

1971-72

HOUSE JUDICIARY COMMITTEE, VOL. 1

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MINUTES

1/13/1971 - 5/6/1971

HOUSE JUDICIARY COMMITTEE  
 MINUTES OF THE MEETING  
 Wednesday, January 13, 1971

Chairman Moran called the meeting to order at 4:30 p.m. in the Masonic Temple. Present were Banfield, Rose, Barber, Meland, Randolph, and Peterson. Mr. Peterson is our Staff Counsel from Legislative Affairs.

First order of business was to discuss a more convenient time to hold Judiciary Committee meetings. Mike Bradner will be invited to be at our meeting tomorrow to see if we can arrive at a better schedule.

Chairman Moran outlined the procedures by which the committee would accomplish its work. He explained that the committee members would run the operation, and that he would only be presiding. He wants all members to feel free to come to him with any matters wherein the chairman could be of assistance.

Mr. Rose asked what the main purpose of the Judiciary Committee was and Mr. Peterson read from the Joint Rules explaining that Judiciary was especially assigned to check into the legal and substantive parts of the bills.

Chairman Moran mentioned that the subcommittee system will be used extensively and that we will issue press releases from time to time. (Hillstrand arrived 4:40)

Jury Lists

Mrs. Banfield requested consideration of her bill on jury lists at our meeting tomorrow. She will have witnesses to testify on this measure.

HB-48

Auto Insur.

Mr. Hillstrand reported that he was working on HB-25 - Automobile Insurance Plan - and that this is a bill that promises to be very controversial. He has been given the responsibility to set up meetings for Commerce where there will be people from distant places testifying on this measure. He wanted the committee's approval on setting up a joint meeting with the Commerce Committee. This was agreeable to committee members.

HB-25

Probate Code

Chairman Moran distributed copies of HB-5 - Probate Code - to all committee members.

HB-5

Revisor's  
 Bill

Mr. Peterson mentioned HB-15 - Revisor's Bill - and suggested that this might be assigned for study sometime soon.

HB-15

Meeting adjourned at 5:05 p.m.

HOUSE JUDICIARY COMMITTEE  
MINUTES OF THE MEETING  
Thursday, January 14, 1971

Vice Chairman Rose called the meeting to order in the absence of Chairman Moran at 4:30 p.m. in the Masonic Temple. Chairman Moran assumed chairmanship at 4:40. Present were: Randolph, Rose, Hillstrand, Banfield, Barber, and Peterson.

Discussion was held on HB-48-Jury lists - Banfield explained the purpose of this bill was to relieve the pressure of not having a bona fide list from which to draw juries. Mr. Peterson outlined the information from Vern Snow's letter on this problem. (Moran arrived 4:40) Barber felt that this list would not be such a problem if the state's computer system could be utilized in preparing this list. Banfield will speak to the Lieutenant Governor in this regard and report back to the committee tomorrow. Randolph discussed deleting the hunting and fishing license list requirement. Meland asked if there would be an increase of names on this list over what we already have available. Rose asked for the deletion of "resident fishing and hunting licenses". The problem of persons getting on the list three times by being included on every list was also discussed.

Mr. Meland asked for discussion of appropriate meeting times. For this week, Judiciary Committee will meet following adjournment and consideration will be given to a 9:00 a.m. meeting time.

HB-15-Revisor's Bill - was explained to committee members by Art Peterson. He called attention to the memo that accompanies the bill. The committee adopted the memo as their committee report for HB-15 and unanimously signed the bill out "Do Pass". Mr. Moran will carry this bill on the Floor.

Assignments:HB-5-Probate Code--Mrs. Banfield. Mr. Rose also is researching this subject and will be submitting material to the next session of the legislature.

HB-11-Estrays--Randolph. We have contacted Mr. Orbeck on his bill and he does not want to be heard for approximately one week. He explained that it was mainly a local Fairbanks problem.

HB-40-Civil Liability--Meland.

HB-47-First degree murder--unassigned. Secretary will contact Mr. Colletta to ask him to come to our meeting at his convenience to explain the purpose of the bill.

HB-54-Claims against the State--Mike Rose.

Jury Lists

Revisor's  
Bill

HB-48

HB-15

HB-5

HB-11

HB-40

HB-47

HB-54

Thursday, January 14, 1971

to Insur. HB-25-Automobile Insurance Plan--was discussed further by Rep. Hillstrand. On arranging for the public hearing the idea was expressed that a Saturday would be a good day and we could procure the court room starting at about 9:30 a.m. in the morning. It was agreeable to the committee to arrange this as a joint meeting with the Senate. HB-25

Chairman Moran announced that our meeting for tomorrow will be held immediately after adjournment of the House.

Meeting adjourned at 5:50 p.m.

HOUSE JUDICIARY COMMITTEE  
MINUTES OF THE MEETING  
Friday, January 15, 1971

Chairman Moran called the meeting to order at 11:15 a.m. in the Masonic Temple. Present were: Randolph, Meland, Rose, Hillstrand, Banfield, Barber.

Jury Lists

HB-48 - Jury lists - was the first order of business. Chairman Moran noted a letter from Gene Guess showing that the jury list must be solved by January 1971. Mrs. Banfield was unable to make contact with the parties concerned in this matter. She was able to have a discussion with Mr. Havelock on the bill and he did not want to delete hunting and fishing license lists. He felt this would add 145,00 names to the list. We will be receiving a memo on this from the Department of Revenue either today or Monday. Chairman Moran requested that all members work on this bill and it is desired to have it back and on the Floor by Tuesday.

HB-48

Probate Code

HB-5-Probate Code. A short discussion was held on this bill. Rose asked if the Uniform Probate Code was available to this committee. The chairman related that Mr. Eastaugh will provide the committee copies of the code.

HB-5

First Degree Murder

HB-47-First degree murder. Rose reported a conversation that he had with Mike Colletta on this bill. He didn't feel it would be necessary to have him come to the committee as he would not have very much information on this. The chairman felt that he should be invited as a courtesy. The committee concurred in this. Banfield thought that we should work through the Attorney General's office on this bill. She reported that Donna Sprague would be available for discussions on legislation. Rose requested a hearing wherein the AG's office, Public Defender, and President of the local bar would testify.

HB-47

Civil Liability

HB-40 - civil liability-- Mr. Meland would like to have Rep. Swanson present when we discuss his bill. This will be taken up tomorrow.

HB-40

Auto Insur.

HB-25 - Automobile Insurance Plan -- Secretary will arrange to obtain the courtroom for January 30, at 9:00 a.m. for the consideration of a public hearing on this bill. The secretary will be advised as to who to notify on this hearing after the date has been finalized.

HB-25

We will meet tomorrow at 10:00 a.m. for consideration of HB-40 and HB-47. Secretary will contact Mr. Peterson and inform him of the meeting and also that we would like to have some information from him as to the State of Alaska law on the subjects.

Meeting adjourned at 11:50 a.m.

HOUSE JUDICIARY COMMITTEE  
MINUTES OF THE MEETING  
Saturday, January 16, 1971

Chairman Moran called the meeting to order at 10:05 a.m. in the Masonic Temple. Present were: Barber, Banfield, Peterson, Rose, and Randolph.

First  
Degree  
Murder

First consideration was given to HB-47 - First degree murder. Mr. Don Craddick, from the Public Defender's office in Juneau, appeared before the committee on this bill. He did not give the position of the Public Defender Agency since he was unable to contact Mr. Herb Sole in Anchorage. He did give the committee his own view on this bill. His testimony was against the bill and recommended the concept of aggravated assault with degrees in penalty be considered.

HB-47

Mike Colletta appeared as a witness in behalf of his bill. He explained that he was trying to solve a problem that exists in the statutes now. He related a recent case from Anchorage. Mr. Colletta does not have any objection to this committee preparing a committee substitute in order to reach his objective.

Mr. Peterson was directed to prepare a draft committee substitute which shows the aggravated-degree of penalty concept. This will be prepared according to the suggestions given by Mr. Craddick. The secretary will write to Chicago to get a copy of the proposed uniform law on this subject. Mr. Moran felt that we could work through Mr. Eastaugh in getting a copy of the uniform law.

Discussion was held on "intent of state of mind" and this will be discussed after Mr. Moran obtains copies of the Chase case which covers "mental competency" so each member can have this information. Also the listing of the crimes as a part of this bill was discussed. Mr. Peterson will draft the substitute by avoiding the listing of the offenses. Copies will be provided for committee members when such are prepared.

Civil  
Liability

HB-40 - Civil liability - The sponsor, Rep. Swanson, appeared before the committee in favor of his bill. He explained the reason for requesting Legislative Affairs to draft such a bill for him. He offered a bill that had gone through the legislative processes in California up and until it came to the appropriations, and at that point it failed. He related a case in Alaska as an example. He related that in criminal law there is a protection but there is no protection in civil law for a person to defend oneself or ones property.

HB-40

After a detailed discussion the committee asked Art to do research on this subject and find out what our common law is on this point. This was to see how much protection

Saturday, January 16, 1971

Civil  
Liability

we already have. Unless the necessary changes can be made to this bill to do what Rep. Swanson desires, he suggested that the committee table the bill or place it in hold. Mr. Peterson will use the suggestions of the committee and try to break this down into several elements regarding imminent danger. This should relate to a crime or an attempt to commit a crime rather than in a general sense. Mr. Peterson will submit his material early next week.

HB-40

The next meeting will be held at 4:30 p.m. on Monday, January 18.

Meeting adjourned at 11:45 p.m.

Sunday, January 17, 1971

No meetings were held this day.

HOUSE JUDICIARY COMMITTEE  
 MINUTES OF THE MEETING  
 Monday, January 18, 1971

Meeting was called to order by Chairman Moran at 4:35 p.m. in the Masonic Temple. Present were: Meland, Barber, Rose, Peterson, Banfield, and Randolph.

Jury lists

Mrs. Banfield reported that Mr. Erickson, Administrator of Courts, will be at our meeting tomorrow afternoon to discuss the jury list problem. If there are any other matters concerning legislation or problems that affect the Court Administrator, these could be discussed at that time.

HB-48

Mental  
 competency

Chairman Moran distributed copies of the Pope case in order to be informed about "mental competency". This was provided for committee members so they could provide legislative direction to this subject for possible introduction at the next session. Moran felt this information would be interesting and beneficial to all members.

Civil  
 Liability

Mr. Rose reported that Mr. Swanson advised that he would like to see the committee set his bill aside - HB-40 - Civil liability. Mr. Rose would like to ask Mr. Peterson to draft another bill that would accomplish the purpose to provide for a person to come to the defense of a stranger and in so doing be able to use reasonable force.

HB-40

Banfield moves that HB-40 be tabled; seconded by Rose. Banfield would like to be included as a sponsor. Moran asked whether or not the committee wanted to drop the matter and then proceed to discuss matters that are a part of this bill or whether they wanted to have a committee substitute prepared. Rose brought out that Swanson does not want his name connected with a committee substitute and would prefer that someone else sponsor the bill. Randolph asked what the most expeditious way of handling this matter would be, in view of the two processes. Moran felt the bill would make more rapid progress by being tabled and asked Mr. Peterson to have a draft to present to the committee tomorrow and then it would be decided in which manner it would be handled.

Mr. Meland asked for an explanation of what happened on Saturday. Mr. Moran reviewed the activity for him and showed that it had presented two main problems: (1) Mr. Swanson was under the misapprehension that the effect of his bill was to bar people from filing a lawsuit under certain circumstances, and (2) that it would provide a statutory defense to civil liability where a person had reacted to the commission of a crime, either a threat to himself or to others.

Rose suggests that we act on the motion. Moran restated the motion to table HB-40. There was unanimous vote to table HB-40. (Hillstrand arrived 4:47)

January 18, 1971

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First  
Degree  
Murder

this approach is used, but usually the states are trying to get away from the felony-murder concept. The California case seems to be a reversal of that trend. At any rate, I am not sure what he or the committee had in mind with the idea of putting an aggravated crime in here. We have aggravated assault, armed assaults, dangerous weapons assaults, fire arms used during the commission of certain crimes. If the committee has any idea about Mr. Craddick's discussion on crimes, maybe you can remember.

HB-47

Art noted that when we get into the "act" we are getting into the negligence area. We wanted to avoid listing the crimes that could be committed. There is a so-called model or revised criminal code, but if you are to use this particular phrase you might be talking about a manslaughter charge. This needs further committee clarification before I can write anything on this.

Randolph asked if you included the second "criminal" if this wouldn't clear it up. Moran has assumed that (a) person is guilty of a first degree murder if he kills another person while engaged in an inherently criminal dangerous act. Peterson is not sure that adding "criminal" solves this problem. Moran suggested that Art look into the recent federal legislation re additional penalties. The California case was talking about words as to whether the words were bad enough to cause the act.

Mike Colletta noted that the committee was removing the word "purposely". Also the portion in Section b where we eliminated naming specific crimes and put in the aggravated penalty clause.

Rose thought that we were to remove all of "b" and put the aggravated crime provisions where they belong in the other statutes. That is, in each criminal provision so that there could be an aggravated arson, burglary, robbery, assault, etc. It would be taken out of this bill. The "a" portion does not do anything more than delete "of sound mind and discretion" and this is an improvement.

Mike Colletta in regard to section (b) was that Craddick's suggestion was that we don't list the crimes, but that we just put in the word "crime".

Moran commented that (a) should be left as it is and (b) should be changed. Rose objected showing that this would be eliminated and the listed crimes would be placed in the proper statute. They would be fully covered under this particular statute. Moran felt that the two essential elements were the "inherently criminal act" and (2)(c) where we were going to graduate the punishment as to whether a dangerous weapon, etc., was to be used.

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First  
Degree  
Murder

Rose brought out that Mr. Craddick testified that the inclusion of (b) in the first degree murder provision was advisable but that this was a legislative determination to be made. He did recommend that instead of citing specific crimes, we should have something more general. This is where he wanted the aggravated specified crimes with a dangerous weapon. We considered a number of examples.

HB-47

Barber (b) was to be a person is guilty when "an inherently dangerous criminal act results in the death of another person. Mr. Rose agreed with Mr. Barber. Mr. Peterson asked if the committee wanted to add "physically" dangerous or some other descriptive words as to how it was made dangerous. Moran felt that it should be inherently dangerous to a person rather than just to property. Banfield noted that the difficulty here is that if you perpetrate an act and a death occurs, then you are guilty of murder. One thing bothered Mr. Barber, what would happen if a fellow choked another to death?

Mr. Colletta directed a question to Mr. Peterson. In (b) if they were to delete "first degree" would we still be accomplishing what I was dealing with? Art got the law on fire arms and Chairman Moran read this to the committee.

Rose then asked if it wouldn't be all right to use "dangerous weapon" rather than "fire arm". Also he asked why poison was set out separately. Mr. Peterson explained that the other laws are set out this way.

Rose moves that we amend HB-47 by deleting from paragraph (a) (2); deleting all of (b), but adding the necessary aggravated assault provision providing for larger penalties in each of the major inherently dangerous crimes. Banfield asked if this wouldn't be rather confusing for anyone looking up the law on first degree murder in Alaska? Rose thought it would make it more easily read. Then for Section (c) you have the provision for sentencing. Moran asked if he meant two separate sections or a number of them. It seems that we have to define first degree murder. Section (c) can be left in there. Section (b) should be moved over to amend the existing law on use of fire arms in the commission of certain crimes. Mr. Peterson will come up with some language that provides a more general ground rule. This is not to be limited to fire arms. Art will confer with Mr. Craddick to make sure that this draft reflects his observations as he testified before us on Saturday.

Rose had a question on Section (a)(1). Is there any value to the word "deliberate" being in there? Isn't purposely and premeditated enough? Art feels that this is true. Rose makes a motion to delete "deliberate"; seconded by Randolph. Moran noted that on HB-47 - first degree murder

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First  
Degree  
Murder

we retain the description of first degree murder, that we retain the language of the section which provides for punishment therefor, and that we prepare a revision for the provisions for special attention to those crimes committed with fire arms as it now appears. For Section (a) (1) strike "deliberate" and all of (a)(2). Also repeal the second poison notation in this bill. Moran asked why the poison section is separate. Hillstrand asked what the present act had to say about first degree murder. A discussion of present law was held. The Gray case was also discussed.

HB-47

Rose felt that before acting on this motion that the committee should invite the Attorney General or his delegate to meet with us. We are dealing with something pretty serious. The secretary will call Mr. Havelock's office and refer to this bill, noting that we will meet tomorrow afternoon and desire to have someone give their views on this. Also invite Dick McVeigh.

Mr. Peterson asked whether the committee wanted to add threatening language, holding that the intent was significant, or do you want the weapon to be the aggravated part? Mr. Colletta wanted leave out the word fire arms with the aggravated assault. Mr. Peterson will try to have something worked out for the committee tomorrow. Mr. Moran mentioned that Art should probably meet with the AG's office on this, so the secretary will not have to notify that office.

Rose asked if we were to retain the concept of felony-murder. Moran explained that Mr. Craddick did not want to have this retained.

Jury lists

Tomorrow we will have Mr. Erickson, the Court Administrator, If we listen to the Lieutenant Governor, we probably won't be able to get this bill out before Tuesday--HB-48 - Jury lists.

HB-48

Mike Colletta will be here tomorrow.

We are having problems with our meeting time and Mr. Meland should understand that this is a problem that does come up from time to time. He probably will have to choose which meeting to attend. Mr. Meland felt that missing the meeting on Saturday did not allow him to understand fully what had been accomplished. Tomorrow the meeting will be held at 3:00 p.m.

Chairman Moran announced that we were trying to get additional secretarial help.

Mental  
competency

Rose had a question on "state of mind" legislation. Do we have a request for a committee bill to be drafted? The chairman related that he had obtained copies of the Pope opinion and after it is read, everyone would have a general idea about the area in which we want to deal.

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Mental  
competency

Moran feels that the M'Naghten Rule is not sufficient and the Durham Rule is not satisfactory either. There is a third rule adopted by one court. In the Pope case opinion, this is the strict M'Naghten Rule. After we have read the opinion then it will be an appropriate matter to bring up again, possibly within a week. Mr. Peterson asked if there was a request for him to prepare something on this.

Rose thinks we should set up machinery necessary to have the committee informed as to what views exist elsewhere and what recommendations may have been made so that we can have a choice. Next Friday we will consider this problem. (January 22) Rose requested a report from Art on what there is by way of uniform recommendations, revised recommendations, etc. Moran directed Art to look into this.

Tomorrow we will meet at 3:00 p.m. I will make a serious attempt to get us into the other building, and we will proceed to recruit another person to work with Mrs. Mason.

Colletta's bill -HB-47 - first degree murder- and HB-48 - Jury lists - sponsored by Banfield will be considered tomorrow.

Chairman Moran gave list of bills assigned to this committee.

First Referral: HB-11-impounding estrays; HB-54-claims against state ; and HCR-1-representation urban areas.

First and only referral: HB-5-probate code; HB-15-revisor statutes, judges; HB-40-civil liability; HB-47-First degree murder; and HB-48-jury lists.

Subsequent referrals: HJR-1-amendment to constitution, qualifications of the attorney general; HJR-2-amendment to constitution, increasing membership of legislature; HB-3-voter registration; HB-16-political campaigns and ethics; HB-25-motor vehicle insurance; HB-26-liquor licenses; HB-28-antlerless moose; HB-29-Poison in controlling predatory animals; HB-34-physician assistants; HB-36-arctic closed area to taking of game and fur animals; HB-39-selling tobacco to minors; HB-41-preference rights for local government-tidelands; HB-42-amend Alaska Retail Installment Sales Act; HB-45-driver licensing.

HCR-1-Representation urban areas- is assigned to this committee.

Claims  
against  
state

Rose wanted to know how far we go with bills in this committee. Do we notify the administration, insurance companies, etc.? Who is representing the insurance companies? Moran noted that Ross Duncan and Newt Cutler were the insurance representatives. Rose felt that if the Trial Lawyers' Association was contacted that would be all that was necessary. He did want to know if he should attempt hearings before the whole committee or whether he was to proceed with the matter on his own. Moran related that the persons should be alerted that the matter is about to be heard by the committee and find out whether they would like to be heard. This is in reference to HB-54-claims against the state- and the bill deals with only possible state liability, yet it seems we are throwing it into the same bag. I think we should consider subdivisions of the state, boroughs, etc. Rose didn't think this bill covered that. Don Berry of the Municipal League should be invited to our meeting on this. The secretary will write letters to interested parties if given advance notice of the time.

HB-54

Meeting adjourned at 6:00 p.m.

HOUSE JUDICIARY COMMITTEE  
MINUTES OF THE MEETING  
Tuesday, January 19, 1971

Chairman Moran called the meeting to order at 3:05 p.m. in the Masonic Temple. Present were Meland, Banfield, Barber, and Peterson.

The first order of business was HB-48 - Jury Lists. Mr. Vern Roberts from the Dept. of Fish & Game appeared before the committee on behalf of his department. The one difficulty that this department has found is determining the judicial district in which licensees reside. This is especially true for servicemen who often give APO addresses. For this reason his department recommends an amendment for line 17 following "during the preceeding year". Add "showing an Alaskan address". He reported that a list had been furnished to the court system this year.

HB 48

Mr. Erickson, Administrator of Courts, joined the committee in their discussion. He requested that the Fish & Game Dept. revise their license form to include a birthdate, full middle name, street address, and mailing address. It was also requested that zip codes be included on every license. He felt that the list could then be more easily compiled by use of the computers. It was also requested that persons having social security numbers should put these on the form.

Committee members were concerned that by having these increased lists that there would be a wider selection for juries and also a cross-section of the people represented on the list. There was some consideration of dropping Fish & Game lists as Mr. Erickson didn't think the court system would object. Banfield moved to delete hunting and fishing licenses from the Committee substitute. Randolph seconded this. (Hillstrand arrived 3:25 p.m. Rose arrived 3:25 p.m.) There were no further questions for Mr. Roberts and he left to attend the Resources Meeting.

Fred Boetsch, Department of Revenue, joined the committee at the table for discussion relative to his department. One of the problems that Revenue has had in administering the current law was with the definition of "resident". A true definition is not given in the laws that we operate under so we think that the language in the current bill referring to a person's filing an income tax return having an Alaskan address will help us. Finding a common denominator of the three different lists in order to eliminate duplication is quite difficult. Using the SSA# is good, but getting all of the people to put the number on the forms is another problem. If you eliminate Fish & Game we will only need it on the tax returns and on the voting registration lists. I don't know whether the SSA# is required for registration. We have had a problem here which I pointed out to Mr. Stevenson the other day that our list in the past has included people who may have filed an Alaskan tax return as residents and subsequently left the state. Also, there are those who came into the state and filed as nonresidents and later became residents. I think this bill will help us in having a more current list. We are not ever going to get around the problem of the list being old before the jury list is prepared. The extent of this according to our estimation could be 10-15 per cent of the people on the list.

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Mr. Erickson explained that it was not the intent of the court system to go to an annual list. They are going to add to their list quarterly, adding those that become residents and those reaching the age of 19.

Banfield asked asked Mr. Erickson to give a step-by-step procedure telling the committee how they arrive at a jury list.

Mr. Erickson noted that primarily they got their names from the voter registration list. This will be done using the three lists as outlined by the last legislature. We had problems. We didn't have enough staff to handle this, at least not within the structure of the superior courts where we have been doing this work. I could see no way that we could do a decent job with the staff that we had. We then went to the data processing people. We wanted to satisfy the intent of the law, and then the supreme court told us that it wasn't satisfactory for them. We then arrived at this method of satisfying both the law and the supreme court. The process was to batch all the cards with the available information and have these punched. This would result in one master list. Alphabetically from A-Z, dropping out the aliens, nonresidents, etc., where we are attempting to match SSA# and any other factors in order to drop as many duplications as possible. We want to get it down to judicial districts. We are in the process now of ascertaining zip codes since we find that 80 percent of our lists do have the zip code listed. This can be used to show district. I hope to have this ready within two or three days. This will give us an alphabetical listing of all judicial districts. We will have a list of rejects and duplications which will be gone through manually. These will be added to the lists. We will have the listings ready by district by February 1. They will send us the fifth listing and we will have that back by the 15 of February. I have the added problem of the supreme court. This relates to the 15-mile radius, which is no longer satisfactory. How we are going to resolve this, I don't know. Maybe by election districts. He gave an example of a man living just outside the 15-mile radius near Eagle River. I really don't think that this is the practical approach. I recommend that we mesh this into the court locations to see if this compares. Maybe I can use the zip codes. We will have to extend the mileage in order to meet the requirements of the supreme court. There will be a meeting on this on February 16. We will submit a list by community and by court and our suggestion of how to get a representative jury. I hope they will recommend the changes. We are also going to ask the supreme court to look at what we are doing here.

Banfield: Do you recommend any further changes in this bill:

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Mr. Erickson called our attention to Page 2, lines 8-13. He asked the committee to reconsider this. He thinks it will make it more difficult to have the list go to the Lieutenant Governor's office for processing. To satisfy the supreme court it might be better that we just get the lists from the various agencies and we will work with data processing in preparing the lists. We would rather do this under the supervision of the courts. We do not want to have the lists broken down, just send the list to the Administrator of Courts. We want to use computers even more in the compilation. We are trying to get this modernized.

Banfield: What about the July 1 of each numbered year?

Mr. Erickson: I think the time is adequate. We also want to work out how the processing people will prepare the quarterly plan and keep it up to date.

Banfield: What about the residency?

Mr. Boetsch: We are now capturing the code as to the taxpayers lists from the tax forms. By the language of this bill we could use zip codes because you are adding that an Alaskan address must be shown. We are, at the present time, inserting zip codes on the tax returns where they are missing. Mrs. Banfield asked if Revenue could have their work done by July 1. I think according to our projection for this year, that by the end of July, by the time that we finish processing the forms and it is entered on the file, it can be done in from two to five weeks. This depends on the workload in the offices. As you know, the bulk of the form with a tax due are filed on April 15. So this is our heavy workload period. Most of the list would be available on July 1. This could vary from two to three weeks. The last several thousand people filing would not be on the list.

Erickson: I am hoping that the supreme court will pass on the list we are now preparing and give their approval.

Erickson: I asked Fish & Game if they were dropped from providing the list how much of a saving this would provide. They told me it would save about \$1,500.00 or \$2,000.00.

Randolph: I would agree that something needs to be done. For several years I have heard comments of judges and attorneys with regard to jury lists and if this is only going to cost \$2,000.00 the public relations aspect alone will be helpful. I feel the list should be increased. Those that register to vote do feel that they are being taken advantage of.

Rose: The idea was presented that certain groups of society are much less likely to vote as a matter of habit, including the poor, natives, blacks, and that when the people come to trial that take only voter's lists they do not feel that they are represented by their peers. If you use the tax list, you will get most of these people.

Barber: With respect to that last point, I mean people being

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included on the taxpayer list, especially since we follow the Tax Reform Act, the number of people who will be filing the forms will be lower starting in 1970 because of the exclusion on income. The requirements for filing will be changed. Low income people will be excluded from the list. The problem we have here isn't a matter of expense. It is more a matter of fairness. This is to give people equal opportunity to serve as jurors. We should address ourselves to that.

Hillstrand: I recommend now without any modification that we use Mr. Barber's words on the opening preamble on reporting this bill out. Nobody is concerned with the actual money now.

Barber: There is an ambiguity where it says a resident hunting or fishing license. There could be commercial hunting and fishing licenses that might not come under this category. I think this should be specified.

Boetsch: May I comment on the costs? I asked data processing to give a breakdown on producing the list. This was about \$1,500.00. This includes programming, key punch testing, systems analyst time, and there are indirect costs in the number of people that spend time on this. They are included because they are taken away from other activities. If we start making changes in the programming or start the list based on zip codes we will have to do additional programming, additional analyst time, etc. Therefore, other address information and birthdate would have to be set up on our equipment.

Randolph: My feeling that the cost of producing the list of taxpayers which list was submitted to the court system and is now being used is not the problem. The problem is when the list will be completed. My biggest complaint against adding hunting and fishing was that I thought it was more expensive. Now we are using address lists or residency codes and if we wanted any other information included they would have to change their operation.

Banfield: I have a fiscal note saying the cost would run around \$1,500.00.

Moran assigned Mrs. Banfield to carry this bill when it goes on the floor.

Banfield: Can we decide what we want to do about Fish & Game? Including Fish & Game tends to broaden the selection and the cost is relatively modest. Randolph moved that we leave the bill as drafted leaving Fish & Game in. Rose seconded this part, that is, adopting the concept of leaving Fish & Game in. Hillstrand objects on the basis that there will not be any significant increase in the list. He thinks there are a lot of hidden costs that do not show. What I don't understand is that we have an adequate list that reflects

a cross-section of society and all walks of life and that the best job and the simplest that could be done is by referring to a jury list straight from the registrations of the voters. I am saying that you will not add to or include a great many persons that do not serve and carry out their public duty as Mr. Barber says. This is like trying to make an honest man out of a crook. A person that does not want to serve on a jury would not make a good juror. Up until last year it paid \$10.00 a day and this is a hardship on many people. Under the new law, the subsistence has been increased. I don't believe that the problem is as pressing as it would have been if we didn't have registration.

Rose mentioned that the time and the cost of one appeal to the Supreme Court and the return of that case to the trial court will cost more than the cost of preparing a list. If we can avoid one appeal by preparing a broader list we are saving time and money for the state. Now as to the question of representation. As pointed out, there are areas where voter registration is extremely poor. We all know that. He got this information from the efforts of a number of his co-candidates where in the last election in certain neighborhoods, the results of obtaining voter registrants was very low. Even with the list we have, it does not show true representation. You will find fishing villages where people don't care much to vote and are very low as far as income is concerned and these would be included on the fishing and hunting list. If one of these people is brought to court to answer a charge, they can say that they are not being fairly represented. I am saying that it would be wise and economical to adopt all three lists.

Moran: There is a factor that he is concerned with and he opposes voter registration because he would like to keep to a minimum any deterrent to voting. We get rid of poll taxes, literacy tests and then we add these other deterrents. I would like to see other persons added to a list besides just the voters list.

Banfield: The whole thing will have to be re-written, in view of the Administrative Court Director being used for compiling the lists.

Rose: Page 1, line 14, delete from Prepare. Change to "shall obtain from the Alaska District Court".

Moran: In regard to the dates, August 1 will be the date change. Also, put in for "each year". Mrs. Banfield wants the Fish & Game Dept. to know that we mean for commercial licenses to be included. In our report on the bill, we will indicate that we are talking about all fishing licenses. This will show our intent.

Peterson: On the dates you mentioned, instead of July 1 on page 2, line 12, it will be August 1 of each year. The odd

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numbered year was put in in response to Vern Snow's problem of last year. He wanted to know if they had changed the system now. Banfield said they had.

Moran asked the committee if they were prepared to deal with Mr. Colletta's problem (HB-47 First Degree Murder).

1st Degree  
Murder

HB 47

Mr. Peterson reported that Mr. Craddick would like to be here and so would the AG. (Meland left - 4:25 p.m.) Moran asked what the pleasure of the committee would be on HB-47. Barber didn't feel there would be any hurry. Randolph asked Mr. Peterson if there was anything he could add. Peterson had some draft material. Peterson reported earlier that the AG's Office would like to have at least a week's notice. Rose mentioned to Dick McVeigh that we would appreciate his appearance and thoughts on the subject. He indicated he would come if we would advise him when it would be scheduled.

Moran: The only thing we ought to do something about is Mr. Swanson's bill HB-40 - Civil Liability. We tabled that and we will be putting out an original substitute bill. We could make it a substitute for HB-40. Art has checked some on the common law rule. There are general comments in Am Jur 2 and it looks to me that there have been a number of courts that have extended relief to strangers. Art read some examples but there are no Alaska Statutes on this. The bill we have here would essentially restate what is in Section "a" of Mr. Swanson's bill; we would drop "b" and then we would put a new "b" in, somewhat like the "Good Samaritan" Act. Mr. Peterson read the statute on Section "b". Moran commented on "imminent danger". He wondered if that should be qualified. Do you wish to be certain that this has the concept that covers arson?

Civil  
Liability

HB 40

Peterson: If you want to include something like this, do you want to add "or whose property is in imminent danger". Randolph so moved. Meland seconded. Do you want to pursue this as an original committee bill or as a CS for HB-40?

Randolph: I don't think it makes any difference. Moran suggests that as a courtesy, we take the draft to Swanson for his approval.

Claims against  
the State

HB-54 - Claims against the State - is assigned to Rose. He was asked whether this would be suitable to review tomorrow. Art reported that he had contacted the AG's office and that they had asked for more time to prepare. Moran reported that we would take this up tomorrow to analyze it and contact the AG to see when they could participate in the discussion. Rose would be glad to contact them. Rose requested the secretary to forward letters to Charles Hagans, Ed Boyko, and others and have them present at our meeting also. We should set a

HB 54

definite date for the hearing. Moran reported that we were going to go over the bill tomorrow. This is a bill that will absolve the state from liability for things that happen on the road. He asked the committee if they wanted to hold a formal hearing. Banfield suggested setting it for ten days hence. Moran indicated that we would probably receive memos and supporting material from the insurance companies and the Trial Lawyers' Association. This will be set for Thursday, January 28, 1971. Mr. Meland asked about Mr. Colletta's bill. Mr. Moran noted that this has been scheduled for January 27, 1971 when a representative from the AG's office and Mr. Craddick will be here.

Moran noted that HCR-1 Representation Urban Areas - is in our committee. It has been assigned to Mr. Hillstrand.

Urban Areas  
Representation

HCR 1

HB-5 - Probate Code. I am getting a copy of the Uniform Probate Code. I have not received it as of yet.

Probate Code

HB 5

HB-40 - Civil Liability and HB-48 - Jury Lists are being re-drafted.

Civil Liability  
Jury Lists

HB 40  
HB 48

Mrs. Banfield reported that the Board of Governors will be here on Friday. Will we invite them to meet with us? Moran expressed the desire that we would meet with them.

Board of  
Governors

Meeting adjourned at 5:07 p.m.

HOUSE JUDICIARY COMMITTEE  
MINUTES OF THE MEETING  
Wednesday, January 20, 1971

Meeting was called to order at 10:55 a.m. in the Masonic Temple by Chairman Moran. Present were: Meland, Rose, Banfield, Barber, and Peterson.

Racing  
Motor  
Vehicles

First order of business was to take up HB-57 - Relating to Motor Vehicles - - Racing.- Judiciary Committee is the second referral and this has already been through State Affairs. Chairman Moran read the amendments prepared by State Affairs. Hillstrand arrived 11:00 a.m. Randolph arrived 11:01 a.m. The purpose of this legislation is to prevent a person from being arrested while participating in a racing event held on private property. Mr. Peterson mentioned that the law now says "in the state". It used to say "in a public place or on a highway". Mr. Peterson read current law on this subject. Moran felt that this could be handled by being made conditions of a permit. This would include insurance. Rose brought out that there is no permit provision. The highway department puts out a notice that their highway is under construction or that they are doing maintenance. Banfield explained the reason permits couldn't be issued was because the roads were built with federal funds. Art suggested that a sentence could be added to the effect that this does not affect the civil liability laws.

HB-57

Rose: This accomplishes three things. It clarifies the status of the law as it never was intended that the persons involved in a racing event should be considered guilty of reckless or negligent driving. There would naturally be certain risks. In having laws on the books that are either unenforceable or unenforced as a matter of policy reduces respect for the law. This serves as a measure of protection to the people engaged in these activities. For example, if you have a feud between the owner of a racing track and the Chief of Police, he may just decide to apply the law this time. This possibility should not exist. In this legislation we are taking care of all three areas.

Randolph moves HB-57 out of committee with a "Do Pass" with the attached amendments of State Affairs. Rose seconds. Barber called for the question. Unanimous vote.

Voter  
Pre-regis.

HB-3 - Voter Pre-registration. Moran stated that State Affairs had recommended a "Do Pass". This bill allows a person to register and to vote on the same day, but the vote would be treated as a challenged ballot. Mr. Peterson will prepare a committee report for this bill. Mr. Rose mentioned the problem of having to register for city elections in addition to state elections. He felt that this might be the proper time and occasion to correct this situation. Mrs. Banfield didn't think that this was the proper vehicle to accomplish Mr. Rose's objective.

HB-3

Voter  
Pre-regis.

Moran read the committee report of State Affairs showing how the representatives voted. Banfield suggests that before we take action we should consult with the election people who have had experience in this area. I believe Thelma Cutler would be happy to come down and tell us about it. Mr. Barber reported that he had had contact with Mr. Orbeck and he told Mr. Barber that Lil Angerman was the motivating influence behind this bill. Moran suggested that we ask the lieutenant governor's office to provide their opinion on the bill and then set a time when they could meet with our committee.

HB-3

Rose: There has to be a cut off date so these lists can be computerized and we recognize that there are problems.

Moran: Each of our precincts has a print out and they give them 14 days to punch the cards and provide the print-out. The individual will receive his ballot but it will be treated as a challenged ballot. Art read from the law and noted that the new language adds everything from line 15 on.

Banfield reminded the committee that we will be meeting with the Board of Governors.

Moran announced the following schedule:

- HB-47 - First Degree Murder - Wednesday, January 27.
- HB-54 - Claims against the State - Thursday, January 28.
- HB-25 - Motor Vehicle Insurance - Saturday, January 30.
- HB-3 - Voter Pre-registration - Friday, January 29.

Civil  
Liability

Mr. Peterson reported on HB-40 - Civil Liability - that he is preparing material on this and will have it ready soon.

HB-40

First  
Degree  
Murder

HB-47. Mr. Peterson reported that Mr. Craddick had provided him a copy of his memo summarizing his testimony on last Saturday. Copies will be provided for the committee.

HB-47

Meeting adjourned at 11:50 a.m.

HOUSE JUDICIARY COMMITTEE  
 MINUTES OF THE MEETING  
 Thursday, January 21, 1971

Meeting was called to order by Chairman Moran at 3:00 p.m. in the Masonic Temple. Present were: Randolph, Barber, Meland, and Peterson.

The chairman announced that the committee will meet with the Board of Governors tomorrow at 1:00 p.m. This is being planned for the Governor's Conference Room. Members will be notified.

Probate  
Code

The chairman reported to the committee that we had received the official text of the Probate Code, with commentary which should be helpful to committee members in their review. We really need to compare this with HB-5. The chairman asked Mr. Peterson if he knew how they compared. Peterson stated that the original HB-5 was prepared according to the code at that time, but this Uniform Probate Code had now been revised and HB-5 had not been revised.

