

ALASKA LEGISLATURE

974

HOUSE and SENATE FINANCE COMMITTEE FILES,

1993-1994

98

**CAPITAL PROJECTS FY 92 - FY94**

PROJECT	ED	FY92			FY93			FY94		
		GF	OTHER	TOTAL	GF	OTHER	TOTAL	GF	OTHER	TOTAL
<b>Note: This listing includes Agency Projects from the following sections:</b>		Ch 96, SLA 91, Sec. 163			Ch 5, FSSLA 92, Sec. 131			HB60/SB50		
					Ch 5, FSSLA 92, Sec. 152					
<b>Office of the Governor</b>										
Elections Communications and Documentation Network Upgrade	99	200.0		200.0						
Arctic National Wildlife Refuge National Education Effort	99				500.0		500.0			
Nature Conservancy	99				219.0		219.0			
Division of Elections - Voting Equipment Purchase	99				100.0		100.0			
<b>Department of Administration</b>										
Pioneer Home Repairs and Renovation	99	2,000.0		2,000.0	1,905.0		1,905.0	3,001.3		3,001.3
Older Alaskans Commissioner: Senior Center Transportation Improvements	99	175.0		175.0						
Senior Centers/Adult Day Care Maintenance and Repairs	99	175.0		175.0						
Division of Retirement and Benefits Telephone System	4	30.2	62.3	92.5						
Saddle Mountain Communications Equipment	4	33.0	67.0	100.0						
Telecommunications Computer Replacement	99		100.0	100.0						
Duplicating Equipment Replacement and Cost Accounting	99		450.0	450.0						
Mainframe Computer Replacement/Peripheral Computer Equipment	99	2,900.0	210.1	3,110.1						
Relational Database Implementation	99		256.0	256.0						
OAC: Maniilaq Senior Center Structural Evaluation/Code Survey & Thermal Assessment	22				95.0		95.0			
OAC: Bethel Nursing Home Study	99				80.0		80.0			
Public Defender Legal Briefs & Research/Caseload Management Computerization	99				239.8		239.8			
Office of Public Advocacy Word Processing/Case Management/Trust Account Computerization	99				124.2		124.2			
Combined Retirement Data Processing System	99					750.0	750.0			
Data Processing Software & Hardware System Enhancements/Office Equipment	99				1,200.0		1,200.0			
Campaign Disclosure Filing by Diskette	99				31.2		31.2			
Computerized Hiring Forms System	99							250.0		250.0
Procurement System Automation	99							71.9		71.9
Public Defender Agency Voice Mail Telephone System Installation	99							53.8		53.8
Anchorage Warehouse Services Building Improvements	50							58.0		58.0
Anchorage Warehouse Material Handling Vehicle Acquisition	50							65.0		65.0
<b>Department of Law</b>										
Federal Lawsuits	99				1,200.0		1,200.0			
Legal Services LAN System	99							900.0		900.0

**CAPITAL PROJECTS FY 92 - FY94**

PROJECT	ED	GF	FY92		GF	FY93		GF	FY94	
			OTHER	TOTAL		OTHER	TOTAL		OTHER	TOTAL
Prosecution LAN System	99							300.0		300.0
<b>Department of Revenue</b>										
Oil and Gas Computer Utilization Upgrade	99				80.0		80.0			
Federal Grants and Special Needs Housing Grants	99								10,700.0	10,700.0
Affordable Housing and Energy Efficiency Grants	99								17,325.0	17,325.0
<b>Department of Education</b>										
Alaska Vocational Technical Education Center Maintenance/Equipment	6	650.0		650.0						
Information System Upgrade and Conversion	99	850.0		850.0						
Nome City Schools, Nome-Beltz Life Safety Upgrade/Asbestos	23	2,540.0		2,540.0	885.0		885.0			
Hydaburg City Schools, Elementary Roof Replacement and Remodel	2	1,213.0		1,213.0						
Lower Kuskokwim Schools, Cheforak Elementary School Addition	25	4,288.0		4,288.0						
Lower Yukon Schools, Emmonak Elementary School Replacement	23	1,575.0		1,575.0						
Iditarod Area Schools, McGrath School Reroof	24	765.0		765.0						
Ketchikan Gateway Schools, Ketchikan High Phase II	1	10,876.3		10,876.3						
Lower Kuskokwim Schools, Nunapitchuk Elementary School	25	3,820.5		3,820.5						
Yukon Flats Schools, Fort Yukon School Upgrade	24	1,100.0		1,100.0						
Southeast Island Schools, Gildersleeve Floating School Replacement	2	976.0		976.0						
Fairbanks North Star Schools, Lathrop Health/Life Safety Renovations	19-21	431.1		431.1						
State Library Materials and Equipment	4	250.0		250.0	200.0		200.0	350.0		350.0
Public Library Construction Grants	99		140.0	140.0		140.0	140.0		140.0	140.0
Postsecondary Education Equipment Replacement	99		51.0	51.0						
Yukon - Koyukuk School District - Koyukuk Life/Safety Corrections	24	1,484.6		1,484.6						
Kuspuk School District - Aniak Foundation Rehabilitation	24	300.0		300.0						
Lower Kuskokwim Schools, Kasigluk - Akiuk School Planning and Design	25	800.0		800.0						
Design & Implementation of Statewide Electronic Network	99				800.0		800.0			
Lower Kuskokwim Schools - Akiuk School Replacement Phase II	25				6,913.0		6,913.0			
Ketchikan Gateway Borough Schools - Ketchikan High School Phase III	1				5,623.7		5,623.7			
Lower Kuskokwim Schools - Nunapitchuk Elementary School Addition	25				2,500.0		2,500.0			
Kodiak Island Borough Schools - Old Harbor K-12 Structural Repair	27				525.0		525.0			
Hoonah City Schools - Sprinkler System/Life Safety Phase II	2				1,738.2		1,738.2			
Alaska Gateway Schools - Tok School Replacement (FY94 has it in ED 35)	17				5,000.0		5,000.0	8,678.9		8,678.9
Regional Boarding School Feasibility Study	99				200.0		200.0			
Alaska Vocational Technical Center Maintenance/Equipment/Dormitory	6				250.0		250.0			

**CAPITAL PROJECTS FY 92 - FY94**

PROJECT	ED	FY92			FY93			FY94		
		GF	OTHER	TOTAL	GF	OTHER	TOTAL	GF	OTHER	TOTAL
Mt. Edgecumbe - New Dormitory Construction Supplemental Funding	3				545.0		545.0			
Mt. Edgecumbe - Repair and Maintenance	3				280.0		280.0			
Mt. Edgecumbe - Contaminated Site Cleanup	3					430.0	430.0			
Micrographics Laboratory Ventilation	4				77.7		77.7			
Ketchikan Gateway Borough Schools-Ketchikan High School Final Phase	1							9,501.6		9,501.6
Lake and Peninsula Schools-Chignik Bay School Addition	40							1,660.0		1,660.0
Yakutat City Schools-Elementary School Repair	5							581.2		581.2
North Slope Borough Schools-Point Lay Cully School Drinking Water	37							133.1		133.1
Kake City Schools-Elementary & High School Life/Safety	2							1,830.0		1,830.0
Southwest Region Schools-New Stuyahok Roof and Wall Replacement	40							762.8		762.8
Pribilof Schools-St. Paul Roofing and Siding Replacement	40							1,222.7		1,222.7
Statewide Data Management System	4							100.0		100.0
Alaska Vocational Technical Center Maintenance/Equipment/ADA Compliance	8							236.8		236.8
Departmental Micro Image Optical System	4							290.0		290.0
Alaska Vocational Technical Center Equipment Purchases	8							213.7		213.7
State Museum Heating/Ventilation/Air Conditioning Upgrade	4							809.5		809.5
Alaska Commission on Postsecondary Education Intelligent Dialing System	4								200.0	200.0
Alaska Commission on Postsecondary Education Data Processing System Enhancements	4								250.0	250.0
Alaska Commission on Postsecondary Education Borrower Records Data Imaging Analysis	4								50.0	50.0
<b>Department of Health and Social Services</b>										
McLaughlin Youth Center - Main Roof Replacement	7-15	735.0		735.0						
McLaughlin Youth Center - Detention Completion	7-15	2,460.0		2,460.0						
DHSS Renovation, Repair and Deferred Maintenance	99	1,200.0		1,200.0	1,200.0		1,200.0	1,557.3		1,557.3
API Replacement-Design and Schematics	7-15	4,100.0		4,100.0						
API Interim Repairs	7-15	850.0		850.0	1,000.0		1,000.0	1,000.0		1,000.0
Alaska Association of Retarded Citizens Housing Purchase	7-15	110.0		110.0						
Matanuska-Susitna Counseling Center Quarters Purchase	16	30.0		30.0						
Fairbanks Community Mental Health Center Housing Purchase	19-21	125.0		125.0						
Homer Community Mental Health Center Housing Purchase	5	140.0		140.0						
Tok Mental Health Center - Purchase Van	17	16.0		16.0						
Youth Facility Design and Construction - Bethel	25	170.0		170.0						
Sitka Community Mental Health Clinic Housing Purchase	2	170.0		170.0						
Juneau Alliance for the Mentally Ill-Housing Acquisition/Renovation	4	184.0		184.0						
Access Alaska Hammer Project	99	100.0		100.0						

**CAPITAL PROJECTS FY 92 - FY94**

PROJECT	ED	FY92			FY93			FY94		
		GF	OTHER	TOTAL	GF	OTHER	TOTAL	GF	OTHER	TOTAL
Hope Cottages Inc. - Housing Unit Purchase/Construction	7-15	450.0		450.0						
Fairbanks Resource Agency Group Home Construction	19-21	175.0		175.0						
Nugens Ranch Detoxification/Emergency Svcs Facility Design and Construction	16	150.0		150.0						
Nome-Transitional Living Facility Construction/Renovation	23	100.0		100.0						
McLaughlin Youth Center Fire Alarm Replacement	7-15				250.0		250.0			
McLaughlin Youth Center Education Facility Replacement	7-15				5,250.0		5,250.0			
Central Laboratory Feasibility Study	99				25.0		25.0			
Fairbanks Health Center, Phase II	19-21				2,000.0		2,000.0			
API Building Replacement	99				1,000.0		1,000.0			
Design of Eligibility Information Systems & Other Computer/Data Processing Projects	99				854.7	210.4	1,065.1			
Mental Health Facility Grants	99				2,635.0		2,635.0	5,776.6		5,776.6
Americans With Disabilities Act Response	99							1,000.0		1,000.0
McLaughlin Youth Center Controls Completion	50							300.0		300.0
Developmentally Disabled Vocational Training Center	50								250.0	250.0
Ketchikan Secure Modular Completion	1							100.0		100.0
Eligibility Information System - Phase I	99							1,533.5	1,254.7	2,788.2
General Computers/Communications	99							1,391.2	297.2	1,688.4
Public Health Lab Replacement - Planning/Design	50							500.0		500.0
API 2000 - Design/Sitework	50							8,873.7		8,873.7
Harborview Steam Plant, Phase II	6							800.0		800.0
<b>Department of Labor</b>										
Data Processing Software and Hardware	99	15.8	224.4	240.2						
Worker Protection Equipment/Training	99	32.6	39.1	71.7						
Workers' Compensation Service Delivery Automation	99	80.0		80.0						
Workers' Compensation Claims Handling System Upgrade	99	400.0		400.0						
Enhancement of Access to Information and Services	99				461.2	642.3	1,103.5			
Labor Standards and Safety Enhancements	99				100.0		100.0			
Gov's Committee on Employment of People with Disabilities ADA-Facilities Assessment	99				30.0		30.0			
Enhanced Access to Departmental Information and Services	99				143.8	1,562.7	1,706.5			
Workers' Compensation Records Automation	99							495.7		495.7
Mechanical Inspection Equipment Purchase	99							78.6		78.6
Occupational Safety and Health Equipment Purchase	99							67.6		67.6
Labor Standards and Safety Program Automation	99							186.1		186.1
Economic and Demographic Information Equipment Upgrade	99							172.0		172.0

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PROJECT	ED	FY92			FY93			FY94		
		GF	OTHER	TOTAL	GF	OTHER	TOTAL	GF	OTHER	TOTAL
<b>Department of Commerce and Economic Development</b>										
Weights and Measures Enforcement Equipment	99	144.8		144.8						
Economic Development Matching Grants Program	99	750.0		750.0	700.0		700.0	850.0		850.0
Procurement Technical Assistance Program	99	75.0		75.0						
Deepwater Port Study - Southcentral Alaska	99	200.0								
AEA: Operation, Technical and Emergency Assistance	99		1,500.0	1,500.0	1,700.0		1,700.0		1,300.0	1,300.0
AEA: Electrical System Life/Health/Safety Improvements and Code Compliance	99		1,000.0	1,000.0	1,500.0		1,500.0		750.0	750.0
AEA: Rural Power Systems Upgrades	99		2,000.0	2,000.0	2,000.0		2,000.0		2,750.0	2,750.0
AEA: Bulk Fuel Systems Assessments/Emergency Repairs/Upgrades/Spill Prevention	99		1,000.0	1,000.0	1,000.0		1,000.0		1,000.0	1,000.0
AEA: Bulk Fuel Cooperative Grants	99		75.0	75.0						
AEA: Statewide Electrical and Power Project Upgrades and Feasibility Studies	99		500.0	500.0	250.0		250.0		1,000.0	1,000.0
AIDEA: Northwest Alaska Resource Development Transportation Alternatives	99	200.0		200.0						
Recodification of the Banking Code	99				125.0		125.0			
Expanding Alaska's Small Business Sector	99				253.0		253.0			
Northern Sea Route Development	99				200.0		200.0			
Northern Forum Equipment	99				50.0		50.0			
Eagle Glacier Nordic Training Camp Completion	7-15				70.0		70.0			
Northwest Arctic Coal Development	99				500.0		500.0			
AEA: Waste Heat Program	99				250.0		250.0			
AEA: Energy Enhancements	99				250.0		250.0			
AEA: Electrical Service Extension Fund/Grant Program	99				1,850.0		1,850.0	750.0		750.0
AEA: King Cove Hydroelectric Project Construction	26				2,500.0		2,500.0	250.0		250.0
Data Processing System Enhancement	99							750.0		750.0
Small Business Assistance and Development	99							550.0		550.0
Alaska and Japan Fisheries Cooperative Committee	99							45.0		45.0
Gold Rush Centennial Commemorations	5							100.0		100.0
Coal Initiatives	99							290.0		290.0
AEA: Rural Utility Regionalization, Consolidation & Business Management Training	99								270.0	270.0
AEA: Energy Conservation and Management Program for State-Funded Facilities, Phase I	99							260.0		260.0
AEA: Sutton to Glennallen Intertie Feasibility Study	35							425.0		425.0
AEA: Southeast (Tyee-Snettisham) Intertie Feasibility	99							75.0		75.0
AEA: Component Renewal and Replacement, Alaska Energy Authority-Owned Facilities	99							5,000.0		5,000.0
Bulk Fuel Systems Upgrades	99							1,750.0		1,750.0
Alternative & Applied Energy Technology Development	99								700.0	700.0

