

ALASKA LEGISLATURE

1279

HOUSE and SENATE FINANCE COMMITTEE FILES, 1995-1996

HB

21

HFIN

FILE



Alaska State Legislature

HOUSE OF REPRESENTATIVES

Official Business

State Capitol
Juneau, AK 99801-1182

SPONSOR STATEMENT

House Bill 21 closes a small, but important loophole in House Bill 299 which passed last year.

That law should be amended to include municipal ordinance as well as state law. House Bill 21 does this.

At the recommendation of the Department of Law, the bill was amended in the House Finance Committee to include court revocation of a minor's license for a minor who is convicted or adjudicated for an offense involving the illegal use or possession of a firearm that is punishable under state statute or municipal ordinance. The House Finance Committee Substitute passed out with eight do-passes and three no-recs.

There are zero fiscal notes from the Department of Public Safety, the Department of Health and Social Services, and the Department of Law. The simple fix will cost the state nothing, but will increase the effectiveness of this law which provides additional incentive for youth not to use alcohol or drugs or illegally use or possess firearms.

House Bill 21 passed the House unanimously.

HOUSE COMMITTEE REPORT

(11)

Date Referred: March 1, 1995

FURTHER REFERRALS:

Date of Committee Action: 3/8/95

The FINANCE Committee considered:

HB 21

HOUSE BILL NO. 21

DRIVER'S LIC REVOCATION;ALCOHOL/DRUGS

"An Act relating to revocation of a driver's license for illegal possession or use of a controlled substance or illegal possession or consumption of alcohol by a person at least 13 but not yet 21 years of age; and providing for an effective date."

recommends it be replaced with the following committee substitute CS HB 21 (FIN) the same title a new title

additional referral to _____ Committee

attached amendment(s)

ADOPTS: HFC Letter of Intent

ATTACHES NEW FISCAL NOTE(S): _____ (Dept)

APPROVES PREVIOUS: _____ (Dept/Date)

fiscal note(s) _____

fiscal note(s) _____

zero fiscal note(s) Admin

zero fiscal note(s) DHSS 2/10/95

AK STATE TROOPERS 2/10/95; LAW 2/10/95

SIGNING WITH RECOMMENDATIONS		DP	DNP	NR	AM
<i>Mark Hanley</i>	Hanley	X			
<i>Edmund Mulder</i>	Mulder	X			
<i>John Parnell</i>	Parnell	X			
<i>Terry Martin</i>	Martin	X			
<i>Kelly Kelly</i>	Kelly	X			
<i>Gene Theriault</i>	Theriault	X			
<i>Jim Kohring</i>	Kohring	X			
<i>Tay Brown</i>	Brown			X	
<i>Mike Navarre</i>	Navarre			X	
<i>Ben Grussendorf</i>	Grussendorf			X	
<i>Richard Foster</i>	Foster	X			

CO-CHAIR'S SIGNATURE

Mark Hanley
Hanley

Richard Foster
Foster



Alaska State Legislature

HOUSE OF REPRESENTATIVES


Committee on Finance

Official Business

State Capitol
Juneau, Alaska 99801-1182

LETTER OF INTENT
FOR
CS HB 21 (FIN)

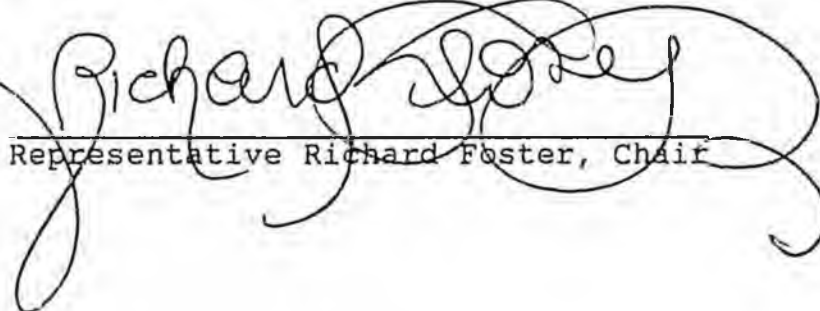
It is the intent of the Alaska Legislature that general fund program receipts provided by the driver's license reinstatement fee be divided equally between the Department of Public Safety and the Department of Health and Social Services. The program receipts received by the Department of Health and Social Services should be used for alcohol and drug abuse prevention and treatment programs specifically targeted at youth.



Representative Mark Hanley, Chair

3/8/95

Date



Representative Richard Foster, Chair

8 MAR 95

Date

FISCAL NOTE

STATE OF ALASKA
1995 LEGISLATIVE SESSION

BILL NO. CSHB 21 (JUD)

Revision Date: _____
 Title: "An Act relating to revocation of a driver's license for illegal possession or use of a controlled substance ..."
 Sponsor: Rep. Porter
 Requestor: (H) FIN

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

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING EXPENDITURES	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0
CAPITAL EXPENDITURES	0	0	0	0	0	0
CHANGE IN REVENUES ()	0	0	0	0	0	0

FUND SOURCE: (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	0.0	0.0	0.0

Estimate of any current year (FY 95) cost: \$ -0-

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary.)
 No measurable impact on the Public Defender Agency is anticipated.

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

Phone: 264-4400
 Date: _____

Approved by Commissioner: Mark Bover
 Agency: Department of Administration

Date: 3/2/95

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FISCAL NOTE

No. 1
 Bill Version: CS HB21(TRA)
 (H) Publish Date: 2/10/95

STATE OF ALASKA
 1995 LEGISLATIVE SESSION

Revision Date: _____ Dept. Affected: Department of Law
 Title: ...revocation of a driver's license for illegal possession or use of a controlled substance...consumption of alcohol... BRU: Prosecution
 Sponsor: Representative Porter Component: All
 Requester: Representative Porter COMPONENT SERIAL NO. 0085-90

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
----------------------	--	--	--	--	--	--

CHANGE IN REVENUES ()						
------------------------	--	--	--	--	--	--

FUND SOURCE (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	0.0	0.0	0.0

Estimate of any current year (FY95) cost: \$ 0.0

POSITIONS

FULL-TIME	0.0	0.0	0.0	0.0	0.0	0.0
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

This bill extends the driver's license revocation penalties, contained in AS 28.15, for minors who possess or use a controlled substance in violation of AS 11.71, or who possess or consume alcohol, in violation of AS 04.16.050, to include violations of municipal ordinances with substantially similar elements. The revocation of licenses is primarily an administrative process within the Department of Public Safety. The Department of Law's involvement consists of representing the Department of Public Safety (when needed) in an appeals hearing, to review a revocation. Such involvement, since the state's revocation penalties took effect last summer, has been minimal. Consequently, a fiscal impact is not expected.

Prepared by: Richard I. Pegues, Director Phone: 465-3672
 Division: Administrative Services Division Date: 2/1/95
 Approved by Commissioner: Bruce M. Botelho, Attorney General Date: 2/1/95
 Agency: Department of Law

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FISCAL NOTE

STATE OF ALASKA

Bill

No. 2
 Version: CS HB 21 (TRA)
 (H) Publish Date: 2/10/95

1995 LEGISLATIVE SESSION

Revision Date: _____ Dept. Affected: Public Safety
 Title: An act relating to revocation of a BRU: Alaska State Troopers
driver's license for illegal possession, etc. Component: Detachments
 Sponsor: Representative Brian Porter
 Requestor: _____ COMPONENT SERIAL NO. 0799

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

OPERATING	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL EXPENDITURES	-0-	-0-	-0-	-0-	-0-	-0-
CHANGE IN REVENUES ()	-0-	-0-	-0-	-0-	-0-	-0-
<small>Revenue Code</small>						

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-

Estimate of current year (FY 95) impact: \$ -0-

POSITIONS:

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

ANALYSIS: (Attach a separate page if necessary.)

No material impact.

Prepared By: Francis C. Allan Phone: 269-5691
 Division: Alaska State Troopers Date: 01/20/95
 Approved by Commissioner: [Signature] Date: 1/31/95
 Agency: Ronald L. Otte, Dept. of Public Safety

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STATE OF ALASKA
1995 LEGISLATIVE SESSION

Bill Version: CS HB 21 (TRA)
() Publish Date: 2/10/95

Revision Date: 01/27/95
Title: An act relating to revocation of a driver's license
Sponsor: Porter and Toohy
Requestor: _____

Dept. Affected: Health and Social Services
BRU: Alcohol and Drug Abuse Svcs
Component: ADA Administrators
COMPONENT SERIAL NO. 302
See also (SN#): _____

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING	FY96	FY97	FY98	FY99	FY00	FY01
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
----------------------	--	--	--	--	--	--

CHANGES IN REVENUES ()						
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FUND SOURCE

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other (please specify)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of any current year (FY95) cost: \$0.0

ANALYSIS: (Attach a separate page if necessary)

This bill has no fiscal impact on the division.

Prepared by: Patty L. Olson
Division: Alcoholism & Drug Abuse
Approved by Commissioner: Karen Perdue, Commissioner
Agency: Department of Health & Social Services

Phone: _____
Date: 01/27/95
Date: 1/30/95

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FISCAL NOTE

not adopted

STATE OF ALASKA
1995 LEGISLATIVE SESSION

BILL NO: CSHB 21 (FIN)

Revision Date: March 9, 1995 Dept. Affected: Public Safety
 Title: Driver's license revocation: alcohol/drug Motor Vehicles
 Component: Driver Services
 Sponsor: Representative Porter
 Requestor: (H) Finance COMPONENT SERIAL NO. 0500

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

OPERATING	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL EXPENDITURES	-0-	-0-	-0-	-0-	-0-	-0-
CHANGE IN REVENUES ()	-0-	-0-	-0-	-0-	-0-	-0-
<small>Revenue Code</small>						

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-

Estimate of current year (FY 95) impact: \$ _____

POSITIONS:

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

ANALYSIS: (Attach a separate page if necessary.)
 No significant fiscal impact is anticipated to the Department of Public Safety

Prepared By: Juanita Henslev Phone: 465-4322
 Division: Motor Vehicle Date: 3/9/95
 Approved by Commissioner: *Ronald L. Otte* Date: 3-9-95
 Agency: Ronald L. Otte, Dept. of Public Safety

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Johnson + Porter

9-LS0121M2 ✓

Ford
3/8/95

AMENDMENT

1 adopted

OFFERED IN THE HOUSE

TO: CSHB 21(JUD)

1 Page 1, line 3, after "age;":

2 Insert "relating to revocation of a driver's license for illegal possession or use of
3 a firearm by a person at least 13 but not yet 18 years of age;"

4 Page 3, line 18, after "is":

5 Insert "convicted or who is"

6 Page 3, line 19:

7 Delete "or"

8 Page 3, line 20, after "ordinance":

9 Insert ". or (3) an offense involving the illegal use or possession of a firearm that
10 is punishable under AS 11 or a municipal ordinance"

11 Page 3, line 21, after "license":

12 Insert "privilege to drive, or privilege to obtain a license"

13 Page 4, line 4:

14 Delete "AS 11.71"

15 Insert "AS 11"

AMENDMENT ✓ adopted

OFFERED IN THE HOUSE

BY REPRESENTATIVE BROWN

TO: CSHB 21(JUD)

1 Page 1, line 3, after "age;"

2 Insert "relating to treatment programs required for issuance or reissuance of a
3 driver's license;"

4 Page 3, line 4:

5 Delete "and"

6 Insert "or [AND]"

7 Page 3, line 7, after "drug":

8 Insert "education or"

9 Page 3, line 29, after "drug":

10 Insert "education or"

11 Page 3, line 30, after "alcohol":

12 Insert "education or"

13 Page 4, line 2, after "alcohol":

14 Insert "education or"

15 Page 4, line 3, after "drug":

16 Insert "education or"

AMENDMENT 3 Failed

OFFERED IN THE HOUSE

BY REPRESENTATIVE BROWN

TO: CSHB 21(JUD)

Page 1, line 7:

Delete to believe

Insert "and based on personal observation"

Page 2, line 17:

Delete to believe

Insert "and based on personal observations"

AMENDMENT

4 withdrawn

OFFERED IN THE HOUSE

BY REPRESENTATIVE BROWN

TO: CSHB 21(JUD)

Page 1, line 6 after "**Section 1.**":

Insert "FINDINGS. The legislature finds that

- (1) drinking alcohol is a factor in approximately one-half of all fatal motor vehicle accidents;
- (2) youthful drivers who consume alcohol are far more likely than sober teenage drivers to be killed in single vehicle accidents;
- (3) studies show increases in alcohol excise taxes are a substantial deterrent to youths abusing alcohol;
- (4) schools in this state should conduct educational programs to teach youths about the dangers of drinking or using controlled substances and driving; and
- (5) the legislature should increase the state alcohol excise tax to discourage underage drinking."

Renumber following sections.

AMENDMENT

5
accepted
Letter of Intent

OFFERED IN THE HOUSE

BY REPRESENTATIVE BROWN

TO: CSHB 21(JUD)

Page 1, line 6 after "**Section 1.":

Insert "INTENT. It is the intent of the Alaska Legislature that general fund program receipts provided by the driver's license reinstatement fee be divided equally between the Department of Public Safety and the Department of Health and Social Services. The program receipts received by the Department of Health and Social Services should be used for alcohol and drug abuse prevention and treatment programs specifically targeted at youth."

Renumber following sections.

