Ask them to bring Scott's file. Coslow and Stiles, too. We heard about some of these things

on the Senate side--the things happening in Valdez. We also heard some rumors. (Harris arrived 8:50)

Status of active bills:

HB-432 - Jurisdictional amounts in district courts - Active

HB-587 - Liquor Licenses - Active

HB-740 - Land Subdivision - Hold

HB-785 - Youth Hostels - Active

HB-803 - Jurisdiction - Superior Court - Hold

HB-626 - Professional Corporations - Active

SB-524 - Invasion - privacy of government employees - Hold

SB-239 - Credit Card Crimes - Active

SB-469/HB-393 - Alcoholic related crimes - Active

SB-98 - Highway Beautification - Active

HB-373 - Campaign expenditures - Active

SB-531 - Chiropractors - Active

HB-643 - Banking Code - Active

SB-538 - Lease of School Lands - Active

Christian Science Bill - Active SB 475

SB-93 - Creating office of ombudsman - Active - Assigned to Kay

Public Safety Regulations - Active - Assigned to Banfield

HCR-61 - State action - pipeline - Hold (Cornelius arrived 9:08)

HB-735 - Self-proved wills - Active

HB-780 - Liability corporate officers - Active

Jackson stated that he had given Fink a bill on trust companies. There is a part in our statute that you can get a trust company charter without any of the things that relate to commercial banks. One organization applied for a charter and they were granted if they would get FDIC. The law does not require this. They are going to open for business July 1. The Director of Banking made an emergency regulation to cover this. This regulation has now expired and there are several application in for trust companies. The Banking Director introduced this bill to correct this problem.

This bill takes out the duplication of regulations between commercial banks and trust companies. A senate bill was prepared but it went to Ziegler and he has buried it. They would like us to introduce this. If we can get it out of here with a "DO Pass" recommendation they think they can have it by-pass Finance. If the committee agrees on this, it will be scheduled on our agenda. Fink will submit this with a committee report. Fink submitted the draft of the bill and the secretary will take it to LA and have it typed showing The Judiciary Committee as sponsor.

SB-514 - Suspension-liabilities-National Guard - Active

SB-474 - Urban renewal - Active

HB-740 - Land Subdivision - Cornelius moves to rescind previous action taken on this bill. Kay moves to table his motion; Fink seconds. Motion carried. HB-740 remains in hold.

SB-531 - Chiropractics - Fink moves to strike Section 1. Voted 5-3. Kay, Miller, and Banfield voted "no". Section 1 is stricken. Fink moves to strike everything dealing with length of schooling and insert "not less than 36 months." Kay was the only one who objected to this. Cornelius offered several amendments. "graduate of a school course accredited by the ICA or the ACA." Vote 4-5. Motion failed. Fink moves to sign the bill out "Do Pass" as amended; Metcalf seconds. Hillstrand raised a question on Section 4 on reciprocity. Issuing a license without examination was a problem bothering him. Jackson suggests that the council that has been formed could become their accrediting commission. They now engage in establishing requirements for both types of school of chiropractry. We could define accredited school with a delayed effective date. Put in an 18-month effective date on that clause only. Hillstrand seconds Jackson's idea of a separate section for 4. Without objection this will be done by a committee substitute. Motion carried.

HB-373 - Campaign expenditures - We shouldn't pay too much attention to the fiscal note that shows the cost to be $3 million. It would be more reasonable to assume that the cost of the pamphlet would be around $57,000. There was a detailed discussion on the $25 credit that would be allowed. Kay moved that this should be limited to one tax credit per return. Motion carried 4-3. Four amendments agreed upon were: (1) Tax credit is limited to credit on taxes due for that year (2) it is limited to $25 per tax return; (3) there is only one tax credit allowed; and (4) Section 4 will be made a separate section.

Meeting adjourned at 9:55 p.m.

JUDICIARY COMMITTEE
MINUTES OF THE MEETING
APRIL 24, 1970

Chairman called the meeting to order at 5:05 p.m. in the Masonic Temple. Present were: Kay, Metcalf, Miller, Banfield, Peterson, and Fink.

Several new bill have been assigned to this committee. Jackson asked whether or not the committee wished to take them up and assigned those that were to be placed on the agenda.

SB-406 - Hazard insurance for state employees - Banfield - To be placed on Tuesday's agenda, April 28.

HB-591 - No booze for bigots - and HB-810 - War bill - will be placed in "Hold".

SB-547 - Welding requirements - Harris

HB-610 - U of A employees - Banfield and Miller

HB-852 - Protecting viable, unborn child - Kay

Fink will open the discussion with Mr. Personett. This is an executive session. Meeting adjourned at 6:30 p.m.

JUDICIARY COMMITTEE
MINUTES OF THE MEETING
APRIL 27, 1970
9:30 a.m.

An informal meeting was held as there was not a quorum present. Present were: Banfield, Harris, and Peterson. Jackson presided.

Mrs. Banfield explained what had happened to SB-98 - Highway Beautification - in State Affairs. We really had to maneuver to get this out of State Affairs. They took out "secondary". That was because there was not going to be any political advertising on secondary streets. Within the boroughs and cities they do not limit the signs. The next thing was in regard to junkyards. I think this was a good change and they should be included. I think we should also have these restrictions on secondary roads because many of the yards are on secondary roads. The bill says only primary roads. They can still have junkyards on secondary roads but they would have to screen them. (Metcalf arrived 9:55) We will consider this bill tomorrow afternoon at 4:00 p.m. The secretary will call Mr. Dick Chitty, Department of Highways, to inform him of our consideration of this senate bill.

Jackson asked if there were some bills that committee members were assigned that they would like to bring up. Harris wanted to bring up the welding bill - SB-547. The secretary will notify the Department of Labor that this is scheduled for Wendesday, April 29 at 4:00 p.m.

Banfield requested SB-474 - Urban renewal - to placed on the agenda. This is scheduled for Tuesday, April 28. The secretary will call John Beard, in the Governor's office, to give their position on this senate bill.

SB-538 - Lease of School lands - Harris. Secretary is to notify Senator Lowell Thomas that we will be taking up his senate bill on Tuesday, April 28.

Public Safety Regs - Hitchhiking - Buses stopping on roadway - motor cycle regulations - Personnett requested to testify before the committee this afternoon and to comment on SB-469 and HB-393 Drunk bills - and safety regulations at 5:00 p.m., April 28.

Jackson assigned Mr. Peterson to research SB-475 - Child neglect - Prepare a committee substitute that would try to carry out the intent but put it in the juvenile code section. Then we will be ready to work on it, if we work on it at all.

The chairman reviewed this afternoon's agenda. We will have Mr. Personett and ask him to comment on safety regulations, drunk bills, and hitchhiking.

Mr. Jackson would like to work on the jury list. There has been a draft bill prepared that will solve the problem.

Meeting adjourned at 10:25 a.m.

JUDICIARY COMMITTEE
MINUTES OF THE MEETING
APRIL 27, 1970

Meeting was called to order at 4:15 p.m. by Chairman Jackson in the Masonic Temple. Present were: Banfield, Fink, Kay, and Peterson.

Mr. Jackson declared this group a subcommittee to go into executive session with Mr. Personett. This lasted from 4:15 until 5:10.

(Metcalf arrived 4:25)

HB-643 - Banking Code - Fink asked about the section on alien banking. Jackson forgot to request that this be put in. This allows alien banks admission to this state. This bill will be set aside until Mr. Robertson can get the material necessary for this discussion.

Trust Company Bill - Mr. Fink explained the need for this bill to committee members. When Mr. Robertson returned he was asked to comment on this bill. He reviewed it section by section. This bill relates to the formation and operation of trust companies. Now, a trust company can be formed under the general corporation laws of the state with paid-in capital of $25,000. This bill raises it to $100,000. Trust companies can have general banking privileges, deal in real estate, safekeeping, and title insurance activities. This bill is needed to ensure adequate regulation and supervision of new applicants into Alaska's financial arrangement. Kay moves "Do Pass" with further referral to Rules Committee. Mr. Robertson was asked to prepare a short committee report and then a more detailed section analysis for floor use. Motion carried unanimously. Mr. Robertson thanked the committee for their cooperation and assistance in handling this problem.

Back to HB-643 - Banking Code - Fink moved to change the title of the bill to read "Laws" instead of "Code". This passed on a 4-2 vote. Kay moves the bill out "Do Pass". Mr. Rettig was here and submitted an amendment to the bill. He gave the background for it and apologized for the lateness. Mr. Kay thanked Mr. Rettig for coming to the committee with it and not having to deal with it on the floor. His amendment related to the section on interest on deposit. He explained that legislation had been prepared, but has been held in Finance Committee for 60 days. Therefore, he would like to have us put his amendment in our bill. This amendment would give mutual banks the same privilege of setting rates as other banks. This bill, then, would permit mutual banks to announce a specific interest rate. Motion was made to add this to the bill. Carried on a 4-2 vote. Kay restated his motion to pass the bill out "Do Pass". This would include alien bank section and the mutual bank amendment. Motion carried on a 5-1 vote. Miller asked to change his vote, and so did Mr. Metcalf. The committee report was signed by three members: Jackson, Fink, and Kay to have CSHB-643 (Judiciary) "Do Pass". Banfield, Miller, and Metcalf signed "Do not pass with alien banks included." This will be retyped and a committee report prepared to explain the changes.

Meeting adjourned at 6:05 p.m.

JUDICIARY COMMITTEE
MINUTES OF THE MEETING
APRIL 28, 1970

Meeting was called to order at 4:10 p.m. by Chairman Jackson in the Masonic Temple. Present were: Kay, Metcalf, Fink, Peterson, Harris, Miller and Banfield.

New Assignments:

HCR-65 - Friendship with China - Kay and Harris

SB-475 am - Child neglect - Fink. There will be a public hearing scheduled for this bill on Monday, May 4, 1970 at 4:00 p.m.

SB-98 - Highway Beautification - Banfield. Mr. Chitty testified before the committee on this bill. The committee decided to work from SB-98 am. He was in favor of the bill but had some recommended changes. The department would like to see secondary highways included. A detailed coverage was conducted on this bill and several changes were adopted. There was some concern that this bill actually would open up a loophole and allow more signs tha are allowed at the present time. Kay felt that this bill would actually liberalize the sign law. Mr. Chitty agreed that it would in the unzoned areas. Mr. Chitty then read their definition of "unzoned areas." Mr. Barkley, Public Safety, testified that since the law enacted in 1968 was instituted that no signs have been removed. They have received an AG's opinion on this and they say to forget about it until 1975. Mr. Chitty brought out that the Federal Beautification Act is what wiped out their previous arrangement. Mr. Chitty also stated that it has been difficult to determine where primary roads and secondary roads begin and end. In this state there is not too much difference between the two. Jackson mentioned again that it was the federal law that made out law obsolete. Lines 18-21, Page 1, will be deleted. Fink moved for deletion. Without objection, so ordered. Also Fink moved to amend 90 to include 105. Art will prepare language to amend 090 to add 105 and also to repeal Section 100. This was without objection, so ordered. Discussion was held on Section 3. Jackson felt that there should be language in it that specifically gives the department the right to define 'unzoned'. Kay didn't see any reason to leave it in. Fink moved to strike Section 3. Kay seconds. Metcalf and Miller were opposed. Motion carried and Section 3 will be deleted. Captain Barkley related his experience with junkyards in southeastern Alaska. They approached the department of highways and the borough on this problem. The department could not do anything because it was a secondary system and borough has not done anything about it. Mr, Chitty brought out that they can do something about this now but have no authority to force the owner to do it. If he says he won't do it, the state can do it but the state has to pay for it and doesn't have the money now. Motion was made to extend the same protection to secondary roads as to primary systems. Motion carried. Harris voted no.

Fink questioned the fencing cost and asked why the state could not put a lien on their property if the owner fails to comply. Miller moves to amend the date to 1971. Unanimous. Jackson stated that the owners of the junkyard needed a date certain and so does the highway department in order to complete their survey. Where it mentions August 6, 1968 we should add "as to the secondary system June 30, 1970. This was without objection and it will be added. We will put this bill over for further discussion on Thursday, April 30. We will have a proposed committee substitute ready.

Mr. Personett is here on public safety regulations and the drunk bills - SB-469 and HB-393 - Alcoholic related crimes. The committee will use SB-469 as the base for their work.

Mr. Personett gave the history of HB-393. Rep. Sackett asked him to assist in drafting a bill that would be acceptable to the police community on this subject. He was unable to help him because he didn't know what the proper method or approach would be. HB-393 goes a long way toward legalizing drunkenness, while SB-469 seeks to rehabilitate by treating alcoholism as an illness. Careful consideration was given to this senate bill. Mr. Personett favors SB-469 and thinks it is a better bill. Mr. Wilcox, Office of Alcoholism, gave some explanatory comments from time to time. Jackson wanted to make certain that the court's discretion would not be taken away. This could be done by adding a sentence: "Anything in this section shall not be determined to interfere with the power of the court to suspend all or any part of any sentence." Without objection, so ordered. Metcalf mentioned that we are experiencing a great migration of people into Alaska and he wondered if these people should be given this treatment also. Mr. Wilcox answered this and stated that a great deal of good could be done in this field. Kay has observed that the cure for alcoholism is moderately high, while for drugs it is almost nil. Mr. Wilcox was asked how Canada handled this. This is a routine part of the program where they give the patient papers showing what to do in case of trouble. It gives instructions as to how the treat the patient including instructions for the doctor. We haven't had this experience, but it seems to work very well in Canada. Jackson asked the committee whether or not to proceed with this or to go on to public safety regulations. Banfield moved to hear Mr. Wilcox.

Mr. Wilcox continued with his line by line analysis of the bill, starting where he left off last time. He mentioned the part about continued intoxication" and he didn't think it would hardly be possible to be intoxicated after five days in jail. Banfield moved to delete that language; seconded by Kay. Motion carried. Mr. Peterson will redraft parts of this bill where specified by the committee according to amendments adopted by the committee. He will prepare a committee substitute for consideration on Thursday, April 30. Miller moved to sign the committee report today, Kay seconds. Motion carried 5-2. Metcalf and Harris signed "Do not pass unless referred to Finance Committee. HB-393 is tabled.

SB-474 - Urban renewal - Banfield. John Beard, Governor's office, testified before the committee on this senate bill. He stated that this bill intended to bring our urban renewal in line with the federal program. The federal program is called the Neighborhood Development Program and can be done in stages rather than to do a complete project all at once. He gave the example of a 4-block area. Under the Neighborhood Development Program, one block could be done at a time. Banfield moves the bill " o Pass". Fink moves to amend it to include HB-82 which deletes the lease-back provision of ASHA. Motion carried 4-3. Art will prepare a committee substitute. Banfield moves to rescind Fink's motion; Metcalf seconded. Motion failed 3-3. Miller changed his vote. 4-2. Motion carried. Banfield restates her motion to move the bill out "Do Pass". Motion carried on a 6-1 vote. Harris voted "Do not pass." There will be no committee report.

HB-587 - Liquor licenses - Fink. This bill allows the same treatment for boroughs as for cities in regard to allowing liquor permits. A liquor permit cannot be issued in a city where the zoning doesn't allow for it. This bill would give the same powers to the borough. Harris proposed an amendment to give the borough the right to regulate hours of operation. Kay moves the bill out "Do Pass". Harris moves to have his motion adopted; Miller seconds. Motion carried 4-3. Kay withdraws his motion. Kay now renews his motion and it passed on a 6-1 vote. Miller voted no. Art will prepare a committee substitute. This will be on the agenda for Thursday, April 30, to sign it out.

Review of bills for tonight's meeting.

Meeting adjourned 6:00 p.m.

JUDICIARY COMMITTEE
MINUTES OF THE MEETING
APRIL 28, 1970

Meeting was called to order by Chairman Jackson at 8:10 p.m. in the Masonic Temple. Present were: Kay, Metcalf, Banfield, Fink, and Peterson.

SB-93 - Ombudsman - Senator Palmer testified before the committee and explained what the ombudsman would do for the legislators. He had two publications with articles on this subject and the material for this bill was copied mainly from Hawaii. He gave four examples of things that the ombudsman would handle. Most legislators have a great deal of investigating to do in situations such as these. This will give the lawmakers more time to do what they came here to do--make adequate and necessary laws. It provides a place for the ordinary citizen to get relief from his problems, if indeed he has one. (Harris arrived 8:20) Mr. Palmer stated that the records so far showed that about 90 per cent of the complaints are unfounded and about 10 per cent needed action. Fink had some questions he wanted to ask Senator Palmer. Harris moves that the minority member of each house will be selected by the minority of that house rather than by the speaker. Unanimous consent. Kay moved that "candidates for appointment should be selected by the Ombudsman Selection Committee composed of six members of the Legislature; three from each house, two in each house selected by the Legislature; and one from each house selected by the minority thereof." Unanimously adopted. There was some discussion on procedure for removing the Ombudsman. Kay moves to amend beginning on Line 12 and add: "The Ombudsman may be removed by a 2/3 vote of the Legislature in joint session, for neglect of duties; misconduct, or disability. Unanimous. Jackson moved to leave it at 4 years and have it on the off year election. This was unanimous. Art will prepare some material on what happens if somebody dies while in office or if they resign. (Miller arrived 9:05) Miller moves the bill out "Do Pass as amended". Kay seconds. Motion carried 6-2. This will be on the Thursday, April 30 agenda for signing.

HB-803 - Jurisdiction in superior court - Mr. Regan has a proposed committee substitute for this bill that would add the language that was in HB-797. There was some discussion on the class action portion where Mr. Miller didn't like the idea of someone filing a suit because he had been grieved in some way. Miller moves to table the bill. Motion failed on a 3-3 vote. Mr. Regan brought out that the main area where this will be used was in the case of housing. Sometimes this could be used in the area of employment where it was evident that this was a practice. Kay mentioned that this is really essential legislation. It is recommended by the HRC and also by the Board of Legal Services Corporation and this is not a radical board. This bill passed the senate with one dissenting vote and in my opinion is essential. The person is left to the slow administration procedures of going through the HRC and convincing them that they have a case. With this remedy the person can go directly to the court and get the relief needed. Fink was disturbed about the number of law suits by ALS and felt they were going out of their way to build cases.

Mr. Regan stated that it was the conclusion given by the Board of Governors that ALS did have the duty to advertise the services they are providing and to advise the people of their legal rights. A motion was made to table this bill. Motion failed on a 4-3 vote. This will be placed in "Hold". This will be brought before the committee again on Thursday, April 30.

HB-643 - Banking Code - I have been advised by Mr . Robertson that he would like to leave the bill as it is in regard to the alien banking provision. Art has also prepared a memo on this. This bill was resigned at this time because the alien bank code section was left out. No committee report until Mr. Robertson sends one over. He will be asked to send a section analysis to cover this bill, also.

Meeting adjourned at 10:10 p.m.

JUDICIARY COMMITTEE
MINUTES OF THE MEETING
APRIL 29, 1970

Meeting was called to order by Chairman Jackson at 4:05 p.m. in the Masonic Temple. Present were: Fink, Harris, Peterson, Miller, Kay, and Metcalf.

HB-856 - Liquor licenses - Metcalf. This will be scheduled for Friday, May 1, agenda.

SB-547 - Welding - Harris. A public hearing was held on this senate bill. Mr. Bill Germain is the only present to testify. The purpose of this bill is to have some standards or codes to go by in the field of welding. Harris thinks it is a good bill and wants to see it passed. Kay brought out that the welding board themselves have asked for guidelines such as these. Fink asked about HB-101 - on welding - to see if there were any things in the house bill that should be put in the senate bill.

Bill Germain, Department of Labor, testified in favor of this bill. He felt that this accomplishes part of the purpose of HB-101. The Board of Welding Examiners testified against HB-101, but they were not aware of the problem that existed. The board members feel that they have come up with some solutions in the drafting of this bill. The problem developed in the Kenai area. Mr. Germain was asked about the effectiveness of the codes. He did not know about the effectiveness, but did state that they were national standards. The Department of Labor supports this bill.

Fink wanted to know why Lewis opposed HB-101. (Banfield arrived 4:27) This will be set aside until later in the meeting to see if Senator Lewis will be here. We will consider this within the next two days and contact Senator Lewis to appear before us on this bill. Harris requested the chairman to appoint a subcommittee of Kay and Fink to meet with Senator Lewis. Jackson appointed all three for the subcommittee.

SB-250 - Land selection - Banfield - Placed on the agenda for Friday, May 1.

HB-852 - Viable, unborn child - Jackson obtained the AG's opinion from Hawaii and he said that there was only one case that they had found that extended the criminal law to the unborn child. Jackson then read from the report. Kay mentioned that the effect of this bill would be to cause the death of an unborn child to be murder, either first or second, instead of manslaughter. Fink would like to have our AG's opinion on this. The secretary will advise the AG that we wish him to appear and comment on HB-852. After we hear from the AG the committee can act on this legislation.

HB-810 - War - Kay. He read an article from the paper on undeclared wars. The bill has been passed by the Massachusetts Legislature. This allows the AG to represent any serviceman from Alaska when he has been assigned to an overseas area where there has not been a declared war. A bill like this has been passed in ten other states. I don't know how many have passed. We have an obligation to the

boys of this state to see that they don't have to go overseas until Congress declares at least a limited war.

Nancy Cobb, University of Alaska, testified on this bill. She stated that this bill doesn't mean that all Alaskan resident servicemen will not fight in the war. It is only for the ones that do not want to take part in an undeclared war. The others may go if they wish.

Banfield asked if persons who did not leave the country to serve say in Vietnam, would they be eligible for veterans' benefits? Metcalf asked about how you would determine whether a person was a resident or not. Kay answered that it would be anyone that was drafted and inducted from Alaska. Metcalf asked is this would not set a poor example for other states. Kay said it would not because they would serve in other areas but not in Vietnam unless a war was declared by Congress. Banfield asked about the possibility of young people moving to Alaska so they wouldn't have to go to Vietnam. Kay did not feel this would present a problem. Harris wanted to hear from the American Legion and the VFW. Kay said that they have had since April 8 to make comments, but have not done so.

Doug Herring, Juneau, appeared before the committee in favor of the bill. He supports the bill for several reasons. One reason he gave was that in the problems of the whole youth movement in the Nation, the war is the biggest thing. This bill is not going to keep people from going to Vietnam, but it will change the attitudes of others in regard to their military service. I was in Chicago during the convention and it was evident that something like this, if it were the policy of the states, would be a lot better for everyone involved. Doug stated that if he knew that he didn't have to go into Vietnam he might even volunteer for the armed services. Miller asked if it were a declared war in Vietnam would he feel any different. Doug said it wouldn't make any difference in this case because he feels it is wrong to even be over there.

Miller moves the bill out "Do Pass". Motion failed. Kay moves the bill out with individual recommendations. Miller seconds. Vote was 4-3. We cannot move it out without five votes. Metcalf changed his vote. Four signed "Do Pass: Jackson, Kay, Miller, and Banfield. Metcalf signed "No recommendation"; and Fink and Harris signed "Do not pass". There will be no written committee report.

HB-432 - Jurisdictional amount in district court - Jackson asked whether or not the committee wanted to act on this or change the amount to $5,000. It was moved and seconded to table the bill. The vote was 5-2.

HB-610 - U of A employees - Banfield and Miller - Julie Isaacs is here to testify on this bill. She appeared on her own behalf. She gave the background of her problem and submitted a written statement of her testimony which is filed with the house bill. This bill places university employees in the same category as all other state employees, which in fact they are. At the present time these employees are in the exempt service.

Mrs. Isaac reported that just recently she was to have gone to Point Barrow for a COAST conference. When Dr. Wood was informed that Mrs. Isaac was one that was authorized to be secretary for the conference, he called the leader of the group and told him that Mrs. Isaac was not to be allowed to attend.

Banfield felt there were problems with the bill. Harris asked about regular grievance channels in the university system. Mrs. Isaac told him about the difficulty she had had in seeking to be heard. She requested information on how to go about getting a legislative investigation.

The committee would like to have someone from the university testify before them. Secretary will telephone Dr. Wood and set up a schedule for this week or early next week. Mrs. Isaac will be notified.

HB-785 - Youth Hostels - Cornelius. It was suggested that the committee should have Mrs. Berg tell about the person who runs the hostel in Anchorage.

Dr. Beirne appeared before the committee in favor of this bill and asked if she could make a comment on HB-610.

I asked about this problem when I was in Anchorage. The person that I asked works as this type of employee for the university. All the people there were in favor of HB-610.

Harris asked how a person would go about being chartered by the AYH. Dr. Beirne stated that there was a manual on this. Ordinarily this is a place of low-cost living when you are travelling through the country. This place in Anchorage has permanent residents. It is advertised as being a hostel, though. His rates are too high; they could be possibly $2.50 a day in Alaska because of the high cost of living. Miller would like to move this bill out "Do Pass". Harris wanted to wait until Tom was here as he had a couple of letters on this. This will be placed on the agenda for Thursday, April 30.

Meeting adjourned at 6:00 p.m.

JUDICIARY COMMITTEE
MINUTES OF THE MEETING
APRIL 30, 1970

Meeting was called to order by Chairman Jackson at 4:15 p.m. in the Masonic Temple. Present were: Metcalf, Banfield, Fink, Harris, and Miller.

HB-780 - Corporate officers - Fink - (Kay arrived at 4:23) There was some discussion of lines 19-22 on Page 2 and Mr. Fink felt there was some confusion on Section "d" as it related to Section "c". Further consideration showed there was no conflict. Kay moved this bill out "Do Pass". Motion carried on a unanimous vote. This will be reassigned to Kay and he will carry it on the floor. There will be no written committee report.

SB-591 - No booze for bigots - Kay. Kay moves to bring up this bill. Motion failed on a 1-6 vote. Kay was the only one that wished to take up this bill.

HB-852 - Protecting a viable, unborn child - Kay. Fink asked to have the AG's opinion before taking acting on this measure. Mr. Charles Merriner came before the committee to answer questions.

Mr. Kay and Mr. Jackson explained to Mr. Merriner what the committee desired in this bill. Especially the portion that related to making consensual abortion manslaughter but leaving it murder or whatever offense it would be in other cases. Miller moves to hold this over until tomorrow. Kay moves to add a section that shows that consensual abortion is manslaughter like it is now. Fink asked Mr. Merriner if he felt this was necessary or advisable or if he was against it. He said he felt that it would fill the gap. Jackson brought up the point of where the mother's life might be involved requiring an abortion. Mr. Merriner felt that we should use the California law as the base and he would draft a bill for the committee. This was agreeable to the committee so they reviewed the points they wanted to have covered. (1) In dealing with the killing of a viable fetus we want consensual abortion of a viable fetus to be manslaughter. Killing of a viable fetus in other circumstances is to be whatever crime it may be according to events surrounding it. (2) In this instance it will be drafted two ways: One, to preserve the life of the mother; and, two, to preserve the health of the mother. Kay's motion re manslaughter carried on a 5-2 vote. Fink and Harris voted no. Kay moved the rule of necessity be for the "life and health of the mother". Motion failed on a 3-3 vote. Motion "to preserve the mother's health". Motion failed on a 3-4 vote. Motion "to preserve the life of the mother". Motion carried 4-3. Kay moves to table the bill. Motion failed. Kay and Miller voted to table. The AG was directed to draft a bill with "health" and one with "life" to be brought back before the committee.

Fink asked Mr. Merriner what affect this bill would have along with the abortion bill that was passed today on civil suits. He said that this has never been decided before in Alaska and that 15 states have ruled that if the fetus is viable you can recover in torts. This will be rescheduled for Friday, May 1.

HB-785 - Youth Hostels - Cornelius. Kay moves it out "Do Pass". Miller seconds. Jackson read an ad from the Anchorage paper on the hostel there. It was also listed as a hotel.

Dr. Beirne was in attendance at our meeting during this discussion. She brought out that persons seeing that name expect the same services in any country. This has been misleading to some persons.

Mr. Vic Carlson also commented briefly and he was in favor of the bill. Banfield renews Kay's motion; Miller seconds. Motion carried on a 6-1 vote. Fink voted "No recommendation".

HB-610 - U of A employees. Jackson will accept a motion to bring this bill up. Motion failed on a 2-4 vote. This is scheduled for May 4, when we will have a representative from the university, Mr. Harold Byrd.

HB-587 - Liquor licenses - This allows regulation of hours of sale to first and second class boroughs. Kay moves the bill out "Do pass" for the CS. Motion carried on individual recommendations at 4-3. Jackson, Kay, Fink, and Harris voted "Do Pass". Banfield, Metcalf, and Miller - No recommendation".

Jury list problem - There has been one change made by the committee on Page 1, line 17. One other small change is on Page 2, line 21. This changes "may" to "should".

Kay stated that the whole effect is to give them another year. He opposes this. Fink wants to make some sort of provision so jury trials can continue. Miller commented that this might not accomplish exactly what we want but felt he did not want to be without juries. (Banfield left 5:20) Fink moved "Do Pass" on CS for this bill and to send a report with it. Motion carried on a 5-1 vote. Kay voted "no". (Cornelius arrived 5:30)

HB-803 - Jurisdiction of superior court - Mr. Regan appeared before the committee on this bill and had gone over it quite extensively last Tuesday. He urged the committee to pass this bill. It permits an individual a direct way to vindicate his own civil rights when they are violated. Fink drew the committee's attention to Page 2, line 8. Several amendments were suggested to cover this portion. Cornelius suggested "unless the court orders otherwise"; Kay - "or longer in the court's discretion"; and Jackson - "if within the period allowed". Also on lines 11 and 12. Jackson - "if within the period allowed and reached a decision" under sections 120 and 130. Miller opposes the bill. Kay moves the bill out with individual recommendations. Motion failed 4-2. Secretary will have this typed up as a committee substitute for Monday, May 4.

There has been no response from the AG's on the pipeline. Mr. Spear will be here on 856 tomorrow.

Jackson will not be here for the meeting tomorrow. Other committee members desire the meeting at 3:00 p.m. If Mr. Miller can be here at that time it will be held at 3:00, if not the meeting will be at 4:00 p.m. Meeting adjourned at 5:50 p.m.

JUDICIARY COMMITTEE
MINUTES OF THE MEETING
MAY 1, 1970

A short meeting washheld at 12:00 noon to sign out Senate Bill No. 93. Banfield, Miller, and Metcalf were present; along with Chairman Jackson. This bill will be held until the 4:00 p.m. meeting for more signatures. Meeting adjourned at 12:10 p.m.

Meeting was called to order at 4:15 p.m. by Chairman Jackson in the Masonic Temple. Present were: Metcalf, Kay, Harris, and Miller.

HB-222 - Marketing of salmon - was assigned to Miller. This will be taken up later today in our meeting.

SB-543 - Hearing officers--Transportation Commission - assigned to Kay.

SB-547 - Welding - Harris gave a progress report on this bill and Roger Riddell, Association of General Contractors, testified before the committee on this measure. He explained that the need for the bill was because at the present time the only place you can get a welder certified in Alaska today is in Anchorage at the Community College. Mr. Riddell provided the chairman with a copy of the form used to inspect welding procedures and codes. New procedures are being developed and modern equipment can be used on the pipeline. Training of operators can be accomplished in a short period of time; using Alaskans. We would not have to bring outsiders into Alaska to do this work. (Banfield arrived 4:25) A new Section 11 was added to read: "adopt codes under Section 110." After detailed discussion of wording for a new Section 12, it was decided by the committee to adopt the language found in Section 3 of HB101 am. This was without objection and will be added. Miller moves the bill out "Do Pass". Harris has a question. Miller withdraws his motion. The question related to certification of welders and after answering to Mr. Harris' satisfaction Mr. Miller renewed his motion to move the second HCS for SB-547 am out "Do Pass". Kay seconded the motion. Members signed this out unanimously "Do Pass". The secretary will have the committee substitute typed up by Legislative Affairs.

