

LEGISLATIVE FINANCE-HOUSE / SENATE FINANCE COMM. FILES 8879

HB 372 cont. - HB 396 513 104

HB

372

SENATE FINANCE COMMITTEE REPORT

DATE: 4/23/90

FURTHER:

DATE TURNED INTO OFFICE: 5/1/90

The Finance Committee considered

CSHB 372 (Finance)

Alaska marine highway system vessel replacement fund.

and recommended:

replace with _____ CS
 or adopt _____ CS

CSHB 372 (T.S.P.)

same title
 new title
 technical title change (HB only)

attached amendment(s)

_____ letter of intent adopted

do pass

do not pass

no recommendation

individual recommendations

further referral to _____

ATTACHES NEW FISCAL NOTE(S):

Dept/Date:

fiscal note(s) _____

zero fiscal note(s) _____

APPROVES PREVIOUS:

Dept/Date:

fiscal note(s) _____

zero fiscal note(s) _____

DOT 3/9/90

appropriation-no fiscal note

SIGNING DO PASS:

OTHER RECOMMENDATIONS:

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

1.

John R. [Signature] Do Pass

2.

[Signature] (Do Pass)

cc-chairs: Signatures and Recommendations

STATE OF ALASKA
1990 LEGISLATIVE SESSION

BILL VERSION: SCS CSHB 372 (Trsp)
PUBLISH DATE: 3/28/90

REQUEST: **FISCAL NOTE**

Revision Date:
Title: "An Act relating to the Alaska Marine Hwy.
System Vessel Replacement Fund"
Sponsor: Ulmer, Grussendorf, Goll
Requestor:

Agency Affected: DOT&PF
BRU: Marine Operation
Components: Southeast/Southwest
Vessel Operations and
Overhaul

EXPENDITURES/REVENUES: (Thousands of Dollars)

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

FUNDING: (Thousands of Dollars)

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

POSITIONS:

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

ANALYSIS:

Prepared by: John Halterman
Division: Alaska Marine Highway System

Phone: 465-3950
Date: March 9, 1990

Approved by Commissioner: Mark S. Hickey *MSH*
Agency: Department of Transportation and Public Facilities

Date: 3/9/90

Distribution (by preparer):
Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies)

~~would continue through 1996.~~

Changes in SCSCSHB372 (Trsp)
have no fiscal impact.
This fiscal note is *OK*
appropriate.

Adopted

Fiscal Note - House Bill No. 372

The vessel replacement fund may well be essential if AMHS is to finance the construction of replacement or additional vessels, as well as major refurbishment projects for which federal funds are unavailable.

The minimum cost of a new or replacement vessel would be at least \$49 million. This could possibly be a Malaspina class vessel with oceangoing capability. In addition the limited expansion alternative in the draft System Plan anticipates two new feeder vessels under construction in fiscal years 1992 and 1994. The funding source contemplated for these feeder vessels is the Federal Highway Administration. However, other system demands for limited federal funds may make this difficult to fund in a timely manner. If this is the case the vessel replacement fund would be called upon to finance these vessels.

The sooner funds are deposited in this account, the better the system will be able to plan for needed replacements or additions to the fleet. AMHS and the Legislature need to explore the various options for additional revenue generation, such as rate increases, leasing of assets, direct appropriations, etc., which may be available to capitalize the fund. Further, the opportunities for innovative private/public financing should be explored.

AMHS has no current plans to retire any of the existing fleet, with the possible exception of the M/V CHILKAT. The system will be contracting surveys of all vessels in the fleet, except for the M/V CHILKAT. The results of those surveys will include an analysis of the costs associated with maintaining the vessels at their current service levels through the next twenty years. These will be compared with the cost of acquiring new vessels, less any resale value. The results of these surveys will form the basis of a much more detailed presentation of vessel replacement needs. We expect reports on the M/V TUSTUMENA, M/V COLUMBIA and M/V MALASPINA to be available in July of this year. The surveys of the remaining vessels will be available within approximately 30 days following next year's overhaul.

Department of Transportation
and Public Facilities

March 9, 1990

Original sponsor(s): REP. ULMER, Grussendorf, Goll, Kubina, C.Davis,
Navarre, Hudson, Davidson

1 IN THE HOUSE BY THE TRANSPORTATION COMMITTEE

2 SENATE CS FOR CS FOR HOUSE BILL NO. 372 (Transportation)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the Alaska marine highway system
7 vessel replacement fund."

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

9 * Section 1. AS 37.05 is amended by adding a new section to read:

10 Sec. 37.05.550. ALASKA MARINE HIGHWAY SYSTEM VESSEL REPLACEMENT
11 FUND. (a) There is in the general fund the Alaska marine highway
12 system vessel replacement fund. The fund consists of money appropri-
13 ated to it by the legislature. Money appropriated to the fund does
14 not lapse. The Department of Revenue shall manage the fund. Interest
15 received on money in the fund shall be accounted for separately and
16 may be appropriated into the fund annually. The legislature may
17 appropriate money from the fund for refurbishment of existing state
18 ferry vessels, acquisition of additional state ferry vessels, or
19 replacement of retired or outmoded state ferry vessels.

20 (b) The legislature may appropriate to the fund money received
21 by the state as Alaska marine highway system program receipts or from
22 a settlement or final judicial determination of the Dinkum Sands case
23 (United States v. Alaska) and the North Slope royalty case (State v.
24 Amerada Hess, et al.) and not deposited into the Alaska permanent fund
25 under AS 37.13.010(a)(1) or (2) or into the public school trust fund
26 under AS 37.14.150.

Alaska State Legislature

HOUSE OF REPRESENTATIVES



REPRESENTATIVE FRAN ULMER

MEMORANDUM

TO: Senator Rick Uehling Co-chair
Senator John Binkley, Co-chair
Senate Finance Committee

FROM: Rep. Fran Ulmer

DATE: May 1, 1990

RE: SCCSHB 372(Trans) regarding creation of the Alaska marine highway system vessel replacement fund

SCSCSHB 372 (Trans) would create a vessel replacement fund within the general fund which would allow money to accumulate until such time as the replacement of vessels in the Alaska Marine Highway System (AMHS) is needed.

Because of the large capital outlay that will be needed to replace vessels in the future, I feel that we should begin a savings account today to help ensure that tomorrow we will be able to afford to continue this important transportation service.

The state experiences many problems and additional costs as a result of our aging fleet, including significant time when vessels are being repaired and thus unable to meet schedules. The Department of Transportation and Public Facilities (DOT/PF) estimates that the average age of our fleet is 22 years, with the oldest ship having been built in 1963, and the newest in 1977. The cost of replacing smaller vessels may run from \$17 to \$25 million and estimates of replacing a larger vessel could run as high as \$59 million. The cost of replacing the entire fleet could be an astronomical \$270 million!

83888

Senators Uehling/Binkley
May 1, 1990
Page 2

This legislation suggests several funding sources for this account, including program receipts received from the Alaska Marine Highway System, and from settlement of the Dinkum Sands and Amerada Hess litigation.

The Senate Transportation Committee made a small change in CSHB478 (Fin) which added language stating that money appropriated to this fund would not lapse. Unfortunately, the Senate State Affairs Committee did not consider the Transportation CS, and instead adopted the House Finance version of the bill. I support the Senate Transportation version, and would ask for that this CS be reviewed by the Senate Finance Committee.



Dept. of Transportation & Public Facilities

POSITION PAPER

BILL NO: House Bill 372

TITLE: An Act Relating to the Alaska Marine Highway System Vessel Replacement Fund

M&H
APPROVED: Mark S. Hickey
Commissioner
DATE: January 22, 1990

HB 372 establishes within the general fund an Alaska Marine Highway System vessel replacement fund. This fund is designed to allow the accumulation of capital to permit the timely replacement of vessels in the AMHS fleet.

AMHS is currently soliciting proposals to perform condition surveys on all vessels in the fleet. The average age of the fleet is approximately 22 years. The MALASPINA class vessels (TAKU, MALASPINA and MATANUSKA) are the oldest, having been built in 1963. The M/V AURORA is the newest ship, entering service in 1977. The condition surveys will review the maintenance and refurbishment requirements of the fleet in order to maintain the existing level of service for the next 20 years. This will allow us to then develop a cost comparison of refurbishment versus replacement. The current estimated replacement cost of the MALASPINA is approximately \$49-\$59 million. The LeCONTE class vessels have an estimated replacement cost of between \$17 and \$25 million and the TUSTUMENA is estimated to cost between \$24 and \$34 million to replace.

We assume the severe problems associated with finding temporary replacements for vessels undergoing major refurbishments, as in the case of the TUSTUMENA next year, require the consideration of at least one new vessel. This is particularly true if the condition surveys suggest the replacement of vessels in the existing fleet can be deferred. However, it is possible that the analysis will call for the replacement of at least one of the vessels as a least cost alternative to continued maintenance.

One of the significant issues which will have a bearing on this question is the cost of removing and replacing asbestos containing materials found in all of the vessels. As an example of the cost associated with this issue, a recent consultant's report commissioned to design a modernization project for the M/V MALASPINA estimated the cost at approximately \$7.0 million, 83% of which was for the removal and replacement of asbestos containing materials.

House Bill No. 372 (continued)

The existing fleet represents an initial investment of approximately \$60 million. The current estimated replacement cost of the fleet, excluding the M/V CHILKAT, is between \$270 million and \$340 million. Over the preceding 25 years many millions of additional dollars have been invested in maintaining and modernizing these vessels. These projects have included lengthening several ships, repowering both the main and auxiliary engines, as well as modernizing the passenger accommodations.

In the system plan which will be released shortly it is suggested that the requirements for similar projects to keep the fleet operating within current performance standards will require on the order of \$200 million additional investment. This is in addition to perhaps another \$100 million required to maintain and improve shore facilities at existing ports of call. These estimates do not reflect the cost of adding any vessels to the fleet.

In the past the majority of the funds used to refurbish and modernize the fleet have come from the Federal Highway Administration. In a typical year \$7-\$10 million have been spent on such projects. Given the growing financial demands of such projects and the possibility that Alaska's share of FHWA funds may be reduced in the future, it is reasonable to look for other alternatives, such as that embodied in this legislation, to meet future needs. This is not to say that there will not be a place for federal assistance.

The difficulty is that the construction of a new ship, for example, cannot be phased like many highway projects. Thus, a significant amount of funds is required to be committed when a ship construction contract is awarded. If \$40-\$50 million of FHWA funds were required to be dedicated to this purpose in a single year the impact on statewide highway projects would be enormous. However, there is a way to access federal funds over several fiscal years for a single project which we will be exploring with the Federal Highway Administration. In conjunction with funds made available from the subject vessel replacement fund, this may be another element of the solution to this looming problem.

SOUTHEAST CONFERENCE

P.O. Box 22286

Juneau, Alaska 99802

January 25, 1990

The Honorable Richard Foster
Chair, House Transportation Committee
Room 17, Capitol Building
Juneau, Alaska 99811

Dear Representative Foster:

The Southeast Conference, an organization representing the communities of Southeast Alaska, from governments to local businesses, is seriously concerned about the status of our Marine Highway.

Over the past five years, the Alaska Marine Highway System has experienced a decrease of 19% in general funding support to maintain its operations.

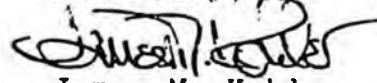
During that same time period the fleet of vessels has grown older and has reached the 20 - 30 year life span calculated for them when they were launched. Maintenance costs have increased and have placed a heavier burden on the Alaska Marine Highway System operating budget's decreasing resources. The net effect is the reduction in service to the communities and their businesses that rely on this highway for their economic and social linkage with each other and the rest of the state.

The SE Conference Board of Directors, on the recommendation of their AMHS Standing Committee, has adopted the following five planks as the SE Conference Platform relating to the Alaska Marine Highway System:

1. The passage of a supplemental appropriation for FY 90 for full funding of the Alaska Marine Highway System.
2. An increase in the FY 91 budget appropriation for the Alaska Marine Highway System to assure full service levels for the communities served by the System.
3. Allowing the Alaska marine Highway System to retain all the revenues it generates while maintaining a consistent level of general fund appropriation.
4. Completion of the AMHS Master Plan and allowing the Southeast Conference to be involved in the review and any modification of the Plan.
5. Creation of a Vessel Replacement Fund.

The Southeast Conference urges you to support HB No. 372 so that a vehicle for funding needed vessel replacement can be initiated this year.

Sincerely,



James M. Kohler
Executive Director

HB

380

SENATE FINANCE COMMITTEE REPORT

DATE: 4/24/90

FURTHER:

DATE TURNED INTO OFFICE: 4/28/90

The Finance Committee considered

CSHB 380 (Judiciary)

Relating to permanent fund dividends for disabled individuals; efd.

and recommended:

- replace with _____ CS _____
 - or adopt _____ CS _____
 - attached amendment(s)
 - _____ letter of intent adopted
- same title
 - new title
 - technical title change (HB only)

do pass

do not pass

no recommendation

individual recommendations

further referral to _____

ATTACHES NEW FISCAL NOTE(S):

Dept/Date:

fiscal note(s) _____

zero fiscal note(s) _____

appropriation-no fiscal note

APPROVES PREVIOUS:

Dept/Date:

fiscal note(s) _____

zero fiscal note(s) DOR 4/1/90

SIGNING DO PASS:

OTHER RECOMMENDATIONS:

[Handwritten signatures]

1. _____

2. Fish Kelly NO PASS

Co-Chairs: Signatures and Recommendations

FISCAL NOTE

Adopted

REQUEST

Revision Date: _____
Title: An Act relating to permanent
fund dividends for incompetent indiv.
Sponsor: HUDSON
Requestor: _____

Agency Affected: Revenue
BRU: Permanent Fund Dividend Division
Components: Permanent Fund Dividend
Division

EXPENDITURES/REVENUES: (Thousands of Dollars)

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

FUNDING: (Thousands of Dollars)

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

POSITIONS:

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

ANALYSIS: None required.