HB-5

Civil  
Liability

Mr. Peterson had a CS prepared for HB-40, which is the bill originally introduced by Mr. Swanson. (Civil liability) The chairman distributed the carbon copies of the CS for committee use, after which they were returned. Mr. Moran read the committee report that was prepared by Mr. Peterson to the committee as there was only a draft copy available.

HB-40

Randolph moves to delete "3". (Banfield arrived 3:10) Moran felt that this could be deleted without creating any problem. Meland seconds the motion. Barber called for the question. Unanimous consent. This will be retyped deleting "3".

Jury lists

HB-48- Jury list - There has been a CS prepared for this bill. Moran gave the carbon copies to the members present for their use during the meeting. They were later returned to Mr. Moran. Chairman Moran read the committee report that had been prepared by Mr. Peterson. Banfield moved that the committee accept the report; Randolph seconded. The vote was unanimous.

HB-48

Banfield asked if other committee members had received a letter from Judge Butcher. She asked if the committee would like to sponsor the needed legislation. Moran related that the chairman of Health and Welfare had already had a bill drafted to cover this problem.

Banfield asked if we would be meeting with the Board of Governors tomorrow. Moran explained that a 1:00 p.m. time had been set before she got to this meeting. Meland asked what would be discussed at this meeting. Moran said they probably would be discussing the legislation that they were interested in having passed this year. One of the problems will probably be the space problem for the court system. They are holding court in very inconvenient quarters and there are no facilities for the juries. They are double

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shifting the courts now. Meland wanted to know if night session had been considered. (Meland left for Resources 3:30) Banfield related that we are having the same problems in Juneau as in Anchorage.

Moran reviewed our schedule of bills.

HB-3 - voter pre-registration - Friday, January 29

HB-47 - First degree murder - Wednesday, January 27

HB-54 - Claims against the state - Thursday, January 28

HB-25 - Motor vehicle insurance - Public hearing will be sent out by the secretary. The time set is 9:00 a.m. and the place is the Superior court room on the fifth floor of the Capitol Building. This will go out as a joint House Commerce Committee and House Judiciary Committee Hearing.

Motor  
Vehicle  
Insurance

HB-25

HB-54 - Mrs. Mason will contact the AG's office and tell them we are going to consider this bill on the 28th. We would like confirmation as to whether they will be here to testify.

Claims  
Against  
State

HB-54

HJR-2 - Increasing membership in legislature - This bill was received by the committee today. Moran passed out copies to the members. Randolph asked if the chairman would accept a motion to pass this resolution with a "Do Pass" recommendation. Moran read the State Affairs amendment. (Hillstrand arrived 3:45) Moran gave a review of activity to Hillstrand and asked him to sign the jury list bill - HB-48.

Increasing  
Members of  
Legislature

HJR-2

Moran explained that the State Affairs amendment was to clarify when the senators would be elected; ten for one year and eleven in the alternate year.

Peterson doesn't think that the amendment by State Affairs completely expresses what is desired. He recommends this wording: "<sup>beginning</sup> commencing with the general election of 1972 and every four years thereafter eleven senators will be elected; beginning in 1974 and every four years thereafter ten members will be elected." Randolph moved to adopt Mr. Peterson's wording on this; Hillstrand seconded. There was unanimous consent. Moran asked if the committee wanted to sign the report now and have a committee substitute prepared. This will be submitted after review by the chairman. We will not have a written explanatory committee report on HJR-2.

HB-5 - Probate Code. Moran suggested that we send out a letter to the chief justice and let him get the information to the proper people. We can request Ken McKaskey to give us his opinion and to solicit the views of other members of

Probate  
Code

HB-5

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the Bar. We should set a deadline for their reply. What does the committee think will be a reasonable time. Moran thought that March 1 would be reasonable, but decided to wait until we had met with the Board of Governors and ask them what they think would be a realistic time for review of this bill.

Probate  
Code

HB-5

Mr. Peterson informed the chairman that he had received the budget books. They are ready to be picked up from Art's Office. Moran asked which budgets we have. Peterson said these included the court system, Department of Law, Public Safety, Division of Corrections, and the Public Defender's office. These are all law-related agencies.

Budget  
Review

Barber wanted to know what effect the budget review would have on the decision of the Finance Committee. Hillstrand felt that the research done by this committee would be greatly appreciated by the Finance Committee since we would be dealing with the mechanics and how these offices operate. Finance probably won't take our recommendations per se.

Moran assigned the budgets to be reviewed:

Banfield - Corrections  
Hillstrand - Public Safety  
Randolph - Department of Law  
Barber - Public Defender  
Moran will take the court system budget.

The program that we will follow is that we will establish contacts and then acquaint ourselves with the budgets, then we will arrange for the various persons to come before the committee to answer questions about their particular budget. We will set February 1 for committee members to report back to the committee as to when these can be scheduled for committee consideration.

Meeting adjourned at 4:10 p.m.

HOUSE JUDICIARY COMMITTEE  
 MINUTES OF THE MEETING  
 Friday, January 22, 1971

Meeting was called to order by Chairman Moran at 1:45 p.m. in the Masonic Temple. Present were Peterson, Meland, and Rose. This was a special meeting with the Board of Governors of the Alaska Bar Association. This was also a joint meeting with the Senate Judiciary Committee.

Due to a communications mixup, the Board of Governors was not notified of the meeting scheduled by the Committee and therefore did not have an outline of proposals prepared. Representative Moran and Senator Groh reviewed the bills before their respective committees.

The following persons participated in the discussion: Millard Ingraham, Russell Arnett, Cliff Groh, Joe Josephson, Peter LaBate, Judge James Fitzgerald, Jerry Kurtz, Jim Blair, Jerry Gucker, and Rick Lauber.

Moran listed the following bills on which he would like an opinion: HB-5 Probate Code, HB-25 - No-Fault Insurance. There will be a hearing on this at 9:00 a.m., January 30, 1971. HB-54 - Claims against the state - is scheduled for hearing Thursday, January 28. This bill resulted from the Brad Phillips lawsuit. Rose mentioned HB-78 which is the reviving of the old "Unsafe Machinery Act." HB-47 - Felony-Murder. Moran reported that we have a committee substitute that will be considered by this committee on January 29. HB-48 - Jury lists. This bill is in Rules Committee now. HB-40 - Civil liability. This also is in Rules Committee.

Peter LaBate reported that the primary work of the Bar for the next six weeks will be to review bills.

Judge Fitzgerald spoke to the committee with respect to the plans for added court space in Anchorage. Mr. Easley is requesting information from us as to whether the space will be adequate. He will be meeting the Chief Justice and Mr. Reeves either today or tomorrow. They then plan to come to Anchorage for a general meeting and review their entire program. He is in favor of building an adequate structure so that additional space will not be required in the next few years. Judge Fitzgerald explained that they were double-shifting and this has been working pretty well. This procedure will be continued until adequate space is provided.

Senator Groh reviewed the bills before his committee. SB-5 Criminal Code Revision. This is a complete repeal of Title 11 of our present law. SB-12 expands protection to peace officers while enforcing the law. SB-26 raises the amount of parental liability for damages caused by their children from \$2,000 to \$10,000.

Additional  
 Courtroom  
 Space

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SB-28 - Violent Crimes Compensation Board. This bill has gone through the Judiciary Committee in the Senate. SB-33 Increasing Number of Superior Court Judges from 16 to 20. SB-38 - Unwarranted Governmental Invasion of Privacy of State Employees. SB-41 - Good Samaritan Bill - no civil liability. SB-57 - Security for Costs in Civil Suits. SB-58 - Anti-Discrimination Law Violations.

Jerry Gucker suggested that referral of these bills be submitted to the appropriate members of the Board of Governors in Ketchikan, Juneau, and Fairbanks as well as Anchorage - Jim Blair in Fairbanks, Avrum Gross in Juneau, and Jerry Gucker in Ketchikan.

Reapportionment of Board of Governors

Millard Ingraham brought up the subject of reapportionment of the Board of Governors. There was a vote at the last convention that showed the desirability of doing this. Moran suggested that this information be given either to the House or the Senate and have the bill submitted.

Rose mentioned the possibility of a grand jury amendment to the constitution. This would ease the load on the court system.

Senator Josephson: We are running up against the problem that some feel we shouldn't be making constitutional amendments with a constitutional convention coming up. It seems to me that the Bar may have helpful recommendations about the constitutional convention as to whether it should be held or not. If you are going to have a convention, there will have to be arrangements made for hiring consultants and planning for the delegates, etc. I think the Bar may want to get into this.

It was agreed that both Senate and House Committees should work through Rick Lauber, lobbyist for the Bar Association.

Rose invited the comments of the courts on codifying of the First Degree Murder Bill (HB-47). The two rules in greatest use are the M'Naghten Rule as given in the opinion on the Pope Case, and the Durham Rule which has been loosely applied.

Judge Fitzgerald reported that they have several minor things that will be submitted by the courts. These relate to family court problems, marriage licenses for underage children and correcting one aspect for incarcerating children who are under age.

Josephson: He asked Judge Fitzgerald if it would be helpful if there were subcommittees that would devote a weekend to open hearings in Anchorage where substantive matters of legislation and the space problems of the courts could be considered in depth.

Judge Fitzgerald felt that meetings like this would be to everyone's advantage. He wished to know if there was any other way to do this besides requesting it at this meeting.

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Moran mentioned one other bill that is going to be introduced dealing with the age of majority. This will lower the age to 18. Representative Groh reported this bill has already been introduced.

Requirements  
for  
Admittance  
to the Bar

Peter LaBate explained that the Bar was concerned with special bills that amend the laws so that lawyers going to certain law schools during a certain period of time could be admitted to practice in Alaska. We want a standard procedure for everyone and not special legislation.

Millard Ingraham brought up a point relating to this. The military have made a request to the Bar Association to permit their Judge Advocates to have waivers so they could represent their own people such as the public defender does in representing indigents.

Jim Blair of Fairbanks indicated that any standardizing of entering the Bar and practicing law would have to be done legislatively. This is because we have to operate under the Statutes under Title 8.

Rose asked if the Bar had drafted a bill on this and Jerry Kurtz reported that it had met with poor acceptance.

Meeting adjourned 2:50 p.m.

Saturday, January 23, 1971

No meetings were held this day.

Sunday, January 24, 1971

No meetings were held this day.

Monday, January 25, 1971

No meetings were held this day.

Tuesday, January 26, 1971

No meetings were held this day.

HOUSE JUDICIARY COMMITTEE  
MINUTES OF THE MEETING  
Wednesday, January 27, 1971

Meeting was called to order by Chairman Moran at 3:35 p.m. in the Masonic Temple. Present were: Hillstrand, Peterson, Banfield, Randolph, Barber and Meland.

Budget  
of  
Corrections,  
Dept. of Law,

Banfield reported that the head of the Department of Corrections, Mr. Adams, could be available Tuesday or Wednesday of next week for budget review. Randolph also reported that he had contacted Mr. Havelock, and that he would like to appear before the committee for budget review of the Department of Law on Thursday, February 4.

and  
Court System

Moran will talk with Senator Ziegler to see if the review of the court system budget could be a joint meeting so the court people would not have to testify twice. (Rose 3:40 arrived) Moran explained that the committee members should review the budget before the committee before we have the agencies have their representatives before us. (Ziegler has a hearing on the jury list tomorrow at 1:30. Mrs. Banfield has been informed of this and will be there.)

Corrections budget will be scheduled for Wednesday, February 3. Mr. Adams, Director of Corrections, will be here.

Judges serve  
U.S. magis.

SB-64 - District Judges serving as magistrates - Merdes put this bill in because we have a statute where a district judge may also serve as a U. S. Commissioner. The United States has dropped that title and now calls them U. S. District Magistrates. They do the same job. Judge Plummer wrote letters requesting us to change the language so that we would understand that a district judge may be designated a United States Magistrate. At the present time the law only applies in Ketchikan where the district judge is the United States Magistrate in that city.

SB-64

A brief discussion among committee members ensued. Randolph asked to have discussion delayed until he was more thoroughly prepared since he had heard from two persons with entirely differing views on this bill. Further discussion will be held on this subject on Thursday, January 28.

Security  
costs in  
civil suits

SB-57 - Security for costs in civil suits - This is Senator Josephson's bill and adds a 30-day time period to request security after you find that the plaintiff is a nonresident. Rose suggests that we add after the 30-day time requirement "or such additional time as the court may grant upon the showing of good cause." Barber felt that there was a lack of definition of "time that he becomes aware that the plaintiff is a nonresident". Moran noted that the underlined material is the addition to existing law. (Randolph left 4:10) Further discussion of this will be delayed until we can hear from Senator Josephson.

SB-57

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Page 2

HB-100 - Careless use of firearms - This is Mr. Meland's bill. Resources amendment was read to the committee. This amendment deleted Section 2 in its entirety. Rose moves that we report HB-100 out with a "Do Pass" as amended by Resources Committee. He asked unanimous consent. There was no objection, so ordered.

Careless  
use of  
Firearms

HB-100

First degree  
Murder

Moran distributed memo from Art on HB-47 - First degree murder.

HB-47

City and Bor.  
have  
ASHA author.

Chairman Moran reported that Don Berry of the Alaska Municipal League had requested that we sponsor a bill allowing the governing body of a first class city or any borough to have housing authority. Banfield asked that the bill be referred back to this committee. Moran thought that it would go to Local Government first and then be referred to this committee. Mr. Peterson will draft this as a committee bill.

HB-120

Mr. Peterson will prepare a committee report on HB-100 explaining the deletion of Section 2.

HB-100

Revisor's  
Bill for  
Corrections

HB-111 - Revisor's Bill to reflect corrections - It is quite difficult to review all 65 sections in a bill like this, but Art has prepared a cover memorandum that is attached to the bill that explains these sections. Rose asked just what type of changes these were and how the revisor of statutes made the changes. Mr. Peterson read from the Alaska Statutes the work of the revisor of statutes. Rose asked about the changes in 11.40.120. Mr. Peterson said they were brought about by the Harris case in a decision by the Supreme Court. This was in the matter of vagueness in the expression "crime against nature". The court has suggested that the legislature undertake a broad revision of the statute. Last year it was not taken up. Rose feels that this particular revision gets to be sufficiently substantive as one that should not be included in a revisor's bill. He suggests that we should take this part out and look at it separately. Banfield feels that we should leave this in the revisor's bill to clear up the statute now, and then to give some attention to another bill to cover this subject. Mr. Peterson will provide copies of his memo of the revisor's statute explanation and this will be considered further tomorrow.

HB-111

Civil Liab.

Banfield wanted to bring up HB-40 - civil liability - that we had put out of committee. She had talked to Avrum Gross and it was felt that there may be some problem with this bill. This will be on the calendar for tomorrow.

HB-40

Representation  
Urban Areas

Moran reviewed other bills before the committee. HCR-1 representation urban areas - has been assigned to Hillstrand. Banfield mentioned that this applies presently in the Fairbanks and Anchorage areas.

HCR-1

Meeting adjourned at 4:55 p.m.

HOUSE JUDICIARY COMMITTEE  
 MINUTES OF THE MEETING  
 Thursday, January 28, 1971

Meeting was called to order by Chairman Moran at 11:00 a.m. in the Masonic Temple. Present were Randolph, Rose, Meland, Barber, and Peterson.

District  
 Judges as  
 U.S. Mag.

Mr. Randolph provided additional material on SB-64 - District judges serving as U. S. magistrates - copies of material from Mary Alice Miller and Judge Connelly were distributed to committee members. There are completely differing viewpoints expressed by these persons. The biggest difference is that Mary Alice Miller feels that the judges should be under the same restrictions; district judges should be made to conform with superior judges, etc. Judge Connelly's proposal is just the opposite. He feels other judges should be restricted as district judges are now. Moran noted that Mary Alice Miller's proposal would eliminate the possibility of a district judge engaging in any outside legal activity for profit. Connelly would not exclude them from that, but any fees earned would go into the court system on the theory that they already have a big salary. (Banfield arrived 11:08) Randolph noted the section in the bill where it said "except as provided in this section" and there is no such provision. Rose felt that what was meant was that both would have equal treatment. Moran felt that Mrs. Miller made a good point in eliminating a provision that a district magistrate may be appointed deputy clerk of the superior court, also. I like the language of Miller's proposal: "may not practice law, hold office of a political party, except that the district judge may be appointed deputy clerk of the superior court and may hold the office of U. S. magistrate." This will have to be rewritten in order to have the funds turned over to the state. Banfield does not want this legislation to be too restrictive. Randolph wants the intent of this legislation to be made clear. Peterson reminded the committee that they can amend this as long as it relates to the subject matter at hand. Art will write this up as outlined by the committee and this will be considered at a later time.

SB 64

revisor's  
 Bill

Art provided copies of memos to all committee members explaining the revisor's bill - HB-111. Rose still wanted to exclude the area of clean-up on sodomy because he felt there was a tendency to not make any changes at all. Rose would like to do something about this part of the statutes so that obsolete definitions can be removed and the law be brought up to date. Moran asked if committee members wished to pass this bill out as presented. Rose felt that if we are going to give this bill a "Do Pass" that it should be amended to include 11.40.320, to delete "the infamous crime against nature."

HB 111

January 28, 1971  
Page 2

Banfield moves to accept this as an amendment to HB-111 and asked unanimous consent for a "Do Pass with amendment". Seconded by Randolph. Art will prepare a committee report and the committee adopts unanimously the memorandum to the Legislative Council from Mr. Peterson in explanation of this revisor's bill. In the committee report he will mention the amendment. Mr. Rose will carry the amendment on the Floor.

Claims against  
the State

Rose received a telegram and a letter on HB-54 - Claims against the state. He will provide copies of the telegram from Edgar P. Boyko and of the letter from Mr. Banfield to all committee members.

HB 54

Meeting adjourned at 11:50 a.m.

HOUSE JUDICIARY COMMITTEE  
 MINUTES OF THE MEETING  
 Thursday, January 28, 1971

Meeting began 3:02 p.m. Present: Randolph, Meland, Banfield, Barber, Peterson and Rose.

Claims against  
 the state

There was a public hearing on HB-54 - Claims Against The State. Witnesses wishing to be heard were Billy Berrier, City & Borough Attorney; Norman Banfield and Ray Harding from the Attorney General's office.

HB 54

Mr. Banfield was the first to give his testimony and was against the bill. He appeared before the committee as a private citizen. He submitted a letter outlining the reasons for opposing this bill. He related a case in Anchorage where the state was sued and the party was awarded \$266,000.00 for an auto accident caused by icy road conditions. He suggested a substitute bill be prepared by Legislative Affairs with the cooperation of the AG's Office. He feels there should be a provision to protect the state against claims arising from accidents caused by natural elements.

Rose gave a copy of the telegram from Boyko to Chairman Moran. Mrs. Mason will have copies made for the committee members. (Meland left at 3:30 p.m.)

Tom Fink, one of the sponsors of this bill, wanted to make some comments. He said he understood what Banfield said, but didn't agree with him. You should be able to sue the state for accidents caused by road defects. It is becoming a hardship on the state and is actually a hardship on the citizens because the costs have become so great. There has to be a stopping point. If we don't do this, then we should set a limit of a \$10,000.00 maximum on the state's liability. He supports the general idea of the bill as written.

Mr. Berrier, representing the city and borough of Juneau, was the next witness. He appeared before the committee in favor of this bill. Regardless of the situation, he does not want the state agencies to be liable in any situation. Moran asked about his opinion on the upper limit of liability suggested. Berrier felt this would be a bad approach.

Rose reported that Mr. Hagans feels that this bill goes too far. Henry Taylor would also like to be heard on this subject.

Ray Harding, representing the Attorney General's Office was the next witness. He feels this bill, as drafted, would allow immunity for the negligence of employees while engaged in maintenance.

If they are attempting to stop further suits, such as the Phillips Case, they have gone too far.

Moran: There have been others who have expressed an interest in this bill, so if the committee has no strong objections, he is suggesting that no further action be taken on this bill at this time and there will be further consideration of it.

Municipalities  
having ASHA  
authority

Moran mentioned the draft of a proposal with respect to municipalities exercising a housing authority type of power. They want ASHA to delegate some of its authority to municipalities who have requested it by ordinance. Mr. Peterson has prepared a draft bill and while Mr. Berrier is here we'd like to have his comments on this.

HB 120

Berrier said the Alaska Municipal League had drafted this request. He stated that every municipality in Alaska feels very strongly about this. All have had some trying experiences with ASHA. The reason this approach was decided upon rather than to create new public authority is an attempt to fit this into the existing structure with the federal government. It just seems to be a cleaner approach. This bill was instituted on the advice of our housing advisory officer. This will make it easier to get funds for housing. The financing and interest are not the most important part. The troublesome part is the relationship of getting money through ASHA to HUD. We feel we may be better able to deal with the federal government. There is an urgency about housing as it is. Mr. Berrier would be willing to provide testimony as to what they are trying to do, either by letter or in person, whatever is the desire of the committee. Moran will have this introduced as a committee bill asking that it have a Judiciary referral. The initial referral will probably go to local government and perhaps to Commerce Committee also.

Meeting adjourned 4:30 p.m.

HOUSE JUDICIARY COMMITTEE  
MINUTES OF THE MEETING  
Friday, January 29, 1971

Meeting was called to order at 3:00 p.m. in the Masonic Temple by Chairman Moran. Present were: Randolph, Meland, Banfield, and Peterson.

Voter Pre-  
Registration

HB-3 - Voter pre-registration - Mrs. Cutler appeared before the committee and was against the bill. She had previously been the Director of Elections and saw many deficiencies in this piece of legislation. (Hillstrand arrived 3:05) Meland asked Mrs. Cutler if she thought this bill would tend to give people the impression that they could wait until the last minute. She answered in the affirmative. She felt that it left room for error, too. (Barber arrived 3:07; Rose at 3:08) You will find more and more that things like count will have to stand up in court, as in the other states. Mrs. Cutler mentioned one area where voters may be disenfranchised in the instance that they were not in their home district during the four days prior to the election but were qualified to vote in all other ways. They are registered Alaskans, but they are not entitled to vote on state senators or representatives even in their own district. She gave an example of Haines for residence and being in Juneau for medical attention. These people would not be entitled to vote. Senator Josephson asked Mrs. Cutler if it made sense to have to register at all. Mrs. Cutler explained that the size of the vote was reduced by the registration requirement. The highest primary vote was 55,000. Seventy-two thousand voted in the primary for City and Borough because their registration carried over from the state and they had a higher vote. With the registration lists, the candidates can contact these people and get their campaign materials to them. Rose asked about the need to require the second registration at the local level. Mrs. Cutler felt that there was nothing to be gained by having local registration. Mrs. Cutler stated that of all the states, Alaska is the most progressive state in the field of elections. Rose moved for the addition of a committee amendment so that state registration would qualify any voter for election in the state. He asked unanimous consent. Banfield felt that this would bring this bill into a different subject matter. She felt that this should be discussed with the local governments before we take any further action. Moran directed Mr. Peterson to prepare a draft for discussion and then we can discuss this further.

HB 3

Claims against  
State

Mike Rose reported that he had received correspondence from interested parties on HB-54 - Claims against state - and would like to present the originals to the chairman. Copies will be made for all committee members.

HB 54

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Security  
costs of civil  
action

Senator Josephson appeared before the committee on his SB-57 - Security in costs of civil action. He explained that this bill provides that if the plaintiff resides outside the state, the court may require the plaintiff to post a bond to secure payment to the defendant for defendant's costs and attorneys fees. There are occasions where the defendant does win and the defendant has to absorb his own costs and attorneys fees. I think we might, as lawyers, question the constitutionality because it discriminates against nonresidents and also resident defendants. This is designed to meet one evil, and that is that in some cases you are not even sure whether your plaintiff is resident or not. Then, on the eve of the trial they come in and require that the case cannot be tried because they have not posted a bond. What this bill does is require the defendant to ask for this bond within 30 days after he finds out that the plaintiff is a nonresident. This passed the Senate without objection and two years ago it passed with a 19-1 vote, and the one vote represented an excused senator.

SB 57

Rose wanted a provision for granting additional time after "showing good cause." Josephson did not want such a provision put in the bill because he wanted a time certain when that would not be a problem. This concluded the discussion on SB-57.

1st Degree  
Murder

Mr. Greg Pappas and the Public Defender in Juneau, Don Craddick, appeared before the committee on HB-47 - First degree murder.

HB 47

Mr. Pappas, from the AG's office, prepared to speak on the House Bill. He did not know that the committee had prepared a substitute. He felt that his comments would be appropriate to either bill. I examined this in its entirety to see if Alaska should keep or abolish the felony-murder rule. Under the commonlaw rule where the idea first developed, it was necessary to infer malice aforethought before the murder. A copy of his notes will be provided for the committee records. He brought that a crime is composed of two parts: act and intent. (Meland left at 4:00) There was some discussion re "mental state of the person doing the killing."

Mr. Pappas noted that in the committee substitute we had taken out "leud and lascivious acts toward a child" as not being a crime that is inherently dangerous. I suggest that about the most heinous offense that one can conceive is a homicide during the molestation of a child. This crime is usually committed by a person who has a mind which does not work in the usual fashion. It is usually committed by a person who may very well adopt violent means and upon someone that is not able to resist. This definitely is a crime that has dangerous tendencies. I would ask that you reconsider deleting this section as I think it rightfully belongs in the Statute.

X

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Mr. Pappas noted that the modern trend is against the felony murder rule. It was abolished in England and the Model Penal Code has reduced it to a rebuttable presumption. He reported that the AG's office is working on a proposed revision, but will make recommendations at a later date. Mr. Pappas made one suggestion that would change the word "firearms" to "dangerous weapon". He is agreeable to adding additional penalties when weapons are used in a criminal act. Pappas wanted to take out the wording where it dealt with killings by the victims or police officers or third persons, but leave in the killings that could be imputed to the felon himself. Banfield felt this was a good suggestion. The other concept left too much undefined and in this, we are putting the tag on the person who actually does the killing.

Moran would like to continue this to another session where we could have the benefit of some additional comment from Mr. Craddick.

Meeting adjourned at 5:00 p.m.

Saturday, January 30, 1971

No meetings were held this day.

Sunday, January 31, 1971

No meetings were held this day.

HOUSE JUDICIARY COMMITTEE  
 MINUTES OF THE MEETING  
 February 1, 1971 - Monday

Meeting was called to order at 3:05 p.m. in the Masonic Temple by Chairman Moran. Present were: Meland, Hillstrand, Banfield, Peterson.

Dist. Judges  
 as U.S. Magis.

Peterson has drafted a committee substitute for SB-64. He was under the impression that we did not want to have the concurrence of the justice of the supreme court to be a condition of the appointment. He did not include that provision. (Barber arrived 3:08 p.m.) Banfield mentioned that the part that bothered her on SB-64 was that the judge could not practice any profession, vocation, or business for compensation. She felt this was too stringent. (Randolph arrived 3:12 p.m.)

SB 64

Sec. for  
 costs in  
 civil suits

SB-57 - Security for costs in civil suits. Moran wanted to pass this bill out of committee. After a brief discussion, the bill was passed out of committee, being signed "do pass" by Moran, Barber, Hillstrand, Meland, Randolph, and Rose. Banfield signed "no recommendation".

SB 57

Intro. of  
 Bills

SB-6 - Introduction of bills. After a committee discussion on the dropping of the executive director of the Legislative Council, Banfield moved it out "do pass". There will be no written committee report. All members voted unanimous consent.

SB 6

Dist. Judges  
 as U.S. Magis.

Further discussion was held on SB-64. Committee members were in agreement that they did not wish to restrict occasional activities or hobbies. They also did not feel that these judges should be restricted from making investments. Moran explained that the original intent of the bill was to permit a judge to be appointed U.S. magistrate. Mr. Peterson concurred that the bill started out as a name change only to conform to federal law. Moran felt that it should be specified that a judge or U.S. magistrated cannot practice law or hold office in a political party. Hillstrand requested that we rewrite the committee substitute precluding practice of law and holding office in a political party. Moran suggested these words: "A district judge, while holding office, may not practice law nor engage in any other business or activity which interferes with the performance of his official duties as judge. A district judge may likewise nothold office in any political party nor ..." (Rose arrived 3:42 p.m.) This was agreeable. Mr. Peterson will write a new committee substitute.

SB 64

X

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Voter Pre-  
Registration

HB-3 - Voter preregistration. Moran reminded the committee that Rose had proposed an amendment showing that one registration should be sufficient for all elections. It was decided that this was not a proper amendment for this bill and should be introduced as a new piece of legislation. The committee did not object so Mr. Peterson will prepare this. The committee decided to delay further consideration of HB-3 until they heard from the Lieutenant Governor or his representative. The meeting was set for Wednesday, February 3, 1971, 3:00 p.m. Thursday we will hear from Mr. Havelock, Attorney General, regarding the Dept. of Law budget.

HB 3

Judges as  
U.S. Magis.

Mr. Peterson has been requested to find out how magistrates are paid, and the rate of pay. (SB-64)

SB 64

Claims against  
the State

HB-54 - Claims against the state. There are others who wish to be heard so a final time will be set for further consideration. Moran will set a time that will allow for 10 days notice.

HB 54

Moran gave review of the remaining bills in committee. He would appreciate it if the committee members would research SB-28 am. - Violent crimes comp. board. We will invite Senator Miller to be here on Friday, February 5, 1971. We have HCR - 1 - Representation, urban areas before us. Mr. Hillstrand is researching this.

Probate Code

Mike Rose is working on the Probate Code (HB-5). He is comparing it with existing law and the Uniform Probate Code.

HB 5

Meeting adjourned 4:15 p.m.

HOUSE JUDICIARY COMMITTEE  
 MINUTES OF THE MEETING  
 Tuesday, February 2, 1971

The meeting was called to order at 3:10 p.m. by Chairman Moran in the Masonic Temple. Present were: Meland, Banfield, Barber, Peterson, and Hillstrand.

Corrections  
 Budget Review

Mrs. Banfield was sub-committee chairman for the Corrections Budget Review. Representing the Dept. of Corrections were: Charles Adams, Director, Div. of Corrections, Dept. of Health and Welfare, and Dick Branton, Administrative Officer, Div. of Corrections, Dept. of Health & Welfare.

Banfield asked them to make a short statement about how their agency operates. Mr. Adams explained that there were five operating divisions within the department and that Corrections was one that handled probation and parole. They have field offices and regional offices throughout the state. We provide correctional services for institutions in the four largest cities and in Nome. They contract with bush jails throughout the state and with the Federal Bureau of Prisons. They also deal with the California Youth Authorities. This division's responsibility is to pick up the offender from the time of sentencing. The departments feels they must provide preventative services if they are to stop the increase in cases. They feel they can truly help juveniles.

(Randolph arrived 3:13) Hillstrand asked about the percentage of total effort that was devoted to imprisonment, rehabilitation, and preventive treatment. Mr. Adams stated they didn't have the budget broken down in this particular manner. He felt they could estimate the percentage devoted to these fields, but they could not be documented figures. Hillstrand felt it was necessary to know the percentages in order to get the final results and know how effective the various programs have been. Banfield restated Hillstrand's question to Mr. Adams. Hillstrand wanted to know if Corrections was going to be using the new system before preparing next year's budget. Mr. Adams expressed his desire to be operating under the new system if his programs were accepted by the new administration. He felt that under this new program that his division would be able to measure the effectiveness of the programs they have in operation at this time.

Moran asked about contracting for services outside the state. Adams said there were a number of factors involved. Sentencing is one factor, but there is also the seriousness of the offense and whether or not we can deal effectively with these persons in the state. The decision is made at the local level and then reviewed in our central office. There is a superintendent or his assistant, one counselor, and a correctional officer in the local facility who make these decisions. The security prisoners still need to be sent outside to the Federal Bureau of Prisons since there are no facilities in the state.

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Page 2

Mr. Adams would like to see the parole and probation program extended to provide better supervision and control. They have requested ten additional probation officers. (Rose arrived 3:27 p.m.) Meland asked if they had investigators and counselors also. Mr. Adams said they had counselors in the institutions, but that the probation officer wore many hats. Correction's case load is twice that recommended as the national average. The committee members asked Mr. Adams the number of additional probation officers needed to meet the national standards. He noted they already had 40 field officers, but would need an additional 35.

Mr. Adams is against the probation program being under the Alaska Court System and believes that the court function is pretty well spelled out and this would confuse the issue. Also, in order to provide a continuing of treatment, it needs to be done under the correction's division. He felt this way because in the court functions throughout the state we have presiding superior court judges. Under this system there would be as many differing probation programs as there were judges.

Banfield asked what programs they had for young adult parolees. He said there had been great progress in furloughing people to educational institutions such as universities and colleges. He related that they were using former offenders in their department and have recommended a continuation. There also is an active volunteer program of citizens in the community. This program, using citizens as volunteers doing the work of a probation officer, is much more effective. These people are trained by the department. In the rehabilitation process a juvenile may get to spend 10 minutes with a probation officer, but several hours with one of the volunteers.

Rose asked about the cost per probation case handled as opposed to institutionalized prisoner. Mr. Branton said that five persons on parole will pay the salary of one probation officer. Mr. Adams commented that the success of the probation program is considered approximately 80% whereas in institutional confinement it is about 50%.

#### Adult Camp

Cost per man per day - \$17.28 to 20.82. This is located at Palmer. Current population 110. Inmates are from all over the state, but mainly from the Anchorage area. This past year vocational training has been started. There are two instructors working with the men in constructing

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another building at that camp. We also have training in forest and park work, especially in training fire fighters. Meland asked if they were paid for this. Mr. Branton related that they get paid on an hourly basis. They get \$1.00 per day for routine work and \$.50 for fire fighting per hour. Randolph asked if there was any criticism on this program. Mr. Adams said there was some opposition. Mr. Moran mentioned the work-release program and told about a lineman who was working for his company on the work-release program. He felt it was very practical.

Mr. Rose asked if Mr. Adams could submit to the committee the number of probationary officers that this division could absorb for the purpose of getting a true picture of what was needed. Mr. Adams will make this material available to the committee.

#### Anchorage Jail

Cost per day per man - \$14.59. There was a comparison made with the cost per day in Juneau. Juneau per day cost is \$26.05. The reason for the large difference is that the facility cost is included with Juneau, but basically, it's the overcrowding of the Anchorage facility.

#### Fairbanks Jail

Cost per day per man - \$18.18. This facility is more crowded than Juneau which accounts for the lower cost per man. The Federal Bureau of Prisons cost per man per day at McNeil Island is \$19.00. Hillstrand asked about what agreements there were for contractual use of outside facilities. Mr. Adams informed the committee of the inter-state correctional compact. This would allow contract between states that subscribe to the compact.

Adams will continue this discussion at another time. He will contact Mrs. Banfield to set a definite date. Mr. Moran reported that Mr. Reeves and Mr. Morrison from the Court System would meet with the committee tomorrow. Mrs. Mason will call the Lieutenant Governor's office to cancel consideration of HB-3 - Voter Pre-Registration.

Before Mr. Adams left, Mr. Barber made a request for the current number of employees and their cost, the recommended number of employees to adequately handle the facilities and their cost. He wanted to correlate the efficiency or inefficiency of the Alaska State Court System. Mr. Hillstrand asked the Corrections Div. to discuss last year's request and what was authorized and also the previous year's request and what they actually spent. Mr. Adams brought out that they didn't have any means to collect this data until just recently

and so they can only go back for a year's time. Rose requested the projection figures for the next five years relative to additional facilities, increased population, etc. Mr. Adams will be happy to provide these figures as estimates, but not actual figures.

Banfield asked Adams how Alaska rated with other states. He explained that we have the greatest potential of any state in the Union. We are only ten years old and therefore have the opportunity to develop a model correctional system. In some areas though, we are behind, but in other areas we are really forward looking.

Meeting adjourned 5:00 p.m.

HOUSE JUDICIARY COMMITTEE  
 MINUTES OF THE MEETING  
 Wednesday, February 3, 1971

The meeting was called to order at 3:10 p.m. in the Masonic Temple by Chairman Moran. Present were: Meland, Randolph, Hillstrand, Peterson, Banfield, and Barber.

Chairman Moran introduced Bob Reeves, Administrative Director of the Alaska State Court System, and Mr. George Morrison, Comptroller of the Alaska State Court System. Mr. Reeves thanked the committee for the opportunity to explain some of their problems.

Court System  
 Budget Review

The court system is entering a new era. Judge Boney is Chief Justice and a very out-going individual. He is concerned about all the people in Alaska. He has instituted new concepts into the system. One of these programs is to take the court to the various communities rather than having the people come to the court. He has been active in providing adequate staff, making courts more responsive to the needs of the people and to the Bar. All these things cost money. Mr. Reeves submitted a letter prepared by Judge James Fitzgerald, presiding judge in the Third Judicial District, summarizing activities of the court in 1970. Copies were provided for all committee members. This letter showed the rapid increase in criminal cases. Mr. Reeves felt personally, from his own investigation, that this increase was directly related to increase in drug use. He mentioned the fact that a person addicted to hard drugs has to steal the equivalent of one color television set per day to support his habit. He feels the increase in civil cases is a reflection of our growing population. He showed a chart showing projected crime increase. When the actual figures were in, the crime rate was higher than the projection.

More criminal cases are going before the court as a result of the services provided by the Public Defender and OEO lawyers, etc. This causes a large increase in the court case load. In Anchorage, they are double shifting, using four judges and juries per day in an attempt to keep up with the work load.

Mr. Reeves explained that they had submitted a supplemental budget to cover the higher per diem rate for jurors from \$10.00 to \$21.00 per day. (Rose arrived 3:23 p.m.)

The committee turned its attention to the court's space problem. There had been a meeting held with legislators to obtain some temporary building space for the courts and Mr. Reeves will investigate this further. He explained how the legal center is being planned for Anchorage. The court system needs 100,000 sq. ft. of space. This will allow room for the Attorney General, increase of Family Court, Public Defender, and the courts all to occupy one building.

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Court  
System  
Budget  
Review

We have been allocated \$3.78 million, and if we are going to have the needed space, we will need more money. Even with the shortage of space, we are asking for four more superior court judges and an estimated ten new district judges. Rose asked if the building was being planned with the thought of expansion at a later date. Mr. Reeves said that the architects had been asked to formulate their plans in this manner. He didn't know if this had been followed up since the actual building is done under the Department of Buildings. He did say that the courts had asked for the condemning of the other two lots in the area designated for the proposed legal center. The architect had also been asked to structure the foundation with the idea that three or four floors could be added at a later time. Barber asked if the plans had been completed or whether any future expansion could be incorporated into the plans. Mr. Reeves explained that that was what he was trying to do now, get all the information he could at this time and then have it incorporated into the final plans. Rose asked if any thought had been given to providing more space than needed and renting to other governmental agencies. If the courts needed further space all they would have to do is vacate their rented offices. Rose felt that the money from these rents could be spent to build more buildings. This is especially true since the cost of construction goes up every year.

