

LEG. FINANCE - BILLS 1985 - 1986 2217

SB 264 cont. - CSSB 269 2217

ALASKA STATE LEGISLATURE

14th Legislature FIRST Session

SENATE BILL NO. 264

By RODEY, FAIKS, ABOOD, DEVRIES,  
KELLY; ZHAROFF; STURGULEWSKI,  
RAY, COGHILL, P. FISCHER

"An Act relating to unlawful  
conduct of minors; and amending  
Rule 24 of the Alaska Rules of  
Children's Procedure."

Introduced in the Senate 3/29 85

HISTORY IN THE SENATE

1985

3 29  
4 30  
1985  
57

Read first time and referred  
to Committee on

HESS and Judiciary

*Fun added*  
Reported back with *HESS*  
recommendation that *replaced*  
*w/CS, new title, 2 do pass, 2 do*  
*not pass, 1 moved to Judiciary*  
*Text: 3 do pass original bill*  
*1 no re fy 55#77 to Finance*

Read second time and

Read third time and

PASS	Effective Date
Yeas	Yeas
Nays	Nays
Absent	Absent
Excused	Excused

Reconsideration

PASS	Effective Date
Yeas	Yeas
Nays	Nays
Absent	Absent
Excused	Excused

Reported correctly engrossed  
Signed by President  
Sent to House

SECRETARY OF THE SENATE

HISTORY IN THE HOUSE

19

Read first time and referred  
to Committee on

Reported back with  
recommendation that

Read second time and

Read third time and

PASS	Effective Date
Yeas	Yeas
Nays	Nays
Absent	Absent
Excused	Excused

Reconsideration

PASS	Effective Date
Yeas	Yeas
Nays	Nays
Absent	Absent
Excused	Excused

Reported correctly engrossed  
Signed by Speaker  
Returned to Senate

CHIEF CLERK OF THE HOUSE

HISTORY IN THE SENATE

19

Received from House

To enrolling

Reported correctly enrolled

Sent to Governor

..... by Governor

Filed with Lt. Governor

Chapter No. ....

STATE OF ALASKA 1985 LEGISLATIVE SESSION  
FISCAL NOTE

Revision Date: \_\_\_\_\_

Page 1 of 3

REQUEST

Bill/Resolution No.: SB 264  
 Title: "An Act Relating to  
 Unlawful Conduct of Minors"  
 Sponsor: Rodey  
 Requestor: \_\_\_\_\_  
 Date of Request: \_\_\_\_\_

FISCAL DETAIL

Agency Affected: Administration  
 Program Category Affected: Due Process  
 BRU, Program or Subprogram(s) Affected:  
Public Defender Agency

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
<u>OPERATING</u>						
100 PERSONAL SERVICES						
200 TRAVEL		70.8	75.0	79.5	84.3	89.4
300 CONTRACTUAL		5.0	5.3	5.6	5.9	6.3
400 SUPPLIES		8.0	8.5	9.0	9.5	10.1
500 EQUIPMENT		3.0	3.2	3.4	3.6	3.8
600 LAND & STRUCTURES		1.5				
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
<u>TOTAL OPERATING</u>	<u>-0-</u>	<u>88.3</u>	<u>92.0</u>	<u>97.5</u>	<u>103.3</u>	<u>109.6</u>
<u>CAPITAL</u>						
<u>REVENUE</u>						

FUNDING: (Thousands of Dollars)

GENERAL FUND		88.3	92.0	97.5	103.3	109.6
FEDERAL FUNDS						
OTHER						
<u>TOTAL</u>						

POSITIONS:

FULL-TIME	<u>-0-</u>	<u>1.0</u>	<u>1.0</u>	<u>1.0</u>	<u>1.0</u>	<u>1.0</u>
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

Prepared By: Dana Fabe *DFB* Phone: 279-7541  
 Division: Public Defender Agency Date: 4/13/85

Approved by Commissioner: Lisa Rudd *LR* Date: 4/26/85  
 Agency: Department of Administration

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

FISCAL NOTE ANALYSIS

SB 264  
April 18, 1985

This bill provides that persons 16 or 17 years of age who are charged with unclassified or Class A felonies may be automatically prosecuted in adult court upon petition of the District Attorney. Within a ten-day period, the juvenile defendant may petition the court to be returned to juvenile jurisdiction. The juvenile would then have the burden of proof to show that he should not be prosecuted as an adult.

The result of this legislation will be to increase the number of persons age 16 or 17 who are charged and prosecuted as adults for serious felonies. Unclassified and Class A felonies are the most serious cases that this agency handles, including Murder, Manslaughter, Kidnapping, Sexual Assault, Robbery, Aggravated Assault and others. Transferring these cases into the more adversarial adult justice system will require a great deal of additional attorney time. This is particularly true given the fact that under this bill, mandatory presumptive sentences will apparently apply to these juvenile offenders, making the probability of a full blown trial quite high. When these cases are dealt with in juvenile court, they rarely proceed to trial. Since the additional trials of these most serious types of felonies will require a great deal of additional attorney time, and convictions of these serious offenses will inevitably result in appeals, requiring still more attorney time, one full-time Assistant Public Defender will be needed in Anchorage if this bill is enacted.

FISCAL ANALYSIS

(One full-time Attorney IV in the Third District, Anchorage)

1st Year (FY86)

Personal Services		70.8
Travel		5.0
Contractual		
Communications	2.0	
Experts	6.0	8.0
Commodities		
Office Supplies	1.0	
Law Library	2.0	3.0
Equipment (One Time)		<u>1.5</u>
Total		88.3

1.	POSITION TITLE Attorney IV			RANGE/STEP 24A	BARG. UNIT PX	PAGE/LINE	COY.	APPROV.	DISAP
2.	TYPE OF POSITION PET	STAFF MONTHS 12.0	RP NUMBER	PCN NUMBER	BRU PRIORITY	LOCATION EBA	ELECTION DISTRICT	LEG.	
3.	CONTINUATION LEVEL	ADDITION		JUSTIFICATION					
4.	TYPE OF EXPENDITURE			AMOUNT					
	1	2		3					
	PERSONAL SERVICES								
5.	Salary	\$4663/mo	55,956						
6.	Benefits		9,499						
7.	Supplemental Benefits		2,580						
8.	Fixed Benefits		2,630						
9.	TOTAL PERSONAL SERVICES		01	70,765					
10.	Travel		02	5,000					
11.	Contractual		03	8,000					
12.	Commodities		04	3,000					
13.	Equipment		05	1,500					
14.	Other								
15.	TOTAL COST			88,265					
16.	RECEIPT CODE	FUNDING SOURCE							
17.		Federal Receipts 1002							
18.		G.F. Match 1003							
19.		General Funds 1004							
20.		I-A Receipts 1005							
21.		Program Receipts 1028							
		Other							
FOR B&M USE ONLY KEY NUMBER _____									

This full-time Attorney IV position will be needed to handle the additional serious felony cases that will result from enactment of the juvenile waiver bill. The full working level of Attorney will be required because those cases to be tried will be unclassified felonies, which are the most serious criminal offenses.

**REQUEST FOR  
NEW POSITION**

AGENCY Department of Administration  
PROGRAM Due Process  
BRU Public Defender Agency  
COMPONENT Third Judicial District

**FY 86**

Page 3 of 3  
Revised Date \_\_\_\_\_

# STATE OF ALASKA 1986 LEGISLATIVE SESSION FISCAL NOTE

Revision Date : \_\_\_\_\_

**REQUEST**

Bill/Resolution No. : CSSB 264 (HESS)  
 Title : "An Act relating to the waiver  
of children's court jurisdiction, and  
to the fingerprinting... minors...."  
 Sponsor : Senator Rodey  
 Requestor : Senate Judiciary  
 Date of Request : \_\_\_\_\_

**FISCAL DETAIL**

Agency Affected : Public Safety  
 BRU : Alaska State Troopers  
 \_\_\_\_\_  
 Components : \_\_\_\_\_  
 \_\_\_\_\_

**EXPENDITURES/REVENUES : (Thousands of Dollars)**

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		0	0	0	0	0

CAPITAL						
---------	--	--	--	--	--	--

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

**FUNDING : (Thousands of Dollars)**

GENERAL FUND		0	0	0	0	0
FEDERAL FUNDS						
OTHER						
TOTAL		0	0	0	0	0

**POSITIONS :**

FULL-TIME						
PART-TIME						
TEMPORARY						

**ANALYSIS :** Attach a separate page if necessary

Prepared by: Kathy Miles, Admin. Assistant

Division : Commissioner's Office

Phone : 465-4336

Date : 4/23/86

Approved by Commissioner: [Signature]

Agency : Public Safety

Date : 5/24/86

Distribution (by Agency preparing fiscal note):

Legislative Finance

Legislative Sponsor

Requestor

Office of Management and Budget

Impacted Agency(ies)

1 1

page — of —

10/25/85

DEPARTMENT OF PUBLIC SAFETY  
POSITION PAPER - CSSB 264 (HESS)

Neutral

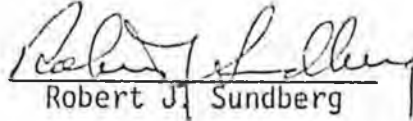
April 23, 1986

CSSB 264 (HESS) - "An Act relating to the waiver of children's court jurisdiction, and to the detention, fingerprint, and sentencing of minors; and amending Rule 24 of the Alaska Rules of Children's Procedure."

Section 4, AS 47.10.125 (B), requires that we maintain files separate from adults. This would serve no practical purpose since our files are kept in a computer. We could keep them in state without a problem and the hard copy could be kept in separate cabinets, but the data from the minutia should be in the computer.

Fingerprints obtained under this section should not be purged.

Prince George County in Maryland has an Automated Fingerprint System. They also fingerprint juveniles. They found their data base consists of 6% juveniles and 94% adults. Over half of the latent prints identified from an investigation, using their equipment, are identified as juvenile prints contained in their files.