Prepared By: Ervin Jones
Division: Permanent Fund Dividend Division

Phone: 467-2323
Date: March 30, 1990

Approved by Commissioner: _____
Agency: Revenue

Date: 4/1/90

Distribution (by preparer):
Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies)

Original sponsor(s): REP. HUDSON, MacLean, Zawacki, Hanley

1 IN THE HOUSE BY THE JUDICIARY COMMITTEE

2 CS FOR HOUSE BILL NO. 380 (Judiciary)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to permanent fund dividends for
7 disabled individuals; and providing for an effective
8 date."

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

10 * Section 1. AS 43.23.005(c) is amended to read:

11 (c) A parent, guardian, or other authorized representative may
12 claim a permanent fund dividend on behalf of an unemancipated minor or
13 on behalf of a disabled or an incompetent individual who is eligible
14 to receive a payment under this section.

15 * Sec. 2. AS 43.23.015(d) is amended to read:

16 (d) The application and certification of residency of an un-
17 emancipated individual under 18 years of age or of a disabled or an
18 incompetent individual must be signed by the individual's parent,
19 legal guardian, or other authorized representative.

20 * Sec. 3. AS 43.23.015(f) is amended to read:

21 (f) A minor or a disabled or an incompetent individual may not
22 maintain a claim against the state or an officer or employee of the
23 state based on the manner in which the parent, guardian, or authorized
24 representative other than a public agency of the state managed or
25 disposed of permanent fund dividends received on behalf of the minor
26 or disabled or incompetent individual.

27 * Sec. 4. AS 43.23.025(a) is amended to read:

28 (a) By October 1 of each year the commissioner shall give public
29 notice of the value of each permanent fund dividend for that year.

1 The public notice shall contain a statement disclosing the amount by
2 which each individual dividend has been reduced in order to pay the
3 costs of administering the program and the hold harmless provisions of
4 AS 43.23.075. The commissioner shall also include the statement on
5 the stub attached to each individual dividend check. The commissioner
6 shall determine the value of a permanent fund dividend by

7 (1) determining the total amount available for dividend
8 payments, which equals

9 (A) the amount of income of the Alaska permanent fund
10 transferred to the dividend fund under AS 43.23.045(b) during the
11 current year;

12 (B) plus the unexpended and unobligated balances of
13 prior fiscal year appropriations that lapse into the dividend
14 fund under AS 43.23.045(d);

15 (C) less the amount necessary to pay dividends from
16 the dividend fund in the current year under AS 43.23.055(3) and
17 (7);

18 (D) less the amount necessary to pay dividends from
19 the dividend fund due to eligible applicants who, as determined
20 by the department, filed for a previous year's dividend by the
21 filing deadline but who were not included in a previous year's
22 dividend computation;

23 (2) determining the number of individuals eligible to
24 receive a dividend payment for the current year; and

25 (3) dividing the amount determined under (1) of this sec-
26 tion by the amount determined under (2) of this section.

27 * Sec. 5. AS 43.23.055 is amended to read:

28 Sec. 43.23.055. DUTIES OF THE DEPARTMENT. The department shall

29 (1) annually pay permanent fund dividends from the dividend

1 fund;

2 (2) adopt regulations under the Administrative Procedure
3 Act (AS 44.62) that establish procedures and time limits for claiming
4 a permanent fund dividend; the department shall set the time limit for
5 applications for permanent fund dividends so that the number of eligi-
6 ble applicants is determined by October 1 of the year for which the
7 dividend is declared and permanent fund dividends for a year are paid
8 before April 30 of the year following that year;

9 (3) adopt regulations under the Administrative Procedure
10 Act (AS 44.62) that establish procedures and time limits for an indi-
11 vidual upon emancipation or upon reaching majority to apply for perma-
12 nent fund dividends not received during minority because the parent,
13 guardian, or other authorized representative did not apply on behalf
14 of the individual;

15 (4) assist residents of the state, particularly in rural
16 areas, who because of language, disability, or inaccessibility to
17 public transportation need assistance to establish eligibility and to
18 apply for permanent fund dividends;

19 (5) annually determine, in cooperation with the Department
20 of Corrections, the number and identity of individuals ineligible for
21 a permanent fund dividend under AS 43.23.005(d); [AND]

22 (6) adopt regulations that are necessary to implement
23 AS 43.23.005(d);

24 (7) adopt regulations that establish procedures for the
25 parent, guardian, or other authorized representative of a disabled
26 individual to apply for prior year permanent fund dividends not re-
27 ceived by the disabled individual because no application was submitted
28 on behalf of the individual.

29 * Sec. 6. AS 43.23.095 is amended by adding a new paragraph to read:

1 (9) "disabled" means physically or mentally unable to
2 complete and sign an application due to a serious emotional distur-
3 bance, visual, orthopedic, or other health impairment, or develop-
4 mental disability that is attributable to mental retardation, cerebral
5 palsy, epilepsy, autism or other cause; "disabled" does not mean
6 "incompetent";

7 * Sec. 7. The Act takes effect January 1, 1991.

H B

3 8 5

HOUSE COMMITTEE REPORT

(11)

Date Referred: February 7, 1990

FURTHER REFERRALS:

Date of Committee Action: 2/27/90

The FINANCE Committee considered:

HB 385

HOUSE BILL NO. 385 VETERANS' BURIAL ALLOWANCE ELIGIBILITY

"An Act relating to eligibility for veterans' burial allowance."

RECOMMENDATIONS:

- be replaced with CS HB 385 (JA) the same title
- have attached amendment(s) a new title
- do pass
- do not pass
- no recommendation
- individual recommendations
- additional referral to the _____ Committee

ADOPTS: _____ letter of intent

ATTACHES NEW FISCAL NOTE(s):
(Dept)

APPROVES PREVIOUS:

(Date/Dept)

- fiscal impact _____
- zero fiscal note _____
- zero with analysis _____
- fiscal note(s) _____
- zero fiscal note(s) _____
- zero fn/analysis 2/7/90 / DMVA

SIGNING DO PASS:

SIGNING:

(Check approp. column)

Do Not
Pass
No Rec
Amend

<u>[Signature]</u> Hoffman				
<u>[Signature]</u> Larson				
<u>[Signature]</u> Swackhammer				
<u>[Signature]</u> Brown				
<u>[Signature]</u> Koponen				
<u>[Signature]</u> Ulmer				
<u>[Signature]</u> Barnes				
<u>[Signature]</u> Shultz				
<u>[Signature]</u> Phillips				
<u>[Signature]</u> Rieper				
<u>[Signature]</u> Wallis				
<u>[Signature]</u> Larson Chairman's Signature				
<u>[Signature]</u> Hoffman				

FISCAL NOTE

REQUEST:

Revision Date: February 5, 1990
 Title An Act relating to eligibility
for veterans burial allowance.
 Sponsor: Rep. Hudson
 Requestor: House State Affairs

Agency Affected: DMVA
 BRU: Veterans Affairs
 Components: Death Gratuity

EXPENDITURES/REVENUES: (Thousands of Dollars)

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

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

The additional death gratuities paid to survivors of the additional qualified veterans created by this bill are projected to be negligible based on past experience. This negligible increase in death gratuities will be absorbed within the existing budget for this component.

Prepared by Jeff Morrison, Director
 Division: Administrative & Support Services, DMVA

Phone 465-4600
 Date 2/05/90

Approved by for MG John Schaeffer
 Agency: Department of Military & Veterans Affairs

Date 2/05/90

Distribution (by preparer):

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

Adopted

Original sponsor(s): REP. HUDSON, Gruenberg

1 IN THE HOUSE BY THE STATE AFFAIRS COMMITTEE
2 CS FOR HOUSE BILL NO. 385 (State Affairs)
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 SIXTEENTH LEGISLATURE - SECOND SESSION
5 A BILL

6 For an Act entitled: "An Act relating to eligibility for veterans' death
7 gratuities."

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

9 * Section 1. AS 26.10.080(a) is amended to read:

10 (a) The Department of Military and Veterans' Affairs shall pay,
11 upon application, a death gratuity in the amount of \$750 to the sur-
12 viving spouse of a qualified veteran [WHOSE BURIAL IN THE STATE OCCURS
13 ON OR AFTER MAY 13, 1984, AND] who was a resident of the state at the
14 time of death. If the veteran has no surviving spouse, the gratuity
15 shall be paid to the personal representative of the veteran. A veter-
16 an is qualified under this subsection if the veteran's burial occurred

17 (1) in the state on or after May 13, 1984; or
18 (2) elsewhere on or after the effective date of this Act.

STATE OF ALASKA

DEPARTMENT OF MILITARY AND VETERANS AFFAIRS

OFFICE OF THE ADJUTANT GENERAL

STEVE COWPER, GOVERNOR

FRONTIER BUILDING
SUITE 620
3601 C STREET
ANCHORAGE, ALASKA 99503 5989
PHONE (907) 243 0656
AUTOVON 626-1444
(907) 249-1565

August 4, 1989

The Honorable Bill Hudson
P.O. Box V
Juneau, AK 99811-0101

Dear Representative Hudson,

Thank you for your letter of July 7th concerning an amendment to AS 26.10.080, the Death Gratuity Program.

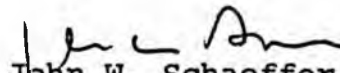
In FY88 we paid 304 claims for a total of \$228,000. In FY89 the number was 360 for an expenditure of \$270,000. According to our records, there has been only one claim last year denied because the survivors planned an out of state ~~burial~~. The statute is pretty clear on that issue and most applicants/survivors appear to know the requirements before submitting their claim. It's hard to predict what sort of fiscal impact your amendment would have, but I anticipate not too great.

The biggest problem with the Death Gratuity Program is that people in rural Alaska are not making claims. According to our recent analysis, out of 304 applications in 1988, only twelve were received from the areas of the North Slope Borough, Northwest Arctic Borough, Bering Straits, Western Alaska, Bristol Bay and the Aleutian Chain.

We're taking steps in the Division of Veterans Affairs to improve our outreach/information program in hopes of striking a better balance of applicants. I expect the outreach effort will have a noticeable impact.

If I can be of further assistance, please let me know.

Sincerely,


John W. Schaeffer
Major General
Alaska National Guard
The Adjutant General

JWS/hah



Alaska State Legislature

REPRESENTATIVE BILL HUDSON

P.O. BOX V
Juneau, Alaska
99811
(907)465-3744 or 4991

COMMITTEES:

Transportation
Resources
Foreign Trade

FINANCE SUBCOMMITTEES

DOT/PF
C & RA

July 7, 1989

Major General John W. Schaeffer
The Adjutant General
Commissioner
Department of Military and
Veteran Affairs
3601 "C" Street, Suite 620
Anchorage, AK 99503-5989

Dear General Schaeffer:

I am considering an amendment to AS 26.10.080 Death Gratuity and would like your professional opinion prior to filing.

Specifically John, I have been approached by several veterans asking that we eliminate the requirement that burial be in the state for a surviving spouse to receive the \$750 allowance.

This seems reasonable because the original purpose of the allowance was to provide some relief to next of kin and was to honor veterans.

Before I file this change, I would appreciate your analysis of its effect. For example how many claims are paid annually and how many are turned down because the deceased was not buried in Alaska?

Your candid opinion will also be appreciated.

Respectfully,


Bill Hudson

BH/klc



Alaska State Legislature



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COMMITTEES:

Transportation
Resources
Foreign Trade

FINANCE SUBCOMMITTEES

DOT/PF
C & RA

February 6, 1990

Representative Lyman Hoffman
and
Representative Ron Larson
Co-Chairmen
House Finance Committee
Alaska State Legislature
Juneau, Alaska

Dear Representatives Hoffman and Larson:

CSHB 385, relating to eligibility for veterans' death gratuity allowance was adopted by the House State Affairs Committee on February 6. The bill's next committee of referral is the House Finance Committee.

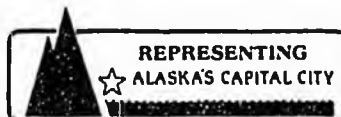
This bill seeks to eliminate the requirement that an Alaskan veteran be physically buried in Alaska. Several veterans have expressed to me the fact that it is becoming harder to find burial space in veterans' plots. Many families have family plots and wish to place their deceased Alaskan veteran in those family plots.

I feel the intent of the State of Alaska's paying a death gratuity in the amount of \$750 is to assist the deceased veteran's family and to honor the deceased for having served in the United States military.

Where an Alaskan veteran is buried really should be up to the family, and not be conditioned upon state policy. The burial of an Alaskan veteran in another state does not diminish the fact that the deceased served in the military or was an Alaska resident at the time of death.

This legislation has a zero fiscal note, and the enclosed letter from John W. Schaeffer, Major General Alaska National Guard, The Adjutant General, points out this legislation will have very little, if any, fiscal impact.

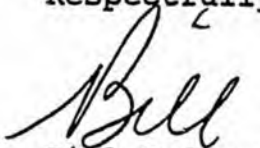
HB 385 has the support of the Veterans of Foreign Wars. A copy of their letter is also enclosed.



Representatives Hoffman and Larson
February 6, 1990
Re: HB 385
Page Two

Your favorable decision to place this bill on the House
Finance Committee agenda at the earliest possible date will be
very much appreciated.

