

LEG. FINANCE - BILLS 1983 - 1984 2030

CSSB 127 cont. - CSSB 128

2030

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2 tion to other offenses committed by the minor;

3 (3) the probable cause of the minor's delinquent behavior;

4 (4) the facilities available to the division of youth and
5 adult authority for treating the minor.

6 * Sec. 7. AS 47.10.080(a) is amended to read:

7 (a) The court, at the conclusion of the hearing, or thereafter
8 as the circumstances of the case may require, shall find and enter a
9 judgment that the minor is or is not a delinquent or a child in need
10 of aid. The court shall disclose the results of the hearing in accor-
11 dance with AS 47.10.020(a).

12 * Sec. 8. AS 47.10.090 is amended by adding a new subsection to read:

13 (d) The provisions of this section prohibiting disclosure of
14 information relating to a minor do not apply to a disclosure to a
15 victim or the victim's parent or guardian under AS 47.10.020(a),
16 47.10.080(a), and 47.10.140(d).

17 * Sec. 9. AS 47.10.140(d) is amended to read:

18 (d) If the court finds that probable cause exists, it shall
19 determine whether the minor should be detained pending the hearing on
20 the petition or released. It may either order the minor held in
21 detention or order the minor [MIN] to be released to the custody of a
22 suitable person pending the hearing on the petition. If the court
23 finds no probable cause, it shall order the minor released and close
24 the case. The court shall disclose the results of the hearing in
25 accordance with AS 47.10.020(a).

Lear
5/17/83..

Original sponsors: Rodey and Ray

1 IN THE SENATE

BY THE FINANCE COMMITTEE

2 CS FOR SENATE BILL NO. 127 (Finance)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 THIRTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to unlawful conduct of minors."

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

8 * Section 1. AS 12.55.015 is amended by adding a new subsection to
9 read:

10 (d) If the court sentences a defendant to a term of imprisonment
11 and the defendant is a minor over whom children's court jurisdiction
12 is waived under AS 47.10.060, the court shall

13 (1) order that the defendant be confined in an institution
14 designated by the Department of Health and Social Services for offend-
15 ers under 18 years of age; and

16 (2) order that the defendant be transferred to an adult
17 correctional facility when the defendant reaches 18 years of age if
18 more than one year then remains of the defendant's term of imprison-
19 ment.

20 * Sec. 2. AS 34.50.020(a) is amended to read:

21 (a) Except as provided in (e) of this section, a [A] person,
22 municipal corporation, association, village, school district or reli-
23 gious or charitable organization, incorporated or unincorporated, may
24 recover damages in a civil action in an amount not to exceed \$5,000
25 [\$2,000] and court costs, from either parent or both parents or the
26 legal guardian or person having the legal custody of an unemancipated
27 minor under the age of 18 years, who maliciously or wilfully destroys
28 real or personal property belonging to the person, municipal corpo-
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1 charitable organization.

2 * Sec. 3. AS 34.50.020 is amended by adding new subsections to read:

3 (c) For the purposes of this section a minor is considered
4 emancipated and a parent or legal guardian or person having legal
5 custody is not liable for property damage caused by the minor if the
6 court determines that

7 (1) the disabilities of minority have been removed under
8 AS 09.55.590;

9 (2) the minor is a resident of the state, is at least 16
10 years of age, is living separate and apart from the minor's parents or
11 legal guardian or person having legal custody, and is capable of
12 self-support and of managing personal financial affairs; or

13 (3) the minor is living separate and apart from the minor's
14 parents or legal guardian or person having legal custody and engages
15 in conduct that results in a judgment under AS 47.10.080(a) that the
16 minor is a delinquent minor and that also is the basis for a civil
17 action for damages to property under this section.

18 (d) If the court determines that a minor is emancipated under
19 (c) of this section, the minor may be sued in a civil action for
20 injuries caused by the minor as if the minor were an adult.

21 (e) The provisions of (a) of this section do not apply to de-
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23 years who maliciously or wilfully destroys property at the time the
24 minor is a ward of the state under AS 47.10.080(f).

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26 (a) Whenever a person informs the court of the facts which bring
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28 person or agency to make a preliminary inquiry and report for the
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1 public or of the minor require that further action be taken. Upon the
2 receipt of the report, the court may informally adjust or dispose of
3 the matter without a hearing, or it may authorize the person having
4 knowledge of the facts of the case to file with the court a petition
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8 ment or disposition. Upon request of the victim or the victim's
9 parent or guardian, the court shall disclose to the victim of the
10 minor or to the victim's parent or guardian the manner in which it
11 informally adjusted or disposed of the matter. The court may not
12 disclose the identity of the minor.

13 * Sec. 5. AS 47.10.060(a) is repealed and reenacted to read:

14 (a) The court shall order a case closed and, subject to the pro-
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16 minor were an adult if the court finds at a hearing on a petition

17 (1) that the minor is 16 years of age or older and charged
18 with being delinquent;

19 (2) that there is probable cause to believe that the minor
20 has committed an unclassified felony or a class A felony; and

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24 (d) A minor is not amenable to treatment under AS 47.10.060(a)-
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26 this chapter before reaching 20 years of age. In determining whether
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POSITION PAPER

CS FOR SENATE BILL NO. 127

PAGE 1

"An Act relating to the power and jurisdiction of court in cases involving minors."

The Committee Substitute for Senate Bill Number 127 would accomplish five major purposes. The Act would:

1. Hold older, violent juveniles offenders accountable as adults within the adult criminal court jurisdiction.
2. Change the standard for judicially waiving serious or repeat juvenile offenders to adult jurisdiction, and define factors which the court must consider in making waiver decisions;
3. Define sentencing and confinement procedures for juveniles who are waived to adult jurisdiction;
4. Increase the civil, financial liability of parents or guardians of unemancipated minors and the liability of emancipated minors for the destructive acts committed by those youths;
5. Allow the release of information about disposition of juvenile court matters involving minors to the victims of the minors' offenses, or, in appropriate instances to the parents or guardians of the youths.

JURISDICTION OVER MINORS

CS Senate Bill 127, would accomplish a significant change in policy regarding the prosecution of most serious offenses - unclassified felonies. Under the provisions of CS SB 127, sixteen and seventeen year old juveniles accused of unclassified felonies would be prosecuted under the adult criminal justice system. Juveniles would be automatically waived to the jurisdiction of the Superior Court unless waived to adult jurisdiction through the judicial waiver process.

Another provision of the Bill would provide procedural protection for those youths who, though automatically waived because they were accused of an unclassified felony, were actually convicted of a lesser offense which would not make them eligible for automatic waiver. These youths

POSITION PAPER

CS FOR SENATE BILL NO. 127

PAGE 2

could petition the court to refer them to juvenile jurisdiction for disposition. At a hearing on the matter the court would determine the likelihood of rehabilitating the youth under the juvenile system. It would be the burden of the youth to establish that he or she could be successfully rehabilitated under the juvenile justice system. Youths waived judicially could also petition for disposition within juvenile jurisdiction if convicted of an offense less serious than the charged offense which led to their waiver.

JUDICIAL WAIVER STRENGTHENED

The CS for Senate Bill 127 would strengthen the existing judicial waiver mechanism by changing the standard by which the court makes waiver decisions. Under the provisions of CS SB 127, the court would have to find only that "there is no substantial likelihood" a youth could be successfully rehabilitated within the juvenile justice system. Presently the court must find that a youth is not amenable to treatment under jurisdiction of the juvenile justice system in order to waive juvenile jurisdiction and subject the youth to prosecution under the adult system.

In addition to enacting a less difficult standard for making judicial waiver decisions, CS SB 127 would also set forth nine specific factors which the court must consider in determining the likelihood of successful rehabilitation of a youth. These factors are similar to factors which the Supreme Court determined must be considered in adult sentencing proceedings. The Court would be allowed to determine the weight to be given to each of the factors and make a determination to waive the youth to adult jurisdiction to be made based on any one, or a combination of the factors. This would make achieving a judicial waiver of a juvenile far easier to accomplish and increase the willingness of children of the existing waiver mechanism.

This Bill would in some ways provide greater protection for those

SENTENCING AND CONFINEMENT PROCEDURE FOR WAIVED JUVENILE OFFENDERS

This Bill would define in a logical and fair manner the procedures concerning confinement and sentencing of juvenile offenders who were waived to the adult system.

Under provisions of this Bill juveniles waived to and convicted under adult jurisdiction would not be subject to presumptive minimum sentences. This would allow the court sufficient discretion to address

the unavoidable differences in maturity and sophistication of these juvenile offenders and the disparity in specifics of the offenses committed. Thus all relevant factors could be considered by the court in fashioning just sentences.

It would also provide adequate safeguards to preclude punitive over-charging by police or prosecutors. The Bill would provide that juveniles sixteen and seventeen years of age accused of unclassified felonies would be confined in juvenile facilities until indicted by a grand jury or other legal procedures had occurred which determined that probable cause existed that the youth had committed the crime alleged. Following the accomplishment of these due process procedures juveniles would be confined in adult facilities. This would ensure discriminatory or vindictive over-charging did not occur and that juveniles were not unnecessarily or wrongfully housed in adult facilities.

All other juveniles accused of offenses would be held in juvenile facilities unless and until children's court jurisdiction had been waived under the judicial waiver mechanism and the youth had been indicted, or, through other due process, probable cause had been found to believe they had committed the offense charged.

Juveniles who have been waived to adult criminal jurisdiction either through the automatic or judicial waiver would be confined in adult facilities while awaiting sentencing or during any period of incarceration to which they had been sentenced.

INCREASED FINANCIAL LIABILITY OF PARENTS AND EMANCIPATED MINORS

CS SB 127 would raise from \$2,000 to \$5,000 the amount of damages which may be recovered by victims through civil litigation against the parents

would relieve the parents or guardians of emancipated minors from legal responsibility for damages caused by those youths. It would also expand the amount of damages recoverable by victims of delinquent minors who are capable of self-support.

This proposed increase in the amount of damages civilly recoverable by victims of delinquent minors represents an adjustment to a more realistic figure in existing economic circumstances. In the great majority of instances it would allow a victim to fully recover damages if the prospect of recovery through restitution is unrealistic.

RELEASE OF INFORMATION TO VICTIMS

Under this Bill the court would be required to disclose to the victim of a minor, or the victim's parents or guardian upon their request, the manner in which the court disposed of matters concerning the minor. This would alter the present law which prohibits such disclosure without specific order of the court. These provisions would clarify and make uniform disclosure of information to victims. Currently, disclosure of such information is treated variously by courts in the four judicial districts depending upon the differing circumstance of each specific case. This Bill would retain existing provisions which define the circumstances under which a juvenile offenders identity may be disclosed.

Informing victims of the outcome of court proceedings concerning delinquent minors would be an appropriate method of increasing accountability of the courts and other agencies and increasing public confidence in Alaska's institutions of justice. The prohibition against disclosing the identity of a minor, with the exceptions existing in present statute are prudent. This Bill would ensure that victims obtain sufficient information and also promotion rehabilitation of youths.

