

ALASKA LEGISLATURE

HOUSE and SENATE FINANCE COMMITTEE FILES, 1995-1996

1463

SENATE COMMITTEE REPORT
First Committee of Referral

DATE: 1/16/95

FURTHER: Finance

Date of 5-Day Notice: January 26, 1995
 (in accordance with Uniform Rule 23)

DATE TURNED INTO OFFICE: 3-6-95

Judiciary Committee considered SENATE BILL NO. 14

"An Act relating to criminal mischief."

OH Falls

and recommends:

- be replaced with CS SB 14 (JUD)
- adopt previous CS _____
- attached amendment(s)
- adopt Letter of Intent by _____ Committee
- further referral to the _____ Committee

- Senate Bill: same title
- new title
- House Bill:**
- technical change
- new: SCR# _____

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	NR	DNP	AM
		<i>Lynnda Wheeler</i>	<input checked="" type="checkbox"/>		
		<i>Mike Miller</i>	<input checked="" type="checkbox"/>		
		<i>Al Adams</i>	<input checked="" type="checkbox"/>		
CHAIR: <i>Chris Taylor</i>	<input checked="" type="checkbox"/>				

NEW FISCAL NOTE(S):

Department	Date	Zero	Fiscal
SB Corrections	1/25/95	<input checked="" type="checkbox"/>	85.5
SB Law	1/24/95	<input checked="" type="checkbox"/>	
SB Public Safety Detach	1/20/95	<input checked="" type="checkbox"/>	
SB " DMV	2/1/95	<input checked="" type="checkbox"/>	
SB Court System	2/1/95		4.6

PREVIOUS FISCAL NOTE(S):*

Department	Date	Zero	Fiscal
CS Corrections	1/25	<input checked="" type="checkbox"/>	
CS Law	3/2		81.7
CS Public Safety	3/2	<input checked="" type="checkbox"/>	new analysis
CS DPS-DMV	3/2		96.4
CS Court System	3/2		55.6

APPROPRIATION -- no fiscal note

*include fiscal notes accompanying Governor's bill

DIVISION OF LEGAL SERVICE
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

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

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

MEMORANDUM

March 14, 1995

SUBJECT: Sectional Summary of CSSB 14(JUD).
(Work Order No. 9-LS0142\R)

TO: Senator Loren Leman
Attn: Mary Vollendorf

FROM: Gerald P. Luckhaupt *GLP*
Legislative Counsel

You have requested a sectional summary of the above-described bill. As a preliminary matter, please note that a sectional summary of a bill should not be considered an authoritative interpretation of the bill - the bill itself is the best statement of its contents.

Section 1 of the bill amends AS 11.46.484(c) to provide that if a person is 18 years of age or older and is convicted of joyriding for the second or subsequent time within the previous seven years then the person's current conviction is a class C felony instead of a class A misdemeanor.

Section 2 of the bill amends AS 11.46.486(a) to provide that a person commits the crime of criminal mischief in the fourth degree when they ride in a police or emergency vehicle that is being used in violation of AS 11.46.482(a)(5) (being joyridden). This section corrects an omission made when joyriding a police or emergency vehicle was made a class C felony in 1991. The offense of riding in a vehicle being joyridden, AS 11.46.486(a) was not expanded to cover this new offense. This bill section corrects this oversight.

Section 3 of the bill amends AS 12.55.135(f) to provide that the mandatory minimum term of imprisonment of that section does not apply to a defendant under 18 years of age.

Section 4 of the bill amends AS 28.15.181(a) to provide that a conviction for joyriding (criminal mischief in the second or third degrees) is grounds for the revocation of the person's driving privileges as provided in section 5 of the bill.

Section 5 of the bill amends AS 28.15.181(b) relating to the length of a suspension and the procedure for suspension of driving privileges under AS 28.15.181(a).

Senator Loren Leman

March 14, 1995

Page 2

Section 6 of the bill amends AS 47.10.010(b) to provide that when a minor is charged with a violation of AS 11.46.484(a)(2) (misdemeanor joyriding) or 11.46.486(a)(3) (riding in a vehicle being joyridden), the minor will be prosecuted in district court not juvenile court.

GPL:klb

95-160.klb



SENATOR LOREN LEMAN

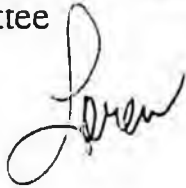
Northwest Anchorage

716 W 4th Ave. Ste 540. Anchorage AK 99501 258-8189

Session: State Capitol, Juneau AK 99601 465-2095

MEMORANDUM

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

FROM: Senator Loren Leman 

RE: Senate Bill 14

DATE: February 2, 1995

I respectfully request that you schedule Senate Bill 14, relating to criminal mischief, for a hearing in the Finance Committee at your earliest possible convenience.

Thank you for your consideration.



SENATOR LOREN LEMAN

Northwest Anchorage

716 W 4th Ave., Ste. 540, Anchorage, AK 99501 274-2789

Session: State Capitol, Juneau AK 99801 465-2095

SPONSOR STATEMENT

SENATE BILL 14

"An Act relating to Criminal Mischief."

I have introduced Senate Bill 14 because of the recent increase in auto thefts, especially in urban areas, and the lack of convictions. Under the current law the crime of "joyriding" is a Class A misdemeanor, the second offense is a Class C felony. Joyriding is commonly associated with juveniles and SB 14 targets that group.

Juveniles account for more than half of all joyriding offenses. Without SB 14 there is no means to prosecute juveniles for this crime. Instead they are brought into the juvenile system and no real penalty is inflicted. Although locking away juveniles for this offense is not necessarily the answer, I believe this is a good start in making them responsible for their actions. A juvenile will be prosecuted, charged and sentenced the same as an adult. More importantly, a juvenile will also be responsible for paying restitution to the victim.

I urge you to support Senate Bill 14. This bill will help decrease the number of vehicles stolen, and the tremendous dollar losses suffered by insurance companies and the victims of theft.

Arrests Reported Through UCR

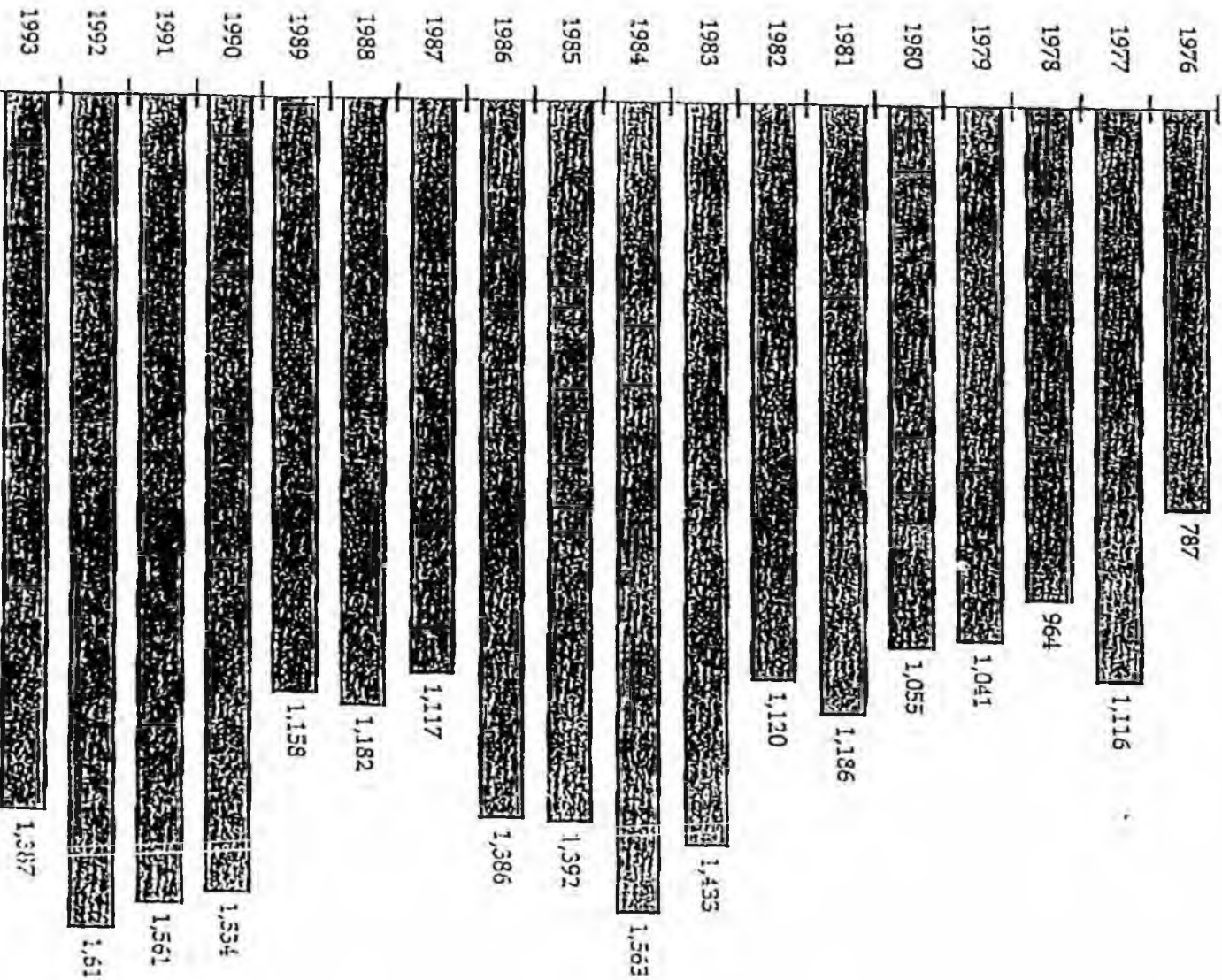
1990—1993

Arrest Charge	1990	1991	1992	1993	Adult	Juv.
Violent Crimes						
Murder	10	11	7	11	8	3
Manslaughter	1	1	1	2	2	0
Rape	31	34	27	49	42	7
Robbery	56	97	64	99	69	30
Felony Assault	187	172	244	365	281	54
Simple Assault	1,010	1,113	1,459	1,867	1,672	195
Property Crimes						
Burglary	167	161	193	223	106	117
Theft	2,538	3,108	3,121	3,187	1,842	1,345
Car Theft	254	194	191	209	95	114
Arson	5	7	7	21	8	13
Forgery & Counterfeiting	25	31	34	32	26	6
Fraud	35	47	39	55	51	4
Crim'l Mischief (Vandalism)	332	348	376	362	265	97
Drug Offenses						
Sale/Manufacturing	47	28	44	62	44	18
Possession/Use	157	184	254	193	152	41
Misc. Offenses						
Carrying Concealed Weapon	190	194	186	244	178	66
Prostitution & Vice	41	46	45	99	98	1
Sex'l Off'es Against Minors	41	39	54	65	55	10
Offenses Against the Family	42	38	56	65	64	1
Liquor Laws	135	98	69	143	102	41
Drunkenness						
Disorderly Conduct	305	216	265	316	279	37
All Other Offenses	4,442	5,547	6,045	4,262	4,046	216

This report provides a "body count" of arrests & does not reflect actual numbers of charges brought against an individual due to the UCR hierarchy rule.

Stolen Auto

1976—1993



Post-IT[™] brand fax transmittal memo 7671 # of pages **2**

To MARY	From DONNA
Co.	Co.
Dept.	Phone #
Fax # 4165-4155	Fax # 786-8638

OFFENSES KNOWN TO POLICE

CLASSIFICATION OF OFFENSES	OFFENSES REPORTED OR KNOWN	UNFOUNDED FALSE OR BASELESS	NUMBER OF ACTUAL OFFENSES	** OFFENSES CLEARED ** BY ARREST OR EXCEPTION	
				TOTAL	JUVENILES ONLY
CRIMINAL HOMICIDE					
MURDER & NONNEG MANSL	18		18	15	1
MANSL BY NEGLIGENCE	5		5	2	
TOTAL	23		23	17	1
FORCIBLE RAPE					
RAPE BY FORCE	205	36	169	99	12
ATTMPTD FORCABLE RAPE	17		17	11	1
TOTAL	222	36	186	110	13
ROBBERY					
FIREARM	24	2	22	13	2
KNIFE/CUTTING INSTRMT	6		6	3	1
OTHR DANGEROUS WEAPON	1		1		
STRONG-ARM (HANDS, FISTS)	14		14	3	
TOTAL	45	2	43	19	3
ASSAULT					
FIREARM	253	19	234	193	20
KNIFE OR CUTTING INSTR.	209	13	196	167	17
OTHER DANGEROUS WEAPON	30		30	25	4
HANDS, FIST, FEET, AGGRAVTD	212	29	183	146	12
OTHER ASSAULTS - SIMPLE	2342	269	2073	1575	116
TOTAL	3046	330	2716	2106	169
BURGLARY					
FORCIBLE ENTRY	1239	79	1160	265	97
UNLAWFUL ENTRY - NO FORCE	474	35	439	139	45
ATTEMPTED FORCIBLE ENTRY	68		68	5	4
TOTAL	1781	114	1667	409	146
LARCENY					
THEFT(EX MOTOR VEHICLES)	4348	222	4126	774	259
TOTAL	4348	222	4126	774	259
MOTOR VEHICLE THEFT					
AUTOS	572	74	498	156	69
TRUCKS AND BUSES	44		44	13	4
OTHER VEHICLES	54		54	25	14
TOTAL	670	74	596	194	87
GRAND TOTAL	10135	778	9357	3629	678

PROPERTY STOLEN/RECOVERED BY TYPE

TYPE OF PROPERTY	VALUE OF PROPERTY STOLEN	VALUE OF PROPERTY RECOVERED
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CURRENCY, NOTES, ETC.	\$561,668.00	\$77,191.00
JEWELRY & PRECIOUS METALS	\$649,274.00	\$33,468.00
CLOTHING AND FURS	\$108,072.00	\$9,869.00
LOCALLY STOLEN MOTOR VEH.	\$2,035,554.00	\$1,185,686.00
OFFICE EQUIPMENT	\$125,547.00	\$15,600.00
TV, RADIOS, CAMERAS, ETC.	\$1,460,756.00	\$31,951.00
FIREARMS	\$214,523.00	\$43,808.00
HOUSEHOLD GOODS	\$152,851.00	\$2,040.00
CONSUMABLE GOODS	\$34,642.00	\$6,320.00
LIVESTOCK	\$1,414.00	\$410.00
MISCELLANEOUS	\$1,993,198.00	\$262,173.00
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GRAND TOTAL	\$7,337,499.00	\$1,668,516.00

