

H B

479



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

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

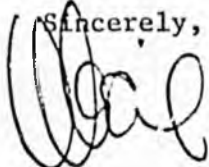
Dear Representative ~~Hayes~~ *Joe*:

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
SAIL 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) Pegging \$ 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 |

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

TELEGRAM

ALASCOM, INC.

PHONE: 586-5006

JUNEAU, AK 99802

02034 ANCHORAGE AK 117 02-22 935A AST

PMS REP JOHN RINGSTAD

POUCH V 1423

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

1984 FEB 22 AM 10 08



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

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.

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.

DEPARTMENT OF PUBLIC SAFETY

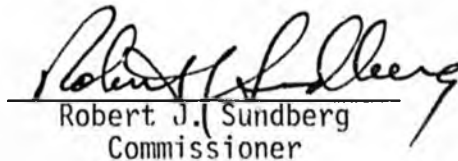
POSITION PAPER - HB 479

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



Official Business

Alaska State Legislature House Resources Committee

SIGN-IN FEB 10, 1984

HB 479
CITATIONS

NAME	ADDRESS	PHONE	REPRESENTING
GAYLE HORETSKI	POUCH KC, JUNEAU	X 3428	DEPT. OF LAW
SAM McDowell	Anch. Ak 336 E 23rd 99503	272-6605	ISSACH WALTON LEAGUE
BOB Americk	Juneau	9-2399	AK. Outdoor Council
NEIL PHELPS-MONSON	Pouch V	X 3720	SPEAKER
NEIL Johannsen	225A Cordova Anch 99501	276-2653	State Park Director

The Resources 2/10/84
329 Goll, Lars, Crowl, Uehling, Ring

00 Neil Johansen - HB 479

0054 Uehling - how much save - income source
trickle - savings in time

0068 Cowdery - major part of time?
Ranger - small part of time in enforcement

0087 Larson - Ia 15, Pa 1 - Shall, except immediate
circumstances -

0111 Larson - Penalty greater than bail w/o appearance
deferred to Gail Hovetski

0122 Gail Hovetski -
Described CS & why.

0146 - addressed Larson's concern - "may" issue citation

0185 Larson - Penalty the same -
"Ceiling" is constitutional requirement - greater ~~pen~~ can't
assess court fees in addition to uniform bail amt.

0223 Goll - HB 404 - Language recommended was "shall,
except..."
Discussion ensued regarding "arrest" and the
officers discretion

0326 Larson moved adoption of CS, v.c.

0335 Goll - asked about endorsement
- promise to appear

Dot's Goll put every Committee
on which he sits to sleep.

- 0360 Goll - requirement to ascertain identity.
AS 12.21.130 - general provisions of issuance of citation.
- 0380 McDowell - as long as it doesn't compound problem
- 0440 Goll - what mean about compound
- citation will stick if written right.
- 0457 Somerville - AR Outdoor Council - still supports
marketable bonds -
HB 486 - User fees
- 0487 Bettisworth - intro -
- 902 Tape turnover -
- 0515 Larson - Rec & Ed. facilities -
One fee to cover use of all facilities w/in park
- 0524 Oll - repeal of AS 24....
Yes only change
- 0536 Cowdery - would you turn em out? if they couldn't pay?
- Would deny access - plenty of other places to go
- Some people like parks, security, facilities
- 0568 Goll - Help me understand... more densely populated
areas - but in sparsely-pop. areas like S.E.
Political Ramifications - wouldn't this make it more
restrictive, more difficult to get land set aside as parks
- No - legis. won't fund 12 million system -
- 0611 - Goll - \$\$
- m&D

0625 Larson - tea tax - More personnel to administer?
- F.N. 200,000 in, 97,000 out - Summer Youth programs -
Est. fee? - not set yet

0655 - DNR expenses - Losing \$ on many of their programs
Shouldn't we look at other programs
- Generally, yes.

0673 Neil Johannsen - Supports
- California experience after prop. 13
- Alaska only state w/no fee system ^{House of Wickersham} 12 of 50 campgr.
- No program receipts - fee keeps vandalism down
- Most capture 25% through fee programs
USFS, NPS, BLM, private all charge -

0775 Larson - determined fees yet?
- Document proposal -
77 - 92% Compliance on self-registration

0843 Cowdery - list parks & fees in bill?
Would rather not - prefer flexibility to expand
Run ads in newsp.
Whatever may be necessary to inform public

0874 Goll - Political reaction to expand ~~some~~ parks
Only reasonable fees on parks worth the cost
Wouldn't expect backlash, would walk, not run

0939 Goll - no problem with people finding other places to
camp to avoid fee - People prefer organized campground.

0969 Goll - rec & ed facilities - limit language?
- personally no problem w/ "historical sites & campgrounds"

Tape
Change
0003

Vehling - Iron rangers? 1/2 time person?
- Sales. Bookkeeping, accounting.

0014 House of Wickersham - prohibited from other org. run.
- NO fees

0026 What charge - Hse of Wickersham - Flaming Soudon
Probably less than currently.

0038 Larson - "state parks, park facilities, and historical sites"
Prohibit granting waivers.
- intent - may be waived for school outings.

0062 Larson - what percent is 200,000 on m & o
D \$4 million -
Resident/non-resident variant
Some states do, some don't, some reprisal
9% federal grants.
18% non-resident users

0115 Goll - fishing licenses - really any impact?
Probably not - B.C./Yukon campgrounds

0162 Larson - Length of stay limited -
A depends on demand pressure for park
What percent are residential users?
is used to be much higher during pipeline days
less than 250 sites out of 3000 would be charged on

0210 Goll - language - parks & museums?
A prefer broad enough to allow latitude - ^{campsites} Conducted
tours at historical sites

0258 Ring - Subcom - HB600 ^{Royalty Oil} ~~at 46~~
Cordery, Uehling, Kings, Vaska

0263 adjourned at 4:50

STATE OF ALASKA 1984 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

REQUEST

Bill/Resolution No.: HB 479
 Title: "An act ... issuance of citations... within state parks."
 Sponsor: Representative Hayes
 Requestor: _____
 Date of Request: _____

FISCAL DETAIL

Agency Affected: Public Safety
 Program Category Affected: Administration of Justice
 BRU, Program or Subprogram(s) Affected: Alaska State Troopers

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	0.0	0.0	0.0
CAPITAL	0.0	0.0	0.0	0.0	0.0	0.0
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND	0.0	0.0	0.0	0.0	0.0	0.0
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

ANALYSIS: Attach a separate page for analysis

Prepared By: Francis C. Allan *F.C.A. MCK* Phone: 269-5691
 Division: Alaska State Troopers Date: 01/25/84
 Approved by Commissioner: *RS* Robert J. Sundberg Date: 1-31-84
 Agency: Public Safety

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.: _____
Title: Bail Schedule
Sponsor: _____
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)

9/14/83

Analysis of Fiscal Note for Bail Schedule legislation

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