THE DEPARTMENT OF HEALTH AND SOCIAL SERVICES STRONGLY SUPPORTS CS SB 127

The provisions contained in CS SB 127 would accomplish significant and much needed change in the method of dealing with the most pressing problems of juvenile delinquency. These provisions would adequately address the problem inherent in dealing with older violent, serious juvenile offenders by holding them accountable in the same manner as adults but allowing the court sufficient discretion to consider all relevant factors in sentencing. Such sentencing discretion would be necessary to justly address the disparity in levels of maturity and sophistication of the juveniles as well as the disparity in the...
 The strengthened judicial waiver would be the superior to the existing mechanism and would provide much needed definition to the judicial waiver process and satisfactory guidance to the court in making waiver...

In combination these provisions - automatic and strengthened judicial waiver - would provide far greater protection for the public and also allow the juvenile justice system to focus on those youths for whom the expectation and likelihood of rehabilitation is much greater. The juvenile justice system could maintain a comprehensive approach to protecting the public and rehabilitating youths without the necessity of structuring programs to deal with those older violent or serious repeat juvenile offenders who differ significantly from the vast majority of juvenile delinquents.

This would focus directly on the highly publicized problem of violent juvenile offenders which is the cause of much public mispreception of juvenile crime and juvenile offenders. It should greatly increase the public's confidence in its system of justice and would increase the protection of the public:

Those provisions dealing with the release of information to victims and the amount of damages civilly recoverable by victims are also strongly supported by the Department as a means to recognize the rights and appropriate interests of victims and to increase the public's satisfaction with and confidence in its system of justice.

The Department of Health and Social Services believes that CS SB 127 represents the most comprehensive and balanced approach to dealing with the most significant and troublesome problems of the juvenile justice system. The Department strongly supports the Bill.

RECOMMENDED:

Michael L. Price
Michael L. Price, Director
Division of Family and
Youth Services

DATE:

May 10, 1983

APPROVED BY:

Philip W. Hardie, Jr.
Robert London Smith,
Ph.D.
Commissioner, Arising

DATE:

19 May 83

SECTIONAL ANALYSIS - CSSB 127 (FIN)

Section 1.

A defendent minor over whom jurisdiction is waived shall be confined according to HSS rules and transferred to adult correction facility after attaining age 18 if more than one year remains in term of imprisonment.

Section 2.

Raises recoverable damage in a civil action to \$5,000 from parents or guardian of unemancipated minor.

Section 3.

A minor is considered emancipated when:

1. disabilities of minority removed;
2. at least 16 years old, living separate and apart from parents or guardian and is capable of self-support; and
3. the minor lives apart from parent or guardian and engages in conduct resulting in a judgment under AS47.10.080(a).

A minor who is emancipated may be sued in a civil action.

This provision does not apply to minor's criminal activity while ward of the state.

Section 4.

The court upon request of victim should disclose the manner in which it disposed of the matter before it.

Section 5.

1. minor is 16 years or older and charged with being delinquent;
2. there is probable cause to believe that minor committed offenses and
3. court is satisfied that the minor is not amenable to treatment.

Section 6.

Minor is not amenable to treatment if minor cannot be rehabilitated before reaching age 20. Court shall consider:

1. criminal history
2. seriousness of offense
3. probable cause of behavior
4. facilities available for treatment

Page Two

Section 7.

Disclosure of court determination to follow 47.10.280(a).

Section 8.

Disclosure under this section does not apply to victim.

Section 9.

Disclosure of court determination to follow 47.10.020(a).

CS SB 127
SUMMARY OF FISCAL NOTES

<u>Department</u>	<u>Program</u>	<u>Date</u>	<u>FY 83</u>	<u>FY 84</u>	<u>FY 85</u>	<u>FY 86</u>	<u>FY 87</u>	<u>FY 88</u>
Public Safety	Admin/Justice	5/9/83	0	0	0	0	0	0
Health and Social Services	Justice	5/6/83	0	48.3	152.6	1196.6	1262.1	1337.8
	Capital		7592.0					
Administration	Public Defender	4/28/83	179.6	186.2	197.4	209.3	221.8	235.1
Public Safety	State Troopers	3/10/83	0	0	0	0	0	0
	Operating totals		179.6	234.5	350.0	1405.9	1483.9	1572.9
	Capital totals		7592.0	0	0	0	0	0
	TOTAL		7771.6	234.5	350.0	1405.9	1483.9	1572.9

Original sponsors: Rodey and Ray

1 IN THE SENATE

BY THE FINANCE COMMITTEE

2 CS FOR SENATE BILL NO. 127 (Finance)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 THIRTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to unlawful conduct of minors."

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

8 * Section 1. AS 12.55.015 is amended by adding a new subsection to
9 read:

10 (d) If the court sentences a defendant to a term of imprisonment
11 and the defendant is a minor over whom children's court jurisdiction
12 is waived under AS 47.10.060, the court shall

13 (1) order that the defendant be confined in an institution
14 designated by the Department of Health and Social Services for offend-
15 ers under 18 years of age; and

16 (2) order that the defendant be transferred to an adult
17 correctional facility when the defendant reaches 18 years of age if

18 ment.

19 * Sec. 2. AS 12.55.015 is amended by adding a new subsection to

20
21 (a) Except as provided in (e) of this section, a [A] person,
22 municipal corporation, association, village, school district or reli-
23 gious or charitable organization, incorporated or unincorporated, may
24 recover damages in a civil action in an amount not to exceed \$5,000
25 [\$2,000] and court costs, from either parent or both parents or the
26 legal guardian or person having the legal custody of an unemancipated
27 minor under the age of 18 years, who maliciously or wilfully destroys
28 real or personal property belonging to the person, municipal corpo-
29 ration, association, village, school district or religious or

1 charitable organization.

2 * Sec. 3. AS 34.50.020 is amended by adding new subsections to read:

3 (c) For the purposes of this section a minor is considered
4 emancipated and a parent or legal guardian or person having legal
5 custody is not liable for property damage caused by the minor if the
6 court determines that

7 (1) the disabilities of minority have been removed under
8 AS 09.55.590;

9 (2) the minor is a resident of the state, is at least 16
10 years of age, is living separate and apart from the minor's parents or
11 legal guardian or person having legal custody, and is capable of
12 self-support and of managing personal financial affairs; or

13 (3) the minor is living separate and apart from the minor's
14 parents or legal guardian or person having legal custody and engages
15 in conduct that results in a judgment under AS 47.10.080(a) that the
16 minor is a delinquent minor and that also is the basis for a civil
17 action for damages to property under this section.

18 (c) of this section, the minor may be sued in a civil action for
19 inju

20 (e) The provisions of (a) of this section do not apply to de-
21 struction of property by an unemancipated minor under the age of 18
22 years who maliciously or wilfully destroys property at the time the
23 minor is a ward of the state under AS 47.10.080(f).

24 * Sec. 4. AS 47.10.020(a) is amended to read:

25 (a) Whenever a person informs the court of the facts which bring
26 a minor within this chapter, the court shall appoint a competent
27 person or agency to make a preliminary inquiry and report for the
28 information of the court to determine whether the interests of the
29

1 public or of the minor require that further action be taken. Upon the
2 receipt of the report, the court may informally adjust or dispose of
3 the matter without a hearing, or it may authorize the person having
4 knowledge of the facts of the case to file with the court a petition
5 setting out the facts. Where the court informally adjusts or disposes
6 of the matter, the minor may not be detained or taken into the custody
7 of the court, and the matter shall be closed by the court upon adjust-
8 ment or disposition. Upon request of the victim or the victim's
9 parent or guardian, the court shall disclose to the victim of the
10 minor or to the victim's parent or guardian the manner in which it
11 informally adjusted or disposed of the matter. The court may not
12 disclose the identity of the minor.

13 * Sec. 5. AS 47.10.060(a) is repealed and reenacted to read:

14 (a) The court shall order a case closed and, subject to the pro-
15 visions of AS 12.55.015(d), the minor may be prosecuted as if the
16 minor were an adult if the court finds at a hearing on a petition

17 (1) that the minor is 16 years of age or older and charged

18 (2) that there is probable cause to believe that the minor

19 has a mental illness that requires treatment under this chapter;

20 (3) that the minor is not amenable to treatment under this
21 chapter.

22 * Sec. 6. AS 47.10.060(d) is repealed and reenacted to read:

23 (d) A minor is not amenable to treatment under AS 47.10.060(a)-
24 (3) if the minor probably cannot be rehabilitated by treatment under
25 this chapter before reaching 20 years of age. In determining whether
26 a minor is amenable to treatment, the court shall consider

27 (1) the criminal and personal history of the minor and the
28 likelihood of rehabilitation;
29

1 (2) the seriousness of the minor's present offense in rela-
2 tion to other offenses committed by the minor;

3 (3) the probable cause of the minor's delinquent behavior;

4 (4) the facilities available to the division of youth and
5 adult authority for treating the minor.

6 * Sec. 7. AS 47.10.080(a) is amended to read:

7 (a) The court, at the conclusion of the hearing, or thereafter
8 as the circumstances of the case may require, shall find and enter a
9 judgment that the minor is or is not a delinquent or a child in need
10 of aid. The court shall disclose the results of the hearing in accor-
11 dance with AS 47.10.020(a).

12 * Sec. 8. AS 47.10.090 is amended by adding a new subsection to read:

13 (d) The provisions of this section prohibiting disclosure of
14 information relating to a minor do not apply to a disclosure to a
15 victim or the victim's parent or guardian under AS 47.10.020(a),
16 47.10.080(a), and 47.10.140(d).

17 * Sec. 9. AS 47.10.140(a) is amended to read:

18 (a) If the court finds that probable cause exists, it shall
19 determine whether the minor should be detained pending the hearing on
20 the petition or otherwise. It may either order the minor held in
21 detention or order the minor [HIM] to be released to the custody of a
22 suitable person pending the hearing on the petition. If the court
23 finds no probable cause, it shall order the minor released and close
24 the case. The court shall disclose the results of the hearing in
25 accordance with AS 47.10.020(a).

POSITION PAPER

CS FOR SENATE BILL NO. 127

PAGE 1

"An Act relating to the power and jurisdiction of court in cases involving minors."

The Committee Substitute for Senate Bill Number 127 would accomplish five major purposes. The Act would:

1. Hold older, violent juveniles offenders accountable as adults within the adult criminal court jurisdiction.
2. Change the standard for judicially waiving serious or repeat juvenile offenders to adult jurisdiction, and define factors which the court must consider in making waiver decisions;
3. Define sentencing and confinement procedures for juveniles who are waived to adult jurisdiction;
4. Increase the civil, financial liability of parents or guardians of unemancipated minors and the liability of emancipated minors for the destructive acts committed by those youths;
5. Allow the release of information about disposition of juvenile court matters involving minors to the victims of the minors' offenses, or, in appropriate instances to the parents or guardians of the youths.

JURISDICTION OVER MINORS

CS Senate Bill 127, would accomplish a significant change in policy for the most serious of offenses - unclassified felonies. Under the provisions of CS SB 127, sixteen and seventeen year old juveniles accused of unclassified felonies would be prosecuted under the adult criminal jurisdiction of the Superior Court unless waived to adult jurisdiction through the judicial waiver process.

