

LEGISLATIVE FINANCE-HOUSE/SENATE FINANCE COMM. FILES 8879

SB 336 cont. - SB 341 660 251

* Sec. 16. AS 47.37.200(b) is amended to read:

(b) If after hearing all relevant evidence, including the results of any diagnostic examination by the private or public facility, the court or the jury finds that grounds for involuntary commitment have been clearly established, the court shall issue an order of commitment to the private or public facility. A court may not order the commitment of a person unless it determines that a private or public facility is available and able to provide adequate and appropriate treatment for the person.

* Sec. 17. AS 47.37.200(c) is amended to read:

(c) A person committed under AS 47.37.190 - 47.37.200 shall remain in the custody of a private or public facility for treatment for a period of up to 60 [30] days. At the end of the 60-day [30-DAY] period, the person shall be discharged automatically unless the office, before the expiration of the period, obtains a court order for recommitment upon the grounds set out in AS 47.37.190(a) for a further period of up to 90 days. If a person has been committed because the person is an alcoholic or drug addict likely to inflict physical harm on another, the office shall apply for recommitment if after examination it is determined that the likelihood still exists.

* Sec. 18. AS 47.37.200(e) is amended to read:

(e) Upon the filing of a petition for recommitment under (c) [OR (d)] of this section, the court shall fix a date for hearing no less than two and no later than seven [10] days after the date the petition was filed. A copy of the petition and of the notice of hearing, including the date fixed by the court, shall be served on (1) the petitioner; (2) the person whose commitment is sought; (3) the next of kin of the person whose commitment is sought; (4) the original petitioner under AS 47.37.190(a), if different from the petitioner for

recommitment; (5) any other person the court considers appropriate. AS 47.37.180(c) applies to hearings for recommitment under this section. At the hearing the court or the jury shall proceed as provided in (a) of this section.

* Sec. 19. AS 47.37.200(g) is amended to read:

(g) A person committed to the custody of the office for treatment shall be discharged at any time before the end of the period for which the person has been committed if either of the following conditions is met:

(1) in the case of [WHEN] an alcoholic or drug addict committed on the grounds of likelihood of infliction of physical harm to that person or [ON] another,

(A) [IS NO LONGER CONSIDERED AN ALCOHOLIC OR] the likelihood of the person inflicting physical harm no longer exists;

(B) [OR (2) WHEN, IN THE CASE OF AN ALCOHOLIC COMMITTED ON THE GROUNDS OF THE LIKELIHOOD OF INFLICTION OF PHYSICAL HARM ON ANOTHER, EITHER (A)] further treatment will not be likely to bring about significant improvement in the person's condition; [,] or

(C) [(B)] treatment is no longer adequate or appropriate; or

(2) in the case of an alcoholic or drug addict committed on the grounds of the need for treatment and incapacity, that the incapacity no longer exists.

* Sec. 20. AS 47.37 is amended by adding a new section to read:

Sec. 47.37.203. PROVISIONS FOR EARLY RELEASE. (a) When, in the opinion of the professional person in charge of a facility providing involuntary treatment under this chapter, the committed patient can be

appropriately served by less restrictive treatment before expiration of the period of commitment, the less restrictive care may be required as a condition for early release for a period that, when added to the initial treatment period, does not exceed the period of commitment. If the facility designated to provide the less restrictive care is not the facility providing the initial involuntary treatment, the second facility must agree in writing to assume responsibility for the person.

(b) The original facility shall give a copy of the conditions for early release to the patient, the office, and the court of original commitment. The facility designated to provide less restrictive care may modify the conditions for continued release if the modifications are in the best interests of the patient.

(c) If the facility providing less restrictive care and the office determine that a conditionally released patient is failing to adhere to the terms and conditions of release or that substantial deterioration in the patient's functioning has occurred, the office shall notify the court of original commitment and request a hearing to determine whether or not the person should be returned to the more restrictive care. The hearing shall be held no less than two and no more than seven days after the date of the request.

(d) With a request under (c) of the section, the office shall file a petition with the court stating the facts substantiating the need for the hearing along with treatment recommendations. The patient has the same rights with respect to notice, hearing, and counsel as for the original involuntary treatment proceeding. The issues to be determined at the hearing are

(1) whether the conditionally released patient did or did not adhere to the terms and conditions of release to less restrictive

care or whether substantial deterioration of the patient's functioning has occurred; and

(2) whether the conditions of release should be modified or the person should be returned to a more restrictive facility.

(e) The hearing under (d) of this section may be waived by the patient and the patient's counsel, guardian, and conservator, if any, but only if each of these persons agrees to the waiver. Upon waiver, the person may be returned for involuntary treatment or continued on conditional release on the same or modified conditions.

* Sec. 21. AS 47.37.210 is amended to read:

Sec. 47.37.210. RECORDS [OF ALCOHOLICS AND INTOXICATED PERSONS]. (a) Except as provided in (b) - (d) of this section and [REQUIRED BY] AS 28.35.030(d), the registration and other records of treatment facilities shall remain confidential and are privileged to the patient.

(b) The [NOTWITHSTANDING (a) OF THIS SECTION, THE] coordinator may make available information from patients' records for purposes of research into the causes and treatment of alcoholism or drug addiction. Information [NO INFORMATION] may not disclose a patient's name.

* Sec. 22. AS 47.37.210 is amended by adding new subsections to read:

(c) The administrator in charge of a treatment facility may make allegations in a petition filed in proceedings under this chapter that are based on information contained in records of the treatment facility.

(d) In proceedings under this chapter, there is no privilege under (a) of this section for records created within one year of the date the petition was filed under this chapter if the records relate to the condition or treatment of the respondent that is at issue in the proceedings.

* Sec. 23. AS 47.37.240 is amended by adding new subsections to read:

(c) The department may not refuse admission for diagnosis, evaluation, guidance, or treatment to an applicant because it is determined that the applicant is financially unable to contribute fully or in part to the cost of a service or facility available under this chapter.

(d) The department may limit admissions of applicants under this chapter or modify its programs in order to ensure that expenditures for services or programs do not exceed amounts appropriated by the legislature and allocated for the services or programs. The department may establish admission priorities for use in the event that the number of eligible applicants for services under this chapter exceeds the limits set by the department.

* Sec. 24. AS 47.37 is amended by adding a new section to read:

Sec. 47.37.245. AVAILABILITY OF SERVICES NOT GUARANTEED. This chapter may not be construed to entitle an individual to services authorized in this chapter or to require the department or its contractors to reallocate funds in order to ensure that services are available to an eligible person upon demand.

* Sec. 25. AS 47.37.250(a) is amended to read:

(a) Nothing in this chapter affects a statute, ordinance, or regulation relating to (1) drunken driving, driving under the influence of alcohol, driving while intoxicated, or other similar offenses involving alcohol or other drugs and the operation of a vehicle, aircraft, boat, machinery, or other equipment, (2) the sale, purchase, dispensation, possession, or use of alcoholic beverages or other drugs at specified times and places or by a particular class of persons, including prohibitions against drinking intoxicating beverages in specified public places, or (3) being upon the traveled portion of a

highway so as to be a hazard to the motoring public

* Sec. 26. AS 47.37.270(1) is amended to read:

(1) "alcoholic" means a person who suffers from the disease of alcoholism, characterized by a physiological dependency on alcoholic beverages, loss of control over the amount and circumstances of use, symptoms or tolerance, physiological or psychological withdrawal if use is reduced or discontinued, and impairment of health or disruption of social or economic functioning [HABITUALLY LACKS SELF-CONTROL IN USING ALCOHOLIC BEVERAGES, OR USES ALCOHOLIC BEVERAGES TO THE EXTENT THAT THE PERSON'S HEALTH IS SUBSTANTIALLY IMPAIRED OR ENDANGERED, OR THE PERSON'S SOCIAL OR ECONOMIC FUNCTION IS SUBSTANTIALLY DISRUPTED];

* Sec. 27. AS 47.37.270(10) is amended to read:

(10) "incapacitated by alcohol or other drugs" means a person who, as a result of the use of alcohol or other drugs, is unconscious or whose judgment is otherwise so impaired that the person is incapable of realizing and making a rational decision with respect to a need for treatment or care, as evidenced objectively by extreme physical debilitation, physical harm or threats of harm to the person or to others or chronic inability to hold regular employment;

* Sec. 28. AS 47.37.270(13) is amended to read:

(13) "intoxicated person" means a person whose mental or physical functioning is substantially impaired as a result of the use of alcohol or other drugs;

* Sec. 29. AS 47.37.270(15) is amended to read:

(15) "treatment" means the broad range of emergency, outpatient, intermediate, and inpatient services and care which may be extended to alcoholics, drug addicts, persons incapacitated or gravely disabled by alcohol or other drugs, and intoxicated persons, including

diagnostic evaluation, medical, psychiatric, psychological, and social service care, vocational rehabilitation and career counseling;

* Sec. 30. AS 47.37.270 is amended by adding new paragraphs to read:

(17) "drug addict" means a person who uses drugs other than alcohol in a chronic, compulsive, or uncontrollable manner to the extent that it is seriously interfering with the person's health, economic, or social functioning, characterized by a compulsive desire for one or more drugs, loss of control when exposed to one or more drugs, and continued use in spite of adverse consequences;

(18) "gravely disabled by alcohol or other drugs" means that a person, as a result of the use of alcohol or other drugs,

(A) is in danger of serious physical harm resulting from a failure to provide for the person's essential human needs for health or safety; or

(B) manifests severe deterioration in routine functioning evidenced by a repeated and escalating loss of cognition or volitional control over the person's actions and is not receiving care that is essential for the person's health or safety.

* Sec. 31. AS 47.37.200(d) is repealed.

STATE OF ALASKA
THE LEGISLATURE

POUCH Y - STATE CAPITOL
JUNEAU ALASKA 99811
907 465-3800

LEGISLATIVE AFFAIRS AGENCY

M E M O R A N D U M

February 27, 1990

SUBJECT: Sectional Summary
(SB 336)

TO: Senator Rick Uehling

FROM: Terri Lauterbach *TLL*
Legislative Counsel

Following is the sectional analysis you requested for
SB 336:

The main changes achieved by the bill are to provide for emergency and involuntary commitment procedures for drug addicts similar to those that currently exist for alcoholics and to clarify that treatment in public facilities is subject to the availability of funds for treatment. Certain time limits relating to commitment proceedings are also changed and new sections relating to evidence used in the proceedings are added.

Sec. 1. Changes the policy declaration for the chapter.

Secs. 2 - 3. Add drug addicts to the voluntary treatment statute.

Sec. 4 - 9. Modify the protective custody statute (AS 47.-37.170) by changing the criteria for protective custody, changing certain time limit requirements for action, authorizing reasonable physical restraint to retain certain persons for up to 72 hours, and emphasizing that decisions must be based on availability of appropriate treatment.

Secs. 10 - 12. Modify the emergency commitment statute (AS 47.37.180) by adding drug addiction, emphasizing availability of treatment, increasing the time period applicable to medical examinations before commitment, and increasing from 48 to 72 hours the time a person can be held before court review.

Secs. 13 - 19. Modify the involuntary commitment statutes (AS 47.37.190 - 47.37.200) by adding placement of drug addicts, adding provisions related to persons who repeatedly require detox or treatment, changing certain time limit requirements, and allowing telephonic testimony.

Sec. 20. Adds a new section relating to early release of persons from commitment.

Sec. 21. Adds a new section waiving an evidentiary privilege relating to communications for the purposes of commitment proceedings.

Sec. 22. Adds a new section that will make it easier for medical records to be used as evidence in commitment proceedings.

Sec. 23. Technical amendments.

Sec. 24. Prohibits DHSS from refusing service to persons who cannot pay, but allows DHSS to limit acceptance of patients in order to stay within budgetary constraints.

Sec. 25. Clarifies that treatment services are not an entitlement.

Sec. 26. Technical amendments.

Sec. 27. Changes the definition of "alcoholic."

Sec. 28. Changes the definition of "incapacitated by alcohol" by adding references to drugs and by including self-harm as a criteria for determining incapacitation.

Sec. 29. Changes the definition of "intoxicated person" by adding a reference to drugs.

Sec. 30. Changes the definition of "treatment."

Sec. 31. Adds new definitions of "drug addict" and "gravely disabled by alcohol or other drugs."

Sec. 32. Repeals a recommitment provision.

Sec. 33 - 34. Refer to court rule changes.

Senator Rick Uehling

Downtown, Elmendorf, Northeast Anchorage



Co-Chairman, Senate Finance Committee
International Trade & Tourism Committee
State Affairs Committee

Senate Bill 336

"An Act relating to treatment related to the use of alcohol and other drugs..."

List of Statutes Affected by SB 336:

AS 47.37.010
47.37.160 (a)
 . (c)
47.37.170 (b)
 . (d)
 . (e)
 . (f)
 . (h)
 . (j)
47.37.180 (a)
 . (b)
 . (c)
47.37.190 (a)
 . (b)
47.37.200 (a)
 . (b)
 . (c)
 . (e)
 . (g)
47.37.210
47.37.240
47.37.250. (a)
47.37.270. (1)
 . (10)
 . (13)
 . (15)

Senator Rick Uehling

Downtown, Elmendorf, Northeast Anchorage



Co-Chairman, Senate Finance Committee
International Trade & Tourism Committee
State Affairs Committee

Revisions to SB 336 (Finance)

1. Delete section 21.
2. Delete section 22.
3. Revise section 23 as follows:

(a) Except as provided in (b), (c), and (d) of this section and [REQUIRED BY] AS 28.35.030(d), the registration and other records of treatment facilities shall remain confidential and are privileged to the patient.

(b) The coordinator may make available information from patient records for purposes of research into the causes and treatment of alcoholism or drug addiction. Information [NO INFORMATION] may not disclose a patient's name.

(c) The administrator in charge of a treatment facility may make allegations in a petition filed in proceedings under this chapter based upon information contained in treatment facility records.

(d) In proceedings under this chapter, there is no privilege under (a) of this section for records pertaining to the condition or treatment of the respondent that were created within 12 months of the date the petition was filed.

Submitted by: Chairman of the Assembly
at the Request of the Mayor
Prepared by: Department of Health and
Human Services
For Reading:

ANCHORAGE, ALASKA
AR NO 90-

A RESOLUTION OF THE ANCHORAGE MUNICIPAL ASSEMBLY SUPPORTING SENATE
BILL 336 REGARDING TREATMENT RELATED TO THE INVOLUNTARY COMMITMENT OF
PUBLIC INEBRIATES AND SEVERELY INCAPACITATED PERSONS.

