

COMMITTEE REPORT
HOUSE

(11)

FURTHER:

3/30/83

Date: 4-12-83

Mr. Speaker:

The Committee on FINANCE has had HR 221

An Act relating to the creatinn of a program for stranded nonresidents.

under consideration and reports it back as follows:

- do pass do not pass
- do pass with attached amendments(s)
- replace with CS for HB 221 (FINANCE) same title new title
- and recommends INDIVIDUAL RECOMMENDATIONS
- AND attaches a "Letter of Intent" New Fiscal Note
- reports it back without recommendation Zero Fiscal Note Attached
- referred to the _____ Committee

MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS:

Jerry A. Seal

John ...

James ... (No Rec)

Tom ... Don't pass

Ad ...

Chairman

CHAIRMAN

Original sponsor: Lindauer

1 IN THE HOUSE

BY THE FINANCE COMMITTEE

2 CS FOR HOUSE BILL NO. 221 (Finance)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 THIRTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the creation of a program for
7 stranded nonresidents."

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

9 * Section 1. AS 44.23 is amended by adding new sections to read:

10 Sec. 44.23.070. STRANDED NONRESIDENTS PROGRAM. (a) The attor-
11 ney general shall establish a program to aid stranded nonresidents.
12 The attorney general shall

13 (1) establish an office staffed by an assistant attorney
14 general;

15 (2) identify stranded nonresidents who might request
16 assistance and whose immediate departure is in the best interests of
17 the state;

18 (3) screen stranded nonresidents to be sure that they lack
19 the resources to return to Canada or to the United States and that it
20 is in the best interests of the state that they immediately depart;
21 and

22 (4) assign an assistant attorney general to administer the
23 program in cooperation with the Department of Health and Social Ser-
24 vices and the Department of Public Safety, and with other agencies
25 that may be involved with related programs.

26 (b) Before providing aid to a stranded nonresident under this
27 program, the attorney general's office shall obtain the endorsement of
28 a judge, magistrate, or police chief.

29 Sec. 44.23.075. DEFINITIONS. In this Act,

1 (1) "assistance" means the most reasonable and least expen-
2 sive transportation for the stranded nonresident and up to 40 pounds
3 of the person's possessions to a mutually acceptable location in
4 Canada or the United States;

5 (2) "endorsement" means the written recommendation and
6 approval by a judge, magistrate, or police chief that the stranded
7 nonresident is eligible for assistance under this Act.

8 (3) "resources" means money or items of value that might be
9 sold in order to enable the person to leave Alaska.

10 (4) "stranded nonresident" means a person who requests
11 assistance in leaving Alaska and who lacks the personal resources, and
12 is unable to obtain the resources from other sources, to return to
13 Canada or to the United States.
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STATE OF ALASKA
FISCAL NOTE

Revision Date Apr. 6, 1983

Resubmitted original version
using new form. No changes.

I. REQUEST

Bill/Resolution No.: HB 221
Title: Stranded non-residents
Sponsor: Rep. Landauer
Requestor: House Finance

II. FISCAL DETAIL

Agency Affected: Department of Law
Program Category Affected: General Govt.
BRU, Program of Subprogram(s) Affected: Legal Services

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
OPERATING						
100 PERSONAL SERVICES		133.3	169.4	179.6	190.4	201.8
200 TRAVEL		10.0	12.8	13.6	14.4	15.3
300 CONTRACTUAL		64.0	68.8	72.9	77.3	81.9
400 COMMODITIES		14.0	9.5	10.1	10.7	11.3
500 EQUIPMENT		19.0	-0-	-0-	-0-	-0-
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC		500.0	530.0	561.8	595.5	631.2
TOTAL OPERATING	-0-	740.3	790.5	838.0	888.3	941.5
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND	-0-	740.3	790.5	838.0	888.3	941.5
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS:

FULL-TIME	-0-	4.0	4.0	4.0	4.0	4.0
PART-TIME						
TEMPORARY						

III. SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

Not specified by sponsor.