Respectfully,



Bill Hudson

BH:lh

Enclosures

HB

385

SENATE FINANCE COMMITTEE REPORT

DATE: 3/27/90

FURTHER:

DATE TURNED INTO OFFICE: 4/5/90

The Finance Committee considered

CSHB 385 (SA)

"An Act relating to eligibility for veterans' death gratuities."

and recommended:

replace with _____ CS _____
 or adopt _____ SCS CSHB 385(SA)
 attached amendment(s)
 _____ letter of intent adopted

same title
 new title
 technical title change (HB only)

do pass

do not pass

no recommendation

individual recommendations

further referral to _____

ATTACHES NEW FISCAL NOTE(S):

Dept/Date:

fiscal note(s) _____

zero fiscal note(s) _____

appropriation-no fiscal note

APPROVES PREVIOUS:

Dept/Date:

fiscal note(s) _____

zero fiscal note(s) DM&VA 3/5/90

SIGNING DO PASS:

OTHER RECOMMENDATIONS:

1. Do Pass

2. (No Pass)

Co-Chairs: Signatures and Recommendations

FISCAL NOTE

REQUEST:

Revision Date: February 5, 1990
Title An Act relating to eligibility for veterans burial allowance.
Sponsor: Rep. Hudson
Requestor: House State Affairs

Agency Affected: DMVA
BRU: Veterans Affairs
Components: Death Gratuity

EXPENDITURES/REVENUES: (Thousands of Dollars)

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

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

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

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

The additional death gratuities paid to survivors of the additional qualified veterans created by this bill are projected to be negligible based on past experience. This negligible increase in death gratuities will be absorbed within the existing budget for this component.

Prepared by Jeff Morrison, Director
Division: Administrative & Support Services, DMVA

Phone 465-4600
Date 2/05/90

Approved by Commissioner for MG John Schaeffer
Agency: Department of Military & Veterans Affairs

Date 2/05/90

Distribution (by preparer):

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

Changes in SCS GSHR 385 (SA) have no fiscal impact. This fiscal note is appropriate. Projections of no fiscal impact would continue through 1996.

Adopted

Original sponsor(s): REP. HUDSON, Gruenberg, Boucher

1 IN THE HOUSE BY THE STATE AFFAIRS COMMITTEE
2 SENATE CS FOR CS FOR HOUSE BILL NO. 385 (State Affairs)
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 SIXTEENTH LEGISLATURE - SECOND SESSION
5 A BILL
6 For an Act entitled: "An Act relating to eligibility for veterans' death
7 gratuities."
8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:
9 * Section 1. AS 26.10.080(a) is amended to read:
10 (a) The Department of Military and Veterans' Affairs shall pay,
11 upon application, a death gratuity in the amount of \$750 to the sur-
12 viving spouse of a qualified veteran [WHOSE BURIAL IN THE STATE OCCURS
13 ON OR AFTER MAY 13, 1984, AND] who was a resident of the state at the
14 time of death. If the veteran has no surviving spouse, the gratuity
15 shall be paid to the personal representative of the veteran. A veter-
16 an is qualified under this subsection if the veteran's
17 (1) burial occurred in the state on or after May 13, 1984;
18 or
19 (2) death occurred on or after the effective date of this
20 Act.

HB

393

HOUSE COMMITTEE REPORT

FILE

(11)

Date Referred: February 22, 1990

FURTHER REFERRALS:

Date of Committee Action: 3/14/90

The FINANCE Committee considered:

HB 393

HOUSE BILL NO. 393

LAND EXCHANGE: KENAI RIVER SP. MGT. AREA

"An Act authorizing a land exchange between the University of Alaska and the Department of Natural Resources involving the Kenai River Special Management Area."

RECOMMENDATIONS:

- be replaced with CS HB 393 (RES) the same title
- have attached amendment(s) a new title
- do pass
- do not pass
- no recommendation
- individual recommendations
- additional referral to the _____ Committee

ADOPTS: _____ letter of intent

ATTACHES NEW FISCAL NOTE(S):
(Dept)

APPROVES PREVIOUS: _____ (Date/Dept)

- fiscal impact _____
- zero fiscal note H. FIN CMTE.
- zero with analysis _____

- fiscal note(s) _____
- zero fiscal note(s) 2/22/90 / FSG
- zero fn/analysis _____

SIGNING DO PASS:

SIGNING:
(Check approp. column)

Do Not Pass No Rec Amend

[Signature] Hoffmann
[Signature] CARSON
[Signature] Swackhammer
[Signature] BROWN
[Signature] KOPONEN
[Signature] Ulmer
[Signature] BARNES
[Signature] Phillips
[Signature] RIEGER
[Signature] WALLIS

	Do Not Pass	No Rec	Amend

[Signature] CARSON
 Chairman's Signature
[Signature] Hoffmann

FISCAL NOTE

REQUEST:

Revision Date: 3/14/90
Title: Land exchange between the U of A & DNR involving Kenai River Mgt. Area
Sponsor: Navarre, Swackhammer
Requestor: House Finance Committee

Agency Affected: Natural Resources
BRU: Land and Water Mgt.
Components: Land and Water Mgt.

EXPENDITURES/REVENUES: (Thousands of Dollars)

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

FUNDING: (Thousands of Dollars)

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

POSITIONS:

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

ANALYSIS : (Attach a separate page if necessary)

Prepared by: House Finance Committee Phone: 465-3727
Division: Co-Chairman Ron Larson *Ronald J. Larson* Date: 3/14/90

Approved by Commissioner: Co-Chairman Lyman Hoffman Date: 3/14/90
Agency: *Lyman Hoffman*

Distribution (by preparer):
Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies)

Adopted

11180

FISCAL NOTE

REQUEST:

Revision Date: 1/8/90
 Title: An Act authorizing a land exchange between University of AK and ADNR including the Kenai River Special Management Ar
 Sponsor: Navarre/Swackhammer
 Requestor: _____
 Agency Affected: _____
 BRU: _____
 Components: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

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

FUNDING: (Thousands of Dollars)

GENERAL FUND	0					
FEDERAL FUNDS	0					
OTHER	0					
TOTAL	0					

POSITIONS:

FULL-TIME	0					
PART-TIME	0					
TEMPORARY	0					

ANALYSIS : (Attach a separate page if necessary)

No FY 90 impact

Prepared by: Frank Rue Phone: 465-4107
 Division: Habitat Date: January 18, 1990
 Approved by Commissioner: [Signature] Date: Jan 31 1990
 Agency: Fish & Game

Distribution (by preparer):
 Legislative Finance
 Legislative Sponsor
 Requestor
 Office of Management and Budget
 Impacted Agency(ies)

Adopted

Original sponsor(s): REP. NAVARRE, Swackhammer

1 IN THE HOUSE BY THE RESOURCES COMMITTEE
2 CS FOR HOUSE BILL NO. 393 (Resources)
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 SIXTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act authorizing a land exchange between the
7 University of Alaska and the Department of Natural
8 Resources involving the Kenai River Special Manage-
9 ment Area; and providing for an effective date."

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

11 * Section 1. (a) The commissioner of natural resources may exchange
12 under (b) and (c) of this section land within the Kenai River Special
13 Management Area for land owned by the University of Alaska. AS 38.50
14 applies to the transfer.

15 (b) The commissioner of natural resources may transfer to the Univer-
16 sity of Alaska land that is located within Township 5 North, Range 11 West,
17 Seward Meridian, Section 36: Tract A, Slikok Creek Alaska Subdivision.

18 (c) The land of the University of Alaska that may be transferred to
19 the commissioner of natural resources is land within Township 5 North,
20 Range 11 West, Seward Meridian, Section 36: S1/2NW1/4.

21 * Sec. 2. AS 41.21.502(a)(4)(H) is amended to read:

22 (H) Slikok Creek
23 Township 5 North, Range 11 West, Seward Meridian
24 Section 36: portions of S1/2NW1/4 and Tract
25 "A", Slikok Creek Alaska subdivision that are
26 not managed by the University of Alaska

27 * Sec. 3. Section 1 of this Act takes effect immediately under AS 01.-
28 10.070(c).

29 * Sec. 4. Section 2 of this Act takes effect on the first day of the

1 month that follows the certification by the commissioner of natural re-
2 sources to the lieutenant governor and the revisor of statutes that the
3 exchange has been completed under sec. 1 of this Act.

Alaska State Legislature

WHILE IN SESSION
PO BOX V
JUNEAU, ALASKA 99811
(907) 485-3779

HOUSE MAJORITY LEADER



HONORARY ADDRESS
PO BOX 189
KENAI, ALASKA 99541
(907) 262-9356

DISTRICT 5

Representative Mike Navarre

March 13, 1990

MEMORANDUM

TO: Representative Ron Larson, Co-Chair
Representative Lyman Hoffman, Co-Chair
House Finance Committee

FROM: Rep. Mike Navarre

*S.M. for
Rep. Navarre*

Subject: HB 393, "An Act authorizing a land exchange between the University of Alaska and the Department of Natural Resources involving the Kenai River Special Management Area."

HB 393 allows the exchange of lands managed by the University of Alaska, and lands managed by the DNR, Division of Parks and Outdoor Recreation, in the vicinity of the Kenai Peninsula College Campus and the Slikok Creek Recreation Area near Soldotna.

As the back-up material indicates, the exchange is beneficial to all parties involved.

The committee's favorable consideration of this measure would be appreciated.

Alaska State Legislature



Representative Mike Navarre

HB 393 - JUSTIFICATION SUMMARY

This measure would simply allow the exchange of lands managed by the University of Alaska, and lands managed by the DNR, Division of Parks and Outdoor Recreation, in the vicinity of the Kenai Peninsula College Campus and the Slikok Creek Recreation Area near Soldotna.

The exchange will meet the mutual objectives of the University (by allowing expansion of the Kenai Campus), the City of Soldotna (which will manage the upland portion of the lands along Slikok Creek), and the Division of Parks and Outdoor Recreation (which manages the Kenai River Special Management Area).

In short, the bill allows continued expansion of the Kenai Peninsula College Campus, at the same time promoting tourism development along Slikok Creek, a popular Soldotna area fishing stream.

I urge your favorable consideration of HB 393.

A handwritten signature in cursive script, appearing to read "Mike Navarre".

Rep. Mike Navarre

MN/pm

Soldotna

• 177 North Birch • Soldotna, Alaska 99669 • Phone: 262-9107



August 10, 1989

Senator Paul Fischer
Box 784
Soldotna, Alaska 99669

Representative Mike Narvarre
Box 189
Kenai, Alaska 99669

Representative C. E. Swackhammer
312 Tye Street
Soldotna, Alaska 99669

Re: Slikok Creek Recreation Area / University of Alaska Land Exchange

Gentlemen:

On behalf of the Soldotna City Council, I desire to inquire whether you would be willing to sponsor a bill which would authorize a land exchange between the University of Alaska and the Department of Natural Resource in the vicinity of the campus of the Kenai Peninsula College and the Slikok Creek Recreation Area.

A draft of the proposed legislation has been drafted by counsel for the University. The draft language and some background information pertaining to this topic is enclosed for your information and reference.

This land exchange would facilitate mutual objectives of the University, Soldotna and the Division of Parks and Outdoor Recreation, Department of Natural Resources. The City and the University have "officially" endorsed this proposal. DNR representatives appear to be "neutral" indicating to me that they will not oppose these proposals.

We would like to have this legislation introduced at the beginning of your second session so that it may be enacted in 1990. A companion appropriation of \$100,000 -- 50% to DNR and 50% to the City of Soldotna, would also be appreciated so that we may implement plans for the design and construction of a bridge over the mouth of Slikok Creek at the Kenai River, pedestrian boardwalks, pathways and other appropriate habitat preservation improvements in the critical habitat areas adjacent to the Kenai River and Slikok Creek.

If you require additional information, please just call me or John Dickinson at the University. I will be in Wrangell at 874 2381 on an interim manager assignment from August 14 to September 11. Thanks for your consideration of this request.

Sincerely,

A handwritten signature in black ink, appearing to read "Richard Underkofler".

Richard Underkofler
City Manager

cc: Sue Millington, Division of Parks and Outdoor Recreation, Box 1247, Soldotna, AK 99669
John Dickinson, University of Alaska, 910 Yukon Drive, Suite 211, Fairbanks, Alaska 99775



Statewide Office
(907) 474-7591

University of Alaska
Facilities Planning & Construction
Butrovich Building, Suite 211
910 Yukon Drive
Fairbanks, Alaska 99775-5280

REC'D MAY 8 1989

May 5, 1989

Richard Underkofler
City Manager
City of Soldotna
177 North Birch Street
Soldotna, Alaska 99669

Re: Recreation Access and Land Exchange Legislation

Dear Rich:

As discussed, I have had our counsel draft the enclosed proposed legislation, including background summary information and map work.

By copy of this letter to William Garry, I am requesting that he contact both of us if any of the enclosure causes his agency any concern. That way we can, as agreed, support this legislation on all fronts. I want to thank you again for your assistance in introducing this legislation and look forward to favorable action within the next year.

Sincerely,

A handwritten signature in cursive script, appearing to read "John Dickinson".