Another provision of the Bill would provide procedural protection for those youths who, though automatically waived because they were accused of an unclassified felony, were actually convicted of a lesser offense which would not make them eligible for automatic waiver. These youths

POSITION PAPER

CS FOR SENATE BILL NO. 127

PAGE 2

could petition the court to refer them to juvenile jurisdiction for disposition. At a hearing on the matter the court would determine the likelihood of rehabilitating the youth under the juvenile system. It would be the burden of the youth to establish that he or she could be successfully rehabilitated under the juvenile justice system. Youths waived judicially could also petition for disposition within juvenile jurisdiction if convicted of an offense less serious than the charged offense which led to their waiver.

JUDICIAL WAIVER STRENGTHENED

The CS for Senate Bill 127 would strengthen the existing judicial waiver mechanism by changing the standard by which the court makes waiver decisions. Under the provisions of CS SB 127, the court would have to find only that "there is no substantial likelihood" a youth could be successfully rehabilitated within the juvenile justice system. Presently the court must find that a youth is not amenable to treatment under jurisdiction of the juvenile justice system in order to waive juvenile jurisdiction and subject the youth to prosecution under the adult system.

In addition to enacting a less difficult standard for making judicial waiver decisions, CS SB 127 would also set forth nine specific factors which the court must consider in determining the likelihood of successful rehabilitation of a youth. These factors are similar to factors which the Supreme Court determined must be considered in adult sentencing proceedings. The Court would be allowed to determine the weight to be given to each of the factors and make a determination to waive the youth to adult jurisdiction to be made based on any one, or a combination of the factors. This would make achieving a judicial waiver of a juvenile far easier to accomplish and increase the willingness of

This Bill would in some ways provide greater protection for those

SENTENCING AND CONFINEMENT PROCEDURE FOR WAIVED JUVENILE OFFENDERS

This Bill would define in a logical and fair manner the procedures concerning confinement and sentencing of juvenile offenders who were waived to the adult system.

Under provisions of this Bill juveniles waived to and convicted under adult jurisdiction would not be subject to presumptive minimum sentences. This would allow the court sufficient discretion to address

the unavoidable differences in maturity and sophistication of these juvenile offenders and the disparity in specifics of the offenses committed. As all relevant factors could be considered by the court in fashioning just sentences.

It would also provide adequate safeguards to preclude punitive over-charging by police or prosecutors. The Bill would provide that juveniles sixteen and seventeen years of age accused of unclassified felonies would be confined in juvenile facilities until indicted by a grand jury or other legal procedures had occurred which determined that probable cause existed that the youth had committed the crime alleged. Following the accomplishment of these due process procedures juveniles would be confined in adult facilities. This would ensure discriminatory or vindictive over-charging did not occur and that juveniles were not unnecessarily or wrongfully housed in adult facilities.

All other juveniles accused of offenses would be held in juvenile facilities unless and until children's court jurisdiction had been waived under the judicial waiver mechanism and the youth had been indicted, or, through other due process, probable cause had been found to believe they had committed the offense charged.

Juveniles who have been waived to adult criminal jurisdiction either through the automatic or judicial waiver would be confined in adult facilities while awaiting sentencing or during any period of incarceration to which they had been sentenced.

INCREASED FINANCIAL LIABILITY OF PARENTS AND EMANCIPATED MINORS

CS SB 127 would raise from \$2,000 to \$5,000 the amount of damages which may be recovered by victims through civil litigation against the parents or guardians of delinquent minors. The Bill would relieve the parents or guardians of emancipated minors from legal responsibility for damages caused by those youths. It would also expand the amount of damages recoverable by victims of delinquent minors who are capable of self-support.

This proposed increase in the amount of damages civilly recoverable by victims of delinquent minors represents an adjustment to a more realistic figure in existing economic circumstances. In the great majority of instances it would allow a victim to fully recover damages if the prospect of recovery through restitution is unrealistic.

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Under this Bill the court would be required to disclose to the victim of a minor, or the victim's parents or guardian upon their request, the manner in which the court disposed of matters concerning the minor. This would alter the present law which prohibits such disclosure without specific order of the court. These provisions would clarify and make uniform disclosure of information to victims. Currently, disclosure of such information is treated variously by courts in the four judicial districts depending upon the differing circumstance of each specific case. This Bill would retain existing provisions which define the circumstances under which a juvenile offenders identity may be disclosed.

Informing victims of the outcome of court proceedings concerning delinquent minors would be an appropriate method of increasing accountability of the courts and other agencies and increasing public confidence in Alaska's institutions of justice. The prohibition against disclosing the identity of a minor, with the exceptions existing in present statute are prudent. This Bill would ensure that victims obtain sufficient information and also promotion rehabilitation of youths.

THE DEPARTMENT OF HEALTH AND SOCIAL SERVICES STRONGLY SUPPORTS CS SB 127

The provisions contained in CS SB 127 would accomplish significant and much needed change in the method of dealing with the most pressing problems of juvenile delinquency. These provisions would adequately address the problem inherent in dealing with older violent, serious juvenile offenders by holding them accountable in the same manner as adults but allowing the court sufficient discretion to consider all relevant factors in sentencing. Such sentencing discretion would be necessary to justly address the disparity in levels of maturity and sophistication of the juveniles as well as the disparity in the sentencing process which would be an addition to the existing mechanism and would provide much needed definition to the judicial waiver process and satisfactory guidance to the court in making waiver

In combination these provisions - automatic and strengthened judicial waiver - would provide far greater protection for the public and also allow the juvenile justice system to focus on those youths for whom the expectation and likelihood of rehabilitation is much greater. The juvenile justice system could maintain a comprehensive approach to protecting the public and rehabilitating youths without the necessity of structuring programs to deal with those older violent or serious repeat juvenile offenders who differ significantly from the vast majority of juvenile delinquents.

POSITION PAPER

CS FOR SENATE BILL NO. 127

PAGE 5

This would focus directly on the highly publicized problem of violent juvenile offenders which is the cause of much public misperception of juvenile crime and juvenile offenders. It should greatly increase the public's confidence in its system of justice and would increase the protection of the public:

Those provisions dealing with the release of information to victims and the amount of damages civilly recoverable by victims are also strongly supported by the Department as a means to recognize the rights and appropriate interests of victims and to increase the public's satisfaction with and confidence in its system of justice.

The Department of Health and Social Services believes that CS SB 127 represents the most comprehensive and balanced approach to dealing with the most significant and troublesome problems of the juvenile justice system. The Department strongly supports the Bill.

RECOMMENDED:

Michael L. Price
Michael L. Price, Director
Division of Family and
Youth Services

DATE:

May 10, 1987

APPROVED BY:

Philip W. Hardie, Jr.
Robert London Smith
Ph.D.
Commissioner, Ark.
Div.

DATE:

197/05/87

SECTIONAL ANALYSIS - CSSB 127 (FIN)

Section 1.

A defendent minor over whom jurisdiction is waived shall be confined according to HSS rules and transferred to adult correction facility after attaining age 18 if more than one year remains in term of imprisonment.

Section 2.

Raises recoverable damage in a civil action to \$5,000 from parents or guardian of unemancipated minor.

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A minor is considered emancipated when:

1. disabilities of minority removed;
2. at least 16 years old, living separate and apart from parents or guardian and is capable of self-support; and
3. the minor lives apart from parent or guardian and engages in conduct resulting in a judgment under AS47.10.080(a).

A minor who is emancipated may be sued in a civil action.

This provision does not apply to minor's criminal activity while ward of the state.

Section 4.

The court upon request of victim should disclose the manner in which it disposed of the matter before it.

Section 5.

1. minor is 16 years or older and charged with being delinquent;
2. there is probable cause to believe that minor committed ...

Section 6.

Minor is not amenable to treatment if minor cannot be rehabilitated before reaching age 20. Court shall consider:

1. criminal history
2. seriousness of offense
3. probable cause of behavior
4. facilities available for treatment

Section 7.

Disclosure of court determination to follow 47.10.280(a).

Section 8.

Disclosure under this section does not apply to victim.

Section 9.

Disclosure of court determination to follow 47.10.020(a).

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CS SB 127
SUMMARY OF FISCAL NOTES

<u>Department</u>	<u>Program</u>	<u>Date</u>	<u>FY 83</u>	<u>FY 84</u>	<u>FY 85</u>	<u>FY 86</u>	<u>FY 87</u>	<u>FY 88</u>
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Original sponsors: Rodey and Ray

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15 ers under 18 years of age; and

16 (2) order that the defendant be transferred to an adult
17 correctional facility when the defendant reaches 18 years of age if
18 ment.

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25 [~~\$2,000~~] and court costs, from either parent or both parents or the
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10 years of age, is living separate and apart from the minor's parents or
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13 (3) the minor is living separate and apart from the minor's
14 parents or legal guardian or person having legal custody and engages
15 in conduct that results in a judgment under AS 47.10.080(a) that the
16 minor is a delinquent minor and that also is the basis for a civil
17 action for damages to property under this section.

18 (c) of this section, the minor may be sued in a civil action for

19
20
21 (e) The provisions of (a) of this section do not apply to de-
22 struction of property by an unemancipated minor under the age of 18
23 years who maliciously or wilfully destroys property at the time the
24 minor is a ward of the state under AS 47.10.080(f).

25 * Sec. 4. AS 47.10.020(a) is amended to read:

26 (a) Whenever a person informs the court of the facts which bring
27 a minor within this chapter, the court shall appoint a competent
28 person or agency to make a preliminary inquiry and report for the
29 information of the court to determine whether the interests of the

1 public or of the minor require that further action be taken. Upon the
2 receipt of the report, the court may informally adjust or dispose of
3 the matter without a hearing, or it may authorize the person having
4 knowledge of the facts of the case to file with the court a petition
5 setting out the facts. Where the court informally adjusts or disposes
6 of the matter, the minor may not be detained or taken into the custody
7 of the court, and the matter shall be closed by the court upon adjust-
8 ment or disposition. Upon request of the victim or the victim's
9 parent or guardian, the court shall disclose to the victim of the
10 minor or to the victim's parent or guardian the manner in which it
11 informally adjusted or disposed of the matter. The court may not
12 disclose the identity of the minor.

13 * Sec. 5. AS 47.10.060(a) is repealed and reenacted to read:

14 (a) The court shall order a case closed and, subject to the pro-
15 visions of AS 12.55.015(d), the minor may be prosecuted, as if the
16 minor were an adult if the court finds at a hearing on a petition

17 (1) that the minor is 16 years of age or older and charged
18 with

19 (2) that there is probable cause to believe that the minor
20 has

21 (3) that the minor is not amenable to treatment under this
22 chapter.