HB-852 - Protecting viable, unborn child - Charles Merriner, from the AG's office presented the two committee substitutes that he had prepared at the committee's request. He did not feel that this legislation should extend the protection of the criminal law to an unborn child. He did not include this because no other state specifically says that a viable fetus is covered. I feel that this is written to fill the gap that was mentioned yesterday. I did not include mental health as this is so loose that any abortion would be justified. Discussion was held regarding hospitals and whether or not they would be liable if they did not perform an abortion in an emergency. Jackson suggested striking the words "in a hospital" in Line 15. Banfield felt that a new clause should cover this saying something about except in emergency cases. Kay thought that adding "if reasonably available" would solve this problem, noting that the provision that a physician or surgeon would be the only ones legally allowed to perform the abortion.

A detailed discussion was held on whether to include the life and health of the mother, life only, physical and mental health of the mother, or just physical health. Metcalf asked Mr. Merriner how many other states have mental and physical health listed in their laws. He had a list from 1967 which listed California, Colorado, North Carolina, Washington, D. C., Alabama, New Mexico, and New York listing it this way. There were 33 states that had a law just about like ours listing it as "to preserve the life of the mother". This will be held over until Mr. Fink is here and this will be up for discussion on Monday, May 4.

Senator Lewis attended to see what was being done on SB-547 - Welding. This has already been taken up, but the committee reviewed what had been done and then Senator Lewis commented on the changes made. He opposed the changes made by the committee and felt that too much authority was being given to the board. Especially as it related to adopting codes for the state. Lewis felt the powers were too broad and if this authority was given to anybody it should ou be given in the same manner as the boiler inspection. Miller brought / that the board was under APA and could be dealt with the same way Fish and Game are in the next session if there are any problems that develop. Senator Lewis stated that he was strongly against this bill the way it has been amended. Miller stated that since Mr. Riddell had already left that this go before the FCC. Harris objected to adopting the amendments because it would go to FCC. Jackson suggested the amendment that would say "other selding codes acopted by the board". This was without objection. Lewis still maintained that too much authority was being delegated to the board. This will be typed up and then the committee will take it up on Tuesday, May 5. This has been signed out, but will not be turned in until after further discussion on Tuesday.

HB-222 - Marketing of salmon - Miller. McGill was here and he explained that the reason he put this bill in was that there is a problem among the fishermen. It is not always the packers fault; it is fish prices. He did not discuss the language with the committee; only the intent. Miller has been assigned to carry this bill. He could see a problem developing where there would be over-spawning if the harvest is not completed in time. Some language changes were made and Kay moved the bill out "Do Pass", as amended. There was some question as to who were "interested parties." Mr. Richard Lauber, Association of Pacific Fisheries, asked to be heard on this bill. He stated that his association was opposed to the bill. He gave two reasons for this: (1) At the present time the federal mediation services is used to settle disputes on price; and, next time it might be the cannery tender employees or the kitchen help in a wage dispute which is not related to fish prices. McGill brought out that 85 per cent of the fish are caught by independent fishermen who are not affiliated with a union. Miller brought out that the most important thing is to sell the state fish and if there is a price dispute during the time when the fish should be caught this is the problem we wish to dispose of by this bill.

Mr. Lauber then asked if the price has not been reached within 30 days, how this could help? What percent of the fishermen are involved in this? How do you know when an agreement has been reached? Mr. Miller related that every year these agreements are reached before the fishermen go out to fish.

Mr. Jackson asked Mr. Lauber to bring back a committee substitute that would meet the objections that he could see in this bill. Further consideration will be given to the bill on Monday, May 4.

HB-856 - Liquor licenses - tourist trade - Metcalf. Mr. Spear, from the AG's office appeared before the committee on this bill. Liquor licenses are issued on the basis of a quota. Cities are allowed to issue licenses above the quota with the approval of the board. The ABC board has been issuing licenses outside cities but in the boroughs. I wrote an opinion that brought that to a halt. Boroughs now have to stay within the quota. They can have a tourist accommodation of at least 10 rooms and get a license. We will not have time to finish this today. Mr. Spear could draft some language for us on this and we will take this up again on Tuesday, May 5.

Meeting adjourned at 6:00 p.m.

JUDICIARY COMMITTEE
MINUTES OF THE MEETING
MAY 4, 1970

Meeting was called to order by Chairman Jackson at 4:30 p.m. in the Masonic Temple. Present were: Metcalf, Harris, Kay, Peterson, Cornelius, and Banfield.

The chairman asked the committee if they would like to discuss the legal problems incident to the pipeline road. Art will contact someone from the AG's office and give them the results of his phone call. This will be taken up Tuesday, May 5. There was no objection to this.

Mr. Robertson had a 10-page paper on bank holding companies and I have scheduled a meeting with him tomorrow morning at 9:00 a.m.

The first order of business is the public hearing on SB-475 - Child neglect - Fink. Mr. Bailey, representing Christian Scientists for the state,appeared before the committee in favor of this legislation. Mr. Kay asked him a question relating to the possibility of national legislation covering this problem. Kay had received a phone call from one of the members of this church indicating that this would be covered under national legislation. Mr. Bailey gave the reason for requesting this bill was so that their religious rights would not be jeopardized. He gave an example of where insurance recognized spiritual healing by their practitioners, so felt that the state should also recognize their right to use this method in case of illness. He felt that it should be spelled out in the law that it was not neglect on the part of the parents if they did not provide medical treatment for their children in the same sense that other people do. HWE, Department of Defense, and Medicare recognize the care given by a Christian Science Practitioner as they allow payment for these services. Cornelius mentioned that neglect was something entirely different from not giving any medical attention of any kind to your children and did not want this confused as being noncare of these children. They are being given care; but using a different method. Jackson asked our staff attorney, Art Peterson, to draft a committee substitute that would bring these cases to the attention of the court, but recognizing both interests; those of the state and those of the parent. Banfield asked about young children--6 months old--who might have PKU. Mr. Bailey said they have been healed of both mental and physical diseases. Jackson asked about first aid; noting that the nurses were trained in this art. They do bandaging in accidents. Metcalf asked about glasses. Mr. Bailey said that Christian Science children are provided with glasses. They also take their children to a physician to set bones if they think this is necessary. This will put over until tomorrow to consider the committee substitute on May 5. Miller asked what the committee substitute does. It gives the court power to order medical care but asks the court to take note of their Christian Science belief and to be restrained from ordering such care. This is to keep the court from stepping in in the initial stages of treatment. Mr. Bailey asked if this would require Christian Scientists to report illness. No, this would not. Also would this be the same number bill. Yes.

Cornelius asked the committee's indulgence in submitting a bill on blood tests for alcoholic content for every one engaged in an automobile accident. ".08" is a film and the Director of Alcoholism, Glenn Wilcox, will show us the film if the committee desires. This is to be by the Judiciary Committee by Request and instructions to be referred back to this committee. This was without objection; so ordered.

HB-222 - Marketing salmon - Discussion of amendments on lines 17 and 18 concluded with a motion by Kay to adopt said amendments. With was without objection. On line 17 "shall" was changed to "may"; and on line 18 a "." was added after "salmon" and the rest of the sentence was deleted. Miller moves the bill "Do Pass" as amended; Kay seconds. Unanimously signed "Do Pass". Miller will carry this on the floor tomorrow.

HB-610 - U. of A. employees - Banfield and Miller. The testimony of Mrs. Julie Isaacs was handed out to committee members. Dr. Wood, President of the University, testified before the committee on this bill. Several times in his testimony he referred to the need for flexibility and stated that he was definitely opposed to this measure. He brought out that the university was developing a plan to do all the things that this bill does, yet it allows them the flexibility they need to have. He objected to being placed under state personnel rules in that he would not be able to hire alien students or exchange students. Funds for the university come from several sources and Dr. Wood felt that this would cause a hardship on the university. The president also stated that the grievance procedure is being revised and updated. Committee members asked about the different hours of work and the number of holidays allowed. Dr. Wood indicated that they were very shorthanded at the university and a certain amount of work had to be done. Dr. Wood related that the new program for personnel could be in operation by October of this year. This would be ready for the Board of Regents meeting at that time. Presumably it could be adopted at that time. Dr. Wood was asked about what the university was doing to make the personnel system more uniform. A professional personnel man has been hired and he is writing job descriptions and evaluation criteria for the types of positions we have. Other universities have had to form separate corporations through which to channel their funds, etc., because they are under their state personnel system. We don't want to be restricted in this way in Alaska. The chairman showed Dr. Wood the document presented by Mrs. Isaac on the university study. He was asked to comment on the marked portions. This will be submitted as soon as Dr. Wood gets back to the university. This will be on the agenda for tomorrow. Cornelius asked to have Mrs. Isaac with us at that time. Tuesday, May 5.

Meeting adjourned at 6:00 p.m.

JUDICIARY COMMITTEE
MINUTES OF THE MEETING
MAY 5, 1970

Meeting was called to order by Chairman Jackson at 4:08 p.m. in the Masonic Temple. Present were: Metcalf, Fink, Banfield, Harris, Kay, and Miller.

The chairman asked the committee if they desired to take up SB-543 - Hearing officers--Transportation Commission -. It was agreed to place this on the agenda for Wednesday, May 6.

Mr. Jackson informed the committee that the Senate Judiciary Committee asked to meet in joint session for the public hearing on the North Slope Road. The Governor's office has been contacted, as well as the AG, Department of Highways, and the Department of Interior Solicitor. (Peterson arrived 4:10)

The committee has received a draft bill on bank holding companies. It is ten pages in length. I suggested to Mr. Robertson that he get that in the banking code on the senate side. We will consider this in committee on Friday, May 8.

The chairman asked committee members if they were interested in water pollution. Mr. Miller had an interest in this subject so was assigned SB-536 - Water pollution. This will be on the agenda for Thursday, May 7.

Mr. Fink requested to introduce a resolution which would be a constitutional amendment limiting legislative sessions to 90 days and requests it be signed out "Do Pass"; Harris seconds. Kay calls for the question. Jackson, Kay, Metcalf, Miller, Fink, and Harris signed "Do Pass"; Banfield signed "no recommendation".

Proposed committee substitute on welders - SB-547 - has already been signed out. Mr. Fink signed as he was not present at the earlier meeting. This will be reported out today. Harris will carry it on the floor.

Materials on TAPS road were distributed to members. These materials were to be reviewed before the public hearing tomorrow evening.

The committee members were asked what their wish was as it relates to administrative inquiries--handling of discharges such as the examples that have been referred to this committee. Copies of a letter were distributed to committee members along with a copy of a telegram backing public safety in its action in the Scott case. Ernie Lahn, ASEA, was attending the meeting and answered some questions relative to hearings and grievance procedures. He noted that there were provisions for state employees but that most employees did not know of them. He stated that in their union paper they printed instructions relating to procedures, but felt the employees was entitled to know how to appeal in grievance and administrative hearing cases. He mentioned that under federal regulations the employees are notified of their rights in writing. Mr. Lahn

suggested that since the legislators would be here a week or ten days more that maybe they could put enough pressure on to get this hearing scheduled (Scott). It was decided by the committee to hold a public hearing and have the Director of Personnel, Pat Hunt, on the subject of employee rights and grievances. Fink asked Mr. Lahn is he would recommend that we go into the concept of administrative hearings. He felt this would be beneficial. This will be scheduled for Thursday, May 7, 4:00 p.m. The Director of Personnel, Public Safety, AG, and Mr. Lahn will be informed of the hearing on the subject: "State employee rights and grievance procedures." The chairman would request an appointment with Mr. Hunt before the hearing.

HB-803 - Jurisdiction of superior court - Committee substitute has been prepared. Jackson explained the changes that had been made. Kay moves the bill out with individual recommendations. Four members signed to replace HB-803 with CS for HB-803 and to report it out without recommendation. These were Metcalf, Miller, Fink, and Banfield. Jackson and Kay recommend "Do Pass Committee Substitute". Harris voted "Do Not Pass."

Discussion of Public Safety Regulations resulted in scheduling a public hearing on the regulations and also including Senate Bill No. 580 - Use of highways by service vehicles. This will be held on Friday, May 8 at 4:00 p.m. Mr. Personett was notified by the secretary.

Mr. Jackson reported that the English voting resolutions have not been passed by either house. We still have SJR-40 and have it in "temporary hold".

HB-856 - Liquor licenses - Mr. Spear, from the AG's office, came before the committee to continue work on this bill. Most of the discussion centered around the 10-room concept and whether there should be some provision in the law that these accommodations continue to be available. Jackson felt that it should be clear that you can require more than 10 rooms, also. (Cornelius arrived 5:00) Making sure that they were not limiting small operations, the committee felt that if they only close their rooms for six months they can still have their liquor license. The AG will draft this for us.

SB-475 - am - Child neglect - A draft of the committee substitute was ready for consideration. Art explained the changes that had been made. Jackson noted that the CS gives greater protection than the original bill. Miller asked to hear from Mr. Bailey as to his opinion of the changes. He hadn't studied it yet so did not comment. He did have information for Mr. Kay relating to the federal legislation. He stated that there is a bill in Congress to amend the juvenile section of the federal code. This would apply only to those juveniles that come to the attention of federal authorities. Jackson would like to see a simplified procedure for dismissing a case. Miller felt that what we were trying to do could be done by a committee report, leaving the bill as it is. After explanation as to what this would do,he withdrew his comments. Kay felt that the substitute really covered the point well but recommended that Mr. Bailey be given an opportunity to study and comment on it. Jackson asked Art to complete this and have it back before us tomorrow. Art asked the committee if they wanted a provision for summary dismissal, and whether or not to delete the language on Page 1, line 17, that he had bracketed. The answer was "yes" to both questions. This will be on the agenda for May 6.

HB-610 - U. of A. employees - Kay moves to take up this bill at this time. Motion carried. Kay moved to close debate. Motion failed 4-2.

Cornelius moved the bill out "Do Pass"; Kay seconds. Fink asked why we had this bill sent to our committee. Banfield felt that there was some problem with it. Jackson felt that the bill was all right but should have a delayed effective date, because there would be problems in implementing the change. This would allow the university to come up with an adequate substitute or this would go into effect.

Mrs. Isaacs appeared before the committee in favor of this bill with additional testimony. She left a prepared statement of her testimony with the secretary.

A vote was held on the amendment proposed by Jackson. Miller moves that the effective date be April 1, 1971. Motion carried 5-3. Cornelius, Kay, and Fink voted no. They wanted the bill passed without the amendment. Miller moves the bill out "Do Pass" as amended; seconded by Kay. Four members signed "Do Pass" with amendment; Jackson Banfield, Metcalf, and Miller. Three members signed "Do Pass" unamended; Cornelius, Kay, and Fink. Harris voted "No recommendation."

HB-852 - Protecting Viable Child - Charles Merriner, from the AG's office, has been here all afternoon and I think we should hear from him before we adjourn. Mr. Merriner gave the results of his research on whether to say "physical" or "physical and mental" health of the mother. He recommends using the word "life" to avoid problems. The committee still felt there was vagueness in this bill. A committee substitute will be prepared and ready for our meeting tomorrow, May 6.

Meeting adjourned at 6:00 p.m.

JUDICIARY COMMITTEE
MINUTES OF THE MEETING
MAY 6, 1970

Meeting was called to order by Chairman Jackson at 4:15 p.m. in the Masonic Temple. Present were: Miller, Peterson, Metcalf, Fink, and Banfield.

Miller requested that the committee take up the bill on child neglect. Jackson had already promised the AG's office that they would be on the agenda first today.

HB-852 - Protecting viable unborn child - Banfield moves that we drop the whole abortion subject for the rest of this year. Miller brought out that the Governor felt that there was need of something to fill the gray area. Fink also mentioned that the AG's office doesn't feel that this is being covered, but he feels that it is covered. (Cornelius and Harris arrived 4:18) Banfield removes her motion. Jackson noted that the only protection in this area is covered in our committee report. Fink made a motion to table the bill. Motion failed 5-2. Fink and Harris do not want to work on this bill. Miller moves the bill out "Do Pass" Vote was 4-3. Motion failed. Fink, Metcalf, and Harris voted no. If Kay arrives, we will take this up again today.

SB-475 - Child neglect - Fink. Art will explain the changes he made on the original bill. Harris wanted to hold the bill until Mr. Kay was here. Miller and Metcalf want to move the bill out. Miller moves the bill out "Do Pass" for the CS. Motion carried on a 6-1 vote. Banfield signed "No recommendation".

SB-543 - Hearing officers - Transportation Commission - Ralph Sander appeared before the committee in favor of this bill. He felt that the program developed through legislation last year was not working out and that this program should be instituted to expedite processing of papers. Miller disagreed with Mr. Sanders and gave his own experience in handling airlines cases this year. He stated that one of the main problems that the commissioners were not working out was of the great turnover; being 11 commissioners in the last year. Cornelius asked if Mr. Sanders had any backup material as to whether the commission was in favor of this bill or not. The committee desires a commission member to testify before the committee to give their position on this bill. The secretary will call them in the morning and schedule a time for them to be here. Mr. Sanders will be advised of the placement of this on the agenda.

HB-796 - Public Employees Labor Relations Act - Mr. Carlson appeared before the committee to discuss the changes made by Labor and Management Committee. There was discussion in regard to rules, regulations, charters, and ordinances. This possibly could be an additional clause. Cornelius noted that emergency regulations could be made and put into effect which would make this bill ineffective. Carlson asked the committee not to repeal the last section. The Judiciary Committee referral will not be waived and these amendments will be put in. This will be scheduled for work tomorrow. Miller moves it out "Do Pass" with amendments. Motion carried with Banfield and Metcalf voting "no". This will be signed out tomorrow.

Meeting adjourned at 5:30 p.m.

HOUSE AND SENATE JOINT JUDICIARY COMMITTEE MEETING
MINUTES OF THE MEETING
MAY 6, 1970

Meeting was called to order at 8:10 p.m. by Chiarman Barry Jackson of the House Judiciary Committee. Present were: Banfield, Harris, Metcalf, Orbeck, Rettig, Cornelius, Fink, Senator Miller, Lewis, Palmer, Merdes, and Rader. Senators Begich and Josephson were also in attendance.

Mr. Jackson gave an outline of the program by saying that the hearing would commence with Robert Ward, Secretary of State, being first on the program; followed by Commissioner Beardsley and his staff. Mr. Robert Price, for the AG's office, would give his testimony following this.

Robert Ward: I do not have a formal presentation tonight. Our purpose is to react to the wishes of your committee. In this regard, we did furnish the basic framework of the memoranda of agreement with TAPS. The TAPS people left on Friday to circulate this among their own people and will be back Monday, Tuesday, or Wednesday of this week. As yet we have not received their signed copies of this agreement. We have received confirmation by wire from the major participant Since that time, we have been finalizing construction contracts. We do not have copies available but can discuss the provision of those contracts with you tonight. Tomorrow there will be hearings held with State Affairs and TAPS. I would like to point out that we have with us tonight Mr. Bob Price, from the AG's office. Besides myself, Mr. Price, Commissioner Beardsley, Deputy Commissioner Scougal, Commissioner Kelly, and Henry Pratt were on the negotiating team. John Becker, Chief Design Engineer, is also with us tonight. These people will be available to respond to your questions.

Senator Josephson: Question that occurs to me is in regard to Senator Rader's making a public proposal that the reimbursement on the road construction be done by adding to the severance tax on the North Slope production. What is your feeling on this?

Robert Ward: The governor felt the road was necessary whether or not the state got the money back.

Senator Josephson: I am interested in whether or not the administration had made an economic study of the effect of the state picking up the entire cost and not asking for reimbursement. What difference would this make? Particularly participating on an equity basis? Mr. Jackson did not want to pursue this line of questioning at this point.

Representative Cornelius: If it works out that the participants cannot agree on the memoranda, is the state prepared to go ahead and build the road without the pipeline participants?

Robert Ward: We don't think there will be basic disagreement on this.

Rep. Fink: I think Cornelius' question was that if the oil companies do not care to sign this agreement, would you change your position?

Robert Ward: No, because they have already agreed to sign.

Rep. Cornelius: Do we need this road regardless of whether the oil companies participate or not?

Robert Ward: Yes.

Mr. Beardsley and Mr. Price were asked to testify at this time. Mr. Jackson related that he had a memo from Alaska Legal Services that he had requested from them. He handed these out to the members that were seated at the table.

Mr. Price asked to explain that he was testifying for Attorney General Edwards. He also wanted to briefly explain their reaction to the memo that was furnished to him by Mr. Jackson. The position of the AG is that this memo from John Hedland, copy of which was addressed to Barry Jackson at his request, discusses certain questions which are at present in litigation in the courts. The question which is raised in the memo, the ethics question, is raised by the cannons of ethics which govern the testimony which I may give tonight. This would prohibit an attorney, expeically in the AG's office, from discussing questions that are presently under litigation. He read from a supreme court decision of 1959 to back this position. Generally speaking it is improper and contrary to the code of ethics for any attorney to publicly discuss a case in which he is or maybe interested. In that respect, the AG is under no less of an obligation than any other attorney. I would like to point out to the committee that if they wish me to testify with reference to the memo and answer the questions raised by Mr. Hedland, it should be done in executive session, or under conditions where this testimony will not be made public. ---------or that I have been specifically asked to testify. Mr. Jackson after consultation with committee members requested Mr. Price to testify. Mr. Price also stated that circumstances would require him to comment before a legislative committee. The committee does request Mr. Price to comment on these issues.

Commissioner Beardsley will testify first--Most of what I have prepared related more to the merits of the case rather than the legal aspects. I may be able to answer questions.

Rep. Jackson: You do have a full set of the drawings and documents that were referred to in the ---------. Have you had adequate opportunity to review them?

Beardsley: Yes, sir. I became aware in the late fall last year. I requested my chief engineer, John Becker, to review the designs to that point and to make any suggestions for the design that would be more in conformity with out own designs. A number of meetings were held and some changes were made. The design that we are considering is not a snap decision. This is the result of 3-5 months study. It became apparent that it could become a part of our state system.

Rep. Jackson: Do the drawings substantially meet the standards of secondary highways?

Beardsley: State secondary highway standards are not hard and fast criteria. They are living criteria by continually being under change. They are based on the American Association of State Highways recommendations designed for the lower "48". They are modified by our staff in accord with Alaskan conditions. They are designed with the objective of getting the State of Alaska under the Federal Highway Aid Program. Our standards must be concurred in and approved by the BPR. Under normal procedure this is done on a project by project basis. These are not fixed standards. With the company design consultants for TAPS we tried to bring their design in as close conformity with our normal practice of constructing secondary state highways as possible. We have conditions like the Brooks Range. This range has never been traversed with highways before so we don't know all the problems that we will encounter. For all practical purposes and from review plans and field notes and documents along with aerial inspection, we are satisfied that in excess of 90 per cent of this project will be no more difficult than the 50 miles of existent highway. Grades will be no greater than 9 per cent. These construction people in the field may encounter special problems. These have to be acceptable in highway construction. The fact is that since there will be no federal monies involved--------.

Jackson: If federal money were involved, do you think that all sections would meet federal standards? (Just give your own opinion.)

Beardsley: In my expert opinion, nearly all would receive the concurrence of the BPR. Although there will be some field changes.

Jackson: Have you considered culvert size problems?

Beardsley: What the designers have done is size the culverts knowing that some will have to be changed. We will be influenced from our Fish and Game Department and the Department of Interior. The TAPS peopls have already sent up a ----- what they expect to encounter. This is normal practice. Some will have to be changed. We will probably have some surplus culvert.

Jackson: Has your department and TAPS been in contact with State Fish and Wildlife?

Beardsley: Yes.

Jackson: In the memo it says that the state will not be responsible for maintenance during the time it is being used by TAPS. Will there be any commitment that they would be maintaining it?

Beardsley: The contractors working under this agreement will provide maintenance of the highway. Following this, we don't exactly know when the pipeline construction will occur. Before the road, then the maintenance of the road will be continued by the subcontractors. As long as we haven't accepted the road it will be maintained by the subcontractors. The state will not be obligated for maintenance and implies that TAPS will be. It is my understanding that they will.

Begich: Do you have the construction contract and the corporation to be formed?

Beardsley: We will furnish copies as soon as they are available.

Jackson: Will you have serious routing problems? Movement of earth; slide areas; etc. Do you anticipate necessary field changes in construction?

Beardsley: They are provided for. The first 57 miles will be as difficult as any construction problems that will be encountered. We have established as a joint team with TAPS design consultants and BLM, Fish and Game, to protect the environment and to cause this construction to become what is now cited as a model of construction in the Arctic. We have learned from this and can qualify that by saying the contractors made and we have worked out new techniques and the arrangement by which we determine having field changes.

Jackson: Is the general routing dictated by the pipeline routing? There has to be a comparison over another routing if there are no other considerations involved, especially in construction or future maintenance cost and utility for an all year round road. Do you have any comments on that?

Beardsley: I would like to correct an impression. The pipeline was seeking in its constructive design the same kind of materials and security that a road would seek. And, in fact, TAPS investigators did a great deal of work that was a great assistance to the highway department. It is a fact that the highways department favors the route that TAPS has picked. This general route is the most favorable route. The Anatuvik Pass, the winter road, is different than an all year round road. This first one is good for a winter road or trail, but whe you are seeking to build a permanent road, that is another matter. North of Anatuvik Pass there are a great many problems, such as overflowing streams, etc. This is a traditional route, especially as a winter trail. The difference in elevation in the other route, but we feel that the TAPS suggestion is favored.

Jackson: Is there any opportunity for federal assistance on this route:

Beardsley: This is a definite point. Nearly all of our federal apportionment is already listed to the upgrading of the existing highway system. We have succeeded in completing 1/3 of this program. The monies that we have diverted have been nominal. We have only extended the highway system by 10 per cent. If we take our federal aid monies and devote them to this top priority program and improve our maintenance factor, we have a 15-year program ahead of us. What I am saying is that the hard facts are--we don't have federal monies f this highway.

T. Miller: What would be your best guess after the legislature appropriates money, what mechanical things would than happen?

Beardsley: The first thing is to send a team headed by John Becker and including Woody Johanson to conduct an on the ground and aerial survey of the route to satisfy that there are no field problems readily seen. Probably assign two construction inspectors to each segment of the highway. There will be seven, I believe. Then the field changes that are necessary will be made. We anticipate that this would be the first phase, and it would take approximately ten days.

Senator Miller: Do you anticipate fairly quick action here? Would you be able to move rather quickly? Fink asked that if it weren't for the pipeline, would you be recommending this road to be built?

Beardsley: I would work in this direction. This isn't part of our five-year highway program.

Fink: Isn't it true that the primary reason is because of the pipeline?

Beardsley: The five-year program is for reconstruction of our existing highway network. If we had an expansion program, this would be our first priority. TAPS is to reimburse us less any federal funds.

B----: Is there any reason that this is not in the contract?
.....

Beardsley: If we wanted to dilute our present programs, we could go ahead and build this.

.... You have mentioned several times that BPR doesn't have anything to do with this road. Do you anticipate that they will have any inspectors on the road at all? TAPS is using it .....that the state doesn't have any obligation to maintain it? If it is a public road for public use and when will it become available for public use?

Beardsley: After we accept it. I still have the right to close it for safety purposes. We will have to have some means for safe travel on the highways. If there is no pipeline, then we will have to make special provision for safety on the highway.

..... TAPS as a cooperative matter.

Beardsley: I can't give you a concrete answer to that question.

.....Do you believe that the road will be able to be used simultaneously along with TAPS? If the public is using it, the state then has the obligation to maintain the road?

Beardsley: TAPS will be required to maintain it.

.... In regard to the bills sent down---one eliminates the authorization of contract by bid, why?

Beardsley: Two reasons: (1) It appears that we should deal with the existing contractors through TAPS. Subcontractors through TAPS have already gone through a bidding procedure. They are there because they are successful bidders. This is not under state procedures but they

are selected and evaluated as providing the most road for the least amount of dollars. The intent of the law would be threatened in this case. We get into a mish-mash of renegotiation between the new contractors and the ones existing there. There wouldn't be any construction season left. We felt that they were there and that their existing arrangement with TAPS should be honored.

.... cost plus contract? Set fee?

Beardsley: The contract limits the state's obligation to $120 M; if the cost is less we pay this amount. If the cost exceeds $120 M TAPS will pick up the rest. Two types of contractors--target contract and the other is a unit contract. Because of the scope, the cost will fluctuate. There will be a new corporation formed which in turn will pick up the contractor with the prime bid ers on the road.

Jackson: This appears to be a contract on a cost only basis. No profit provided for that corporation. Is this, then, a nonprofit corporation?

Fink: As of this moment, does the state have any environment stipulations?

Beardsley: There will be a number of state departments involved besides highways. HW and Fish and Game. They were also involved in the first 57 miles.

Fink: At this stage, do you anticipate any federal people on the road? Especially in regard to federal stipulations?

Beardsley: BLM people will be up there. They were also there for the first 57 miles. We have a good working basis with these people.

Merdes: His question related how to determine what was "economically feasible"? Defines that as a permit to build the pipeline with TAPS routing currently in existence.

Mr. Price: ..... sum of the money that might be termed cost--whether or not TAPS organization has a sum which is its proposed cost which makes it economically feasible. The latest figure is $1,300,000,000. There are a couple of factors that should be brought out. This is planned for underground pipeline. They are getting serious about above ground construction. The factor of whether or not it will be above or below might make a difference. I can't speak to the question. You might ask TAPS representatives. When the governor told the Legislature that the highway would further conform to state secondary highway system..... The Governor was in error in referring to BPR. Those are the design that we had.

Senator Josephson: Have these drawings been agreed upon by the Department of Interior and TAPS? Fink mentioned that there would be difficulty on gravel pits. What difficulties, and how much gravel?

Price: The question that you are raising, Senator, relating to the gravel permits is the question that is raised in the litigation back in Washington, D. C., in the Wilderness Society versus Hickel. In that action a preliminary injunction was issued by Judge Hart 23 April 1970. It would be helpful if I read from that and discussed it a bit more fully. (Read from the case.).....hereby enjoined from issuing a permit with the TAPS system to any person or corporations. .....Construction of a haul-road over public lands of the United States from Prudhoe Bay to the Yukon. .....to the use of gravel for such a road. .....perhaps it should differ on the haul-road. This is in the case against Governor Miller--gravel from public lands. The language of the injunction states that it is deposited on a dedication of the road with the pipeline, however, if the state constructs a road independently of the pipeline system the two are split off. You have a changed condition. At the present time the Secretary of Interior is enjoined from issuing to any person or corporations.... This referred to TAPS. The use of gravel from public lands is cited. What are public lands, when you consider the 1866 Road Act? The permits for gravel did not require a permit, furthermore, there is also the possibility that gravel found in navigable waters that belong to the state already belong to the state.

Josephson: Some people are concerned that ....they think we have done something. Doesn't the state have any plan to test the theories that you have recited so that the legislature can be sure that the passage of the Governor's program would be barred?

Price: There would be different ways for this to take place. Request the court to reconsider its preliminary injunction on the basis of changed conditions. .....draw rest in litigation filed by ALS in the Anchorage District Court where the state is preparing an answer. I am not sure when this will be filed.

Josephson: Commissioner, normally if there were problems in the field the contractor can process claims on the job. .....with the fact that we are relying on design by the parties in the general contractors corporations. Our liability is limited to $120 M. There is a claims section.

Price: In the target contracts..... In the two contracts that are set units there will be a clause in it. Commonly found in government contracts.

Beardsley: If total cost came below $120 M there would be the possibility of increasing that cost by such claims above the $120 M. After having reviewed their construction quotes that we had in, it would be fortunate to build this road for under $120 M.

Cornelius: You have indicated that the construction problems north of the Yukon would be much the same as south of the Yukon.

Beardsley: No, south of the Yukon is similar to other roads already built. When you are out of the mountain range they are similar to the section of Livengood and the Yukon Road. The cost per mile for the 57 miles was 19.4 M dollars. $340 per mile. We anticipate $327,000 per mile projection for the entire road.

Cornelius: Fink asked about your 5-year program. Did TAPS propose to build a road to Prudhoe Bay? Would your office have considered building a road into that area?