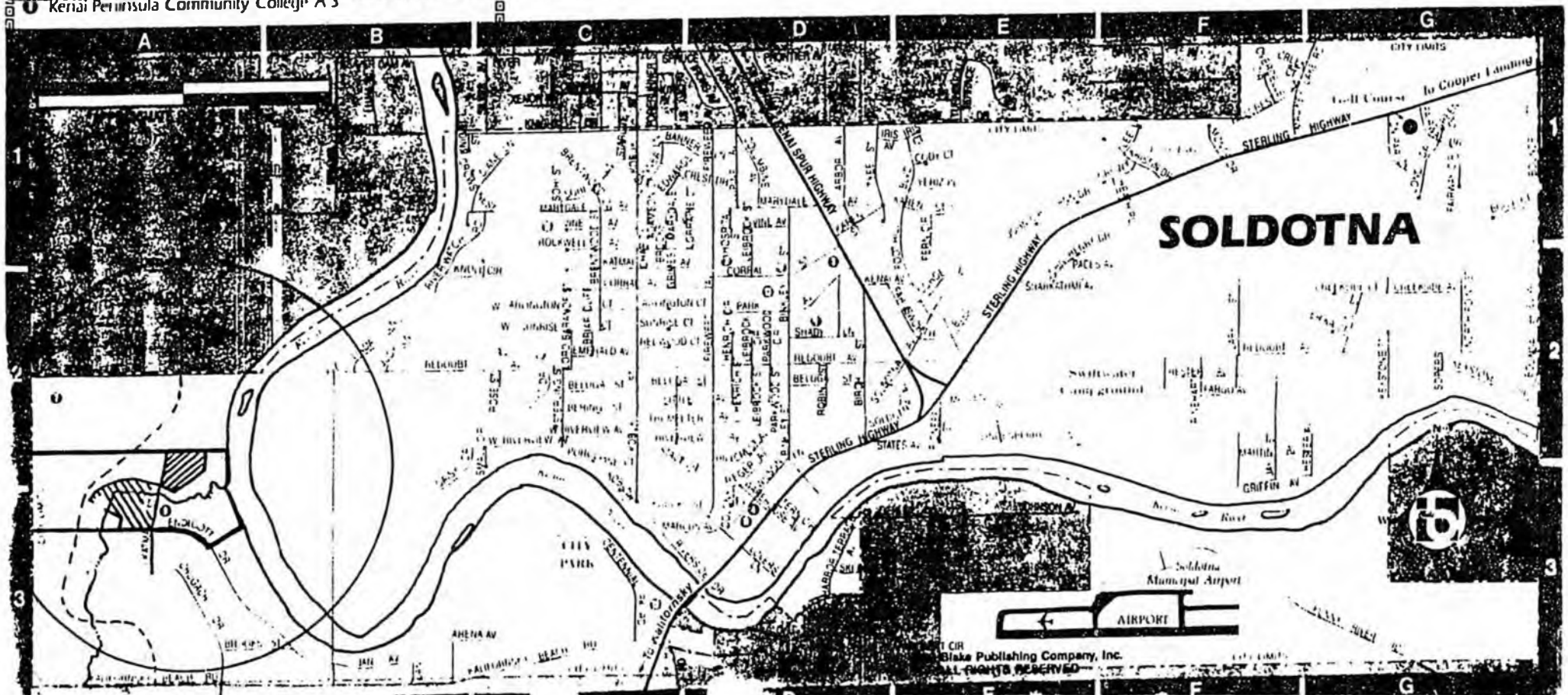
John Dickinson, Manager
Educational Properties

Encl: Draft of Proposed Legislation

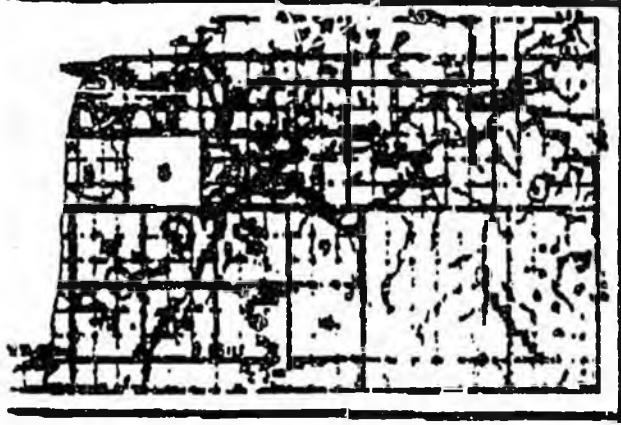
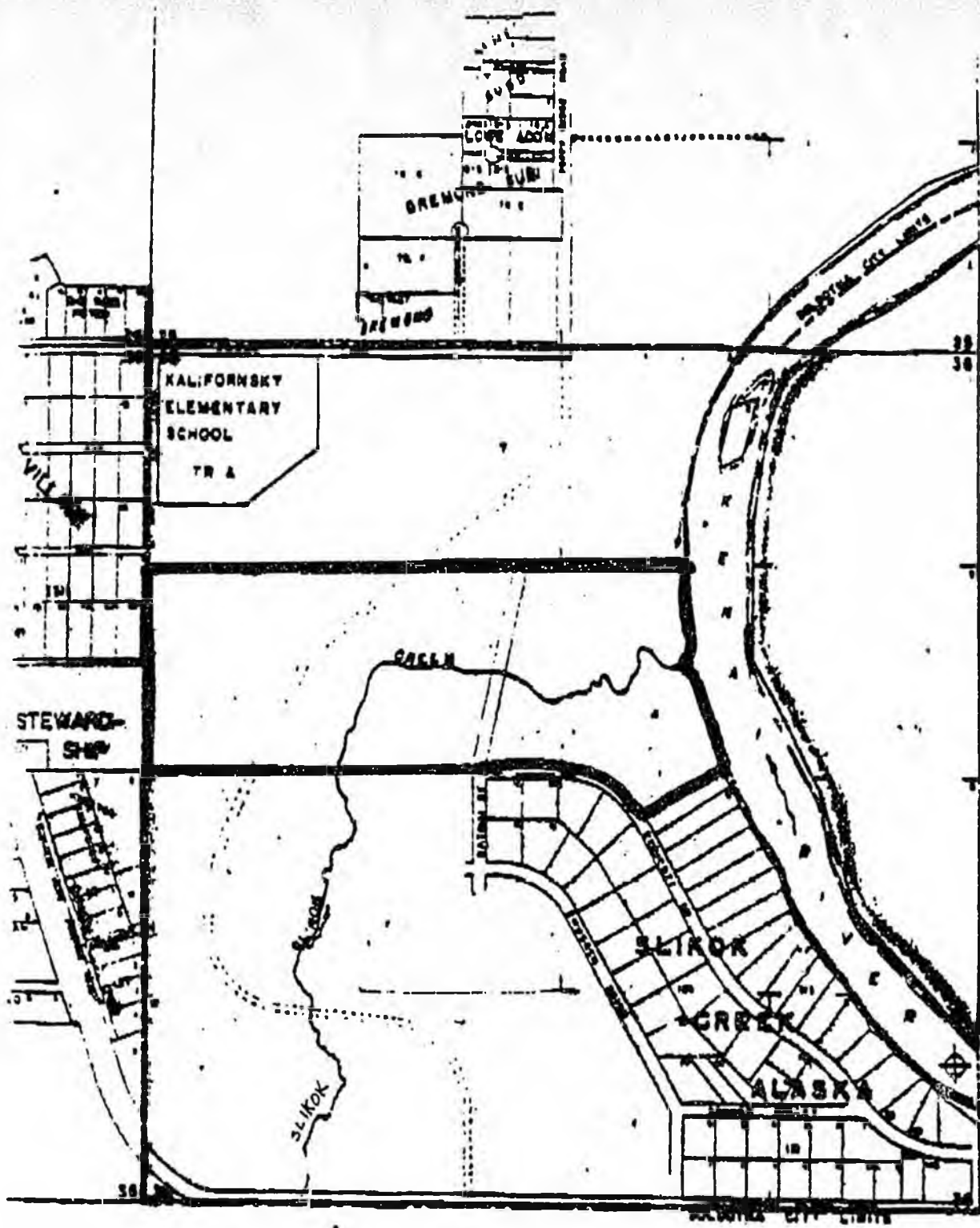
cc: William W. Garry
John Wiles

0553_7540

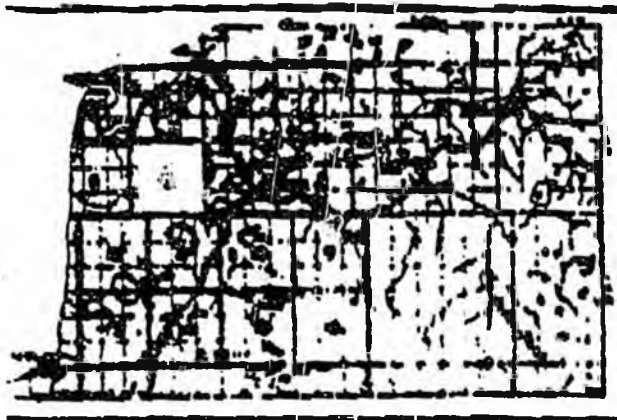
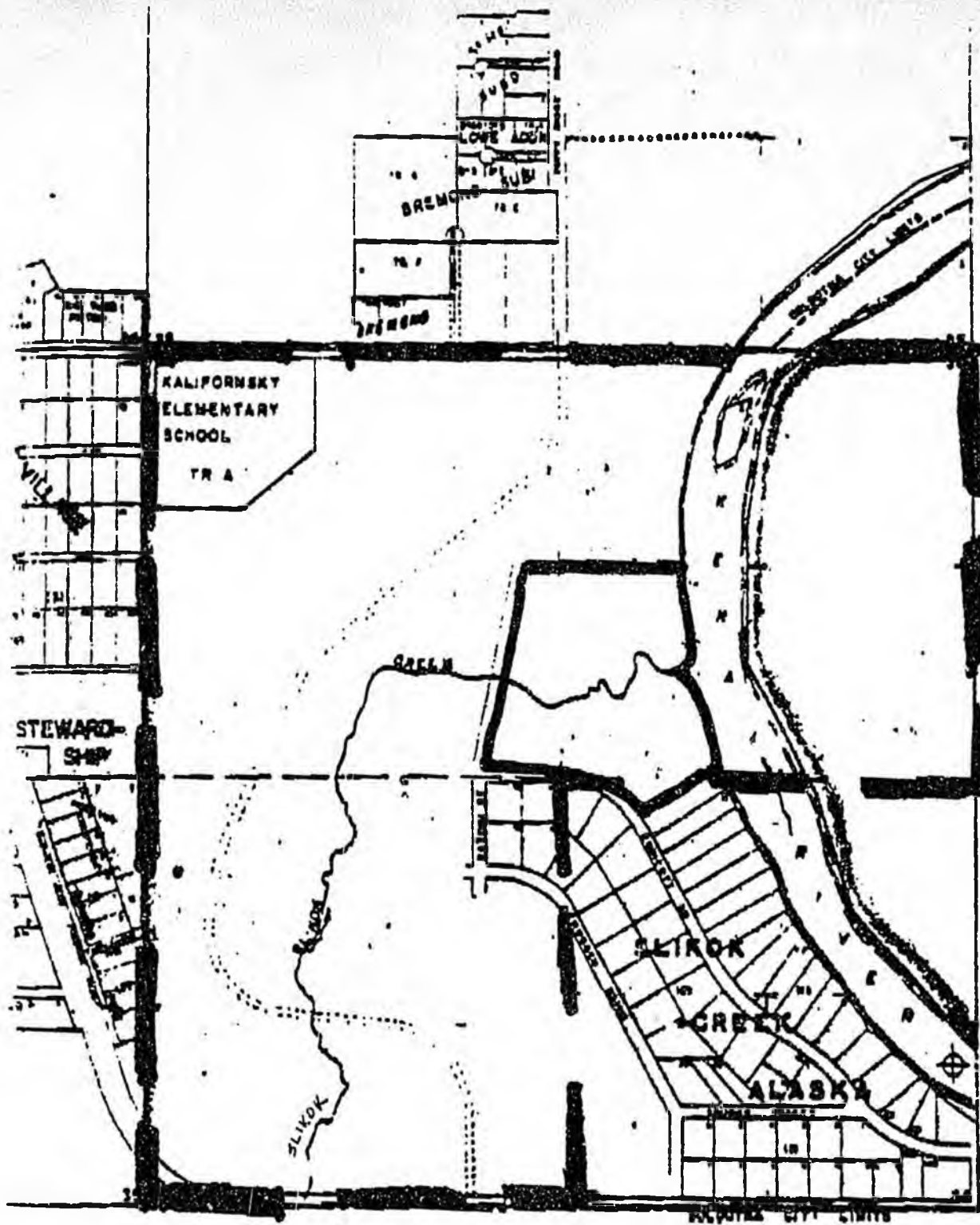
Kenai Peninsula Community College A-5