  
Robert J. Sundberg

STATE OF ALASKA 1986 LEGISLATIVE SESSION  
FISCAL NOTE

Revision Date : \_\_\_\_\_

**REQUEST**

Bill/Resolution No. : Proposed CS SB 264  
 Title : An Act relating to unlawful  
conduct of minors.  
 \_\_\_\_\_  
 Sponsor : \_\_\_\_\_  
 Requestor : \_\_\_\_\_  
 Date of Request : 3/12/86

**FISCAL DETAIL**

Agency Affected : Health & Social Services  
 BRU : Youth Services  
 \_\_\_\_\_  
 Components : McLaughlin Youth Center  
 \_\_\_\_\_

**EXPENDITURES/REVENUES : (Thousands of Dollars)**

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES			840.5	840.5	840.5	840.5
TRAVEL			4.4	4.4	4.4	4.4
CONTRACTUAL			72.5	72.5	72.5	72.5
SUPPLIES			76.2	76.2	76.2	76.2
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS			42.8	42.8	42.8	42.8
MISCELLANEOUS						
<b>TOTAL OPERATING</b>		-0-	1,036.4	1,036.4	1,036.4	1,036.4

<b>CAPITAL</b>		2,216.2				
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<b>REVENUE</b>		-0-				
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**FUNDING : (Thousands of Dollars)**

GENERAL FUND		2,216.2	1,036.4	1,036.4	1,036.4	1,036.4
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>		2,216.2	1,036.4	1,036.4	1,036.4	1,036.4

**POSITIONS :**

FULL-TIME		-0-	19	19	19	19
PART-TIME						
TEMPORARY						

**ANALYSIS :** Attach a separate page if necessary

See Attached

Prepared by : Michael L. Price, Director  
 Division : Family and Youth Services

Phone : 465-3170  
 Date : 3/12/86

Approved by Commissioner : John R. Pugh  
 Agency : Department of Health and Social Services

Date : 4/5/86

Distribution (by Agency preparing fiscal now):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

## CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. CS SB 264

Based on analysis of arrest data, waiver data, and sentencing information, this fiscal note assumes 14 youth waived annually who would be sentenced to serve a period of incarceration in DHSS facilities, and for whom additional facility capacity would be required.

### Assumptions

1. Analysis of arrest data yields an expected frequency of 12 arrests annually of 16 and 17 year old youth for offenses subject to presumptive waiver under CS SB 264.
2. CS SB 264 would also amend the judicial waiver mechanism establishing a less stringent test for judicial waiver. Based on analysis of 1981-85 waiver data and 77-82 arrest data, and a presumed increase in efforts of prosecutors to achieve waiver of serious offenders, it is assumed that waiver would be attempted in 1 in 10 arrests of 16 and 17 year old youth charged with a class A felony (or an unclassified felony not subject to presumptive waiver). This yields an expected seven additional waiver attempts annually and, presuming a continuation of at least the historic 75% success rate under the existing judicial waiver mechanisms, four additional waivers annually.
3. Based on analysis of past waiver attempts and a less stringent test for judicial waiver, it is assumed that waiver would be attempted in 1 in 50 cases of 12-15 year olds accused of class A or unclassified felony offenses. Analysis of arrest and waiver data indicates an expected frequency of two such waiver attempts annually. Assuming 50% success in waiving these youth because of lower age, one additional waiver annually would be predicted.
4. An 80% conviction rate is assumed because of the historically higher conviction rate for juveniles, and the high conviction rate for most serious crimes. The following expected frequencies of waived and subsequently convicted youth is predicted.

Sentences are predicted on the basis of exemption of waived youth from mandatory minimum and presumptive sentences under CS SB 264 using range of sentences which may be imposed and actual sentences of previously waived youth as a guide.

<u>Age</u>	<u>Offense</u>	<u>#</u>	<u>Estimated Sentence</u>	<u>Time in DHSS Facility</u>
17	Murder	1	50 years	1 year
16	Murder	1	30 years	2 years
17	Sexual Assault 1° w/a firearm or injury	2	1- 5 years 1- 4 years	1 year 1 year
16	Sexual Assault 1° w/a firearm or injury	1	4 years	2 years

## CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. CS SB 264

17	Sexual Assault 1° w/o firearm or injury	2	1- 4 years 1- 3 years	1 year 1 year
16	Sexual Assault 1° w/o firearm or injury	1	3 years	3 years
16	Sexual Abuse of a Minor	1	Probation	0 years
17	Misconduct Involving a Controlled Substance 1°	1	1- 2 years	1 year
17	Manslaughter	1	2 years	2 years
17	Robbery w/firearm	1	Probation	0 years
16	Robbery w/firearm	1	3 years	3 years
16	Aggravated Assault	1	2 years	2 years
12-15	Unclassified or Class A Felony	1	5 years	<u>5 years</u>

27 person/yrs.

Note: This does not include waiver of chronically delinquent youth for less serious offenses (e.g. burglary, theft, criminal mischief, etc.). Information indicates that such youth comprised 30% of youth waived during period 1981-85. However, sentencing data is insufficient to predict sentences for youth waived for these lesser offenses.

### Program Summary

Pre-adults waived to the adult system cannot be colocated with other juveniles for two reasons. First, pre-adults who have longer sentences pose a greater security risk; the physical design and arrangement of a maximum security unit must meet the needs of a higher risk population than existing youth facilities are designed to accommodate. Secondly, this population is less motivated to participate in treatment. The average length of stay for a resident currently in a state treatment program is 10 months; pre-adults waived to the adult system will have sentences of several years. Hence, completely different programs are required to respond to this group.

FY 87 Capital Project - One 25 bed detention unit would be built at McLaughlin Youth Center, utilizing the core facilities (gym, kitchen and core services). This unit would be similar to existing housing units at McLaughlin Youth Center. This unit would require some relocation/remodeling of existing site and building and would be located near the current McLaughlin Youth Center detention circulation spine. It is estimated that it would be 7,776 square feet at a cost per square foot of \$285 for a total cost of \$2,216.2.

## CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. CS SB 264

FY 88     The operation of the pre-adult unit would consist of the following staff and costs. Since this is a maximum security unit, three shifts are required. Since this facility is a maximum security unit, a maintenance worker is required to maintain the security systems. An additional cook is necessary because of the requirement of 20% more meals in McLaughlin Youth Center because of the pre-adult unit.

### Personal Services

one Unit Leader	\$46,072
one Clerk-Typist III	29,896
one Maint. Worker II	48,022
one Cook II	42,850
three Youth Counselor III's	143,127
twelve Youth Counselor II's	<u>530,520</u>
	\$840,487

### Travel

Field Travel - Transportation  
of staff to pre-adults rural homes:

\$435 x 10 pre-adults = \$4,350

Assumption 15 pre-adults would come from Anchorage area.

### Contractual

#### Professional Services:

Dental Care	\$452 x 20 pre-adults	\$ 9,040
Medical/Psych.	\$396 x 20 pre-adults	<u>7,920</u>
		\$ 16,960

#### Communication:

\$420 per staff x 19 staff	\$ 7,980
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#### Advertising, Printing & Binding:

\$ 2,000

#### Public Utilities:

\$13,983 month x .20% (1/5 size of MYC) x 12 months =	\$ 33,559
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#### Other Expenditures & Services:

Laundry Services	\$31,205 x .20% =	\$ 6,241
Risk Management	\$28,591 x .20% =	<u>5,718</u>
		\$ 11,959

Interagency transfer, Dept. of Admin.,  
Risk Management non-add \$5,718

\$ 72,458

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. CS SB 264

Supplies

Office Supplies: \$20,300 x 20% =	\$ 4,060
Agricultural Supplies: \$5,700 x 20% =	\$ 1,140
Household & Institutional Supplies: \$318,100 x 20% =	\$ 63,620
Professional & Scientific Supplies: \$3,600 x 20% =	\$ 720
Other Operating Supplies: \$8,600 x 20% =	\$ 1,720
Repair & Maintenance Supplies: \$24,600 x 20% =	\$ 4,920
	<u>\$ 76,180</u>

Grants

Travel costs for pre-adults to and from facility: \$32,487 x 20% =	\$ 6,497
Gratuities for pre-adults: @ \$1.25 x 10 hrs/mo x 20 residents x 12 =	\$ 3,000
Commissary items: \$.45 day x 20 residents x 365 days =	\$ 3,285
Clothing purchases for pre-release items: \$17,021 x 20% =	\$ 3,404
Hospital and psychiatric care: \$132,966 x 20% =	\$ 26,593
	<u>\$ 42,779</u>

Position Title Unit Leader			No. of Positions 1	Range/Step 17/A	Barg. Unit S	Gov.	Approv.	Disapp.
Time Status PFT	Staff Months 12	RP Number	Location Anchorage		Election District	Leg.		
Type of Expenditure			Amount					
1	2	3						
Salary	34,740							
Benefits	11,332							
Premium Pay								
Other								
Total Personal Services		46,072.00						
Travel		275.00						
Contractual		3,816.00						
Commodities		4,010.00						
Equipment								
Other								
Total Cost		54,173.00						
Receipt Code		Funding Source						
		Federal Receipts 1002						
		G. F. Match 1003						
		General Funds 1004 54,173.00						
		I-A Receipts 1005						
		Program Receipts 1028						
		CIP Receipts 1061						
		Other						
For B&M Use Only Key Number _____								

Justification  
This position is necessary to provide operational services to a pre-adult unit for teen-agers who have committed unclassified felonies. The pre-adult unit is a maximum security unit requiring three complete shifts to operate it.