Beardsley: The problem is involved. Basically you have to envision a projected need. Then you have to remember that the 5-year program is for reconstruction of existing highways. No extension of new roads was in the new program.

Cornelius: On Page 14 there is a reference to a possibility that the federal program may pick up part of the cost. Are you going to go ahead with plans to try and get federal participation?

Beardsley: I am concerned that we are so limited that to do the job we have at hand that I would consider it not prudent to devote any federal money to new highways.

.....If you follow the general federal requirements would it be possible at a later time to make an application for funds to reimburse the state for a percentage of the costs involved?

Beardsley: I read the contract that I can't see how this could be done. It will be part of the highway system. It can be improved with federal highway funds at a later date.

..... What I am getting at, we can't make an application with BPR but is it possible to go ahead and use what we have ....and then get that approved at a later date and also get reimbursed at a later date.

Beardsley: I talked with the District Engineer. He thought that it would be difficult. Mr. Fink already asked about the maintenance. The state is responsible because it was a state road. The question arose that in the contract the state will not be responsible.

.....Can't the state contract with TAPS to maintain this?

Beardsley: This was done this winter.

Orbeck: There seems to be a lot of confusion. Isn't it true that they were bid under unit cost system? On the unit cost basis?

Beardsley: .....1-5 year bid on a target brief and the subcontractors benefits vary.

Orbeck: Isn't it cost plus? Isn't it true then that Livengood cost was high because it was started in the winter.

Beardsley: This road would be built in the summer and should cost less.

Senator Palmer: You thought that you would be surprised if it cost less than $120 M. I have hear that it might cost $250 M.

Beardsley: Anything in excess would be paid by TAPS. This would be whether the permit was granted or not.

Beardsley: Let me state that I understand it that there is somethink under $40 M in mobilization cost and administrative costs in addition to this, anything in excess they will pick up the remainder. This does not include $19 M they spent on the Livengood Road.

Rader: Do you feel that the route of the pipeline is certain now?

Beardsley: This isn't my area to judge.

Rader: I notice that the contract provides that if it goes an alternate route there would be no repayment. Are we taking the pipeline companies word on that?

Secretary of State Ward: This gets into policy--major deviations could negate their having to reimburse the state. We have had a strong assurance as we can get and have indicated that there was no change in their plans and the route that they favored was the route throught the Detrick Pass. ....no desire to move the pipeline. If they got a permit that said you cannot construct it through the other pass instead of the Detrick and they are not party to that then their agreement says that the state would be reimbursed on the road that did follow the pipeline route.

Rader: Doesn't this make a different a state ris and not a pipeline risk? They specifically have it..... We are relying on the pipeline for the route and we don't have a choice. Is the state taking the risk or the pipeline?

Secretary of State Ward: The realities of the situation is that they will go along that route. They already follow that.

Jackson: To close this line of thinking--let us return to Commissioner Beardsley.

Metcalf: Do you intend to let the public use the road?

Beardsley: This will be maintained 12 months out of the year--when the state takes it over. Use would be based on volume of traffic.

Metcalf: Do you have an estimate of maintanance--such as $2,000 or $2,500 per mile?

Fink: Federal government allows so many dollars which comes from highway user taxes. This is divided among the states according to population and other factors. Most are apportioned in the neighborhood of 94% to 6% for state dollars. There are certain things they will not participate in. In other areas you will find 88% federal dolaars to 12% state dollars. The ratio is so high because of your high precentage of federal lands. This amounts to $48 M per year.

Fink: Any federal funds that we apply to the road have to be taken away from other programs.

Beardsley: We can use it any way that we see fit. Any federal funds

that we put on the road will have to come from other programs. Livingood is not a public road today. Until the pipeline is completed in accordance with the agreement with TAPS.

Fink: What about North of the Yukon to Prudhoe Bay?

Beardsley: It will be a public road. You have no way to get to it until such time as the pipeline is completed. If the pipeline construction is in the picture. Before the pipeline is completed it is almost a fair statement to say that it is not a state road. It will be limited public use.

Jackson: Do you anticipate that there will be limited public use from Livengood to Yukon.

Beardsley: We have discussed this with them. We have merely agreed that there was a problem but we don't have that worked out.

Jackson: Who will provide the Yukon crossing?

Beardsley: There will be an ice bridge in the winter and a ferry in the summer, both operated by TAPS. Following that we will negotiate with TAPS.

Jackson: How many months out of the year do you expect to be able to use this road?

Beardsley: 10 months.

Robert Ward: .....federal provision in the contract.....
The inclusion for repayment to TAPS if any federal funds were received by the state. Our original draft did not have that in there.....not devote any funds available and not jeopardize the construction of this road. The participants asked if we would object in the event that we would get any reimbursement. That is why it is in there.

Senator Miller: What general braod public policies bind public roads. As Commissioner do you feel that the North Slope Road has a value as a logistic notwithstanding the pipeline? Do you feel that the state would feel justified to build this road even if the pipeline were not built? Should the state bear the risk rather than the companies in the route deviations?

Beardsley: This might not be an important consideration. First on the value of logistics rather than a tool to build the pipeline. The risk isn't too great then because the state can recover because of the.....

Robert Ward: I would like to put any businessman's mind at ease as to where the risks lie. Every program that we have invested in whether by the administration or legislature sponsored, in any case, it requires an appropriation of funds. It requires a lot of money. If it is to be done in an orderly fashion. The administration and the legislature have recognized that we have to have continuing revenue. Oil is the number one thing now. Along with that in marketing the oil we can accomplish that and get the road too. If it is the administration and the commissioner that the

road will serve a basic purpose besides the pipeline then some of these questions in terms of broad policy and other methods that the state can use to recover its cost if this agreement doesn't work out.

Senator Hammond: The states liability would not exceed $120 million regardless.

Ward: We are assured that TAPS will underwrite a road regardless of cost.

Hammond: Or does this mean at TAPS option? They will say we don't want the road to go any further. Is it assuredly going to go from point "A" to point "B"?

Cornelius: Fink brought out an interesting point about public highways in regard to Livengood to the Yukon. The basic reason that we would appropriate for this road without an absolute guarantee from TAPS is because it is important for supplying the oil fields by the trucking industry. Don't you think it is important that at the time for scheduled completion of the road north of the Yukon be a public road the same as south of the Yukon?

Beardsley: We have not reached any formal agreement on this yet. Isn't any real strong.....of making both parts a public road at the same time. I mean on the part of TAPS.

Cornelius: Why couldn't this be included in the agreement?

Beardsley: We have discussed this but there has been no agreement at the present time. We don't know what the safety standards will be. If we can work out this arrangement without impeding the construction..... Traditionally the highway program has used about 15% of the budget. The $120 million is roughly 15% of the $900 million.

Rettig: According to the timetable expressed in the agreement, sometime before June, 1971 the road is finished, the state is reimbursed, and then they finish the pipeline. At that point, who owns the road?

Beardsley: The state owns the road.

Rettig: How about maintenance equipment along the road. Is that part of the transfer to the state?

Beardsley: No, that would be TAPS construction equipment.

Rettig: How much does it cost to put in the ice bridge?

Beardsley: $25,000 per year. .....That is our part of the road.

Rettig: Would the ferry be part of the road system?

Beardsley: I will be negotiating with them.

Rettig: Did I understand that the participants are to use their best interests to get their permit. After that they are not obligated to try anymore.

Rader: The road has other purposes. Assume that the road was built to Anatuvik Pass. Would a second road to the slope be authorized?

Beardsley: Yes, this opens a great recreational area.

Rader: If TAPS built a road to Anatuvik Pass, would you suggest a parallel road?

Beardsley: If we built a road over the route, we are talking about the state taking one route and TAPS another route, then we would have two routes to the slope. This would be a duplication. This would not be a permanent road. It would be impossible to maintain this road.

Rader: Do you think that two roads would be justified?

Beardsley: At least part way. Up to the vicinity of Anatuvik Pass. It will open up a new area there.

(Five minute recess)

Price: We have exempted the monies from state income tax. The corporation is not exempt from state tax.

Jackson: The contract would be written that this would not be a profit corporation.

Ward: Overhead is a part of the $120 million. The state.....

Jackson: Mention of airports at three locations. Are they to be state airports? Also what legal problems are involved in getting land for the airports?

Price: I may have some answers to these. As I understand the modifications to the land freeze, there have already been arrangements made for airports. I don't know whether or not they apply. There would have to be appropriate modification made for these airports. Or, if they are tied to the pipeline they would be covered by present exemption.

Ward: TAPS corporation has shown.....as part of the pipeline. Total number needed for the pipeline. This is for the airports not necessary to the road construction.

Jackson: Last sentence refers to the environmental provisions of the state. Could you provide us with a copy of those.

Price: I can provide a copy. Parties to the agreement anticipate that it may be necessary to get further modification in the land right-of-way under (USCA 932). It may be necessary to get permits from the federal government for gravel and other materials.

Jackson: What problems may be encountered?

Price: It may be necessary to get modifications from the land freeze to use these materials. It is a question of whether the.....with material necessary to have a further modification of the freeze or whether it is unnecessary because of the present modifications which we have.

Jackson: Would it be necessary to have Judge Hart modify his preliminary injunction?

Price: At the present time there is just different schools of what to do. Probably go to Judge Hart and ask that he modify his injunction in regard to the gravel sites. I think the changes are fairly good. Secretary Hickel has.....

Jackson: Question of the withdrawal for the Rampart Dam site.

Price: There has been an early modification of the Rampart site withdrawal for the road from Livengood to the Yukon River. There is still a portion which is in the withdrawal and we have assurances that there will be no problem in getting a modification on this. Power Commission and Secretary of Interior must act of this. This provides that once there has been a modification, the state has the first opportunity to take advantage of the power site withdrawal for the purposes of right-of-way.

Jackson: In a particular statute?

Price: I will furnish that after the hearing.

Jackson: It has also been suggested that even after that the land order is necessary to obtain right-of-way with or without being pushed by Native groups. This may present a problem.

Price: The state is involved in the litigation, we have no way of saying about those villages north of the Yukon. This is the only suit in which the state is presently involved. The suits in Washington D. C. and the other suit in Anchorage only involves TAPS or the Secretary of Interior, therefore, what I discuss would relate to the suits that have been filed..... Land freeze when the question was presented to the Senate Committee on Insular Affairs they did not feel that they.....for a road and the.....in no way affected the native land claims. I am not sure whether you want me to go into details of the litigation in Anchorage. It might take up more time than you would like to have occupied by a legal commentary on a memo.

Jackson: I will leave that up to the committee. Assuming that the suit was withdrawn, would there still be a problem as to whether or not you could obtain a right-of-way because of the comments in the memo?

Price: I don't see any. If there were necessity for a native village to pass through a tribe organized under the Indian Organization Act. It may sound that there were a number of hypothesis that had to be overcome.

Jackson: In paragraph 4--In that the company would pay all costs over $120 million rather than the state would have to pay this without reimbursement. That appears not to be in intent. I suggested that the

language in the section should be amended to make it clear that while the state is agreeing to pay the corporations for additional costs it is limited solely to the funds that are advanced by TAPS.

Price: I think you are referring to the sentence in the event..... It is anticipated by that clause that if for example there is a cost overrun over $120 million that the participants of TAPS will furnish the money to the state to continue its payment to the general contractor who in turn will furnish it to his subs.

Jackson: Is that obligation on the part of TAPS without the limits or.....Nothing to do with the granting of the permits on the pipeline itself. Reimbursement of the state? Why the date June 1, 1971, was selected as a cut off date and what its purpose was?

Ward: I think the original discussion was to time that to the end of the road construction besides that the TAPS people would be binding upon them. Originally they didn't think it should be taking long.... time to the completion of the road. That is the main reason for that date.

Jackson: What happens if the permit is granted after that date?

Ward: If TAPS builds the pipeline then along the same route within two years after this date, they would reimburse under this agreement.

Jackson: The participants but not the total corporations then, they would be reimbursed according to the percent of their participation?

Ward: All of this gets tied up in the economically feasible permit. Definition, of course, if they get a permit that they agree to, that is when they June 1, 1971. They reimburse whether they build the pipeline or not. If they don't agree--this is the permit and the condition so onerous they say we can't build a pipeline. They would not be required to follow this. As long as they agree that it would be economically feasible is one thing and the permit is favorable they are forced to pay.

Jackson: For other reasons they do not want to build. There is no builtin incentive for them to continue. Even up until then. How do you define "good faith" and "best efforts"?

Ward: No provision for changes in the participation among the members of TAPS. Whether or not that may not present a problem.....especially if the pipeline is commenced after 1971. Then the provision is for the participation in accordance with the percentage of participation with TAPS. They are bound until then.

Jackson: I am confused on the last sentence on page 6. On the paragraph beginning "after the listing of the participants and on through page 7.

Ward: What you have are different alternatives--covered by the sentences that you referred to. If there is a legally defensible and economically feasible permit by 1971. Next constructing a pipeline basically along

the same route from 1971-73. Participate in the reimbursement to the state with the percentage set out in the first paragraph on page 7. In the three...If they received the permit prior to 1971 for a different route than what they applied for, the state would only be reimbursed as to the portion that followed the pipeline.

Jackson: Why are you using the term "tax fees" permits and not used on page 6?

Ward: This is to cover the last question that you raised. Along about two years or three we wouldn't have the last sentence. We raised the question that if on July 1 you began to build the pipeline.....From then we started the two years. etc. We would get as much reimbursement as we could.

Jackson: On the definition section--Legally defensible. Permit the immediate construction of the TAPS. This raises the question in my mind, what if the permit is issued but there is litigation that holds up construction? Does this let the company off the hook? and they do proceed with the construction of the pipeline.

Price: If there were litigation which madethe permit grant invalid at the end of that litigation then the permit would have been one that would not have been legally defensible. This in no way makes the permit on that wasn't legally indefensible.

Jackson: I raised that question because on page 6 you have a good clause that one or more of the participants commences the pipeline. You are covered. If a permit is issued in the near future but litigation does hold up the construction of the pipeline until early 1971, what then? It seems to me that a strict reading of this language would let them off the hook.

Ward: There is strong concern for us too. They were to guard against what even though a remote possibility that perhaps by Congressional action it would not be legally possible. Economically feasible-- when the terms would be unable to be met by TAPS.

Jackson: The word immediate construction should be made to allow construction to be started by June 1, 1971. The other problem I have is.....the point has been raised about the design and cost. .....will not meet the Department of Interior requirements. There will have to be some major changes. What does this do to the plans we have now?

Beardsley: Suggested that the actual cost may not be any greater. I am reluctant to delve too deeply into this and TAPS people will be here tomorrow. In view of this, I think TAPS and the Department of Interior..... Their main hangup was they hadn't heard about how to build the pipeline above ground. TAPS would get engineering requirements for building above ground. They do have the designs ready now. The main difference was how much above the ground. They had room to move.....toward the limits of the possibilities of the Department of Interior.

Senator:
Earlier you indicated the state owns the gravel under the waters of the state. To use that gravel does the state have to get anyone's permission? Such as Corps of Engineers?

Beardsley: No, Senator, on the beds of submerged bodies of waters. There is a question about navigable. Once the beds of navigable waters have been defined.....

Senator: Are there adequate gravel beds under water between Prudhoe Bay and the Yukon?

Beardsley: At this time, we are not sure.

Senator: What steps did you take? Before the new corporation goes into operation?

Price: Right-of-way is all right now. No action is necessary. He read from the regulation--a federal code. 1866 Act. .....reference to a right-of-way by anyone under the 1866 statute. "No application should be filed under RS.....2777.....As no action on the part of government is necessary."

Fink: Is there a standing offer from the federal government to anyone?

Beardsley: You would have to get permits to use the gravel. There would have to be permits.

Fink: Contract, gravel permits, 200' right-of-way. If you aren't about to come up with the permits, do you consider this a legally binding contract?

Price: This will not be binding until you pass legislation. It is an agreement.

Fink: Could they go to court and sue on this.

Price: Yes. It is legal.

Fink: Is Employment Security Contribution a tax?

Price: This is more general than the language in the proposed bill. Advance payments.....it is always an advance against something. It is clear enough that they are paying some other money that they owe us. Monthly advance payments. When you advance something, you are paying something that will be due. They are giving us money which we will give to the general contractor who will use it for something else.

Borer: Roughly what is the cost of the road that you are presently .....road from Palmer to Fairbanks?

Beardsley: This is not available. I would say about $250 to $350 thousand per mile. This is my estimate.

Jackson: One point. I suggested to you that it will be necessary to put a clause to cover these additional payments beyond the $120 million. If they are paid to the state and intend to be funnelled.....to be..... subject to appropriation. We do this with certain federal actions with a wild card clause.

Price: It is in the appropriate act. There is a paragraph which is entitled "For reimbursement" which might cover that.

Rettig: Page 6 (1).....for all cost incurred if the permit is received by June 1, 1971. What is the implication of related.....Is this overhead type costs?

Beardsley: Primarily.

Jackson: Would the department be paid its overhead?

Beardsley: The department expects the pay or portion out of state funds.

Jackson: Does this mean that you would allocate up to the $120 million limit? A certain portion of department operations as they are related to the pipeline? Is that what it says?

Beardsley: The costs are defined in the construction contract which you will have shortly. They do not expect to pick up state costs. Costs related to and necessary for the construction. Not direct costs for moving gravel, say. Camp maintenance would be another one.

Price: The construction contract is incorporated by reference into this agreement. There is no one overriding document.

Jackson: Has this been signed by all of the parties?

Ward: No, it has not been signed by all parties.

Rettig: (2) Advance payment. Say, May 31, 1971. They have two years to come under this paragraph. 2% to 3 1/4%. Say if Home Pipeline construction undertook the job. 2% of $120 million isn't very much. .....if one can be completed at all.

Ward: That is on the basis of this agreement. Only to the percentage of their participation with TAPS.

Rettig: Doesn't the state have to take the risk of the dissolution of TAPS?

Ward: TAPS has indicated quite clearly that they would not.

Rettig: If I am reading it properly, this is binding on TAPS on June 1, 1971. After they decide.....this they do not have to pursue it any longer. It seems to me that it would be very easy for one of these participants to undertake construction on his own and allow the others to get off the hook. In which case none of the others would have to participate and then only to the percentage of their participation.

Ward: This agreement would bind them to the consortium.

Cornelius: One of the minorities to go and construct it by themselves and that way the state would be reimbursed only to the state as say 2% of the cost. Then sell its interest to the other companies and they have voided reimbursing the state within that two year period. They would not have proceeded in "good faith".....in order to get two more years.

Ward: There is no "good faith" requirements on the extra two years. This is only up until the 1971 date. We might consider putting that in there.

Cornelius: As you know there is a tremendous amount of money involved. There aren't any nice guys. In respect to Judge Hart's order, would you please read that portion again?

Ward: "order that the defendant agent's attorneys.....any persons in the act of consortium enjoined until final determination for an injunction and other relief from issuing a permit to the TAPS system. ..... Constructing a haul-road over public roads from Prudhoe to Yukon River.... to the use of gravel from public lands of the United States for such a road."

Cornelius: Wouldn't it be possible for the Secretary of Interior in case this injunction were interpreted to the uses, could he modify the land freeze and allow the state to select these lands so that it would be state lands instead of federal lands?

Price: This is one possibility.

Cornelius: Would that be a possible alternative in case legal problems developed.

Senator Josephson: I thought that state land should be in compact continuous tracts. Do you mean that we could select a 200' strip of land?

Price: It is compact. The state department of law is involved with a department of justice in the matter of the cases before Judge Hart in Washington, D. C.

Josephson: Are we a party?

Price: No, we are not a party. The Justice Department has made its offices available to us. They do not cost anything. Our interests are compatible. We do have law suits that involved the department of justice.

.....I have heard from others that your department has elected not to intervene in either case before Judge Hart.

Price: At the present time we have not intervened.

.....Do you have any expectations of the outcome of those cases as to whether the department of law would be.....

Price: I think Judge Hart was wrong. He said that he would reconsider his ruling because he could be wrong. In our brief in Washington the

Justice Department had not applied because they had no new arguments to present. They have not yet chosen to request Judge Hart to reconsider his decision. The reason I ask is that the matter I raised initially, the logic of his decision still plagues the road program. Some action has to be taken. You replied that the Interior and Insular Affairs Committee has responded affirmatively to the request by Secretary Hickel on whether or not the state had the authority under 1866 statute to construct a highway over public lands. Do you think that that affects Judge Hart's decision.

Price: It is possible to cite the House Committee on their modification. This was approved by the House Committee. This carries a certain amount of weight with the Judge.

.....Feeling that way, does the department have any present plans while the legislature is still here to clarify the claimed right of the state to proceed under the.....?

Price: The AG attorneys will be here tomorrow. If there were action by the legislature that indicates an intention to go along and set up authorization and appropriate this would come in the argument to Judge Hart that it was a separate highway project independent of the pipeline project and his decision and his decision in the suit was based on a different set of circumstances.

TAPS then applied for a haul-road in conjunction with the pipeline right-of-way application. State can exercise its rights under highway legislation. Really then you don't want the state to be a party in the court.

Price: I would have to refer that the AG. We are engaged in the litigation. If we are to file successfully in the district court in Anchorage.....that did not preclude or amend the orders, injunctions against the district court in Washington D. C. If there were inconsistent orders, the governor of the state of Alaska would only be bound by the State of Alaska and not by the District of Columbia. Only the Secretary of Interior is bound by Judge Hart.

Rettig: Page 7, paragraph 7. The participants employ agents and contractors during the time of construction and the operation does not have to pay any state imposed cost. Fuel taxes, highway taxes, use permits, employment taxes?

Price: I do not read this as a tax. As a tool maybe.

Rettig: It is possible to construe the word that broadly but would not fit in the contract. Used here in a legal sense. It is extended for the life of the pipeline which might be 50 years.

Price: It wasn't the intention that cost would include exemption from state gas tax. Just to provide a tool I presume.

Rettig: For the life of the pipeline?

Price: It is going to be part of the state highway system. It is a state highway. You cannot change tools.

Rettig: If there isn't any purpose in it, why is it in there?

Price: For caution by the TAPS people.

Jackson made some closing announcements.

He hoped to have Hugh Wade tomorrow night on the legal problems. TAPS representatives if they wish to appear on the same problem. This meeting will be recessed until 8:00 p.m. tomorrow evening, May 7.

Meeting recessed at 11:05 p.m.

JUDICIARY COMMITTEE
MINUTES OF THE MEETING
MAY 7, 1970

Meeting was called to order at 4:12 p.m. by Chairman Jackson in the Masonic Temple. Present were: Fink, Banfield, Peterson, and Harris.

Mr. Jackson called a subcommittee consisting of Fink, Banfield, and Harris to take testimony on employee rights and grievance procedure

Mr. Lahn was asked if he wanted to relate any problems that he was aware of. He didn't really know what areas we were looking into so desired to wait until later.

Mr. Pat Hunt, Director of Personnel, gave an explanation of employee dismissals and the procedure followed under personnel rules. He gave each member a copy of the rules and the statute. Mr. Hunt made reference to the two cases that the committee was familiar with and stated that these cases related to appeals and not grievance procedures During the past year five employees have appealed their dismissal. Jackson asked what the provisions were for representation by counsel, and what provision for notifying the employee of his rights. Mr. Hunt stated that the person must be notified in writing and given the reasons for the action and a notation of the section that applies to his appeal rights. These are not quoted or explained. Mrs. Banfield asked if there were any other departments in the state that held administrative hearings. Mr. Hunt stated that there were none with formalized hearings, such as Public Safety. Relating to the administrative hearing under question, it was felt by committee members that if a number of other people are brought into the decision making process that if through appeal the individual was reinstated it would doubly hard for them to accept the employee back in his position. (Miller arrived 4:30) Miller feels that if after a personnel hearing a person is reinstated that the personnel system should see that that person is accepted back in the system and not driven out by the treatment he or she receives.

Norman Chafin, Alaska State Troopers, asked to be heard in this discussion, as he had been on the hearing board covering the case in question. He was asked by committee is he felt that the trooper had a fair hearing in the light of the fact that he was not allowed to testify and not allowed to cross examine witnesses. The greatest objection from the committee centered around the taping of this procedure to use as a training film. Miller requested the film to be shown to committee members. The time period involved in the notification of time of hearing was questioned also. It was felt that more time was needed to obtain qualified counsel. (Metcalf arrived 4:40) He wasn't allowed to testify because he had no counsel and we thought that this would be a protection to him. Fink asked the trooper if he was in favor of administrative hearings. He stated that he was because he felt they gave him a measure of protection. Jackson mentioned that Mr. Chafin said he wanted an investigative hearing because it would give him an opportunity to present his position to his peers. This it what seems to be one of the issues in this particular case. The trooper in question was not given this opportunity. Personnet broke in at this point and said that his

instructions given to the trooper were that he should have counsel present. Also at the end of the testimony he was asked if he had any statement to make in his own behalf. He said that the only thing he had to say was that this was unconstitutional. (Cornelius arrived 4:47) Banfield asked to be provided with copies of the regulations in the department headed by Mr. Personett. Jackson asked for a copy of the rule showing that the man could not testify unless he had an attorney present, or that a continuance could be obtained until he could engage the services of a qualified attorney. Also the rule that he would not be allowed to cross examine witnesses unless he had counsel present. Miller requested to see the rules and regulations that they work under when holding an administrative hearing. Mr. Personett will provide these for the committee. Some comments were made by Captain Dick Burton in regard to the procedure of the hearing. He felt that the administrative hearings did not have to parallel court hearings because the employee has appeal and grievance procedures to follow.

Ernie Lahn asked to comment briefly. He wanted to defend the right of administrative inquiries into these situations. They serve a very real purpose. This is the same reason that we go through several procedures before an appeal is granted before the personnel board. If I had found myself in this position at a hearing, I would have advised the person to leave and return again under the proper circumstances, which in this case was with an attorney. I could not allow or tell anybody to set through that type of inquiry. Personett commented that in a case like this, the case would have continued and he would have based his decision on the findings of the later hearing. Mr. Hunt expressed the feeling that he, too, would have advised the person to leave the meeting. Personett stated that he was advised to be present but that this was purely voluntary. Jackson restated his suggestion or recommendation in regard to notification to the person by quoting a rule and the appeal rights along with reasons for dismissal.

Meeting adjourned at 5:30 p.m.

Executive session relating to TAPS meeting this evening. We will try to schedule a public meeting on this for tomorrow afternoon at 4:00 p.m. Harris--in regard to the trooper subject--I think these should be executive because I want to talk about this one particular man.

Meeting was called to order at 8:10 p.m.

The AG will not be here tonight. I gave him a copy of the list of questions I had on the contract based on the testimony taken yesterday. He advised that these concerned administrative policies. Mr. Price said he was committed tonight and could not appear. Mr. Beard reported that he was unable to line up anyone for tonight. Mr. Wade from the Department of Interior will be here and also TAPS representatives will be willing to meet with us. Either in the afternoon or in the evening. Hopefully for 4:00 p.m.

Miller: I would go along with that on the investigation, that it was my understanding that we ask for subpoenas to be issued if they do not attend.

Kerttula thinks Mr. Miller has a good point.

Cornelius: Because of my personal feelings of hoping for this road and the pipeline permit. It really pains me to see this, but in my mind it is without a doubt one of the worst legal documents I have ever seen. There is a potential law suit in every paragraph, whether the pipeline is built or not. As a result of the.....there are so many loopholes that it is just painful. Particularly one that Mr. Rettig brought out last night, if the pipeline permit is given after July 1, 1971. Only liable to the amount of their participation in TAPS. Two per cent interest. The state gets back only 2% of the money. They could assign their interest to any of the other interests. This is just one of the examples. I am concerned about this.

Jackson: We have to recognize that they have been under intense pressures to come up with an agreement. It is not needed for changes in the agreement. When would Mr. Bradley expect Mr. Wade? A member of the audience went to see about this. I don't know what we can do at this time. I could review points I have discovered, but I hate to do that.

Fink: I can't agree with Mr. Cornelius at all. I think that we have to acknowledge that the contract was handed out by two parties after negotiation. Looking at the viewpoint of one party, it is not the way you would like it to be. There are two parties involved. There is no question in my mind that the state will be reimbursed. There is a lot of question in my mind. The 2% bit is absurd. We could get it from them in other ways. Government regulates. The big issue is whether it will ever be built. We could criticize the administration and TAPS. Not written for either one, but to give certain advantages to both.

Miller: I have listened to both of these. I think the contract lacks a lot for either side. Benefits to the state are so clearly lacking that I would question it on the basis of mutuality if not for other legal theory.

Cornelius: Maybe we will have to make a policy decision. Some feel that the road should be built regardless. There are $100 million worth of resources up there--and just a supply road for these deposits would be

advantageous. We should build it for the minerals there. Whether or not the pipeline is built. We should have a better contract than this one. The railroad to the West was built to help private enterprise get to the West Coast. It opened up a large section of the United States. The same possibility exists up there.

.....We haven't offered them every section.

Kerttula: That railroad caused the states' legislatures to be controlled by the railroad.

Miller: I agree with most of what Cornelius said. I think it should be built for the sole purpose of opening up that country. We are going to build it a 100 miles at a time. Now we can develop the state beyond all imagination. If you are going to tie it to the contract--well, there are weaknesses in the contract. It should be mutual and fair to all. On the other hand, if you are going into economics there is copper and asbestos, and other developments, homesteading, and agriculture, too. There are many advantages to opening the road. There is also lumbering and other things besides oil. Really the purpose is to develop the pipeline and the delay is very expensive. $400 million in three years. The road is needed and should be built.

Harris: I request a ten minute recess until Mr. Wade arrives.
(Recessed until Hugh Wade and Dick Bradley arrived.)

You probably will not be able to give definitive answers to the questions we will ask tonight. You have had an opportunity to see the agreement between the state and TAPS. Comment first of all on the question of permits for airports and free use materials. The committee has received copies of applications for gravel--What is the benefit in the department of the handling of that? When is action expected?

Mr. Hugh Wade, Department of Interior: I would like to explain my position and our position on this whole thing. I had a call from Art Peterson and he indicated that he thought that maybe we could be helpful, so I communicated with the office in Washington, D. C., the Solicitor, and was told that we are not in on all of the negotiations of the pipeline and the highway permit so it probably would be best if the state had any legal questions that you should refer your questions to Washington. In view of these instructions, I didn't think we could appear. I called the Solicitor and told him about this and he said we have talked at length with the AG for the State and you have answered many of the questions he had. We haven't had time to communicate what his answers were and his questions. You probably better stay away from the meeting. About an hour later he said I talked with the Secretary's office. No, the Secretary feels that if the committee in the legislature feels that we can be helpful, it would be best for us to appear. But, I did want you to know that under established precedent for the last 9 months.....TAPS had a legal problem that was presented to BLM in Anchorage or not to the Solicitor's office in Anchorage but to Washington, D. C. Washington answered it. I can frankly say that lots of times the Solicitor doesn't communicate everything that he has

discussed about Alaska with the Regional Solicitor. Many problems that we are not aware of and know nothing about. The Secretary reversed the Solicitor and said, "No, I would like to have Mr. Wade appear and tell the committee that if the Interior Department can be helpful they will be glad to do so." Peterson sent a wire to the Solicitor when I talked to him he had not yet received an answer. .....asking a very general question of what legal problems were anticipated? I talked today with the Solicitor and practically asked him if he received the wire yet. He didn't mention it. I am sure you will be receiving an answer from the Solicitor of his views.

Jackson: I would like to know what the plans are of the Department of Interior with regard to the pending litigation that has been brought by both the Wilderness Society and others and Stevens Village and others. In the District of Columbia courts with regard to the proposal by the state to build the road. Both as to right of way and as to any permits that may be necessary. (2) Whether it is the positionof the Department that the injunctions that have been issued in any way would affect the right of the state to proceed to accept the right of way under the statute and whether or not the injunction would in any way affect the right of the Secretary to grant permits for airports or for gravel, incident to the construction of the road. (3) Whether the Secretary of the Department sees any difficulty in obtaining a change in the Rampart withdrawal? It is my understanding that a formal request has been issued by the state. (4) Aside from litigation, what time frame may be involved in the permits themselves? (5) Whether or not the department expects to have to consult with the Interior and Insular Affairs Committee on any phase of the state road? If so, what phase?

answer

Mr. Wade: I can't/any one of the four or five questions that you posed. I have not been aware that there is any problem as far as airport sites are concerned. In connection with construction of the highway?

