

ALASKA LEGISLATURE

1558

HOUSE and SENATE FINANCE COMMITTEE FILES, 1995-1996

SB

265

HFIN

FILE

HOUSE COMMITTEE REPORT

(11)

Date Referred to Committee: May 2, 1996

FURTHER REFERRALS:

Date of Committee Action: 5/3/96

The FINANCE Committee considered:

CSSB 265(FIN)

CS FOR SENATE BILL NO. 265(FIN)

RECEIPTS OF TEST FISHING OPERATIONS

“An Act relating to the definition of program receipts; and providing for an effective date.”

recommends it be replaced with the following committee substitute CSSB 265(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) _____

fiscal note(s) OMB 5/1/96

zero fiscal note(s) _____

zero fiscal note(s) _____

SIGNING WITH RECOMMENDATIONS		DP	DNP	NR	AM
<i>Mark Hanley</i>	Hanley	X			
<i>Don Mulder</i>	Mulder	X			
<i>Terry Martin</i>	Martin			X	
<i>Sean Pannell</i>	Pannell	X			
<i>Vicki Kohring</i>	Kohring			X	
<i>Ben Grussendorf</i>	Grussendorf	X			
<i>Mike Navarre</i>	Navarre	X			
<i>Tom Brown</i>	Brown	X			
<i>Walter Kelly</i>	Kelly			X	
<i>Gene Theriault</i>	Theriault	<i>an</i>		X	

CHAIR'S SIGNATURE *Mark Hanley*
Hanley

No. 1
 Bill Version: (S) SB 265(LFIN)
 (S) Publish Date: 5/1/96

FISCAL REPORTED OUT OF HFC
5/3/96

STATE OF ALASKA
 1996 LEGISLATIVE SESSION

Revision Date: 5/1/96 Dept. Affected: Various Departments
 Title: An Act relating to the definition of program receipt and providing for an effective date. BRU: _____
 Sponsor: Senators Zharoff, Taylor Component: _____
 Requester: Senate Finance Committee COMPONENT SERIAL NO. _____

Expenditures/Revenues

(Thousands of Dollars)

OPERATING EXPENDITURES	FY 97	FY 98	FY 99	FY 100	FY 01	FY 02
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						
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CHANGE IN REVENUES ()						
------------------------	--	--	--	--	--	--

FUND SOURCE

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts	(7,731.4)	(7,731.4)	(7,731.4)	(7,731.4)	(7,731.4)	(7,731.4)
1037 GF/Mental Health						
<u>077 Restricted Program Receipts</u>	<u>7,731.4</u>	<u>7,731.4</u>	<u>7,731.4</u>	<u>7,731.4</u>	<u>7,731.4</u>	<u>7,731.4</u>
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY96) cost: \$ 0.0

POSITIONS

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

This bill establishes a new fund source under AS 37.05.146. Restricted Program Receipts are defined as "money received by the state from a source other than the state or another government entity under a gift, grant, bequest, or written contract with the state, that by its terms restricts the use of the money ..."
 Attached is a spreadsheet that identifies both programs and dollar amounts impacted by this legislation.

Prepared by: Nancy Sagle, Director
 Division: OMB - DBR
 Approved by Commissioner: Annalisa M. Gornell
 Agency: Director, Office of Management & Budget

Phone: 465-4681
 Date: 5/1/96
 Date: 5/1/96

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



Senator Fred F. Zharoff

Alaska State Legislature

In Kodiak: P.O. Box 405, Kodiak, Alaska 99615 (907) 486-5259 (Fax also)

In Juneau: State Capitol, Room 121, Juneau, Alaska 99801-1182

Phone: (907) 465-3473 • Fax: (907) 463-3043

State Senate District C

Kodiak Island & Rural Southeast Alaska

Sponsor Statement CSSB 265 (FIN)

"An Act relating to the definition of program receipts; and providing for an effective date."

I introduced SB 265 to enhance the ability of the Department of Fish and Game (ADF&G) to successfully manage our complex fisheries. An important tool in their management regime is the utilization of private sector vessels and expertise to conduct test fisheries. These fisheries provide valuable information on such things as the health of fish stocks, the composition of stocks, the timing of fish runs, and the economic condition of our resources.

ADF&G is very limited with regard to vessels and field staff in many areas of the state. As budget constraints continue, it is increasingly difficult for the department to maintain or enhance their management capabilities without a significant cooperative effort with the private sector.

The funds involved in test fisheries are obtained and expended through program receipt authority. Funds from the sales of fish caught in test fisheries are in turn used to pay the cost of the contracts made with fishermen to conduct these types of fisheries in the manner desired by ADF&G.

In the Senate Finance Committee, the bill was amended to incorporate a number of other program receipts that are obtained through contracts with the private sector. The bill provides a definition of these restricted program receipts, and clarifies how they are to be accounted for.

CSSB 265 does not affect the legislature's role in making appropriations to the test fisheries program or the other programs that are identified as utilizing restricted program receipts. The bill recognizes the special relationship of these funds and clarifies their treatment in the budget process.

TEST FISH FUND
STANDARD OPERATING PROCEDURES
DIVISION OF COMMERCIAL FISHERIES
SOP CF-006

The following Standard Operating Procedures must be followed unless otherwise specified in writing by the Director or the Deputy Director for Operations (DDO) of the Division of Commercial Fisheries.

- * The Deputy Director of Operations (DDO) or the DDO's designee shall administer the Test Fish Fund. He or she shall approve all allocations from the fund.
- * The DDO will periodically review the fund's performance, and make whatever changes may be needed to both ensure the integrity of the fund and meet statewide test fish needs.
- * The Headquarters Administrative Officer, under the direction of the DDO, shall establish accounting procedures for the Test Fish Fund, monitor the accounts, and provide reports of the fund's balance and activities when requested.
- * Regional Supervisors are responsible for the proper administration and accounting of Test Fish Fund projects under their jurisdiction. This includes all normal aspects of project review, approval, and reporting, as well as ensuring that proper administrative procedures are followed.
- * Each Regional Supervisor will provide quarterly financial reports on Test Fish Fund projects to the Headquarters Administrative Officer.
- * Each Regional Supervisor shall submit to the DDO, Test Fish Fund budget requests for preparation of fiscal year budgets. The request must include a description of the projects including a justification, funding detail by line item, expected receipts, and a receipt/expenditure history of the project if it has operated in the past.
- * The DDO will evaluate the budget requests, prioritize those that are approved, and submit to the director for inclusion in the division's budget request.
- * Once the budget has passed the Legislature and been signed by the Governor, allocations from the fund will be made. The DDO shall notify each Regional Supervisor that the budget has been approved and what the allocations are for that fiscal year.
- * Once the allocations have been approved, test fish projects can start. Preplanning, up to and including the acceptance of

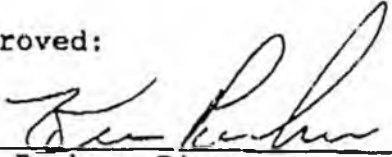
ADF-6 TEST FISH PROCEDURES

bids, can be done before the allocations are approved. Contracts cannot be awarded (an encumbrance against the fund) until the allocations are approved.