Reeves wanted to talk about new programs. He started by showing the committee that the court system is partially self-supporting. They spend about 1 million dollars in rent but put about 2.5 million in revenues back into the state till. He reported that Alaska has the poorest law library in all 50 states. The court system will spend 3/4 million to upgrade the library in the next 3-5 year period. This will be considered capital expenditure. Banfield asked about the law library in Juneau. Mr. Reeves explained that they have plans for housing the entire court system and the law library in one facility as soon as they have the money. This will be a separate structure and not in the Alaska State Complex. In Fairbanks there is a multi-purpose building and they may consider the same type building here. Hillstrand thought this was a good idea, but he opposed the location of the legal center in Anchorage because of the 1964 earthquake. Reeves brought out the point that this was the only land they had available. Rose brought up a new thought relating to error and omission requirements on the part of our architects. He feels this should be required in the future and particularly for this location. Mr. Reeves felt that the Commissioner of Public Works would be better able to answer that question.

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Mr. Reeves reported that he had just received plans for the multi-purpose building in Ketchikan. They anticipate building to begin in the early spring.

Mr. Reeves would like to see the court system upgraded. They now have electronic data processing equipment available for their use and will be better able to control their system. They also have very valuable records that are kept in very odd storage places. Starting with this budget, they plan to set up a complete microfilming system with the thought of having one centralized location in the state for records. Banfield mentioned to Reeves that the state is starting an archival program. He felt this was a fine program, but noted that land records require a different type camera. Moran felt that one good library in the state of Alaska, with a referral system, would be of great benefit.

Court  
System  
Budget  
Review

Another program Mr. Reeves felt was very important was the upgrading of the magistrate program. He explained that 24% of our population are rural and native and the magistrates are the only ones they ever see. It is true we have some highly qualified magistrates, but we also have some drunks, fanatics, and kooks. In a small town this is a 24 hr. a day job and the first thing we would like to do is to get the base salary up to a respectable level. The proposed base salary is \$3,500 per year with increments in proportion to the work load. This can be determined by the records. Secondly, he wanted money to start a training program for magistrates using the Trooper Academy or some facilities of the University of Alaska or perhaps both. He made mention of the bush conference at Alyeska. He will provide copies of this report for the committee members. The purpose in training magistrates is to provide justice for all citizens in Alaska.

The court system has a committee on rules changes. They have requested \$32,700 to hire people from UCLA to work on this. Judge Rabinowitz is chairman. (Meland left 4:10) Art asked whether these rule changes would be procedural or substantive as a number of people doubt that all of the court rules are procedural. Reeves said that was the purpose of the program. He recommended contacting the Chairman of the committee for further information on the program.

Reeves told the committee that we are the only state that has a pure electronic recording service. They no longer use court reporters. They have requested additional funds to improve the efficiency of the machines they now have. All district and superior courts have recording equipment.

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Court System  
Budget  
Review

Mr. Reeves discussed U.S. Magistrate fees. He said it was a flat fee of \$200.00 per year. He said the main concern was conflict of duties. He talked to one such magistrate and found that the main objection was the increasing reporting requirements. Moran asked Mr. Reeves about the committee's suggestion of having concurrence of the Chief Justice for appointment as well as for the appointment of deputy clerk of the superior court. Reeves felt there was nothing wrong with this. He thought it would probably be a good safeguard. There was further discussion on the U.S. Magistrate fees and Mr. Reeves was referred to Title 28, Chap. 43, Sec. 634 of the U.S.C.

Hillstrand recognized the amount specified in this statute as the maximum but that we were talking about a state official serving in this position on a temporary basis. They also felt he should be able to keep his compensation. Rose expressed the thought that our concern was whether or not the magistrate would spend a great deal of time in this work. It was felt that some limit, say \$500.00 over and above his state pay, would be reasonable. Moran suggested having the person appointed subject to the terms prescribed by the Chief Justice. Banfield felt this was a very good idea.

Reeves requested that this year's budget be studied very closely to see that autopsy fees are included in the court system budget rather than the Dept. of Law budget. The court system is preparing a supplemental budget which will show a need for more per diem monies for jurors and for autopsy fees.

Hillstrand asked if the new program concepts would secure justice for all people and whether the backlog of cases would be reduced. Mr. Reeves didn't know whether they could provide faster service or not, but they were hopefully planning for no longer than a 60 day time lapse before a case is tried. Presently it is often longer than a year. Hillstrand expressed a desire to have figures on indication of work load and related cost. He felt that if this material could be supplied to our committee this year and to succeeding chairmen, they could follow the progress of the program better and know if the dollars spend are being effective. This is one of the things Mr. Reeves would like to do and has money for. He now has a comptroller and will be hiring a statistician so these results can be followed.

Moran felt that the Family Court arrangement should be expanded throughout the state. Reeves noted that services to be expanded included court trustees, marriage counselors, and the Family Court. Moran thanked both Mr. Reeves and Mr. Morrison for appearing before the committee.

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Court System  
Budget  
Review

Before they left, Rose asked their opinion on Grand Juries- whether they should be kept for public policy handling and criminal charges should be left to the court system. Randolph asked if justice was better treated now than it was before, since we are spending more money. Reeves felt that the public was getting better service and that people are better informed as to their rights and privileges than in years past. Mr. Reeves mentioned that we are truly facing a crisis in controlling the tide of crime. He had talked to Justice Berger who was very concerned. They also have created a new agency in Washington called the Law Enforcement Assistance Administration. They are trying to help finance the administration of justice in many areas. He doesn't know how we are going to make our system work any better. He feels that in some areas we are getting into the privacy of our citizens.

Art asked Mr. Reeves about the court rule change committee. Mr. Reeves suggested that he get on the mailing list or even attend some of their sessions. Mr. Rose mentioned a new concept. He has been researching a system from New York which authorizes starting legal actions without going to court or filing. This would let the process of discovery go on until the parties reached an impasse. A great number of cases get settled as soon as the complaint is filed. He felt that this was one way to keep a lot of cases out of court.

Moran reported that the committee will consider HB-111, Revisor's Bill, especially Section 5, at Mr. Hillstrand's request.

Meeting adjourned 4:55 p.m.

HOUSE JUDICIARY COMMITTEE  
 MINUTES OF THE MEETING  
 Thursday, February 4, 1971

The meeting was called to order at 3:10 p.m. in the Masonic Temple by Chairman Moran. Present were: Meland, Randolph, Barber, and Peterson.

Dept. Law  
 Budget Review

The chairman introduced Attorney General John Havelock, Deputy Attorney General Tom Wardell, and Roberta Johnson from the Dept. of Law. Moran told these people that they had already talked to Mr. Reeves and Mr. Morrison of the Court System and to Mr. Adams of the Div. of Corrections regarding their budgets. He would like the Dept. of Law to give the committee some idea of what their budget requirements would be. They feel this would be useful to the committee and hopefully they could support them in their efforts.

Mr. Havelock gave a monetary review of his budget. The main increases were in personal services where they have allowed eight new positions, four to be professional, and four to be secretarial. Another big increase in the budget is \$50,000 for the Cook Inlet case. There is \$35,000 in the budget for increased costs associated with travel and contractual services. He remarked that he has suggested two modest reductions; one would be to cut the budget \$2,400 for portable gear, and the other for \$2,500 for office furnishings. There is a need for five new prosecutors in Anchorage. Under the judicial system, when you rise to meet the crisis of increased crime, you tend to increase the criminal statistics because you will have more arrests and will need more prosecutors. He doesn't feel that adding more judges is going to solve the problem in stopping the crime rate. He feels a new approach is needed. He noted Fairbanks as an example where they take alcoholic related crimes and handle them separately. He feels there should be a better program for screening cases. As it is, the policeman gives a citation and brings the case to the D.A. who basically accepts every case that comes to him. He gave contrast of trying a large number of cases and winning 50% or where the program would be changed to practice screening and you would try fewer cases a prosecute about 90%.

Mr. Havelock feels that in the administration of justice, you have to have free interchange between departments. Since 80% of offenders are repeaters, it is necessary to have this cooperation. He gave the example of an average probationer in the Anchorage area who gets five to ten minutes of the probation officer's time per month. This is not rehabilitation. It is not even good supervision. They realize this program is underfunded and they really are not expert in this field. (Rose arrived 3:25 p.m.)

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Randolph had summary budget sheets prepared and asked Mr. Havelock if he would go through them with the committee. Randolph asked him a question regarding his request for 11 new positions and he was only allowed 8. How would this affect his objective? Havelock felt that since he was not starting any new programs he could manage with eight. Mr. Wardell would like to see the positions filled that are presently open and then next year they could put in an additional request if needed.

Moran asked if they had a space problem. Mr. Wardell mentioned they would have been having problems but about mid-year they had acquired some additional space.

Randolph brought up the subject of parking arrangements near governmental office buildings. Mrs. Johnson told the committee that this was not in their department, that it possibly was related to the Div. of Supply, Dept. of Administration or perhaps the Div. of Buildings. She did say that when necessary, they have leased a space or two for top personnel through their department.

Havelock told the committee that he had had his first peek at the Anchorage plans which showed the space allowed for the D.A. and the A.G. The space was on the 4th floor. He noted that the footage allowed is less than they now have in their respective offices. The way this will have to be worked out is to put the D.A.'s office on the 4th floor and to keep the offices we now have for the A.G.'s office. Rose went back to the parking question. He thinks consideration should be given to provide parking for the working people and for the public. He also asked Mr. Havelock about some 1969 or 1970 legislation that provided for a Regulation's Attorney. Mr. Wardell said they didnot have any one particular person in this position. Rose asked if this year's budget contained money for this position. The reason he brought this up was that it had come to his attention that the lack of such an attorney was creating administrative problems. He mentioned particularly the APA and that was the reason this position was legislated. He also had another question for Mr. Havelock. This was relative to comments made by judges, lawyers, newspapers, and the public that in various D.A. offices the criminal cases are not being prepared adequately or they aren't being handled with adequate experience so that many cases are lost or dismissed. Mr. Havelock explained the situation when you become understaffed. This creates a situation that doubles up on you. The pre-trial process gets the lowest priority and therefore is not adequately researched. Being under-staffed, there is no time to develop or prepare the case and the only way you can catch up is to bring in a bigger crew to clear the docket. This is what I have done in Anchorage. The results of this were that the D.A. had 26 pre-trial conferences with the public defender and others and they disposed of all but 3 cases which had to be tried.

Mr. Havelock reminded the committee to do what they could to see that the Public Defender's office was not understaffed. If he is too busy the D.A. will not be able to meet with him. Rose recognized this as a recurring problem and asked if there are any ways to curb it. Mr. Havelock did have a plan. He would like to start a systematic recruiting program but as such is not allowable under the state personnel system. He felt that if he hired 12 people every summer, he could keep the positions filled. As it is now, you fill a position on an ad hoc basis and you can't have true selection and you can't have trained people. Rose felt that with the public desiring better law enforcement that he should be able to get this program instituted. Havelock enumerated the greatest problems in his department: retention of employees, quality of employees and recruitment. He feels that some turnover should be expected. Havelock did not want to see a program of tenure initiated since he feels this tends to restrict flexibility. He thinks the program we have now leads to higher moral.

Moran asked if their department was proficient in condemnation acts. Havelock said no. He has just appointed a new manager-director for that purpose. All last week he was trying to get out of town in order to evaluate the situation in Anchorage. Moran felt there could be some improvements in the process of condemnation actions. He especially objected to the excessive paper work. Mr. Havelock was hoping that the Bar Assoc. would work on this problem. They could work on this to see if there is some way to simplify the process. Rose agreed with this but would also like to see the court system streamlined in this manner -- to stop the excess flow of paper.

Havelock would like to get the court system, Dept. of Law, and Dept. of Health and Welfare working more closely together. His suggestion was to have someone other than an attorney to interview the people involved. The example concerned child support payments where the Dept. of Health & Welfare should be actively involved. They will make further contacts along this line and hopefully they will have successful results.

Mr. Peterson brought up the subject of HB 111 sec. 5 - Bond Election, Voters Qualifications. He asked Mr. Havelock if he had any suggestions. Mr. Havelock stated that this particular provision is clearly unconstitutional. He added that this section was put in for boroughs. Cities have always had the freedom of choice to do whatever they want. The only danger from leaving it in is probably confusing the people because we all recognize our responsibility is to the highest law. Randolph reported that he has the Legislative Affairs office working on a bill which would hopefully make it possible for bonds to be collateralized in some other way rather than with real property.

HB 111

Bond Elect.  
Voter Qual.

X

He feels the people would like to leave the language confusing until they provide other appropriate legislation. Havelock expressed the thought that the courts have allowed the levying of taxes on property, but in the new tax setting they might name some other form of tax.

Moran expressed concern along with Mr. Rose that the committee be informed of the true limitation of the Revisor, with the question of even rewriting the statute.

Moran thanked the Dept. of Law representatives for coming before the committee and extended an invitation to come to this committee if they have any problems.

Mr. Meland asked Mr. Havelock if they were going to have an assistant D.A. for Sitka. Mr. Wardell explained that they got judges where they didn't think they would have them and this was one of the areas they did not expect to get one and now they have budgeted for an attorney and also for office space. They have no firm indication as to the amount of time that the judge plans to spend in Sitka, Juneau, and the outlying areas. They will also need a secretary for this location.

Meeting adjourned 4:10 p.m.

Friday, February 5, 1971

No meetings were held this day.

HOUSE JUDICIARY COMMITTEE  
MINUTES OF THE MEETING  
Monday, February 9, 1971

The meeting was called to order at 3:05 p.m. in the Masonic Temple by Chairman Moran. Present were: Rose, Randolph, Hillstrand, Barber, and Peterson.

Violent  
Crimes  
Comp. Board

Senator Terry Miller, sponsor of SB 28 - Violent Crimes Compensation, appeared before the committee in favor of his bill. He explained that this is essentially the bill as it came out of House Judiciary last year as a committee substitute. He asked the bill to be drafted in this way as he felt it would be more readily acceptable. He feels that the state has a responsibility to help the victims of violent crimes as much as they do for the criminal who has committed the crime. The state provides work training, counseling, and rehabilitation, yet there are no provisions for restitution to "innocent victims". Eight states have laws similar to this. This is patterned after the New York law. There is no way to truly estimate the cost, but from crime figures of last year, it would be in the neighborhood of \$150,000.00. Senator Miller feels that the benefits to the people would be greater than the cost. Another provision of this bill is to make a person eligible for compensation when he goes to the aid of a police officer during the commission of a violent crime. (Banfield arrived 3:10 p.m.) There was discussion among the committee members which covered most of the points discussed by the Judiciary Committee in the second session of the Sixth Legislature. These points were:

SB 28  
am

Whether or not "need" should be a factor. It was not intended so.

Statistics from other states which have this law in force. Senator Miller gave New York, 20 million people, \$400,000.00 for the year of the report as an example.

Do other countries have this type of legislation? There are several that have a plan such as this in operation at the present time.

Why should this not include close family relatives? The purpose of the bill is not to compensate for family feuds. Discussion also included whether or not victims living with the offender should be eligible. It was not intended that they should be.

Restitution provisions. The perpetrator of a violent act should be pressed to pay for his damages.

Would we be discriminating against private parties who carry insurance? The intent of the bill was to cover any costs over and above insurance coverage up to \$10,000.00. Banfield felt the state would be providing free insurance in case you are not privately insured.

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Mr. Miller noted that this was one of the major policy decisions where the Judiciary Committee last year had departed from his bill. He felt the concept of the bill was so important that his personal preference was put in the background. Miller also expressed his feeling of the state's responsibility in keeping citizens safe from harm.

Violent  
Crimes  
Compen.  
Board

SB 28  
am

Banfield asked about a provision that the person would have to do something to protect himself. She felt you place yourself in a dangerous position and then expect the state to pay. Miller explained that maybe we are falling into our own trap - that if you can't drive down the street without locking your door there is a problem that should be corrected. He feels that if you are not violating the law you should be able to walk down the street at anytime. He feels his bill is one way to combat a citizen's fear of his loss of freedom.

There was a discussion about limiting attorney fees to 15%. Miller explained the purpose of this provision. He gave one example. You have a victim whose claim is \$300.00 and then you would have an additional \$300.00 in attorney fees. Two bills from other states had a minimum of 10%, but he had raised it to 15%.

There was discussion as to the type and extent of hearings needed to qualify one for compensation. Senator Miller wanted things to be as simple as possible in order to provide immediate relief to the victim. Moran mentioned that the commission could provide regulations on how to handle these matters. This is what Senator Miller had in mind. Moran directed Art to draft the committee report to show that when we are making reference to regulations, that these will be provided by the commission in an acceptable, simplified form.

Discussion was given to mentioning other crimes than those listed such as arson, riot, insurrection, and malicious destruction. Miller expressed the thought that this is one improvement that the committee should consider.

Moran suggested that all committee members review this bill again so that a responsible conclusion can be reached.

Randolph mentioned that he would like to see sec. 48.58.120 made as severe as possible. Art will check on Alaska law in regard to judgements and report back to the committee with this.

Moran had a copy of a bill prepared for the committee on voter registration. This bill would make the state registration valid in any local municipality or borough election.

Registration  
Voters

HB 163

February 8, 1971  
Page 3

Moran asked if the committee desired to introduce this. (He passed the bill around to the members.) While the bill was being considered by committee members, Chairman Moran called attention to a newspaper article in the State of Nebraska where state law authorized a person to use any force necessary in preventing a crime has been declared unconstitutional. Mr. Peterson was asked to research this to see what effect it would have on our own bill. Rose moved and asked unanimous consent to submit this as a committee bill. Hillstrand objected. Hillstrand's position was that this should be permissive rather than mandatory. General discussion was held and most felt they would like to see uniform voter registration in the state. Banfield called for question. Hillstrand opposed. Banfield, Barber, Randolph, Rose, and Moran voted yes. This will be submitted as a committee bill.

HB 163

Registration  
Voters

HB 111 - Revisor's bill has been returned to this committee at the request of Chairman Moran basically to consider Mr. Hillstrand's amendment to delete sec. 5. Mr. Hillstrand feels that general policy relating to this or any other matter which comes up for revision should not be substantive law change. He feels in this case they are actually passing legislation and thinks it should be taken through the regular legislative process. He feels the public, public officials and legislators themselves should be fully aware of this change and that the only way they can be so informed properly is through separate legislation. This relates to boroughs and service areas within boroughs in regard to bonded indebtedness and liability on the property owner's land. Hillstrand feels that property owners in Alaska should know that this is being changed but has no suggestion as to what they can do about it. Moran expressed the opinion that what Mr. Hillstrand was saying was that he didn't agree with the Supreme Court decision but that as citizens of the U.S. we are bound under these decisions. Art commented that he had prepared a memo discussing some of the legal aspects on whether or not this was a substantive change. Each member has a copy. All this bill is seeking to do is to remove a conflict in the federal law and our state law. Rose suggested in order to make sure that the public is adequately informed that they add a footnote to this section explaining the reason for the change. Another thing they could do is issue a press release from the committee indicating that this bill includes this particular change as a result of the Supreme Court decision. Banfield felt that the press would be alerted as a result of the amendment coming from the floor. Randolph felt that we were acting irresponsibly. He feels that because this leaves confusion in the law that you would gain the attention of those who made the decision in the Supreme Court.

HB 111

Revisor's  
Bill

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Revisor's  
Bill

Randolph moved to amend HB 111 by withdrawing sec. 5. Banfield objected. Moran explained the ways this could be handled. A committee amendment could be offered or it could be retyped as a committee substitute and those who want to make further amendments could make them from the floor. Randolph moved to adopt Mr. Hillstrand's amendment as a committee amendment. Rose objected. Question was called. Barber, Randolph, and Hillstrand voted yes. Banfield, Rose, and Moran voted no. The motion failed. Hillstrand asked that this be held until Mr. Meland could be there to vote. Rose and Banfield felt that if he had any objection one way or the other it could be voiced on the floor. Moran didn't feel that they needed a majority of the committee because this was sent back to them for a purpose - to consider Mr. Hillstrand's amendment. Banfield moved to pass the bill out with individual recommendations. There was no second. Hillstrand moved to adjourn. Barber seconded. Banfield, Moran, and Rose voted no. The motion failed. Mrs. Banfield moved that they pass out HB 111 with individual recommendations. The motion failed in a 3-3 vote. Rose moved to adjourn. No objections. So ordered.

HB 111

Meeting adjourned 5:00 p.m.

HOUSE JUDICIARY COMMITTEE  
 MINUTES OF THE MEETING  
 Thursday, February 11, 1971

The meeting was called to order at 3:08 p.m. by Chairman Moran in the Masonic Temple. Present were: Randolph, Meland, Rose, Barber, Peterson, Hillstrand, and Banfield.

Uniform Credit  
 Code

Mr. Moran introduced a Uniform Credit Code Bill and wanted to know if the committee wanted to enter it as a committee bill. He introduced the representative of the Alaska Bankers Association, who attended the meeting. It was decided to submit it with Mr. Moran shown as sponsor. Mrs. Banfield thought that we should ask for this bill to be returned to our committee. This will be submitted to the Chief Clerk. (HB 174).

HB-174

Revisor's  
 Bill

The next matter of business was consideration of HB 111 - Revisor's Bill. Rose renewed his motion from last meeting to return HB 111 to the floor with the one amendment and not change the original recommendation. Banfield seconded. General discussion was held which reviewed the same line of thinking as listed in the minutes of Monday, February 8. Moran related the possibilities of what would result if Section 5 was removed and the Statute was left as it is. This means that no matter how a bond election is conducted, it will be necessary to go to court. Mr. Peterson gave two examples of such incidents in Arizona and Colorado where the states did not make their statute conform to the U.S. ruling. Randolph asked about the summary of the three cases that Mr. Peterson had. Mr. Hillstrand stated that he had the books and Mr. Randolph could get them from him. Randolph's suggestion was to broaden the tax base by eliminating the need for real property to be used for a bonded indebtedness. He further suggested using sales tax as collateral for the period of the indebtedness. Hillstrand would like to introduce legislation that general obligation bonds of local government agencies will be advertised on the basis of specific limited sales tax collections. These would be limited to the amounts involved in the bond retirement for a term that is only required until payment is fulfilled. Question was called on Rose's motion. Rose, Banfield and Moran voted yes. Meland, Randolph, Barber, and Hillstrand No. Motion failed. Moran asked for a motion to move the bill out "do pass". No motion was made. Moran asked for a motion to pass the bill out with Mr. Hillstrand's amendment. No motion was made. Moran stated that he was going to rule that this was sent back to them for review, and not substantive action. It is his position that it has been reviewed and now it will be sent back to the floor in whatever form the committee members desire. Hillstrand moved the bill to be retained in committee. Banfield objected. Question was called. Barber, Randolph, Meland, and Hillstrand voted Yes. Moran, Banfield, and Rose voted No. The motion carried.

HB-111

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Hillstrand requested permission to draw up a bill to go along with this bill and they both would be submitted at the same time.

Rose felt that this bill should not be held, feeling that he had an obligation to send it back to the floor and be placed before the entire legislature and not just before the few members of a committee. He felt that the concept of "freezing" any bill violates all of the principles of democratic government and the only alternative was send it out with a "do pass" or "do not pass" and sign the report with individual recommendations.

Hillstrand brought up his Conflict of Interest Bill and asked why it had never been taken up.

Hillstrand noted that he did not have a chance to sign HB 111 or take part in the discussion and for that reason Chairman Moran asked that it be sent back to this committee. Moran noted that this was requested back under certain conditions since it was in second reading.

Next order of business was SB 64 - District Judges serving as U.S. Magistrates. Mr. Moran reported a conversation that he had with Judge von der Heydt on this subject. Mr. Peterson has prepared a committee substitute which does not allow for the compensation for services rendered to be retained by the judges. Rose moved that CS SB 64 be passed out of committee with a "do pass". Randolph seconded. Unanimous consent. Mr. Peterson prepared a committee report.

HB 163 - Registration Voters. Mr. Moran asked for referral to this committee so we could write up a committee report. Art will prepare this. There was a motion to move this bill out "do Pass." Seconded by Banfield. Banfield, Moran, Randolph, Rose, Meland, and Barber voted Yes. Hillstrand voted "do not pass."

Mr. Rose made mention of a matter that he thought the committee should consider in the case of execution of judgments. Chairman Moran was passing out HB 172 - Execution of Judgements while Mr. Rose was talking about this. Art explained that this bill covers the problem that Mr. Rose was talking about. Mr. Peterson has a copy of the 19 page notice that is necessary in an execution of judgment. Mr. Moran explained that the purpose of the bill is to be certain that the individual to whom these things are directed has the benefit of a document written in simplified language. Mrs. Mason will contact Alan Compton and Bill Ruddy, Pres. of the Juneau Bar and Also Rick Lauber. She will tell them that we have this under consideration and will allow ten days for comment. If they wish to be heard, they are to let us know and a time will be scheduled.

Revisor's  
Bill

HB-111

Dis. Judges  
serve as U.S.  
Mag.

SB-64

Registration  
Voters

HB-163

Execution  
of Judgments

HB-172

Moran reviewed bills before the committee. HB 97 - Age of Majority - needs some study. This will be scheduled for Thursday, February 18. The secretary will notify Mr. Huber and Mr. Bradner. SB 88- Reapportionment, Alaska Bar Association - committee members should study this proposal.

Mr. Moran announced that the Judiciary Committee will not meet again until next Thursday, February 25. SB 28 am - Violent Crimes Compensation - is scheduled for Thursday, February 25.

Dual Office  
Holding

Hillstrand wanted to submit his Conflict of Interest Bill as a committee bill. After a brief discussion, Hillstrand recognized that this bill, as written, did not accomplish his purpose. He asked for his bill to be returned for re-write so it would be more specific.

The Public Defender's budget will be considered on February 23.

Meeting adjourned 5:05 p.m.

HOUSE JUDICIARY COMMITTEE  
 MINUTES OF THE MEETING  
 Thursday, February 18, 1971

The meeting was called to order at 3:06 p.m. by Mike Rose, Vice Chairman. Present: Meland, Banfield, Barber, and Peterson.

Mr. Rose introduced Mr. Huber, the sponsor of this bill. Mr. Huber had a prepared statement that he wished to give to the committee and then would have a question-answer period afterwards. A copy of his statement is attached to the minutes. Rose commented that he was a co-sponsor of the bill and he had started work on this subject about 10 years ago at a convention of the Alaska Bar Association. It was a resolution to make the age of majority the same for all purposes.

Age of  
 Majority

HB-97

Mr. Garri Constantine, registered lobbyist, P.O. Box 207, Douglas, 18 years of age, high school graduate, now attending Juneau Community College, testified before the committee. He stated that he had testified last year on the age of majority bill. He had similar testimony to give this year. He stated that Mr. Huber had covered most of the points that he was going to make. He wanted to comment on the "boose for babies" portion of the bill. He felt there was too much emphasis being placed on the alcoholic beverage control. He said his real motive in promoting his bill was to give young people greater responsibilities and more opportunities to take part in governmental affairs. He brought out that 18 year old males have the responsibility to defend and fight for their country but they are not able to have full rights as do other citizens of the U.S. He felt that the most important part of the bill was the incorporation section. He also mentioned the legal right of an 18 year old to write his own will. Mr. Constantine felt that 18 was a reasonable age because of the trend of persons reaching this age to leave home, go to college, or be out on their own. They become responsible for their own personal affairs and their property. When they get into trouble their actions are their own responsibility under the proposed law rather than the responsibility of the parents. He felt that the uniformity was going to be one of this bill's greatest assets. He reported that he had talked to the Chief of Police earlier in the day but that he could not attend the meeting due to a prior engagement. The Chief had reported to Garri that 19 year olds were handling the drinking situation very responsibly. (Randolph arrived 3:27 p.m.)

After general discussion and questions by the committee members, it was felt that others should be heard from on this subject. It was suggested that the following people appear before the committee:

Thursday, Feb. 18, 1971

2/18

Richard Meeker - Counselor, The Bartenders Union Rep.,  
Glen Wilcox, Alcoholic Rehabilitation, Robert Burns,  
Governor's Office; Lt. Gov. Red Boucher; Sach Gordon -  
Teen Age Club; District Court Judge; Chief of Police and  
the Commissioner of Public Safety.

HB-97

The secretary will notify these people by letter about  
the time and place for the meeting.

Banfield mentioned the section on bank loans and wondered  
if young people could be considered discriminated against  
because of age in obtaining such loans. She mentioned  
age, sex, and physical impairment and thought that this  
had been put into the law last year. Mr. Peterson could  
not find this in the statutes. Mrs. Banfield will see  
that someone begins work on this and have it put into the  
statutes. She will also ask Mr. Adams of Corrections to  
appear before the committee on this subject.

The meeting adjourned at 4:00 p.m.

MR CHAIRMAN AND MEMBERS OF THE JUDICIARY COMMITTEE I WOULD LIKE TO TAKE A FEW MINUTES YOUR TIME TO SPASK IN FAVOR OF THE PASSAGE OF HOUSE BILL 97 THROUGH THE JUDICIARY COMMITTEE. THIS BILL CAN BE REFERRED TO AS MANY THINGS AND ALREADY HAS ~~XXX~~ THE MOST UNFLATTERING ONE WHICH I HAVE HEARD IT CALLED IS THE BOOZE FOR BABIES BILL WHICH IT IS NOT AND I WOULD ASK OF THIS VERY WELL QUALIFIED AND HONARABLE COMMITTEE THAT YOU NOT LET SUCH NAMES OF RIDICULE ATTACHED TO THE BILL BY ITS OPPONENTS INFLUENCE YOUR JUDGEMENTS ON ITS MERITS. ONE OF THE THINGS WHICH THIS BILL CAN BE REFERRED TO IS A HOUSEKEEPING BILL WHICH IN A SENCE IT IS , BECAUSE IT VERY SIMPLY SETS OFF THOSE THINGS OF WHICH THE LEGAL FABRIC OF ~~XXX~~ ADULT HOOD IS WOVEN. I ASK YOU TO CONSIDER THAT THE BILL IS VERY NEARLY UNIQUE IN THAT THE INDIVIDUAL THREADS OR PARTS THAT GO INTO MAKING UP THE BILL ARE NOT INDIVIDUALLY DEFENSIBLE OR IN ALL CASES COMPLETELY DESIRABLE , BUT TO REMOVE ANY ONE OF THEM WILL LEAVE A HOLE ~~XX~~ ~~XXXXXXXXXX~~ IN THE FABRIC OF WHICH OF WHICH ADULT CITIZENSHIP IS WOVEN. THE BILL IS EVEN A BIT MESSY WHICH IS PROBABLY AS IT SHOULD BE , AND CAN CERTAINLY BE EXCUSED , AS THE AGE OF MAJORITY IS THE BIRTH OF A NEW AMERICAN CITIZEN , <sup>AS,</sup> JUST AS SURE AS THE MESSY ACT OF BIRTH 18 YEARS EARLIER GAVE US AN END TO GESTATION , AND THE BEGINNING OF INFANCY , SO THIS BILL IF IT BECOMES LAW WILL END CHILDHOOD WITH THE BIRTH OF A NEW ADULT CITIZEN ON HIS 18 TH . BIRTHDAY. GENTLEMEN THERE IS NO DIFFERENCE IN THIS BILL THAN THE ONE THAT WAS PASSED LAST YEAR IN FACT THIS IS THE IDENTICAL BILL WITH ONLY ONE CHANGE THAT CHANGE SIMPLY THE SUBTRACTION OF ONE YEAR FROM LAST YEARS BILL EVERTWHERE THAT AN AGE APPEARS. . YOU MIGHT WELL ASK WHAT PROMPTS THAISE BILL SO SOON AFTER WE JUST CHANGED THE AGE TO 19 LAST YEAR . THE ANSWER IS SIMPLE THE GRANTIG OF FULL MAJORITY TO OUR 19 YEAR OLDS WAS INTENDED BY THE CONSTITUTION WHEN IT WAS DRAWN IT SIMPLY TOOK US TOO LONG TO IMPLEMENT AND MAKE THIS INTENT LAW. NOW OUR CONSTITUTION AS RATIFIED BY THE PEOPLE LAST AUGUST GIVES OUR 18 YEAR OLDS THE RIGHY TO VOTE THE ELECTORATE AGREED WITH THE LEGISLATURE AND NOW THEY VOTE . I MIGHT ADD INTELLIGENTLY TOO AS WE HAVE A YARDSTICK TO MEASURE THEIR PREFORMANCE AT THE POLLS LAST ~~DECEMBER~~ NOVEMBER WHEN THEY VOTED THE FIRST TIME. THE 18 YEAR OLDS RECEIVED THE VOTING PRIVLEDGE YOU WILL RECALL ON AUGUST 25 ) NEW PRE REGISTRATION LAW ASSURED THAT THE LARGEST NUMBERS OF QUESTIONED BALLOTS WOULD BE THESE NEW REGISTRANTS PREDOMINANTLY 18 YEAR OLDS . IF YOU WILL TAKE THE TIME TO ANALYZE THE FINAL RETURNS YOU WILL FIND THAT ~~THE~~ <sup>THEY</sup> BY AND LARGE VOTED FOR THE WINNERS OF THE ELECTION

I AM SURE MR CHAIRMAN NONE OF US HERE TODAY WISH TO QUESTION THE MATURITY OR ACTIONS OF  
THE ELECTORATE AT LARGE WHO PLACED US IN THE OFFICES WHICH WE OCCUPY.;; OUR YOUTH TODAY ARE  
READY AT AGE 18 TO ASSUME THE FULL DUTIES AS WELL AS RESPONSIBILITIES OF LEGAL MAJORITY  
THEY ARE IMPATIENT ~~XX~~ WITH OUR RELUCTANCE TO CUT THEM LOOSE FROM OUR APRON STRINGS,  
AND THEY ARE CRITICAL AND RIGHTLY SO WITH THE HIPOCRACY OF A SOCIETY THAT DENIES THEM  
THE RIGHT TO BE FIRST CLASS CITIZENS WHILE REQUIRING THEM TO ~~XXXXXXXXXXXXXXXXXXXXXXXXXXXX~~  
TO FIGHT AND DIE ON THE BATTLEFIELD OF A FOREIGN WAR ON FOREIGN SOIL IN AN UNDECLARED WAR.  
AT AGE 18.

TU

HOUSE JUDICIARY COMMITTEE  
MINUTES OF THE MEETING  
Friday, February 19, 1971

The meeting was called to order at 3:07 p.m. by Chairman Moran in the Masonic Temple. Present were: Barber, Rose, Banfield, Meland, and Peterson.

Reapportionment of ABA Board of Gov.

Mr. Moran introduced Rick Lauber, who was here to be heard on SB 88- Alaska Bar Association. The purpose of the bill is to better reflect the distribution of attorneys in the state. Mr. Lauber was in favor of this bill. He brought out that there was talk that if this legislation was not passed some of the attorneys would take this to the courts. Mr. Rose recognized that this might be possible and felt that present distribution of the Board of Governors could be constitutionally challenged. Approximately 65% of the state's attorneys are in the Anchorage area. Moran stated that the members of the Bar had endorsed this proposal. Mr. Lauber didn't feel that this bill affected the general public but that practicing members of the Bar felt it important. (Randolph and Hillstrand arrived 3:18 p.m.) Rose moved passage of SB 88 with a do pass and asked unanimous consent. No objection. So ordered.

SB-88

Wait/bev serving

The next item of consideration was HB 168 - alcoholic bev/waitress serving. The bill would delete the requirement of waitresses obtaining permits to serve alcoholic beverages through the Alcoholic Beverage Control Board. Mr. Moran questioned why there was a provision that waitresses should not solicit drinks. He feels this should include any person. Mr. Rose stated that the sentence that remains was Helen Fischer's B-girl bill. This sentence was added to stop this racket. After discussing the contents of the bill it was decided to hold this bill until Mrs. Fischer could appear before the committee. Mrs. Banfield felt that there were two issues involved: one was the inconvenience in hiring women and secondly, the cost of the permit. Meland asked whether the Union discriminates against women within the Union. Mr. Barber mentioned that in their committee meeting with the ABC Board discrimination had been discussed. Moran suggested that they take out the portion requiring a waitress to be a U.S. citizen. Hillstrand asked what date we could hear from Mrs. Fischer. Mrs. Mason will notify Mrs. Fischer that we would like to hear from her on February 23rd.

HB-168

Age of Majority

Mr. Rose announced that further hearings on HB 97 - Age of Majority - had been set for March 1, but after consulting the calendar, moved the date to Wednesday, March 3. Mr. Moran also noted that on March 2 we will be having a joint hearing with Senate Judiciary Committee on Judicial Council proposals. We will probably consider expanding court room space.

HB-97

Revisor's  
Bill

Mr. Moran brought <sup>up</sup> HB 111 - Revisor's bill, and had been contacted by Bill Fritz about Workmen's Compensation problems in this bill. The word "dependent" had been left out before the word "child". Mr. Peterson explained that there is a definition clause that shows child as being dependent. Mr. Fritz felt that this should be inserted to make the law more easily understood. Mr. Peterson felt that last year's expressed intent of the bill by referring to the Governor's message that the legislative intent would be quite clear, but if the committee believes that it would avoid an argument we could insert the word "dependent" in the appropriate places. Randolph noted that HB 98 - Workman's Comp., was on the floor this morning and it contained the same language as the revisor's bill. The secretary was instructed to obtain a copy of HB 98. In the interim, HB 196 was discussed.

HB-111

Human Rights  
Commission

This bill increases the size of the Board on Human Rights Commission. Mr. Rose is one of the sponsors of this bill. Members of the Board wanted the number increased so they could do more work. Mr. Rose didn't study the question in detail but since the present members of the Board wanted this, and Willard Bowman knew about it, he assumed that this was a good enough recommendation. He felt their concept of hiring an attorney for their commission was a good one since they have to depend on the AG's office and it is generally understaffed or too busy. Banfield mentioned that other agencies of the state have not been able to obtain such services. Mr. Peterson said that usually agencies are assigned to have someone in the AG's office do their particular work. Moran felt that what this bill allows is that the Human Rights Commission can hire an attorney on its own without any reference to the AG's office. Moran is going to defer action on this and notify the AG that we desire his comments. We will also request Mr. Bowman to appear to explain the problem. This will be scheduled for Wednesday, February 24. Mrs. Mason will notify Mr. Havelock and Rep. Bowman.

HB-196

Civil  
Liability

Mr. Moran reported that HB 40 - Civil Liability, for which we had prepared a CS, was going to be before the Senate Judiciary committee and that Mr. Moran had been requested to appear. Mr. Peterson reported that the Nebraska case was in the file.