WHEREAS, the Anchorage Mayor's Blue Ribbon Task Force on Public Inebriates finds that public inebriates can pose a danger to themselves or others, and

WHEREAS, public inebriates or chronic alcoholics may be incapable of making reasoned decisions regarding long-term alcohol treatment or rehabilitation while in an incapacitated state, and

WHEREAS, throughout the state, local community service and law enforcement officers need authorization to place public inebriates into protective custody and/or treatment facilities until such time that the individual regains the capacity to make reasoned decisions about the need for treatment, and

WHEREAS, current laws can be amended to allow the public inebriate to receive protective custody and treatment to the benefit of both the inebriate and the community, and

WHEREAS, the Anchorage Mayor's Blue Ribbon Task Force on the Public Inebriate has passed a resolution supporting legislative action amending Title 47 to be more workable for communities in their efforts to place public inebriates into treatment facilities.

NOW, THEREFORE, the Anchorage Municipal Assembly resolves:

Section 1. That it is appropriate to support the concepts contained in SB 336, "An act relating to treatment related to the use of alcohol and other drugs" which extend the duration of involuntary commitment of public inebriates and severely incapacitated persons.

Section 2. That copies of this resolution be forwarded to the Governor and the leadership of the legislature.

PASSED AND APPROVED by the Anchorage Assembly this 7th day of February, 1990.

Chairman

ATTEST:

Municipal Clerk

Senator Rick Uehling

Downtown, Elmendorf, Northeast Anchorage



Co-Chairman, Senate Finance Committee
International Trade & Tourism Committee
State Affairs Committee

BILL SUMMARY

CSSB 336

"AN ACT RELATING TO TREATMENT RELATED TO THE USE
OF ALCOHOL AND OTHER DRUGS..."

The main changes achieved by SB 336 are to provide for emergency and involuntary commitment procedures for drug addicts similar to those that currently exist for alcoholics, and to clarify that treatment in public facilities is subject to the availability of funds for treatment. Certain time limits relating to commitment proceedings are also changes and new sections relating to evidence used in the proceedings are added.

The bill has a zero fiscal note.

MAR 1 1990

POSITION PAPER

Senate Bill No. 336

"An Act relating to treatment related to the use of alcohol and other drugs; amending Rules 501-512 and 803, Alaska Rules of Evidence."

ANALYSIS

Senate Bill 336 would amend AS 47.37, Uniform Alcoholism, Intoxication and Treatment Act, in a number of ways. First, it will extend the provisions of the Uniform Act to include drug addicts for purposes of emergency and involuntary commitment. Also, it further defines the population of individuals who can be taken into protective custody by including those who are gravely disabled by alcohol or other drug or who are threatening another person or are suicidal. SB 336 increases the time a person may be detained in protective custody from 48 to 72 hours and it permits treatment personnel to use reasonable physical restraint to retain an incapacitated, or gravely disabled, person.

SB 336 alters procedures used for longer-term-involuntary commitment to state approved treatment facilities. Most significantly, it add, as criteria for commitment, an individual's previous detoxification treatment history. Also, SB 336 allows an individual to be committed to a treatment facility in an emergency basis without a medical examination if the individual to be committed refuses the examination. If the individual is examined by a physician, the examination may occur within five days of the commitment. Current law requires this examination occur within two days of commitment.

SB 336 also increases the term of custody from 30 to 60 days while adding provisions for early release and for transferring patients to a less restrictive setting if the patient can be appropriately served by this type of service.

POSITION

SB 336 follows a trend which has been established in other states to recognize the need to bring seriously impaired drug and alcohol abusers into treatment. The changes proposed in SB 336 will likely increase the number of involuntary commitments sought, and the Department supports these needed changes in the current commitment law. However, SB 336 also provides that involuntary commitments are subject to the availability of appropriate treatment services. In many parts of the State, treatment programs have waiting lists of individuals seeking treatment. Although the Department supports the intent of SB 336, we also recognize that the effectiveness of the legislation will be mitigated by lack of available treatment resources within the State.

Recommended by:

Matthew C. Felix

Matthew C. Felix, Coordinator
Office of Alcohol & Drug Abuse

Date:

2/20/90

Approved by:

Myra W. Munson

Myra W. Munson, Commissioner
Department of Health and
Social Services

Date:

2/22/90

FISCAL NOTE

REQUEST:

Revision Date: _____
 Title: An Act relating to alcohol and other drgus treatment ...
 Sponsor: Hebling
 Requestor: _____

Agency Affected: Department of Administration
 BRU: Office of Public Advocacy
 Components: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY91	FY 92	FY 93	FY 94	FY 95	FY 96
PERSONAL SERVICES	-0-	-0-	-0-	-0-	-0-	-0-
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

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

GENERAL FUND	-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	-0-	-0-	-0-	-0-	-0-	-0-

ANALYSIS : (Attach a separate page if necessary)

This agency anticipates only incremental changes in workload if this bill passes.

Prepared by: Brant McGee, Director Phone: 274-1684
 Division: Office of Public Advocacy Date: 2/27/90
 Approved by Commissioner: Frank S. Baxter Date: 2/27/90
 Agency: Department of Administration

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

This fiscal note did not accompany the bill.

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SENATE FINANCE COMMITTEE REPORT

DATE: 1/10/90

FURTHER:

Date of five-day notice: 1/18/90

DATE TURNED INTO OFFICE: 1/13/90

The Finance Committee considered SENATE BILL NO. 340

Delivery and possession of controlled substances and imitation controlled substances; and requiring installation of signs in the vicinity of schools declaring the areas to be 'drugfree school zones'; efd.

and recommended:

- replace with CS ~~340~~ (Finance)
 or adopt CS _____
 attached amendment(s)
 Finance 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):

APPROVES PREVIOUS:

fiscal note(s) DPB 2/9/90 39.7
DOT/PF 1/24/90 148.5

fiscal note(s) _____

zero fiscal note(s) _____

zero fiscal note(s) _____

appropriation-no fiscal note

SIGNING DO PASS:

OTHER RECOMMENDATIONS:

[Signature]
Paul Grubis
[Signature]

Paul Grubis No Rec -
Jim Dunne - No Pass
if Section 12 is removed

(PEARCE)
2/13/90
ADOPTED
SFC

Senate Finance Letter of Intent

CSSB 340 (Finance)

It is the intent of the legislature that the Department of Public Safety annually coordinate the printing of a "Student's Rights" card designed and written by the Department of Education. The Department of Public Safety shall make arrangements to distribute the card to every child enrolled in a public school, and to every child enrolled in a private school of which the Department of Education has a record under AS 14.45. The legislature intends that the Commissioner of Education use the "Student's Rights" card distributed by the State of New Jersey as a guide in designing the card, and that the card include information that summarizes the Alaska statutes applicable to the sale and possession of controlled substances on or near school grounds, and on school buses.

It is the further intent of the legislature that the Department of Public Safety annually coordinate the preparation and mailing of an information pamphlet to all households in the state. The pamphlet should be written in easily understandable language, should be designed to educate the public about controlled substances, and should summarize information relating to the criminal penalties applicable to the sale and possession of controlled substances on or near school grounds, and on school buses.

The legislature does not intend for the Department of Public Safety to pay for the cost of printing or distributing the "Student's Rights" card or information pamphlet. Instead, the legislature intends for the Commissioner of Public Safety to develop a process for soliciting in-kind donations of services and materials from private sector businesses and individuals, and to allow members of the private sector to print and distribute the "Student's Rights" cards and information pamphlets. The names of the donors shall be printed on each card and pamphlet.

740 JFC 2-13-90

STATE OF ALASKA
1990 LEGISLATIVE SESSION

BILL VERSION: CS SB 340 (Finance)
PUBLISH DATE: 1/8/90

REQUEST: FISCAL NOTE

Revision Date:
Title: An Act relating to Drug Free
School Zones
Sponsor: Faiks, etc.
Requestor: Faiks

Agency Affected: DOT&PF
BRU: Maintenance and Operations

Components:

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	148.5	15.0	30.0	30.0	30.0	45.0
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	148.5	15.0	30.0	30.0	30.0	45.0
FEDERAL FUNDS	0	0	0	0	0	0
OTHER	0	0	0	0	0	0
TOTAL	148.5	15.0	30.0	30.0	30.0	45.0

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: See attached.

Prepared by: Jeffery C. Otteser
Division: Director, Engineering and Operations Standards

Phone: 465-2951
Date: January 24, 1990

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

Date: January 24, 1990

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

There is no way to make an actual inventory of signed school locations on short notice. However, there are 660 schools, and it can reasonably be assumed that at least half are on or near the state system (including municipal arterials), and are marked as schools by school speed zones, marked crosswalks, or advance school warning signs.

Furthermore, where schools are signed there would rarely be less than two marked locations (one in each direction on one road) and probably rarely more than four (one in each direction on two roads) for an average of 3 per school. This amounts to $330 \text{ schools} \times 3 \text{ signs per school average} = 990 \text{ signs total}$.

Large signing contracts average approximately \$50 per square foot for installed signs. The required sign size for legibility and consistency would be about two square feet. However, such smaller signs have much the same mounting, labor and equipment costs as those several times larger. Including the need to locate the signs rather accurately, the estimated cost per sign is conservatively \$150 each.

This results in an estimated initial cost of \$148,500 in 1990 dollars.

The sign life due to deterioration, accidental destruction, and the high vandalism target value cannot be expected to exceed about five years with, for all causes, 10% loss the first year, 20% the second through the fourth years, and 30% the last year when deterioration sets in, and about 20% per year average thereafter.

This results in maintenance as follows (in 1990 dollars):

1st year	$0.10 \times \$150K = \$15,000$
2nd thru 4th years	$0.20 \times \$150K = \$30,000 \text{ per year}$
5th year	$0.30 \times \$150K = \$45,000$
thereafter	$0.20 \times \$150K = \$30,000 \text{ per year}$

There is no way to accurately speak for the municipalities for the costs on their road system.

T/O SFC 2-13-90

STATE OF ALASKA
1990 LEGISLATIVE SESSION

BILL VERSION: CSSB 340 (FIN)
PUBLISH DATE: _____

FISCAL NOTE

REQUEST:

Revision Date: 2/9/90
Title: Illegal drugs/schools

Agency Affected: Public Safety
BRU: Alaska State Troopers

Sponsor: Senator Falks, et al.
Requestor: Senate Finance

Component: AST Special Projects

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

OPERATING	FY 91	FY 92	FY 93	FY 94	FY 95	FY 96
PERSONAL SERVICES	39.7	39.7	39.7	39.7	39.7	39.7
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	39.7	39.7	39.7	39.7	39.7	39.7

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

GENERAL FUND	39.7	39.7	39.7	39.7	39.7	39.7
FEDERAL FUNDS						
OTHER/PROG RCPT						
TOTAL	39.7	39.7	39.7	39.7	39.7	39.7

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME	2	2	2	2	2	2
TEMPORARY	0	0	0	0	0	0

ANALYSIS: (Attach a separate page if necessary)

See attached analysis. *Funding does not include postage or advertising costs, per Gayle Horvath.*

Prepared by: Francis C. Allan
Division: Alaska State Troopers

Phone: 269-5691
Date: 2/9/90

Approved by Commissioner: SA H. English
Agency: Department of Public Safety

Date: 2-9-90
Page 1 of 4

2/9/90

Department of Public Safety
Fiscal Note Analysis
CSSB 340 (FIN) DRAFT, Drug Free School Zones
Page 2 of 4

Passage of proposed CSSB 340 (FIN) in its present form would require the Department of Public Safety to annually produce and distribute "Student's Rights" cards to an estimated 112,000ⁿ students presently enrolled in the 625 public and private schools in Alaska.

This bill also requires the Department of Public Safety to produce and distribute a controlled substances information pamphlet which is to be distributed annually to each of the estimated 266,000^{**} households throughout Alaska.

The bill prohibits the Department of Public Safety from using state funds to accomplish this task, and an accompanying "letter of intent" directs the Department to solicit funds from private sources. The Department does not feel that this approach is realistic in Alaska. States with larger corporate environments may be able to obtain such voluntary support, but solicitation of donations for continuing revenue is very difficult. Despite serious doubts about the workability of this scheme, this fiscal note is the Department's best estimate of essential costs.

To accomplish the tasks set out by the language of this bill, as interpreted in the letter of intent, the following activities must occur: writing, research, design and layout of the information pamphlet and Student's Rights cards, preparation of printer's specifications, bid specifications, mail assembly, and distribution. These and many other tasks must be handled by skilled personnel in order to ensure compliance with the legislation. In addition, it will be necessary for at least one member of the DPS staff to oversee and coordinate this project to ensure compliance.

Personal Services:

Publications Specialist II	\$25.3
Clerk Typist II	<u>14.4</u>
TOTAL	<u>\$39.7</u>

* Figures from the Department of Education.

** Figures from U.S. Census Bureau.

Position Title Publications Specialist II		No. of Positions 1	Range/Step 16/A	Barg. Unit
Time Status PPT	Staff Months 6	Location Anchorage		Election District 10
		Justification		
Type of Expenditure		Amount		
1		2		3
Salary*		18,956		////////////////////
Benefits*		6,306		////////////////////
Premium Pay (Included in Above)		////////////////////		////////////////////
Other		////////////////////		////////////////////
Total Personal Services		////////////////////		25.3
Travel				
Contractual				
Commodities				
Equipment				
Other				
Total Cost		25.3		
Funding Source for Total Cost				
Federal Receipts 1002				
G.F. Match 1003				
General Fund 1004		25.3		
Program Receipts/GF 1005				
I-A Receipts 1007				
CIP Receipts 1061				
Other				
* Personal Services Salary and Benefits Costs are from PACS.				

This position will function within the Community Services Bureau. This person will be responsible for the preparation, writing, and design layout of the controlled substance information pamphlet and the "Student's Rights" card. Further, the position would be responsible for preparing printer's specifications and obtaining bids for printing of these publications. Distribution and mailing of the material would also be coordinated by this individual.

Six months funding will be needed to perform the work necessary to meet the requirements of this legislation.

REQUEST FOR
NEW POSITION

AGENCY Department of Public Safety
BRU Alaska State Troopers
COMPONENT AST Special Projects

Page 3 of 4
Revised Date

FY 91

Position Title Clerk Typist II		No. of Positions 1	Range/Step 7/A	Barg. Unit ASEA
Time Status PPT	Staff Months 6	Location Anchorage		Election District 10
Type of Expenditure		Justification		
1	2	3		
Salary*	10,394	////////////////////////////////////		
Benefits*	3,982	////////////////////////////////////		
Premium Pay (Included in Above)	////////////////////////////////////	////////////////////////////////////		
Other	////////////////////////////////////	////////////////////////////////////		
Total Personal Services	////////////////////////////////////	14.4		
Travel				
Contractual				
Commodities				
Equipment				
Other				
Total Cost		14.4		
Funding Source for Total Cost				
Federal Receipts	1002			
G.F. Match	1003			
General Fund	1004	14.4		
Program Receipts/GF	1005			
I-A Receipts	1007			
CIP Receipts	1061			
Other				
* Personal Services Salary and Benefits Costs are from PACS.				