IV. ANALYSIS: Attach a separate page for any Analysis

Prepared By: Richard I. Pegues (4/7/83)
 Prepared By: Richard I. Pegues, Director Phone: 465-3672
 Division: Administrative Services Division Date: 3/10/83
 Approved by Commissioner: Richard I. Pegues/Dir (4/7/83)
 Approved by Commissioner: Norman C. Gorsuch, Attorney General Date: 3/10/83
 Department: Department of Law

Distribution:

Original to Legislative Finance
 Copy to Office of Management and Budget (for Legislature introduced bills)
 Copy to Department (for Governor introduced bills)
 Copy to Sponsor
 Copy to Requestor (if different from Sponsor)

Assumptions

HB 221

Page 2

The funds necessary to operate such a program could be considerable. In addition to an Assistant Attorney General, support staff and other resources would be necessary to handle outreach and public information efforts, establish and maintain eligibility controls and to provide grants-in-aid accounting services.

There is no accurate means of determining the number of people who might be eligible for the assistance that the bill would provide. It is easily supposed, however, that the promise of a free trip home will encourage a large number of job seekers from the other states, which are now experiencing the most unemployment since the great depression. A survey of airfares between Seattle and Alaska employment centers such as Anchorage, Fairbanks, Juneau, Ketchikan, Kodiak, Dillingham, and Unalaska reveals that the average one-way airfare is \$330. Grant funds to return just 1,000 stranded nonresidents would cost \$330,000. This number of stranded nonresidents may seem excessive, but it may prove very low once the state signals that it is willing to subsidize the cost of job hunting to the unemployed living outside the state.

The department therefore recommends that a minimum amount of \$500,000 be provided for relocation grants if this bill becomes law. The department cautions that if this amount is insufficient, a supplemental appropriation may be necessary during 1984 Legislative Session.

The following individuals are expected to testify on HB 221:

Representative John Lindauer, prime sponsor

Elizabeth Shaw, Assistant Attorney General

Alaska State Legislature

Representative John Lindauer
District 10-A
3933 Geneva Place
Anchorage, AK 99508



While in Juneau
Pouch V
Juneau, AK 99811
465-3709

House of Representatives

April 11, 1983

TO: House Finance Committee

FROM: Representative John Lindauer *JL*

RE: House Bill 221: " An Act relating to the creation of a program
for stranded non-residents

People tend to become stranded non-residents when they run out of work and money. These are the people who may turn to crime.

We have a social duty and financial interest in helping those who request our assistance to return to their homes and families.



William Booth, Founder

THE SALVATION ARMY

Office of Community Services
546 East 15th Avenue
Anchorage, Alaska 99501
272-5941

Founded in 1865



Major William E. McHarg, Divisional Commander

31 March 1983

Representative John H. Lindeauer
Pouch V
Juneau, Alaska 99811

Dear Representative Lindeauer:

I want to thank you for the opportunity to testify on House Bill 221. Ms. Dorothy Pevey called to advise us of the hearing and requested some follow up information in writing.

We receive about 30 request per month from people who want to return home (out of state) and have no money to pay their own way. These requests are received in spite of the fact that we do not provide this service and have informed other agencies that we cannot afford to do it.

I know your proposal is for a very specific population but the idea may be cost effective in other areas as well. With strict guidelines and verification of resources in "the lower 48" perhaps it would work for some welfare recipients.

Sincerely,

David C. Clitheroe, ACSW
Captain
Director of Social Services

DCC:hm



One-way ticket

THE CONCEPT of giving people stranded in Alaska one-way airplane tickets Outside was the subject of legislation introduced this week. An airplane ticket to Seattle is certainly cheaper than months and months of welfare payments the state might have to make if the persons stayed here.

The tactic has been used here before, although not in the way proposed in the current legislation.