AGENCY: Anchorage PD

MONTHS OF 1/92 to 12/92

OFFENSES KNOWN TO POLICE

CLASSIFICATION OF OFFENSES	OFFENSES REPORTED OR KNOWN	UNFOUNDED FALSE OR BASELESS	NUMBER OF ACTUAL OFFENSES	** OFFENSES CLEARED ** BY ARREST OR EXCEPTION	
				TOTAL	JUVENILES ONLY
CRIMINAL HOMICIDE					
MURDER & MANNING MANSL	18	1	17	9	
MANSL BY NEGLIGENCE					
TOTAL	18	1	17	9	
FORCIBLE RAPE					
RAPE BY FORCE	221	5	216	18	2
ATTEMPTED FORCIBLE RAPE	37		37	4	
TOTAL	258	5	253	22	2
ROBBERY					
FIREARM	157		157	23	7
KNIFE/CUTTING INSTRMT	55		55	10	1
OTHR DANGEROUS WEAPON	36		36	7	2
STRONG-ARM (HANDS, FISTS)	236		236	24	5
TOTAL	484		484	64	15
ASSAULT					
FIREARM	294		294	106	13
KNIFE OR CUTTING INSTR.	300	1	299	156	23
OTHER DANGEROUS WEAPON	456	2	454	217	32
HANDS, FIST, FEET, AGGRAVTD	170		170	86	4
OTHER ASSAULTS - SIMPLE	2660	11	2649	1499	134
TOTAL	3880	14	3866	2064	206
BURGLARY					
FORCIBLE ENTRY	1793	4	1789	103	24
UNLAWFUL ENTRY - NO FORCE	665	4	661	57	23
ATTEMPTED FORCIBLE ENTRY	201	1	200	4	
TOTAL	2659	9	2650	164	47
LARCENY					
THEFT (EX MOTOR VEHICLES)	10818	35	10813	2785	876
TOTAL	10818	35	10813	2785	876
MOTOR VEHICLE THEFT					
AUTOS	1117	88	1069	131	42
TRUCKS AND BUSES	47	38	379	35	9
OTHER VEHICLES	168	5	163	4	1
TOTAL	1742	131	1611	170	52
GRAND TOTAL	19829	195	19694	5278	1198

PROPERTY STOLEN BY CLASSIFICATION

CLASSIFICATION OF OFFENSES	NUMBER OF ACTUAL OFFENSES		VALUE OF PROPERTY STOLEN
MURDER/MANSLAUGHTER			
MURDER/NONNEG MANSLAUGHTER	17		\$140,000.00
TOTAL	17		\$140,000.00
RAPE			
FORCIBLE RAPE	253		\$1,147.00
TOTAL	253		\$1,147.00
ROBBERY			
HIGHWAY (STRT, ALLEYS, ETC)	255		\$122,816.00
COMMERCIAL HOUSE	98		\$54,440.00
GAS OR SERVICE STATION	16		\$2,790.00
CHAIN STORE	50		\$4,297.00
RESIDENCE	47		\$33,201.00
BANK	11		\$23,334.00
MISCELLANEOUS	7		\$821.00
TOTAL	484		\$241,699.00
BURGLARY			
RESIDENCE (DWELLING)			
NIGHT (6PM - 6AM)	377		\$484,365.00
DAY (6AM - 6PM)	534		\$1,078,534.00
UNKNOWN	536		\$904,995.00
NON-RESIDENCE (STORE ETC)			
NIGHT (6PM - 6AM)	566		\$500,266.00
DAY (6AM - 6PM)	50		\$22,871.00
UNKNOWN	587		\$779,421.00
TOTAL	2650		\$3,770,452.00
LARCENIES BY VALUE (EX MV)			
\$200 AND OVER	4403		\$4,672,141.00
\$50 TO \$200	2425		\$302,844.00
UNDER \$50	3985		\$744,265.00
LARCENIES BY TYPE			
POCKET - PICKING	38		\$12,647.00
PURSE - SNATCHING	24		\$5,573.00
SHOPLIFTING	2746		\$303,763.00
FROM MOTOR VEHICLES	2283		\$1,618,320.00
MOTOR VEH. PARTS & ACC.	1779		\$1,271,999.00
BICYCLES	595		\$168,234.00
FROM BUILDINGS (EX C & H)	1126		\$619,333.00
FROM ANY COIN-OP MACHINES	59		\$6,313.00
ALL OTHER	2163		\$1,713,068.00
TOTAL	10813	10813	\$5,719,250.00
MOTOR VEHICLE THEFTS			
MOTOR VEHICLE THEFTS	1611		\$11,393,875.00
MOTOR VEHICLES RECOVERED			
STOLEN & REC'D LOCALLY	1339		
STOLEN LOC & REC'D OTHER	118		
STOLEN OTHER & RECD LOCAL	43		
TOTAL	1611	1500	\$11,393,875.00
GRAND TOTAL	15828		\$21,266,423.00

PROPERTY STOLEN/RECOVERED BY TYPE

TYPE OF PROPERTY	VALUE OF PROPERTY STOLEN	VALUE OF PROPERTY RECOVERED
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CURRENCY, NOTES, ETC.	\$950,143.00	\$33,714.00
JEWELRY & PRECIOUS METALS	\$1,720,911.00	\$151,717.00
CLOTHING AND FURS	\$727,443.00	\$88,717.00
LOCALLY STOLEN MOTOR VEH.	\$11,480,637.00	\$10,147,531.00
OFFICE EQUIPMENT	\$523,913.00	\$56,857.00
TV, RADIOS, CAMERAS, ETC.	\$2,585,641.00	\$110,757.00
FIREARMS	\$263,502.00	\$57,320.00
HOUSEHOLD GOODS	\$357,092.00	\$32,681.00
CONSUMABLE GOODS	\$111,684.00	\$27,040.00
LIVESTOCK	\$1,228.00	\$326.00
MISCELLANEOUS	\$2,544,229.00	\$361,010.00
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GRAND TOTAL	21,266,423.00	\$11,067,670.00

AGENCY: Fairbanks PD

MONTHS OF 1/92 to 12/92

OFFENSES KNOWN TO POLICE

CLASSIFICATION OF OFFENSES	OFFENSES REPORTED OR KNOWN	UNFOUNDED FALSE OR BASELESS	NUMBER OF ACTUAL OFFENSES	** OFFENSES CLEARED ** BY ARREST OR EXCEPTION	
				TOTAL	JUVENILES ONLY
CRIMINAL HOMICIDE					
MURDER & NONNEG MANSL	2		2	2	
MANSL BY NEGLIGENCE					
TOTAL	2		2	2	
FORCIBLE RAPE					
RAPE BY FORCE	57	1	56	11	1
ATTEMPTD FORCABLE RAPE	4		4		
TOTAL	61	1	60	11	1
ROBBERY					
FIREARM	29	2	27	16	
KNIFE/CUTTING INSTRMT	9		9		
OTHR DANGEROUS WEAPON	2		2		
STRONG-ARM (HANDS, FISTS)	43	2	41	6	1
TOTAL	83	4	79	22	1
ASSAULT					
FIREARM	28		28	14	
KNIFE OR CUTTING INSTR.	49		49	22	2
OTHER DANGEROUS WEAPON	70		70	35	5
HANDS, FIST, FEET, AGGRAVTD	54		54	24	5
OTHER ASSAULTS - SIMPLE	401		401	231	32
TOTAL	602		602	326	44
BURGLARY					
FORCIBLE ENTRY	143		143	12	4
UNLAWFUL ENTRY - NO FORCE	94	1	93	7	4
ATTEMPTED FORCIBLE ENTRY	11	3	8	2	2
TOTAL	248	4	244	21	10
LARCENY					
THEFT(EX MOTOR VEHICLES)	1587	5	1582	525	191
TOTAL	1587	5	1582	525	191
MOTOR VEHICLE THEFT					
AUTOS	128	9	119	9	3
TRUCKS AND BUSES	88	7	81	6	2
OTHER VEHICLES	43	1	42	12	11
TOTAL	259	17	242	27	16
GRAND TOTAL	2842	31	2811	934	263

PROPERTY STOLEN BY CLASSIFICATION

CLASSIFICATION OF OFFENSES	NUMBER OF ACTUAL OFFENSES		VALUE OF PROPERTY STOLEN	
MURDER/MANSLAUGHTER				
MURDER, NONNEG MANSLAUGHTER		2		
	TOTAL	2		

RAPE				
FORCIBLE RAPE		60		\$88.00
	TOTAL	60		\$88.00

ROBBERY				
HIGHWAY (STRT, ALLEYS, ETC)		36		\$8,610.00
COMMERCIAL HOUSE		18		\$6,311.00
GAS OR SERVICE STATION		1		\$300.00
CHAIN STORE		13		\$3,156.00
RESIDENCE		3		\$518.00
BANK		1		\$8,480.00
MISCELLANEOUS		7		\$1,359.00
	TOTAL	79		\$28,734.00

BURGLARY				
RESIDENCE (DWELLING)				
NIGHT (6PM - 6AM)		42		\$43,026.00
DAY (6AM - 6PM)		36		\$34,646.00
UNKNOWN		35		\$73,364.00
NON-RESIDENCE (STORE ETC)				
NIGHT (6PM - 6AM)		81		\$131,855.00
DAY (6AM - 6PM)		10		\$7,810.00
UNKNOWN		40		\$46,372.00
	TOTAL	244		\$337,073.00

LARCENIES BY VALUE (EX MV)				
\$200 AND OVER		632		\$609,390.00
\$50 TO \$200		364		\$41,437.00
UNDER \$50		586		\$9,738.00

LARCENIES BY TYPE				
POCKET - PICKING		5		\$1,710.00
PURSE - SWATCHING		15		\$16,824.00
SHOPLIFTING		515		\$17,112.00
FROM MOTOR VEHICLES		295		\$159,202.00
MOTOR VEH. PARTS & ACC.		40		\$9,872.00
BICYCLES		174		\$42,735.00
FROM BUILDINGS (EX C & H)		196		\$94,871.00
FROM ANY COIN-OP MACHINES		4		\$645.00
ALL OTHER		338		\$317,594.00
	TOTAL	1582	1582	\$660,565.00

MOTOR VEHICLE THEFTS				
MOTOR VEHICLE THEFTS		242		\$1,398,224.00

MOTOR VEHICLES RECOVERED				
STOLEN & REC'D LOCALLY		147		
STOLEN LOC & REC'D OTHER		53		
STOLEN OTHER & RECD LOCAL		6		
	TOTAL	242	206	\$1,398,224.00

GRAND TOTAL		2209		\$2,424,684.00

PROPERTY STOLEN/RECOVERED BY TYPE

TYPE OF PROPERTY	VALUE OF PROPERTY STOLEN	VALUE OF PROPERTY RECOVERED
-----	-----	-----
CURRENCY, NOTES, ETC.	\$209,800.00	\$11,424.00
JEWELRY & PRECIOUS METALS	\$167,253.00	\$9,653.00
CLOTHING AND FURS	\$189,147.00	\$8,308.00
LOCALLY STOLEN MOTOR VEH.	\$1,284,499.00	\$1,180,801.00
OFFICE EQUIPMENT	\$48,363.00	\$690.00
TV, RADIOS, CAMERAS, ETC.	\$155,831.00	\$18,134.00
FIREARMS	\$22,221.00	\$5,330.00
HOUSEHOLD GOODS	\$9,725.00	\$2,103.00
CONSUMABLE GOODS	\$13,642.00	\$3,962.00
LIVESTOCK	\$450.00	
MISCELLANEOUS	\$323,753.00	\$124,485.00

GRAND TOTAL	\$2,424,684.00	\$1,364,890.00

AGENCY: Juneau PD

MONTHS OF 1/92 to 12/92

OFFENSES KNOWN TO POLICE

CLASSIFICATION OF OFFENSES	OFFENSES REPORTED OR KNOWN	UNFOUNDED FALSE OR BASELESS	NUMBER OF ACTUAL OFFENSES	** OFFENSES CLEARED ** BY ARREST OR EXCEPTION JUVENILES	
				TOTAL	ONLY

CRIMINAL HOMICIDE					
MURDER & NONNEG MANSL					
MANSL BY NEGLIGENCE					
TOTAL					

FORCIBLE RAPE					
RAPE BY FORCE	5	2	3		
ATTMPTD FORCABLE RAPE					
TOTAL	5	2	3		

ROBBERY					
FIREARM	2		2		
KNIFE/CUTTING INSTRMT					
OTHR DANGEROUS WEAPON					
STRONG-ARM (HANDS, FISTS)					
TOTAL	2		2		

ASSAULT					
FIREARM	2		2	2	
KNIFE OR CUTTING INSTR.					
OTHER DANGEROUS WEAPON	15		15	11	
HANDS, FIST, FEET, AGGRAVTD	3		3	2	
OTHER ASSAULTS - SIMPLE	397		397	375	27
TOTAL	417		417	390	27

BURGLARY					
FORCIBLE ENTRY	106		106	8	1
UNLAWFUL ENTRY - NO FORCE	10		10	1	
ATTEMPTED FORCIBLE ENTRY	1		1		
TOTAL	117		117	9	1

LARCENY					
THEFT(EX MOTOR VEHICLES)	787		787	206	51
TOTAL	787		787	206	51

MOTOR VEHICLE THEFT					
AUTOS	39		39	7	2
TRUCKS AND BUSES	1		1		
OTHER VEHICLES	16		16	2	2
TOTAL	56		56	9	4

GRAND TOTAL	1384	2	1382	614	83

PROPERTY STOLEN BY CLASSIFICATION

CLASSIFICATION OF OFFENSES	NUMBER OF ACTUAL OFFENSES		VALUE OF PROPERTY STOLEN
MURDER/MANSLAUGHTER MURDER/NO WNEG MANSLAUGHTER			
TOTAL			
RAPE FORCIBLE RAPE		3	
TOTAL			
		3	
ROBBERY HIGHWAY (STRT, ALLEYS, ETC) COMMERCIAL HOUSE GAS OR SERVICE STATION CHAIN STORE RESIDENCE BANK MISCELLANEOUS		2	\$900.00
TOTAL			
		2	\$900.00
BURGLARY RESIDENCE (DWELLING) NIGHT (6PM - 6AM) DAY (6AM - 6PM) UNKNOWN NOW-RESIDENCE (STORE ETC.) NIGHT (6PM - 6AM) DAY (6AM - 6PM) UNKNOWN		10 17 10 29 15 36	\$4,820.00 \$5,919.00 \$5,873.00 \$22,232.00 \$2,491.00 \$25,196.00
TOTAL			
		117	\$67,531.00
LARCENIES BY VALUE (EX MV) \$200 AND OVER \$50 TO \$200 UNDER \$50		281 234 272	\$260,001.00 \$25,685.00 \$3,679.00
LARCENIES BY TYPE POCKET - PICKING PURSE - SNATCHING SHOPLIFTING FROM MOTOR VEHICLES MOTOR VEH. PARTS & ACC. BICYCLES FROM BUILDINGS (EX C & H) FROM ANY COIN-OP MACHINES ALL OTHER		169 130 1 158 206 123	\$6,792.00 \$36,113.00 \$50.00 \$34,280.00 \$126,920.00 \$84,610.00
TOTAL			
		787	\$289,365.00
MOTOR VEHICLE THEFTS MOTOR VEHICLE THEFTS		56	\$181,900.00
MOTOR VEHICLES RECOVERED STOLEN & REC'D LOCALLY STOLEN LOC & REC'D OTHER STOLEN OTHER & RECD LOCAL		53	
TOTAL			
		56	\$181,900.00
GRAND TOTAL			
		965	\$539,696.00