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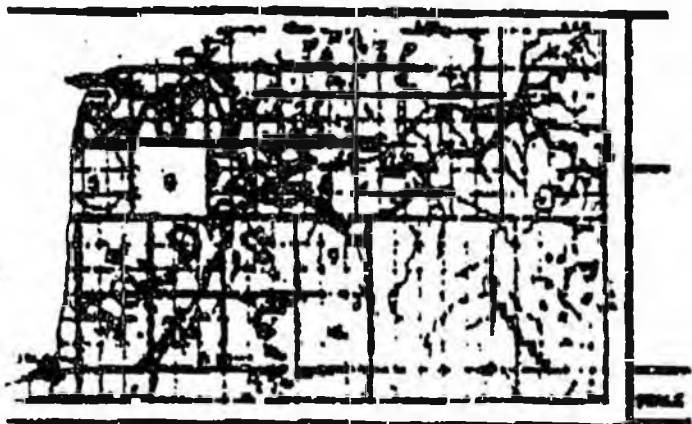
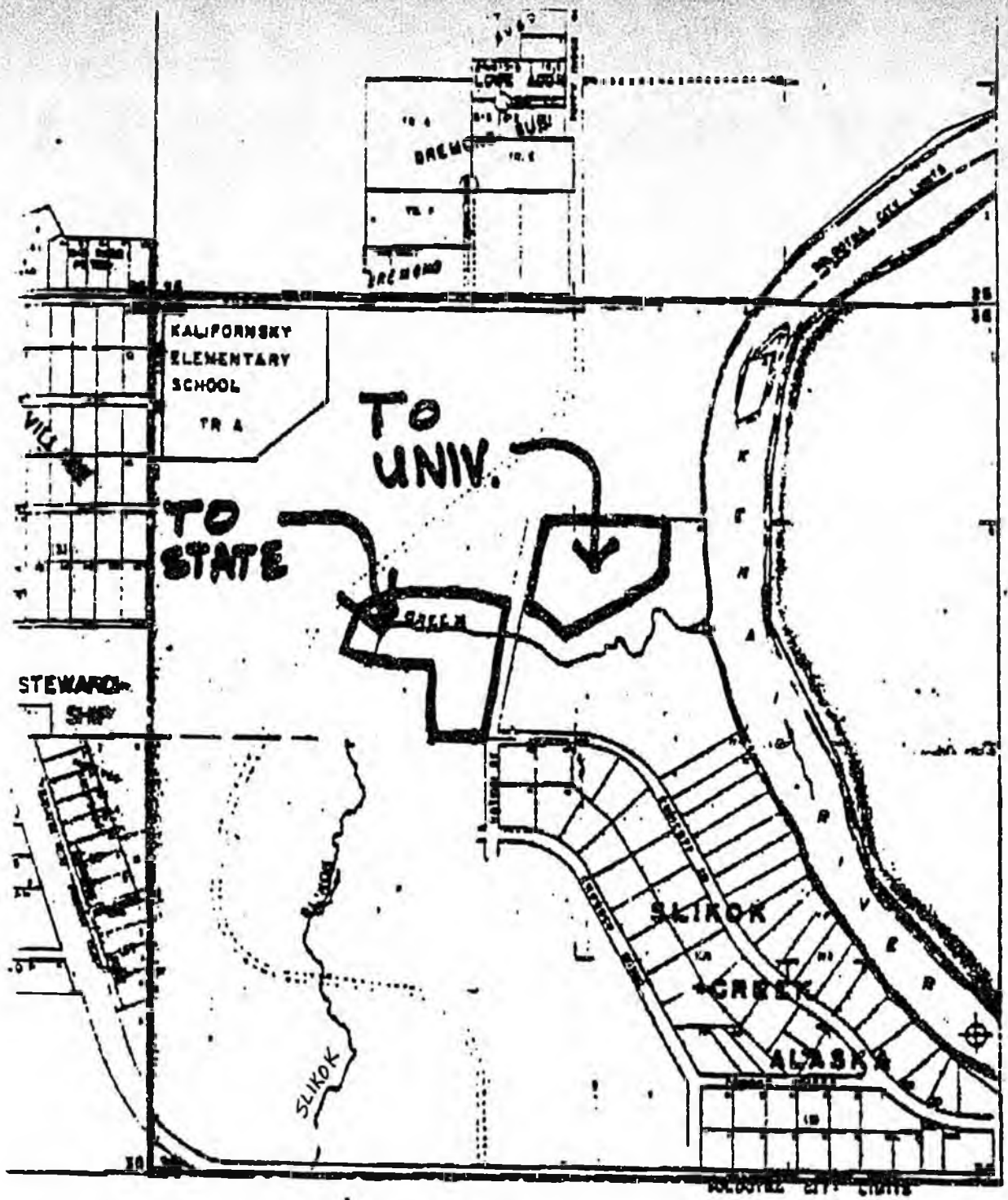


□ AREA WHERE
 NON-UNIVERSITY
 LANDS ARE PART
 OF KENAI RIVER
 SPECIAL MGMT.
 AREA



 LAND TO STATE FROM WITHIN
 LAND TO UNIV. FROM WITHIN

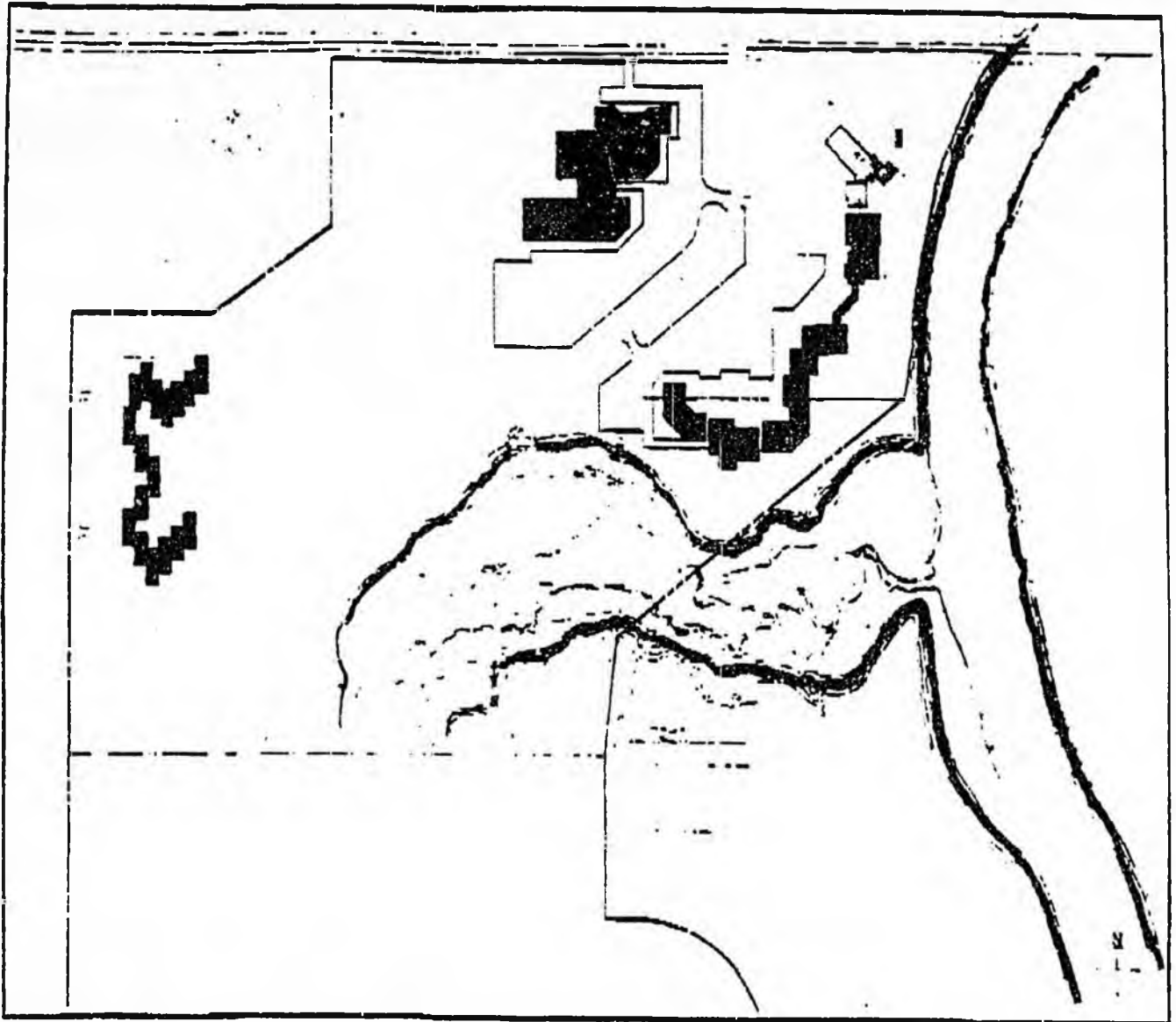
3709



HYPOTHETICAL
 LAND EXCHANGE
 AT SLIKOK CR.

MAP 2

PROPOSED DEVELOPMENT III



KPCC MASTER PLAN

1986



UNIVERSITY OF ALASKA
FACILITIES PLANNING & CONSTRUCTION
ANCHORAGE, ALASKA

■ PROPOSED BLDG
- - - PROPOSED PARKING



STATE OF ALASKA
OFFICE OF THE GOVERNOR

BILL ANALYSIS

DEPARTMENT Fish and Game	DIVISION Habitat	BILL NUMBER HB393	SPONSOR Nayanna/Svacklunmer
-----------------------------	---------------------	----------------------	--------------------------------

SHORT TITLE OF BILL
Land exchange between U of A and ADNR Kenai River Special Management Area

DEPARTMENT POSITION
Opposed to the bill, as written

PREPARED BY Frank Rue <i>Frank Rue</i>	DATE 1/29/90	COMMISSIONER'S SIGNATURE <i>Arthur D. Willey</i>	DATE 1/31/90
---	-----------------	---	-----------------

SUMMARY

OTHER AGENCIES AFFECTED BY BILL City of Soldotna	CONSTITUENT GROUP(S) AFFECTED BY BILL Kenai River Users
---	--

ORGANIZATIONAL SUPPORT FOR BILL Unknown	ORGANIZATIONAL OPPOSITION TO BILL Unknown
--	--

FISCAL IMPACT: NONE FISCAL NOTE ATTACHED

BACKGROUND/LEGISLATIVE INTENT This bill is intended to allow a trade of uplands administered by the Division of Parks and Outdoors Recreation near the University Campus at Soldotna for uplands and wetlands owned by the University near Slikok Creek. The wetlands near the creek will be protected by Parks, and uplands near the creek will be managed as a campground by the City of Soldotna under a cooperative agreement.

ANALYSIS OF BILL PROGRAM EFFECTS
The bill, as written, is open-ended and would allow other unspecified land trades. The department is not opposed to the specific trade intended.

AMENDMENTS PROPOSED
Rewrite the bill to allow only the specific land trade intended.

PLEASE ATTACH A SEPARATE SHEET FOR ADDITIONAL COMMENTS OR ANALYSIS.

FISCAL NOTE

REQUEST:

Revision Date: 1/8/90 Agency Affected: _____
 Title: An Act authorizing a land exchange between University of AK and ADNR including the rental river special management Act BRU: _____
 Sponsor: Navarre/Swackhammer Components: _____
 Requestor: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

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

FUNDING: (Thousands of Dollars)

GENERAL FUND	0					
FEDERAL FUNDS	0					
OTHER	0					
TOTAL	0					

POSITIONS:

FULL-TIME	0					
PART-TIME	0					
TEMPORARY	0					

ANALYSIS : (Attach a separate page if necessary)

No FY 90 impact

Prepared by: Frank Rue Phone: 465-4107
 Division: Habitat Date: January 18, 1990
 Approved by Commissioner: *Frank Rue* Date: Jan 31 1990
 Agency: _____

Distribution (by preparer):
 Legislative Finance
 Legislative Sponsor
 Requestor
 Office of Management and Budget
 Impacted Agency(ies)

PK

FISCAL NOTE

REQUEST:

Revision Date: _____	Agency Affected: <u>Natural Resources</u>
Title: <u>Land exchange between the II of A & DNR involving Kenai River Mgt. Area</u>	BRU: <u>Land & Water Mgt.</u>
Sponsor: <u>Navarre Swackhammer</u>	Components: <u>Land & Water Mgt.</u>
Requestor: _____	

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 91	FY 92	FY 93	FY 94	FY 95	FY 96
PERSONAL SERVICES	25.0					
TRAVEL	1.5					
CONTRACTUAL	5					
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	27.0					

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

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

FUNDING: (Thousands of Dollars)

GENERAL FUND	27.0					
FEDERAL FUNDS						
OTHER						
TOTAL	27.0					

POSITIONS:

FULL-TIME						
PART-TIME	1					
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary) This fiscal note provides for 6 months of a Natural Resource Mgr. I (18) to complete the land exchange under AS 38.50. This includes negotiations, public hearings and notice and final conveyance.

Prepared by: Ron Swanson, Chief Land and Resources Phone: 762-2680
Division: Land and Water Management Date: February 15 '90

Approved by Commissioner: *[Signature]* Date: _____
Agency: DAIR

- Distribution (by preparer):
- Legislative Finance
 - Legislative Sponsor
 - Requestor
 - Office of Management and Budget
 - Impacted Agency(ies)



STATE OF ALASKA
OFFICE OF THE GOVERNOR
BILL ANALYSIS

No. 1
CSHB 393 (RES)
HOUSE 2/22/90

DEPARTMENT Natural Resources	DIVISION Parks & Outdoor Recreation	BILL NUMBER	SPONSOR
DEPARTMENT POSITION Support			
PREPARED BY	DATE	COMMISSIONER'S SIGNATURE <i>R. J. Sawyer</i>	DATE 2/22/90

SUMMARY

OTHER AGENCIES AFFECTED BY BILL DNR - Division of Land & Water Management	CONSTITUENT GROUP(S) AFFECTED BY BILL Kenai River Special Management Area Advisory Board City of Kenai
ORGANIZATIONAL SUPPORT FOR BILL Kenai River Special Management Area Advisory Board City of Kenai	ORGANIZATIONAL OPPOSITION TO BILL None
FISCAL IMPACT: <input type="checkbox"/> NONE <input checked="" type="checkbox"/> FISCAL NOTE ATTACHED	

BACKGROUND/LEGISLATIVE INTENT

The University of Alaska's expansion plans for its college campus at Kenai cannot go forward due to a limitation on physical area. Adjacent land within the Kenai Special Management Area is needed to expand the college campus.

ANALYSIS OF BILL/PROGRAM EFFECTS

Statutory authority is needed to remove land from the Kenai River Special Management Area (KRSMA). The University of Alaska owns property adjacent to the KRSMA at Slikok Creek. The University would exchange a portion of its property along Slikok Creek for access, recreation and habitat protection uses in exchange for state land within the Management Area which is more suitable for campus development/expansion of the Kenai College. The adjustment of management boundaries would meet the goals of the state and the University and the public interest.