23 * Sec. 6. AS 47.10.060(d) is repealed and reenacted to read:

24 (d) A minor is not amenable to treatment under AS 47.10.060(a)-
25 (3) if the minor probably cannot be rehabilitated by treatment under
26 this chapter before reaching 20 years of age. In determining whether
27 a minor is amenable to treatment, the court shall consider

28 (1) the criminal and personal history of the minor and the
29 likelihood of rehabilitation;

1 (2) the seriousness of the minor's present offense in rela-
2 tion to other offenses committed by the minor;

3 (3) the probable cause of the minor's delinquent behavior;

4 (4) the facilities available to the division of youth and
5 adult authority for treating the minor.

6 * Sec. 7. AS 47.10.080(a) is amended to read:

7 (a) The court, at the conclusion of the hearing, or thereafter
8 as the circumstances of the case may require, shall find and enter a
9 judgment that the minor is or is not a delinquent or a child in need
10 of aid. The court shall disclose the results of the hearing in accor-
11 dance with AS 47.10.020(a).

12 * Sec. 8. AS 47.10.090 is amended by adding a new subsection to read:

13 (d) The provisions of this section prohibiting disclosure of
14 information relating to a minor do not apply to a disclosure to a
15 victim or the victim's parent or guardian under AS 47.10.020(a),
16 47.10.080(a), and 47.10.140(d).

17 * Sec. 9. AS 47.10.140(d) is amended to read:

18 (d) If the court finds that probable cause exists, it shall
19 determine whether the minor should be detained pending the hearing on
20 the petition or released. It may either order the minor held in
21 detention or order the minor [HIM] to be released to the custody of a
22 suitable person pending the hearing on the petition. If the court
23 finds no probable cause, it shall order the minor released and close
24 the case. The court shall disclose the results of the hearing in
25 accordance with AS 47.10.020(a).

COMMITTEE REPORT

SENATE

Reals

2/16/83

FURTHER:

Date: 5/2/83

Mr. President:

The Committee on Judiciary has had SB 127

An Act relating to unlawful conduct of minors.

under consideration and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass do not pass
- do pass with attached amendments(s)
- replace with CS for SB 127 (Jud) same title
- new title
- and recommends _____
- AND attaches a "Letter of Intent" ^{2/10} New Fiscal Note
- reports it back without recommendation
- referred to the _____ Committee

MEMBERS SIGNING

DO PASS

[Signature]

MEMBERS HAVING

OTHER RECOMMENDATIONS:

2 Zickler - N/R
2 Josephson - No Rec.

Bill Ray
CHAIRMAN
DO PASS

COMMITTEE REPORT
SENATE RULES COMMITTEE

5/3/83

Date 5/5/83

Mr. President:

The Committee on Rules has had SB 127

Relating to unlawful conduct of minors.

under consideration and recommends it be placed on the

5/6/83 Calendar.

- () with attached amendment(s).
- () *Recommend* *and CS be adapted* ; same title
() *replace with CS for SB 127 (old)* ; *new title*
- () and attaches a "Letter of Intent"
- () new fiscal note

MEMBERS SIGNING FOR PLACEMENT
ON THE CALENDAR

MEMBERS HAVING OTHER
RECOMMENDATIONS

Jay
[Signature]
Bill Ray
Tom Kelly

Joe Lutz
CHAIRMAN

STATE OF ALASKA
FISCAL NOTE

Revision Date _____, 1983

I. REQUEST

Bill/Resolution No.: CS SB 127 (Jud)
 Title: "..Unlawful conduct of minors.."
 Sponsor: Rodey & Ray
 Requestor: Sen. Finance

II. FISCAL DETAIL

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

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
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						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

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

Source of funds not identified by sponsor.

IV. ANALYSIS: Attach a separate page for any Analysis No fiscal impact is anticipated.

Prepared By: Major Michael Korhonen Phone: 269-5646
 Division: Alaska State Troopers Date: 5-9-83
 Approved by Commissioner: R.J. Sundberg *[Signature]* Date: 5/11/83
 Department: Public Safety

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 Spcnor)

3/8/83

STATE OF ALASKA
FISCAL NOTE

Revision Date _____, 1983

I. REQUEST

Bill/Resolution No.: CS SB 127 (Jud)
Title: "..Unlawful conduct of minors.."
Sponsor: Rodey & Ray
Requestor: Sen. Finance

II. FISCAL DETAIL

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

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
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						
---------	--	--	--	--	--	--

REVENUE						
---------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

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

Source of funds not identified by sponsor.

IV. ANALYSIS: Attach a separate page for any Analysis No fiscal impact is anticipated.

Prepared By: Major Michael Korhonen Phone: 269-5646
Division: Alaska State Troopers Date: 5-9-83
Approved by Commissioner: R.J. Sundberg *[Signature]* Date: 5/18/83
Department: Public Safety

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)

3/8/83

Introduced: 2/16/83
Referred: Judiciary

1 IN THE SENATE

BY RODEY AND RAY

2

SENATE BILL NO. 127

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

THIRTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6 For an Act entitled: "An Act relating to unlawful conduct of minors."

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

8 * Section 1. AS 12.55.015 is amended by adding a new subsection to
9 read:

10 (d) If the court sentences a defendant to a term of imprisonment
11 and the defendant is a minor over whom children's court jurisdiction
12 is waived under AS 47.10.060, the court shall

13 (1) order that the defendant be confined in an institution
14 designated by the Department of Health and Social Services for offend-
15 ers under 18 years of age; and

16 (2) order that the defendant be transferred to an adult
17 correctional facility when the defendant reaches 18 years of age if
18 more than one year then remains of the defendant's term of imprison-
19 ment.

20 * Sec. 2. AS 34.50.020(a) is amended to read:

21 (a) Except as provided in (e) of this section, a [A] person,
22 municipal corporation, association, village, school district or reli-
23 gious or charitable organization, incorporated or unincorporated, may
24 recover damages in a civil action in an amount not to exceed \$5,000
25 [\$2,000] and court costs, from either parent or both parents or the
26 legal guardian or person having the legal custody of an unemancipated
27 minor under the age of 18 years, who maliciously or wilfully destroys
28 real or personal property belonging to the person, municipal corpo-
29 ration, association, village, school district or religious or

1 charitable organization.

2 * Sec. 3. AS 34.50.020 is amended by adding new subsections to read:

3 (c) For the purposes of this section a minor is considered
4 emancipated and a parent or legal guardian or person having legal
5 custody is not liable for property damage caused by the minor if the
6 court determines that

7 (1) the disabilities of minority have been removed under
8 AS 09.55.590;

9 (2) the minor is a resident of the state, is at least 16
10 years of age, is living separate and apart from the minor's parents or
11 legal guardian or person having legal custody, and is capable of
12 self-support and of managing personal financial affairs; or

13 (3) the minor is living separate and apart from the minor's
14 parents or legal guardian or person having legal custody and engages
15 in conduct that results in a judgment under AS 47.10.080(a) that the
16 minor is a delinquent minor and that also is the basis for a civil
17 action for damages to property under this section.

18 (d) If the court determines that a minor is emancipated under
19 (c) of this section, the minor may be sued in a civil action for
20 injuries caused by the minor as if the minor were an adult.

21 (e) The provisions of (a) of this section do not apply to de-
22 struction of property by an unemancipated minor under the age of 18
23 years who maliciously or wilfully destroys property at the time the
24 minor is a ward of the state under AS 47.10.080(f).

25 * Sec. 4. AS 47.10.020(a) is amended to read:

26 (a) Whenever a person informs the court of the facts which bring
27 a minor within this chapter, the court shall appoint a competent
28 person or agency to make a preliminary inquiry and report for the
29 information of the court to determine whether the interests of the

1 public or of the minor require that further action be taken. Upon the
2 receipt of the report, the court may informally adjust or dispose of
3 the matter without a hearing, or it may authorize the person having
4 knowledge of the facts of the case to file with the court a petition
5 setting out the facts. Where the court informally adjusts or disposes
6 of the matter, the minor may not be detained or taken into the custody
7 of the court, and the matter shall be closed by the court upon adjust-
8 ment or disposition. Upon request of the victim or the victim's
9 parent or guardian, the court shall disclose to the victim of the
10 minor or to the victim's parent or guardian the manner in which it
11 informally adjusted or disposed of the matter. The court may not
12 disclose the identity of the minor.

13 * Sec. 5. AS 47.10.060(a) is repealed and reenacted to read:

14 (a) The court shall order a case closed and, subject to the pro-
15 visions of AS 12.55.015(d), the minor may be prosecuted as if the
16 minor were an adult if the court finds at a hearing on a petition

17 (1) that the minor was 16 years of age or older at the time
18 of the offense and that there is probable cause to believe that the
19 minor has committed an unclassified felony or a class A felony; how-
20 ever, the court may retain jurisdiction if the court finds by a pre-
21 ponderance of the evidence that the interests of justice would be best
22 served if the minor is not prosecuted as an adult; or

23 (2) that the minor is not amenable to treatment under this
24 chapter and there is probable cause to believe that the minor is
25 delinquent.

26 * Sec. 6. AS 47.10.060(d) is repealed and reenacted to read:

27 (d) A minor is not amenable to treatment under AS 47.10.060(a)-
28 (2) if the minor probably cannot be rehabilitated by treatment under
29 this chapter before reaching 20 years of age. In determining whether

1 a minor is amenable to treatment, the court shall consider

2 (1) the criminal and personal history of the minor and the
3 likelihood of rehabilitation;

4 (2) the seriousness of the minor's present offense in rela-
5 tion to other offenses committed by the minor;

6 (3) the probable cause of the minor's delinquent behavior;

7 (4) the facilities available to the division of youth and
8 adult authority for treating the minor.

9 * Sec. 7. AS 47.10.060 is amended by adding a new subsection to read:

10 (f) At a hearing on a petition under (a)(1) of this section, the
11 court shall consider

12 (1) the criminal and personal history of the minor and the
13 likelihood of rehabilitation;

14 (2) the seriousness of the minor's present offense in
15 relation to other offenses committed by the minor;

16 (3) the need to confine the minor to prevent further harm
17 to the public;

18 (4) the circumstances of the offense and the extent to
19 which the offense harmed a victim or endangered the public safety or
20 order;

21 (5) the effect of prosecuting the minor as an adult in
22 deterring the minor or other minors from future criminal conduct;

23 (6) the best interest of the minor.

24 * Sec. 8. AS 47.10.080(a) is amended to read:

25 (a) The court, at the conclusion of the hearing, or thereafter
26 as the circumstances of the case may require, shall find and enter a
27 judgment that the minor is or is not a delinquent or a child in need
28 of aid. The court shall disclose the results of the hearing in accor-
29 dance with AS 47.10.020(a).

1 * Sec. 9. AS 47.10.090 is amended by adding a new subsection to read:

2 (d) The provisions of this section prohibiting disclosure of
3 information relating to a minor do not apply to a disclosure to a
4 victim or the victim's parent or guardian under AS 47.10.020(a),
5 47.10.080(a), and 47.10.140(d).

6 * Sec. 10. AS 47.10.140(d) is amended to read:

7 (d) If the court finds that probable cause exists, it shall
8 determine whether the minor should be detained pending the hearing on
9 the petition or released. It may either order the minor held in
10 detention or order the minor [HIM] to be released to the custody of a
11 suitable person pending the hearing on the petition. If the court
12 finds no probable cause, it shall order the minor released and close
13 the case. The court shall disclose the results of the hearing in
14 accordance with AS 47.10.020(a).