PROPERTY STOLEN/RECOVERED BY TYPE

TYPE OF PROPERTY -----	VALUE OF PROPERTY STOLEN -----	VALUE OF PROPERTY RECOVERED -----
CURRENCY, NOTES, ETC.	\$50,734.00	\$7,788.00
JEWELRY & PRECIOUS METALS	\$25,310.00	\$3,003.00
CLOTHING AND FURS	\$23,776.00	\$4,391.00
LOCALLY STOLEN MOTOR VEH.	\$183,400.00	\$176,000.00
OFFICE EQUIPMENT		
TV, RADIOS, CAMERAS, ETC.	\$53,706.00	\$2,534.00
FIREARMS	\$13,725.00	\$4,147.00
HOUSEHOLD GOODS	\$6,750.00	\$4,435.00
CONSUMABLE GOODS	\$1,294.00	\$709.00
LIVESTOCK	\$10.00	\$10.00
MISCELLANEOUS	\$180,991.00	\$60,109.00

GRAND TOTAL	\$539,696.00	\$263,126.00

M/V THEFTS TREND

	NUMBER OF OFFENSES	% CHANGE FROM PRIOR YEAR	RATE PER 100,000 % CHANGE FROM PRIOR YEAR
1988	2330		
1989	2367	+ 1.6%	-2.2%
1990	3004	+ 26.9%	+ 22.0%
1991	2964	-1.3%	-4.8%
1992	2881	-2.8%	-5.0%

Motor vehicle theft is defined as the theft or attempted theft of a motor vehicle.

1992 SUMMARY

A total of 2881 motor vehicles were reported stolen in 1992. This is a 2.8% decrease over the previous year.

Motor vehicle thefts accounted for 10.1% of the property crimes and 8.9% of the total crime index. Motor vehicle theft rate per 100,000 people was 513.4.

Automobiles had the highest percentage of motor vehicle thefts with 70.1% followed by trucks and buses with 19.3% and other vehicles making up 10.6%.

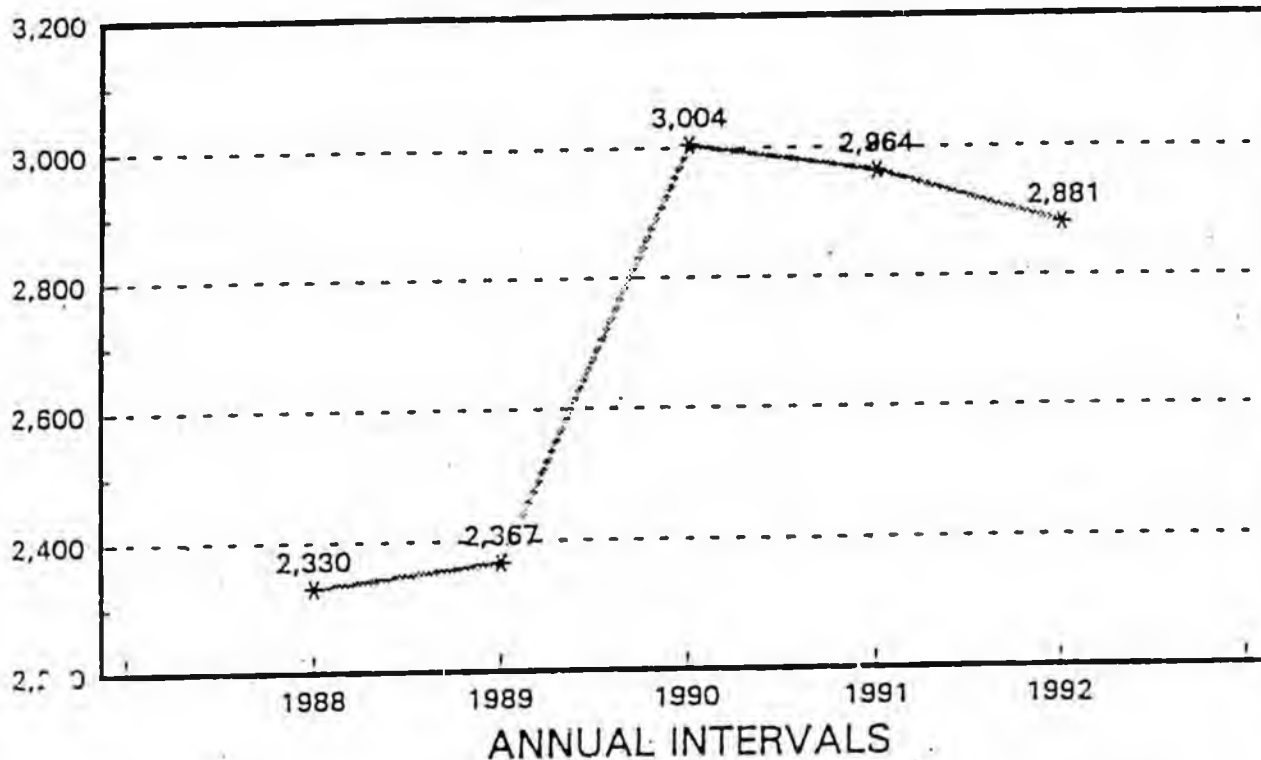
Fifteen year-olds had 14.5% of the arrests made for motor vehicle thefts followed by 13-14 year-olds having 13.6%.

The most motor vehicle thefts occurred in July with 277, and April had the least with 185.

Due to the rounding factor employed in the software, percentages presented will not always total 100%.

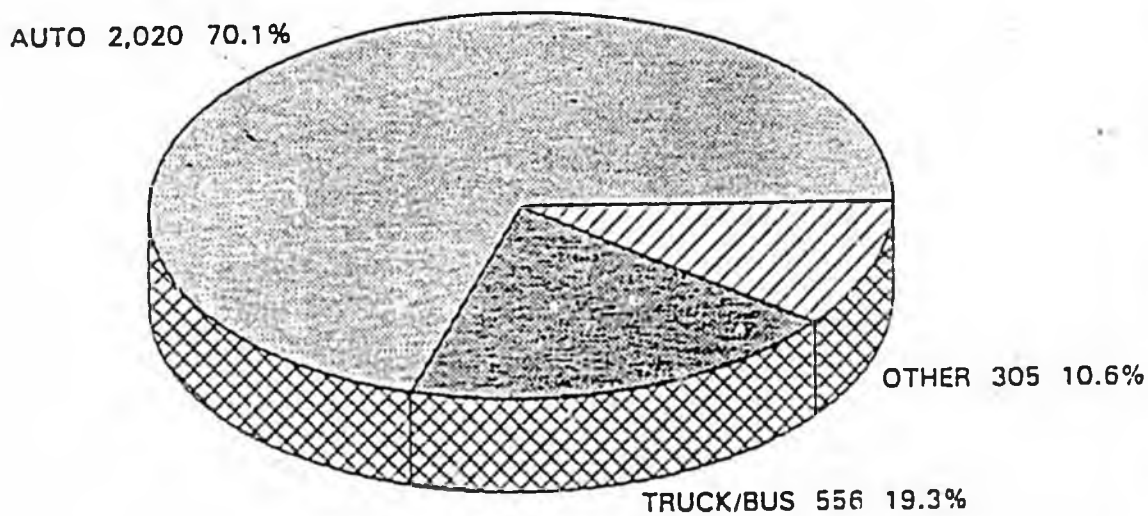
MOTOR VEHICLE THEFT TREND

1988 through 1992



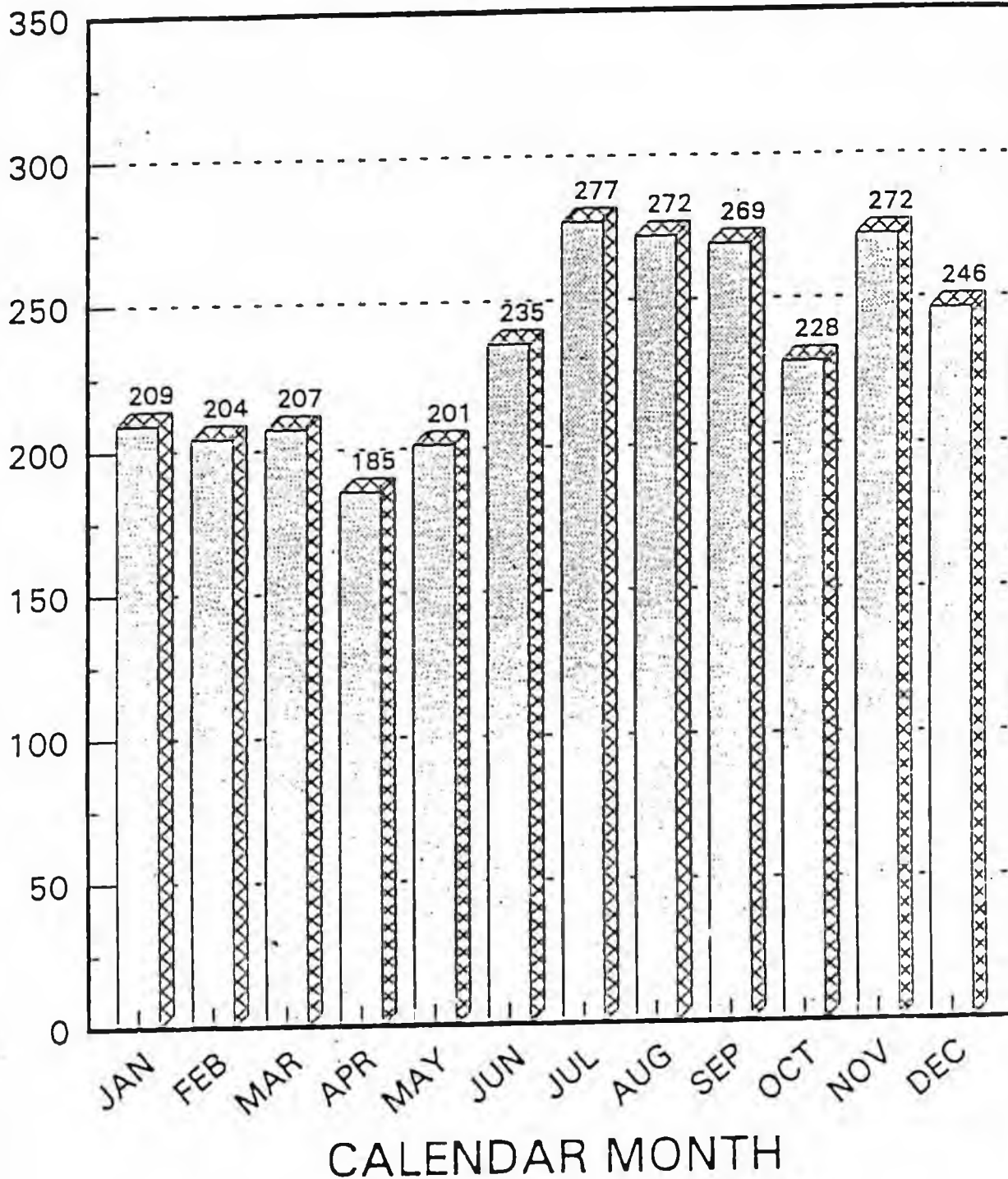
MOTOR VEHICLE THEFT 1992

Type of Vehicle



MOTOR VEHICLE THEFT BY MONTH

1992



The reported count of 76 for Ketchikan PD was not used as the figure was not broken down into months.

M/V THEFT ARRESTS 1992
AGE, SEX

AGE GROUP	SEX	NUMBER
12 and under.	M	5
	F	0
13-14	M	48
	F	13
15	M	58
	F	7
16	M	36
	F	1
17	M	47
	F	2
18	M	30
	F	1
19	M	17
	F	2
20	M	16
	F	1
21	M	16
	F	3
22	M	10
	F	2
23	M	7
	F	4
24	M	10
	F	0
25-29	M	41
	F	3

M/V THEFT ARRESTS 1992 (cont.)

AGE GROUP	SEX	NUMBER
30-34	M	27
	F	6
35-39	M	15
	F	3
40-44	M	7
	F	1
45-49	M	3
	F	1
50-54	M	2
	F	0
55-59	M	1
	F	0
60-64	M	1
	F	0
65 AND OVER	M	0
	F	0
TOTALS	M	397
	F	50

RACE OF OFFENDERS ARRESTED	
RACE	NUMBER
White	279
Black	61
Indian	103
Asian	4
TOTALS	447



Stop
stealing
our **CARS**

Anchorage
AUTO
thefts
soar in
'94



By
~~John~~
O'Harra

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ust after 2 a.m. that Tuesday, the streets of Spenard were almost deserted. A light snow had fallen during the dark January night, and few people were about. The taxi trade had hit slack time.

Several drivers had returned to Yellow Cab headquarters at Spenard Road and 36th Avenue for a break. Others were cruising the streets for fares. One cab was idling outside the office in the zero-to-10-degree weather. The driver had just stepped inside.

Suddenly, a man who'd been loitering at the corner jumped into the empty cab. In seconds, he accelerated the Chevy Caprice onto Spenard Road, then whipped eastbound on 36th Avenue. Then he was gone.

He'd stolen the car.

More than six times every day, someone steals a vehicle in Anchorage, often under identical circumstances — car or truck idling outside the door, temporarily unattended by the driver. Last year, a record 2,415 vehicles were reported stolen in Anchorage — up 75 percent from the previous year, and a big increase over the five-year average of 1,450 vehicles stolen per year, according to Anchorage police.

"A lot of them are opportunistic," says police Detective Rod Bennett, the only full-time car theft investigator in the city. "If they see them running, they jump in — and away they go."