This Clerk Typist II position will be assigned to the Community Services Bureau to provide clerical support for this project in terms of research and follow-up correspondence with schools and interested households.

This position will be needed for 6 months to accomplish the goals envisioned in the legislation.

**REQUEST FOR
NEW POSITION**

AGENCY Department of Public Safety
 BRU Alaska State Troopers
 COMPONENT AST Special Projects

Page 4 of 4
 Revised Date

FY 91

Position Title Clerk Typist II			No. of Positions 1	Range/Step 7/A	Barg. Unit ASEA
Time Status PPT	Staff Months 6		Location Anchorage		Election District 10
			Justification		
Type of Expenditure			Amount		
1			2		3
Salary*			10,394		////////////////////
Benefits*			3,982		////////////////////
Premium Pay (Included in Above)			////////////////////		////////////////////
Other			////////////////////		////////////////////
Total Personal Services			////////////////////		14.4
Travel					
Contractual					
Commodities					
Equipment					
Other					
Total Cost					14.4
Funding Source for Total Cost					
Federal Receipts 1002					
G.F. Match 1003					
General Fund 1004					14.4
Program Receipts/GF 1005					
I-A Receipts 1007					
CIP Receipts 1061					
Other					
* Personal Services Salary and Benefits Costs are from PACS.					

This Clerk Typist II position will be assigned to the Community Services Bureau to provide clerical support for this project in terms of research and follow-up correspondence with schools and interested households.

This position will be needed for 6 months to accomplish the goals envisioned in the legislation.

**REQUEST FOR
NEW POSITION**

AGENCY Department of Public Safety
 BRU Alaska State Troopers
 COMPONENT AST Special Projects

Page 4 of 4
 Revised Date

FY 91

Original sponsor(s): SEN. FAIKS, Jones, Kelly, Fischer, Coghill, Halford, Binkley, Uehling

IN THE SENATE

BY THE FINANCE COMMITTEE

CS FOR SENATE BILL NO. 340 (Finance)

IN THE LEGISLATURE OF THE STATE OF ALASKA

SIXTEENTH LEGISLATURE - SECOND SESSION

A BILL

For an Act entitled: "An Act relating to the delivery and possession of controlled substances and imitation controlled substances and ~~to alcohol and the possession and consumption of alcohol~~ and controlled substances; and requiring installation of signs in the vicinity of schools declaring the areas to be 'drug-free school zones'; and providing for an effective date."

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

* Section 1. AS 11.71.020(a) is amended to read:

(a) Except as authorized in AS 17.30, a person commits the crime of misconduct involving a controlled substance in the second degree if the person

(1) manufactures or delivers any amount of a schedule IA controlled substance;

(2) [OR] possesses any amount of a schedule IA controlled substance with intent to manufacture or deliver; or

(3) delivers any amount of a schedule IIA or IIIA controlled substance, or possesses any amount of a schedule IIA or IIIA controlled substance with intent to deliver that controlled substance, to a person

(A) with reckless disregard that the delivery or possession with intent to deliver occurs on or within 1,000 feet of school grounds; or

(B) on a school bus.

* Sec. 2. AS 11.71.020 is amended by adding a new subsection to read:

(c) It is an affirmative defense to a prosecution under (a)(3)(A) of this section that the prohibited conduct took place entirely within a private residence located within 1,000 feet of the school grounds, that a minor was not present in the private residence at any time during the commission of the offense, and that the prohibited conduct did not involve distributing, dispensing, or possessing with the intent to distribute or dispense a controlled substance for profit.

* Sec. 3. AS 11.71.030(a) is amended to read:

(a) Except as authorized in AS 17.30, a person commits the crime of misconduct involving a controlled substance in the third degree if the person

(1) manufactures or delivers any amount of a schedule IIA or IIIA controlled substance or possesses any amount of a schedule IIA or IIIA controlled substance with intent to manufacture or deliver;

(2) delivers any amount of a schedule IVA, VA, or VIA controlled substance to a person under 19 years of age who is at least three years younger than the person delivering the substance; [OR]

(3) delivers any amount of a schedule IVA or schedule VA controlled substance, or delivers one ounce or more of a schedule VIA controlled substance to a person

(A) with reckless disregard that the delivery occurs on or within 1,000 feet of school grounds; or

(B) on a school bus;

(4) possesses any amount of a schedule IVA or schedule VA controlled substance with intent to deliver, or possesses one ounce or more of a schedule VIA controlled substance with intent to deliver, that controlled substance to a person

020872

(A) with reckless disregard that the possession with intent to deliver occurs on or within 1,000 feet of school grounds; or

(B) on a school bus; or

(5) [(3) BEING 18 YEARS OF AGE OR OLDER,] possesses any amount of a schedule IA or IIA controlled substance

(A) with reckless disregard that the possession occurs on or within 1,000 feet of school [THE] grounds; or

(B) on a school bus [OF OR ON A PARKING LOT IMMEDIATELY ADJACENT TO A PUBLIC OR PRIVATE PRESCHOOL, ELEMENTARY, JUNIOR HIGH, OR SECONDARY SCHOOL].

* Sec. 4. AS 11.71.030(b) is repealed and reenacted to read:

(b) It is an affirmative defense to a prosecution under (a)(3)(A), (a)(4)(A), or (a)(5)(A) of this section that the prohibited conduct took place entirely within a private residence located within 1,000 feet of the school grounds, that a minor was not present in the private residence at any time during the commission of the offense, and that the prohibited conduct did not involve distributing, dispensing, or possessing with the intent to distribute or dispense a controlled substance for profit.

* Sec. 5. AS 11.71.040(a) is amended to read:

(a) Except as authorized in AS 17.30, a person commits the crime of misconduct involving a controlled substance in the fourth degree if the person

(1) manufactures or delivers any amount of a schedule IVA or VA controlled substance or possesses any amount of a schedule IVA or VA controlled substance with intent to manufacture or deliver;

(2) manufactures or delivers, or possesses with the intent to manufacture or deliver, one or more preparations, compounds,

mixtures, or substances of an aggregate weight of one ounce or more containing a schedule VIA controlled substance;

(3) possesses

(A) any amount of a schedule IA or IIA controlled substance;

(B) 25 or more tablets, ampules, or syrettes containing a schedule IIIA or IVA controlled substance;

(C) one or more preparations, compounds, mixtures, or substances of an aggregate weight of three grams or more containing a schedule IIIA or IVA controlled substance;

(D) 50 or more tablets, ampules, or syrettes containing a schedule VA controlled substance;

(E) one or more preparations, compounds, mixtures, or substances of an aggregate weight of six grams or more containing a schedule VA controlled substance; or

(F) one or more preparations, compounds, mixtures, or substances of an aggregate weight of one pound or more containing a schedule VIA controlled substance;

(4) unlawfully [BEING 18 YEARS OF AGE OR OLDER,] possesses a schedule IIIA, IVA, VA, or VIA controlled substance

(A) with reckless disregard that the possession occurs on or within 1,000 feet of school [THE] grounds [OF OR ON A PARKING LOT IMMEDIATELY ADJACENT TO A PUBLIC OR PRIVATE PRE-SCHOOL, ELEMENTARY, JUNIOR HIGH, OR SECONDARY SCHOOL]; or

(B) on a school bus;

(5) knowingly keeps or maintains any store, shop, warehouse, dwelling, building, vehicle, boat, aircraft, or other structure or place which is used for keeping or distributing controlled substances in violation of a felony offense under this chapter or

AS 17.30;

(6) makes, delivers, or possesses a punch, die, plate, stone, or other thing which prints, imprints, or reproduces a trademark, trade name, or other identifying mark, imprint, or device of another or any likeness of any of these upon a drug, drug container, or labeling so as to render the drug a counterfeit substance;

(7) knowingly uses in the course of the manufacture or distribution of a controlled substance a registration number which is fictitious, revoked, suspended, or issued to another person;

(8) knowingly furnishes false or fraudulent information in or omits material information from any application, report, record, or other document required to be kept or filed under AS 17.30;

(9) obtains possession of a controlled substance by misrepresentation, fraud, forgery, deception or subterfuge; or

(10) affixes a false or forged label to a package or other container containing any controlled substance.

* Sec. 6. AS 11.71.040(b) is repealed and reenacted to read:

(b) It is an affirmative defense to a prosecution under (a)(4)(A) of this section that the prohibited conduct took place entirely within a private residence located within 1,000 feet of the school grounds and that a minor was not present in the private residence at any time during the commission of the offense.

* Sec. 7. AS 11.71.900 is amended by adding new paragraphs to read:

(28) "school bus" means a motor vehicle operated by a school district or private school, directly or by contract, to transport students;

(29) "school grounds" means a building, structure, athletic playing field, playground, parking area, or land contained within the real property boundary line of a public or private preschool,

elementary, or secondary school.

* Sec. 8. AS 14.07 is amended by adding a new section to read:

Sec. 14.07.181. ADDITIONAL DUTIES OF BOARD. The board shall develop, adopt, and periodically review and revise a "Student's Bill of Rights" appropriate for reference and use by students in the state's schools. In addition to other information that the board determines appropriate for students, the "Student's Bill of Rights" must include information that summarizes state law applicable to and the penalties for the sale and possession of controlled substances in schools, or school grounds, and on school buses.

* Sec. 9. AS 18.65 is amended by adding new sections to article 3 to read:

Sec. 18.65.320. STUDENT'S RIGHTS CARD. (a) Annually, not later than October 31, the Department of Public Safety shall issue a "Student's Rights" card. The student's rights card shall be delivered to every child enrolled in a public school and to every child enrolled in a private school of which the Department of Education has a record under AS 14.45. Based on information in the Student's Bill of Rights prepared under AS 14.07.181, and after consultation with the attorney general, the commissioner of public safety shall prepare the card so that it contains information that summarizes state law applicable to and the penalties for sale and possession of controlled substances in schools, in areas adjacent to schools, and on school buses.

(b) State money may not be used to print and distribute student's rights cards under this section.

Sec. 18.65.330. DISTRIBUTION OF PAMPHLET TO HOUSEHOLDS. (a) Annually, the commissioner of public safety shall prepare and mail to each household an information pamphlet. The pamphlet must be written in easily understandable language, must be designed to educate the

public about controlled substances, and must summarize information relating to the criminal penalties applicable to the possession and sale of controlled substances in public and private schools, in areas adjacent to schools, and on school buses.

(b) State money may not be used to print and distribute information pamphlets to households under this section.

* Sec. 10. AS 19.10 is amended by adding a new section to read:

Sec. 19.10.045. INSTALLATION OF "DRUG-FREE SCHOOL ZONE" SIGNS NEAR SCHOOLS. The department shall post a sign indicating that the school is a "drug-free school zone" at each location in which it has installed a sign identifying the location of a school.

* Sec. 11. AS 28.01.010(d) is amended to read:

(d) A municipality shall erect necessary official traffic control devices on streets and highways within its jurisdiction which as far as practicable conform to the current edition of the Alaska Traffic Manual prepared by the Department of Transportation and Public Facilities. The municipality shall post a sign indicating that the school is a "drug-free school zone" at each location in which it has installed a sign identifying the location of a school.

* Sec. 12. AS 28.15.185(b) is repealed and reenacted to read:

(b) For a conviction or an adjudication of an offense described in (a) of this section, the court shall revoke the minor's driver's license for one year or until the minor reaches 18 years of age, whichever is longer.

* Sec. 13. AS 47.10.080(b) is amended to read:

(b) If the court finds that the minor is delinquent, it shall
(1) order the minor committed to the Department of Health and Social Services for a period of time not to exceed two years or in any event extend past the day the minor becomes 19, except that the

department may petition for and the court may grant in a hearing (A) two-year extensions of commitment which do not extend beyond the child's 19th birthday if the extension is in the best interests of the minor and the public; and (B) an additional one-year period of supervision past age 19 if continued supervision is in the best interests of the person and the person consents to it; the department shall place the minor in the juvenile facility which the department considers appropriate and which may include a juvenile correctional school, detention home, or detention facility; the minor may be released from placement or detention and placed on probation on order of the court and may also be released by the department, in its discretion, under AS 47.10.200;

(2) order the minor placed on probation, to be supervised by the department, and released to the minor's parents, guardian, or a suitable person; if the court orders the minor placed on probation, it may specify the terms and conditions of probation; the probation may be for a period of time, not to exceed two years and in no event extend past the day the minor becomes 19, except that the department may petition for and the court may grant in a hearing

(A) two-year extensions of supervision which do not extend beyond the child's 19th birthday if the extension is in the best interests of the minor and the public; and

(B) an additional one-year period of supervision past age 19 if the continued supervision is in the best interests of the person and the person consents to it;

(3) order the minor committed to the department and placed on probation, to be supervised by the department, and released to the minor's parents, guardian, other suitable person, or suitable nondetention setting such as a family home, group care facility, or child

care facility, whichever the department considers appropriate to implement the treatment plan of the predisposition report; if the court orders the minor placed on probation, it may specify the terms and conditions of probation; the department may transfer the minor, in the minor's best interests, from one of the probationary placement settings listed in this paragraph to another, and the minor, the minor's parents or guardian, and the minor's attorney are entitled to reasonable notice of the transfer; the probation may be for a period of time, not to exceed two years and in no event extend past the day the minor becomes 19, except that the department may petition for and the court may grant in a hearing

(A) two-year extensions of commitment which do not extend beyond the child's 19th birthday if the extension is in the best interests of the minor and the public; and

(B) an additional one-year period of supervision past age 19 if the continued supervision is in the best interests of the person and the person consents to it; [OR]

(4) order the minor to make suitable restitution in lieu of or in addition to the court's order under (1), (2), or (3) of this subsection; [.]

(5) order the minor committed to the Department of Health and Social Services for placement in an adventure-based education program established under AS 47.21.020 with conditions the court considers appropriate concerning release upon satisfactory completion of the program or commitment under (1) of this subsection if the program is not satisfactorily completed; or

(6) in addition to an order under (1) - (5) of this subsection, if the delinquency finding is based on the minor's violation of AS 11.71.020(a)(3), 11.71.030(a)(3) - (a)(5), or 11.71.040(a)(4).

order the minor to perform 100 hours of community service; for purposes of this paragraph, "community service" has the meaning given in AS 33.30.901.

* Sec. 14. Sections 10 and 11 of this Act take effect August 16, 1990.

* Sec. 15. In the preparation and distribution of a student's rights card, under AS 18.65.320, added by sec. 9 of this Act, the commissioner of public safety shall consider rights of minors guaranteed by state law and prepare and distribute a card based on the New Jersey student's rights cards prepared and issued by the New Jersey Commission to Deter Criminal Activity under N.J.S.A. 52:17B - 156.