HB-40

Dis. Judges  
as U.S. Mag.

There was a report on SB 64 - District Judges serving as U.S. Magistrates. Merdes said he would ask the senate not to concur and send it to free conference committee. It reflects his idea that it isn't wrong for Dist. Judges to retain fees for services rendered.

SB-64

Revisor's  
Bill

Mr. Moran reviewed HB 98 in comparison to HB 111 on page 11. HB 98 deleted "under the age of 19". There are two other places where the same wording appears. Moran wondered if any comments had been received from Mr. Fritz as the word "dependent" did not appear in HB 98 and this is the same as the Revisor's bill. Hillstrand stated that he was interested in this because he was having HB 111 replaced with a new bill and he did not want it submitted with this mistake. He said that HB 111 is dead as it had been indefinitely postponed. Moran reviewed Mr. Hillstrand's request that the committee come out with a CS deleting Section 5. Hillstrand said that he was not requesting a CS, but was submitting an entirely new bill. He would like the bill to be submitted by the committee. Rose suggested another alternative. This was to take the original HB 111 and reintroduce it with a different title and a new number and refer it to another committee. There was a discussion on parliamentary procedure. Hillstrand then moved and unanimous consent that the new bill he proposed replace HB 111 which is identical except for deletion of sec. 5 and that this be reported out as a committee bill. Moran was in doubt as to the propriety of the previous two motions and ruled the motions out of order until he could confer and get a ruling from the Rules Chairman.

HB-111

Drugs

SB 65am - Drug Prescriptions, was distributed.

SB-65  
am

Estrays

HB 11 - Estrays. The sponsor does not want to consider this as yet.

HB-11

Moran previously handed out SB 65am and feels it would be helpful to have Senator Thomas appear before the committee relating to the purpose of this bill. Mrs. Banfield requested that we have a druggist appear also. Mr. Hillstrand submitted a letter that was opposed to this legislation. The letter was from the Ketchikan General Hospital staff.

SB-65  
am

Notary Public

Discussion was held relative to residency requirements of a person to be commissioned as a Notary Public. The question was how to define "resident." The AG's office felt that residence would require one year physical presence in the state; A citizen of the U.S. and at least 19 years of age. Banfield and Moran wondered why it was necessary to be a resident and gave some examples. Rose felt that persons had a little more protection if authorized notary public were to have been in Alaska at least one year. Moran requested Mr. Peterson to draft this showing that a person is living in Alaska and must maintain residency in the state or else give up his commission.

Dual  
Office  
Holding

Hillstrand offered the Chairman a proposed amendment to the Constitution relating to dual office holding. He modified his last proposal and this is what he is submitting in place of the first. This adds local government service to the existing law.

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Page 4

2/19

HB 104 - Log Branding, was distributed.

HB-104

Meeting adjourned 5:05 p.m.

HOUSE JUDICIARY COMMITTEE  
MINUTES OF THE MEETINGS

No meetings were held the last week of February.  
February 22-26, 1971.

The House was not in session on Wednesday and Thursday  
to attend the Pipeline Hearings in Anchorage.

HOUSE JUDICIARY COMMITTEE  
MINUTES OF THE MEETING  
March 1, 1971

The meeting was called to order by Chairman Moran at 3:15 p.m. in the Masonic Temple. Present were: Hillstrand, Peterson, Meland, Randolph, Banfield.

Chairman Moran distributed F.Y. 1971 Alaska Comprehensive Criminal Justice Plan, Proposed Uniform Consumer Credit Code, and Court System Supplemental Request Summary on HB 226 - Alaska Court System. He announced that we would be meeting in joint session with the Senate Judiciary Committee with the Judicial Council tomorrow. It will probably be held in the Governor's Conference Room. He will announce this at the close of the session tomorrow.

Court System  
Supp. Approp.

HB-226

HB 226 - Alaska Court System supplemental appropriations. The Chairman asked whether the committee wished to waive referral or to conduct an in-depth study. Hillstrand felt that we should send it out and get it to the Finance Committee as soon as possible. General discussion was held on the contents after which Banfield moved the bill out "do pass." Question was called. Hillstrand and Randolph voted No. Banfield, Moran, and Meland voted Yes. Rose arrived later and signed Yes.

" " " "

Drug Pres.

Mrs. Banfield asked the Chairman to set another date for considering SB 65am - Drug Prescriptions. This was set for Wednesday, March 3rd.

SB 65  
am

Human Rights  
Commission

HB-196 = Human Rights Commission. Chairman Moran introduced Mrs. Lisa Rudd, former member of the Human Rights Commission, and Willard Bowman, sponsor of the bill. Mr. Bowman gave his presentation in favor of the bill. He had talked with several members of this committee about hiring a full time attorney and he would like to give some background to support his request. He was Director of this commission for over 6 years and this was one of their main problems - not having an attorney available when needed. The reason for the request for increased membership was due to the make-up of the commission. In the beginning there were 2 members from Anchorage, one from Fairbanks, and one from S.E. Alaska. There weren't any problems on meeting once every three months. At the present time, there are members of the commission from small outlying areas such as Angoon. This, along with seasonal work problems makes the gathering of a quorum difficult. Governor Egan was agreeable to the change. It takes about one year for the members to get acquainted with the workings of the Commission.

HB-196

Human Rts.  
Comm.

HB-196

They were requesting an attorney because they have never been able to bring a complaint to a public hearing for lack of the services of an attorney from the AG's office. Mr. Bowman recognized the feeling that could develop if the Human Rights Commission were allowed to hire their own attorney and had no objection to using an attorney from the AG's office but would like to have it spelled out that they would get his services when needed. Mr. Meland asked why it was necessary to have a full time attorney. Mrs. Ruud noted that if committee members could look at the complaint file they could see why a full time attorney would be needed. Hillstrand asked, if money was a problem, why they couldn't select 3 from the Anchorage area and 2 from Fairbanks. Mrs. Ruud said that the purpose was to take into count geological and ethnic groups throughout Alaska to be on the Commission. This was another reason for requesting the increase in membership.

Mr. Bowman gave the outlined procedure for taking problems to the Commission. Complaints are investigated and if found to be legitimate there is an effort made towards conciliation. If this is unproductive, the Commission holds a public hearing with the results being sent to the Superior Court for filing. It is at this point that they need an attorney. (Rose arrived 3:42 p.m.) Hillstrand asked Mrs. Ruud if there would be more claims if membership were increased. She felt this would be the case. Mr. Bowman stated that out of 100 complaints there would be 10 valid claims and out of these, three would go to a final hearing. It is after a hearing that the Commission issues an order to cease and desist from these certain objectionable practices. If the party does not comply with this order it goes to the Superior Court who has a record of the case. They are then given a certain amount of time to comply. Rose asked why this Commission did not act as others do under the APA Act. Mr. Bowman brought out that the policies, rules and regulations as adopted by the Commission when first instituted, set out the procedures under which they function. It does not operate on exact rules of evidence as applied to the Court of Law.

Banfield asked the AG's representative to give his presentation. He expressed Mr. Havelock's regret at not being present due to other commitments. Mr. Bradley said that their office had no reservations about providing services to the Commission. It has been found desirable to have all attorneys working out of the same office rather than having each agency hire their own attorney. Mr. Havelock would like to have the attorney in their office but be delegated specific assignment.

March 1, 1971

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Human Rts.  
Comm.

Mr. Bradley felt that if an attorney were assigned to the Commission on a full time basis that this would result in his taking part in policy making. We try to keep the attorneys free from this. Bowman's reaction was that he didn't feel he would get the service needed from the Ag's office and felt that it should be spelled out that it was the intent of the Legislature to have a certain person assigned to the Commission who would develop expertise in this area. Ms. Ruud made further comments. Since the Human Rights Commission is one of the few Commissions that has enforcement powers and can hold hearings and issue orders, she feels it is necessary that an attorney be assigned whether or not this person is located physically in the AG's office. She felt that enough work would develop for the person to persue the really tough problems in the Human Rights field. Randolph asked what areas she felt were being neglected. She related Education, employment, and hiring practices.

HB-196

Mr. Bradley stated that he didn't know what other administrations had done for the commission but that this administration would do all they could to help them.

It was decided, after further discussion, that Mr. Peterson and the Dept. of Law would cooperate to draw up the proper language to show that the Human Rights Commission would have the services of an attorney.

Discriminatory  
Practices

HB 197 - Discriminatory Practices. Mr. Bowman brought out that there have been problems where a person absolutely refuses to offer his services to a customer because of race, etc. In this case he mentioned a Barber. If you are offering services to the general public then you should offer your services to everyone. Banfield asked who would decide these issues. Mr. Bowman brought out that it would be the Commission who would investigate and then they would go to the licensing board of the type business involved. This board would call the offending party before it and decide what action would be taken. Rose questioned whether or not this would be considered being tried twice. After line by line consideration of this bill, Mr. Peterson was instructed to prepare a committee substitute. The new material will be presented to the present Director of the Human Rights Commission and to the AG's office.

HB-197

Meeting adjourned 5:30 p.m.

HOUSE JUDICIARY COMMITTEE  
MINUTES OF THE MEETING  
Tuesday, March 2, 1971

Meeting was cancelled today to attend joint meeting with the Judicial Council. Senate Judiciary also attended. This meeting was held in the Superior Courtroom, Fifth Floor, Capitol Building.

HOUSE JUDICIARY COMMITTEE  
 MINUTES OF THE MEETING  
 March 3, 1971

The meeting was called to order at 3:10 p.m. by Chairman Moran in the Masonic Temple. Present were: Banfield, Meland, and Randolph.

Age of  
 Majority

Mr. Moran introduced Justice Dimond, the first witness for HB 97 - Age of Majority. He explained that his testimony would deal more with his personal experience rather than work related experiences as he does not deal with the youth to a great extent. He hasn't noted any bad effects or for that matter, any good effects, of changing the age of majority from 21 to 19. He made one observation that in his dealings with young people, he feels that 18 year olds today are more mature than he was at the same age. He feels they are mature enough to assume adult responsibility. He was in favor of passage of this bill. (Rose & Hillstrand arrived 3:15 pm.)

HB 97

Judge Stewart was the next witness. He expressed his appreciation for the invitation to appear before the committee. He did not have any firm ideas about the bill itself and was unable to report on the impact of changing from 21 to 19. He suggested that this information should probably be obtained at the district court level. He thinks personally, from his own experience as a father of 7 children, having 1 child in this age bracket, that this was a very awkward time of life. You don't fit in with school life and you don't fit in to adult activities. Any particular age would be arbitrary but it is desirable to have a consistent age for all purposes. The voting age was made 18 and it seems that the age of majority should be the same. This will affect people in the area of child support. There may be a financial impact on separated families. His only objection was that he felt there may be problems in the school community if the age is lowered to 18. After a question/answer period Judge Stewart brought out that Judge Butcher sees the need to develop an age of marriage at a higher figure because of the high divorce rate. The Chairman reported that he had submitted a bill to Judge Butcher in regard to this marriage problem and as soon as he returns it, it will be submitted. (Peterson arrived 3:30 p.m.)

Mr. Peterson asked Judge Stewart how he felt about Section 10, page 3 concerning punishment for rape and wondered if this would be a conflict in the statutes. Judge Stewart considered the matter and felt that paragraph (b) could be omitted. Rose moved to strike section (b). Moran deferred action until all the testimony had been heard.

Judge Stewart, after further consideration, felt that perhaps this section should be retained because it may take away the Judge's prerogative to issue a waiver.

HB 97

Age of  
Majority

The next witness was Sgt. Kamm of the Juneau Police Dept. When the voting and drinking age was going to be lowered he was not personally in favor of it. It appeared that there would be a lot of trouble from the young people in the bars. From the experience in the Police Dept. he reported that it was almost a shock to find that there has been very little trouble with this age sector. In his own experience and in conferring with staff and other officers of the dept., it has been shown that there have been very few arrests in this age group. They do not see any difficulty in lowering the age of majority to 18. The youth of today is better educated and therefore more adaptable to change. John Huber made a comment at this point. He related that he had earlier testified in this respect since in his profession he is a radio man for public safety and knows the thinking of the police chief and also the experiences they have had. He asked Sgt. Kamm if he had had contact with the Fairbanks Police Dept. Sgt. Kamm stated that he had not discussed this with members of the police force in Fairbanks. He explained that he did know the position taken by the Alaska Police Officers Assoc. and that they were against the bill.

Zach Gordon, Teenage Club Director, was the next witness. He submitted a prepared statement for the record. He feels this is a wise bill and that he has been guided by two basic principles; to treat youth with deep respect, and accept them as they are with the hope that you will be able to help them improve.

Glen Wilcox was the next witness. He is coordinator of Alcoholism. He stated he had little to add since he had appeared before the committee last year and his testimony was primarily the same. There has been a noted decrease in the number of persons charged with possession of alcoholic beverages. He expressed the thought that acceptable drinking behavior was the desirable objective without respect to any particular age. The Div. of Alcoholism hopes to see all states lower the age to 18 and at some time in the future see all age limits abandoned. This is done in other countries.

Lt. Governor H.A. Boucher appeared before the committee in favor of HB 97. He wanted it understood that he was not presenting the Administration's position. He felt it was wise, as Director of Elections, to allow 18 year olds to vote. He felt they responded well to the Government by exercising their right to vote. He does not like to see the emphasis placed on the booze. He doesn't feel that the drinking aspect should be the barometer of

Age of  
Majority

whether or not the young people are responsible. He is particularly concerned with getting alcohol-related problems out of the law enforcement division and hesitates to help promote more of this problem. The age of 21 was established back in the days of King Arthur and between then and now the young people have gained sufficient strength to handle their own problems. He feels that the main topic for discussion is really the level of awareness of humans and of when this is reached. Mr. Boucher mentioned SB 94, the Governor's Youth Involvement Program, and expressed the opinion that we need what youth has to offer and we want to offer them the opportunity to express themselves. Hillstrand questioned Mr. Boucher on the point of marriage and he wanted to know what the relationship in age of consent with parental approval to capability of earning a living should be. He felt that young people would begin making a living as soon as society would allow them the opportunity. Hillstrand then mentioned the age limit for hiring in certain occupations. Mr. Boucher answered this by showing that the working age level was established in child-labor days when all the family was needed to make a living.

HB-97

Next witness was Commissioner Emery Chapple of the Dept. of Public Safety. He began his testimony by saying that his testimony would be original but he had already heard similar comments presented so he would like to testify first as a policeman and secondly as having raised two daughters. As a policeman, he could only enlarge on what Sgt. Kamm had said, ie. there was apprehension when the drinking age was first lowered. Experience proved it to be groundless but there was a decrease in minor on premises and minor in possession. He does not feel there will be a problem if the age is lowered to 18. He felt more emphasis should be placed on qualifications of a juror and whether or not they should be allowed to enter into business. There was some discussion about girls being employed as waitresses, barmaids, and go-go dancers at 18. Chapple felt that two more years would give them more knowledgeable insight into their surroundings. Huber asked to comment at this point. He felt that the Commissioner was aware of something that not every member was, and had some copies of information to distribute to all committee members from the Director of the Alcoholic Beverage Control Board. This discussed a conflict in the present law which will be eliminated if HB 97 is passed. He submitted this material for the record in favor of this bill.

Mr. Richard Meeker, Director of Counsel and Guidance, and Mr. Vern Larson, Principal of the Juneau-Douglas High School were the next witnesses. Mr. Meeker felt that 18 was no longer a natural barrier since the school is under pressure to speed things up and it will not be too long before 16 and 17 year olds will be going off to college.

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Age of  
Majority

He had no objection to a girl reaching the age of majority at 18 but did not feel that a male could make proper decisions at this age. This was based on the "chemistry of adolescence." He did not feel a young male could exercise mature judgment at this age. He objected to the 18 year old age also because of the conflicts it will cause in the home. At the present time most of these people are housed or supported by their parents. He is opposed to lowering the age. Meeker felt that the young people were mainly concerned with booze and voting. He felt that most young people were in favor of the bill but they truly did not understand the responsibilities placed upon them. Mr. Larson wanted to leave the impression and convey the thought that he agreed with what was said by the former witnesses. He has great faith in the youth with whom he deals in the high school. As a group, he feels they will be as good or better citizens than we who set the example. He is definitely concerned with the drinking as it relates to the 18 year old. The senior class is composed of about 1/2 18 and 1/2 17 year olds and he felt it would be an administrative problem for the school. There would have to be two different sets of standards - one to deal with a person reaching the age of majority and one for the minor. He is especially concerned in this regard because too much of his time is involved in booze and narcotics. He feels that this will be an avenue of access of liquor for the younger students through irresponsible 18 year olds.

HB-97

Mrs. Banfield asked if Mr. Larson could foresee any problems with 18 year olds dropping out of school. He did not think so. Rose asked if there was much smoking among students. Mr. Larson's answer was yes. Rose then asked if there was a problem of drinking on school premises. Larson said yes and lowering the age to 18 would only increase the problem.

Mr. Meland suggested that this bill be discussed with students in the high school in order that they be made more aware of the full implications of this bill.

Meeting adjourned at 5:30 p.m. The hearing will be continued tomorrow at 3:00 p.m.

HOUSE JUDICIARY COMMITTEE  
MINUTES OF THE MEETING  
March 4, 1971

The meeting was called to order by Chairman Moran at 3:15 p.m. in the Masonic Temple. Present were : Peterson, Randolph, Meland, Banfield, and Rose.

Age of  
Majority

Further testimony was taken on HB 97 - Age of Majority. Butch Swartz was the first witness. He is studentbody president of the Juneau-Douglas High School and is also a lobbyist. He would like his testimony to be considered as from a 17 year old boy. He felt that too much emphasis had been placed on the drinking issue. An argument presented in the testimony yesterday by the school was the division in age by having 50% each 17 & 18 year olds. He brought out that most of the students would be turning 18 in the last month of the school year. He didn't feel this would make any difference as to the amount and availability of alcohol to those under 18. He felt that most 18 year olds were mature enough to handle the responsibilities of citizenship and is in favor of this bill. He felt that uniformity was necessary.

HB-97

Peterson noted that Sec. 12 should be proposed as an amendment to HB 111. Chairman Moran complimented the witness for his presentation. Mr. Huber wondered if the Chairman could make arrangements for Butch to be a legislative assistant. Mr. Moran appointed Butch as House Judiciary Committee representative on youth affairs of the state to work with Mrs. Banfield. Butch thanked the committee for hearing his testimony.

Tom Biss testified in favor of the bill. He felt that since the federal government has passed the law that 18 year olds can defend their country, they should be able to make other decisions. Mr. Randolph mentioned that he felt it important that all persons affected by this legislation should be fully informed. He reported that he had sent bills to some high schools today and will see that all high schools get copies of this bill. Mr. Rose felt that a memo could be prepared outlining the purpose of the bill to be distributed to all government classes and let the teachers discuss with the students.

Skip Burns was the next witness. He appeared in favor of the bill and gave his presentation to the secretary for the record. He feels that the most important thing that must be maintained is uniformity and that such laws that are passed must also be enforceable. He did disagree with paragraph (b) of Sec. 11.15.130 and also a small part of sec. 34 (d). He said that he would be content if the age were 21 as long as it was 21 all the way through.

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Age of  
Majority

The next witness was Lou Ann McVey. She urged committee members to support this bill. She feels that 18 year olds are mature enough to take on these responsibilities. She felt it was necessary to get the age lower to 18 because many young people are out of high school, attending college, or working away from home and if they get caught up in anything illegal their parents are responsible.

HB-97

Clarence Tipton was the next witness. He appeared in favor of the bill. He did not go into the details of his testimony as it would be a repeat of previous testimony. He did relate the facts about a poll taken at the high school. This will be included in a position paper to be presented to the committee next week. He did say that he had contacted owners of the bars and liquor stores and most said they were in favor of the bill.

Mr. Moran thanked all the young people for appearing before the committee. The last witness was Skip Gray, representing himself. He was a member of the Alaska Conference on Youth and attended the Conference on Children. He thinks one of the greatest problems is the development of a four party system - Democrats, Republicans, Independents, and Youth. He suggested the reading of the book titled SUMMERHILL. It gives the feelings of young people. He felt that if young people were allowed to progress at their own rate instead of being forced into different thoughts and values, you wouldn't have the problems you have today. Mr. Huber recommended a book to the young people to read - The Crime of Punishment by Menniger.

Mr. Moran reported that we had heard from all the witnesses except Mr. Nordenson and he will submit a statement. Rose moved to report HB 97 out "do pass" recommending and asking unanimous consent. Banfield, Randolph, Meland objected. Moran noted that they had several amendments to consider before action on the bill. Further action will be taken on this measure tomorrow and if any witnesses have suggestions for amendments they should submit them before 3:00 p.m. Friday. Mr. Huber asked that they act on the bill and not hold it for further testimony. He would like to see the bill passed this legislature and feels that if it is held until next session it will become a political issue. He made one last comment on whether youth of today were more mature than we were at that age and said that they should say "on the average." Rose asked to have an adequate amendment drafted replacing Sec. 11.15.130 (b) showing that punishment should be administered under 47.10 - Juveniles. Mr. Peterson was so directed.

Meeting adjourned 5:05 p.m.

HOUSE JUDICIARY COMMITTEE  
MINUTES OF THE MEETING  
March 5, 1971

The meeting was called to order at 3:15 p.m. by Chairman Moran in the Masonic Temple. Present were: Randolph, Peterson, Rose, and Banfield.

Physical Exam  
Non-res. emp.

Mr. Moran informed the committee that he had made an agreement with Joe McGill to take up HB 186 - Physical Examinations/non-residents prior to employment. Mr. McGill stated that he was not going to go into details of this bill, but that physical examinations of non-resident employees is now under the dept. of Health and Welfare. They are unable to enforce this and this bill places it under the Dept. of Labor. Several amendments were proposed and in the final analysis, Mr. Peterson was requested to prepare a committee substitute. This will be ready for our next meeting. Randolph moved the bill out do pass. No objections. So ordered.

HB-186

Revisor's  
Bill

HB 111 - Revisor's Bill -- it was moved and asked unanimous consent to move this bill out of committee. Banfield, Rose, Meland and Moran signed do pass. Rep. Randolph recommended deletion of entire Sec. 5. (Meland arrived 3:50)

HB-111

Execution of  
Judgments

Moran announced that Dean Ehrick, Alaska Retail Assoc., registered Legislative Agent, was here at the request of Mr. Harris, sponsor of HB 172 - Execution of Judgments. Mr. Ehrick testified that the reason for this bill being introduced was to simplify the type of form for notification in certain types of judgments. The Court System prepared a 19 page document after HB 373 was made law last year, and a simpler document was found necessary. This one page document simply advises a person that a judgment has been filed against him and that he has exemptions due him. He urged the passage of this bill. Moran read a letter to the committee from Allen Compton, Alaska Legal Services. He was against this bill. Rose brought out that with such a cumbersome document, there were some lawyers who weren't even using them. A copy of the current form was placed in the file. Randolph moved to pass the bill out do pass. No objections. So ordered. It was signed out unanimous do pass.

HB-172

Age of  
Majority

The next item of consideration was HB 97 - Age of Majority. Randolph asked the committee not to act on this measure until he had heard from his area. He noted that he was in favor of the bill, but he wanted to make sure that the people in this age group were well informed. Rose suggested that they go ahead and act on the bill and that Mr. Meland and Mr. Randolph pass on their information to the appropriate committee in the Senate. This bill will be held in committee.

HB-97

Public Util.  
Commission

HB 162 - Public Utilities Commission. This give the Public Utilities Commission additional powers in that they can appear before hearings and examine witnesses. This may put additional responsibilities on the AG's Office. Randolph moved that they pass HB 162 with a do pass recommendation. This was signed do pass unanimously.

HB-162

Taking of  
Game/Non-res.

HB 133 - Taking of Game by Non-Residents. Mr. Moran read the Resources Committee report. Several amendments were proposed and after discussion as to whether this would be a conservation measure for the animals ensued. The Committee decided to wait until Monday in order to hear from Keith Specking, the sponsor of the bill.

Claims Against  
the State

HB 54 - Claims against the State. Mrs. Banfield asked to discuss this bill. Communications have been received from the Fairbanks and Anchorage Bar. They were against this bill. Randolph moved that this bill be moved out do pass. Rose objection. Banfield asked the for question. Rose voted no. Banfield, Moran, Randolph and Meland voted yes.

HB-54

Public Trans.  
Powers

Mr. Moran distributed copies of HB 249 - Rights of the Blind. Rose commented on HB 54. He had had communications from parties that would like to be heard and now with no notice, this bill had been passed out of committee. Senate Bill 82 - Public Transit Powers. This is an authorization to have a mass transportation facility. There had been some comment received from persons who were afraid of competition. Meland moved the bill do pass. No objections. So ordered. All members present signed do pass. (Meland left 4:30 p.m.)

SB-82

Notaries Pub.

HB 225 - Notaries Public. This was distributed to committee members. Rose felt that this measure was chipping away at what it takes to be a citizen of the state. He wants this to be consistent so that residency would mean the same for all purposes. Rose moved to table the bill. The motion failed. Randolph moved the bill out do pass and asked unanimous consent. Banfield, Randolph and Moran, yes. Rose NO. Banfield moved to adopt Moran's amendment on requiring U.S. Citizenship. Resident would mean a person living in Alaska. Moran asked to have a Committee Substitute drawn by Mr. Peterson.

HB-225

HB 104 - Log Branding, will be taken up on Monday.

Judicial  
Council  
Recom.

Banfield asked whether judicial council recommendations for legislation were going to be considered by this committee. Two points were mentioned: increasing District Court Jurisdiction to \$10,000, Change of Venue. There was some question as to whether change of venue should be handled by court rule or by change of statute. Another point mentioned

Judicial  
Council  
Recom.

was the height requirement for State Troopers in order to include Indians and Eskimos. Mrs. Banfield suggested that we ask the Comm. of Public Safety about these matters when they come before the Committee. Mr. Peterson will prepare a bill covering the increase in jurisdiction of the District Court to \$10,000, covering foreclosure liens up to this figure.

Meeting adjourned 4:55 p.m.

HOUSE JUDICIARY COMMITTEE  
 MINUTES OF THE MEETING  
 March 8, 1971

The meeting was called to order by Chairman Moran at 3:15 p.m. in the Masonic Temple. Present were: Rose, Randolph, Peterson, and Banfield.

Const. Conv.

Mr. Randolph reported to the Chairman he and Mrs. Banfield would be leaving at 4:00 p.m. HB 117 - Constitutional Convention. The Chairman distributed copies of Mr. Rose's proposed amendments. Moran was requested by the House Majority Leader to give HB 117 consideration at this time.

HB-117

Mr. Moran mentioned that log branding will be considered next Friday, March 12.

Taking of  
 Game/non-res

Mr. Specking asked permission of the chair to be heard on HB 133 - Big Game Hunting by Non-Residents. He thanked the committee for being allowed to appear before them. The committee members asked several questions but Mr. Specking asked them to wait until he had completed his prepared statement. His reason for introducing this bill is that the resource is suffering by virtue of a dramatic increase of non-residents coming to Alaska with no cost other than a \$50 license fee. This number has doubled in the last five years. There are a large number of hunters coming in over the highway with campers and refrigeration units who fill their freezer and head home. When the present statute on guide requirements for polar bear, etc. were instituted, Fish and Game felt this was need to protect the resource. The areas where the local people do their main hunting are the areas where the non-residents also hunt. Mr. Specking felt that many might look on this as something to help the guides and he mentioned that he had a good business before there were any laws requiring guides. Mrs. Banfield asked about the last part of the bill where you could take your relatives. She wanted to know if this amounted to a large number of game being taken. Mr. Specking noted that he would personally like to see it removed from the bill but thought that it would not pass the Senate if this was taken out. Randolph couldn't believe that conserving the resource was the main purpose of this bill. Mr. Moran said he thought there was a safety consideration such as in hunting brown, grizzly, and polar bear. Specking said he didn't feel this was the point behind it or they would have added mountain goats in the first place. Randolph asked why non-resident license fees could not be raised. Specking felt the law has maintained a 3-1 concept on license fees. This will be investigated and a rep. from Fish & Game will be asked to appear before the committee on this point.

HB-133

Taking of  
Game

/non-res.

Rose continued this idea further by asking Mr. Specking if better resource control could not be had by issuing a limited number of tags to non-resident hunters, just as they do with buffalo. Mr. Peterson will check into this and report to the committee tomorrow.

HB-133

Const. Conv.

Consideration of Mr. Rose's amendment to HB 117 was the next order of business. The purpose of these amendments is to bring this bill in harmony with the one that Mr. Rose and Mr. Moran sponsored. Mr. Rose explained why it was necessary to suggest these amendments. When the bill was in State Affairs they told him that his amendments made too many changes and that he should prepare a separate bill. In the meantime they had passed out the original bill so when he presented his second bill they told him it wasn't usual to pass out two bills on the same subject. He desired to discuss each amendment separately. Amendment I was to remove all doubt as to whether or not the constitutional convention would be held. This will avoid litigation such as is before the court right now. There was some discussion as to the merit of this amendment and Mr. Randolph made a motion that it be tabled until tomorrow and asked unanimous consent. There was no objection. This matter will be delayed until more members of the committee are present.

HB-117

Physical  
Exams/non-res  
employees

Chairman Moran passed around<sup>GS</sup> HB 186 - Physical exams for non-resident employees for signature. Mrs. Banfield asked what amendments were made on this bill and after further consideration, requested that it be held over for further study. Art will check into this problem further.

HB-186

Meeting adjourned 4:00 p.m.

HOUSE JUDICIARY COMMITTEE  
 MINUTES OF THE MEETING  
 March 9, 1971

The meeting was called to order at 3:10 p.m. by Chairman Moran in the Masonic Temple. Present were: Randolph, Barber, Banfield, and Hillstrand and Rose.

Inv. to Chief  
 Justices Coun.

The first order of business was SJR 21 which is an invitation to the Council of Chief Justices to hold their 1972 gathering in Anchorage. Banfield moved a Do Pass and asked unanimous consent. Hillstrand voted No, Banfield, Randolph, Barber, and Moran voted Yes.

SJR 21

Taking of  
 Game/non-res

HB 133 - taking of game by non-residents, was the next order of business. Mr. Ben Hilliker and Mr. Frank Jones from the Dept. of Fish & Game testified on this bill. Their main testimony related to the fact that they thought this bill was not a conservation matter, but rather a bill to aid persons in the guiding business. They recommended the entire guiding system be investigated and studied thoroughly. They felt there would be no objections to raising the license fees for non-residents and gave statistics from other states where this has been successfully instituted.

HB-133

There were several amendments proposed and withdrawn after discussion. After full consideration, Banfield moved to table this bill and asked unanimous consent. Hillstrand and Barber voted no, Banfield, Rose and Randolph voted Yes. Motion carried.

Const. Conv.

HB 117 - Constitutional convention. Moran reviewed what had taken place at the last meeting on Amendment No. 1. The problem is: Does the Legislature wish to assume the responsibility of calling a convention, or leave it to the people, depending on the outcome of the court decision. Hillstrand moved to adopt amendment No. 1 and after further discussion, withdrew his motion. Amendment No. 2 related to dates for the elections to be held. He felt that this would allow a better timetable. After considerable discussion on this point it was requested that someone from the Governor's office come to the committee and discuss this. Banfield moved to adopt Rose's Amendment No 3. No objections. So ordered. Randolph moved to table Amendment No. 4. The motion failed on a 4-2 vote. Banfield moved to change District 8 to District 4. The motion failed. Hillstrand and Banfield Yes. Randolph, Barber, Rose and Moran No. The motion was made to adopt amendment No. 4. It carried on a 5-1 vote. Banfield voted No. Further action was delayed on this until they can hear from the Gov.'s office.

HB-117

March 9, 1971  
Page 2

Banfield left at 4:50 p.m.

HB 249 - Right of the Blind. Rose moved and asked unanimous consent to pass this bill out Do Pass. Hillstrand seconded. Randolph asked to withhold action on this bill until tomorrow since he had not had a chance to fully consider it. Mr. Peterson has pointed out one thing that should probably be relocated. He will present his recommendations to the committee tomorrow.

Rights of  
the Blind

HB-249

HB 97 - Age of Majority. Randolph reported that he had set up hearings for March 17 in Fairbanks and March 18 in Anchorage and wanted to know if there was any objections to him doing this. Moran felt that this was proper, but did not think that he had the authority to allow this trip under public expense, which has been a point of heated discussion in the House lately. Randolph said he was traveling at his own expense.

Age of  
Majority

HB-97

Estrays

Randolph asked to consider HB 11 - Estrays. Chairman noted that he had promised Mr. Tillion to let him know when it would be discussed so action was deferred.

HB-11

Mr. Hillstrand brought up his Conflict of Interest Bill. He asked about HB 111 and was informed it was out of committee. Hillstrand noted that his proposed bill on Conflict of Interests had been retyped and modified to be more specific. He requested that if the committee did not want to enter this, he would like to have it returned to him. This will be submitted as a committee bill.

Conflict of  
Interest Bill

Increase in  
Dis. Ct. Juris.

Moran reported that he did not have all the signatures on HB 186 and that he had the CS on his desk. The next item of business was HB 289 - Increase in jurisdiction of the District Court, and also to include foreclosure liens. Mr. Rose brought out that he had a bill for which he was seeking co-sponsors that would increase this to \$15,000 only in automobile accident related torts. As it turned out, it was drafted to cover torts and contracts. This bill is ready but has not been introduced yet. He proposed this as an alternative to the no-fault bill. Moran noted that HB 289 was prepared from recommendations by the Judicial Council. Hillstrand moved it out Do Pass. Randolph asked to have more time to consider it. Hillstrand withdrew his motion. This will be up for consideration tomorrow. A request was made to Mr. Peterson to research and draw up a bill relative to the six man jury. There have been many suggestions on this from the Judicial Council and the Bar Association.

HB-289

Meeting adjourned 5:20 p.m.

HOUSE JUDICIARY COMMITTEE  
MINUTES OF THE MEETING  
March 10, 1971

The meeting was called to order by Chairman Moran at 3:10 p.m. in the Masonic Temple. Present were: Rose, Hillstrand, Barber, Randolph, and Peterson.

Const. Conv.

HB 117 - Constitutional Convention. Mr. Moran reported that he had looked into the reasons behind the dates and that any earlier date for the election would so seriously shave the opportunity to make the apportionment finding that the dates should not be changed. (Banfield arrived 3:12 p.m.)

HB-117

Drug Pres.

Mr. Grisham was here to discuss SB 65 am - Drug Prescriptions. He was infavor of the bill since it has been amended which allows a druggist to substitute in an emergency. Randolph moved the bill out Do Pass and asked unanimous consent. It was unanimous. There was further discussion on this bill clarifying substitution of basic ingredients.

SB-65  
am

Const.  
Conv.

There was further consideration of HB 117. Amendment No. 3 and No. 4 proposed by Mr. Rose will be prepared by Mr. Peterson in a CS without the State Affairs amendment. This will be turned in tomorrow morning.

HB-117

Juris in Dis.  
Court

HB 289 - Jurisdiction of District Court. This bill would increase District Court Jurisdiction in Civil matters to \$10,000 and also include lien foreclosures up to the sum of \$10,000. Rose moved to pass Do Pass and asked unanimous approval. There was no objection.

HB-289

Rights of the  
Blind

HB 249 - Right of the Blind. After a brief discussion, Rose moved this bill out Do Pass and asked unanimous consent. There was no objection.

HB-249

B-Girl Bill

HB 168 - B-Girl Bill. Mr. Moran reported that he had received a note from Mrs. Fischer with information from Mr. Hackstock, Director of the ABC Board that they want to eliminate the fee for permitting females to work on beverage dispensary premises. Moran suggested that Art write a committee substitute on this bill which would eliminate discriminatory practices. Rose and Moran each offered suggestions for amendment. Rose moved to accept Moran's amendment to be used in the CS. Mr. Peterson will prepare this.

HB-168

Prep. of  
Bill Six-Man  
Jury

Mr. Peterson was asked to prepare a proposed constitutional amendment for a six-man jury. This is ready for submission. Rose asked unanimous consent to submit this under Judiciary sponsorship. No objection.

Adoption  
Proceedings

HB 188 - Adoption Proceedings. Mr. Moran noted that this bill provides for family investigation as a condition for adoption. Several instances of adoptions and reasons for not allowing them were related. Mr. Moran handled several adoptions himself and the only time a full investigation was considered was when the child was not a U.S. Citizen. It was noted that some doctors in the Anchorage area keep lists of persons interested in adopting. Randolph moved to table the bill and asked unanimous consent. Moran felt that more people working in this field should be consulted. The bill was tabled.

HB-188

Conflict of  
Interest Bill

Hillstrand inquired about his dual-office holding bill. During the meeting it was returned to this committee - HJR 50.

HJR-50

Probate Code

Rose reported on HB 5 - Probate Code. He has done considerable research on HB 5 and feels that it is more along traditional lines. In the Uniform Code it permits handling of these cases without supervision of the court. Rep. Rose felt that if Alaska were to adopt the Uniform Probate Code for Alaska that no further work should be done on HB 5. There was suggestion that they substitute the Uniform Code for HB 5, but Mr. Rose explained that there were places in the Uniform Code that would have to be adapted to Alaska's laws and gave an example of trustees. Rose suggested that a special committee in the Legislative Council be appointed to work with Legislative Affairs and have this ready for next session. This would allow time to get views of probate masters and members of the Bar. There was some consideration of drawing up a resolution to do this. Peterson felt that this was probably the best way to do this - by resolution. He felt it would get more attention. Rose noted that there was a sub-committee in the Senate on the Criminal Code. He would like something like this for the Probate Code but Mr. Ziegler did not agree. This way they could have a joint recommendation. Mr. Rose would like to have a couple of House committee members to work on this with him. Mr. Moran will ask Mr. Guess if he will appoint such a sub-committee.

HB-5

Age of Majority

Mr. Moran noted that Mr. Randolph had been appointed as a committee of one to hold meetings in Fairbanks and Anchorage on HB 97 - Age of Majority. He will finance his own travel. He suggested that maybe the Senate would like to be included on this and Mr. Randolph would be happy to have assistance from them.

HB-97

Court System  
Amended Supp.  
Request

Mr. Reeves and Mr. Abbott were here to discuss an amended supplemental budget for the court system. Mr. Reeves is court administrator and Mr. John Abbott is Deputy Comm.