AMENDMENTS PROPOSED

None

HB

393

SENATE FINANCE COMMITTEE REPORT

DATE: 4/20/90

FURTHER:

DATE TURNED INTO OFFICE: 5/8/90

The Finance Committee considered

CSHB 393 (Resources)

"An Act authorizing a land exchange between the University of Alaska and the Department of Natural Resources involving the Kenai River Special Management Area; and providing for an effective date."

and recommended:

- replace with _____ CS _____ same title
 or adopt _____ CS _____ new title
 attached amendment(s) technical title change (HB only)
 _____ letter of intent adopted
- do pass
 do not pass
 no recommendation
 individual recommendations
 further referral to _____

ATTACHES NEW FISCAL NOTE(S):
Dept/Date:
 fiscal note(s) _____

zero fiscal note(s) _____

appropriation-no fiscal note

SIGNING DO PASS:

Do Pass

APPROVES PREVIOUS:
Dept/Date:
 fiscal note(s) _____

zero fiscal note(s) _____
DK+G 1/31/90
DNR 3/14/90

OTHER RECOMMENDATIONS:

Peace - no rec
No Rec

No Rec

Co-Chairs: Signatures and Recommendations

FISCAL NOTE

REQUEST:

Revision Date: 3/14/90
Title: Land exchange between the U of A & DNR involving Kenai River Mgt. Area
Sponsor: Navarre, Swackhammer
Requestor: House Finance Committee

Agency Affected: Natural Resources
BRU: Land and Water Mgt.
Components: Land and Water Mgt.

EXPENDITURES/REVENUES: (Thousands of Dollars)

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

FUNDING: (Thousands of Dollars)

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

POSITIONS:

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

ANALYSIS : (Attach a separate page if necessary)

Prepared by: House Finance Committee Phone: 465-3727
Division: Co-Chairman Ron Larson Date: 3/14/90

Approved by Commissioner: Co-Chairman Lyman Hoffman Date: 3/14/90
Agency: [Signature]

Distribution (by preparer):
Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies)

Adopted

FISCAL NOTE

REQUEST:

Revision Date: 1/8/90
 Title: An Act authorizing a land exchange between University of AK and ADNR including the Kenai River Special Management Ar.
 Sponsor: Navarre/Swackhammer
 Revisor: _____
 Agency Affected: _____
 BRU: _____
 Components: _____

Adopted

EXPENDITURES/REVENUES: (Thousands of Dollars)

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

FUNDING: (Thousands of Dollars)

GENERAL FUND	0					
FEDERAL FUNDS	0					
OTHER	0					
TOTAL	0					

POSITIONS:

FULL-TIME	0					
PART-TIME	0					
TEMPORARY	0					

ANALYSIS : (Attach a separate page if necessary)

No FY 90 impact

Prepared by: Frank Rue Phone: 465-4107
 Division: Habitat Date: January 18, 1990
 Approved by Commissioner: [Signature] Date: Jan 31 1990
 Agency: [Signature] FSG

Distribution (by preparer):
 Legislative Finance
 Legislative Sponsor
 Requestor
 Office of Management and Budget
 Impacted Agency(ies)

Original sponsor(s): REP. NAVARRE, Swackhammer

1 IN THE HOUSE BY THE RESOURCES COMMITTEE

2 CS FOR HOUSE BILL NO. 393 (Resources)
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 SIXTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act authorizing a land exchange between the
7 University of Alaska and the Department of Natural
8 Resources involving the Kenai River Special Manage-
9 ment Area; and providing for an effective date."

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

11 * Section 1. (a) The commissioner of natural resources may exchange
12 under (b) and (c) of this section land within the Kenai River Special
13 Management Area for land owned by the University of Alaska. AS 38.50
14 applies to the transfer.

15 (b) The commissioner of natural resources may transfer to the Univer-
16 sity of Alaska land that is located within Township 5 North, Range 11 West,
17 Seward Meridian, Section 36: Tract A, Slikok Creek Alaska Subdivision.

18 (c) The land of the University of Alaska that may be transferred to
19 the commissioner of natural resources is land within Township 5 North,
20 Range 11 West, Seward Meridian, Section 36: S1/2NW1/4.

21 * Sec. 2. AS 41.21.502(a)(4)(H) is amended to read:

22 (H) Slikok Creek
23 Township 5 North, Range 11 West, Seward Meridian
24 Section 36: portions of S1/2NW1/4 and Tract
25 "A", Slikok Creek Alaska subdivision that are
26 not managed by the University of Alaska

27 * Sec. 3. Section 1 of this Act takes effect immediately under AS 01.-
28 10.070(c).

29 * Sec. 4. Section 2 of this Act takes effect on the first day of the

1 month that follows the certification by the commissioner of natural re-
2 sources to the lieutenant governor and the revisor of statutes that the
3 exchange has been completed under sec. 1 of this Act.

HB

396

HOUSE COMMITTEE REPORT

Original ✓

(11)

Date Referred: January 18, 1990

FURTHER REFERRALS:

Date of Committee Action: _____

The FINANCE Committee considered:

HB 396

HOUSE BILL NO. 396

PERS BENEFITS FOR PROBATION OFFICERS

"An Act granting probation officers status as peace officers under the public employees' retirement system; and providing for an effective date."

RECOMMENDATIONS:

- be replaced with _____ the same title
- have attached amendment(s) a new title
- do pass
- do not pass
- no recommendation
- individual recommendations
- additional referral to the _____ Committee

ADOPTS: _____ letter of intent

ATTACHES NEW FISCAL NOTE(S):
(Dept)

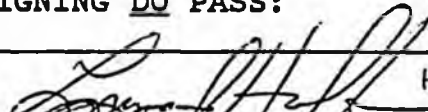
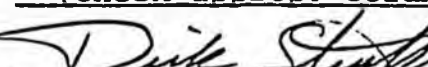
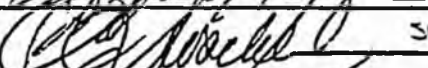
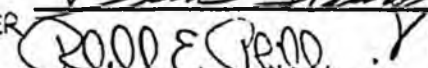

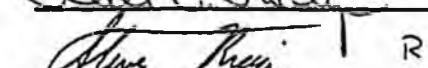
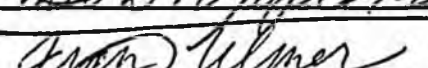
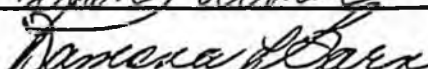
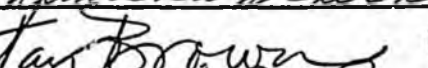
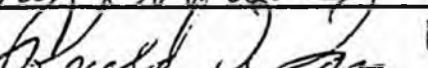
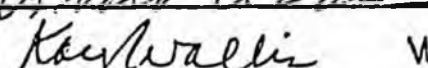
APPROVES PREVIOUS: (Date/Dept)

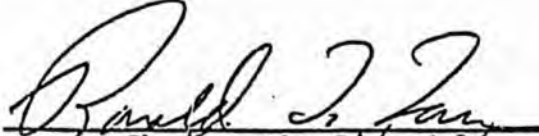
- fiscal impact _____
- zero fiscal note _____
- zero with analysis admin
- fiscal note(s) _____
- zero fiscal note(s) _____
- zero fn/analysis _____

SIGNING DO PASS:

SIGNING:
(Check approp. column)

Do Not Pass No Rec Amend

 Hoffman	 SHULTZ			
 SWACKHAMMER	 PHILLIPS		✓	
 KOPONEN	 RIEGER		✓	
 ULMER				
 BARNES				
 BROWN				
 LARSON				
 WALLIS				


Chairman's Signature

FISCAL NOTE

REQUEST: _____

Revision Date: _____ Agency Affected: Administration
 Title: An Act granting probation BRU: Retirement and Benefits
officers status of peace officers under PERS
 Sponsor: Swackhammer Components: Retirement and Benefits
 Requestor: _____

EXPENDITURES/REVENUES. (Thousands of Dollars)

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

FUNDING: (Thousands of Dollars)

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

POSITIONS:

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

ANALYSIS: (Attach a separate page if necessary)

The attached sheet discusses the fiscal implications of this bill to the Public Employees' Retirement System.

Prepared by: Sally Smith *Sally Smith* Phone: 465-4470
 Division: Retirement and Benefits Date: 01/12/90
 Approved by Commissioner: Frank S. Baxter *Frank S. Baxter for* Date: 1/12/90
 Agency: Department of Administration

Distribution (by preparer):
 Legislative Finance
 Legislative Sponsor
 Requestor
 Office of Management and Budget
 Impacted Agency(ies)

Adopted

House Bill 396
Analysis of Fiscal Implications to the Retirement Funds
Prepared by Division of Retirement & Benefits
Department of Administration
January 12, 1990

Analysis: This bill is intended to include Public Employees' Retirement System (PERS) members who serve as Probation Officers under "Peace Officer/Firefighter" coverage. They are currently covered under the "All Other" category. We have assumed that this bill will increase the "Peace Officer/Fireman" participation and decrease the "All Other" participation in PERS by 175 members.

This bill, if amended to clarify the covered group, will increase the state FY90 PERS contribution rate by .03%. The state payroll is estimated to be \$492,656,834 in FY90 and remain stable each year thereafter. The University of Alaska (U of A) PERS payroll is estimated to be \$63,654,027 in FY90 and remain stable each year thereafter.

The state cost of \$166.9 is calculated as follows:

State FY91 payroll	\$ 492,656,834
Increase in PERS rate	X <u>.03%</u>
Total FY91 state cost	\$147,797
U of A FY91 payroll	\$ 63,654,027
Increase in PERS rate	X <u>.03%</u>
Total FY91 U of A cost	<u>19.096</u>
TOTAL FY 91 STATE COST.....	<u>\$166.893</u>

This bill will not materially affect the accrued liabilities or the funding ratio of the PERS fund.

BY REP. SWACKHAMMER, Koponen, Ulmer, Hudson

1 IN THE HOUSE

2

HOUSE BILL NO. 396

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

SIXTEENTH LEGISLATURE - SECOND SESSION

5

A BILL

6 For an Act entitled: "An Act granting probation officers status as peace
7 officers under the public employees' retirement
8 system; and providing for an effective date."

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

10 * Section 1. AS 39.35.680(28) is amended to read:

11 (28) "peace officer" or "fire fighter" means an employee
12 occupying a position as a peace officer, chief of police, correctional
13 officer, correctional superintendent, fire fighter, [OR] fire chief,
14 or probation officer;

15 * Sec. 2. An employee who was employed as a probation officer in the
16 public employees' retirement system before the effective date of this Act,
17 may convert the credited service for that position to credited service as a
18 peace officer by claiming the service as peace officer service before the
19 member is appointed to retirement. When the member claims this retroactive
20 credited service, an indebtedness of the member to the system shall be
21 established. The indebtedness is equal to (1) the contributions to the
22 system that the probation officer would have made if the service had count-
23 ed as peace officer service, less (2) the contributions to the system that
24 the probation officer actually made. Interest as prescribed by regulation
25 accrues on this indebtedness beginning July 1, 1991. Any outstanding
26 indebtedness that exists at the time a person is appointed to retirement
27 will require an actuarial adjustment to the benefits payable based upon the
28 probation officer service.

29 * Sec. 3. This Act takes effect immediately under AS 01.10.070(c).

BY REP. SWACKHAMMER, Koponen, Ulmer, Hudson

1 IN THE HOUSE

2

HOUSE BILL NO. 396

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

SIXTEENTH LEGISLATURE - SECOND SESSION

5

A BILL

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27 will require an actuarial adjustment to the benefits payable based upon the
28 probation officer service.

29 * Sec. 3. This Act takes effect immediately under AS 01.10.070(c).

REPRESENTATIVE
C.E. "SWACK" SWACKHAMMER

Alaska State Legislature



House of Representatives MEMORANDUM

SOLDOTNA

312 TYEE STREET
SOLDOTNA, ALASKA 99699
(907) 262-7841

JUNEAU

BOX V
JUNEAU, ALASKA 99811
(907) 465-2689

January 18, 1990

TO: Representative Lyman Hoffman, Co-Chair
Representative Ron Larson, Co-Chair
House Finance Committee

FROM: Representative C.E. Swackhammer *Swack*

SUBJECT: House Bill 396

This is to respectfully request a hearing on House Bill 396 "An Act granting probation officers status as peace officers under the public employees' retirement system; and providing for an effective date." The bill passed out of the House State Affairs Committee on January 17, 1990.

I introduced HB 396, as a companion bill to Senate Bill 348, to rectify the inequitable situation that now exists under the public employees' retirement system. Currently, under the public employees' retirement system, probation officers are not granted the same status as peace officers who can retire after twenty years of service. Yet, probation officers are often required to work under the same types of dangerous and stressful situations. Oftentimes they and their families are violently threatened and sometimes attacked. Their responsibilities include arresting suspected probation and parole violators, taking them to jail and booking them in exactly the same manner as any other peace officer. Probation officers are required to meet probationers and parolees in the field, often at the probationer's or parolee's residence under tense and hostile situations. They are also required to search probationers and parolees and their residences and automobiles for the presence of drugs, stolen property, weapons, etc. (Attached is a sheet of photographs of guns, including many automatic weapons, recovered from the Fairbanks Probation District in the past year.)

Twenty-year retirement was granted to peace officers as an inducement to keep qualified, physically fit and mentally competent personnel in the field of public safety for a longer period of service; and in recognition of the special nature and demands of the job. By granting probation officers equal retirement status, the state would stand to benefit from the cumulative knowledge and expertise now being lost due to a high rate of probation officer turnover.

Attachments

CES/lsg

SWACKHAMMER

Alaska State Legislature



House of Representatives

SOLDOTNA

312 TYEE STREET
SOLDOTNA, ALASKA 99699
(907) 262-7841

JUNEAU

BOX V
JUNEAU, ALASKA 99811
(907) 465-2689

SECTIONAL ANALYSIS

HOUSE BILL 396

"An Act granting probation officers status as peace officers under the public employees' retirement system; and providing for an effective date."

Section 1 will amend AS 39.35.680(28) to include probation officers under the definition of "peace officer" or "fire fighter".

Section 2 would allow employees who are probation officers in PERS to convert the credited service for that position to that of a peace officer and claim retroactive credited service.

Section 3 provides for the effective date of this Act.

ALASKA PEACE OFFICERS
ASSOCIATION, INC.