**CAPITAL PROJECTS FY 92 - FY94**

PROJECT	ED	FY92			GF	FY93			GF	FY94		
		GF	OTHER	TOTAL		GF	OTHER	TOTAL		GF	OTHER	TOTAL
Reimbursable Authority	99								2,000.0			2,000.0
Snettisham Acquisition	4								50.0			50.0
<b>Department of Military and Veterans Affairs</b>												
State Emergency Operations Center	7-15	650.0		650.0								
Armory Expansion Design	99	450.0		450.0								
Army National Guard Facilities Deferred Maintenance	99	500.0		500.0					2,000.0	3,165.2		5,165.2
Emergency Operations Center Communications & Geographic Information System	99				350.0	2,000.0	2,350.0					
Army Guard Facilities Scheduled Renewal/Replacement/Code Upgrade	99				250.0		250.0					
Army Guard Facilities Construction/Contingency/Planning	99					2,000.0	2,000.0					
Statewide Environmental Compliance Restoration Projects	99									3,000.0		3,000.0
Fairbanks Armory/Organizational Maintenance Shop Design	60								100.0			100.0
Emergency Operation Center Enhancements	99								1,500.0			1,500.0
<b>Department of Natural Resources</b>												
State Land Status Geographic Information System Project/Completion	99	1,000.0		1,000.0	300.0		300.0		330.0			330.0
Recorders Offices, Replacement Online Index System	99	100.0		100.0								
DNR Facilities Repair, Renovation, Deferred Maintenance	99	400.0		400.0								
Oil and Gas Royalty Accounting System - Hardware and Software Upgrades	99	55.0		55.0	50.0		50.0		25.0			25.0
Statewide Survey Plan	99	250.0		250.0								
Submerged Lands Recalculation Phase II	99	600.0		600.0								
Beaufort and Chukchi Seas Coastline Mapping	99	75.0	75.0	150.0								
Statehood Entitlement Selections/Owner State Assertions/Land Selections	99	2,500.0		2,500.0	1,500.0		1,500.0		2,265.0			2,265.0
Forest Health Initiative	99	450.0		450.0	45.0		45.0		450.0			450.0
State Park Facilities: Repair, Renovation, and Handicapped Accessibility	99	2,500.0		2,500.0								
Land and Water Conservation Fund and Federal Grants	99		1,000.0	1,000.0		1,000.0	1,000.0			1,000.0		1,000.0
National Historic Preservation Fund and Federal Grants	99		640.0	640.0		640.0	640.0			640.0		640.0
Totem Bight Clan House Emergency Repairs	1	488.0		488.0								
Friends of Kennicott, Incorporated-Emergency Stabilization	6	150.0		150.0								
Mental Health Trust Land Settlement Implementation	99				1,500.0		1,500.0					
Recorder's Office/UCC Records Protection and Access Project	99				50.0		50.0		200.0			200.0
Forestry Deferred Facility Maintenance	99				95.0		95.0					
Contaminated Site Cleanup-Peninsula Greenhouse, Soldotna	5					178.0	178.0					
Contaminated Site Cleanup-Forward Pad (Lease Tracts 75 and 76), Deadhorse	22					490.0	490.0					
Contaminated Site Cleanup-Childs Pad (Lease Tract 54), Deadhorse	22					300.0	300.0					

**CAPITAL PROJECTS FY 92 - FY94**

PROJECT	ED	FY92			FY93			FY94		
		GF	OTHER	TOTAL	GF	OTHER	TOTAL	GF	OTHER	TOTAL
Geophysical/Geological Mineral Inventory	99				450.0		450.0	1,500.0		1,500.0
Contaminated Site Cleanup - River Campground	17					38.0	38.0			
New Recreation/Tourism Facility Development	99				245.0		245.0	250.0		250.0
Rehabilitation and Expansion of Tourist Facilities	99				800.0		800.0	750.0		750.0
Childs Pad, Deadhorse Contaminated Site Cleanup/Assessment	37								290.0	290.0
Forward Alaska Pad, Deadhorse Contaminated Site Cleanup/Assessment	37								200.0	200.0
Soldotna, Peninsula Greenhouse Contaminated Site Cleanup/Assessment	7								41.0	41.0
McGrath Airport Fuel/Retardant Facility Contaminated Site Assessment	36								123.0	123.0
Mental Health Trust Lands Reconstitution	99							3,773.5		3,773.5
Parks-Water, Toilets, Dump Stations Improvements	99							750.0		750.0
Information Systems Efficiencies Downsizing	99							100.0		100.0
Fire Fighter Communications Equipment Purchase	99							150.0		150.0
Coalbed Methane Assessment	99							300.0		300.0
State Land Settlement Projects	99							175.0		175.0
Tapana Valley Forest Harvest Development	99							405.0		405.0
Commercial Recreation Site Leasing	99							150.0		150.0
Forest Inventory	99							350.0		350.0
Seismic Data Acquisition/Evaluation	99							580.0		580.0
Reforestation	99							250.0	200.0	450.0
Geologic Materials Center Expansion/Rehabilitation	24							80.0		80.0
Storet Computer System Completion	99							125.0		125.0
Agriculture Land Disposal	99							100.0		100.0
Wetlands Investigation/Classification	99							60.0		60.0
Mining Projects	99							50.0		50.0
Hydrological Network Evaluation	99							275.0		275.0
Energy Basin Analysis	99							330.0		330.0
<b>Department of Fish and Game</b>										
Major Vessels Maintenance and Rehabilitation	99	350.0		350.0	100.0		100.0	315.0		315.0
Statewide Facilities Renewal and Replacement	99	500.0		500.0						
Public Access Development Statewide	99	700.0	2,100.0	2,800.0	400.0	1,200.0	1,600.0	500.0	1,500.0	2,000.0
Hatchery Improvements in Preparation for Transfer	99	5,000.0		5,000.0	2,725.0		2,725.0			
ANWR Studies	99				100.0		100.0			
Kuskokwim River, Yukon River, and Norton Sound Fisheries Initiative	99				200.0		200.0			
Groundfish Fisheries Economic Returns to the State	99				200.0		200.0			

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PROJECT	ED	FY92			FY93			FY94		
		GF	OTHER	TOTAL	GF	OTHER	TOTAL	GF	OTHER	TOTAL
Genetic Fish Stock Identification	99				500.0		500.0			
Deferred Maintenance, Renewal, and Replacement	99				650.0		650.0			
Hatchery Facility Maintenance and Repair	99				500.0		500.0			
Tag/Otolith Laboratory Relocation/Expansion	4							1,100.0		1,100.0
Crystal Lake Hatchery Water Recirculation System Construction	2							500.0	500.0	1,000.0
Waterfowl Conservation and Enhancement Program	99							420.0		420.0
Kenai River Bank Restoration/Stabilization	99							147.0		147.0
Habitat Improvement/Big Game Population Enhancement	99								2,000.0	2,000.0
Toklat Chum Salmon Restoration	99							252.0		252.0
Statewide Facilities Maintenance/Repair	99							1,825.0		1,825.0
Major Equipment Replacement	99							141.0		141.0
Dutch Harbor Employee Housing Purchase	40							500.0		500.0
Fairbanks Office Addition	60							1,300.0	900.0	2,200.0
<b>Department of Public Safety</b>										
Major Vessel Repair/Enforcement Vessel Repairs	99	401.6		401.6	800.0		800.0			
Aircraft Equipment Overhaul/Repair/Equipment Replacement	99	135.6		135.6	178.4		178.4	459.8		459.8
Protection Equipment Replacement	99	100.0		100.0						
License Plates/Driver Manuals/Microfilm Equipment/Statutes	99	289.5		289.5	700.0		700.0	524.0		524.0
Alaska State Trooper Equipment Replacement	99	100.0		100.0	400.0		400.0	500.0		500.0
Public Safety Office Completion - Bethel	25	116.6		116.6						
Statewide Law Enforcement Systems Maintenance	99	260.7		260.7						
Global Positioning System Equipment	99				71.6		71.6			
Statewide Law Enforcement Systems Maintenance	99				500.0		500.0			
Motor Vehicle Public Services Improvements/Enhancements	99				200.0		200.0	235.5		235.5
Fish and Wildlife Protection Equipment Replacement	99				200.0		200.0	273.2		273.2
Alaska State Trooper Academy Maintenance/Repair	3				180.0		180.0			
Law Enforcement Aircraft	99				1,600.0		1,600.0			
Facilities Renewal and Replacement	99				500.0		500.0			
FWP Enforcement Vessel Repairs	99							570.4		570.4
Statewide Law Enforcement Systems	99							1,800.0		1,800.0
Fish & Wildlife Protection Bulk Fuel Storage Tank Replacement	99							236.6		236.6
Training Academy Equipment	2							37.0		37.0
Facilities Renewel & Replacement/Deferred Maintenance	99							1,500.0		1,500.0
Juneau Public Safety Building Code Upgrade/Modifications	4							450.0		450.0

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PROJECT	ED	FY92			FY93			FY94		
		GF	OTHER	TOTAL	GF	OTHER	TOTAL	GF	OTHER	TOTAL
Enforcement Vessel Replacement	99							1,000.0		1,000.0
<b>Department of Transportation/Public Facilities</b>		74,851.0	316,464.4	391,315.4	50,463.0	389,540.7	440,003.7	64,496.0	391,375.8	455,871.8
<b>Department of Environmental Conservation</b>										
CIP and Statewide Project Planning/Administrative Support	99	334.5		334.5	338.5		338.5			
Haines Wastewater Facilities	2	1,000.0		1,000.0						
Nome Wastewater Treatment Facility	23	1,330.0		1,330.0						
Unalaska Water Project	26	1,000.0		1,000.0						
Juneau Water and Sewer Projects	4	900.0		900.0						
City of Ketchikan Sewage Treatment Plant Upgrade	1	520.0		520.0						
Anchorage Water/Wastewater/Solid Waste Facilities	7-15	2,900.0		2,900.0	4,500.0		4,500.0			
Cordova Sewer System Improvement	6	300.0		300.0						
Kenai Wastewater Treatment Plant Upgrade	5	250.0		250.0						
Kenai Borough Solid Waste Facilities	5	900.0		900.0						
Bristol Bay Borough - King Salmon Sewer	26	1,500.0		1,500.0						
Fairbanks Sewer and Water Projects	19-21	1,000.0		1,000.0	1,000.0		1,000.0			
Alakanuk Honey Bucket Haul	23	305.0		305.0						
Koyuk - Piped Water and Sewer Systems	23	1,200.0		1,200.0						
Stebbins Honey Bucket Access Road	23	38.0		38.0						
Deering Water and Sewer Phase I	22	1,998.4		1,998.4						
Tuluksak Water/Sewer/Solid Waste Study	24	50.0		50.0						
Nikolai Water/Sewer Improvement Project	24	500.0		500.0						
Chevak Sewer Upgrade	23	300.0		300.0						
Hooper Bay Water and Sewer Upgrade	23	990.0		990.0						
Tyonek Water and Sewer Phase III	24	742.0		742.0						
Huslia Sanitation Improvements	24	500.0		500.0						
Kotlik Honey Bucket Clean-Up	23	50.0		50.0						
St. Michael Water Tanker/Fire Truck/Apurtences	23	300.0		300.0						
Anderson Septage Disposal Facility	17	300.0		300.0						
Bethel Wastewater Treatment System Improvements	25	623.0		623.0						
Glennallen Sewer System	17	1,200.0		1,200.0						
Ketchikan Gateway Borough, Mountain Point Water and Sewer	1	2,524.0		2,524.0						
Thorne Bay Sewer Project	2	550.0		550.0						
White Mountain Water and Sewer	23	617.0		617.0						

**CAPITAL PROJECTS FY 92 - FY94**

PROJECT	ED	GF	FY92		GF	FY93		GF	FY94	
			OTHER	TOTAL		OTHER	TOTAL		OTHER	TOTAL
Klukwan Lagoon	2	194.5		194.5						
Talkeetna Eastside Sewer and Water	16	2,000.0		2,000.0	1,200.0		1,200.0			
Noorvik Water and Sewer Upgrade	22	200.0		200.0	1,150.0		1,150.0			
Cheformak Water and Sewer System	25	2,147.5		2,147.5						
Angoon - Tillinghast Lake Water Development	2	1,280.0		1,280.0						
Gambell Water and Sewer Phase III	23	2,800.0		2,800.0						
Kokhonak Water and Sewer Improvements	26	100.0		100.0						
New Stuyahok Water Sewer and Solid Waste	26	477.0		477.0						
Selawik Storage/Washeteria	22	400.0		400.0						
Togiak Water and Sewer Construction	26	257.0		257.0						
Unalakleet Solid Waste	23	1,414.0		1,414.0						
Golovin Water and Sewer Progressive Improvements Plan Phase II	23	427.3		427.3						
Kotzebue Sewer Main Rehabilitation	22	870.0		870.0						
Statewide Village Clinic Water and Sewer Upgrade	99	500.0		500.0						
Water Quality Geographic Information System Database	99				200.0		200.0			
Automation of Vehicle Inspection Certificates	99				110.5		110.5			
Analytical Equipment and Analysis	99				32.0		32.0			
Bristol Bay Borough - Leader Creek Sewer	26				1,654.9		1,654.9			
Seward - Restore Lowell Point Lagoon	6				924.0		924.0			
Bristol Bay Borough - King Salmon Sewer Phase II	26				1,702.3		1,702.3			
Kake - Gunnuck Greek Sewer Phase II	2				501.0		501.0			
Wasilla - Sewage Treatment Upgrade	16				500.0		500.0			
Klawock - Sewage Treatment Upgrade	2				1,600.0		1,600.0			
North Slope Borough - Wainwright Water/Sewer Tanks	22				500.0		500.0			
Haines - Treatment Plant/Sewer Upgrade	2				351.3		351.3			
Kenai Water and Sewer Projects	5				850.0		850.0			
Nome - Icy View Sewer and Water	23				1,500.0		1,500.0			
Juneau - Back Loop Sewerage - Phase I	4				1,000.0		1,000.0			
North Slope Borough - Kaktovik Water and Sewage Holding Tanks	22				500.0		500.0			
Thorne Bay - Sewerage System and Solid Waste	2				1,250.0		1,250.0			
Kotzebue - Sewage Collection System	22				1,293.0		1,293.0			
Akiak - Sewage Lagoon/Backwash Disposal	25				500.0		500.0			
Alakanuk - Water/Sewer Master Plan and Design	23				500.0		500.0			
Nikolai - Water/Sewer Improvements	24				80.0		80.0			
Mountain Point - Water/Sewer Phase III	1				1,800.0		1,800.0			

**CAPITAL PROJECTS FY 92 - FY94**

PROJECT	ED	FY92			FY93			FY94		
		GF	OTHER	TOTAL	GF	OTHER	TOTAL	GF	OTHER	TOTAL
Mountain Village - Solid Waste Project	24				61.7		61.7			
Bethel - Kilbuck Wastewater Pumping	25				125.0		125.0			
Bethel - City Subdivision Wastewater	25				125.0		125.0			
Bethel - Bethel Heights Sewer	25				800.0		800.0			
Unalakleet - Airport Utilities Project	23				1,366.0		1,366.0			
Emmonak - Water and Sewer Project	23				1,500.0		1,500.0			
Mekoryuk - Sewage Haul Project	25				170.0		170.0			
Elim-Sewage Outfall Line Extension	23				431.0		431.0			
Anchor Point - Community Water System	5				289.0		289.0			
Chevak Phase I	23				551.0		551.0			
Kiana - Water/Sewer Installation and Sewage	22				230.0		230.0			
Port Lions Water and Sewer Project	27				250.0		250.0			
Shaktoolik Maintenance Equipment	23				210.0		210.0			
Bethel "Main" Wastewater Pump Station	25				140.0		140.0			
Bethel "City Subdivision" Piped Water	25				200.0		200.0			
Kongiganak Water and Sewer Improvements	25				500.0		500.0			
Toksook Bay Water System Improvement	25				150.0		150.0			
Kaltag Water and Sewer Extension Phase I	24				342.4		342.4			
Kotzebue Solid Waste Study	22				150.0		150.0			
McGrath Waste Disposal Improvements	24				600.0		600.0			
Nulato Water and Sewer System Phase III	24				2,665.0		2,665.0			
Whittier Community Water System	6				1,500.0		1,500.0			
Glennallen Sewer System Expansion	17				800.0		800.0			
Kipnuk Washeteria	25				800.0		800.0			
Koyuk Solid Waste Disposal Facility	23				400.0		400.0			
Northwest Arctic Borough - Local Utility Matching Program	22				480.0		480.0			
Chignik Sewer Upgrade/Solid Waste	27				180.0		180.0			
Community Hazardous Waste Storage and Transfer Facility	99				350.0		350.0			
Analytical Equipment and Analyses	99				218.0		218.0			
Municipal Matching Grants Project Administration	99							39.8		39.8
Kodiak - Water System Construction	6							2,503.3		2,503.3
Nome - Icy View Water and Sewer System Construction Phase II	38							1,000.0		1,000.0
Wrangell - Water Main Replacement Design and Construction	2							84.0		84.0
Unalaska - Icy Creek Dam Design and Construction	40							2,850.0		2,850.0
Fairbanks - Sewer Rehabilitation Phase X	31							475.0		475.0