COMMITTEE REPORT
HOUSE

(11)

FURTHER:

5/12/83

Date: 6-1-83

Mr. Speaker:

The Committee on FINANCE has had CS 128 (Res) an

'An Act establishing certain areas as marine park units of the Alaska state park system; and providing for an effective date.'

under consideration and reports it back as follows:

- do pass do not pass
- do pass with attached amendments(s)
- replace with CS for CS 128 (Res) same title
 new title
- and recommends minimal amendments
- AND attaches a "letter of Intent" New Fiscal Note
- reports it back without recommendation Zero Fiscal Note Attached
- referred to the _____ Committee

**MEMBERS SIGNING
DO PASS**

**MEMBERS HAVING
OTHER RECOMMENDATIONS:**

CHAIRMAN

Offered: 5/12/83
Referred: Finance

Original sponsors: V.Fischer, Bennett,
Eliason, et al

1 IN THE SENATE BY THE RESOURCES COMMITTEE

2 HOUSE CS FOR CS FOR SENATE BILL NO. 128 (Resources)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 THIRTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act establishing certain areas as marine park
7 units of the Alaska state park system; and providing
8 for an effective date."

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

10 * Section 1. AS 41.20 is amended by adding new sections to read:

11 ARTICLE 17. ALASKA MARINE PARKS.

12 Sec. 41.20.530. DECLARATION OF PURPOSE. (a) The purpose of
13 AS 41.20.530 - 41.20.536 is to establish, subject to valid existing
14 rights, the state-owned or acquired land and water described in
15 AS 41.20.534 as marine park units of the Alaska state park system.
16 The primary purposes in establishing the land and water areas de-
17 scribed in AS 41.20.534 as marine park units of the Alaska state park
18 system are to

- 19 (1) maintain natural, cultural, and scenic values;
20 (2) maintain fish and wildlife resources and lawful exist-
21 ing uses of these resources;
22 (3) promote and support recreation and tourism in the
23 state.

24 (b) The land and water described in AS 41.20.534 is dedicated as
25 special purpose sites under art. VIII, sec. 7 of the state constitu-
26 tion.

27 Sec. 41.20.532. DESIGNATION OF MANAGEMENT RESPONSIBILITY. (a)
28 The state land and water described in AS 41.20.534 is assigned to the
29 Department of Natural Resources for control, maintenance, and

1 development consistent with the purposes and provisions of AS 41.20.-
2 530 - 41.20.536.

3 (b) The Department of Fish and Game is responsible for the
4 management of fish and game resources on the state land and water
5 described in AS 41.20.534 consistent with the purposes of AS 41.20.-
6 530 - 41.20.536. The Department of Fish and Game shall give written
7 notice to and consult with the Department of Natural Resources before
8 adoption of regulations governing fish and game management in a marine
9 park unit of the Alaska state park system.

10 (c) The Department of Natural Resources shall develop a manage-
11 ment plan for each marine park unit of the Alaska state park system to
12 determine the specific purposes and uses for the unit. The commis-
13 sioner of natural resources shall give written notice and consult with
14 the Department of Fish and Game, proximately located municipalities of
15 the state, proximately located private landowners, the United States
16 Forest Service, organizations concerned with conservation, recreation,
17 and tourism, and other interested parties during the preparation of a
18 management plan for a marine park unit of the Alaska state park sys-
19 tem.

20 (d) The commissioner of natural resources may not restrict the
21 exercise of fishing, hunting, or trapping rights permitted under law
22 or under a regulation of the Board of Fisheries or the Board of Game
23 within a marine park unit of the Alaska state park system.

24 (e) The commissioner of natural resources shall allow the devel-
25 opment of aquaculture facilities within a marine park unit of the
26 Alaska state park system under terms and conditions that ensure that
27 the development is compatible with AS 41.20.530 - 41.20.536.

28 (f) The commissioner of natural resources may enter into a co-
29 operative agreement for

1 (1) the management of a marine park unit of the Alaska
2 state park system with a federal agency, a municipality of the state,
3 or a proximately located private landowner for a purpose stated under
4 AS 41.20.020(7); or

5 (2) the management of proximately located federal, municipi-
6 pal, or private land as part of a marine park unit of the Alaska state
7 park system.

8 (g) In the management of a marine park unit of the Alaska state
9 park system the commissioner of natural resources shall consult and
10 cooperate with a Native corporation that owns an historical or cul-
11 tural site granted under sec. 14(h)(1) of the Alaska Native Claims
12 Settlement Act (43 U.S.C. sec. 1613(h)(1)) and that is proximately
13 located to a marine park unit of the Alaska state park system. In the
14 management of a marine park unit of the Alaska state park system the
15 commissioner of natural resources shall address the potential con-
16 flicts with the cultural and historical values of land granted to a
17 Native corporation under sec. 14(h)(1) of the Alaska Native Claims
18 Settlement Act and shall provide for appropriate protection to these
19 values.

20 (h) Nothing in AS 41.20.530 - 41.20.536 precludes the use of or
21 access to privately owned land or mineral claims and leases. The
22 commissioner of natural resources shall permit adequate and feasible
23 access across state land within a marine park unit of the Alaska state
24 park system to and from private land within or outside a unit. In the
25 granting of such access the commissioner of natural resources may
26 adopt reasonable regulations to protect the natural and other values
27 of the marine park unit lands and water.

28 Sec. 41.20.534. DESIGNATED LAND AND WATER. The state-owned land
29 and water and that land and water acquired by the state in the future

1 lying within the following described parcels is designated as marine
2 park units of the Alaska state park system:

3 (1) Bettles Bay

4 Township 10 North, Range 6 East, Seward Meridian

5 Section 12: S1/2SW1/4, SW1/4SE1/4

6 Section 13: NW1/4, W1/2NE1/4, N1/2SW1/4, NW1/4SE1/4

7 Section 14: N1/2SE1/4, S1/2NE1/4, NE1/4NE1/4

8 (2) Oliver Inlet

9 Township 43 South, Range 68 East, Copper River Meridian

10 Section 28: SW1/4

11 Section 32: E1/2E1/2

12 Section 33: NW1/4, W1/2SW1/4

13 (3) Sawmill Bay

14 Township 9 South, Range 9 West, Copper River Meridian

15 Section 22: E1/2SE1/4, SW1/4SE1/4

16 Section 23: SW1/4, S1/2NW1/4, NE1/4NW1/4, W1/2NE1/4

17 Section 26: W1/2

18 Section 27: E1/2, S1/2SW1/4

19 Section 28: E1/2SE1/4

20 Section 33: NE1/4NE1/4

21 Section 34: N1/2, SE1/4, N1/2SW1/4, SE1/4SW1/4

22 Section 35: W1/2

23 Township 10 South, Range 9 West, Copper River Meridian

24 Section 3: N1/2NE1/4

25 (4) Shoup Bay

26 Township 8 South, Range 7 West, Copper River Meridian

27 Section 30: W1/2W1/2

28 Section 31: W1/2W1/2

29 Township 8 South, Range 8 West, Copper River Meridian

1 Section 25: All
 2 Section 26: All
 3 Section 27: E1/2
 4 Section 34: E1/2
 5 Section 35: All
 6 Section 36: All
 7 Township 9 South, Range 8 West, Copper River Meridian
 8 Section 1: N1/2NW1/4
 9 Section 2: N1/2
 10 Section 3: All
 11 (5) South Esther Island
 12 Township 8 North, Range 8 East, Seward Meridian
 13 Section 3: W1/2, W1/2SE1/4, SW1/4NE1/4
 14 Section 4: E1/2E1/2, SW1/4SE1/4
 15 Section 5: E1/2SW1/4, SW1/4SW1/4, SE1/4NW1/4
 16 Section 6: E1/2SW1/4, S1/2SE1/4, NW1/4SE1/4
 17 Section 7: N1/2NE1/4, SE1/4NE1/4
 18 Section 8: E1/2, NW1/4, N1/2SW1/4, SE1/4SW1/4
 19 Section 9: All
 20 Section 10: N1/2NW1/4, SW1/4NW1/4
 21 Section 16: N1/2
 22 Section 17: NE1/4, E1/2NW1/4
 23 Township 9 North, Range 8 East, Seward Meridian
 24 Section 33: SW1/2NW1/4, SW1/4NE1/4, E1/2SW1/4, W1/2-
 25 SE1/'
 26 (6) Surprise Cove
 27 Township 8 North, Range 6 East, Seward Meridian
 28 Section 21: SE1/4, E1/2SW1/4
 29 Section 22: SE1/4, S1/2SW1/4, SE1/4NE1/4

1 Section 23: W1/2SW1/4, SW1/4NW1/4
2 Section 26: W1/2W1/2
3 Section 27: All
4 Section 28: S1/2, NE1/4, E1/2NW1/4
5 Section 29: SE1/4SE1/4
6 Section 34: N1/2N1/2
7 Section 35: NW1/4NW1/4
8 (7) Chilkat Islands
9 Township 32 South, Range 60 East, Copper River Meridian
10 Section 22: SE1/4
11 Section 23: All
12 Section 26: All
13 Section 27: All
14 Section 34: All
15 Section 35: All
16 Township 33 South, Range 61 East, Copper River Meridian
17 Section 4: All
18 Section 5: All
19 Section 8: All
20 Section 9: All
21 Section 16: All
22 (8) Ziegler Cove
23 Township 9 North, Range 6 East, Seward Meridian
24 Section 25: SW1/4, W1/2SE1/4
25 Section 26: E1/2
26 Section 36: N1/2N1/2
27 (9) Horseshoe Bay
28 Township 1 South, Range 9 East, Seward Meridian
29 Section 32: SE1/4

1 Township 2 South, Range 9 East, Seward Meridian
2 Section 4: S1/2SW1/4 excluding amended Iron Mountain
3 Lode No. 2 and Iron Mountain Lode
4 Section 5: All
5 Section 8: N1/2 excluding Iron Mountain Lode No. 11
6 and Iron Mountain Lode No. 10
7 Section 9: NW1/4NW1/4 excluding amended Iron Mountain
8 Lode No. 2 and Iron Mountain Lode
9 (10) Sullivan Island
10 Township 34 South, Range 60 East, Copper River Meridian
11 Section 12: SE1/4
12 Township 34 South, Range 61 East, Copper River Meridian
13 Section 7: All
14 Section 18: All
15 Section 19: All
16 Section 30: All
17 (11) Shelter Island
18 Township 39 South, Range 64 East, Copper River Meridian
19 Section 29: All
20 Section 31: All
21 Section 32: All
22 Section 33: All
23 (12) Saint James Bay
24 Township 37, Range 62 East, Copper River Meridian
25 Section 27: All
26 Section 28: All
27 Section 29: All
28 Section 30: SE1/4, SE1/4SW1/4
29 Section 31: E1/2NW1/4, NE1/4SW1/4, E1/2

1 Section 32: All
 2 Section 33: All
 3 Section 34: All
 4 Section 35: W1/2
 5 Township 38 South, Range 62 East, Copper River Meridian
 6 Section 2: W1/2
 7 Section 3: All
 8 Section 4: All
 9 Section 5: All
 10 Section 6: NE1/4, E1/2SE1/4
 11 Section 8: N1/2, NE1/4SW1/4, SE1/4
 12 Section 9: All
 13 Section 10: All
 14 Section 11: W1/2
 15 Section 14: NW1/4
 16 Section 15: N1/2
 17 Section 16: N1/2
 18 Section 17: N1/2NE1/4, SE1/4NE1/4

19 Sec. 41.20.536. COMPATIBILITY OF USES. (a) The commissioner
 20 of natural resources may prohibit or restrict by regulation except as
 21 provided in AS 41.20.532(d) incompatible uses within the state-owned
 22 land and water described in AS 41.20.534.

