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STATE OF ALASKA 1984 LEGISLATIVE SESSION  
FISCAL NOTE

Revision Date: 3/6/84

REQUEST

Bill/Resolution No.: CS for HB 479  
Title: Bail Schedule

FISCAL DETAIL

Agency Affected: Natural Resources  
Program Category Affected: Div. of Parks

Sponsor: Hayes & Liska  
Requestor: 1/9/84  
Date of Request:

BRU, Program or Subprogram(s) Affected:  
Park Management/Operations

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 84	FY 85	FY 86	FY 87	FY 88	FY 89
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
REVENUE	-0-	-0-	-0-	-0-	-0-	-0-

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS:

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

SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

ANALYSIS: Attach a separate page for analysis

Prepared By: Mike Lee Phone: 264-2123  
Division: Parks Date: 1/26/84  
Approved by Commissioner: *Robert D. Samuel Deputy* Date: 3/6/84  
Agency: Department of Natural Resources

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

12/1/83

STATE OF ALASKA 1984 LEGISLATIVE SESSION  
FISCAL NOTE

Revision Date: 11/27/83

I. REQUEST

Bill/Resolution No.: CSHB 479 (Res)  
 Title: Bal. Schedule  
 Sponsor: Haye  
 Requestor: \_\_\_\_\_  
 Date of Request: \_\_\_\_\_

II. FISCAL DETAIL

Agency Affected: Natural Resources  
 Program Category Affected: Div. of Parks  
 BRU, Program of Subprogram(s) Affected: Park Management/Operations

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 84	FY 85	FY 86	FY 87	FY 88	FY 89
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
REVENUE	-0-	-0-	-0-	-0-	-0-	-0-

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify Source)						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

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

IV. ANALYSIS: Attach a separate page for any Analysis

Prepared By: Mike Lee Phone: (907) 264-2123  
 Division: Parks Date: 11/23/83  
 Approved by Commissioner: \_\_\_\_\_ Date: \_\_\_\_\_  
 Department: Natural Resources

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)

9/14/8

## Analysis of Fiscal Note for Bail Schedule legislation

Present System - Each person cited for a violation of a park regulation must go to court. If a Park Ranger cites an Anchorage person for a minor violation in Ninilchik, approximately ten days later the Ranger and the individual must attend the court session in Kenai. Both individuals spend at least one day in the Kenai court plus the cost of meals, lodging and transportation. These expenditures and inconveniences do not include the costs of a judge, court clerks, District Attorney and the correspondence necessary to document the case, which generally run \$300-400 for each arraignment.

Proposed System - A bail schedule would establish a predetermined fee for violation of regulations or statues and the person would have the option of not contesting the citation and sending in the fee or challenge the violation and ask for a court appearance. It is anticipated that most people will elect not to challenge the citation and simply send in the fee. This would save money for the individual, the District Attorney's office, the courts and parks staff. The only cost we anticipate on this matter is for the printing of citation forms at an annual cost of \$1000.00 to \$2000.00. This is approximately what is spent on the existing citation program, so no real new costs should occur. Because of the savings in costs for the state, the individual, and more efficient management of our Park Rangers, the Bail Schedule will be a cost-effective program.



# Alaska State Legislature

HOUSE OF REPRESENTATIVES  
COMMITTEE ON RESOURCES

JOHN RINGSTAD, CO-CHAIRMAN  
RICHARD SHULTZ, CO-CHAIRMAN  
POUCH V  
JUNEAU, ALASKA 99811  
(907) 465-3715

To: Committee Members

From: Committee Staff

Date: February 10, 1984

Re: CS HB 479

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Committee staff, after reviewing HB 479, has discovered several statutory problems with the bill, thus felt it necessary to draft a committee substitute that has the very same intent, but with much cleaner language.

Section 1 of CS HB 479 writes language into the criminal code (AS 12.25) which allows an acceptance for people who have received a citation to not have to appear in court. This gives clear acceptance, where the original bill did not do this.

Section 2 clearly gives the park ranger enforcement authority to issue citations. This was not present in the original bill.

Section 3, -subsection (a) allows a peace officer arresting and citing authority in a state park or recreational facility.

-subsection (b) requires the State Supreme Court to establish a bail schedule for those offences committed inside a state park. This is the same as in the original bill, but new language allows for the DNR to aid in establishing the bail schedule (citation amount).