In Anchorage during territorial days, the magistrate regularly sent winos Outside. The defendants were given a choice of time in jail or deportation. They often chose the latter. A boat or airplane ticket to Seattle was part of the deal.

THE BILL now under consideration would establish an office under the direction of the attorney general. Its purpose would be to "seek out and identify stranded non-residents who might request assis-

tance and whose immediate departure is in the best interests of the state."

The office would work in cooperation with the Department of Health and Social Services and the Department of Public Safety. Before a ticket could be issued, written approval would have to be given by a judge, magistrate or police chief.

THE STATE should not be in the business of ordering people out, of course, unless criminal activity is involved.

Administration of the program could become a nightmare. Care would have to be taken that the state does not find itself in the business of providing vacations for those who claim to be out of money. And it would have to be structured so it would not attract indigent people to the state.

But if a person is truly stranded and it can be verified that he does not have the resources to return home, it is in the public interest to help him leave.

Anchorage Times 3/25/83

City wages battle to find home for 'street people'

by Beth Barrett
Times Writer

The municipality is battling time to find an overnight shelter for the city's street people, while tenants at one possible site are fighting to stall or stop the facility.

Jewel Jones, city director of social services, said a city-owned, four-story building at Third Avenue and Cordova Street is the most likely choice to replace the Brother Frances shelter at 831 W. Fourth Ave. The existing lease expires in May, and the property is to be cleared to expand the state courthouse building.

Other possible locations include the Salvation Army building at Eighth Avenue and C Street, and vacant structures throughout the downtown area, Jones said.

But tenants in the Cordova Street building are protesting the city's tentative plan to eventually bunk up to 170 street people in the building. Organizations, such as the Older Persons Action Group, now rent office space from the city on a month-by-month basis.

"We aren't opposed to the

idea, we just question whether this is the best choice," said Vera Gazaway, executive director of the Older Persons Action Group. "But we average over 75 meetings a month. Many of them are evening meetings. How do you tell (street) people that they can't come in earlier, because a meeting is going on?"

Gazaway said the building already contributes its fair share to the community, including providing either office or meeting space for Alcoholics Anonymous, the Federation of the blind, the American Red Cross, Protection and Advocacy for the Developmentally Disabled and the Alaska State Community Theatre Association.

But Jones said the city could make other arrangements for evening meetings.

"There are other conference rooms throughout the city," she said. "For example, the fifth floor of the 825 L St. building and the Municipal Hill Building."

Jones said the Cordova Street building has passed city fire code inspections. A building safety inspection is planned next week. A recom-

mendation to Mayor Tony Knowles should be made in about two weeks, she said.