**CAPITAL PROJECTS FY 92 - FY94**

PROJECT	FY92			FY93			FY94			
	ED	GF	OTHER	TOTAL	GF	OTHER	TOTAL	GF	OTHER	TOTAL
Ketchikan - Drinking Water Disinfection Facility Construction	1							3,300.0		3,300.0
Fairbanks - Ft. Wainwright Interceptor Rehabilitation Phase IIA	31							850.0		850.0
Copper River Highway Sewer Line Design and Construction	35							600.0		600.0
Kenai - Thompson Park Water and Sewer System Construction	9							1,350.0		1,350.0
Juneau - Goat Hill/Back Loop Sewer System Design and Construction Phase II	3							600.0		600.0
Anchorage - Water/Wastewater/Solid Waste Facilities Design and Construction	50							2,500.0		2,500.0
Village Safe Water Project Administration	99							393.9		393.9
Clinic Sanitation Hookups	99							500.0		500.0
Preliminary Project Planning and Evaluation	99							500.0		500.0
Gambell - Water and Sewer System Expansion	38							970.0		970.0
St. Mary's - Water and Sewer System Design and Construction	38							500.0		500.0
Chevak - Watering Point/Landfill/Honeybucket Construction Phase II	38							602.0		602.0
Kaltag - Water and Sewer System Design and Construction	36							646.0		646.0
Bethel - Sewage Lagoon Construction	39							1,000.0		1,000.0
Thorne Bay - Sewer Replacement	5							655.0		655.0
Nulato - Water and Sewer System Construction Phase IV	36							810.0		810.0
Noorvik - Ulilidor/Landfill/Utility Building Construction	37							879.0		879.0
Mountain Point - Water and Sewer System Construction Phase IV	1							926.0		926.0
St. Paul - Water System Replacement/Reconstruction Phase III	40							1,000.0		1,000.0
Kivalina - Water and Sewer System Construction	37							420.0		420.0
Koyuk - Sanitation Facilities Construction Phase III	38							600.0		600.0
Seldovia - Water and Wastewater System Design and Construction	7							985.0		985.0
Hooper Bay - Water and Sewer System Construction	38							1,100.0		1,100.0
Whittier - Water System Reconstruction	35							849.0		849.0
Savoonga - Sanitation Facilities Construction	38							362.0		362.0
Alakanuk - Water and Sewer System Design and Construction	38							500.0		500.0
Marshall - Solid Waste Site Relocation	38							430.0		430.0
St. Michael - Water and Sewer System Design and Construction	38							500.0		500.0
Selawik - Water and Sewer System Construction Phase II	37							480.0		480.0
Nunapitchuk - Water and Sewer System Design and Construction	39							750.0		750.0
Yakutat - Wastewater and Water System Design and Construction	5							899.8		899.8
Kassan - Dam Site and Treatment Plant Construction	5							500.0		500.0
Anvik - Water and Sewer System Design and Construction	36							200.0		200.0
Koyukuk - Landfill Construction	36							130.0		130.0
Mountain Village - Water and Sewer System Improvements	38							551.0		551.0

**CAPITAL PROJECTS FY 92 - FY94**

PROJECT	ED	FY92			FY93			FY94		
		GF	OTHER	TOTAL	GF	OTHER	TOTAL	GF	OTHER	TOTAL
Kotzebue - Solid Waste Project Final Design and Construction	37							1,000.0		1,000.0
Kipnuk - Water Source Construction	39							800.0		800.0
Nikolai - Hud Homes Sewer System Construction	36							340.0		340.0
Crooked Creek - Water and Sewer System Design and Construction	36							450.0		450.0
Chignik Lake - Landfill Relocation Design and Construction	40							245.9		245.9
Buckland - Water and Sewer System Planning/Design/Construction	37							870.0		870.0
Togiak - Sewer System Design and Construction Phase II	39							348.0		348.0
Golovin - Water Source Transmission Line Construction	38							972.5		972.5
Holy Cross - Sanitation and Lagoon Design and Construction	36							500.0		500.0
Kobuk - Water/Sewer/Solid Waste Master Planning and Design	37							180.0		180.0
Huslia - Water and Sewer Design and Construction	36							350.0		350.0
Deering - Water and Sewer System Construction	37							1,290.0		1,290.0
Solid Waste Planning Grants	99							150.0		150.0
Data Processing Hardware and Software Replacement	99							300.0		300.0
Paralytic Shellfish Testing	99							63.4		63.4
Cooperative Laboratory Internship Program	99							97.5		97.5
Impaired Waterbody Assessment and Recovery Plans	99							300.0		300.0
Northern Panhandle Household Hazardous Waste Removal	99							34.1		34.1
Community Hazardous Waste Storage and Transfer Facilities	99							260.0		260.0
Laboratory Equipment Acquisition and Installation	99							120.0		120.0
Satellite Data Telemetry Demonstration Project	99							125.0		125.0
<b>Department of Community and Regional Affairs</b>										
Weatherization/Energy Conservation/Retrofit Project	99	2,000.0	2,500.0	4,500.0			3,900.0	3,900.0		
Supplemental Housing Development Fund	99	7,000.0		7,000.0			8,200.0	8,200.0		
Community Development Block Grants	99		3,000.0	3,000.0			3,000.0	3,000.0	4,000.0	4,000.0
Job Corps Facility Construction	16	1,000.0		1,000.0						
Development of Aerial Photo Base Maps	99					150.0		150.0		
Fish Tax Sharing Geographic Information System	99					50.0		50.0		
Contaminated Site Cleanup - Chatham Strait Fish Company, New Chenega	6						30.0	30.0		
Housing and Urban Development Federal Home Grant Program	99						3,000.0	3,000.0		
Kivalina Relocation/Alternatives Assessment	22					50.0		50.0		
Organizational Grants	99							600.0		600.0
Data Processing Equipment Purchases	99							600.0		600.0

**CAPITAL PROJECTS FY 92 - FY94**

PROJECT	ED	FY92			FY93			FY94		
		GF	OTHER	TOTAL	GF	OTHER	TOTAL	GF	OTHER	TOTAL
<b>Department of Corrections</b>										
Statewide Facilities Repair, Renovation, Remodeling	99	2,700.0		2,700.0						
New Facility Planning and Design	99	500.0		500.0						
Equipment Acquisition/Replacement	99	250.0		250.0						
Field Probation Offices Automation and OBSCIS Upgrade	99	300.0		300.0						
Palmer Correctional Center Expansion, Phase III	16	2,800.0		2,800.0						
Deferred Maintenance, Repair, Replacement, Remodeling and Equipment	99				1,250.0		1,250.0	500.0		500.0
Master Plan Implementation and Women's Housing/Programs	99				1,350.0		1,350.0			
Agricultural Rehabilitation Program	92							1,750.0		1,750.0
Special Purpose Facility	50							1,500.0		1,500.0
Statewide Renewel and Replacement	99							2,100.0		2,100.0
Multi-Media Vocational Education Equipment	99							200.0		200.0
Spring Creek Correctional Center Expansion	8							700.0		700.0
Highland Mountain Correctional Center Security Upgrade	24							1,750.0		1,750.0
Management Information System	99							1,500.0		1,500.0
<b>University of Alaska</b>										
Halon Fire Suppression System Replacement	99	160.0		160.0						
Computer Disaster Recovery System Implementation	99	310.0		310.0						
UAF: Fairbanks Residence Halls Security Improvements	19-21	1,300.0		1,300.0						
UAF: Fairbanks Geist Museum Electrical Upgrade	19-21		100.0	100.0						
UAF: Kuskokwim Campus Sackett Dormitory Piling Repair	25		50.0	50.0						
UAF: Fairbanks Arctic Health Research Bldg Laboratory Upgrade Match	19-21		1,000.0	1,000.0						
UAF: Fairbanks Chapman Building Electrical Code Corrections	19-21	350.0	360.0	720.0						
UAF: Fairbanks Campus Stuart Hall Roof Repair	19-21		129.0	129.0						
UAF: Fairbanks Campus Walsh Hall Roof Repair	19-21		75.9	75.9						
UAF: Fairbanks Campus Wickersham Hall Roof Repair	19-21		191.4	191.4						
UAF: Fairbanks Campus Moore Hall Roof Repair	19-21		168.4	168.4						
UAF: Fairbanks Campus Harwood Hall Roof Repair	19-21		137.5	137.5						
UAF: Fairbanks Campus McIntosh Hall Roof Repair	19-21		117.8	117.8						
UAF: Fairbanks Campus Hess Commons Roof Repair	19-21		398.3	398.3						
UAF: Fairbanks Campus Chandalar Housing Foundation Repair	19-21		281.2	281.2						
UAF: Repair, Renovation, Deferred Maintenance	99	8,340.0		8,340.0	2,000.0		2,000.0			
UAA: Nature Conservancy of Alaska	99	216.0		216.0				219.0		219.0
UAA Repairs, Renovation, Deferred Maintenance	99	2,500.0		2,500.0						

**CAPITAL PROJECTS FY 92 - FY94**

PROJECT	ED	FY92			FY93			FY94		
		GF	OTHER	TOTAL	GF	OTHER	TOTAL	GF	OTHER	TOTAL
UAA: Library Books and Periodical Acquisition	7-15	500.0		500.0						
UAS: Repairs, Renovation, Deferred Maintenance	99	250.0		250.0						
University of Alaska - Fire Training Center Repair and Equipment Acquisition	99					150.0	150.0			
UAF: Repair Buildings Per Code Compliance Order	19-21				5,000.0		5,000.0			
UAF: Construct Phase Vof Butrovich Building	19-21				5,000.0		5,000.0			
UAA: Soldotna Fire Training Contaminated Site Cleanup	5					320.0	320.0			
UAA: Tudor Land Acquisition	7-15				1,622.3		1,622.3			
UAA: Construct Completion of Class/Lab Building	7-15				2,800.0		2,800.0			
UAA: Matanuska-Susitna College Classroom Addition and Alteration	16				1,500.0		1,500.0			
UAF: Fairbanks - Fire Code Compliance	60							5,000.0		6,000.0
UAF: Fairbanks - Contaminated Site Assessment and Cleanup	60								464.1	464.1
UAA: Anchorage - Classroom Improvements/Remodeling	50							1,200.0		1,200.0
UAA: Matanuska-Susitna College - Classroom Completion	26							3,600.0		3,600.0
UAF: Fairbanks - Butrovich Building Completion	60							6,800.0		6,800.0
UAA: Anchorage - Equipment Purchase	50							530.0		530.0
UAA: Anchorage - Aviation Technology Center (Matching)	50							600.0	6,885.0	7,485.0
UAA: Anchorage - Consortium Library and Loop Road Planning/Design	50							270.0		270.0
<b>Alaska Court System</b>										
Kenai Courthouse Remodeling Project/Design and Construction	5	1,500.0		1,500.0						
Statewide Electronic Recording Improvements	99	375.0		375.0						
Fairbanks Courthouse Roof Replacement and Asbestos Removal	19-21	650.0		650.0						
Anchorage Court Buildings Code Corrections	7-15	420.0		420.0						
Handicapped Access	99	210.0		210.0						
Anchorage Court House Construction/Renovation Design and Engineering	7-15	5,000.0		5,000.0						
Anchorage Courthouse Expansion	7-15				19,750.0		19,750.0	21,454.1		21,454.1
Court Technology Enhancements	99				437.5		437.5	437.5		437.5
<b>Grants to Municipalities</b>										
City of Ketchikan Hospital Construction and Renovation	1				4,250.0		4,250.0			
Kenai Peninsula Borough-Design and Construction Kenai/Nikiski Solid Waste Transfer Site	5				800.0		800.0			
City of Unalaska - Iliuliak Medical Center Construction	26				1,000.0		1,000.0			
<b>TOTAL</b>		<b>219,999.1</b>	<b>336,463.8</b>	<b>556,462.9</b>	<b>214,393.9</b>	<b>419,722.1</b>	<b>634,116.9</b>	<b>260,401.4</b>	<b>454,521.0</b>	<b>714,922.4</b>

**HVB**

**136**

**HFIN**

**FILE**

# HOUSE COMMITTEE REPORT

(11) 7

Date Referred: March 26, 1993

FURTHER REFERRALS:

Date of Committee Action: 4/6/93

The FINANCE Committee considered:

HB 136

HOUSE BILL NO. 136

DRUNK DRIVING & BREATH TEST OFFENSES

"An Act relating to the offenses of driving while intoxicated and refusal to submit to a breath test; and providing for an effective date."

RECOMMENDATIONS:

be replaced with CSHB 136 (Fin) [ ] the same title

[x] a new title

[ ] have attached amendments(s)

[ ] do pass

[ ] do not pass

[x] no recommendations

[ ] individual recommendations

[ ] additional referral to the \_\_\_\_\_ Committee

ADOPTS: \_\_\_\_\_ letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept)

APPROVES PREVIOUS:

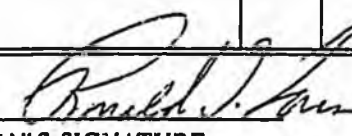
[ ] fiscal impact \_\_\_\_\_

(Dept/Date)  
 DOC 3/5/93  
 PS 3/26/93  
 LAW 3/5/93  
 (2) DOA 3/26/93

[ ] zero fiscal note \_\_\_\_\_

3 [x] zero fiscal note(s)

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
<i>Ronald J. Larson</i> Larson	X	<i>Mark Hagley</i> Hagley		X	
<i>Kan Brown</i> Brown	✓	<i>Tom Martin</i> Martin		X	
<i>Richard Foster</i> Foster	☺	<i>Paul R. Parrell</i> Parrell		X	
		<i>Ben Grussendorf</i> Grussendorf		X	
		<i>Gene Theriault</i> Theriault		X	

  
 CHAIRMAN'S SIGNATURE

FISCAL NOTE

STATE OF ALASKA  
1993 LEGISLATIVE SESSION

BILL NO. CSHB136 (JUD)

Revision Date: March 31, 1993  
Title: "...relating to limited driver's licenses and...  
driving while intoxicated...refusal to submit..."  
Sponsor: Representative Mulder  
Requestor: House Judiciary Committee

Department Affected: Department of Law  
BRU: Legal Services  
Component: Operations  
COMPONENT SERIAL NO. 0093

EXPENDITURES/REVENUES:

OPERATING	FY 94	FY 95	FY 96	FY 97	FY 98	FY 99
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

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

REVENUE FUND SOURCE:						
----------------------	--	--	--	--	--	--

FUNDING:

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
OTHER						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

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

Estimate of current year (FY93) impact: -0-

ANALYSIS: (Attach a separate page if necessary.)

Please see the attached analysis.

Prepared by: Richard I. Peques, Director  
Division: Administrative Services Division  
Approved by Commissioner: Charles E. Cole, Attorney General  
Agency: Department of Law

Phone: 465-3672  
Date: March 31, 1993  
Date: March 31, 1993

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FISCAL NOTE

STATE OF ALASKA  
1993 LEGISLATIVE SESSION

BILL NO. CSHB 136 (JUD)

ANALYSIS (Continued):

The Judiciary Committee substitute for HB 136, substantially amends the state's laws relating to driving while intoxicated and refusal to submit to a breath test. The bill's amendments primarily address sentencing provisions which occur after prosecution. Consequently, the amendments will not have a fiscal impact on the Department of Law.

The major feature of the bill provides the minimum mandatory period of imprisonment, 72 hours for a first offense and 20 days for a second offense, shall be served at a community residential center or, if a center is not available, at another appropriate facility determined by the commissioner of corrections. The bill further provides that the cost of the imprisonment, not to exceed \$1,000, shall be paid by the person who is sentenced. And the bill provides that the state shall seek reimbursement from a person's permanent fund dividend, in cases where a person has not paid for the cost of imprisonment. The Department of Law's civil division currently collects unpaid criminal fines and would collect unpaid imprisonment costs that result from the adoption of these provisions.

Upon further review, we have determined that legislative findings are not required to overcome the problem of having persons convicted of DWI and breath refusal pay for the cost of their imprisonment (when other offenders are not required to do so), because the maximum amount that may be assessed does not exceed \$1,000.