Ct. Sys.  
Amended Supp.  
Budget Request

Copies of this were distributed to the members. It is good news because it has been lowered to \$747,000. Since the Judiciary Committee was helpful in putting in the first bill they wanted to tell them what had transpired to cause this difference from \$1,800,000. The reason for the high budget request had been the increase in jury fees and the no. of juries called. There had to be something done so by amending Rule 17a of the Supreme Court Rules and the Governor's stringent budget cuts their figures were reduced. Jury fees were reduced from \$21.00 to \$15.00 and if you serve half a day or less you receive \$7.50. Another requirement is that the juror must sign an affidavit stating they are not receiving compensation from any other source. Mr. Reeves would like to solicit the committee's support for this revised supplemental request, reminding members that this is for the remainder of this year and not for the next fiscal year.

Ct. Sys. Request  
to amend Pers.  
Rules

Their second request dealt with amendments to the Personnel Statutes of the State of Alaska which would exempt the Court System and their employees from being under State Personnel Regulations. Mr. Abbott explained the reasons for this. Under the present arrangement it makes the Judicial Branch come under the jurisdiction of the Executive Branch of State Government through the Personnel system. They specified that their employees would not be denied benefits of other state employees. He gave an example of the legislative employees being fully exempt and has heard of no cases of abuse. They had prepared some legislation they would like to have the committee introduce. Mrs. Banfield moved to introduce the legislation that Mr. Abbott and Mr. Reeves brought with them. Mr. Reeves brought out that the court system was asking for the freedom to select and place their own people as they saw fit. Randolph moved the question. Hillstrand voted NO. Mr. Peterson will prepare the measures to be introduced by the committee.

Meeting adjourned 4:50 p.m.

HOUSE JUDICIARY COMMITTEE  
MINUTES OF THE MEETING  
March 11, 1971

The meeting was called to order by Chairman Moran at 3:15 in the Masonic Temple. Present were: Rose, Barber, Peterson, and Hillstrand.

People from the Court System testified yesterday that they would like to have a bill submitted exempting them from the jurisdiction of the Dept. of Personnel. This has been prepared and the question was put to the committee as to whether they would like this submitted as a committee bill or Judiciary by Request. It was decided to submit it "By Request." (Banfield arrived 3:20 p.m.) Hillstrand left at 3:20, but was to return later.

Ct. System  
Pers. Bill

SB28am - Violent Crimes Compensation. Chairman Moran reviewed the minutes of the Feb. 8 meeting. Mrs. Banfield feels the program is good but doesn't think that we have the money to start such a program now. Rose also favors the idea, but doesn't think we can afford this now. Barber feels it is a monetary problem also. Moran suggests that they request the AG and the Comm. of Public Safety to develop some statistics and have them ready for the next session as to the probable costs. Mr. Peterson will write the letter.

Violent Crimes  
Comp. Board

SB-28  
am

HB 168 - B-Girl. Moran asked if committee members wanted to submit the CS. Further discussion was held and it was decided in the final analysis to rewrite the CS, including waiters with the waitresses and also removing the U.S. citizenship requirement. (Hillstrand returned 3:40 p.m.) Banfield moved the CS out Do Pass. There was a unanimous vote.

B-Girl

HB-168

HB 47 - First Degree Murder. Mr. Colletta was here re: his bill. He had not had time to read Mr. Peterson's letter. Mr. Moran noted that we had talked about using the aggravated assault approach. Mr. Colletta discussed this with the committee and had no objection to the committee substitute. Mr. Moran deferred further action on this bill to obtain the copies of the AG's presentation before the committee. This will allow time to consider this memo from the AG's office and to review the Pope Case before further action is taken. The committee members are also encouraged to read Appendix D.

First Degree  
Murder

HB-47

HB 3 - Voter Pre-Registration. Mr. Moran reviewed that this would permit a person to register to vote on the day of the election itself, but that the vote would be a challenged ballot. They had previously heard testimony from Mrs. Cutler and she opposed this bill. Rose moved the bill out Do Pass. Mrs. Banfield objected. Mr. Hillstrand noted Mr. Randolph's absence and requested that before the motion be acted upon that they consider his absence.

Voter Pre-reg.

HB-3

March 11, 1971  
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Voter Pre-reg	The vote on the motion was Rose, Barber, and Moran Yes; Hillstrand and Banfield No. HB 3 will be held for Mr. Randolph's signature.	HB-3
Six-man Juries	HJR 52 - Six Man Juries. With an amendment to change the title, this will be submitted. This bill was prepared from information received from the Court System.	HJR-52
Dual Office Holding	HJR 50 - Dual Office Holding. A vote was held on this bill. Banfield opposed the measure. This bill was passed out of committee.	HJR-50
Vexatious Litigants	HB 299 - Vexatious Litigants. After a brief discussion, Rose moved to pass this out Do Pass and asked unanimous consent. No objections were heard.	HB-299
	Mr. Moran reported that we were going to prepare a resolution on Probate Code.	
Estrays	HB 11 - Estrays. Mr. Tillion has asked this to be held until he can appear before the committee.	HB-11
	HB 47. This will be acted upon soon.	HB-47
	HB 104 - Log Branding. Will be held for Rep. Meland and Peratrovich.	HB-104
	HB 196 and 197 - Human Rights Commission and Discriminatory Practices have both had CS prepared for them.	HB-196 HB-197
	HCR 1 - Rep. of Urban Areas. Mr. Hillstrand is researching this.	HCR-1
	Meeting adjourned 4:50p.m.	

HOUSE JUDICIARY COMMITTEE  
MINUTES OF THE MEETING  
March 15, 1971

The meeting was called to order by Chairman Moran at 3:12 p.m. in the Masonic Temple. Present were: Banfield, Hillstrand, Peterson, and Barber.

Human Rights  
Commission  
Discrimin.  
Practices

The first items of consideration were HB 196 - Human Rights Commission and HB 197 - Discriminatory Practices. Mr. Moran briefly outlined what these two bills would do. HB 196 puts an additional two members on the Commission and from Willard's experiences, he said it was sometimes difficult to get adequate legal services. In this CS, they have made mandatory services from the Dept. of Law, but where it is in conflict with the State's position, then the Commission could retain separate counsel whether the matter was before the Commission or before the court.

HB-196  
HB-197

HB 197 is one which provides for mandatory suspension of a license issued under the state to practice a profession, business, service, etc., if they are convicted of a discriminatory practice. If the conviction holds, the individual's license must be suspended for from 1 day to 1 year. The additional penalty applies only if the conviction is related to the business or occupation. (Randolph arrived 3:15 p.m.) Banfield commented on 196, section B and asked what the state policy for other departments and commissions was in respect to conflict with the state's interest and the Dept. of Law. Mr. Peterson brought out that in certain cases other Commissions have hired outside counsel.

Hillstrand made brief comments on 196 and on 197 he stated: "This is going to be a real improvement in the actions of the Commission." His main objection is that it doesn't fully apply to unions and for this reason he cannot give his full support to the measure.

Barber moved to pass CSHB 196 Do Pass and asked unanimous consent. Hillstrand objected. He signed Do Not Pass. All others present signed Do Pass.

Mrs. Banfield wanted to know re: 197 that if it was your employee who violated this act, whether the owner could be forced to close his business.. She was assured by Mr. Bowman that the action is only taken against the violator unless the employer refuses to recognize the problem.

Barber moved to pass CSHB 197 Do Pass and asked unanimous consent. Hillstrand objected.. He signed DO Not Pass. All others present signed Do Pass.

Women in  
Militia

HB 259 - Women in the Militia. Mrs. Banfield is the sponsor of this bill and gave an explanation of it to the committee. She made mention of Helen Beirne's bill of last year that got as far as the House Finance Committee. It stopped there as they felt it would cost too much money. The reason for

HB-259

Women in the Militia

She felt that any woman in Alaska could go to Alaska Legal Services and sue the state on equal rights basis. She has a letter from Mr. Necrasson which she will bring to meeting today. Hillstrand asked about the Committee Report from State Affairs. Moran read the report. It was a unanimous Do Pass. Mrs. Banfield will call the new head of the National Guard and report his opinion of women in the Militia at the meeting tomorrow.

HB-259

Log Brand.

HB 104 - Log Branding. Mrs. Banfield wanted to know who was pushing this bill. Frank Peratrovich and Richard Whittaker were here to testify on the bill. Mr. Whittaker noted that for the first time, there is now a market for the loose logs. There are two or three small mills to buy them and put the otherwise wasted lumber to good use. The problem with the bill last year was the two year period which was too long. This bill allows a period of six months for the original owner to still maintain ownership. Many logs will not be saleable if they are loose for two years and they are also navigational hazards. Mr. Whittaker gave an example of a raft of logs, explaining that the owner would gather his logs immediately if his raft broke up. Those that they can't gather, they usually abandon at that point. The possibility of logs being too waterlogged to be of use was also mentioned with the two year period. Mr. Barber asked about the possibility of the brand rubbing off. Whittaker noted a statement by Weyerhauser that a brand would show 14 feet into the log when placed before ultraviolet rays. His next question was to how logs were branded. Whittaker explained that a piece of pipe on an iron block has the brand welded to that. Mr. Barber asked if the loggers were against this bill. Mr. Whittaker did not think there had been any opposition at this point. Mr. Hillstrand mentioned attending the logger's luncheon where this question was asked and he also asked again personally. He said they felt 12 months would be a better length of time. Mr. Whittaker mentioned that at the present time there are salvage rights in admiralty law. He also made mention of the other western timber states and the type of salvage laws they have. The reason Alaska has not needed anything up till now was that there was no market for the logs.

HB-104

Sale of Public Bonds

Moran had scheduled HB 204 - Sale of Public Bonds, to be considered thisafternoon. This bill prevents those who are giving fiscal advice from participating in the proceeds. There was a similar bill that got stuck in the Senate last year. Mr. Hillstrand would like to have the Commissioner of Public Revenue testify. Mr. Whittaker commented briefly on this bill and stated that we have had instances around the state where it has cost the state quite a bit of money. In the small communities it is the only way they can get help.

HB-204

They are hoping to get the Local Affairs Agency to give advice in this regard. Mrs. Banfield noted that she could see instances where there probably should be these restrictions but other times when there has been abuse. Mr. Moran reported that Mr. Orbeck wanted to be heard on HB 11 - Estrays. HB-204

(Meland arrived 3:45 p.m.) Rep. Meland and Peratrovich wanted to consider HB 104. Mr. Peratrovich was invited to sit at the table. His testimony will not be noted in the minutes since Mr. Whittaker had just reviewed the same points. Points to note were the change of the two year period to six months and the necessity to clear up the beaches and to have better beaches for the tourists to enjoy. HB-104

The intent, when he first introduced this bill was to create jobs for seiners in the off season. Two things would be accomplished. They would have cleaner beaches and these boats would be in operation, giving the fishermen additional income. He feels it is very necessary to avoid the waste of this resource. Mr. Hillstrand asked about the possibility of piracy. Peratrovich felt that there are a lot of good people left in the world and he has never heard of cutting brands off logs in order to gain possession. In the fishing there were creek robbers and trap robbers and these practices have been effectively stopped. If necessary, action could be taken against log piracy. Mr. Meland testified that he felt six months was long enough to allow the owner to salvage his logs. Randolph moved the bill out Do Pass. Mr. Peratrovich brought out one more point that the Forest Service scales the logs when they go into the water and then before towing they have preliminary scaling. A vote was held on Randolph's motion. It was Do Pass by all present except Mrs. Banfield who voted No Recommendation.

Meeting adjourned 4:30 p.m.

HOUSE JUDICIARY COMMITTEE  
MINUTES OF THE MEETING  
March 16, 1971

The meeting was called to order by Chairman Moran at 3:12 p.m. in the Masonic Temple. Present were: Barber, Randolph, Banfield, Meland, Hillstrand, and Peterson.

HB 11  
Impounding  
Estrays

HB 11 - Impounding Estrays. Rep. Tillion and Rep. Orbeck were present to testify on this bill. Tillion opposes the measure and Orbeck is the sponsor of the bill. Mr. Orbeck gave his testimony first. He explained that in Fairbanks on the outskirts of town they have allowed people to have horses which are allowed to run loose quite often. The horses walk through the neighboring yards causing destruction. Last summer the Day and Benson families called the State Police to have the horses removed but were informed that the police could not do this. The problem was brought to Mr. Orbeck and this is the bill that he introduced to cover the situation. In a conversation with Mr. Tillion, it was made known that this law had been repealed nine years ago by Mr. Tillion. Mr. Orbeck is in favor of this bill. HB 11

Mr. Tillion testified that these people would have no problem if they would get a petition and have 60% of the people sign it in order to form a grazing district which would force the owner of the animal to keep them fenced in. The reason that he had this stray portion of the law repealed was at the request of a judge who showed him that these two laws were at odds with each other; finding that it was impossible to fence the large acreages that are used for grazing, he chose repealing of the stray law. Mr. Orbeck explained that there are quite a few people who have horses and the majority of them don't want to form a grazing district. Since it is a minority that is having the problem with horses coming in their yard, he feels they should be given some relief. He thinks passing the bill is the only way to accomplish this. Mr. Tillion brought out that this would deal a blow to the red meat industry of the State of Alaska since it would even include the reindeer herds. There was further discussion as to how this could be solved and it was decided that since Mr. Randolph was going to Fairbanks tomorrow he will check into the matter. Mrs. Banfield also requested that Art look into this to see if anything can be done about impounding stray animals when they are on your property.

HB 259-Women  
in the Militia

HB 259 - Women in the Militia. Mrs. Banfield distributed the letter from the head of the National Guard last year. She reported that in November of 1967 legislation was passed in the U.S. that authorized women to be in the Air National Guard. She felt this is also a step in equal rights for women. She noted that this was particularly true in the bush area where there are advantages to serving in the National Guard. Mr. Randolph moved to table the bill. Moran and Banfield voted No. A second vote was taken; Randolph and Meland voted Yes. Banfield moved the bill out Do Pass. Randolph objected. The HB 259

vote was: Moran, Banfield and Barber Yes. Randolph and Hillstrand, Do Not Pass. Meland No Recommendation.

- HB 305 - Cancellation of Insurance  
Chairman Moran distributed copies of HB 305 - Cancellation of Insurance. Mr. Meland left at 3:55 p.m. He reported that he would be talking with Mr. Jim Martin with respect to the Conference on Bush Justice, and as to the recommendations as to what legislation should be prepared. HB 305
- HB 293 - Sure plus line insurance  
Chairman Moran passed out HB 293 - Surplus line insurance. After a brief persual, Randolph moved it out Do Pass. Hillstrand objected and would like to find out just how this will work. There seems to be a conflict between the lessee or lessor as to who has to obtain insurance on rental cars and vehicles. The bill seems to be one that could be interpreted two ways. Randolph requested that Mr. Fritz appear before the committee on both bills on insurance. The secretary will call him tomorrow and give him the request. HB 293
- HB 164  
Relating to Monopolies  
Mr. Moran distributed copies of HB 164 - Relating to monopolies. He requested the committee members to study this bill. He also distributed HB 180 - Marine Radio Communications. Mr. Hillstrand noted that on this bill he would like to get the reaction of people who use these types of communications on their vessels. He reported that he had already written a letter and was promised an answer, but had not received it yet. HB 164  
*HB 180 - marine radio communications* HB 180
- HB 309 Depend-ent children Act/Exempt.  
The Chairman next handed out copies of HB 309 - Dependent Children Act/Exemptions. Mr. Moran brought out that the people who receive these monies have subsistence level living and that other types of compensation to the aged and the blind, etc. are exempt from attachment. A brief discussion was held on the merits of this measure. Banfield moved and asked unanimous consent to pass this bill out Do Pass. No objections. It was signed unanimously Do Pass by all present. HB 309
- HB 308 - Juris-diction of Dist. Courts  
The next item of consideration was HB 308 - Jurisdiction of District Courts. Since Mr. Rose was not in attendance, action will be deferred until he returns, since he is the sponsor of the measure. HB 308

Mr. Moran commented on the policy of having newly appointed Commissioners appear before the particular committees of concern. This would involved Judiciary Committee with the Attorney General and the Comm. of Public Safety. The schedule for appearance will be announced but most likely not before next Monday. Since these individuals have to have legislative confirmation, a meeting such as this allows all legislators a chance to meet together to ask questions and become acquainted with these men. This will undoubtedly be scheduled for a Saturday meeting in order to avoid any conflicts in meeting times.

Change of  
Venue

Mr. Peterson has prepared a bill on Change of Venue as recommended at the Judicial Council Meeting. Mr. Moran noted that the recent bill on Jurisdiction in District Courts appears to be in conflict with this. Mr. Peterson said this could be changed to correspond with this bill. He will have some copies made of this bill for committee members.

Quiet Title  
Suits

Mr. Hillstrand brought up the subject of quiet title suits. Moran also noted that there were problems with sale of tax foreclosure properties. The main problem seems to be getting title insurance. Moran felt that the state should be able to provide the purchaser with a good title to the land. He will check into this and Mr. Peterson will call the title companies.

Meeting adjourned 4:25 p.m.

HOUSE JUDICIARY COMMITTEE  
MINUTES OF THE MEETING  
March 17, 1971

The meeting was called to order by Chairman Moran at 3:12 p.m. in the Masonic Temple. Present were: Banfield, Hillstrand, Barber, Rose, Meland, and Peterson.

Surplus Line  
Ins.

and Cancel.  
of Insurance

HB 293 and HB 305 - both relating to insurance - were the first items of consideration. Mr. Don Koch, insurance rate analyst from the Division of Insurance, was invited here to help the committee with these bills. He had some written comments on HB 293 which he read to the committee. He said that aircraft operators have been leasing aircraft or purchasing on contract and then furnishing their own pilots thereby claiming exemption from the surplus line laws. He gave an example of one company that was exempted from \$50,000 that would have gone to the state. By the changing of the word "or" to "and" you will remove the loophole. When an aircraft operator gets insurance for his aircraft, it is generally on a surplus line or nonadmitted market. The tax for this type of insurance must be reported and paid by the broker except for the exemption found in AS 21.33.310. If the craft is owned or operated by the manufacturer of aircraft they are exempt from this law and from the tax too. You get an operator who will get a contract or lease aircraft from the manufacturer; the operator provides the insurance and then becomes exempt from the tax.

HB-293

HB-305

Mr. Rose could not understand why aircraft operated by the manufacturer should be exempt. After further discussion, it was decided that Mr. Koch would find out the reason for this exemption. Mr. Koch had a copy of Mr. Fritz's resume that was given before the Commerce Committee. He read one paragraph pertinent to our discussion.

Mr. Koch then gave his presentation on HB 305 - cancellation and renewal of insurance. He stated that when the Governor asked for legislation from the departments, this is one of the bills that their department initiated. This particular bill, as written, did not conform to their basic concepts. An amendment was recommended. After further discussion, Mr. Koch was asked to contact Director Fritz to consider this bill and in the meantime Chairman Moran will speak with Mr. Kerttula. The Chairman told Mr. Koch that he would appreciate an early response.

Providing  
for study  
of Probate  
Code

The Chairman distributed HCR 24 - providing for a study of the Probate Code. After group consideration, Mrs. Banfield moved the bill out Do Pass. Hillstrand objected. He felt that the lawyers should work on this since they have to work on it all the time. Several examples were given as to why this would not be a good idea. All members present signed Do Pass except Hillstrand, who signed Do Not Pass. Chairman Moran announced that Comm. Wolforth will be here tomorrow on HB 204 - Sale of Public Bonds. It was also mentioned that Gene Miller will be

HCR-24

interested in this. Moran reported that HB 308 - Dist. Court Jurisdiction - had been distributed at the meeting yesterday. Mr. Rose commented that he would like to wait until Monday or Tuesday because he had just been to Anchorage and he had been presented with a copy of a proposed bill that would increase jurisdiction to \$15,000 across the board. This proposed bill was going to be acted upon in Anchorage on Monday and then Mr. Rose would be advised whether or not it had been endorsed. Rose would like to work with this bill rather than with HB 308 since 308 is only for automobile accident cases. Mrs. Banfield asked who was submitting the proposal. He mentioned Bob Reynolds, former Director of Courts and other members of the Bar Assoc. Chairman Moran scheduled this for action on March 23rd. Rose submitted the proposed draft to the Chairman.

HB-308

Juris. of  
Dis. Court

There was a discussion on HJR 52 - Six man juries. Rose recommended that the committee submit an amendment that a six man jury would be used in all cases except felonies, where a twelve man jury would be used. Rose suggested that they ask to have it returned to second reading tomorrow and put in the amendment as a Judiciary Committee amendment and asked unanimous consent. Hillstrand objected. Mrs. Banfield suggested that if HJR 52 was defeated in the House that the committee reintroduce another bill with twelve man jury for felony cases and six man juries for all other purposes. Rose called the question. Hillstrand withdrew his objection. Banfield asked to have the proposal repeated. Moran repeated the motion and asked if there were any objections. None were heard. Mr. Peterson will prepare the amendment.

HJR-52

Six-man  
Juries

Moran distributed HB 319. This bill permits the same exemption for trailer and mobile homes that we now have for homesteads used as residences. He also has another bill of a similar nature which raises the homestead exemption to \$12,000 (HB 321). This is not unreasonable according to current housing costs. Mr. Moran noted that he had agreed to submit this bill but that he is not committed to see that it passes the House. Hillstrand moved to report HB 319 out Do Pass. He could not see why there should be any difference between a person with a home or one with a trailer. Hillstrand asked unanimous consent. Banfield objected. Hillstrand noted that there appeared to be some incompatibility between homesteads and trailers in some of our statutes. Hillstrand moved the previous question. Moran noted that the motion was in order but he sees some problems with the bill as drawn. He would like to have a representative from Legal Services appear before the committee. Mr. Peterson will call them and note our interest in HB 319-321.

HB-319

Trailer Ex.  
under Home-  
stead Act

Meeting adjourned 4:50 p.m.

HOUSE JUDICIARY COMMITTEE  
MINUTES OF THE MEETING  
March 18, 1971

The meeting was called to order by Chairman Moran at 3:05 p.m. in the Masonic Temple. Present were: Hillstrand, Meland, Peterson and Banfield.

Sale of  
Public Bonds

Eric Wohlforth, Commissioner of Revenue, appeared before the committee on HB 204 - Sale of Public Bonds. He was against the bill and summarized a memo that he had prepared. This material will be filed with the bill. (Barber arrived 3:08) The commissioner noted that permitting an advisor on sale of public bonds to take part in the sale has been state policy since statehood. Moran asked about Foster and Marshall and Mr. Wohlforth said that their activities were basically on a local level. Banfield noted that this is our main area of concern. The commissioner felt that this could be the case in smaller areas but thinks the committee should investigate to see if this is fact rather than a fear, particularly when you consider it is illegal to receive a fee in a transaction of this sort. Here you find a real conflict of interest. Moran brought out that the commissioner qualifies as a bond counsel and therefore is familiar in this area of endeavor. Moran reviewed the situation of this bill which raises the objection that those who offer advice are not eligible to participate in the purchasing. Hillstrand asked the commissioner whether in article 2 we needed a provision to say "offer at public sale or sold at private sale." He said this was desirable but not necessary. Hillstrand asked if advisors would have an advantage over other persons bidding. the Commissioner said this would be possible because they are the ones that distribute the news releases to the bond buyers. Hillstrand asked if this bill would hamper bond sales for the state. The Comm. said he did not think so but felt that the state would not be able to get the financial advice that they had previously obtained. He would hate to exclude an underwriter. He explained that the state does not engage these bond advisors on long term contracts. They are on a sale by sale arrangement. Wohlforth feels that the state can develop expertise in their own office and avoid outside advice as much as possible. Hillstrand asked how soon after a bond sale, the same bonds can be offered again. There is no waiting period specified.

Mrs. Banfield asked Mr. Guess why he felt the need for this bill. He began his testimony by giving the history of the bill. This is the third time that he has introduced the bill. He was able to get it through the House in 1968 but it was lost in the Senate. After that, the City of Anchorage passed an ordinance for that year that their fiscal advisor could not bid on the bonds. As for the need of the bill, it is generally a matter of conflict of interest. A fiscal advisor's job is to do all the background work and an underwriter will have to make some money on the spread so the two positions are diametrically opposed.

Sale of  
Public Bonds

There are some court decisions in the statutes that prohibit this. This argument has been going on for the last 10 years. The people most affected are those in the smaller towns. He gave the city of Juneau as an example, noting that the main problem was lack of widespread distribution of notice of bond sales. He feels that it is poor public policy and feels it should be prohibited by law. (Rose arrived 3:38). Banfield asked why the state didn't provide fiscal advice for the smaller areas. Guess noted that Local Affairs Agency can do this since they have the authority but it hasn't been a practice to use their services. The Commissioner noted that the problem in the smaller municipalities was that they felt it was such a small amount they didn't bother coming for advice. They didn't realize they have access to the national market. He feels there is a necessity for educational work to be done.

HB-204

The Commissioner brought up the subject of whether general obligation bonds should be sold at private sale at all. He feels the committee should consider removing this limitation. This is uncommon and should only be allowed after initial public auction. Rose asked what the opposition to the bill had been in the past. Mr. Guess related that the main opposition came from people in that business itself. He mentioned Marshall/ Meier, Foster & Marshall, and several Seattle business firms. They felt the smaller communities would be hurt by not being able to sell bonds. Mr. Wohlforth does not see any particular harm in this bill. He felt the basic problem is making the smaller places come out in the open with their offer. He stated, however, that he would like to be able to engage Nuveen as they have in the past. This is on a sale by sale basis.

Hillstrand asked Mr. Guess if he had any objection to limiting Section I to negotiations at a private sale. (Starting at line 13.)

Wohlforth suggested that barring a financial advisor from a negotiated sale would be all right, but he felt that barring them from a secondary market was going too far. He suggested the language should so state that this is not to preclude the person from a secondary market. Mr. Guess had no objection to this. Hillstrand said that this would mean that the day after a syndicate had taken up the bonds the fiscal advisor could buy the bonds on a secondary schedule. Mr. Wohlforth thought it would be all right for fiscal advisors to become a retail purchaser. Rose said that maybe they should make it apply only to original sales. Mr. Guess would have no objection to this. Hillstrand feels that this situation is just as dangerous as the original problem.

Sale of Public  
Bonds

Mr. Guess was asked if there were any actual cases and he said he could not document any. He suggests that the committee call some of these people before them and ask them just how they operate. The Commissioner supports this idea and feels it would be beneficial. He was asked about how long a study would take and he felt that if you got the right man on the job that it shouldn't take too long. He advised the committee that if they decided to pass this bill that he would appreciate contacts from the legislature so that he could structure his division accordingly. Moran asked if the Commissioner thought his operation would be limited if this bill were passed. He felt it would. Barber asked whether the investigation would be done by the Dept. of Revenue. Mr. Wohlforth said they could do it if they had the authority. Hillstrand felt the Legislative Council should do it. Moran asked how they could get the best services for Local Affairs Agency. Would this be by contract with a person on an ad hoc basis or would they get in someone with a retention fee that is substantial? Mr. Wohlforth thought that whatever the needs were at the time would determine which way to go. Guess noted that he had a mandatory clause in his bill and it was not accepted because of this. Hillstrand felt that maybe we could require the information to be circularized in a manner prescribed by the state through the Department of Revenue Commissioner of someone who is knowledgeable in this field. The commissioner felt that the most beneficial thing that Local Affairs Agency could do in this matter was to institute uniform accounting practices. This has been successful in New Jersey. Guess felt it would be well to have mandatory marketing done through a centralized office in the state. Also to have uniform accounting. Rose asked if we had any bills on uniform accounting in the House now. Wohlforth said they were working on this this but nothing definite was established as yet. Both Mr. Guess and Commissioner were thanked for coming to our meeting.

HB-204

Surplus Line  
Insurance

Mr. Don Koch, from the division of insurance, has returned with the information that we requested of him yesterday. His comments on House Bill 293 were very brief but to the point. He researched the question of Mr. Rose about why the aircraft manufacturers were exempt from insurance under this law. He found that our law was patterned after the State of Washington's and they had put this exemption in their law to accommodate Boeing Air Craft Company. Mr. Koch submitted a memo on his findings. Rose moved to amend this bill by striking "owned and actually [or] operated by manufacturers of aircraft, or aircraft". Hillstrand objected. Hillstrand withdrew his objection. Banfield moved to pass the bill out as amended with a "Do Pass" and asks unanimous consent. Hillstrand objected. He mentioned Wien and Alaska Airlines being excluded and that the people in Alaska who are trying to make a living without subsidy are doing it on their own without the tax advantage. Mr. Rose will find out why Wien and Alaska Airlines are exempt for the next meeting. Mr. Koch will work with him on this.

HB-293

March 18, 1971

Page 4

Cancellation  
of Insurance

Mr. Koch reported contact with his agency on HB 305 - Cancellation of Insurance - and Deputy Director Drake and Commissioner Kadow both concurred with is testimony given to this committee yesterday. From this meeting he felt it would be well to draw up a committee substitute for this bill from the draft he submitted yesterday. Chairman Moran thanked Mr. Koch for coming to our meeting and being so patient during previous testimony.

HB-305

Mental Competency  
Bill

The chairman distributed the mental competency bill that Art was to draft.

It was decided that there would be no meeting tomorrow.

Meeting adjourned at 5:00 p.m.

HOUSE JUDICIARY COMMITTEE  
MINUTES OF THE MEETING  
March 22, 1971

The meeting was called to order by Chairman Moran at 3:15 p.m. in the Masonic Temple. Present were: Meland, Banfield, Barber, Randolph and Peterson.

Change of Venue

Trailers incl.  
under Homestead  
Exemption

and

Exemp. Increase  
to \$12,000

Moran distributed the bill on change of venue as prepared by Mr. Peterson. The first items of consideration were HB 319 and HB 321. Mr. Compton from the staff of Alaska Legal Services testified in favor of these bills. (Rose arrived 3:20.) His testimony on HB 319 explained that this bill extended the Homestead exemption to mobile homes. Simply stated, this removes trailers the same as it does other property for a limited exemption that a creditor could use to satisfy his judgment against the debtor. At the present time in the State of Alaska the Homestead exemption has been only applied to homes situated on foundations and taxed as real property, and not to mobile homes. He read from AS 09.35.090 which provides "actual abode and owned by the family or some member of the family." Some states include mobile homes if they are the family abode and some courts have extended this provision to trailers if it is the family home. Other states do not allow trailers to qualify. He gave the history on trailers stating that at first they were very small and used basically as travel trailers, whereas today they are from 12 to 26 ft. wide and 52 to 66 ft. long. They are developing into more permanent type dwellings. Trailers are very popular in Alaska due to the housing shortage and the short construction season. The discussion among committee members and Mr. Compton involved the disparity between values of a mobile home and a conventional home. There was a suggestion to make mobile homes the same when it came to real estate taxes. Mobile homes are considered as personal property and conventional homes are classed as real property.

HB-319

HB-321

Mr. Compton gave an example of conventional homes being worth \$25,000 and mobile homes \$11,000. Rose mentioned the necessity of making some grammatical corrections in the bill and would like to have an investigation regarding the full \$12,000 and adding something about security agreement for mobile homes. Compton felt that if the exemption read "residence exemption" rather than "Homestead exemption" then it could include mobile homes. Moran noted that it will be necessary to amend HB 321 because it doesn't have a subsection. Art will work on this and will combine both HB 319 and 321 and come up with a Committee Substitute.

Increase  
Exemp Amt  
to \$12,000

HB-321

Rose wanted to discuss HB 321 further. Mr. Compton related that the \$8,000 figure for exemption was established in 1962. The consumer price index in the State of Alaska has averaged .20 increase since that time so it is only reasonable that there should be a revision in this figure. It is to some benefit to allow people to accumulate some wealth. It allows a family to be able to pass something on to their children and gave an instance where the children were put through college and would never have to be in the same position as their parents. He gave an example in the State of Kansas which allows full exemption for homes. Mr. Barber noted that generally persons having conventional homes find that assessors show that their property appreciates in value while a trailer decreases. He does not feel this is particularly true. Moran asked the committee if they wanted to adopt the principle in each case that would make the dollar amount between convention and trailer homes more equal. Barber so moved and asked unanimous consent. Rose moved to make the limit \$8,000 for mobile homes and \$12,000 for property attached to real estate. Hillstrand objected. He asked to separate consideration of these bills. He would like to discuss just HB 321. He moved the amount in HB 321 be adopted and asked unanimous consent. Rose moved to amend 09.35.090 to make the exemption for mobile homes \$8,000. Hillstrand objected. He noted that this is an old orthodox concept. In recent years the trend has been toward trailer living.

Moran noted an instance in Anchorage where it was creating problems in planning for educational needs, utilities, etc. That was his only objection to these large trailer parks. Hillstrand pointed out that there were many practical aspects to trailer living; one basic one was the tax advantage. Trailers are assessed annually and are rated on a book value whereas conventional homes are always assessed upward year after year. Rose mentioned another discrepancy in exemption on conventional homes vs. mobile homes. This was that conventional homes include the land in the valuation. Mobile homes are considered separately without the land. They voted on Rose's motion for the \$8,000 exemption for mobile homes and \$12,00 for regular homes. Hillstrand voted No. Moran, Randolph, Barber, Meland, Rose and Banfield voted Yes. Art will prepare this with the idea of combining HB 319 and 321. The next item of consideration was HB 320 - Exemption for tools. Rose wanted to have evidence furnished showing the need for increasing this exemption. Mr. Compton mentioned the fishing industry, showing a need for \$2,500. Hillstrand mentioned mechanics and carpenters whose tools would probably run to the \$8,000 mark. Mr. Compton expressed himself on this bill in the same manner as on HB 321. This schedule was set up in 1962 and there has been a substantial increase in the cost of living. He checked with an attorney that has worked on SBA loans for fishermen and he recommended the increase.

Trailer included  
in Homestead Ex.

HB-319

Tool Exemp.

He also gave the example of a man needing an automobile or truck for his business and this would range in the neighborhood of \$2,000. Rose removed his objection. Randolph moved HB 320 out Do Pass and asked unanimous consent. No objections.

HB-320

Marine Radio  
Communications

HB 180 - Marine Radio Communications. Mr. Tillion wanted to be heard on this bill and was in favor of it. Mr. Hillstrand introduced Mr. Chuck Buck who is here observing the discussion today. He is in the field of communications in Alaska. Mr. Tillion mentioned the need of the bill was particularly for fishermen who had just set out their gear and a ship come bearing down on them and they can't contact their radioman. Mr. Tillion read a letter from Capt. F.W. Buckler. He submitted the letter for the files. He did not agree with the 300 gross ton starting point but felt this might be amended down to 200 tons. On these larger vessels they are supposed to have someone on standby but many times they just operate them for 8 hours, take their man off duty and there is no radio action on the bridge. Mr. Tillion noted that many of the new vessels have the new type gear on the bridge. Approximately 2/3 of the vessels are already doing what this bill requests. Mr. Buck noted that he could testify on the bill but was not familiar with the contents. He was invited to return to the meeting on Wednesday, March 24. They requested Mr. Buck to bring the FCC regulations with him. Mr. Tillion noted that VHF units cost about \$700 including antenna and installation. All the news ones have remote control. Hillstrand requested a list of vessels by name that would be affected by HB 180 as written and an additional list if it were reduced to a 200 gross ton limit. Mr. Tillion told him he could get it from the Coast Guard since boats of this size have to have licensed officers. Mr. Tillion will carry this bill in the House.

HB-180

Age of Majority  
and  
Estrays

Moran asked Mr. Randolph to report on his activities in Fairbanks and Anchorage. He conducted public hearings on HB 97 - Age of Majority and also conducted research on HB 11 - Estrays. He reported first on HB 97. The hearings did not turn out very well. In Fairbanks there were about 6 adults and 30 young people and in Anchorage there were 3 people and 2 reporters. He felt it had had good news coverage, both on radio and in newspapers, but he was appalled at the apathy. Testimony was in favor of passing the bill and he moved to pass the bill out Do Pass. Hillstrand wanted to asked a question about the hearings and wondered if Mr. Randolph went through the bill section by section. He said that he had and in Anchorage it was very informal. Rose noted that he had made a motion to pass this bill out prior to his leaving on his field trip. Mr. Randolph yielded to Mr. Rose. Moran asked if there were any other persons who were to be heard on this bill. Randolph noted that there were some amendments to be made.

HB-97

HB-11

Age of Majority

Rose asked to delay action on this bill until Mr. Peterson comes up with the amended version. Judge Stewart's indication that the subsection should refer to the children's section will be noted when preparing the committee substitute. Further discussion will be held on this bill after the CS has been prepared.

HB-97

Moran noted two bills that were ready for introduction by the Judiciary Committee. One on mental competency and one on change of venue, as requested by the Judicial Council.

Powers of 4th  
Class Cities

On SB 117 am - Powers of fourth class cities. Strategy was planned for action on this bill on the Floor tomorrow. Moran proposed an amendment which would give 4th class cities the opportunity to obtain the authority they need by petition. The reason he does not want it spelled out is that there would be some circumstances that they couldn't see now that would occur in the future and cause problems. Hillstrand felt it should be spelled out. He mentioned (Moran) that Willie Hensly had no objection to the petition approach. This will be prepared for submission tomorrow.

SB-117

Meeting adjourned at 5:05 p.m.

HOUSE JUDICIARY COMMITTEE  
MINUTES OF THE MEETING  
March 23, 1971

The meeting was called to order by Vice Chairman Rose at 3:08 in the Masonic Temple. Present were: Meland, Barber, Banfield, Peterson.

Prohibiting  
Monopolies

HB 164- Prohibiting monopolies. Pat Irvine, representative of Standard Oil of California, testified against the bill. He did not have suggested amendments prepared and from a lack of anti-trust attorneys in the State of Alaska, that outside help should be appreciated from the committee. He submitted a letter by the attorney for Phillips Petroleum. He noted that the American Bar Association has been considering a model anti-trust act. He feels that he could provide something for the committee on it by next week. He would prefer a model uniform type act. The original act he was confronted with was in 1960 and it was an act prepared by the anti-trust division of the U.S. Dept. of Justice. His former law partner helped draft this right out of law school and HB 164 as written now has been improved a great deal, but there will have to be amendments made and he hopes to have them by the end of the week. (Randolph and Hillstrand arrived 3:14) He noted that there are two persons who would be willing to testify before the committee. The important part of this bill is the area on unreasonable restraint and trade. The bill as written would include the only filling station in Bethel when what you are really talking about is the entire marketing area. You also would not be able to buy out a competitor under this act. Banfield asked if the bill was the same bill as submitted last year. Mr. Irvine noted that it was with the exception of .180.