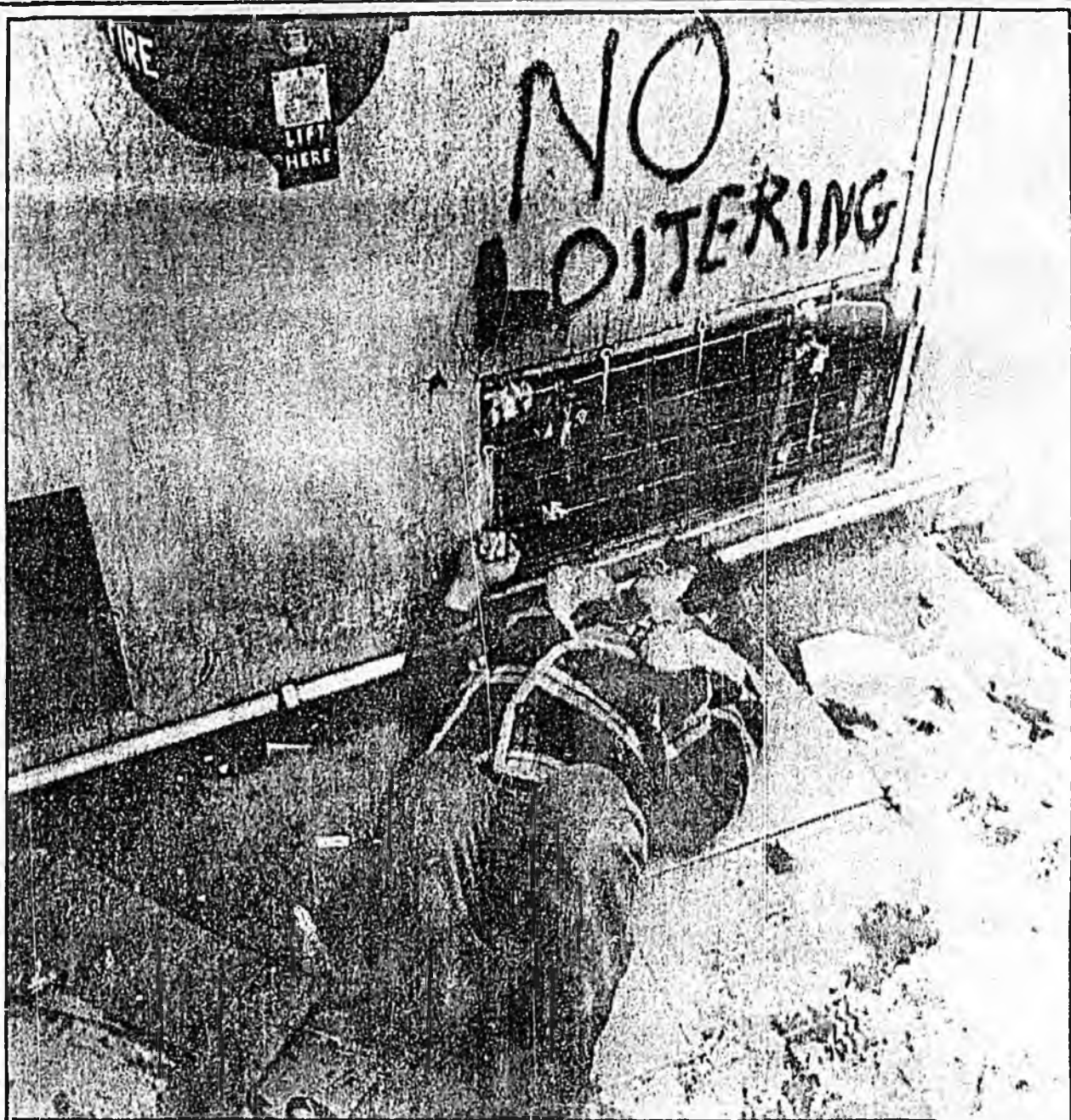
The Salvation Army Building is another option for the shelter, Jones said. The organization plans to move to a new facility at 48th Avenue and the Old Seward Highway this year, she said.

"It is a huge facility," Jones said. "We might look at it on a rent or lease basis."

Downtown merchants recently lobbied successfully against a daytime shelter for street people at 408 W. Fourth Ave. It will close at the end of April.

The city has no immediate plans to replace that facility, which provided a place out of the cold for up to 200 street people last winter, Rodman Wilson, city health director said.

Merchants argued that the concentration of street people at the center disrupted the shopping district. But city officials say the closure of the center may compound the problem because the street people will once again be walking the streets during the day.



Times file photo

Homeless drunks like this man have been shunned by downtown merchants who want them removed

STATE OF ALASKA

DEPARTMENT OF LAW

OFFICE OF THE ATTORNEY GENERAL

Bill Sheffield, Governor

POUCH K - STATE CAPITOL
JUNEAU, ALASKA 99811
PHONE: (907) 465-3600

465-3603

April 1, 1983

The Honorable Al Adams
Chairman
House Finance Committee
Alaska State Legislature
Pouch V
Juneau, AK 99811

Re: HB 221 - Stranded
Nonresidents

Dear Representative Adams:

Due to an inadvertent oversight on my part, I did not attend the House Judiciary hearing on March 29, 1983, in which HB 221, Stranded nonresidents was discussed and passed out of committee.