AMENDMENT

II adopted
N/D

OFFERED IN THE HOUSE
TO: CSHB 21(JUD)

BY REPRESENTATIVE BROWN

1 Page 1, line 3, after "age;"

2 Insert "relating to treatment programs required for issuance or reissuance of a
3 driver's license;"

4 Page 3, line 4:

5 Delete "and"

6 Insert "or [AND]"

7 Page 3, line 7, after "drug":

8 Insert "education or"

9 Page 3, line 29, after "drug":

10 Insert "education or"

11 Page 3, line 30, after "alcohol":

12 Insert "education or"

13 Page 4, line 2, after "alcohol":

14 Insert "education or"

15 Page 4, line 3, after "drug":

16 Insert "education or"

amendments
(1)
(2)
(5)

CS FOR HOUSE BILL NO. 21(JUD)

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - FIRST SESSION

BY THE HOUSE JUDICIARY COMMITTEE

Offered: 3/1/95
Referred: Finance

Sponsor(s): REPRESENTATIVES PORTER AND TOOHEY

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to revocation of a driver's license for illegal possession or use
2 of a controlled substance or illegal possession or consumption of alcohol by a
3 person at least 13 but not yet 21 years of age; and providing for an effective
4 date."

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

6 * Section 1. AS 28.15.183(a) is amended to read:

7 (a) If a peace officer has probable cause to believe [AND BASED ON
8 PERSONAL OBSERVATION] that a person who is at least 14 years of age but not
9 yet 21 years of age has possessed or used a controlled substance in violation of
10 AS 11.71 or a municipal ordinance, or possessed or consumed alcohol in violation
11 of AS 04.16.050 or a municipal ordinance, and the peace officer has cited the person
12 or arrested the person for a violation of AS 11.71, [OR] AS 04.16.050, or the
13 municipal ordinance, the peace officer shall read a notice and deliver a copy to the
14 person. The notice must advise that

1 (1) the department intends to revoke the person's driver's license or
2 permit, privilege to drive, or privilege to obtain a license or permit;

3 (2) the person has the right to administrative review of the revocation;

4 (3) if the person has a driver's license or permit, the notice itself is a
5 temporary driver's license or permit that expires seven days after it is delivered to the
6 person;

7 (4) revocation of the person's driver's license or permit, privilege to
8 drive, or privilege to obtain a license or permit, takes effect seven days after delivery
9 of the notice to the person unless the person, within seven days, requests an
10 administrative review.

11 * Sec. 2. AS 28.15.183(c) is amended to read:

12 (c) Unless the person has requested an administrative review, the department
13 shall revoke the person's driver's license or permit, privilege to drive, or privilege to
14 obtain a license or permit, effective seven days after delivery to the person of the
15 notice required under (a) of this section, upon receipt of a sworn report of a peace
16 officer

17 (1) that the officer had probable cause to believe [AND BASED ON
18 PERSONAL OBSERVATIONS] that the person is at least 14 years of age but not yet
19 21 years of age and has possessed or used a controlled substance in violation of
20 AS 11.71 or a municipal ordinance, or possessed or consumed alcohol in violation
21 of AS 04.16.050 or a municipal ordinance;

22 (2) that the peace officer has cited the person or arrested the person for

23 (A) a violation of AS 11.71 or AS 04.16.050; or

24 (B) possession or use of a controlled substance or alcohol in
25 violation of a municipal ordinance;

26 (3) that notice under (a) of this section was provided to the person; and

27 (4) describing the circumstances surrounding the violation of the
28 controlled substances provisions of AS 11.71, [OR] the alcoholic beverages provisions
29 of AS 04.16.050, or the municipal ordinance.

30 * Sec. 3. AS 28.15.183(g) is amended to read:

31 (g) Except as provided under (h) of this section, the department may not issue

1 a new license or reissue a license to a person whose driver's license, permit, or
2 privilege to drive has been revoked under this section unless the person is enrolled in
3 and is in compliance with, or has successfully completed

4 (1) an alcoholism education and rehabilitation treatment program, if the
5 revocation resulted from possession or consumption of alcohol in violation of
6 AS 04.16.050 or a municipal ordinance; or

7 (2) a drug rehabilitation treatment program, if the revocation resulted
8 from possession or use of a controlled substance in violation of AS 11.71 or a
9 municipal ordinance.

10 * Sec. 4. AS 28.15.184(g) is amended to read:

11 (g) The hearing for review of a revocation by the department under
12 AS 28.15.183 shall be limited to the issues of whether the person was at least 14 years
13 of age but not yet 21 years of age and whether the person possessed or used a
14 controlled substance in violation of AS 11.71 or a municipal ordinance, or possessed
15 or consumed alcohol in violation of AS 04.16.050 or a municipal ordinance.

16 * Sec. 5. AS 28.15.185(a) is amended to read:

17 (a) A person who is at least 13 years of age but not older than 17 years of age
18 who is adjudicated by a juvenile court of (1) misconduct involving a controlled
19 substance under AS 11.71 or a municipal ordinance, or (2) possession or
20 consumption of alcohol under AS 04.16.050 or a municipal ordinance is subject to
21 revocation of the person's driver's license under (b) of this section.

22 * Sec. 6. AS 28.15.185(c) is amended to read:

23 (c) Upon conviction or adjudication of an offense listed in (a) of this section,
24 the court may, upon petition of the person, review the revocation and may restore the
25 driver's license, except a court may not restore the driver's license until

26 (1) at least one-half of the period of revocation imposed under this
27 section has expired; and

28 (2) the person has taken and successfully completed a state approved
29 program of drug rehabilitation if convicted of misconduct involving a controlled
30 substance under AS 11.71 or a municipal ordinance, or alcohol rehabilitation if
31 convicted of possession or consumption of alcohol under AS 04.16.050 or a

1 municipal ordinance; this paragraph does not apply to a person who resides in an area
2 that does not offer a state approved drug or alcohol rehabilitation program or a person
3 that the court determines does not need alcohol or drug rehabilitation.

4 * Sec. 7. APPLICABILITY. This Act applies to violations of AS 04.16.050, AS 11.71,
5 or a municipal ordinance that occur on or after the effective date of this Act.

6 * Sec. 8. This Act takes effect July 1, 1995.

Municipality
of
Anchorage



P.O. Box 196650
Anchorage, Alaska 99519-6650
Telephone: (907) 343-4250

Rick Mystrom, Mayor

DEPARTMENT OF LAW
Office of the Prosecutor
130 L Street, Suite 100

January 19, 1995

I am writing to express my strongest support for proposed House Bill 21, sponsored by Representative Porter.

As a state, Alaska, sorrowfully, has one of the highest incidents of alcohol abuse in the nation. Unfortunately that abuse often begins at a young age. At least 50% of all juvenile crime in Alaska is linked to alcohol. Alcohol is also a factor in a tremendous number of suicides. In fact as many as 72% of suicides by Native men aged 15 to 24 are alcohol related. Chillingly, nationwide almost 70% of juveniles who report using drugs or alcohol state their first experiences were with drugs or alcohol taken from their parents' supplies.

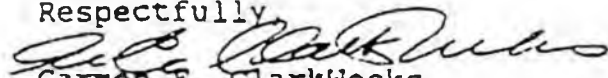
This abuse causes carnage on the roadway. Here in Anchorage there were 13 DWI traffic fatalities compared to 24 murders in 1994. In 1993 Alaska had the 3rd highest percentage of alcohol-related traffic deaths in the nation. Drunk drivers kill 26,000 Americans every year or 1 every 20 minutes. One and a half million people are seriously injured or crippled each year while economic losses range over \$24 billion a year.

Young people generally lack the maturity of judgement to make them the best of drivers at any time. Their sense of immortality can make them disregard or fail to perceive dangers the adult driver would readily see. Couple those characteristics with a proven disposition to consume alcohol and a recipe for disaster is created. Thus, taking their driver's license is both a remedial measure which removes a likely risk from the road and a rehabilitative measure that teaches the relationship between behavior and consequences. The unpleasant consequence, loss of the license, should lead to a decrease in the frequency of the undesirable behavior. The end results will be safer roads and children growing up without the health and social risks associated with early alcohol consumption.

The language chosen for the proposed amendments is also laudable. The Court of Appeals is required to give restrictive interpretation to legislative language. Using the language selected will allow communities to explore approaches to lessening juvenile drug and alcohol abuse tailored to the community's specific needs and problems instead of forcing a complete mirroring of the state statutory prohibitions. In the long run that can only lead to more effective treatment and enforcement.

In closing, I urge the passage of House Bill 21.

Respectfully,



Carmen E. ClarkWeeks
Acting Municipal Prosecutor



CITY OF BARROW

"farthest north incorporated city"

March 3, 1995

Finance Committee
House of Representatives
State Capitol
Juneau, AK 99801-1182

Re: CSHB 21(JUD)

Dear Committee Members:

The City of Barrow, in cooperation with the North Slope Borough School District, and the North Slope Borough Departments of Public Safety and Health, has a minor consuming alcohol program which has been in effect for approximately three years.

Enclosed is a copy of the City of Barrow ordinances relating to the possession or consumption of alcoholic beverages and controlled substances by persons under the age of 18. While our ordinances address both alcohol and controlled substances it has been my experience that minors are cited only under the alcohol portion. As you can see, our ordinance closely tracks the States statute on minor consuming alcohol.

In addition to ordering the minor to pay a fine, the court usually orders the minor to attend one of the City of Barrow's two alcohol education programs. The first program, Insight, is an nine hour education program conducted by a City Community Services Department employee in the school. The second program, Lifeguides, is a thirty two hour education program which is also conducted by a Community Services Department employee in the school.

When the minor has withdrawn from school or is about to turn eighteen the City Attorney does not recommend to the court that the minor be required to attend one of these education programs since the classes are taught in the schools and our ordinance addresses minors up to the age of eighteen.

In more serious cases the court will refer the minor the North Slope Borough's Substance Abuse Treatment Services for evaluation and referral to an off slope treatment program. However, since a violation of the City's ordinance is only an infraction, the court cannot order the minor to comply with any inpatient treatment recommendations from SATS.

I have two comments specific to CSHB 21(JUD):

1. Section 5 which amends AS 28.15.185(a) relates to a minor being adjudicated by a juvenile court. Since the City of Barrow's ordinance is an infraction, it is dealt with in

March 6, 1995 Letter
CSHB 21 (JUD)
Page 2

District Court, as are all City citations. Even though it appears that the proposed amendments were aimed at including violations of ordinances such as the City of Barrow's, since AS 28.15.185 addresses only juvenile court proceedings it does not appear that the court will be given the authority to revoke a minor's driving privileges for violating the City of Barrow's minor consuming ordinance.

2. I do not see a definition of "state approved drug or alcohol rehabilitation" in the bill. However, since our classes are education programs and not rehabilitation programs I assume that the City's classes do not qualify. Unfortunately, the City's classes are the only alcohol programs offered for minors in Barrow. The North Slope Borough's SATS program evaluates minors and assists them in finding treatment off slope but SATS does not provide alcohol rehabilitation in Barrow for minors.

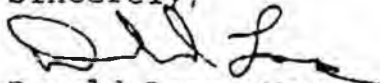
The effect of the amendments in Barrow will be:

1. A minor will be cited for violating the City's minor consuming alcohol ordinance.
2. DMV will revoke the minor's privilege to drive for 90 days.
3. The court will not be able to suspend the minor's driving privileges even if DMV has not done so administratively since the proceeding will not be in juvenile court.
4. Minors will not have the incentive of completing an alcohol education program in order to regain their driving privileges because the City's education programs do not qualify and the minor "who is required to obtain drug or alcoholism treatment resides in an area where drug rehabilitation or alcoholism treatment is unavailable".

Since it appears that the intent of the statutes and amendments is to encourage minors to become educated as to the harmful effect that alcohol has on their lives (in this case through the very real harmful effect of losing driving privileges) I hope that this Committee will consider:

1. Expanding the amendments to include all court proceedings, not just juvenile proceedings involving violations of local ordinances
2. Expanding the definition of alcohol rehabilitation to include programs such as the City of Barrow's Insight and Lifeguides programs.

Sincerely,


Donald Long Mayor

Chapter 9.14POSSESSION OR CONSUMPTION OF ALCOHOLIC BEVERAGES
OR CONTROLLED SUBSTANCES BY MINORSSections:

- 9.14.010 Possession or consumption by persons under the age of eighteen.
9.14.020 Violation--Detention of minor.
9.14.030 Violation--Civil forfeiture.
9.14.040 Definitions.

9.14.010 Possession or consumption by persons under the age of eighteen. A. A person under the age of eighteen may not knowingly consume, possess, or control alcoholic beverages except those furnished under AS 04.16.051(b).

B. A person under the age of eighteen may not knowingly consume, possess, or control a controlled substance except as authorized in AS 17.30.

C. Violation of this section is an infraction, punishable by a maximum fine of three hundred dollars. Additionally, the court may order, and a minor convicted under this section shall undertake, for a term specified by the court, that program of alcohol and/or drug education or rehabilitation that the court, after consideration of any information presented, finds appropriate. (Ord. 91-16 §3(part))

9.14.020 Violation--Detention of minor. If a peace officer has probable cause to believe that a minor is in violation of this chapter, the officer may, in conformity with AS 47.10.140 and AS 47.10.142, take the minor into custody for the sole purpose of either returning the minor to the minor's parent or guardian or, if the minor prefers, to a shelter operated under contract with the State Department of Health and Social Services. (Ord. 91-16 §3(part))

9.14.030 Violation--Civil forfeiture. A. Alcohol or controlled substances possessed or controlled in violation of this chapter and seized as evidence shall be forfeited under the following circumstances:

1. Actual or constructive notice is given to the owner of the liquor or controlled substance so seized that a forfeiture action will be taken; and

2. Judgment is issued by a court of competent jurisdiction in a proceeding in rem that the liquor or controlled substance was used in a manner subjecting it to forfeiture under this section.

