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456

SENATE STATE AFFAIRS COMMITTEE

BILL NUMBER SB 456

SPONSOR GOV

BILL TITLE: Police Protection in Home Rule/Gen. Law

DATE REFERRED 2.8.90

HEARING SCHEDULED 3.23.90

FISCAL NOTE PREPARED ✓

SPONSOR CONTACTED Gail Horetcki ✓ - 4322

INTERESTED PARTIES CONTACTED

will testify
contact ✓ Barbara (Larson's Office) 376-8628
✓ Mayor John Stein - 373-9055
L.M. Lt. Murphy - Troopers 745-2121
✓ L.M. Don Moore - Mat-Su 745-9689 =
won't testify - Brian Phillips - ^{City} Manager - 452-1871 Ext. 265
✓ Gail Horetcki - 4322
✓ Jim Plarman - CK A
✓ Jim BALDWIN - AG

OTHER

GAIL
Definition — 29.04.010
Home Rule Feather/oe
< Gen. Law
Unified Municipality
Hillside? Girwood
List of affected
communities.

Does not apply to
a unified municipality.



Alaska State Legislature

Senate

Office of the Secretary

OFFICIAL BUSINESS

P.O. BOX V
CAPITOL BUILDING
JUNEAU, ALASKA 99811

FOR YOUR IMMEDIATE ATTENTION

DATE: March 7, 1990

TO SENATE COMMITTEE: STATE AFFAIRS

FROM: Office of the Senate Secretary

The Senate President has added/changed the referral(s) on the following bill(s):

SENATE BILL NO. 456

Certain general law and home rule cities to provide police protection and law enforcement services; efd.

Please give the bill file(s) and the signed letter (this note) to the page delivering this message.

Thank you for your prompt attention.

SIGNATURE OF PERSON RECEIVING THIS NOTE

JR/s

STEVE COWPER
GOVERNOR



✓56

STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

February 8, 1990

The Honorable Tim Kelly
President of the Senate
Alaska State Legislature
P.O. Box V
Juneau, AK 99811

Dear Mr. President:

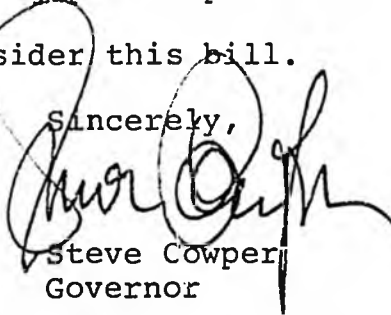
Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill relating to the exercise of police powers by general law and home rule cities. If enacted, this bill would require cities with 2,000 or more residents to provide police protection and law enforcement services. The provisions of this bill are an abbreviated version of sec. 14 of HB 301 (which currently resides in House Finance Committee). I introduced that bill last session as part of an effort to set out the statutory changes necessary to reduce the cost of state government. My goal was the enactment of sufficient authority to require municipal governments to assume the responsibility and expense of providing police protection to their citizens.

Several municipalities in the state currently provide these services while currently only one city of 2,000 or more residents does not. In my opinion, cities with a population of at least 2,000 are of such a size that they are the best suited to provide these services. It is not fair to allow some cities to escape the responsibilities so willingly shouldered by others. I am concerned that if this inequality continues, other cities will cease providing local police protection. An unanticipated decision to cease providing police protection would dramatically increase the cost to the state of providing

police protection. This bill would maintain the status quo for the majority of cities while also forcing the few cities not currently providing police protection to do so.

I urge you to favorably consider this bill.

Sincerely,

A handwritten signature in black ink, appearing to read "Steve Cowper", written over the typed name and title.

Steve Cowper
Governor

Alaska State Legislature

Sen. Pat Pourchot, Chairman

Sen. Jan Faiks, Vice Chairman

Sen. Al Adams

Sen. Tim Kelly

Sen. Rick Uehling



P.O. Box V
State Capitol
Juneau, Alaska 99811

907-465-3712

Senate State Affairs Committee

MEMORANDUM

TO: Senate State Affairs Committee Members

FROM: Senator Pat Pourchot

RE: Friday, March 23 Committee Hearing

DATE: March 22, 1990

On Friday, March 23 at 1:30 p.m. in the Beltz Room the Senate State Affairs Committee will hear the following bills:

SSSB 301. An Act relating to the Power Cost Equalization Program.