Most of the time, owners find out their cars have been stolen when they discover an empty parking slot. But this time, cab dispatcher Dave Million saw the taxi wheel out — and he alerted the other drivers. As the cabbies scrambled for their taxis, Million called police and reported the theft. It was 2:19 a.m. on Jan. 10.

Continued on Page 10

CAR THEFT

(Continued from Page 9)

"We were right on him," Milion said. "Four or five cars joined the pursuit in the dark Spenard streets. Milion put out the word to other car companies. Within half a minute, police cruisers and a couple dozen cars were converging on the deserted grid of Midtown streets just east of Spenard.

The chase was short. According to Anchorage police, canines relayed information through Milion to 911 dispatchers — tracking the cab as it continued east on 16th, north on A Street, then back west on 14th.

There Anchorage police found the taxi pushed into a snow bank on the side of the road at about 2:22 a.m. — about three minutes after it had been stolen. Leading from the car in the new snow were fresh tracks.

"It snowed about an hour prior, so there was a pretty much perfect set of foot-prints," said Officer Rodney Ryan.

Meanwhile, Milion relayed word to police dispatchers that canines had seen a man running up 14th Avenue. Ryan and Officer Keith Curdell, using a police dog, converged on an apartment building. Within minutes, they'd taken 21-year-old Matthew Rentera into custody and charged him with misdemeanor criminal mischief — joy riding.

"I got a look at his shoe prints, and they

matched perfectly," Ryan said.

The cab was returned and back in service with only minor scrapes, according to Milion.

Over the past year, hundreds of Anchorage residents have experienced similar car thefts. Only a handful of vehicles in Anchorage disappear without a trace, suggesting that few "professional" car thieves operate here. Almost all victims get their vehicle back eventually, though often with several hundred dollars' worth of damage — dents, broken windows, torn interiors.

In the end, only a fraction of car thefts result in anyone getting arrested or charged.

As a can dispatcher, Milion says, he frequently gets called by people who have had their cars stolen. They ask that canines sweep an eye out. Milion said he's disgusted and frustrated by what he's seen.

"It happens all the time," he says. "I never would have believed it until I started driving cabs. And the reason it happens is because they never do anything. It's just joy riding."

Other victims echo Milion.

"It made me mad because you have to steal a car several times before it's a 'blony,'" says Anchorage resident Jennifer Villarreal, whose car has been stolen twice. "Even if the thief gets caught, nothing's going to happen to him. ... I don't think that's right."

YOUR PRECIOUS CAR

It's probably the largest single investment you'll ever make besides buying a house. Its price tag can rival a year's salary. Yet you park it out in the open, on a tinner, ready to be driven off. At best, it's perpetually within a minute of being stolen by anyone willing to shatter the window and rip open the steering column to engage the ignition.

At worst, the key is still in the car, the door unlocked, the engine warmed and idling, ready to roll.

Someone steals a car every 20 seconds in the United States — adding up to 1.5 million stolen vehicles in 1993 and 1.6 million in 1992. The annual cost of those thefts is staggering — an estimated \$7.5 billion for 1992, according to the Chicago-based National Crime Insurance Bureau.

The majority of vehicles are stolen in urbanized, non-crime states like California, where some 320,000 vehicles were reported stolen in 1992, a rate of 1,037 thefts per 100,000 residents. New York, Texas and Florida fall close behind.

Even in those states, the highest rates appear right where you'd think: in the major urban areas. Newark, New Jersey, leads the nation with 5,019 cars stolen per 100,000 residents. Los Angeles has a rate of about 1,550. New York's was 1,722.

By comparison, auto theft rates in Alaska and Anchorage are minuscule, sim-

How to keep your car

G

iven enough time and cover, just about anyone can steal your car or truck.

A vehicle parked in a dark, isolated lot is an easy mark for a determined thief, regardless of what alarm system might be installed. On the other hand, simply locking your car and parking it under a light in your driveway could discourage many others.

The trick is to make stealing your car as difficult and public and time-consuming as possible. This might seem obvious to streetwise residents of Los Angeles or New Jersey, but Alaskans haven't had to worry much about car security.

But times are changing. Here are some tips for the wise:

- **Close your windows, lock your car and take your keys.** Some 13 percent of all stolen vehicles are taken with the keys inside, according to the National Crime Insurance Bureau. If you leave your car running on a cold day (a practice not recommended by police), at least lock the door with a separate key.

- **Park your car in a place that can be easily seen** — under a street light, in your driveway, close to a store entrance — rather than in the far reaches of a parking lot. Given a choice, a thief will steal the car most hidden from view.

- **Consider purchasing a security device.**

- **Bar locks:** These can secure your steering wheel, gear shifter or brakes. Similar to heavy steel bike locks, they're only as strong

as the item they're locked around. (Consumer Reports testers found they could remove one from a steering column by cutting the steering wheel.) They range in price from \$15 to \$150.

- **Steering collars:** Many makes of cars can be started simply by ripping open the steering column to get at the ignition switch. Steel collars can be attached to prevent this. They range in price from about \$100 to \$200.

- **Alarms:** Over the past few years, dozens of alarms have gone on the market. They range from highly sophisticated systems that set off sirens and flash lights after detecting any disturbance to the car, to much simpler models that simply blare a horn if someone breaks open the driver's door. They range widely in price, with most models costing \$200 to \$400. They usually must be installed by a professional.

- **Engine disablers:** Several devices will prevent the engine from starting, or will turn it off after it's been started. Some work electrically, installed in the circuit between the ignition switch and the starter. Others work mechanically and cut off the flow of fuel to the engine.

- **Tracking systems:** These devices transmit a radio signal that can be tracked by someone else using a receiver. They cost hundreds of dollars and work on the same principle as an emergency beacon for aircraft or fishing boats.

SOURCES: Consumer Reports and National Crime Information Bureau.

...to rural, thinly populated areas of the Lower 48. Statewide figures for 1992, the most recent year available, show only 2,415 vehicles stolen in Alaska (a figure that includes snowmachines) for a rate of .007 per 100,000 residents. Anchorage, with 1,611 vehicles stolen in 1992, accounted for more than half of Alaska's total. The city's rate of .007 stolen cars per 100,000 residents was an eighth of Newark's and a third of L.A.'s.

"Thefts in Alaska really aren't that bad," says John Hoch, spokesman for the Chicago-based insurance crime bureau. "A lot of cities would be happy to have Anchorage's theft rates."

Over the past two years, the rate has jugged up, down, up. In 1993, 1,387 vehicles were stolen in Anchorage — a 14 percent decline from the 1,611 taken in 1992. But the number exploded last year, when a record 2,415 were reported taken. That increase is consistent with what's happening in the Lower 48, where mid-sized towns are beginning to catch up with the cities.

"Since 1990, vehicle theft has actually dropped in all major metropolitan areas," says Hoch. "What's really skyrocketing are the small towns and suburbs and places like Anchorage."

Why is that? Hoch believes urban residents have begun to take precautions — installing alarms, carefully locking vehicles. But people in places like Anchorage still don't believe that their car will be stolen. Not here. Not on their friendly neighborhood streets.

But they're wrong.

IS YOUR CAR NEXT?

Marveen Coggins, a legislative aide for Anchorage Rep. Cynthia Toohey, is working on new legislation to combat car thieves. She's quantified: She's had two stolen.

The first theft occurred in Colorado, when thieves drove her Chev Blazer out of a parking garage. It was later recovered packed to the brim with stolen furs, stereos and drug paraphernalia.

The second theft was two years ago on Anchorage's west side. Her husband, Wayne Coggins, had started their 1992 Honda Accord in the carport outside their fashionable townhouse. He then did something familiar to every Anchorage driver in winter — stepped back inside while the car warmed up.

When he returned a few minutes later, his vehicle was gone.

Police later found another stolen car abandoned near a garbage bin in the alley, suggesting that the thieves had come cruising through the neighborhood searching for an easy mark.

Police took the car's description. But what else could be done?

"We actually drove around late at night," says Marveen Coggins. "Two or three days later, we found it parked at the Sullivan Arena. The car was just sitting

there. It had been abandoned."

Police told her they believed it had been used in robberies, and had been reported as a "suspicious" vehicle on the east side. Still, there was no damage.

Jennifer Villarreal wasn't so lucky. Villarreal had owned her 1989 Acura Integra for only a few months before it was stolen on Oct. 15 — parked safe and snug on a quiet neighborhood street in front of her parents' west-side home.

"It was parked outside my house and all the doors were locked and everything," she says. "I woke up the next day and I was getting ready to go to work — and it was just gone."

At first, Villarreal says, she was dumfounded. After all, she had done nothing that would have put her car at risk.

"I thought maybe my maid took it or it got towed or something," she says. "I couldn't believe what I was seeing."

Like Coggins, Villarreal called police, who put the car's description in the computer — and went to answer the next call. There was nothing for a 23-year-old to do, except borrow some wheels.

SO WHO TOOK IT?

Nationally, car thieves come in three varieties, according to Hoch. An estimated 70 percent are joy riders, opportunists who see an unattended car and jump in, almost always abandoning it within hours or days. As a result, about 62 percent of all stolen vehicles are recovered, according to the National Crime Insurance Bureau.

The other 30 percent of thefts often involve drug users who take the car and strip it for parts — radios, air bags, tires. These people target slightly older cars or cars with easily interchangeable parts, then take them to "chop shops," where the vehicles are quickly reduced to a pile of auto equipment. Others operate in rings, working systematically. Or attempt to smuggle the whole vehicle out of the country.

In general, the insurance industry and law enforcement go after the professionals, who cause the biggest dollar losses. "You

can make more money by selling parts than by selling it whole," Hoch says. "Plus, you get rid of the evidence, too."

Detective Bennett says he concentrates on potential felonies — when the stolen vehicle sustains more than \$500 damage, or when police believe the vehicle was stolen by pros to be sold. In 1992, only 26 of Anchorage's 2,415 reported car thefts rose to that level. The majority of those cases went to patrol officers for investigation. "They're the first line of defense," Bennett says.

During the fall, some 20 snowmachines were stolen, too. "These snowmachines are the ones that are driving us nuts now — not the cars," Bennett says. "It's like open season. ... You leave a snowmachine out in the open, it's going to disappear."

Bennett's work is tedious and time-consuming, often involving a step-by-step tracking of suspicious auto parts. Many times it's a flail or nothing, he says. Either they stumble across the entire vehicle, or it just disappears.

"It's not that exotic," he says. "It's not a quick process where you can come out and go from point A to point B."

One of his typical cases last year involved a 1990 four-wheel-drive pickup truck. A woman reported it stolen and told police she thought her ex-boyfriend had taken it, which he denied. Eventually, Bennett found the truck in a compound behind a local body shop. All of it. In pieces. It had been systematically deconstructed. Trying to prove

who took the vehicle has been a nightmare.

"It went down the line through about 10 people or so," he says. "Now we're trying to trace the parts back." No one has been charged in connection with the case.

Most of Anchorage's stolen cars — 93 percent in 1993 — are recovered quickly. These thefts usually involve simple joy riding. With more than 2,400 vehicles reported stolen in 1994, only 49 were still listed as missing in police computers as of early

January, according to police records.

"The good news is that we recover 80 to 90 percent of these vehicles," says Anchorage police Sgt. Steve Warner, head of crime prevention. "So if your car gets stolen, you probably will get it back. But it

Continued on Page 13

... You have to steal a car

(several times) before it's a felony.



Even if the (thief) gets caught, nothing's going to happen to him. ... I don't think that's right.

— Jennifer Villarreal



JIM LAVRAKAS / Anchorage Daily News photo

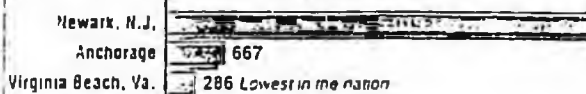
Anchorage police look over a truck stolen by teenagers in 1990.

How Alaska motor vehicle thefts compare to Outside

1992, thefts per 100,000 people, by state



1992, thefts per 100,000 people, by city



Source: FBI Statistical Abstract of the United States

Factoids

- In the United States, a car is stolen every 20 seconds
- According to 1992 statistics, a car is stolen about every 14 hours in Vermont.
- In California, it happens every 1.5 minutes.
- In Alaska, a car is stolen every three hours.

Source: National Crime Crime State Rankings 1994

10 most stolen cars in 1994

Rank	Year	Make and model
1	1984	Oldsmobile Cutlass Supreme
2	1993	Jeep Grand Cherokee 4x4
3	1987	Oldsmobile Cutlass Supreme
4	1986	Oldsmobile Cutlass Supreme
5	1988	Honda Accord LX
6	1985	Oldsmobile Cutlass Supreme
7	1992	Honda Accord EX
8	1984	Buick Regal
9	1990	Honda Accord EX
10	1991	Honda Accord EX

Source: CCC Information Services

RON ENGSTROM / Anchorage Daily News

CAR THEFT

Continued from Page 11

will probably have been damaged. These people who steal cars don't take real good care of them.

Under present law, taking a vehicle without permission is usually a Class A misdemeanor, punishable by up to a year in prison. Certain factors can make it a felony — previous convictions or more than \$500 damage. In practice, few of Anchorage's hundreds of joy riding cases result in arrest or conviction.

The city prosecutor's office filed only 129 joy-riding cases last year. Joy riding is among the most difficult cases to prove, because once the car is stolen, it can go among a dozen people in two or three days, says Acting Municipal Prosecutor Carmen Clark-Weeks.

"Then you have to prove beyond a reasonable doubt that the defendant was driving the car knowing it was stolen or that he had enough information to believe it was stolen," adds Bonnie Lemon, head of the misdemeanor unit of the Anchorage district attorney's office.

Often the accused produces elaborate explanations involving numerous people, some of them identified by first name. Scenarios develop in which the accused "borrowed" the vehicle from an acquaintance, who borrowed it from a friend, who borrowed it from someone else.

In the end, Lembo says, it's often just not cost-effective to sort out all the stories — especially when the car has been recovered.

"How are we ever going to prove what happened, except by treating it like a murder case? It's just disproportionate to the crime. We figure the getting the car back solves the problem."

One solution might be to make the crime of car theft a felony — resulting in more serious penalties and the possibility of lengthy jail time. During the last legislative session, several bills were proposed that would have made the penalties for joy riding more serious. Several new versions have been proposed for the new legislature.

"It just seems inconsistent that somebody can steal a car, and it would be passed off as joy riding, and he essentially gets a slap on the wrist," says Anchorage Sen. Luren Leman, author of one of the bills. "This is an attempt to raise it to the level it rightfully deserves. You steal a car — and it would be a felony."

But Leman and other legislators also say they're worried about the potential cost of creating a new felony. According to a 1994 Department of Correction analysis, prosecuting as few as 130 joy-riding cases as felonies rather than misdemeanors could cost an additional \$1.4 million for trials, presentencing reports and incarceration.