B. Property forfeited under this section shall be placed

9.14.040

in the custody of the North Slope Borough department of public safety for disposition according to an order of court. The court shall order destroyed any liquor or controlled substance forfeited under this section, unless it is determined to be evidence necessary in another criminal prosecution. (Ord. 91-16 §3(part))

9.14.040 Definitions. For the purposes of this chapter, the following words and phrases shall have the following meanings:

A. A person acts "knowingly" with respect to conduct or to a circumstance described by a provision of law defining an offense when the person is aware that the person's conduct is of that nature or that the circumstances exist; when knowledge of the existence of a particular fact is an element of an offense, that knowledge is established if a person is aware of a substantial probability of its existence, unless the person actually believes it does not exist; a person who is unaware of conduct or a circumstance of which the person would have been aware had the person not been intoxicated acts knowingly with respect to that conduct or circumstances.

B. "Alcoholic beverage" means an alcoholic beverage as defined by AS 04.21.080(b)(1).

C. "Controlled substance" means any Schedule IA, IIA, IIIA, IVA, VA, or VIA substance defined in AS 11.71. (Ord. 91-16 §3(part))

HB

21

SFIN

FILE

SENATE FINANCE COMMITTEE

7c file

DATE: 3/16/95

FURTHER:

DATE TURNED INTO OFFICE: 3-22-95

The Finance Committee considered CS FOR HOUSE BILL NO. 21(FIN)

Revocation of a driver's license for illegal possession or use of a controlled substance or illegal possession or consumption of alcohol by a person at least 13 but not yet 21 years of age; illegal possession or use of a firearm by a person at least 13 but not yet 18 years of age; efd.

and recommends:

- be replaced with 5 CS CSHB 21 (Fin)
- adopt previous _____ CS _____
- attached amendment(s)
- adopt Letter of Intent by _____ Committee
- further referral to the _____ Committee

Senate Bill:
same title

JCS
(Fin)
to follow

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	NR	DNP	AM
<i>Roller</i>	<input checked="" type="checkbox"/>	<i>Steve Thier</i>		<input checked="" type="checkbox"/>	
<i>Best Group</i>	<input checked="" type="checkbox"/>	<i>Dee Deery</i>	<input checked="" type="checkbox"/>		
		<i>Paul P. Zhanoff</i>	<input checked="" type="checkbox"/>		
Co-Chair: <i>[Signature]</i>	<input checked="" type="checkbox"/>				
Co-Chair: <i>Kirk Halford</i>	<input checked="" type="checkbox"/>				

NEW FISCAL NOTE(S):

Department Date Zero Fiscal

Department	Date	Zero	Fiscal

PREVIOUS FISCAL NOTE(S):*

Department Date Zero Fiscal

#	Department	Date	Zero	Fiscal
#1	DOLA	2/1/95	<input checked="" type="checkbox"/>	
#2	DPS	1/31/95	<input checked="" type="checkbox"/>	
#3	DHSS	1/30/95	<input checked="" type="checkbox"/>	
#4	DOA	3/3/95	<input checked="" type="checkbox"/>	

APPROPRIATION -- no fiscal note

*include fiscal notes accompanying Governor's bill

FISCAL NOTE

No. 4

STATE OF ALASKA
1995 LEGISLATIVE SESSION

Bill Version: CS HB 21 (FIN)
(H) Publish Date: 3/9/95

Revision Date: _____
Title: "An Act relating to revocation of a driver's license for illegal possession or use of a controlled substance"
Sponsor: Rep. Porter
Requestor: (H) FIN

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

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING EXPENDITURES	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0
CAPITAL EXPENDITURES	0	0	0	0	0	0
CHANGE IN REVENUES ()	0	0	0	0	0	0

FUND SOURCE: (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	0.0	0.0	0.0

Estimate of any current year (FY 95) cost: \$ -0-

POSITIONS:

FULL-TIME						
PART TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary.)
No measurable impact on the Public Defender Agency is anticipated.

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

Phone: 264-4400
Date: _____

Approved by Commissioner: Mark Boyer
Agency: Department of Administration

Date: 3/3/95

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COMMITTEE COPY For further distribution information, call the Governor's Legislative Office

Revision Date: 01/27/95
Title: An act relating to revocation of a driver's license
Sponsor: Porter and Toohay
Requestor:

Dept. Affected: Health and Social Services
BRU: Alcohol and Drug Abuse Svcs
Component: ADA Administration
COMPONENT SERIAL NO. 302
See also (SN#):

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING	FY96	FY97	FY98	FY99	FY00	FY01
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
----------------------	--	--	--	--	--	--

CHANGES IN REVENUES ()						
-------------------------	--	--	--	--	--	--

FUND SOURCE

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other (please specify)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of any current year (FY95) cost: \$0.0

ANALYSIS: (Attach a separate page if necessary)

This bill has no fiscal impact on the division.

Prepared by: Patty L. Olson
Division: Alcoholism & Drug Abuse

Phone: _____
Date: 01/27/95

Approved by Commissioner: Karen Perdue, Commissioner
Agency: Department of Health & Social Services

Date: 1/30/95

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FISCAL NOTE

STATE OF ALASKA
1995 LEGISLATIVE SESSION

Bill

Version: CS HB 21 (TPA)
(H) Publish Date: 3/10/95

Revision Date: _____ Dept. Affected: Public Safety
 Title: In act relating to revocation of a BRU: Alaska State Troopers
minor's license for illegal possession, etc. Component: Detachments
 Sponsor: Representative Brian Porter
 Requestor: _____ COMPONENT SERIAL NO. 0799

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

OPERATING	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL EXPENDITURES	-0-	-0-	-0-	-0-	-0-	-0-
CHANGE IN REVENUES ()	-0-	-0-	-0-	-0-	-0-	-0-
<small>Revenue Code</small>						

FUNDING: (Thousands of Dollars)

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

Estimate of current year (FY 95) impact: \$ -0-

POSITIONS:

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

ANALYSIS: (Attach a separate page if necessary.)
No material impact.

Prepared By: Francis C. Allan Phone: 269-5691
 Division: Alaska State Troopers Date: 01/20/95
 Approved by Commissioner: *[Signature]* Date: 11/31/95
 Agency: Ronald L. Otte, Dept. of Public Safety

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FISCAL NOTE

No. 1
 Bill Version: CS HB21 (TRA)
 (H) Publish Date: 2/10/95

STATE OF ALASKA
 1995 LEGISLATIVE SESSION

Revision Date: _____ Dept. Affected: Department of Law
 Title: ...revocation of a driver's license for illegal possession or use of a controlled substance...consumption of alcohol... BRU: Prosecution
 Sponsor: Representative Porter Component: All
 Requester: Representative Porter COMPONENT SERIAL NO. 0085-90

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
----------------------	--	--	--	--	--	--

CHANGE IN REVENUES (
----------------------	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

FUND SOURCE	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY95) cost: \$ 0.0

POSITIONS

POSITIONS	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
FULL-TIME	0.0	0.0	0.0	0.0	0.0	0.0
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

This bill extends the driver's license revocation penalties, contained in AS 28.15, for minors who possess or use a controlled substance in violation of AS 11.71, or who possess or consume alcohol, in violation of AS 04.16.050, to include violations of municipal ordinances with substantially similar elements. The revocation of licenses is primarily an administrative process within the Department of Public Safety. The Department of Law's involvement consists of representing the Department of Public Safety (when needed) in an appeals hearing, to review a revocation. Such involvement, since the state's revocation penalties took effect last summer, has been minimal. Consequently, a fiscal impact is not expected.

Prepared by: Richard I. Pegues, Director Phone: 465-3672
 Division: Administrative Services Division Date: 2/1/95
 Approved by Commissioner: Bruce M. Botelho, Attorney General Date: 2/1/95
 Agency: Department of Law

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Amend #1

*P. 3 - 6 RP
After
Ordinance
insert:
with substantially
similar elements*

SCS for CS FOR HOUSE BILL NO. 21(FIN)

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - FIRST SESSION

Add:

BY THE HOUSE FINANCE COMMITTEE

*"with substantially
similar elements"*

Offered: 3/9/95
Referred: Rules

*following
ordinance throughout
the bill.*

Sponsor(s): REPRESENTATIVES PORTER AND TOOHEY, Rokeberg

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to revocation of a driver's license for illegal possession or use
2 of a controlled substance or illegal possession or consumption of alcohol by a
3 person at least 13 but not yet 21 years of age; relating to revocation of a
4 driver's license for illegal possession or use of a firearm by a person at least 13
5 but not yet 18 years of age; relating to treatment programs required for issuance
6 or reissuance of a driver's license; and providing for an effective date."

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

8 * Section 1. AS 28.15.183(a) is amended to read:

9 (a) If a peace officer has probable cause to believe [AND BASED ON
10 PERSONAL OBSERVATION] that a person who is at least 14 years of age but not
11 yet 21 years of age has possessed or used a controlled substance in violation of
12 AS 11.71 or a municipal ordinance, or possessed or consumed alcohol in violation
13 of AS 04.16.050 or a municipal ordinance, and the peace officer has cited the person

1 or arrested the person for a violation of AS 11.71, [OR] AS 04.16.050, or the
2 municipal ordinance, the peace officer shall read a notice and deliver a copy to the
3 person. The notice must advise that

4 (1) the department intends to revoke the person's driver's license or
5 permit, privilege to drive, or privilege to obtain a license or permit;

6 (2) the person has the right to administrative review of the revocation;

7 (3) if the person has a driver's license or permit, the notice itself is a
8 temporary driver's license or permit that expires seven days after it is delivered to the
9 person;

10 (4) revocation of the person's driver's license or permit, privilege to
11 drive, or privilege to obtain a license or permit, takes effect seven days after delivery
12 of the notice to the person unless the person, within seven days, requests an
13 administrative review.

14 * Sec. 2. AS 28.15.183(c) is amended to read:

15 (c) Unless the person has requested an administrative review, the department
16 shall revoke the person's driver's license or permit, privilege to drive, or privilege to
17 obtain a license or permit, effective seven days after delivery to the person of the
18 notice required under (a) of this section, upon receipt of a sworn report of a peace
19 officer

20 (1) that the officer had probable cause to believe [AND BASED ON
21 PERSONAL OBSERVATIONS] that the person is at least 14 years of age but not yet
22 21 years of age and has possessed or used a controlled substance in violation of
23 AS 11.71 or a municipal ordinance, or possessed or consumed alcohol in violation
24 of AS 04.16.050 or a municipal ordinance;

25 (2) that the peace officer has cited the person or arrested the person for

26 (A) a violation of AS 11.71 or AS 04.16.050; or

27 (B) possession or use of a controlled substance or alcohol in
28 violation of a municipal ordinance;

29 (3) that notice under (a) of this section was provided to the person; and

30 (4) describing the circumstances surrounding the violation of the
31 controlled substances provisions of AS 11.71, [OR] the alcoholic beverages provisions

1 of AS 04.16.050, or the municipal ordinance.

2 * Sec. 3. AS 28.15.183(g) is amended to read:

3 (g) Except as provided under (h) of this section, the department may not issue
4 a new license or reissue a license to a person whose driver's license, permit, or
5 privilege to drive has been revoked under this section unless the person is enrolled in
6 and is in compliance with, or has successfully completed

7 (1) an alcoholism education or [AND] rehabilitation treatment program,
8 if the revocation resulted from possession or consumption of alcohol in violation of
9 AS 04.16.050 or a municipal ordinance; or

10 (2) a drug education or rehabilitation treatment program, if the
11 revocation resulted from possession or use of a controlled substance in violation of
12 AS 11.71 or a municipal ordinance.

13 * Sec. 4. AS 28.15.184(g) is amended to read:

14 (g) The hearing for review of a revocation by the department under
15 AS 28.15.183 shall be limited to the issues of whether the person was at least 14 years
16 of age but not yet 21 years of age and whether the person possessed or used a
17 controlled substance in violation of AS 11.71 or a municipal ordinance, or possessed
18 or consumed alcohol in violation of AS 04.16.050 or a municipal ordinance.

19 * Sec. 5. AS 28.15.185(a) is amended to read:

20 (a) A person who is at least 13 years of age but not older than 17 years of age
21 who is convicted or who is adjudicated by a juvenile court of (1) misconduct
22 involving a controlled substance under AS 11.71 or a municipal ordinance; (2)
23 possession or consumption of alcohol under AS 04.16.050 or a municipal ordinance;
24 or (3) an offense involving the illegal use or possession of a firearm that is
25 punishable under AS 11 or a municipal ordinance is subject to revocation of the
26 person's driver's license, privilege to drive, or privilege to obtain a license under (b)
27 of this section.

28 * Sec. 6. AS 28.15.185(c) is amended to read:

29 (c) Upon conviction or adjudication of an offense listed in (a) of this section,
30 the court may, upon petition of the person, review the revocation and may restore the
31 driver's license, except a court may not restore the driver's license until

Amend. #2

- 1 (1) at least one-half of the period of revocation imposed under this
2 section has expired; and
- 3 (2) the person has taken and successfully completed a state approved
4 program of drug education or rehabilitation if convicted ^{or adjudicated} of misconduct involving a
5 controlled substance under AS 11.71 or a municipal ordinance, or alcohol education
6 or rehabilitation if convicted ^{or adjudicated} of possession or consumption of alcohol under
7 AS 04.16.050 or a municipal ordinance; this paragraph does not apply to a person
8 who resides in an area that does not offer a state approved drug or alcohol education
9 or rehabilitation program or a person that the court determines does not need alcohol
10 or drug education or rehabilitation.
- 11 * **Sec. 7. APPLICABILITY.** This Act applies to violations of AS 04.16.050, AS 11, or
12 a municipal ordinance that occur on or after the effective date of this Act.
- 13 * **Sec. 8.** This Act takes effect July 1, 1995.