- * All standard operating procedures, such as those dealing with bidding, contract awards, and vessel charters, must be adhered to. Pertinent SOPs and guidelines are included in the Test Fish Fund manual.
- * Regional Supervisors are responsible for obtaining Test Fish Fund permit cards from the Commercial Fisheries Entry Commission. This is done directly with the Commercial Fisheries Entry Commission and is required for the sale of fish to processors and buyers. A separate card should be obtained for each project.
- * All fish caught during a test fish project immediately become the property of the state.
- * Project biologists shall do all in their power to ensure that the highest quality product is delivered to the buyer and that the best price is obtained.
- * To maximize the value of the fish and to alleviate any concerns over favoritism, fish sales are to be awarded based on an informal written bid process. An example of a written bid form is included in the Test Fish Manual. Exceptions to this procedure may be made when the fishery was not anticipated, thus not allowing time for a written bid process, or no buyer was selected under the written bid process. In such case a buyer may be selected through an informal solicitation, rotating amongst interested buyers, or selecting a buyer by drawing. For a bid to be valid, the bidder must have a valid Alaska business license at the time the bid is tendered.
- * The project biologist shall ensure that the buyer of the fish has all the required licenses and permits for his or her operation prior to any sale of fish.
- * The project biologist shall obtain receipts for the sale of all fish. Fish tickets shall be used as the receipt and must be imprinted with the proper CFEC card, contain the species, number, and weight of the fish sold, the price paid, and be signed by the seller (department employee making the delivery) and the buyer. If the purchaser of the fish is not a licensed fish buyer or processor, the project biologist shall issue the fish ticket. Payment should be by check made out to the state. Cash payments should be discouraged.
- * Records of all Test Fish Fund related documents must be maintained by the regional offices.

- * The Project Biologist shall track his or her test fish catches and sales to ensure that all payments due to the state are made.
- * All FPOs issued for vessel charters must be submitted to the regional office. A copy of the vessel charter contract must be attached to the FPO.
- * Test Fish resources are credited to a fiscal year based on the delivery date on the fish ticket.

Approved:



Ken Parker, Director
Division of Commercial Fisheries

7/5/90

Date

SENATE FINANCE COMMITTEE
OMB DESIGNATED PROGRAM RECEIPTS - NON-GOVERNMENT CONTRACTS

As of April 30, 1996

Dept	BRU/Component	Description	Type	FY 96	FY 97	Change
				Auth	Amend	
Administration	Information Services	Various information services; including repairs to Kanal TV system	C	55.0	55.0	0.0
Education	AK Voc. Tech. Center	Training classes, under contract, for Cominco employees	C	43.1	91.3	48.2
DEC	Spill Prevent. & Response	Industry funds to mitigate/cleanup pollution at APC facility in Sitka	C	334.9	285.9	(49.0)
DEC	Spill Prevent. & Response	Reimbursable services agreement covering Badami Project	C	130.0	0.0	(130.0)
Fish & Game	Com. Fish Management & Dev.	Funds restricted by private contract or lease fisheries projects	C	2,022.2	2,240.5	218.3
Fish & Game	Com. Fish Management & Dev.	Lake fertilization studies funded by private hatcheries (Limnology)	C	0.0	200.0	200.0
Fish & Game	Com. Fish Management & Dev.	Special Projects: funded, under contract, by private entities	C	1,213.3	1,070.8	(142.5)
Fish & Game	Habitat & Restoration	Projects/studies funded, under contract, with private firms (i.e. ARCO, BP, NSB)	C	283.8	270.9	(12.9)
Fish & Game	Sport Fish	Fish raising project funded by Southern SE Aquaculture Association (Earl West Cove Project)	C	0.0	200.0	200.0
Fish & Game	Subsistence	Special studies & Shismaral subsistence practices project	C	40.1	0.0	(40.1)
Fish & Game	Wildlife Conservation	Contracts with non-state entities for wildlife management projects	C	299.0	300.3	1.3
Labor	Administrative Services	Contractual agreements with private & non-state agencies for specialized reports and on-site assistance	C	2.0	2.0	0.0
Labor	Employment Security	Data/Record services provided under contract with private entities	C	53.9	54.2	0.3
DNR	Resource Development	Reimbursable agreements for work on Badami Project, TAPS monitoring, and TAGS gas project	C	2,022.7	2,460.5	437.8
DNR	Resource Development	Reimbursable agreements for work, such as those for the Fort Knox Mine project.	C	500.0	500.0	0.0
			Total	7,000.0	7,731.4	731.4

SB 265

The Finance Committee considered SENATE BILL NO. 265 An Act relating to receipts of commercial fisheries test fishing operations; and providing for an effective date and recommended it be replaced with

CS FOR SENATE BILL NO. 265 (FIN)
(forthcoming)

Signing do pass: Senators Frank, Halford, Cochairs, Senator Zharoff.
Signing no recommendation: Senators Rieger, Phillips, Donley, Sharp.

Fiscal note information forthcoming.

The bill was referred to the Rules Committee.

SE 265

SENATE BILL NO. 265 An Act relating to receipts of commercial fisheries test fishing operations; and providing for an effective date was read the second time.

Senator Halford moved and asked unanimous consent for the adoption of the Finance Committee Substitute offered on page 3744. Without objection, CS FOR SENATE BILL NO. 265 (FIN) An Act relating to the definition of program receipts; and providing for an effective date was adopted and read the second time.

Senator Halford moved and asked unanimous consent that the bill be considered engrossed, advanced to third reading and placed on final passage. Without objection, it was so ordered.

CS FOR SENATE BILL NO. 265 (FIN) was read the third time.

The question being: Shall CS FOR SENATE BILL NO. 265 (FIN) An Act relating to the definition of program receipts; and providing for an effective date pass the Senate? The roll was taken with the following result:

CSSB 265 (FJN)

Third Reading - Final Passage

Effective Date

YEAS: 20 NAYS: 0 EXCUSED: 0 ABSENT: 0

Yeas: Adams, Donley, Duncan, Ellis, Frank, Green, Halford, Hoffman, Kelly, Leman, Lincoln, Miller, Pearce, R. Phillips, Rieger, Salo, Sharp, Taylor, Torgerson, Zharoff

and so, CS FOR SENATE BILL NO. 265 (FIN) passed the Senate.

Senator Halford moved and asked unanimous consent that the vote on the passage of the bill be considered the vote on the effective date clause. Without objection, it was so ordered and the bill was referred to the Secretary for engrossment.

SB

265

SFIN

FILE

SENATE FINANCE COMMITTEE REPORT

DATE: 2/7/96

FURTHER:

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

DATE TURNED INTO OFFICE: 4/30/96

The Finance Committee considered SB 265

Relating to receipts of commercial fisheries test fishing operations.

and recommends:

- be replaced with _____ CS SB 265 (Fix)
- 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:**
- same title
 - technical change
 - new: SCR# _____

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	NR	DNP	AM
<i>[Signature]</i>	✓	<i>[Signature]</i>	✓		
		<i>[Signature]</i>	✓		
		<i>[Signature]</i>	✓		
		<i>[Signature]</i>	✓		
Co-Chair: <i>[Signature]</i>	✓	Co-Chair:			
Co-Chair: <i>[Signature]</i>	✓	Co-Chair:			

NEW FISCAL NOTE(S):

Department	Date	Zero	Fiscal
OMB - Various	5/1/96		(7,734,474) p.r.