Given the state's budget forecast, the cost of making joy riding a felony might doom the legislation even if lawmakers

Continued on Page 14





PAUL SQUIDERS / Anchorage Daily News file photo



Anchorage police and airport immigration officers joined in pursuit of a stolen truck through back streets and yards near Lake Hood in December 1992. Duley Lyons, 19, was arrested after wrecking the truck. Damage was estimated at \$5,000.

CAR THEFT

(Continued from Page 12)

"I think it's a good idea. That's why the bill hasn't moved the last three years," Leman says. "But we can't make an impact on some of these people because they say there's no consequence to joy riding. Well, we want to make it a big deal and stop it."

Legislative aide Coggins is trying to find "creative" approaches that won't cost as much.

"I would rather revamp our entire system of justice to emphasize restitution," Leman says. "But what do you do when a kid trashes a \$20,000 car and doesn't have the money to pay for it? You can only get so much community service."

WHAT CAN YOU DO?

In the end, preventing car theft may be up to the individual.

"What've got to do the 'What if my car gets stolen?' scenario to yourself," says Hoch. "You need to realize that you are vulnerable and your car has a potential of being stolen."

According to police and insurance investigators, a professional car thief can quickly take your car, even to the point of disabling alarm systems or multiple locks. But most of the time the car thief doesn't know much more about stealing cars than you do.

"Sure, if a professional wants your car, he's going to have it," said Hoch. "But there aren't that many professionals out there. People have got to protect themselves against the joy riders."

"If somebody wants you to be a victim, you're going to be a victim," adds police Sgt. Warner. "But most criminals don't target specific people. They're looking for opportunity. So why give them opportunities to steal your car?"

Eliminating opportunity begins with locking your car.

The first and best anti-theft device is a key," says Hoch.

Other anti-theft strategies follow the same common-sense tack: Don't leave the key in the ignition. Don't leave the car running with the door unlocked. Don't park in dark, isolated places. Don't leave it overnight away from your home.

Police also urge owners to keep the automobile title outside the car. A thief could forge your signature and have the title transferred into a new name within hours of stealing the car.

In addition, police and consumer advocates urge people to install some sort of anti-theft device. A locking bar can prevent someone from turning the steering wheel. Alarm systems — ranging in price from under \$100 to nearly \$2,000 — can help signal a car theft. Some companies have even started manufacturing transmitter-receivers, devices that broadcast a radio signal so a stolen car can be tracked and recovered.

All these strategies can be overcome by

a determined thief, according to police. But they all make stealing your car more time-consuming and more difficult. A joy rider acting on impulse might turn away from a locked car or flee at the sound of an alarm.

AND THEN THERE'S BAD LUCK

Jennifer Villarreal's car was missing for only a few days. Sgt. Warner was heading home on Oct. 21 — three days after the car was taken — and saw it zip past him at high speed, westbound on Northern Lights Boulevard. Not knowing the car was stolen, and intending to issue a warning, Warner pulled up behind it at the Forest Park traffic light and snapped on his red flashing light.

The two men in the car panicked.

Accelerating through the red light, they turned right in Forest Park from the left-hand lane. As Warner followed, he saw the car speed up the residential street, prompting him to break off his pursuit. The driver ran the stop sign — nearly hitting another car — and zoomed out of sight. Warner kept following at a distance. He saw the car

turn eastbound on Hillcrest Drive, then enter the parking lot behind West High School. Warner trapped the car in the lot.

Two men in their 20s jumped out and ran into the dark. Warner ran after them, then found one trying to hide behind a building. He finally chased him to a fence with his gun drawn, and took him into custody.

According to police, 18-year-old Anthony Zucchero was charged with knowingly riding in a stolen vehicle, fourth-degree criminal mischief. But Zucchero didn't show up for his trial in District Court on Jan. 5 and a \$1,000 warrant was issued for his arrest.

The Acura Integra had \$1,700 worth of damage — a dent in the front panel, torn steering column, ruined starter. There were empty tequila bottles and other trash inside. "It was just thrashed," Villarreal says.

But there was something else about it — a sense of violation.

"It was creepy when I was checking it out — it was really creepy," she says. "I thought I would be a lot happier when I got it back than I was."

Likewise, Coggins says she felt a similar sense of distaste when she got back her Chevy Blazer years earlier in Colorado — she had left her personal journal in the vehicle. She was repulsed.

"They had apparently kind of lived in it for a while, and I felt like my area had been violated, that my privacy had been violated," she says. "I literally used disinfectant all over it, because it just felt dirty."

Villarreal took her car to a body shop on Dowling Road, where it was parked on the side of the road with other vehicles awaiting repairs. Within a couple days, the car had disappeared from there, too. Stolen again. This time it was gone for a month. It finally showed up in the YMCA parking



ANNE RAUP / Anchorage Daily News file photo

Last month, Renee Pagel of Anchorage punched a man who was part of a group that tried to steal her car, according to police.

lot about mid-December.

A couple weeks ago, she finally got it back, repaired at last. It drives OK. But Villarreal doesn't feel as good about it as she once did. The whole experience — having the first cultural skid his trial after being charged with a relatively minor offence, and then having the car disappear again — has disgusted her.

"And the whole time I had to make car payments, too," she says. "That's what really irritated me."

■ Doug O'Hara is a We Alaskans staff writer.



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FISCAL NOTE

STATE OF ALASKA
1995 LEGISLATIVE SESSION

BILL NO. SB 14

Revision Date: _____ Dept. Affected: Alaska Court System
 Title: An Act relating to criminal mischief BRU: Trial Courts
 Components: _____
 Sponsor: Sen. Laman
 Requestor: _____ COMPONENT SERIAL NO. 768

EXPENDITURES/REVENUES (Thousands of Dollars)

OPERATING EXPENDITURES	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL	4.6	4.6	4.6	4.6	4.6	4.6
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS & CLAIMS						
TOTAL OPERATING	4.6	4.6	4.6	4.6	4.6	4.6

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

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

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	4.6	4.6	4.6	4.6	4.6	4.6
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	4.6	4.6	4.6	4.6	4.6	4.6

POSITIONS

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year (FY 95) cost: \$ None

ANALYSIS: (Attach a separate page if necessary)

Prepared by: C. S. Christensen III, Staff Counsel *CS* Phone: 264-8228
 Agency: Alaska Court System Date: 02/01/95

Approved by: Arthur H. Snowden, II, Administrative Director *AS*
 Agency: Alaska Court System Date: 02/01/95

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

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14

Alaska Court System
Fiscal Analysis
SB 14

This legislation amends the criminal mischief statutes to provide that joyriding is upgraded from a class A misdemeanor to a class C felony.

According to the Department of Law, this legislation would have affected 99 cases in FY 93. Those 99 cases, two went to trial, with the trials lasting approximately one day. If those 99 cases had been charged as felonies, approximately five would have gone to trial (the trial rate for class C felonies without a presumptive or mandatory sentence is approximately five percent). These trials would have lasted approximately three days; this is because a felony case requires a much longer jury selection process than a misdemeanor case (12 jurors rather than six, plus alternates), and because the more severe consequences of a felony conviction generally result in more witnesses, longer examinations of witnesses, and more motion work.

This fiscal note is limited to the additional trial jury costs that will result from SB 14. It should be noted, however, that there will be additional grand jury work as 99 new cases are presented, as well as the costs to the system of transferring this caseload from the district court to the more busy, more expensive superior court. Because these costs are speculative, they have not been included.

Alaska Court System
Fiscal Analysis
SB 14

Contractual

Jury fees

This legislation will change the offense of joyriding from a misdemeanor to a class C felony. During FY 94, two 1-day, 7-juror misdemeanor trials were conducted. It is anticipated that the new legislation will result in 5 3-day, 13-juror, felony jury trials. Jury fees will increase as follows:

Five felony trials

Felony trials require 12-person juries and one alternate juror. Jurors are paid \$25 a day. The trials are anticipated to last three days.

\$4,875

Less the cost of existing misdemeanor trials

Misdemeanor trials require 6-person juries. Jurors are paid \$25 a day. The trials lasted one day each

300

Estimated net increase in jury fees

\$4,575

2/1/95 #12
(S) JUD, FIN

FISCAL NOTE

STATE OF ALASKA
1995 LEGISLATIVE SESSION

BILL NO: SB 14

Revision Date: _____ Dept. Affected: Public Safety
 Title: An Act relating to the offense of...joyriding. BRU: Motor Vehicles
 Component: Driver Services
 Sponsor: Senator Leman
 Requestor: (S) Judiciary COMPONENT SERIAL NO. 0500

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

	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
OPERATING						
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-
Revenue Code						

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.)

It is difficult for the Division of Motor Vehicles to estimate the fiscal impact of this bill. Current law, AS 28.15.181 requires the Court to revoke a driver's license for any felony conviction for the offense in which a commission of a motor vehicle was used. If enacted as written, this bill will have impact on the Division. Once it is determined how many felony convictions will occur, this fiscal note may be revised to reflect an accurate amount for the impact.

Prepared By: Juanita Hensley Phone: 465-2650
 Division: Chief, Driver Services Date: 2/1/95
 Approved by Commissioner: *Ronald L. Otte* Date: 2/1/95
 Agency: Ronald L. Otte, Dept. of Public Safety

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FISCAL NOTE

211195(S)JUD,
FIN

STATE OF ALASKA
1995 LEGISLATIVE SESSION

BILL NO: SB14

#3

Revision Date: _____
Title: "An Act relating to criminal mischief."

Dept. Affected: Public Safety
Alaska State Troopers
Component: Detachments

Sponsor: Senator Loren Leman
Requestor: (S) Judiciary

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-
Revenue Code						

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.)
See attached discussion

Prepared By: Francis C. Allan
Division: Alaska State Troopers
Approved by Commissioner: Ronald L. Olte
Agency: Ronald L. Olte, Dept. of Public Safety

Phone: 269-5691
Date: 01/30/95
Date: 1-31-95

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Fiscal Analysis
SB 14

This legislation amends the criminal mischief statutes to classify acts cited under AS 11.46.482(a) (joyriding), as class C felonies. It also provides that repeat offenders are charged with a class B felony.

The Alaska State Troopers respond to over 700 thefts of all types of vehicles per year. Since they are only misdemeanors, very limited investigative effort is currently expended in this area and very few cases are prosecuted. The Department of Law has indicated only two such cases went to trial. Most cases were not contested or the defendant pled out.

Changing the nature of the penalty from a misdemeanor to a class C felony will increase the amount of time spent on a joyriding case to respond to grand jury and evidentiary hearings which are not encountered at the misdemeanor level. Additionally, more felony cases tend to go to trial than misdemeanors due to the increased penalty.

The intent of this bill is to make the selection of joyriding cases more of a priority. Felony crimes against persons are the highest priority and take most resources. Vehicle theft has not historically been afforded priority treatment. AS a practical matter, the few new cases taken as a felony under this bill would preempt investigating a few more lower priority misdemeanor cases.

1127195 H4
(9) JUD
THEFT

FISCAL NOTE

STATE OF ALASKA
1995 LEGISLATIVE SESSION

BILL NO. SB 14 1

Revision Date: _____ Dept. Affected: Corrections
 Title: An Act relating to Criminal mischief BRU: Community Corrections
 Component: Dir. Office
 Sponsor: Sen. Leman
 Requester: _____ COMPONENT SERIAL NO. _____

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL	85.5	85.5	85.5	85.5	85.5	85.5
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	85.5	85.5	85.5	85.5	85.5	85.5

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

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

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	85.5	85.5	85.5	85.5	85.5	85.5
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	85.5	85.5	85.5	85.5	85.5	85.5

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

POSITIONS

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

This bill classifies the acts cited under AS 11.46.482 (a) as class B felonies in cases where there exist a prior conviction for the same or similar statutes in the preceding seven years and provides for a mandatory minimum sentence.

The impact of this bill on DOC depends, in large part, on the conduct of prosecutors, defense attorneys and judges. Perhaps as many as 100 offenders could receive enhanced sentences under this bill. DOC assumes maximum discretion will be used in these cases and the impact will result in far less than that.

It is assumed that 25 individuals will serve an average of 60 additional days incarceration and that the time will be served in a CRC at an average cost of \$57.00 per day.

$25 \times 60 \times \$57 = \$85,500$ total estimated annual cost.

Prepared by: Jerry Shriner
 Division: Comm. Office
 Approved by Commissioner: *Wayne H. Pugh*
 Agency: Department of Corrections

Phone: 465-4640
 Date: 1/25/95
 Date: 1/25/95

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1127195 #5
 (S) JUD
 THEN FIN

FISCAL NOTE

STATE OF ALASKA
 1995 LEGISLATIVE SESSION

BILL NO. SB 14

Revision Date: _____ Dept. Affected: Department of Law
 Title: "An Act relating to criminal mischief." BRU: Prosecution
 Component: All

Sponsor: Senator Leman
 Requester: Senator Leman COMPONENT SERIAL NO. 0085-0090

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 amends the state criminal mischief statutes to raise the penalty for joyriding from a class A misdemeanor to a class C felony. The penalty for a second joyriding conviction would be raised from a class C felony to a class B felony.

In FY 93 the Department of Law handled 99 joyriding cases. The vast majority were misdemeanors. Only two of the cases went to trial on a contested basis where the defendant pled not guilty. In most of the cases the defendants either pled guilty or the charges were dropped in exchange for a plea of guilty to a more serious charge, normally driving while intoxicated or theft.

Making all of these cases felonies will greatly increase the workload of prosecutors, because they will all require grand jury proceedings that are not required now. It can also be anticipated that many more cases will go to trial, because defendants will not want to plead guilty to a felony offense, which makes them eligible for presumptive sentencing if they get another felony conviction. Plea bargaining these cases will not often be a viable option, because there is no other criminal mischief offense which applies, short of criminal mischief in the

Prepared by: Richard I. Penues, Director Phone: 465-3672
 Division: Administrative Services Division Date: 1/24/95
 Approved by Commissioner: Bruce M. Botelho, Attorney General Date: 1/24/95
 Agency: Department of Law

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FISCAL NOTE

STATE OF ALASKA
1995 LEGISLATIVE SESSION

BILL NO. __ SB 14

ANALYSIS CONTINUATION:

fourth degree (tampering with the property of another), which is a class B misdemeanor and thus a lower level crime than the current offense.