Official Business

Alaska State Legislature

Senate

Committee on Finance

Pouch V
State Capitol
Juneau, Alaska 99811

DATE: February 13, 1990
TO: Lynn Barnes
Legal Services
FROM: Vicki (4935)
Cap Bldg, Rm 413
RE: CS for SB 340 (Finance)

Please run in final workdraft #6-1102H, by Chenoweth, 01/31/90,
for the above referenced bill with the following title change:

"An Act relating to the delivery and possession of
controlled substances, alcohol and the possession and
consumption of alcohol and imitation controlled substances;
. . . ."

The bill was REPORTED OUT at the 9 o'clock meeting this morning.

THANX!

CHANGES MADE IN PROPOSED FINANCE COMMITTEE
SUBSTITUTE FOR SENATE BILL 340

The proposed Finance Committee substitute for SB 340 makes the following changes to the original bill:

1. SB 340 made it a class A felony for a person to deliver or possess with intent to deliver any amount of any type of controlled substance within 1000 feet of a school, or on a school bus. The proposed CS changes this so that the possession of a controlled substance within 1000 feet of a school or on a school bus is increased one step on the penalty scale compared with identical conduct taking place more than 1000 feet from a school. For example, delivery of a schedule IIA controlled substance (such as cocaine) more than 1000 feet from a school is a class B felony; such conduct within 1000 feet of a school or on a school bus would be punishable as a class A felony.

2. The mental state required for conduct under SB 340 was that of "knowledge;" that is, prohibited conduct was punishable if the offender had knowledge that the conduct took place within 1000 feet of a school. The proposed CS changes this mental state to one of "reckless disregard;" that is, prohibited conduct is punishable if the offender engaged in the conduct with reckless disregard that it was taking place within 1000 feet of a school.

3. The proposed CS deletes the original bill's increased penalty for persons who deliver a controlled substance to a pregnant woman.

4. The proposed CS adds a new section 8, which requires the Board of Education to adopt a "Student's Bill of Rights." It adds new sections 9 and 15, which require the Department of Public Safety to issue a "Student's Rights" card to every student, based on the New Jersey student's rights card. Both the bill of rights and the card must contain information summarizing the state's drug laws. DPS is also required to prepare and distribute to each household a pamphlet summarizing the state's drug laws.

5. The proposed CS adds a new section 12, which amends AS 12.15.185. That statute currently provides that a minor who is adjudicated for misconduct involving a controlled substance or for possession or consumption of alcoholic beverages loses his or her driver's license for 90 days for a first offense, and for one year for a subsequent offense. The proposed CS amends this statute to provide that the minor loses the driver's license for one year or until his or her 18th birthday, whichever is longer.

6. The proposed CS adds a new section 13, which provides a minimum sentence of 100 hours community service for a minor adjudicated under the juvenile justice system for misconduct involving a controlled substance within 1000 feet of a school or on a school bus.

STATE OF ALASKA
THE LEGISLATURE

POUCH Y STATE CAPITOL
JUNEAU ALASKA 99811
907-465 3800


LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

January 22, 1990

SUBJECT: Senate Bill 340, applicable to delivery and possession of controlled substances, and to the establishment of drug-free school zones and notices concerning them --- sectional analysis.

TO: Senator Jan Faiks, Chair
Senate Judiciary Committee

FROM: Jack Chenoweth
Legislative Counsel 

The legislation was developed to respond to the following circumstances you had earlier identified:

(1) (simple) possession of a controlled substance on school grounds, within 1000 feet of school grounds, or on a school bus;

(2) delivery or possession with intent to deliver a controlled substance on school grounds, within 1000 feet of school grounds, or on a school bus; and

(3) delivery of a controlled substance to a pregnant woman.

You asked that penalties for delivery or possession of controlled substances in each of these three circumstances be increased.

Simple possession:

In current law, "simple" possession of a schedule IA or schedule IIA controlled substance, or of a significant quantity of a schedule IIIA, IVA, VA, or VIA controlled substance, is a violation of AS 11.71.040(a), a class C felony. Possession of smaller amounts of a controlled substance of the latter four categories is a lesser offense, treated as a misdemeanor or violation depending on the amount and type of substance possessed.

Senator Jan Faiks
Page 2
January 22, 1990

When, however, that possession occurs on or adjacent to a school, a different crime is committed and the penalties are increased. Possession of a schedule IA or schedule IIA controlled substance on or adjacent to a school is a class B felony, and any possession of a schedule IIIA, IVA, VA, or VIA controlled substance (without regard to quantity) on or adjacent to a school is a class C felony.

You had indicated that, in preparing the bill, I should retain the existing IA/IIA versus IIIA - VIA possession distinction.

In the bill, then, your specific directive that the offense of "simple" possession of a controlled substance may not occur on or within 1000 feet of school grounds or on a school bus is addressed as follows:

-- in AS 11.71.030(a)(3), page 3 of the bill, lines 18 - 22 ["simple" possession of a schedule I or IIA controlled substance], is affirmed as a class B felony; and

-- in AS 11.71.040(a)(4), page 5 of the bill, lines 3 - 9 ["simple" possession of a schedule IIIA - VIA controlled substance] is affirmed as a class C felony.

Your instructions didn't indicate, however, that there should be a distinction drawn on the basis of age (by one over 18 years of age versus by one who is a minor), so I eliminated that distinction. Hence, under the proposed revision, any possession--even by a minor--of a controlled substance on or adjacent to school grounds or in a school bus subjects the possessor to the specified penalties.

Note also the definition of "school grounds" added by bill section 9. The addition incorporates, in modified fashion, comparable references that appear elsewhere in current law.

Delivery and possession with intent to deliver:

In current law, delivery of a schedule IA controlled substance is

-- a violation of AS 11.71.010(a), an unclassified felony, if delivery is to a minor;

- a violation of AS 11.71.020(a), a class A felony, if delivery is to anyone other than a minor.

Delivery of a schedule IIA or IIIA controlled substance is

- a violation of AS 11.71.010(a), an unclassified felony, if delivery is to a minor;
- a violation of AS 11.71.030(a), a class B felony, if delivery is to anyone other than a minor.

Delivery of a schedule IVA or VA controlled substance is

- a violation of AS 11.71.030(a), a class B felony, if delivery is to a minor;
- a violation of AS 11.71.040(a), a class C felony, if delivery is to anyone other than a minor.

The provisions addressing "possession with intent to deliver" parallel those addressing "delivery."

Your directive that the offenses of "delivery" and of "possession with intent to deliver" a schedule IA controlled substance on or within 1000 feet of school grounds or on a school bus is addressed in AS 11.71.020(a)(3), making the crime a class A felony. Redefining the crime as a class A felony represents something of a compromise. In the bill, distinctions based upon classifications among controlled substances are eliminated. Pulling together all deliveries and possessions with intent to deliver involving controlled substances on school grounds and adjacent areas or on school buses is intended to substitute a concise statement that all such deliveries or possessions in any quantity or circumstance involving a school or school bus should be subject to very serious penalties.

Delivery to a pregnant woman:

In the immediately preceding discussion, I noted that "delivery," generally, is a violation of various sections that may culminate in punishment as a class A felony, class B felony, or class C felony.

Depending on the controlled substance, Senate Bill 340 treats delivery to a pregnant woman as, respectively, an unclassified felony, a class A felony, or a class B felony.

Senator Jan Faiks
Page 4
January 22, 1990

At each level, the penalty for delivery of a controlled substance to a pregnant woman would be more stringent by one step than a delivery to one who is not pregnant.

*

In the legislation:

Bill section 1 adds delivery of a schedule IA controlled substance to a pregnant woman to the definition of the crime of misconduct involving a controlled substance in the first degree, an unclassified felony.

Bill section 2, incorporated in response to a letter from the Department of Law, adds a related affirmative defense, intended to exculpate the defendant from conviction if the defendant did not know that the woman to whom the controlled substance was offered was pregnant.

Bill section 3 adds delivery and possession with intent to deliver of any controlled substance on or adjacent to school grounds or on a school bus to the definition of the crime of misconduct involving a controlled substance in the second degree, a class A felony. The same bill section adds delivery of a schedule IIA or IIIA controlled substance to a pregnant woman to the definition of that crime.

Bill section 4, incorporated in response to the suggestion of the Department of Law, adds the related affirmative defense for a person who provides the controlled substance to a pregnant woman without knowledge of the pregnancy. In response to a reading and application of court decisions imposing a "knowledge" requirement as an element of criminal conduct, the measure also provides an affirmative defense for controlled substance possession and delivery if the possession or delivery occurs in a private residence in the limited circumstances outlined. (In this section, and in sections 6 and 8, existing affirmative defenses involving possession on school grounds and adjacent parking lots are repealed, to be replaced by a "residence defense" based on a comparable New Jersey provision. Under the defense, one may not be convicted of possession, delivery, or possession with intent to deliver if that possession or delivery occurred within a private residence that is situated within 1000 feet of school grounds if no minor was present within the residence at the time of commission of the offense.)

Senator Jan Faiks
Page 5
January 22, 1990

Bill section 5 adds delivery of a schedule IVA, VA, or VIA controlled substance to a pregnant woman to the definition of the crime of misconduct involving a controlled substance in the third degree, a class B felony. The same bill section adds simple possession of a schedule IA or IIA controlled substance on or adjacent to school grounds or in a school bus to the definition of that crime.

Bill section 6 provides related affirmative defenses.

Bill section 7 adds unlawful possession of a schedule IIIA, IVA, VA, or VIA controlled substance on or adjacent to school grounds or in a school bus to the definition of the crime of misconduct involving a controlled substance in the fourth degree, a class C felony. (The provision of the term "unlawful" at page 5, line 3, is intended to recognize the exception for possession of marijuana, a class VIA controlled substance, in the home under current law.)

Bill section 8 provides a related affirmative defense.

Bill section 9 adds a definition of the term "school grounds."

"Drug free-zone sign" directives, applicable to the state and local governments, are included [bill sections 10 and 11].

Originally, a bill draft was prepared last year for introduction as a first session bill. Bill section 12 gives this latter pair of provisions a delayed effective date, to August, 1990--time for the respective agencies to determine the number and location of signs and to have them manufactured and installed during the summer preceding the start of the 1990-1991 school year. Now the measure is before the legislature for consideration in the second session. Please consider revising the effective date provision applicable to the signs by rolling it forward by one year to give the agencies sufficient time to manufacture and place these signs.

The rest of the bill has a standard 90 day effective date.

JC:pl
WKP1/023

Alaska State Legislature



Senate Judiciary Committee

MEMORANDUM

January 22, 1990

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

FROM: Senator Jan Faiks, Chairman
Senate Judiciary Committee

SUBJECT: SB 340 "An Act relating to the delivery and possession of controlled substances and imitation controlled substances; and requiring installation of signs in the vicinity of schools declaring the areas to be 'drug-free school zones'; and providing for an effective date."

Senate Bill 340 has been referred to the Senate Finance Committee for review. This bill creates areas around public and private preschools, elementary and secondary schools in which penalties for the sale and possession of drugs will be enhanced.

Many states, including Alaska, have laws on the books that increase the penalty for selling drugs on school grounds. The purpose is to protect young people from exposure to drugs at a time in their lives when they are least able to appreciate the risks or resist peer pressure. The problem with these laws is that they invariably apply only to the school grounds, and not to the area surrounding the school. It is essential that a zone around each school be drug free, not just the school itself. Otherwise, drug dealers can operate freely across the street from the schoolyard.

In 1987, New Jersey became the first state to adopt a "drug-free school zone" law. This law raises the penalties for drug sales and possession not only on the school grounds, but within 1000 feet of a school as well. SB 340 is modeled on this New Jersey law. Since 1987, approximately 35 other states have adopted some version of drug-free school zone legislation. President Bush has made the drug-free school

zone concept part of his National Drug Control Strategy, and the Chiefs of Police National Drug Task Force has called it "perhaps the most effective incremental system-wide solution to the drug problem."

Attached you will find a sectional analysis of the bill prepared by Legal Services. You will note the following major differences between current law and SB 340:

Current law makes it a more serious offense for an adult to possess drugs on school grounds. The specific penalty depends on the type of drug that is possessed. For example, an adult who possesses a small amount of cocaine off school grounds is guilty of a class C felony (up to five years in jail/\$50,000 fine), whereas possession on school grounds would be a class B felony (up to 10 years in jail/\$50,000 fine). Current law does not apply to the area surrounding a school, or to conduct on a school bus.

SB 340 changes this in several major ways. First, it provides that any person (adult or minor) who delivers or possesses with the intent to deliver any kind of illegal drug within 1000 feet of a school or on a school bus is guilty of a class A felony (up to 20 years in jail/\$50,000 fine). Class A felonies have a five year presumptive sentence for first offenders. Minors charged with dealing drugs on school grounds would be adjudicated under the juvenile justice system, as they are with current drug law violations.

Second, the bill provides that any person (adult or minor) who possesses drugs for personal use (i.e. the casual user as opposed to a dealer) is committing a more serious crime if the possession takes place within 1000 feet of a school or on a school bus. For example, a person who possessed a small amount of cocaine more than 1000 feet from a school would be guilty of a class C felony; if he possessed it within 1000 feet of a school or on a school bus, he would be guilty of a class B felony.

In order to advise persons of these newly created drug-free school zones, the bill requires the state and municipalities to post street signs around schools, declaring the area to be a "Drug-Free School Zone." Five other states require signs to be posted: New Jersey, Maryland, Texas, Florida, and Pennsylvania.

SB 340 makes one additional change to current law. As you know, a great body of scientific evidence has been gathered in

the last ten years that documents the harmful effects of drug use during pregnancy on a fetus. Current law does not recognize this fact. Accordingly, the bill makes it a more serious crime for a dealer to provide drugs to a pregnant woman, than it would be for the dealer to provide drugs to a non-pregnant woman. For example, the law currently makes it a class B felony to distribute cocaine to a woman, regardless of whether or not she is pregnant. This bill retains class B felony status for the act if the woman is not pregnant, but makes it a class A felony if the woman is pregnant.

While supply eradication and interdiction efforts are necessary, the most effective long-term solution to the drug problem is demand reduction. It is difficult to reduce demand among our young people when they are continually assailed by drug use and trafficking in and around their schools. Reduction of these activities will enable us to create safer, more productive learning environments in which values opposing drug use can be fostered. I urge your support for this essential legislation.