DD
p. 4 ~~3~~
~~6~~
"or adjudicated"
Adopted
after Rehab.

MEMO

TO: Legal Services
FROM: Kathy
Senate Finance
2618
DATE: March 22, 1995
RE: SCS CSHB 21 (Finance)

Please prepare a draft Senate Finance Committee Substitute for CSHB 21 (Fin), incorporating the following amendments:

Amend. #1: Add: "with substantially similar elements" following municipal ordinance throughout all sections of the bill.

Amend. #2: Add: "or adjudicated" following the word "convicted" at Page 4, Lines 4 and 6.

The bill was reported out of committee this morning and is on its way to Rules, so time is of the essence. Please deliver draft to Kathy or Norma, Room 520, Capitol Building. Thank you.

*Delivered to Legal
by Rose 11:20am*

*Draft delivered to
Larry, Sen. Donley,
& Rep. Porter 2:00pm*

*Kathy -
(u) Senator Donley's
Office - Karen - called to
say Draft of SB21 is fine!
Norma*

DRAFT DRAFT DRAFT

9-LS0121\NR

SENATE CS FOR CS FOR HOUSE BILL NO. 21(FIN)

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - FIRST SESSION

BY THE SENATE FINANCE COMMITTEE

Offered:

Referred:

Sponsor(s): REPRESENTATIVES PORTER AND TOOHEY, Rokeberg

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to revocation of a driver's license for illegal possession or use
2 of a controlled substance or illegal possession or consumption of alcohol by a
3 person at least 13 but not yet 21 years of age; relating to revocation of a
4 driver's license for illegal possession or use of a firearm by a person at least 13
5 but not yet 18 years of age; relating to treatment programs required for issuance
6 or reissuance of a driver's license; and providing for an effective date."

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

8 * Section 1. AS 28.15.183(a) is amended to read:

9 (a) If a peace officer has probable cause to believe [AND BASED ON
10 PERSONAL OBSERVATION] that a person who is at least 14 years of age but not
11 yet 21 years of age has possessed or used a controlled substance in violation of
12 AS 11.71 or a municipal ordinance with substantially similar elements, or
13 possessed or consumed alcohol in violation of AS 04.16.050 or a municipal

1 ordinance with substantially similar elements, and the peace officer has cited the
2 person or arrested the person for a violation of AS 11.71, [OR] AS 04.16.050, or the
3 municipal ordinance with substantially similar elements, the peace officer shall read
4 a notice and deliver a copy to the person. The notice must advise that

5 (1) the department intends to revoke the person's driver's license or
6 permit, privilege to drive, or privilege to obtain a license or permit;

7 (2) the person has the right to administrative review of the revocation;

8 (3) if the person has a driver's license or permit, the notice itself is a
9 temporary driver's license or permit that expires seven days after it is delivered to the
10 person;

11 (4) revocation of the person's driver's license or permit, privilege to
12 drive, or privilege to obtain a license or permit, takes effect seven days after delivery
13 of the notice to the person unless the person, within seven days, requests an
14 administrative review.

15 * Sec. 2. AS 28.15.183(c) is amended to read:

16 (c) Unless the person has requested an administrative review, the department
17 shall revoke the person's driver's license or permit, privilege to drive, or privilege to
18 obtain a license or permit, effective seven days after delivery to the person of the
19 notice required under (a) of this section, upon receipt of a sworn report of a peace
20 officer

21 (1) that the officer had probable cause to believe [AND BASED ON
22 PERSONAL OBSERVATIONS] that the person is at least 14 years of age but not yet
23 21 years of age and has possessed or used a controlled substance in violation of
24 AS 11.71 or a municipal ordinance with substantially similar elements, or
25 possessed or consumed alcohol in violation of AS 04.16.050 or a municipal
26 ordinance with substantially similar elements;

27 (2) that the peace officer has cited the person or arrested the person for

28 (A) a violation of AS 11.71 or AS 04.16.050; or

29 (B) possession or use of a controlled substance or alcohol in
30 violation of a municipal ordinance with substantially similar elements;

31 (3) that notice under (a) of this section was provided to the person; and

1 (4) describing the circumstances surrounding the violation of the
2 controlled substances provisions of AS 11.71, [OR] the alcoholic beverages provisions
3 of AS 04.16.050, or the municipal ordinance with substantially similar elements.

4 * Sec. 3. AS 28.15.183(g) is amended to read:

5 (g) Except as provided under (h) of this section, the department may not issue
6 a new license or reissue a license to a person whose driver's license, permit, or
7 privilege to drive has been revoked under this section unless the person is enrolled in
8 and is in compliance with, or has successfully completed

9 (1) an alcoholism education or [AND] rehabilitation treatment program,
10 if the revocation resulted from possession or consumption of alcohol in violation of
11 AS 04.16.050 or a municipal ordinance with substantially similar elements; or

12 (2) a drug education or rehabilitation treatment program, if the
13 revocation resulted from possession or use of a controlled substance in violation of
14 AS 11.71 or a municipal ordinance with substantially similar elements.

15 * Sec. 4. AS 28.15.184(g) is amended to read:

16 (g) The hearing for review of a revocation by the department under
17 AS 28.15.183 shall be limited to the issues of whether the person was at least 14 years
18 of age but not yet 21 years of age and whether the person possessed or used a
19 controlled substance in violation of AS 11.71 or a municipal ordinance with
20 substantially similar elements, or possessed or consumed alcohol in violation of
21 AS 04.16.050 or a municipal ordinance with substantially similar elements.

22 * Sec. 5. AS 28.15.185(a) is amended to read:

23 (a) A person who is at least 13 years of age but not older than 17 years of age
24 who is convicted or who is adjudicated by a juvenile court of (1) misconduct
25 involving a controlled substance under AS 11.71 or a municipal ordinance with
26 substantially similar elements; (2) possession or consumption of alcohol under
27 AS 04.16.050 or a municipal ordinance with substantially similar elements; or (3)
28 an offense involving the illegal use or possession of a firearm that is punishable
29 under AS 11 or a municipal ordinance with substantially similar elements is
30 subject to revocation of the person's driver's license, privilege to drive, or privilege
31 to obtain a license under (b) of this section.

1 * Sec. 6. AS 28.15.185(c) is amended to read:

2 (c) Upon conviction or adjudication of an offense listed in (a) of this section,
3 the court may, upon petition of the person, review the revocation and may restore the
4 driver's license, except a court may not restore the driver's license until

5 (1) at least one-half of the period of revocation imposed under this
6 section has expired; and

7 (2) the person has taken and successfully completed a state approved
8 program of drug education or rehabilitation if convicted or adjudicated of
9 misconduct involving a controlled substance under AS 11.71 or a municipal
10 ordinance with substantially similar elements, or alcohol education or rehabilitation
11 if convicted or adjudicated of possession or consumption of alcohol under
12 AS 04.16.050 or a municipal ordinance with substantially similar elements; this
13 paragraph does not apply to a person who resides in an area that does not offer a state
14 approved drug or alcohol education or rehabilitation program or a person that the
15 court determines does not need alcohol or drug education or rehabilitation.

16 * Sec. 7. APPLICABILITY. This Act applies to violations of AS 04.16.050, AS 11, or
17 a municipal ordinance that occur on or after the effective date of this Act.

18 * Sec. 8. This Act takes effect July 1, 1995.



Alaska State Legislature

HOUSE OF REPRESENTATIVES

Committee on Finance

Official Business

State Capitol
Juneau, Alaska 99801-1182

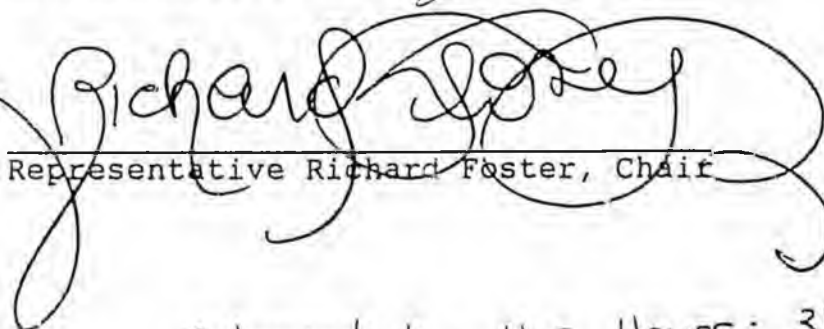
LETTER OF INTENT
FOR
CS HB 21 (FIN)

It is the intent of the Alaska Legislature that general fund program receipts provided by the driver's license reinstatement fee be divided equally between the Department of Public Safety and the Department of Health and Social Services. The program receipts received by the Department of Health and Social Services should be used for alcohol and drug abuse prevention and treatment programs specifically targeted at youth.



Representative Mark Hanley, Chair

3/8/95
Date



Representative Richard Foster, Chair

8 MAR 95
Date

Adopted by the House: 3/15/95

SENATE FINANCE COMMITTEE REPORT

DATE: 4/19/94

FURTHER:

DATE TURNED INTO OFFICE: 4-25-94

The Finance Committee considered SENATE BILL NO. 166

"An Act relating to registration of a motor vehicle, and issuance, renewal, reinstatement, and revocation of a driver's license for failure to appear in court or failure to pay a fine."

1994 Report

and recommends:

replace with CS SB 166 (FINANCE)
 or adopt previous CS _____
 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

**Cross Ref. - 1995
 HB 21
 SB 82**

NEW FISCAL NOTES

Department	Date	Zero	Fiscal
Courts	4/18/94		6.9

PREVIOUS FISCAL NOTES

Department	Date	Zero	Fiscal
DPS	4/18/94		101.9
			247.5

opt. revenue

Appropriation No Fiscal Note

DO PASS

OTHER RECOMMENDATIONS:

 Steve King No Recommendation

1. _____
 Co-Chair: Signature/Recommendation

2. _____
 Co-Chair: Signature/Recommendation

FISCAL NOTE

STATE OF ALASKA
1994 LEGISLATIVE SESSION

No. 2
Bill Version: CSSB 1166 (TUD)
(S) Publish Date: 4.19.94

Revision Date: _____ Dept. Affected: Public Safety
Title: "An Act relating to registration of a motor vehicle, revocation of driver's license failure appear" BRU: Motor Vehicles
Sponsor: Senator Taylor Component: Driver Services Field Services
Requestor: (S) JUD COMPONENT SERIAL NO. 500, 501

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

OPERATING	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
PERSONAL SERVICES	75.1	75.1	75.1	75.1	75.1	75.1
TRAVEL						
CONTRACTUAL	5.8	0	0	0	0	0
SUPPLIES	1.0	1.0	1.0	1.0	1.0	1.0
EQUIPMENT	20.0					
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	101.9	76.1	76.1	76.1	76.1	76.1
CAPITAL						
REVENUE FUND SOURCE: (1005)	247.5	247.5	247.5	247.5	247.5	247.5

FUNDING: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts	101.9	76.1	76.1	76.1	76.1	76.1
1006 GF/MHTIA						
Other						
TOTAL	101.9	76.1	76.1	76.1	76.1	76.1

Estimate of current year (FY 94) impact: \$ _____

POSITIONS:

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

ANALYSIS: (Attach a separate page if necessary.)
See attached analysis.

Prepared By: Juanita Hensley Phone: 465-2650
Division: Motor Vehicles Date: 04/18/94
Approved by Commissioner: *[Signature]* Date: 04/18/94
Agency: Richard L. Burton, Dept. of Public Safety

PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE

For further distribution information call the Governor's Legislative Office

This bill allows the courts to suspend a driver's license of a person who has failed to appear in court or failed to pay a fine for a moving traffic offense. The court has advised there are 25,000 moving violations each year where the person fails to pay the fine or fails to appear in court for a moving traffic violation. It is assumed the court will suspend the driver's license of 10% or 2,500 drivers each year.

This bill impacts the Division of Motor Vehicles by resulting in 4,750 updates to the driving record of the persons being suspended. One entry will add the suspension, and another entry will end the suspension. Reinstating the driver's license will also impact the DMV field offices as the DMV clerk will be required to see proof from the court that the person has complied with the court requirements by appearing in court, or by paying the fine for the moving violation. It is estimated 90% of all persons whose license is suspended will reinstate their driving privilege. A \$100.00 reinstatement fee is charged anytime a person has had his license suspended or revoked. A person will also have to pay a duplicate license fee of \$10.00 prior to the license being issued. This will bring in an additional \$247.5 in new general fund program receipt revenue.

Total number of suspension notices received from the courts by DMV	2,500
Total number of suspensions being ended when person has complied with the courts	2,250
Total number of licenses reinstated	2,250

	FY95	FY96
<u>Personal Services</u>		
	<u>Salary and Benefits</u>	
Document Processor III (Juneau)	\$38.4	\$38.4
Motor Vehicle Representative II (Anchorage)	\$36.7	\$36.7
<u>Contractual</u>		
Redesign and Order Traffic Citations (one time cost)	\$ 5.8	
<u>Supplies</u>		
Office Supplies	\$ 1.0	\$ 1.0
<u>Equipment</u>		
2 Computer Workstations @\$10.0	\$20.0	
TOTAL	\$101.9	\$76.1

FISCAL NOTE

STATE OF ALASKA
1994 LEGISLATIVE SESSION

BILL NO. CSSB 166 (S.M)

Revision Date: 04/18/94 Dept. Affected: Alaska Court System
 Title: Driver's License Revocation BRU: Trial Courts
 Components: _____
 Sponsor: Senate Judiciary
 Requestor: _____ COMPONENT SERIAL NO. 768

EXPENDITURES/REVENUES (Thousands of Dollars)

OPERATING EXPENDITURES	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
PERSONAL SERVICES	5.4	5.4	5.4	5.4	5.4	5.4
TRAVEL						
CONTRACTUAL	1.3	1.3	1.3	1.3	1.3	1.3
SUPPLIES	0.2	0.2	0.2	0.2	0.2	0.2
EQUIPMENT						
LAND & STRUCTURES						
GRANTS & CLAIMS						
TOTAL OPERATING	6.9	6.9	6.9	6.9	6.9	6.9

CAPITAL EXPENDITURES						
----------------------	--	--	--	--	--	--

CHANGE IN REVENUES ()						
------------------------	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)


1002 Federal Receipts						
1003 GF Match						
1004 GF	6.9	6.9	6.9	6.9	6.9	6.9
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	6.9	6.9	6.9	6.9	6.9	6.9

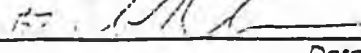
POSITIONS

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year (FY 94) cost: \$ None

ANALYSIS: (Attach a separate page if necessary)
 See attached analysis.