# FISCAL NOTE

**STATE OF ALASKA  
1993 LEGISLATIVE SESSION**

**BILL NO. CSHB 136 (Jud)**

Revision Date: \_\_\_\_\_ Dept. Affected: Corrections  
 Title: "An Act relating to the offense of driving while intoxicated..." BRU: \_\_\_\_\_  
 Sponsor: Rep. Mulder Component: \_\_\_\_\_  
 Requestor: House Finance COMPONENT SERIAL NO. \_\_\_\_\_

Expenditures/Revenues:	(Thousands of Dollars)					1858
OPERATING	FY94	FY95	FY96	FY97	FY98	FY99
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL	1043.6	1043.6	1043.6	1043.6	1043.6	1043.6
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>1043.6</b>	<b>1043.6</b>	<b>1043.6</b>	<b>1043.6</b>	<b>1043.6</b>	<b>1043.6</b>
<b>CAPITAL</b>						
<b>REVENUE FUND SOURCE: GF/PR 1005</b>	<b>1043.6</b>	<b>1043.6</b>	<b>1043.6</b>	<b>1043.6</b>	<b>1043.6</b>	<b>1043.6</b>

FUNDING:	(Thousands of Dollars)					
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts	1043.6	1043.6	1043.6	1043.6	1043.6	1043.6
1008 GF/MHTIA						
Other						
<b>TOTAL</b>	<b>1043.6</b>	<b>1043.6</b>	<b>1043.6</b>	<b>1043.6</b>	<b>1043.6</b>	<b>1043.6</b>

POSITIONS:						
FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year (FY93) impact: \$ -0-

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

See attached fiscal analysis.

Prepared by: Dana LaTour, Legislative Liaison *D LaTour* Phone: 465-3376  
 Division: Office of the Commissioner Date: 04-05-93  
 Approved by Commissioner: Lloyd G. Rupp, Commissioner Date: 04-05-93  
 Agency: Department of Corrections

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FISCAL NOTE ANALYSIS

CSHB 136 (JUD)

Page 2

CSHB 136(JUD) provides for the placement of offenders, convicted of DWI or refusal to submit to a breath test, in a community residential center or other facilities. The bill requires the offenders to pay up to \$1000 of the cost of their imprisonment. The bill also requires the offender to perform community service work.

1992 DWI Offenses	X	Assumed Conviction Rates	Convicted Offenders
3532	1st offense	65%	2261
1124	(one prior offense)	75%	843
407	(two prior offenses)	80%	326
276	(three prior offenses)	80%	221

Using those numbers:

2261 - 226 (10% indigent offenders) = 2035 offenders x 3 days x \$60 day = \$ 366,300

843 - 84 (10% indigent offenders) = 759 offenders X \$1000 = \$ 759,000

407 - 41 (10% indigent offenders) = 366 offenders X \$1000 = \$ 366,000

276 - 28 (10% indigent offenders) = 248 offenders X \$1000 = \$ 248,000

The total amount charged annually should be approximately \$1,739,300. Assuming that 60% of the amount charged is collected, a total of \$1,043,580 should be generated each year from the program.

**FISCAL NOTE**

**STATE OF ALASKA**  
**1993 LEGISLATIVE SESSION**

**BILL NO. CSHB 136 (IUD)**

Revision Date: \_\_\_\_\_ Dept. Affected: Administration  
 Title: "An Act relating to revocation of and limitations on driver's licenses and to the offenses . . ." BRU: Public Defender  
 Component: Public Defender  
 Sponsor: Representative Mulder  
 Requestor: (H) Fin COMPONENT SERIAL NO. 1631

**Expenditures/Revenues: (Thousands of Dollars)**

OPERATING	FY 94	FY 95	FY 96	FY 97	FY 98	FY 99
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING	0	0	0	0	0	0

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

REVENUE FUND SOURCE:	0	0	0	0	0	0
----------------------	---	---	---	---	---	---

**FUNDING:**

1002 Federal Receipts	0	0	0	0	0	0
1003 GF Match	0	0	0	0	0	0
1004 GF	0	0	0	0	0	0
1005 GF/Program Receipts	0	0	0	0	0	0
1006 GF/MHTIA	0	0	0	0	0	0
Other	0	0	0	0	0	0
TOTAL	0	0	0	0	0	0

**POSITIONS**

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

Estimate of current year (FY93) impact: \$ none

ANALYSIS: (attach a separate page if necessary.)

Prepared By: John Salemi, Public Defender Phone: 274-1684  
 Division: Public Defender Agency Date: \_\_\_\_\_

Approved by Commissioner: Nancy Bear Usera Date: 3/30/93  
 Agency: Department of Administration

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# FISCAL NOTE

STATE OF ALASKA  
1993 LEGISLATIVE SESSION

BILL NO. CSHB 136 (Jud)

Revision Date: \_\_\_\_\_ Dept. Affected: Administration  
 Title: "An Act relating to revocation of and limitations on driver's licenses and to the offenses ...." BRU: Office of Public Advocacy  
 Component: Office of Public Advocacy  
 Sponsor: Representative Mulder  
 Requestor: House Finance COMPONENT SERIAL NO. 43

Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 94	FY 95	FY 96	FY 97	FY 98	FY 99
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
<b>TOTAL OPERATING</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

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

REVENUE FUND SOURCE:	0	0	0	0	0	0
----------------------	---	---	---	---	---	---

FUNDING:

1002 Federal Receipts	0	0	0	0	0	0
1003 GF Match	0	0	0	0	0	0
1004 GF	0	0	0	0	0	0
1005 GF/Program Receipts	0	0	0	0	0	0
1006 GF/MHTIA	0	0	0	0	0	0
Other	0	0	0	0	0	0
<b>TOTAL</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

POSITIONS

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

Estimate of current year (FY93) impact: \$ None

ANALYSIS: (attach a separate page if necessary.)

Prepared By: Brant McGee, Public Advocate Phone: 274-1684  
 Division: Office of Public Advocacy Date: \_\_\_\_\_

Approved by Commissioner: Nancy Bear Usara Date: 3/30/93  
 Agency: Department of Administration

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# FISCAL NOTE

STATE OF ALASKA  
1993 LEGISLATIVE SESSION

BILL NO: CSHB 136(JUD)

Revision Date: 3/31/93 Dept. Affected: Public Safety  
 Title: "An act relating to revocations of and limitations on a driver's license ..." BRU: Alaska State Troopers  
 Sponsor: Representative Mulder Component: Detachments  
 Requestor: House Finance COMPONENT SERIAL NO. 799

**EXPENDITURES/REVENUES: (Thousands of Dollars) (inflation not included)**

OPERATING	FY 94	FY 95	FY 96	FY 97	FY 98	FY 99
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	-0-	-0-	-0-	-0-	-0-	-0-
<b>CAPITAL</b>	-0-	-0-	-0-	-0-	-0-	-0-
<b>REVENUE FUND SOURCE:</b>	-0-	-0-	-0-	-0-	-0-	-0-

**FUNDING: (Thousands of Dollars)**

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
<b>TOTAL</b>	-0-	-0-	-0-	-0-	-0-	-0-

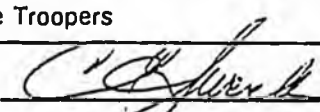
**POSITIONS:**

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

Estimate of current year (FY 93) impact: \$ \_\_\_\_\_

ANALYSIS: (Attach a separate page if necessary.)

No fiscal impact is anticipated.

Prepared By: Francis C. Allan Phone: 269-5691  
 Division: Alaska State Troopers Date: 3/23/93  
 Approved by Commissioner:  Date: 3/31/93  
 Agency: Richard T. Burton, Dept. of Public Safety

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STATE OF ALASKA  
1993 LEGISLATIVE SESSION

BILL NO: CASHB 136(LIJD)

Revision Date: 3/24/93 Dept. Affected: Public Safety  
 Title: "An Act relating to offenses of driving while intoxicated and refusal to submit to a breath test." BRU: Motor Vehicles  
 Sponsor: Representative Mulder Component: Driver Services  
 Requestor: House Judiciary COMPONENT SERIAL NO. 500

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

OPERATING	FY 94	FY 95	FY 96	FY 97	FY 98	FY 99
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 FUND SOURCE:	108.0	108.0	108.0	108.0	108.0	108.0

FUNDING: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

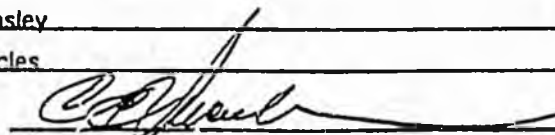
POSITIONS:

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

Estimate of current year (FY 93) impact: \$ \_\_\_\_\_

ANALYSIS: (Attach a separate page if necessary.)

It is estimated that 30% of all persons whose license is revoked as a first offender DWI will request a limited license. In 1992, there were approximately 3600 drivers license revocations for first offender DWIs. Charging a \$100.00 limited license application fee will generate approximately \$108.0 in revenue to the general fund.

Prepared By: Juanita Hensley Phone: 465-4361  
 Division: Motor Vehicles Date: 3/24/93  
 Approved by Commissioner:  Date: 3/24/93  
 Agency: Richard L. Burton, Dept. of Public Safety

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Back-up

Leeann  
4362

**Sponsor Statement for CS HB136(JUD)**  
Representative Eldon Mulder

House Bill 136 is a product of the Alaska Sentencing Commission's recommendations for increasing the usage of alternative sentencing. The purpose of the bill is two-fold; to crack down on DWI offenders by offering more serious and immediate punishment, and to do so in a manner that would help ease some of the financial burden on the Department of Corrections, and hence, the State.

The bill requires first and second time DWI offenders and those who refuse to submit to a breath test to serve their time in community residential centers and perform community work service while at the center. In cases where a community residential center is not available, another appropriate placement will be determined by the commissioner of corrections. In addition, the bill requires that all (not just first and second) DWI offenders, no matter where they are imprisoned, pay for the cost of their incarceration, up to a maximum of \$1,000. Unpaid costs are to be collected from the offender's permanent fund dividend check. "Cost of imprisonment" is defined in the bill to mean a uniform average cost of imprisonment that is determined and prescribed by regulation by the commissioner of corrections. This ensures that everyone pays the same rate, no matter where they are incarcerated.

The Judiciary CS also requires that the costs of imprisonment be included as part of the court's judgement of conviction. This makes the collection of unpaid costs considerably easier for the Department of Law. It involves amending Alaska Rule of Criminal Procedure 32(b).

The bill also contains several sections pertaining to limited licenses in relation to DWI offenses. Under current law, someone with up to six DWI offenses can obtain limited license privileges. HB 136 would reduce limited license privileges down to first offenders only. Those convicted of refusing to submit to a breath test would not be eligible for any limited license privileges. It also requires that an individual must show proof of enrollment in, or have completed, an alcohol treatment program before they can obtain a limited license. In addition, the bill imposes a fee of \$100 for a person applying for a limited driver's license. This stipulation will **generate a substantial amount of revenue**, as indicated in the Department of Public Safety's fiscal note.

The fiscal impact of this bill is positive; for that reason, I hope this bill will have the support of the House Finance Committee.



# Alaska Sentencing Commission

1029 W. Third Avenue, Suite 201, Anchorage, Alaska 99501 (907) 279-2526 FAX (907) 276-5046

James V. Gould, Chair  
Richard R. Volland, Vice Chair

Jayne E. Andreen  
Richard L. Burton

Charles E. Cole  
Hon. Beverly W. Cutler

Sen. Steve Frank  
Lloyd G. Rupp

John Holmes  
Hon. Warren W. Matthews

Gigi Pilcher  
John Salemi

Duane S. Udland  
Rep. Fran Ulmer

February 10, 1993

Representative Eldon Mulder  
Alaska State Legislature  
State Capitol  
Juneau, AK 99801-1182

RE: HB 136; DWI

**FEB 15 1993**

Dear Representative Mulder:

I am writing with respect to your proposed legislation altering DWI penalties. Your legislation encourages the housing of DWI prisoners in halfway houses and strengthens the fines and forfeiture provisions of the current law.

One of the Sentencing Commission's major recommendations is well served by your legislation -- the increased use of halfway houses. Clearly, the great majority of DWI offenders could be more cheaply and more effectively punished in the setting you propose (halfway houses with community service) than in hard beds. As you know, many DWI offenders in Anchorage and Fairbanks already serve their sentences in halfway houses.

While the Commission did not specifically make a recommendation as to the use of community service while in halfway houses, your proposal is certainly consistent with their general recommendations. You might also consider a requirement for alcohol screening and education while at the halfway house. We have discussed a similar program with representatives of MADD. I recommend you consult with both DOC and MADD.

The commission recommended the increased use of fines and forfeitures, but as alternatives to jail time rather than as additional penalties. The commission generally recommended the use of fines scaled to the offender's income, which would seem appropriate in DWI cases. See 1992 ASC Report at p. 11. The Commission also recommended that the legislature investigate alternatives to the current three day minimum sentence for first time DWI offenders. At p. 44-45 of its 1992 report, the Commission recommends:

**Beginning immediately, the legislature should amend the law providing that DWI first offenders must be sentenced to jail for at least three days. Instead the**

*Alaska Sentencing Commission*

legislature should investigate other creative alternatives to punish drunk drivers more quickly, cheaply, and effectively.

The commission recognizes that drunk driving is a serious offense which must be deterred, but believes that the current law does not represent the most cost-effective approach. The Department of Corrections estimates that housing DWI offenders costs approximately \$6 million per year, even though many DWI offenders are already serving their sentences in halfway houses. This does not represent the full cost of housing drunk drivers, since many first and second offenders are housed in local jails.

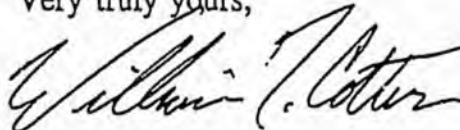
Jail time is only one part of the sentence for DWI in Alaska. First time DWI offenders also are required to follow the treatment recommendations made by the state alcohol screening program, pay a fine of at least \$250, and have their driver's license suspended for 90 days. For second offenses, the fine rises to \$500 and the period of suspension to 365 days. AS 28.35.030; AS 28.15.171. In addition, the offender's insurance rates are likely to go up. The commission does not recommend changes in these aspects of the DWI sentence.

While the mandatory jail term may have some added deterrent value, there are many less costly approaches. Other jurisdictions have used a variety of successful programs that publicly identify offenders and require community service from them, like wearing an orange vest to pick up trash along the highway. The commission recommends that the legislature work with representatives of groups like Mothers Against Drunk Drivers to formulate a plan that will deal with this serious problem more effectively. This recommendation passed, nine in favor and four opposed.

The Commission certainly understands the political realities concerning DWI. Its recommendation quoted above was only made after a long discussion and consideration of all the issues. Nevertheless, if we are to address the current backlog of about 2500 misdemeanants waiting up to nine months to go to jail, within our current fiscal constraints, we must consider creative alternatives. I would ask you to consider whether some combination of community service, stiff fines (on a sliding scale dependent on income to increase the bite), and mandatory alcohol treatment could be substituted for the current required 72 hours in jail.

Please feel free to give me a call if you have any questions.

Very truly yours,



William T. Cotten  
Executive Director

criticized for competing with the private sector, they have strong support from the general public. This recommendation was adopted without objection.

2. **Beginning immediately, the legislature should offer support and encouragement to criminal justice agencies in their efforts to reach creative, long-term solutions to budget reductions.**

Innovative ideas are necessary to cope with major budget reductions. The commission recommends that criminal justice agencies be allowed some discretionary funds for planning and for pilot programs. The Legislature also should support internal reallocation of budgets within agencies to achieve long-term budget reductions.

Agencies will need the encouragement of the Legislature and the Governor to try new ideas without the immediate assumption that such changes are unacceptable. If state revenues in fact decline by \$1 billion over the next 10 years, people will need to change their expectations of what government can do. The results of the focus groups indicate that people think the state should take financial considerations into account in devising a suitable system of punishment. All branches of government should work to educate the public on the budget impacts of their programs and to provide information necessary to make difficult choices. This recommendation was adopted without objection.