23 (b) Discharge of a firearm is permitted in state-owned land and
 24 water described in AS 41.20.534 unless the land or waters are closed
 25 by regulation of the commissioner of natural resources for public
 26 safety purposes.

27 (c) Nothing in AS 41.20.530 - 41.20.536 prohibits the Department
 28 of Fish and Game from engaging in rehabilitation, enhancement, and
 29 development under AS 16.05.092 within an area described in

1 AS 41.20.534.

2 (d) Reasonable access shall be permitted to and across a marine
3 park unit of the Alaska state park system for lawful hunting, fishing,
4 trapping and recreational purposes.

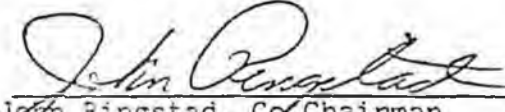
5 (e) The Department of Public Safety and the Department of Fish
6 and Game shall be allowed reasonable access for fish and game manage-
7 ment, research, and enforcement purposes.

8 * Sec. 2. This Act takes effect immediately in accordance with AS 01.-
9 10.070(c).

LETTER OF INTENT
TO ACCOMPANY SB 128

Although access to mineral deposits is not expected to require construction of facilities within marine parks, we acknowledge that such construction may be required in park units adjacent to mineral development which could not otherwise take place. In such cases, it is the intent of the Legislature that the access language within the Act be interpreted to allow development of docking facilities under terms prescribed by the Commissioner of Natural Resources.

Two units of the original marine park proposal - Decision Point and Entry Cove - have been removed from designation at this time, in order to allow a more vigorous analysis of other possible higher and better uses for these areas. Such possible alternative uses could include exchange with private or corporate ownerships for State acquisition of other lands, conveyance to the local municipality, and disposal through the State programs. If an in-depth study does not identify some alternative as being more suitable, these two sites may be legislatively included in the Alaska state park system at a later time.


John Ringstad, Co Chairman


Dick Shultz, Co Chairman

STATE OF ALASKA
FISCAL NOTE

Revision Date , 1983

REQUEST

Bill/Resolution No.: SB 128
 Title: Marine Parks
 Sponsor: V. Fischer
 Requestor: House Resources Committee

II. FISCAL DETAIL

Agency Affected: DND
 Program Category Affected:
 BRU, Program of Subprogram(s) Affected:

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
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)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify Source)						
	0	0	0	0	0	0

POSITIONS:

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
FULL-TIME						
PART-TIME						
TEMPORARY						
	0	0	0	0	0	0

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

.None affected

IV. ANALYSIS: Attach a separate page for any Analysis (see attached memo)

Prepared By: Ned Farquhar
 Division: Commissioner's Office

Phone: 465-2400
 Date: May 11, 1983

Approved by Commissioner: Mrs. D. Smith, Deputy
 Department: Natural Resources

Date: May 11, 1983

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)

3/8/83

The following individuals may testify on SB 128:

Commissioner Wunnicke, Department of Natural Resources

Ginger Baim, staff to Senator Vic Fischer, will be
available to answer questions

STATE OF ALASKA
FISCAL NOTE

Revision Date _____, 1983

REQUEST

Bill/Resolution No.: SB 128
 Title: Marine Parks
 Sponsor: V. Fischer
 Requestor: House Resources Committee

ii. FISCAL DETAIL

Agency Affected: DNR
 Program Category Affected: _____
 BRU, Program of Subprogram(s) Affected: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
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)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify Source)						
	0	0	0	0	0	0

POSITIONS:

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
FULL-TIME						
PART-TIME						
TEMPORARY						
	0	0	0	0	0	0

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

None affected

iv. ANALYSIS: Attach a separate page for any Analysis (see attached memo)

Prepared By: Ned Farouhar *NF* Phone: 465-2400
 Division: Commissioner's Office Date: May 11, 1983
 Approved by Commissioner: Mrs. D. Smith, Deputy Date: May 11, 1983
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BILL SHEFFIELD, GOVERNOR

DEPARTMENT OF NATURAL RESOURCES

619 WAREHOUSE AVE., SUITE 710
ANCHORAGE, ALASKA 99501
PHONE: (907) 276-2653

April 25, 1983

DIVISION OF PARKS

The Honorable Albert P. Adams
Alaska State House of Representatives
State Capitol
Pouch V,
Juneau, AK 99811

Dear Mr. Adams:

You may soon have the opportunity to vote on the bill (S.B. 128) creating State Marine Parks. A considerable effort has gone into making this legislation acceptable to a wide range of Alaskan interests. This bill is different from past measures. Some facts and figures:

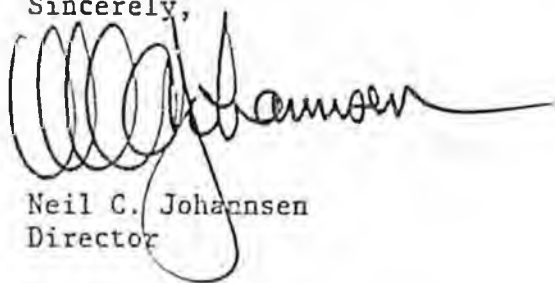
- * of the 400,000 National Forest acres selectable under the Statehood Act, only about ten percent is planned for public recreational use. The fourteen marine parks authorized in the the bill now in the House contains but three percent of the 400,000 acres.
- * The communities of Whittier, Valdez and Cordova and the Chugach Native Corporation are on record supporting the creation of marine parks.
- * These recreation sites are open to:
 1. hunting
 2. trapping
 3. commercial and sport fishing
 4. aquaculture
 5. fisheries enhancement
 6. access to adjacent lands and mineral claims
- * The Alaska marine parks provide a coordinated linkage with Washington State's 57 marine parks and British Columbia's 23 marine parks.
- * The bill creates nine public recreation sites in Prince William Sound and five units in Southeast; careful planning and selection procedures will provide for additinal marine parks in the future. Again, only about ten percent of land selected from the National Forests is involved.
- * Over half of all Alaskans participate in boating; recreation and tourism is our second largest industry, worth half a billion dollars a year and employs almost 11,000 Alaskans. This commitment to recreation provides an important linkage to the tourism industry: boat rentals and charters, boat moorage, boat and aircraft sales, maintenance and repairs, air taxi and guide operations and other visitor service related industries.

The Honorable Albert P. Adams
April 25, 1983
Page 2

The proposed marine park system is designed to guarantee everyone's use of the most scenic small coves, bays, bights and accessible beaches along the Southeast and Southcentral coast of Alaska. The plan has gathered bipartisan support, is carefully thought out and clearly shows that Alaskan's desire to provide for their, as well as their children's, recreational needs.

I ask your support for this Legislation.

Sincerely,

A handwritten signature in cursive script, appearing to read "Neil C. Johannsen". The signature is written in black ink and is positioned above the typed name and title.

Neil C. Johannsen
Director

NCJ:ces

~~Ø~~ fiscal note. Please
Support! Thanks,

Handwritten initials "NEJ" in a stylized, cursive font, located at the bottom right of the page.

opinion

Anchorage Daily News

Winner, 1976 Pulitzer Prize Gold Medal for Public Service

Katherine Fanning
Editor and Publisher

Howard Weaver
Managing Editor



Gerald E. Grilly
General Manager

Steve Lindbeck
Editorial Page Editor

Lawrence Fanning, Editor and Publisher 1967 to 1971
Alaska's Only Morning Newspaper • Founded in 1946 by Norman C. Brown

Beauty of our coasts

Fourteen of Alaska's most scenic coastal areas would gain state park status — and thus protection against land disposal and timber development — under legislation approved by the Senate Resources Committee this week. Last year the same idea passed the Senate and got stalled in the House; this year it deserves approval from the entire legislature.

Ten of the coastal areas involved are located in Prince William Sound; the other four in Southeast Alaska. Those who've spent time along the water in either region might well divide in partisan debate over which commands more scenic grandeur. But there would be no disagreement that both regions — each blessed with deep fiords, towering mountains, white-water falls, tidewater glaciers and unmatched marine life — are worth protecting.

The proposed legislation would not prevent access across parklands to private land or mineral claims, nor would it exclude hunting, fishing or trapping except by specific regulation from the commissioner of natural resources. What the legislation would do is prevent land disposal or timber development from encroaching on what backers say are the state's "best and most beautiful little coves and bays."

There are places in both regions — perhaps too many places — where private disposal and timber development on public lands will proceed apace in coming years. These 14 coastal parks would set aside small enclaves where the splendor they contain might be reserved for the appreciation of all — not dissipated in the grasp and potential exploitation of a few.

Editorials

A better waterway

IT WOULD be understandable if Alaskans were wary of the state's proposal to create 14 marine parks. They are accustomed to the federal government coming in and locking up their acres.

The state plan, however, appears to be quite a different breed of cat. Management of the parks would be right here at home and not at the whim of back-East bureaucrats and politicians. It also could open to visitors some gorgeous areas of Alaska that heretofore have been out of their reach.

The Senate has approved the bill and sent it to the House, where public hearings are scheduled at the end of the week.

THE MARINE units would be part of the state park system, which, if the law passes, would have to maintain the natural, cultural and scenic values of the sites as well as their existing fish and wildlife resources. The bill guarantees a continuation of public hunting, fishing, trapping, commercial fishing and aquaculture activities as well as access to any nearby privately owned land, including mining claims.

Five of the sites are in Southeastern. Nine are in Prince William Sound.

The state parks division feels these areas should to be set aside while they are still available. Most of them are small parcels — a total of 13,000 acres — beside and in the water.

ONE OF THE necessities to future enjoyment of the magnificent scenery in Prince William Sound is that there will be preserved in the area some coves and bays and natural harbors that will be open to the public — places where boaters in future years can be assured of a place to anchor overnight and where those aboard can go ashore. The bill would remedy this.

The marine parks would be something new for Alaska, but there are a number of them along the coasts of Washington and British Columbia, where they have had wide use.

The marine parks would be a tremendous boost for tourism, which is the state's second largest industry. A spin-off would be economic benefits to nearby communities.

It would be hoped the House will give favorable attention to this bill.