Prepared by: C. S. Christensen III, Staff Counsel  Phone: 264-8228
 Agency: Alaska Court System Date: 04/18/94

Approved by: Arthur H. Snowden, II, Administrative Director 
 Agency: Alaska Court System Date: 04/18/94

PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE

Alaska Court SystemFiscal AnalysisCSSB 166

This bill provides the option of suspending driver's licenses for persons who fail to pay fines in traffic-related offenses and to persons who fail to appear at the court for moving violations. The court will be required to prepare two new forms: (1) a notice of license revocation and (2) a notice of termination of license revocation. During FY 93, the court system processed over 68,500 traffic offenses, of which nearly 39,000 involved moving violations. For purposes of this fiscal note, we have used the following assumptions:

<u>Estimated Number of Warrants Issued for Failure to Satisfy (25% of all traffic citations)</u>	<u>17,100</u>	
10% of warrant recipients will receive Notice of Revocation		1,700
80% of notice recipients will receive Notice of Termination of Revocation		1,400
<u>Estimated Number of Warrants Issued for Failure to Appear (20% of moving violation citations)</u>	<u>7,300</u>	
10% of warrant recipients will receive Notice of Revocation		300
80% of notice recipients will receive Notice of Termination of Revocation		500
Total number of notices processed by the courts		<u>4,500</u>

It is assumed that each notice will require 3 minutes of clerical time for preparation, mailing and tracking. Statewide clerical overtime needs are estimated at 225 hours.

Fiscal ImpactPersonal Services

	<u>Amount</u>
Overtime pay for clerical staff to accomplish additional computations. Based on range 10C Anchorage court clerk	5,402

Contractual

Postage - mail 4,500 notices at 29¢ each	1,305
------------------------------------------	-------

Supplies

Cost of paper and envelopes for printing and mailing notices	<u>199</u>
--------------------------------------------------------------	------------

Total Cost	<u><u>56,906</u></u>
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Alaska Fire Chief's Association

P.O. Box 8508 • Nikiski, Alaska 99635 • (907) 283-4202 • FAX 283-8404

Billy W. Harris
President

TIMOTHY J. BIGGANE
1st Vice President
(907) 488-3400
North Pole

Resolution 95-03

MICHAEL G. MCGOWAN
2nd Vice President
(907) 474-7916
Fairbanks

THE ALASKA FIRE CHIEF'S ASSOCIATION SUPPORTS HOUSE BILL NO. 21

TERI CARTER
Secretary / Treasurer
(907) 283-4388
Nikiski

WHEREAS, it is our responsibility as adults and community leaders to send a strong message to our youth that the possession and use of controlled substances, and the use of alcohol dangerous and,

DEWEY WHITSELL
Director
(907) 424-6117
Cordova

WHEREAS, only responsible people should be allowed to operate motor vehicles on our roadways and,

GREG BARCLAY
Director
(907) 262-4792
Soldotna

WHEREAS, the use and possession of alcohol and controlled substances by minors directly impacts the emergency services by increasing the number of motor vehicle accidents, suicides and attempts, assaults, and domestic disturbances and,

MIKE HOLZMUELLER
Director
(907) 474-7721
Fairbanks

WHEREAS, the Alaska Fire Chief's Association is dedicated to reducing the loss of life and property,

MIKE DOLPH
Director
(907) 486-6040
Kodiak

NOW THEREFORE BE IT RESOLVED THAT,

**THE ALASKA FIRE CHIEF'S ASSOCIATION STRONGLY SUPPORTS THE
PASSING OF HOUSE BILL NO. 21.**

JOHN P. KRILL
Director
(907) 373-8800
Wasilla

ADOPTED, THIS 20th DAY OF MARCH, 1995.

ANDREW POSTISHEK
Past President
(907) 265-8794
Wasilla

Billy W. Harris
President, AFCA

ATTEST:
Secretary



Official Business

Alaska State Legislature

HOUSE OF REPRESENTATIVES

State Capitol
Juneau, AK 99801-1182

MEMORANDUM

TO: Senator Rick Halford, Co-Chair
Senate Finance Committee

FROM: Representative Cynthia Toohey, Joint Sponsor
Representative Brian Porter, Joint Sponsor *CT*
BP.

DATE: March 15 1995

RE: House Bill 21, "An Act relating to revocation of a driver's license for illegal possession or use of a controlled substance or illegal possession or consumption of alcohol by a person at least 13 but not yet 21 years of age; and providing for an effective date."

We respectfully request that you schedule the above-referenced bill for a hearing in your committee.

This bill will close a small, but important loophole in the "Use It, Lose It" bill that passed last session.

House Bill 21 amends the law to include municipal ordinance as well as state law.

Attached are:

1. Zero fiscal notes from the Department of Public Safety, the Department of Health and Social Services, and the Department of Law
2. Sponsor statement
3. Letter of support

Please contact Marveen at 6820 if you have any questions. Thank you.



Alaska State Legislature

HOUSE OF REPRESENTATIVES

Official Business

State Capitol
Juneau, AK 99801-1182

SPONSOR STATEMENT

House Bill 21 closes a small, but important loophole in House Bill 299 which passed last year.

That law should be amended to include municipal ordinance as well as state law. House Bill 21 does this.

At the recommendation of the Department of Law, the bill was amended in the House Finance Committee to include court revocation of a minor's license for a minor who is convicted or adjudicated for an offense involving the illegal use or possession of a firearm that is punishable under state statute or municipal ordinance. The House Finance Committee Substitute passed out with eight do-passes and three no-recs.

There are zero fiscal notes from the Department of Public Safety, the Department of Health and Social Services, and the Department of Law. The simple fix will cost the state nothing, but will increase the effectiveness of this law which provides additional incentive for youth not to use alcohol or drugs or illegally use or possess firearms.

House Bill 21 passed the House unanimously.

Municipality
of
Anchorage



P.O. Box 196650
Anchorage, Alaska 99519-6650
Telephone: (907) 343-4250

Rick Mystrom, Mayor

DEPARTMENT OF LAW
Office of the Prosecutor
320 L Street, Suite 100

January 19, 1995

I am writing to express my strongest support for proposed House Bill 21, sponsored by Representative Porter.

As a state, Alaska, sorrowfully, has one of the highest incidents of alcohol abuse in the nation. Unfortunately that abuse often begins at a young age. At least 50% of all juvenile crime in Alaska is linked to alcohol. Alcohol is also a factor in a tremendous number of suicides. In fact as many as 72% of suicides by Native men aged 15 to 24 are alcohol related. Chillingly, nationwide almost 70% of juveniles who report using drugs or alcohol state their first experiences were with drugs or alcohol taken from their parents' supplies.

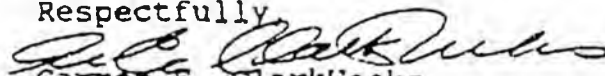
This abuse causes carnage on the roadway. Here in Anchorage there were 13 DWI traffic fatalities compared to 24 murders in 1994. In 1993 Alaska had the 3rd highest percentage of alcohol-related traffic deaths in the nation. Drunk drivers kill 26,000 Americans every year or 1 every 20 minutes. One and a half million people are seriously injured or crippled each year while economic losses range over \$24 billion a year.

Young people generally lack the maturity of judgement to make them the best of drivers at any time. Their sense of immortality can make them disregard or fail to perceive dangers the adult driver would readily see. Couple those characteristics with a proven disposition to consume alcohol and a recipe for disaster is created. Thus, taking their driver's license is both a remedial measure which removes a likely risk from the road and a rehabilitative measure that teaches the relationship between behavior and consequences. The unpleasant consequence, loss of the license, should lead to a decrease in the frequency of the undesirable behavior. The end results will be safer roads and children growing up without the health and social risks associated with early alcohol consumption.

The language chosen for the proposed amendments is also laudable. The Court of Appeals is required to give restrictive interpretation to legislative language. Using the language selected will allow communities to explore approaches to lessening juvenile drug and alcohol abuse tailored to the community's specific needs and problems instead of forcing a complete mirroring of the state statutory prohibitions. In the long run that can only lead to more effective treatment and enforcement.

In closing, I urge the passage of House Bill 21.

Respectfully,



Carmen E. ClarkWeeks
Acting Municipal Prosecutor

03/15/95

HOUSE JOURNAL

PAGE 0746

REPRESENTATIVE VEZEY MOVED AND ASKED UNANIMOUS CONSENT THAT CSHB 21(FIN) BE CONSIDERED ENGROSSED, ADVANCED TO THIRD READING AND PLACED ON FINAL PASSAGE. THERE BEING NO OBJECTION, IT WAS SO ORDERED.

CSHB 21(FIN) WAS READ THE THIRD TIME.

THE QUESTION BEING: "SHALL CSHB 21(FIN) PASS THE HOUSE?" THE ROLL WAS TAKEN WITH THE FOLLOWING RESULT:

CSHB 21(FIN)
THIRD READING
FINAL PASSAGE

YEAS: 37 NAYS: 0 EXCUSED: 2 ABSENT: 1

03/15/95

HOUSE JOURNAL

PAGE 0747

HB 21

YEAS: AUSTERMAN, BRICE, BUNDE, DAVIES, B.DAVIS, G.DAVIS, ELTON, FINKELSTEIN, POSTER, GREEN, GRUSSENDORF, HANLEY, IVAN, JAMES, KELLY, KOHRING, KOTT, KUBINA, MACKIE, MACLEAN, MARTIN, MASEK, MOSES, MULDER, NAVARRE, OGAN, PARNELL, PHILLIPS, PORTER, ROBINSON, ROKEBERG, SANDERS, THERRIALT, TOOHEY, VEZEY, WILLIAMS, WILLIS

EXCUSED: BARNES, NICHOLIA

ABSENT: BROWN

AND SO, CSHB 21(FIN) PASSED THE HOUSE.

REPRESENTATIVE VEZEY MOVED AND ASKED UNANIMOUS CONS

03/15/95

HOUSE JOURNAL

PAGE 0746

REPRESENTATIVE VEZEY MOVED AND ASKED UNANIMOUS CONSENT THAT CSHB 21(FIN) BE CONSIDERED ENGROSSED, ADVANCED TO THIRD READING AND PLACED ON FINAL PASSAGE. THERE BEING NO OBJECTION, IT WAS SO ORDERED.

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CSHB 21(FIN)
THIRD READING
FINAL PASSAGE

YEAS: 37 NAYS: 0 EXCUSED: 2 ABSENT: 1

03/15/95

HOUSE JOURNAL

PAGE 0747

HB 21

YEAS: AUSTERMAN, BRICE, BUNDE, DAVIES, B.DAVIS, G.DAVIS, ELTON, FINKELSTEIN, FOSTER, GREEN, GRUSSENDORF, HANLEY, IVAN, JAMES, KELLY, KOHRING, KOTT, KUBINA, MACKIE, MACLEAN, MARTIN, MASEK, MOSES, MULDER, NAVARRE, OGAN, PARNELL, PHILLIPS, PORTER, ROBINSON, ROKEBERG, SANDERS, THERRIALT, TOOHEY, VEZEY, WILLIAMS, WILLIS

EXCUSED: BARNES, NICHOLIA

ABSENT: BROWN

AND SO, CSHB 21(FIN) PASSED THE HOUSE.