Jackson: Yes, sir.

Mr. Wade: One thing I can comment on I think. That is that yesterday I met with the two assistant attorney generals, Kishowa and.....Ranking assistant attorney general in the Department of Justice. He was in Anchorage yesterday and with his assistant Mr. Pittle who tried and argued the five village cases before Judge Hart and the Wilderness case. The reason we met that they thought that we ought to be informed as to what their arguments were and the status of the case at the present time. No indication as to what their plans were for following up the injunctions. Except to say that they are considering either an appeal which would take some time to get a decision on and a request for modification. This is the status of the thinking at this time. They brought up this question about the Secretary's letter to the various committees. And I had seen the Congressional Record that had come in that day that the Chairman of the House Committee, Mr. Aspinall, had replied to the Secretary's inquiry. There was daily debate as it affected the Interior Department. The Congressional Record came in three or four days later. They had notified the Secretary that they had replied to his letter. They had

no objection to the state application for highway right-of-way. Mr. Pittle spoke up.....we saw and we were aware of this and this is an accredited report.

Jackson: Has the House answered the letter?

Wade: I asked if they had any answers from the Senate Committee. They had not at that time. I would say in talking with the gentlemen from the Department of Justice. They had not replied to it and they made quite a point of saying that the AG was not going to rule on the question. But legal affairs of the Department of Justice would probably have a pronouncement to make. What the.....I don't know. After the Legal Affairs decision of the Department of Justice receives the problem you will probably get some sort of an answer.

Jackson: I think you will recognize that members of the committee that even if we appropriate the $120 million tomorrow and not seek reimbursement but because there may be legal implications.....any assistance you can give us.

Cornelius: Would it be legally possible for the Secretary to in a case of this kind modify the land freeze order to the extent of the route of the proposed road.....state and the road would not be crossing federal lands?

Wade: This might be an approach and I expect to talk with them tomorrow and ask them about this.

(6) Another question - When someone buys or takes property from the federal government they theoretically have access to cross intervening federal lands to that property. In this case the state has obtained or partially obtained lands in the Prudhoe Bay area. Doesn't the state have road access across federal intervening lands to get to the state lands?

Wade: This would be without a permit from the Interior Department. We have a case similar to this and it could be something to explore on the part of the state.

Jackson: Would you say without the necessity of a permit from the Interior Department?

Wade: This is what we have determined in this other particular case.

Miller: I think that the law provides that the permit is required where it becomes a permanent dedication. Just to use it I don't think you need a permit.

(7) I have seen the theory that the 1866 Act is not applicable to lands to which there is Indian title. If this is so, in the absence of the law suit brought by the Indians on their land claims, what would be the position of the Secretary as guardian, to allow effective acceptance of

the offer as in the statute? Obviously, he can't do anything under the statute perhaps, but perhaps he could refuse to give permits for gravel and airports?

Wade: I can't answer except to say that the Interior Department does not recognize Indian title on lands in Alaska at this time.

Bradley: The 1866 Act says when it is self-executing. If it applies we don't have to do anything to give it to you.

Jackson: If it does apply, the Secretary may not recognize the Act.

Wade: I am sorry that I was told that TAPS was coming down here. Maybe you would get to us sometime during the evening. I thought I would come about 8:30. Sorry I was late. I will assure you that if by tomorrow I can have these specific questions that you asked, I will be able to telephone the Solicitor and say these are the questions that the committee would like an answer to. I did want to let you know that the Secretary and the Solicitor told me that we were to cooperate fully.....willing to do anything that the state asked them to do if it wasn't contrary to law and regulations of the department.

Closing remarks by Jackson: We will be continuing to work on this. An executive session is planned with administration and TAPS sometime tomorrow.

Cornelius: Would it be possible that Mr. Wade be present at the executive session?

Wade: You can reach me at Dick's office.

Fink: From what you said I am not sure about the law of 1866. Where its application has anything to do with being North of the Yukon.

Wade: Tom, he must have had in mind that the state was going to select some land up there.....10950.....anyone that wanted to do anything up there. Pertains only to when the state wants to select the land. I think that is what the Solicitor would say. This question has already been sent in to the Solicitor. 6 (c) of the statehood act spells it out pretty much as to when and what you can do. This limitation only affects selection by the State of Alaska. That is my opinion, Tom.

Miller: Since you mentioned that the law doesn't pertain to this these lands are not public lands. These are, aren't they?

Bradley: The Interior Department has not recognized this. They are public lands.

Miller: This law would apply to them? Wouldn't it tie down that actually this applies to the withdrawal of these lands for this particular purpose?

Bradley: The question I had was whether.....changes the character of "super freeze" all vacant and unused land.

Miller: That is the question. These lands are not unreserved public lands according to the 1866 Act.

Jackson: For the information of the committee "from all forms of appropriations of the public land laws." An action to accept a right-of-way is an appropriation of public lands.

Wade: We haven't gotten an answer at this point.

.....(8) The state testified that they probably had the authority from navigable waters for construction of the road. This belongs to the state under the Statehood Act. Is that true? What is the Interior Department's position as to what is and what is not navigable waters? (9) Take gravel from navigable waters you still have to get a permit from the Corps of Engineers or other agency?

Wade: The mere taking of gravel needs a permit from the department unless in the course of taking they obstruct navigable waters.

Cornelius: What about fisheries, there is a problem here. State Fish and Game might prohibit you. I don't think Sport Fisheries and Wildlife have any authority to stop anybody from doing it. They can advise you not to do it. You may be ruining a spawning ground.

Miller: The state department of natural resources controls streams. It would be changed to the Department of Fish and Game so the state would control this.

The meeting adjourned at 9:00 p.m.

JUDICIARY COMMITTEE
MINUTES OF THE MEETING
MAY 8, 1970

Meeting was called to order at 5:28 p.m. by Chairman Jackson in the Masonic Temple. Present were: Miller, Banfield, Peterson, Fink, Metcalf, Harris, and Kay.

Mr. Jackson reported information re TAPS to the committee. He had talked to TAPS people and also sat in on the Senate State Affairs meeting. He went through the points, as outlined on the sheet that he handed out to all members. Some of these were adequately covered and clarified at this meeting. Others were not. The Senate State Affairs at least knows about them. He gathered that TAPS and the negotiating committee for the State would be conducting further investigations on the subject. They will have a representative available to us for further discussion. His proposal to the committee was to go further into this on Saturday afternoon. This met with the approval of committee members.

New Assignments:

SB-505 - Single body--school board and assembly - Kay. Kay moves to put this bill out with no recommendation; seconded by Miller. Motion rried unanimously.

SB-268 - Costs in civil suits - Kay

Fink brought to the attention of committee members that fact that he had received a brochure from the Sierra Club on the pulp mill and oil. This was sent out as from a nonprofit organization, although it gave an address for sending contributions to the campaign for Josephson. He wanted to know if this was legal. This will be checked into.

Mr. Robertson is here on bank holding companies. He stated that in trying to come up with a good regulation that it took more time than he had anticipated, so he asked the committee to consider sponsoring the bank holding company act as a separate bill. The reason that he recommends handling this through law rather through regulation is that present law relates to one bank; this will deal with more than one bank. Also it is his thought that there is a need in this state at this time for more and larger competition and this bill is another means of providing that faster. He would like to see this legislation passed at the earliest time possible.

Mr. Whitmore, Alaska State Bank. He stated that his bank is the only bank holding company in Alaska. I am interested in bank holding legislation, but only received a copy of this and would like to have his attorneys study it. He also felt that federal legislation is in process of being made and didn't want to put this into effect if the federal law would change everything within a year or two. He thinks that this committee should thoroughly analyze and come up with something that all parties involved could live and agree with. He will support and aid in drafting legislation for bank holding companies.

Miller asked Mr. Robertson what he thought about the two of them workin on this and coming back with something for next year. Mr. Robertson explained that this was given a lot of research and he realizes that this is late in the session to introduce the bill, but desires to try to get it through this year. Fink suggests that we introduce the legislation and have it referred back to our committee and we could take it up next week. Kay so moves. Unanimous. Miller would like to have Art and the AG look at it and work together to get it in appropriate form. We will introduce it when it is ready. Art felt this could be typed and ready for Monday for introduction. Monday, May 18, will be the first formal hearing on this proposal.

HB-796 - Public Employees Labor Relations Act - Kay moves L & M CS "Do Pass" with the attached amendments. Jackson, Kay, Miller, Fink, and Harris voted "Do Pass"; Banfield and Metcalf voted "No recommendation".

Consideration was given to a committee party for next Saturday evening.

Meeting adjourned 6:05 p.m.

JUDICIARY COMMITTEE
MINUTES OF THE MEETING
MAY 11, 1970

Meeting was called to order at 4:05 p.m. by Chairman Jackson in the Masonic Temple. Present were: Metcalf, Fink, Harris, Miller, and Kay.

SB-543 - Transportation Commission - Mr. Jackson announced that Commissioner Benesch has submitted a letter in behalf of the commission giving some idea of the work load of his commission. The chairman asked him to explain his materials. Mr. Benesch introduced Dennis Marvin, Chairman of the Commission, and asked to have him give the prepared presentation. This was agreeable to committee members.

Mr. Marvin gave background information on the commission and fully explained the problems they are facing at this time. Mainly this relates to heavy and increasing workload. The commission is in favor of having hearing officers and desire to have two at this time. (Banfield arrived 4:22) Mr. Marvin assured committee members that any cases subject to litigation and those relating to policy matters would be considered by the commissioners themselves. Miller felt that there should be an increase in commissioners rather than to institute a hearing officer concept. Mr. Marvin said he would be opposed to that suggestion because it was hard enough to agree with only three on the board. (Peterson arrived 4:32) (Miller left 4:35) There is another problem: cases cannot be considered out of the regular order of application and this causes a real problem in a seasonal situation. Also our rules and regulations need to be analyzed and changes made. This cannot be done without detailed studies.

The bill was discussed section by section from this point. Mr. Sanders gave brief comments. The section under discussion related to whether or not garbage trucks would be under control of the ATC. A proposed amendment was given to committee members on this point. Mr. Benesch noted that the commission has some question in its mind as to whether there is this authority granted. Mr. Jackson asked Mr. Benesch and Mr. Sanders to work with Art to give the appropriate language to cover this question. Mr. Benesch felt that it was important that the committee not do something that might kill the bill by adding the amendment. The committee members assured him that they could handle this from the Floor. Benesch then asked if the members thought they would have any trouble getting it through the house with the amendment. The members did not feel this was a problem. Fink suggested that if the city takes over a refuse service they should pay fair value for what it takes. Sanders felt this should be a separate committee bill. There appeared to be a problem with two subjects, showing the need for another clause. Fink moves that we adopt the amendment in principle. This was unanimous. Fink moves that we put the alternative of a buy-out clause or a purchase for fair market value. This was unanimous. An additional clause will be added that will include home rule cities. This was without objection; so ordered.

John Grasse, from Anchorage, related how routes have been sold in his area. They use the results from the last two years' gross receipts depending on the density conditions prevailing. Routes are commonly bought and sold on this basis. This will be put over until tomorrow, May 12.

Mr. Sanders asked if it would be all right to say "that the price shall be an agreed price, but if not, it should be settled under arbitration under rules adopted by the commission." Jackson felt we should use "eminent domain". Mr. Marvin asked why this would be any different than any other condemnation case. This will be reviewed and an amendment brought before the committee. This was without objection.

SB-568 - Regulation of air carriers - Mr. Benesch asked to be heard on this bill at this time. Mr. Benesch felt that the real problem with air carriers was that they at times have insurance policies that have lapsed. By filing the policy it will be known which companies do not have adequate insurance. Also which insurance policies have expired. This is to protect the public. Mr. Benesch gave the reason for deleting part of section 4 relating to CAB.

Mr. Jackson announced that Hunt Gruening had advised him that there was some problem with this bill and he would get the information as soon as possible.

Mr. Benesch restated that the commission supports the bill as it now is.

SB-98 - Highway beautification - Banfield. Art reviewed changes made in Judiciary CS and noted one minor change that had to be made. Kay moves it out "Do Pass". Motion carried 5-1. Harris voted "No recommendation".

SB-568 - Hunt Gruening arrived to testify on this senate bill.

Mr. Kay reported that the Alaska Bar Association has just adopted a resolution 60-11 approving the reapportionment of the Board of Governor

A call was received from Mr. Scott - Tom will take the call.

SB-568 - Mr. Gruening desired an amendment on Page 2, line 7. This related to filing insurance policies. He mentioned that many times these are very voluminous, and requested his amendment to cover this by saying you could file "a certificate". After acting on this, Kay moves the bill out "Do Pass". with amendment; Unanimous.

Mrs. Banfield has been appointed a committee of one to plan a party at her cabin. Mr. Kay will see about the drinks. It is being planned to begin at 8:00 p.m.

Mr. Fink gave the report on the call from Scott. Some discussion was held on the report and a special meeting was called for Tuesday morning at 9:00 a.m.

Meeting adjourned at 6:16 p.m.

JUDICIARY COMMITTEE
MINUTES OF THE MEETING
May 12, 1970

The meeting was called to order by Chairman Jackson at 2:05 p.m. in th Masonic Temple.

An executive session was held.

HB-852

HB-852: Protecting viable unborn child - Miller would like to report this bill out. Miller moves it out. Committee amended bill by adding "or mental". Miller seconded the amendment. Motion failed on a 3-4 vote. Bill will go out with recommendations. Motion carried.

Oil spills

We have a Senate resolution on oil spills. This will be introduced by request unless objections by the Judiciary Committee. No objections, so will be by Judiciary Committee by Request.

SB-543 - Transportation Commission (Miller left at 3:10) To be considered later in meeting.

SB-406

SB-406 - Hazard Insurance - The only department that uses this is Fish and Game now and the insurance is purchased through the Department of Administration. This bill is an attempt to permit any department to have hazard insurance with this special legislation. Kay moves it out "Do Pass". Motion carried. Banfield will carry this on the Floor.

SB-536- Water Pollution - This will be held over as it may be of profit to the committee to have the comments of the State Department of Natural Resources to testify. We need more research on the part where reference is made to "discharging ballast at sea."

Pat Irvine showed where this has already been covered by international pact and there is no need for the state to take such action. He wanted us to wait until the reports came out on the conference re the 100-mile limit. He explained that with tankers there are times when you get caught in a storm and you have to take on ballast that you didn't think you would ever have to take on to ensure safety of the crew and the ship. One hundred miles from shore is a long way when it is stormy. Kay asked whether or not the tankers could not be equipped with ballast cleaners insuring that it was clean water that was expelled. Mr. Irvine offered to bring others before the committee to testify and read some telegrams. He also read from an agenda of a meeting of the oil spills in the Gulff of Alaska. Mainly he expressed the desire for conformity of the laws. This will be put over until tomorrow, May 13, for further consideration.

Trans. Comm.

SB-543-Transportation Commission. I have a committee substitute which has the changes as explained to Art. On question on this is on the power, is it to be limited to its jurisdiction or boundary? What happens to a person that has a good business, do you want it to apply to the permit, equipment, or both, inside or outside the cities?

Mr. Sanders worked with the committee on making the necessary changes. Art will redraft this tomorrow, May 13. Then we will sign this bill out.

Security in Civil Suits

SB-268 - Security for Costs in Civil Suits - Kay explained this bill. You have demand security within thirty days after plaintiff has filed answer. Banfield moves to table this bill, Harris seconds. Vote was 4-3 so the bill will be placed in "Hold".

Film

Mr. Jackson reported that the commissioner of Public Safety has informed him that they will notify the committee as soon as thet receive the tapes and will provide the video tape projector for the use of the committee.

Meeting adjourned at 3:55 p.m.

JUDICIARY COMMITTEE
MINUTES OF THE MEETING
MAY 13, 1970

The meeting was called to order at 4:10 p.m. by Chairman Jackson in the Masonic Temple. Present were: Peterson, Fink, Banfield, Harris, Kay, Miller and Metcalf.

The first order of business was Public Safety Regulations. The chairman handed out a memo to all committee members. He also noted that Red Holloway is here because of bus stops. This was in the original regulations. There is also SB 580 in the House and it has passed the Senate.

Mr. Personett was asked if he had any comments on the regulations and the pending legislation. He stated he was opposed to both the house and senate bills due to the fact that it is very unsafe for any drivers on the highway.

Kay: What is the tow truck to do?

Personett: They are marked.

Banfield: Are buses marked and lighted as service vehicles, could they operate the same as school buses?

Personett: I think we are opening the door to all types of service vehicles. It would be easier to load and unload from the highway.

Harris: The way I read it, if a bus can stop on the blind curve he would not be in violation.

Personett: Yes, if the driver feels this is a necessary stop. This bill says he has the right on any street or public roadway.

Banfield: Would this go for an area where there are double lines painted on the road?

Personett: Whose opinion is it going to depend on on the performance of such service.

Harris: What is a brief stop?

Personett: Long enough for them to perform their service. We realize that brief stops are necessary in many cases and that unless they are obstructing traffic there is no problem.

Banfield: Did you appear before the committee in the Senate.

Personett: No.

Harris: Is there any other way to take care of this problem?

Personett: I think so. Dale Wallington made a map of the entire area. There would be very few places that would have to be made to satisfy everyone riding the bus.

Banfield: If there were turnoffs, would you permit a brief stop to pick up the people where there is no turnoff?

Personett: Keep in mind the problem exists between the Loop Road and town.

Banfield: We have a bill for turnoffs and it stopped at the Finance Committee.

Kay: I have received lengthy letters from every motorcycle rider in the state. Also a lot of material from the State of Illinois which enacted a bill just like yours and then repealed it. They tell me that a rear view mirror on a motorcycle is useless. Also windshields unless you specify what materials it will be made from. They have fine arguments on helmets.

Personett: The second item is the highway safety standard of the Department of Transportation due to the national highway safety act of 1966. Sixteen standards at the present time and they are going for more. On page 2, each motorcycle operator wears a safety helmet. They are also equipped with a rear view mirror. These regualtions were arrived at after consulting with motorcycle groups and manufacturers. Protection of a helmet compares to protection of a life jacket in boats.

Kay: Can you tell me about the regulation on handle bars?

Personett: This is taken from the Uniform Vehicle Code. The control of a motorcycle in relation to the seat. Representatives of motorcyclists feel that it is safer to have the handle bars within a certain limit.

Peterson: Standard 3. A rear view mirror. Another place says two rear view mirrors.

Personett: I can't tell you why we took two. I think we need one rear view mirror.

Peterson: In some of the material you read, it is mentioned that vibration makes it virtually useless to have a mirror.

Personett: In the last few years there have been several national motorcycle organizations join with the people making the decisions.

(Fink, Harris and Kay leave at 4:30 p.m.)

Personett: The changing back to the old one on hitchhiking wasn't as the old one. If it makes a difference, we will change this.

Jackson: I noted that this wasn't at the request of the Legislature but it could be said by the Judiciary Committee. This should be indicated. Art suggested a footnote rather than including it in the manner shown. Art drafted a memo on regulations.

Personnett: I think committee members got copies of the proposed regulation changes. I would like to answer your questions.

Miller questioned him on hitchhiking. In what manner could a person stand along a roadway and endeavor to solicit a ride without distracting the attention of the driver?

Personett: We changed it back to the old regulation which says he cannot stand on the roadway.

Miller: The gravel is not considered the roadway?

Personett: Not according to our regulations.

Jackson: What is the authority for adopting the exemption for a school bus stop in the light of existing statute 140 which is part of Senate Bill 580? "No person may obstruct traffic by any way or means". That is existing statute. I don't see how you can make regulations for school buses.

Personett: They can't. I thought we could under 340.

Peterson: All buses in general? The question was raised on school buses.

Miller: If that is the statute, perhaps we should have Art examine that part and get a bill in that would amend it.

Jackson:.....would be authority by the department to make regulations. You have to do this to allow school buses to stop. We will not finish this today and will have Art look into it.

Peterson: In regard to the commissioners authority. He has the authority to govern regulations of parking, stopping, and standing.

Personett: I would suggest the correcting of this. 28.05.030 gives us this authority without consideration for 140. If is true, we do have a problem.

Jackson: Has your office suggested an amendment to the bill? Red, would you like to comment briefly. Bring us up to date.

Holloway: There are only nine months in the year that your service trucks can get up the driveways. Oil trucks cannot pull off the road for many of their stops. We didn't want to bring up the school buses. I don't think they can stop either. I still think this is a good bill and maybe needs some amendments. Model cities and others have just passed a resolution that transportation is our number two problem. I don't think we have a problem except in the wintertime.

Miller: I realize that your buses carry people to and from work. Isn't there a way so that you could regulate your buses so they would be operating during a slack period? At 7:45?

Holloway: Traffic is heavy then.

Miller: I haven't found the traffic that heavy. Could you use your equipment to and from work so that it would be less offensive to the people on the road that are driving their own cars. Isn't there some way you could schedule 15 minutes earlier without blocking traffic and still getting the people to work without interfering with other people coming and going?

Holloway: We would miss some of the traffic if we came in earlier. We travel mostly 35 miles per hour. Slower in the wintertime. We had a bus break down on the road the other day and before I could get another bus there and get the bus off the road the state troopers wanted to impound the bus. I don't know if Mr. Personett knew about this. Under present regulations I don't know how you can operate there. You don't know what the individual patrolman will do.

Miller: How frequently do you break down?

Holloway: Very seldom. There will be six new buses within the next ten days. All new diesels. But we were blocking the traffic.

Miller: Are you operating now?

Holloway: Yes, between the airport and Auke Bay ferry terminal.

Banfield: We have a bill in the Finance Committee asking for turnouts.

Holloway: There are other places I don't think you can build turnouts.

Banfield: I understand that you don't like the bill. I think it would solve part of our problem.

Miller: Mr. Personett, could this regulation that you have an authority to regulate that where it is feasible that they will pull off--but authorizing them to still stop on the highway some. If we could get Mrs. Banfield's bill out of Finance.

Personett: This is probably more of a local problem. I may be wrong. I would hate to have buses and service trucks stopping on one or two lanes of Airport Road in Anchorage. I think it could be worked out with the turnout bill. An agreement between the bus company, highway department and public safety. You could do it better than doing it statewide.

Banfield: I am hesitant because it forces something on the entire state. This has been going on for a long time and we haven't gotten any place. Red isn't running the bus. The people are without bus service. There has been no progress.

Personett: I was under the impression that the turnout bill was sailing merrily along. I am of the opinion that it is not absolutely necessary to solve the problem.

Banfield: Another time you made the statement that even after we have the new highway you still would not permit the access road for bus pickups.

Personett: Alongside of the highway, yes.

Jackson: ONe way of reaching the solution would be to strike Section 1 and change the new language to be "however a service vehicle, etc., may make brief stops" this would clearly recognize legislative policy in making stops.

Holloway: They will be using state highways. No bus will stop in the middle of a freeway because nobody lives there. You have tour buses that stop with tourists. I don't think this is strictly for Juneau. Jackson's amendment would allow the department to pass regulations on an area basis. They can indicate the limits.

Mr. Jackson noted that the other members of the committee would not be returning this afternoon and matters will be rescheduled. We may be able to hold a morning meeting. We will not be able to hear the personnel matter.

Andy Spear is testifying in his own behalf on motorcycle regulations.

Spear: I would like to express my opinion on the helmet regulation. I have been riding motorcycles for eight years and I always wear a helmet and feel that it is unfair to legislate a helmet law against motorcyclers. Some of the arguments for and against this bill have been brought up as to the constitutional background. I can't see how a helmet law requiring me and others to wear helmets is in consideration of public safety other than personal safety. I don't see how that would hurt anybody else. I think it is good that everybody wears one but I don't think there should be a decree. As you know it gets pretty windy. If you have to wear goggles. The idea for both is for airborne objects. It would protect you from that. I was hit in the head with a rock flying in the air when I was riding in a convertible. If I were wearing a helmet I might only have flinched.

Banfield: As you ride along in your automobile you have these bugs hitting the windshield. What about the ones flying into your face?

Spear: You would have to have a full face shield then.

Spear: I think it is dangerous to motorcyclists because the amount of wind is substantial--it can pull you off the road. It is really a useless clause in the regulation. As far as goggles go, you might require a type that would not fog up or have certain features or that would deflect bugs, etc. Possibly a Z-90. You might as well require something to go over the face, too. I understand these things are for public safety.

Miller: I am interested in what can be done under APA and then the public could be informed that there would be a public hearing. Did you turn out and testify at that hearing?

Spear: No, I wasn't in the state at that time.

Personett: The hearing was in November or December. The only change made will be up in a month or two. There will be hearings in several cities.

Miller: I think that the Legislature should take over the areas that the APA provides the boards that regulate.

Jackson: Could you publish a supplemental notice inviting the general public.

Personett: It would be unusual if anyone showed up when regulations are made. But I think this would be worthwhile.

There was some discussion again regarding the mirrors required for motorcycles.

Miller: I would like to say that I am concerned with the number of complaints that we have that wants us to do something about regulations made. The public should be better informed on other hearings. I am adverse to overturning regulations of the department. I would prefer that these things be heard by the department.

Banfield: Regulations are made in every department. I think we should address ourselves to that.

Jackson: I don't know what can be done. The notices are not adequate to advise the public that is affected in sufficient time to bring their views to the department. When the regulations are enforced, then the people get upset.

Personett: One state newspaper took us to task because we didn't advertise the hearings. We carried our receipt to them showing where we had advertised in their own paper.

Jackson: In addition to the legal notice a press release as a newspaper story could highlight the changes to be made.

Miller: Perhaps this could be done from the Legislative Affairs department. The departments should provide the information.

Metcalf: You said during your testimony that it doesn't hurt anybody if you get your own head bashed in. I take exception to that. Who pays the hospital--the hospital has to take you. Who will take care of you? Welfare or the taxpayer.

Spear: I think to legislate against one and not against the other is unfair. I did say that, but I meant that only for the safety part. An example is seat belts. I don't think people are required to use them. Requiring a helmet for driver and passenger of motorcycle riders is unfair. The extra helmet can be a hazard. You hang the extra helmet on the handle bars. You would hit the helmet before you make a turn if you aren't careful.

Miller: We took the skin diving people to task and established procedures for their problems. We have taken a lot of others into consideration. Last year we passed a bill about the safety of divers.

Hayden Kaden gave testimony as a private citizen. Regarding the mandatory helmet law, most motorcyle clubs require it of their members. I feel it is a violation in the area of privacy. It must be shown to be reasonably related to public safety. We don't believe this is so.

(Kaden) Life jackets are the boat owner's responsibility. On a job site it is the company's responsibility to see their employees wear hard hats. On private sites the individual worker is not subject to a fine or penalty for not wearing his hat. You could justify taking cigarettes and alcohol off the market as these are unsafe. These people go to the hospital, too. The motorcyclists did not object to the situations that are in the regulations or with the windshield or eye protection. These are a hazard to safety. Your face shield will smash your face. If you just said a person shall wear eye protection it would be better. I drove a motor schooter from Walla Walla, Washington to San Francisco and used sunglasses. Regular polaroid. Part of the trip was without anything at all. You get stung by bugs. That's part of motorcycle riding. If you are blinded, you can run into someone. I think to limit it to two types of eye protection is unreasonable. The mirrors cannot be shown that they are worthwhile. The handlebar regulation is not reasonable.

Banfield: Isn't long hair a hazard to motorcycle riding? Shouldn't they have their hair cut?

Kaden: This is a matter of esthetics. Pedestrians also have fatalaties and they have long hair. I have not seen any statistics about hair flying in their faces.

Miller: Do goggles have a tendency to fog up easier than a windshield.

Spear: This is a pretty bad thing. I have goggles. They do not have adequate ventilation.

Ernie Lahn: I ride a motorcycle. I ride off the trail. I took the mirrors off as I thought they were a hazard. I consider it a gross invasion of my privacy to have to wear a helmet only because the city requires it. I carry insurance. Somebody's rate may go up if I have an accident, but I am covered. I wear a face shield when it gets chilly because I need it. They fog up. I wear sun glasses in favor of the face shield. At a speed of 45-50 mph the wind catches the face shield if you turn your head. I consider this a hazard. Standard regulation for handle bars is fine. As long as you can reasonably steer the bike I don't see any need to regulate where they should be placed. There is a great deal lacking in public notices. It is not only full of paid advertisements, you can't read it in legal jargon. I think the best way would be through the motorcycle club. I might add I was waiting for a fellow motorcyclist when one of the troopers came up to me in his civies. He wanted a ride but I couldn't give it to him because I didn't have an extra helmet. I believe this is an infringement on my rights.

Personett: The state has been putting ads in the paper--blocked ads. This is excellent. Most people read these.

The meeting was adjourned at 5:45 p.m.

JUDICIARY COMMITTEE
MINUTES OF THE MEETING
May 14, 1970

The meeting was called to order by Chairman Jackson at 8:15 p.m. in the Masonic Temple. Present were: Metcalf, Fink, Harris, and Banfield.

The Chairman asked representatives of the administration to take seats at the end of the table. Mr. Pratt and Mr. Price. Mr. Jackson noted that they were kind enough to appear as indicated and he regretted that the decision of the Monetary Committee to hold their meeting at that time made it necessary to cancel ours. We have received no answers from the Department of Interior. Contact with the local solicitor in Juneau indicated that he had no further information beyond that which was given last week. I have submitted the questions to the administration. I hope to be able to go into that this evening. The most important thing is the result of the Senate hearings. Regarding the contract and the agreement itself. What changes have been agreed upon between TAPS and the Administration?

Mr. Price, Assistant Attorney General: I have a draft of the supplemental memorandum of understanding. I have attempted to incorporate verbatim the changes of Senator Engstrom. I am not certain whether I have the language correct. The participants of this state agree to the following changes: In Paragraph 5, page 5, of the formal memo of understanding, lines 10-11 strike the words "below opposite each participant's name" and insert "by the participant's interest in the pipeline". In Paragraph 5, Page 5, lines 24-25. Strike "to the extent of their respective interests set forth above."

Price: My understanding is that it precludes the objectives if Home Oil with 2% interest in the agreement or in TAPS as set up at the present time were to construct a pipeline within the period or along a route which could be used to the certain extent. Particular participant would reimburse the state 100 per cent. Between June 1, 1971 and June 1, 1973.

Jackson: There are two time periods involved. TAPS, all of TAPS, builds the pipeline it is clear that they will pay in full the $120 million. The second is that the entire TAPS consortium were to build a pipeline over a portion of the route they would repay 100 per cent of the value of the road that they used. Another was that less than all of the participants built a pipeline over the entire routes. This now appears to be covered. Less than all of TAPS builds a pipeline.....over less than all of the right of way.....100 per cent of the value of the road.

Pratt: This is always how we felt about this.

Metcalf: What is the security that we will have so that we will be reimbursed.

Pratt: It is embodied in the agreement. We have the eight pipeline companies that one can move against. The signatories to the agreement.

Metcalf: That is about as much security as someone that owes money at my grocery.

Pratt: We have a written contract.

Metcalf: Could you move against the whole?

Pratt: The state has a variety and the legislature has lots of prerogatives.

Price: One could establish a lien on the pipeline.

Jackson: I think most of the questions were answered in the Senate hearings. (1) That the general contractor to be formed by TAPS to act as general contractor for the state. It may be a profit making corporation legally or not expect that it will have any profit. The shareholders of the general contractor will bear the overhead expense and.....all payments made by the state will be passed through completely to the actual contractors doing the work. Is this correct?

Price: This is correct.

Jackson: Do you see any difficulty where it says that the state has to obtain permits for gravel and airports? Do you have any idea of the time frame?