CHIEFS OF POLICE
NATIONAL DRUG TASK FORCE



1110 Vermont Avenue, N.W. • Suite LL10
Washington, D.C. 20005
(202) 296-0900
FAX 296-1734

President George Bush
Honorary Chairman

Hon. Bill Bradley
U.S. Senate (NJ)
Co-Chairman

Hon. Orrin Hatch
U.S. Senate (UT)
Co-Chairman

October 20, 1989

Kevin O' Leary
Chief of Police
4501 S. Bragaw St.
Anchorage, AK 99507

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Dear Mr. O' Leary:

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As a prominent leader in your state, you must be extremely concerned with the havoc created by drugs. Illegal drugs corrode our society, undermine law enforcement, corrupt officials, spawn rampant crime, spread death and murder, and take their final toll in wrecked lives. Through increased supply eradication and interdiction efforts law enforcement authorities have increased criminal arrests and narcotics seizures. Yet we continue to witness a pervasive drug problem. We are convinced that the only long-term solution to the drug problem will occur when we successfully reduce the demand for drugs.

Of all drug demand reduction alternatives, the drug-free school zone initiative is perhaps the most effective incremental system-wide solution to the drug problem. **Drug-Free School Zones** are designed to reduce the demand for drugs by concentrating enforcement and ancillary drug control efforts within geographic zones (generally 1000 ft.) around schools. By concentrating law enforcement efforts, increasing penalties for certain criminal activities, and linking these efforts with comprehensive drug prevention education and alternative demand reduction activities, we believe that these measures will significantly reduce drug use and trafficking in and around schools. Additionally, these zones help foster healthier and more productive teaching and learning environments wherein positive peer pressure to resist drugs can be promoted.

On July 1, 1987, New Jersey enacted the nation's first model drug-free school zone. Last year, New Jersey reported over 6,500 distribution arrests within drug-free school zones. During this same year 9,600 drivers' licenses were revoked or postponed and their courts collected over six million dollars in cash penalties from drug offenders.

New Jersey's commitment to drug-free schools is beginning to have an impact on their states criminal drug distribution and trafficking patterns. In at least one case, a drug suspect was overheard on a wiretap to explain to a coconspirator that a drug transaction could not be completed in the given location because it was next to a school. So too, New Jersey reports a number of examples of undercover drug buys in which the targets carefully select their point of sale in locations out of these school safe havens. These evidences support the original policy aim of protecting children through drug-free school zones.

In light of New Jersey's success, thirty-five other states have since passed similar drug-free school zone legislation. Further, North Carolina, Ohio, and Texas have proposed or pending legislation to create drug-free school zones. Delaware, Oregon, and West Virginia are aggressively enforcing similar federal legislation, and the District of Columbia is initiating a special pilot program. See attachment for complete listing of statewide drug-free school zones.

In January 1989, concerned leaders from the nation's education, prevention, criminal justice, and law enforcement communities organized the **National Coalition for Drug-Free School Zones**. Through the Coalition, the member organizations pursue two primary goals: (1) the introduction, promotion, and passage of state-sponsored drug-free school zone legislation nationwide, and (2) the development of means whereby to implement effective drug-free school zones, complete with training materials, drug prevention education, and other demand reduction programming. The Coalition includes:

- National School Boards Association
- National Association of Secondary School Principals
- National Association of Elementary School Principals
- National School Safety Center
- Council of State Governments
- National Association of State Alcohol and Drug Abuse Directors
- National Council of Juvenile and Family Court Judges
- National Association of Chiefs of Police

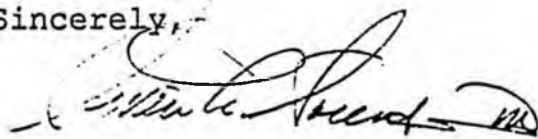
As a member of the Coalition, I wholeheartedly encourage you to support effective implementation of drug-free school zones in your

state. If your state already has legislation, seek to strengthen and implement it. If your state does not enforce drug-free school zones motion to propose it. This initiative is too important and promising to be left unexamined. We encourage you as a leader to organize a state coalition for drug-free school zones, if you have not already done so. Through individual state coalitions local communities can be mobilized into a formidable assault on drugs. Only when these zones reach citizens at grass roots level will they become an effective deterrent to drugs and crime.

The National Coalition for Drug-Free School Zones seeks to support your efforts. The Coalition has gathered copies of states enacted legislation and have prepared other materials and recommendations which may be of assistance to you in this effort. We are in the process of creating an implementation manual to assist local communities establish effective drug-free school zones. Furthermore, we are preparing a quarterly Drug-Free School Zone newsletter that will identify promising strategies, prevention innovations, and legislation nationwide. The first issue of this newsletter will be distributed in January 1990.

Again, we thank you for your continued support in this very important effort to make America drug-free. This can only be done with a united force of state leaders and citizens who are willing to take the necessary steps to accomplish the goal. Your help has been and will continue to be invaluable in our efforts to make drug-free school zones a reality nationwide. We, at the National Coalition For Drug-Free School Zones, look forward to working with you and assisting you in any way we can.

Sincerely,



Severin Sorensen, Director,
National Coalition For Drug-Free School Zones

**Coalition For Drug-Free School Zones
Survey of State Drug Laws, 1989
Survey Data**

State	Drug-Free School Zone	Zone Perimeter	Avail. Control Law	Prison Capacity (#)	Prison Occupancy (#)	Prison Fill (%)
Alabama	Yes	1 mile	Yes A	10,126	10,150	100
Alaska	Yes	Grounds	None	2,428	2,448	100
Arizona	Yes	300 ft	None	5,000	5,420	108
Arkansas	Yes		None	5,400	6,000	111
California	Yes	1000 ft	Yes A	96,129	140,791	146
Colorado	No		Yes A	5,400	6,500	120
Connecticut	Yes	1000 ft	None	7,200	7,400	103
Dist of C.	Yes-Pilot	1000 ft	None	6,730	7,300	108
Delaware	Federal	1000 ft	None	3,194	3,015	94
Florida	Yes	1000 ft	None	41,541	37,121	89
Georgia	No		Yes A,T	17,500	19,500	111
Hawaii	Yes	750 ft	Yes A	2,800	3,000	107
Idaho	No		None	1,160	1,444	124
Illinois	No		Yes A	16,684	21,775	130
Indiana	No		None	11,500	13,000	113
Iowa	Yes	1000 ft	None	2,975	3,100	104
Kansas	No		Yes T	5,767	5,574	97
Kentucky	Yes	1000 yd	Yes T	5,998	6,855	114
Louisiana	Yes	1000 ft	None	12,425	16,284	131
Maine	Yes	1000 ft	None	934	1,315	141
Massachusetts	Yes	1000 ft	None	6,200	11,000	177
Maryland	Yes	1000 ft	Yes A,T	10,996	13,961	127
Michigan	No		None	22,563	26,441	117
Minnesota	Yes	1000 ft	Yes A	2,964	3,063	103
Mississippi	Yes	500 ft	Yes T	6,000	7,000	120
Missouri	Yes	1000 ft	None	13,594	13,045	96
Montana	No		Yes A	754	1,070	142
Nebraska	No		Yes A	1,651	2,184	132
Nevada	Yes	1000 ft	No	4,649	5,295	114
New Hampshire	Yes	1000 ft	None	1,000	1,034	100
New Jersey	Yes	1000 ft	Yes A,T	15,600	18,400	118
New York	Yes	1000 ft	None	38,000	40,000	105
New Mexico	Yes	1000 ft	Yes A	2,671	2,859	107
N. Carolina	Pending	1000 ft	None	15,000	17,000	113
N. Dakota	No		Yes A,T	550	515	94
Ohio	Pending		None	18,100	27,000	149
Oklahoma	Yes	1000 ft	Yes A	7,888	9,391	119
Oregon	Federal	1000 ft	None	4,600	5,101	111
Pennsylvania	Yes	1000 ft	None	13,468	18,506	137
Rhode Island	Yes	500 ft	None	1,804	2,153	119
S. Carolina	Yes	1/2 mile	Yes A	12,585	13,067	104
S. Dakota	No		Yes A	1,050	1,050	100
Tennessee	No		Yes A	7,754	7,652	99
Texas	Proposed	1000 ft	Yes A	41,600	42,000	101
Utah	Yes	1000 ft	Yes A	2,500	3,000	120
Vermont	Yes	1000 ft	None	597	717	120
Virginia	Yes	1000 ft	None	11,460	13,125	114
Washington	Yes	1000 ft	Yes A,T	5,868	6,639	114
West Virginia	Federal	1000 ft	None	1,300	1,451	112
Wisconsin	Yes	1000 ft	None	4,800	6,200	129
Wyoming	No		None	850	850	100
TOTAL	Zones: 36 Pro/Pen: 3 None: 12	M:1000ft L: 1 mile S: 300 ft	#: 23 A: 20 T: 8	539,307	638,761	118
Ver. 10/20/89						

**DRUG-
FREE
SCHOOL
ZONE**

If you need help for
a drug problem, call:
1 800 225-0196.

If you see someone
breaking New Jersey's
drug laws, call the
Morris County
Tipline:
(201) COP-CALL.

All calls are strictly
confidential.

Sponsored by the Attorney General's Statewide Narcotics Task Force.

Students' Rights Card

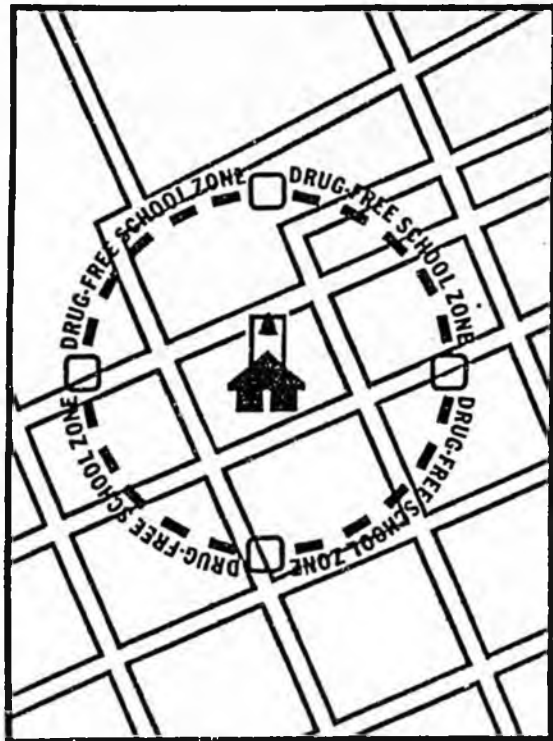
In New Jersey:

1. You have the right to attend a school that is free of drugs and violence.
2. You have the right to walk or drive to school without having to face someone selling drugs.
3. You have the right to drug education programs in your school and to learn how and why to say "no" to drugs.
4. If you already have problems with drugs and alcohol, you have the right to seek treatment and confidential counselling.
5. You have the right to grow up healthy and be the best you can be.

This is an ENLARGED version of a WALLET SIZE
card given to EVERY student (k-12) in New Jersey.

Drug-Free School Zones
are areas surrounding each
school beginning at the
outermost boundary of the
school property
and extending
1000 feet from
that point.

**DRUG-
FREE
SCHOOL
ZONE**



This Brochure printed courtesy of:



The American Dream Team

Commission to Deter Criminal Activity
5 Market Street CN085
Montclair, New Jersey 08625-0085

**Don't get
caught with
drugs here.**



Dear New Jersey Resident:

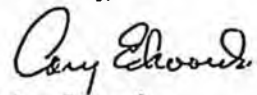
New Jersey now has one of the toughest drug laws in the nation. Our new law recognizes that if we are ultimately to win the so-called "war" on drugs, we can only succeed by reducing the demand for illicit substances. This, in turn, will largely depend on the new school education programs designed to teach our young people how and why they should say no to drugs. Our schools, in other words, will serve as the focal point of our efforts to raise a truly drug-free generation and ultimately win this war.

We must, therefore, be certain that schools and the areas around them, the "Drug-Free School Zones," are safe havens for children, not convenient marketplaces for drug dealers or users. We are even putting signs up across the State to make you, the citizens of New Jersey, aware of our strategy. Our children are entitled to an environment conducive to their education, one that is free of drugs and where drug trafficking activities are not tolerated. Children should not be able to look out their classroom window and see a drug deal taking place. They should not be able to find used "crack" vials littered around school playgrounds. They should not be propositioned to buy or use drugs while walking to school or in school buildings.

In sum, we must as an absolute priority do everything we can to keep innocent children as far away from the drug culture for as much of the day as possible. In this way, with your help, we can give our new K-12 drug education programs and drug awareness coordinators a chance to do their jobs of teaching our children how and why to say no to drugs. We are all soldiers in this war and we must join together and fight for a generation free of drugs.

Thank you for your help with this program, which is vital to the future of New Jersey's children.

Sincerely,



Cary Edwards
ATTORNEY GENERAL OF NEW JERSEY

The Commission to Deter Criminal Activity was established in 1984 as part of the Department of Law and Public Safety and represents various law enforcement organizations, governmental officials and private citizens.

The Commission is focused on the drug and alcohol problem in New Jersey and will educate the public about the penalties of violating the Drug Reform Act of 1987.

The New Jersey Drug Laws:

In a Drug-Free School Zone

- Any adult convicted of dealing or passing any type of illegal drug, other than marijuana, will get three years in prison without parole.



- Any adult convicted of dealing even a small amount of marijuana will get one year in prison without parole.
- Anyone convicted of passing a drug could be considered a dealer and therefore is also subject to prison without parole.
- Anyone convicted of simply having any type of illegal drug in a Drug-Free School Zone will have to do 100 hours of community service.



Be aware that under the law an adult is someone 18 years old and over. In addition, a juvenile, 14 years old and over, can be treated as an adult in an adult court.

**Don't mess with
drugs in New Jersey schools.**

Everywhere in New Jersey

- Anyone convicted of any drug offense will automatically lose his or her driver's license. It doesn't matter if a car was used in committing the offense.
- Anyone under 17 years of age who is convicted of any drug offense will not be able to get his or her driver's license for at least six months after turning 17.



- Anyone convicted of any drug offense, including use, will have to pay a special cash penalty, which starts at \$500 and goes up to \$3,000. This money is intended for drug education and prevention programs.
- Any adult convicted of dealing or giving drugs to someone under 18 years old will have the regular penalties doubled.
- Any adult who is convicted of being in charge of a drug dealing ring will go to jail for 25 years without parole.
- Any adult (over 18 years old) who is convicted of using or employing a juvenile (under 18 years old) in a drug dealing ring will go to jail for five years without parole.

If you need further information contact the Attorney General's Statewide Narcotics Task Force, 6th Floor, Hughes Justice Complex, Trenton, New Jersey 08625, (609) 292-5939.

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The people of New Jersey want you to grow up healthy and become the best you can be. You can't succeed the long run by taking illegal drugs. When it comes to illegal drugs, we mean business.

DRUG-FREE SCHOOL ZONE

**THIS IS A REDUCED VERSION OF THE ORIGINAL 18 X 18 OAK TAG MODEL SENT TO EVERY CLASS IN N.J. AND MANDATED TO BE TAUGHT K-12

The New Jersey Drug Laws:

In a Drug-Free School Zone

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- Any adult convicted of dealing even a small amount of marijuana will get one year in prison without parole.