PREVIOUS FISCAL NOTE(S):*

Department	Date	Zero	Fiscal

APPROPRIATION -- no fiscal note

*include fiscal notes accompanying Governor's bill

SENATE FINANCE COMMITTEE REPORT

DATE: 2/7/96

FURTHER:

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

DATE TURNED INTO OFFICE: 4/30/96

The Finance Committee considered SB 265

Relating to receipts of commercial fisheries test fishing operations.

and recommends:

- be replaced with _____ CS SB 265 (FIN)
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- attached amendment(s)
- adopt Letter of Intent by _____ Committee
- further referral to the _____ Committee

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

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	NR	DNP	AM
<i>[Signature]</i>	✓	<i>[Signature]</i>	✓		
		<i>[Signature]</i>	✓		
		<i>[Signature]</i>	✓		
		<i>[Signature]</i>	✓		
Co-Chair: <i>[Signature]</i>	✓	Co-Chair:			
Co-Chair: <i>[Signature]</i>	✓	Co-Chair:			

NEW FISCAL NOTE(S):

Department Date Zero Fiscal

PREVIOUS FISCAL NOTE(S):*

Department Date Zero Fiscal

APPROPRIATION -- no fiscal note

*include fiscal notes accompanying Governor's bill

FISCAL NOTE

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO. SB265

Revision Date: _____ Dept. Affected: Fish and Game
 Title: An Act relating to receipts of commercial fisheries BRU: Commercial Fisheries Mgt & Dev
test fishing operations; and providing for an effective date. Component: Fisheries Management
 Sponsor: Senator Zharoff
 Requester: Senate Finance COMPONENT SERIAL NO. #1941

Expenditures/Revenues

(Thousands of Dollars)

OPERATING EXPENDITURES	FY 97	FY 98	FY 99	FY 100	FY 01	FY 02
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						
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CHANGE IN REVENUES ()						
------------------------	--	--	--	--	--	--

FUND SOURCE

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1091 Designated Program Receipts	(2,240.5)					
Test Fish Receipts	2,240.5	2,240.5	2,240.5	2,240.5	2,240.5	2,240.5
TOTAL	0.0	2,240.5	2,240.5	2,240.5	2,240.5	2,240.5

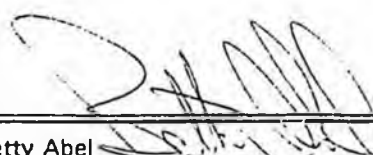
Estimate of any current year (FY96) cost: \$ 0.0

POSITIONS

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

The test fishing projects done by the Commercial Fisheries Management & Development Division are done to manage the fisheries during the season. The data required to open fisheries can only be obtained right before the fishery takes place. Test sets are made to ascertain size and maturity of the resource. Fisheries are opened depending on the results of the test fishing. The revenues received from selling the fish offsets the expenditures needed to do the test fishing. If the receipts were not received, the project would not be done, management would have to be very conservative, usually resulting in less harvest and less income from the resource.



Prepared by: Betty Abel
 Division: Commercial Fisheries Management & Development

Phone: 465-6158
 Date: 3/12/96

Approved by Commissioner: [Signature]
 Agency: _____

Date: 3/20/96

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FISCAL NOTE

No. 1

Bill Version: (S SB 265(FIN))

(S) Publish Date: 5/1/96

**STATE OF ALASKA
1996 LEGISLATIVE SESSION**

Revision Date: 5/1/96 Dept. Affected: Various Departments
 Title: An Act relating to the definition of program receipt BRU: _____
 and providing for an effective date. Component: _____
 Sponsor: Senators Zharoff, Taylor
 Requester: Senate Finance Committee COMPONENT SERIAL NO. _____

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 97	FY 98	FY 99	FY 100	FY 01	FY 02
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						
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CHANGE IN REVENUES ()						
-------------------------------	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts	(7,731.4)	(7,731.4)	(7,731.4)	(7,731.4)	(7,731.4)	(7,731.4)
1037 GF/Mental Health						
1077 Restricted Program Receipts	7,731.4	7,731.4	7,731.4	7,731.4	7,731.4	7,731.4
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY96) cost: \$ 0.0

POSITIONS

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

This bill establishes a new fund source under AS 37.05.146. Restricted Program Receipts are defined as "money received by the state from a source other than the state or another government entity under a gift, grant, bequest, or written contract with the state, that by its terms restricts the use of the money ...". Attached is a spreadsheet that identifies both programs and dollar amounts impacted by this legislation.

Prepared by: Nancy Slagle, Director
 Division: OMB - DBR
 Approved by Commissioner: Annalisa McConnell
 Agency: Director, Office of Management & Budget

Phone: 465-4681
 Date: 5/1/96
 Date: 5/1/96

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SENATE FINANCE COMMITTEE
OMB DESIGNATED PROGRAM RECEIPTS - NON-GOVERNMENT CONTRACTS

As of April 30, 1996

Dept	BRU/Component	Description	Type	FY 96	FY 97	Change
				Auth	Amend	
Administration	Information Services	Various information services; including repairs to Kenal TV system	C	55.0	55.0	0.0
Education	AK Voc. Tech. Center	Training classes, under contract, for Cominco employees	C	43.1	91.3	48.2
DEC	Spill Prevent. & Response	Industry funds to mitigate/cleanup pollution at APC facility in Sike	C	334.9	285.9	(49.0)
DEC	Spill Prevent. & Response	Reimbursable services agreement covering Badami Project	C	130.0	0.0	(130.0)
Fish & Game	Com. Fish Management & Dev.	Funds restricted by private contract or test fisheries projects	C	2,022.2	2,240.5	218.3
Fish & Game	Com. Fish Management & Dev.	Lake fertilization studies funded by private hatcheries (Limnology)	C	0.0	200.0	200.0
Fish & Game	Com. Fish Management & Dev.	Special Projects: funded, under contract, by private entities	C	1,213.3	1,070.8	(142.5)
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Fish & Game	Sport Fish	Fish raising project funded by Southern SE Aquaculture Association (Earl West Cove Project)	C	0.0	200.0	200.0
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Labor	Administrative Services	Contractual agreements with private & non-state agencies for specialized reports and on-site assistance	C	2.0	2.0	0.0
Labor	Employment Security	Data/Record services provided under contract with private entities	C	53.9	54.2	0.3
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DNR	Resource Development	Reimbursable agreements for work, such as those for the Fort Knox Mine project.	C	500.0	500.0	0.0
			Total	7,000.0	7,731.4	731.4

FISCAL NOTE

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO. CS for SB265 (FIN)

Revision Date: 5/1/96 Dept. Affected: Various Departments
 Title: An Act relating to the definition of program receipt and providing for an effective date. BRU: _____
 Sponsor: Senators Zharoff, Taylor Component: _____
 Requester: Senate Finance Committee COMPONENT SERIAL NO. _____

Expenditures/Revenues (Thousands of Dollars)

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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 ()						
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
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1037 GF/Mental Health						
1077 Restricted Program Receipts	7,731.4	7,731.4	7,731.4	7,731.4	7,731.4	7,731.4
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY96) cost: \$ 0.0

POSITIONS

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

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Prepared by: Nancy Slagle, Director
 Division: OMB - DBR
 Approved by Commissioner: Annalisa McConnell
 Agency: Director, Office of Management & Budget

Phone: 465-4681
 Date: 5/1/96
 Date: 5/1/96

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SENATE FINANCE COMMITTEE
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Education	AK Voc. Tech. Center	Training classes, under contract, for Cominco employees	C	43.1	91.3	48.2
DEC	Spill Prevent. & Response	Industry funds to mitigate/cleanup pollution at APC facility in Sitka	C	334.9	285.9	(49.0)
DEC	Spill Prevent. & Response	Reimbursable services agreement covering Badami Project	C	130.0	0.0	(130.0)
Fish & Game	Com. Fish Management & Dev.	Funds restricted by private contract or test fisheries projects	C	2,022.2	2,240.5	218.3
Fish & Game	Com. Fish Management & Dev.	Lake fertilization studies funded by private hatcheries (Limnology)	C	0.0	200.0	200.0
Fish & Game	Com. Fish Management & Dev.	Special Projects: funded, under contract, by private entities	C	1,213.3	1,070.8	(142.5)
Fish & Game	Habitat & Restoration	Projects/studies funded, under contract, with private firms (i.e. ARCO, BP, NSB)	C	283.8	270.9	(12.9)
Fish & Game	Sport Fish	Fish raising project funded by Southern SE Aquaculture Association (Earl West Cove Project)	C	0.0	200.0	200.0
Fish & Game	Subsistence	Special studies & Shlemaref subsistence practices project	C	40.1	0.0	(40.1)
Fish & Game	Wildlife Conservation	Contracts with non-state entities for wildlife management projects	C	299.0	300.3	1.3
Labor	Administrative Services	Contractual agreements with private & non-state agencies for specialized reports and on-site assistance	C	2.0	2.0	0.0
Labor	Employment Security	Data/Record services provided under contract with private entities	C	53.9	54.2	0.3
DNR	Resource Development	Reimbursable agreements for work on Badami Project, TAPS monitoring, and TAGS gas project	C	2,022.7	2,460.5	437.8
DNR	Resource Development	Reimbursable agreements for work, such as those for the Fort Knox Mine project.	C	500.0	500.0	0.0
			Total	7,000.0	7,731.4	731.4