Pratt: It is my understanding,the administration, that it still can be done within the time frame and the participants from TAPS recognize that the June 1 hardline date is difficult. I think there would be a point in time. I can't say when that time would be in either parties timetable. It is difficult to say. Neither anticipates any undue delay past June 1.

Jackson: If there is a delay, is there no financial responsibility on the part of the state?

Price: This is correct. There is no liability.

Jackson: In the Senate hearing payment in excess of $120 million would be payable whether the pipeline is built is absolute?

Price: Any cost over $120 million will be paid.

Jackson: It may be desirable for the excess to actually be appropriated for and it is not provided for. This only appropriates for $120 million. In the budget bill in prior years there has been such a pass through clause. Is that necessary?

Price: In our budget bill--general appropriation measure.

Jackson: If any federal funds come from the federal these are appropriated, but they are and may be spent for the purposes authorized by the federal government. This should be in the excess over the $120 million.

Pratt: Without asking legal opinion, I can't answer that.

Price: I think this is. Under contracts and reimbursement. Advance payments should be deposited in a special account for contractors.

Jackson: I think you need a similar clause in the appropriation.

Pratt: We have authorization under other statutes. To receive and spend federal funds.

Jackson: We always take care of it with a blanket type clause in the bill.

Pratt: It is my belief that such an authorization already exists in the state.

Jackson: I think it has to be an appropriation itself. Guaranteeing that there would be limited public use of the road during the construction period. You say not to include this in the contract document itself. What is the understanding between TAPS and the state on this point?

Pratt: It is my understanding that the use of the highway is that they acknowledge the fact that it is a public highway. However, under ordinary operating procedures in the State of Alaska in the particular circumstances, the safety of the usage is in the purview of the highway department to control the road or the stretch of road. I know there is no provision for closing the highway automatically.

Jackson: I see the difficulty with the contractor who will not turn over the road to the state until after the pipeline is constructed. Ordinarily the contractor has control over the use of the road. This creates a potential problem. It will not be turned over to the state until after the pipeline is built.

Price: It is a question of acceptance of the highway by the state. As it is maintained by the general contractor. And has to let it be used.

Pratt: What I originally stated would be more accurate. In this situation. State shall not be liable for maintenance during the period of pipeline construction. If it were still in the contractors' hands we are not liable for the maintenance. At the end of the construction, we are.

Jackson: Construction of the road or of the pipeline?

Pratt: Planned completion of the road.

Jackson: Oh, I thought it meant the pipeline.

Pratt: Being in the hand of the contractor for a lengthy time.

Harris: I don't think the public will use it while the pipeline is being constructed.

Pratt: That is our position. In these particular construction areas it would be closed.

Harris: Was that the understanding or what you had with TAPS?

Banfield: We aren't talking about tourists.

Harris: I am talking about trucking. It was my understanding that it would not be open for trucking while the pipeline was being laid. It would be too dangerous.

Pratt: Heavy road equipment and pipeline trucks, you are correct. There are going to be periods of time for one reason or another that construction will be shut down. The road could be used during this time. Breakdown or time between materials needed. It is my opinion that it would be open during these periods. Not when it was unsafe because of heavy usage.

Banfield: This upsets me. Not usable by other people in the area.

Pratt: You could still have convoys possibly.

Banfield: Companies who are part of the TAPS organization, these would not be precluded from using the road?

Pratt: It would be a public highway.

Jackson: There was discussion of the degree of responsibility for maintenance by TAPS during the phase of construction of the pipeline. As I understand the testimony they would maintain it to the extent necessary for their use. This seems to raise a problem. What shape the road would be in after they are through?

Pratt: As a factual thing, Mr. Chairman, I think the road will have to be in good shape.

Price: You could have a highway that would still be considered in construction. Still have it a public highway. The state would not have the obligation to maintain it. Later they could delay acceptance.

Pratt: Sizeable potholes. To that point. I can't recall the weight of the sections of pipe. 5,000# per section. Four pieces per load..... plus the weight of the truck. You can't have too many potholes in the road.

Jackson: One section in the agreement that had me concerned was the "economically feasible" definition. If there is a change in design costs there is no way of determining what is an economically feasible design. If they build the pipeline anyway there is no problem. They will have to pay. If they decide in the coming year that the permits are not economically feasible and decide not to build the pipeline. Hasn't there been any discussion as to what change in design cost the parties have in mind in the light of that language?

Price: I might comment on this. I think it is precluded by the other clauses that they seem to be covered one way or the other. Receipt of a permit 13 months after the date of the agreement, this pushes the agreement back three years rather than one year.

Pratt: It was our feeling recognizing what the Interior Department may ultimately require we did have, and we couldn't expect the pipeline company to either and should be the prerogative to say they could build it or not.

(Pratt)
They couldn't agree to the change. Therefore, call it uneconomical and still accept it. We feel we have moved that. We don't have control over the Interior Department. If they are, and TAPS refused--it is not going to be built.

Jackson: It appeared to me--agreed, if the pipeline is begun before the date in June but not under a permit which met the standards of legally defensible and economically feasible they might have a loophole and try to get out.

Pratt: It has held up permit in the first place.....To arrive at an agreement all the way through. Suppose they get a construction permit then Interior comes along and says you have to do this, etc.

Jackson: You have the basic concept before June 1, 1971. Substantially in accord with them, they will pay. Over the Interior route. As under the application submitted. Then the next clause if they commence within two years from June 1, 1971, construction along generally the same route that they make a payment then if before June 1, 1973 they get permits which allow. With the changes that you have made are covered in the agreement.

Pratt: If they agree to it that falls within the definition of economically feasible. Or if they proceed to construct the road.

Price: It was eligible.

Pratt: Design, cost, or stipulation.....these have been included in the definition.

Jackson: Paragraphs 7 there is a reference to the participants being able to use the road not only during construction but during the operation of the pipeline without incurring additional cost for the use of the road. What does the word "cost" cover? Is it clear that this would not preclude normal vehicular fees and fuel taxes?

Pratt: I think it was put in there at the request of TAPS in view of the discussion and knowledge of the fact that we are still seeking for a toll and bridge authority. This was so they wouldn't have to pay a toll during construction period.

Jackson: Their vehicles would have to pay fees and licenses during construction?

Price: In the administration draft there was a specific exemption for income tax, etc.

Jackson: I was concerned that that should be clarified in the legislation. They were concerned about tolls.

Pratt: Weights. I think Mr. Price answered that. By agreement you can't have legislative requirements for fees and licenses except that in the legislation.

Jackson: Can you provide the committee with a brochure copy of the contract for the members?

Metcalf: Who wrote up this contract?

Pratt: This was written by a combination of 12 attorneys; and 8 other people on the negotiation team. The AG's office and pipeline company and the negotiators themselves.

Pratt: It is my opinion that regardless of my recollection of the negotiations, it is established by existing law.

Banfield: I mean if it isn't a state highway yet and we haven't accepted it.

Price: My interpretation of the 1866 highway law to have a public highway prior to completion and still be public highway although not completed. Not yet, but part of the state highway system with reference to maintenance.

Harris: I don't think that there is any way that the public can have free use of the highway. The construction company will have heavy equipment on it.

Pratt: The state can do this. The road will be in control of the state. This is a state contract. State inspectors will be on the road.....run as any other state project. With the exceptions made in the bill and the agreement. In the absence not in writing, all other state laws apply.

Metcalf:.....not to allow nonessential traffic on the highway during construction?

Jackson: I would like to turn to the questions we have submitted to the department of interior.

Price: I can't speak on this. I have no information.

Jackson: Are you satisfied that this does not affect the state's right to obtain right-of-way permit?

Price: It is my opinion that it would not be necessary. However, it may be that the Department would prefer or consider it prudent to return it to the court for clarification.

Pratt: For the first question. It is a repetition of what the governor has previously said. We have assurances that if the state enacts legislation to go forward with the road that we will find nothing but cooperation from the federal government to accomplish this. That took place at the White House and at the Department of Interior. No objections or problems were evidenced at the time.

Jackson: Do you have any time frame in obtaining of the permits? Do you think they would be received by June 1?

Pratt: We anticipate that in a short period of time following legislation that we can accomplish the required federal situation.

Jackson: Is theretime for work to be done this season?

Pratt: Yes.

Jackson: Has the administration approached the conservation groups that have been involved in the litigation or others that might be inclined to bring suit against the state on this raod?

Pratt: No, there was a meeting held two days after the Task Force returned to Alaska. Bud Boddy, with Alaska Sportsman Council, Wally Noerenberg, Commissioner of Fish and Game, and others. Also Tom Wright, whom you all know. They met with six or seven conservation organizations including the Sierra Club, Friends of the Earth, National Wildlife Association, and others. The report was that they had a very good meeting. Each one explained their point of view and the need for the road. And that the ecology would be protected. What it would be to future environmental protection. They felt they were well received with the exception of one organization who attempted before the meeting to get all of them to sign a letter to the President protesting this situation. Whereby instructing the Secretary of the Interior to stop it. No one in the room would sign it besides the one person. All other organizations including some we have had some difficulty with. They did not go along with his point of view. They feel that particular in personal conversations afterward that they acknowledged that they were considerably enlightened. So while I can't answer your question.....we have through the conservationists in Alaska who are making sure that the people outside know what we are doing. They did not know that the stipulations adopted for the Livengood or state stipulations.....and put for there.....The Interior Department accepted and approved these. Very little has been said on this. Especially, in national areas. We developed this in Alaska. In this regard we may have made some headway. We haven't made any concentrated effort to negotiate with the organizations. More are run by executive directors with broad authority.

Jackson: I have had considerable correspondence from the Fairbanks area with persons involved in the conservation society. The need for them to have correct and current information may well be critical in the next few weeks. I urge the administration to contact them and send out the information.

Metcalf: Are there any other countries having highway areas on the Arctic Circle?

Jackson: Russia, and Canada.

Pratt: I can't tell you where or who. It is my understanding that there are in Canada and the Commissioner is discussing a new one North into the McKenzie River Valley area.

Banfield: There are some in Russia, but they are primitive.

Jackson: I have seen the news story from Old Crow--far north. Takes off from Dawson City, in Canada. This is to be an all-weather road.

Chairman Jackson requested a brief executive session to consider a personnel problem.

Mr. and Mrs. Scott wanted to know if they should stay for further committee questioning.

Jackson: My inclination to excuse them.

Fink: I am not satisfied as to folding it up.

Jackson: Harassment type action after the fact. Procedure used by the department.

Banfield: He says he has a tape on this. I want to see the pictures they took.

Fink: You can still tell him we are considering the situation.

Harris: What do you think about having some of the people come down here? How about the sergeant? Just question him with what we know.

Banfield: If they don't want to come, you can't get cooperation.

Metcalf: I don't think we will do any good to get the guys down. I had a similar experience with a person trying to break into the store.

Jackson: I find it fairly easy to reconcile the story in the circumstances surrounding the complaint.

Fink: We can determine whether an attorney can be present at administrative hearings.

Metcalf: It is obvious they don't want him back. Is there a possibility of getting him in the correction field?

Fink: After all this, the other department will not hire him.

Jackson: We can excuse the Scotts.

Bank Holding Companies - The public hearing on this has been cancelled.

SB-543 - Transportation Commission - Judiciary Committee Substitute - Art explained the changes. This bill was moved out. Banfield voted "No recommendation". The committee is prepared and ready to be typed up.

SB-580 - Bus stops - Jackson asked the committee if they wanted to make some amendments to this bill. Fink suggests that we have a committee substitute prepared even though it wasn't assigned to this committee. Several suggestions were given to Art so he could make up the committee substitute. This will be ready for tomorrow and Art will have 42 copies made up.

SB-536 - Pollution - Roscoe Bell, representing BP Alaska. He had a brief prepared statement in favor of this legislation.

The bill as presented reflects an effort to meet a problem that has been brought into focus because of the incidence in the Cook Inlet area. Also the Kodiak area. Other areas might have some difficulty. It is an attempt to try to control and supplement the controls under international law and federal law.....to strengthen it in the Alaska waters. I can't speak for and guarantee that this won't be challenged in the courts. I think it is worthwhile. Shows the intent of Alaska to control the water from oily ballast. Most shippers are members of the Clean Seas Group. Tryingto clean up and prevent dumping of ballast. The Kodiak spill apparently looked as if the cause was dumping of ballast and within internatinal law. I don't consider that it should be legal to dump it any place on the high seas. These new devices have done a great deal to clean up. They handle their ships so that no oily ballast is dumped. This has eliminated about 75 per cent but there is still the 25 per cent that needs to be controlled. The fleets used by the oil companies are under oil company contract. They are chartered vessels that are not under this particular control and under international law can dump it 50 miles offshore. We agree that this is a desirable type of legislation and I believe it has been worked up so that it is consistent with federal law. Penalties are rough but they need to be. I have a movie film on this and am willing to answer any questions you may have.

Jackson: The committee has received a letter from the Department of State to Joe McGill. This suggests that this particular legislation to the extent that it imposes conditions on the high seas it complicates U. S. efforts to secure international solutions. This would represent jurisdiction on the high seas. The committee would be interested in the position on this if you care to give it? Would it be possible for you to consult on this, and answer if you care to?

Roscoe Bell: This is in the area of where it arises. The state is trying to do something indirectly that they can't do directly. The wording of the Section B was given quite a little attention because it directed the action to no vessel may take on oil, petroleum, or by-products.....and the taking on of oil within Alaskan waters.....not stepping too much on the toes of those in the international field. It is marginal, I expect.

Jackson: It seems different from the Canadian government. I mean in extending the jurisdiction.

Bell: I mentioned the Senate Joint Resolution 95 calls for an international conference between Canada and the United States to try and set up a special zone to eliminate the dumping of ballast anyplace on the high seas surrounding these two countries. A witness from San Francisco, he felt that this was a very constructive course of action. He felt that since it is only two countries involved that if they arrived at an agreement that the international agreements might be simplified. He supported this resolution, feeling that it might be productive to get this agreement.

Jackson: It would be fair to say that they would adopt an international treaty to cover this area. It would be supreme and would supersede any legislation.

Bell: In our review we tried to see that it was consistent with federal standards. At least you didn't have the state doing something different. Some limits were tied to the federal standards. Getting them to work together. Then maybe the international will go along with this.

Harris: How many independent tankers that are chartered would be operating here?

Bell: BP won't be shipping in BP tankers. Their tanker fleets are built in foreign shipyards. They are under the Jones Act. They will have to depend on charters. The operators try to execute long-term charters and educate the operators and put the terms so they have some control. It isn't quite as easy as in your own fleets to see that these are followed. The estimates of the companies made in '67 or '68 was that about 75 per cent of the oil is shipped in tanker fleets that are company operated or under company control and are in the Clean S as program. That still leaves 25 per cent that are not under control.

Harris: What states will you be taking the oil to?

Bell: I don't know about the state laws. I think they are satisfied to be covered by the water quality standards act of the federal government. This provides for the state to adopt standards that are acceptable to the United States.

Harris: Isn't there any way that the passage of this senate bill would have any effect on the construction of the pipeline?

Bell: I don't think it will help or hurt it. It is related but they will have tanker movement. The process of education would be started. Any failures you have in shipping on the high seas--pollution of waters--represents a joint failure of the companies that are shipping and the government that is passing the regulations and the government that is administering those laws. There is a joint responsibility. This is why we are especially interested in this.

Jackson: Only absolute way is to have the ship process the ballast in port.

Bell: The misunderstanding.....there is a difference between ballast and oily ballast. The film would show how they clean the tanks and remove the sludge and oily stuff back to the back tanks. Then the ballast in the forward tanks is clean water. In the Natural Resources Committee the fishermen got nervous. They thought it would hit them. They are not so careful with the oil. It is aimed at tankers. That is all right. It is going to catch some other people along with it. 100 parts per million shouldn't show a film on the water.

Fink: Passage would probably indicate that in the construction of the docks they will put in pumps that will take this ballast out in a hurry.

Bell: There is an over.....handling of oily ballast will be done.

Fink: Is the problem time consuming?

Bell: You.....do or change the amount of water depending on the condition of the sea. When there is ice is an example. They come in with a lot of ballast when the ice is on. To keep the prop in the water. The conditions of the seas.....the treatment of the ship has to be right in the proper management under these conditions.

Pat Irvine, representing Standard Oil of California. First of all..... take a look at the history of the bill. Introduced by Palmer. Came to the House. House Resources Committee. First time Judiciary has had time to look at the bill. Should have gone through the Judiciary on the Senate side. It is probably our fault. The Chevron Shipping Company also subscribes to the Clean Water Association. American Shipping Institute. Our first bill was introduced and passed in 1949. And it was a good bill. It is still on the books. Amended in 1968 to take into consideration of oil. In the past everytime we have discussed this bill it has been discussed from the standpoint of oil spill. An oil spill doesn't kill fish. I checked briefly with the Commissioner of Natural Resources. I have yet to see where a story reported that a fish had been killed. Let us get the emotional part out of the way and get into what the bill said. I am sorry that I didn't rough draft for you.

Amendments - HCSSB-536. (1) On line 11, Page 1, after the word "any" insert the word "sea going". We are controlling tankers. Not a little runabout with an outboard motor.

Fink: What does sea going mean?

Pat Irvine: A vessel safe at sea.

Fink: Where is the line drawn? A 12' aluminum? Is it a legal term?

Pat: Later in the act it says sea going. Just make it the same.

Metcalf: Should we have it say $100?

(2) Line 15 - after the word "discharge" insert the phrase "containing oil in excess of 100 parts per million of oily residue." This makes it the same as on Line 12.

Pat: I would add "within 100 miles of the coast of Alaska."

Jackson: It would read: without having ballast containing oily in excess of 100 parts per million of oily residue within 100 miles of the coast of Alaska. This is provided in Section c?

Pat: (3) Strike section 3. It is no longer needed. If you conform with Section (a) that you then can discharge within the waters of the state.

(4) Line 22, Section (d) - strike words "or of an onshore or offshore facility." Line 24 strike "or facility".

(5) Page 2, Line 10, after the word "liable" I think we should insert the words "to the State of Alaska." You could have a great number of nuisance suits.

(6) Page 2, Line 19, at the end of the line after the word "pollutant" add "." and strike all of line 20.

Pat: Those are my proposals.

Jackson: Can you give us a memo on that?

Pat: Yes, I will.

Jackson: This will be put over until tomorrow afternoon at 4:00 p.m.

Meeting adjourned at 10:02 p.m.

JUDICIARY COMMITTEE
MINUTES OF THE MEETING
MAY 15, 1970

Meeting was called to order at 4:00 p.m. in the Masonic Temple by Chairman Jackson. Present were: Metcalf and Miller. Meeting was adjourned until 4:30 as there was not a quorum. There was a session in the House and as soon as we can get a quorum we will have our meeting.

Meeting reconvened at 5:00 p.m. Present were: Metcalf, Fink, Banfield, and Harris.

SB-536 - Pollution. Pat Irvine continued his explanation of the amendments. Members of the committee have copies of what I proposed. I would like to change it. I am sorry, Mr. Chairman. It was pointed out to me in order to be consistent on the third line, where it says "waters of the state" it should say "within 100 miles of the coastline of Alaska." I understand this is what the Senate wants to do. My opinion is that it is unconstitutional and beyond the jurisdiction of the state. I think you are going to have to stay within the jurisdiction of the waters of the state. Cook Inlet instance is a case in point. The state does not have jurisdiction over these waters. I don't think you can do it.

Jackson: If we leave it as it is (a) it is all right but (b) is unconstitutional. You can strike (b) and not gut the law. Maybe it is not unlawful.

Fink: Any company that operates in New York state must operate in other states as they are required to in New York state. This is in the insurance field.

Irvine: Under admiralty law distinguished from criminal law where we get into international treaties, your merchant law provides for an agreement between nations. I have an opinion coming from an attorney on admiralty law. I asked him about this and about Line 20 on Page 2. I went through the statutes again and I think we have a stronger law in the statutes right now.

Jackson: I don't think the penalty clause and the definition of pollution is in the present law. This bill shows it to be 100 parts per million.

Irvine: Under the definitions of "other wastes" it includes oil.

Jackson: "Pollution" means alteration or makes water unclean, impure so that they are actually potentially harmful to domestic or wildlife or other aquatic life.

Irvine: It is unlawful to deposit petroleum or a residual product as to constitute pollution. This is in the original act.

Jackson: It is unlawful for a person to deposit in or cause to be deposited in or placed where it can pass into.....Sewage and industrial wastes rather than ballast in boats. If you write a water pollution act you will have to do this to include vessels under a new title. You can't put ocean vessels under the present act. It will not fit in with the rest of the definitions in this Act. (Miller arrives 5:15) (Peterson arrives 5:15). Mr. Irvine said he would have something ready on Monday.

Metcalf mentioned that the state waters are three miles. Mr. Fink asked why they were recommending the 100 miles.

Irvine: This is a compromise. The State Department thinks it is wrong or unconstitutional. We are not trying to block the bill.

Jackson: Department of State letter is based on the Senate's Committee Substitute which differs from the HCS. It passed the Senate. The department could require that the discharge could be less than 100 parts per million.

Miller: 170 covers houses. When you put this penalty clause in there. You will not pollute any stream. It expands this bill to include houses. I am very interested in having a section that would take care of sawmills and each one needs special treatment. I don't think you can get all of these under one bill. You will find that it includes any place where you pollute water of the state. It is not satisfactory to me. (Cornelius arrived at 5:18)

Jackson: We are only talking about vessels. Until you get to 170, Section 2.

Fink: Are you suggesting separate penalty sections. This treats only pollution by tankers.

Miller: It brings in mining, houses, etc.

Fink: This would be satisfied if we left 210 the way it is. Make it apply only to 173. The new language would apply only to 173.

Jackson: What you want to do is take out "c"?

Miller: I didn't want this to include houses until the government takes over these problems.

Fink: He wants a separate penalty clause for tankers only.

Jackson: "c" first is applicable to vessels then the second sentence is a full damage clause. Not limited to tankers.

Miller: When it was testified before the Resources he wasn't sure.

Jackson: Two and three, we could have a separate subsection.

Fink: Couldn't under 210 it be made applicable to 173 only.

Miller: I have no objection to it then.

Roscoe Bell: When I read this letter I checked with Mr. McGill and was given to understand that because of the date of the inquiries...The bill sent was the SCS for SB-536. He was misinformed. The two points that are made in the department of state letter refer to the point of conditions the ships access to Alaskan ports upon that ships.....beyond the jurisdiction of Alaska. This is pointed out in the type of language that has been

changed by the committee substitute to the press. The proposed methods of several states and possibly inconsistent standards. This was eliminated in the Resources Committee taking away the discretionary action allowed in the earlier version. Then in Section (b) of this same section, it was condition on, it was changed to the loading action. Action in Alaskan ports under Alaskan control. Also in Section (c) there was a discretionary clause with the department of health and welfare that was eliminated. I would certainly oppose putting a 100 mile limit. This does go into the international and national laws.

Mr. Bell was asked whether the national and international say the 100 miles. He replied they have a 50 mile limit. This is still too close to the waters of Alaska to dump anything with more than 100 parts per million and this should be standard throughout. Again this calls for international action. This legislation and I haven't researched the relationship to the present law, but it does have the law of setting standards. You are working for a definite 100 mile standard limit. This ties it down. This is a great improvement over the other bill. Mr. Jackson said he would appreciate any more help on the international law that Mr. Bell might have.

HB-735 - Self-proved wills - This was signed out "do pass" by five members.

HB-856 - Liquor - tourism - We have a draft that takes into account the committee ideas. Miller moves it out "do pass"; Metcalf seconds. Harris asked why we took the language out on lines 12 and 13? Jackson said this is currently limited to outside municipalities. The local board wants to do this inside. Miller said there is also the added provision that a guy could just put up junk. This discretionary thing doesn't allow him to set up a front and operate a bar.

Metcalf said in a deal like this in a slack time in the winter can they will retain their license? Jackson said no, they can't serve liquor. Fink said it was not subject to zoning laws. Jackson said it might be simpler to say this by striking the quota requirements in this chapter. This was without objection. Line 14. Fink asked whether (c) was needed. Jackson said this clarifies it. The city of Fairbanks has done something similar to this. This will be put over until Monday. Secretary will call Carl Webb to come over and also Bill Spear from the AG's office.

SB-239 - Credit cards will be held over until Tuesday. I would like the committee's expression on the bank holding companies. It was moved that the committee not take up this subject and to cancel the public hearing. This will be put in hold status. Jackson disqualified himself because of personal interest. Otherwise this action was without objection.

SJR-40 - English voting requirement - Jackson would like to move it out and send it to Rules. Miller moves the bill without recommendation. Vote was 2-4. Motion failed. Fink and Harris voted "no".

SB-412 - Legislators - bribes.Fink said let's put our old bill on it and send it back. Miller would be willing to do this. This will be assigned to Fink. We will take it up on Monday. Art will prepare a committee substitute.

Public safety regulations will be discussed Monday. Jackson had printed copies of the memorandum of agreement to hand out. Meeting adjourned 5:50 p.m.

JUDICIARY COMMITTEE
MINUTES OF THE MEETING
MAY 18, 1970

Meeting was called to order by Chairman Jackson at 4:05 p.m. in the Masonic Temple. Present were: Kay, Peterson, Metcalf, Miller, and Banfield. (Harris arrived 4:08) (Cornelius arrived 4:10) (Fink arrived 4:28)

The bank holding companies public hearing was cancelled.

HB-809 - Motor Vehicle Insurance. There were not enough votes to take this up. This will be placed in hold.

SB-538 - Lease of school lands. HWE amendment was discussed. This should have the approval of the state board of education. Miller moves it out "do pass" with HWE amendment. Kay seconds.

Roscoe Bell commented on this senate bill. It is very hard to equate the value with cash. The other point is to watch for private exchange. This means the fair market value. These appraisals do not have the safeguards for competitive bidding. I will help you draft amendments if you desire. (Cornelius arrived 4:10) Miller withdraws his motion. Art and Mr. Bell can write this up incorporating the HWE amendment and the "boot" provision and the question of privately owned lands.

Cornelius said he was totally opposed to the bill.

Jackson said a committee substitute would be prepared for tomorrow afternoon's meeting.

Jackson asked if the committee wished to proceed with the public safety regulations. He has a resolution to set aside some of the motorcycle regulations. That he assumed the committee was satisfied and would let it drop. Miller said he was not satisfied but didn't know what to do about it and asked what was in the resolution. Jackson said it nullifies some of the most objectionable parts. He asked if they wanted to introduce the resolution and refer it back. Cornelius said why not have a committee report and not have it referred back.

SB-412 - Legislators - bribes. A committee substitute for this has been prepared. This adds legislators to the list of persons who cannot accept bribes. Jackson asked for a motion to bring up SB 412. Yes, Miller, Metcalf, Kay and Jackson. Cornelius moves it out "do pass"; Kay seconds. This HCS for SB-412. Vote was 3-4. Motion failed. Jackson, Cornelius and Kay voted yes. A vote was taken to move SCS for SB-412 out. Vote was 4-3. Motion failed. Cornelius moves that we take up SCS for SB-412 at this time. This will be put over until tomorrow.

HB-856 - Tourists - Liquor - A motion to table was made. Vote 1-4. Motion failed. Miller said the intent was that we didn't want someone to set up ten things called rooms that were never operated to have a bar. Cornelius

objects to the additional rooms over and above the ten. Secretary failed to notify Bill Spear and Carl Webb. This will be put over until they arrive.

SB-536 - Pollution - (Fink arrived 4:28) Jackson noted that we are working from the substitute prepared by the Resources Committee of the House.

Roscoe Bellsubmitted a question regarding onshore facilities where pollution occurs. This is covered in Paragraph 3, Line 13. When there is a penalty who determines the evaluation? That would be up to the judge at the time of sentencing. Through a judicial process. Taxable evaluation or current replaceable evaluation. The real concern I have is whether the Commissioner of Health, Education, and Welfare would determine the evaluation. Jackson said he supposed that the district attorney would bring in this information.

Miller said that last week when discussing the bill he asked that areas of 170 be stricken so that it would apply only to 173. He moved that the bill be amended that way.

Jackson: I think in Subsection C on the second page the reference would be only to 173. If you did this, there would be no penalty.

Fink moved that 210 be left as it is and a new penalty provision added. The one we have proposed in 210. Miller said he would have no objection to writing a new penalty provision. He withdrew his motion.

Jackson asked the committee whether they wanted all of the language in "C" to apply or be in the new penalty provision. One change should be made on line 10 "after liable" add "to the State of Alaska". I would like to point out that for a violation of 173 there will be no criminal penalty, only a criminal damage provision.

Fink: What about the private property owner?

Jackson: I can't answer that.

Metcalf: Twenty gillnetters suffer loss because they don't catch any fish.

Miller: Perhaps it would be the right of common law damages if we passed this or not.

Jackson: It probably wouldn't cover private damages.

Fink: I don't want to take away any rights of individuals.

Miller: The opportunity for law suits is terrific. and without this bill anybody can sue if they have been damaged.

Discussion continued on SB-536. Fink moved to insert "seagoing" on line 11. Motion carried. It was moved that we "do pass" with the changes on Section 2. Motion failed. Art noted the changes the committee wished and will prepare a committee substitute.

HB-856 - Liquor licenses - tourism. Carl Webb and Bill Spear appeared before the committee on this bill. This bill was discussed and Metcalf moved to strike the last sentence of line 18 and on through Line 21. Motion failed by a 3-4 vote. Webb and Spear will report back to the committee tomorrow with more information regarding HB 856.

Public safety regulations - Miller: Instead of a resolution recommending that we don't adopt these, I think we should adopt a resolution that they should hold further hearings and notify all interested groups.
Mr. Jackson said he would have Art draft a letter from me to Personett that they reconsider their regulations.

Mrs. Banfield reported that she ran into Personett and congratulated him on his state policeman. The conversation got around to the Scott case. Personett said, "Did anybody tell you about his accident?" He said he knew some fellows that went to school with Scott. They say he is a completely different person now. Because of the kick in the head, he is now behaving in a strange manner. Some of the committee felt that Mr. Scott should be entitled to permanent disability if this were the case. (Kay left).

Mr. Jackson asked the committee whether they wanted to look into this situation further and consider it again. Fink said if the facts were true Scott was entitled to some change. Banfield felt we should insist on the regulations being changed. Jackson said there is a similar process under military called a "Court of Inquiry". You are entitled to counsel and can have witnesses and can cross examine. This is the same sort of situation and the same procedure should be followed.

Meeting adjourned at 6:05 p.m.

JUDICIARY COMMITTEE
MINUTES OF THE MEETING
MAY 19, 1970

Meeting was called to order by Chairman Jackson at 4:05 p.m. in the Masonic Temple. Present were: Fink, (Harris 5:00 - 6:00), Miller, Kay, Metcalf, Banfield, Peterson, (Cornelius 4:15 - 5:00).

SB444 - Parks and recreational facilities. Thomas Kelly, Commissioner, Department of Natural Resources testified in favor of this bill. He said this is one of the key pieces of legislation. If we do not enact this legislation this year we are in for some serious problems. A set of regulations was adopted last year but are unenforcemable without Senate Bill 444. We should restrict overuse of the parks. Anchorage has problems at Eagle River. People have actually set up housekeeping in the park. They use the facilities in a manner that we don't consider in the best interests of the people. We are very concerned about the migrant people coming into the parks. If you adopt the amendment it would effectively nullify the bill itself. We are facing a critical time in Alaska in the management of parks. We urge consideration so they can have some teeth in their regulations. We cannot give Alaska and our visitors a taste of the good recreational facilities unless we can enforce some of the regulations. Speed limits are a real problem at Johnson Lake. When asked, he said the only problem with guns in the parks was vandalism. There was not a problem of intimidation or harassment with guns.

Miller moves the bill out "do pass without amendment". Yes - Jackson, Cornelius, Kay, Metcalf, Miller, Banfield. Fink no recommendation.

