

H B

195



**Sec. 17.30.060. Records of registrants.** A person registered to manufacture, distribute, dispense, or conduct research with controlled substances under this chapter shall keep records and maintain inventories in conformance with the record keeping and inventory requirements of federal law and in conformance with additional regulations adopted by the board. (§ 4 ch 45 SLA 1982)

**Cross references.** — For penalty for furnishing false or fraudulent information in or omitting material information from records required to be kept under this chapter, see AS 11.71.040(a)(8). For penalty for failure to make, keep, or furnish records required by this chapter, see AS 11.71.050(a)(4).

**Sec. 17.30.070. Order forms; prescriptions.** (a) A controlled substance may be distributed by one registrant to another registrant only if the distribution is in accordance with federal requirements for order forms.

(b) A controlled substance may not be dispensed by a practitioner other than in accordance with federal requirements regarding prescriptions for controlled substances.

(c) If the classification of a controlled substance in a schedule set out in AS 11.71.140 — 11.71.190, or by a regulation adopted in accordance with AS 11.71.120(a), is different from its corresponding classification under federal law, the requirements of (a) and (b) of this section are determined by the classification of the substance under federal law. (§ 4 ch 45 SLA 1982)

**Cross references.** — For penalty for failure to make, keep, or furnish order forms required under this chapter, see AS 11.71.050(a)(4).

**Sec. 17.30.080. Unlawful administration, prescription and dispensation of controlled substances.** A controlled substance classified under federal law or in a schedule set out in AS 11.71.140 — 11.71.190 or by regulations adopted in accordance with AS 11.71.120(a) may not be administered, prescribed, dispensed, or distributed other than for a medical purpose. (§ 4 ch 45 SLA 1982)

## ← Article 2. Enforcement Forfeiture and Review Provisions. →

### Section

- 100. Cooperative arrangements
- 110. Forfeitures
- 130. Judicial review

**Sec. 17.30.100. Cooperative arrangements.** (a) The commissioner of public safety shall cooperate with other state and federal agencies in the discharge of their responsibilities pertaining to illicit traffic in controlled substances and in suppressing the abuse of controlled substances. Under this section, the powers of the commissioner of public safety include but are not limited to the following:

sale plus interest to the date of final disposition of the court proceedings become the subject of the forfeiture action.

(m) Property forfeited under this section other than controlled substances shall be disposed of by the commissioner of administration in accordance with applicable law. The commissioner of administration may

- (1) destroy property harmful to the public;
- (2) sell the property and use the proceeds for payment of all proper expenses of the proceedings for forfeiture and sale, including expenses of seizure, custody, and court costs;
- (3) take custody of the property and authorize its use in the enforcement of this chapter or AS 11.71, or transfer it to another agency of the state or a political subdivision of the state for a use in furtherance of the administration of justice;
- (4) take custody of the property and remove it for disposition in accordance with law; or
- (5) forward it to the Drug Enforcement Administration of the United States Department of Justice for disposition.

(n) Upon a showing that a claimant is entitled to remittance in accordance with this section, the court shall order that

- (1) if the claimant is entitled to the item, it shall be delivered to the claimant immediately;
- (2) if the claimant is entitled to remittance of some value less than the total value of the item, the claimant is entitled, at the claimant's choice, to receive either the value of the claimant's interest or, upon receipt of payment of the difference in value by the claimant, the entire item.

(o) An offender who used an item subject to remission in violation of this chapter or AS 11.71 shall be assessed a fine which may not be less than the cost of any lien payment or remittance made by the state plus the reasonable costs of the seizure.

(p) A controlled substance manufactured, possessed, transferred, sold, or offered for sale in violation of this chapter or AS 11.71 is contraband and must be seized and summarily forfeited to the state. The commissioner of public safety or the commissioner's designee, including a municipal law enforcement agency authorized under (e) of this section to retain custody of controlled substances, is responsible for the disposal of controlled substances which have been forfeited. The controlled substances shall be disposed of in accordance with procedures and requirements prescribed by the commissioner.

(q) Plants from which controlled substances may be derived and which have been planted or cultivated in violation of this chapter or AS 11.71, or which are grown in the wild, may be seized and summarily forfeited to the state. (§ 4 ch 45 SLA 1982)

Cross references. — For penalty for failure to furnish notification required under this chapter, see AS 11.71.050(a)(4).