SSSB 301 and the Power Cost Equalization Report recommend changing the PCE formula's minimum entry rate, eliminating federal and state governments and state funded schools as eligible commercial customers, prioritizing funds to first residential, then commercial facilities and then commercial customers, lowering residential and commercial caps from 750 kWh/month and lowering the community facility cap from 70 kWh/month/resident to 50 kWh/month/resident.

A report on Energy Credits prepared by Alan Mitchell, the State Consumer Advocate, is included in your packet and is currently being released for public review. The report compares PCE with Energy Credits on a utility by utility basis using data from 1988.

This is the third hearing on PCE, testimony will be heard from the public.

SB 456. An Act requiring certain general law and home rule cities to provide police protection and law enforcement services; and providing for an effective date.

SB 456 would require the city of Wasilla to provide police protection and would prevent other cities, such as Fairbanks from withdrawing police service in favor of State Trooper protection. This bill does not impact unified municipalities such as Anchorage. Representatives of the cities of Wasilla and Fairbanks have been invited to testify.

SB 456, Police Protection in Home Rule/General Law Cities. 3/23/90

TELECONFERENCE; Mat-Su LIO, Fairbanks LIO

TO TESTIFY;

Gail Horetski: DPS

Jim Plasman: C&RA

Mayor John Stein: Mayor of Wasilla

Jim Baldwin: AG's Office

NOTIFIED;

Mat-Su Borough: Don Moore (Manager?) (may not testify, avoiding the issue)

Fairbanks City Manager: Brian Phillips (may listen in, topic is too hot to testify on)

State Troopers/Mat-Su: Lt. Murphy

NOTES;

1. Jim Baldwin has reviewed the bill and verifies that the bill has two purposes: It would require Wasilla, (and only Wasilla) to provide police protection and would prevent cities like Fairbanks from closing down their police services due to budget cuts. He may propose an amendment which clarifies that unified municipalities (i.e. Anchorage) are not impacted by this bill.

2. There is a similar bill (HB 301) sitting in House Finance, doesn't appear to be going anywhere.

3. Letter from the Mayor of Wasilla is in opposition to the bill but suggests that political subdivisions other than cities be considered when requiring police services.

HEARD 3.23.90

will be held for study —

§ 29.03.030

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§ 29.04.010

MUNICIPAL GOVERNMENT

§ 29.04.030

Chapter 04. Classification of Municipalities.

Section

- 10. Home rule
- 20. General law
- 30. Classes of general law
- 40. Reclassification of second class cities

Section

- 50. Reclassification of second class bor-
oughs
- 60. Reclassification of third class bor-
oughs

Sec. 29.04.010. Home rule. A home rule municipality is a municipal corporation and political subdivision. It is a city or a borough that has adopted a home rule charter, or it is a unified municipality. A home rule municipality has all legislative powers not prohibited by law or charter. (§ 3 ch 74 SLA 1985)

NOTES TO DECISIONS

"Local activity rule". — Under a former, similar provision, the "local activity rule" was found to be an expedient method for resolving an impasse between state statutes which seek to further a specific policy and municipal ordinances which either directly or collaterally impede this implementation. Conflicts between state statutes and municipal ordinances generally were modulated by rul-

ing in favor of the statutes. *Chugach Elec. Ass'n v. City of Anchorage*, Sup. Ct. Op. No. 647 (File No. 1152), 476 P.2d 115 (1970).

A parallel provision to Alaska Const. art. X, § 11, was found in former AS 29.05.020, a similar provision. *City of Fairbanks v. Schrock*, Sup. Ct. Op. No. 567 (File No. 1032), 457 P.2d 242 (1969).