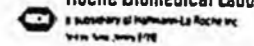


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Be aware that under the law an adult is someone 18 years old and over. In addition, a juvenile, 14 years old and over, can be treated as an adult in an adult court.

Don't mess with drugs in New Jersey schools.

This poster furnished by The Commission To Deter Criminal Activity in conjunction with Roche Biomedical Laboratories



Do you know what this means?

Signs have been placed around your school to let people know they are in a Drug-Free School Zone. Under New Jersey's law, anyone who is convicted of dealing drugs in a school zone must, by law, go to jail. This law will be strictly enforced by every police department in New Jersey. Police officers will be in and around your school. They will do their best to make sure that you will not have to face someone selling drugs. Protecting you is their most important job.

We hope that this law, in addition to drug education and student assistance programs in your school, will help you say no to drugs. You can be part of the solution to make your school drug-free and create a generation free of drugs.

Be aware that under the law an adult is someone 18 years old and over. In addition, a juvenile, 14 years and over, can be treated as an adult in an adult court.

**Drug-Free
School Zones = Drug-Free
Schools = A Generation
Free of Drugs**

New Jersey's
DRUG-FREE SCHOOLS
Demand Reduction Strategy

Law Enforcement



New Jersey's **DRUG-FREE SCHOOLS** Demand Reduction Strategy

Recognizing the present level of use and demand for illegal drugs, it is foolish to believe that the law enforcement community alone can win the war on drugs. Law enforcement can, however, dedicate their resources to eliminate the sale, distribution, and use of illegal drugs from our school buildings, school property, and areas around our schools. This effort will create a safe environment for our children so that they may gain the benefits of our drug education programs. New Jersey's "**Drug-Free Schools**" Program is law enforcement's contribution to a comprehensive strategy designed to create a "Generation Free of Drugs."

The "Drug-Free Schools" part of New Jersey's demand reduction strategy is founded on the principle that the law enforcement community with some new tools and the support of the rest of government has committed to create "Drug-Free Schools" throughout the entire state. This newly created drug-free school environment will then allow the drug education programs, expanded and planned new drug treatment concepts, and new community action alliance prevention initiatives the chance to work towards making the next generation a "Generation Free of Drugs."

A generation (17 years) free of drugs can only be realistically achieved through a 17-year effort of new education, treatment and prevention programs. These non-law-enforcement components of the demand reduction strategy include the K through 12 education program now being instituted in our schools and the new substance abuse coordinators being installed in all New Jersey's school districts over 1988 through 1990 school years.

These education programs, coupled with the effective treatment programs for adults and children and the establishment of comprehensive community alliance prevention program for each of the 567 communities in New Jersey will help to ensure the success of law enforcement's Drug-Free School program and ultimately create a "Generation Free of Drugs."

New Jersey recognizes that our schools serve as the primary medium for reducing the demand for drugs. Protecting our schools is the greatest possible contribution law enforcement can make in achieving our goal: **A GENERATION FREE OF DRUGS.**

Sign of the Times—Drug-Free N.J.

Brand new blue and white signs are springing up all across the state. They are unlike any other signs in the country. "Drug-Free School Zone," they proclaim. These signs have generated a great deal of discussion, and have raised a number of questions. What is a "drug-free school zone?" What is hoped to be accomplished by posting signs?

Designed to heighten public awareness regarding New Jersey's tough new drug laws, the signs were posted to raise precisely this type of question, while simultaneously alerting the public to the existence of "drug-free school zones."

Under the new law, the Comprehensive Drug Reform Act of 1987, which became effective on July 9, 1987, drug-free school zones extend 1,000 feet in all directions from the outer boundaries of every elementary and secondary school in the state. The zones are not limited to public schools, but include private and parochial schools as well. The law now provides that anyone distributing drugs within those school zones faces enhanced punishment. Specifically, a dealer who operates in a school zone is subject to a minimum mandatory term of three years imprisonment with no possibility of parole.

The goal of law enforcement is to move drug sales and possession at least 1,000 feet outside of all the schools in the state. This will give the new drug education, general education and new drug coordinators in our schools over the next generation a chance to win the war which law enforcement cannot win alone. The creation of drug-free zones around the more than 2,400 schools is a realistic and achievable goal.

The especially tough punishment for drug-free school zone offenders is not restricted to dealers alone. A person, juvenile or adult, who uses or possesses an illicit drug within a school zone faces a mandatory 100 hours of community service. This is in addition to the \$500 penalty which will be returned to the community for drug education and prevention, and the mandatory revocation or postponement of a driving license for at least six months and up to two years.

The drug-free school zone component of New Jersey's Comprehensive Drug Reform Act is not without its share of controversy. No innovative law ever is. It has been suggested that by providing enhanced punishment for school zone offenders, we may simply be encouraging dealers to set up shop just outside the school zone boundaries and that it would be better to simply post signs proclaiming a drug-free New Jersey. These are fair propositions which require a candid response.

We know that despite our best efforts, the war on drugs cannot be won overnight. A drug-free New Jersey—not a warning on signs—is our ultimate and long range goal. Tough laws alone cannot achieve that goal. But we can take immediate steps to rid schools and the adjacent areas of drug trafficking.

With the help of the education community, a drug-free school zone is a goal which is enforceable, is realistic, and by Dec. 31, 1988 our 14-month implementation plan of this new law should be in full swing.

This does not mean that we plan to tolerate or ignore drug offenses occurring outside of school zones. It merely means that we are setting realistic goals. Our new law provides tough punishment for all offenders, and New Jersey now has a mandatory arrest policy throughout the state. But we have directed many of our limited resources and efforts specifically to patrolling school zones. The question then becomes, why focus on schools?

Our new law recognizes that if we are ultimately to win the so-called "war" on drugs, success will depend on reducing the demand for illicit substances. This, in turn, will depend on the new education programs being utilized in our schools. Designed to teach our young people how and why they should "say no," these programs will actuate a fundamental reversal of society's tolerance of drug use. New Jersey's new penal law recognizes as much. It also recognizes that our schools will serve as one of the primary mediums for achieving this long-range objective.

We must therefore be certain that schools and the areas

around them are safe havens for children, not marketplaces for drug dealers or users. By vigorously enforcing our drug-free school zone plan, law enforcement will fulfill part of its vital role in promoting critically important demand reduction initiatives. Almost one-third of children try drugs before the 9th and 10th grade and about two-thirds by the time they finish high school.

Our children are entitled to an environment which is conducive to education, free of drugs and where drug trafficking activities will not be tolerated. Children should not be able to look out their classroom window and see a drug deal taking place. They should not be able to find used "crack" vials littered around school playgrounds. They should not be propositioned to buy or use drugs while walking to school or inside school buildings.

Therefore, we must, as an absolute priority, do everything we can to keep innocent children as far away from the drug culture for as much of the day as possible. This gives our new K-12 drug coordinated curriculum program and new drug coordinators and counselors a chance to do their jobs.

The reason for creating drug-free school zones is thus apparent: We intend to push the drug pushers away from children, who are the most vulnerable and impressionable of drug victims. We want to make drugs less available to our children, and force them to go to greater lengths to complete illicit transactions. We want to make it harder for dealers to get to our children.

Some students, of course, especially those who are already regular users or who are drug dependent, will follow the dealers to their new locations. It's our belief, however, that with this comprehensive coordinated approach the next generation and the older children not yet involved will not follow the drug dealer and will have the tools to know "how" and "why" to say no.

The new signs, in turn, evidence our resolve to vigorously enforce this new law which is among the toughest in the nation. Knowledge of where the drug-free school zones are and what a violation means will speed the process of achieving our goal of "getting the user and the pusher 1,001 feet away from schools." The signs remind everyone that the drug problem is pervasive, that no community has been spared, and more importantly, that the zones exist and we intend to make our schools drug-free. They will also serve to remind us to be vigilant at all times. We hope, in this regard, that law abiding citizens will help us to achieve this goal by calling the police whenever they see illegal drug activities within these "drug-free school zones."

These new signs are not, and were never meant to be, the answer to our drug problem. Rather, they are a very small but highly visible part of a much larger, comprehensive program designed to address both the supply and demand sides of this deadly problem.

Some may argue that these signs are empty symbols, without meaning or impact. Rest assured, however, that there will be many disbelieving drug predators sitting in prison who will have three long years to contemplate the symbolism. More importantly, more than one million children of the next generation will have a better chance to grow up drug free and be the best they can be.

The plans and tools are in place but only the local community, with the involvement of town governments, police departments, local educators and citizens, can really make our goal for the next generation of children a reality.



GARY EDWARDS
Attorney General of New Jersey

Attorney General Edwards was assisted in the writing of this article by Ron Susswein in the Division of Criminal Justice, Department of Law and Public Safety.

FISCAL NOTE

REQUEST:

Revision Date: _____ Agency Affected: Public Safety
 Title: Illegal drugs/schools/pregnant women BRU: Alaska State Troopers
 Sponsor: Senator Falks Component: Detachments and C.I.B.
 Requestor: Senate Finance

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

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

CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
---------	-----	-----	-----	-----	-----	-----

REVENUE	-0-	-0-	-0-	-0-	-0-	-0-
---------	-----	-----	-----	-----	-----	-----

FUNDING: (Thousands of Dollars)

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

POSITIONS:

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

ANALYSIS: (Attach a separate page if necessary)

No fiscal impact anticipated.

Prepared by: Francis C. Allan
 Division: Alaska State Troopers

Phone: 269-5691
 Date: 01/23/90

Approved by Commissioner: A.H. Arthur English
 Agency: Department of Public Safety

Date: 1-23-90
 Page 1 of 1

Francis C. Allan
1/23/90

SB 340
FILE

FISCAL NOTE

REQUEST:

Revision Date: _____
Title: "An Act relating to the delivery
and possession of controlled substances..."
Sponsor: Sen. Faiks
Requestor: Sen. Faiks

Agency Affected: Department of Law
BRU: Prosecution
Components: All

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	---	---	---	---	---	---

CAPITAL						
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REVENUE						
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FUNDING: (Thousands of Dollars)

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

POSITIONS:

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

ANALYSIS : (Attach a separate page if necessary)

Please see the attached analysis.

Prepared by: Richard I. Pegues, Director
Division: Administrative Services
Approved by Commissioner: Douglas B. Bailey, Attorney General
Agency: Department of Law

Phone: 465-3672
Date: January 23, 1990
Date: January 23, 1990

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

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B

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F

L

SENATE FINANCE COMMITTEE REPORT

DATE: 2/6/90

FURTHER:

DATE TURNED INTO OFFICE: _____

The Finance Committee considered _____ SSSB 341

Appropriation to the disaster relief fund; making appropriations from the disaster relief fund for relief of flooding and replacement of a high school; efd.

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 *Hearing 2-23-90*
- do not pass
- no recommendation *Bill died in committee.*
- 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:

fiscal note(s) _____

zero fiscal note(s) _____

SIGNING DO PASS:

OTHER RECOMMENDATIONS:

1. _____ -- 2. _____
Co-Chairs: Signatures and Recommendations

SENATE COMMITTEE REPORT

DATE: January 22, 1990

FURTHER: Finance

DATE TURNED INTO OFFICE: 2/5/90

H E S S Committee considered SS SB 341

Appropriation to the disaster relief fund; making appropriations from the disaster relief fund for relief of flooding and replacement of a high school; efd.

+ reports it passed as follows.

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

[X] individual recommendations

[] further referral to

ATTACHES NEW FISCAL NOTE(S): Dept/Date:

[] fiscal note(s)

[] zero fiscal note(s)

[X] appropriation-no fiscal note

APPROVES PREVIOUS:

Dept/Date:

[] fiscal note(s)

[] zero fiscal note(s)

[] Governor's bill w/fiscal note

SIGNING DO PASS:

1 Al Adams
Chair: Signature and Recommendation

OTHER RECOMMENDATIONS:

2 John... - No Rec.

1 Paul Frisick (Do Pass)

Chair: Signature and Recommendation

SENATE COMMITTEE REPORT
FIRST COMMITTEE OF REFERRAL

DATE: January 17, 1990

FURTHER: C&RA
HESS
Finance

Date of 5-Day Notice: 1-11-90
(in accordance with Uniform Rule 23)

DATE TURNED INTO OFFICE: 1-19-90

State Affairs Committee considered SPONSOR SUBSTITUTE FOR SB 341

Appropriation to the disaster relief fund; making appropriations from the disaster relief fund for relief of flooding and replacement of a high school; efd.

+ unpack it back as follows

and recommended:

[] replace with _____ CS _____ [] same title
[] attached amendment(s) [] new title

[] _____ letter of intent adopted

[] do pass

[] do not pass

[] no recommendation

individual recommendations

[] further referral to _____

ATTACHES NEW FISCAL NOTE(S):

Department(s)/Date:

Department(s)/Date:

[] fiscal note(s) _____

[] zero fiscal note(s) _____

appropriation-no fiscal note

[] Governor's bill w/fiscal note

SIGNING DO PASS:

OTHER RECOMMENDATIONS:

1 Al Adams

2 Paul Chief (No Rec)

1 Paul Lambert do pass
Chair: Signature and Recommendation

Offered: 1/17/90
Referred: State Affairs, C&RA, HESS and Finance

6-1627H

Funding Information: General Fund \$7,411,452
Other Funds -0-
\$7,411,452

BY SEN. ADAMS

1 IN THE SENATE

2 SPONSOR SUBSTITUTE FOR SENATE BILL NO. 341
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 SIXTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act making an appropriation to the disaster
7 relief fund; making appropriations from the disaster
8 relief fund for relief of flooding and replacement of
9 a high school; and providing for an effective date."

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

11 * Section 1. The sum of \$7,411,452 is appropriated from the general
12 fund to the disaster relief fund (AS 44.19.048).

13 * Sec. 2. The sum of \$5,411,452 is appropriated from the disaster
14 relief fund (AS 44.19.048) to the following departments in the amounts and
15 for the purposes that follow:

16 Department of Military and Veterans' Affairs
17 for the 1986 Southcentral flood disaster \$1,874,530
18 Department of Military and Veterans' Affairs
19 for payment as grants under AS 44.19.048 for
20 the 1989 statewide spring flood disaster 1,011,888
21 Department of Military and Veterans' Affairs
22 for payment as a grant under AS 44.19.048 to
23 the Municipality of Anchorage for the 1989
24 Anchorage flood disaster 805,100
25 Department of Military and Veterans' Affairs
26 for payment as a grant under AS 44.19.048 to
27 the Kenai Peninsula Borough for the 1989
28 Kenai Peninsula Borough flood disaster 495,580
29 Department of Education for payment as a
S

1 grant to the Bering Straits School District
2 to replace the Stebbins High School de-
3 stroyed by fire in 1989 1,224,354

4 * Sec. 3. The appropriations made by secs. 1 and 2 of this Act are for
5 capital projects and are subject to AS 37.25.020.

