

HB

194

ALASKA STATE LEGISLATURE
House Resources Committee

Carl Gatto, Co-Chair

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Sponsor Statement
HB 194

"An Act relating to fines for certain offenses involving aeronautics, alcoholic beverages, boats, fish and game, health care records and public health, medical review organizations, public restroom facilities, smoking, shelter cabins, refrigerators and similar equipment, radiation sources, high voltage lines, child labor, employment in underground mines, marriage licenses, motor vehicles and driver's licenses, ignition interlock devices, pipelines, use of the state seal, and emissions requirements; relating to the maximum fine provided for violations and infractions and to the definition of 'minor offenses'; redesignating certain fish and game misdemeanor offenses as class A misdemeanors; relating to violations and offenses that are committed on state land, water, and land and water or that are related to water management or dam and reservoir safety; amending Rule 8(b), Alaska District Court Rules of Criminal Procedure; and providing for an effective date."

HB 194 proposes to raise the maximum amount a person may be fined to \$750 when found guilty of an infraction or violation as currently provided for in statute. The exception to this is found in *Sec. 2* of this bill that sets \$750 as the minimum fine, with the amount of \$1,000 established as the cap for this type of offense.

In addition, this bill brings fish and game penalty language in Title 16 into alignment with the current statutory definition for a Class A Misdemeanor. In 2002, the Alaska Legislature doubled the fines for Class A misdemeanors from \$5,000 to \$10,000. However, several important Title 16 penalties listed a maximum fine of \$5,000 and thus remained locked at that level. Since some of these penalties went into effect around statehood, it is appropriate to update the maximum fines.

Violations or infractions are both minor offenses and are often confused with one another. Violations are about the same as traffic infractions, except that violations are not traffic offenses. Violations were created as a new class of offense in 1978 when the criminal code was completely revised. Both violations and infractions are non-criminal offenses for which no jail time can be imposed. In 1978, the maximum fine set for infractions was \$300, although some violations impose a \$500 minimum fine. This dollar amount has not changed in almost 30 years.

This increase in the dollar amount is consistent with today's values and begins to allow for inflation since 1978. The increase in the maximum monetary penalty will serve as a further deterrence to those not only found guilty, but for those contemplating any action that might lead to such an act leading to an infraction or violation under law.

In today's society, the most serious infractions and violations are the types of offenses that the public observes daily. The public expects that enforcement action will be taken to insure our collective safety. By increasing the fines levied against those that are found guilty, we act to serve the better good.

In addition, HB 194 proposes a substantive change in the enforcement authority for the Department of Natural Resources for all lands managed by them. When the 24th Alaska State Legislature created the Knik River Public Use Area, it granted the department penalty and enforcement authority over those lands. Section 37 of the bill grants to the department penalty and enforcement authority over all lands managed by the division of mining, land, and water.

ALASKA STATE LEGISLATURE
HOUSE JUDICIARY COMMITTEE

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Representative Bob Lynn
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Representative Max Gruenberg
Representative Lindsey Holmes

State Capitol, Room 120
Juneau, Alaska 99801-1182

Fax

To: Jerry Luckhaupt

Fax #: 2029

Number of pages including cover: 1

From: Jane Pierson

Date: May 1, 2007

Re: HB194(RES) 25-LS0398\M

Jerry,

Please go final on a HJUD CS for the above-referenced bill to include the following conceptual amendment:

Delete Sections 37 & 43.

Thank you.

ALASKA STATE LEGISLATURE
House Resources Committee

Carl Gatto, Co-Chair

State Capitol Building, Room 108
Juneau, AK 99801-1182
(907) 465-3743
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HB 194
Sectional Statute Index

Section 1 – AS 02.35 relates licensing and permitting for aircraft and airmen.

Section 2 – AS 02.40 relates to the requirements for air carriers.

Section 3 – AS 04.21.065 relates to the posting of warning signs by liquor license owners.

Section 4 – AS 05.25 relates to the licensing, use, and operation of personal watercraft.