REPRESENTATIVE VEZEY MOVED AND ASKED UNANIMOUS CONS

HB

22

HFIN

FILE

HOUSE COMMITTEE REPC T

(11)

Date Referred to Committee: February 9, 1996

FURTHER REFERRALS:

Date of Committee Action: 3/11/96

The FINANCE Committee considered:

HB 22

HOUSE BILL NO. 22

STATE LONG-TERM PLANNING

"An Act relating to long-term plans of certain state agencies and recommendations regarding elimination of duplication in state agency functions."

recommends it be replaced with the following committee substitute CS HB 22 (FIN) the same title a new title

additional referral to _____ Committee
 attached amendment(s)

ADOPTS: _____ Letter of Intent

ATTACHES NEW FISCAL NOTE(s): (Dept) _____ APPROVES PREVIOUS: (Dept/Date) _____
 fiscal note(s) HFC fiscal note(s) _____

zero fiscal note(s) _____ zero fiscal note(s) _____

SIGNING WITH RECOMMENDATIONS		DP	DNP	NR	AM
<i>Richard D. Foster</i>	FOSTER	X			
<i>Mark Hanley</i>	Hanley	X			
<i>Gordon Mulder</i>	Mulder	X			
<i>Terry Muntn</i>	Muntn			X	
<i>Sam Parnell</i>	Parnell	X			
<i>Lin Kohring</i>	Kohring	X			
<i>Ben Grussendorf</i>	Grussendorf			\$	
<i>Mike Hawarve</i>	Hawarve	X			
<i>Tom Brown</i>	Brown			X	
<i>Neil Kelly</i>	Kelly	✓			
<i>Gene Theriault</i>	Theriault	X			

CO CHAIR'S SIGNATURE *Mark Hanley* *Richard D. Foster*
 Hanley Foster

FISCAL NOTE

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO. CSHB 22 (FIN)

Title: An Act relating to Long
Term Plans

Sponsor: Parnell

Requestor: House Finance Committee

Dept. Affected: All Departments

BRU: All Agencies

Components: _____

Serial #: _____

EXPENDITURES/REVENUES: (THOUSANDS OF DOLLARS)

OPERATING	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
Personal Services						
Travel						
Contractual	5.2	15.6				
Supplies						
Equipment						
Land & Structures						
Grants, Claims						
Miscellaneous						
TOTAL OPERATING	5.2	15.6				

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

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

FUNDING: (THOUSANDS OF DOLLARS)

General Fund	5.2	15.6				
Federal Fund						
Other						
TOTAL	5.2	15.6				

POSITIONS:


Full-Time						
Part-Time						
Temporary						

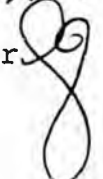
ANALYSIS: (ATTACH A SEPARATE PAGE IF NECESSARY)

see attached analysis

Prepared by:

House Finance Committee

Rep. Mark Hanley, Co-Chair 

Rep. Richard Foster, Co-Chair 

Date:

Phone: 465-4939

Phone: 465-3789

*adopted
NO change*

CS FOR HOUSE BILL NO. 22()

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - SECOND SESSION

BY

Offered:

Referred:

Sponsor(s): REPRESENTATIVES PARNELL, Hanley, Therriault, Green, Bunde, Navarre, Toohey, B.Davis, Porter, Ivan

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to long-term plans of certain state agencies and recommendations
2 regarding elimination of duplication in state agency functions."

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

4 * Section 1. AS 44.66 is amended by adding new sections to read:

5 ARTICLE 2. LONG-TERM AGENCY PLANS.

6 Sec. 44.66.110. LONG-TERM AGENCY PLANS. (a) Each principal
7 department of the executive branch, the judicial branch, and the University of Alaska
8 shall develop a long-term plan for its operation and issue the plan by October 1 of
9 each year. The plan must cover a period of six years beginning on the date it is
10 issued. One copy of each plan shall be sent to the governor, the lieutenant governor,
11 the president of the senate, the speaker of the house of representatives, the chair of the
12 Legislative Budget and Audit Committee, and the director of the office of management
13 and budget. The plan must contain a brief outline of each of the following items or
14 a brief explanation of why a particular item does not apply:

1 (1) a statement of the goals of the agency and of the particular
2 programs the agency administers;

3 (2) an analysis of workload and of the results achieved by the agency
4 and by programs administered by the agency;

5 (3) an identification of the numbers and types of persons served by the
6 agency and a projection of expected changes in those numbers and types;

7 (4) an explanation of the ways in which agency resources are used to
8 meet current needs, an explanation of needs not being met due to shortage of
9 resources, a projection of expected changes in those needs, and an analysis of the
10 resources that may be necessary to meet future needs;

11 (5) an explanation of expected changes in the services provided by the
12 agency due to recent or anticipated changes in state or federal law;

13 (6) an explanation of the service delivery systems to rural, bush, and
14 urban Alaska including the use of field offices and centralized service delivery;

15 (7) strategies for achieving the goals of the agency and improving
16 program functions; and

17 (8) other information necessary for the long-term planning of the
18 agency.

19 (b) The director of the office of management and budget shall develop forms
20 and instructions for the use of agencies in preparing the long-term plans. The judicial
21 branch, the University of Alaska, and the governor shall work with the office of
22 management and budget in developing the goals identified under (a)(1) of this section.
23 The goals for the executive branch are subject to approval by the governor and shall
24 be approved for use in the plans by July 1 of each year. The judicial branch, the
25 University of Alaska, and each of the principal departments shall work with the office
26 of management and budget to develop measures of workload and results for use under
27 (a)(2) of this section.

28 (c) By May 1 of each year, the office of management and budget shall provide
29 to the judicial branch, the University of Alaska, and each principal department
30 information about the state's economy and population together with forecasted changes
31 in the economy and population for use in preparing the long-term plans. At the same

1 time, the governor shall provide to those entities an explanation of statewide goals the
2 governor supports.

3 Sec. 44.66.120. COMPILATION OF THE STATE LONG-TERM PLAN. (a)
4 The Legislative Budget and Audit Committee and the office of management and
5 budget shall review each long-term plan submitted under AS 44.66.110 and may
6 request additional information regarding a plan from the agency that prepared it. The
7 Legislative Budget and Audit Committee may hold hearings on a plan and request
8 testimony from the agency or from members of the public. After reviewing each plan,
9 the office of management and budget shall compile a single long-term plan for the
10 judicial and executive branches of state government. The compilation must include
11 the plan for the judicial branch as submitted by the judicial branch.

12 (b) The compiled long-term plan shall be delivered to the governor, the
13 lieutenant governor, and each legislator by December 15 of each year. Four copies
14 shall be sent to the state library and two to the legislative reference library. The
15 governor and the legislature shall consider the plan when developing the state budget.
16 When conducting performance audits, the legislative auditor shall consider the degree
17 to which an agency conforms to the plan.

18 Sec. 44.66.130. ELIMINATION OF DUPLICATION. In conjunction with the
19 review of long-term plans under AS 44.66.120(a), the Legislative Budget and Audit
20 Committee and the office of management and budget shall evaluate laws that require
21 state agencies to perform functions, provide services, or compile planning information
22 and shall recommend legislation needed to eliminate duplication. The
23 recommendations shall be submitted to the legislature by December 15 of each year.

24 * Sec. 2. APPLICATION. AS 44.66.110 - 44.66.130, added by sec. 1 of this Act, apply
25 only in 1997 and thereafter. Notwithstanding AS 44.66.110(a), added by sec. 1 of this Act,
26 on October 1, 1997, a long-term plan shall be issued only by the three principal departments
27 of the executive branch that are selected by the office of management and budget.

NO

9-LS0128VF
Cook
3/8/96

CS FOR HOUSE BILL NO. 22()
IN THE LEGISLATURE OF THE STATE OF ALASKA
NINETEENTH LEGISLATURE - SECOND SESSION

BY

Offered:
Referred:

Sponsor(s): REPRESENTATIVES PARNELL, Hanley, Therriault, Green, Buade, Navarre, Toohey,
B.Davis, Porter, Ivan

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to long-term plans of certain state agencies and recommendations
2 regarding elimination of duplication in state agency functions."

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

4 * Section 1. AS 44.66 is amended by adding new sections to read:

5 ARTICLE 2. LONG-TERM AGENCY PLANS.

6 Sec. 44.66.110. LONG-TERM AGENCY PLANS. (a) Each principal
7 department of the executive branch, the judicial branch, and the University of Alaska
8 shall develop a long-term plan for its operation and issue the plan by October 1 of
9 each year. The plan must cover a period of six years beginning on the date it is
10 issued. One copy of each plan shall be sent to the governor, the lieutenant governor,
11 the president of the senate, the speaker of the house of representatives, the chair of the
12 Legislative Budget and Audit Committee, and the director of the office of management
13 and budget. The plan must contain each of the following items or an explanation of
14 why a particular item does not apply:

1 (1) a statement of the goals of the agency and of the particular
2 programs the agency administers;

3 (2) an analysis of workload and of the results achieved by the agency
4 and by programs administered by the agency;

5 (3) an identification of the numbers and types of persons served by the
6 agency and a projection of expected changes in those numbers and types;

7 (4) an explanation of the ways in which agency resources are used to
8 meet current needs, an explanation of needs not being met due to shortage of
9 resources, a projection of expected changes in those needs, and an analysis of the
10 resources that may be necessary to meet future needs;

11 (5) an explanation of expected changes in the services provided by the
12 agency due to recent or anticipated changes in state or federal law;

13 (6) an explanation of the service delivery systems to rural, bush, and
14 urban Alaska including the use of field offices and centralized service delivery;

15 (7) strategies for achieving the goals of the agency and improving
16 program functions; and

17 (8) other information necessary for the long-term planning of the
18 agency.

19 (b) The director of the office of management and budget shall develop forms
20 and instructions for the use of agencies in preparing the long-term plans. The judicial
21 branch, the University of Alaska, and the governor shall work with the office of
22 management and budget in developing the goals identified under (a)(1) of this section.
23 The goals for the executive branch are subject to approval by the governor and shall
24 be approved for use in the plans by July 1 of each year. The judicial branch, the
25 University of Alaska, and each of the principal departments shall work with the office
26 of management and budget to develop measures of workload and results for use under
27 (a)(2) of this section.

28 (c) By May 1 of each year, the office of management and budget shall provide
29 to the judicial branch, the University of Alaska, and each principal department
30 information about the state's economy and population together with forecasted changes
31 in the economy and population for use in preparing the long-term plans. At the same

1 time, the governor shall provide to those entities an explanation of statewide goals the
2 governor supports.

3 Sec. 44.66.120. COMPILATION OF THE STATE LONG-TERM PLAN. (a)

4 The Legislative Budget and Audit Committee and the office of management and
5 budget shall review each long-term plan submitted under AS 44.66.110 and may
6 request additional information regarding a plan from the agency that prepared it. The
7 Legislative Budget and Audit Committee may hold hearings on a plan and request
8 testimony from the agency or from members of the public. After reviewing each plan,
9 the office of management and budget shall compile a single long-term plan for the
10 judicial and executive branches of state government. The compilation must include
11 the plan for the judicial branch as submitted by the judicial branch.

12 (b) The compiled long-term plan shall be delivered to the governor, the
13 lieutenant governor, and each legislator by December 15 of each year. Four copies
14 shall be sent to the state library and two to the legislative reference library. The
15 governor and the legislature shall consider the plan when developing the state budget.
16 When conducting performance audits, the legislative auditor shall consider the degree
17 to which an agency conforms to the plan.

18 Sec. 44.66.130. ELIMINATION OF DUPLICATION. In conjunction with the
19 review of long-term plans under AS 44.66.120(a), the Legislative Budget and Audit
20 Committee and the office of management and budget shall evaluate laws that require
21 state agencies to perform functions, provide services, or compile planning information
22 and shall recommend legislation needed to eliminate duplication. The
23 recommendations shall be submitted to the legislature by December 15 of each year.

24 * Sec. 2. APPLICATION. AS 44.66.110 - 44.66.130, added by sec. 1 of this Act, apply
25 only in 1997 and thereafter. Notwithstanding AS 44.66.110(a), added by sec. 1 of this Act,
26 on October 1, 1997, a long-term plan shall be issued only by the three principal departments
27 of the executive branch that are selected by the office of management and budget.

Alaska State Legislature

REPRESENTATIVE
SEAN R. PARNELL



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HOUSE OF REPRESENTATIVES

SPONSOR STATEMENT

HOUSE BILL 22

"An Act relating to long-term plans of certain state agencies"

With declining state revenues, the governor and the legislature need a more rational, objective mechanism for establishing funding priorities. Those funding priorities should reflect a long-term focus on performance and accountability for expenditures.

House Bill 22 requires state government to engage in long-range planning. Second, it provides for the establishment of performance measures by which the Governor and Legislature can evaluate an agency's achievement of its goals and objectives under the long-range plan, assisting the Governor and Legislature to make better informed fiscal decisions. Third, the bill provides for reporting to the public of the long-range plans and agencies' performance measures and results.

The Office of Management and Budget (OMB) will spearhead the administrative oversight function for the agencies' long-range planning effort. In the first year, three agencies will be chosen by OMB to participate in the new planning process, and the following year the rest of the agencies will come on line.

The development of long-term plans would follow this five point timeline.

(1) At the beginning of the calendar year, the Governor will develop statewide goals for strategic planning purposes. These goals will be used in developing agency goals.

(2) By May 1 of each year, the Governor issues state goals for long-term planning and the Office of Management and Budget (OMB) will provide economic and population data and forecasts to all departments.

(3) By July 1 of each year, OMB will review and approve the agencies' goals. OMB will develop forms and instructions for developing the long term plans and work with the agencies to develop measures of workload and results.

(4) By October 1 of each year, each agency will issue their long-term plan. The plan will cover six years from date of issue and include: a statement of goals; an analysis of workload and results of agency programs; an identification of the people served by the agency, their needs and how each will change; an analysis and projection of agency resources and how they are used; an explanation of expected changes in the agency due to new state or federal laws; the strategy for achieving the goals of the agency and improving program functions; and other information necessary for the long-term plan.

The Legislative Budget & Audit (LB&A) and OMB will review each plan, hold hearings and request additional agency information if necessary, in order to determine how each agency can best serve its consumer group.

(5) By December 15 of each year, OMB shall compile a comprehensive six year state long-range plan of the agencies. Any duplication of services or inefficiencies of service could then be examined and proposed to the legislature for elimination or improvement.

By requiring long-range agency plans consisting of goals, performance measures, and reporting of results, and utilizing them yearly in the budget process, we can better prioritize our use of state funds and reshape government so it is more mission driven and customer oriented (i.e. citizen oriented). I urge your support of HB 22.