MEMORANDUM

State of Alaska

TO: Dave Stancliff
House Resources Committee

DATE: May 11, 1983

FILE NO:

TELEPHONE NO:

FROM: Ned Farquhar ^{NF}
Special Assistant
Department of Natural Resources

SUBJECT: Marine Parks

For the foreseeable future, the marine parks system will be among passively managed state parklands, although the Division of Parks expects to arrange with the U. S. Forest Service for the cooperative management of some units. The Forest Service has been interested in designating and managing marine parks on federal land. Some private concessions may be arranged, probably returning general fund revenue.

Although no funding will be dedicated to the marine parks system in the next few years, creation of the system is important at this time for several reasons. Primarily, park designation will occur without land acquisition costs. Also, the State can indicate its commitment to recreation management on these lands, which is significant to the U. S. Forest Service as it reviews and conveys state land selections in the National Forests. Last, the designation will clarify the State's management priorities for the affected areas, thereby reducing interagency and interdivisional staff work on management.

cc: Neil Johannsen, Director
Division of Parks

LETTER OF INTENT
TO ACCOMPANY SB 128

Although access to mineral deposits is not expected to require construction of facilities within marine parks, we acknowledge that such construction may be required in park units adjacent to mineral development which could not otherwise take place. In such cases, it is the intent of the Legislature that the access language within the Act be interpreted to allow development of docking facilities under terms prescribed by the Commissioner of Natural Resources.

Two units of the original marine park proposal - Decision Point and Entry Cove - have been removed from designation at this time, in order to allow a more vigorous analysis of other possible higher and better uses for these areas. Such possible alternative uses could include exchange with private or corporate ownerships for State acquisition of other lands, conveyance to the local municipality, and disposal through the State programs. If an in-depth study does not identify some alternative as being more suitable, these two sites may be legislatively included in the Alaska state park system at a later time.


John Ringstad, Co Chairman


Dick Shultz, Co Chairman

SECTIONAL ANALYSIS - HCS FOR SB 128 (Res)

Sec.41.20.530 - DECLARATION OF PURPOSE

(a) Establishes state owned land and water designated in SB 128 as units of the Alaska Marine Park System and outlines the primary purposes of the system including: to maintain natural, cultural, and scenic value, to maintain fish and wildlife resources, and to promote and support recreation and tourism.

(b) dedicates land and water described in AS 41.20.534 as special purpose sites under art. VII, sec. 7 of the state constitution.

Sec. 41.20.532. DESIGNATION OF MANAGEMENT RESPONSIBILITY

(a) designated land assigned to DNR for control, maintenance, and development

(b) Department of Fish and Game responsible for management of fish and game resources in designated park units. Requires ADF&G to give written notice and consult with DNR before promulgating fish and game regulations in park units.

(c) Requires DNR to develop individual management plans for each park unit after giving written notice and consulting with ADF&G, proximate municipalities, proximate private landowners, the U.S. Forest Service, conservation, recreation, and tourism organizations and other interested parties.

(d) forbids DNR from restricting fishing, trapping or hunting rights in a designated park unit.

(e) requires DNR to allow aquaculture facilities within a marine park unit.

(f) authorizes commissioner of DNR to enter into cooperative agreements for:

- (1) management of a unit with a federal agency, a municipality or a proximately located private landowner.
- (2) the management of proximately located federal, municipal or private land as part of a marine park unit of the Alaska state park system.

(g) requires DNR, in developing a management plan, to consult and cooperate with a native corporation that owns an historical or cultural site granted under ANCSA that is proximately located to a marine park unit. Requires DNR to address conflicts with cultural and historical values of these sites and provide for appropriate protection of those values.

(h) requires DNR to permit adequate and feasible access to, through, and from a marine park unit to adjacent private land, including mineral claims and leases.

Sec. 41.20.534 DESIGNATED LAND AND WATER

Describes state owned land and water designated as marine park units (five in Southeast Alaska (SE), and seven in Prince William Sound (PWS)), including: (1) Bettles Bay (PWS), (2) Oliver Inlet (SE), (3) Sawmill Bay (PWS), (4) Shoup Bay (PWS), (5) South Esther Island (PWS), (6) Surprise Cove (PWS), (7) Chilkat Islands (SE), (8) Ziegler Cove (PWS), (9) Horseshoe Bay (PWS), (10) Sullivan Island (SE), (11) Shelter Island (SE), (12) Saint James Bay (SE).

Sec. 41.20.536. COMPATIBILITY OF USES

(a) authorizes commissioner of DNR to prohibit or restrict by regulation (except as provided in AS 4.20.532 (d)), incompatible uses within marine park units.

(b) specifically allows for the discharge of firearms in marine park units except when prohibited or restricted by DNR regulation for public safety purposes.

(c) specifies that nothing in AS 41.20.530-536 prohibits ADF&G from engaging in rehabilitation, enhancement, and development under AS 16.05.092 within a marine park unit.

(d) requires that reasonable access be permitted to and across a marine park unit for lawful hunting, fishing trapping and recreational purposes.

(e) requires reasonable access for ADF&G and the Department of Public Safety for fish and game management, research, and enforcement purposes.

*Sec 2. effective date is immediate in accordance with AS 01.10.070(c).

Prepared by:
V.R. Baim, aide to
Senator Vic Fischer
May 31, 1983

Offered: 3/30/83
Referred: Rules

Original sponsors: V.Fischer, Bennett,
Eliason, et al

1 IN THE SENATE BY THE RESOURCES COMMITTEE
2 CS FOR SENATE BILL NO. 128 (Resources) am
3 IN THE LEGISLATURE OF THE STATE OF ALASKA -
4 THIRTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act establishing certain areas as marine park
7 units of the Alaska state park system; and providing
8 for an effective date."

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

10 * Section 1. AS 41.20 is amended by adding new sections to read:

11 ARTICLE 17. ALASKA MARINE PARKS.

12 Sec. 41.20.530. DECLARATION OF PURPOSE. (a) The purpose of
13 AS 41.20.530 - 41.20.536 is to establish, subject to valid existing
14 rights, the state-owned or acquired land and water described in
15 AS 41.20.534 as marine park units of the Alaska state park system.
16 The primary purposes in establishing the land and water areas de-
17 scribed in AS 41.20.534 as marine park units of the Alaska state park
18 system are to

19 (1) maintain natural, cultural, and scenic values;
20 (2) maintain fish and wildlife resources;
21 (3) promote and support recreation and tourism in the
22 state.

23 (b) The land and water described in AS 41.20.534 is dedicated as
24 special purpose sites under art. VIII, sec. 7 of the state constitu-
25 tion.

26 Sec. 41.20.532. DESIGNATION OF MANAGEMENT RESPONSIBILITY. (a)
27 The state land and water described in AS 41.20.534 is assigned to the
28 Department of Natural Resources for control, maintenance, and develop-
29 ment consistent with the purposes and provisions of AS 41.20.530 -

1 41.20.536.

2 (b) The Department of Fish and Game is responsible for the
3 management of fish and game resources on the state land and water
4 described in AS 41.20.534 consistent with the purposes of AS 41.20.-
5 530 - 41.20.536. The Department of Fish and Game shall give written
6 notice to and consult with the Department of Natural Resources before
7 adoption of regulations governing fish and game management in a marine
8 park unit of the Alaska state park system.

9 (c) The Department of Natural Resources shall develop a manage-
10 ment plan for each marine park unit of the Alaska state park system to
11 determine the specific purposes and uses for the unit. The commis-
12 sioner of natural resources shall give written notice and consult with
13 the Department of Fish and Game, proximately located municipalities of
14 the state, proximately located private landowners, the United States
15 Forest Service, organizations concerned with conservation, recreation,
16 and tourism, and other interested parties during the preparation of a
17 management plan for a marine park unit of the Alaska state park
18 system.

19 (d) The commissioner of natural resources may not restrict the
20 exercise of fishing, hunting, or trapping rights permitted under law
21 or under a regulation of the Board of Fisheries or the Board of Game
22 within a marine park unit of the Alaska state park system.

23 (e) The commissioner of natural resources shall allow the devel-
24 opment of aquaculture facilities within a marine park unit of the
25 Alaska state park system under terms and conditions that ensure that
26 the development is compatible with AS 41.20.530 - 41.20.536.

27 (f) The commissioner of natural resources may enter into a co-
28 operative agreement for

29 (1) the management of a marine park unit of the Alaska

1 state park system with a federal agency, a municipality of the state,
2 or a proximately located private landowner for a purpose stated under
3 AS 41.20.020(7); or

4 (2) the management of proximately located federal, municipi-
5 pal, or private land as part of a marine park unit of the Alaska state
6 park system.

7 (g) In the management of a marine park unit of the Alaska state
8 park system the commissioner of natural resources shall consult and
9 cooperate with a Native corporation that owns an historical or cul-
10 tural site granted under sec. 14(h)(1) of the Alaska Native Claims
11 Settlement Act (43 U.S.C. sec. 1613(h)(1)) and that is proximately
12 located to a marine park unit of the Alaska state park system. In the
13 management of a marine park unit of the Alaska state park system the
14 commissioner of natural resources shall address the potential con-
15 flicts with the cultural and historical values of land granted to a
16 Native corporation under sec. 14(h)(1) of the Alaska Native Claims
17 Settlement Act and shall provide for appropriate protection to these
18 values.

19 (h) Nothing in AS 41.20.530 - 41.20.536 precludes the use of or
20 access to privately owned land or mineral claims and leases. The
21 commissioner of natural resources shall permit adequate and feasible
22 access across state land within a marine park unit of the Alaska state
23 park system to and from private land within or outside a unit. In the
24 granting of such access the commissioner of natural resources may
25 adopt reasonable regulations to protect the natural and other values
26 of the marine park unit lands and water.