**Request For  
New Position**

Agency Health and Social Services  
BRU Youth Services  
Component McLaughlin Youth Center

Page 1 of 1  
Revised Date \_\_\_\_\_

**FY 87**







Position Title Youth Counselor III		No. of Positions 3	Range/Step 15/A	Barg. Unit G	Gov.	Approv.	Disapp.
Time Status PFT	Staff Months 12	RP Number	Location Anchorage	Election District	Leg.		
Type of Expenditure		Justification					
1	2	3					
Salary	90,648.00	These positions are necessary to provide operational services to a pre-adult unit for teen-agers who have committed unclassified felonies. The pre-adult unit is a maximum security unit requiring three complete shifts to operate it.					
Benefits	30,750.00						
Premium Pay	21,729.00						
Other							
Total Personal Services		143,127.00					
Travel		825.00					
Contractual		11,448.00					
Commodities		12,030.00					
Equipment							
Other							
Total Cost		167,430.00					
Receipt Code	Funding Source						
	Federal Receipts	1002					
	G. F. Match	1003					
	General Funds	1004	167,430.00				
	I-A Receipts	1005					
	Program Receipts	1028					
	CIP Receipts	1061					
	Other						
For B&M Use Only Key Number _____							

**Request For  
New Position**

Agency Health and Social Services  
 BRU Youth Services  
 Component McLaughlin Youth Center

Page 1 of 1  
 Revised Date

**FY 87**

Position Title Youth Counselor II		No. of Positions 12	Range/Step 13/B	Barg. Unit G	Gov.	Approv.	Disapp.
Time Status PFT	Staff Months 12	RP Number	Location Anchorage	Election District	Leg.		
Type of Expenditure		Justification					
1	2	3					
Salary	327,456.00	These positions are necessary to provide operational services to a pre-adult unit for teen-agers who have committed unclassified felonies. The pre-adult unit is a maximum security unit requiring three complete shifts to operate it.					
Benefits	131,664.00						
Premium Pay	71,400.00						
Other							
Total Personal Services		530,520.00					
Travel		3,300.00					
Contractual		45,789.00					
Commodities		48,130.00					
Equipment							
Other							
Total Cost		627,739.00					
Receipt Code	Funding Source						
	Federal Receipts	1002					
	G. F. Match	1003					
	General Funds	1004	627,739.00				
	I-A Receipts	1005					
	Program Receipts	1028					
	CIP Receipts	1061					
	Other						
For B&M Use Only Key Number _____							

**Request For  
New Position**

Agency Health and Social Services  
 BRU Youth Services  
 Component McLaughlin Youth Center

Page 1 of 1  
 Revised Date

**FY 87**

Offered: 4/18/86  
Referred: Judiciary and Finance

Original sponsors: Rodey, Faiks,  
Abood, et al

BY THE HEALTH, EDUCATION AND  
SOCIAL SERVICES COMMITTEE

1 IN THE SENATE

2

CS FOR SENATE BILL NO. 264 (HESS)

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FOURTEENTH LEGISLATURE - SECOND SESSION

5

A BILL

6

For an Act entitled: "An Act relating to the waiver of children's court jurisdiction, and to the detention, fingerprinting, and sentencing of minors; and amending Rule 24 of the Alaska Rules of Children's Procedure."

7

8

9

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

11

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

13

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

14

15

16

(1) order that the defendant be confined in an institution designated by the Department of Health and Social Services for offenders under 18 years of age; and

17

18

19

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

20

21

22

23

\* Sec. 2. AS 12.55.125 is amended by adding a new subsection to read:

24

25

26

27

(j) A person convicted of a first felony offense after waiver of children's court jurisdiction under AS 47.10.060 is not subject to the mandatory minimum and presumptive sentences required for first offenders.

28

29

\* Sec. 3. AS 47.10.060 is repealed and reenacted to read:

Sec. 47.10.060. WAIVER OF JURISDICTION. (a) The court shall

1 order a case closed, and a minor may be prosecuted as an adult, if the  
2 court finds at a hearing on a petition

3 (1) that the minor was 16 years of age or older at the time  
4 of the offense and that there is probable cause to believe that the  
5 minor has violated AS 11.41.100, 11.41.110, 11.41.300, 11.41.410, or  
6 11.41.434; or

7 (2) that the minor is not amenable to treatment under this  
8 chapter and there is probable cause to believe that the minor is  
9 delinquent.

10 (b) In determining whether a minor is amenable to treatment  
11 under this chapter, the court shall consider

12 (1) the seriousness of the offense;

13 (2) whether the offense constituted a substantial danger to  
14 the public;

15 (3) whether the offense was committed in an aggressive,  
16 violent, premeditated, or wilful manner;

17 (4) whether the offense was against persons or against  
18 property, greater weight being given to an offense against persons,  
19 especially if personal injury resulted;

20 (5) whether the offense is a part of a repetitive pattern  
21 of delinquent acts, even though previous offenses may have been less  
22 serious;

23 (6) the age, maturity, educational background, and degree  
24 of criminal sophistication of the minor;

25 (7) the success of any previous attempts to rehabilitate  
26 the minor;

27 (8) whether children's court jurisdiction over the minor  
28 can be retained long enough to allow for effective treatment or reha-  
29 bilitation; and

1 (9) the treatment resources available under children's  
2 court proceedings.

3 (c) The court shall determine the weight to be given to each of  
4 the factors listed in (b) of this section and shall issue a written  
5 decision. A finding that a minor is not amenable to treatment under  
6 this chapter may be based on any one or a combination of the factors.

7 (d) A minor ordered held pending trial or sentencing as an adult  
8 under (a) of this section shall be confined in an institution desig-  
9 nated by the Department of Health and Social Services for offenders  
10 under 18 years of age.

11 \* Sec. 4. AS 47.10 is amended by adding a new section to read:

12 Sec. 47.10.125. FINGERPRINTING OF MINORS. (a) A law enforce-  
13 ment agency or the Department of Health and Social Services may fin-  
14 gerprint a minor only

- 15 (1) in accordance with a search warrant;
- 16 (2) if children's court jurisdiction over the minor has  
17 been waived under AS 47.10.060(a) and the minor is being prosecuted as  
18 an adult;
- 19 (3) if the minor is adjudicated a delinquent for the  
20 commission of an offense that would constitute a felony if committed  
21 by an adult;
- 22 (4) with the consent of the minor and a parent or legal  
23 guardian of the minor, both of whom shall have been advised that the  
24 fingerprints may not be taken without their consent; or
- 25 (5) by order of the court.

26 (b) Fingerprints of a minor shall be kept separate from those of  
27 adults, shall be kept within the state rather than at a federal cen-  
28 tral depository, and shall be made available on request only to the  
29 following:

1 (1) a public agency for use in the investigation and prose-  
2 cution of criminal offenses for which the fingerprinted minor is a  
3 suspect;

4 (2) the minor or the minor's attorney.

5 (c) Fingerprints of a minor taken under this section shall be  
6 destroyed by the authority charged with their maintenance

7 (1) if the minor is adjudicated for the offense regarding  
8 which the minor's fingerprints were taken and is found not to be  
9 within the jurisdiction of the court for the offense; or

10 (2) if the minor is not adjudicated for the offense regard-  
11 ing which the minor's fingerprints were taken within two years of the  
12 date the fingerprints were taken.

13 \* Sec. 5. AS 47.10.130 is amended to read:

14 Sec. 47.10.130. DETENTION. A [NO] minor under 18 years of age  
15 who is detained pending hearing may not be incarcerated in a jail  
16 unless assigned to separate quarters so that the minor cannot communi-  
17 cate with or view prisoners 18 years of age or older except those  
18 incarcerated under AS 47.10.100 [ADULT PRISONERS CONVICTED OF, UNDER  
19 ARREST FOR, OR CHARGED WITH A CRIME]. When a minor is detained pend-  
20 ing hearing, the minor's parent, guardian, or custodian shall be  
21 notified immediately.

22 \* Sec. 6. AS 47.10.190 is amended to read:

23 Sec. 47.10.190. CONDITIONS GOVERNING DETENTION. When the court  
24 commits a minor to the custody of the department, the department shall  
25 arrange to place the minor [JUVENILE] in a detention home, facility or  
26 another suitable place that [WHICH] the department designates for that  
27 purpose. A minor [JUVENILE] detained in a jail or similar institution  
28 at the request of the department shall be held in custody in a room or  
29 other place apart and separate from prisoners 18 years of age or older

1        except those incarcerated under AS 47.10.100 [ADULTS].

2        \* Sec. 7. Rule 24, Alaska Rules of Children's Procedure, is amended to  
3 read:

4                No child shall be [FINGERPRINTED OR] photographed while in custo-  
5 dy except with the consent of the children's court upon good cause  
6 shown. Such cause exists where the child is in custody for a serious  
7 offense against persons or property or where identification of the  
8 child appears necessary for the safety of the child or others.

9        \* Sec. 8. Section 7 amends Rule 24 of the Alaska Rules of Children's  
10 Procedure by deleting the reference to fingerprints.

11        \* Sec. 9. Rule 24, Alaska Rules of Children's Procedure, is amended by  
12 adding a new subsection to read:

13                (b) A child may not be fingerprinted while in custody except in  
14 accordance with AS 47.10.125.

15        \* Sec. 10. Section 9 amends Rule 24 of the Alaska Rules of Children's  
16 Procedure by incorporating the statutory requirements for obtaining finger-  
17 prints from a child in custody.

Introduced: 3/29/85  
Referred: Health, Education and  
Social Services and  
Judiciary

BY RODEY, FAIKS, ABOOD, DEVRIES,  
KELLY, ZHAROFF, STURGULEWSKI,  
RAY, COGHILL AND P. FISCHER

1 IN THE SENATE

2

SENATE BILL NO. 264

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FOURTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6 For an Act entitled: "An Act relating to unlawful conduct of minors; and  
7 amending Rule 24 of the Alaska Rules of Children's  
8 Procedure."

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

10 \* Section 1. AS 12.55.015 is amended by adding a new subsection to  
11 read:

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

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

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

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

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

1 real or personal property belonging to the person, municipal corpora-  
2 tion, association, village, school district or religious or charitable  
3 organization.

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

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

9 (1) the disabilities of minority have been removed under  
10 AS 09.55.590;

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

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

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

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

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

28 (a) Whenever a person informs the court of the facts which bring  
29 a minor within this chapter, the court shall appoint a competent

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

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

16 (a) The court shall order a case closed and, subject to the  
17 provisions of AS 12.55.015(e), the minor may be prosecuted as if the  
18 minor were an adult if the court finds at a hearing on a petition

19 (1) that the minor was 16 years of age or older at the time  
20 of the offense and that there is probable cause to believe that the  
21 minor has committed an unclassified felony or a class A felony; or

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

25 \* Sec. 6. AS 47.10.060 is amended by adding a new subsection to read:

26 (f) If a case is closed under (a)(1) of this section, the minor  
27 may petition the court within 10 days to reopen the case. The case  
28 shall be reopened if the court finds by a preponderance of the evi-  
29 dence that the interests of justice would be best served if the minor

1 is not prosecuted as an adult. In making this finding, the court  
2 shall consider

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

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

7 (3) the need to confine the minor to prevent further harm  
8 to the public;

9 (4) the circumstances of the offense and the extent to  
10 which the offense harmed a victim or endangered the public safety or  
11 order;

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

14 (6) the best interest of the minor.