HB-164

Hillstrand asked what type of business in Alaska would be included. Mr. Irvine noted that it would apply to any type of business. Cooperatives are <sup>now</sup> included under the Sherman Act and labor unions are exempt. Mr. Irvine noted that all general business is covered by this except for the special exemptions in the bill. Banfield thought it would be a good idea to have the AG appear before the committee on this bill. Mr. Peterson did not know if this bill had been worked on by the Legislative Affairs Agency last year. This was SB 395 from last year. The AG is to be invited to testify. Mr. Rose wanted to know how much of a job it would be to get out a memo requesting a study on this bill. Mr. Peterson felt it would be a big job and thought the AG's office should do it. Mrs. Banfield felt the Dept. of Commerce should also be notified. Rose stated that we should send out an invitation to all of the various trade and business groups, Chamber of Commerce, and the Bar Association and request them to report back with their recommendations.

March 23, 1971

Page 2

Prohibiting  
Monopolies

Art felt there may be some national consumer associations that would like to be notified. The Vice Chairman delegated Art to send a copy of the bill and ask for recommendations and also invite any witnesses that would like to appear. This has been set for consideration on April 7th. Mrs. Banfield asked if this was a priority for this year and Mr. Rose felt that if they couldn't accomplish it now they could leave it as an intermin project. Scheduling of the April 7th meeting was without objection by the committee members. Mr. Barber commented that the fishermen were very much interested in an anti-trust bill for the reason of control over the canned salmon industry. He feels the problem has been partially solved by the fishermen being able to sell their fish by the pound and recommended that the committee talk to Gene Guess on this. Mr. Barber noted that they might be able to put an anti-trust bill in now if deemed advisable but they might not be able to put the same bill through in a few years.

HB-164

Juris. in Dis.  
Court

HB 308 - Jurisdiction in the District Court. There is another bill which raises the jurisdiction to \$10,000 and HB 308 does not change from the present which is \$3,000 unless the new bill is made law. Section 2 is the main item that increases District Court jurisdiction to \$15,000 in auto accidents only. The reason for this is that automobile accident cases are considered by lawyers and sometimes non lawyers under the arbitration clause in all uninsured moterist cases. In this instance you would not have a judge. With this bill you could have up to \$30,000 per accident or \$15,000 per person which could be considered by the Judge in the District Court. People who are professional judges should be able to dispose the same amount of money as non judges. This should help speed up cases in the district court. Barber moved that the put the bill out Do Pass and asked unanimous consent. No objection. Banfield signed no recommendation.

HB-308

Use of Firearms

HB 328 - Use of Firearms. Tillion was here on his bill. We have a law on the books at the present time that says firearms may not be discharged within the city limits. Some city limits are very large and include the duck flats. Rifle ranges in this district are also illegal. This bill would say "unless otherwise stated by city ordinance" which would allow individual cities to regulate their own area. He gave an example of Homer where people were arrested while out duck hunting. Randolph moved the bill Do Pass and asked unanimous consent. No objections. All signed Do Pass.

HB-328

Meeting adjourned 4:00 p.m.

HOUSE JUDICIARY COMMITTEE  
MINUTES OF THE MEETING  
March 24, 1971

The meeting was called to order by Chairman Moran at 3:15 p.m. in the Masonic Temple. Present were: Rose and Banfield.

Prohibiting  
Monopolies

There was not a quorum present but Mr. Fritz was here to testify on HB 164 - Prohibiting Monopolies. He stated before the committee that his main interest in this bill was the need to have the insurance industry exempted. Mr. Moran noted that Pat Irvine had testified on this bill and that it was the same bill as last year.

HB-164

Mr. Fritz noted that the only state that has adopted this type of legislation is in deep trouble. He estimated that if this bill was enacted he would need six to ten additional clerical people just to keep the records of each company by class. He said that there was a letter by Mr. Banfield addressed to Mr. Kerttula. He read the letter to the committee. Mr. Fritz said that the Federal Fair Trade and Practices Act failed in Congress last year because of this one point. It will probably be introduced by Senator Magnasson with the exemption for the insurance companies.

Marine  
Radio Comm.

Mr. Chuck Buck was here on HB 180 -Radio Marine Communications. Since he was prepared to testify before the committee although a quorum was not present, he gave his testimony. He had prepared comments for the committee members. Mr. Buck noted that when he wrote the FCC and asked for the meaning of the "time of telephony" that it was very difficult to get a reply from them - even up to a year. Section 30 appears to be a blanket authority to allow Commerce Dept. to write regulations and Mr. Buck does not think that this is what was intended. He also noted that there was a great deal of coverage in the various rules and regulations but they are confusing in many aspects. Moran thanked Mr. Buck for coming before the committee and also for his memo of explanation noting that he would give a copy to Mr. Tillion.

HB-180

Meeting adjourned 3:40 pm.

HOUSE JUDICIARY COMMITTEE  
MINUTES OF THE MEETING  
March 25, 1971

The meeting was called to order by Chairman Moran at 3:08p.m. in the Masonic Temple. Present were: Meland, Banfield, Peterson, Barber and Hillstrand.

Powers of  
4th Class  
Cities

The Chairman reported to the committee that the committee substitute for SB 117 had been prepared. He wanted to do this primarily because the kind of people who handle these things in fourth class cities do not have the expertise. The sponsors agree with this approach. He asked them if they would like to accept the CS. Hillstrand objected because they didn't include section.240. There was a brief discussion on this point and Mr. Moran noted that Legislative Affairs had prepared the amendment. Art will check this out and have the CS retyped. Moran noted that this bill will be going immediately to the Rules Committee. Tomorrow Judiciary will have a brief meeting on the floor and each member can sign the bill out as he wishes.

SB-117

School Bldg  
standards

HB 265 - Relating to the Dept. of Education duties. Moran noted that there are quite a few schools being built that do not meet good educational standards. They do meet building codes but it is questionable as to whether or not they meet desirable instructional purposes. This is dealing particularly with rural schools. (Randolph arrived 3:27 p.m.) Hillstrand requested the Chairman to have someone come over from the Dept. of Education. Jo Ann will call Mr. Issacs and ask to have someone come.

HB-265

Interview  
with  
Mr. Herb Sole

Mr. Moran introduced Herb Sole of the Public Defender Agency. Moran noted that he is subject to appointment confirmation and it was a good opportunity for committee members to ask questions of Mr. Sole. Mr. Sole was invited to talk about his budgetary programs. He felt that the budget would be a good place to start and gave a history of his organization. The Public Defender's Agency began operation at the end of 1969 and had three offices. One in Ketchikan, Anchorage and Fairbanks. In 1970 there are offices in Juneau and Nome. He noted the differences throughout the state as to frequency of crime. Anchorage is having more problems than Juneau and that Nome had special type problems. He felt the Agency should become more involved in finding a solution to the problems they encounter. In this line, he has requested psychiatric treatment be made available, but in four months nothing had been done.

They also serve in the capacity of counselors where a person has problems with employment, where they can give help to a person who might be headed for trouble. He noted that there were a lot of disappointments but a 10-20% success was encouraging to him. The Agency would like to increase activity

Public  
Defender  
Budget

but their budget won't allow this. He noted that they have another problem since the Supreme Court has ruled that people charged with misdemeanors or crimes which give up to a year in jail are entitled to a lawyer so this will increase their work load. A possible solution to this is the offer of UCLA to have their last year law students be given credit for one quarter of work with the Public Defender's Agency in Alaska. This program would include nine students on a rotating basis with the ones in the spring going clear through the summer. Mr. Sole feels that this is a very advantageous program. Due to the financial situation of Alaska, their budget is the same as last year's, allowing only for maintenance, therefore no new programs can be instituted without an additional appropriation. Moran asked if there was anything the committee could do to get the law student program started. Mr. Sole felt this could be done by court rule and that probably the Board of Governors could be contacted. Mr. Moran thanked Mr. Sole for appearing before the committee and felt he had been very helpful.

School Bldg  
Standards

Mr. Isaacs, Deputy Commissioner in the Dept. of Education, appeared on HB 265. Moran noted that this piece of legislation is of importance but that some of the committee members would like to have more information on the measure. Mr. Isaacs noted that he was not familiar with the background and did not know why it was introduced. He did not feel this legislation was necessary. He felt the department already had this power. He did note that it mentions building codes and puts in standards and specifications. He did not think that anyone could agree on what specifications would mean, and thought that this should be taken out of the bill. He noted that the division of Buildings, Div. of Public Works and Dept. of Health and Welfare also gave approval in their various fields. He did not think that the Dept. of Education should set up standards because it would remove the flexibility necessary. Further discussion was held on this measure and it was decided to invite Mr. Van Houte, Alaska Education Association, and Mr. Everett Simpson, of the Div. of Buildings to appear before the committee on Monday, March 29. The secretary will notify both of these people.

Meeting adjourned 5:05 p.m.

HOUSE JUDICIARY COMMITTEE  
MINUTES OF THE MEETING  
March 26, 1971

The meeting was called to order by Chairman Moran at 3:10 p.m. in the Masonic Temple. Present were: Meland, Banfield, Randolph and Peterson.

Estrays

Mr. Randolph reported on his research in the Fairbanks area in regard to Estrays (HB 11). He talked to the people involved and they had not tried to get a petition to make a grazing district. Randolph moved to table this bill and asked unanimous consent. There was no objection.

HB 11

Duties/ Dept.  
of Education

HB 265 - Duties/Dept. of Education. Mr. Van Houte was here to defend this bill. He felt that there was adequate reason for this legislation, particularly in the rural schools. He noted that these school buildings do not meet safety standards, sanitation standards, etc. He noted other structural inadequacies. He says the Dept. of Education says they don't have the authority to correct these problems since this is the authority of Public Works Dept. and vice versa. Moran noted that the Dept. of Education already has this authority and the committee invites any testimony regarding this subject. The committee will then call the Commissioner of Education and Mr. Isaacs before them to answer the charges. Before they can consider this, they must have documentation from the teachers involved. (Barber arrived 3:30) Mr. Van Houte said that he was interested in a solution to the problem and if there were any other means to solve it, it would be acceptable to him. It was noted to the committee members that there would be a meeting in the Court Room Saturday afternoon where these education problems would be under discussion.

HB 265

Age of Majority

HB 97 - Age of Majority. They have discussed this bill previously but are now ready to take final action. Banfield moved to keep HB 97 in committee until next session. Randolph objected. Moran didn't feel that they had had adequate experience with the effects of lowering the age to 19 as yet. Barber does not want to hold this in committee and would like to see it voted out in any way members desire. Moran suggested they discuss the amendments prepared by Mr. Peterson before acting on the bill. Art explained on a line for line basis. (Rose arrived 4:00) A note was made of all males having to pay a poll tax between the age of 18 and 50. Instead of amending this, the committee would like to repeal this tax. Mr. Peterson will prepare the bill for the committee. Randolph moved to adopt the amendments and all were adopted except 1 which would conform this bill with HB 98 and HB 111. A CS will be prepared but the committee report was signed out. Moran, Meland, Banfield and Barber reported it back without recommendation. Randolph and Rose voted Do Pass.

HB 97

Dist. Ct.  
Jurisdiction

HB 289 - District Court Jurisdiction. In this bill provision was made for handling foreclosure liens up to \$10,000 but there was not provision that these be recorded. It will be necessary to cover this in a separate bill.

HB 289

Marine Radio  
Communications

Mr. Peterson will review HB 180 - Marine Radio Communications to consider proposed amendments. Mr. Rose noted that he had a request from the Administrative Director of the Court System and from the Probate Master. They know they are trying to change the entire probate code, but they are having problems with storing items from estates. Present law only allows them to dispose of estates not exceeding \$2,000 and they would like to have this increased to \$5,000. Rose suggests putting this in as a committee bill. No objections. Mr. Peterson will prepare the bill.

HB 180

Native Land  
Claims

Moran distributed HJR 26 - Native Land Claims. Barber felt that the main purpose of this bill was to make sure that the major part of this settlement not be used for administrative purposes. Banfield moved to delay discussion until Mr. Hillstrand returned.

HJR 26

Elections

HB 323 - Relating to Elections. Rose asked to have Mr. Peterson prepare an amendment to make this bill correspond to HB-3 - Voter pre-registration. Mr. Randolph did not think this was necessary because it has not passed the Senate.

HB 323

The Chairman noted all who should be notified on the hearing on HB-164 - Prohibiting Monopolies. Mrs. Mason will write letters to those specified.

Meeting adjourned at 4:30 p.m.

HOUSE JUDICIARY COMMITTEE  
MINUTES OF THE MEETING  
March 29, 1971

The meeting was called to order by Chairman Moran at 3:20 p.m. in the Masonic Temple. Present were: Meland, Banfield, Rose, Barber, Peterson and Hillstrand.

Jurisdiction  
Dist. Courts

Rose commented on HB 308 which had been recommitted to this committee. (Jurisdiction in District Court) This is Mr. Rose's bill and he would like to make it more palatable by preparing an amendment. He mentioned the draft from the Anchorage Bar that increased the jurisdictional amount to \$15,000. It contained a provision for preemptory challenge. He would like to have the committee adopt language which would show this.

HB 308

Duties/Dept.  
of Education

The chairman noted that they had two witnesses on HB 265 (Duties of Dept. of Education re: school buildings). They were Mr. Isaacs and Mr. Everett Simpson from the Dept. of Public Works. Mr. Isaacs did not have anything to add to his previous testimony. He did recommend that the penalty be dropped. He felt there was already adequate penalty in the law since the state could withhold the funds if the law is not observed. He also recommends that the building codes be omitted since a number of the agencies that are working in their particular fields already see that the codes are observed. There is a difference of opinion as to whether the Dept. of Education authority is adequate. He distributed a copy of a court case to substantiate his position. There was a lengthy and detailed discussion of the subject at which time Mr. Van Houte joined the group. The chairman asked if any of the legislators had attended the teacher's meeting. None of the Judiciary members had. It was the opinion of the committee members that they did not want to pass legislation telling a state agency to do what they are already supposed to be doing. It was further decided that Mr. Van Houte was going to bring specific documented cases before the committee before they would give further consideration to this bill. There were some amendments proposed and Mr. Hillstrand will prepare an amendment for the committee. Mrs. Banfield requested Mr. Peterson to find out who wrote the bill. Mr. Van Houte will bring his findings back before the committee on Friday. There was some discussion on obtaining relocatable school buildings for use in Alaska, but this did not particularly apply to the contents of the bill. There was comment made to the 5% preference advantage to Alaskan contractors and there was some question as to whether the 5% was a large enough advantage. Mr. Simpson was going to obtain some statistics on this.

HB 265

Before the meeting adjourned Mr. Hillstrand requested the Chairman to place HJR 26, Native Land Claims on the agenda.

Meeting adjourned 4:45 p.m.

HOUSE JUDICIARY COMMITTEE  
March 30, 1971

Late session in the House. No committee meeting  
was held this day.

HOUSE JUDICIARY COMMITTEE  
MINUTES OF THE MEETING  
March 31, 1971

The meeting was called to order by Vice Chairman Rose at 3:10 p.m. in the Masonic Temple. Present were: Meland, Randolph, Barber, Hillstrand, Banfield and Peterson.

Rep. Rose was requested to chair the meeting by Mr. Moran. The first item of consideration was HB 47 - First Degree Murder. The committee considered the CS that had been prepared by Mr. Peterson. Mr. Hillstrand noted that the sponsor of the bill was not present, so he and Mr. Randolph returned to the Public Utilities Commission hearing. Mr. Rose asked for comments on the CS. Mrs. Banfield mentioned that since this bill was not doing what Mr. Colletta wanted it to do, he had apparently lost interest in the bill. Mr. Rose reviewed the CS. What it does is provide an additional penalty for certain offenses which include the use of a dangerous weapon. Besides the CS they have reference to existing statutes, Mr. Craddick's memo and some experts from the Honest Politicians Answer to Crime Control. The increase of penalty for these offenses, when in the commission of a crime a person has been killed, five years has been added to the sentence. Mr. Rose asked the committee, what their pleasure was. Mr. Peterson asked if he could comment. He noted that there is another recent case dealing with this section of the law and that he is still reading the case to see how it would affect this legislation. It mentions double jeopardy and that we ought to know the pitfalls that we could avoid by studying this new case. In this particular case they may even avoid triple jeopardy.

There was some discussion on the "purposely, deliberately, and premeditated". Mr. Peterson said that he had talked with Mr. Craddick and it was thought best to have all three words left in. Mr. Meland noted that he was not here when Mr. Colletta first appeared and he wondered why he had introduced this bill. Rose explained this to him. Rose again asked what the pleasure of the committee was on this bill. Mrs. Banfield felt that they should wait until Art had read the recent court decision. Mr. Rose said that this would be put over but if they were going to have any action on it this session, it would have to be acted upon soon.

Mr. Rose discussed with the committee the possibility of having all committee meetings recorded. He noted that he had discussed this with the librarian and the people of the Historical Society, Gene Guess, and others. He indicated that they were interested in having committee proceedings reported to pin down legislative intent. The legislature

First Degree  
Murder

HB 47

was short of machines so he had volunteered his own recorder.

Jurisdiction  
Dist. Courts

The next item of consideration was HB 308 - Jurisdiction in District Courts. Mrs. Banfield asked what the problem with this bill was since it had been returned to the committee for further consideration. Mr. Rose said there was an objection on the floor. This bill increases jurisdiction in the district court \$15,000 for auto accidents only. The main objection was that the district court was not a court of record and the Judiciary Committee was going to check into the full meaning of this problem. In district court now there is no preemptory challenge to a judge. Mr. Meland noted that there is a bill in the Senate and that he thinks it will be on the calendar in the next day or so. Mr. Rose said that they didn't know if the other bill would pass into law. Another problem is that in the district court, the court does not instruct the juries. It is left up to the attorney to give his own interpretation of what the law is, to the juries. Rose asked Mr. Peterson if he had any idea of the import of "court of record." Mr. Peterson noted that it could have various meanings. He felt that the recorders office could record such things as liens. He didn't think this was much of a problem. He went on to state that other than that, you have the full record of the decision. He didn't think it was really advisable to have all things recorded that are done in the district court. Rose noted that in the Superior Court, tapes are kept but there is no transcript unless by request. The person who requests it, pays for it. He believes that in the district court they only keep them for a certain time whereas the Superior Court keeps a permanent record. Mr. Peterson suggested having Judge Monroe discuss this with the committee. Mrs. Banfield suggested Judge Stewart also. Mr. Peterson will research the full import of the court of record. Mr. Rose obtained a draft of a bill prepared by the Anchorage Bar from our files which he had submitted earlier. This proposal raises the general jurisdiction of the dis. court to \$15,000 but included the instruction of juries and the challenge of a Judge. He requested Mr. Peterson to look into section 5 and 6 of this draft and include them in HB 308. On April 5 they will have a report from Art on the court of record and he will provide a CS covering the suggestions given. The sec. will invite Judge Monroe and Judge Stewart. If Judge Stewart is not available it may be that Judge Carlson can come. Mrs. Banfield also requested that Bill Ruddy be notified. Meland left to attend another meeting, so there was no longer a quorum. HB 47 will be scheduled for April 1.

HB 308

Admin. of small  
Estates

It was decided to submit a committee bill on administration of small estates. Mr. Rose filed it immediately after the meeting with the Chief Clerk.

Meeting adjourned 3:40 p.m.

MINUTES OF THE MEETING  
HOUSE JUDICIARY COMMITTEE  
April 1, 1971

The meeting was called to order by Chairman Moran at 4:13 p.m. in the Masonic Temple. Present were: Barber and Rose.

Appointment  
Confirmations

A quorum was not present, but it was decided to go ahead with open discussion between Mr. Chapple, Mr. Havelock and the committee members present. Chairman Moran assured both of the appointees that lack of attendance only reflected that the committee members had already decided that they would confirm their appointments. The purpose of this meeting was to give the members of the legislature an opportunity to become better acquainted and ask any questions that they desired.

Motorcycle  
Regulations

There was some discussion on motorcycle regulations with Mr. Chapple and also some discussion on setting up classes of drivers' licenses. Mr. Barber requested a copy of the current motorcycle law and this will be provided to him. Chapple noted that the main problem is having someone available in the Dept. of Public Safety that is qualified to give such tests.

Juris. Dist. Ct.

There was some discussion with Mr. Havelock on jurisdiction in the district courts and the effects of handling liens on real property. Another question was whether or not the district court is a court of record. There was also discussion of a management of the court system relative to personnel. The Chairman called this to the attention of Mr. Havelock. He noted that he felt this was causing problems in his own department because of excessive differences in wage scale. Discussion was brought to an end and meeting adjourned at 4:35 p.m.

HB 308

MINUTES OF THE MEETING  
HOUSE JUDICIARY COMMITTEE  
April 2, 1971

This was a joint meeting between the House and Senate  
Judiciary committees in the Superior Court room.

Court System  
Building  
Space -  
Joint meeting

Those present:

Les Miller - Judicial Council  
V. Paul Govora - Judicial Council  
Ken Brady - Judicial Council  
Robert C. Erwin - Supreme Court  
Edward G. Barber - House Judiciary  
Everett Harris - Anchorage Bar Association  
Mike Rose - House Judiciary  
Robert Reeves - Court Administrator  
Thomas Wardell - Deputy Attorney General  
George Boney - Supreme Court  
Judge Fitzgerald - Superior Court  
Gordon E. Evans - Juneau Superior Court Clerk  
Theodor R. Dunn - Secretary of Judicial Council  
Paul B. Jones - District Court - Anchorage  
Walter Jacobs - President, SUA Div. of Dillingham Corp.  
Joseph R. Henri - Commissioner of Administration  
Richard Freer - Dep. Commissioner of Administration  
Eric E. Wohlforth - Commissioner of Revenue  
Robert Ziegler - Senate Judiciary Chairman  
Chancy Croft - Senate Judiciary  
G. Clifford Groh - Senate Judiciary

This is a resume of the joint meeting:

Basic testimony was in regard to not going ahead with the  
building as scheduled as this will be building in obsolescence.  
There was some question as to how it will be possible for the  
state to be paying rent on a building that was not in existence.

Recommendations:

Additional monies to be appropriated for proper construction  
of appropriate space and design. This makes it necessary  
also to include monies to purchase the remaining four lots  
in the area of the court house in Anchorage at present.

To build a properly designed building with 4 floors with  
library on the 1st floor, and in the final, to be a 6 story  
building, leaving the two top floors unfinished. Mr. Henri  
introduced Mr. Jacobs of the SUA to the council.

Mr. Jacobs made a proposal that he would contract his services  
for a space study. He gave an estimated cost of \$95,000 with  
an additional \$43,000 for the courtroom space on a 90-120 day  
contract. He also told the council that they should be able

to get matching funds from LEAA. Comm. Wohlforth commented on this and felt that since the problem involves ASHA, that someone from that division should have been here to testify. He also felt that someone from the division of Buildings should be contacted. He feels that any action taken should include their testimony. Justice Erwin concluded the meeting at 4:00 p.m.

HOUSE JUDICIARY COMMITTEE  
MINUTES OF THE MEETING  
April 5, 1971

The meeting was called to order at 3:40 p.m. by Chairman Moran in the Masonic Temple. Present were: Meland, Hillstrand and Banfield.

Juris. Dist  
Court

Moran noted that Judge Monroe was here on HB 308 and was asked to join the committee at the table. Judge Monroe prefaced his remarks by saying that he had been asked to come in and comment on this bill as it relates to the recording of judgments in the District Court, and to the correlative question as to whether or not the District Court is a court of record. Chairman Moran noted that this question applied equally to HB 289 which is also jurisdiction in the District Court. The committee wants to know the effect with respect to the Title Companies. It was suggested by Mr. Dunn, Secretary of the Judicial Council, that Title 9 covers this. They don't want to put an extraordinary burden on Title Companies that do not have offices in all the locations where they have District Courts.

HB 308

Judge Monroe began his testimony by stating that it was his opinion that the District Court is a court of record. He gave a definition of this term from Black's Law Dictionary. The Superior Court is a court of record by Statute. He submitted some information for committee use. He also noted that raising or lowering the jurisdictional amount will change nothing in the court procedures. (Randolph and Barber arrived 3:50 p.m.)

Moran noted that Mr. Hurley was in the audience and asked if he had any comments. He said he didn't realize that this was coming up at this time.

Child Neglect

HB 294 - Child Neglect. Mr. Farrell appeared before the committee in favor of HB 294. He noted that this is identical to SB 475 of last year and that it had passed both the House and Senate but was vetoed by Gov. Miller. Last week there were hearings held in the HWE Committee. He offered to answer any questions the committee might have. He made mention of a group insurance plan that recognized Christian Science Practitioners. He submitted several items to be placed in the file. There was some discussion as to possible amendments. Mrs. Banfield suggested changing "wife" to "spouse". There also was some discussion about changing the title of the bill. Mrs. Banfield also suggested deleting "age 19" on line 24. The amendments were adopted.

HB 294

Trust Companies

HB 253 - Trust Companies. Mr. Hurley was here to testify on this bill. He testified that on line 16 there is a language change and this additional language brings a

HB 253

cloak of safety as commercial banks. Previously, stockholders had double jeopardy, but this was before the FDIC issued insurance up to \$20,000. This is the way it had been with the banks for many years and it has not proved to be detrimental. Previously, the banking law was amended to allow them to hold their annual whenever they saw fit and this bill allows the Trust Companies to do the same thing. Barber moved HB 253 out "Do Pass" and asked unanimous consent. All members signed "Do Pass".

Sale of Public Bonds

HB 204 - Sale of Public Bonds. The thrust of the bill is to limit the purchase of issues by the one whom you have retained to advise on selling the bonds. They have already heard testimony from Comm. Wolhforth and Rep. Guess. The Chairman had a letter from Seattle Northwest Securities Corporation, which opposed this bill.

HB 204

Child Neglect

HB 294 - Mr. Farrell returned to the committee to report on his investigation that the amendments proposed by the committee would be acceptable. Amendments will be prepared and the bill signed out on the floor tomorrow.

Hillstrand moved that HB 204 be reported out Do Pass. Mrs. Banfield signed Do Not Pass. Meland signed No recommendation. Moran, Randolph, Hillstrand and Barber signed Do Pass.

Native Land Claims

Mr. Hillstrand requested consideration of HJR 26 - relating to the Native Land Claims Settlement. There was some mention of an amendment on line 28 which provides "no persons shall unreasonably profit"... Moran and Banfield signed Do Not Pass. Randolph, Meland, Hillstrand and Barber signed Do Pass with State Affairs Amendment.

HJR 26

Constitution Amendment

SJR 34 - Constitutional Amendment. This measure was signed out with a unanimous Do Pass.

SJR 34

Meeting adjourned 4:40 p.m.

HOUSE JUDICIARY COMMITTEE  
MINUTES OF THE MEETING  
April 7, 1971

The meeting was called to order by Chairman Moran at 3:12 p.m. in the Masonic Temple. Present were: Peterson, Banfield, Barber, Meland and Rose.

Monopolies

HB 164 - Antitrust - Restraint of Monopolies. Mr. Moran noted that each member had received information on his desk with proposed amendments from Pat Irvine. Mr. Havelock stated that it was a pleasure to appear before the committee testifying on a state antitrust bill. He has had experience with this type of legislation and this was one of his first assignments when he began employment with the state. In 1960 he worked with the Federal antitrust division. He believes that the committee will be doing the state a great favor by adopting this antitrust bill and thinks that we should enact it now and if any hardships arrive from it, this could be acted upon in a later year. At the present time there is no protection and this gap has existed since statehood. They were protected under federal antitrust laws before statehood and he believes the state is worse off now than before. He has discussed with Mr. Banfield a proposed amendment that would grant a form of exemption to the insurance industry since it is already regulated by other provisions of the state law. He has no objections and the administration has no objections to adopting an amendment of this type. Mr. Havelock noted that he had received letters of criticism and he will respond to these on a section by section basis. He noted that he would provide the committee with a copy of his comments.

HB 164

There was some discussion on sec. 45.51.050 and if the committee wanted to clarify that aspect of it, there would be no objection to this change. This related to consent judgments being obtained before filing the actions. Rose asked if there would be any objection amending consent judgments after the filing of a case. Mr. Havelock felt that that would be all right. He cautioned that if you allow the filing before it makes it easier for a private party to recover. He noted that this bill was from Mr. Miller's administrative but was also agreeable to it. The Commerce Committee asked him if he would be in need of enormous increases in financial support to engage in the activities contemplated under this act and to what affect this would have in terms of no. of cases brought. He thinks that the overwhelming impact of this act will not be great; the vast majority of the citizens are law abiding. He feels that the voluntary compliance of the citizens of Alaska will take care of 99% of the work that might be generated under this act.

Monopolies  
(Cont.)

He said he would not be surprised if he didn't bring action for 2-3 years. The impact of the decision is a reminder that the law exists.

Mrs. Banfield asked Mr. Havelock if someone asked his opinion about the pipeline and whether or not they are in violation in the form of monopoly would he do this. He stated that he didn't have the authority to give it to just average citizens, but could for legislators or others in like position. He said that Alyeska was not in violation. This is not a written opinion, but what he feels he would find.

Rose asked if oil lease combinations were in violation. Mr. Havelock did not know exactly what Mr. Rose was alluding to and stated that he was not an oil and gas attorney and does not know the fine points, but just from his view point would say they are not in violation.

Mr. Banfield was the next witness. His main purpose was to request exemption for the insurance industry. One of the main reasons he gave for this was that the insurance industry does conspire in many ways. They issue standard policies and standard rates. He said no fire insurance company has enough experience to set its own rates so they subscribe to a rating bureau and the bureau provides advisory sets of rates under which they operate. They want to continue to operate this way under the Director of Insurance and if they are in violation, they want the Director to tell them about it. He has discussed it with the AG and they have worked out a form of amendment which reads "persons engaged in the business of insurance to the extent they are regulated under AS21 are exempt from the provisions of this chapter." Mr. Banfield noted that maybe Title Companies should be put under this act, but they are regulated otherwise too. Moran asked if the language had been discussed with the AG and was assured that Mr. Havelock had made the penciled in changes.

Rose noted that in view of the comments that persons of the insurance companies need not be too concerned. Mr. Red Drake, Dep. Director of the Dept. of Insurance is appearing for Bill Fritz who is out of town. Mr. Drake noted that they were in favor of this exemption. It has been well explained by the previous testimony and they are in complete agreement.

Ross Duncan of the Alaska Assoc. of Insurance concurred.

Pat Irvine, Standard Oil of Calif. introduced Jim Waters from San Francisco who prepared a memo and amendments. Mr. Waters noted that this was his first visit to Alaska and that he has engaged in antitrust law in Calif. for 8 years. He has a memo which has his comments. Mr. Waters

Monopolies  
(Cont.)

wanted the committee to know that he concurred with the AG's comment about federal antitrust laws being around for a long time. He noted that they are necessary restraints that keep our economic system operating. He noted that most the Western states have antitrust laws of some sort but that they are rarely enforced or used. He feels that the fed. antitrust laws are either too broad or obscure. He noted the Sherman Act, which is 80 years old being more viable now than when it was enacted. It prohibits contract combinations in the constraint of trade and monopolies. He also noted the Clayton Act which is not quite so broad. Moran asked Mr. Waters to go through his proposed amendments giving the reasons for them. In Sec. 10 Mr. Waters wanted to add the word "unreasonable." The Supreme Court has interpreted it this way and feels it should be added for clarification. Also in Sec. 10 he feels there is a need to insert mention of a geographic area. This is necessary to decide if something is unreasonable. Delete sec. 45.51.020 through 060. 020 gives a list of specific practices. There is danger of not mentioning all situations. 030 may include agreements of leases re; real estate that are often exclusive such as in the shopping centers and on the face these may appear anti competitive. He did not feel secs. 040 or 050 were necessary. Whatever acquisitions or mergers took place would be termed reasonable under 010.

The next subject was interlocking directorates. The sec. also goes much further in this case than in Fed. antitrust laws prohibiting certain directorate interlocking including officers, etc. To his knowledge, only the FAA has a provision touching on officers and agents being in common. Even FAA will give its approval if they find it is reasonable. They do not attempt to prohibit this entirely. Moran asked if the argument by the AG was not a way to alert the general public that they may be in violation of the law. Waters replied that generally it is the attorney's job to advise the businessman since most businesses do have regular attorneys. Waters also noted in cases like this the judge considers intent. Your sec. 060, my sec. 020 is for the purpose of exempting certain types of organizations such as agriculture and labor. He thinks this is a fine exemption. His only suggestion for this section is to change some poor wording. This talks about captial stock relative to labor organizations. He next noted enforcement procedures. They were criminal which included price fixing, civil remedies and civil monetary penalties. There was private damage remedies. He objected to the treble damage portion. He recommends that his draft as proposed and if it is enacted provide for the recovery of actual damages to private persons with a discretion to the court for treble damages under certain cases.

Monopolies  
(Cont.)

He feels that you should retain treble damages at the court's discretion in price fixing, boycotts, and other such cases. Under Fed. antitrust law the U.S. is not empowered to bring suit on its own behalf and then recover treble damages. Mr. Waters does not think this should be allowed to the state either. Rose asked if Mr. Waters understood that the draft would not allow the AG to enter into these class actions. Mr. Waters noted that that was his next point and that he had provided guide lines for class actions in his draft. He thinks it is unreasonable and unprecedented to allow the AG to institute action to collect treble damages for private citizens. Rose disagreed at this point and felt that class action would be beneficial to the business man because it would eliminate many such cases against him which are time consuming. Moran felt that this was not the intent but that the enactment of consumer legislation was putting this state in the business of protecting the consumer. Moran felt that this protection was to be in a more abstract way rather than as individual pieces. The rest of the material is self explanatory. Mr. Barber requested that the AG be given a copy of Mr. Water's statement so that he could go through it and report back to the committee. Moran noted that they would be asking Mr. Havelock for further comments.

Roscoe Bell, BP Alaska, was the next witness. His area of concern was covered in Mr. Water's testimony and it related to unitization agreements. Under Alaska Title 38 there are specific exemptions of violations of antitrust acts. We have slight question subsequent to mineral leasing act and this is true because unitization is a conservation device. Moran noted that this is not Title 38 but 31.05.110 and also 31.05.100. Bell wanted to be sure that this is covered. Mrs. Banfield noted that there would have to be some word changing in this.

Court System  
Personnel

Rose presented the Chairman with a CS for HB 313 - Court System Personnel. It has been redrafted by the Court Administration and now has the blessing of the Personnel Division. It takes out most of the objections in the original bill. The Chairman noted that the secretary would make copies for all members. It would be scheduled for tomorrow. HB 313

School Board  
Members

Mrs. Banfield asked to have HB 330 - School Board Members to be considered. Brief discussion ensued. Rose moved to pass the bill out Do Pass and asked unanimous consent. HB 330

Homestead Exempt.

Mr. Peterson asked if CSHB 321 which increased exemptions for Homesteads to \$12,000 was acceptable to the committee. Brief discussion was entered into and Mr. Barber asked to have the bill signed out. There was no objection. HB 321

Meeting adjourned 5:10 p.m.

HOUSE JUDICIARY COMMITTEE  
MINUTES OF THE MEETING  
April 8, 1971

The meeting was called to order by Vice Chairman Rose at 3:15 p.m. in the Masonic Temple. Present were: Meland, Barber, Banfield, and Peterson.

Shoplifters

HB 123 - Shoplifters. Dean Ehrich of the Alaska Retail Association testified in favor of this bill. He had provided copies of a brief statement to all committee members. He urges favorable consideration of this bill. Mr. Meland asked just how shoplifters operated. Did they work singly or in groups? He noted they work both ways, but as a general rule, as individuals. There are problems when two work together. If you pick them both up you have the possibility of being charged with false arrest. He noted that the costs of living today are in large part due to the great amount of shoplifting. (Randolph arrived 3:25 p.m.) Mr. Peterson brought up a question on line 26 and 27 where reasonable time is mentioned. When you consider apprehension and questioning by a police officer, this could be quite a long length of time. Mr. Ehrich didn't feel it meant more than 5 or 10 minutes. Mr. Ehrich was asked to get some additional information and report back to the committee. There probably should be some clarification in the language. He will write to the retail association and see if their survey included which states had statutes on the books such as this. He was also going to call Washington State and ask them to send what information they had. Randolph noted that there was another question relating to the definition of reasonable grounds. The reason for this was to know whether or not it included knowledge that the person had goods on him. (Meland left 3:55 p.m.) Banfield reported that she had asked to have SB 38am - Privacy of State Employees - scheduled for the next meeting. Mr. Hurley was also present and asked to have HB 251 - Banking - scheduled for tomorrow.

HB 123

Privacy of  
State Employees

SB 38am.

Meeting adjourned 4:05 p.m.

HOUSE JUDICIARY COMMITTEE  
MINUTES OF THE MEETING  
April 12, 1971

The meeting was called to order by Chairman Moran at 3:10 p.m. in the Masonic Temple. Present were: Peterson, Meland, Banfield, Hillstrand and Rose.

The first item of discussion was regarding Mr. Rose's recording proceedings. The Chairman noted that he was going to ask him to stop recording the meetings since other committee meetings are not recorded and it would only inhibit members in their comments. Mr. Rose explained that this was a pilot project that was being done in connection with the State Library to be part of the archives. It would also assist in establishing legislative intent. The Chairman suggested that the Legislative Council might have interest in doing this. There have been tapes used in other committees but only as an assist in taking the minutes after which they are erased and reused. Moran requested that the practices of the legislature be followed in this regard. Barber arrived 3:15 p.m.

SB 123 - Shoplifting - The Chairman would like to deal with this bill expeditiously so there would be time to deal with SB 38am - Employee privacy. Moran noted that SB 123 was an attempt to provide statutory relief from civil liability for managers of retail establishments where there is reasonable ground that shoplifting has occurred. Mr. Ehrich had some materials that had been requested by the committee distributed. He proceeded to answer the questions they had asked. The first one was what numbers of states presently had similar law. He has a chart prepared on this: 37 states have similar laws to SB 123. 39 states provide immunity from false arrest suit if the detention was done in a reasonable manner and for a reasonable time. The second thing was a contradiction in the language on lines 15-17 as to detention for a reasonable time and lines 24-26. Washington representatives sent the AG's opinion which was passed out to the committee. The third point was whether or not SB 123 would afford any particular protection against false arrest suits. According to the the Washington AG's opinion, it would definitely do this. After a detailed discussion, Chairman Moran asked Mr. Peterson to check the contradiction in the language on lines 15-17 and lines 24 through 26. He wants all the committee members to read this information and will make final decision in their meeting tomorrow. There was some discussion on one point which had been taken out of the Washington Law and Mr. Erhich assumed it had been taken out in order to conform to Alaska law. He would not object to including the language.