4/30/96

9-LS1614\F.1
Utermohle
4/30/96

Atty Gen
as a
technical
amend
to
accompany
CSSB 265
(Fin)
Final
dated 4/29/96

A M E N D M E N T

OFFERED IN THE SENATE

TO: CSSB 265(FIN); Version "F" dated 4/29/96

1 Page 3, line 7, following "AS 37.14.410":

2 Insert ":

3 (6) receipts of commercial fisheries test fishing operations

4 (AS 16.05.050(15))"

4/30/96
SF
moved
include
Amend
test
fish
Adopted

9-LS1614F
Utermohle
4/29/96

CS FOR SENATE BILL NO. 265(FIN)

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - SECOND SESSION

BY THE SENATE FINANCE COMMITTEE

Offered:
Referred:

Sponsor(s): SENATORS ZHAROFF, Taylor

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the definition of program receipts; and providing for an
2 effective date."

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

4 * Section 1. AS 37.05.146 is amended to read:

5 Sec. 37.05.146. DEFINITION OF PROGRAM RECEIPTS AND NON-
6 GENERAL FUND PROGRAM RECEIPTS. (a) In AS 37.05.142 - 37.05.146 and
7 AS 37.07.080, "program receipts" means fees, charges, income earned on assets, and
8 other state money received by a state agency in connection with the performance of
9 its functions. Unless otherwise provided in this section, program receipts are
10 accounted for within, and appropriated from, the general fund of the state.

11 (b) The program receipts listed in this subsection are accounted for
12 separately, and appropriations from these program receipts are not made from
13 the unrestricted general fund [; ALL PROGRAM RECEIPTS EXCEPT THE
14 FOLLOWING ARE GENERAL FUND PROGRAM RECEIPTS];

- 1 (1) federal receipts;
- 2 (2) University of Alaska receipts (AS 14.40.491);
- 3 (3) restricted program receipts; in this paragraph, "restricted
4 program receipt" means money received by the state from a source other than the
5 state or another government entity under a gift, grant, bequest, or written
6 contract with the state, that by its terms restricts the use of the money
7 [INDIVIDUAL, FOUNDATION, OR CORPORATION GIFTS, GRANTS, OR
8 BEQUESTS THAT BY THEIR TERMS ARE RESTRICTED] to a specific purpose;
- 9 (4) receipts of the following funds:
- 10 (A) highway working capital fund (AS 44.68.210);
- 11 (B) correctional industries fund (AS 33.32.020);
- 12 (C) loan funds;
- 13 (D) international airport revenue fund (AS 37.15.430);
- 14 (E) funds managed by the Alaska Housing Finance Corporation
15 (AS 18.56.020), the Alaska Railroad Corporation (AS 42.40.010), the
16 Municipal Bond Bank Authority (AS 44.85.020), the Alaska Aerospace
17 Development Corporation (AS 14.40.821), or the Alaska Industrial
18 Development and Export Authority (AS 44.88.020);
- 19 (F) fish and game fund (AS 16.05.100);
- 20 (G) school fund (AS 43.50.140);
- 21 (H) training and building fund (AS 23.20.130);
- 22 (I) retirement funds (AS 14.25, AS 22.25, AS 26.05.222,
23 AS 39.35, and former AS 39.37);
- 24 (J) permanent fund (art. IX, sec. 15, Alaska Constitution);
- 25 (K) public school fund (AS 37.14.110);
- 26 (L) second injury fund (AS 23.30.040);
- 27 (M) fishermen's fund (AS 23.35.060);
- 28 (N) FICA administration fund (AS 39.30.050);
- 29 (O) receipts of the employee benefits program established under
30 AS 39.30.150 - 39.30.180;
- 31 (P) receipts of the deferred compensation program established

- 1 under AS 39.45;
- 2 (Q) clean air protection fund (AS 46.14.260);
- 3 (R) receipts of the group insurance programs established under
- 4 AS 39.30.090;
- 5 (S) mental health trust fund (AS 37.14.031);
- 6 (5) receipts of or from the trust established by AS 37.14.400 -
- 7 37.14.450, except reimbursements described in AS 37.14.410.
- 8 * Sec. 2. This Act takes effect July 1, 1996.

SENATE FINANCE COMMITTEE
OMB DESIGNATED PROGRAM RECEIPTS - NON-GOVERNMENT CONTRACTS
 As of April 30, 1996

Dept	BRU/Component	Description	Type	FY 96	FY 97	Change
				Aulb	Amend	
Administration	Information Services	Various information services; including repairs to Kenai TV system	C	55.0	55.0	0.0
Education	AK Voc. Tech. Center	Training classes, under contract, for Cominco employees	C	43.1	91.3	48.2
DEC	Spill Prevent. & Response	Industry funds to mitigate/cleanup pollution at APC facility in Sitka	C	334.9	285.9	(49.0)
DEC	Spill Prevent. & Response	Reimbursable services agreement covering Badami Project	C	130.0	0.0	(130.0)
Fish & Game	Com. Fish Management & Dev.	Funds restricted by private contract or test fisheries projects	C	2,022.2	2,240.5	218.3
Fish & Game	Com. Fish Management & Dev.	Lake fertilization studies funded by private hatcheries (Limnology)	C	0.0	200.0	200.0
Fish & Game	Com. Fish Management & Dev.	Special Projects: funded, under contract, by private entities	C	1,213.3	1,070.8	(142.5)
Fish & Game	Habitat & Restoration	Projects/studies funded, under contract, with private firms (i.e. ARCO, BP, NSB)	C	283.8	270.9	(12.9)
Fish & Game	Sport Fish	Fish raising project funded by Southern SE Aquaculture Association (Earl West Cove Project)	C	0.0	200.0	200.0
Fish & Game	Subsistence	Special studies & Shismaref subsistence practices project	C	40.1	0.0	(40.1)
Fish & Game	Wildlife Conservation	Contracts with non-state entities for wildlife management projects	C	299.0	300.3	1.3
Labor	Administrative Services	Contractual agreements with private & non-state agencies for specialized reports and on-site assistance	C	2.0	2.0	0.0
Labor	Employment Security	Data/Record services provided under contract with private entities	C	53.9	54.2	0.3
DNR	Resource Development	Reimbursable agreements for work on Badami Project, TAPS monitoring, and TAGS gas project	C	2,022.7	2,460.5	437.8
DNR	Resource Development	Reimbursable agreements for work, such as those for the Fort Knox Mine project.	C	500.0	500.0	0.0
			Total	7,000.0	7,731.4	731.4

SENATE FINANCE COMMITTEE

SB 265 RECEIPTS OF TEST FISHING OPERATIONS

PLEASE SIGN IN BELOW

NAME: Dean Padlock
Co./DEPT./TITLE: Exec. Dir., Bristol Bay Drift Netters Assn PHONE: 463-4970
ADDRESS: POB 20312 c/mo ZIP: 99802
DO YOU WISH TO TESTIFY? YES NO RESPOND TO QUESTIONS