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

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

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

22 (d) The provisions of this section prohibiting disclosure of  
23 information relating to a minor do not apply to a disclosure to a  
24 victim or the victim's parent or guardian under AS 47.10.020(a),  
25 47.10.080(a), and 47.10.140(d).

26 \* Sec. 9. AS 47.10 is amended by adding a new section to read:

27 Sec. 47.10.125. FINGERPRINTING OF MINORS. (a) A law enforce-  
28 ment agency or the Department of Health and Social Services may fin-  
29 gerprint a minor only

- 1                   (1) in accordance with a search warrant;
- 2                   (2) when the minor is being prosecuted as an adult under  
3 AS 47.10.060(a);
- 4                   (3) when the minor is in custody for an offense that if  
5 committed by an adult would constitute a felony and the custodial  
6 agency secures the fingerprints to further the investigation of the  
7 offense;
- 8                   (4) when the minor is adjudicated a delinquent for the  
9 commission of an offense that if committed by an adult would consti-  
10 tute a felony;
- 11                   (5) upon consent of both the minor and a parent or legal  
12 guardian of the minor who have been advised that the fingerprints  
13 cannot be taken without their consent; or
- 14                   (6) by order of the court.
- 15                   (b) Fingerprints of a minor shall be kept separate from those of  
16 adults, shall be kept within the state rather than at a federal cen-  
17 tral depository, and shall be made available only to the following  
18 upon request:
- 19                   (1) public agencies for use in the investigation and prose-  
20 cution of criminal offenses for which the fingerprinted minor is a  
21 suspect;
- 22                   (2) the minor when named in a juvenile court or adult court  
23 proceeding or the minor's attorney.
- 24                   (c) Fingerprints of a minor taken under this section shall be  
25 destroyed by the authority charged with their maintenance
- 26                   (1) when the minor is adjudicated for the offense regarding  
27 which the minor's fingerprints were taken and found not to be within  
28 the jurisdiction of the court for the offense; or
- 29                   (2) when the minor is not adjudicated for the offense

1 regarding which the minor's fingerprints were taken within two years  
2 of the date the fingerprints were taken.

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

4 (d) If the court finds that probable cause exists, it shall  
5 determine whether the minor should be detained pending the hearing on  
6 the petition or released. It may either order the minor held in  
7 detention or released to the custody of a suitable person pending the  
8 hearing on the petition. If the court finds no probable cause, it  
9 shall order the minor released and close the case. The court shall  
10 disclose the results of the hearing in accordance with AS 47.10.-  
11 020(a).

12 \* Sec. 11. Rule 24, Alaska Rules of Children's Procedure, is amended to  
13 read:

14 No child shall be [FINGERPRINTED OR] photographed while in  
15 custody except with the consent of the children's court upon good  
16 cause shown. Such cause exists where the child is in custody for a  
17 serious offense against persons or property or where identification of  
18 the child appears necessary for the safety of the child or others.

19 \* Sec. 12. Section 11 amends Rule 24 of the Alaska Rules of Children's  
20 Procedure by deleting the reference to fingerprints.

21 \* Sec. 13. Rule 24, Alaska Rules of Children's Procedure, is amended by  
22 adding a new subsection to read:

23 (b) A child may not be fingerprinted while in custody except in  
24 accordance with AS 47.10.125.

25 \* Sec. 14. Section 13 amends Rule 24 of the Alaska Rules of Children's  
26 Procedure by incorporating the statutory requirements for obtaining finger-  
27 prints from a child in custody.

COMMITTEE REPORT  
SENATE

FURTHER: FINANCE

4/18/86

Date 5/6/86

Mr. President

The Committee on JUDICIARY considered SB 264  
relating to unlawful conduct of minors; and amending Rule 24 of the  
Alaska Rules of Children's Procedure.

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

- do pass SENATE BILL (NOT AS)
- do pass with attached amendment(s)
- replace with/or adopt CS for \_\_\_\_\_
- new title
- same title and recommends \_\_\_\_\_
- and attached a "LETTER OF INTENT"  NEW FISCAL NOTE
- reports it back without recommendation
- recommends referral to \_\_\_\_\_ Committee

MEMBERS SIGNING  
DO PASS

Tim Kelly

Zingler

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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MEMBERS HAVING  
~~OTHER~~ RECOMMENDATIONS

Rick Halford NO REC

\_\_\_\_\_

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\_\_\_\_\_

Patricia Ryden

Chairman

do pass

Chairman recommendation

COMMITTEE REPORT  
SENATE

FURTHER: JUDICIARY  
FINANCE

3/29/85

Date 4-16-86

Mr. President

The Committee on HESS considered SB 264  
relating to unlawful conduct of minors; and amending Rule 24 of the  
Alaska Rules of Children's Procedure.

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

- do pass
- do pass with attached amendment(s)
- replace with/or adopt CS for SB 264 (HESS)
- new title
- same title and recommends \_\_\_\_\_
- and attached a "LETTER OF INTENT"  NEW FISCAL NOTE
- reports it back without recommendation
- recommends referral to \_\_\_\_\_ Committee

MEMBERS SIGNING  
DO PASS

Edna He Vies

Paul Frick

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

MEMBERS HAVING  
OTHER RECOMMENDATIONS

Do Not Pass

Arles Hingulundin No Rec

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Debbie Johnson-Kenny Do Not Pass  
Chairman

Chairman recommendation

**COMMITTEE REPORT**  
**SENATE**

FURTHER:

Date \_\_\_\_\_

Mr. President

The Committee on \_\_\_\_\_ considered \_\_\_\_\_

relating to the classics.

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

- do pass
- do pass with attached amendment(s)
- replace with/or adopt CS for \_\_\_\_\_
- new title
- same title and recommends \_\_\_\_\_
- and attached a "LETTER OF INTENT"  NEW FISCAL NOTE
- reports it back without recommendation
- recommends referral to \_\_\_\_\_ Committee

MEMBERS SIGNING  
DO PASS

MEMBERS HAVING  
OTHER RECOMMENDATIONS

\_\_\_\_\_  
\_\_\_\_\_  
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\_\_\_\_\_  
Chairman

\_\_\_\_\_  
Chairman recommendation

Introduced: 4/2/85  
Referred: Finance

1 IN THE SENATE

BY SACKETT

2

SENATE BILL NO. 268

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FOURTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6 For an Act entitled: "An Act relating to ice classics."

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

8 \* Section 1. AS 05.15.210(12) is amended to read:

9

(12) "ice classic" means a game of chance where [IN WHICH]

10

a prize of money is awarded for the closest guess of the time the ice

11

moves in a body of water or watercourse in the state and is limited to

12

the Nenana and Chena Ice Pools in the same manner as they were con-

13

ducted in 1959 and previous years, and a Kuskokwim Ice Classic to be

14

operated and administered by Bethel Social Services, Inc.;

STATE OF ALASKA 1985 LEGISLATIVE SESSION  
FISCAL NOTE

Revision Date: \_\_\_\_\_

REQUEST

Bill/Resolution No.: SB 268  
 Title: An Act relating to Ice Classics  
 Sponsor: Sackett  
 Requestor: Senate Finance  
 Date of Request: 4/5/85

FISCAL DETAIL

Agency Affected: Revenue  
 Program Category Affected: General Government  
 BRU, Program or Subprogram(s) Affected: Public Services Operating

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
<b>OPERATING</b>						
100 PERSONAL SERVICES	-	-0-	-0-	-0-	-0-	-0-
200 TRAVEL	-	-0-	-0-	-0-	-0-	-0-
300 CONTRACTUAL	-	-0-	-0-	-0-	-0-	-0-
400 SUPPLIES	-	-0-	-0-	-0-	-0-	-0-
500 EQUIPMENT	-	-0-	-0-	-0-	-0-	-0-
600 LAND & STRUCTURES	-	-0-	-0-	-0-	-0-	-0-
700 GRANTS, CLAIMS	-	-0-	-0-	-0-	-0-	-0-
800 MISCELLANEOUS	-	-0-	-0-	-0-	-0-	-0-
<b>TOTAL OPERATING</b>	-	-0-	-0-	-0-	-0-	-0-

<b>CAPITAL</b>	-	-0-	-0-	-0-	-0-	-0-
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<b>REVENUE</b>	-	-0-	-0-	-0-	-0-	-0-
----------------	---	-----	-----	-----	-----	-----

FUNDING: (Thousands of Dollars)

GENERAL FUND	-	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS	-	-0-	-0-	-0-	-0-	-0-
OTHER	-	-0-	-0-	-0-	-0-	-0-
<b>TOTAL</b>	-	-0-	-0-	-0-	-0-	-0-

POSITIONS:

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

ANALYSIS: Attach a separate page if necessary

Prepared By: Sally Smith, Director  
 Division: Public Services

Phone: 465-2392

Date: 4/8/85

Approved by Commissioner: [Signature]  
 Agency: Department of Revenue

Date: 4/10/85

Distribution (by Agency preparing fiscal note):

Legislative Finance

Legislative Sponsor

Requestor

Office of Management and Budget

Impacted Agency(ies)

7/1/84

ANALYSIS FOR SENATE BILL 268

An Act relating to ice classics

This bill amends Games of Chance and Contests of Skill section of the statutes by revising the definition of an "ice classic". Currently there are two ice classics held in the state, Nenana and Chena. This bill would add a third, namely the Kuskokwim. Proceeds from the sale of tickets would go to Bethel Social Services.

There is no fiscal impact.

# Alaska State Legislature

SENATOR

**John C. Sackett**

CO-CHAIRMAN  
SENATE FINANCE COMMITTEE

MEMBER

LABOR & COMMERCE COMMITTEE  
BUDGET & AUDIT COMMITTEE  
SENATE ADVISORY COUNCIL  
COMMITTEE ON COMMITTEES



Senate

HOME ADDRESS  
P O. BOX 11  
RUBY, ALASKA 99768

WHILE IN JUNEAU  
POUCH V  
JUNEAU, ALASKA 99811  
TELEPHONE 465-3753

ANCHORAGE  
TELEPHONE 272-3404

## MEMORANDUM

Date: April 10, 1985

To: Senator Jan Faiks  
Co-Chair, Senate Finance

From: Senator John C. Sackett *JCS*  
Co-Chair, Senate Finance

Subj: SB-268, Authorizing the Kuskokwim Ice Classic

Attached is a letter of agreement between eight non-profit organizations in the Bethel region who have requested that the State permit them to operate the Kuskokwim Ice Classic on an annual basis. SB-268 would provide the authorization for the ice classic.