SB 38am - Employee privacy. Mr. John Carter appeared to testify in behalf of this bill for the state employees. Mr. Moran read the amendments that came with the bill. There was a section by section analysis and there were many questions by committee members especially as it related to examination and interrogation of prospective employees. They were concerned about the relation of this to the Dept. of Public Safety and Dept. of Fish and Game. It appears that the things necessary for an employer to know about an employee are prohibited in this bill. As it applied to questioning, interrogation and psychological tests, it was felt that this should be delineated in "abc" format. Mr. Peterson will do this. There was also some discussion as to the possibility state employees who are on welfare who would be prohibited from questioning regarding their family. Mrs. Banfield was also concerned that nowhere in the bill does it say that you can't be questioned about your political affiliation such as coercing an employee to make a political contribution. Mr. Carter also noted that there were cases in this regard with savings bonds. Mr. Carter said that he would like to see an amendment made that would add political affiliation to religion, national origin etc. Mr. Moran fears that there would be blanket prohibition against any question of the employee by the employer. He also noted that this was getting into the matter of trying to legislate morals which is an impossibility. The Chairman also stressed the feeling that moral qualifications are entirely necessary for some state positions. Example was that you would not want to hire a homosexual for a jailer. Mr. Carter mentioned some of the things that state employees have been requested to do, political campaigning, TV appearances for candidates, and to provide personal services for a supervisor. Mr. Peterson will check and see if he can gain more clarity and also what is really meant by interrogation and examination.

Pat Wellington, Deputy Commissioner of Public Safety feels that this will definitely create problems in his department. In their occupation they have to do extensive background testing and research of their employees and then after they are hired there are times when they question them as to their outside activities. This is necessary to keep the pace in a high standard among the populace. Mr. Carter will comment on this problem with Public Safety tomorrow. It was suggested that Mr. Hunt, Director of Personnel, appear before the committee tomorrow. It was also suggested that he comment on House Bill 313, Court System Personnel. Mrs. Mason will call.

Next item of discussion was HCSSJR 10, Exclusive Rights of Fisheries. After a brief discussion, Rose moved this out Do Pass and asked unanimous consent, no objection so ordered. Meeting adjourned 5:20 p.m.

HOUSE JUDICIARY COMMITTEE  
MINUTES OF THE MEETING  
April 13, 1971

The meeting was called to order at 3:40 p.m. by Chairman Moran in the Masonic Temple. Present were: Meland, Barber, Rose, Banfield and Hillstrand.

Mrs. Banfield asked if any committee members would like to co-sponsor a bill that would change the state constitution to make contributions and contracts with religious institutions for purposes of education. Mr. Moran co-sponsored. Banfield will ask for Judiciary referral.

Next item was CSSB 38 amended, Employee Privacy. Pat Hunt Director of Personnel testified in favor of this bill. He did have some questions on certain portions and asked the committee about these. One was on item one where he wondered if that particular section would prohibit the Personnel Division from asking about an applicant's willingness to work on Saturdays because some persons are very willing workers but for religious reasons will not work Saturdays. This is a legitimate question for certain types of work.

On Item Four: I hope that this does not include asking about relatives because we have a personnel rule relating to nepotism. Mr. Peterson has prepared a draft copy of paragraph four dealing with this.

On Section Six - Restrict or attempt to restrict after hour statements: Under personnel we have regulations prohibiting activities contrary to the interests of the state. He felt that maybe the law enforcement branches of state government should be excluded. Mr. Hunt felt there should be some amendment to section six. Mr. Peterson noted that this is aimed at the personal relationship rather than business or employment relationships. This is to protect privacy of family life. Randolph arrived at 3:55 Mr. Barber asked whether a slight amendment showing that persons seeking employment with the state or political subdivision of the state being deleted--would this solve the problem. Mr. Hunt felt that this would help. Moran noted that there has been a lack of response from local government entities. Mr. Carter verified that there had been no testimony given on this bill by employers in local government.

Moran turned the committee's attention to line 19 where it refers to religion or national origin. He thinks what is meant here is national origin. Mrs. Banfield wanted to know how you would be able to comply with requirements and filing reports when you are asked how many whites are in your employ.

(Mr. Alex Miller, the Governor's Aid prepared this additional paragraph).

Next witness, Pat Hunt, Director of Personnel noted that the personnel division had an agreement with the court system where they would get special consideration for their requests because of their particular situation. He thinks the court system should run their own business and keep the branches of government separate. He does not feel that the employees would be treated badly under the court system. He is in favor of this bill. Mr. Hillstrand asked if he had had an AG's opinion regarding the separate executive and judicial branches of government. Mr. Hunt said that his opinion had been obtained from the Chief Justice and through court determination. Mr. Hunt noted that if something isn't done regarding this problem they will be in court he feels that this bill would resolve him of liability. Complete action will be taken on this bill later.

Moran asked for brief consideration of committee substitute for House Bill 294, Child Neglect. The problem arose from our amendment where we used the term spouse for wife. House Bill 294 has been recommitted and the committee has reassigned a committee report for committee substitute which will clarify the wording in the statute.

House Bill 313 - Court System Personnel. John Carter requested to make a few comments on House Bill 313. He noted that ASEA has a number of judiciary employees in their association. If they are separated from the personnel system he wants to be able to assure the employees of their rights of representation. They may need to develop their own merit system, this is particularly true when it relates to appeal and grievance procedures. Mr. Reeves noted that court system personnel have the same retirement, health benefits, etc. Mr. Carter requested that if some wording were put in to cover appeal and grievance that this would answer his problem. Mr. Reeves has no objection to adding such language.

House Bill 405 - Alaska Supreme Court. Mr. Swanson was here to observe the progress of this bill but Mr. Reeves will speak in behalf of this bill. The problem lies in the way judicial districts are drawn up and the problems that derive from the arrangement. Mr. Moran felt that it should be investigated as to what effect it would have on the history of Alaska.

Mr. Henri, Commissioner of Administration, joined with Mr. Hunt on this bill. Under Item four he thinks it is necessary to give psychological tests about sex matters in certain occupations. He was particularly interested in this as it related to selection of judges and people that would be working in the probation field. He was assured the judges would not come under this because they are an exempt service. Mrs. Banfield feels that Social Workers and some personnel in the Department of Education should be tested in this manner also.

John Carter: Mr. Carter added that he thought "racial extraction" rather than "national origin" should be used. Moran wanted to put in "race", Mr. Hunt objected to this since personnel would be unable to comply with the Federal law if that word is used. Mr. Peterson read from the statutes where records have to be maintained showing race, etc. Second point of Mr. Carter's was in reference to State Troopers. He spoke with two of them who are members of his organization and they feel the necessity for asking questions of new applicants before hire but feels that they should be protected from excessive questioning regarding off duty activities. I think that there have been enough points brought up in the discussion before the committee that it would tie the hands of those doing the screening. The best thing to do on line 29 would be strike "or persons seeking employment". Mr. Rose will prepare a committee substitute for this Senate Bill and we will consider this at a later time.

CSHB 313 - Court System Personnel. Mr. Reeves, Court Administrator handed out an additional paragraph to be added to the committee substitute. Moran said that there had been some resistance to eliminating the employees of the court system from regular personnel procedures, and the main question of whether the court system was paying their employees than other state employees doing similar work needed to be answered. Mr. Reeves explained the paragraph that he submitted was at the request of the Governor's assistant trying to assure that the fear of the court employees rising above other state employees could be alleviated. This also does not tie the salary survey to the survey made by the state for other state employees because of the different work requirements.

Mr. Henri, Commissioner of Administration, stated that the administration is opposed to House Bill 313 in its present form and the committee substitute is neither recommended or favored, they are neutral.

Mr. Reeves noted that there is a bill in the Senate which outlines a particular district whereas HB 405 would be flexible enough so that you could move the judicial district lines as needed. The idea for this came out of the meeting with the Bush Justice council. Reeves noted that the legislature is the only one that can change these districts. Hillstrand recommended an amendment on line 10 after the word "court" adding "with the approval of the legislature." Mr. Reeves noted that this judicial district is completely different from an election district. Mr. Peterson will research this. Moran asked if the judicial districts as they are now are not a cohesive group and if Mr. Reeves would like to realign them. Mr. Reeves said that is exactly the case. Rose asked whether this would affect the recording districts and Reeves said it would.

HB 393 - Magistrates. This bill attempts to give Magistrates some status. At the present time the presiding Superior Court Judge appoints the Magistrate, the Magistrate looks to the presiding District Court Judge for guidance in legal matters, but he turns to the office of the Court Administration System, who is the Magistrate's Supervisor. The Administration is unable to terminate a Magistrate who doesn't meet their standards since he has been selected by the Superior Court Judge. This bill allows the Administrative Office to fire poor Magistrates. There has been no objection from Superior Court or District Court Judges. Moran noted that it was a companion bill to HB 405.

SB 171 - Peremptory Challenge of District Judge. Since the increase of jurisdiction of District Judges, they should also be subject to the same kind of peremptory challenge as Superior Court Judges. This is what this bill does. Chairman Moran would appreciate a motion to move this bill out Do Pass. Randolph so moved and asked unanimous consent. No objections.

HB 313 - Court system personnel. Mr. Reeves wanted the committee to know that of all the bills in this committee he thinks HB 313 has top priority. He feels that the first sentence should be emphasized but had not been in all the testimony. What the bill is actually doing is leaving everything subject to personnel as far as merit principles are concerning and only differs in the wage area. He wanted the committee to know that he did not have any control over the employees but that he spent a lot of time in Juneau arguing over various classifications of personnel which is their big problem and he gave one example.

The second point on HB 313 is that it is blatantly unconstitutional. The Head of Personnel could control the judicial system. He also noted that there are less than 12 employees who are not employed under a Judge.

Chairman Moran mentioned that we are running toward the end of the session and that there are 2 difficult bills to dispose of: SB 38am and HB 164. He noted that he held HB 251 on Banking until Mr. Hurley could be here. Tomorrow we will consider HB 223 - Mrs. Chance's bill. Mr. Peterson will work on the problems on HB 405 and 393 and prepare whatever CS is necessary. Mr. Rose is assigned preparation of CSSB 38am. Final action will be attempted on these at tomorrow's meeting. HB 313 will have a CS prepared.

Meeting adjourned 5:30 p.m.

HOUSE JUDICIARY COMMITTEE  
MINUTES OF THE MEETING  
April 14, 1971

The meeting was called to order by Chairman Moran at 3:13 p.m. in the Masonic Temple. Present were: Barber, Peterson, Rose, Banfield and Meland.

Most of this meeting was devoted to HB 223 - Protection of Children. They were using the CS by HWE Committee as a basis for their discussion. The main differences between these two bills began on page 4, line 14 and thereafter.

Chairman Moran turned the witness proceedings over to Mrs. Chance. Dr. McCabe, Chief of Child Health for the State Division of Health was the first witness. He gave a brief description of a battered child. He appeared in favor of this bill and did not want to see this as a criminal matter but would like to put it in the statutes, where the adult who is practicing this abuse can be given some aid and assistance with their problem. A doctor can usually spot a case of child abuse but rarely can prove which adult has abused the child. He feels that child abuse would be more readily reported and acted upon if taken out of the criminal laws. He thinks rehabilitation is very important.

Brenda Higgins, with the Division of Child Care in the Health Department, also testified in favor of this bill. She is a Day Care consultant. She feels this legislation would enable her to work more effectively with children and families needing such services. She explained that the first attempt would be to correct the situation so that, if possible, the children could remain living in its own home. She feels if this stays in the criminal code that the emphasis is on punishment rather than rehabilitation. There was a great deal of discussion on the reporting of cases trying to determine who was responsible for the various reports. There was a great deal of discussion as to whether the Police Department was a governmental agency concerned with child protection and it was assumed that they were. There was some discussion about the length of time before relief would be given in any given case. The committee was assured that action would be taken immediately in emergency cases.

Committee members were also assured that in cases of violent child abuse, criminal charges could be made against the person responsible. One other point brought out by Mrs. Higgins was that in critical cases, the police and the welfare worker go to the home together as a matter of policy. (Randolph arrived 3:35 p.m.) Mr. Rose suggested that they have a committee report showing legislative intent that in appropriate cases, information could be made available to the police. Mr. Peterson felt it would be helpful to clarify

this by committee report. Mrs. Chance would like to have it covered this way. (Hillstrand arrived 3:45 p.m.)

Mr. Moran brought up the point of rendering assistance in non-urban centers. Mrs. Chance answered this by showing that this was not designated as the Division of Welfare. This would allow anyone in the Department, a nurse, corrections officer, or even someone traveling through the area who is connected with the department, to offer this assistance.

The next witness was Dr. McGinnis, Commissioner of the Dept. of Health and Welfare. He turned the committee's attention to page 2 of the CS, section 47.17.030 and suggested adding the following to the language: "to the nearest Dept. of Health and Welfare." There was detailed discussion on sec. C and the Commissioner suggested this change: "The department might refer the child to a local governmental agency if they have health powers." Mr. Peterson will work with the Dept. in clarifying this language.

There was further discussion on the initial report to be made on a case. Mrs. Chance wanted it understood that this would be just a phone call or anonymous report by any person. (Hillstrand left 4:05 p.m.) Mr. Jim McClain, Administrative Officer for the Dept., testified that there was some concern in the department over requiring different categories of people to report and then make judgments concerning residency, etc.

The Commissioner further outlined the problem with reports. He noted that there were 5 different categories in the bill: immediate report, written report, investigative report, oral report, and initial report. For this reason there needs to be a cleaning up of the language. (Meland left at 3:15 and returned at 4:25) There was some discussion as to the 24 hour limitation for reporting. It was explained that this was taken from the juvenile code section. The Commissioner has one more area of concern and that was on page 4 where there was a list. He wanted to make sure that the proper terms were used so that with one term you would include medical doctors, surgeons and psychiatrists. On page 5 he also noted that he didn't know if 48 hours would be long enough to hold a hearing if it happened to be on a long weekend. He said there was one final concern that where the court finds a problem exists, under 47.10.080 they have been placing them in homes and institutions that are not licensed by the department or where it is not feasible to place them. They requested an AG's opinion on this and they did not know whether it meant the court or the Dept. of Health and Welfare. The Dept. feels a need for language change.

Mrs. Chance noted that both the courts and the Dept. each thought they had this authority. They were using the same section of the law. It was brought out that they are doing this without proper authority. Mr. Rose brought up the idea of children being placed in other homes at the consent of the parents. It was brought to his attention that this was covered under HB 125 - Protection of Minors, and also HB 113 is in this committee which deals with a similar subject.

Discussion developed on HB 125 - Protection of Minors. The Commissioner made brief comments on this bill and stated that this had been reviewed in order to give departmental instructions. He stated that they did have a position paper on this but he didn't have it with him. He also noted that a fiscal note had been prepared. Mr. McClain gave some comments regarding the fiscal note. He noted that there was some question about this in the HWE Committee and that they felt that the appraisal was rather high. There was some question as to the case load projection. They were including BIA children, but at the hearings they said they would provide funds for these children. After they clarification on this point they can adjust the cost downward. Moran noted that there was no Finance Referral on this bill. The Chairman asked Mrs. Chance if they were driving toward getting this enacted this session. She said she would like to get out HB 223 if possible. Mr. Rose commented on the voluntary program between parents and the department. He felt that this would save a lot of money because they wouldn't have to go through the courts. Mr. McClain noted that they have 400 children living with some relative other than their parents and there is some concern that these children might move to foster homes which would cost something. Mrs. Chance noted that if the parents can pay for some of this assistance, they do so. Mrs. Chance noted that they were not repealing the part where you can petition the court. McClain then brought up a problem that does exist where a mother would leave a child under a voluntary agreement and then make sure that she got it back before the 6 months was up and renew the agreement. He noted that it would be helpful to the department if it was shown that this kind of activity was not intended. Moran noted that SB 123 and HB 251 will be considered tomorrow.

Meeting adjourned 5:05 p.m.

HOUSE JUDICIARY COMMITTEE  
MINUTES OF THE MEETING  
April 15, 1971

The meeting was called to order at 3:10 p.m. by Chairman Moran in the Masonic Temple. Present were: Randolph, Meland, Rose, Barber, Peterson.

The first item for consideration was HB 251 - Banking. Moran noted the amendments. Mr. Jim Hurley made some comments on this bill. He noted this was taken from the National Banking Law originally. He didn't think that the state should wait until the national banks start doing this - it's like waiting for your competitor to start selling before you do. He commented on the second amendment and noted that it was not as superfluous as it may sound. There has been a question raised about the establishment of limited service branches. Four branch offices were authorized in the last 10 years and they could take deposits and could take checks but could not make loans. There was question under the law whether they could be limited in this way and he noted the description from the law of a branch bank. There are still branches in existence that do not have the permission to loan money and they don't necessarily want to. The attorney for Matanuska Valley suggests that these branch banks may be subject to challenge. If this amendment is adopted, it will relieve the problem. Moran asked about legal holidays. Mr. Hurley noted that this was an attempt to make perfectly clear when the bank could close and particularly what to do under emergency situations. Randolph moved HB 251 out Do Pass with Commerce Committee amendments. Mr. Peterson commented that he didn't think the amendment was quite clear. (Banfield arrived 3:20 p.m.) Moran noted that they will accept the same amendments but they will be placed in another location in the bill. This was signed out today. It was a unanimous consent.

SB 123 - Shoplifting. After a brief discussion, the bill was signed out. Rose and Banfield signed No Recommendation. The other members signed Do Pass.

HB 388 - Administration of Small Estates. This increases the probate from \$2,000 to \$5,000. Rose commented that the probate master told him that the passage of this bill would save about \$15,000 a year for his office. Art raised a question on this bill. He wanted to know if there was any reason why the figure was \$5,000. Other states have it \$6,000, so why not adopt \$6,000. They will research this and consider it tomorrow. *statute*

HB 405 - Relating to judicial districts. Chairman Moran asked for a motion to table since Mr. Peterson has pointed that this is unconstitutional. He read from the law which states judicial districts shall be established by law and this means an act of the legislature. No objections to tabling.

HB 393 - Appointment of Magistrates. Mr. Peterson prepared a memorandum which he explained to the committee. Mr. Rose commented that the Supreme Court now handles nearly everything with respect to magistrates and this would put everything in one office. This was felt a reasonable request. Moran explained that they wanted to realign the responsibilities of magistrates in the line of authority and this would allow them to work in the district where their assignment was. Mr. Peterson noted that this would now bring training, firing, hiring, and assigning in the jurisdiction of the Supreme Court. Mr. Rose requested that they have a CS drafted to include the amendment to .190 as suggested, and asked unanimous consent. This will be placed on the agenda for tomorrow.

Mr. Peterson reported on HB 164 - Monopolies. He had talked with Mr. Havelock and they are trying to get something worked out on this.

SB 38am- State Employees Privacy. A CS had been prepared for easier deliberation. Mr. Rose had incorporated all the ideas and suggestions from previous testimony and noted the difference in the format in Sec. 3. This will be corrected. Mr. Carter has a few comments to make and he is in agreement with the contents of the CS and thinks it still carries out the ideas of the association. He would support this bill. Mr. Barber noted that there was no exclusion put in for the police as Public Safety had requested. This will be on the agenda for tomorrow where they will work out something to exclude State Troopers. Mrs. Banfield noted that they had had a Policeman before the committee last year who had been terminated but all of the patrolmen were of the opinion that they were in an elite corps and they wanted to be strictly structured because they would need to rely on their co-workers in a time of crisis.

Mr. Carter asked if he could comment on HB 313-Court System Personnel. He noted that the addition to HB 313 protected the right of the employee and therefore he favored it. Moran noted that he had talked with Mr. Reeves and told him he didn't see any reason why it couldn't be passed out today. The suggestions taken were instituted into a CS. Rose moved the CS out Do Pass and asked unanimous consent. No objections.

CSHB 223 - Child Abuse. Moran noted that the only thing they are changing as of yesterday is in the section starting with persons required to report. Mr. Peterson explained the CS. There were several things noted necessary to change. On line 28, page 5, where it says the court shall order the temporary placement will be changed to read "the department". Mrs. Banfield noted that she didn't want to say anything to Dr. McGinnis yesterday, but one of the reasons the court sent the child various places without the Dept.'s recommendations was because they were so disappointed in the way the Dept. was handling things. Moran felt that Mrs. Banfield should talk to the Commissioner, at least in private, and express her feelings on it.

Rose felt it might be advisable to incorporate HB 125 into this bill and therefore only have one bill to work with. It was decided to add a new section and Art will redraft this for tomorrow.

SB  
38  
Moran said that tomorrow they would have SB 38am before them but he is delaying because he would like to get some playback from local government. This is a serious matter to them and he is surprised that they haven't said anything.

357  
Randolph announced that a Commerce Committee hearing would be held on Sunday at 2 p.m. to consider HB 357 - building trailer houses. This bill will have further referral to Judiciary and Chairman of Commerce him to ask Mr. Moran to have a joint meeting. They will be having people from out of town to testify.

HB 340 - Execution Exemption for income. There are certain restrictions in federal law and we have had \$350 up till now and we are raising this to \$500 for family persons and \$350 for head of households. This bill was signed out unanimously Do Pass.

Meeting adjourned 4:30 p.m.

HOUSE JUDICIARY COMMITTEE  
MINUTES OF THE MEETING  
April 16, 1971

The meeting was called to order at 3:10 p.m. Present were: Rose, Barber and Banfield. Also Chairman Moran.

Moran reported that he would take up HB 164 on Monopolies on the condition that he could have the comments of the AG. He turned the committee's attention to page 2 of the proposed draft by Mr. Waters and noted that one of the people from the oil industry had suggested that they add an item 5 - Unitization. Mrs. Mason will provide copies of the bills before the committee. These were provided before the meeting ended by Mrs. Crane. (Meland arrived 3:15)

SB 38 am  
STATE EMPLOYEES' PRIVACY

Moran wanted to delete local employees from the bill. Banfield noted there was some question about teachers and that Mr. Overstreet would like to participate in the discussion. Moran noted that it did not apply to teachers. (Peterson arrived 3:20.) Rose favored this bill as is. All of these problems are taken care of under new employment. Barber felt that all through this bill we were trying to encompass employees of all political subdivisions of the state and he questioned whether we wanted to include these or just the state employees of which we are the legal employer. This is what Meland wanted to know also. Barber noted that SB 38am is an insult to the cities that are exercising self rule which already provides protection to their employees. Banfield noted that there was a penalty involved. Rose said that the cities that do not violate the realm of decency wouldn't have any concern. We pass other things that concern municipalities so he feels that we should pass laws providing the proper treatment of employees. Banfield moved to delete local government employees. The vote on the motion. Rose opposed. The motion carried. There are 7 places to delete local government employees. Mr. Meland wanted to know if we were following what the older states had done or whether this was something new. Mr. Peterson noted that this is actually becoming a problem before the congress. Banfield moved to accept Section 2 and asked unanimous consent. No objections. Rose moved for acceptance of section 3 since it had been worked over yesterday and is acceptable under the old format. Under item 4 Moran felt that "in any manner" should be changed to "for any purpose" making sure that contributions are voluntary. Art suggested them both. Banfield likes the latter. Rose thinks both were good and both will be included. Section 5. Banfield noted that some psychiatrists in the past have worked for the state and have had a practice on the side. She did not want to prohibit this. Moran wanted to have Personnel regulations to uniformly apply to all employees.

He wanted language included which would permit the commissioner to provide for exceptions. Art will prepare this as specified.

The next question was whether or not to make exceptions for the law enforcement agencies in the state. All members felt this was necessary. All five sections will be checked to see if such agencies should be included. Sections 1 and 4 should be applicable to everybody. That leaves Sections 2,3,& 5 open for discussion. Moran noted that this was tentative and that Mr. Chapple should come before the committee on this since they have made the changes. Banfield also suggests that we hear from the Dept. of Public Safety before making a decision on it.

Art discussed some changes to make in HB 223 and HB 125. He will make these changes and bring them before the committee.

Meeting adjourned 4:20 p.m.

HOUSE JUDICIARY COMMITTEE  
MINUTES OF THE MEETING  
April 19, 1971

The meeting was called to order by Chairman Moran in the Masonic Temple at 3:50 p.m. Present were: Meland, Banfield, Barber and Rose.

HB 340  
INCOME EXEMPTION EXECUTION

Material submitted by Allan Compton was distributed. Moran noted that the wording had to be changed on this bill to convey the proper idea. There was a detailed discussion on computation. Mr. Compton noted that there were two main purposes and one of the basis ones was to have an Alaska Statute that would correspond with Federal Law so you didn't have to research both laws when filing for a garnishment. (Hillstrand arrived 4:55 p.m.) There was a detailed discussion on what effect a monthly consideration would have in relation to the weekly basis which is in the federal law. This will be researched.

Basically, the bill does two things: it raises the floor of the Alaska Wage earner and secondly, for the ones who have to administer these laws they would look to one law instead of both state and federal. (Peterson arrived 4:20 p.m.) Chairman Moran noted to Mr. Peterson that there appeared to be ambiguity in the way this bill was written and that the actual mechanical operation became very confusing when they had to explain how it functioned. He requested him to develop a state law that would be harmonious with federal law. Mr. Peterson remarked that there had been a problem between the weekly and the monthly calculation. Mr. Compton felt that it would be agreeable to figure it on a weekly basis.

HB 164  
MONOPOLIES

The Chairman noted that he thought he should have had comments from the AG's office on Mr. Waters presentation and he wants to give them every consideration possible. They hope to get comments from them soon.

SB 38am  
STATE EMPLOYEES PRIVACY

Art had prepared another CS to delete local government employees. In B, they added "allowing internal rules that would allow a commissioner discretion in moonlighting." The immediate supervisor would not be involved.

(Randolph arrived 4:30 p.m.) It was decided to act on this bill section by section. Section 1 should apply to everybody. Section 2 - possible exception for State Troopers. Section 3 - the committee agrees that persons do not have to make a report on personal relationships. Banfield noted that there might be a problem with small town policemen. Moran suggested using "except as directly related to the performance of official duties. Hillstrand felt this was a great improvement. Banfield moved to adopt Moran's amendment for Section 3. No objection.

There was some discussion about not being able to question people about their political philosophies. Rose suggests adding a subsection saying that nothing herein prevents questioning an employee who supports the violent overthrow of our government.

The item for discussion was whether or not to retain the penalty clause. Barber moved it out Do Pass with the Penalty Clause and the amendment by Moran and asked unanimous consent. Randolph objected. Barber withdrew his motion. Randolph moved to take the penalty clause out. Moran, Banfield, Randolph and Hillstrand voted yes. Barber moved it Do Pass and asked unanimous consent. It will be signed out today and retyped as a CS.

Meeting adjourned 5:00 p.m.

HOUSE JUDICIARY COMMITTEE  
MINUTES OF THE MEETING  
April 21, 1971

The meeting was called to order by Chairman Moran at 8:15 a.m. in the Masonic Temple. Present were: Randolph, Rose, Barber and Banfield.

HB 393  
APPOINTMENT OF MAGISTRATES

This is a companion bill to HB 405 which bill has proven to be unconstitutional. In light of this, Mr. Reeves will be contacted and he will report to us as to the necessity of its legislation since we have tabled HB 405.

HB 278  
JUNKED VEHICLES

This allows boroughs of second class the authority to dispose of junked vehicles. Anything we can do to help clean up the environment and the streets would be good. Rose moved it out Do Pass and asked unanimous consent.

HB 388  
SMALL ESTATES - ADMINISTRATION

Rose reported his telephone conversation with Kiefer Gray about why he used \$5,000 instead of \$6,000. It was because this was found in the statutes elsewhere. If this is changed, it will have to be retyped. (Peterson arrived 8:25 a.m.) Mr. Peterson was given the instruction on changes necessary and he will prepare this.

SB 41  
GOOD SAMARITAN BILL

This allows a person to give counsel and advice to persons in an emotional crisis and protects them from civil suits that might result therefrom. Randolph moved it out Do Pass and asked unanimous consent. No objections.

HB 164  
MONOPOLIES

This bill is on the list of priority legislation for the governor. The original bill came out of Kent Edward's office when Miller was governor. They are awaiting the AG's comment on Mr. Waters' presentation and these are to be made available to the committee soon. Banfield suggested that rather than taking committee time that the Chairman and Mr. Peterson work this out and then bring it back before the committee. This was agreeable to those present.

There are three bills that are pretty technical brought about by the revision of the Federal Income Tax Law of 1954. They are SB 192, HB 397, and HB 398. The Chairman asked Mr. Peterson to look into these and noted that he had received comments from the Dept. of Commerce especially as it relates to corporate matters. Mr. Robertson was concerned that he did not have anyone to carry out technical review of non-profit corporations. Mr. Peterson noted that under the new federal tax provisions, if we do not enact this law individual non-profit corporations will have to amend their article of corporation in order to retain their tax status. Mr. Peterson also noted that SB 193 should be considered along with these since it was identical to HB 398.

CSHB 340  
EXECUTION EXEMPTION

Mr. Peterson can point out the changes made. He took the federal statute and conformed the state law to it. Moran noted that there was no distinction between head of household and one not a head of a household. (Randolph left 8:55 a.m.) Art showed that federal law states that the Secretary of Labor would decide the multiple by which they would figure the computation, but in this bill it states definitely the multiple to be used. Rose moved to move this bill out Do Pass and asked unanimous consent. No objections. (Barber and Banfield left 9:00 a.m.)

SB 68  
HB 113  
CHILDREN SUPERVISION

It was decided that if they wanted this bill to pass, that the committee should be using the Senate Bill.

ADMINISTRATIVE INQUIRIES

Mr. Peterson inquired as to the status of administrative inquiries and was directed to write a letter to Mr. Chapple and Mr. Havelock. He related some of the discussion that had been conducted last year.

HB 308  
JURISDICTION IN DISTRICT COURTS

Rose asked if there were any technical problems with HB 308 since it had been established or made quite clear that District Courts were Courts of Record.

Meeting adjourned 9:15 a.m.

HOUSE JUDICIARY COMMITTEE  
MINUTES OF THE MEETING  
April 21, 1971

The meeting was called to order by Chairman Moran at 3:10 p.m. in the Masonic Temple. This was a joint meeting with Judiciary and Commerce. Present for Judiciary were: Meland, Randolph, Hillstrand, Rose and Barber. Banfield arrived 3:15 p.m. Present for Commerce were: Chairman Kerttula, Harris and Bowman. Mr. Peratrovich was excused to attend another meeting. Moran turned the meeting over to the Chairman of the Commerce Committee to continue calling witnesses. This meeting was a continuation of the meeting begun in the morning.

HB 357  
STANDARDS FOR TRAILER HOMES

Witnesses were: Carl P. Johnson, Bob Penney, Lamont Jensen, and Bill Latham. There were also comments by Thomas Carey. A Standard for Mobile Homes pamphlet was distributed to members. All of the witnesses were for the standards endorsed in this code. Commerce committee had heard testimony of Mr. Carey and Ray Little. Mr. Reiser was conducting that part of the hearing by asking questions and this was a continuation of this testimony.

Carl Johnson, Division of Buildings, was the first witness. He feels that the CS for HB 357 goes beyond what they would like to see in the code. He gave an example of a 15in. heating trunk. He feels that the standards in All9.1 should be adopted but not the CS for HB 357.

Mr. Penny was the next witness. He concurred with Mr. Carey's comments that a code is necessary for the state of Alaska and also for the public's protection. Alaska is the only state that does not have a code. He supports All9.1 as a code. He would like to see this measure passed and a code instituted as soon as possible. He noted that All9.1 is the nationally accepted standard for financing for FHA loans for Mobile Homes by HUD.

There was a great deal of discussion on roof load and insulation. It was felt that if the roof was changed to 30 lbs and they would take section 5.2 out of the amendment that they could accept this bill. Rose questioned Mr. Penney on fire protection in trailers. He noted that single family dwellings do not even require anywhere near the requirements on trailers for flame spread rating at this time. This code controls mobile homes in this aspect.

Mr. Bill Latham, Northwest Regional Director of Trailer Coach Association, spoke next. There is a need for a code such as A.119.1 and in fact was put together by his association. He was told by some of his dealers that they could not comply with 5.2. This is the most extreme part of the bill. He called 4 manufacturing firms and they all agreed on this one point. Most said that if this was enacted they would not build trailers for Alaska. If this is enacted, it would hurt our dealers.

As regards freezing and roof load, if given additional time, they could set up their plants to comply but there would be an additional \$200 cost in the trailers. He noted that the way their trailers were designed, there would have to be some major changes. Latham noted that this legislation would apply only to new units, that is All9.1, while HB 357 applies to both new and used units.

Randolph asked Mr. Latham if he would prefer to have extra time to gear up to the 40 lb. roof load or to lower it to 30 lbs. Latham noted that the industry could meet the 30 lb. requirement by July 1.

Mr. Carey commented that he had appeared before the committee to present this code and requested that it be adopted and that next year they would come back with an Alaskan code that fills all needs.

Mr. Little had a comment to make. He noted that we are overlooking the heating systems in mobile homes and there has been very little said about this. He said there are mobile homes that come up here with very small heating systems, but this is spelled out in All9.1.

Mr. Reiser asked a question as to the fees for inspecting the trailers. Mr. Latham asked how this was going to be administered and offered assistance using the experience of other states.

Moran couldn't understand why they couldn't adopt this standard and then the Dept. of Commerce could adopt rules and regulations to meet certain Alaskan conditions. Mr. Reiser agreed with him. Latham also felt that these rules could be made through a particular department. Harris requested information on the difference in price. Randolph didn't think it would make any difference in price.

Mr. Carey noted that his factories were not happy about the engineers having to have arctic experience. Ray Little concurred.

Duane Carlson made a comment about FHA financing. He noted that low income and middle income families are the ones who buy trailers and it will be possible for them to get loans if this standard is adopted. Mr. Carlson had one question on FHA requirements and he thought that it called for a 40 lb. roof load. Mr. Penney noted that this was not the case - that this was what was required for single family homes. Hillstrand asked if there was any objection to having the Commerce Committee develop rules and regulations. There was no objection. Mr. Kerttulla recessed the Commerce Committee meeting. Moran asked if this legislation would cause manufacturers to stop providing trailers for Alaska. Mr. Latham felt that it would and that there had been some manufacturers that were going to come into the state to build mobile homes. If they are going to have to deviate from the national standard so much that they would have to change their design, they will not come.

SB 192, SB 193  
TAX REFORM ACT

These bills bring them into conformity with the federal tax reform act. Such organizations can be subject to tax if they engage in certain activities. Mr. Fred Boetsch, Dept. of Revenue, testified in favor of the bills. He said there would be no administrative problems. These two bills are identical to HB 397 and HB 398. Hillstrand moved SB 192 and SB 193 out Do Pass and asked unanimous consent. No objections. Moran moved to withdraw HB 397 and HB 398.

Chairman Moran asked Mrs. Banfield about HJR 77 and she said that she would like to keep it in committee until next year. She wants to incorporate some changes in it.

HB 411  
ATTORNEY CLERKSHIP

After serving with a lawyer for a certain period of time this allows you to take the bar examination. The argument primarily in favor of this bill is that we have no law college and there is no way that a person can obtain or qualify to take the examination without going outside to a law college. There are a number of jurisdictions in the U.S. which still permit admission to the Bar in this way. Moran asked if there was any motion to pass this out. Barber, Hillstrand, and Randolph voted yes. Moran, Banfield and Rose voted No.

Meeting adjourned 5:15 p.m.

HOUSE JUDICIARY COMMITTEE  
MINUTES OF THE MEETING  
APRIL 22, 1971

The meeting was called to order by Chairman Moran at 4:40 p.m.  
Present: Meland, Rose, Hillstrand, Barber and Randolph.

HB 357  
MOBILE HOME CODE

Yesterday they listened to testimony from the mobile home people and there was some difference of opinion by the people represented by Mr. Reiser and Mr. Penney. This is caused by the fact that one is selling mobile homes and the manufactures and sells the homes. The problem was that they would legislate a position where Mr. Penney was the only one providing a qualified product for a mobile home. Mr. Penney, Mr. Jensen and Mr. Reiser met with the committee and they developed a CS which is acceptable to both parties. They have adopted the national code and added some additional provisions for testing and approval of design. They have made provisions for wind and snow loads and kept the load at 30 lbs. They changed the wiring according to Mr. Harris' recommendations and put in the concept that the Dept. of Commerce could set more stringent specifications than those noted in the national code. The date of inspection is Sept. 1, 1971 for certification. The Dept. of Commerce has the responsibility for enforcement. This is a Judiciary Committee substitute.

Hillstrand had a question about a person bringing his own home into Alaska and being told that it didn't meet qualifications, thus stopping him from bringing it in. Moran didn't feel it would apply in this case. Randolph felt that if you allowed this you would be leaving a loophole in the law. Hillstrand noted that you wouldn't be able to sell it unless it met the code. Randolph asked about military personnel bringing in trailers and Mr. Jensen replied by saying the government pays the transportation of the mobile homes and then the individual sells it when he leaves. He saves the rate of freight charges in this way. He agrees that if you put in the word "for sale" this would be okay. Randolph asked how you would know if it had 6 in. of insulation. Jensen noted that they could be notified when entering the state that for anything wider than 10 feet you have to have a permit and you could have the trailer appraised at that time. Randolph moved the bill out Do Pass and asked unanimous consent. Hillstrand will ask for his amendment on the floor.

HB 405  
CANCELIATION OF INSURANCE  
POLICIES

Hillstrand asked if this bill had been examined. He noted that there had been hearings with regard to dwellings noting that the premiums are small and the cost inexpensive and they didn't get very good profits so the agent's canceled the insurance. They would then offer them replacement insurance at double the rates. He noted that they approved the original bill after listening to the insurance director.

After rechecking the bill, they found out that there was other material included after it had been signed out. Randolph noted that they had just changed a section in the statutes and put it in another location. Another change was adding the word "policy means, etc. ". Hillstrand wondered why the Revisor of Statutes did not make the change. Art noted that he thought that this was a change that added the house cancellation to the auto insurance cancellation. Hillstrand thought this was already law and not necessary. Art said there might be a problem with this so that all the sections between 210 and 310 applied to this new type of insurance. He would like to review this. Randolph noted that the CS came from the Dept. of Insurance. Everything else appears to be in order.

Randolph suggested checking this out for tomorrow but that he is satisfied with it. Moran asked if everyone was satisfied with this bill. Mr. Peterson will check it out by tomorrow morning and Hillstrand noted that as long as it would be reviewed by Mr. Randolph and Art that it would be all right. It was signed out. Unanimous Do Pass, as a CS.

Mr. Hillstrand suggested that the Chairman forego consideration of judiciary bills except those that were priority.