*New (6)  
would be  
inserted*

Representative Mike Davis, Dist. 19  
Pouch V  
Juneau, AK 99811

February 28, 1983

Dear Mike:

The following question was asked of several Fairbanks pilots:  
"If Alaska Statutes were amended to permit the Civil Air Patrol  
in our state obtain title to some of the aircraft that were  
confiscated, such as by game or drug violations, would you be  
in favor of such an amendment?"

Tom Olson, owner of Air North, "No question about it, it's the  
best idea I've heard for those airplanes yet."

Bob Bursiel, pilot Wright's Air Service, "I would be in favor of  
anything that would help the Civil Air Patrol obtain more and  
better aircraft."

Randy Acord, Private pilot, owner Acord Company, "Sure, you bet,  
in fact lets get a petition going around on it."

Mark Davis, Auto mechanic, "It's a great idea."

Larry Soden, Private pilot, (DOT/PF Planning), "You bet, I can't  
think of a better use for those airplanes. I would definately  
support the Civil Air Patrol getting them. It would be much  
cheaper than our Dept. of military Affairs having to buy planes."

Joe Ryan, <sup>Flight Instructor</sup> "Have you got a petition, let me sign it."

Paul Haggland, Fbks Int'l Airport, Airport Manager, "The Troopers  
seem to have enough, and as long as the Civil Air Patrol doesn't  
get plane happy, I can't see anything wrong with the proposed  
amendment. In fact it should save the state some money."

Roger Mayer, pilot Aurora Air Service, vice president of the co.  
"I'm all for it, it would be a good shot in the arm for a worthwhile  
cause."

Jim Lergen, Aurora Air, chief pilot. "I think it would be a pretty  
good idea, I would go for it. The CAP teaches kids how to fly, and  
there's going to be a time soon when we come up short on pilots--  
let those Cadet kids learn, they are our future pilots."

Glen Wilcox, commander Yukon Senior Squadron, Fairbanks CAP.  
"There is a continued need for servicable aircraft, and since the  
Civil Air Patrol is a volunteer and public organization with a  
state wide mission, it would be appropriate to have these aircraft  
available to the Civil Air Patrol."

-MORE-

Bob Cowgill, pilot Larry's Flying Service. "It's a pretty good idea. The Civil Air Patrol shouldn't have to be going into all these fund raising projects for planes. That way good airplanes can then be put into more places within the state."


Dan Slaby, Minto, former Doyon executive, and owner of Alaska Management Planning. "Super idea, put me on that list."

Everett Long, "After the last search and rescue mission we had with the Troopers, I can see how the state would have saved a lot of money by not having to use so many private pilots. When those aircraft become part of Civil Air Patrol---the Air Force pays the fuel bills. And more important, since we have the pilots and few airplanes, we could have sent more experienced search crews out. This would be true for any mission.

It's not like the state loses that plane, if this amendment passes, but it's more like investing those planes back into the state."

From:

Everett A. Long  
Box 1  
Ester, AK  
479-2618



# ALASKA STATE LEGISLATURE

INTERIM OFFICE:  
P.O. BOX 81435  
FAIRBANKS, ALASKA 99708

IN SESSION:  
POUCH V  
JUNEAU, ALASKA 99811  
(907) 465-4830/4941



CHAIRMAN  
1983 INTERIOR DELEGATION

MEMBER  
TRANSPORTATION  
HEALTH, EDUCATION AND SOCIAL SERVICES  
LABOR SUBCOMMITTEE  
JOINT OIL AND GAS  
RURAL EDUCATION ATTENDANCE AREAS

Representative Mike Davis  
House District 19

## Aircraft Forfeited by the Courts Since Statehood

9 Supercubs: 3 went to the Department of Public Safety  
2 went to the Department of Fish & Game  
2 are in storage pending a final decision  
1 was sold by bid several years ago  
1 was torn apart for parts

1 Cessna 185: went to the Department of Public Safety

1 Cessna 180: transferred to the University of Alaska for use in training  
after some parts had been removed

1 Cessna 170B: sold by bid several years ago

Three airplanes presently have a questionable status in that the  
planes have been seized but not forfeited. These airplanes are:

1 Supercub  
2 Cessna 185s

2

HB 195 "An Act permitting transfer of forfeited aircraft to the Alaska Wing, Civil Air Patrol."