-subsection (c) is the same as in the original bill, but clarify the problem of people who forget to sign the citation. In the original bill, if a person forgot to sign the citation, but sent in the penalty money, the court could not deposit the money.

-subsection (d) is the same as in the original bill. This says that when you pay your bail, you are then formally convicted of the misdemeanor which you committed.

-subsection (e) is the same, less the last sentence, which is addressed in new subsection (f). Subsection (e) says that if a person fails to pay the bail amount, the citation then is considered a summons.

-subsection (f) is new language that just makes sure that the penalty imposed will not exceed the bail amount. With the original bill language, there was a question as to whether a judge could impose a higher penalty if the person lost his/her case.



# Alaska State Legislature

HOUSE OF REPRESENTATIVES  
COMMITTEE ON RESOURCES

JOHN RINGSTAD, CO-CHAIRMAN  
RICHARD SHULTZ, CO-CHAIRMAN  
POUCH V  
JUNEAU, ALASKA 99811  
(907) 465-3715

To: Co-Chairman Ringstad

From: Committee Staff

Date: January 31, 1984

Re: HB 479

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This afternoon's meeting will consider HB 479, by Representatives Hayes and Liska, which would allow a Department of Natural Resources arresting or citing officer to issue a citation when a person is arrested or cited for the commission of an offense that is a misdemeanor within a state Park.

Section 1 (a) provides arresting and citing power to an officer, if a person commits an offense that is a misdemeanor within a park.

Section 1 (b) requires the state Supreme Court to determine by rule or order what offenses that may be disposed of without a court appearance. Also the Court is to establish a schedule of bail amounts, which are not to exceed fines prescribed by law.

Section 1 (c) allows the person cited to mail or personally deliver to the clerk of the court, within 15 days of being cited, the bail amount, which the officer has written on the citation.

Section 1 (d) provides that when a cited person forfeits his/her bail, a judgement of conviction shall be entered. In other words, when you pay your bail, you are then formally convicted of the misdemeanor which you committed. This section also states that bail forfeited and forfeit of items seized from the offender is a complete satisfaction for the offense.

Section 1 (e) provides for the situation where an offender fails to pay the bail amount. If this happens, the citation issued shall be considered a summons as for a charge of a misdemeanor and the offender shall be proceeded against in the manner prescribed by law. Note however, the maximum penalty may not exceed the bail amount for that offense set out in the bail schedule, as determined by the Supreme Court.

# STATE OF ALASKA

**DEPARTMENT OF NATURAL RESOURCES**

**DIVISION OF PARKS**

BILL SHEFFIELD, GOVERNOR

619 WAREHOUSE AVE., SUITE 210  
ANCHORAGE, ALASKA 99501  
PHONE: (907) 276-2653

November 8, 1983

The Honorable Joe L. Hayes, Speaker  
Alaska House of Representatives  
P. O. Box 1821  
Anchorage, Alaska 99510

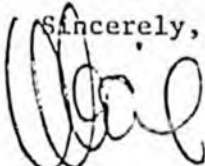
Dear Representative Hayes: *Joe,*

I appreciated the opportunity to meet with you recently. I'm specifically excited over the possibility of your introducing legislation to authorize the State Supreme Court to establish a bail fee schedule for park violations.

Our rangers occasionally apprehend persons vandalizing recreation facilities, operating vehicles in closed areas, building fires in closed areas under dangerous circumstances--to name a few violations. Without a bail schedule, both the violator and usually the ranger must appear before a judge or magistrate. This simply uses up valuable staff time, inconveniences the minor violator, clogs our courts.

I've enclosed a question and answer sheet and draft legislation. I would sincerely appreciate your efforts to see this draft bill become law. If there is anything I can do for you, let me know.

Sincerely,



Neil C. Johannsen  
Director

Attachments

## Fact Sheet on Bail Legislation

The State Division of Parks is proposing legislation which would allow the Supreme Court to set a bail forfeiture schedule for violations of State Statutes and Alaska Administrative Codes which apply to State Parks.

1. Why is a bail schedule for violation of park regulations necessary?

At the present time any citation issued for violation of State Park Regulations means a mandatory court appearance -- usually in the court nearest where the violation occurs. This means that a person -- perhaps an Anchorage resident -- who receives a citation for exploding fireworks in a Kenai Peninsula park, must return to Kenai to make the mandatory appearance.