Mr. Kelly said he would have a letter on Mr. Jackson's desk by 10:00 a.m. tomorrow as requested stating his position.

SB-424 - HB-804 - Timber property brands and branding of logs. Mr.Jackson noted that before proceeding technically the amendment as adopted should be rewritten as to the effective date because they want the same delayed effective date of January 1, 1971. Basic bill 424 has an immediate effective date. Kay stated that in 804 they had gone back to the old language rather than the new language.

Miller stated that SB-374 should be considered. It is tied up in Finance. This bill does not provide any log salvage program which would cause the removal of logs even though they were not branded and we should take care of it. 804 grew out of the log salvage bill. In this state there is no provision for branded logs to be free property.

John Holm testified regarding HB-804. He said this amendment does not put these logs into the ownership of the state. The bill that brings some ownership to the state is SB-374. 804 grew out of the consideration of the log salvage bill that once a log is branded it belongs to the owner of the brand forever. There is no way of divesting the ownership and therefore the people who own most of the brands are in objection to this. 374 is a very competent bill.

Miller said that he, peratrovich and Holm had spent many hours getting it workable. The original bill is an act relating to the branding of logs. If you deal with log salvage you are getting into a different subject. Would suggest that you would be in real trouble if you tacked this onto the other bill. The logs are on the property of the state. They are actually abandoned and a marine hazard. The log salvage bill will cause fishermen to go and pick these logs up and clean the beaches up to some extent.

Holm said HB-804 puts a termination date on exclusive ownership of these logs. It states that one year after the log is branded or a maximum of two years after it does become lost it is subject to the control of the person who gets it. This would in effect mean that the log would not be branded in the woods. It would be branded as it is put into the water.

374 came as a result of holding public hearings throughout the state. We thought this was a reasonable bill to provide salvage of logs from the public lands. Doesn't have any business being tacked on to 424 as an amendment. Regardless of what the outcome is this bill does take care of placing in the proper statutes where the log branding should be.

Jackson noted that if 374 does pass it takes care of the stray log problem. To keep the state from being liable you could say that a stray log would escheat to the state.

Commissioner Kelly said they have log salvage laws on the books in Oregon and Washington. 374 was patterned after the laws of the States of Washington and Oregon.

Peratrovich said he would not favor the amendment offered by Mr. Tillion but it would be better than nothing. The answer to our problems is 374. All we were trying to do was to let the fishermen salvage some of these logs and sell them.

Jackson said this will be put over until tomorrow and will be first on the agenda.

Proposed CS for 538 (SB) - School land exchange. Fink moved the following amendments: Strike beginning with the word "however" on Line 15 through the word "lands" on line 17. Strike from the word "up" on line 18 through the word "value" on line 19. Add after the word "preference" on line 22, "for a period of six months after notice" and strike the words "as mutually agreed upon" from lines 22 and 23. Add after the word "land" on line 24 "acceptable to the department" and strike the words "of not less than equal fair market value" from line 24. The amendments passed 5-2. The bill was passed out "do pass as amended". Yes - Banfield, Fink, Jackson, Harris, Miller. Metcalf, do pass without recommendation and Kay, do not pass.

CSSB-536 - Pollution. Jackson suggested adding to line 22 the words, "if it meets the standards of (a) of this section and the master of the vessel certifies that fact on forms provided by the department." Miller moves the adoption of the amendment. Amendment passed with no objection. Miller moves the bill out "do pass as amended". Yes - Jackson, Kay, Metcalf, Banfield, Fink, Miller. Harris, do not pass.

The meeting was adjourned at 6:00 p.m.

JUDICIARY COMMITTEE
MINUTES OF THE MEETING
May 21, 1970

Meeting was called to order by Chairman Jackson at 9:08 a.m. in the Masonic Temple. Present were: Kay, Banfield, Miller, Metcalf, Peterson and Fink.

HJR-132 - Native Land Claims settlement - Attorney General, Kent Edwards testified before the committee on this resolution. He cautioned against giving support to the Un. S. Senate Committee on Interior and Insular Affairs bill without first seeing its contents. The Legislature indicating its support could be taken as an endorsement to whatever legislation they put out of committee. One part penalizes the state by imposing a land freeze on the State of Alaska until the suit is over with. Also putting a choice--if found unconstitutional Congress then grants rights to mineral land in Alaska in lieu of revenue sharing. That would be preference rights. They could select any in the State of Alaska. Also you should consider the word "generous". Fink asked why we were working on this resolution. There were four votes to take it up. Fink and Banfield voted "No". Miller expressed his feeling that we should amend out the things cautioned against by the AG. Several suggested amendments were considered. Banfield moves that the committee accept her amendments; Fink seconds. Motion carried 4-2. Jackson and Kay voted "no". The amendment was as follows: Strike on Line 28 and 29 after "respect," "supports legislation such as that prepared by the U. S. Senate Committee on Interior and Insular Affairs, and". Insert "speedy" after "urges" on Line 1, Page 2. Add a new whereas clause to consider time aspect. Art will prepare language for this. Jackson noted that a change of title was necessary. This was without objection. Title now is: Urging the Congress to enact a settlement of the Alaska Native land claims." This will be ready for our afternoon meeting.

SB-424 - Timber brands - Vern Snow, Department of Revenue - testified in behalf of this bill. He stated that it basically transferred the log branding to the Department of Natural Resources. I have no objection to the amendment but did object to the change in effective date.

William Sacheck, State Forester, Department of Natural Resources, testified that his department was in favor of this legislation as it now reads. He stated that basically it transferred jurisdiction to Natural Resources from Revenue along with some cleanup language. We are tied in with logs and thought it would work out better to be handled in this department. He requested that we say "one full year following the date of the brand." Jackson amended it by saying: "for the calendar year following the year of the brand." This was without objection. Representative Boardman asked to be heard on this and recommended to the committee that they say "two calendar years" rather than one. He urged the committee to consider this.

There was some consideration to using "abandoned" instead of "stray". Mr. Sacheck said his division preferred to use "stray" but there was no firm objection to "abandon." Mr. Sacheck feels that a log salvage bill is necessary in order to use a resource that is otherwise wasted. The benefits gained as to cleaning beaches, preventing damage by floating logs, will be minimal, but the resource will be the greatest gain.

Jackson changed his amendment to read: Line 18, page 1, "for two calendar years following the year of the brand." On Line 23, Page 1, "one" change to "two". Line 24, Page 1, Change "year" to"years". Line 23, Page 1, change "stray logs" to "abandoned logs". This was without objection.

Representative Boardman mentioned other cleanup language necessary in HB 804. Line 10 change "every log, pole, pile, or timber," to "Each piece of timber property,". Line 15 - Change "Logs, Poles, piles or timbers" to "timber property".

Line 16, Page 1, change "are" to "is". Lines 14 and 18 strike "mark or". It was first decided to have draft a committee substitute but later decided to have an amendment prepared. Miller felt we should have some provision for logs that are now on the beaches. Mr. Sacheck requested that there be given specific direction to the Commissioner of Natural Resources to promulgate regulations in this regard.

Meeting adjourned at 9:55 a.m.

JUDICIARY COMMITTEE
MINUTES OF THE MEETING
MAY 21, 1970

Meeting was called to order at 2:08 p.m. in the Masonic Temple by Chairman Jackson. Present were: Metcalf, Fink, Kay, Miller, Peterson, Banfield, and Cornelius.

SB-424 - Proposed amendment was prepared. Chairman was concerned about subsection (b). Before the meeting it was discussed and a need shown for changing one part. It should read "unbranded and branded without date". In Section (3) strike "registered". This has been signed out and the amendment will be retyped.

Chairman asked what the committee wanted to do about the Scott matter. He has asked Art to prepare a committee report on this. Fink reported that he heard on the radio that Scott was to be before the Grand Jury this morning. Banfield reported her chat with Personett to Jay. That he was a different person now. If he is telling the truth that he received an injury so serious as this, the state has an obligation to take care of him. Kay would like to hear the versions of all of the captains that have been fired. Banfield while attending a dinner last night heard more about police trouble. The secretary will check on the film. Chairman will ask Scott for a report on his Grand Jury appearance.

SB-412 - Legislative bribes. Miller is opposed to this bill. Fink moves to make a HCS for SB-412 to include the bill they put in last session and that it "do pass". Motion carried 6-1. Jackson, Cornelius, Kay, Metcalf, Miller and Fink, "yes". Banfield recommended "do pass on CSSB-412".

SJR-101 - Native land claims - Miller moves to table. Cornelius objects. Miller withdraws his motion after learning that we did not act on this matter at our morning meeting. This will be taken up later.

SB-542 - Racing of snow vehicles - Assigned to Fink. Chairman reported that the administration is upset with this. They claim it will endanger federal funding. Kubley would be the one to talk with us about this. This will be taken up at our 4:00 p.m. meeting, this afternoon.

Meeting adjourned at 2:20 p.m.

JUDICIARY COMMITTEE
MINUTES OF THE MEETING
MAY 22, 1970

Meeting was called to order by Chairman Jackson at 4:30 p.m. in the Masonic Temple. Present were: Kay, Metcalf, Cornelius, Peterson, Banfield, Harris, and Fink.

New assignments:

SB-566 - Bar - Out-of-state attorneys - Kay

SJR-101 and HJR-132 - Native land claims - Committee assignment

HB-872 - Constitutional Rights of Residents - Banfield and Kay

SB-250 - Borough Land Selection - Had already been assigned to Banfield and will be placed on the agenda.

HB-352 - Legislature - 21 & 41. The chairman asked the committee if they were agreeable to acting on this bill. (Miller arrived 4:35) Motion by Fink to move it out without recommendation. Motion carried 5-3. Cornelius, Metcalf, Miller, Fink, and Banfield voted to report it back without recommendation. Jackson and Kay voted "Do Pass". Harris voted "Do Not Pass".

HJR-125 - Oil and Gas leases - Harris and Miller are assigned. Fink moved to "Table" this resolution. Miller seconded. Motion did not carry on a 4-4 vote. Cornelius moved to bring it up at this time. Motion failed on a 2-6 vote. This will be put on a future agenda.

Jackson reported that there were several bills in this committee that could be worked on. SB-399 - Age of jurors - We had HB-406 - Age of majority - We passed this out. The Senate HWE has sent it back with beer only provision and it is now resting in Senate Rules Committee. Mr. Ray Christiansen has a commitment not to let it out. There are 15 votes for the bill in the Senate, but they can't get it to the floor. We can pass SB-399 in the same way. This reduced the age from 21 to 19. Is the committee willing to have a CS prepared for SB-399? We would put beer on this. Art will prepare a CS for SB-399 using the Senate HWE version. This was without objection.

Kay moves to take up HB-872 at this time. This was agreeable and Mr. Kay explained that it was HB-810 but that it was introduced by the Rules Committee by Request under the new title and new number. The only reference this has is to Judiciary Committee. There was a motion to move this bill "Do Pass". Jackson, Cornelius, Kay, Miller, and Banfield voted this way. Metcalf and Harris recommended that it be sent to State Affairs Committee. Fink recommended "Do Not Pass". (There were five votes to take the bill up.) (Kay made the motion to move the bill out.) (Kay and Cornelius left)

SB-250 - Borough land selection - Banfield. This creates a problem in determining what is the amount of state lands that are available and when they can be selected. This is of the total that has gone to the state and is not to exceed 10 per cent. There were some questions as to why they were taking the five year time limit out.

Jackson felt that this created an administrative problem. Miller thinks that we should have some witnesses in on this. Especially on what affect it would have on land selection.

Public Safety Investigation - We still have not received the film. Jackson reported that he had received a wire and four witnesses for Scott were not allowed to testify on the Grand Jury proceedings. Fink stated that he found out that the Grand Jury did have her come in and let her talk. The Grand Jury did not want to hear the rest of them. As I understand it, the DA can listen to whomever they choose They didn't want to listen to that crowd. According to the paper, the DA left and the Grand Jury made their own decision. The people who wanted to testify did not have anything to do with Scott. Many were not Valley residents at all. He also reported that they raided the Billiard Parlor. They arrested 18 people for possession of drugs. Jackson noted that this will be put over until Monday for a report on the procedural aspects of administrative hearings.

Jackson noted that we had four of Miller's bills in committee. Miller said he did not want to work on them.

SB-542 - Racing of snow vehicles - This will be put over until we can get administration witnesses.

HB-856 - Liquor - tourism - This will be put over until Monday, May 25.

Chairman Jackson asked Mr. Fink if we were in a position to work on SB-239. Fink recommended "Do Pass" as he did not find any problems with it. (Kay and Cornelius returned.) Kay stated that the prime sponsor was Vance Phillips and that it was highly regarded by the credit card industry. Line by line examination was given to the bill. Kay moved to strike 700. Motion carried 6-2. Jackson and Harris voted "no". Fink moved to strike section (b). Banfield, Miller, and Cornelius voted "no". Motion carried. Kay moved to strike Section 750. Motion carried. Fink moved to strike (b). This was without objection. Fink moves to strike (c). This will be struck. Without any objection, a committee substitute will be prepared by Art.

HJR-132 and SJR-101 - Native land claims - A possible committee substitute was prepared for HJR-132. Fink is going to offer some amendments on the floor. Jackson suggests that we use the Senate resolution as a vehicle. There were several motions and amended motions made in regard to this bill that failed. The final decision was the Senate resolution was signed "Do Pass" by Jackson, Cornelius, Kay, Metcalf, Miller, and Banfield. Fink had no recommendation and Harris recommended "Do not pass".

Meeting adjourned 5:45 p.m.

JUDICIARY COMMITTEE
MINUTES OF THE MEETING
MAY 26, 1970

Meeting was called to order at 9:20 a.m. by Chairman Jackson in the Masonic Temple. Present were: Metcalf, Fink, Peterson, Kay, Miller, and Banfield.

Fink asked to be allowed to introduce a bill extending the filing date for political office to July 1. After a brief discussion, Miller moved it out "Do Pass", Metcalf recommended Do Pass if amended to two weeks. Jackson, Kay, Miller, Banfield, and Fink voted "Do Pass.

Art will get a copy of the amendment by Jay and will draft a CS for SB-566 - Out-of-state attorneys - This will be ready for this afternoon's meeting.

SB-399 - Age of jurors - Kay reported the situation in the Senate and there are 15 votes for passage, but it is in Rules with an agreement between Ray Christiansen and Hammond. We have a HCS for SB-399 that goes for beer only. Some discussion was held as to how far reaching this bill should be, but was decided to have beer only in order to get passage of this bill. Kay moves it out "Do Pass" with beer only. Jackson, Kay, Banfield, and Miller voted "Do Pass". Metcalf was without recommendation. Fink wants it to be amended to HB-406.

Meeting adjourned at 9:35 a.m.

JUDICIARY COMMITTEE
MINUTES OF THE MEETING
MAY 26, 1970

Meeting was called to order at 5:25 p.m. by Chairman Jackson in the Masonic Temple. Present were: Kay, Cornelius, Metcalf, Miller, Fink, Banfield, Harris, Peterson.

HB-874 - Filing date - Mrs. Cutler, Director of Elections testified on this bill. She felt that one month was too long a period of time but that two weeks would not be too difficult to meet. She explained that the time they have to prepare ballots is limited and also mentione the difficulty of communication with the Aleutian Chain. She also would like to see this for only one year and not to be extended permanently, but only to convenience legislators this year in their unusual situation. She noted that nonparty candidates should be allowed the same extension date. Except for the points mentioned, Mrs. Cutler was in favor of the bill.

Representative Young testified against the bill. He felt it would cause a compaction of the political session and that we would be condoning public lack of interest in government. He also felt it would eliminate the primary election.

Respresntative John Schwamm also appeared before the committee in opposition to this bill. He felt it was unfair to persons who have already announced their candidacy and planned for the filing date to be closed on June 1. In allowing the later filing date you are merely conveniencing a few legislators and I don't think we should pass this type of bill.

Fink explained that various ones wanted to get back home and talk to their wives and business partners before they made a final decision to run again. This has been an unusually long session and this is the reason for an unusual change in the filing date. I think this should be for one year only.

Banfield felt that this might set a precedent in extending filing dates. She was not in favor of this.

A committee substitute will be prepared. Kay moves to report it back without recommendation, the committee substitute, that is. This was acceptable to committee members. Jackson, Miller, and Fink recommend "Do Pass for CS". Cornelius recommended "Do not pass". Kay signed "No recommendation". Metcalf signed the same as Kay. Banfield signed "Do not pass HB-874 or CSHB-874." Jess Harris recommended that this should be sent to the State Affairs Committee and should not pass.

SB-250 - Borough Land Selection - Banfield. Bill Berrier, Greater Juneau Borough attorney appeared in favor of this bill. There is a need for clarification of what the "five-year provision" means--- five years after the date of first selection or five years after availability of state land. This bill would clear this up. Mr. Berrier read from some letters showing there was a problem in this regard.

Mr. Miller would like to talk to someone from Natural Resources on this bill. It will be held over until tomorrow.

Jackson related that Mr. Johnson from highways was here but that he had gone home. SB-542 - Racing vehicles (snow) - will be put over until tomorrow.

Miller will have HB-575 - Board of Governors - ready for tomorrow.

SB-566 - Out-of-state attorneys - will be put over until tomorrow.

HB-856 - Liquor - tourism - also will be on tomorrow's agenda.

Jackson announced that the committee will be able to view the video-film on Wednesday evening at 7:30. Art has drafted a committee report that may meet the will of the committee. He also handed out the Grand Jury report.

Meeting adjourned at 6:20 p.m.

JUDICIARY COMMITTEE
MINUTES OF THE MEETING
MAY 27, 1970

Meeting was called to order by Chairman Jackson at 7:35 p.m. in the Masonic Temple. Present were: Kay, Metcalf, Miller, and Harris.

SB-250 - Land selection by boroughs - Banfield. After a short discussion period, Harris moved this bill out "Do Pass". Kay seconds. Unanimous vote in favor of passage of this bill.

SB-445 am - Forests, protection against fires - Miller. Jackson explained that this is one of the governor's bills. It revises the law on permits to allow fires on state lands. It requires due care, and cost of fire damage can be assessed in cases of negligence. This will be scheduled for early work.

Kay is assigned HB-876 - Vexatious litigants.

Out-of-state attorneys - SB-566 am - Kay.

Jackson asked committee members if they had looked at the draft of the report on Public Safety. Chairman will take comments on this tomorrow. We will set up the film for tomorrow night--It was decided to view a portion of the film this evening.

Meeting adjourned 7:50 p.m. We viewed approximately one hour of the administrative hearing film.

STATE AFFAIRS AND JUDICIARY COMMITTEE JOINT MEETING
MINUTES OF THE MEETING
MAY 28, 1970 - Thursday

Meeting was called to order by Chairman Hillstrand, State Affairs Committee in the Governor's Conference Room - Third Floor - Capitol Building.

Hillstrand noted that the Judiciary Committee was represented by Banfield, Jackson, Fink, Kay, Metcalf, Harris, Miller, Cornelius, and Peterson.

Hillstrand asked Mr. Jackson to lead off the afternoon's discussion with his comments on the questions that had been submitted to the Interior Department on the North Slope Road.

Jackson: Sometime ago I directed questions and have received a reply from the Solicitor. I have copies for members of the committee - questions and also copies of the reply. I would surmise for the benefit of those present--the Justice Department does anticipate that they will bring the matter to the attention of the court in the cases that are now pending in the D. C. courts and hope to obtain a ruling by the court on whether or not the state can proceed. They do not believe that the injunction prevents the state to begin the building of the road. The state is not a party to either action. The injunctions may affect the road insofar as the Secretary of Interior has to issue permits for airports and gravel. If the Interior Department cannot do anything about this until.....they do not anticipate any difficulty in changing the Rampart withdrawal--with the road going through there. The Solicitor is not in a position to estimate when the right-of-way permits would be issued. They have not answered whether the gravel permits would be granted. They do expect to meet on the modifications on the freeze order and any other matter relating to the road. It is clear that the Secretary can modify the land freeze order. On the eighth question the Solicitor did not answer this one. It has been the Interior Department's position that there is no Indian title to lands in Alaska.

Hillstrand: Are there any questions of Representative Jackson? Does the state have a right to take the position of those who have applied..... without being concerned over the objection on the part of those that can now profit. Do the permits apply to the state?

Jackson: I think the state should answer this question. Those are not permits.....

Hillstrand: Is there any limitation on Alaska's ability to build a pipeline, for example?

Jackson: I haven't thought about that. We would probably be in a similar position as TAPS. I would like to comment on one other thing. The possibility of establishing a service area in the reorganized borough.....I had hoped to have some draft language, but it is not yet ready. I hope to have this before the end of the day.

Kay: He has 873 draft. Very briefly Saturday afternoon in questioning TAPS I asked if money was a problem with them. They said "yes". They had

$200,000,000 already invested and they did not want to go any further unless they had either reasonable assurance that they would get the permit or to have the permit in their hands. Would it be helpful to lend you the money to do construction? They said they were not prepared to comment. This is an interesting approach but they were not prepared to comment. I felt this was something that should be brought before the committee. We could authorize the Department of Revenue.....We are in the money lending business. Authorize them to make loans not to exceed the $120 million to build the highway. Requiring the security that was necessary. Not less than 7 1/2% interest. I think this worth your consideration. They have indicated that really at this time they don't want to spend more of their own money.

Boardman; Expand on the security.

Kay: We are dealing with people that are pretty financially responsible. Any security this state considered necessary and shall include mineral leases of the borrower.

Boardman: Many of the leases are in multiple names.

Kay: I suppose that the way people would only be able to give security on what leases they hold. It would be ample security.

Hillstrand: Would the Governor comment on this route?

Ward: We have never had any indication that this was the problem so we have not considered this solution.

Hillstrand: Would a request of you produce a comment in the next day or two on this as a possible alternative to be thrown into serious consideration when and if needed?

Ward: We could get a response back by tomorrow.

Orbeck: Is it the intention of this committee to be in this committee for the next two days? To have the bill, I mean?

Hillstrand: The legislative body decided to go this way.

Kay: It is before this committee, is it not?

Jackson: Are there any representatives of TAPS here?

Hillstrand: No, this is old hat to people like Mr. Orbeck. Mr. Secretary, would you outline for the benefit of the various members that have not been exposed to it, the purpose and need of the proposal?

Secretary Ward: If you would permit me to make a brief statement. In the Governor's message to the joint Legislature he made the request for $120 million for the road, and in doing so, the Governor indicated that he was asking for this because he felt that this highway was more in the public interest than anh other highway planned. It is just.....but started years ago.....and is still in the planning. Earlier this year, the plan

was for the TAPS to construct the road and after that the road would become available to the state. TAPS was prevented from doing this. Not because of money, but because of legal problems. It did not change in the opinion of the administration and the Governor, the importance for the road to the Arctic. This is why he submitted the proposal.....placed on the belief that it was important enough even if not reimbursed that it was a good move. We feel TAPS is a good agreement. We think that the basis for getting the money back is good.

Hillstrand: Are there any questions?

Holm: We heard a statement by TAPS that their estimate was $90 million. Some of the contractors say that in some cases they might want to bid less than those that did bid. Now that it is up to $120 million. We hear that it may exceed this figure?

Secretary Ward: I never have seen any figures backing up a firm $90 million. The bids that the contractors submitted to TAPS were on a competitive basis and some were in a different framework. Unit costs, etc., is that it will cost $120 million.

Boardman: I have two questions. Design of the pipeline and where it will be. And in fact whether the road will parallel this. Will it be necessary to have a lot of feeder roads off the main road? I wonder if there is any type of answer you can give us on this? What about bridging the Yukon?

Secretary Ward: You would like me to respond to that? I don't think there was anything vague about this. Permit was based on engineering criteria that the route they had selected for the road and the pipeline consideration led them to choose that route. This would also be important to the Department of Interior. Environment and ecology.....and have the road and the pipeline where it should be. There is one divergence for some 12 miles where the road would be different from the pipeline. There have been rumors.....our best information now indicates that there is no big hangup on the route. If there was a change it would have to be for reasons other than for cost and environmental protection. We think that the route is firmly established.

Boardman: Then, except for the 12 miles the road will parallel the pipeline. The second part of my question was in regard to bridging the Yukon.

Secretary Ward: $2 million for crossing the Yukon. This does not provide for a bridge, but for a ferry and ice bridges. Acquisition for the ferry and the ice bridge. We talked with the TAPS people about the possibility of a bridge. This is not in their plans. It is safer to go into the bedrock below the river and that the place where the permanent bridge would be constructed was down the river from it. It might cost from $8 million to $10 million. There is not a permanent bridge envisioned now.

Chance: I wanted to ask about the additional appropriation that might be needed over $100 million to protect the environment.

Pratt: This is only $1 million and this is in the request for the Hickel Highway and would be transferred to this highway.

Schwamm: That million dollars isn't in the budget at this time, is it?

Pratt: Yes, since March 23 to be exact.

Rettig: While the state builds the road, would it be under different standards than TAPS if they built it?

Secretary: No. They are planning a secondary road.

Kay: Reading the Solicitor's letter, I gather that the Solicitor recognizes that the gravel permits will be a problem.

Price: Which particular sentence. (Paragraph 3). It is apparently the opinion of the Solicitor that it may affect the right of the secretary. It is our opinion, the Solicitor of the Interior Department might consider it prudent to get a clarification in court on the Wilderness Society. It is my opinion that he need not do so.

Kay: What is your position on whether or not such natives have claims of occupancy?

Price: This is in litigation. I don't want to answer this. This is in the Anchorage District Court. At the present time there has been no request for preliminary injunctions, etc. We are preparing a motion for summary judgment, however, the conclusion to be reached would be that native claims under the 1884 Act or under aboriginal Indian title would not affect the right of the state to issue permits for gravel pits. It is a free use permit furnished to the state by the Secretary of Interior. It is a different analysis to be made of this than what was made by the 9th Circuit in the freeze case.

Kay: Doesn't the same question exist?

Price: It is possible for someone to raise this question. Whether the land was legally vacated land. In the native village of Nenana if use of certain land as camp sites.....

Kay: Couldn't they raise that question?

Price: Yes, and others.

Kay: Wherever the natives had a claim of use and occupancy? As I understood Secretary Ward, the administration is satisfied with the reimbursing provision contained in the memo of agreement with TAPS. As I recall that reimbursement was conditioned on an "economically feasible and legally defensible permit." Would you as a lawyer consider that a binding contract in any way?

Price: The agreement was drafted by 12 different lawyers. They assumed that it was a binding agreement.

Kay: Can you tell me what you would consider an "economically feasible permit?"

Price: The definition speaks for itself. If there were a question about the construction of it, it would be for the court to determine. This is why there is litigation now.

Kay: Wouldn't this be whatever the consortium felt it to be in their own financial interests?

Price: I think it would be up to the court to say what would be economically feasible.

Kay: Rather than that being left up to TAPS, it would be left up to the courts in a suit.

Price: It may be necessary to determine this through litigation.....could not spell out in more definite terms.

Kay: I was under the impression that this was left up to them.

Price: This is not my impression.

Jackson: Price's answer on the effect of native land claims. Two points can be raised by the natives. Land title.....you are in the 9th Circuit decision only concerned.....Statehood Act. Only vacant land. Would not reach Indian title. The other.....whether or not the state in circumventing the state in the District of Columbia where a primary injunction is filed against TAPS. The state is merely an agent for TAPS and avoiding Indian rights in that way. This may be a significant problem.

Boardman: Heretofore our program has come under federal highway program. This is to be under secondary standards. If this road were to be considered under federal aid to highway program, would it qualify with enough public use of the road? Would it qualify under the secondary program?

Secretary: I earlier said there was a $2 million figure in the proposal for ferry and ice bridges. This should be corrected because it was 1.4 million. We have never been under the impression that this is a one-resource road. We have considered this to be to develop our own land for all of Alaska. Including conservation and mineral resources other than oil. Also recreation. Whether it might qualify or not for a secondary road.....

Scougal: Economically feasible report would be favorable one and any road could qualify for it. The only problem is that our apportionment is $52 million annually. $17 million is for secondary and the balance for primary. This would take us about ten years to build.

Boardman: I am trying to get an answer about the standards?

Scougal: If it would qualify? We have to justify any road and establish standards that are acceptable by the BPR. In this case, they are all secondary highways.

Hillstrand: Are we to believe that this is a regular plan, known as the 5 year program? Has it been introduced in this way?

Secretary: No.

Jackson: The Governor indicates this is going to be a state road. Some of the legal problems.....is the amendment considering applying nowto have it added to the system?.....stipulations to BPR and have it added to the secondary system?

Scougal: At this point, we haven't done anything. We have roughly 5500 miles of highway in the state on the federal highway system. Just another confusion if we would apply for federal aid.

Hillstrand: Some of the questions that are raised daily by those he conversed with. In the memorandum of agreement it specifies that one year from June 1, 1971, the road will be finished. If they don't have an economically feasible permit by this date, what then? Why this date?

Secretary: The time they wanted to be bound to a permit was shorter than this. We couldn't see any reason for the time to be any less than the completion of the road. So this date is the one that was chosen. After June 1, two years after that date, if the pipeline is built, the participants would be obligated to pay under the terms of the agreement. The amount on a prorata percentage to the owner of the line.

Hillstrand: People continue to believe that this will result in an accelerated period of time in which the pipeline could be completed.

Secretary: The state has every right and reason to build roads and it is a proper function to build roads. It would change some conditions. We have been talking about this as far as the Interior Department goes. If there is no legislation passed there won't be any changed condition. Any reason to accelerate any legal problem. Pipeline permit.....information needed by the Interior Department is being supplied by TAPS is much improved over what it was before we started here. Some of the problems and points of contention between Interior and TAPS we see this as a catalyst in speeding up issuance of the permit.

Hillstrand: Office of the Secretary of Interior has been contacted..... without him being responsible for this comment. The answer was, there was no relation between the construction of the road and the issuance of the pipeline permit.

Secretary: I am sure that there are some problems of statements without a changed condition.

Boardman: I have an important free conference committee meeting at 4:30 and in respect to the legal consideration by Mr. Croft.....we are going to have input from Judiciary Committee. Also the administration on Mr. Kay's bill which may be a CS.....to be returned to this committee for consideration. Are these going to be fed into this committee?

Secretary: If it would.....the working of the committee to have an answer to Mr. Kay's proposal now and follow it up by memo, that the state has already considered two possibilities. We did not see it as a solution to the problem. We did not see anything to be gained.

Hillstrand: The representative or director of TAPS for Alaska was asked if this would. He said he would consult his associates.

Kay: The bill was drafted because TAPS gave us to understand that they were not proceeding to build the road because they had enough money in it.

Hillstrand: Yes, he did.

Secretary.....(Boardman left)

Kay: After carefully considering the agreement I still wondered about "econ mically feasible". If they receive this legally defensible and economically feasible permit, it would be arguable to some extent that this is first for them to make. When he defined it, it hinges on a number of contingencies. Including whether or not the Department of Interior takes certain action.

Secretary: Of course, we know that the questions of cost between burying the line or not is there. There is some difference there.

Hillstrand: You would get an answer to that?

Price: Whose attorneys were they? They were representatives from the individual pipeline companies.....more pipeline attorneys.

Secretary: Where will the ferry be used after the bridge is built?

Orbeck: Until just a couple of years ago.....you rented a tug boat for the season.

Bradner: As far as the availability of equipment, the equipment they use would not be adequate for the job. You would have to secure additional equipment. It would have to be purchased because of the tremendous burden of Vietnam using all the vehicles on the West Coast. It would have to be purchased by an operator and probably built from the ground up.

Schwamm: How is the road constructed by the state going to aid in getting the pipeline permit? I can understand how it will aid in construction of the pipeline. Will it actually aid the problems that Secretary Hickel stated that now are engineering problems?

Secretary: I believe it will. I have indicated the reasons why.

Rettig: In connection with the ferry, there are no plans to build a bridge, are there?

Secretary: No.

Bradner: Mr. Secretary, if the state is truly dedicated to a road to the north and a bridge that we might contemplate across the Yukon, if you have..... in this area and will become an all year round route.....