3. **Beginning immediately, Department of Corrections should establish a plan to allow offenders convicted of driving while intoxicated (DWI) and driving with license suspended or revoked (DWLS/R) to serve their sentences without a long delay (currently nine months in some locations).**

Far and away the most common criminal offense is driving while intoxicated. In 1990, 2544 DWI offenders served time in Department of Corrections facilities. 1629 of these were first-time DWI offenders with an average sentence of five days. Another 2255 people served time in one of the 19 local jails, which are run on contract with the Department of Public Safety, serving an average sentence of three days. As of October 1992, about 960 DWI offenders were on waiting lists with the Department of Corrections, waiting up to nine months to serve their sentences.

In order to clear up the backlog and to provide specific programming appropriate for drunk drivers, the Department of Corrections should investigate the use of low-security facilities to process large numbers of DWI and DWLR/S offenders in the bigger communities. Offenders serving short sentences in halfway houses should not be mixed with offenders being reintegrated into the community at the end of long sentences.

4. **Beginning immediately, the legislature should amend the law providing that DWI first offenders must be sentenced to jail for at least three days. Instead the legislature should investigate other creative alternatives to punish drunk drivers more quickly, cheaply, and effectively.**

The commission recognizes that drunk driving is a serious offense which must be deterred, but believes that the current law does not represent the most cost-effective

approach. The Department of Corrections estimates that housing DWI offenders costs approximately \$6 million per year, even though many DWI offenders are already serving their sentences in halfway houses. This does not represent the full cost of housing drunk drivers, since many first and second offenders are housed in local jails.

Jail time is only one part of the sentence for DWI in Alaska. First time DWI offenders also are required to follow the treatment recommendations made by the state alcohol screening program, pay a fine of at least \$250, and have their driver's license suspended for 90 days. For second offenses, the fine rises to \$500 and the period of suspension to 365 days. AS 28.35.030; AS 28.15.171. In addition, the offender's insurance rates are likely to go up. The commission does not recommend changes in these aspects of the DWI sentence.

While the mandatory jail term may have some added deterrent value, there are many less costly approaches. Other jurisdictions have used a variety of successful programs that publicly identify offenders and require community service from them, like wearing an orange vest to pick up trash along the highway. The commission recommends that the legislature work with representatives of groups like Mothers Against Drunk Drivers to formulate a plan that will deal with this serious problem more effectively. This recommendation passed, nine in favor and four opposed.

5. **The Department of Corrections should increase the use of alternative punishments as part of some presumptive sentences. The commission recommends that the Department of Corrections pursue an active policy for some presumptively sentenced offenders that substitutes time spent in alternative punishment programs for time in prison, within the limits of public safety. High supervision programs such as community residential centers, treatment programs, intensive supervised probation, and day reporting centers can control risk to the public, provide rehabilitative opportunities, and fulfill the goals of presumptive sentencing at lower cost than spending the entire presumptive term in prison.**

The commission believes that its support for presumptive sentencing is compatible with its support for alternative punishments. Alaska case law already provides that time spent in custodial programs such as community residential centers and residential treatment programs must be credited to the offender's time served, just like incarceration. Regardless of whether the correctional budget is reduced, the commission has already recommended that these alternatives be routinely used for presumptively sentenced offenders during the final portion of their sentences, to help them make their transition back to the community. For many offenders, these alternatives may also be safely and effectively used for longer periods of time. The commission recommends strong oversight for these offenders, along with careful monitoring and evaluation of their programs. See Section II-A of this report.

The Department of Corrections currently is seeking a legal opinion on whether it may furlough presumptively sentenced offenders to their homes in order to participate in highly structured programs such as intensive supervised probation and day reporting centers. See AS 33.30.111. If this cannot be done under current statutes, the commission

of the offender and planned reintegration into the community. Gradual reintegration into the community should not be restricted to low-risk offenders, since supervision and aftercare are even more important for serious offenders reaching the end of their prison terms.

22. When community residential centers are used for end-of-sentence furloughs, placement should be for long enough to provide adequate programming and encourage a successful transition to the community.
23. The DOC Division of Institutions should continue review of its classification system for determining which offenders are suitable for programming and community custody. Quicker and more uniform classification will increase opportunities for rehabilitation.
24. The legislature should expand immunity for the state and for state employees for the release and supervision of offenders on parole, probation, furlough, work release, or similar conditional release. This should help individual officers who currently take an unnecessarily conservative approach to release because of concerns about personal or departmental liability.<sup>17</sup>
25. The legislature should adopt legislation promoting the increased use of forfeitures and fines as alternatives to jail time. It should work with the courts to create effective mechanisms for the collection of fines and restitution and to investigate the use of day fines.<sup>18</sup> It should also revise statutes if necessary to permit judges to sentence offenders to non-DOC alternatives such as home confinement with electronic monitoring.
26. Judges should increase the use of forfeitures and restitution orders for presumptive sentences and the use of fines, forfeitures, and restitution orders for non-presumptive sentences. These alternatives are under-utilized by many judges.
27. Statewide coordination of alternative punishments will be needed after the Sentencing Commission sunsets at the end of FY 93. Criminal justice agencies should set aside the time and a small amount of travel money to continue to work out problems and improve the system. Something along the lines of the former criminal justice working group should be formed to assure the necessary coordination.

---

<sup>17</sup> This issue is discussed in more detail in 1991 Alaska Sentencing Commission Annual Report at p. 26-27.

<sup>18</sup> Unlike standard fines, day fines are linked to the offender's daily income, so that poor and rich offenders are sentenced equitably. Day fines are described in more detail in 1990 Alaska Sentencing Commission Annual Report at p. 37.

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FAX (907) 465-2029  
Mail Stop 3101

130 Seward Street, Suite 409  
Juneau, Alaska 99801-2105

**MEMORANDUM**

March 24, 1993

**SUBJECT:** Sectional Summary of CSHB 136(JUD)

**TO:** Representative Eldon Mulder

**FROM:** Michael F. Ford *M.F.*  
Legislative Counsel

You have requested a sectional summary of the above-described bill.

As a preliminary matter, note that a sectional summary of a bill should not be considered an authoritative interpretation of the bill and the bill itself is the best statement of its contents. If you would like an interpretation of the bill as it may apply to a particular set of circumstances, please advise.

**Section 1.** Allows the Department of Public Safety to terminate an administrative driver's license revocation and reissue a driver's license to a person convicted of driving while intoxicated or refusal to take a breath test, if the person meets the conditions set out under AS 28.15.181(e), relating to meeting the required minimum revocation period, alcoholism treatment, and paying the required fee.

**Section 2.** Reduces the mandatory minimum period of driver's license revocation for a conviction based on driving while intoxicated or refusal to take a breath test from five years to three years if the person is a third time offender, and from ten years to five years for a person convicted four or more times.

**Section 3.** Allows a court to terminate a driver's license revocation of a person convicted of driving while intoxicated or refusal to take a breath test, if the person meets the required minimum revocation period, and complies with the conditions set out in AS 28.15.211(d) and (e) relating to alcoholism treatment, and paying the required fee.

**Section 4.** Allows a court to impose limitations on a driver's license if the court determines the person meets certain conditions (imposed under (b) of this section) and the court determines that the limitations will allow the person to earn a livelihood. Allows the court or the Department of Public Safety to grant limited

license privileges if the person was convicted of driving while intoxicated, but not if convicted of refusal to take a breath test, the person is a first time offender and the person meets the other conditions set out in (d)(3) - (5) of this section.

**Section 5.** Requires a person convicted of driving while intoxicated or refusal to take a breath test to take certain alcoholism treatment, before receiving a new driver's license.

**Section 6.** Imposes a fee of \$100 for a person applying for a limited driver's license under sec. 4.

**Section 7.** Specifies that a person convicted of driving while their driver's license is revoked, suspended, or in violation of a limitation cannot get a limited driver's license.

**Section 8.** Provides that a first or second time D.W.I. offender will serve prison time at a half-way house or other appropriate facility determined by the commissioner of corrections. Requires a person convicted of D.W.I. to pay the costs of imprisonment, up to a maximum of \$1,000, unless the person is indigent. Provides that for costs of imprisonment not paid, the person's permanent fund dividend may be used to pay those costs, including a dividend issued to a person determined to be indigent. Required that certain community service work be performed and that the commissioner of corrections determine the uniform average cost of imprisonment for purposes of determining the cost of imprisonment to be paid by the person.

**Section 9.** Definition.

**Section 10.** Provides that a person convicted of refusal to take a breath test for the first or second time will serve their prison time at a half-way house or other appropriate facility determined by the commissioner of corrections. Requires a person convicted of refusal to take a breath test to pay the costs of imprisonment, up to a maximum of \$1,000, unless the person is indigent. Provides that for costs of imprisonment not paid, the person's permanent fund dividend may be used to pay those costs, including a dividend issued to a person determined to be indigent. Required that certain community service work be performed and that the commissioner of corrections determine the uniform average cost of imprisonment for purposes of determining the cost of imprisonment to be paid by the person.

**Section 11.** This section sets out the effect certain sections of the bill have on Alaska Rule of Criminal Procedure 32(b).

**Section 12.** Applicability section.

**Section 13.** Effective date.

KOTT & WESLEY GERRISH  
MEMORIAL

# MADD

ANCHORAGE, ALASKA  
CHAPTER

MAILING ADDRESS:  
733 West 4th Avenue, Box 821  
Anchorage, AK 99501

(907) 258-MADD

BUSINESS ADDRESS  
719 East 11th Avenue  
Anchorage, AK 99501

February 24, 1993

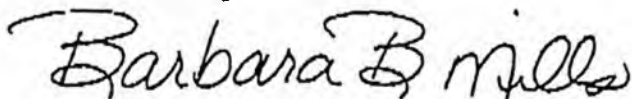
Rep. Eldon Mulder  
State Capitol  
Room 116  
Juneau, Alaska 99801

Dear Rep. Mulder:

We at Mothers Against Drunk Driving would like to express our support for House Bill 136. We feel that this bill addresses the concerns of the Department of Corrections while keeping intact the most important part of our drunk driving laws, time in jail. In fact, we feel this will have an even greater impact on offenders if they are required to pay their own way.

I would encourage all legislators to pass this bill.

Sincerely,



Barbara E. Mills  
Executive Director  
MADD Anchorage Chapter

BBM:mpc

MODIFYING  
ATTITUDES  
TOWARDS  
DRIVING AND  
DRINKING

Letters of Support



GASTINEAU HUMAN SERVICES CORPORATION • 5597 AISEK STREET • JUNEAU, ALASKA 99801 • (907) 780-4338  
GASTINEAU MANOR • (907) 780-6661  
GLACIER MANOR • (907) 780-4515  
FACSIMILE • (907) 780-4098

February 16, 1993

FEB 18 1993

Representative Eldon Mulder  
P.O. Box V  
Juneau, AK 99811

Dear Representative Mulder:

I have just had an opportunity to read HB 136 and I applaud the intent of this bill.

Gastineau Human Services operates both residential and out-patient services as well as the only community residential center (CRC) in Southeast Alaska. While often referred to as halfway houses, these facilities are properly known as community residential centers. They are approved and inspected by the Department of Corrections to serve, in part, the purposes required by HB 136. With that experience, and on behalf of the Alaska State Chapter of the International Association of Residential and Community Alternatives (IRCHA), of which I am the secretary-treasurer, I would like to suggest some changes in the language of the bill.

Where the bill refers to halfway house or other appropriate facilities, I suggest it read community residential center or facility meeting CRC standards, as promulgated by the Department of Corrections. This is more than just a semantic difference. The standards deal directly with issues of safety and security for the community, the staff and the residents. They also assure adequate standards of treatment of the offender and thus protect the interests of the State.

The language of the bill needs to make it clear that this program will be operated by the Department of Corrections (because these people would, in fact, be incarcerated) and would be funded by DOC. The point is to make it clear that it is a State responsibility to assign financial responsibility and collect the money rather than a program responsibility. The program can accept payment but cannot take the financial burden of operating from the funds collected.



A United Way Agency

printed on recycled paper

February 16, 1992

One final point relates to community work service (CWS). GHS is a strong advocate of CWS. Over thirty thousand hours per year is done in Juneau under our supervision. However, the focus should be to intervene in the abuse of alcohol. To that end I suggest that the language of this bill be modified to require that alcohol screening, assessment and all required alcohol education must be completed during the time of confinement in the CRC.

If I can provide further clarification or information, please contact me at 780-4338.

Thank you for your interest and attention concerning this critical issue.

Sincerely,

  
Jerry Shiner  
Asst. Exec. Director

JS:hl  
(hb136.doc)

# alternatives sought

Continued from Page B-1

currently houses 2,546 prisoners, 72 over a court-imposed maximum.

Prison population in 1983 was 1,407.

With the exception of extending parole and allowing jailers to send felons to residential treatment programs for part of their sentences, the commission recommends no major change in the state's controversial "presumptive" sentencing scheme.

Presumptive sentencing, which sets required terms of imprisonment without parole for violent crimes and drug sales, has helped swell the prison population since it went into effect in 1980. Before then, Alaska had wide open, or "indeterminate" sentencing laws that allowed judges great leeway and led to bias in sentences, including many criminals escaping jail time.

"You could take a couple of offenders who were as close as possible, two peas in a pod," said Dan Hickey, former chief prosecutor and an author of the current presumptive law. "One would get nothing. The other would have gotten five years to serve for exactly the same conduct."

The goal of presumptive sentencing was "certainty and uniformity," Hickey said.

Now all repeat felons, plus first offenders convicted of robbery, armed assault, sexual penetration of a child or non-consensual penetration of an adult, drug sales, arson and manslaughter do time measured in years.

In addition, starting in 1983, under pressure from Rep. Ramona Barnes, now speaker of the House of Representatives, the state added presumptive prison terms for sex criminals and began vigorous prosecution of child molesters. About 20 percent, or 500, of the men now in prison are molesters or rapists, according to Department of Corrections figures.

Unlike some other states, more than half the criminals in Alaska prisons are there for committing a violent crime.

Still, there are probably several hundred prisoners who could be effectively punished and controlled by cheaper means than being

kept in prison, said Superior Court Judge Beverly Cutler, a commission member. Corrections reports the cost of keeping a prisoner at \$35,040 a year, although some institutions are cheaper.

Other states faced with overcrowding have adopted "alternative punishments," also called "intermediate sanctions." These include intensively supervised probation, boot camp, house arrest with electronic monitoring and detention centers, where prisoners work at regular jobs but return to the center at night for supervision and treatment programs.

House arrest with electronic monitoring, for example, costs an estimated \$1,650 a year.

"A graduated system of alternative punishments is both sound correctional practice and an opportunity to control prison overcrowding," the commission report says.

Among commission recommendations, the one most likely to attract public comment is doing away with the three-day jail term for first-time drunken drivers.

"It depends on what they want to do instead," said Barbara Mills, executive director of Mothers Against Drunk Driving. "I've heard of different things that have been tried in different areas. So far, the biggest deterrent is going to jail."

In 1983, shortly after the law was enacted, drunken drivers killed 36 people in Anchorage, Mills said. Last year, the toll was eight. However, more than 1,000

drunken drivers were arrested in Anchorage last year.

Mills said this problem can be solved with a little effort on the part of Corrections and no change in the law. "This is a knee-jerk reaction to overcrowding," she said. "We could do some kind of boot camp. I don't see why we aren't doing that."

Legislators haven't seen the report yet and House Speaker Barnes said she preferred to reserve comment. Lawmakers have been talking about substituting a \$5,000 fine for the required jail time, she said. "I'm very willing to look at (the report) with an open mind," she said.

# Sentencing panel urges alternatives

By SHEILA TOOMEY  
Daily News reporter

Alaska's mandatory three-day jail term for drunken drivers is too expensive, and should be replaced by a more cost-effective punishment, the Alaska Sentencing Commission has concluded after a two-year examination of state sentencing practices and prison crowding.

Other recommendations in the commission's final report to the governor include creating a system of graduated non-prison punishments for many convicted criminals, as an alternative to expensive prison confinement for those who can be adequately controlled by such means.

Making first offenders convicted of serious felonies eligible for parole after serving half their sentence, excluding those convicted of manslaughter or sex crimes.

Releasing most prisoners into halfway houses at the end of their sentences to promote successful, supervised re-entry into the community.