NAME: _____
Co./DEPT./TITLE: _____ PHONE: _____
ADDRESS: _____ ZIP: _____
DO YOU WISH TO TESTIFY? YES NO RESPOND TO QUESTIONS

NAME: _____
Co./DEPT./TITLE: _____ PHONE: _____
ADDRESS: _____ ZIP: _____
DO YOU WISH TO TESTIFY? YES NO RESPOND TO QUESTIONS

NAME: _____
Co./DEPT./TITLE: _____ PHONE: _____
ADDRESS: _____ ZIP: _____
DO YOU WISH TO TESTIFY? YES NO RESPOND TO QUESTIONS

NAME: _____

Co./DEPT./TITLE: _____ PHONE: _____

ADDRESS: _____ ZIP: _____

DO YOU WISH TO TESTIFY? YES NO RESPOND TO QUESTIONS

NAME: _____

Co./DEPT./TITLE: _____ PHONE: _____

ADDRESS: _____ ZIP: _____

DO YOU WISH TO TESTIFY? YES NO RESPOND TO QUESTIONS

NAME: _____

Co./DEPT./TITLE: _____ PHONE: _____

ADDRESS: _____ ZIP: _____

DO YOU WISH TO TESTIFY? YES NO RESPOND TO QUESTIONS

NAME: _____

Co./DEPT./TITLE: _____ PHONE: _____

ADDRESS: _____ ZIP: _____

DO YOU WISH TO TESTIFY? YES NO RESPOND TO QUESTIONS

TEST FISH FUND
STANDARD OPERATING PROCEDURES
DIVISION OF COMMERCIAL FISHERIES
SOP CF-006

The following Standard Operating Procedures must be followed unless otherwise specified in writing by the Director or the Deputy Director for Operations (DDO) of the Division of Commercial Fisheries.

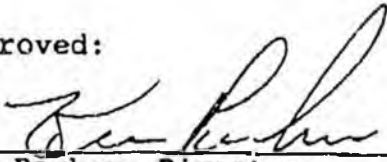
- * The Deputy Director of Operations (DDO) or the DDO's designee shall administer the Test Fish Fund. He or she shall approve all allocations from the fund.
- * The DDO will periodically review the fund's performance, and make whatever changes may be needed to both ensure the integrity of the fund and meet statewide test fish needs.
- * The Headquarters Administrative Officer, under the direction of the DDO, shall establish accounting procedures for the Test Fish Fund, monitor the accounts, and provide reports of the fund's balance and activities when requested.
- * Regional Supervisors are responsible for the proper administration and accounting of Test Fish Fund projects under their jurisdiction. This includes all normal aspects of project review, approval, and reporting, as well as ensuring that proper administrative procedures are followed.
- * Each Regional Supervisor will provide quarterly financial reports on Test Fish Fund projects to the Headquarters Administrative Officer.
- * Each Regional Supervisor shall submit to the DDO Test Fish Fund budget requests for preparation of fiscal year budgets. The request must include a description of the projects including a justification, funding detail by line item, expected receipts, and a receipt/expenditure history of the project if it has operated in the past.
- * The DDO will evaluate the budget requests, prioritize those that are approved, and submit to the director for inclusion in the division's budget request.
- * Once the budget has passed the Legislature and been signed by the Governor, allocations from the fund will be made. The DDO shall notify each Regional Supervisor that the budget has been approved and what the allocations are for that fiscal year.
- * Once the allocations have been approved, test fish projects can start. Preplanning, up to and including the acceptance of

bids, can be done before the allocations are approved. Contracts cannot be awarded (an encumbrance against the fund) until the allocations are approved.

- * All standard operating procedures, such as those dealing with bidding, contract awards, and vessel charters, must be adhered to. Pertinent SOPs and guidelines are included in the Test Fish Fund manual.
- * Regional Supervisors are responsible for obtaining Test Fish Fund permit cards from the Commercial Fisheries Entry Commission. This is done directly with the Commercial Fisheries Entry Commission and is required for the sale of fish to processors and buyers. A separate card should be obtained for each project.
- * All fish caught during a test fish project immediately become the property of the state.
- * Project biologists shall do all in their power to ensure that the highest quality product is delivered to the buyer and that the best price is obtained.
- * To maximize the value of the fish and to alleviate any concerns over favoritism, fish sales are to be awarded based on an informal written bid process. An example of a written bid form is included in the Test Fish Manual. Exceptions to this procedure may be made when the fishery was not anticipated, thus not allowing time for a written bid process, or no buyer was selected under the written bid process. In such case a buyer may be selected through an informal solicitation, rotating amongst interested buyers, or selecting a buyer by drawing. For a bid to be valid, the bidder must have a valid Alaska business license at the time the bid is tendered.
- * The project biologist shall ensure that the buyer of the fish has all the required licenses and permits for his or her operation prior to any sale of fish.
- * The project biologist shall obtain receipts for the sale of all fish. Fish tickets shall be used as the receipt and must be imprinted with the proper CFEC card, contain the species, number, and weight of the fish sold, the price paid, and be signed by the seller (department employee making the delivery) and the buyer. If the purchaser of the fish is not a licensed fish buyer or processor, the project biologist shall issue the fish ticket. Payment should be by check made out to the state. Cash payments should be discouraged.
- * Records of all Test Fish Fund related documents must be maintained by the regional offices.

- * The Project Biologist shall track his or her test fish catches and sales to ensure that all payments due to the state are made.
- * All FPOs issued for vessel charters must be submitted to the regional office. A copy of the vessel charter contract must be attached to the FPO.
- * Test Fish resources are credited to a fiscal year based on the delivery date on the fish ticket.

Approved:



Ken Parker, Director
Division of Commercial Fisheries

7/5/90

Date

4/29/96 Removed from members' files per instructions from Tom Williams

WORK DRAFT

WORK DRAFT

WORK DRAFT

9-LS1614C
Cramer/Utermohle
4/17/96

CS FOR SENATE BILL NO. 265(FIN)

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - SECOND SESSION

BY THE SENATE FINANCE COMMITTEE

Offered:

Referred:

Sponsor(s): SENATORS ZHAROFF, Taylor

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the definition of program receipts; and providing for an
2 effective date."

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

4 * Section 1. AS 37.05.146 is amended to read:

5 Sec. 37.05.146. DEFINITION OF PROGRAM RECEIPTS AND NON-
6 GENERAL FUND PROGRAM RECEIPTS. (a) In AS 37.05.142 - 37.05.146 and
7 AS 37.07.080, "program receipts" means fees, charges, income earned on assets, and
8 other state money received by a state agency in connection with the performance of
9 its functions. Unless otherwise provided in this section, program receipts are
10 accounted for within, and appropriated from, the general fund of the state.