The number of new felonies that will occur as a result of adoption of this bill, when spread throughout the Prosecution BRU, does not warrant fiscal note costs at any particular location, and none have been shown. However, the Department of Law cautions that adding new crimes, or in this case increasing the penalty for certain existing crimes, usually has the cumulative effect of adding new burdens to an already overburdened prosecution staff. Serious felonies being referred to the department have increased by over 30% since FY89, while misdemeanors have risen by 50% during the same period. In the face of declining revenues and in the face of the increase in violent crimes, the most likely result of this change is that joyriding offenses will not be charged as often as they are now, as prosecutors struggle to handle as much as they can with limited resources.

SENATE COMMITTEE REPORT
First Committee of Referral

DATE: 1/16/95

FURTHER: Finance

Date of 5-Day Notice: January 26, 1995
 (in accordance with Uniform Rule 23)

DATE TURNED INTO OFFICE: 3-6-95

Judiciary Committee considered SENATE BILL NO. 14

"An Act relating to criminal mischief."

Oil Falls

and recommends:

- be replaced with CS SB 14 (JUD)
- adopt previous CS _____ (_____)
- attached amendment(s)
- adopt Letter of Intent by _____ Committee
- further referral to the _____ Committee

- Senate Bill: same title
- new title
- House Bill: technical change
- new: SCR# _____

SIGNING <u>DO</u> PASS	DP	OTHER RECOMMENDATIONS	NR	DNP	AM
		<i>Linda Wheeler</i>	✓		
		<i>Mike Miller</i>	✓		
		<i>Al Adams</i>	✓		
CHAIR: <i>Chris Taylor</i>					

NEW FISCAL NOTE(S):

~~PREVIOUS~~ FISCAL NOTE(S):*

Department	Date	Zero	Fiscal
SB Corrections	1/25/95	✓	85.5
SB Law	1/24/95	✓	
SB Public Safety Detach	1/20/95	✓	
SB " DMV	2/1/95	✓	
SB Court System	2/1/95		4.6

Department	Date	Zero	Fiscal
CS Corrections	1/25	✓	
CS Law	3/2		81.7
CS Public Safety	3/2	✓	new analysis
CS DPS-DMV	3/2		96.4
CS Court System	3/2		55.6

APPROPRIATION -- no fiscal note

*include fiscal notes accompanying Governor's bill

SB

15

SFIN

FILE

FISCAL NOTE

STATE OF ALASKA
1995 LEGISLATIVE SESSION

No. 1
BILL Bill Version: SB 15
(S) Publish Date: 3/1/95

Revision Date: _____ Dept. Affected: Administration
 Title: "An Act extending the termination date of the BRU: Office of the Commissioner
Citizen's Review Panel for Permanency Planning.." Component: Permanency Planning
 Sponsor: Sen. Ellis
 Requestor: Sen. Ellis COMPONENT SERIAL NO. 1888

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES	136.6	136.6	136.6	0.0	0.0	0.0
TRAVEL	1.0	1.0	1.0	0.0	0.0	0.0
CONTRACTUAL	18.0	18.0	18.0	0.0	0.0	0.0
SUPPLIES	3.5	3.0	3.0	0.0	0.0	0.0
EQUIPMENT	11.5	0.5	0.5	0.0	0.0	0.0
LAND & STRUCTURES	0.0	0.0	0.0	0.0	0.0	0.0
GRANTS, CLAIMS	0.0	0.0	0.0	0.0	0.0	0.0
MISCELLANEOUS	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	170.6	159.1	159.1	0.0	0.0	0.0

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

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

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	170.6	159.1	159.1	0.0	0.0	0.0
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
Total	170.6	159.1	159.1	0.0	0.0	0.0

Estimate of current year (FY 95) cost: \$65.0

POSITIONS:

FULL-TIME	3	3	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)

(Please see attached)

Prepared by: Sharon Barton, Director
 Division: Administrative Services

Phone: 465-5655
 Date: _____

Approved by Commissioner: Mark Boyer
 Agency: Department of Administration

Date: 1/25/95

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

SB 15 would extend the life of the Citizen's Review Panel for Permanency Planning until June 30, 1997. Under AS 44.66.010 (b), the review panel could remain in existence until June 30 of the succeeding year (1998) for the purpose of concluding its affairs. The fiscal note assumes the office would remain open until June 30, 1998.

Personal services costs are based on two full time Social Worker II positions and one Administrative Assistant II position.

Travel will consist of one or two trips between Anchorage and Juneau.

Contractual costs are comprised of office lease expense and telephone expenses.

Supplies costs are comprised of miscellaneous office supplies expenses.

First year equipment includes office and computer equipment. These start up costs are necessary because the pilot program has been operating for the past eighteen months with office furniture (personal property) on loan from the former Deputy Commissioner. Computers obtained from state surplus are barely functional and are so old they cannot run current software. If the program is to be continued these basic items must be purchased. FY 97 and FY 98 equipment would cover miscellaneous equipment expenses.

FY95 funding runs out about March 15, 1995. The current plan calls for shutting down the program and laying off staff on that date. If the program is to be continued supplemental funding for FY95 in the amount of \$65.0 would be necessary.

FISCAL NOTE

1/30/95
(S) HES
THEN FIN

STATE OF ALASKA
1995 LEGISLATIVE SESSION

BILL NO. SB 15

Revision Date: _____ Dept. Affected: Administration
 Title: "An Act extending the termination date of the BRU: Office of the Commissioner
Citizen's Review Panel for Permanency Planning..." Component: Permanency Planning
 Sponsor: Sen. Ellis
 Requestor: Sen. Ellis **COMPONENT SERIAL NO. 1888**

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES	136.6	136.6	136.6	0.0	0.0	0.0
TRAVEL	1.0	1.0	1.0	0.0	0.0	0.0
CONTRACTUAL	18.0	18.0	18.0	0.0	0.0	0.0
SUPPLIES	3.5	3.0	3.0	0.0	0.0	0.0
EQUIPMENT	11.5	0.5	0.5	0.0	0.0	0.0
LAND & STRUCTURES	0.0	0.0	0.0	0.0	0.0	0.0
GRANTS, CLAIMS	0.0	0.0	0.0	0.0	0.0	0.0
MISCELLANEOUS	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	170.6	159.1	159.1	0.0	0.0	0.0

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

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

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	170.6	159.1	159.1	0.0	0.0	0.0
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
Total	170.6	159.1	159.1	0.0	0.0	0.0

Estimate of current year (FY 95) cost: 665.0

POSITIONS:

FULL-TIME	3	3	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)
 (Please see attached)

Prepared by: Sharon Barton, Director
 Division: Administrative Services

Phone: 465-5655
 Date: _____

Approved by Commissioner: Mark Boyer
 Agency: Department of Administration

Date: 1/25/95

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

SB 15 would extend the life of the Citizen's Review Panel for Permanency Planning until June 30, 1997. Under AS 44.66.010 (b), the review panel could remain in existence until June 30 of the succeeding year (1988) for the purpose of concluding its affairs. The fiscal note assumes the office would remain open until June 30, 1998.

Personal services costs are based on two full time Social Worker II positions and one Administrative Assistant II position.

Travel will consist of one or two trips between Anchorage and Juneau.

Contractual costs are comprised of office lease expense and telephone expenses.

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First year equipment includes office and computer equipment. These start up costs are necessary because the pilot program has been operating for the past eighteen months with office furniture (personal property) on loan from the former Deputy Commissioner. Computers obtained from state surplus are barely functional and are so old they cannot run current software. If the program is to be continued these basic items must be purchased. FY 97 and FY 98 equipment would cover miscellaneous equipment expenses.

FY95 funding runs out about March 15, 1995. The current plan calls for shutting down the program and laying off staff on that date. If the program is to be continued supplemental funding for FY95 in the amount of \$65.0 would be necessary.

SENATE COMMITTEE REPORT
First Committee of Referral

gpl DATE: 1/17/95

FURTHER: Finance

Date of 5-Day Notice: 2-23-95
 (in accordance with Uniform Rule 23)

DATE TURNED INTO OFFICE: 3-1-95

HESS Committee considered SENATE BILL NO. 15

~~"An Act extending the termination date of the Citizens' Review Panel for Permanency Planning and providing for an effective date."~~

FN

and recommends:

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

Senate Bill:
 same title
 new title
 House Bill:
 technical change
 new: SCR# _____

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	NR	DNP	AM
<i>Judith E. Salo</i>	<input checked="" type="checkbox"/>	<i>Mike Miller</i>	<input checked="" type="checkbox"/>		
<i>John Sleeps</i>	<input checked="" type="checkbox"/>				
<i>John Brown with zero fiscal note</i>	<input checked="" type="checkbox"/>				
CHAIR: <i>Syda Green</i>	<input checked="" type="checkbox"/>				

NEW FISCAL NOTE(S):

Department Date Zero Fiscal

<i>DOA</i>	<i>1/25</i>		<i>170.6</i>

PREVIOUS FISCAL NOTE(S):*

Department Date Zero Fiscal

APPROPRIATION -- no fiscal note

*include fiscal notes accompanying Governor's bill

SB

16

HFIN

FILE

HOUSE COMMITTEE REPORT

(11)

Date Referred: May 4, 1995

FURTHER REFERRALS:

Date of Committee Action: 5/8/95

The FINANCE Committee considered:

CSSB 16(FIN) am

CS FOR SENATE BILL NO. 16(FIN) am

INCREASE LAND GRANT TO UNIV. OF ALASKA

"An Act relating to the University of Alaska and university land, authorizing the University of Alaska to select additional state public domain land, and defining net income from the University of Alaska's endowment trust fund as 'university receipts' subject to prior legislative appropriation."

recommends it be replaced with the following committee substitute HCS CSSB 16 (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) ⁽¹⁾ STATEWIDE BUDGET OF

fiscal note(s) ⁽¹⁾ Fish Game 3/27/95

DNR 3/27/95 (1) STATEWIDE Bud. of

zero fiscal note(s) zero fiscal note(s) ⁽¹⁾ REVENUE 3/27/95

SIGNING WITH RECOMMENDATIONS		DP	DNP	NR	AM
<i>Richard Foster</i>	FOSTER			X	
<i>Mark Hanley</i>	Hanley			X	
<i>Mike Mullen</i>	Mullen	X			
<i>Ken Parnell</i>	Parnell			X	
<i>Mike Kohring</i>	Kohring			X	
<i>Bar Grussardint</i>	Grussardint		X		
<i>Mike Navarre</i>	Navarre		X		
<i>Ken Brown</i>	BROWN		X		
<i>Pat Kelly</i>	Kelly	✓			
<i>Ken Therriault</i>	Therriault	X			

CO-CHAIR'S SIGNATURE *Mark Hanley*
Hanley

Richard Foster
Foster

No. 7
 Bill Version: CSSB 116 (Final)
 (S) Publish Date: 3-27-95

FISCAL NOT

BILL NO. CSSB16(CRA)

STATE OF ALASKA
 1995 LEGISLATIVE SESSION

Revision Date: 3-Mar-95 Dept Affected: Natural Resources
 Title: An Act relating to the University of Alaska and BRU: Resource Development
University land, authorizing the University of Alaska to select... Component: Information Resource Management
 Sponsor: Senator(s) Frank, Kelly, Sharp, Feiler Land Development
 Requestor: _____ Component Serial No. 427

Expenditures/Revenues	Thousands of Dollars					
	-1996	-1997	-1998	-1999	-2000	-2001
OPERATING EXPENDITURES						
PERSONAL SERVICES	50.01	50.01	50.01	50.01	50.01	50.01
TRAVEL	5.01	5.01	5.01	5.01	5.01	5.01
CONTRACTUAL	5.01	5.01	5.01	5.01	5.01	5.01
SUPPLIES	5.01	5.01	5.01	5.01	5.01	5.01
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	75.01	75.01	75.01	75.01	75.01	75.01
CAPITAL EXPENDITURES	0.01	0.01	0.01	0.01	0.01	0.01
CHANGE IN REVENUES	0.01	0.01	0.01	0.01	0.01	0.01

FUND SOURCE	Thousands of Dollars					
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF Program Receipts						
1006 GF MHTA						
Other VA Receipts	75.01	75.01	75.01	75.01	75.01	75.01
TOTAL	75.01	75.01	75.01	75.01	75.01	75.01

Estimate of any current year (FY95) cost: \$ None

POSITIONS						
FULL-TIME	01	01	01	01	01	01
PART-TIME	01	01	01	01	01	01
TEMPORARY	01	01	01	01	01	01

ANALYSIS: Attach a separate page if necessary

This fiscal note is for the minimum necessary for GNR to process land conveyances to the University of Alaska. All costs for the conveyance work will be paid by the University to GNR using Interagency Receipts. We assume this includes all costs to include selection, conveyance, records notation, deed recordation, survey, litigation, etc.

It is impossible to project the exact amount of revenue these conveyances will generate for the University, and will be lost to the state, without knowing what lands will be transferred. With the inclusion of oil and gas, the revenue lost to the state will be significant.

Prepared by: Ron Swanson, Director Phone: 465-2406
 Division: Division of Land Date: 3-Mar-95
 Approved by Commissioner: _____ Date: 3-6-95
 Agency: Natural Resources

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No. 8

Bill Vers

CSSB 16 Fin

(S) Pr

Date: 3-27-95

FISCAL NOTE

STATE OF ALASKA
1995 LEGISLATIVE SESSION

BILL NO. CSSB 16 (CRA)

Revision Date: 3/9/95 Dept. Affected: Fish and Game
 Title: University Land Selection BRU: Habitat and Restoration Division
 Component: Habitat
 Sponsor: Senator Frank
 Requester: Senate Resources COMPONENT SERIAL NO. 186

Expenditures/Revenues (Thousands of Dollars)

	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
OPERATING EXPENDITURES						
PERSONAL SERVICES	31.2	31.2	31.2	31.2	31.2	31.2
TRAVEL	1.3	1.3	1.3	1.3	1.3	1.3
CONTRACTUAL	1.0	1.0	1.0	1.0	1.0	1.0
SUPPLIES	0.5	0.5	0.5	0.5	0.5	0.5
EQUIPMENT	0.0	0.0	0.0	0.0	0.0	0.0
LAND & STRUCTURES	0.0	0.0	0.0	0.0	0.0	0.0
GRANTS, CLAIMS	0.0	0.0	0.0	0.0	0.0	0.0
MISCELLANEOUS	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	34.3	34.3	34.3	34.3	34.3	34.3
CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
CHANGE IN REVENUES	0.0	0.0	0.0	0.0	0.0	0.0

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	34.3	34.3	34.3	34.3	34.3	34.3
1005 GF/Program Receipts						
1006 GF/MHTA						
Other						
TOTAL	34.3	34.3	34.3	34.3	34.3	34.3

Estimate of any current year (FY95) cost: 0.0

POSITIONS

FULL-TIME	0.51	0.51	0.51	0.51	0.51	0.51
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

The Department of Fish and Game will require approximately one-half full time equivalent for a Habitat Biologist to review university land selections and advise the Department of Natural Resources on the effects of conveyance to fish and wildlife resources, public uses of fish and wildlife; and potentially for legislatively designated state game refuges, critical habitat areas, and game sanctuaries. Additionally, as university land selections are made, existing state land management and Special Area plans will have to be revised to reflect the changes in land management. This will require approximately one-half full time equivalent of Habitat Biologist participation to advise the Department of Natural Resources on their revised land management plans and to revise the Department of Fish and Game's Special Area plans.