Section 5 – AS 12.55 relates to fines associated with sentencing procedures for criminal violations.

Section 6 – AS 16.05.407 relates to non-resident hunters being accompanied by a guide or resident relative.

Section 7 – AS 16.05.420 relates to license, tag, permit, or registration violations pertaining to hunting.

Section 8 – AS 16.05.783 relates to same day airborne hunting.

Section 9 – AS 16.05.831 relates to wasting of salmon.

Section 10 – AS 16.05.905 relates to the prohibition for illegal aliens to engage in commercial fishing and other activities within territorial waters.

Section 11 – AS 16.10.010 – 050 relate to license requirements necessary for the interference of salmon spawning streams.

Section 12 – AS 16.10.55 relates to the interference with commercial fishing gear.

Section 13 – AS 16.10.090 relates to penalties associated with the operation of fish traps found under AS 16.10.070.

Section 14 – AS 16.10.110 relates to the penalty associated with the erection of fish traps on water or land owned by the state found under AS 16.10.100.

Section 15 – AS 16.10.130 relates to the penalties associated with the use of drum or reel in the operation of a purse seine and a termination device for shellfish and bottom fish pots found under AS 16.10.120 – 125 respectively.

Section 16 – AS 16.10.220 relates to the penalties associated with the unlawful taking or sale of migratory fish or shellfish on the high seas found under AS 16.10.200 – 210 respectively.

Section 17 – AS 16.10.250 relates to the penalty for violating the statutory requirements for the transportation of live crab outside of the state found under AS 16.10.240.

Section 18 – AS 16.10.270 relates to the penalty for violating the statutory requirements for a fish processor or primary fish buyer purchasing fish by the pound.

Section 19 – AS 18.05.061 relates to the penalty for violating regulations of the Department of Health and Social Services pertaining public health found under AS 18.05.040.

Section 20 – AS 18.23.040 relates to the penalty for violating the provisions for the confidentiality of records of a hospital/medical review organization found under AS 18.23.030.

Section 21 – AS 18.35.110 relates to the requirement for a restaurant or tavern owner to provide for sanitary toilet accommodations for public use found under AS 18.35.100.

Section 22 – AS 18.35.210 relates to the requirement for free toilet accommodations for public facilities and special events found under AS 18.35.200.

Section 23 – AS 18.35.341 relates to the limitations, prohibitions, and signage requirements pertaining to smoking in public, the designation of smoking areas, no smoking signs, and civil complaints found under AS 18.35.300-330 respectively.

Section 24 – AS 18.40.050 establishes the penalty associated with defacing a shelter cabin or comfort station, constructed and maintained by DOT/PF on airports, roads, or trails or defacing or removing furnishings of those cabins found under AS 18.40.10 & AS 18.40.020.

Section 25 – AS 18.60.450 provides the penalties associated with violations of refrigerator safety requirements found under AS 18.60.400-460.

Section 26 – AS 18.60.535 provides the penalty associated with violations of regulations, standards or order of the Department of Health and Social Services found under AS 18.60.475-545.

Section 27 – AS 18.60.685 provides the penalty associated with the prohibition of placing equipment near power lines, and the requirement to post warning signs prior to beginning work and establishing barriers for temporary work near power lines as found under AS 18.60.670 – AS 18.60.695.

Section 28 – AS 22.15.120 relates to the limitation of cases that may be heard or tried by a magistrate.

Section 29 – AS 23.10.370 provides the penalties for violation of child/minor employment provisions found under AS 23.10.325-365.

Section 30 – AS 23.10.415 provides the penalty for violating the limitation of work hours in an underground mine found under AS 23.10.405 & 410.

Section 31 – AS 25.05.331 establishes the penalty for issuing an unlawful marriage license or refusing to issue a lawful marriage license.

Section 32 – AS 25.05.341 establishes the penalty for misrepresenting a fact required for a marriage license application.

Section 33 – AS 28.39.010 relates to the requirement for snowmobile registration.