### Analysis and Background

House Bill 195 would amend the statutes in two places to make it possible for the state to turn over aircraft, forfeited to the state in connection with crimes, to the Civil Air Patrol.

Section 1. addresses aircraft forfeited in fish and game violations, while Section 2. deals with aircraft forfeited in drug-related offenses.

Because CAP corporate rules require that any equipment donated to the CAP become property of the corporation, and may be disposed of as the directors see fit, it may be a concern of the state that equipment donated by the state should remain in the state. The CAP is a national organization, and its directors may place equipment wherever they determine its best use to be. This has evidently caused some consternation with the Department of Military Affairs regarding radio equipment; additionally, the CAP has apparently upset the federal government by selling 10 airplanes given to them by the feds.

Currently the department of Administration may dispose of an aircraft by either selling it, or by transferring it to a department of state government for official use. An example of this would be the transfer of several aircraft to fish and wildlife protection for their use in enforcing fishing and hunting regulations.

This avenue could be used to make the aircraft available to the CAP by transferring it to the Department of Military Affairs. However, according to Dick Roundtree of that department, a problem would arise in regard to volunteer, non-state employees using a piece of state-owned equipment. The liability of the state makes it increasingly unattractive to use this route, and Roundtree said it would be better to simply give the aircraft over to the CAP.

MAR 2 1983

# STATE OF ALASKA

## DEPARTMENT OF PUBLIC SAFETY

*DIVISION OF FISH & WILDLIFE PROTECTION*

*BILL SHEFFIELD, GOVERNOR*

ROBERT J. SUNDBERG  
COMMISSIONER

*P. O. BOX 6188, ANNEX  
ANCHORAGE, ALASKA 99502*

February 18, 1983

Representative John Ringstad  
Chairman, House Resources Committee  
State Capitol  
Pouch V  
Juneau, Alaska 99811

Dear Representative Ringstad:

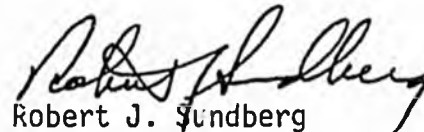
I would like to present the following position which the Division of Fish and Wildlife Protection, Department of Public Safety holds with regard to the subsequent House Bill under proposal:

HB 195 - Neutral

This Bill should be carefully researched to insure Alaska constitutional provisions and procedures are not by-passed in the transfer of State property.

The majority of aircraft forfeited to the State are in the cub class, which may not be the appropriate plane for civil air patrol. Most aircraft that have been forfeited to the State in the past have needed extensive repair in order to be airworthy. This would require facilities or funds for putting an aircraft in an airworthy condition. The State should not be held liable for the condition of the aircraft at the time of transfer of ownership.

Sincerely,



Robert J. Sundberg  
Commissioner

STATE OF ALASKA  
PRELIMINARY STATEMENT OF FISCAL IMPACT

Bill No: HB 195 Date on Bill: 2/14/83  
 Title: an act permitting transfer of forfeited aircraft to the Alaska wing, Civil Air Patrol.  
 Sponsor: Davis, Hurlbert & McBride  
 Requestor: HOUSE RESOURCES

1. Estimated fiscal impacts on:

a. Expenditures:

(Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86
Capital				
Operating				
Total	0	0	0	0

b. Revenues:

Revenue	FY 83	FY 84	FY 85	FY 86
	0	0	0	0

2. Source of funds to offset fiscal impact of bill:

3. Assumptions:

No fiscal impact

4. Disclaimer:

This statement has not been reviewed by the OMB in the Office of the Governor. It therefore does not represent the final estimate of fiscal impact.