The idea for an ice classic was developed by Bethel Social Services, Inc. as a method by which the non-profit organization could generate income to assist in financing the various service programs they operate in the Bethel region. The other non-profit groups became interested and it was decided by all groups that Bethel Social Services would operate the ice classic and that funds generated by the classic would be shared by all the groups involved.

As you will note from the agreement the groups are very cognizant of the projected decrease in state revenues which will adversely impact the programs they operate. In an effort to generate additional revenue other than state funds the non-profits involved have asked for the Kuskokwim Ice Classic.

THE KUSKOKWIM ICE CLASSIC

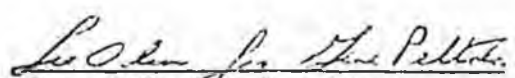
There are eight non-profit organizations in Bethel which provide programs and services to residents in Bethel and the surrounding villages in the Yukon-Kuskokwim Delta area. These are: Bethel Social Services, Inc., Bethel Receiving Home, Inc., Nunam Kitlutsisti, the Southwestern Alaska Council for Prevention of Child Sexual Abuse, the Association of Village Council Presidents, the Bethel Group Home, Inc., Tundra Women's Coalition, and the Prematernal Home. With the coming decrease in the level of State funding for human services, it is important that these organizations increase their level of discretionary income in order to continue to provide services and to increase the level of quality and volume of service. Such a source of income could be the Kuskokwim Ice Classic. Thus, Bethel Social Services, Inc. is requesting the legislature to approve a permit to operate an ice classic. Bethel Social Services, Inc. would operate and administrate the ice classic maintaining separate records and bank accounts for that purpose. An advisory board consisting of one representative from each of the eight organizations would oversee the operation in general, negotiate the administrative fee with Bethel Social Services, Inc., and determine the division of the income produced among the organizations. So while Bethel Social Services, Inc. would be the agency with the permit for the ice classic, all of the non-profit, human service organizations in Bethel would benefit from the ice classic income.

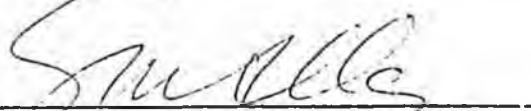
Below are the signatures of a representative from each organization indicating approval of this plan.

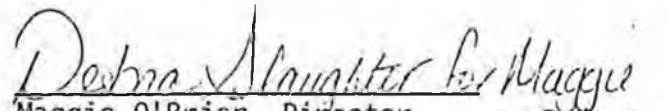
  
Mary Whitaker, Administrative Director  
Bethel Social Services, Inc.

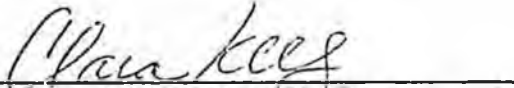
  
Loreen Foster, Director  
Bethel Receiving Home, Inc.

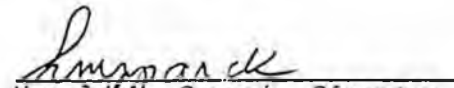
  
Kent Kaltenbacher, Director  
Bethel Group Home, Inc.

  
Gene Peltoja, President  
Association of Village Council Presidents

  
Liz Illg, Executive Director  
Tundra Women's Coalition

  
Maggie O'Brien, Director  
Prematernal Home

  
Clara Kelly, Coordinator  
Southwestern Alaska Council for  
Prevention of Child Sexual Abuse

  
Harold M. Sparck, Director  
Nunam Kitlutsisti

COMMITTEE REPORT  
SENATE

FURTHER:

Date 5/11/85

Mr. President

The Committee on FINANCE considered 20

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

- do pass
- do pass with attached amendment(s)
- replace with/or adopt CS for \_\_\_\_\_
- new title
- same title and recommends Do Pass
- and attached a "LETTER OF INTENT"  NEW FISCAL NOTE  
102.5 DIR
- reports it back without recommendation
- recommends referral to \_\_\_\_\_ Committee

MEMBERS SIGNING  
DO PASS

Rich. Hill  
\_\_\_\_\_  
John ...  
\_\_\_\_\_  
...  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

MEMBERS HAVING  
OTHER RECOMMENDATIONS

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Chairman \_\_\_\_\_

Chairman recommendation \_\_\_\_\_

Offered: 5/2/85  
Referred: Finance

Original sponsors: Bennett, Ferguson  
and Coghill

1 IN THE SENATE BY THE RESOURCES COMMITTEE

2 CS FOR SENATE BILL NO. 269 (Resources)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to cabins on state land; and provid-  
7 ing for an effective date."

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

9 \* Section 1. On the application of a person who owns a cabin on state  
10 land on the effective date of this Act, the commissioner of natural  
11 resources shall sell not to exceed one acre of state land occupied by the  
12 cabin if the cabin had been erected on the land before January 1, 1968 and  
13 if the land was open to entry under applicable state or federal law at the  
14 time the cabin was erected. The state land shall be sold for the fair  
15 market value of the land as determined by the commissioner. The applicant  
16 shall pay costs of surveying the land. If the cabin is located on a  
17 waterfront, the commissioner shall reserve an easement not to exceed 20  
18 feet wide above the mean high water line. If the cabin is located in land  
19 that has been withdrawn under AS 16 or AS 41 since January 1, 1968, the  
20 land shall be sold notwithstanding its withdrawal. The commissioner may  
21 not establish restrictions on use of the cabin or on future transfers of  
22 the land sold under this section.

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

FISCAL NOTE

Revision Date: \_\_\_\_\_

**REQUEST**

Bill/Resolution No.: SB 269  
 Title: Cabins on State Land

Sponsor: Bennett  
 Requestor: Senate Finance  
 Date of Request: \_\_\_\_\_

**FISCAL DETAIL**

Agency Affected: Natural Resources  
 Program Category Affected: NRMEC

BRU, Program or Subprogram(s) Affected:  
Land and Water Management; Information and Records

**EXPENDITURES/REVENUES: (Thousands of Dollars)**

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
<b>OPERATING</b>						
100 PERSONAL SERVICES						
200 TRAVEL		87.5	380.5	438.5	438.5	438.5
300 CONTRACTUAL		3.0	40.0	40.0	40.0	40.0
400 SUPPLIES		6.0	50.0	50.0	50.0	50.0
500 EQUIPMENT		2.0	6.0	6.0	6.0	6.0
600 LAND & STRUCTURES		4.0	12.0	12.0	12.0	12.0
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
<b>TOTAL OPERATING</b>		102.5	488.5	546.5	546.5	546.5
<b>CAPITAL</b>						
<b>REVENUE</b>				300.0	300.0	300.0

**FUNDING: (Thousands of Dollars)**

GENERAL FUND		102.5	488.5	546.5	546.5	546.5
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>		102.5	488.5	546.5	546.5	546.5

**POSITIONS:**

FULL-TIME		2	9	10	10	10
PART-TIME			1	2	2	2
TEMPORARY						

**ANALYSIS:** Attach a separate page if necessary

See attached explanation for yearly program goals. Within seven to ten years operating costs would be reduced to about one-third. Estimate based on 2,000 cabins.

Because this would amount to a major new land disposal program, it will require full administrative support in regional offices and contract administration. Annual costs will include adjudication/survey and appraisal review/planning, etc.

Prepared By: DTS/DLWM/Commissioner's Office Phone: 465-2400  
 Division: \_\_\_\_\_ Date: 4/25/85

Approved by Commissioner: Ned Farghan Date: 4/25/85  
 Agency: Natural Resources

**Distribution (by Agency preparing fiscal note):**

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

7/1/84

FISCAL NOTE ANALYSIS  
SB 269  
DEPARTMENT OF NATURAL RESOURCES

With the passage of SB 269, the Department of Natural Resources would encounter a large number and variety of administrative responsibilities that could not be met under existing budgets. These responsibilities would include the implementation of regulations for the cabin program, title and records review, survey instructions and review, public notice/decisions/findings, appraisal instructions and review, issuance of title, and contract administration and enforcement where the purchaser chooses to purchase the land over a period of twenty years.

Because the Department estimates that there are 2,000 cabins on state land, and it would be impossible to accomplish the proposed conveyance in a short term, the fiscal impact is estimated for a five- to ten-year cabin land sale program. Most of the administrative handling of cabin purchase applications would be done in the three regional offices: Anchorage, Fairbanks, and Juneau. Both the Division of Land and Water Management and the Division of Technical Services would be closely involved.

YEAR ONE -

1. Prepare regulations for program. How determine the one-acre parcel? How accommodate owners who are within game refuges or state parks? Convey submerged lands title for waterside cabins? Reserve easements/rights-of-way across adjacent public lands and through the parcel? How determine 1980 appraised value and provide for appeals? Who pays survey/appraisal costs? What are conditions for contracts of sale (AS 38.05.065)? May an owner purchase more than one cabin? How prove ownership and use before 1980? What if more than one owner applies to purchase a cabin? Is program open forever at same appraisal amount? What opportunities are there for public notice/comment on proposed conveyances? May the state conduct its own land disposals, timber sales, leases, R/W conveyances if there is an unauthorized cabin nearby or within the area and an application has been filed? Can commissioner decide that less than an acre will be conveyed? May the commissioner prevent subdivision (for other cabins, trailer lots, etc.) within refuges and parks? How prepare survey/appraisal instructions?
2. Announce program to public and begin preparation for applications. Provide application forms, information sheets, procedural directions to all regional staff.

YEAR TWO -

1. Accept applications. Answer public inquiries.
2. Begin adjudicating applications. Determine which are on state lands, notify applicants who are not on state lands. Review proof of cabin construction prior to 1980.

3. Begin public notice, review of cabin conveyances consistent with AS 38.05.945 and AS 38.05.035(e) and constitutional provisions for equal protection and use/management of the public domain.
5. Begin to field check cabins, surveys, appraisals.
6. Begin planning/platting easements and rights-of-way for public needs.

YEAR THREE -

1. Continue 1-6 above.
2. Close application opportunities in some areas, open in others to distribute regional impact of applications on administrative staff.
3. Begin to issue accurate title/quitclaim deed to some applicants who meet conditions.
4. Issue contracts of sale and prepare twenty-year payment schedule and conditions for successful applicants wishing to pay over time.
5. Note title changes, applications on land title records (must record applications immediately on receipt for awareness during other land disposal/management planning).
6. Begin to accept new title documents in recorder's Offices.