Section 34 & 35 – AS 28.90.010 relates to the penalties for the violations of law, regulations, and municipal ordinance as they relate to motor vehicles.

Section 36 – AS 33.05.020 relates to the duties of the commissioner of Corrections by regulation to stipulate that an interlock device must include a warning label that anyone who circumvents or tampers with the device is in violation of AS 11.76.140.

Section 37 – AS 38.05 Pertains to penalties and enforcement authority of the Department of Natural Resources over lands managed by the department. This section is a substantive increase in the department's enforcement authority and is modeled on the enforcement granted to them for previously authorized public use areas established by the legislature.

Section 38 – AS 42.06.540 establishes civil penalties associated with violations of the Pipeline Act.

Section 39 – AS 44.09.015 establishes the penalty for unauthorized use of the state seal.

Section 40 – AS 46.14.400 establishes a penalty for non-compliance with a local air-quality control program.

Section 41 – AS 46.14.510 establishes a penalty for failure to display an emissions inspection decal under the provisions for motor vehicle pollution.

Section 42 – This section amends the uncodified laws of Alaska to make court rule changes pertaining to the definition of minor offenses.

Section 43 – This section repeals the enforcement authority and penalties granted to the Department of Natural Resources for the Knik River Public Use Area. This is a conforming amendment that takes into account the broader enforcement authority provided to the department under Section 37 of the bill.

Section 44 – Establishes the effective date of the act as July 1, 2007.

FISCAL NOTE

STATE OF ALASKA
2007 LEGISLATIVE SESSION

Fiscal Note Number: 9
 Bill Version: CSHB 194(RES)
 (H) Publish Date: 4/10/07

Revision Date/Time :
 Title "An Act relating to fines for certain offenses ..."

Dept. Affected: Public Safety
 RDU Alaska State Troopers
 Component Alaska Wildlife Troopers

Sponsor House Resources
 Requester House Resources

Component No. 2746

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES (1004)	****	****	****	****	****	****
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2007) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2008 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

"An Act relating to fines for certain offenses including . . . fish and game, . . . relating to the maximum fine provided for violations and infractions and to the definition of 'minor offenses'; redesigning certain fish and game misdemeanor offenses as class A misdemeanors; relating to violations and offenses that are committed on state land, water, and land and water or that are related to water management or dam and reservoir safety; amending Rule 8(b), Alaska District Court Rules of Criminal Procedure; and providing for an effective date".

Passage of this legislation will have no fiscal impact on the Department of Public Safety. Any change in the amount of revenue that might result is too speculative to estimate and is shown as indeterminate.

Prepared by: Lt. Rodney Dial
 Division Division of Alaska State Troopers
 Approved by: Commissioner Walt Monegan
 Agency Department of Public Safety

Phone 907-247-4480
 Date/Time 4/3/07 1030
 Date 4/3/2007

FISCAL NOTE

STATE OF ALASKA
2007 LEGISLATIVE SESSION

Fiscal Note: 8
 Bill Version: CSHB 194(RES)
 (H) Publish Date: 4/10/07

Revision Date/Time (Note if correction): _____ Department: Labor and Workforce Development
 Title: Fines and Offenses RDU: Labor Standards and Safety
 Component: Wage and Hour
 Sponsor: House Resources
 Requester: House Resources Component Number: 345

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	*	*	*	*	*	*

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	*	*	*	*	*	*

Estimate of any current year (FY2007) cost: None
 Mark this box (X) if funding for this bill is included in the Governor's FY 2008 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

*The financial impact is indeterminate (expected to be very minimal). Criminal penalties are uncommon under AS 23.10.370(a) and AS 23.10.415(a).