Secretary: Bridges don't get built that quickly.

Bradner: How many months a year do you comtemplate the road not to be usable?

Secretary: There are a couple of proposals. There would be 2-3 months when it would not be usable. They might be considering a Bailey Bridge type rather than a ferry.

Schwamm: When is the ice bridge not usable?

Secretary: Until a ferry could be used.

Scougal: It is tough to say definitely. A year ago we could have had an ice bridge in October. This year it was January. It is hard to say.

Schwamm: How about break up?

Scougal: I would say 3-4 months a year. It is highly questionable.

Hillstrand: What part of the 1.4 million is going to be used for the ice bridge and the ferry?

Secretary: I don't have a breakdown of the figures.

Scougal: $25,000 this year and $30,000 last year on the ice bridge. I don't know how much the total is for the ferry.

Schwamm: Mr. Pratt, if we wanted to do that we would have to consider this in the appropriations funds for a bridge specifically, wouldn't we?

Pratt: Part of the funding for the bridge.....or add to the $120 million for the bridge. The personal opinion is that the need for a permanent bridge for purposes of Alaska transportation other than the pipeline construction is not absolutely necessary within the confines.....within the period of pipeline construction.....Ice bridge and ferry would be all that was necessary during construction stages. We have adequate time to take care of that problem. One point is that there is a possibility that they can take a look at slight rerouting of the line will make an above ground crossing along with a bridge. We are in possession of this information.

Schwamm: How do you feel about hanging this on the bridge?

Pratt: That is not our immediate consideration.

Hillstrand: SB-589 provides for construction but also adds 5% severence tax. We haven't signed the memo of understanding yet, have we? The TAPS people would not agree that they would sign the memo of understanding without consulting all the members and saying the ball game has changed since the 5% has been added. They are going to get together and find if this is one they are willing to sign. In that this is natural at this moment.

Secretary: We didn't have anything in writing on this. The head of the negotiating team said they would not be inclined to execute the provision with the bill as it is presently written.

Jackson: Would you restate that please.

Secretary: To restate it more simple terms. My indication is that at this moment they want no part of the agreement or of the whole deal as it is presently written.

Rettig: This agreement applies only subject to the legislation?.....implementing the agreement.

Secretary: Are you asking if you have the legal authority to do that? I can't be sure, I think they do.

Price: W t we have right now is a series of offers. Therefore the participants in TAPS can revoke that offer until it is executed by the state. As a matter of law, what we have right now is a series of offers to enter into contract with the state for the construction of the road. Until that offer is signed by the state, this offer may be revoked by the participants - by TAPS.

Hillstrand: Even if you signed it, it is not binding?

Secretary: That's right.

Hillstrand: Why worry about paying for the road when we can pay for it out of the wellhead price. Is there any truth to that?

Secretary: There is some. Differences of opinion as to what the affect is. Over a long enough period of time, the state will indeed pay the cost of the road in a length of time.

Schwamm: You stated that to your knowledge TAPS was against the 5% a barrel tax.

Secretary: Yes, sir. But I do not have it in writing.

Schwamm: Are you recommending to us to make the appropriation without the 5% payback clause?

Secretary: Yes, this is true.

Hillstrand: How can the state determine that it is getting the fair share of its oil out of this pipeline? They will estimate cost of construction and operation and maintenance that may or may not be accurate. Will, in fact, to.....How can we protect the state's interest? Many suggestions have been made. Price per barrel, ownership, etc.?

Secretary: Legislation has been submitted by the governor in regard to pipeline regulation. We have attempted several meetings and can understand that that is one of the ways we can do it.

In the draft I have retained all the provisions of CSSB-589 as amended regarding construction of the highway. The original bill had fewer provisions on this point.

(Secretary left at 5:05 p.m. to make copy of committee substitute for all members present.)

Secretary: Kelly has not done any reserve calculations on the Prudhoe Bay field. We would like to be able to do this. Provided with sufficient information. Only reserve calculations offered were those prepared in Dallas, Texas, and has been some other remarks as to their own research studies.

(Secretary left to restaple committee substitute copies.)

Jackson: I have a possible committee substitute to pass out to those in attendance.

Hillstrand: McVeigh will take the chair, as I have to leave.

Fink: Last time I heard about the gravel pits. There would be some question whether or not they would get a permit. Could the right to build the road by you still have to get the gravel pits?

Secretary: I think we are making progress in this area. Our indication from our talking with Interior is that they have really no reason to proceed with getting gravel pits authorization if this legislation is going to pass.

Fink: I asked if you would be satisfied that you would have a bill that said we will be repaid. That wouldn't make you change your agreement with TAPS.

(Hillstrand left)

McVeigh: Does anyone have questions?

Bradner: I assume that the administration has come out in favor of an all season road to the Arctic at the earliest possible date. Is that a correct assumption?

Secretary: It has been stated over and over again.

Bradner: Anything that we can do would be a good thing?

Secretary: Is that a question? If the legislature fails to act on this and other suits hold us up.....

Bradner: Is there something we can do to help get this road within a short period of time? Would the administration favor this?

Secretary: (commented briefly)

Bradner: There are several different land classifications, one is the Rampart withdrawal. Certain things are allowed under these. May make possible activity within that area which is not possible in some of the other areas. I would like to call your attention to the fact that should you become hampered by suits, because that is within Rampart Dam area.....the administration may do well to proceed with the bridge at a time when they are hampered from doing all else. Would the administration start such a project?

Secretary: I really don't know how to react to this question. We have a proposal for the construction of a road to the Arctic. All season road. I would hesitate to suggest.....I can't say about the bridge.

McVeigh: I would like to cut off this line of questioning.

Bradner: Doesn't the state want to proceed building a road north? For transport or for contractors?

McVeigh: The administration's position is clear that they want the road. This will be the backbone of transportation system. They are asking the houses of the legislature to authorize the construction of a road to the North Slope.

Bradner: The bill is in your possession. If we are dedicated to a transportation route to the Arctic and nothing else and despite all the law suits or whether the bill passes or not--this is important.

Kay: I hesitate to ask this question. I gather from the answer to the question by Fink that the administration is not in favor of the method of financing adopted by the Senate or the 5% severance tax. Has the administration made any suggestions for alternatives that would be acceptable to the administration other than the one contained in the legally defensible and economically feasible agreement?

Secretary: Frequently in the past--authorizations have been passed that put restrictions on the appropriation that was made. The money could not be spent until the administration did certain things. As far as the legislation is concerned--this would only have to be a different way. We could finalize the agreement then.

McVeigh: Are you saying, then, that if we did go ahead and pass a bill with conditions, in your oiinion, would that hasten some kind of agreement with TAPS?

Secretary: Yes, that is my personal opinion.

Pratt: I might elaborate on Kay's remarks. The Governor presented the bill in the cleanest form to try to bring construction start by June 1. Legislature coming to an end with problems coming up. Constitutional reasons in most bills. The opinion has not been finalized and written that there are some in the existing bill. What we are concerned about is trying to.....if you have the finalization of such legislation that it will be acceptable which will still allow us to move forward. He will act within the confines of the law.

Kay: Because we have this method suggested by the Senate that has raised some legal problems.....A large number of legislators say that they are doubtful about building the road unless there is some guaranteed repayment. In view of this fact, we think it would be helpful if the administration had any suggestions to make as to repayment.....a plan that would also be acceptable to the legislature.

Holm: Mr. Secretary, I have heard a lot of people talk about bailing out contractors and paying for a road for the oil companies. It seems to me that we have a multi-purpose road. If you had assigned any relative values for the purposes of this multi-purpose road.....Hastening pipeline construction? Reducing cost of freight hauling; tourist and public use? Other resource development? If you get paid 100% on the road, we have at least three items free. What value is this to the state? If we get paid back 100 per cent. What we have.....we don't get paid back? Is there relativity here?

Secretary: Yes, we don't have a breakdown of numbers. We have also heard of the other minerals in the area. We have heard of the injection into the economy if the road was built. In terms of dollars and cents we do not have this yet.

Holm: I was thinking as.....State 50-30-90%.....Are we getting more than the pipeline companies are getting?

Holm: Have you calculated how much of the $120 million would the state get back in the first year on taxes and income taxes?

Secretary: I think the Department of Revenue have some projections on this.

Bradner: One short question. The bill does mention competitive bids. Reading the TAPS agreement I assume there was no possible way to have a negotiated contract.

Secretary: Yes, that is right.

Bradner: What the largest negotiated contract is that you have handled?

Secretary: No, I can't tell you this. It is obviously that the negotiated contracts are not conducted in the normal way of doing business.

Bradner: Generally, used for extreme circumstances or emergency purposes.

Secretary: In the best interest of the state. In this instance it is special legislation that we are asking.

Mr. Henshey: I will make a brief statement. I want to introduce to the group Mr. Jim Moore, a consultant for 35 years having oil line building experience. Being here with me to assist in bringing some key points up. You may ask him questions.

Reasons for the road: (1) Pipeline (2) Open the North Slope--rich with oil and gas (3) Move drilling equipment (4) truck other tonnage - military and survival supplies (5) men and equipment in to fight forest fires (6) tourists.

(Mr. Jackson excused secretary at 5:30 p.m.)

JUDICIARY COMMITTEE
MINUTES OF THE MEETING
MAY 29, 1970

Meeting was called to order at 2:15 p.m. by Chairman Jackson on the Masonic Temple. Present were: Metcalf, Banfield, Peterson, Fink, Miller, Kay, and Harris.

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Assignment of SB-~~556~~ - Local assessments - Banfield - Mr. Berrier has some material on this. This will be scheduled for May 30,

Fink is assigned SB-588 - Unification - Mr. Savikko is here today and will not be available tomorrow. If there is no objection we will hear from him today. This was without objection.

Kay is assigned HB-877 - Voter registration - to be scheduled for tomorrow. There was a question raised as to whether we would be able to get anything else through the House.

Robert Savikko on SB-588 - He is the Mayor of Douglas. (Jackson reported that there will be a public hearing on this bill at 3:00 p.m. tomorrow.) I appeared here today because I thought this was to be a hearing on Senate bill 588. This is the exclusion bill and I have received opinions from the AG that I have read and considered. The problem is with the borough government. We are involved in this. He relates many problems of the bill with the borough government rather than the new municipality. We don't know whether it is a city or a borough. I am more concerned about area-wide policing. In a city it becomes City Police. Under the borough it would be State Police. The opinion is somewhat prejudiced. I do believe that you had another bill, I think in 1090 - Wright Truck case. I am relating Senate Bill 588 to the decision that was made on that bill. I guess I may have the wrong number. It stated that the governor did not exercise his veto power because he felt this was a moral issue and that he didn't want to be part of a miscarriage of justice but rather have it proven in the courts. They

overlooked the AG's opinion in this. I think 588 compares to that one. There have been many objections to the exclusion bill. Particularly from the Mayor of Juneau and other Juneau residents. They have the right to their opinions. I don't think they have made their statements correctly in relation to the bill. They have said that it creates problems. Where is the responsibility going to fall? Past history with the borough has shown that we have gone along with the incorporation of the functions of the ordinances that best service the Greater Juneau Borough Area. Such as recreation, hospital, health, sanitation, and other areawide functions. Douglas has been the first to cooperate. This is not a way to throw out our responsibility. We would participate in the airport if this exclusion goes through.

He was asked what was the point of the bill.

Exclude Douglas and let them operate their own city. That is the purpose.

You mean, within an organized borough?

Kay: No, they couldn't do this. They voted to unify.

Savikko: The proposal asked whether we wished to further the study of unification by the election of charter members. I think the feeling was to study the advantages of unification.

Kay: All right.

Savikko: Our was for the study from which the charter resulted.

Miller: Could you tell us exactly what the proposal voted on said?

Savikko: I do not have a copy of it with me, but I can get copy for the committee.

Jackson: As I understand the borough law, the charter would not prevent Douglas from being a Service

Area and have its own council to govern its limited service area functions. You could not levy xxxxMxghxx tax. Might certain administration that would be shared with the borough. Is it the failure of this sort of provision that led Douglas to oppose the charter?

Savikko: There wasn't representation xxxx for the City of Douglas itself. Just Service District #2. Constitutes all of Douglas Island excluding West Juneau, and would have only one candidate. North Douglas and Douglas are divided by West Juneau. The incorporated limits of xxxxxx Juneau are one district.

Metcalf: I xxxxx want to see a copy of the proposal that the people of Douglas voted on.

Jackson: Will you provide us with a copy?

xxxxx Savikko: xxxx Yes. We have had a successful government. I think that borough government can be operated successfully. But I don't think they showed that it was better than the one we were enjoying and xxxxxxxxxxxxxxxxxx are willing to pay four mils more for the advantages of areawide services. We want to xxx live within our means. We haven't had many recurring xxxxx problems. We have water and sewer. There are many things that point out why we felt that the citizens should have had the right to exercise their vote. We are asking to pass permissive legislation. If it is necessary to amend it or that an election would have to be held in xxxxx Douglas at this time, this xxx would be fine. We would be happy to do this. This should not be left to the council. 71% of the people in Douglas oppose this.

Jackson: Will you have representatives from Douglas here tomorrow?

Savikko: Yes.

Kay: I assume that the same .....he read from the statute.

xxxxx Savikko: I x am in favor of unification but not the charter as drawn up by the charter commission.

Kay: Rudy Pusich. I've talked to him.

SB-538 Fink thought we should take up SB-589- if we discuss the language we should do this first.

Miller: Before you start that.....Art has the Out-of-state attorneys. Jackson: This will be on the agenda today.

HB-575 - Board of Governors - Kay. Let's forget this. This will be placed in "Hold".

Asst. Operations Engineer Mr. William Whitnall,

SB-542 - Racing snow vehicles - The assistant engineer from the highway department appeared before the committee but was not prepared to give a presentation to the committee today. He volunteered any information he did have with him, however.

One of the things we agreed to is to keep the highway open to all traffic at all times, if possible.

Kay: The state could permit that on secondary highways? North Slope would be one.

Assistant Engineer: Most of our highways are on the federal highway system.

Kay: Do you stop traffic for the snow vehicles?

Mr. Whitnall: They were supposed to have used the shoulder of the road.

Kay: What is the idea of snow vehicle racing? Why don't they run it cross country?

Whitnall: They feel they like the convenience of a route already laid out. Durint the two years they have been running the races, there has been very little snow. The bind that we are in is that Personett, as commission of Public Safety, he would not permit the race unless the highways were closed. We could not close the road. Somebody came up with the subterfuge that this was a maintenance inspection that we conducted that allowed that it was just that. The minute the thing was publicized we got a letter.

One guy wanted to request permission to conduct a swamp buggy race from Anchorage to Fairbanks. We would go to quite a bit of trouble to handle this last race. It helped a little. We divided the highway into segments. We did not close the road.

Kay: I am xxx against using the highways, using the roads, this way.

Banfield: If we did pass this and have it on the statutes, would we xxxxx lose federal funds?

Whitnall: I don't think so. As xx long as we did not close the road. If you registered and xxxxxx licensed the vehicles then it would be all right? We cannot close the road.

Fink: Why couldn't we xxxxxxxxxxxxxxxxxxxx tack an amendment on saying something to the extent that they are all right if they are subject to federal requirements then let highways and public safety figure it out?

xxxxxx Whitnall: It really is not legal. Sort of a subterfuge. Please don't quote me.

Kay: You can't watch it? This is not a spectator event.

Fink: We know there are places where they do have races on the highways.

Whitnall: A lot of the other states have roads that do not have federal x aid highways.

Kay: Snow vehicles and other vehicles may be operated on the Hickel Highway for xxxxx unlimited duration.

Fink: We have to report this bill back,don't we?

Kay: Suggests that we report it back as unconstitutional as possible.

Fink: Suggests that it is effective in compliance with xxxxxx federal law. It would be entirely practical to build a trail off the pavement still on the right of way.

Whitnall: We could build trails that would accommodate them.

Fink: Under the highway act, do you have to have paved shoulders?

Whitnall: No. We set our own standards of what is considered by the American Association of State Highway Officials. We are not rigidly bound.

Fink: Are you going to be putting paved shoulders on roads of the state?

Whitnall: Yes. But they go 70 miles per hour. They are violating state speed limits. You can't safely hold a race on the shoulder.

Fink: From the viewpoint of federal compliance you state that you can't close the road. Is this all?

Whitnall: Yes.

Fink: You are able to close it for inspecting the road?

Banfield moves that we put the bill out "Do not pass"; Kay seconds. Motion failed 4-3.

Fink: Put on a compliance amendment to meet federal requirements. The amendment passed 6-1. Kay voted "no".

Fink moves the bill out. Kay moves to have a CS prepared. This will be signed out today. The CS will be ready for tomorrow. Vote was 5-2. Banfield and Kay voted "no".

SB-445 am - Forest fires - Miller was assigned. Jackson noted that this was a governor's bill and the cover letter was read. This defines individual responsibility of anyone allowing a fire to get out of control that causes damages to be charged the costs of fighting such a fire.

Mr. Leach - Natural Resources - The main problem is stated in the letter. The incendiary factor. Under present law, it is difficult to get a conviction. In a case where a man sets the fire and it gets away from him he has broken the law. He should pay for the expense of suppressing it.

Banfield: Have you ever found anyone guilty of setting fires?

Leach: One case. This was by BLM. This was was made to stick. We had a difficult time recovering money from the fire we had along the railroad. Caused by the Alaska railroad.

Banfield: This employee of the state could have operated the tractor. Had he been a peace officer he could have requisitioned it and put out the fire.

Fink: Hickel was accused of having is own Army and Navy. Kelly wants his own police force.

Leach: This is normal in other states.

Fink: Suggests on Page 2, Line 13 - "for purposes of enforcing this chapter." inserted.

Banfield: Do you want them to be limited?

Fink: Kelly wants his own police force. (Miller leaves 3:00)

Banfield: Amend this to say that under provisions of all the chapters that deal with natural resources.

Fink: Peace officer - They won't have time to train these people.

Harris: Who can make a citizen arrest?

Fink: Peace officer can make a mistage and he is not burned. A citizen is often .....of making an arrest if he makes a mistake, he is liable. He can be sued over it.

Jackson: Can we divide the question and deal with the peace officer problem separately?

Harris: What about on Page 2, Line 8, damages included? Couldn't that be bad. If somebody is out camping and accidentally set a fire, maybe it would cost % $500,000 to put it out.

Leach: The intent is that the damages would apply in the case where the man has knowingly been negligent and left it unattended.

Jackson: What is this section?

Fink: Definitions only.

Jackson: Senate amended out the double damages. (Secretary will get copies of the original bill.)

Jackson: Section 3 appears to be unnecessary.

Leach: There is a section in the existing statute that deals with double damages.

Jackson: Then it does have affect.

Fink: 415-700?

Jackson: This is where the log salvage statute will go.

Jackson: Is the committee satisfied with the first portion of this bill. What about the presumption on Page 2, lines 3-6? The original offence was included in the case of a person who knows of a fire set by him on the land.

Leach: I think the intent is between a person who put a fire out and then something happened and the person who built a fire and walked away and left it.

Jackson: What is the purpose of striking "if not rebutted?" Is that for conclusive evidence? You could have a crime, not a felony, that no person shall allow any fire to escape from his land if he knows of it. I don't know whether we want it to be a conclusive presumption. I think we should lighten the offense and eliminate the presumption.

Fink: Thinks we should put that language back. This could be not necessarily negligent. You should have the opportunity to rebut it. (Miller returns 3:10) In the original bill the word rebuttal wasn't deleted from the Governor's bill.

Jackson: Any person who leaves a fire unattended, you are guilty of a misdemeanor. Is this only for public land or private land? (Cornelius arrived 3:12)

Kay moves to add "such" before "fire" on Line 1, Page 2.

Leach: Definition of forested lands. All lands, grass,

brush, and timber growths.

Fink: If a fire does spread, you ought to be able to leave your coffee pot on and go catch a fish in a stream.

Jackson: It might be better to have two elements. Setting the fire or knowing of a fire on your own land and the second element, the fire escapes, leaving out due care, negligence, and everything else.

Leach: I fought forest fires for a number of years. Any unattended fire is a potential forest fire.

Kay: Moves it out as it. Harris objects. Banfield wishes to amend this unless it is rebutted. Miller wants to add the two areas in the event he leaves the fire and it spreads. Metcalf - This bill isn't going to do much. They don't know how to take care of a fire. How many times do you issue a permit?

Leach: For each instance you would get a permit. In some cases the conditions are not amenable to issuing permits.

Jackson: Would like to know that the tort law is an absolute liability situation. If you started a .....on your own land.

Leach: We closed the Matanuska-Susitna Borough because of the fire condition.

Fink: Does that include a fireplace in your backyard?

Jackson: What is the will of this committee if it eliminates the offenses. Do you want negligence to be an element of defense or not? Restate it so that neglicence is not an element of the offense in the first place.

Fink: I would favor that.

Kay: I favor your approach. I wonder about rewriting the bill at this late date.

Jackson: You could change "presumptive evidence" to conclusive presumption of negligence."

Kay: I don't think the court will sustain this.

Jackson: Let it go out this way and write a committee report. Give the theory that we think it should be conclusive presumption.

Harris: If you start a fire and it escapes, why not say that it is negligence?

Jackson: We should have a committee report on the meaning of this clause.

4-4 Motion faile

Fink: I would like to make a motion. Have a committee report.

Banfield: "To make a rebuttable presumption" put that wording back in. Motion carried 5-3.

Harris: Strike Section 3. Kay opposes that. Motion failed.

Two amendments passed: Line 1 "such"was added. Motion to restore the deleted material on Lines 5 and 6.

Fink amendment on Line 13, after word "state" add "solely for purposes of enforcing this chapter."

Jackson restated this motion. I think this should go in paragraph one. "Solely for the purposes of enforcing this chapter." Vote was 2-6. Motion failed.

Jackson asked to report the bill out "Do Pass" as amended. Harris has one question. Why do we need number 2?

HB-786 - Notice of Proposed Regulations - Senate had an amendment to say that the motorcucle regulations would not take affect until a different date.

Art's

Jackson: I have checked draft and have softened some of the regulations. I also had a letter drafted. My letter will be based on this draft, with some changes.

Harris: Are we asking them to say that the department..... not wear helmets? One thing we ought to realize is that the motorcycles are driven by young people. I think they ought to wear helmets.

Jackson: I think this letter might be sufficient to achieve the results.

Fink: ????Not to concur. Send it to free conference.

Cornelius says to concur.

Jackson: If we concur and don't change the title, the AG will rule that that portion is invalid.

Harris: All people that rent.....that xxx people xxx rent helmets.

Miller: I talked to Joe Josephson last night. He said that he had written the department two or three letters and that the department ignored them. That is the reason that they wanted to put it with the bill. It extends the time before xxxxxxxxxxxxxxx it would go into effect. Would have legislative intent.

Fink: He is correct. We have to go to xxx FCC in order to change the title.

Jackson: I think we should concur.

Cornelius moves to concur; Miller seconds. Motion passed.

SB-538 - Lease of school lands - We don't have copies of the bill as it was amended on the floor. Committee members maybe recall what happened. Jay offered an amendment on Page 5, Line 2. Add a sentence: :However, disposal of school lands shall be made only for public park and public recreation purposes." Could not sell or exchange school lands.

Cornelius: They receive all the land they are entitled to. This is land in addition.

Jay will testify before the committee on this.

Jay: I have a FCC meeting in my office. I voted against the bill to begin with. At the time I didn't realize that Bob Penney was interested in this. He is vitally affected by this legislation. Part of his investment in the trailer business was to build on this

property. I have no personal economic interest except as a resident of the borough. The production factory will be jeopardized. He was going to build a modular unit construction homes. I opposed this and felt this should be held in trust. For the children and for schools and use of schools and should not be sold. It can be leased for private interest but should revert back to the public. As far as being sold our given to the borough and traded for other land eventually for the borough to dispose of, I think it should be held in trust for the kids. I believe that there is a certain extra responsibility that we have with the intention that it was school land. Should never be sold and disposed of or traded off. I think we are in error to allow trading and disposing of it. I am not against it being leased so long as it reverts back.

Fink: Doesn;t the Guess amendment take care of the Penney problem?

Jay: It allows for borough selection, though.

Kay: What is Penney's problem?

Fink ~~Jay~~: He wants to bid on the land. Could put it up for bid so they could buy it.

Jay: I don't think it should be sold.

Metcalf: I concur with Jay's thoughts on this. An example is 5th Avenue in Seattle. This arrangement has been very good.

Mike Leach: The first think has been taken care of. Exchange of privately owned land was taken care of by amendment. Provision for a preference right to have six months to acquire the land. He objected to this. Even when the borough ~~xxxxxxxxx~~ selects land, there is no preference right granted. They should not be accorded their preference rights.

Banfield: I see no great problem because we consider them as trust lands. Leach: These should be traded a little bit differently. Our

experience has been to issue leases for 55 years conpetitively. No man has had problems borrowing money for development. Renewable on 5-year basis.

Fink: It is no way part of the bill now. We have similar provision for university land, no one has kicked about that. I am opposed to the state owning all the land. Many types of develop= ments are not conducive to leasing. State can sell and lease land.

Leach: With concurrence of the Board of Regents. We have an agreement with University of Alaska on lands.

Fink: You people are opposed to the bill in general?

Leach: I think so. We oppose the borough preference rights.

Cornelius: What would your view be if we extended the lease period to 99 years?

Leach: I would be opposed to it because we have a 55 year pro- gram. Every 5 years it is subject to a price change.

SB-589 - North Slope Road - Fink: There is an AG's offi Croft asked for a legal opinion, they haven't answered. I have asked for an opinion and they haven't answered that. I have brought with me copies of two sets of proposed amendments. I would like to discuss the bill in Judiciary and not in State Affairs. After we reach a conclusion then notify State Affairs of our conclusion.

Banfield: How long will this take?

Fink: This committee might want to change some of these.

Kay: Has some amendments to submit.

TAPS --- McVeigh joined us. Called AG and Governor's office.

McVeigh: leases are for ten years and ~~our~~ are producing.

Cornelius: They do not have to be producing. They have to be capable of producing.

Fink: I like my amendment without any conditions. This will require some negotiation.

McVeigh: No pipeline with Ward will decide that they try to take it out by tanker. It is our understanding that a pipeline that would lead into a tanker would have a pipeline even if it is a 1" pipeline. Under the meaning of this act.

Kay: I would like to take the short amendment and add after ", repayment shall be secured by proper security instruments covering all oil and gas leases held by the company within the state."

McVeigh: I don't like that.

Jackson: I don't know whether they have the authority.

Fink: The problem you might have is that if they borrowed on their leases then you would have to accept a second lien or insist upon a first lien. The Senate has broken up and I have a FCC.

A 10-minute recess was called at 4:15.

Reconvened at 4:35; Present: Cornelius, Metcalf, Kay, Miller, Fink, Banfield, Harris, and Peterson.

Jackson: State Affairs has been standing by and have begun work on the bill. The Secretary of State, AG, and Bill Spear are there discussing the matter. My feeling is that we should listen in at that point, then return here to work on the language of the bill.

Fink has no objection.

Jackson: What is the wish of the committee? And on the language of the amendment?

Committee felt they should attend State Affairs.

Jackson: So we would know what the administration position is, we will reconvene over there immediately.

Banfield: Will SB-588 be at 3:00 p.m. tomorrow?

Jackson: I may make it at 2:00 p.m.

Fink: Suggests an 8:00 a.m. meeting.

There was also discussion of having the meeting at 8:00 p.m. this evening. SB-538 is not that urgent. We can hold it another

day. Plan on meeting at 8:00 a.m. in the morning.

Harris: Why do we have to hear from the AG before we talk about it?

Jackson: To know what their position is.

Fink moves to recess and go over to State Affairs - This is at 4:40.

Kay is going to stay here and write his amendment

Committee reconvened in Judiciary Committee room at 5:15 p.m.

Jackson: Does anyone need an AG's opinion? These are answers to Croft and Fink. There is no sense in attempting to pursue the concept of a service area any further. By the existing language in the Senate bill, it would not meet constitutional standards. The reason I raise the point is because of the point of time. We have some draft language.

Fink: There wouldn't be clearly any constitutional question. Only the language of the guaranty.

Jackson: The point I am making on the concept of the service area. They would be likely to turn down the contrat withthe State. TAPS doesn't gain by having a service area.

Spear: I think your analysis is correct. The language in the present bill doesn't make it from the service area point of view. Make the road as a general purpose road and have the whole state pay for it. If you do narrow it down to a service area you still have a protection problem based on the same logic. Only the oil producers would be taxed. I think the situation is analagous to service area. None of the cases are based on actual--------- demonstrate a benefit. Production tax and the road is------will aid in production. Whether you could say it is a special service district is a question.

Jackson: The companies are as likely to turn that down as a guarantee of repayment under either of Mr. Fink's

amendments. That is why I think we should drop that approach.

Kay presented his proposal to the chairman. It was a revision of Fink's second amendment.

Jackson read Kay's amendment.

Fink: The original agreement between TAPS and the state--they were to completely reimburse us as soon as the pipeline xx permit was issued. Our amendments are more liberal. Kay added the security of oil and gas leases on the North Slope. It seems to me that 5 or 7 years is too long. Five years from now we should have that money because the State may need the money then. Five years from the completion of the pipeline might five years or it might be eight years. They agreed to reimbures as soon as they get a permit to build the pipeline. I don't object to giving them a few years. At 7½% is a bonus x to them. Five years from the date that we expend money is the xxxxxxxxxxxxxxxxxxxxxxxx longest period of time we should wait. If you give them five years at 7½%, that's a real nice deal. I don't go along with your security. It is to rigid. They may need to assign those leases for obtaining credit.

Mxxxxxxx Miller: In this xxxxx argument which justifies that xxxx you don't need security, when you have a debtor with that much assets, you don't have to have security.

Kay: If somebody came to your office and xxxxxxxxxxxxxx wanted to borrow money, you would want to have security.

Mxxxxxxx Miller: You have an amount sufficient to take xxxx you into the federal court.

Fink: Five years from the completion of the road. I say five years from the time they get the money. What is we started to build it? What is it would cost xxxx $200 M? In the meantime between the federal government negotiating on the pipeline they decide they aren't going to build a pipeline. We would have to throw our money into it to finish the road.

Jackson: I think security is necessary.

Kay: I think security is essential.

Fink: The state goes get benefit from the road. If you break through this legal xx entanglement. I don't object to loaning them the money.

Kay: We will get the xxxxxxxxxxx right-of-way and lend them the money. Then Ron Rettig would be with the money in his bank.

Rettig: We are doing this every day without security. Full faith, etc.

Fink: It depends as Gene says with the size of these corporations they may rate an open line of $120 M and this is probably not unreasonable.

Kay: I feel that it is unreasonable to loan the money without security. In good faith intending to xxx repay us.

Fink: They probably could get $120 M open line and also have some secured credit above that. I agree with taking out the condition of the pipeline and not hold my money for five years.

Kay moves that security be required on all leases on the North Slope. Vote was 2-4. Motion failed. There was one not voting.

Jackson: Language in existing long amendment by Mr. Fink is quite broad. What is meant by pipeline actually being constructed anywhere from the North Slope?

Fink: I prepared two for your use. One was xxxx tight, the other was very sloppy. The xx long one would have to say who would have to pay it.

Kay: It should say.

Fink: xxxxxxx Add .....a series of oil companies.

Miller: I think we have no reason to have the word "oil" and in the second sentence with the "condition".

Kay: What you want is the participants in the TAPS or other

organizations formed for transporting oil from the North Slope, north of 68° latitude.

Fink: The amendment of yours, strike the security clause. This is of Kay's amendment.

Jackson: What was the reimbursement change?

Fink: Must be made "within five years of the state's first advance." Date or dates of the expenditure of state funds on.....

Ron Rettig: It said, "just from the date of the contract."

Kay: "five years from the date of the contract."

Miller likes that language.

Fink: Give them five years, we are lengthening the time for them to repay.