Prepared by: Ellen Forts, Acting Director
 Division: Habitat and Restoration
 Approved by Commissioner: Gordon Brown
 Agency: Alaska Department of Fish and Game

Phone: 465-4105
 Date: 3/8/95
 Date: 3/9/95

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FISCAL NOTE

No. 9
 Bill Version: CSB 16 (Final)
 (S) Publish Date: 3-27-95

STATE OF ALASKA
 1995 LEGISLATIVE SESSION

Revision Date: 3/9/95 Dept. Affected: Revenue
 Title: Increase Land Grant to UAA BRU: Revenue Cos
 Component: Oil and Gas Audit
 Sponsor: Frank
 Requester: SIFES COMPONENT SERIAL NO. 115

Expenditures/Revenues		(Thousands of Dollars)					
		FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
OPERATING EXPENDITURES							
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)					
		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: \$ _____

POSITIONS							
FULL-TIME							
PART-TIME							
TEMPORARY							

There would be no identifiable revenue or cost impacts resulting from the passage of this legislation over the period covered by this fiscal note.

Prepared by: [Signature] Phone: 17-276-1763
 Division: Oil and Gas Audit Date: 3/9/95
 Approved by: _____
 Commissioner: Deoran Voot Date: 3/9/95
 Agency: Revenue

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FISCAL NOTE

STATE OF ALASKA
1995 LEGISLATIVE SESSION

BILL NO. CSSB16

Revision Date:
Title: Land Grant to the University
Sponsor: Frank
Requestor:

Department Affected: University of Alaska
BRU: Statewide Programs and Services
Component: Statewide Services

COMPONENT SERIAL NO.

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY96	FY97	FY98	FY99	FY00	FY01
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL	100.0	100.0	100.0	100.0	100.0	100.0
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	100.0	100.0	100.0	100.0	100.0	100.0

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

REVENUE FD SOURCE						
-------------------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

1002 FEDERAL FUNDS						
1003 GF MATCH						
1004 GENERAL FUND						
1006 GF/MHTIA						
1048 University Receipts	100.0	100.0	100.0	100.0	100.0	100.0
TOTAL FUNDING	100.0	100.0	100.0	100.0	100.0	100.0

POSITIONS:						
FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year impact: None

ANALYSIS: (Attach a separate page if necessary.) The costs identified are for a contract with the Department of Natural Resources for land conveyance costs. Costs could exceed those identified if land conveyance can be done more quickly than is currently anticipated. Any additional expenses will be covered from the land grant trust fund, identified as University Receipts. Additional receipt and expenditure authority would be request at that time. Additional land will generate additional revenue. However, without specific identification of land we are unable to quantify the potential for revenue generation.

Prepared by: Wendy Matheny, Budget Analyst
Division: Statewide Budget Office

Phone: 463-3086
Date: 3/6/95

Approved by: Marylou Burton, Director
Agency: Statewide Budget Office

Date: 3/7/95

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB, & Impacted Agency(ies).

AMENDMENT #2 Adopted

OFFERED IN THE HOUSE

TO: HCS CSSB 16(RES)

1 Page 4, lines 17 - 20:

2 Delete "However, land conveyed to the University of Alaska under AS 14.40.365
3 shall be treated as other public land and shall be managed under AS 14.40.366 and rules
4 or regulations of the Board of Regents of the University."

5 Insert "Land conveyed to the University of Alaska under AS 14.40.365 shall be
6 managed under AS 14.40.366 and rules or regulations of the Board of Regents of the
7 University."

Adopted

AMENDMENT # 3

OFFERED IN THE HOUSE

TO: HCS CSSB 16(RES)

- 1 Page 4, line 19:
- 2 Delete "rules or regulations"
- 3 Insert "policies"

- 4 Page 10, line 28:
- 5 Delete "rule or regulation"
- 6 Insert "policy"

AMENDMENT #4

OFFERED IN THE HOUSE
TO: HCS CSSB 16(RES)

withdrawn

*replaced with
#4A*

1 Page 5, line 30, through page 6, line 1:

2 Delete:

3 "(1) selections must be made in parcels of 40 acres, or larger whenever
4 practical, whether surveyed or unsurveyed; and

5 (2)"

Withdrawn

Amendment #4a

House CS for CS for Senate Bill 16(RES)

Page 5, line 31

After "unsurveyed"

Insert: "unless the total state acreage in the available parcel and
contiguous available parcels is less than 40 acres"

AHN: Karen
SB16

adopted
as
amended

amended

Amendment #4aa

House CS for CS for Senate Bill 16(RES)

Page 5, line 31

After "unsurveyed" ^{largu}

Insert: "~~shall be 40 acres~~ ^{or larger}, unless the Commissioner finds it in the best interest of the State to convey less"

NO / OBT

AMENDMENT #5

amended #21 -2
adopted as 5

OFFERED IN THE HOUSE
TO: HCS CSSB 16(RES)

1 Page 4, line 29:

2 Delete "(n)"

3 Insert "(m)"

4 Page 4, line 31:

5 Delete "that,"

6 Insert ". The Board of Regents of the University of Alaska and the commissioner of
7 natural resources shall periodically and jointly submit to the legislature, ^{within 30 days of Feb} ~~at~~ the beginning of ~~begin~~
8 a regular legislative session, a list of land proposed to be conveyed by the state to the
9 University of Alaska under this section. Each list must contain not less than 25,000 acres of
10 land, or the remaining entitlement under this subsection, whichever is less. The legislature
11 may by law approve or disapprove the list. A list submitted shall be deemed approved for
12 conveyance to the University of Alaska if the legislature neither approves nor disapproves the
13 list during the legislative session during which the list was submitted. Land may be included
14 in the list only if it,"

15 Page 6, line 2:

16 Delete "title to the land should not be conveyed,"

17 Insert "the land should not be included on the list of land submitted to the legislature
18 under (a) of this section,"

19 Page 6, line 3:

20 After "shall":

21 Insert ", upon approval of the list submitted ^{to} ~~by~~ the legislature, or upon failure of the
22 legislature during the legislative session following submission of the list to disapprove the

- 1 list,"
- 2 Delete "(n)"
- 3 Insert "(m)"

- 4 Page 6, line 4:
- 5 Delete "(k)"
- 6 Insert "(j)"

- 7 Page 7, line 1:
- 8 Delete "convey title to"
- 9 Insert "include on a list of land submitted to the legislature under (a) of this section"

- 10 Page 8, lines 6 - 10:
- 11 Delete all material.

- 12 Reletter the following subsections accordingly.

- 13 Page 9, line 9:
- 14 Delete "(l)"
- 15 Insert "(k)"

- 16 Page 9, lines 13 - 14:
- 17 Delete "because it has not been disapproved under (e) of this section"

- 18 Page 9, lines 19 - 20:
- 19 Delete "request by the University of Alaska"
- 20 Insert "the later of the effective date of the approval by the legislature of the list
- 21 containing the land or the adjournment of the legislative session during which the list
- 22 containing the land was not disapproved by the legislature"

- 23 Page 9, line 23 - 24:
- 24 Delete "request by the University of Alaska"

1 Insert "the later of the effective date of the approval by the legislature of the list
2 containing the land or the adjournment of the legislative session during which the list
3 containing the land was not disapproved by the legislature"

4 Page 10, line 3:

5 Delete "(k)"

6 Insert "(j)"

NO OBJ

9-LS0165M.6 ✓
Chenoweth
5/6/95

AMENDMENT #4 adopted

OFFERED IN THE HOUSE

TO: HCS CSSB 16(RES)

- 1 Page 11, line 2, after "development":
- 2 Insert ", exchange,"

Failed 2-9

AMENDMENT #7

OFFERED IN THE HOUSE
TO: HCS CSSB 16(RES)

Brown

- 1 Page 5, lines 20 - 27:
- 2 Delete all material and insert:
- 3 "(b) Transfers of ownership and management of land from the Department of
- 4 Natural Resources to the Board of Regents of the University of Alaska under this
- 5 section are subject to the state's reservations set out in AS 38.05.125(a)."

- 6 Page 6, line 14, after "had":
- 7 Insert "the surface estate of"

- 8 Page 6, line 18, after "proceeds":
- 9 Insert "that are attributable to activity involving the surface estate of the land selected
- 10 by the University of Alaska"

- 11 Page 6, line 27, after "proceeds":
- 12 Insert "that are attributable to activity involving the surface estate of the land selected
- 13 by the University of Alaska"

- 14 Page 6, line 29, after "management of":
- 15 Insert "activities affecting the surface estate arising out of the"

- 16 Page 9, line 1:
- 17 Delete ";
- 18 Insert ".

- 19 Page 9, lines 2 - 7:

- 1 Delete all material.

- 2 Page 9, line 26, after "management of":
3 Insert "the surface estate"

- 4 Page 10, line 28, following "LAND.", through line 31:
5 Delete all material.

- 6 Page 11, line 1:
7 Delete "(b)"
8
- 9 Page 11, line 20, after "income":
10 Insert "that is attributable to activity involving the surface estate"

- 11 Page 11, line 25, after "management":
12 Insert "of activities affecting the surface estate"

ATTN: Karen

2029

SB 16

passed
6-5

AMENDMENT #8

OFFERED IN THE HOUSE

BY REPRESENTATIVE BROWN

TO: HCS CSSB 16(RES)

Page 7, line 21 after "state":

Delete all material through page 8, line 5.

Insert ", "

AMENDMENT #9

OFFERED IN THE HOUSE

BY REPRESENTATIVE BROWN

TO: HCS CSSB 16(RES)

Page 10, following line 25:

Insert a new subsection to read:

“(o) The University of Alaska shall require the continuation of customary and traditional uses to the maximum extent practicable in any conveyance or disposal of land to a third party under the provisions of AS 14.40.369.”

DIVISION OF LEGAL SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

Attachment #8

5/8/95

(907) 465-3867 or 465-2450
FAX (907) 465-3029
Mail Stop 3101

130 Seward Street, Suite 409
Juneau, Alaska 99801-2103

MEMORANDUM

May 8, 1995

SUBJECT: Section 9 of HCS CSSB 16 (Res), amending and expanding AS 14.40.400(a), and the question of the dedicated fund (Work Order No. 9-LS0165\W)

TO: Representative Kay Brown

FROM: Jack Chenoweth
Legislative Counsel

AS 14.40.400 may, in effect, establish a dedicated fund covering the net income of the land obtained by the University of Alaska under a 1929 Act of Congress. The statute comes down from a 1935 territorial enactment, so it is arguably an exception to the rule against dedicated funds set out in article IX, section 7 of the state constitution.

When the request for a draft of the first University land bill (SB 476) hit my desk late in the second regular session of the 17th Legislature, I advised as follows:

AS 14.40.400, the section amended in this version, is a dedicated fund dating from before Statehood. I was concerned, at the time of the initial request, that a substantive amendment to AS 14.40.400 would call into question the applicability of article IX, section 7's prohibition against dedication of funds and the exception made in the last sentence that protects or "grandfathers" dedicated funds existing at the time of Statehood. In a pair of early opinions, 1959 Op. Atty. Gen. 7 and 14, the attorney general has cautioned:

Consequently, the intent of the drafters of the Constitution of the State of Alaska was to permit the continuance of existing dedications at the then existing rates until the legislature saw fit to exercise the only power retained in relation to them: that is, the power to repeal.

A dedication must be continued, if at all, in exactly the same form. Any attempted alteration short of repeal is a nullity. A dedication encompasses (1) proceeds or part of the proceeds of a tax or license (2) set aside at a certain rate (3) for a particular purpose. [T]here is no power to broaden

Representative Kay Brown
May 8, 1995
Page 2

or reduce the purposes for which an existing dedication is made, for to do so is to alter the dedication itself.

1959 Op. Atty. Gen. 7, at p. 5.

A later case, State v. Alex, 646 P.2d 203 (Alaska 1982), gives article IX, section 7 an expansive reading to embrace state revenues generally.

While there is no decision clearly connecting article IX, section 7 and the dedicated University fund, the expansive reading of the section offered in Alex coupled with the conclusion of the early Attorney General Opinions requires that I caution you that the effort to introduce a substantive amendment to the University fund may be unconstitutional and may jeopardize the continuing status of the University fund as an exception to the dedicated fund section.

A spokesman for the University responded at the time by asserting that my conclusion on the point was wrong. However, I have since been given no reason to change my opinion.

The section was amended, in 1967 and 1976, and the effect of those amendments may be of such a nature that any "dedication" that the endowment trust fund might have carried forward from Statehood was later lost.

I just haven't recently looked at the history of the changes in sufficient detail to be able to ascertain whether the dedication feature has been treated as forfeited by the intervening amendments. Since the fund today is managed by the Department of Revenue, for a quick answer, you might want to check with the commissioner of that department. "

If there is an ongoing dedication, then, in order to preserve the element of dedication, you may want to treat this endowment fund as we do with the cigarette tax. To preserve the pre-Statehood dedication of a part of the cigarette tax, AS 43.50.090, the tax levied at the original rate as carried forward from Statehood, is left unamended and any change in the rate of the cigarette tax occurs in a different section, AS 43.50.190, which is, admittedly, not a dedicated fund. The distinction is made largely in deference to several Opinions of the Attorney General

^v Several years back, when this question was first raised, University officials did not indicate that the fund was in fact a "dedicated fund" subject to the exception of article IX, section 7 of the state constitution. University officials have acknowledged that money in the fund established in AS 14.40.400 is a "university receipt," subject to appropriation under AS 14.40.491 (amended by sec. 11 of the bill) and AS 14.40.170(b)(4), subjecting "university receipts" to the Executive Budget Act.

Representative Kay Brown

May 3, 1995

Page 3

issued in 1959 wherein the Department of Law concluded that existing dedications could only be continued and could not be altered or the dedication element would be forfeited.