2. What does the court system think about the problem?

The courts are very crowded. Presently they must schedule time to see each individual regardless of how he/she intends to plead. On small violations this is an obvious waste of time to all parties.

3. Why is this legislation needed?

Under present law a bail schedule for violations is only allowed for traffic regulations. This new legislation would allow and instruct the Supreme Court to set a bail schedule for violation of park regulations.

4. Would a bail schedule eliminate court appearances in all cases?

No, the park ranger/peace officer issuing the citation could still summon an individual to a mandatory court appearance if the violation were of unusual significance. Any individual could still plead not guilty and request a court appearance.

5. Is this new for Alaska?

No, the most notable example is the bail schedule for traffic violations. Traffic court would be literally overwhelmed without this help. The Fish & Wildlife Protection Division is also requesting legislation for a bail schedule on fish and game violations.

6. Does the Federal Government have a bail schedule?

Yes, the National Park Service has a bail schedule which they revised in 1982 and will revise again in the fall of 1983. The attached schedule includes such items as: camping over the time limit - \$100.00; pets not on leash - \$50.00; fireworks - \$50.00, etc. The U.S. Fish & Wildlife Service has a very similar schedule and they say it saves the public a great deal of money in travel costs (to and from court) alone.

7. Would a bail schedule be favored by the Department of Natural Resources/Division of Parks?

Yes, park enforcement people need to retain discretionary authority to use the bail schedule or cite into court, but they, too, would be able to spend a great deal more time in the field if they were not tied up in court appearances. Additionally, fewer court appearances would result, thus helping to alleviate the glut of work facing the Alaska Court System and unnecessary demands upon state park rangers.

DENALI NATIONAL PARK AND PRESERVE  
BAIL SCHEDULE Revised 11/82

PART 2 - PUBLIC USE AND RECREATION

2.1 ABANDONED PROPERTY

Superseded by 36CFR 13.22  
and 36CFR 13.63(c)

2.2 AIRCRAFT

(a) Superseded by 36CFR 13.13  
(b) Air Drop \$100.00  
(c) Operate in accordance with  
current FAA regulations Court

2.3 AUDIO DEVICES

(a) Operation of any noisy device \$ 50.00  
(b) Public address system \$ 50.00  
(c) Aerials \$ 25.00

2.4 BEGGING AND SOLICITING

(a) Begging \$ 50.00  
(b) Hitchhiking \$ 50.00  
(c) Commercial soliciting \$ 50.00

2.5 CAMPING

(a) Superseded by 36CFR 13.18(a)  
and 36CFR 13.63(b)  
(b) Superseded by 36CFR 13.18(a)  
and 36CFR 13.63(b)  
(c) Camping over designated time  
limit \$100.00  
(d) Permanent camping facilities \$100.00  
(e) Digging or leveling campsite \$100.00  
(f) Failure to clean and clear site  
before departure  
--Failure to remove camping equipment \$ 50.00  
--Leaving camp refuse in exposed or  
unsanitary condition \$100.00  
(g) Camping within 25 ft. of water,  
main road, hydrant \$ 25.00  
(h) Base camp for hunting \$250.00  
(i) Quiet hours (10 PM to 6 AM) \$ 25.00  
(j) Former Mt. McKinley National Park:  
Wood gathering (not dead and down) \$100.00  
(j) Lands in 12/2/80 Additions:  
Superseded by 36CFR 13.20(b)(4)

2.6 CLOSURES/PUBLIC USE LIMITS

(a)(2) Failure to observe closed  
areas/visiting hours \$ 50.00  
(b)(4) Entry into area without permit,  
registration, or reservation \$ 50.00  
(b)(5) Entry into area in violation of  
posted restrictions \$ 50.00

- |  |          |
|--|----------|
| (d) Throwing or dropping a lighted cigarette, match, or other burning material, etc. | \$150.00 |
| (e) Smoking in areas closed to smoking   | \$ 50.00 |
| (f) Starting a fire in areas closed to fires   | \$ 50.00 |

DEPARTMENT OF PUBLIC SAFETY

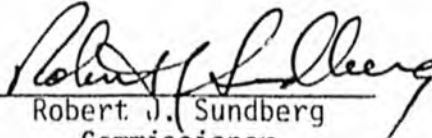
POSITION PAPER - HB 479

Support

January 25, 1984

HB 479 - "An Act relating to issuance of citations ... within state parks and recreational facilities."