11 (b) The program receipts listed in this subsection are accounted for
12 separately, and appropriations from these program receipts are not made from
13 the unrestricted general fund [; ALL PROGRAM RECEIPTS EXCEPT THE
14 FOLLOWING ARE GENERAL FUND PROGRAM RECEIPTS]:

- 1 (1) federal receipts;
- 2 (2) University of Alaska receipts (AS 14.40.491);
- 3 (3) designated program receipts: in this paragraph. "designated
- 4 program receipt" means
- 5 (A) money received from a source other than the state:
- 6 (B) as a gift, grant, bequest, or contract or as the result of
- 7 an assessment imposed on members of a group in accordance with the
- 8 terms of a statute and by the vote of the membership: and
- 9 (C) if the source of the money restricts the use of the money
- 10 [INDIVIDUAL, FOUNDATION, OR CORPORATION GIFTS, GRANTS, OR
- 11 BEQUESTS THAT BY THEIR TERMS ARE RESTRICTED] to a specific
- 12 purpose;
- 13 (4) receipts of the following funds:
- 14 (A) highway working capital fund (AS 44.68.210);
- 15 (B) correctional industries fund (AS 33.32.020);
- 16 (C) loan funds;
- 17 (D) international airport revenue fund (AS 37.15.430);
- 18 (E) funds managed by the Alaska Housing Finance Corporation
- 19 (AS 18.56.020), the Alaska Railroad Corporation (AS 42.40.010), the
- 20 Municipal Bond Bank Authority (AS 44.85.020), the Alaska Aerospace
- 21 Development Corporation (AS 14.40.821), or the Alaska Industrial
- 22 Development and Export Authority (AS 44.88.020);
- 23 (F) fish and game fund (AS 16.05.100);
- 24 (G) school fund (AS 43.50.140);
- 25 (H) training and building fund (AS 23.20.130);
- 26 (I) retirement funds (AS 14.25, AS 22.25, AS 26.05.222,
- 27 AS 39.35, and former AS 39.37);
- 28 (J) permanent fund (art. IX, sec. 15, Alaska Constitution);
- 29 (K) public school fund (AS 37.14.110);
- 30 (L) second injury fund (AS 23.30.040);
- 31 (M) fishermen's fund (AS 23.35.060);

- 1 (N) FICA administration fund (AS 39.30.050);
2 (O) receipts of the employee benefits program established under
3 AS 39.30.150 - 39.30.180;
4 (P) receipts of the deferred compensation program established
5 under AS 39.45;
6 (Q) clean air protection fund (AS 46.14.260);
7 (R) receipts of the group insurance programs established under
8 AS 39.30.090;
9 (S) mental health trust fund (AS 37.14.031);
10 (5) receipts of or from the trust established by AS 37.14.400 -
11 37.14.450, except reimbursements described in AS 37.14.410.

12 * Sec. 2. This Act takes effect July 1, 1996.

SENATE FINANCE COMMITTEE
OMB DESIGNATED PROGRAM RECEIPTS - CONTRACTS AND ASSESSMENTS
 As of April 26, 1996

<u>Dept</u>	<u>RU/Component</u>	<u>Description</u>	<u>Type</u>	<u>FY 96</u> <u>Auth</u>	<u>FY 97</u> <u>Amend</u>	<u>Change</u>
Administration	Information Services	Various information services; including repairs to Kenai TV system	C	55.0	55.0	0.0
Administration	Public Communications Ser.	Repair & maintenance agreements with user communities	C	15.0	15.0	0.0
Education	AK Voc. Tech. Center	Training classes, under contract, for Cominco employees	C	43.1	91.3	48.2
DEC	Spill Prevent. & Response	Industry funds to mitigate/cleanup pollution at APC facility in Sitka	C	334.9	285.9	(49.0)
DEC	Spill Prevent. & Response	Reimbursable services agreement covering Badami Project	C	130.0	0.0	(130.0)
Fish & Game	Com. Fish Management & Dev.	Funds restricted by private contract or test fisheries projects	C	2,022.2	2,240.5	218.3
Fish & Game	Com. Fish Management & Dev.	Lake fertilization studies funded by private hatcheries (Limnology)	C	0.0	200.0	200.0
Fish & Game	Com. Fish Management & Dev.	Special Projects: funded, under contract, by private entities	C	1,213.3	1,070.8	(142.5)
Fish & Game	Habitat & Restoration	Projects/studies funded, under contract, with private firms (i.e. ARCO, BP, NSB)	C	283.8	270.9	(12.9)
Fish & Game	Sport Fish	Fish raising project funded by Southern SE Aquaculture Association (Earl West Cove Project)	C	0.0	200.0	200.0
Fish & Game	Subsistence	Special studies & Shismarek subsistence practices project	C	40.1	0.0	(40.1)
Fish & Game	Wildlife Conservation	Contracts with non-state entities for wildlife management projects	C	299.0	300.3	1.3
H&SS	Family & Youth Services	Anchorage Muni. funds, provided under contract, for "Making a Difference" project	C	125.0	125.0	0.0
Labor	Administrative Services	Contractual agreements with private & non-state agencies for specialized reports and on-site assistance	C	2.0	2.0	0.0
Labor	Employment Security	Data/Record services provided under contract with private/municipal entities	C	53.9	54.2	0.3
DNR	Resource Development	Receipts received under contract to implement Municipal land entitlements	C	0.0	15.0	15.0
DNR	Resource Development	Reimbursable agreements for work on Badami Project, TAPS monitoring, and TAGS gas project	C	2,022.7	2,460.5	437.8
DNR	Resource Development	Reimbursable agreements for work, e.g. Fort Knox Mine project.	C	500.0	500.0	0.0
DOT	Central Region Design & Const.	Utility Rights-of-Way services under lease provisions	C	128.1	130.9	2.8
DOT	North. Region Design & Const.	Utility Rights-of-Way services under lease provisions	C	20.6	21.6	1.0
DOT	SE Region Highway/Aviation	Road maintenance service contracts with various non-state entities, including: FAA, CBJ, USFS	C	109.5	75.0	(34.5)
Commerce	ASMI	Marketing Assessments used for market Alaska Seafood	A	3,000.0	3,000.0	0.0
			Total	10,398.2	11,113.9	715.7



Senator Fred F. Zharoff

Alaska State Legislature

In Kodiak: P.O. Box 405, Kodiak, Alaska 99615 (907) 486-5259 (Fax also)

In Juneau: State Capitol, Room 121, Juneau, Alaska 99801-1182

Phone: (907) 465-3473 • Fax: (907) 463-3043

State Senate District C

Kodiak Island & Rural Southeast Alaska

Sponsor Statement

SB 265

"An Act relating to receipts of commercial fisheries test fishing operations."

I have introduced SB 265 to enhance the ability of the Department of Fish and Game (ADF&G) to successfully manage our complex fisheries. An important tool in their management regime is the utilization of private sector vessels and expertise to conduct test fisheries. These fisheries provide valuable information on such things as the health of fish stocks, the composition of stocks, the timing of fish runs, and the economic condition of our resources.

ADF&G is very limited with regard to vessels and field staff in many areas of the state. As budget constraints continue, it is increasingly difficult for the department to maintain or enhance their management capabilities without a significant cooperative effort with the private sector.

The funds involved in test fisheries are obtained and expended through program receipt authority. Funds from the sales of fish caught in test fisheries are in turn used to pay the cost of the contracts made with fishermen to conduct these types of fisheries in the manner desired by ADF&G.

SB 265 does not affect the legislature's role in making appropriations to the test fisheries program, but recognizes the special relationship of these particular funds and clarifies their treatment in the budget process.