Price: I have one question. Can we ask the committee if they have any comments or questions to ask us, if not may we be excused. They were excused. (Price, Spear, and Ward)

Cornelius wants to suggest another amendment on Line 6. Delete "to any other part of Alaska." I move that we strike "to any other part of Alaska." The only pipeline was one to a loading area of a tanker and one into Canada.

Fink: Why not but by pipeline anywhere? The pipeline may only be from Sagwon for 20 miles or so. I remove my objection.

Kay: Isn't that the pipeline we are interested in?

Jackson: If a corporation or a consortium wanted to move oil through Canada, fine.

Cornelius: If a different one does sign the contract upon which we advance monies and puts the pipeline through Canada then they have to repay later anyway.

This language has been stricken.

Fink: Mr. Rettig, is that clear that they pay interest once they have expended the money?

Jackson: Plus interest on the state's expenditures.

Kay: At the rate of 7½% per annum.

Fink: I think if we can get this in the bill it would be okay to pass this.

Jackson: Insert after the word "construction" "less any xxxxxxx contribution from the project that we might get from the federal government." This is what the companies have asked to have included in the original contract.

Miller doesn't think we should put that in there.

This will not be added.

Kay: Would you accept security if I didn't say oil and gas leases? Repayment should be secured by proper security by the participants.

Miller: As shall be required by the xxxxxxxx administration.

Jackson: If the company goes xxxx bankrupt you are xx in a good position.

Fink: He had an unsecured line of credit with a bank in Seattle without security.

Kay: It seems to me then, I think they would be willing to give security. I concur with Kay I can foresee when they may want to forgive this entire indebtedness. If no security, this debt could be xxxxxxxxxx entirely xxxxx forgiven.

Rettig: One look at this shakes me to my foundation. I want to try to draw this law so there is a resonable possiblity that we can be assured of getting this money back.

Fink: If in the xxxx normal course you xxxxxxxxxxxx did need it.....in lieu.....and that we are getting the road built. This assists in getting the pipeline built. We ought to put in that the participants in TAPS are jointly and severally liable just in case they have xxxxx trouble and it breaks association with one of these companies. xxxxx Percentage of liability. I don't want this. One

of them might be so that he couldn't take care of his percentage. The big companies that sign up will be unhappy and the small companies will be pleased. That might take care of some of the xxp problem. This would take care of any bankruptcies.

Banfield: Are these pipeline companies qualified to do business in Alaska? Have the AGxxAG AG's checked this?

Jackson: It is not jointly and severally, the first one doesn't say that.

Kay: The language I would insert would be xprxxxdedx "provide for the reimbursement to the state formed for the purpose of transporting oil, jointly and severally, for the full amount of the highway's cost of construction."

Jackson: Or shall we say "by the participants jointly and severally?

Kay: Why not add "jointly and severally" after the first "participants?" This was without objection.

Jackson: I think that will do it.

Fink: That is part of Section 19.40.020 Contracts for Construction of Highway. That would be a new (b). We ought to also insert on Page 5 of the bill--conditions to be met. A new number 5. The Governor has certified compliance with 19.40.020(b). "or section 20(b) of this chapter."

Kay: Xhexexhaxx And has certified to the execution of the contract required by Section 20(b). .....has been executed.

Kay: I am going to try and get security in on the floor.

Jackson: This is in addition to the amended language. Also need to delete x 34,35,36,and 37. Also 30.

Fink: Art will prepare a committee substitute. There is some x way we have to save the last two sentences.

Jackson: terms and conditions clause need to xex be in there.

Jackson: 20(b) will appear immediately before this. So the department which contracts with the corporation specification in Section 20.

Fink: Isn't that first part duplicated? We have [illegible] already said that in 20(b)?

Jackson: There may be other terms and conditions.

Jackson: The department shall contract with the corporations specified in Section 19.40.020 on such additional terms [illegible] and conditions as appear to be in the best interest of the state. Do you think it is clear that it has to be in (b)? Page 3, lines 4-8. Line 6 strike, and alxo the first three words on Line 7. Strike everything after corporations on Line 5. Revise the deleted material so it will read: The department shall [illegible] contract with the corporation specified in Section --- on such additional terms and conditions that seem to be in the best interests of the state.

Miller: Change that to be with the participants.

Kay: We can have additional.

Fink: The last two sentences aren't .....

Jackson: Contracts for reimbursement is not appropriate for the title. Strike that.

Fink: Why not make it (c) of the preceding section?

Jackson: "The contract with the [illegible] participatns shall include such additional terms and conditions as appear to be in the best interest of the state." That will become Subsection C. The second sentence will also be [illegible].....a third sentence could become a new [illegible] section. Line 10. This could be (d). It doesn't have to be.

Cornelius: The contract with the participants shall include the rest of the language is the same.

Fink: Lets have it [illegible] typed up.

Jackson: 34,35,36, and 37 are stricken.

Kay: We done' want to give them an alternative. We would get repaid faster in Section ~~x~~ B than at 5¢ per barrel.

Rettig: This would be a minimum of 10 years.

Fink moves that we adjourn.

Jackson: Shal this be retyped as a Judiciary Committee Substitute?

Banfield: Are we going to meet this evening?

Jackson: Would you like to ~~x~~ present your amendment now?

Rettig: If I may?

Banfield: Haven'e we seen this before? This is a suggested amendment just before the tax provision of the original bill. ~~Ixx~~ It will be changed. Some projections have been started with the Cook Inlet pipeline operation. Showing the results. If you would like an explanation of the figures, I would go through them.

Metcalf: You mean that the state maintain and operate the pipeline?

Rettig: Other pipeline companies engage in public services and we could to the same. Under private ownership prices would have to be higher to provide for taxes and ~~xxx~~ to cover interest rates.

Fink: I don't want the state to get involved in building the pipeline.

~~Mxikxxxx~~ Miller: You would have to change the title.

Kay: You can save $22 M per year, ~~xhxxxxhxx~~ why not get the state in the pipeline business?

Rettig: There is another advantage to the shippers. You can get the oil transported cheaper. This reflects on the wellhead price.

Fink: ~~Axxxxxx~~ I don't really believe that the government can run anything as cheaply as private enterprise.

Kay: You prefer that private enterprise by running.....

Miller: I don't think it should be put in the bill.

Rettig: They contracted for outside services---the state can

employ professional managers for this. We can make a net income and save ourselves $22 M a year besides. Offers some attraction.

Kay: The fact is that public ownership has been more successful. Because of profit. They are going to make money out of you. They do this all the time.

Rettig: These profits are the maximum allowed by ICC regulations.

Miller: I don't think it should be tied to this bill.

Kay: We are not saying we going to do it.

Miller: Do you want to give them that out?

Kay: I would say "if by July 1, 1971, the participants have not declared their election to build a pipeline or commenced the construction by that time."

Fink: The only way you would want to elect to build is to build a pipeline and run oil through it.

Rettig: Six have already stated that they would be happy to have the state run the pipeline.

Fink: We would have to have a contract to guaranty that they would use the pipeline to capacity. I don't think they will give us that kind of agreement.

Cornelius: and Fink desired an 8:00 a.m. meeting.

Jackson announced that we have not disposed of SB-538 - Lease of school lands. This will have to be done in the morning.

Meeting adjourned at 6:15 p.m.

JUDICIARY COMMITTEE
MINUTES OF THE MEETING
MAY 30, 1970

Meeting was called to order at 8:12 a.m. by Chairman Jackson in the Masonic Temple. Present were: Cornelius, Kay, Metcalf, Miller, Fink, Banfield, Harris, and Peterson.

SB-589 am - North Slope Road - Continued discussion from last evening's meeting. Consideration was given to adoption of Representative Rettig's amendment. Miller wanted to vote on whether or not there should be a clause to forego reimbursement in the event of the state building the pipeline. There was a 4-4 vote. Metcalf, Miller, Fink, and Banfield voted "no"; Jackson, Cornelius, Kay, and Harris voted "yes". Motion failed. Kay asked for another vote on adding this language: "plus interest at the rate of 7½%, and repayment shall be properly secured with instruments executed by the participants in the TAPS system." Harris, Metcalf, and Kay voted "yes". Cornelius, Jackson, Fink, Banfield, and Miller voted "no". Motion failed. (Miller left at 8:35)

SB-538 - School lands - This bill is back in committee. Jay testified before the committee yesterday and asked for a clause limiting the purchase of school lands unless used for parks and recreational purposes. Mr. Fink spoke against the amendment. He felt that they had a double check as it was by having it approved by the Board of Education and that we should give someone else an opportunity to have and use the land. Banfield felt that once the land is gone that it would be very difficult to get it back. We should keep ownership of the land for the schools. There was a motion to limit disposal to leasing (by Banfield). Motion carried on the 4-3 vote. Kay, Cornelius and Harris voted "no".

Mr. Penney testified before the committee. He explained that he got involved in this because he had asked Keenan, Natural Resources, to put this land up for sale. Last summer when he put up the O'Malley property he also put up this land. We did not bid on it. I asked him again last November and he felt that these were school trust lands and could only be put up for lease. Last March I asked him to put the lands up for lease, following proper procedures. The property is going to be advertised next Monday, I believe, and there are at least three other bidders for the property. I just asked for the lease to be held. During a discussion with FHA, Jim Schmee, Chief Underwriter for Alaska, one problem that arose what that they required a 90 year lease. Evidently this is a requirement of HUD. Mr. Keenan showed me the statute that allows for an automatic 55-year renewal on leases. It would clarify it if the committee intent was stated in a committee report. I would also like to ask for this, not only in my own behalf, but this will add a tax base, will be a fine development, a good contribution to the city. Also people in the vicinity will have employment because of this development. I have an amendment that I would like to offer. "Any land advertised for lease at this time or being negotiated for would not be subject to this chapter." This is my proposal and I ask that you give this consideration.

Fink suggested that we draft a committee report indicating that we did not intend to interfere with tracts under present negotiation.

Mr. Penney stated that this land was located at the east end of Merrill Field and that it could not be used for highrise construction because of its location. He also mentioned that it would not be a good area for $45,000 homes but would be good for a plant where production-line method of construction would bring the cost of housing down to $26,000-$29,000 each.

Jackson asked committee members whether they wanted to handle this by committee report or by specific amendment.

Meeting adjourned at 9:00 a.m.

JUDICIARY COMMITTEE
MINUTES OF THE MEETING
MAY 30, 1970

Meeting was called to order at 1:40 p.m. by Chairman Jackson in the Masonic Temple. Present were: Metcalf, Peterson, Kay, and Banfield.

While waiting for more members of the committee the letter to Mr. Personett was reviewed. Also the committee report on administrative hearings was considered. After a short discussion both were approved to be submitted.

Meeting adjourned until 3:00 p.m. for the public hearing on SB-588 am-Unification -

Public hearing was called to order at 3:15 p.m. Delay was due to press of business of House and lack of a quorum. The chairman made a subcommittee out of members that were present, Harris, Banfield, Metcalf, and Peterson. Representative Moses was also present.

Chairman Jackson outlined procedure for hearing testimony stating that officials of Douglas would be heard first, then other government officials, and last from individuals.

Win Germain, Councilman, City of Douglas: Mr. Germain testified in favor of the bill and his basic presentation centered around lack of representation for Douglas residents.

Mr. Jackson reported that we had heard from Mr. Savikko on May 29, and heard a short presentation by him in favor of this bill. We have taken no other testimony until this afternoon.

Mr. Germain wished to restate that Douglas did vote for unification and that this was necessary for form a Charter Commission and to develop the charter. He mentioned that Douglas had two representatives on the Charter Commission until Mayor Guy Russo left. This left Douglas with only one representative. Also the area covers North Douglas and the City of Douglas which could possibly lead to no representative from the city proper. This is their primary objection to the charter. (Kay arrived 3:20)

Chet Mattson, Councilman, City of Douglas: I concur with what Mr. Germain had to say, but I also wish to state that the people of Douglas wish to maintain their ability and wish to pay the taxes of the areawide functions. We do not wish to go into a shell.

Don Halsted, Charter Commission member from Douglas: He testified in favor of SB-588 which gives the people of Douglas the right to determine their own future. This does not deprive any person in the borough of their rights. It does not require an appropriation. Mrs. Banfield asked why Douglas did not want to ratify the charter. Mr. Halsted stated that the charter did not provide sufficient protection for the people of this area. Douglas has a very small debt compared to its assessed valuation when compared to the other communities that we are expected to unite with. We would like to reap the benefits

of this hard work and frugality and fear that this is going to be torn away from us. Mrs. Banfield asked if any of this indebtedness covered area wide services that they performed. Mr. Halsted noted that this covered contract police protection and fire protection for Service Area #2. Mrs. Banfield asked if there were any other reasons. Mr. Halsted said these were the prime reasons, but that the people felt they could speak to their government without any problems. Aiming to keep things on a local level.

(Brief executive session was held on the draft bill on North Slope road.)

Mr. Kay continued the hearing on Douglas.

Mayor Joseph A McLean - Juneau: Mayor Elect of the new unified government. I think this is the first time there has been a hearing on the subject wherein those who do not agree with the bill have the opportunity to speak out. I am opposed to this bill. I urge you to vote "no" on this bill. I think that the majority of the people in Douglas do not want this passed. Two and one half years ago they voted for unification---55% in favor. If the people were opposed to unification it would have been reflected in the outcome of the vote for me. There were three other candidates besides myself. This was 60% of the vote of Douglas for unification in that they voted for me. This is by implication because I was for unification. As far as representation goes, Mayor Savikko will be the chairman of the Finance Committee of the new unified government. I call that representation. You might ask why I am interested if Douglas does not join in the unification. It is not my intention to take up a lot of time. I would like to explain the position of Juneau. Juneau has been a community located here for many years in a confined area. We have a responsibility to the State of Alaska as a capital city. We must have more land and more space. The people in Douglas work almost exclusively for businesses or government in Juneau. If not in Juneau, they work for the highway department, which is part of the state government, and part of the capital city. They like living in Douglas and it is a nice place to live. But, we have, for an example, the airport. Juneau has for many years financed and operated the airport which Douglas residents have used. For Juneau to progress and to measure up as a capital city, we have to have a unified government. We also need housing. The City of Douglas can't provide their own housing, as they need larger government to get the housing they need. Douglas is a service area and has full representation. They can't possibly provide assessing, ambulance service, planning and zoning, schools, housing, airport, port development, and police services to mention a few. The city has a contract for whatever services they feel they can provide and they have a free ride on all the services they don't feel they can pay for.

Jackson commented on the memo from the attorney general to Gene Guess. The AG reviewed the constitutionality. The only way it seems to me that the desires of Douglas can be met is to return to the present system of government or some variation of that. This would exclude the borough from the municipality. It may be possible to go back to the present system of government or modify it. This will have to be done if the committee is going to do anything effective for Douglas.

Mr. McLean in conclusion stated that in his opinion the bill would not stand up in the courts. He thought, too, from newspaper articles

that the undertaking of an injunction suit would fail because he felt that the court would not permit it, especially in view of the fact that only showing that the people favored unification by 55 %. Otherwise this should have been taken up a long time ago. The remedy really lies in the injunction suit if they want to press it. This will make trouble for themselves and for those who live in Douglas and favor unification.

Bill Matheny: As Borough Assembly President, I would like to read the portion on Advisory Board. (He read from charter.) This was to show that Douglas has the privilege of submitting a list of names from which members will be chosen for the Advisory Board. I have worke and watched over 15 years of progress toward unification and do not want to see these efforts become of no avail. I was here when there were separate school systems. Progress may seem slow, but there has been progress in coming together. This has been in a physical, economical and political way. Now we have reached the point where progress can be made so I urge you to vote "no" on SB-588. I ask that you consider what affect this will have on other areas of the state having the same problem as we do here.

Bill Berrier, City and Borough attorney: He felt there would be a problem on constitutionality and that Douglas would have violated the state constitution. This is similar to the fight against reapportionment. Douglas does not have enough population to have a representative This can be resolved in the courts. I urge that this bill remain in this committee.

Jackson commented that Douglas had made one point clear. They had been frugal in administration of their government.

Don Craddick, Member of Charter Commission: I went through two charter fights. I felt I would hear again the idea of gerrymandering and unequal representation. I can tell you that we tried to resolve all the questions the Douglas people had in the first charter. The Legislature is the one that made organized cities votes be combined into one. This gives maximum opportunity for the citizens to express themselves as citizens of the whole area. Mrs. Banfield asked how they come up with the boundaries for District #2. In the first charter it was all of Douglas Island, but in the second the residents of Douglas felt that someone from West Juneau might be elected and then they would have no representation. They then, in the second charter, made Douglas proper and North Douglas the Service District #2. This gave enough population to have one-man/one-vote arrangement. Mrs. Banfield also asked what the amendments mentioned dealt with. Mr. Craddick stated there were for the purpose of assuring guaranteed representation for Douglas as they wanted to control what went on in their area. Mrs. Banfield noted that she was bothered that out of 40 amendments, none were adopted. Mr. Craddick noted that the amendments were not compatible with the theory of unification.

Jackson announced that the committee had to go into session at this time and we would continue hearing testimony on Sunday afternoon at 4:00 p.m.

Meeting adjourned at 4:20 p.m.

JUDICIARY COMMITTEE
MINUTES OF THE MEETING
MAY 30, 1970

Meeting was called to order at 4:25 p.m. by Chairman Jackson in the Masonic Temple. Present were: Kay, Fink, Metcalf, Banfield, Harris, and Peterson.

Jackson reported that he had picked up all copies of our CS and advised McVeigh that we wanted to take another look at it and that we expected to hear from the AG immediately. He told them the final language would not be ready until after our meeting.

The Secretary of State and the AG were contacted and they offered to come over but that they preferred not to. They really feel it is too tight, but they might accept it. Kent would come over but he feels that the language is adequately clear and doesn't violate any constitutional rights of anybody.

Fink expressed the thought that if we do go ahead, the state has a better chance than anybody else. It will also enhance the permit being issued. If we are going to get our money back-----we are investing this to build the road. Building the road might break the cork. Fink asked if the AG had rasied any question about the "jointly and severally". He had objected a little but thought that a provision like this wouldn't do any harm. It was clear that they didn't want anything against TAPS in there.

Jackson asked how the committee felt about a clause on the oil agreement, which would be conditioned only upon the pipeline being constructed. Five years from the date of the contract or the initiation of construction of the pipeline whichever is later.

Fink didn't want to take a chance on this going to FCC. He wanted to know if the Senate would have to change the title or would they raise objection to two subjects under one title. The committee felt they should meet with the senate to review our draft.

Discussion of the language in the bill ensued. Kay suggested the following: "The state may with the agreement of the participants elect to construct the pipeline. In that event the provisions of this paragraph require reimbursement by the participants shall have no affect." Art suggested that this be put in (b). Jackson asked whether or not a clause was needed to show that we don't infringe on the state's right to eminent domain. Art will research this.

Jackson asked whether the committee wanted to take up these bills before two o'clock. SB-239 - Credit cards; HB-877 - Voter registration; HB-876 - Vexatious Litigant; HB-856 - Liquor-tourism; SB-566 - Out-of-state attorneys; and SJR-2- Lieutenant Governor. The last is one that it wouldn't bother Fink to use to get the consumer fraud bill.

HB-876 - Vexatious Litigant - Kay. Committee wanted to take this up now. Fink moves it out "Do Pass". Kay recommended inserting the word "either". Without objection, so ordered. Jackson noted that he didn't think you came under this if you hired an attorney. Insert after "commissioned" "as a party plaintiff or". This will

as an amendment from the floor. Committee voted 5-1 for a "Do Pass". Harris voted "No recommendation".

There will be a meeting called for 1:00 p.m. on Sunday, May 31. Secretary will call Miller and Cornelius and inform them of the time.

Meeting adjourned at 5:20 p.m.

JUDICIARY COMMITTEE
MINUTES OF THE MEETING
JUNE 1, 1970

Meeting was called to order at 8:05 p.m. in the Masonic Temple by Chairman Jackson: Present were Metcalf, Banfield, Harris.

A subcommittee was formed in order to take testimony on SB-588 am.

Irv Hagerup - Auke Bay. I am here representing fairness in government. I live at Auke Bay and have lived in Juneau. I am a long time resident of the area. With the emergence of the borough our PUD was dissolved. We have paid triple now in taxes. Borough school board member for five years. I have an interest in this area. I have a letter from Mr. Savikko, Mayor, who could not be here. It is to Mr. Jackson and the committee. (He read this letter.) Mr. Horton is vice president of the Greater Juneau Borough Assembly. Ed Lees visited the City Council meeting at Douglas. He was interested in our problem. Because of the Anchorage area voting soon on unification he stated he was interested in the transition. I became alarmed that before the unification election in the Juneau-Douglas area the people of Douglas were told that their vote would be counted separately. Afterwards their vote was lumped together. I urge you to support SB-588. This should never have been allowed to happen in the first place.

Mayor McLean said that the Douglas residents did not participate in the Ferry Terminal. Juneau gets paid $17,500 per year to operate the ferry terminal. For the airport--we do not participate in that. We are willing to do this. There is a 2% sales tax on this terminal that Juneau gets the benefit of. You cannot tax outside your city. Police--I will leave that for another person from Douglas. If what is happening to Douglas was your city would you object? Mr. Berrier said that the new government would not be in the borough and could not be out of the borough.

In the second charter all the undesirable teeth had been pulled out of this charter.

Election districts have been so arranged so that one service area in the entire area is guaranteed representation. Candidates could be nominated without having one signature within his own district. Even no vote from his district. Powers are too great. People could not vote on these actions unless a petition was first obtained. Franchise would be by borough assembly rather than by the people. Obligate taxes and the people have no recourse. School board would be appointed by the assembly and not elected by the people. Unification is not necessary.

Douglas police is an example. One candidate came to the meeting. They contract for two now. They got a better deal from Juneau than from the State. Asked the man running for office under this thing. When they figure out the whole area, they want to put six over there and we have only a need for two. I wrote a letter. (He read same).

Bill Boehl: Island Builders, Douglas - I have a short statement. He supplied a written statement to the committee.

Jackson: This has not been tested in court. Neither has SB-588. I have not run across any legal problems in the unification act. I read the memo from Representative Guess and there appears to be problems with SB-588.

Julie Isaac: Resident of Douglas. She gave the chairman her prepared statement.

Pete Schneider: Citizen of Douglas for 12 years. I don't see where destroying the oldest and finest city in Alaska will help Juneau. I am not in favor of this bill. We don't have any legal backing for Douglas. I urge your vote for a "Do Pass" on this bill and get it on the floor of the house for a vote.

We have the same attorney as the City of Juneau and also as the Borough. Douglas just does not have any legal representation for us. We are presenting the facts for ourselves and we do not have a campaign against those that want unification. They have a campaign agianst us.

Val Poor: It is hard for me to appear here this evening. I am here in opposition to the ones that are here. (He has a prepared statement.) This is my personal opinion. There is approximately 1200 population for Douglas and 600 for North Douglas. The borough has 14,000.

Virginia Blanchard - There have been some statements. I am appearing as a private citizen. Main reason that Douglas does not have guaranteed representation is because of the one man, one vote rule. They included North Douglas to even up the population. 600 population on North Douglas. It is true that Douglas does not have a guaranteed representative to be on the assembly. One of the things discussed was, should they have a larger assembly? This was at the request of the Charter Commission. Irv mentioned the ferry terminal. The ferry terminal - the city gets $17,500 per year toward the bond payment. This does not include longshoring and other fees. Juneau has not complained about it because it benefited the businesses in Juneau. I think Douglas does benefit by it being here. Going over to Mike's and watching the ferry come in.

Police contract is with the City of Juneau. They can have all the police they need. $6,000 per year. They couldn't get it from the state anywhere near that figure. The state doesn't want to have contracts with cities any longer.

Airport is city property. Juneau has supported it and operated in the hole until this last year. We now have a small surplus. It isn't the operation. It is the capital improvement that have to be put in. Sales tax has helped in the bond indebtedness and for the improvements. We do collect city tax there. The whole area has participated in the airport. All the time Juneau has been paying for this. They paid three payments of the gas tax for one year. Douglas would have two men on the charter commission. One moved away. Mr. Halsted attended the meetings but did not participate. The new commission provides for a 5-man advisory board to be appointed on the suggestion of the citizens of Douglas and Juneau. This has to be done before July 1. Only from the list submitted by the Juneau City Council and the Douglas list for the Douglas community. I envision that that committee will have quite a bit of influence. I am not here to say whether it is right or wrong. I am really against the bill. If Douglas is allowed to secede from the government, what happens to the other areas that are tacked on to them? Those from North Douglas?

Beginning with the fiscal year. Prorating of services. Specifically about the time.....We are going into.....Airport study which has given us the basis for going into improvements at the airport. If this is taken over by areawide, I would assume that the Juneau service area would continue to operate it. Enlarge the building and change it. This study is being presented to the Unified Government. Housing, planning and zoning, health, taxation, recreation, canine control, and education are included.

Virginia Blanchard: The budgets have not been put together. There are a lot of questions about the budgets of Douglas and Juneau and also the borough budget but we don't know what we have to do with. They did pass a monetary bill for five weeks. Time element is important. You cannot plan fiscally in this short period of time.

Jackson: I have been doing some thinking in this. There are three simple things we can do. (1) To provide an act which simply requires if a municipality had at least 8% of the voting population in a unified borough that it would be entitled to one seat. You have a large enough assembly to do this. (2) Resolution directed to the borough assembly to consider such an amendment to the charter which could be reviewed by the next legislature. (3) Set aside the charter completely and leave it like it is.

Win Germain: I have a question. Can this committee recommend that the enactment of the charter be withheld?

Jackson: I think we can.

Virginia Blanchard: There are other areas that need to be worked on. We have already noted one of the things that needs to be done.

Jackson: As a matter of general law, you are creatures of the state legally. Under our constitution there is provision for home rule cities and the borough and for adoption of the charter by people of the municipality. No court has obviously ruled on this. My own judgment is that the state legislature does have the power to do this. We would not know until we had a court case.

Jan Craddick: Member of Juneau League of Women Voters: In favor of the concept of unification and in favor of both versions of the charter. (She read from a prepared statement.) Win said that 55 per cent did vote for unification. I take issue with Mrs. Isaacs statement as to the deception. The vote that was taken was with the concept of unification. With the idea that they would want to unify.

The point has been brought up that Douglas might not have representation. Until a recent school board election Juneau has not had anyone on the school board for five years. An example in point. This is special legislation.....designed for the vote in the City of Douglas. If this passes perhaps Spenard will not be part of the Greater Anchorage area. I think this sets a bad precedent.

Jackson: Several things might be done: (1) Advisory board from Douglas--could this be given any policy making powers?

Alice Crosby: Citizen of the NOrth Douglas Road: I want to say that the fears of Douglas are rather groundless. It has been pointed out by tohers--Douglas is too organized to be without representation. I feel that we are disenfranchised, we, on the North Douglas side. Actually it works to our detriment. I think that as far as unification goes, I am in favor of it. I am against SB-588. Douglas serves North Douglas as a fire area. We have a tax for the new truck. The citizens of Juneau urged two people to run for mayor. They could have had two people to represent them.

G. R. Isaak: I moved to Douglas in 1933. Ferry terminal in Juneau - This was not something that Juneau did not beg for. It was their own problem. Douglas made an area with facilities including a place to dump refuse and get water. We have to send them back to Juneau to empty their pockets of money. Let them get their milking machine going.

Taxes: I have two tax statements with me. I have itemized the mill rates. (These were read to the committee - past receipts were submitted.)

Police: $3,500 for state police protection. Juneau City Police contracted for $6,000. This year it will be $8,500.

Angus Gair: Citizen that wants to go on record as favoring SB-588.

Jim Soufoulis: I have lived in the Gastineau Channel area.....area-wide functions.....in sharing the responsibility. We are paying for schools, hospital, and the administration costs of the borough. We want a small measure of local government. I urge you to vote "yes" on SB-588.

Win: Fire truck cost $36,000. Douglas and North Douglas has a one mill tax to pay for this.

After hearing all the testimony, I had several things I wanted to mention. (1) Areawide functions, police, fire,----Douglas did lose because of losing our home rule. The citizens of Douglas have been what I have to feel, had a moral injustice or a wrong from two factions. When the legislature combined the votes within a unified area, and in the new borough charter. We do not have guaranteed representation from Douglas. What can happen is that Mayor McLean couldmove to Douglas, fulfill the residency requirement and 100% in District #2 vote against him and he would still be allowed to represent these people. This is what we think has happened to us.

Jackson: You vote on those from Juneau, don't you?

Win: It is not constitutional that first class cities should be counted together. He said we were creatures of the state. Legally now, we are a ward of the City of Juneau. We are asking for the re-establishment of our city. We are coming to you and ask for you to help us keep our city. I am asking that action be taken. I also ask that the charter enactment be held back.

Jackson: I will close the hearing. I am not sure when the next committee meeting will be held.

G. R. Isaak: I couldn't see why so many of the people on the charter commission knew all about it, but they couldn't vote because they were not residents. New people come in and take the name off of Douglas. We had to fight to keep Douglas's name on the school.

Meeting adjourned at 10:15 p.m.

JUDICIARY COMMITTEE
MINUTES OF THE MEETING
JUNE 3 1970

Meeting was called to order at 10:35 a.m. by Chairman Jackson in the Masonic Temple. Present were: Metcalf, Miller, Fink, Banfield, Peterson, and Harris.

Tom is assigned SJR-103 - Nerve gas. Fink doesn't think there is anything wrong with this. Fink moves to pass it out because it is a much better bill than ours. Metcalf agrees as it looks good to him. Banfield feels it is better. Banfield moves it out "Do Pass". Harris voted no.

Banfield on HB-743 - They struck out a provision where it permits you to microfilm--These are the changes made in the public records bill. The changes would be all right.

Jackson asked the committee if they wanted to consider HB-5 - Bill Ray's bill. The decision was "no".

SB-566 - Out-of-state attorneys - Kay. Let's move it as it is without recommendation. Is there a motion to take this up. Fink so moves. Motion carried. Fink moves it out without clerkship as a committee substitute without recommendation as recommended by Art.

Art was asked to explain the changes. All of Section 1 and on Page 2, Line 4, it would have a paragraph 9. All of this is new. Delete Sections 2 and 3.

Miller moves to have it go out this way. That is, clerkships with no recommendation.

Jackson will accept the motion to move it out as a revised CS deleting clerkships. Vote was 3-3. Motion failed. Mr. Jackson will hold a meeting on the floor on SB-566.

SB-588 - What does the committee want to do about this bill? There are several things we can do. We can set back the date of the charter. On the question of representation on the assembly or on the question of trying to retain identification of the Douglas community under the borough charter without specifying what the identification should be. The bill before us is clearly unconstitutional.

Banfield: What do you mean? Each area that desired to have a different community or a council would be able to establish one.

Jackson: This was for local functions only.

Banfield: This could be the Advisory Board that they have.

Jackson: It does seem to me that after unification in New York they are setting up neighborhood councils at the local level. There are values in having local identity. The people are then closer to their local government.

Miller: I have a mixed feeling on this bill. I will help on a charter but could not vote to change the law. I would go along with a resolution to help with the charter.

Jackson: Do you want me to have a resolution prepared to submit to you? Without objection this will be done.

Banfield: Could this also be submitted to Mr. Germain or Savikko or the Charter Commission?

Jackson: Yes, this will be done.

Banfield: The legislative body has a debt to this community. We are the first ones to be a first-class borough and to unify. It is in the interest of every community in the state that our government work.

Jackson: A resolution will be prepared.

Miller: Will there be a public hearing on this?

Jackson: Just to submit to the committee.

Remind members in FCC that we still have Credit card crimes - SB-239 and SJR-2 - Lieutenant Governor. Is there any wish to pass out HB-877? This extends voter registration for two years. No interest was noted.

HB-856 - Liquor - tourism - This will be placed in "Hold". This was without objection.

The resolution on SB-588 will be passed out as soon as it is ready.

Meeting adjourned at 10:55 a.m.