The Department of Law would, however, like to make the following comments regarding the bill which although not strictly "financial" in nature will have a financial impact as any problems that develop in a program generally create unexpected increased expenditures of money.

HB 221 provides that a stranded nonresident who wishes to leave the state and who does not have the resources to do so will be given assistance in the form of the "most reasonable and least expensive transportation" to a "mutually acceptable location in Canada or the United States." There must also be a finding that the best interests of the state will be served by the person's immediate departure. The program will be administered by the Department of Law with an assistant attorney general in charge of it.

On initial review HB 221 appears to have merit as it could prevent the use of long term state assistance for persons forced to stay here because of lack of resources to leave. How-

ever, on closer consideration the bill presents several potential problems. 1/

Our preliminary review of HB 221 has revealed the following:

1. The nonresident (who may have lived in Alaska for a considerable period of time) will be returned to a mutually acceptable location. The location need not be the person's home. The receiving state may well look with a jaundiced eye on any Alaska state-financed plan which pays for destitute persons to be moved from Alaska to the receiving state. Problems of international scope pertain when Canada is the "mutually agreed upon location".

2. Although this legislation may be of help to stranded needy families, it may also be used for persons who simply are not "welcome" in the state. The bill has the potential for abuse when an "undesirable" person is offered the choice of a criminal prosecution or a one way ticket out of the state. 2/ Coercion of this type, if proven, would result in a violation of the nonresident's due process right.

3. The bill does not specify how many times a person may take advantage of this one way ticket. We are aware that there are many people who travel to Alaska seasonally and would want to take advantage of the return ticket.

4. The bill also provides that the assistant attorney general is to "seek out" and identify eligible persons and

1/ Determination as to a person's residency or nonresidency may in itself be difficult to ascertain as would what constitute the "best interests of the state." One should also note that much of the public assistance provided in Alaska is financed with federal, not state money. We may not "deport" a person simply to avoid having that person apply for welfare benefits in our state.

2/ As the Assistant Attorney General must get a judge, magistrate, or chief of police to approve the eligibility of a stranded nonresident, one would have to assume that persons who have run afoul of the law will be prime candidates for "deportation." This assumption was validated in prime sponsor's testimony before the House Judiciary Committee.

coordinate the program with social service agencies. Legal training is not the type of expertise needed for these responsibilities.

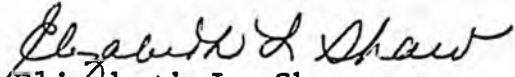
Admittedly, many states may have informal procedures for transporting persons to another state. Alaska also has these procedures through public assistance General Relief. More formal procedures are available through interstate compacts. This transportation must be voluntary and occurs only after extensive contacts with the receiving state or family and friends of the nonresident in the receiving state to ascertain that the person will be able to get the assistance at home that he or she needs. 3/

Although the idea of a one time only payment to assist a person is an appealing one, the opportunity for abuse by the state or by "nonresidents" is apparent. Due to the fact that there are public and private programs which can, if properly funded, offer assistance to needy persons - residents and nonresidents - including transportation "back home," and because of the obvious problems of administration, the Department of Law does not support the passage of HB 221.

Sincerely,

NORMAN C. GORSUCH
ATTORNEY GENERAL

By:


Elizabeth L. Shaw
Assistant Attorney General

ELS:jal

3/ It is difficult to predict what duty, and therefore what liability, the state might assume when a person dangerous to self or to others is "deported" at state expense and that person injures himself or another soon after his or her arrival at the "mutually agreed upon location."

Introduced: 2/23/83
Referred: Judiciary and
Finance

1 IN THE HOUSE

BY LINDAUER

2

HOUSE BILL NO. 221

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

THIRTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

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