Sec. 37.05.144. Appropriations based upon program receipts. The annual estimated balance in each account maintained under AS 37.05.142 may be used by the legislature to make appropriations to state agencies to administer the programs generating the program receipts, to implement the laws related to the functions generating the program receipts, or to cover costs associated with the collection of the program receipts. (§ 1 ch. 36 SLA 1990)

Sec. 37.05.146. Definition of program receipts and non-general fund program receipts. In AS 37.05.142 — 37.05.146 and AS 37.07.080, "program receipts" means fees, charges, income earned on assets, and other state money received by a state agency in connection with the performance of its functions; all program receipts except the following are general fund program receipts:

- (1) federal receipts;
- (2) University of Alaska receipts (AS 14.40.491);
- (3) individual, foundation, or corporation gifts, grants, or bequests that by their terms are restricted to a specific purpose;
- (4) receipts of the following funds:
 - (A) highway working capital fund (AS 44.68.210);
 - (B) correctional industries fund (AS 33.32.020);
 - (C) loan funds;
 - (D) international airport revenue fund (AS 37.15.430);
 - (E) funds managed by the Alaska Housing Finance Corporation (AS 18.56.020), the Alaska Railroad Corporation (AS 42.40.010), the Municipal Bond Bank Authority (AS 44.85.020), the Alaska Aerospace Development Corporation (AS 14.40.821), or the Alaska Industrial Development and Export Authority (AS 44.88.020);
 - (F) fish and game fund (AS 16.05.100);
 - (G) school fund (AS 43.50.140);
 - (H) training and building fund (AS 23.20.130);
 - (I) retirement funds (AS 14.25, AS 22.25, AS 26.05.222, AS 39.35, and former AS 39.37);
 - (J) permanent fund (art. IX, sec. 15, Alaska Constitution);
 - (K) public school fund (AS 37.14.110);
 - (L) second injury fund (AS 23.30.040);
 - (M) fishermen's fund (AS 23.35.060);
 - (N) FICA administration fund (AS 39.30.050);
 - (O) receipts of the employee benefits program established under AS 39.30.150 — 39.30.180;
 - (P) receipts of the deferred compensation program established under AS 39.45;
 - (Q) clean air protection fund (AS 46.14.260);
 - (R) receipts of the group insurance programs established under AS 39.30.090.

(5) receipts of or from the trust established by AS 37.14.400 — 37.14.450, except reimbursements described in AS 37.14.410. (§ 1 ch 36 SLA 1990; am § 8 ch 14 SLA 1991; am § 8 ch 88 SLA 1991; am § 11 ch 31 SLA 1992; am § 3 ch 1 FSSLA 1992; am § 115 ch 4 FSSLA 1992; am § 64 ch 63 SLA 1993; am § 10 ch 74 SLA 1993)

Delayed amendment of section. — Under §§ 5 and 58, ch. 66, SLA 1991, a new subparagraph is added to paragraph (4) of this section effective upon the entry of a final order dismissing *Weiss v. State of Alaska*, 4FA-82-2208 Civ. and the expiration of any time for appeal. When that provision takes effect, it will read "mental health trust fund (AS 37.14.031)."

Revisor's notes. — Subparagraph (4)(Q) was enacted as (R); relettered in 1993.

Effect of amendments. — The first 1991 amendment, effective January 1, 1992, in subparagraph (4)(E), deleted "the medical indemnity corporation of Alaska (AS 21.88.020)" preceding "the Alaska Railroad Corporation."

The second 1991 amendment, effective July 2, 1991, inserted "the Alaska Aerospace Development Corporation (AS 14.40.821)" in subparagraph (4)(E).

The first 1992 amendment, effective July 1, 1993, added subparagraphs (4)(O) and (4)(P) and made a related stylistic change.

The second 1992 amendment, effective June 19, 1992, added paragraph (5).

The third 1992 amendment, effective July 1, 1992, deleted a reference to the Alaska State Housing Authority in subparagraph (4)(E).

The first 1993 amendment, effective January 1, 1993, added subparagraph (4)(R).

The second 1993 amendment, effective June 28, 1993, added subparagraph (4)(Q).

Editor's notes. — Section 87, ch. 63, SLA 1993 provides "[i]f any section of this bill is found to violate the single subject rule it is severed from the rest of the bill."

Sec. 37.05.150. Funds and accounts. The accounting system shall be in accordance with accepted principles of governmental (fund) accounting and shall include both budgetary and property accounts. The system must provide records showing at all times by funds, accounts, and other pertinent classifications the amounts appropriated, the estimated revenue, actual revenue or receipts, the amounts available for expenditure, the total expenditures, the unliquidated obligations, actual balances on hand, and the unencumbered balances of appropriations for each state agency. (§ 3 art III ch 82 SLA 1955; am § 5 ch 186 SLA 1957)

Sec. 37.05.151. [Renumbered as AS 37.05.500.]

Sec. 37.05.152. [Renumbered as AS 37.05.510.]

Sec. 37.05.153. [Renumbered as AS 37.05.520.]

SB

270

HFIN

FILE

(11)

HOUSE COMMITTEE REPORT

Date Referred to Committee: April 28, 1996

FURTHER REFERRALS:

Date of Committee Action: _____

The FINANCE Committee considered:

CSSB 270(FIN)

CS FOR SENATE BILL NO. 270(FIN)

JUVENILE PROCEEDINGS

“An Act relating to juveniles; relating to the jurisdiction of juvenile courts; and relating to the release of juveniles.”

recommends it be replaced
with the following committee substitute _____

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) _____

fiscal note(s) _____

zero fiscal note(s) _____

zero fiscal note(s) _____

SIGNING WITH RECOMMENDATIONS	NDP	DNP	NR	AM
Died in committee				

CHAIR'S SIGNATURE _____

A M E N D M E N T

OFFERED IN THE HOUSE
TO: CSSB 270(FIN)

BY REPRESENTATIVE KELLY

1 Page 1, following line 3:

2 Insert new bill sections to read:

3 **** Section 1.** AS 29.10.200 is amended by adding a new paragraph to read:

4 (54) AS 29.25.070(e) (notice of ordinance enforcement against a
5 minor).

6 *** Sec. 2.** AS 29.25.070(b) is amended to read:

7 (b) The municipality or an aggrieved person may institute a civil action
8 against a person who violates an ordinance, including a minor as provided in
9 AS 47.10.145. In addition to injunctive and compensatory relief, a civil penalty not
10 to exceed \$1,000 may be imposed for each violation. An action to enjoin a violation
11 may be brought notwithstanding the availability of any other remedy. On application
12 for injunctive relief and a finding of a violation or a threatened violation, the superior
13 court shall grant the injunction. Each day that a violation of an ordinance continues
14 constitutes a separate violation.

15 *** Sec. 3.** AS 29.25.070 is amended by adding new subsections to read:

16 (e) The municipality shall provide written notice to the commissioner of
17 health and social services or to the commissioner's designee of the commencement
18 of a civil enforcement action for the violation of an ordinance under (b) of this section
19 against a minor that the commissioner of health and social services and the
20 municipality agree will be reported. Unless the commissioner and the municipality
21 negotiate an agreement making other arrangements to satisfy the obligation imposed
22 on the municipality by this subsection, the municipality may provide notice by mailing
23 a copy of the citation or other document setting out the notice of the commencement
24 of the civil enforcement action. This subsection applies to home rule and general law
25 municipalities.

1 Page 1, line 4:

2 Delete "* Section 1."

3 Insert "* Sec. 4."

4 Renumber the following bill sections accordingly.

5 Page 2, line 5:

6 Delete "[AND]"

7 Insert "and"

8 Page 2, line 6:

9 Delete ": and"

10 Insert "."

11 Page 2, lines 7 - 9:

12 Delete all material.

13 Page 4, following line 11:

14 Insert a new bill section to read:

15 **"* Sec. 9.** AS 47.10 is amended by adding a new section to read:

16 Sec. 47.10.145. CIVIL PENALTIES FOR VIOLATION OF MUNICIPAL
17 ORDINANCES. (a) Except as otherwise provided in this section, the enforcement
18 of a civil penalty under AS 29.25.070(b) against a minor for violation of a municipal
19 ordinance shall be heard in the district court in the same manner as for similar
20 allegations brought against an adult, except that the minor's parent, guardian, or legal
21 custodian shall be present at all proceedings.

22 (b) Allegations against a minor for a civil penalty under a municipal
23 ordinance may be assigned to a hearing officer for resolution, if provided for by
24 municipal ordinance.