Collateral references. — 56 Am. Jur. 2d, *Municipal Corporations, Counties, and Other Political Subdivisions*, §§ 98-138.

62 C.J.S., *Municipal Corporations*, §§ 3, 4, 13, 187.

Sec. 29.04.020. General law. A general law municipality is a municipal corporation and political subdivision and is an unchartered borough or city. It has legislative powers conferred by law. (§ 3 ch 74 SLA 1985)

Sec. 29.04.030. Classes of general law. General law municipalities are of five classes:

- (1) first class boroughs;
- (2) second class boroughs;
- (3) third class boroughs;
- (4) first class cities;
- (5) second class cities. (§ 3 ch 74 SLA 1985)

STEVE COWPER
GOVERNOR



✓56

STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

February 8, 1990

The Honorable Tim Kelly
President of the Senate
Alaska State Legislature
P.O. Box V
Juneau, AK 99811

Dear Mr. President:

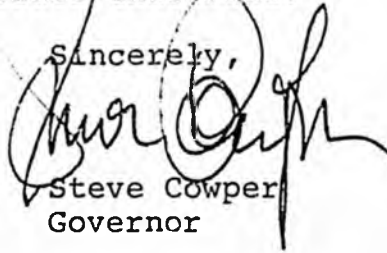
Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill relating to the exercise of police powers by general law and home rule cities. If enacted, this bill would require cities with 2,000 or more residents to provide police protection and law enforcement services. The provisions of this bill are an abbreviated version of sec. 14 of HB 301 (which currently resides in House Finance Committee). I introduced that bill last session as part of an effort to set out the statutory changes necessary to reduce the cost of state government. My goal was the enactment of sufficient authority to require municipal governments to assume the responsibility and expense of providing police protection to their citizens.

wasilla < Several municipalities in the state currently provide these services while currently only one city of 2,000 or more residents does not. In my opinion, cities with a population of at least 2,000 are of such a size that they are the best suited to provide these services. It is not fair to allow some cities to escape the responsibilities so willingly shouldered by others. I am concerned that if this inequality continues, other cities will cease providing local police protection. An unanticipated decision to cease providing police protection would dramatically increase the cost to the state of providing

police protection. This bill would maintain the status quo for the majority of cities while also forcing the few cities not currently providing police protection to do so.

I urge you to favorably consider this bill.

Sincerely,

A handwritten signature in black ink, appearing to read "Steve Cowper", written over the typed name and title.

Steve Cowper
Governor



CITY OF WASILLA

200 E. HERNING AVE.
 WASILLA, ALASKA 99687
 PHONE: (907) 373-9050
 FAX: (907) 373-0788

March 8, 1990

Post-It™ brand fax transmittal memo 7671		# of pages ▶ 1
To Susan Barnett	From Mayor Stein	
Co.	Co. City of Wasilla	
Dept.	Phone # 373-9050	
Fax # 463-3378	Fax # 373-0788	

The Honorable Steve Cowper
 Governor, State of Alaska
 P. O. Box A
 Juneau, Alaska 99811-0101

Dear Governor Cowper:

In your February 8 transmittal of SB 456 to the President of the Senate, you single out Wasilla as the only city, of population 2,000 or more residents, without a police force. There are a few elements of this issue of which you may not be aware.

The most significant problem that I have discovered relating to the police service to the Mat-Su Central Valley is the relatively high population density of areas outside of cities. From an efficiency if service standpoint it makes little sense for Palmer to provide police for 3,000 people and 3 square miles at a cost of \$1,000,000 per year and Wasilla to serve another 3,500 and 12 square miles for another \$1,000,000 when 30,000 people reside just outside these city boundaries. With the tax implications of police and justice costs, outlying areas are strongly discouraged from annexing to cities, making the problem of financing police services even worse.

The solution to the above is to either look beyond "cities" to other political subdivisions including boroughs and "public safety districts" or facilitate cities annexations to reach a financing critical mass.