Prepared by: Grey Mitchell, Director Phone: (907) 465-4855
 Division: Labor Standards and Safety Date/Time: 3/23/07 2:24 PM
 Approved by: Click Bishop, Commissioner Date: 3/23/2007
 Agency: Department of Labor and Workforce Development

FISCAL NOTE

STATE OF ALASKA
2007 LEGISLATIVE SESSION

Fiscal Note Number: 7
Bill Version: CSHB 194(RES)
(H) Publish Date: 4/10/07

Revision Date/Time (Note if correction): _____ Dept. Affected: Dept of Environmental Conservation
Title: Fines & Offenses RDU: Environmental Health
Component: Food Safety and Sanitation
Sponsor: House Resources
Requester: House Resources Component No.: 243

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013
Personal Services	0.0	0.0	0.0	0.0	0.0	0.0
Travel	0.0	0.0	0.0	0.0	0.0	0.0
Contractual	0.0	0.0	0.0	0.0	0.0	0.0
Supplies	0.0	0.0	0.0	0.0	0.0	0.0
Equipment	0.0	0.0	0.0	0.0	0.0	0.0
Land & Structures	0.0	0.0	0.0	0.0	0.0	0.0
Grants & Claims	0.0	0.0	0.0	0.0	0.0	0.0
Miscellaneous	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()	***	***	***	***	***	***
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1003 GF Match	0.0	0.0	0.0	0.0	0.0	0.0
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1037 GF/Mental Health	0.0	0.0	0.0	0.0	0.0	0.0
Other (Specify Type--Do not abbreviate)	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2007) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2008 budget proposal:

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)

This legislation will have no expenditure impact and an indeterminate impact on revenue that might be generated due to changes in fine amounts found at Sec 21-23 of the bill.

Prepared by: Kristin Ryan, Director Phone: 907-269-7644
Division: Environmental Health Date/Time: 3/27/07 3:11 PM
Approved by: Larry Hartig, Commissioner Date: 3/27/2007
Agency: Department of Environmental Conservation

FISCAL NOTE

STATE OF ALASKA
2007 LEGISLATIVE SESSION

Fiscal Note Number: 6
 Bill Version: CSHB 194(RES)
 (H) Publish Date: 4/10/07

Revision Date/Time (Note if correction): _____ Dept. Affected: Dept of Environmental Conservation
 Title Fines and Offenses RDU Air Quality
 Component Air Quality
 Sponsor House Resources
 Requester House Resources Component No. 2061

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013
Personal Services	0.0	0.0	0.0	0.0	0.0	0.0
Travel	0.0	0.0	0.0	0.0	0.0	0.0
Contractual	0.0	0.0	0.0	0.0	0.0	0.0
Supplies	0.0	0.0	0.0	0.0	0.0	0.0
Equipment	0.0	0.0	0.0	0.0	0.0	0.0
Land & Structures	0.0	0.0	0.0	0.0	0.0	0.0
Grants & Claims	0.0	0.0	0.0	0.0	0.0	0.0
Miscellaneous	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES (*)	***	***	***	***	***	***
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1003 GF Match	0.0	0.0	0.0	0.0	0.0	0.0
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1037 GF/Mental Health	0.0	0.0	0.0	0.0	0.0	0.0
Other (Specify Type--Do not abbreviate)	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2007) cost: 0.0
 Mark this box (X) if funding for this bill is included in the Governor's FY 2008 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)
 *This bill will have a positive impact on revenues but it is not possible to reasonably project the magnitude because the number of court convictions vary year to year and are usually few in number.

Prepared by: Tom Chapple, Director Phone 269-7686
 Division Air Quality Date/Time 3/27/07 1:50 p.m.
 Approved by: Larry Hartig, Commissioner Date 3/27/2007
 Agency Department of Environmental Conservation

FISCAL NOTE

STATE OF ALASKA
2007 LEGISLATIVE SESSION

Fiscal Note Number: 5
 Bill Version: CSHB 194(RES)
 (H) Publish Date: 4/10/07

Revision Date/Time (Note if correction): _____ Dept. Affected: Public Safety
 Title "An Act relating to fines for certain offenses..." RDU Statewide Support
 Component Alaska Records & Identification
 Sponsor Representative Carl Gatto
 Requester House Resources Committee Component No. 1190

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2007) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY2008 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

The changes in this bill will require the Department of Public Safety to update the Uniform Offense Citation Table, which is used by numerous state agencies and departments to ensure consistent reporting of charges and convictions. This is routine work, however, and the department does not expect this bill to have a fiscal impact.