The 14-member panel was created in 1990 to come up with a solution to Alaska's crowded and expensive prison system in the context of declining revenues. The system

Please see Page B-3, SENTENCE

Daily News 1/19/93

Daily News Article 1-19-93

**HB**

**136**

**SFIN**

**FILE**

# SENATE FINANCE COMMITTEE REPORT

DATE: 4/23/93

FURTHER:

DATE TURNED INTO OFFICE: 5-3-93

The Finance Committee considered CS FOR HOUSE BILL NO. 136(FIN)

"An Act relating to revocation of and limitations on a driver's license; to the offenses of driving while intoxicated and refusal to submit to a breath test; imposing a limited license fee; amending Alaska Rule of Civil Procedure 32(b); and providing for an effective date."

and recommends:

- replace with \_\_\_\_\_ CS \_\_\_\_\_ (FINANCE)
- or  adopt previous 5 CS CSHB 136 (HES)
- attaches amendment(s)

- same title
- new title
- technical title change (HB only)

- adopts \_\_\_\_\_ Letter of Intent
- further referral to the \_\_\_\_\_

- do pass
- do not pass
- no recommendation
- individual recommendations

**NEW FISCAL NOTES**

Department	Date	Zero	Fiscal
Dohaw	4/23/93	<del>0</del>	
DPS (Drivers)	4/23/93	<del>0</del>	108.RW
DPS (Troopers)	4/23/93	<del>0</del>	
DNA (OPA)	4/23/93	<del>0</del>	
DOA (PD)	4/23/93	<del>0</del>	
DM	4/23/93		1043.6

**PREVIOUS FISCAL NOTES**

Department	Date	Zero	Fiscal

Appropriation No Fiscal Note

**DO PASS:**

\_\_\_\_\_  
*Steve Nier*  
 \_\_\_\_\_  
*Ben Sharp*  
 \_\_\_\_\_

**OTHER RECOMMENDATIONS:**

\_\_\_\_\_  
*Geoff Sackel No Rec*  
 \_\_\_\_\_

1. *Steve Nier* Do Pass  
 Co-Chair: Signature/Recommendation

2. *Geoff Sackel* No Rec  
 Co-Chair: Signature/Recommendation

# FISCAL NOTE

STATE OF ALASKA  
1993 LEGISLATIVE SESSION

BILL NO. SCS CSHB 136 (HESS)

Revision Date: 4-23-93

Dept. Affected: Corrections

Title: "An Act to amend AS 11.15.010, relating to the offense of driving while intoxicated."

BRU: \_\_\_\_\_

Component: \_\_\_\_\_

Sponsor: Rep. Mulder

Requestor: Senate Finance

COMPONENT SERIAL NO. \_\_\_\_\_

**Expenditures/Revenues:**

(Thousands of Dollars)

OPERATING	FY94	FY95	FY96	FY97	FY98	FY99
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL	1043.6	1043.6	1043.6	1043.6	1043.6	1043.6
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>1043.6</b>	<b>1043.6</b>	<b>1043.6</b>	<b>1043.6</b>	<b>1043.6</b>	<b>1043.6</b>

<b>CAPITAL</b>						
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<b>REVENUE FUND SOURCE: GF/PR 1005</b>	1043.6	1043.6	1043.6	1043.6	1043.6	1043.6
--	--------	--------	--------	--------	--------	--------

**FUNDING:**

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts	1043.6	1043.6	1043.6	1043.6	1043.6	1043.6
1006 GF/MHTIA						
Other						
<b>TOTAL</b>	<b>1043.6</b>	<b>1043.6</b>	<b>1043.6</b>	<b>1043.6</b>	<b>1043.6</b>	<b>1043.6</b>

**POSITIONS:**

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year (FY93) impact: \$ -0-

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

Please see the attached fiscal analysis.

Prepared by: Dana LaTour, Special Assistant  
Division: Commissioner's Office

Phone: 465-3376

Date: 4-23-93

Approved by Commissioner: Frank Prewitt, Commissioner  
Agency: Department of Corrections

Date: 4-23-93

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FISCAL NOTE ANALYSIS

SCS CSHB 136 (HESS)

Page 2

SCS CSHB 136(HESS) provides for the placement of offenders, convicted of DWI or refusal to submit to a breath test, in a community residential center or other facilities. The bill requires the offenders to pay up to \$1000 of the cost of their imprisonment. The bill also requires the offender to perform community service work.

1992 DWI Offenses	X	Assumed Conviction Rates	Convicted Offenders
3532	1st offense	65%	2261
1174	(one prior offense)	75%	843
407	(two prior offenses)	80%	326
276	(4th & subsequent offenses)	80%	221

Using those numbers:

2261 - 226 (10% indigent offenders) = 2035 offenders x 3 days x \$60 day = \$ 366,300

843 - 84 (10% indigent offenders) = 759 offenders X \$1000 = \$ 759,000

407 - 41 (10% indigent offenders) = 366 offenders X \$1000 = \$ 366,000

276 - 28 (10% indigent offenders) = 248 offenders X \$1000 = \$ 248,000

The total amount charged annually could be approximately \$1,739,300. Assuming that 60% of the amount charged is collected, a total of \$1,043,580 should be generated in program receipts to offset the cost of contracting for additional CRC beds for these offenders.

FISCAL NOTE

STATE OF ALASKA  
1993 LEGISLATIVE SESSION

BILL NO. SCSCSHB 136 (HES)

Revision Date: \_\_\_\_\_  
Title: 'An Act relating to revocation of and limitations on driver's license and to the offenses . . .'  
Sponsor: Representative Mulder  
Requestor: \_\_\_\_\_

Department Affected: Administration  
BRU: Public Defender  
Component: Public Defender  
COMPONENT SERIAL NO. 1631

EXPENDITURES/REVENUES:

OPERATING	FY 94	FY 95	FY 96	FY 97	FY 98	FY 99
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL	0	0	0	0	0	0
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REVENUE FUND SOURCE:	0	0	0	0	0	0
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FUNDING:

1002 Federal Receipts	0	0	0	0	0	0
1003 GF Match	0	0	0	0	0	0
1004 GF	0	0	0	0	0	0
1005 GF/Program Receipts	0	0	0	0	0	0
1006 GF/MHTIA	0	0	0	0	0	0
OTHER	0	0	0	0	0	0
TOTAL	0	0	0	0	0	0

POSITIONS:

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

Estimate of current year (FY93) impact: None

ANALYSIS: (Attach a separate page if necessary.)

Prepared by: John Salemi, Public Defender  
Division: Public Defender Agency

Phone: 274-1684  
Date: \_\_\_\_\_

Approved by Commissioner: Nancy Bear Usera  
Agency: Administration

Date: 2/23/93

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FISCAL NOTE

STATE OF ALASKA  
1993 LEGISLATIVE SESSION

BILL NO. SCSCSHB 136 (HES)

Revision Date: \_\_\_\_\_  
Title: 'An Act relating to revocation of and limitations on driver's licenses and to the offenses . . .'  
Sponsor: Representative Mulder  
Requestor: \_\_\_\_\_

Department Affected: Administration  
BRU: Office of Public Advocacy  
Component: Office of Public Advocacy  
COMPONENT SERIAL NO. 43

EXPENDITURES/REVENUES:

OPERATING	FY 94	FY 95	FY 96	FY 97	FY 98	FY 99
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL	0	0	0	0	0	0
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REVENUE FUND SOURCE:	0	0	0	0	0	0
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FUNDING:

1002 Federal Receipts	0	0	0	0	0	0
1003 GF Match	0	0	0	0	0	0
1004 GF	0	0	0	0	0	0
1005 GF/Program Receipts	0	0	0	0	0	0
1006 GF/MHTIA	0	0	0	0	0	0
OTHER	0	0	0	0	0	0
TOTAL	0	0	0	0	0	0

POSITIONS:

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

Estimate of current year (FY 93) impact: 0

ANALYSIS: (Attach a separate page if necessary.)

Prepared by: Brant McGee, Public Advocate  
Division: Office of Public Advocacy

Phone: 274-1684  
Date: \_\_\_\_\_

Approved by Commissioner: Nancy Bear Usera  
Agency: Administration

Date: 4/23/93

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# FISCAL NOTE

STATE OF ALASKA  
1993 LEGISLATIVE SESSION

BILL NO: SCSCSHB 136(HES)

Revision Date: 4/23/93 Dept. Affected: Public Safety  
 Title: "An act relating to revocations of and BRU: Alaska State Troopers  
limitations on a driver's license ..." Component: Detachments  
 Sponsor: Representative Mulder  
 Requestor: Senate Finance COMPONENT SERIAL NO. 799

**EXPENDITURES/REVENUES: (Thousands of Dollars) (inflation not included)**

OPERATING	FY 94	FY 95	FY 96	FY 97	FY 98	FY 99
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	-0-	-0-	-0-	-0-	-0-	-0-
<b>CAPITAL</b>	-0-	-0-	-0-	-0-	-0-	-0-
<b>REVENUE FUND SOURCE:</b>	-0-	-0-	-0-	-0-	-0-	-0-

**FUNDING: (Thousands of Dollars)**

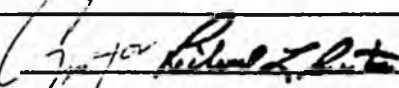
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
<b>TOTAL</b>	-0-	-0-	-0-	-0-	-0-	-0-

**POSITIONS:**

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

Estimate of current year (FY 93) impact: \$ \_\_\_\_\_

ANALYSIS: (Attach a separate page if necessary.)  
 No fiscal impact is anticipated.

Prepared By: Francis C. Allan Phone: 269-5691  
 Division: Alaska State Troopers Date: 4/23/93  
 Approved by Commissioner:  Date: 4/23/93  
 Agency: Richard L. Burton Dept. of Public Safety

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# FISCAL NOTE

STATE OF ALASKA  
1993 LEGISLATIVE SESSION

BILL NO: SCSCSHB 136(HES)

Revision Date: 4/22/93 Dept. Affected: Public Safety  
 Title: "An Act relating to offenses of driving while BRU: Motor Vehicles  
intoxicated and refusal to submit to a breath test." Component: Driver Services  
 Sponsor: Representative Mulder  
 Requestor: Senate Judiciary COMPONENT SERIAL NO. 500

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

OPERATING	FY 94	FY 95	FY 96	FY 97	FY 98	FY 99
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 FUND SOURCE:	108.0	108.0	108.0	108.0	108.0	108.0

FUNDING: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

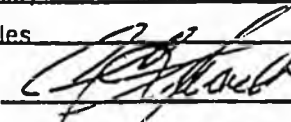
POSITIONS:

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

Estimate of current year (FY 93) impact: \$ \_\_\_\_\_

ANALYSIS: (Attach a separate page if necessary.)

It is estimated that 30% of all persons whose license is revoked as a first offender DWI will request a limited license. In 1992, there were approximately 3600 drivers license revocations for first offender DWIs. Charging a \$100.00 limited license application fee will generate approximately \$108.0 in revenue to the general fund.

Prepared By: Juanita Hensley Phone: 465-4361  
 Division: Motor Vehicles Date: 4/22/93  
 Approved by Commissioner:  Date: 4/22/93  
 Agency: Richard J. Burton, Dept. of Public Safety

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FISCAL NOTE

STATE OF ALASKA  
1993 LEGISLATIVE SESSION

BILL NO. SCS CSHB136 (HES)

Revision Date: April 23, 1993  
 Title: "...relating to limited driver's licenses and...  
 driving while intoxicated...refusal to submit..."  
 Sponsor: Representative Mulder  
 Requestor: Representative Mulder

Department Affected: Department of Law  
 BRU: Legal Services  
 Component: Operations  
 COMPONENT SERIAL NO. 0093

EXPENDITURES/REVENUES:

OPERATING	FY 94	FY 95	FY 96	FY 97	FY 98	FY 99
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

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

REVENUE FUND SOURCE:						
-------------------------	--	--	--	--	--	--

FUNDING:

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
OTHER						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

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

Estimate of current year (FY93) impact: -0-

ANALYSIS: (Attach a separate page if necessary.)

Please see the attached analysis.

*Richard I. Peques*

Prepared by: Richard I. Peques, Director  
 Division: Administrative Services Division

Phone: 465-3672  
 Date: April 23, 1993

Approved by Commissioner: Charles E. Cole, Attorney General  
 Agency: Department of Law

Date: April 23, 1993

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FISCAL NOTE

STATE OF ALASKA  
1993 LEGISLATIVE SESSION

BILL NO. SCS CSHB 136 (HES)

ANALYSIS (Continued):

Only two minor technical amendments have been made in this bill since submitting our last fiscal note comments on March 31, 1993. Consequently, SCS CSHB136 (HES) will not have a fiscal impact for the Department of Law.



# ALASKA STATE LEGISLATURE HOUSE OF REPRESENTATIVES

**REPRESENTATIVE ELDON MULDER**  
DISTRICT 23 MULDOON-FT. RICHARDSON

- CHAIR -  
LEGISLATIVE COUNCIL

- CO-CHAIR -  
HOUSE SPECIAL COMMITTEE ON  
MILITARY AND VETERANS AFFAIRS

- CO-CHAIR -  
MILITARY AFFAIRS FOR  
ANCHORAGE CAUCUS

## **Sponsor Statement for SCS CS HB136 (HES)** Representative Eldon Mulder

House Bill 136 is a product of the Alaska Sentencing Commission's recommendations for increasing the usage of alternative sentencing. The purpose of the bill is two-fold; to crack down on DWI offenders by offering more serious and immediate punishment, and to do so in a manner that would help ease some of the financial burden on the Department of Corrections, and hence, the State.

The bill requires first and second time DWI offenders and those who refuse to submit to a breath test to serve their time in community residential centers and perform community work service while at the center. In cases where a community residential center is not available, another appropriate placement will be determined by the commissioner of corrections. In addition, the bill requires that all (not just first and second) DWI offenders, no matter where they are imprisoned, pay for the cost of their incarceration, up to a maximum of \$1,000. Unpaid costs are to be collected from the offender's permanent fund dividend check. "Cost of imprisonment" is defined in the bill to mean a uniform average cost of imprisonment that is determined and prescribed by regulation by the commissioner of corrections. This ensures that everyone pays the same rate, no matter where they are incarcerated.

The bill also contains several sections pertaining to limited licenses in relation to DWI offenses. Under current law, someone with up to six DWI offenses can obtain limited license privileges. HB 136 would reduce limited license privileges down to first offenders only. Those convicted of refusing to submit to a breath test would not be eligible for any limited license privileges. It also requires that an individual must show proof of enrollment in, or have completed, an alcohol treatment program before they can obtain a limited license. In addition, the bill imposes a fee of \$100 for a person applying for a limited driver's license. This stipulation will generate a substantial amount of revenue, as indicated in the Department of Public Safety's fiscal note.

# DIVISION OF LEGAL SERVICES

## LEGISLATIVE AFFAIRS AGENCY STATE OF ALASKA

(907) 465-3867 or 465-2450  
FAX (907) 465-2029  
Mail Stop 3101

130 Seward Street, Suite 409  
Juneau, Alaska 99801-2105

### MEMORANDUM

April 24, 1993

**SUBJECT:** Sectional Summary of SCS CSHB 136(HES)

**TO:** Representative Eldon Mulder

**FROM:** Michael F. Ford *M. F.*  
Legislative Counsel

You have requested a sectional summary of the above-described bill.

As a preliminary matter, note that a sectional summary of a bill should not be considered an authoritative interpretation of the bill and the bill itself is the best statement of its contents. If you would like an interpretation of the bill as it may apply to a particular set of circumstances, please advise.

**Section 1.** Allows the Department of Public Safety to terminate an administrative driver's license revocation and reissue a driver's license to a person convicted of driving while intoxicated or refusal to take a breath test, if the person meets the conditions set out under AS 28.15.181(e), relating to meeting the required minimum revocation period, alcoholism treatment, and paying the required fee.

**Section 2.** Reduces the mandatory minimum period of driver's license revocation for a conviction based on driving while intoxicated or refusal to take a breath test from five years to three years if the person is a third time offender, and from ten years to five years for a person convicted four or more times.

**Section 3.** Allows a court to terminate a driver's license revocation of a person convicted of driving while intoxicated or refusal to take a breath test, if the person meets the required minimum revocation period, and complies with the conditions set out in AS 28.15.211(d) and (e) relating to alcoholism treatment, and paying the required fee.