Prepared By: Colonel Robert J. Stickles Phone: 269-5532  
 Division: Fish & Wildlife Protection Date: Feb. 18, 1983  
 Approved by Commissioner: [Signature] Date: 2/26/83  
 Department: PUBLIC SAFETY

5. Distribution:

- Original to Legislative Finance
- Copy to OMB
- Copy to Sponsor
- Copy to Requestor

2/15/83

# Alaska State Legislature

INTERIM OFFICE:  
1024 WEST SIXTH AVENUE  
ANCHORAGE, ALASKA 99501  
(907) 274-2843  
HOME (907) 274-3102

IN SESSION:  
FOURTH V  
JUNEAU, ALASKA 99811  
(907) 463-4947



HOUSE MAJORITY WHIP

CHAIRMAN  
STATE AFFAIRS

MEMBER  
TRANSPORTATION  
LEGISLATIVE COUNCIL

Representative Mitch Abood  
HOUSE DISTRICT 11

## MEMORANDUM

TO: Representative John Ringstad, Co-Chairman  
Representative Richard Shultz, Co-Chairman  
House Resources Committee

FROM: Representative Mitch Abood *Mitch*

DATE: March 1, 1983

RE: HB 195  
"An Act permitting transfer of forfeited aircraft to the Alaska  
Wing, Civil Air Patrol"

The Civil Air Patrol is providing a great service to the public in its search and rescue efforts, and the transfer of confiscated aircraft to the Civil Air Patrol would tremendously benefit this outstanding operation.

The Civil Air Patrol provides emergency search and rescue services to those individuals who wind up in trouble in the vast outlying areas of Alaska. Because of the age of the aircraft and the great number of hours the CAP spends on search and rescue efforts, it is imperative that the aircraft and equipment used in service be replaced periodically to insure the utmost in safety of the operations. The CAP is currently replacing its aircraft with funds of their own, and the process is quite lengthy in their efforts to procure new aircraft from Outside.

It is with this in mind that I highly recommend the passage of HB 195, "An Act permitting transfer of forfeited aircraft to the Alaska Wing, Civil Air Patrol".

cc: Representative Mike Davis

STATE OF ALASKA  
PRELIMINARY STATEMENT OF FISCAL IMPACT

Bill No: House Bill 195 Date on Bill: 2/14/83  
 Title: Transfer of Forfeited Aircraft to CAP  
 Sponsor: Davis, Hurlbert, and McBride  
 Requestor: Rep. Hurlbert

1. Estimated fiscal impacts on:

a. Expenditures:

(Thousands of Dollars)

			FY 83	FY 84	FY 85	FY 86		
Capital.			-0-	-0-	-0-	-0-		
Operating			-0-	-0-	-0-	-0-		
Total			-0-	-0-	-0-	-0-		

b. Revenues:

Revenue								
---------	--	--	--	--	--	--	--	--

2. Source of funds to offset fiscal impact of bill:

3. Assumptions:

No apparent fiscal impact,

4. Disclaimer:

This statement has not been reviewed by the OMB in the Office of the Governor. It does not represent the policy of the Sheffield Administration or the final estimate of fiscal impact.

Prepared By: *Richard L. Rountree* Phone: 465-4601  
 Division: Administrative Services Date: 2/16/83  
 Approved by Commissioner: *Edward G. Pagano* Date: 2/16/83  
 Department: Military Affairs

Distribution:

- Original to Legislative Finance
- Copy to OMB
- Copy to Sponsor
- Copy to Requestor

2/8/83

# STATE OF ALASKA

BILL SHEFFIELD, GOVERNOR

ROBERT J. SUNDBERG  
COMMISSIONER

## DEPARTMENT OF PUBLIC SAFETY

*DIVISION OF FISH & WILDLIFE PROTECTION*

P. O. BOX 6188, ANNEX  
ANCHORAGE, ALASKA 99502

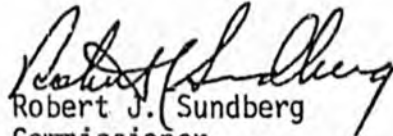
February 18, 1983

Representative Mike Davis  
Alaska State Legislature  
Pouch V  
Juneau, Alaska 99811

Dear Representative Davis:

The Division of Fish and Wildlife Protection is the primary agency within the Department of Public Safety that becomes involved in the seizure and subsequent forfeiture of aircraft. Neither the Division nor I see any problem with HB 195.

Sincerely,

  
Robert J. Sundberg  
Commissioner

✓