Prepared by: David Schade Phone 269-0202
 Division: Statewide Services Date/Time 3/28/07 1:27 PM
 Approved by: Commissioner Walt Monegan Date 3/28/2007
 Agency: Department of Public Safety

FISCAL NOTE

STATE OF ALASKA
2007 LEGISLATIVE SESSION

Fiscal Note Number: 4
 Bill Version: CSHB 194(RES)
 (H) Publish Date: 4/10/07

Revision Date/Time (Note if correction): 04/02/07; 2:20pm Dept. Affected: Natural Resources
 Title: Fines and Offenses RDU: Resource Development
 Component: Claims, Permits and Leases
 Sponsor: House Resources
 Requester: House Resources Component No.: 2460

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2007) cost: 0.0

Check this box (X) if funding for this bill is included in the Governor's FY 2008 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

Section 37 of the bill provides statutory authority for the Division of Mining, Land and Water (DMLW) to more effectively enforce provisions of state law and the Alaska Administrative Code regarding management of state land, and provides citation authority, including the legal framework for the Alaska State Troopers, other designated peace officers, or designated DNR employees to issue a criminal citation for certain offenses on general state land. This will allow DMLW to create fines for various offenses, with the fine amount commensurate with the severity of the offense. The ability to create and enforce these fines, with the backing of a misdemeanor charge, creates a much needed deterrent for unlawful activities on state land. It provides a much more effective tool than the existing civil prosecution alternative. This is critically needed to respond to the growing pressures from unlawful use of state lands.
 (continued)

Prepared by: Dick Mylius, Director Phone 269-8600
 Division: Mining, Land & Water Date/Time 4/2/2007
 Approved by: Tom Irwin, Commissioner Date 4/2/2007
 Agency: Natural Resources

FISCAL NOTE #4

**STATE OF ALASKA
2007 LEGISLATIVE SESSION**

BILL NO. CSHB 194(RES)

ANALYSIS CONTINUATION

This fiscal note does not address the cost of application of enforcement authority. The division will have to promulgate regulations; create a bail forfeiture schedule, internal policy, and training to allow DMLW staff to issue citations. Alaska State Troopers would be able to use the misdemeanor authority for certain unlawful acts, but DNR would still need regulations and a bail forfeiture schedule to issue citations curable by payment of fines.

To implement this authority DMLW will need to pursue increased field presence of staff that can address unlawful activities. The need for this increased field presence exists regardless of this legislation, hence DMLW concludes that the bill does not in and of itself result in the need for additional staff or funding. Therefore DNR has not included this cost in this fiscal note.

For DMLW to fulfill its land and resource stewardship responsibilities, Section 37 of the bill is a critical component of a successful management strategy to provide appropriate stewardship that will keep land and resources available for lawful use and development for all Alaskans.

FISCAL NOTE

STATE OF ALASKA
2007 LEGISLATIVE SESSION

Fiscal Note Number: 3
 Bill Version: CSHB 194(RES)
 (H) Publish Date: 4/10/07

Revision Date/Time (Note if correction): _____ Dept. Affected: Law
 Title An Act relating to fines and offenses RDU Criminal
 Component Criminal Justice Litigation
 Sponsor RESOURCES
 Requester HOUSE RESOURCES Component No. _____

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2007) cost: 0.0

Check this box (X) if funding for this bill is included in the Governor's FY 2008 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

See page 2.