P.O. Box 240106, Anchorage, AK 99524

January 30, 1990

The Honorable Lyman F. Hoffman
The Honorable Ronald L. Larson
Co-Chairmen
The Honorable C.E. Swackhammer
Subcommittee Chairman
House Finance Committee
P.O. Box V
Juneau, AK 99811

Dear Representatives:

The Alaska Peace Officers Association, Inc. is a statewide professional organization of law enforcement and other justice system agency personnel in Alaska. Our diverse membership of over 1,000 persons includes justice system professionals from all levels of government -- federal, state, borough and municipal. The efforts of the organization focus upon law enforcement-related fields, including support of legislation improving the criminal justice system.

We are writing to express the support of our membership for increased funding for law enforcement agencies in Alaska. At the State level, we urge you to increase the funding allocated to the State prosecutors' offices and the Department of Public Safety. Both of these agencies perform many duties that are essentially statewide services. We believe that the current staffing and resource levels of these agencies are not sufficient to meet the demands placed upon them. Adequate funding for prosecutors and public safety personnel would improve the level of protection that could be provided by law enforcement agencies throughout Alaska.

In the Department of Public Safety budget we urge your support for the supplemental, operating budget, and capital requests for the State Crime Laboratory, the Criminal Records and Identification Section, the Public Safety Information Network (APSIN), and the contract jails program. We also ask you to consider funding for training of State and local law enforcement officers and increased drug law enforcement statewide.

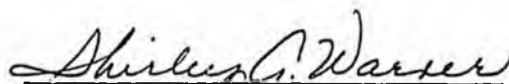
January 30, 1990

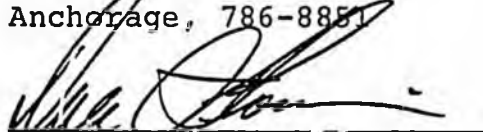
Adequate funding for criminal justice agencies is essential if we are to protect Alaska's people and property. We respectfully request your support for the budget areas discussed above.


Sincerely yours,

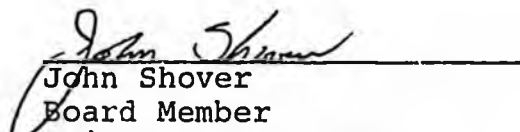
THE ALASKA PEACE OFFICERS
ASSOCIATION

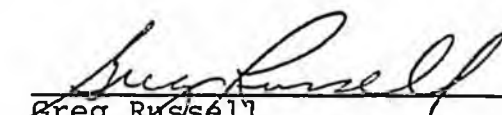
Board of Directors:

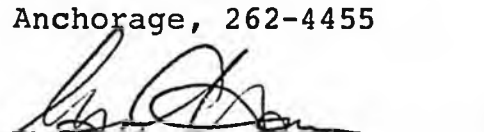

Shirley Warner
President
Anchorage, 786-8851

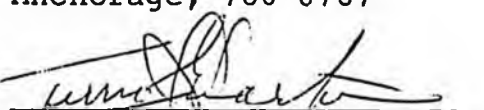

Dale Florian
Vice President
Fairbanks, 474-7721


Don Otis
Board Member
Juneau, 789-2161


John Shover
Board Member
Fairbanks, 452-2114


Greg Russell
Board Member
Anchorage, 262-4455


Greg Hansen
Board Member
Anchorage, 786-8787


Terry Quarton
Board Member
Wasilla, 276-3550

cc: The Honorable Kay Brown
House Finance Committee

The Honorable Niilo Koponen
House Finance Committee

The Honorable Fran Ulmer
House Finance Committee

The Honorable F. Kay Wallis
House Finance Committee

The Honorable Ramona L. Barnes
House Finance Committee

The Honorable Randy Phillips
House Finance Committee

The Honorable Steve Rieger
House Finance Committee

The Honorable Richard Shultz
House Finance Committee



STATE OF ALASKA
OFFICE OF THE GOVERNOR
BILL ANALYSIS

1/6K2/011018-0/3

DEPARTMENT Administration	DIVISION Retirement & Benefits	BILL NUMBER HB 396	SPONSOR Swackhammer
SHORT TITLE OF BILL An Act granting probation officers status as peace officers under the PERS			
DEPARTMENT POSITION Oppose			
PREPARED BY Sally Smith	DATE 01/10/90	COMMISSIONER'S SIGNATURE <i>Benjamin Bostler for Frank S. Bostler</i>	DATE 1/12/90

SUMMARY

OTHER AGENCIES AFFECTED BY BILL Department of Corrections Department of Health and Social Services	CONSTITUENT GROUP(S) AFFECTED BY BILL Unknown
ORGANIZATIONAL SUPPORT FOR BILL Unknown	ORGANIZATIONAL OPPOSITION TO BILL Unknown

FISCAL IMPACT: NONE FISCAL NOTE ATTACHED

BACKGROUND/LEGISLATIVE INTENT

Various quasi-police and firefighter groups have been trying for many years to be included under police and fire coverage in the Public Employees' Retirement System (PERS). These groups include wildland firefighters, park rangers, and airport security.

ANALYSIS OF BILL/PROGRAM EFFECTS

Passage of this bill will allow probation officers for the State and other employers to be considered as "Peace Officers" under the PERS. They will be allowed to claim their prior service as probation officers and establish an indebtedness for the difference in contributions that they would have made as "Peace Officers." The key affect is the 20-year and out.

AMENDMENTS PROPOSED

None

PLEASE ATTACH A SEPARATE SHEET FOR ADDITIONAL COMMENTS OR ANALYSIS.

ALASKA PROBATION/PAROLE ASSOCIATION POSITION PAPER

The Alaska Probation/Parole Association supports the passage of Senator Duncan's proposed legislation. This bill would make probation officers members of the Peace Officers Retirement System. Current employees would have the option of buying into the Peace Officers Retirement System. New employees hired after the effective date of the bill would automatically be members of the Peace Officers Retirement System. Requiring current employees to "buy in" will maintain the integrity of the retirement fund.

It is the position of the Association that, in order to attract and retain qualified probation officers, encourage career advancement, and fairly compensate probation officers for the physical and mental stress of their job duties, probation officers should be placed in the Peace Officers Retirement System. The Association offers the following commentary in support of this position.

Alaska Statute 01.10.060(6) defines "peace officer" as follows: "Peace Officer" means any officer of the State Troopers, members of the police force of any incorporated city or borough, United States marshals, and their deputies, and other officers whose duty it is to enforce and preserve the public peace." Alaska Statute 11.81.900(38) defines peace officer as "...a public servant vested by law with a duty to maintain public order or to make arrests whether the duty extends to all offenses or is limited to a specific class of offenses or offenders." In addition to the counseling and rehabilitative aspects

of probation and parole work the State of Alaska class specifications for probation officer provide: "Probation Officers investigate cases of parole or probation violators, compile evidence required to effect the suspension of parolee or probationer, and apprehend violators for return to custody." Furthermore, the class specifications require that the probation officer "Cooperate with local and state police, institutional and judicial officials in the supervision of parolees and probationers," and "Maintains personal contacts at office and periodically visits with parolees and probationers to assist them with problems of social readjustment." In simpler language, probation officers arrest suspected probation and parole violators, take them to the jail and book them into jail in exactly the same manner as any other peace officer. Likewise, probation officers are required to meet probationers and parolees in the field, often at the probationer's or parolee's residence under tense and hostile situations. Probation officers are required to search probationers and parolees and their residences and automobiles for the presence of drugs, stolen property, weapons, etc. Sometimes arrests and searches are accomplished with the assistance of other peace officers.

When the safety of the probation officer and society require it, probation officers are authorized to carry weapons when making arrests, home visits, and searches. In addition to the traditional law enforcement aspects of the probation officer job the nature of their service in overseeing the rehabilitation and readjustment to society of felony offenders certainly constitutes the maintenance of public

order. Probation officers are also authorized to execute judge-issued arrest warrants per AS.33.05.070 and AS.22.15.210. Probation officers are designated officers of the Court under AS.33.05.030.

Probation officers also work in institutions counseling prisoners, classifying prisoners for custody and treatment, and otherwise supervising prisoners. They work directly beside correction officers and are exposed to exactly the same risk of physical harm and the same mental stress as correction officers. 7AAC60.195(e) includes institutional probation officers in the definition of "professional correctional personnel" along with correctional officers, assistant superintendent, etc. and requires that they complete similar training and meet the same rigorous physical standards. At the present time, correction officers are already members of the Peace Officers Retirement System as described in AS.39.35.680(27)(C). It seems particularly unfair that probation officers who work in the institutional setting should be denied the same coverage in the retirement system as the other employees who work in exactly the same area and encounter the same risk and stress.

Field probation officers can transfer into institutional probation officer jobs. Institutional probation officers can transfer into field probation jobs and institutional correctional officers have the opportunity to seek promotion to the position of probation officer. It would greatly facilitate effective personnel management in the probation/parole field if institutional staff and field staff could

make lateral transfers and seek promotions without having to fear loss of retirement status. In short, a correctional officer has it, a probation officer does not.

Federal probation officers in Alaska are members of the Federal Peace Officers Retirement System. A number of other state and local probation offices throughout the United States provide that their probation and parole officers be members of the Peace Officers Retirement System or have the option to join the Peace Officers Retirement System. A recent study conducted by the Anchorage Probation Office revealed that twenty-six other states define their probation officers as "peace officers" and that thirty-six states require probation officers to make their own arrests.

There is no question that probation officers render service to the state that of necessity places them in hazardous situations. Physical confrontation is to be expected. The fact that people lost their physical vigor and strength with age is a self-evident proposition. The state should encourage the retirement of persons with jobs that have these demands before they pass the age where they may become a more likely target for assault by an offender. Likewise, the stress occasioned by the ever-present possibility for violence to the probation officer and threats to his family are quite similar to those experienced by police officers and should be treated the same way.

Finally, Adult Probation Officers are under the Police Standards Council by virtue of recent legislation. They are the only employee class of peace officers who are not under the Police Standards Council. This legislation is consistent with the goals and objectives of the Department of Corrections, and hopefully the Governor. So long as probation officers are expected to discharge peace officer functions, their retirement benefits should reflect that fact.

Cowper
STEVE COWPER, GOVERNOR

DEPARTMENT OF CORRECTIONS

SOUTHCENTRAL REGION OFFICE

2200 EAST 42ND AVENUE
ANCHORAGE, ALASKA 99508-5202
PHONE: (907) 561-4426

RECEIVED DEC 14 1989

December 11, 1989

The Honorable Jim Duncan
Alaska State Legislature
P.O. Box V
Juneau, Alaska 99811-3100

Dear Senator Duncan:

Thank you for your letters regarding Probation Officers in the Peace Officers' Retirement Program.

Our Probation Officers often ask about the logic that includes Correctional Officers in the twenty-year retirement, but not Probation Officers. I have to admit that I do not see the logic. Probation Officers supervise offenders alongside Correctional Officers in the institutions and in every imaginable circumstance outside the institutions. When a Probation Officer finds an offender in violation of the conditions of their probation or parole, they make arrests and return the offender to the institution. It is stressful, hazardous, dangerous duty.

Having Correctional Officers in Peace Officers' Retirement but not Probation Officers puts a chill on our efforts to promote Correctional Officers to Probation Officers because they are slow to leave their twenty-year retirement.

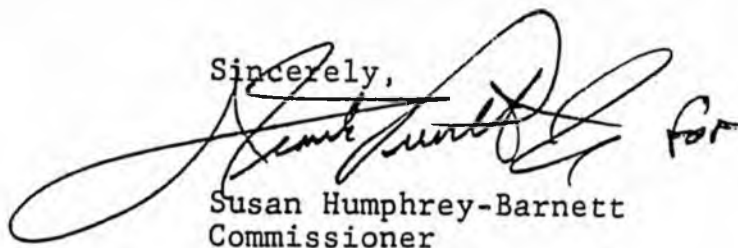
I discussed all of this in the Governor's Office during my first year as Commissioner. Because Governor Cowper is intent on holding down the State operating budget, we decided not to introduce the legislation. The Division of Retirement and Benefits estimates that including Probation Officers would cost \$560,000 per year.

Because of this budget consideration and because Probation Officers are the next logical series to include, I would think Probation Officers would come before other personnel who have direct contact with inmates.

The Honorable Jim Duncan
December 11, 1989
Page Two

I continue to appreciate your interest in the Department of Corrections and thank you for the opportunity to comment on this issue.

Sincerely,

A handwritten signature in black ink, appearing to read "Susan Humphrey-Barnett" with a large flourish at the end. To the right of the signature, the letters "for" are written in a smaller, simpler hand.

Susan Humphrey-Barnett
Commissioner

SHB:dlh

RECEIVED DEC 26 1989

Raymond Pugh + P.O.

December 21, 1989
P.O. Box 917
Douglas, AK 99824

The Honorable James Duncan
Alaska State Senate
Pouch "V"
Juneau, Alaska 99811

RE: PEACE OFFICER RETIREMENT FOR PROBATION OFFICERS

Dear Senator Duncan:

It is my understanding that you will be attempting to pass a bill during this legislative session which will give Alaskan Probation/Parole Officers 20 year retirement.

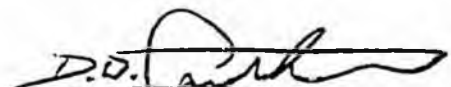
I wish to express my support of this bill and any actions you feel appropriate to have it passed into law.

I am presently the Superintendent of the Lemon Creek Correctional Center and have worked for the Alaskan Corrections system for approximately 14 years. I have had the privilege of being an institutional probation/parole officer at Lemon Creek for several years and a field probation/parole officer in Bethel Alaska for several years. It is a dangerous job and in my opinion, deserving of the 20 year retirement. I personally have been in numerous situations where I was stranded, due to weather, in small, isolated western Alaskan villages for days and had to deal with intoxicated felonious probationers shooting firearms or assaulting family members.