I suggest that "responsibilities so willingly shouldered by others" is a myth. Mat-Su and Wasilla have resisted police and justice departments in large part because of the horror stories from other jurisdictions.

I don't think the law enforcement issue for Mat-Su is well understood. I would really like to participate so that we can exchange information and finally solve this problem.

Sincerely,

John C. Stein
 Mayor, City of Wasilla

JCS/sbh

cc: Local Delegation
 President Tim Kelly

FISCAL NOTE

REQUEST:

Revision Date: _____
Title: Requiring certain cities to
provide police protection
Sponsor: Rules Committee
Requestor: Governor

Agency Affected: Public Safety
BRU: Alaska State Troopers
Component: _____

EXPENDITURES/REVENUES: (Thousands of Dollars) (Inflation not included)

OPERATING	FY 91	FY 92	FY 93	FY 94	FY 95	FY 96
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
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REVENUE	-0-	-0-	-0-	-0-	-0-	-0-
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FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER/PROG RCPT						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS:

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

ANALYSIS: (Attach a separate page if necessary)

Passage of this bill will not result in any increased costs to the Department of Public Safety. There may be some potential savings for the state troopers, as there will be a slight reduction in the areas in which the troopers are the primary law enforcement presence. Any troopers "freed up" by this bill would be reassigned to other areas of the state.

Prepared by: Gavle A. Horetski, Deputy Commissioner Phone: 465-4322
Division: Office of the Commissioner Date: 2/6/90

Approved by Commissioner: Arthur English Date: 2/6/90
Agency: Department of Public Safety Page 1 of 1

SB 456 — Dave Palmer — 772-4511
City Manager — Petersburg
Cost to cities

FAX_772-3759

FAX INFO

3-23-90

SB 456

Gail Horetski^o _
Wasilla _

ADAMS Why allow JNO/ANCTH off the hook

A: They are offering it in some form
at some level. _

ADAMS Add in unified municipalities.

PAT : Letter of Wasilla
TO PLASMAN ANNEXATION ISSUES?

A: It's possible... local option/petition local boundary/

Do you need statutory changes to
enable cities to expand beyond boundaries.

TITLE 29

? Other cities approaching 2,000.
A: Like size, provides protection.

? Glenallen - Rural
A: Basically

De Camp:

In opposition = Title 29... in a jumble,
Area-wide problem

Ed Cottle:

In opposition =
30,000 in/out of Wasilla
30 Troopers

lt. Murphy -
outlaying population 17,000
Supports the bill.

Mayor Stein: Opposed
Study in 1979 - Borough - to provide
police protection
Palmer - 1 million per year
for 3 sq. miles
Map showing pop. per square
Similar density to Palmer.
Ability to tap large enough
tax ^{area} hampered - Palmer
has not been successful
in annexing

- AMENDED TO MUNICIPALITIES.
- MAT-SU BOROUGH should have pressure ~~being~~ put on them.

Wasilla Budget \$ 1.3 mill / 20 employees/

FAK: Sq. miles?
A: 11.5 sq. miles

Mat-Su Borough - 23,000 sq. miles.

Pat Annexation?

A: Facilitate annexation (City policy)
No annexation by leg or electorate.
ANNEXATION is planning function of
Borough - Borough -

486 to 457 - on police

HOLD

DAVE PALMER - Oppose

→ Title 29:

3440 Pop in Petersburg
Legislature should avoid stepping into

→ JIM BALDWIN:

Taxation w/out representation?

NO - Municipalities are created as
political subdivision.

FAKS Can we mandate cities to spend \$.

A: Education

FAKS Ed. in constitution

• Unified Municipalities



CITY OF PETERSBURG

P.O. BOX 379 • PETERSBURG, ALASKA 99833

TELEPHONE (907) 772-4511

TELECOPIER (907) 772-3759

March 23, 1990

Members of the Senate State Affairs Committee:

My name is David Palmer, I am city manager for the city of Petersburg, population 3440. I have been in that position for one year. Prior to that time, I served 5 1/2 years as city administrator for the city of Craig, a rural community of 1200 people located on Prince of Wales Island. Each community funds and operates a police department.