Prepared by: Robert Meiners, Admin. Services Manager Phone 465-5427
 Division Administrative Services Division Date/Time 3/30/07 1:42 PM
 Approved by: Robert Meiners for Talis Colberg, Attorney General Date 3/30/2007
 Agency Department of Law

FISCAL NOTE #3

**STATE OF ALASKA
2007 LEGISLATIVE SESSION**

BILL NO. CSHB 194(RES)

ANALYSIS CONTINUATION

HB 194 would amend fines imposed for misdemeanors, violations, and infractions in various parts of Alaska law so that they are more consistent with the more general fines for criminal acts and violations in Title 12. It would raise the maximum fine in Title 12 for commission of a violation or infraction from \$500 to \$750. And it would raise the maximum fine from \$500 to \$750 under Alaska District Court Rule 8(b) that may be imposed for an offense that is considered to be a minor offense.

Section 37 of the bill would amend AS 38.05 to create penalties and give citation authority to the Department of Natural Resources for offenses on general state land managed by DNR under Title 38. The overall scheme is modeled on AS 41.21.950 - 360, under which DNR has enforcement authority on state park lands managed under Title 41. Under proposed AS 38.05.750 - 760, a bail forfeiture schedule would be established under which persons cited by DNR would have the option of paying the fine amount - thereby forfeiting the bail - in lieu of a court appearance (similar to the process for speeding tickets).

The only likely fiscal impact to Law would appear to be from those cases where persons cited (1) elect to appear to contest the citation; or (2) fail to appear or pay the bail amount, in which case the citation is treated as a summons for a misdemeanor charge and "the offender shall be proceeded against in the manner prescribed by law." In such cases, there would be a need for attorney time, likely from the Criminal Division, to handle the misdemeanor prosecution; however, we do not anticipate the need for any additional attorney positions due to prosecutions under this statute.

Passage of this legislation would not have a significant fiscal impact upon the Department of Law.

FISCAL NOTE

STATE OF ALASKA
2007 LEGISLATIVE SESSION

Fiscal Note Number: 2
Bill Version: CSHB 194(RES)
(H) Publish Date: 4/10/07

Revision Date/Time (Note if correction): _____ Dept. Affected: Administration
Title An Act relating to fines for certain offenses involving RDU Legal and Advocacy Services
Sponsor House Resources Component Public Defender Agency
Requester House Resources Component No. 1631

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013
Personal Services	0.0	0.0	0.0	0.0	0.0	0.0
Travel	0.0	0.0	0.0	0.0	0.0	0.0
Contractual	0.0	0.0	0.0	0.0	0.0	0.0
Supplies	0.0	0.0	0.0	0.0	0.0	0.0
Equipment	0.0	0.0	0.0	0.0	0.0	0.0
Land & Structures	0.0	0.0	0.0	0.0	0.0	0.0
Grants & Claims	0.0	0.0	0.0	0.0	0.0	0.0
Miscellaneous	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
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CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1003 GF Match	0.0	0.0	0.0	0.0	0.0	0.0
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1037 GF/Mental Health	0.0	0.0	0.0	0.0	0.0	0.0
Other (Specify Type--Do not abbreviate)	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2007) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2008 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

The act alters the fines and defines penalties for conduct related to aeronautics, alcoholic beverages, boats, fish and game, health care records and public health, medical review organizations, public restroom facilities, smoking, shelter cabins, refrigerators and similar equipment, radiation sources, high voltage lines, child labor, employment in underground mines, marriage licenses, motor vehicles and driver's licenses, ignition interlock devices, pipelines, use of the state seal, and emissions requirements; relating to the maximum fine provided for violations and infractions and to the definition of 'minor offenses'.

This bill is not expected to have a fiscal impact on the Agency.