**Section 4.** Allows a court to impose limitations on a driver's license if the court determines the person meets certain conditions (imposed under (b) of this section) and the court determines that the limitations will allow the person to earn a livelihood. Allows the court or the Department of Public Safety to grant limited

license privileges if the person was convicted of driving while intoxicated, but not if convicted of refusal to take a breath test, the person is a first time offender and the person meets the other conditions set out in (d)(3) - (5) of this section.

**Section 5.** Requires a person convicted of driving while intoxicated or refusal to take a breath test to take certain alcoholism treatment, before receiving a new driver's license.

**Section 6.** Imposes a fee of \$100 for a person applying for a limited driver's license under sec. 4.

**Section 7.** Specifies that a person convicted of driving while their driver's license is revoked, suspended, or in violation of a limitation cannot get a limited driver's license.

**Section 8.** Provides that a first or second time D.W.I. offender will serve prison time at a half-way house or other appropriate facility determined by the commissioner of corrections. Requires a person convicted of D.W.I. to pay the costs of imprisonment, up to a maximum of \$1,000, unless the person is indigent. Provides that for costs of imprisonment not paid, the person's permanent fund dividend may be used to pay those costs, including a dividend issued to a person determined to be indigent. Required that certain community service work be performed and that the commissioner of corrections determine the uniform average cost of imprisonment for purposes of determining the cost of imprisonment to be paid by the person.

**Section 9.** Definition.

**Section 10.** Provides that a person convicted of refusal to take a breath test for the first or second time will serve their prison time at a half-way house or other appropriate facility determined by the commissioner of corrections. Requires a person convicted of refusal to take a breath test to pay the costs of imprisonment, up to a maximum of \$1,000, unless the person is indigent. Provides that for costs of imprisonment not paid, the person's permanent fund dividend may be used to pay those costs, including a dividend issued to a person determined to be indigent. Required that certain community service work be performed and that the commissioner of corrections determine the uniform average cost of imprisonment for purposes of determining the cost of imprisonment to be paid by the person.

**Section 11.** This section sets out the effect certain sections of the bill have on Alaska Rule of Criminal Procedure 32(b).

**Section 12.** Applicability section.

**Section 13.** Effective date.

**BILL NO:** SCSCSHB 136(HES)

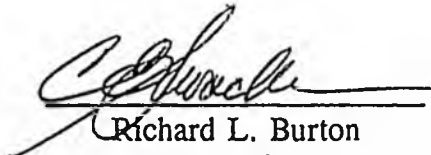
**DATE:** April 27, 1993

**TITLE:** "An Act relating to the offenses of driving while intoxicated. . ."

**CONTACT:** C.E. Swackhammer  
Deputy Commissioner  
465-4322

Sections 1 through 7 of SCSCS HB 136(HES) correct a problem in existing law dealing with driver license revocations and limitations. In 1990 the legislature passed HB 153, allowing individuals convicted of up to six DWI'S to obtain a limited driver's license. This law has been overly burdensome to the Alaska Court System and the Division of Motor Vehicles. Instead of issuing a limited license to repeat DWI offenders, this bill will allow the courts or the department to review the individual's record and, if appropriate, terminate the revocation and issue a license. It also requires that the individual meet the minimum period of license revocation prior to application for license revocation termination.

The Department of Public Safety supports this legislation and recommends passage of HB 136.

  
Richard L. Burton  
Commissioner

STATE OF ALASKA  
**POSITION PAPER**

**DEPARTMENT OF CORRECTIONS**

PHON: 465-3376 - FAX 465-2006

Senate CS for CS for House Bill 136 (HES)

"An Act relating to revocation of and limitations on a driver's license; to the offenses of driving while intoxicated and refusal to submit to a breath test; imposing a limited license fee; amending Alaska Rule of Civil Procedure 32(b); and providing for an effective date."

This legislation impacts the Department of Corrections by amending AS 28.35.030 and AS 28.35.035 and directing the department to place offenders, convicted of DWI charges or refusal to submit to a breath test, in community residential centers. If a CRC is not available, imprisonment may be served in another appropriate facility. This legislation also requires an offender to pay up to \$1000 of the cost of their imprisonment, unless the person is indigent. The person's permanent fund dividend may be used to pay for those costs.

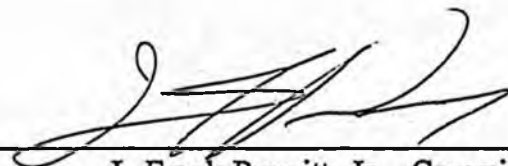
The Department of Corrections supports this legislation. It encourages the use of less expensive community placements, and holds the offender responsible for the cost of incarceration.

The Department of Corrections currently has over 1800 offenders scheduled to serve time as space becomes available in correctional centers and community residential centers. These individuals are called "court-ordered reports (COR)." In some cases, these offenders are being told to wait for 8 - 9 months before they report to serve their sentences.

The passage of this legislation would generate approximately \$1,000,000 for the department to use in contracting for additional beds, and will help in keeping the COR backlog from growing.

Fiscal Note:

- YES  
 NO



J. Frank Prewitt, Jr., Commissioner

Walter J. Hickel, Governor



# Alaska Sentencing Commission

1029 W. Third Avenue, Suite 201, Anchorage, Alaska 99501 (907) 279-2526 FAX (907) 276-5046

James V. Gould, Chair  
Philip R. Volland, Vice Chair

Jayne E. Andreen  
Richard L. Burton

Charles E. Cole  
Hon. Beverly W. Cutler

Sen. Steve Frank  
Lloyd G. Rupp

JoAnn Holmes  
Hon. Warren W. Matthews

Gigi Pilcher  
John Salemi

Duane S. Udland  
Rep. Fran Ulmer

February 10, 1993

Representative Eldon Mulder  
Alaska State Legislature  
State Capitol  
Juneau, AK 99801-1182

RE: HB 136; DWI

**FEB 15 1993**

Dear Representative Mulder:

I am writing with respect to your proposed legislation altering DWI penalties. Your legislation encourages the housing of DWI prisoners in halfway houses and strengthens the fines and forfeiture provisions of the current law.

One of the Sentencing Commission's major recommendations is well served by your legislation -- the increased use of halfway houses. Clearly, the great majority of DWI offenders could be more cheaply and more effectively punished in the setting you propose (halfway houses with community service) than in hard beds. As you know, many DWI offenders in Anchorage and Fairbanks already serve their sentences in halfway houses.

While the Commission did not specifically make a recommendation as to the use of community service while in halfway houses, your proposal is certainly consistent with their general recommendations. You might also consider a requirement for alcohol screening and education while at the halfway house. We have discussed a similar program with representatives of MADD. I recommend you consult with both DOC and MADD.

The commission recommended the increased use of fines and forfeitures, but as alternatives to jail time rather than as additional penalties. The commission generally recommended the use of fines scaled to the offender's income, which would seem appropriate in DWI cases. See 1992 ASC Report at p. 11. The Commission also recommended that the legislature investigate alternatives to the current three day minimum sentence for first time DWI offenders. At p. 44-45 of its 1992 report, the Commission recommends:

**Beginning immediately, the legislature should amend the law providing that DWI first offenders must be sentenced to jail for at least three days. Instead the**

legislature should investigate other creative alternatives to punish drunk drivers more quickly, cheaply, and effectively.

The commission recognizes that drunk driving is a serious offense which must be deterred, but believes that the current law does not represent the most cost-effective approach. The Department of Corrections estimates that housing DWI offenders costs approximately \$6 million per year, even though many DWI offenders are already serving their sentences in halfway houses. This does not represent the full cost of housing drunk drivers, since many first and second offenders are housed in local jails.

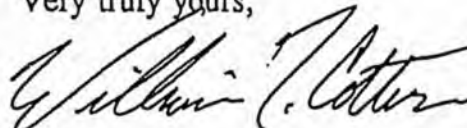
Jail time is only one part of the sentence for DWI in Alaska. First time DWI offenders also are required to follow the treatment recommendations made by the state alcohol screening program, pay a fine of at least \$250, and have their driver's license suspended for 90 days. For second offenses, the fine rises to \$500 and the period of suspension to 365 days. AS 28.35.030; AS 28.15.171. In addition, the offender's insurance rates are likely to go up. The commission does not recommend changes in these aspects of the DWI sentence.

While the mandatory jail term may have some added deterrent value, there are many less costly approaches. Other jurisdictions have used a variety of successful programs that publicly identify offenders and require community service from them, like wearing an orange vest to pick up trash along the highway. The commission recommends that the legislature work with representatives of groups like Mothers Against Drunk Drivers to formulate a plan that will deal with this serious problem more effectively. This recommendation passed, nine in favor and four opposed.

The Commission certainly understands the political realities concerning DWI. Its recommendation quoted above was only made after a long discussion and consideration of all the issues. Nevertheless, if we are to address the current backlog of about 2500 misdemeanants waiting up to nine months to go to jail, within our current fiscal constraints, we must consider creative alternatives. I would ask you to consider whether some combination of community service, stiff fines (on a sliding scale dependent on income to increase the bite), and mandatory alcohol treatment could be substituted for the current required 72 hours in jail.

Please feel free to give me a call if you have any questions.

Very truly yours,



William T. Cotten  
Executive Director

WTC:erm

criticized for competing with the private sector, they have strong support from the general public. This recommendation was adopted without objection.

2. **Beginning immediately, the legislature should offer support and encouragement to criminal justice agencies in their efforts to reach creative, long-term solutions to budget reductions.**

Innovative ideas are necessary to cope with major budget reductions. The commission recommends that criminal justice agencies be allowed some discretionary funds for planning and for pilot programs. The Legislature also should support internal reallocation of budgets within agencies to achieve long-term budget reductions.

Agencies will need the encouragement of the Legislature and the Governor to try new ideas without the immediate assumption that such changes are unacceptable. If state revenues in fact decline by \$1 billion over the next 10 years, people will need to change their expectations of what government can do. The results of the focus groups indicate that people think the state should take financial considerations into account in devising a suitable system of punishment. All branches of government should work to educate the public on the budget impacts of their programs and to provide information necessary to make difficult choices. This recommendation was adopted without objection.

3. **Beginning immediately, Department of Corrections should establish a plan to allow offenders convicted of driving while intoxicated (DWI) and driving with license suspended or revoked (DWLS/R) to serve their sentences without a long delay (currently nine months in some locations).**

Far and away the most common criminal offense is driving while intoxicated. In 1990, 2544 DWI offenders served time in Department of Corrections facilities. 1629 of these were first-time DWI offenders with an average sentence of five days. Another 2255 people served time in one of the 19 local jails, which are run on contract with the Department of Public Safety, serving an average sentence of three days. As of October 1992, about 960 DWI offenders were on waiting lists with the Department of Corrections, waiting up to nine months to serve their sentences.

In order to clear up the backlog and to provide specific programming appropriate for drunk drivers, the Department of Corrections should investigate the use of low-security facilities to process large numbers of DWI and DWLR/S offenders in the bigger communities. Offenders serving short sentences in halfway houses should not be mixed with offenders being reintegrated into the community at the end of long sentences.

4. **Beginning immediately, the legislature should amend the law providing that DWI first offenders must be sentenced to jail for at least three days. Instead the legislature should investigate other creative alternatives to punish drunk drivers more quickly, cheaply, and effectively.**

The commission recognizes that drunk driving is a serious offense which must be deterred, but believes that the current law does not represent the most cost-effective

approach. The Department of Corrections estimates that housing DWI offenders costs approximately \$6 million per year, even though many DWI offenders are already serving their sentences in halfway houses. This does not represent the full cost of housing drunk drivers, since many first and second offenders are housed in local jails.

Jail time is only one part of the sentence for DWI in Alaska. First time DWI offenders also are required to follow the treatment recommendations made by the state alcohol screening program, pay a fine of at least \$250, and have their driver's license suspended for 90 days. For second offenses, the fine rises to \$500 and the period of suspension to 365 days. AS 28.35.030; AS 28.15.171. In addition, the offender's insurance rates are likely to go up. The commission does not recommend changes in these aspects of the DWI sentence.

While the mandatory jail term may have some added deterrent value, there are many less costly approaches. Other jurisdictions have used a variety of successful programs that publicly identify offenders, and require community service from them, like wearing an orange vest to pick up trash along the highway. The commission recommends that the legislature work with representatives of groups like Mothers Against Drunk Drivers to formulate a plan that will deal with this serious problem more effectively. This recommendation passed, nine in favor and four opposed.

The Department of Corrections should increase the use of alternative punishments as part of some presumptive sentences. The commission recommends that the Department of Corrections pursue an active policy for some presumptively sentenced offenders that substitutes time spent in alternative punishment programs for time in prison, within the limits of public safety. High supervision programs such as community residential centers, treatment programs, intensive supervised probation, and day reporting centers can control risk to the public, provide rehabilitative opportunities, and fulfill the goals of presumptive sentencing at lower cost than spending the entire presumptive term in prison.

The commission believes that its support for presumptive sentencing is compatible with its support for alternative punishments. Alaska case law already provides that time spent in custodial programs such as community residential centers and residential treatment programs must be credited to the offender's time served, just like incarceration. Regardless of whether the correctional budget is reduced, the commission has already recommended that these alternatives be routinely used for presumptively sentenced offenders during the final portion of their sentences, to help them make their transition back to the community. For many offenders, these alternatives may also be safely and effectively used for longer periods of time. The commission recommends strong oversight for these offenders, along with careful monitoring and evaluation of their programs. See Section II-A of this report.

The Department of Corrections currently is seeking a legal opinion on whether it may furlough presumptively sentenced offenders to their homes in order to participate in highly structured programs such as intensive supervised probation and day reporting centers. See AS 33.30.111. If this cannot be done under current statutes, the commission



U.S. Department  
of Transportation

National Highway  
Traffic Safety  
Administration

Region X  
Alaska, Idaho, Oregon  
Washington

3140 Jackson Federal Building  
915 Second Avenue,  
Seattle, Washington 98174

Mr. Lorn Campbell, Administrator  
Alaska Highway Safety Planning Agency  
Department of Public Safety  
Highway Safety Planning Agency  
P.O. Box 111200  
Juneau, Alaska 99811-1200

April 28, 1993

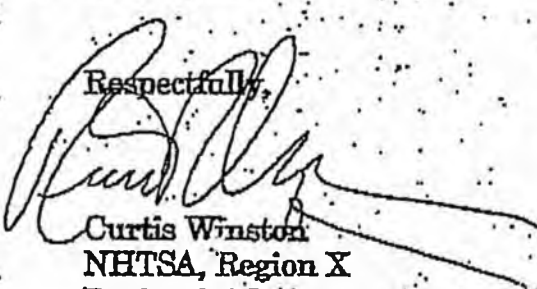
Dear Mr. Campbell:

As Regional Administrator for the National Highway Traffic Safety Administration, I am writing to inform you of the financial assistance which could be available to Alaska if HB-136 is also adopted by the Senate. As you are probably aware, HB-136 amends existing legislation to require a minimum 90 day "hard suspension" of driving privileges for first refusers of chemical tests administered to determine blood alcohol content.

If HB-136 is passed, Alaska may be eligible to receive up to \$355,000 annually in Section 410 alcohol incentive grants to promote the development and implementation of innovative programs to combat impaired driving. Funding could be available for up to five years, and would be administered through the Alaska Highway Safety Planning Agency to support such efforts as public information and education, alcohol server training programs, assessment and screening programs for drunk driving offenders, alcohol enforcement programs and other alcohol and drug impaired driving countermeasures.

Drinking and driving continues to be one of Alaska's most critical highway safety problems. Even though progress is being made, Alaska remains above the national average with over half of its crash fatalities being alcohol related. It is with this concern that I continue to follow the progress of all your highway safety initiatives.

