

# FISCAL NOTE

**STATE OF ALASKA**  
**2007 LEGISLATIVE SESSION**

Fiscal Note Number: 4  
 Bill Version: CSHB 194(RES)  
 (H) Publish Date: 4/10/07

Revision Date/Time (Note if correction): 04/02/07; 2:20pm Dept. Affected: Natural Resources  
 Title: Fines and Offenses RDU: Resource Development  
 Component: Claims, Permits and Leases  
 Sponsor: House Resources  
 Requester: House Resources Component No. 2460

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

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

<b>CAPITAL EXPENDITURES</b>						
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<b>CHANGE IN REVENUES ( )</b>						
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**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY2007) cost: 0.0

Check this box (X) if funding for this bill is included in the Governor's FY 2008 budget proposal:

**POSITIONS**

Full-time						
Part-time						
Temporary						

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

Section 37 of the bill provides statutory authority for the Division of Mining, Land and Water (DMLW) to more effectively enforce provisions of state law and the Alaska Administrative Code regarding management of state land, and provides citation authority, including the legal framework for the Alaska State Troopers, other designated peace officers, or designated DNR employees to issue a criminal citation for certain offenses on general state land. This will allow DMLW to create fines for various offenses, with the fine amount commensurate with the severity of the offense. The ability to create and enforce these fines, with the backing of a misdemeanor charge, creates a much needed deterrent for unlawful activities on state land. It provides a much more effective tool than the existing civil prosecution alternative. This is critically needed to respond to the growing pressures from unlawful use of state lands.

(continued)

Prepared by: Dick Mylius, Director Phone 269-8600  
 Division: Mining, Land & Water Date/Time 4/2/2007  
 Approved by: Tom Irwin, Commissioner Date 4/2/2007  
 Agency: Natural Resources

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**ANALYSIS CONTINUATION**

This fiscal note does not address the cost of application of enforcement authority. The division will have to promulgate regulations; create a bail forfeiture schedule, internal policy, and training to allow DMLW staff to issue citations. Alaska State Troopers would be able to use the misdemeanor authority for certain unlawful acts, but DNR would still need regulations and a bail forfeiture schedule to issue citations curable by payment of fines.

To implement this authority DMLW will need to pursue increased field presence of staff that can address unlawful activities. The need for this increased field presence exists regardless of this legislation, hence DMLW concludes that the bill does not in and of itself result in the need for additional staff or funding. Therefore DNR has not included this cost in this fiscal note.

For DMLW to fulfill its land and resource stewardship responsibilities, Section 37 of the bill is a critical component of a successful management strategy to provide appropriate stewardship that will keep land and resources available for lawful use and development for all Alaskans.