Prepared by: Quinlan Steiner, Director Phone (907) 334-4414
Division: Public Defender Agency Date/Time 3/27/07 12:15 p.m.
Approved by: Rachael Petro, Deputy Commissioner Date 3/27/07 1:30pm
Agency: Department of Administration

FISCAL NOTE

STATE OF ALASKA
2007 LEGISLATIVE SESSION

Fiscal Note Number: 1
 Bill Version: CSHB 194(RES)
 (H) Publish Date: 4/10/07

Revision Date/Time (Note if correction): _____ Dept. Affected: Administration
 Title An Act relating to fines for certain offenses involving RDU Legal and Advocacy Services
 Component: Office of Public Advocacy
 Sponsor House Resources
 Requester House Resources Component No. 43

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013
Personal Services	0.0	0.0	0.0	0.0	0.0	0.0
Travel	0.0	0.0	0.0	0.0	0.0	0.0
Contractual	0.0	0.0	0.0	0.0	0.0	0.0
Supplies	0.0	0.0	0.0	0.0	0.0	0.0
Equipment	0.0	0.0	0.0	0.0	0.0	0.0
Land & Structures	0.0	0.0	0.0	0.0	0.0	0.0
Grants & Claims	0.0	0.0	0.0	0.0	0.0	0.0
Miscellaneous	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
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CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1003 GF Match	0.0	0.0	0.0	0.0	0.0	0.0
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1037 GF/Mental Health	0.0	0.0	0.0	0.0	0.0	0.0
Other (Specify Type--Do not abbreviate)	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2007) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2008 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

The act modifies the fines and defines penalties for conduct in relation to aeronautics, alcoholic beverages, boats, fish and game, health care records and public health, medical review organizations, public restroom facilities, smoking, shelter cabins, refrigerators and similar equipment, radiation sources, high voltage lines, child labor, employment in underground mines, marriage licenses, motor vehicles and driver's licenses, ignition interlock devices, pipelines, use of the state seal, emissions requirements, and certain "minor offense."

This bill is not expected to have any fiscal impact on the Agency.

Prepared by: Joshua Fink, Director
 Division: Office of Public Advocacy
 Approved by: Rachael Petro, Deputy Commissioner
 Agency: Administration

Phone (907) 269-3501
 Date/Time 3/27/07, 12:50 p.m.
 Date 3/27/07, 1:30pm

Historian I, Archaeologist I, Environmental Specialist I, or Biologist I with the State of Alaska or the equivalent with another employer.

OR:

Four years of journey level technical experience in natural resource management. The required experience includes work such as a Natural Resource Technician II, Forest Technician III, or Fish & Wildlife Technician III with the State of Alaska or the equivalent with another employer.

Required Job Qualifications:

(The special note is to be used to explain any additional information an applicant might need in order to understand or answer questions about the minimum qualifications.)

Special Note:

This job class requires the use or possession of a firearm or ammunition. In accordance with the federal Omnibus Consolidated Appropriations Act of 1997 (PL 104-208), if you have been convicted of a misdemeanor crime of domestic violence, you may not hold a position in this class. Prior to appointment successful candidates for Park Ranger positions are subject to a criminal records check.

A "misdemeanor crime of domestic violence" is an offense that is (1) a misdemeanor under federal or state law; and (2) has, as an element, the use or attempted use of physical force, or the threatened use of a deadly weapon, committed by a current or former spouse, parent, or guardian of the victim, by a person with whom the victim shares a child in common, by a person who is cohabiting with or has cohabited with the victim as a spouse, parent, or guardian, or by a person similarly situated to a spouse, parent, or guardian of the victim.

Upon appointment employees are subject to fingerprinting. Park Rangers are required to acquire and maintain a Department of Natural Resources Peace Officer Commission, an Alaska Fish and Game Peace Officer Commission and carry a firearm. Employees must satisfactorily complete law enforcement or public safety academy training as specified by the Department of Public Safety and the Department of Natural Resources. Admission to the academy will require passing a physical and/or medical examination to determine that the essential duties of the position can be safely performed. A background investigation is also required.

Park Rangers can be recalled to work in case of an emergency. Some positions may be seasonal, require evening and/or weekend work, extended periods of on call or standby work. Travel to remote locations may be required.

Minimum Qualification Questions:

Do you have a bachelor's degree from an accredited college?

AND

Do you have, or are you eligible to obtain, a valid Alaska driver's license?