Respectfully,

  
Curtis Winston  
NHTSA, Region X  
Regional Administrator





U.S. Department  
of Transportation  
National Highway  
Traffic Safety  
Administration

Region X  
Alaska, Idaho, Oregon  
Washington

3140 Jackson Federal Building  
815 Second Avenue,  
Seattle, Washington 98174

Mr. Lorn Campbell, Administrator  
Alaska Highway Safety Planning Agency  
Department of Public Safety  
Highway Safety Planning Agency  
P.O. Box 111200  
Juneau, Alaska 99811-1200

April 28, 1993

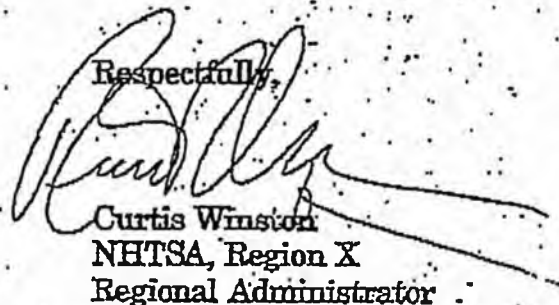
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Respectfully,



Curtis Winston  
NHTSA, Region X  
Regional Administrator



MAILING ADDRESS:  
733 West 4th Avenue, Box 821  
Anchorage, AK 99501

(907) 258-MADD

BUSINESS ADDRESS  
719 East 11th Avenue  
Anchorage, AK 99501

4/27/83

Rep. Eldon Mulder  
State Capitol Rm. 114  
Juneau, AL 99801

Dear Rep. Mulder:

The Anchorage Chapter of MADD is pleased to support the current version of HB 136. We feel that this bill addresses the concerns of not only the department of Corrections, but also the department of motor vehicles and the general public.

It has been found that:

1. The state of Alaska has found itself in the position of being unable to afford the cost of supporting misdemeanants while incarcerated. It is only appropriate for individuals convicted of drunk driving to bear the financial responsibility. This is true accountability to society.

2. With Modemants incurring the cost of incarceration, this will enable the department of Corrections to purchase more bed space, which in turn will clear up the current back log and provide for swift and certain punishment of D.U.I. offenders in the future.

3. By having drunk driving offenders do their community work ~~work~~ and alcohol programs while incarcerated, will lessen the burden on the department of law relative to current severe problems of non-compliance.

The benefits are numerous, enormous and far reaching. It is our feeling that this is one of the finest pieces of legislation regarding individual responsibility and drunk driving.

We look forward to this passing this session with great anticipation.

Sincerely,  
Barbara B Mills  
Executive Director  
Mothers Against Drunk Drivers

**HB**

**137**

**HFIN**

**FILE**

# HOUSE COMMITTEE REPORT

(11)

Date Referred: March 22, 1993

FURTHER REFERRALS:

Date of Committee Action: 4/1/93

The FINANCE Committee considered:

HB 137

HOUSE BILL NO. 137

PAROLE OF TERMINALLY ILL PRISONERS

"An Act authorizing special medical parole for terminally ill prisoners."

RECOMMENDATIONS:

be replaced with CS HB 137 (JUD)  the same title  a new title

have attached amendments(s)

do pass

do not pass

no recommendations

individual recommendations

additional referral to the \_\_\_\_\_ Committee

ADOPTS: \_\_\_\_\_ letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept)

APPROVES PREVIOUS: (Dept/Date)

fiscal impact \_\_\_\_\_

fiscal note(s) \_\_\_\_\_

zero fiscal note Admin

zero fiscal note(s) Corrections 3/1/93

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
<i>Ronald J. Larson</i> LARSON	X	<i>Leon Hoffman</i> Hoffman			
<i>Larry Martin</i> Martin	✓	<i>Mark Hanley</i> Hanley		X	
<i>Barbara Gussindorf</i> Gussindorf	✓	<i>Sean Parnell</i> Parnell		X	
<i>Tom Brown</i> Brown	✓	<i>Gene Theriault</i> Theriault		X	
<i>Richard Foster</i> FOSTER	X				
<i>Glenn MacLean</i> MacLean	✓				

*EPmachee* *Ronald J. Larson*  
 CO - CHAIRMAN'S SIGNATURE  
 MacLean Larson

# FISCAL NOTE

STATE OF ALASKA  
1993 LEGISLATIVE SESSION

BILL NO. CSHB 137 (Jud)

Revision Date: \_\_\_\_\_ Dept. Affected: Administration  
 Title: "An Act authorizing special medical parole for terminally ill ...." BRU: Office of Public Advocacy  
 Component: Office of Public Advocacy  
 Sponsor: Representative Mulder  
 Requestor: House Finance COMPONENT SERIAL NO. 43

Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 94	FY 95	FY 96	FY 97	FY 98	FY 99
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL	0	0	0	0	0	0
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REVENUE FUND SOURCE:	0	0	0	0	0	0
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FUNDING:

1002 Federal Receipts	0	0	0	0	0	0
1003 GF Match	0	0	0	0	0	0
1004 GF	0	0	0	0	0	0
1005 GF/Program Receipts	0	0	0	0	0	0
1006 GF/MHTIA	0	0	0	0	0	0
Other	0	0	0	0	0	0
TOTAL	0	0	0	0	0	0

POSITIONS

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

Estimate of current year (FY93) impact: \$ None

ANALYSIS: (attach a separate page if necessary.)

Prepared By: Brant McGee, Public Advocate Phone: 274-1684  
 Division: Office of Public Advocacy Date: \_\_\_\_\_

Approved by Commissioner: Nancy Bear Usery Date: 3/20/93  
 Agency: Department of Administration

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# FISCAL NOTE

STATE OF ALASKA  
1993 LEGISLATIVE SESSION

BILL NO. CSHB 137 (IUD)

Revision Date: \_\_\_\_\_ Dept. Affected: Administration  
 Title: "An Act authorizing special medical parole for terminally ill prisoners . . ." BRU: Public Defender  
 Component: Public Defender  
 Sponsor: Representative Mulder  
 Requestor: (H) Fin COMPONENT SERIAL NO. 1631

**Expenditures/Revenues: (Thousands of Dollars)**

OPERATING	FY 94	FY 95	FY 96	FY 97	FY 98	FY 99
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMNT	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
<b>TOTAL OPERATING</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

CAPITAL	0	0	0	0	0	0
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REVENUE FUND SOURCE:	0	0	0	0	0	0
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**FUNDING:**

1002 Federal Receipts	0	0	0	0	0	0
1003 GF Match	0	0	0	0	0	0
1004 GF	0	0	0	0	0	0
1005 GF/Program Receipts	0	0	0	0	0	0
1006 GF/MHTIA	0	0	0	0	0	0
Other	0	0	0	0	0	0
<b>TOTAL</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

**POSITIONS**

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

Estimate of current year (FY93) impact: \$ none

ANALYSIS: (attach a separate page if necessary.)

Prepared By: John Salemi, Public Defender Phone: 274-1684  
 Division: Public Defender Agency Date: \_\_\_\_\_

Approved by Commissioner: Nancy Bear Usera Date: 3/30/93  
 Agency: Department of Administration

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# FISCAL NOTE

STATE OF ALASKA  
1993 LEGISLATIVE SESSION

BILL NO. CSHB 137 (JUD)

Revision Date: 3-30-93 Dept. Affected: Corrections  
 Title: "An Act authorizing special medical EYU: Institutions; Stwd Programs  
parole for terminally ill prisoners Component: \_\_\_\_\_  
 Sponsor: Rep. Mulder  
 Requestor: House Finance COMPONENT SERIAL NO. \_\_\_\_\_

Expenditures/Revenue	(Thousands of Dollars)					
OPERATING	FY94	FY95	FY96	FY97	FY98	FY99
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	-0-	-0-	-0-	-0-	-0-	-0-

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

REVENUE FUND SOURCE:						
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FUNDING:	(Thousands of Dollars)					
1002 Federal Receipts						
1003 GF Match						
1004 GF	-0-	-0-	-0-	-0-	-0-	-0-
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
<b>TOTAL</b>	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS:						
FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year (FY93) impact: \$ -0-

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

The Judiciary Committee substitute for HB 137 does not change the Department of Corrections fiscal note. Please see the attached page for further analysis.

Prepared by: Dana LaTour *Dana LaTour* Phone: 465-3376  
 Division: Commissioner's Office Date: 3-30-93  
 Approved by Commissioner: Lloyd G. Rupp Date: 3-30-93  
 Agency: Department of Corrections

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CSHB 137 (JUD)

Fiscal Note Analysis

HB 137 "An Act authorizing special medical parole for terminally ill prisoners."

Page 2

It is assumed that passage of this legislation may result in the parole of some terminally ill inmates who otherwise would not be paroled. There are currently 8 - 10 inmates who could be considered terminally ill. However, there is no assurance that any or all of these inmates would be granted parole since that decision remains at the discretion of the Parole Board.

Department of Corrections medical staff have estimated that a terminally ill inmate in the final stages of life can cost up to \$500,000 per year for outside care. At this time, there is one inmate whose cost of care during the last 18 months has exceeded \$500,000.

While this bill could create considerable savings over the long run, most of these savings will come as cost aversion. Therefore, the Department cannot reflect an actual budgetary reduction from current budget levels in this fiscal note. As the inmate population ages, the impact of this legislation could be significant.

SPONSOR STATEMENT  
Representative Eldon Mulder

House Bill 137

House Bill 137 relates to special medical parole for terminally ill prisoners. The Department of Corrections is responsible for inmates' medical costs as long as they remain in custody. Covering health costs is a serious financial burden, particularly when a terminal illness is involved.

This bill would give the parole board the discretion to grant special medical parole for terminally ill patients that it determines are not a threat to society. Once paroled, their medical costs are picked up by Medicare or Medicaid, thus easing the financial burden on the Department of Corrections.

Passage of this bill would save the State of Alaska a substantial amount of money. I urge you to support House Bill 137.

Sponsor Statement

STATE OF ALASKA  
**POSITION PAPER**

**DEPARTMENT OF CORRECTIONS**

PHONE 465-3376 - FAX 465-2006

**HB 137 "An Act authorizing special medical parole for terminally ill prisoners."**

The Alaska Sentencing Commission has recommended that parole statutes be amended to allow special medical parole for terminally ill offenders. The Commission's report found that many offenders have serious medical problems that cost the Department a significant amount of money each year. The Commission expressed concern that as the inmate population ages and as the number HIV infected inmates increase the Department will face even higher inmate health care costs.

Currently, the Department can furlough a terminally ill person, but it will still be responsible for medical expenses. Medicare or Medicaid will step in only after the person has been released from DOC custody.

This legislation tries to establish a class of inmates who would be eligible for discretionary parole at an earlier date. The intention of this action is to reduce inmate medical costs.

Initially, there appears to be 8-10 offenders who might qualify for parole under the provisions of this bill. It should be noted that all inmates paroled under these provisions may not be eligible for government sponsored health care depending on their categorical qualification conditions for Medicaid or their age and their resulting qualification for Medicare.

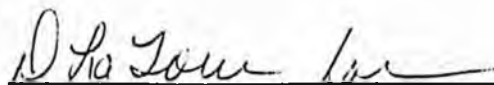
It is assumed that passage of this legislation may result in the parole of some terminally ill inmates who otherwise would not be paroled. However, there is no assurance that any or all of these inmates would be granted parole since that decision remains at the discretion of the Parole Board.

Department of Corrections medical staff have estimated that a terminally ill inmate in the final stages of life can cost up to \$500,000 per year for outside care. At this time there is one inmate whose cost of care during the last 18 months has exceeded \$500,000.

While this bill could create considerable savings over the long run, most of these savings will come as cost avoidance. The Department cannot reflect an actual budgetary reduction from current budget levels, since its budget is not currently being heavily impacted by terminally ill offenders. However, as the inmate population ages, the impact of this legislation could be significant.

Revised 3-18-93

- YES  
 NO



Lloyd G. Rupp, Commissioner

Walter J. Hickel, Governor

## Sectional Analysis for CS HB 137(JUD)

### Section 1.

Adds the language "special medical" to AS 33.16.010(d). This is a conforming amendment to the addition of "special medical parole" as a type of parole under section 4 of the bill.

### Section 2.

Adds a new subsection to AS 33.16.010 to allow someone who is eligible to be released on special medical parole by the Parole Board under new AS 33.16.085. This is also a conforming amendment to section 4 of the bill.

### Section 3.

Amends AS 33.16.060, relating to the duties of the parole board, to include considering the suitability of a prisoner who is eligible for special medical parole and, relating to the board adopting regulations under the Administrative Procedures Act, to establish standards for the suitability of a prisoner for special medical parole. This is also a conforming amendment to section 4 of the bill.

### Section 4.

Adds a new section to AS 33.16 pertaining to special medical parole. Allows the Board to grant, upon application by the prisoner or the commissioner, special medical parole to a prisoner who is serving a term of at least 181 days if the board determines: that the prisoner is suffering from a terminal illness and a reasonable probability exists that the prisoner will now violate laws or conditions imposed by the board; the prisoner will not pose a threat of harm to the public; and if the release of the prisoner on parole would not diminish the seriousness of the crime.

This section also allows the board to rescind or revise a previously granted parole release date if it discovers new information or a change in circumstances concerning a prisoner who had already been granted a special medical parole release date.

This section also instructs the board to issue its decision in writing and to provide a basis for its decision.

Finally, Section 4 of the bill also adds new section 33.16.87 pertaining to the rights of victims in connection with special medical parole. If a victim of a crime requests notice of a scheduled hearing to review special medical parole for a prisoner, the board must send notice of the hearing with the application for parole.

Section 5.

Adds the language "special medical" to AS 33.16.140, pertaining to the order for parole. This is also a conforming amendment to section 4 of the bill.

Section 6.

Adds the language "special medical" to AS 33.16.150(a). This is also a conforming amendment to section 4 of the bill.

Section 7.

Adds the language "special medical" to AS 33.16.150(b), relating to the board's conditions of parole. This is also a conforming amendment to section 4 of the bill.

Section 8.

Adds the language "special medical" to AS 33.16.200, relating to custody of a parolee. This is a conforming amendment to section 4 of the bill.

Section 9.

Amends AS 33.16.900 by adding a new paragraph defining "special medical parole."



# Alaska Sentencing Commission

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February 9, 1993

FEB 15 1993

Representative Eldon Mulder  
Alaska State Legislature  
State Capitol  
Juneau AK 99801-1182

FEB 15 1993

RE: HB 137; Special Medical Parole

Dear Representative Mulder:

I am writing about your proposed legislation on special medical parole. This legislation would implement the Sentencing Commission's recommendation that a special medical parole for terminally ill offenders be allowed in appropriate cases, in order to shift the huge medical costs in these cases from the state to the federal government. The Commission recommended:

Parole statutes should be amended to allow special medical parole for terminally ill offenders. Many offenders have serious medical problems that cost the Department of Corrections an extraordinary amount of money. The AIDS epidemic has not yet had a serious impact on Alaska prisons, but prison populations in some East Coast states are reported to be 40% HIV positive. In addition, there are a number of inmates serving long sentences who can be expected to grow old in prison.

DOC currently can furlough a terminally ill person, but it still will be responsible for medical expenses. Medicare or Medicaid will pick up the person's medical costs only upon release from DOC custody. The parole board should be allowed to grant parole to terminally ill offenders. DOC should study the offender population and devise a system to achieve this objective. This recommendation passed unanimously.

Alaska Sentencing Commission

Representative Eldon Mulder

February 9, 1993

Page 2

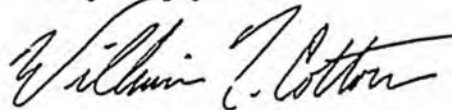
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Your legislation appears to be a measured response to the fiscal problem the Commission addressed. First, it creates a special medical parole for terminally ill prisoners. Second, it allows the parole board to limit use of the provision to offenders who will not pose a danger to society. Clearly, not all terminally ill prisoners would be appropriate candidates.

The need for legislation such as HB 137 is substantial now, and will increase as time goes by. My understanding is that the state has paid well over a half a million dollars for health care for two terminally ill prisoners in the last two years. We can expect these numbers to dramatically increase over the next few years, because of an aging prison population generally and because of AIDS.

On behalf of the Alaska Sentencing Commission, I would urge the Legislature to adopt legislation like HB 137 which allows special medical parole for appropriate terminally ill prisoners. Please feel free to call me if I can be of assistance.

Very truly yours,



William T. Cotton  
Executive Director

WTC:erm