I wish to speak in opposition to SB 456. I believe that the Governor and the Legislature should leave to local governments the decisions that are appropriate to local governments. The elected officials in Alaskan communities have the duty and responsibility to respond to the needs of their local constituents.

SB 456 removes some of the discretion allowed local elected officials by mandating a service that is presently optional for local governments. The decision as to whether a community can afford police protection and law enforcement services is best determined by those people who have to pay for it. Those are the same people who must live with the consequences of their decisions.

The Legislature should avoid injecting a statewide mandate into the annual budget deliberations of every Alaskan community and thereby

Testimony of David Palmer
Senate State Affairs
SB 456
March 23, 1990
Page 2

usurp the local decision making process at the very level where it operates best, at the local level.

The bill as presented offers more questions than solutions. Apparently, the State is concerned that certain towns, like Wasilla, will elect to have no police protection and that the State is then obligated to provide enforcement services. My position is that if Wasilla wants to go without police protection, that is up to them, but that they should live with the consequences and the State should not feel obligated to fill the void.

As written, the law would exempt communities under 2000 in population. Apparently, the State feels its obligation to provide police protection begins when over 2000 people are clustered together as a community. To avoid fulfilling this responsibility, the proposal is to mandate that communities provide the service instead. I don't understand this. My understanding is that the Legislature determines the level of State law enforcement available by setting the budget each year. If the level of funding is not sufficient to support police protection for communities (regardless of population) I would not expect the State to provide the service, and neither should any other city.

Testimony of David Palmer
Senate State Affairs
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Page 3

The bill mandates "police protection" and "law enforcement services". Those terms should be defined. I found a definition of "police officer", which means a person with the authority to arrest people, to issue citations, to detain a person, to conduct investigations of violations and to enforce criminal laws, traffic laws, conduct a search with or without a warrant, to carry a concealed weapon, and so forth. I would take the bill to require each covered city to employ a certified police officer. Village Public Safety Officers do not qualify.

A suggested amendment to the bill would be language to the effect that "employment of not less than one certified police officer shall constitute compliance with this provision".

A cursory look at the index of statutes did not reveal a definition of the terms "police protection" or "law enforcement services". Those terms could be broadly interpreted to include jails and/or prisons, building code enforcement, harbor patrol, zoning enforcement, parking patrol, and similar topics as found within city ordinances. I suspect that is not the intent of the bill and hopefully, if this bill does not die its deserved natural death, those will be corrected.

Testimony of David Palmer
Senate State Affairs
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Page 4

I am particularly concerned about the inclusion of jails or prisons in light of the Governor's bill mandating communities to operate jails (HB 489/SB 446). Funding decisions for local government services should be left to those elected to make them.

Let me give some specific examples of local decisions related to this matter:

The city of Petersburg has reduced its police force by 2 officers over the past few years due to budget considerations. Presently, we have 5 officers who provide 24 hour a day service. The city council did not fund a requested position for drug enforcement due to the expense. Consequently, drug enforcement is on a "catch as catch can" basis. The decision was controversial, but the community elected not to raise taxes for the position and the city lives with the consequences of the decision. The city did not expect the State Troopers to replace the two lost positions or to place a drug enforcement officer in town because we did not want to pay for one. It is essential that local elected officials retain the ability to respond to local needs and abilities to pay.

I do not expect that Petersburg will cut police protection to zero, so I can say that the practical effects of the bill, if written

Testimony of David Palmer
Senate State Affairs
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Page 5

clearly, may not be extensive. However, the signal that the Legislature sends by passing it is that when the State has trouble funding its operations, it will not hesitate to mandate that the local governments (comprised of your constituents) pick up the tab. It indicated that the Legislature will not hesitate to second guess the local officials as they carry out their duties. That is a poor signal to send, in my opinion.

For an issue such as this which seems localized to one or two communities, the Legislature should let the Department of Public Safety and the local communities work out their problems without dragging every other community into the bickering.