6 * Sec. 4. This Act takes effect immediately under AS 01.10.070(c).
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SB 341
file



ANCHORAGE'S DRAINAGE DILEMMA



The record rains that deluged the Anchorage area in late August caused extensive damage to public and private property. Now, with the City covered in snow it is almost easy to forget photographs on front pages of soggy newspapers that featured Anchorage residents retrieving their mail by kayak, and homeowners assessing thousands of dollars worth of water damage. Yet, thousands of people affected by last fall's rains are still struggling to cope with the worst flooding in the City's history. The Municipality of Anchorage Department of Public Works (DPW) knows its budget cannot provide the funds necessary to rectify the flood damage to the City's infrastructure and public areas. It is also concerned about the more severe public works problems that spring breakup could cause in just a few short months.

After the initial flooding subsided and the magnitude of the damage became apparent, the State of Alaska provided emergency aid for only the highest priority public projects. Although State assistance helped immensely, it funded only a little more than half of the Municipality's immediate needs. The Municipality is requesting from the State Legislature an additional \$745,000 before spring breakup to complete critical repairs to public roads and property.

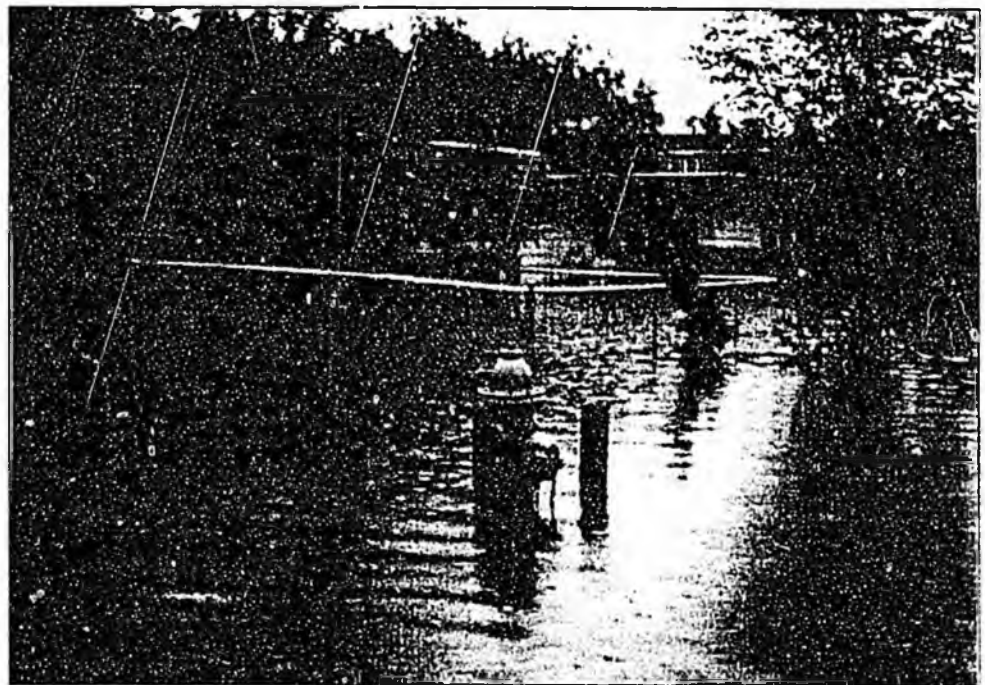
The flood waters also damaged over 2,000 homes and businesses last fall. Yet, the affected owners have received no assistance in the past five months for repairs and reconstruction. The Municipality is requesting an additional \$5 million to offer in loans and grants to qualified private recipients, so that they can begin rebuilding.

Both requests do not include the potential

costs of spring break-up damage. As of mid-January, Anchorage had received 150 percent of its average annual snowfall. The continued flooding of streets and basements will likely intensify when the snow begins to melt. This will be complicated by ice build-up and glaciation, which blocks normal drainage flows. The already record high water tables could also cause record levels of frost damage to Anchorage's roads and utilities. Additional monies may be needed

1989 - THE WETTEST YEAR ON RECORD

The fall of 1989 was the rainiest on record in Anchorage. Between August 1, 1989 and October 30, 1989, 13.4 inches of rain fell - condensing the yearly average into a three-month period. The peak



Flooding at 19th Street - Between Arctic and Spenard

Debbie Mitchell (DPW)

of this virtual three-month storm occurred on August 25th and 26th, when 4.12 inches of rain fell in 24 hours. This was twice the previous record for rainfall in a 24-hour period. The chance of a storm of this magnitude occurring is only one percent each

year, and there is no guarantee it will not reoccur next year.

Record rains caused innumerable emergency problems in the Anchorage Bowl area. These are depicted on the map in this brochure and are highlighted below.

- Eight hundred homeowners reported flooding. However, the Red Cross estimated over 2,000 cases of flooding.
- A 4.3 million gallon pool accumulated in the bottom of the Municipal landfill.
- Numerous roads were closed due to flooding or washouts:
- Erosion damaged numerous Municipal parks, washing out bridges and trails:
- Underground electrical boxes shorted out across the City:
- Pipe failures disrupted major storm drainage systems:
- Flooding clogged the sewage system with large amounts of debris and inundated the sewer treatment plant. This caused backups into houses:
- Overloads of sediment choked three new sedimentation basins with as much as 300 percent of the yearly sediment average; and
- Costs of road construction projects escalated as wet conditions necessitated the replacement of saturated materials. This greatly reduced the miles of road repaired in the Hillside area.

After the flooding receded, another problem persisted. The August rains brought ground water levels in low-lying areas of Anchorage to record highs, and continued heavy October rains maintained these high levels. Consequently, street and basement flooding continued throughout the fall. Sump pump sales soared to an estimated 2,000 or more.

High ground water also causes roadway glaciation in winter. These ice sheets can flow onto roads and into ditches and culverts, disrupting drain-



Icing at Carl Street

Off Engineering

age. DPW expects significantly elevated maintenance costs to keep these drainage pathways clear of ice later this spring. Engineers also predict severe frost heaves will create an unusually large number of potholes and cracks across the public roads and will likely cause damage to water and sewer manholes as well as valve boxes.

REBUILDING THE CITY'S FOUNDATIONS

The emergency situations listed above are still in critical need of attention. Emergency work completed last fall must be reimbursed so that anticipated spring problems can be addressed. Remaining emergency repair work includes:

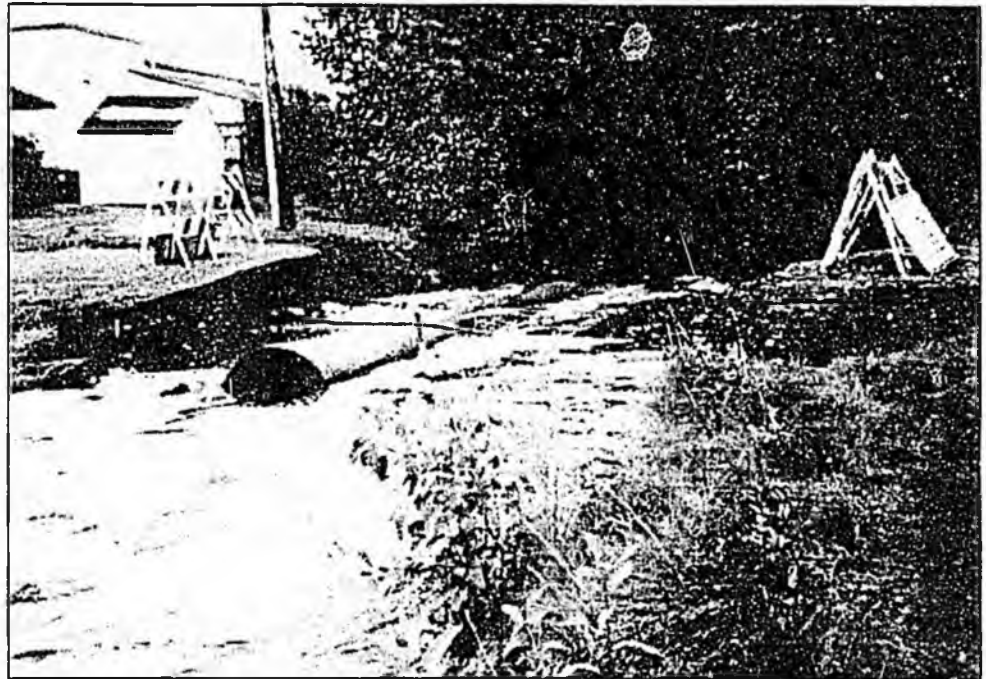
- The removal of four million gallons of rain-water remaining in the Municipal landfill;
- Westchester Lake flood gate repairs;
- Erosion repair on many heavily used trails and in parks throughout Municipality;
- Debris removal from the sewage collection system and;
- Repairs of street and signal system damage due to high water; and
- Repair and cleanup of drainage facilities.

The storms stressed many local drainage systems and indicated many areas where capital improvements are urgently needed. These include:

- Area-wide road repairs due to expected frost problems;
- Rehabilitation of storm drainage systems in the Fish Creek basin;
- Enlargement of drainage structures along Chester Creek; and
- Extension of proper drainage systems to the many Anchorage subdivisions constructed in areas with high water tables.

These repairs and improvements will correct short-term problems. To prevent the reoccurrence of widespread damage, the Municipality is consider-

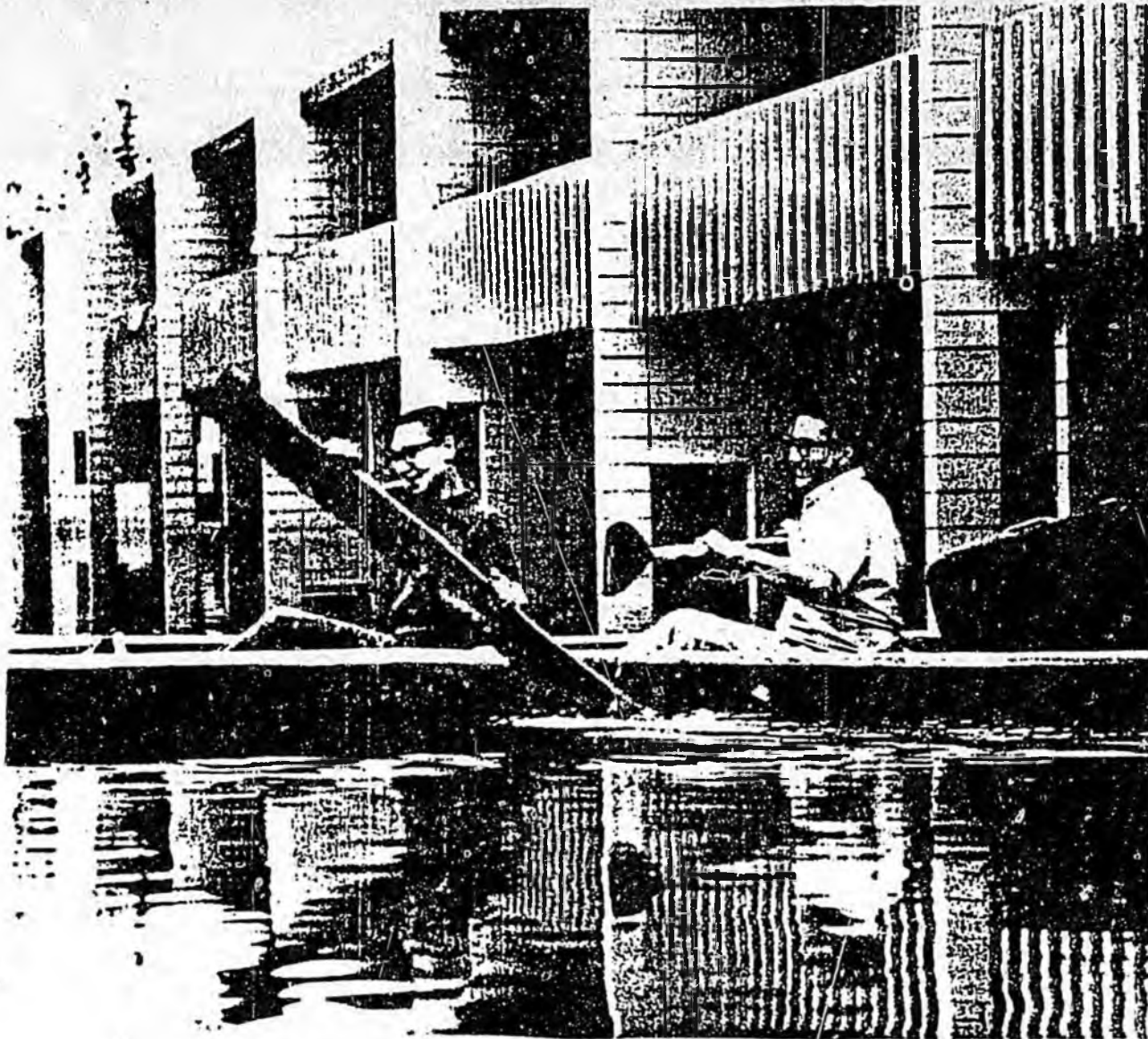
ing seeking area-wide drainage powers during the October elections. These powers will maximize the efficiency and minimize the costs of Anchorage's drainage systems. Currently, drainage planning in the core area of Anchorage falls under the jurisdiction of the Anchorage Road and Drainage Service Area (ARDSA). In some of the outlying areas, the Local Road Service Areas (LRSA) install culverts and maintain ditches only if money is available. Many of the outlying areas have NO road service



Culvert wash-out at Glade Street

Debbie Mitchell (DPW)

area, and NONE enjoy the benefits of drainage planning. Unfortunately, drainage does not confine itself to service area boundaries. Implementation of a drainage plan across these planning boundaries is now impossible. Municipality wide drainage powers would effectively implement drainage plans that will prevent future problems. The completion of the Hillside Drainage Plan, which requires additional funds, will be a model for cost-and labor-efficient drainage planning across the Municipality.



Paddles Come in All Shapes and Sizes

MITTEE . . .
(Continued From Page 1)

It'll be a more persistent problem than the earthquake said. "They were in spring. You are waiting."

It's a crash program to get dry out and winter immunity will be a dilemma."

He said, "We will find a way to help everybody," referring to the federal sector of assistance.

The total loss in the Tanana is estimated at \$200 million. The Office of Emergency Management will be supervising the work. Engineers, the Bureau of Reclamation and other federal agencies are working on specific restoration projects from the

No One's Alone In Flood Crisis

By JIM HARRIS
Staff Writer

It's hard to single out any single individual or group who deserves credit for their efforts during the peak of the flood crisis. Everyone helped.