**Fiscal Year 1995
Operating Budget**

Public Safety



**Legislative Finance Division
P.O. Box 113200
Juneau, Alaska 99811-3200
(907) 465-3795**

COMPONENT SUMMARY - OPERATING BUDGET

* * * * * Department of Public Safety * * * * *

Page	Budget Component	FY93 Act	FY94 Auth	FY94 Sup	Gov Amd	ConfComm	Enacted	FY94 Auth - Enacted Comparison	
Fish and Wildlife Protection									
1	Enforcement/Investigative Svcs	9,765.4	10,092.4		10,446.8	10,212.2	10,212.2	119.0	1.2X
2	Director's Office	224.5	225.3		242.5	221.7	221.7	-3.6	-1.6X
3	Aircraft Section	1,520.4	1,391.0		1,643.0	1,489.5	1,489.5	98.5	7.1X
4	Marine Enforcement	2,643.3	2,429.1		2,572.2	2,463.0	2,463.0	33.9	1.4X
	* BRU Total	14,153.6	14,137.8		14,904.5	14,386.4	14,386.4	248.6	1.8X
Fire Prevention									
5	Fire Prevention Operations	1,485.1	1,468.3		1,546.7	1,477.0	1,477.0	8.7	.6X
6	Fire Service Training	616.1	548.0		530.0	422.7	422.7	-125.3	-22.9X
	* BRU Total	2,101.2	2,016.3		2,076.7	1,899.7	1,899.7	-116.6	-5.8X
Highway Safety Planning Agency									
7	Hwy Safety Planning Operations	185.1	214.1		231.4	221.7	221.7	7.6	3.5X
8	Federal Grants	660.9	865.1		3,642.6	3,642.6	3,642.6	2,777.5	321.1X
	* BRU Total	846.0	1,079.2		3,874.0	3,864.3	3,864.3	2,785.1	258.1X
Motor Vehicles									
9	Driver Services	1,114.6	1,318.3		1,305.5	1,277.9	1,277.9	-40.4	-3.1X
10	Field Services	5,724.4	5,607.7	150.0	6,351.0	6,059.4	6,059.4	371.7	6.5X
11	Administration	962.4	906.2		912.5	873.6	873.6	-32.6	-3.6X
	* BRU Total	7,801.4	7,912.2	150.0	8,569.8	8,210.9	8,210.9	298.7	3.8X
Alaska State Troopers									
12	Detachments	27,982.2	29,064.5		30,023.2	29,238.6	29,238.6	174.1	.6X
13	Special Projects	381.0	592.7		500.1	500.1	500.1	-92.6	-15.6X
14	Criminal Investigations Bureau	4,999.1	5,094.7		5,455.5	3,754.1	3,754.1	-1,340.6	-26.3X
15	Director's Office	680.7	680.1		684.4	675.8	675.8	-4.3	-.6X
16	Judicial Services-Anchorage	2,008.2	2,102.7		2,019.9	1,996.1	1,996.1	-106.6	-5.1X
17	Prisoner Transportation	996.5	956.5		1,031.5	1,018.5	1,018.5	62.0	6.5X
18	Search and Rescue	428.5	292.9		292.9	291.1	291.1	-1.8	-.6X
19	Rural Trooper Housing	422.0	373.1		386.5	386.5	386.5	13.4	3.6X
20	Narcotics Task Force	2,649.2	2,493.3		2,498.4	2,493.8	2,493.8	-1.5	-.1X
21	Commercial Vehicle Enforcement	341.0	411.3		414.7	412.5	412.5	1.2	.3X
	* BRU Total	40,889.2	42,063.8		43,307.1	40,767.1	40,767.1	-1,296.7	-3.1X

COMPONENT SUMMARY - OPERATING BUDGET

* * * * * Department of Public Safety * * * * *

Page	Budget Component	FY93 Act	FY94 Auth	FY94 Sup	Gov Amd	Conf Comm	Enacted	FY94 Auth - Enacted Comparison	
Village Public Safety Officer Program									
22	Contracts	4,929.9	4,930.5		4,930.5	4,930.5	4,930.5		
23	Support	1,616.0	1,659.7		1,661.5	1,659.5	1,659.5	-.2	-.0%
24	Administration	251.2	263.3		264.6	262.7	262.7	-.6	-.2%
	* BRU Total	6,797.1	6,853.5		6,856.6	6,852.7	6,852.7	-.8	-.0%
Alaska Police Standards Council									
25	Ak Police Standards Council	260.4	276.0		276.9	274.0	274.0	-2.0	-.7%
	* BRU Total	260.4	276.0		276.9	274.0	274.0	-2.0	-.7%
Violent Crimes Compensation Board									
26	Violent Crimes Comp Board	815.3	982.7		1,014.7	1,014.7	1,014.7	32.0	3.3%
	* BRU Total	815.3	982.7		1,014.7	1,014.7	1,014.7	32.0	3.3%
Council on Domestic Violence and Sexual Assault									
27	Domestic Viol/Sexual Assault	6,121.2	6,314.8		6,338.9	6,358.0	6,358.0	43.2	.7%
	* BRU Total	6,121.2	6,314.8		6,338.9	6,358.0	6,358.0	43.2	.7%
Statewide Support									
28	Community Jails	4,470.0	4,402.8	70.4	4,473.2	4,445.2	4,445.2	42.4	1.0%
29	Commissioner's Office	634.2	692.6		696.2	686.5	686.5	-6.1	-.9%
30	Training Academy	1,160.2	1,144.9		1,172.2	1,154.1	1,154.1	9.2	.8%
31	Administrative Services	1,796.2	1,791.0	2,715.7	1,992.0	1,806.6	1,806.6	15.6	.9%
32	Civil Air Patrol	478.0	503.0		509.5	503.1	503.1	.1	.0%
33	Laboratory Services	2,139.6	2,105.9		2,025.9	1,975.3	1,975.3	-130.6	-6.2%
34	APSIH	1,611.8	1,626.0		1,404.5	1,390.8	1,390.8	-235.2	-14.5%
35	Building Security/Maintenance	158.5	54.9		54.9			-54.9	-100.0%
36	Alaska Criminal Records and ID	1,007.8	1,085.4		1,317.5	1,220.0	1,220.0	134.6	12.4%
	* BRU Total	13,456.3	13,406.5	2,786.1	13,645.9	13,181.6	13,181.6	-224.9	-1.7%
*** Total Agency Expenditures		93,241.7	95,042.8	2,936.1	100,865.1	96,809.4	96,809.4	1,766.6	1.9%

COMPONENT SUMMARY - OPERATING BUDGET

***** Department of Public Safety *****

<u>Page</u>	<u>Budget Component</u>	<u>FY93 Act</u>	<u>FY94 Auth</u>	<u>FY94 Sup</u>	<u>Gov Amd</u>	<u>ConfComm</u>	<u>Enacted</u>	<u>FY94Auth - Enacted Comparison</u>	
	*** Total Agency Funding								
	Fed. Receipt	3,876.6	4,439.3		6,858.2	6,857.5	6,857.5	2,418.2	54.5X
	General Fund	87,024.0	87,621.7	2,936.1	91,023.0	86,881.6	86,881.6	-740.1	-0.8X
	Other Funds	2,341.1	2,981.8		2,983.9	3,070.3	3,070.3	88.5	3.0X

COMPONENT DETAIL - OPERATING BUDGET

Component: Enforcement/Investigative Svcs
 BRU: Fish and Wildlife Protection
 Agency: Department of Public Safety

	<u>FY93 Act</u>	<u>FY94 CC</u>	<u>FY94Auth</u>	<u>FY94 Sup</u>	<u>FY94 RPL</u>	<u>Gov Amd</u>	<u>House</u>	<u>Senate</u>	<u>ConfComm</u>	<u>Enacted</u>	<u>Bills</u>
01 Pers. Serv.	8,011.0	8,274.4	8,446.5	0.0	0.0	8,710.5	8,670.5	8,653.4	8,653.4	8,653.4	249.0
02 Travel	310.5	341.8	376.4	0.0	0.0	376.4	376.4	376.4	376.4	376.4	0.0
03 Contractual	970.3	1,008.8	1,021.6	0.0	0.0	1,112.0	1,062.0	999.2	999.2	999.2	0.0
04 Commodities	310.1	231.6	247.9	0.0	0.0	247.9	247.9	247.9	247.9	247.9	0.0
05 Equipment	163.5	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
06 Lands/Bldgs.	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
07 Grants, Clms	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
08 Misc.	0.0	235.8	0.0	0.0	0.0	0.0	-129.5	0.0	-64.7	-64.7	0.0
** Total Expend.	9,765.4	10,092.4	10,092.4	0.0	0.0	10,446.8	10,227.3	10,276.9	10,212.2	10,212.2	249.0
1004 Gen Fund	9,678.8	10,092.4	10,092.4	0.0	0.0	10,446.8	10,227.3	10,276.9	10,212.2	10,212.2	249.0
1007 I/A Rcpts	86.6	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Perm Full Time	95.0	95.0	95.0	0.0	0.0	95.0	95.0	95.0	95.0	95.0	0.0
Perm Part Time	40.0	40.0	40.0	0.0	0.0	40.0	40.0	40.0	40.0	40.0	0.0
Non-Perm	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

COMPONENT DETAIL - OPERATING BUDGET

Component: Enforcement and Investigative Services Unit
 DRU: Fish and Wildlife Protection

Agency: Department of Public Safety

Transactions - Line Items	Type	Total	Pers Svc	Travel	Contract	Supplies	Equip	Land/Bld	Grant	Misc	PFI	PPY	Imp
* * * * * Changes from FY95 Gov Amd to Conference Committee * * * * *													
Roll back Overtime to 9 hours	Dec	-40.0	-40.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0	0	0
HWCF rate reduction	Dec	-50.0	0.0	0.0	-50.0	0.0	0.0	0.0	0.0	0.0	0	0	0
Deny Health Ins Increment	MisAdj	-17.1	-17.1	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0	0	0
Reverse In-service training	Dec	-60.0	0.0	0.0	-60.0	0.0	0.0	0.0	0.0	0.0	0	0	0
Telecommunications Reduction	Dec	-2.8	0.0	0.0	-2.8	0.0	0.0	0.0	0.0	0.0	0	0	0
House Unallocated Reduction	Dec	-64.7	0.0	0.0	0.0	0.0	0.0	0.0	0.0	-64.7	0	0	0

Legislative Intent: It is the intent of the legislature that the Department of Public Safety support accountability of the Safeguard program through audit access to accounting and other administrative records while protecting the confidentiality of persons who provide information regarding fish and wildlife violations.

* * * * * Changes from FY95 Gov Amd to Senate * * * * *													
Roll back Overtime to 9 hours	Dec	-40.0	-40.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0	0	0
HWCF rate reduction	Dec	-50.0	0.0	0.0	-50.0	0.0	0.0	0.0	0.0	0.0	0	0	0
Deny Health Ins Increment	MisAdj	-17.1	-17.1	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0	0	0
Reverse In-service training	Dec	-60.0	0.0	0.0	-60.0	0.0	0.0	0.0	0.0	0.0	0	0	0

Transactions - Funding Sources Type Total 1004 1007

* * * * * Changes from FY95 Gov Amd to Conference Committee * * * * *													
Roll back Overtime to 9 hours	Dec	-40.0	-40.0										
HWCF rate reduction	Dec	-50.0	-50.0										
Deny Health Ins Increment	MisAdj	-17.1	-17.1										
Reverse In-service training	Dec	-60.0	-60.0										
Telecommunications Reduction	Dec	-2.8	-2.8										
House Unallocated Reduction	Dec	-64.7	-64.7										

* * * * * Changes from FY95 Gov Amd to Senate * * * * *													
Roll back Overtime to 9 hours	Dec	-40.0	-40.0										
HWCF rate reduction	Dec	-50.0	-50.0										
Deny Health Ins Increment	MisAdj	-17.1	-17.1										
Reverse In-service training	Dec	-60.0	-60.0										

COMPONENT DETAIL - OPERATING BUDGET

Component: Enforcement and Investigative Services Unit
 BRU: Fish and Wildlife Protection

Agency: Department of Public Safety

Transactions - Line Items	Type	Total	Pers Svc	Travel	Contract	Supplies	Equip	Land/Bld	Grant	Misc	PFT	PPI	Imp
Telecommunications Reduction	Dec	-2.8	0.0	0.0	-2.8	0.0	0.0	0.0	0.0	0.0	0	0	0

Legislative Intent: It is the Intent of the legislature that Public Safety Fish and Wildlife enforcement operations may be increased from sources other than general fund receipts (fund source #1004).
 The Division of Fish and Wildlife Protection shall bring revised program receipt requests to the Legislative Budget and Audit Committee in an amount up to \$1,200,000 for enhanced protection.

***** Changes from FY95 Gov Amd to House *****

House Unallocated Reduction	Dec	-129.5	0.0	0.0	0.0	0.0	0.0	0.0	0.0	-129.5	0	0	0
Roll back Overtime to 9 hours	Dec	-40.0	-40.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0	0	0
IWCF rate reduction	Dec	-50.0	0.0	0.0	-50.0	0.0	0.0	0.0	0.0	0.0	0	0	0

Legislative Intent: It is the Intent of the legislature that the Department of Public Safety support accountability of the Safeguard program through audit access to accounting and other administrative records while protecting the confidentiality of persons who provide information regarding fish and wildlife violations.