By allowing officers in the Department of Natural Resources to issue citations, the Alaska State Troopers and other law enforcement agencies are relieved of a responsibility that they have never been staffed to do properly.

  
Robert J. Sundberg  
Commissioner

INTRODUCTION OF BILLS (House)

HB 477, (cont'd)

Introduced January 9 and referred to Health, Education & Social Services, Finance.

1983 Permanent Fund Dividends  
(extending application period)

HOUSE BILL NO. 478, by Reps. Adams, M. M. Miller, Duncan, Grussendorf & Uehling. Would extend up to May 15, 1984 the time period for which an Alaska resident may apply for the 1983 Permanent Fund dividend. Applicants must have met the six month residency requirement on March 31, 1983. The dividend may not be paid from money appropriated or otherwise allocated for years other than 1983. The Department of Revenue could not pay 1983 dividends to late applicants until after March 1, 1984. The Department would be responsible for adoption of regulations to implement the extended deadline. Provides Act takes effect immediately.

Introduced January 9 and referred to State Affairs, Finance.

State Parks  
(citations for violations)

HOUSE BILL NO. 479, by Reps. Hayes and Liska. Would require a Dept. of Natural Resources arresting or citing officer to issue a citation when a person is arrested or cited for the commission of an offense that is a misdemeanor committed within a state park or recreational facility subject to the Department's supervision.

Require the state Supreme Court to determine by rule or order those offenses that are amenable to disposition without court appearance and to establish a schedule of bail amounts, not to exceed fines prescribed by law, for each offense.

If the offense for which the citation is issued is one that may be disposed of without court appearance, the citing officer shall write on the citation the amount of bail applicable to the cited offense. Would allow the person cited to mail or personally deliver to the clerk of the court the bail amount. Provides that when bail has been forfeited, a judgment of conviction shall be entered. Bail forfeited and the forfeit of items seized is a complete satisfaction for the offense, and the offender is to be given a receipt stating that fact. If the cited person fails to pay the bail amount or appear in court as required, the citation shall be considered a summons as for a charge of a misdemeanor and the offender shall be proceeded against in the manner prescribed by law. The maximum penalty may not exceed the bail amount for that offense set out in the bail schedule, as determined by the Supreme Court.

Does not provide for an effective date (becomes law 90 days following Governor's signature).

Introduced January 9 and referred to Resources, Judiciary, Finance.

Regulations  
(reasons for/expiration)

HOUSE BILL NO. 480, by Reps. Bettisworth and Liska. Would require that the notice for the proposed adoption, amendment or repeal of a regulation include ". . . the reason for the proposed regulation; (7) a general statement of anticipated impacts

RECEIVED  
ANCHORAGE, ALASKA  
FEBRUARY 22 1981

02034 ANCHORAGE AK 117 02-22 935A AST

PMS REP JOHN RINGSTAD

POUCH U

JUNEAU AK

STRONGLY URGE YOUR FAVORABLE PASSAGE OF CSHB479 (HAYES LISKA,  
ORIGINAL SPONSORS) AND HB486 (BETTINSORTH). THE FIRST BILL  
ALLOWS A FINE SCHEDULE FOR MINOR PARK REGULATION VIOLATIONS  
AND THUS SAVES PARK RANGER TIME AND HELPS UNCLOG COURTS.  
THE SECOND SIMPLY ALLOWS THE DIVISION OF PARKS AND OUTDOOR  
RECREATION TO CHARGE FEES. AN AMENDMENT RESTRICTING THE  
PROGRAM TO DEVELOP CAMPGROUNDS, TOURS OF HISTORIC SITES AND  
FOR PUBLIC USE CABINS IS ACCEPTABLE. THIS BILL WILL ALLOW  
OPENING OF WICKERSHAM HOUSE, PRIVATE CONCESSION OPERATION OF  
CERTAIN FACILITIES AND THE GENERATION OF REVENUE INTO THE  
GENERAL FUND, THUS REDUCING GOVERNMENT SUBSIDY OF CERTAIN  
EXPENSE RECREATION FACILITIES. NO CHARGES WOULD BE ESTABLISHED  
FOR THE MORE COMMON ACTIVITIES IN STATE PARKS.

THANK YOU.

NEIL C JOHANNSEN, DIRECTOR  
DIVISION OF PARKS AND OUTDOOR RECREATION  
DEPT OF NATURAL RESOURCES

1981 FEB 22 AM 10 08