SCR 28  
SUPREME COURT AMEND RULE

Moran asked the committee if they were interested in putting out this bill which asks the Supreme Court to amend their rule. Randolph is in favor of this and moves to have it signed out. It was signed out unanimously Do Pass.

SB 188  
LEASE OF CERTAIN REAL  
PROPERTY

This increases the rental period from 55 to 70 years and provides that any area of the lease that has been sublet can be sublet for 15 years. Rose noted that as it is now there is provision for rents to be reviewed at 5 year intervals. It was moved to pass this out. All Do Pass except Randolph - No Recommendation.

SB 112  
EXECUTION OF JUDGMENTS

Last year there was a bill passed that a certain notice had to be given to judgment debtors. It turned out to be a 19 page report. Now in the bill Sen. Ziegler wants to repeal the whole requirement because he has received comments from the Supreme Court that they can handle this properly. Rose noted that they had already acted on one bill to handle this problem. Art will check this section to see what other items we are talking about besides this notice.

HB 145  
CONCEALED WEAPONS

This bill provides for a system of permits for carrying concealed weapons. Randolph moved this bill out Do Pass and asked unanimous consent. Rose noted that he had argued against this bill in State Affairs and says that it results in increased violence. We are allowing individuals to inflict the death penalty without allowing the other party a fair trial, under the guise of protecting your own property. He suggested that all committee members be provided copies of the portion of the book "The Honest Politician's Guide to Crime Control". Rose asked for his vote to be recorded Do Not Pass in St. Affairs and he will also sign it Do Not Pass in Judiciary. A vote was held on Randolph's motion. Randolph and Hillstrand voted Do Pass. Meland and Barber No Rec. Moran and Banfield Do Not Pass.

Mr. Randolph would like to introduce a bill from Judiciary requiring capital punishment. Hillstrand like the idea.

HB 252  
ALASKA SECURITIES ACT

Randolph and Hillstrand have already considered this bill and signed it out Do Pass in Commerce with amendments. Both would like to investigate it further before action in Judiciary.

Moran reviewed the list of bills before the committee.

HB 363  
DRIVING UNDER INFLUENCE OF DRUGS

Rose moved and asked unanimous consent to move this out Do Pass. No objections.

Meeting adjourned 6:00 p.m.

HOUSE JUDICIARY COMMITTEE  
MINUTES OF THE MEETING  
APRIL 23, 1971

The meeting was called to order by Chairman Moran at 3:20 p.m.  
Present: Barber, Banfield, Meland and Rose.

SB 112  
EXECUTION OF JUDGMENTS

This was held to ask Sen. Ziegler if it said what he meant. The Chairman understood that he only was interested in repealing the section of the law dealing with notices, and not the entire section, but after speaking with him, he said the court would provide adequate rules to cover everything in it. Mr. Compton appeared before the committee with a memo in regard to the repeal of this law. He noted that this had just been enacted last year and didn't think it had had a long enough trial period. The main objection was the size of the form. It would do away with the requirement that they give notice to a person that their property is being levied upon. He feels that HB 172 fills the need. It is certain that if something isn't done this will be left in the same manner it came to us -- filling out of the large form. Moran will talk with Sen. Ziegler and report that the committee thinks that HB 172 will solve the problem. Mr. Erich was at the meeting and commented that he knew the origin of HB 172 and that he had aided in the drafting of it. He said it is urgent that something be done about this.

HB 242  
LATE CHARGE ON LOAN PAYMENTS

Mr. Fink asked to give the reason why this bill was introduced and noted that the big problem was either slow mail or slow posting. In the field of mortgage payments, this charge often amounts to \$15.00. That is why he wanted to postmark date to be the date used for computation. Mrs. Banfield asked about insurance payments and Mr. Fink said he would like to see them included. Mr. Erich's main objection to this bill was in the way it relates to revolving charge accounts. Moran noted on line 13 there should be a word change "is made by mail," should probably read "may be made by mail." The big problem with this bill is that it would eliminate the advantages of automation by having to manually read the postmarks. Mrs. Banfield said postmarks are not always discernable. There was some discussion that if this were enacted there should be a provision that statements be mailed out 15 days in advance. They gave several examples. Fink feels that if there is a survey made to find out what the normal period of time is for a block of mail to reach them it would help them to set a cut off date. Fink does not think that the retailers have a problem and that the bill should be enacted. Mr. Erich said he did have more specific information coming from Anchorage and this would show their mechanical difficulties. Final action will not be taken today.

HB 293  
SURPLUS LINE LAW

Mr. Koch, Div. of Insurance, appeared before the committee to report the results of the research. He didn't find too much additional information but noted that there are 16 states that have the Surplus Line Law where they provide a means of service of process. Only 7 states exempted manufacturers of aircraft. It appeared evident that the states that have this exemption had strong lobbying power. He noted that the Div. of Insurance had asked for this bill since aircraft manufacturers with planes owned or operated in the state were exempt from insurance premium taxes. He gave an example where on investigation the state would have received \$50,000. Moran noted the amendment he had prepared deleting the material on page 1, lines 10, 11. Moran asked Mr. Koch what would be the effect of adopting the amendment and he said that it would apply the insurance premium tax to aircraft in the state that are owned or operated by manufacturers. This is what the Div. of Insurance is trying to accomplish. There was some discussion about non-scheduled flights. Mr. Koch noted that this is for interstate, not intrastate and this solves the problem. To his knowledge, we have no aircraft manufacturers in Alaska. This will be signed out with the amendment. Unanimous Do Pass.

SB 68(HB 113)  
CHILDREN IN NEED OF SUPERVISION

A HCSSB 68 was rewritten to reflect the views of the executive side of the government according to Genie Chance. There is some question as to whether minors in need of supervision would be allowed to be placed in detention homes unless it was spelled out. Art noted that sec. 80 sets out what the court may do in ordering the final placement in different kinds of cases. It mentions different kinds of conduct but does not show anything particular for children in need of supervision. Mr. Peterson cautioned against taking away the guide lines for the care of dependent children. He felt this could be taken care of by adding an exception in sec. C; children under this category cannot be placed in detention homes. Moran felt that it should say "shall be appropriately placed by the Department except a minor under Sec. C cannot be placed in a detention home." This bill was signed out. Rose and Banfield No Recommendation - Moran, Barber and Meland recommends HWE CS for SB 68 Do Pass. HB 113 will be subsequently withdrawn if SB 68 passes.

CSSB 2 am  
OIL AND GAS LEASES

After brief discussion, Mrs. Banfield moved to pass CSSB 2 am Do Pass and asked unanimous consent. The vote was unanimous.

Mr. Peterson will check on HB 388 relative to the \$6,000 figure.

Meeting adjourned 5:00 p.m.

HOUSE JUDICIARY COMMITTEE  
MINUTES OF THE MEETING  
April 24, 1971

The meeting was called to order at 11:50 a.m. by Chairman Moran.  
Present: Rose, Barber, Banfield, Hillstrand and Randolph.

HB 164  
MONOPOLIES

Moran noted that there was one area of concern of particular interest to the petroleum industries and this was in relation to unitization. Mr. Walker submitted a memo from the anti-trust attorney of Humble Oil concerning this matter. They are opposed to the bill and feel that they have enough federal acts to control their activities. His company primarily objects to the authority of the state to give approval of units. He also noted that there were problems in the field of insurance since most of the major oil companies are self insurers and they want to make certain that any changes in the insurance provision did not void their policy of self insurance. (Peterson arrived 12:10 p.m.) Moran noted the various comments received, the AG's comments in response to Ottaviani's memo. They have Mr. Waters' proposed amendments and statement and they have just received the comments from Mr. Beighle, Assistant Attorney General. Mr. Moran asked the committee what their desire was in regard to this bill. Mr. Walker asked if they were going to take care of the section on unitization. It was decided to use the proposed amendments by Mr. Waters and then work in the other changes as necessary. Mr. Walker requested the addition of 38.05.080 to be included in the listing. Barber asked to have Art give them a synopsis considering all the testimony received. Rose noted that he would like to see treble damages left in the bill. He also objected to Waters deleting class actions. (Meland arrived 12:00) Rose said that they deleted the provision allowing the AG to institute such action. This should be left in. They will have a CS prepared to retain class actions and to add 38.05.080 under (b) of 45.51.020. They will keep in the treble damages and take out sections 20-50. Rose felt that a contract set up that was in violation should be voidable by the party concerned rather than just void the entire agreement. Art received a copy of the amendment prepared by the Dept. of Insurance to be included in the CS. He will prepare the CS. Moran wants this to pass over the Clerk's desk on Monday Morning.

HB 229  
PESTICIDES

Mr. Mike Miller is here to testify in favor of his bill. He gave the committee copies of the CS which came out of Resources today. It has not been adopted yet, but he wanted them to look at it. Moran noted that Mr. Holm wanted to be heard on this bill and for that reason would be held over.

Hillstrand asked that Mr. Miller consider some of their bills in his committee.

Meeting adjourned 12:20 p.m.

HOUSE JUDICIARY COMMITTEE  
MINUTES OF THE MEETING  
April 26, 1971

The meeting was called to order by Chairman Moran at 3:05 p.m.  
Present: Meland, Rose, Barber and Peterson.

HB 229  
PESTICIDES

Mr. Barber suggested that we hear Mr. Miller on his bill and then give Mr. Hillstrand time to do research on it. Mr. Miller assured the committee that the main objection to his bill was in regard to the listing of the pesticides. He wanted them to know that these were taken from Walter Hickie's list and also most were noted on U.S.D.A. lists. He gave quite a bit of detailed information for the committee's consideration. He felt that this would be a good measure since the Pesticide Board has the authority over who can use the pesticides - that they would be forced to meet to lift the ban for certain uses. He also noted that there was a provision in the CS which allowed use of pesticides in case of emergencies. (Banfield and Randolph 3:25p.m.)

Meland wanted to know how they were going to dispose of existing chemicals. Moran said this would be rescheduled tomorrow to hear from Mr. Hillstrand and Mr. Holm. Mr. Miller said that disposing of these pesticides appears to be a problem. He thinks it should be in a separate bill to ask the state to buy up the old stock. Randolph asked if there had been any research as to how this would apply in Alaska. Mr. Miller said there had been very little use of pesticides. (Hillstrand arrived 3:30 p.m.) There are substitutes available for these hard pesticides but they are a little less convenient to use. Jack Hession will appear before the committee tomorrow to testify. Barber asked if this would affect the farmers in the Matanuska Valley and was assured by Mr. Miller that he had not had any evidence from these people that they would be particularly affected.

HB 388  
ADMINISTRATION OF SMALL ESTATES

This has already been agreed upon and they will sign out the CS.

HB 252  
ALASKA SECURITIES ACT

Mr. John Robertson, Director of Banking, Securities, appeared before the committee in favor of the bill. He said that this was basically a housekeeping bill and the only exception would be in the first section allowing the administrator to require proving the financial responsibility of the broker dealer in the registration rather than allowing him to choose a \$5,000 bond.

Chairman Moran read the Commerce Committee amendment and asked Mr. Robertson's opinion. He had no objection to the amendment and stated that this would satisfy their requirements. Robertson did not feel that we needed both minimum capital and a bond. He thought just one would meet their requirement. The Chairman noted that the language on line 10 according to Mr. Peterson, is permissive. Banfield thinks we should substitute "shall" for "may" and make it mandatory. She moved to adopt the amendment and add the above word "shall" instead of "may". The motion carried with Moran voting No. The amendment was prepared. Randolph moved the bill out Do Pass and asked unanimous consent with the above amendments. No objections.

## SB 226

PRACTICE OF MEDICINE AND OSTEOPATHY

This bill would repeal the section where it gave the definition of practice of medicine and osteopathy which included that doctor's had to be licensed to practice medicine in Alaska before he could give testimony in a court. This had already passed the Senate. The Chairman read a letter from that file that was against this bill. Banfield moved it out Do Pass and asked unanimous consent. No objections.

Moran asked the committee to look at HB 448 for the next meeting about Survivor's benefits for judicial employees. He handed out information on HB 265 in answer to the charges from Mr. Van Houte on conditions of schools throughout the state. He asked members to check through this.

## HB 323

ELECTIONS

Patty Ann Polley, Elections Supervisor for S.E. Alaska, appeared in favor of the bill. Quite a bit of the bill was housekeeping. She noted they had asked to leave the polls open an extra hour in the evening rather than open them at 7:00 a.m. Moran noted the St. Affairs amendments. Lil Angerman joined the discussion. She is Elections Supervisor for Fairbanks. The St. Affairs amendment on page 2, line 11 was read. Mrs. Polley felt that this was added because there was nothing in the law that said they had to transfer registrations after election day. Rose noted a typographical in the next amendment in regard to the time the polls are open. It was decided by the committee to open the polls and 8:00 a.m. and close at 8:00 p.m. as the law now reads. Lil Angerman noted that in her experience with elections, the time that the polls were open had little to do with the number of people who voted, because those who are going to vote will vote whenever they are open. Art was asked to check the statutes in regard to page 5, line 6. It appeared necessary to insert .070 after sec..060.

On page 5, line 15 after "day" add a comma and insert the following: "absentee ballots must be prepared and available at least 15 days before the day of election." Mrs. Polley said that at the time this amendment was made they didn't feel there was anything that said they had to be ready before election day. Moran asked if this was acceptable and she said yes, because it was usually done before this time as a rule. Mr. Peterson checked on .070 and found that it was good to add this which was just changing Secretary of State to Lieutenant Governor. Rose noted that there should have been a letter from the State Affairs Chairman recommending modification of sections 3 and 5. Lil Angerman noted that there was a drive to open registration up until election day and taking the lesser of two evils she chose this piece of legislation which closed at fourteen days before election day. She reiterated that she was choosing this as the lesser of two evils but did not favor either of these proposals. The discussion developed into a discussion of House Bill 3. Rose felt that we should be acting consistently with contents of House Bill 3. Mrs. Banfield noted that this was passed out of this committee and State Affairs with the idea that Lil favored this bill. She suggested that we prepare a committee substitute and adopt all of State Affairs amendments except the one on the times of the polls to close. Art will prepare this for the committee and he noted that he will delete sections one and two from the committee substitute because both are covered Banfield moves that this be done and asked unanimous consent, no objection it was so ordered.

SENATE BILL 68  
CHILDREN IN NEED OF SUPERVISION

Dr. MCGinnis and Mr. McLain from the Department of Health and Welfare were here to testify on this bill. Dr. McGinnis noted that they have a problem that he feels needs to be corrected with the courts making extremely placement. There are some differences of opinion as to who would decide the placement of the child, he gave several examples, no contract was one and another was unlicensed foster homes and another was needing requirements of a federal agency. He gave copies of 47.10.080 and the reasons for the problems which can be found on page 2. Moran noted that House Bill 113 was of the same content and that if Senate Bill 68 passes House Bill 113 will be withdrawn. We accepted the HWE Committee Substitute for the senate Bill. This bill is already out of our committee but will be asked back so that we can amend it to cover the problem. Dr. McGinnis has asked the AG for an opinion and he felt that the present language was ambiguous, and that the material he prepared would solve the problem. Mr. McLain pointed out the new material and this will be prepared as a new Judiciary Committee Substitute. He next offered for Mr. Adams of the Division of Corrections to give specific cases if they desired to hear him, they were satisfied that there was a problem and did not need his testimony. Art asked about placement of the dependent children in detention homes, noting the section that they have placed this type of persons the same as for a person under the delinquent section.

Dr. McGinnis thought that the department would use better judgment in placing such a child. (Randolph left at 5:p.m.) Chairman Moran noted the Judiciary Committee will come out with a CS incorporating the views of Dr. McGinnis. If we are unable to get it back in committee they will present it as an amendment. It is a Senate Bill and will have to go back to the Senate for concurrence of the amendments anyway. Dr. McGinnis appreciated the consideration given by the committee.

HB 242  
LATE CHARGES/ LOAN PAYMENTS

Jim Hurley of Alaska Bankers Association appeared before the committee in opposition to this bill. He said it would be an impossible association for the banks in collection of their loan payments. He feels that if you have a problem you should just change banks. Mr. Hurley was opposed to having to compute the interest from the date of the postmark. Moran noted that we have some material from Mr. Ehrich, and we will review this for tomorrow.

SCN 36  
CRIMINAL CODE STUDY

Moran said that he would appreciate signatures on this bill which provided for a study on the criminal code similar to the study on the Probate Code. It was signed out unanimously Do Pass.

CSSB lam  
POLICE STANDARDS COUNCIL

Moran wanted committee members to look at this and consider what he feels is the problem in this field. He figures the committee members should be aware that the Alaska Police Standards Council is given the authority at the bottom of page 2 to establish minimum curricula for schools operated by or for the state to train police recruiters and police officers. All of the authority is placed in this council when as a matter of law if it is through the Community College and a degree granting study course it is under the jurisdiction of the Board of Regents. If not, under the local school board. There is another factor: regulation of public school systems are under the state Board of Education. He related this because we run into a problem as to the mechanics under which this instruction will be offered.

Meeting adjourned 5:25 p.m.

HOUSE JUDICIARY COMMITTEE  
MINUTES OF THE MEETING  
April 28, 1971

The meeting was called to order by Chairman Moran at 8:00 a.m. in the Masonic Temple. Present: Randolph, Meland, Banfield and Rose.

HB 229  
PESTICIDES

Mr. Miller had two people here to testify on this bill. Mr. Jack Hession, Alaska Sierra Club, was the first. He is in favor of this bill and is going to brief in his comments. He has checked into what other states are doing and he has found that the states are taking the lead since the federal government is only acting in an administrative position. He quoted reports from two different authors to show the dangers of hard pesticides. He also gave examples of use of alternative means of pest control such as lure traps for fruit flies, sterile male technique, and implanting of one kind of pest to offset another. Randolph noted that the examples he gave related to insects in California and asked if Mr. Hession had any ideas about what could be used in Alaska. Rose asked if this was done in other states by administrative regulation or by legislation. Mr. Hession noted that 39 states have done this by legislation. He said there was no real problem in Alaska at the present time so now is the time to institute the safeguards. On the federal level there is such opposition from agriculture interests and the manufacturers of pesticides that it really leaves it up to the states to act on this.

The next witness was Joseph W. Greenough. He is also in favor of this bill. He represents himself besides the Juneau Group of the Sierra Club and Friends of the Earth. He said that he was not an expert in the biology or chemistry of pesticides but has an interest in pesticide pollution. He noted that there were basically four things which made the pesticides dangerous. He started with the biocarbonated hydrocarbons which affect many species in many different ways such as hormonal structure, reproduction, and breakdown of the genes. The next factor was broad stability. (DDT). The main danger is leaving the place where they were first administered such as getting in a stream, etc. The third problem is this mobility, through air and on the soil as well as by water. He noted penguins and eagles as being affected through the accumulation process where it is assimilated by the plankton which they consume. Examination of fish in the arctic regions has also noticed high amounts of DDT. He mentioned the use of pesticides used to control one specific species but at the same time killing many other things in the process. It is not known how vital they are to the ecology. The target species themselves have a great potential for evolving resistant strains so pesticides

lose their usefulness against these species. These are classic examples of the interaction of technological change. Many times we seek solutions to our problems without looking into the incidental effects which arise from our decisions. The pollution problem would fall into this category. There is not too much information about how this affects humans because it takes a longer period of time to check out the final results. An example is the amount of DDT in mother's milk as compared with that allowed in cow's milk for sale on the market. He urges passage of this bill at this time since pesticides are used on a limited basis in Alaska at the present time and doing so should not create any economic problem. He had one argument against the CS and feels that the Board should decide what pesticides should be controlled. ,

Mr. James Anderegg, Dept. of Health and Welfare, Div. of Environmental Health, was the next to testify. The revised bill is a considerable improvement over the original version and he favors its passage. Mr. Anderegg gave the background of the present pesticides control Board. He noted that they have a new employee who they feel is an expert in this field and he will help develop the plans and put it into operation. They favor the permit procedure. As soon as the Board becomes active, possibly by next spring, after proper investigation they feel they should be able to develop a set of regulations for use in Alaska. It is understood that this would be done following the Alaska Procedures Act with hearings, etc. Mr. Anderegg told the committee that passage of this CS would save their department quite a few steps and give them a good start in the field of pesticide control. He noted that the pesticides listed really needed to be controlled. Moran asked about why DDT was spelled out with its organic name while others seemed to be trade names. Anderegg noted that one or two were possibly trade names but felt that the chemicals were named and gave Lindane as an example. It is contained in several substances but banned in everyone of them.

Rep. John Holm was the next witness. He finds himself where he is not in defense of the pesticides but he is in opposition to the bill. He has been in the pesticide business for many years, both selling and use. He is well acquainted with most but noted that all the testimony so far had been in favor of this bill. He noted that he could cite experts that would reverse all of this testimony. He appealed to the committee to not be led by fear or scar tactics and that they should leave it to the experts to decide since he felt none of the legislators were qualified in this field. He gave some examples to refute previous testimony. He gave information on HB 4152 in the U.S. Congress which has been introduced by the House Agriculture Committee. It placed pesticides in three categories: General use, restricted use, and use by permit only. He felt this was an intelligent approach. He feelstthat the pesticide Control Board in this state can prohibit or restrict the pesticides that were purely harmful.

As to the supplies of pesticides that are on hand, he feels they would be used up this year anyway, but ~~that~~ the state should buy up all excess at the end of that period. He noted ~~that~~ he sold a lot of pesticides, but he did not stock the harmful ones for his customers. Mr. Holm noted that in all the testimony that had been heard, the committee had not heard one bit of first hand information.

Mike Miller, after hearing the testimony, brought out that he felt the language allowed the Board to be permissive and if they found that a pesticide was not dangerous, could issue a blanket permit. Moran questioned this and didn't think the language allowed such a permit. Mr. Anderegg thought the permit might be along the same lines as a fishing license. He felt that the Board would develop the proper regulations to make it as easy as possible for everyone concerned. There was some discussion on grave, state or national emergency and who would make the decision. Mr. Holm said he had proposed an amendment to the Resources Committee but they had already written the CS before they got his amendment in which he would have taken out the language "grave national or" which would remove the problem. Banfield thought they should spell out who was going to declare the emergency. Moran felt it should be the Governor. Randolph sees no need for this legislation since the Dept. is gearing up to handle the situation. Banfield noted that we needed it for the injunctive section. Mr. Rose asked Mr. Holm of the value of the pesticides in dealer's hands and the hands of the public at the present time. He gave an estimate of \$5,000. Holm felt that if these items were going to be purchased it should be on a voluntary basis. Mrs. Banfield asked about spraying and Mr. Holm noted that most of the spraying would already be done by the effective date of this bill, so it wouldn't apply. At this point, Mr. Holm noted that both Environmental Bills repeal this section. Our consideration of this might have been an exercise in futility if action is taken on the environmental bill. 18.33 would be repealed in its entirety. Mr. Miller said this was being incorporated in Mr. Farrell's bill.

Meeting adjourned 9:55 p.m.

HOUSE JUDICIARY COMMITTEE  
MINUTES OF THE MEETING  
April 29, 1971

The meeting was called to order by Chairman Moran at 3:10 p.m. in the Masonic Temple. Present: Meland, Rose, Hillstrand, Barber, Peterson and Banfield.

HB 393  
MAGISTRATES APPOINTMENT

The Chairman noted that the bill on districts conforming to judicial districts is still a matter of concern and it appears to be unconstitutional because it has to be done by the legislature, but the magistrates can be appointed at the Supreme Court level. They have an administration in the Court System, Jim Martin, who performs this job. Mr. Moran would like to move this bill out and give the Supreme Court authority over Magistrates. This bill was signed out Do Pass.

SB 103am  
ADMINISTRATION OF JUSTICE

Mrs. Banfield moved to take this bill up. Mr. Reeves made brief comments. He noted that this SB does not create the law center, but that it is a stop gap piece of legislation so that their funds won't be frozen. This will allow them after making a study, to come up with some legislation to form the law center since there was not time enough this year. Mr. Barber wanted to know what it would cost and Mr. Reeves noted that it would change the five man commission to a nine man commission so that you would have more travel and more per diem. Moran noted that the Governor's letter says that they have a \$100,000 budget request but that this act would amount to \$300,000. Moran wanted to know if \$200,00 would be by federal grant. Mr. Reeves noted that this CS was almost a new bill but did explain LEAA funding. Mr. Reeves noted that LEAA funds are broken down into two distinct secs. one for police and criminal planning and the other would aid the courts in crime prevention. Senator Miller amended this on the floor and added the two members of the legislature and Mr. Reeves thinks that this is a good amendment since this is one of the few commissions that expend great sums of money but are not required to report to anyone. Mrs. Banfield suggested that this be referred to the Finance Committee. Mrs. Banfield asked if this bill was not put out, would they get the funds from the Omnibus funds? Mr. Reeves said they would not get them. Mrs. Banfield moved the bill out Do Pass. It was signed out unanimously.

CSSB 1 am.  
POLICE STANDARDS COUNCIL

This is the commission that will provide standards and qualifications for police officers in the state. This commission would set up the curricula. Art noted that if SB 103am passes, the word "criminal" in this bill should be deleted. This will

be noted on the report. After detailed discussion, Banfield moved this bill out Do Pass with a Finance Committee referral.

Hillstrand asked for the floor to discuss sponsorship of a benefit bill for persons who have to take risks in their work. He noted that we had passed a liberal program for peace officers' retirement and also for firemen. Since that time, many people have been included among peace officers such as stream guards, airport security men, etc. They get the same benefits although they do not have the same risks. Mr. Hillstrand had asked Legislative Affairs to draw up an appropriate bill which would render the proper definition for police officer. He asked the Committee if they were interested in preparing such legislation for those who risk their lives to be the only ones included in these benefits. It was acceptable to the committee to have such a bill prepared for Judiciary Committee sponsorship.

HB 229  
PESTICIDES

Moran felt that legislative direction should not be used in the control of pesticides and feels that the approach used by the federal government, having a pesticide control Board to adopt standards, is the best approach. Since we already have such a Board, they just need to give them the impetus to get going because they need flexibility rather than a list. Randolph felt they already had proper authority without any need for further legislation. Hillstrand and Barber felt we needed further investigation, especially the views of the farmers in the Matanuska Valley. Mr. Meland noted that Mr. Anderegg felt the need for the bill. Banfield felt it necessary that they have the injunctive relief, investigative powers, and since there is no definition in the law for "spray", this bill gives us that. Mr. Miller noted that Mr. Marx from Ketchikan was one of the first members of the Board and he is well qualified to speak on this, but had to leave for another commitment. He is in favor of this bill. Mr. Miller noted that in the Governor's bill, the present law is repealed and it would leave us without any pest control or a list or a Board. Moran felt that a more effective approach would be to have a provision that says the Board shall prepare a list of pesticides in three separate categories - one to be banned, one restricted with license provisions and the other for general use. There was some discussion about the listing of insecticides in one section and broadcast chemicals in another. This will be looked in to. Rose felt that the Chairman of Legislative Affairs had convinced him of the need of a CS for HB 229 and asked for a Do Pass Recommendation with unanimous consent. Banfield objection. Hillstrand asked for the vote. Two Do Pass, four votes to amend, Barber - Do Not Pass.

There was discussion of .060 and Banfield suggested that it should state the Board "Shall" make a list. (Banfield left at 4:45) Discussion will be continued at the next meeting.

Meeting adjourned 4:50 p.m.

HOUSE JUDICIARY COMMITTEE  
MINUTES OF THE MEETING  
April 30, 1971

The meeting was called to order at 1:45 p.m. by Chairman Moran. Present: Barber, Rose, Hillstrand, Banfield and Peterson. Also Randolph.

HB 229  
PESTICIDES

William Marx, Ketchikan, appeared as a witness infavor of this bill. He gave some background information about himself and his business which he operates in Alaska - Pied Piper Pest Control. He feels there is a necessity for control or licensing in this industry. This is for the benefit of the business as well as the protection of the public. He noted that he is a member of the Pest Control Board. He said that pesticides started out as a priority item to be taken care of but have fallen into the background and have not received priority. He said the federal government had allowed another year before the outright ban of DDT. He feels it is necessary for Alaska to have restrictions on storage, transportation and use of certain chemicals. If it is banned in one state, they can ship their supplies to a state where it is not banned, which can only be detrimental. It is not agreed on many of these substances as to whether they are harmful or not. He noted that he was inagreement with the list but wondered about the portion of the bill that said "a grave state or national emergency." He wanted to know what made it an emergency. He also had a question where it mentioned "by the Board." He wanted to know if this was the Pesticide Control Board and if the environmental bill went through and abolished the Board whether this would be the Environmental Board. Moran noted that this was a matter of concern to the committee.

Moran asked the committee members to look at the new language in 060. He read from the new proposed CS. Mrs. Banfield said that when the Board adopts regulations through APA procedures they have all of the force of law. Marx said that H & W Sanitarians were questioning persons about the type of spray they were using but could get no cooperation. That is why he wondered about the powers of the board. Mr. Marx noted that 17 1/2 lbs of a dangerous rodenticide was almost released in the Juneau Area and if that had been allowed it would have been a terrible tragedy. Mr. Marx noted that the Board would meet within 6 weeks if there was still a Board at that time. Rose moved and ask unanimous consent to accept the idea of preparing an amendment which would show three categories of pesticides. This is to be brought back before the committee for consideration. The committee agreed to this.

HB 265  
DUTIES, DEPT. OF EDUCATION

Mrs. Crosby appeared before the committee in her own behalf this bill. She had listened to the testimony given

before the HWE committee and it seemed very reasonable to her that the Dept. of Education should have standards set up for rural schools. Moran's only concern was that it included all schools, even those in the largest cities. Also, there was objection to the criminal penalty. Mrs. Crosby felt that should be taken out. Moran asked the committee members to check the list of deficiencies prepared by Mr. Van Houte and commented on by Mr. Isaacs. There was some discussion about deleting city and borough on line 10. Mr. Barber noted that his working copy was so marked. On line 13 it was suggested that they have "fair and reasonable standards." Banfield felt that it should say "uniform standards." Hillstrand felt this was a good improvement. He would like to see that whenever state funds are used that a standard uniform requirement should be met. Banfield moved to table this bill. Banfield, Meland and Randolph voted Yes. The motion failed. Mr. Peterson will check into the portions mentioned and report back to the committee.

HB 350  
FIFTH JUDICIAL DISTRICT

Mr. Whittaker, Mr. Naughton, and Mr. Moore appeared in favor of this bill. This has been considered by the committee before and the problem of Bethel, Nome and Barrow are understood by the committee members. The Bush Council on Justice felt they needed a Superior Court District for the Bethel area. This bill provides for a judge to be stationed there but it doesn't seem to mean that he is assigned there. There was discussion as to why a new judicial district should be formed. The committee members felt that there could be a study of the boundaries made since some of these boundaries have been in existence since territorial days and would undoubtedly be of some historical value. After a full discussion and consideration showing the boundaries on the maps and showing how they would be with a fifth district added, Mr. Moore was requested to meet with Mr. Peterson and this would be reported back to the committee.

HB 342  
RULES OF CRIMINAL PROCEDURE

Mrs. Banfield asked to be appointed as a committee of one to check with Justice Dimond to see why they have not enacted this rule. This was agreed upon.

Meeting adjourned 3:50 p.m.

HOUSE JUDICIARY COMMITTEE  
MINUTES OF THE MEETING  
May 1, 1971

The meeting was called to order by Chairman Moran at 11:30 a.m.  
Present: Banfield, Meland, Rose, Barber, Randolph.

HB 342  
RULES OF CRIMINAL PROCEDURE

Mrs. Banfield reported that Justice Dimond is working up something on this problem.

HB 265  
DUTIES: DEPT. OF EDUCATION

This appears to be a dead issue. None of the things mentioned on this list are new schools. This bill was tabled.

Moran requested that the committee go through their list of bills.

HB 25  
MOTOR VEHICLE INSURANCE

This bill needs more study. Mr. Randolph was appointed to investigate this matter further.

HB 47  
FIRST DEGREE MURDER

Banfield noted that they were reworking the criminal code and that this would affect HB 47. This will be held until next year.

HB 242  
LATE CHARGES/LOAN PAYMENTS

Banfield doesn't see how we can regulate loan payments and moved to table this measure. Randolph and Rose voted no. The motion carried.

HB 258  
BOROUGH ASSEMBLYMEN/ELECT

Tillion wants to elect the city councilmen of the borough assembly rather than having them appointed. This way the city and borough members wouldn't be getting together on these things. Local Gov. prepared a CS and it went out Do Pass. Moran noted that this way we shift the selection back to the people. Randolph moved to pass out the CS Do Pass and asked unanimous consent. No objection.

HB 229  
PESTICIDES

Rose moved to hold this until the outcome of the Environmental Bill is known. There was no objection. The committee agreed.

HB 308  
JURISDICTION IN DISTRICT COURT

The Chairman asked Mr. Rose what he wanted to do with this bill. Rose

said that he thought this was a good thing but since time was limited, would be agreeable to handling it in 1972.

Moran announced that House Bills No. 342, Rules/Criminal Procedure Change, HB 341 - Rules/Criminal Procedure, HB 349 - Atty. fees/small tort action, and HB 350 - Superior Court/Fifth District will be referred to the State Bar Association and the Chief Justice to ask for their advice, probably for consideration in 1972.

HB 394  
SPECIAL SESSIONS/LEGISLATURE

There is no further need for this this year so it will be held for the second session.

HB 448  
JUDICIAL RETIREMENT

Banfield noted that there is no other branch of state service where you can serve for two years and then your wife can get full retirement. Rose felt that we could amend the two year portion out of the bill. He felt it was necessary that it should go to a minor child and gave an example.

HCR 1  
REPRESENTATION IN URBAN AREAS

Tabled.

HJR 38  
1st CLASS CITIES ELECT ASSEMBLYMEN

This is the same as HB 258, (a companion bill). It permits us to do what was just passed out in HB 258. Banfield moved the CSHJR 38 out Do Pass. No objection.

HJR 75  
BOROUGH ASSEMBLYMEN/APPORTIONMENT

Moran noted that this makes it conform to the one man-one vote idea. It was signed out Do Pass.

SB 112  
EXECUTION OF JUDGMENTS

Banfield moved that this question be tabled for this year. The motion carried.

SCR 42  
"STATE OF THE JUDICIARY" MESSAGE

Banfield moved this out Do Pass. No objections.

SB 144  
ENDANGERED SPECIES/FISH AND WILDLIFE

Rose moved this out Do Pass and asked unanimous consent. Mr. Peterson noted that there might be some problem with this. Moran suggested we amend this to say the area under their jurisdiction and Barber noted there were differences because he had a cabin in a forest reserve and had to get a permit from Fish and Wildlife. Randolph asked about the penalty clause. Rose removed his motion and would like to remove the penalty clause. Banfield moved to delete on page 3, lines 1,2,3 everything after the word "misdemeanor." This was agreeable to the committee and signed out.

HB 451 and HB 452  
UNIFORM FOREIGN MONEY & ENFORCEMENT

Moran wanted to know if the committee would support these bills. He submitted them because this type of legislation was recommended as far back as 1968 so that there would be uniform procedures where judgments of other courts outside the U.S. would recognize these money judgments.

Banfield moved these bills out Do Pass and asked unanimous consent. Mr. Rose objected because he felt it needed more study. Moran noted that he wanted it signed out to get it moving and that it would receive further study. It was signed out.

One last request of the Chairman was that they consider and act on HB 448 - Judicial Retirement - and that would probably be held on Monday.

Meeting adjourned 12:25 p.m.

HOUSE JUDICIARY COMMITTEE  
MINUTES OF THE MEETING  
MAY 3, 1971

The meeting was called to order by Chairman Moran at 1:45 p.m. in the Masonic Temple. Present were: Randolph, Rose, Barber, Banfield, Meland, Hillstrand and Peterson.

Chairman was extending an opportunity for all members of the committee to express themselves about the bills on our April 30 list. There was some discussion about Senate Bill 189, but it is not assigned to this committee. Mr. Barber noted that their adding a new section giving authority in the unorganized borough for planning to the Division of Lands.

HOUSE BILL 229  
PESTICIDES

There was a brief discussion of this bill and Moran felt that we should be prepared to amend .060 since it is in the Environmental Bill to be considered on the floor. Mr. Peterson also noted that on the specified listings of pesticides and broadcast chemicals that this part of the bill was alright, because of the definition in the statute for chemicals included all of these things. Moran noted that this would be taken care of from the floor.

Moran noted HCR 51 WICHE PROGRAM, had been introduced by him there was no further discussion.

HOUSE BILL 25  
MOTOR VEHICLE INSURANCE

Mr. Hillstrand asked about House Bill 25 and requested that next year when we reconvene his is going to ask Mrs. Banfield to disqualify herself from reviewing this measure because her husband received a fee for lobbying against this, he also requested that this be the first order of business when we reconvene.

Moran announced that we will not meet again unless something important comes up.

AN EVENING OF SOCIAL ACTIVITY WAS PLANNED AT THE "HAROLD HANSEN MANSION" ON TUESDAY ABOUT 6:30 P.M. Meeting adjourned 2:00 p.m.

HOUSE JUDICIARY COMMITTEE  
MINUTES OF THE MEETING  
May 6, 1971

The meeting was called to order by Chairman Moran at 9:20 a.m. in the Masonic Temple. Present: Meland, Banfield and Barber.

SB 190  
BOARD OF EQUALIZATION

The purpose of this bill is to set up a special board rather than having the city councilmen or borough assemblymen do this. Sitting as a Board of Equalization is a distressing situation and also very demanding. Moran noted that giving the responsibility to someone not elected by the public doesn't seem quite right. This is a burdensome thing and you might get people who are more qualified. It is a tough assignment. Banfield feels that at least one member of the assembly or council should sit on the Board. Barber asked if this would be a full time equalization Board to replace the borough assembly work in this field. Moran felt that this was the idea. Barber feels that the elected parties should serve as Equalization Board knowing that it is a demanding assignment and that if they don't want a job such as this, they shouldn't run. Meland felt the same way and indicated that in small communities you might get less qualified people on the Board. Mrs. Banfield reminded the committee members that we are talking about 2nd class boroughs. Barber would like to insist that the board be picked by ballot. Mrs. Banfield noted that if the Board is appointed it would probably be the assessor, real estate people, or people with special interests that have helped the assembly prepare their tax list. At the conclusion of the discussion, Meland moved this bill out Do Pass. Banfield and Moran signed Do Pass. Barber signed No Recommendation.

HCR 51  
WICHE PROGRAM

It was felt that this resolution should be put out since we can use assistant in the education program. Barber moved this out Do Pass. No objection.

Meeting adjourned 9:40 a.m.