***** Changes from FY94 Conf Com to FY95 Governor Amended *****

Conference Committee	ConfCom	10092.4	0274.4	341.8	1008.8	231.6	0.0	0.0	0.0	235.8	95	40	0
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Transactions - Funding Sources	Type	Total	1004	1007
Telecommunications Reduction	Dec	-2.8	-2.8	

***** Changes from FY95 Gov Amd to House *****

House Unallocated Reduction	Dec	-129.5	-129.5
Roll back Overtime to 9 hours	Dec	-40.0	-40.0
IWCF rate reduction	Dec	-50.0	-50.0

***** Changes from FY94 Conf Com to FY95 Governor Amended *****

Conference Committee	ConfCom	10092.4	10092.4
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COMPONENT DETAIL - OPERATING BUDGET

Component: Enforcement and Investigative Services Unit
 BRU: Fish and Wildlife Protection

Agency: Department of Public Safety

Transactions - Line Items	Type	Total	Pers Svc	Travel	Contract	Supplies	Equip	Land/Bld	Grant	Misc	PFT	PPT	Trn
RP 12-4-0003 Miscellaneous Inc	MisAdj	0.0	172.1	34.6	12.8	16.3	0.0	0.0	0.0	-235.8	0	0	0
Increased Health Insurance Pre	MisAdj	17.1	17.1	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0	0	0
To Marine Enforcement-PSvces	TrOut	-38.3	-38.3	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0	0	0
To Directors Office	TrOut	-14.8	-14.8	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0	0	0
Lease Xfer to DOA #2080	ATrOut	-2.4	0.0	0.0	-2.4	0.0	0.0	0.0	0.0	0.0	0	0	0
Homer Bldg Rent Transfer In	ATrIn	5.4	0.0	0.0	5.4	0.0	0.0	0.0	0.0	0.0	0	0	0
Statewide Enf Needs & HMCF Inc	Inc	327.4	300.0	0.0	27.4	0.0	0.0	0.0	0.0	0.0	0	0	0
In-service training	Inc	60.0	0.0	0.0	60.0	0.0	0.0	0.0	0.0	0.0	0	0	0
***** FY 95 Bills *****													
Ch90 SLA 94 Labor Agree (PSEA)	Special	249.0	249.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0	0	0

Transactions - Funding Sources	Type	Total	1004	1007
RP 12-4-0003 Miscellaneous Inc	MisAdj	0.0		
Increased Health Insurance Pre	MisAdj	17.1	17.1	
To Marine Enforcement-PSvces	TrOut	-38.3	-38.3	
To Directors Office	TrOut	-14.8	-14.8	
Lease Xfer to DOA #2080	ATrOut	-2.4	-2.4	
Homer Bldg Rent Transfer In	ATrIn	5.4	5.4	
Statewide Enf Needs & HMCF Inc	Inc	327.4	327.4	
In-service training	Inc	60.0	60.0	
***** FY 95 Bills *****				
Ch90 SLA 94 Labor Agree (PSEA)	Special	249.0	249.0	

COMPONENT DETAIL - OPERATING BUDGET

Component: Director's Office
 BRU: Fish and Wildlife Protection
 Agency: Department of Public Safety

	<u>FY93 Act</u>	<u>FY94 CC</u>	<u>FY94Auth</u>	<u>FY94 Sup</u>	<u>FY94 RPL</u>	<u>Gov Amd</u>	<u>House</u>	<u>Senate</u>	<u>ConfComm</u>	<u>Enacted</u>	<u>Bills</u>
01 Pers. Serv.	198.9	198.8	198.8	0.0	0.0	214.9	214.9	198.8	198.8	198.8	0.0
02 Travel	8.1	5.2	5.2	0.0	0.0	5.2	5.2	5.2	5.2	5.2	0.0
03 Contractual	12.3	17.6	17.6	0.0	0.0	18.7	18.7	17.0	17.0	17.0	0.0
04 Commodities	3.7	3.7	3.7	0.0	0.0	3.7	3.7	3.7	3.7	3.7	0.0
05 Equipment	1.5	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
06 Lands/Bldgs.	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
07 Grants, Clms	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
08 Misc.	0.0	0.0	0.0	0.0	0.0	0.0	-3.0	0.0	-3.0	-3.0	0.0
** Total Expend.	224.5	225.3	225.3	0.0	0.0	242.5	239.5	224.7	221.7	221.7	0.0
1004 Gen Fund	224.5	225.3	225.3	0.0	0.0	242.5	239.5	224.7	221.7	221.7	0.0
Perm Full Time	3.0	3.0	3.0	0.0	0.0	3.0	3.0	3.0	3.0	3.0	0.0
Perm Part Time	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Non-Perm	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

COMPONENT DETAIL - OPERATING BUDGET

Component: Director's Office
 BRU: Fish and Wildlife Protection

Agency: Department of Public Safety

Transactions - Line Items	Type	Total	Pers Svc	Travel	Contract	Supplies	Equip	Land/Bld	Grant	Misc	PFI	PPT	Trp
* * * * * Changes from FY95 Gov Amd to Conference Committee * * * * *													
House Unallocated Reduction	Dec	-3.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	-3.0	0	0	0
Deny Health Ins Increment	MisAdj	-1.3	-1.3	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0	0	0
Deny Pers Svces Underfund Inc	Dec	-14.8	-14.8	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0	0	0
Deny DOTPF HWCF Rate Increase	Dec	-1.1	0.0	0.0	-1.1	0.0	0.0	0.0	0.0	0.0	0	0	0
Telecommunications Reduction	Dec	-.6	0.0	0.0	-.6	0.0	0.0	0.0	0.0	0.0	0	0	0
* * * * * Changes from FY95 Gov Amd to Senate * * * * *													
Deny Health Ins Increment	MisAdj	-1.3	-1.3	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0	0	0
Deny Pers Svces Underfund Inc	Dec	-14.8	-14.8	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0	0	0
Deny DOTPF HWCF Rate Increase	Dec	-1.1	0.0	0.0	-1.1	0.0	0.0	0.0	0.0	0.0	0	0	0
Telecommunications Reduction	Dec	-.6	0.0	0.0	-.6	0.0	0.0	0.0	0.0	0.0	0	0	0
* * * * * Changes from FY95 Gov Amd to House * * * * *													
House Unallocated Reduction	Dec	-3.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	-3.0	0	0	0

Transactions - Finding Sources Type Total 1004

* * * * * Changes from FY95 Gov Amd to Conference Committee * * * * *			
House Unallocated Reduction	Dec	-3.0	-3.0
Deny Health Ins Increment	MisAdj	-1.3	-1.3
Deny Pers Svces Underfund Inc	Dec	-14.8	-14.8
Deny DOTPF HWCF Rate Increase	Dec	-1.1	-1.1
Telecommunications Reduction	Dec	-.6	-.6
* * * * * Changes from FY95 Gov Amd to Senate * * * * *			
Deny Health Ins Increment	MisAdj	-1.3	-1.3
Deny Pers Svces Underfund Inc	Dec	-14.8	-14.8
Deny DOTPF HWCF Rate Increase	Dec	-1.1	-1.1
Telecommunications Reduction	Dec	-.6	-.6
* * * * * Changes from FY95 Gov Amd to House * * * * *			
House Unallocated Reduction	Dec	-3.0	-3.0

COMPONENT DETAIL - OPERATING BUDGET

Component: Director's Office
 BRU: Fish and Wildlife Protection

Agency: Department of Public Safety

<u>Transactions - Line Items</u>	<u>Type</u>	<u>Total</u>	<u>Pers Svc</u>	<u>Travel</u>	<u>Contract</u>	<u>Supplies</u>	<u>Equip</u>	<u>Land/Bld</u>	<u>Grant</u>	<u>Misc</u>	<u>PFI</u>	<u>PPI</u>	<u>Imp</u>
***** Changes from FY94 Conf Com to FY95 Governor Amended *****													
Conference Committee	ConfCom	225.3	198.8	5.2	17.6	3.7	0.0	0.0	0.0	0.0	3	0	0
Increased Health Insurance Pre	MisAdj	1.3	1.3	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0	0	0
Reduce Pers Services Underfund	Trin	14.8	14.8	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0	0	0
DOTPF HWCF Rate Increase	Inc	1.1	0.0	0.0	1.1	0.0	0.0	0.0	0.0	0.0	0	0	0

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<u>Transactions - Funding Sources</u>	<u>Type</u>	<u>Total</u>	<u>1004</u>
***** Changes from FY94 Conf Com to FY95 Governor Amended *****			
Conference Committee	ConfCom	225.3	225.3
Increased Health Insurance Pre	MisAdj	1.3	1.3
Reduce Pers Services Underfund	Trin	14.8	14.8
DOTPF HWCF Rate Increase	Inc	1.1	1.1

of capital grants, particularly for small rural communities.

A \$20 million appropriation, doesn't go far among Alaska's municipalities. Because of their populations, large municipalities will get enough money to build something

If the program continues as a yearly grant it just perpetuates small capital grants as a kind of entitlement, encouraging small communities to dream up something just to get the money.

Instead, the program should allow

useful project. Also, villages should be able to pool their grants to build something of regional significance.

In its first year, the governor's capital matching program existed side-by-side with legislative grants,

Continued on Page 6

As budgets thin, state agencies aim to improve performance, set standards

One of the lesser-recognized accomplishments of the 1994 legislative passage of Rep. Sear Parnell's House Bill 347 that establishes performance-based budgeting, may have far-reaching implications as state agencies grapple with reduced funding.

Agency managers now have thinner resources. But they face rising demands as the state's population increases, particularly for vital services like education, police and road maintenance.

"There's no rational, objective way for the legislature or executive branch to make budget choices and establish priorities for funding in years of declining revenues," says

Representative Parnell, a member of the House Finance Committee.

"There's too much focus on programs instead of public services. There's little sense of mission, and little use of goal setting."

HB 347, modelled after similar legislation in other states, requires each state department to establish mission statements, set goals and then establish objective performance standards. Parnell wants citizens, the "customers" of state services, to be involved in setting performance measures.

The bill requires three departments to be selected for a pilot program using

the process during FY 1995, with goals used in the FY 1996 budget. Performance-based budgeting would be fully implemented among all agencies by FY 1996, and will be used in preparing the FY 1997 budget.

"As I worked on the budget last year, I realized there was no meaningful way to assess an agency's performance," Parnell continues. "The Dept. of Public Safety will tell you they have 200 fewer troopers now than 8 years ago. Dept. of Transportation will tell you they how many lane miles of highway they have to maintain this year compared with last year. Or, the Dept. of Education will tell you about pupil-teacher ratios.

"Frankly, these are interesting numbers, but not particularly useful. For the Dept. of Public Safety, we should measure the department's performance by how safe the roads area, or how many people were killed on the Seward Highway this year compared with last year.

"For DOT, one measurement might be what level of road maintenance is acceptable to the public for a particular road. In education, the public wants to know whether their child can read at an acceptable level."

The approach sounds logical. But it will be a

challenge to develop objective performance standards, which are often expressed in some quantitative measure, for some agencies, according to Jack Fragnoli, who is working to develop the program in the Office of Management and Budget.

"Conceptually it's easy, but it's extremely difficult to get good measurements in practice," Fragnoli says. One of the main problems is to get a measure that reflects an agency's actual efforts and not some other influence in the environment."

Some will be relatively simple, such as a correlation between highway safety improvements or better

Continued on Page 6



meeting



Sen. Suzanne Little, testifying in committee

From British Petroleum's "Juneau Report", July 1994

What made designated grants popular among legislators, of course, was that they got to choose the projects. Constituents appealed directly to lawmakers for projects rather than a state agency or the governor. Come election time, legislators wanted constituents to know who brought home the projects. In theory, the governor is always involved in that process because he approves the final budget.

What made designated grants popular among legislators, of course, was that they got to choose the projects. Constituents appealed directly to lawmakers for projects rather than a state agency or the governor. Come election time, legislators wanted constituents to know who brought home the projects. In theory, the governor is always involved in that process because he approves the final budget.

governors, Jay Hammond, Bill Sheffield, Steve Cowper and Walter Hickel generally acquiesced to legislators' priorities, although some vetoes were made (Alaska governors have "line item" veto authority). For Fiscal 1995, the state budget year that begins July 1, 1994, the \$99 million capital budget is "bare-bones," with only essentials. These include the required state matching

critical rural water and sewer projects, and \$20 million for the governor's capital matching grants. In the future, thinner capital budgets may be the rule rather than the exception. Now that legislators have rid themselves of legislatively-designated grants they may be able to withstand calls for its reimposition.

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Legislature tells agencies to set priorities

Continued from Page 5

policing with reduced traffic accidents and fatalities. Others are more subjective, such as the legal mandate of the Dept. of Natural Resources to protect state lands, or the Dept. of Environmental Conservation to protect the state's environment.

In defining performance for some agencies, it will be important to get public involvement in defining what's desired. Fragnoli says. For example, if there's strong public support for a goal of getting more state land into private ownership, a performance

standard is how many acres are made available each year.

"It's the setting of benchmarks by the public that drives the process," he adds.

States as diverse as Hawaii, Connecticut, Iowa, Louisiana, North Carolina, Oregon and Texas have implemented versions of performance-based budgeting. Parnell based HB 347 on the Texas law partly because that state is experiencing financial strains similar to Alaska.

Oregon is now five years into the

process, with good results. But it was developed with a substantial degree of public participation, and good cooperation between the executive and legislative branches, Fragnoli says.

In Texas, the goals were largely set by the legislature and governor. Alaska's system will be somewhere in-between, Fragnoli says, with some public participation and a high degree of involvement by the legislature and governor.

The new law requires:

- The governor to identify state-wide goals on May 1 of each year.
- On May 1, Office of Management and Budget gives each department information on the state's economy and population for use in developing agency long-range plans.
- On July 1, OMB will approve each agency's goals.
- By Oct. 1, agencies will submit long-range plans to achieve the goals.
- By Dec. 15, OMB and the governor will have compiled the plans into one strategic long-range plan.

Plans will cover six years, but will be revised yearly. The goals and mission statements will be used by the governor in preparing the next year's budget.

Parnell feels the process will allow the legislature, and the public, to require an accountability by state agencies for specific results. Now it is too easy for agencies to press for continued funding without having to justify themselves, he feels.



Reps. Gary Davis of Soldotna, Bill Hudson of Juneau, Terry Martin of Anchorage.