YEARS FOUR TO TEN -

1. Continue with the program, aiming to complete within four to seven years.

LINE ITEM EXPLANATIONS - SB 269

FY 86

- 100 - Two positions, 87.5
  - 1. Natural Resource Manager I (47.5)  
Supervise start-up of program, including regulations and public information
  - 2. Natural Resource Technician I (40.0)  
Assist in program start-up, begin policy/procedures directives for regional staff, coordinate with survey/title/records staff to assure timely notation of applications on status plats and conveyance of accurate title, coordinate with contract administration staff to begin handling sales contracts
  
- 200 - 3.0  
Travel to regions
  
- 300 - 6.0  
Special legal research for regulations
  
- 400 - 2.0  
Supplies and commodities for new staff
  
- 500 - 4.0  
Office equipment for new staff (chair, desk, typewriter, file)

FY 87

- 100 - Seven new positions, 293.5 + 87.5 from FY 86
  - 1,2,3. Natural Resource Technician in each regional office (127.5)  
Begin adjudication/review of applications, provide local response to inquiries, conduct public notice, negotiate difficulties with applicant and adjacent landowners or citizens; begin review of appeals on appraisals, adjudication
  - 4,5,6. Survey/Title Staff in central/regional offices (127.5)  
Begin survey check (some field work required), conduct full title check, note applications and conveyances on state land records.
  - 7. Accounting Technician and part-time clerical (38.0)  
Begin issuing contracts of sale for successful applicants
  
- 200 - 40.0  
Travel to field check cabins/appriasals/surveys, review area resources for possible conflicts
  
- 300 - 50.0  
Advertising, hearings, legal assitance for adjudicating applications and administering appeals; preparation and issuance of some title documents
  
- 400 - 6.0  
Supplies and commodities for new staff
  
- 500 - 12.0  
Office equipment for seven new staff

FY 88-94/5

Continue all costs but add one Accounting Technician and some part-time clerical staff for future contract administration.

# STATE OF ALASKA 1986 LEGISLATIVE SESSION FISCAL NOTE

Revision Date : 03-18-86

**REQUEST**

Bill/Resolution No. : SB 269  
 Title : Cabins on State Land  
 \_\_\_\_\_  
 Sponsor : Bennett  
 Requestor : House Resources  
 Date of Request : 03-17-86

**FISCAL DETAIL**

Agency Affected : Natural Resources  
 BRU : Land & Water Management; Information and Records  
 \_\_\_\_\_  
 Components : \_\_\_\_\_  
 \_\_\_\_\_

**EXPENDITURES/REVENUES : (Thousands of Dollars)**

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES	87.5	380.5	438.5	438.5	438.5	
TRAVEL	3.0	40.0	40.0	40.0	40.0	
CONTRACTUAL	6.0	50.0	50.0	50.0	50.0	
SUPPLIES	2.0	6.0	6.0	6.0	6.0	
EQUIPMENT	4.0	12.0	12.0	12.0	12.0	
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>102.5</b>	<b>488.5</b>	<b>546.5</b>	<b>546.5</b>	<b>546.5</b>	

<b>CAPITAL</b>						
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<b>REVENUE</b>			300.0	300.0	300.0	
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**FUNDING : (Thousands of Dollars)**

GENERAL FUND	102.5	488.5	546.5	546.5	546.5	
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>	<b>102.5</b>	<b>488.5</b>	<b>546.5</b>	<b>546.5</b>	<b>546.5</b>	

**POSITIONS :**

FULL-TIME	2	9	10	10	10	
PART-TIME		1	2	2	2	
TEMPORARY						

**ANALYSIS :** Attach a separate page if necessary

See attached explanation of yearly program goals. Within seven to ten years operating costs would be reduced to about one-third. Estimate based on 2,000 cabins.

Because this would amount to a major new land disposal program, it will require full administration support in regional offices and contract administration. Annual (See atch.)

Prepared by : DTS/DLWM/Commissioner's Office *R. A. M.* Phone : 465-2400  
 Division : \_\_\_\_\_ Date : 03-18-86

Approved by Commissioner : Arms D. Amundson Date : 03-18-86  
 Agency : Natural Resources

**Distribution (by Agency preparing fiscal note) :**

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

Analysis Continued:

costs will include adjudication/survey and appraisal review/planning, etc.

FISCAL NOTE ANALYSIS  
SB 269  
DEPARTMENT OF NATURAL RESOURCES

With the passage of SB 269, the Department of Natural Resources would encounter a large number and variety of administrative responsibilities that could not be met under existing budgets. These responsibilities would include the implementation of regulations for the cabin program, title and records review, survey instructions and review, public notice/decisions/findings, appraisal instructions and review, issuance of title, and contract administration and enforcement where the purchaser chooses to purchase the land over a period of twenty years.

Because the Department estimates that there are 2,000 cabins on state land, and it would be impossible to accomplish the proposed conveyance in a short term, the fiscal impact is estimated for a five- to ten-year cabin land sale program. Most of the administrative handling of cabin purchase applications would be done in the three regional offices: Anchorage, Fairbanks, and Juneau. Both the Division of Land and Water Management and the Division of Technical Services would be closely involved.

YEAR ONE -

1. Prepare regulations for program. How determine the one-acre parcel? How accommodate owners who are within game refuges or state parks? Convey submerged lands title for waterside cabins? Reserve easements/rights-of-way across adjacent public lands and through the parcel? How determine 1980 appraised value and provide for appeals? Who pays survey/appraisal costs? What are conditions for contracts of sale (AS 38.05.065)? May an owner purchase more than one cabin? How prove ownership and use before 1980? What if more than one owner applies to purchase a cabin? Is program open forever at same appraisal amount? What opportunities are there for public notice/comment on proposed conveyances? May the state conduct its own land disposals, timber sales, leases, R/W conveyances if there is an unauthorized cabin nearby or within the area and an application has been filed? Can commissioner decide that less than an acre will be conveyed? May the commissioner prevent subdivision (for other cabins, trailer lots, etc.) within refuges and parks? How prepare survey/appraisal instructions?
2. Announce program to public and begin preparation for applications. Provide application forms, information sheets, procedural directions to all regional staff.

YEAR TWO -

1. Accept applications. Answer public inquiries.
2. Begin adjudicating applications. Determine which are on state lands, notify applicants who are not on state lands. Review proof of cabin construction prior to 1980.

3. Begin public notice, review of cabin conveyances consistent with AS 38.05.945 and AS 38.05.035(e) and constitutional provisions for equal protection and use/management of the public domain.
5. Begin to field check cabins, surveys, appraisals.
6. Begin planning/platting easements and rights-of-way for public needs.

YEAR THREE -

1. Continue 1-6 above.
2. Close application opportunities in some areas, open in others to distribute regional impact of applications on administrative staff.
3. Begin to issue accurate title/quitclaim deed to some applicants who meet conditions.
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YEARS FOUR TO TEN -

1. Continue with the program, aiming to complete within four to seven years.

LINE ITEM EXPLANATIONS - SB 269

FY 86

- 100 - Two positions, 87.5
1. Natural Resource Manager I (47.5)  
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Supplies and commodities for new staff
- 500 - 12.0  
Office equipment for seven new staff

FY 88-94/5

Continue all costs but add one Accounting Technician and some part-time clerical staff for future contract administration.

## SECTIONAL ANALYSIS FOR CS SB 269 (Resources)

An Act relating to cabins on state land; and providing for an effective date

### Section 1

Owners, as of the effective date of this bill, of cabins which were erected on state land before January 1, 1968, and open to entry under applicable state or federal law at the time the cabin was erected, may apply to the commissioner of natural resources to purchase up to one acre of state land occupied by the cabin. The land shall be sold at the fair market value, as determined by the commissioner. Cost of surveying the land shall be paid by the applicant.

If the cabin is located on a waterfront, an easement shall be reserved, not to exceed 20 feet wide above the mean high water line. If the cabin is located in land that has been withdrawn under AS 16 (Fish and Game) or AS 41 (Public Resources) since January 1, 1968, the land shall be sold notwithstanding its withdrawal. The commissioner may not establish restrictions on the use of the cabin or on future transfers of the land sold under this section.

### Section 2

This Act takes effect immediately. may apply with the commissioner of natural resources

May 6, 1985

The Honorable Jan Faiks  
Chair, Senate Finance Committee  
Pouch V  
Juneau, AK 99811

Dear Senator Faiks:

I am writing with comments on SB 269 (cabins on state land), which was amended in the Resources Committee hearing on Wednesday and moved on to the Finance Committee.

The amended bill

Senator Halford's proposed amendments would markedly improve the bill.

As I stated in an April 25 letter to Senator Sturgulewski, I recognize that some long-time Alaskans who built cabins on open federal land many years ago believe that their tenancy should lead to a preference for the purchase of state land. I also believe, however, that the State must be very careful not to reward knowing unauthorized use of state lands by mandating a preference right to a class of cabinholders, particularly at less than current fair market value.

Senator Halford's amendments focus the preference on cabinholders who entered open land prior to Interior Secretary Udall's 1967 "land freeze" in Alaska, and require that the purchase be at current market value. We support these amendments and would suggest several others (attached) to clarify the intent of the bill and to prevent the sale of lands where land and resource management conflicts exist.

Existing cabin programs

The department has several programs that provide for cabin owners on state land.

First, the department leases land competitively for the long term under AS 38.05.070(c). The provisions of AS 38.05.102 allow a lessee preference to purchase land at the termination of the lease.

Additionally the Department disposes of some lands under preference right statutes in AS 38.05.035(b). There are several varieties of preference rights that the commissioner may issue; as Senator Halford and my staff indicated, the preference right program has not been very active in recent years but our regional offices are making a concerted effort to clear up the backlogs of applications from the past. The adjudication of preference rights can be expensive and time-consuming, but the department is committed to acting on the applications as expeditiously as possible, within our existing land disposals budget.

New trapping cabins are permitted under AS 38.95 and the department generally supports HB 281 (Shultz) which would create a new mechanism for the permitting of trapping cabins already in use.

Ten-year negotiated leases are available under AS 38.05.070 (b). Noncompetitive leases may be issued to prequalified bidders under AS 38.05.075(f).

The State also can issue 25-year remote cabin permits under AS 38.05.079, although this program is not implemented yet.