27 Sec. 41.20.534. DESIGNATED LAND AND WATER. The state-owned land
28 and water and that land and water acquired by the state in the future
29 lying within the following described parcels is designated as marine

1 park units of the Alaska state park system:
2 (1) Bettles Bay
3 Township 10 North, Range 6 East, Seward Meridian
4 Section 12: S1/2SW1/4, SW1/4SE1/4
5 Section 13: NW1/4, W1/2NE1/4, N1/2SW1/4, NW1/4SE1/4
6 Section 14: N1/2SE1/4, S1/2NE1/4, NE1/4NE1/4
7 (2) Decision Point
8 Township 8 North, Range 5 East, Seward Meridian
9 Section 1: All
10 Section 11: NE1/4, N1/2SE1/4
11 Section 12: N1/2, N1/2S1/2
12 Township 8 North, Range 6 East, Seward Meridian
13 Section 5: SW1/4
14 Section 6: All
15 Section 7: N1/2, N1/2S1/2
16 Section 8: N1/2, N1/2S1/2
17 (3) Entry Cove
18 Township 8 North, Range 6 East, Seward Meridian
19 Section 2: S1/2
20 Section 3: SE1/4, S1/2SW1/4
21 Section 10: N1/2
22 Section 11: N1/2
23 (4) Oliver Inlet
24 Township 43 South, Range 68 East, Copper River Meridian
25 Section 28: SW1/4
26 Section 32: E1/2E1/2
27 Section 33: NW1/4, W1/2SW1/4
28 (5) Sawmill Bay
29 Township 9 South, Range 9 West, Copper River Meridian

1 Section 22: E1/2SE1/4, SW1/4SE1 ,

2 Section 23: SW1/4, S1/2NW1/4, NE1/4NW1/4, W1/2NE1/4

3 Section 26: W1/2

4 Section 27: E1/2, S1/2SW1/4

5 Section 28: E1/2SE1/4

6 Section 33: NE1/4NE1/4

7 Section 34: N1/2, SE1/4, N1/2SW1/4, SE1/4SW1/4

8 Section 35: W1/2

9 Township 10 South, Range 9 West, Copper River Meridian

10 Section 3: N1/2NE1/4

11 (6) Shoup Bay

12 Township 8 South, Range 7 West, Copper River Meridian

13 Section 30: W1/2W1/2

14 Section 31: W1/2W1/2

15 Township 8 South, Range 8 West, Copper River Meridian

16 Section 25: All

17 Section 26: All

18 Section 27: E1/2

19 Section 34: E1/2

20 Section 35: All

21 Section 36: All

22 Township 9 South, Range 8 West, Copper River Meridian

23 Section 1: N1/2NW1/4

24 Section 2: N1/2

25 Section 3: All

26 (7) South Esther Island

27 Township 8 North, Range 8 East, Seward Meridian

28 Section 3: W1/2, W1/2SE1/4, SW1/4NE1/4

29 Section 4: E1/2E1/2, SW1/4SE1/4

1 Section 5: E1/2SW1/4, SW1/4SW1/4, SE1/4NW1/4
2 Section 6: E1/2SW1/4, S1/2SE1/4, NW1/4SE1/4
3 Section 7: N1/2NE1/4, SE1/4NE1/4
4 Section 8: E1/2, NW1/4, N1/2SW1/4, SE1/4SW1/4
5 Section 9: All
6 Section 10: N1/2NW1/4, SW1/4NW1/4
7 Section 16: N1/2
8 Section 17: NE1/4, E1/2NW1/4
9 Township 9 North, Range 8 East, Seward Meridian
10 Section 33: SW1/2NW1/4, SW1/4NE1/4, E1/2SW1/4, W1/2-
11 SE1/4
12 (8) Surprise Cove
13 Township 8 North, Range 6 East, Seward Meridian
14 Section 21: SE1/4, E1/2SW1/4
15 Section 22: SE1/4, S1/2SW1/4, SE1/4NE1/4
16 Section 23: W1/2SW1/4, SW1/4NW1/4
17 Section 26: W1/2W1/2
18 Section 27: All
19 Section 28: S1/2, NE1/4, E1/2NW1/4
20 Section 29: SE1/4SE1/4
21 Section 34: N1/2N1/2
22 Section 35: NW1/4NW1/4
23 (9) Chilkat Islands
24 Township 32 South, Range 60 East, Copper River Meridian
25 Section 22: SE1/4
26 Section 23: All
27 Section 26: All
28 Section 27: All
29 Section 34: All

1 Section 35: All
 2 Township 33 South, Range 61 East, Copper River Meridian
 3 Section 4: All
 4 Section 5: All
 5 Section 8: All
 6 Section 9: All
 7 Section 16: All
 8 (10) Ziegler Cove
 9 Township 9 North, Range 6 East, Seward Meridian
 10 Section 25: SW1/4, W1/2SE1/4
 11 Section 26: E1/2
 12 Section 36: N1/2N1/2
 13 (11) Horseshoe Bay
 14 Township 1 South, Range 9 East, Seward Meridian
 15 Section 32: SE1/4
 16 Township 2 South, Range 9 East, Seward Meridian
 17 Section 4: S1/2SW1/4 excluding amended Iron Mountain
 18 Lode No. 2 and Iron Mountain Lode
 19 Section 5: All
 20 Section 8: N1/2 excluding Iron Mountain Lode No. 11
 21 and Iron Mountain Lode No. 10
 22 Section 9: NW1/4NW1/4 excluding amended Iron Mountain
 23 Lode No. 2 and Iron Mountain Lode
 24 (12) Sullivan Island
 25 Township 34 South, Range 60 East, Copper River Meridian
 26 Section 12: SE1/4
 27 Township 34 South, Range 61 East, Copper River Meridian
 28 Section 7: All
 29 Section 18: All

1 Section 19: All
 2 Section 30: All
 3 (13) Shelter Island
 4 Township 39 South, Range 64 East, Copper River Meridian
 5 Section 29: All
 6 Section 31: All
 7 Section 32: All
 8 Section 33: All
 9 (14) Saint James Bay
 10 Township 37, Range 62 East, Copper River Meridian
 11 Section 27: All
 12 Section 28: All
 13 Section 29: All
 14 Section 30: SE1/4, SE1/4SW1/4
 15 Section 31: E1/2NW1/4, NE1/4SW1/4, E1/2
 16 Section 32: All
 17 Section 33: All
 18 Section 34: All
 19 Section 35: W1/2
 20 Township 38 South, Range 62 East, Copper River Meridian
 21 Section 2: W1/2
 22 Section 3: All
 23 Section 4: All
 24 Section 5: All
 25 Section 6: NE1/4, E1/2SE1/4
 26 Section 8: N1/2, NE1/4SW1/4, SE1/4
 27 Section 9: All
 28 Section 10: All
 29 Section 11: W1/2

1 Section 14: NW1/4

2 Section 15: N1/2

3 Section 16: N1/2

4 Section 17: N1/2NE1/4, SE1/4NE1/4

5 Sec. 41.20.536. COMPATIBILITY OF USES. (a) The commissioner
6 of natural resources may prohibit or restrict by regulation incompati-
7 ble uses within the state-owned land and water described in
8 AS 41.20.534.

9 (b) Discharge of a firearm is permitted in state-owned land and
10 water described in AS 41.20.534 unless the land or waters are closed
11 by regulation of the commissioner of natural resources for public
12 safety purposes.

13 (c) Nothing in AS 41.20.530 - 41.20.536 prohibits the Department
14 of Fish and Game from engaging in rehabilitation, enhancement, and
15 development under AS 16.05.092 within an area described in AS 41.20.-
16 534.

17 (d) Reasonable access shall be permitted to and across a marine
18 park unit of the Alaska state park system for lawful hunting, fishing,
19 trapping and recreational purposes.

20 (e) The Department of Public Safety and the Department of Fish
21 and Game shall be allowed reasonable access for fish and game manage-
22 ment, research, and enforcement purposes.

23 * Sec. 2. This Act takes effect immediately in accordance with AS 01.-
24 10.070(c).

Offered: 5/12/83
Referred: Finance

Original sponsors: V.Fischer, Bennett,
Eliason, et al

1 IN THE SENATE BY THE RESOURCES COMMITTEE

2 HOUSE CS FOR CS FOR SENATE BILL NO. 128 (Resources)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 THIRTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act establishing certain areas as marine park
7 units of the Alaska state park system; and providing
8 for an effective date."

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

10 * Section 1. AS 41.20 is amended by adding new sections to read:

11 ARTICLE 17. ALASKA MARINE PARKS.

12 Sec. 41.20.530. DECLARATION OF PURPOSE. (a) The purpose of
13 AS 41.20.530 - 41.20.536 is to establish, subject to valid existing
14 rights, the state-owned or acquired land and water described in
15 AS 41.20.534 as marine park units of the Alaska state park system.
16 The primary purposes in establishing the land and water areas de-
17 scribed in AS 41.20.534 as marine park units of the Alaska state park
18 system are to

19 (1) maintain natural, cultural, and scenic values;

20 (2) maintain fish and wildlife resources and lawful exist-
21 ing uses of these resources;

22 (3) promote and support recreation and tourism in the
23 state.

24 (b) The land and water described in AS 41.20.534 is dedicated as
25 special purpose sites under art. VIII, sec. 7 of the state constitu-
26 tion.

27 Sec. 41.20.532. DESIGNATION OF MANAGEMENT RESPONSIBILITY. (a)
28 The state land and water described in AS 41.20.534 is assigned to the
29 Department of Natural Resources for control, maintenance, and

1 development consistent with the purposes and provisions of AS 41.20.-
2 530 - 41.20.536.

3 (b) The Department of Fish and Game is responsible for the
4 management of fish and game resources on the state land and water
5 described in AS 41.20.534 consistent with the purposes of AS 41.20.-
6 530 - 41.20.536. The Department of Fish and Game shall give written
7 notice to and consult with the Department of Natural Resources before
8 adoption of regulations governing fish and game management in a marine
9 park unit of the Alaska state park system.

10 (c) The Department of Natural Resources shall develop a manage-
11 ment plan for each marine park unit of the Alaska state park system to
12 determine the specific purposes and uses for the unit. The commis-
13 sioner of natural resources shall give written notice and consult with
14 the Department of Fish and Game, proximately located municipalities of
15 the state, proximately located private landowners, the United States
16 Forest Service, organizations concerned with conservation, recreation,
17 and tourism, and other interested parties during the preparation of a
18 management plan for a marine park unit of the Alaska state park sys-
19 tem.

20 (d) The commissioner of natural resources may not restrict the
21 exercise of fishing, hunting, or trapping rights permitted under law
22 or under a regulation of the Board of Fisheries or the Board of Game
23 within a marine park unit of the Alaska state park system.

24 (e) The commissioner of natural resources shall allow the devel-
25 opment of aquaculture facilities within a marine park unit of the
26 Alaska state park system under terms and conditions that ensure that
27 the development is compatible with AS 41.20.530 - 41.20.536.

28 (f) The commissioner of natural resources may enter into a co-
29 operative agreement for

1 (1) the management of a marine park unit of the Alaska
2 state park system with a federal agency, a municipality of the state,
3 or a proximately located private landowner for a purpose stated under
4 AS 41.20.020(7); or

5 (2) the management of proximately located federal, municipi-
6 pal, or private land as part of a marine park unit of the Alaska state
7 park system.

8 (g) In the management of a marine park unit of the Alaska state
9 park system the commissioner of natural resources shall consult and
10 cooperate with a Native corporation that owns an historical or cul-
11 tural site granted under sec. 14(h)(1) of the Alaska Native Claims
12 Settlement Act (43 U.S.C. sec. 1613(h)(1)) and that is proximately
13 located to a marine park unit of the Alaska state park system. In the
14 management of a marine park unit of the Alaska state park system the
15 commissioner of natural resources shall address the potential con-
16 flicts with the cultural and historical values of land granted to a
17 Native corporation under sec. 14(h)(1) of the Alaska Native Claims
18 Settlement Act and shall provide for appropriate protection to these
19 values.

20 (h) Nothing in AS 41.20.530 - 41.20.536 precludes the use of or
21 access to privately owned land or mineral claims and leases. The
22 commissioner of natural resources shall permit adequate and feasible
23 access across state land within a marine park unit of the Alaska state
24 park system to and from private land within or outside a unit. In the
25 granting of such access the commissioner of natural resources may
26 adopt reasonable regulations to protect the natural and other values
27 of the marine park unit lands and water.

28 Sec. 41.20.534. DESIGNATED LAND AND WATER. The state-owned land
29 and water and that land and water acquired by the state in the future