Additionally, institutional probation/parole officers deal one hundred percent of their time with some of Alaska's most dangerous prisoners. If a list were developed outlining several of the prisoners presently incarcerated and their offenses, I believe it would underscore the difficult and dangerous job these professional officers have.

Again, I appreciate your efforts in obtaining 20 years retirement for probation/parole officers and recognizing the important role they play in our Criminal Justice System. Thank you.

Sincerely,


D. W. Carothers

DWC/jmg
cc: Representative Swackhammer

file w/ bill

December 8, 1989

Senator Jim Duncan
Alaska Legislature
Pouch "V"
Juneau, AK 99811

RE: Peace Officer Retirement for
Probation Officers

Dear Senator Duncan:

As requested, this letter is submitted with a few examples of incidents which have occurred in the Kenai area during the last few years. These incidents are indicative of the types of assaults and threats directed at probation officers. There are more and I will attempt to document them for submission at a later date.

In September 1986, a Molotov cocktail was found to be burning on the front steps of a probation officer's residence in Kenai. It burned itself out and did not explode. Approximately ten days later, at 2:00 a.m., the same officer was asleep in his bed. He suddenly awoke to the sounds of breaking glass. Within seconds, his apartment was engulfed in fire and he barely had time to put on his pants and run outside. In the process, he suffered second degree burns on his feet, arms, and upper back. His hair and eyebrows were singed and he spent several weeks in the hospital undergoing treatment for his burns. To this day, he bears terrible scars which were left by the burns. Physically and psychologically he will be affected for a lifetime.

Police investigated the above incident. Evidence indicated that someone had thrown a Molotov cocktail through the P.O.'s window. The incendiary device exploded and engulfed the inside of the residence. The interior of his apartment and its contents were completely destroyed. If he had not escaped within seconds there is a good chance he would be dead. Although the above arson (attempted murder?) was never solved, no one in the community, including the police, have any doubt that the assault was committed by an individual on the probation officer's caseload. The officer had received several threats by offenders during the years he was a probation officer. Police investigation revealed that an individual on the officer's caseload had admitted to "getting him" and acknowledged an earlier attempt had failed. However, there was not enough evidence to indict the alleged assailant.

In addition to the above, another probation officer in Kenai was involved in an incident where his personal vehicle was stolen and set ablaze. According to the police investigation, the same offender who was reportedly involved in the first arson had knowledge of the theft and arson of the probation officer's vehicle.

The above two examples involved people who were supervised by probation officers and who may have been angered by the officer's actions, i.e.,

Senator Duncan
12/8/89
Page Two.

filing to revoke probation or parole due to violating their conditions. The offender who was believed to be involved in the above incidents had reportedly indicated that the probation officer was "getting too close to his drug dealings" and he was not going to go back to jail.

A third example involves what can happen when probation officers recommend that an offender be incarcerated for a substantial period of time. Approximately one year ago, I had recommended a maximum five year sentence for an offender with a substantial prior record in the state of Washington. His record included burglary, theft, sale of cocaine, assault and numerous violations of probation and parole. His crimes in Kenai involved burglary of a dwelling as well as several misdemeanor convictions. While detained in a side cell following sentencing, the offender stated, "Hey you punk, how can you recommend five years for me, you don't even know me. You're a f..... punk, remember this face you f..... punk, remember this face." The offender is very capable of following through with his veiled threats and will be released to the Kenai area (to my caseload) during the next year or so.

In addition to the above, an offender's parole was recently revoked and he was ordered to serve the balance of his sentence, which was several years. He had violated his parole for assaulting his wife as well as a friend, numerous thefts, using drugs and consuming alcohol. It was my testimony and documentation of his violations that resulted in the revocation of his parole. He placed the blame for his loss of freedom and his additional prison sentence directly on me. According to other inmates, he has talked of revenge upon release.

The above incidents are but a few. Probation officers are frequently threatened and many assaults have occurred. The potential for danger or death is always present, as is concern for the safety of the employee's family. A probation officer's job is inherently dangerous. However, due to the drug epidemic sweeping the country and the increasingly violent offender we are encountering, probation and parole officers are facing many of the dangers and stresses as experienced by other peace officers. We are the only peace officers included under the Police Standards Act that are not included under law enforcement retirement. For reasons as noted above, we feel we are justified in our desire for peace officer retirement.

Thank you for allowing me to share my perspective concerning this topic. If you have questions, please do not hesitate to contact me.

Sincerely,



Curt Geoffrion
District Supervisor
Adult Probation & Parole - Kenai

cc: Rep. Swackhammer

January 11, 1990

Rep.C.E. Swackhammer
Alaska Legislature
Pouch "V"
Juneau, Alaska 99811

Re: Peace Officer Retirement
for Probation Officers

Dear Rep. Swackhammer:

I am writing regarding the probation officers inclusion in the peace officers retirement program. I have worked as a probation officer in Ketchikan, Sitka, Anchorage, and Kenai for 14 of the past 16 years. I have worked in both field offices and institutions. I am currently employed as the assistant superintendent at Lemon Creek Correctional Center.

I have worked with numerous people through the years, 95% of whom have been convicted felons. It was suggested that I provide you with some specifics of dangerous situations I've been involved in as a probation officer. I should note that many of these events did not seem unusually dangerous at the time but in retrospect I'm amazed that I and some of my colleagues survived.

In Ketchikan a client convicted of assault told his psychiatrist that he'd given serious thought to getting a machine gun and returning to my office to "blow everyone away". The psychiatrist called to warn me to be careful with this fellow. Shortly thereafter, the client's wife found a note in his packet that she felt I should know about as it was very odd and appeared to threaten his probation officers life. I have attached a copy for your review.

In Anchorage, I had a client very angry because a condition of his probation said he would have to see a psychiatrist for treatment. Over several months he objected, I insisted and finally, he calmly indicated that his last probation officer had not required him to see a psychiatrist so if I insisted he could simply get rid of me and then he wouldn't have to see a psychiatrist. I did try to insure that he understood it didn't work that way, but this is the same fellow who didn't think he was a criminal just because he'd been convicted of murder. He felt criminals were folks who had stolen, or robbed banks, etc. To put this incident in perspective, this fellow became angry with the victim in his murder case following a verbal altercation. He left the bar, took a taxi to his residence, had the taxi wait, while he entered the house picked up his gun and then returned to the bar. He called his victim outside and shot him 5 times at close range.

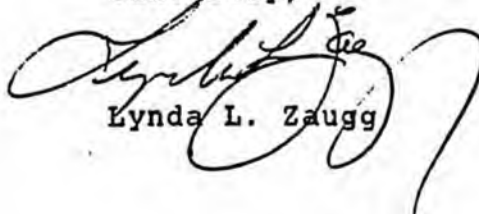
During my tenure in Sitka , my office was responsible for numerous smaller communities in the outlying area. On one of many trips to Angoon I was doing follow up on a complaint regarding a probationer. It was one of those situations where the community leaders wanted something done about a problem individual and other members of the community did not want anything done except for me to leave town. It was an overnight trip, unarmed, without back up. That evening as I walked down the road with the public health nurse a car attempted to run over me. If it had not been for the nurse flipping me into the ditch I would have been hit. The driver was the problem individual I had talked with earlier in the day. He had been drinking.

In Kenai I worked in an institution and faced the same hazards as any of the correctional officers working in the facility. I can provide examples but I think the attached copy of an incident report more clearly identifies the hazard all staff face working in an institution. I was also in Kenai when a friend and fellow probation officer was fire bombed in his home at 3:00 a.m.. He spent about 3 weeks in the burn unit at Providence Hospital. He has scars both physical and mental that will stay with him for the rest of his life. He stayed in probation about a year after the bombing, long enough to say he wasn't run off. He has since quit and moved out of state. He was a five or six year employee when he left. The police have identified one of his clients as his assailant however they have not been able to charge.

There are other instances of clients threatening my well-being and/or that of my family but ever other probation officer in the state can provide similar examples. I would hope that my examples have been able to point out that probation officers work with the same clients as other law enforcement personel. They have the same problems and experience similar risks. I strongly support probation officers inclusion in the peace officer's retirement program.

If there is any other information I can provide that would help as you consider the appropriateness of probation officers in the peace officer retirement system, please feel free to contact me. I would appreciate your support.

Sincerely,



Lynda L. Zaugg

cc: Senator Adam
Senator Eliason
Senator Fisher, P
Senator Sturgulewski
Senator Duncan

Rep. Ulmer
Rep. Hudson
Rep. Davis
Rep. Grussendorf
Rep. Navarre
Rep. Taylor

INCIDENT REPORT

NAME: INFORMATION	D.O.B.	INSTITUTION: WILDWOOD CORRECTIONAL CENTER	DATE: 06/27/85
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INCIDENT
 DISCIPLINARY
 ACCIDENT
 INJURY
 DESCRIBE INCIDENT: _____
 RULE INFRACTION _____

At approximately 1500 hours, above noted date, while conducting a search of the basement area this Officer discovered the following items of contra-band/weapons.

1. One piece of metal approximately two and one half inches wide and approximately two and one half feet long fashioned and sharpened into a sword type knife. This item was located in the air vent in the janitorial closet in the basement. NOTE: It was necessary for me to acquire a screwdriver to gain access to this suspected weapon.
2. One soda pop can containing an unknown oily substance with a cloth running from the inside of the can to the outside. This item is suspected to be a firebomb. The item was located in a vent in the old weight room in the basement. This item was located and set up in a way that would cause the liquid to spill onto the front of the person who found it unless, of course, the person knew exactly where it was located.
3. One wooden stick approximately three feet long with razor blades attached to the end. This item is suspected to have been constructed for use as a weapon.

Item #1 and #3 are currently secured in evidence locker #1. Item #2 was destroyed due to the dangerous nature of the liquid inside.

COPY OF INCIDENT TO OFFENDER _____ DATE _____ TIME _____ OFFICER'S SIGNATURE: _____

DISPOSITION: These items were not found due to a random search. The search was conducted after I recieved a telephone call from Officer [redacted] from her home informing me that she had found a note in her jacket from an unidentified inmate with the areas that these items could be located. There is reason to believe that at least one additional firebomb is in the building.	CHAIRMAN:
	MEMBER:
	MEMBER:

EVIDENCE UPON WHICH DECISION WAS MADE:

*Cop to all proper staff
investigated*

YOU HAVE A RIGHT TO APPEAL THIS DECISION WITHIN 72 HOURS, IN WRITING TO THE SUPERINTENDENT. DATE AND TIME SUBMITTED _____ TO WHOM _____

REVIEWED BY SUPERINTENDENT _____

FINAL COPY TO OFFENDER _____ DATE _____ TIME _____ OFFICERS INITIAL _____

Alaska Probation and Parole Association

29 Nov 89

Dear Susan:

Please accept this material
to support passage of your Bill
Placing Probation Officers under
20 year retirement. The
weapons pictured were seized
in Fairbanks over about a 24 mo.
period. These are only some
in total and routinely what
Probation Officers face in
the field on a daily basis.
We're also sending Susan
Duncan a similar packet
all the Best
CW

November 21, 1989

Sen. Jim Duncan
P.O. Box V
Juneau, Alaska 99811-3100

RECEIVED NOV 27 1989

*Raymond
H. Pearson*

Dear Jim,

I am writing this letter to add my support to the bill you will be submitting this legislative session that would place Probation Officers under the 20 years retirement plan.

I have been with the Department of Corrections for approximately 21 years now. Four of those years has been as a Probation Officer assigned to the Lemon Creek Correctional Center. During my time at this facility as a Probation Officer I was exposed to the same dangers that Correctional Officers faced. As an institutional Probation Officer I have prepared many many reports that have resulted in inmates not getting out on parole. I have been required to qualify with weapons. I have had to pick up inmates on work furlough that had violated rules.

It should be noted that Probation Officers do have some power of arrest. It should be understood that Probation Officers face physical injury or death when attempting to arrest Parole/Probation violators that do not want to return to jail. Passage of this bill will of course make me eligible to retire. It will, I believe, save the State money down the road. There are many employees that would take advantage of the retirement that have lots of years in and are well up on the pay scale. The State of Alaska could hire replacements for those people for I would think one third the cost.

Thank you for your support in this matter

Yours Truly,

Brice H. Pearson

Susan G. Ford
P.O. Box 2748
Sitka, AK 99835

Senator Jim Duncan
P.O. Box 1
Gunnau, AK 99811-3100

November 21, 1989

Dear Senator Duncan:

I thought it would be helpful to share with you some "real life" experiences I have had in my role as a probation officer over the past 8 years. I believe you will agree that a probation officer is most definitely a peace officer and subject to the same stresses and hazards as law enforcement officers etc.

Approximately three years ago I was supervising a man with a history of misdemeanor assaultive conduct as well as felony level property crimes. This individual had a serious alcohol problem which further increased his potential for violence. While residing in Sitka this man violated his probation by committing a new, misdemeanor offense, consuming alcohol and failing to report to his probation officer. He was arrested and a bail review hearing was held. The judge released this man back to the community under the condition he not consume alcohol at frequent establishments that serve alcohol. Less than 6 hours later, while having dinner at a local

restaurant, I observed this man staggering through the restaurant. Consequently, I requested the assistance of our local police department and contacted this man on his fishing vessel. He was extremely intoxicated. I arrested him for violating probation and his conditions of release. This man proceeded to threaten me over the course of the booking process and for several days thereafter. He threatened to shoot me, sink my boat when my family was on it, blow me up, and harm my family. Following his court arraignment he whispered to me that I would be sorry if he got out of jail. Fortunately this man did not follow through on his threats but he did cause a good deal of anxiety and concern for my family and myself.

Approximately 4 years ago I was involved in the search of one of my probationer's houses. This individual had 2 prior felonies and an assaultive background. The search turned up several handguns and ammunition stolen in a burglary several weeks previously. Fortunately I was able to arrest this man without incident but the potential for