Or Substitution:

Do you have two years of entry level professional experience in natural resource management? The required experience includes work such as a Park Specialist, Natural Resource Specialist I, Forester I, Geologist I, Hydrologist I, Agronomist I, Historian I, Archaeologist I, Environmental Specialist I, or Biologist I with the State of Alaska or the equivalent with another employer.

AND

Do you have, or are you eligible to obtain, a valid Alaska driver's license?

Or Substitution:

Do you have four years of journey level technical experience in natural resource management? The required experience includes work such as a Natural Resource Technician II, Forest Technician III, or Fish & Wildlife Technician III with the State of Alaska or the equivalent with another employer.

AND

Do you have, or are you eligible to obtain, a valid Alaska driver's license?

AS 01.10.060. Definitions.

(7) "peace officer" means

- (A) an officer of the state troopers;
- (B) a member of the police force of a municipality;
- (C) a village public safety officer;
- (D) a regional public safety officer;
- (E) a United States marshal or deputy marshal; and
- (F) an officer whose duty it is to enforce and preserve the public peace;

AS 18.65.290(7) "police officer" means

(A) a full-time employee of the state or a municipal police department with the authority to arrest and issue citations; detain a person taken into custody until that person can be arraigned before a judge or magistrate; conduct investigations of violations of and enforce criminal laws, regulations, and traffic laws; search with or without a warrant persons, dwellings, and other forms of property for evidence of a crime; and take other action consistent with exercise of these enumerated powers when necessary to maintain the public peace;

(B) an officer or employee of the Department of Transportation and Public Facilities who is stationed at an international airport and has been designated to have the general police powers authorized under AS 02.15.230(a);

(C) a University of Alaska public safety officer with general police powers authorized under AS 14.40.043 ;

There were no other changes to the bill in House Community and Regional Affairs Committee.

NOT
OFF

25-LS0398\M.2
Luckhaupt
4/30/07

AMENDMENT

OFFERED IN THE HOUSE
TO: HB 194(RES)

BY REPRESENTATIVE GATTO

1 Page 9, lines 25 - 26:

2 Delete all material.

3

4 Reletter the following subparagraphs accordingly.

5

6 Page 10, lines 3 - 4:

7 Delete "arrest a person who violates a provision of this chapter or a regulation adopted
8 under this chapter"

9 Insert

10 "(A) execute a warrant or other process issued by an officer or
11 court of competent jurisdiction;

12 (B) arrest a person who violates a provision of this chapter or a
13 regulation adopted under this chapter"

Amendment # 1 Delete Sec. 37 & Sec. 43

CONCEPTUAL AMENDMENT

IN THE HOUSE

CSHB 194 Version "M"

Page 9, lines 25-26

Delete

Page 10, line 3

Insert after "AS 46.17,"

and execute a warrant or other process issued by an officer or court of competent jurisdiction and

NOT
OFF

BY Gruenberg.

NOT
OFF

25-LS0398\M.1
Luckhaupt
4/24/07

AMENDMENT

Ramras

OFFERED IN THE HOUSE
TO: CSHB 194(RES)

BY REPRESENTATIVE ~~OSWALD~~

- 1 Page 9, line 10:
- 2 Delete ", AS 41.23, AS 46.15, or AS 46.17,"
- 3 Insert "or AS 41.23"

AMENDMENT

NOT
OFF

25-LS0398\M

OFFERED IN THE HOUSE
TO: CSHB 194(RES)

BY REP. RAMRAS

AS 38.05.755 (a)(2)

- 1 Page 9, line 19, following "state;":
- 2 Insert "or a commissioned employee of the department ^{who} ~~that~~ has equivalent law
- 3 enforcement training and certification as a Park Ranger;"

CONCEPTUAL AMENDMENT

IN THE HOUSE

CSHB 194 Version "M"

Page 9, lines 25-26

Delete

Page 10, line 3

Insert after "AS 46.17,"

and execute a warrant or other process issued by an officer or court of competent jurisdiction and

NOT
OFF.

BY Gruenberg