Under regulations adopted last summer (attached), the department issues personal use cabin permits to persons who own a cabin on state land. I spent a great deal of time in the preparation of these regulations because I wanted to be certain that the State provided equitably for the use of existing cabins on state land without giving preferential land ownership rights. Owning over 80 million acres with various resource values important to Alaskans, the State must take care not to allow or sanctify indiscriminate, unauthorized use of its lands. Land sales and cabin use are needed and appropriate on much of the public domain, but they should be planned openly a consultation with all interested members of the public. It is simply unfair to sell parcels of land to persons who have used land without authorization while other persons are required to participate in land offering programs. And it would create a firestorm of protest from today's landowners and residents who live near state lands if open entry leading to disposal were permitted today.

#### Fiscal note

With Senator Halford's amendments, and our proposals, the Department will be able to reduce its fiscal note by about one-half. However, it is important for the Legislature to

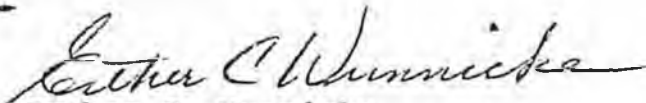
May 6, 1985

recognize that the proposed cabin program amounts to a new land disposal program. If not funded separately, it will take a large amount of funding away from our existing land disposals, which are discretionary. It also will prevent the processing of other pending preference rights.

Summary position

Based on information from the Attorney General, the Department remains concerned with the constitutionality of the proposed bill, and with the attached amendments wishes to see the bill improved so that there is some protection of the public's interest. We do not support the bill because we believe we have already taken the steps to resolve the issue of concern. If the bill is passed and signed into law, we will comply with legislative intent; however, if it is not workable, equitable, and constitutional, we may recommend that it be vetoed.

Sincerely,



Esther C. Wunnicke  
Commissioner

Attachments

cc: w/attachments -  
Senator Don Bennett  
Senator Jack Coghill  
Senator Frank Ferguson  
Senator Arliss Sturgulewski

DNR AMENDMENT ONE

CSSB 269 (Res)

Explanation

This amendment will allow the commissioner a small measure of flexibility in conveying cabin parcels. This flexibility will be necessary where 1) a third-party interest has already been created on the state land, for instance on a grazing lease, land offering, or municipal entitlement conveyance; 2) an action such as mining claims or entitlement application has had the effect of segregating the surface estate from the open public domain; or 3) the land has extraordinary resource values or attributes that militate against its transfer - such as land within a proposed major development site or a known highly critical habitat or recreational site.

Under the proposed amendment, the burden of proof will clearly be on the State to indicate that the application conflicts with land and resource management programs.

Amendment

At line 10, after "Act", insert:

and unless land or resource management conflicts exist

DNR AMENDMENT TWO

CSSB 269 (Res)

Explanation

This amendment will clarify that the applicant must conduct survey within a time certain.

Amendment

At line 16, after "shall", insert:

survey the land within five years and

DNR AMENDMENT THREE

CSSB 269 (Res)

Explanation

The amendment will clarify the waterfront easement language in the bill.

Amendment

At lines 16-17, delete "cabin is located on a waterfront" and insert:

application includes waterfrontage

Also, at line 18, insert before "mean":

ordinary or

DNR AMENDMENT FOUR

CSSB 269 (Res)

Explanation

The amendment will prevent inappropriate uses such as subdivision or commercial use of cabin parcels where these activities should be curtailed. In some cases (for instance, in refuges and parks) such activities would be inconsistent with past use of the parcel and with current management of surrounding lands.

Amendment

At line 20, before "the", insert:

Except where land or resource management concerns  
exist,

Offered: 5/2/85  
Referred: Finance

Original sponsors: Bennett, Ferguson  
and Coghill

1 IN THE SENATE BY THE RESOURCES COMMITTEE  
2 CS FOR SENATE BILL NO. 269 (Resources)  
3 IN THE LEGISLATURE OF THE STATE OF ALASKA  
4 FOURTEENTH LEGISLATURE - FIRST SESSION  
5 A BILL  
6 For an Act entitled: "An Act relating to cabins on state land; and provid-  
7 ing for an effective date."  
8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:  
9 \* Section 1. On the application of a person who owns a cabin on state  
10 land on the effective date of this Act, the commissioner of natural  
11 resources shall sell not to exceed one acre of state land occupied by the  
12 cabin if the cabin had been erected on the land before January 1, 1968 and  
13 if the land was open to entry under applicable state or federal law at the  
14 time the cabin was erected. The state land shall be sold for the fair  
15 market value of the land as determined by the commissioner. The applicant  
16 shall pay costs of surveying the land. If the cabin is located on a  
17 waterfront, the commissioner shall reserve an easement not to exceed 20  
18 feet wide above the mean high water line. If the cabin is located in land  
19 that has been withdrawn under AS 16 or AS 41 since January 1, 1968, the  
20 land shall be sold notwithstanding its withdrawal. The commissioner may  
21 not establish restrictions on use of the cabin or on future transfers of  
22 the land sold under this section.  
23 \* Sec. 2. This Act takes effect immediately in accordance with AS 01.-  
24 10.070(c).

Introduced: 4/3/85  
Referred: Resources

BY BENNETT, FERGUSON  
AND COGHILL

1 IN THE SENATE

2 SENATE BILL NO. 269

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to cabins on state land; and provid-  
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8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 \* Section 1. On the application of a person who possesses a cabin on  
10 state land on the effective date of this Act, the commissioner of natural  
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12 cabin if the cabin had been erected on the land before January 1, 1980.  
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15 costs of surveying the land. If the cabin is located on a waterfront, the  
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17 mean higher high water line. If the cabin is located in land that has been  
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19 sold notwithstanding its withdrawal. The commissioner may not establish  
20 restrictions on use of the cabin or on future transfers of the land sold  
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22 \* Sec. 2. This Act takes effect immediately in accordance with AS 01.-  
23 10.070(c).

COMMITTEE REPORT  
SENATE

FURTHER: FINANCE

4/3/85

Date 5/1/85

Mr. President

The Committee on RESOURCES considered SB 269  
relating to cabins on state land; efd.

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

- do pass
- do pass with attached amendment(s)
- replace with/or adopt CS for SB 269 (R)
- new title
- same title and recommends \_\_\_\_\_
- and attached a "LETTER OF INTENT"  NEW FISCAL NOTE
- reports it back without recommendation
- recommends referral to \_\_\_\_\_ Committee

MEMBERS SIGNING  
DO PASS

[Signature]  
[Signature]  
[Signature]  
[Signature]

MEMBERS HAVING  
OTHER RECOMMENDATIONS

[Signature] (No Rec)  
[Signature] (NR)

[Signature]  
Chairman  
No Rec  
Chairman recommendation

**HOUSE**  
**COMMITTEE REPORT**

(11)

Date referred: 5/7/86

FURTHER REFERRALS:

DATE: 5-10-86

The FINANCE Committee has considered CSSB 269 (Res)

"An Act relating to cabins on state land; and providing for an effective date."

and recommends:

- do pass
- do not pass
- do pass with attached amendment(s)
- no recommendation
- replace with HCS, CSSB 269 (JUP)  same title
- new title

and recommends do pass

further referral to the \_\_\_\_\_ Committee

- and attaches:
- letter of intent
  - first fiscal note
  - new fiscal note 5/7/86 67.2
  - zero fiscal note

SIGNING DO PASS:

\_\_\_\_\_

\_\_\_\_\_

Michael Synnades

\_\_\_\_\_

Ronald J. Jarm

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

SIGNING OTHER RECOMMENDATIONS:

\_\_\_\_\_

Pat Fennell NOV

Paul Kelly NO REC

John P. H. J. NO REC

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Albert H. ...  
Chairman

STATE OF ALASKA 1986 LEGISLATIVE SESSION  
FISCAL NOTE

Revision Date: 5-7-86

**REQUEST**

Bill/Resolution No.: HCS CSSB 269 (Jud)  
 Title: Cabins on state land  
 \_\_\_\_\_  
 Sponsor: Bennett  
 Requestor: House Judiciary  
 Date of Request: 5-7-86

**FISCAL DETAIL**

Agency Affected: Natural Resources  
 BRU: Land and Water  
Parks and Recreation  
 \_\_\_\_\_  
 Components: \_\_\_\_\_  
 \_\_\_\_\_

**EXPENDITURES/REVENUES : (Thousands of Dollars)**

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES		43.2	43.2	43.2		
TRAVEL		5.0	6.0	6.0		
CONTRACTUAL		12.0	12.0	12.0		
SUPPLIES		3.0	3.0	3.0		
EQUIPMENT		4.0	2.0	2.0		
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>		67.2	66.2	66.2		

CAPITAL						
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REVENUE		145.0	145.0	145.0	145.0	145.0
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**FUNDING : (Thousands of Dollars)**

GENERAL FUND		67.2	66.2	66.2		
FEDERAL FUNDS						
OTHER		45.0	45.0	45.0		
<b>TOTAL</b>		112.2	111.2	111.2		

**POSITIONS :**

FULL-TIME		1	1	1		
PART-TIME						
TEMPORARY						

**ANALYSIS :** Attach a separate page if necessary

The committee substitute reduces the costs of implementing the cabin sale program by setting a deadline for applications, placing some costs on the applicant, and establishing conditions that may reduce the number of cabin sales. The public use cabin system will be administered under program receipts.

Prepared by: Ned Farquhar Phone: 465-2400  
 Division: Commissioner's Office Date: 5-7-86

Approved by Commissioner: [Signature] Date: 5-7-86  
 Agency: Natural Resources

**Distribution (by Agency preparing fiscal note):**

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

Offered: 5/7/66  
Referred: Finance

Original sponsors: Bennett, Ferguson  
and Coghill

1 IN THE SENATE BY THE JUDICIARY COMMITTEE

2 HOUSE CS FOR CS FOR SENATE BILL NO. 269 (Judiciary)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to cabins on state land; and provid-  
7 ing for an effective date."

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

9 \* Section 1. LEGISLATIVE PURPOSE. (a) The legislature determines that  
10 it is in the public interest to create the Alaska Public Use Cabin System  
11 and place within that system cabins owned or built by the state on the  
12 reserved or unreserved public land of the state and that the system be  
13 managed for the benefit of the residents of the state and visitors to the  
14 state.