Bearded college students, kids, laborers, businessmen, everyone was willing to do their share and more. And they did everything. Piling sandbags, acting as messengers, setting up kitchens, rescuing people, establishing communications, and transporting supplies. Everyone who was able to move and could help in any way did so, even with the knowledge that nearly everything they owned had been wiped out.

And for the first hours of the crisis, they did it with little coordination or direction. They just did it. And what they did was extremely effective.

Red Cross To Pour In Millions

A Red Cross spokesman has estimated that his organization would pour many millions of dollars into the Fairbanks area to help with flood recovery.

Donald W. Stout, Red Cross director for 15 western states, flew to Fairbanks Thursday to access the damage and set up an organization to handle recovery.

"We will help with basic recovery, repair and complete re-

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SB. 341
file



KENAI PENINSULA BOROUGH

144 N. BINKLEY • SOLDOTNA, ALASKA 99669
PHONE (907) 282-4441

DON GILMAN
MAYOR

January 19, 1990

Senator Pat Pourchot
Members to the Senate State Affairs Committee
P.O. Box V
Juneau, AK 99811

Dear Sen. Pourchot and Members of the Committee:

On Behalf of the Kenai Peninsula Borough, I am expressing support for SB 341, which provides disaster relief funds to areas around the state.

The Kenai Peninsula Borough has experienced our fair share of disasters recently, including extensive flooding in Seward during 1986 and 1989. This bill addresses funding for repair of damage caused by those floods.

The 1986 flooding in Seward caused extensive damage to bridges, river banks, utility lines and roads, not to mention private property. Some federal funds were acquired, but not enough to provide adequate repair and prevention. The heavy autumn rains again caused flooding in 1989, further distressing these areas.

Attached is back-up prepared by the Public Works department, relating to funding requests by the borough for reconstruction designed to repair and prevent further damage from flooding. Your favorable consideration of SB 341 would be appreciated.

If you need further information, please contact my office.

Sincerely,


Don Gilman,
Mayor

SPONSOR'S BACKGROUND MATERIAL

Kenai Peninsula Borough, Letter
of Support and Back Up Information

<u>Project</u>	<u>11-29-88 Funds Requested Funds COE 1986</u>	<u>8-25-89 Funds Requested From State 1989</u>	<u>10-89 Funds Approved by State 1989</u>	<u>Legislative Funds Needed 1990</u>
1. Salmon Crk/ Bruno Rd	120,200.	17,000.	11,675.	108,525.
2. Glacier Crk/ (Bruno Brg.)		43,000.	34,000.	9,000.
3. Grouse Crk/ (Murkowski)	129,100.	2,875.	8,325.	120,775.
4. Lost Crk/ (N-Old Mill Sub)	1,074,950.	50,000.	34,000.	1,040,950.
5. Salmon Crk/ (N. Camelot by Sea)	143,406.			143,406.
6. Salmon (W Camelot by Sea)	371,250.	24,000.		371,250.
7. No. Name Crk. (Old Mill Sub)		5,800.		5,800.
8. Lake St. (Glacier Sub)		33,000.		33,000.
9. Glacier Crk. (Bruno Rd. Dike)		26,000.		26,000.
10. Repair KPB Rds.		25,000.		25,000.
Totals	1,838,906.	226,675.	88,000.	1,741,406.

<u>Project</u>	<u>11-29-88 Funds Requested Funds COE 1986</u>	<u>8-25-89 Funds Requested From State 1989</u>	<u>10-99 Funds Approved by State 1989</u>	<u>Legislative Funds Needed 1990</u>
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JAN 19 '93 11:29 KENAI PENINSULA BORO 9072621892

KENAI PENINSULA BOROUGH 1989 FLOOD

WORK TO BE COMPLETED AFTER MONDAY, AUGUST 28, 1989

Estimated Cost

OLD MILL SUBDIVISION

No Name Creek - rip/rap	\$ 5,800.00
Lost Creek - rip/rap - area around power pole	33,000.00
- rip/rap - farther upstream	17,000.00

QUESTA WOODS

Lake Drive - Salmon Creek - rip/rap	33,000.00
Bruno Road - Salmon Creek - rip/rap	17,000.00
Bruno Bridge - Salmon Creek - sheet piling - rip/rap	43,000.00
Bruno Road - Salmon Creek - dike	26,000.00

CLEAR/SALMON CREEK

Clear Creek - dike repair	10,000.00
Salmon Creek - dredging	12,000.00

ESTIMATED OTHER REPAIR

Repair of flood damaged roads in other areas of the Kenai Peninsula Borough	25,000.00
Murkowsky Finger dike at Seward Highway	2,875.00
	<u>\$224,675.00</u>

A full assessment of damages to all roads and bridges has not been completed at this time. There also has not been a complete assessment of damage to private property.

As of 8/29/89 one family is still being housed in the shelter at the Army Rec. Camp.

Total needed	\$224,675.00
State Funds received	88,000.00
Current Request	<u>\$136,675.00</u>



KENAI PENINSULA BOROUGH

144 N. BINKLEY • SOLDOTNA, ALASKA 99669
PHONE (907) 262-4441

DON GILMAN
MAYOR

October 4, 1989

From: *Ken* Ken Brown, Director of Public Works

Seward Creek Restoration after 9-89 Flood:

<u>PROJECT:</u>	<u>AVAILABLE FUNDING</u>
1. Glacier Creek (Bruno Bridge) Rip-Rap Abatements (6' X 15' X 200' = 666 c.y.) 666c.y. @ \$50.00 in place cost	\$88,000.00 <u>34,000.00</u>
Subtotal	\$54,000.00
2. Bruno Road below bridge (Questa Wood Sub.) Rip-Rap along west of road 103' X 6' 10' = 333c.y. at \$50.00 c.y. in place cost.	 <u>\$11,675.00</u>
Subtotal	\$42,325.00
3. Lost Creek main utility pole protection Rip-Rap around power pole 150' X 6' X 10' = 333c.y. @ \$50.00c.y. in place cost.	 <u>\$17,000.00</u>
Subtotal	\$25,325.00
4. Lost Creek east side of creek across from power pole 150' X 6' X 10' = 333c.y. @ \$50.00 c.y. in place cost.	 <u>\$17,000.00</u>
Subtotal	\$ 8,325.00
5. Lost Creek finger dike below Lost Creek Bridge 6' X 10' X 75' = 166.5c.y. @ \$50.00c.y. in place cost.	 \$ 8,325.00
Total	-0-

*66,000 Now = 75% of 88,000.
Remaining 25% will come as we
justify our cost during the project.*

11



KENAI PENINSULA BOROUGH

144 N. BINKLEY • SOLDOTNA, ALASKA 99669
PHONE (907) 262-4441

DON GILMAN
MAYOR

TO: Don Gilman, Mayor
 FROM: *Ken Brown* Ken Brown, Public Works Director
 DATE: September 21, 1988
 SUBJECT: Seward Area Creek Projects Estimates

Mike Tauriainen, Consulting Engineer assigned by Public Works to evaluate cost associated with Seward Area Creek Projects, has provided the following estimates (ref. Attachment "A"). Estimates include engineering, permits inspection and construction.

1. Salmon Creek (near Bruno Road)	\$ 121,000
2. Grouse Creek (near Murawsky)	130,000
3. Lost Creek (north of old mill subdiv.)	1,075,000
4. Salmon Creek (north of Camelot subdiv.)	144,000
5. Salmon Creek (west of Camelot subdiv.)	372,000
6. Lost Creek culvert (by bridge)	6,000
7. Develop rip rap source	<u>12,000</u>
TOTAL	\$1,860,000

Corp Of Engineers 404 permits and Fish & Game permits will be applied for and if approved, we will be required to do the work in October 1988 or July 1989 or same month in 1990. Permits are issued for two to three year periods.

Item #5's total above rounded to \$372,000 represents \$151,250 for dredging the channel and \$220,000 for rip rap. If funding becomes difficult to obtain for all or part of the projects, I would recommend we perform the dredging of Salmon Creek at \$151,250 first. Salmon Creek's present stoppage has caused Salmon Creek to flow toward the Seward Highway and high water on a 1984 Borough constructed dike, at location of Clear Creek, could cause the dike to be undermined and the flooding of four adjacent homes behind the dike may occur. If we can get Salmon Creek to flow in the previous location this would take the present pressure off the Clear Creek dike.

In addition to the dike problem at the Clear Creek, Seward highway and Glacier Exit Road locations, the high water is also causing problems with many septic systems surrounding this populated area.

Mayor D. Gilman
 Seward Creeks
 Page 2 of 2

Borough funds transferred by Ordinance 88-21 from landfill capital funds for the Seward rip rap and consulting engineering design and inspection services.

1. LEMAS PROJECT:	
A. Metco Inc. (construction)	\$ 33,750.00
B. Tauriainen (engineering)	5,600.00
C. Clarion (publish bid)	150.00
D. Phoenix Log (publish bid)	<u>150.00</u>
SUB-TOTAL	\$ 39,650.00

2. OTHER PROJECTS:	
A. Tauriainen (eng./budget est.)	\$ <u>8,000.00</u>

TOTAL expenditures as of 8/22/88 \$ 47,650.00

If funding becomes available we should be able to enter the creeks in July 1989 to perform the work.

KB/lh

Attachments: Tauriainen's memo dated Sept. 2, 1988

<u>Project</u>	<u>11-29-88 Funds Requested Funds COE 1986</u>	<u>8-25-89 Funds Requested From State 1989</u>	<u>10-89 Funds Approved by State 1989</u>	<u>Legislative Funds Needed 1990</u>
1. Salmon Crk/ Bruno Rd	120,200.	17,000.	11,675.	108,525.
2. Glacier Crk/ (Bruno Brg.)		43,000.	34,000.	9,000.
3. Grouse Crk/ (Murkowski)	129,100.	2,875.	8,325.	120,775.
4. Lost Crk/ (N-Old Mill Sub)	1,074,950.	50,000.	34,000.	1,040,950.
5. Salmon Crk/ (N. Camelot by Sea)	143,406.			143,406.
6. Salmon (W Camelot by Sea)	371,250.	24,000.		371,250.
7. No. Name Crk. (Old Mill Sub)		5,800.		5,800.
8. Lake St. (Glacier Sub)		33,000.		33,000.
9. Glacier Crk. (Bruno Rd. Dike)		26,000.		26,000.
10. Repair KPB Rds.		25,000.		25,000.
11. Seward Landfill Protection Dike		532,000.		532,000.
TOTALS	\$1,838,906.	\$758,675.	\$88,000	\$2,273,406

DISTRICT OFFICE

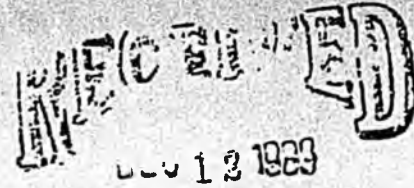
BERING STRAIT SCHOOL DISTRICT

P.O. BOX 225

UNALAKLEET, ALASKA 99822

(907) 624-3611

December 6, 1989



GOVERNOR'S OFFICE

BREVIG MISSION

COUNCIL

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TELLER

UNALAKLEET

WALES

WHITE MOUNTAIN

The Honorable Steve Cowper
Governor of the State of Alaska
Office of the Governor
Third Floor, State Capitol
P.O. Box A
Juneau, Alaska 99811

Dear Governor Cowper:

On the morning of October 17, 1989, the Bering Strait School District's High School in Stebbins, Alaska, was totally destroyed by fire. As a result, the only educational facility remaining in the community is a 14-year-old BIA elementary school originally constructed as a "temporary" facility. This "temporary" elementary school is in poor condition with many code deficiencies and is totally inadequate for even the current elementary school population, much less a combined elementary and secondary population. That "temporary" facility has been high on both the District's and Department of Education's CIP request for many years.

On behalf of the Bering Strait School District, I am therefore making this emergency request for (a) a \$5.3 million capital appropriation for the construction of a new K-12 school in Stebbins, Alaska and (b) an immediate appropriation of a \$500,000 planning grant to be credited against the \$5.3 million appropriation, so that the District can immediately begin the planning and design of the K-12 facility.

The District estimates the total cost of that new facility to be approximately \$8.8 million. The additional, anticipated \$3.5 million needed for construction is expected from the fire insurance proceeds payable to the District by its insurance carriers as a result of the total destruction by fire of the Stebbins High School.

By pooling the District's insurance settlement with emergency funding from the Legislature, instead of separate elementary and secondary schools being built, possibly years apart, one K-12 educational facility can be constructed in a cost effective and efficient manner, and designed to serve the educational population of Stebbins, Alaska for many, many years into the future.

Bering Strait School District/
Stebbins High School Situaton.

Governor Steve Cowper
December 6, 1989
Page Two

On behalf of the District, professional engineers are in the process of preparing sound and solid historical and factual data to support the District's emergency request. You will have it within ten days. That data will clearly demonstrate among other things, (1) the absolute inadequacy of the old BLA "temporary" elementary school facility in Stebbins from the prospective of fire and safety code deficiencies and space inadequacies considering current elementary student population and Department of Education square footage guidelines; (2) the cost savings and efficiency that will accrue by constructing one large facility instead of two smaller facilities; and (3) the credibility of the \$8.8 million estimated cost of a K-12 facility.

Your prompt attention to the District's emergency request is urgently needed.

Sincerely,



Edwin T. Gonion
Superintendent

cc: Mike Irwin, Special Staff Assistant - Office of the Governor
John Antonnen, Director, DOE Educational Finance & Support Service
Alison Elgee, Division Director for Budget Review - Office of
Management & Budget

Stebbins School Advance Funding Requirements

Advance funding is required to allow for the design of the K-12 facility and to install foundations. We expect the insurance companies to provide payment for the replacement cost of the previous high school by the end of February 1990. The total settlement will be approximately \$3.5 million, and the first payment \$2.8 million. The balance of payment will come when we have expended construction funds past the \$2.8 million level. I assume that this would be prorated between the two funding sources and that a 82% combined expenditure would be required before final release of funds. The insurance settlement will represent only about 30% of the total funds required to complete the programmed K-12 facility.

The request for advance funding from the Legislature is intended to cover the design and foundation cost for the 70% balance of the budget. The total funds requested from the State of Alaska are \$8.5 million. Design and foundation cost for that portion of the work are detailed below.

Design cost thru bid documents estimated	\$ 521,754.00
Foundation cost	522,000.00
Education Specification	45,600.00
BSSD Administration & Task Force	80,000.00
Cost for settlement evaluations	<u>55,000.00</u>
Minimum total request for advance funding	\$1,224,354.00

If the award of the remainder of the State funding is delayed past the first of May 1990, it may be necessary to request additional advance funding. Those funds would be required to pre purchase framing material that would have to make the May barge sailing. A \$2 million dollar request for advance funding could be easily justified.