JBC:kib

95-343:kib

FISCAL NOTE

No. 6
 Bill Version: CS SB16(CRA)
 (S) Publish Date: 3/20/95

STATE OF ALASKA
 LEGISLATIVE SESSION

BILL

Revision Date: 3-Mar-95 Dept Affected: Natural Resources
 Title: An Act relating to the University of Alaska and BRU: Resource Development
university land, authorizing the University of Alaska to select... Component: Information Resource Management
 Sponsor: Senator(s) Frank, Kelly, Sharo, Feider
 Requestor: _____ Component Serial No. 427

Expenditures/Revenues	(Thousands of Dollars)					
OPERATING EXPENDITURES	FY96	FY97	FY98	FY99	FY00	FY01
PERSONAL SERVICES	22.01					
TRAVEL						
CONTRACTUAL	2.01					
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	24.01	0.01	0.01	0.01	0.01	0.01

CAPITAL EXPENDITURES	0.01	0.01	0.01	0.01	0.01	0.01
----------------------	------	------	------	------	------	------

CHANGE IN REVENUES	0.01	0.01	0.01	0.01	0.01	0.01
--------------------	------	------	------	------	------	------

FUND SOURCE	(Thousands of Dollars)					
1002 Federal Receipts						
1003 GF Match						
1004 GF	24.01					
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	24.01	0.01	0.01	0.01	0.01	0.01

Estimate of any current year (FY95) cost: \$ None

POSITIONS						
FULL-TIME	01	01	01	01	01	01
PART-TIME	01	01	01	01	01	01
TEMPORARY	01	01	01	01	01	01

ANALYSIS: (Attach a separate page if necessary)

This proposed legislation involves considerable public records notation work; however, since the University of Alaska is responsible for covering all cost associated with the selection, platting, survey and conveyance, those costs will be identified after we have worked with the University to identify a deliverables and a contract. The Land Records Information Section assumes that the records work associated with each of these steps will be paid by the University based on actual cost.

LRIS will need to set up a tracking system to facilitate the selection and conveyance process. LRIS must develop a new Land Administration System (LAS) casetype for these conveyances, and will establish a tracking subsystem within LAS. A separate tracking mechanism is necessary to comply with Sec. 14.40.365(n), where the commissioner is required to recover title after 10 years if certain conditions are not met. These are not expenses specified to be covered by the University.

Prepared by: Nico Bus, Acting Director Phone: 465-2406
 Division: Support Services Date: 3-Mar-95
 Approved by Commissioner: _____ Date: 3-0-95
 Agency: Natural Resources

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Juneau, Alaska 99801-1182

Sponsor Statement - Senate Bill No. 16

"An Act relating to land of the University of Alaska and authorizing the University of Alaska to select additional state public domain land."

House CS for CS SB 16(RES) would allow the University of Alaska to select additional acres of unencumbered land from the State of Alaska.

In this era of declining state funds, endowing the university with additional lands will allow it to develop those lands to produce income for university programs.

Under the Congressional Morrill Act of 1862, each state was entitled to receive a grant for public lands, the income from which would provide the financial base of operation for at least one college or university. The University of Alaska received about 112,000 acres of land, less than any other western public land state and less than the national average entitlement of over 300,000 acres. Some universities in states with much smaller state land grants, such as New Mexico and Oklahoma, have received up to one million acres.

An additional grant of land would bring Alaska up to the level of other western states and follows through with the original purpose of land grant colleges.

Thank you for your consideration.

OFFERED IN THE SENATE

BY: SEN. ZHAROFF

TO: CS SB 16 (FIN)

LETTER OF INTENT
FOR
CS SB 16 (FIN)

It is the intent of the legislature the University of Alaska require the continuation of customary and traditional uses to the maximum extent practicable in any conveyance or disposal of land to a third party under the provisions of AS 14.40.369.

4/10/95:Adopted by the Senate

Amendment

House CS for CS for Senate Bill 16 (RES)

Page 4, Line 17

Delete "However,"

Page 4, Line 18

Delete "shall be treated as other public land and"

PURPOSE OF AMENDMENT:

The section is confusing since UA land-grant land is specifically defined as "...not...state pulic domain land" in one sentence and than referred to as "public land" in the next. The purpose of the section is to subject the development plan for conveyed land to the new public hearing process outlined in AS 14.40.366 (Sec. 7. Page 11, Lines 1-15). This amendment retains the intent and eliminates the confusing language.

Amendment

House CS for CS for Senate Bill 16 (RES)

Page 5, Line 31

After "unsurveyed"

Insert: "unless the total state acreage in the parcel and contiguous parcels
is less than 40 acres."

PURPOSE OF AMENDMENT:

The state may have small parcels of land that are available for development potential that the existing language would preclude from UA selection.

Amendment

House CS for CS for Senate Bill 16 (RES)

Page 4, Line 29

Delete: 350,000

Insert: 500,000

Amendment

House CS for CS for Senate Bill 16 (RES)

Page 4, Line 19

Delete: "rules or regulations"
Insert: "policies"

Page 10, Line 10

Delete: "rule or regulation"
Insert: "policy"

PURPOSE OF AMENDMENT:

The Board of Regents have neither rules or regulations -- only policies.

Amendment

House CS for CS for Senate Bill 16 (RES)

Page 4, Line 28

Delete Lines 28 through 31 and replace with:

SELECTION CONVEYANCES (a) The University of Alaska may select and, except as provided in (n) of this section, is entitled to receive the conveyance of 350,000 acres of land conveyed to the state under sec. 6(b) of the Alaska Statehood Act (P.L. 85-508, 72 Stat. 339). The Board of Regents of the University of Alaska and the commissioner of natural resources shall periodically and jointly submit to the legislature at the beginning of a regular legislative session, a list of land proposed to be conveyed under this section. Each list shall contain not less than 25,000 acres per submittal, or the remaining entitlement under this section, whichever is less. The legislature may by law approve or disapprove the list. A list submitted shall be deemed approved for conveyance to the University of Alaska if no final action is taken during the first legislative session following submission of the list. Land may be included in the list only if on the date of its selection by the university,

Page 6, Line 1

Delete subsection (2) and replace with:

(2) unless the commissioner of natural resources determines under (e) of this section that the land should not be included on the list of land submitted to the legislature under (a) of this section, the commissioner of natural resources shall, upon approval by the legislature, or upon failure of the legislature during the first legislative session following submission of the list to disapprove the list containing the land, convey, subject to divestiture under (n) of this section, a document of interim conveyance under (k) of this section or a patent to land.

Page 7, Line 1

Delete: "convey title to"

Insert: "include on a list of land submitted to the legislature under (a) of this section"

Page 8, Line 7

Delete: "convey to the University of Alaska lands selected by it"

Insert: "include on a list of land submitted to the legislature under (a) of this section land selected by the University of Alaska"

Page 9, Line 14

Delete: "under (e) of this section"

Insert: "by the legislature during the first legislative session following submission of the list containing the land"

Page 9, Line 19

Delete: "of request by the University of Alaska"

Insert: "of approval by the legislature or failure of the legislature to disapprove during a regular legislative session the list containing the land"

Page 9, Line 23

Delete: "request by the University of Alaska"

Insert: "approval by the legislature or upon failure of the legislature to disapprove during a regular legislative session the list containing the land"

PURPOSE OF AMENDMENT:

Provides additional opportunity for public review of land to be transferred to the University and substitutes legislative review and appropriation of land for third party litigation over land transfers.



Alaska Environmental Lobby, Inc.

P.O. Box 22151 Juneau, Alaska 99802

Phone: 907-463-3366

Fax: 907-463-3312

SB 16 UNIVERSITY LAND GRANT

- This bill does not endow the University - it turns the University into an aggressive land developer, which is a separate and improper mission for them.
- The University of Alaska's land grant obligation is fulfilled, and they have **no higher right to State resources** than any other agency. This special grant of resources may create a constitutional problem by creating what could be considered a dedicated fund.
- All Alaskans currently have a say in land disposals and development of public lands. Putting 350,000 acres of land into the "private" ownership of the University preempts equal access.
- The public and adjacent communities will have no voice in the disposition and management of University lands. University lands are considered private and thus exempt from the land management provisions of Title 38.04 and 38.05, including those which provide for public process.
- "Customary and traditional use" of the land is only protected until the University's development plans conflict with it.

5/5/95

ALASKA CENTER FOR THE ENVIRONMENT • ALASKA CHAPTER, SIERRA CLUB • ALASKA FRIENDS OF THE EARTH
ANCHORAGE AUDUBON SOCIETY • ARCHIE AUDUBON SOCIETY • CLEAN AIR COALITION • DENALI CITIZENS COUNCIL
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KACHEMAK BAY CONSERVATION SOCIETY • KENAI PENINSULA AUDUBON SOCIETY • KNIK CANOE AND KAYAKERS
KNIK GROUP, SIERRA CLUB • KODIAK AUDUBON SOCIETY • LYNN CANAL CONSERVATION • NORTHERN ALASKA ENVIRONMENTAL CENTER
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FACT SHEET

House CS for CS for SB 16 (Res) - Enhancing UA Land Grant

1. Does not take effect until final settlement of the mental health land dispute;
2. Gives priority to Municipal land selections;
3. Provides that land transfers are subject to:
 - * 6(i) of Alaska Statehood Act
 - * Permanent Fund requirements for oil, gas and mineral royalties and bonuses
 - * Other rights of the state
4. Allows UA to select 350,000 acres including lands:
 - * Not conveyed by the state
 - * Not reserved from public domain
 - * Not included in 5-year oil & gas leasing program
 - * Not necessary for interagency agreement
 - * Not subject to land exchange
 - * Not subject to a possessory interest or encumbrance other than:
 - Leases (other than oil and gas)
 - Timber contracts
 - Mining claims
 - Materials sales
5. Department of Natural Resources can refuse to convey land if the Commissioner considers the retention of land in state ownership to be in the best interests of the state;
6. The University can appeal the Commissioner's decision to the Governor, but is prohibited from entering into litigation;
7. The University pays the costs of land conveyance and surveying;
8. The University and DNR will allow leases, licenses, permits, rights-of-way, or easements prior to final conveyance, with 90% of proceeds held in escrow pending final conveyance;
9. Existing leases and encumbrances will be honored throughout the term, including any provisions for lease extensions;
10. Income from existing encumbrances (leases, mining claims, timber contracts, etc.) go to state until term of existing agreement is completed.
11. Mineral entry or location and mineral leasing on UA land will be substantially similar to provisions currently provided on state lands;
12. Customary and traditional uses of resources on UA land, including hunting and fishing, will be permitted to the maximum extent practicable;
13. Provides additional requirement for UA regarding public notification and comment on land plans.

House CS for CS for SB 16 has had four substantive hearings that have resulted in additional amendments. The changes and clarification's that have been made in response to concerns and questions raised by legislators and members of the public include:

Senate Community & Regional Affairs Committee

- * Provides tort immunity for personal injuries, death, or property damage occurring on UA land because of continuation of customary and traditional use;
- * Clarifies that UA oil and gas development is subject to Permanent Fund royalties and bonus provisions;

Senate Resources Committee:

- * No amendments were made in Resources Committee;

Senate Finance Committee:

- * Adds language that allows UA and DNR to approve entry on land following selection but prior to conveyance. 90% of proceeds are to be held in escrow pending final conveyance; the state retains 10% of proceeds;

House Community & Regional Affairs Committee: Bill waived to Resources

House Resources Committee

- * Reduces land conveyance from 1,000,000 to 350,000 acres;
- * Adds language that protects original and reconstituted Mental Health lands until final conclusion of all litigation;
- * Adds language from HB 240 transferring investment authority for the Natural Resources Endowment from Department of Revenue to the University of Alaska;
- * Adds intent that the University encourage development of in-state value-added industries to the maximum extent feasible when developing lands;
- * Clarifies definition of "active management" to include land that is included in a development program designed to derive income;
- * Limits selections to parcels of minimum size of 40 acres;
- * Prohibits, except in an acre-for acre land exchange, conveyance of land, directly by the University, or indirectly by third parties, to the United States;
- * Adds language in "findings and purpose" directing that renewable resources be managed on a sustained yield basis;

University of Alaska

Statewide System

SB 16

EXPANDING UNIVERSITY OF ALASKA LAND GRANT

By Senators FRANK, Kelly, Sharp

The University of Alaska is called a "Land Grant University" in the tradition of American land grant universities, providing teaching, research and public service to the people of Alaska. While the University has attempted to mold itself in the land grant tradition, one piece of that tradition is lacking -- a sufficient land grant.

In 1915, Congress provided a land grant of approximately 250,000 acres -- every section 33 in the Tanana Valley -- to support the Territorial Agricultural College and School of Mines, together with a site for the institution itself. In 1929 Congress granted an additional 100,000 acres of public lands for the use and benefit of the Agricultural College and School of Mines.

In 1959, the Alaska Statehood act extinguished the University's right to receive the unsurveyed sections 33 of the Tanana Valley, leaving the University with 100,000 acres. Congress so acted because its land grant to the state was by far the most generous of all state land grants. Supporters of the extinguishment said the state clearly was receiving enough land that it could provide necessary land to support the University. The State of Alaska has never kept this moral obligation to the University of Alaska.

Forty-nine of the states received land grants to support their universities. In all but one, the universities received more land than the University of Alaska, notwithstanding the fact that Alaska's state land grant is 16 times the size of the average state land grant. In eighteen of the lower 48 states, the entire federal land grants -- 100% -- went to support the universities. In Alaska, less than one percent -- 0.11% -- went to the University.

The State of Alaska did not manage what land the University received well. In 1978, following legislative appropriation of the University's most valuable acreage, the University sued, eventually winning a legislative settlement that reconstituted the University land trust. Later litigation brought replacement land for the legislatively-appropriated acreage. The University's total land grant holdings today total 140,000 acres. Still, nearly 50,000 acres of limited timber cutting rights west of Icy Bay remains tied up in litigation.

Alaskans look to the University of Alaska to provide for some of its financial needs by earning income from the federal land grant, yet Alaskans do not realize the paucity of lands managed by the university.

If the University of Alaska received the average percentage of the total federal grant to the state -- 42.01% of the State of Alaska grant -- the University would be managing 43 million acres, and would probably need no further state support. If the University of Alaska received a proportional share of the total federal grant to universities -- 5.09% of the State of Alaska grant -- the University would be managing 5.3 million acres. Even bringing the University of Alaska's federal grant up to the average of the smaller states -- 340,000 -- would triple the size of the University's federal grant.

Passage of this legislation will allow expansion of the University of Alaska land grant, and allow the University to generate additional revenue in support of its programs. The lands would be responsibly managed to generate income. The University is currently involved in a wide range of projects including commercial leasing, development and sale of residential and remote subdivisions, oil and gas lease sales, timber and gravel sales and mineral leasing.

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Position Paper