15 (b) It is further in the public interest to allow persons who are  
16 able to demonstrate historic use and occupancy of cabins on state land to  
17 purchase the land to resolve land conflicts; to ensure the legally protect-  
18 ed use and enjoyment of cabins; and to provide for the continued existence  
19 of emergency shelters in remote areas.

20 \* Sec. 2. (a) Except as otherwise provided in this section, on the  
21 application before June 1, 1988, of a person who can demonstrate the his-  
22 toric use and occupancy of a cabin on state land and investments in the  
23 cabin before December 31, 1974, and continuing through June 1, 1986, the  
24 commissioner of natural resources shall sell not to exceed one acre of  
25 state land occupied by the cabin, if the land was not closed to entry under  
26 applicable federal or state law at the time the cabin was constructed, un-  
27 less the commissioner makes a written best interest finding based on clear  
28 and convincing evidence that a land or resource management conflict exists.

29 (b) The land shall be sold for the fair market value of the land as

1 determined by the commissioner on the date of the approval of the applica-  
2 tion. The applicant shall pay the costs of appraisal, public notice, and  
3 surveying the land.

4 (c) Except as provided in (c) of this section, on the application  
5 before June 1, 1988, of a person who can demonstrate the historic use and  
6 occupancy of a cabin on state land and investments in the cabin before  
7 December 31, 1974, and continuing through June 1, 1986, the commissioner  
8 may sell the state land occupied by a cabin within an area that was with-  
9 drawn under AS 41 after the cabin was built. The land may not be sold if  
10 the state land was withdrawn under AS 41 before the cabin was built. The  
11 use of the cabin and the land may not exceed the use that existed at the  
12 time the land was withdrawn under AS 41.

13 (d) The commissioner may not sell land occupied by a cabin within an  
14 area withdrawn under AS 16.

15 (e) The commissioner may not sell land occupied by a cabin within  
16 mental health trust land or school land of the state.

17 (f) If the cabin is located on state land that is adjacent to a body  
18 of water, the commissioner shall reserve a 50-foot easement for public  
19 access above the mean high water line. The commissioner may establish  
20 reasonable restrictions in the grant of the land at the time of sale or  
21 under AS 38.05.037(a) on the use, access to, and the transfer of the land  
22 sold under this section, including a restriction against the commercial use  
23 of the cabin.

24 (g) A cabin on land that may be sold under this section may not be  
25 acquired or removed by the commissioner before June 1, 1988; a cabin that  
26 has been applied for under this section may not be acquired or removed  
27 until the application has been adjudicated and unless the application is  
28 denied.

29 \* Sec. 3. AS 41.21.020(a) is amended to read:

- 1           (a) The Department of Natural Resources shall
- 2           (1) develop a continuing plan for the conservation and
- 3 maximum use in the public interest of the scenic, historic, archae-
- 4 ologic, scientific, biological, and recreational resources of the
- 5 state;
- 6           (2) plan for and develop a system of state parks and
- 7 recreational facilities, to be established as the legislature author-
- 8 izes and directs;
- 9           (3) acquire by gift, purchase, or transfer from state or
- 10 federal agencies, or from individuals, corporations, partnerships or
- 11 associations, land necessary, suitable and proper for roadside, pic-
- 12 nic, recreational, or park purposes;
- 13           (4) control, develop and maintain state parks and recre-
- 14 ational areas;
- 15           (5) provide for the acquisition, care, control, super-
- 16 vision, improvement, development, extension, and maintenance of
- 17 public recreational land, and make necessary arrangements, contracts,
- 18 or commitments for the improvement and development of land acquired
- 19 under AS 41.21.010 - 41.21.040;
- 20           (6) adopt, in accordance with this section and the Admin-
- 21 istrative Procedure Act (AS 44.62), regulations governing the use and
- 22 designating incompatible uses within the boundaries of state park and
- 23 recreational areas to protect the property and to preserve the peace;
- 24           (7) cooperate with the United States and its agencies and
- 25 local subdivisions of the state to secure the effective supervision,
- 26 improvement, development, extension, and maintenance of state parks,
- 27 state monuments, state historical areas, and state recreational areas,
- 28 and secure agreements or contracts for the purpose of AS 41.21.010 -
- 29 41.21.040;

1 commissioner under this subsection. The annual estimated balance in  
2 the account may be appropriated by the legislature to the Department  
3 of Natural Resources to carry out the purposes of this section. In  
4 establishing the fees, the commissioner shall consider

5 (1) the cost to the state of building, renovating, and  
6 maintaining the cabins;

7 (2) the cost of administering reservations and collecting  
8 the fees for the use of the cabins; and

9 (3) the public interest.

10 (c) Within available appropriations, the commissioner may build  
11 or acquire cabins for inclusion in the cabin system. Under state  
12 contracting procedures the commissioner may contract for the construc-  
13 tion, rehabilitation, operation, and maintenance of cabins within the  
14 system.

15 (d) The commissioner may cooperate with local groups with state  
16 and federal agencies to maintain and improve the cabin system. The  
17 commissioner shall evaluate existing and potential cabin sites and  
18 conduct resource planning and public review in the process of des-  
19 ignating cabins into the system. The commissioner may develop an  
20 operational plan for the renovation, construction, or removal of  
21 cabins.

22 (e) A person using a public use cabin may not recover damages  
23 from the state for an injury arising out of the use of the public use  
24 cabin unless the injury was caused by the gross negligence of the  
25 state.

26 (f) In establishing and managing a public use cabin system on  
27 state game refuges, critical habitat areas, and game sanctuaries  
28 established under AS 16.20, the commissioner shall obtain the concur-  
29 rence of the commissioner of fish and game.

- 1           (a) The Department of Natural Resources shall
- 2           (1) develop a continuing plan for the conservation and
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- 4 ologic, scientific, biological, and recreational resources of the
- 5 state;
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- 7 recreational facilities, to be established as the legislature author-
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- 17 public recreational land, and make necessary arrangements, contracts,
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- 29 41.21.040;

1 (8) encourage the organization of state public park and  
2 recreational activities in the local political subdivisions of the  
3 state;

4 (9) provide for consulting service designed to develop  
5 local park and recreation facilities and programs;

6 (10) provide clearing-house services for other state agen-  
7 cies concerned with park and recreation matters; [AND]

8 (11) perform other duties as are prescribed by executive  
9 order or by law;

10 (12) maintain memorials to Alaska veterans located in state  
11 parks;

12 (13) adopt, in accordance with the Administrative Procedure  
13 Act (AS 44.62), regulations governing the use of the Chena River State  
14 Recreation Area and designating incompatible uses within the bound-  
15 aries of the Chena River State Recreation Area in accordance with  
16 AS 41.21.490;

17 (14) manage the cabins owned by the state under AS 41.21.-  
18 880.

19 \* Sec. 4. AS 41.21. is amended by adding a new section to article 7 to  
20 read:

21 Sec. 41.21.880. PUBLIC USE CABINS. (a) There is established a  
22 system of public use cabins to be managed by the commissioner and  
23 called the Alaska Public Use Cabin System. The commissioner shall  
24 publicize the existence of the public use cabins and shall establish a  
25 reservation system for the cabins.

26 (b) The commissioner shall establish a fee schedule for the use  
27 of the cabins. Fees collected under this subsection shall be deposit-  
28 ed in the general fund. The commissioner of administration shall  
29 separately account for fees collected and deposited by the

1 commissioner under this subsection. The annual estimated balance in  
2 the account may be appropriated by the legislature to the Department  
3 of Natural Resources to carry out the purposes of this section. In  
4 establishing the fees, the commissioner shall consider

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27 state game refuges, critical habitat areas, and game sanctuaries  
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29 rence of the commissioner of fish and game.

1           (g) The commissioner shall make an annual report to the legisla-  
2           ture on the costs, occupancy rates, fees collected, and the number and  
3           location of cabins in the system, and other information considered  
4           relevant by the commissioner.

5           \* Sec. 5. Section 2 of this Act is repealed June 1, 1988.

6           \* Sec. 6. This Act takes effect immediately in accordance with AS 01.-  
7           10.070(c).

# STATE OF ALASKA 1986 LEGISLATIVE SESSION FISCAL NOTE

Revision Date : \_\_\_\_\_

**REQUEST** House Judiciary Committee **FISCAL DETAIL**

Bill/Resolution No. : HCS for CS for SB269 (Jud) Agency Affected : \_\_\_\_\_  
 Title : An Act relating to cabins on state land; and providing for an effective date. BRU : \_\_\_\_\_  
 Sponsor : Judiciary Committee Components : \_\_\_\_\_  
 Requestor : House Judiciary Committee  
 Date of Request : May 7, 1986

**EXPENDITURES/REVENUES : (Thousands of Dollars)**

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	0	0	0	0	0	0

CAPITAL						
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REVENUE						
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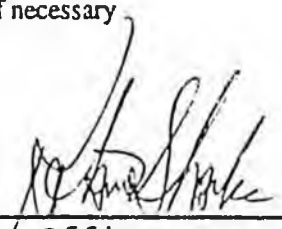
**FUNDING : (Thousands of Dollars)**

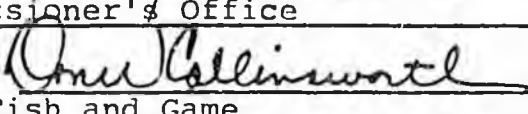
GENERAL FUND						
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>	0	0	0	0	0	0

**POSITIONS :**

FULL-TIME						
PART-TIME						
TEMPORARY						

**ANALYSIS :** Attach a separate page if necessary

Prepared by : Roland Shanks  Phone : 465-4100  
 Division : Commissioner's Office Date : May 7, 1986

Approved by Commissioner : Don Collinsworth  Date : 5.7.86  
 Agency : Dept. of Fish and Game

Distribution (by Agency preparing fiscal note) :

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

Offered: 5/7/86  
Referred: Finance

Original sponsors: Bennett, Ferguson  
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1 IN THE SENATE BY THE JUDICIARY COMMITTEE  
2 HOUSE CS FOR CS FOR SENATE BILL NO. 269 (Judiciary)  
3 IN THE LEGISLATURE OF THE STATE OF ALASKA  
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5           \* Sec. 5. Section 2 of this Act is repealed June 1, 1938.

6           \* Sec. 6. This Act takes effect immediately in accordance with AS 01.-  
7           10.070(c).