25 (c) An action for a civil penalty filed against a minor under this section does
26 not give rise to the right to a trial by jury or to counsel appointed at public expense."

A M E N D M E N T

OFFERED IN THE HOUSE

BY REPRESENTATIVE KELLY

TO: CSSB 270(FIN)

1 Page 2, lines 20 - 21:

2 Delete "require the minor to return to detention after daylight hours on
3 designated conditions. (3)"

4 Page 2, line 25:

5 Delete "(4)"

6 Insert "(3)"

7 Page 2, line 26:

8 Delete "(5)"

9 Insert "(4)"

A M E N D M E N T

OFFERED IN THE HOUSE

BY REPRESENTATIVE KELLY

TO: CSSB 270(FIN)

- 1 Page 3, line 8, through page 4, line 4:
- 2 Delete all material.
- 3 Renumber the following bill section accordingly.



Official Business

Alaska State Legislature

Senate

Office of The Majority Leader

Rick Halford
State Capitol
Juneau, Alaska 99801-1182
Phone (907) 465-4958

P.O. Box 670190
Chugiak, Alaska 99567
Phone (907) 694-4958

Sponsor Statement

Juvenile Offender Proceedings

It has been proven that early intervention has been effective in altering a juvenile's criminal behavior. However, since the current juvenile justice system is overburdened with serious offenders many juveniles who commit less serious offenses receive no meaningful consequences until they commit more serious crimes.

SB 270 provides municipalities the ability to respond to less serious juvenile offenders by expanding its jurisdiction to include the ability to subject juveniles, who commit less serious crimes, to civil infractions and/or mediation.

This measure also grants the courts more flexibility when considering standard bail and sentencing factors. The courts will be permitted to consider such factors as what is best for the public, the degree of dangerousness of the offender, or the offender's likelihood to re-offend, as well as the best interests of the juvenile.

This will provide the courts the latitude necessary to make the appropriate decision when the interests of the public differs from the best interest of the juvenile.

Thank you for your consideration of this legislation.

FEB 14 1996

Municipality
of
Anchorage



P.O. Box 196650
Anchorage, Alaska 99519-6650
Telephone: (907) 343-4433

Rick Mystrom, Mayor

OFFICE OF THE MUNICIPAL MANAGER

February 9, 1996

Senator Rick Halford
Alaska State Legislature
State Capitol
Juneau, AK 99801-1182

Re: S.B. 270

Dear Senator Halford:

Thank you for sponsoring S. B. 270, "An Act relating to juveniles, relating to the jurisdiction of juvenile courts; relating to the release of juveniles; and relating to records concerning juveniles."

This bill offers important reform to the way in which juvenile criminal activity is addressed.

Attached are issue summaries supporting the need for the proposed changes.

Thank you again for sponsoring this legislation. If we can offer further information, please let me know.

Sincerely,

A handwritten signature in black ink, appearing to read "Tim Rogers". The signature is written in a cursive, flowing style.

Tim Rogers
Legislative Program Coordinator

**MUNICIPALITY OF ANCHORAGE
PUBLIC SAFETY PARTNERSHIP PROGRAM
LEGISLATIVE ISSUES**

Allow municipalities to respond to less serious juvenile behavior by expanding its jurisdiction to include the ability to subject juvenile offenders to civil infractions and/or mediation

Early intervention has been proven an effective means of changing young people's attitudes and behaviors. Because the current juvenile justice system is overwhelmed with serious offenses and offenders, many offenders who begin with lower level or less dangerous conduct receive no meaningful consequences until they graduate to the higher level.

According to the 1994 Anchorage Police Department Annual Report, juvenile arrests have increased 66% since 1990. Juvenile offenders have become increasingly dangerous and increasingly blatant regarding their offenses in the knowledge that the system can do very little to them.

Recognizing this situation, the Municipality of Anchorage would like the ability to respond to less serious juvenile behavior by expanding its jurisdiction to include the ability to subject juvenile offenders to civil infractions and/or mediation. This will allow the juvenile justice system to focus on the more serious criminal activity while assuring that juvenile offenders of less serious offenses receive more immediate consequences for their actions.

**MUNICIPALITY OF ANCHORAGE
PUBLIC SAFETY PARTNERSHIP PROGRAM
LEGISLATIVE ISSUE**

Allow the court to consider standard bail and sentencing factors and the best interest of the public in addition to the best interests of the juvenile.

The Alaska Juvenile Justice Code was adopted at a time when the reaction model to juvenile offenders had not yet recognized the importance of victim's rights or the degree of lethality now more common within it. Therefore, no goal other than the best interests of the juvenile was recognized.

Currently, the courts and juvenile authorities are not allowed to consider such factors as what is best for the public, the degree of dangerousness of the offender, or the offender's likelihood to re-offend, or any other factor beyond what is best for the juvenile.

Unfortunately, there are times when the interests of the public will differ from the best interest of the juvenile. The court should be granted the flexibility to respond to the myriad of potentially competing goals of the justice system. Amending the statute as proposed to allow consideration of all relevant factors, including the best interests of the juvenile will provide that flexibility.

SB 270

The Judiciary Committee considered SENATE BILL NO. 270 An Act relating to juveniles; relating to the jurisdiction of juvenile courts; relating to the release of juveniles; and relating to records concerning juveniles and recommended it be replaced with

CS FOR SENATE BILL NO. 270 (JUD), entitled:

An Act relating to juveniles; relating to the jurisdiction of juvenile courts; and relating to the release of juveniles.

Signing do pass: Senator Taylor, Chair, Senators Green, Miller.

Signing do not pass: Senators Ellis, Adams.

Fiscal note for the committee substitute published today from Alaska Court System. Zero fiscal notes for the committee substitute published today from Department of Health and Social Services, Department of Law. Fiscal note information forthcoming.

The bill was referred to the Finance Committee.

SENATE FINANCE COMMITTEE

REPORTED OUT OF

REPORT

4/24/96

DATE: 3/25/96

DATE TURNED INTO OFFICE: 4/24/96

The Finance Committee considered SENATE BILL NO. 270

Relating to juveniles; relating to the jurisdiction of juvenile courts; relating to the release of juveniles; and relating to records concerning juveniles.

COPY

and recommends:

- be replaced with CS SB 270 (FIN)
- 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:
- same title
 - technical change
 - new: SCR# _____

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	NR	DNP	AM
<i>[Signature]</i>	<input checked="" type="checkbox"/>	<i>[Signature]</i>	<input checked="" type="checkbox"/>		
<i>[Signature]</i>	<input checked="" type="checkbox"/>	<i>[Signature]</i>	<input checked="" type="checkbox"/>		
<i>[Signature]</i>	<input checked="" type="checkbox"/>				
Co-Chair: <i>[Signature]</i>	<input checked="" type="checkbox"/>	Co-Chair:			
Co-Chair: <i>[Signature]</i>	<input checked="" type="checkbox"/>	Co-Chair:			

NEW FISCAL NOTE(S):

Department Date Zero Fiscal

Corrections	3/22/96	∅	
Public Safety / Alaska State Troopers	3/26/96	∅	
Admin / OPA	3/29/96	∅	
Admin / PD	3/29/96	∅	
Alaska Court System	4/24/96		79.0

PREVIOUS FISCAL NOTE(S):*

Department Date Zero Fiscal

H&SS / DFYS	3/21/96	∅	
Law	3/22/96	∅	

[] APPROPRIATION -- no fiscal note

*include fiscal notes accompanying Governor's bill

SB 270

Senator Rieger requested that the reconsideration on CS FOR SENATE BILL NO. 270 (FIN) An Act relating to juveniles; relating to the jurisdiction of juvenile courts; and relating to the release of juveniles be taken up.

CS FOR SENATE BILL NO. 270 (FIN) was before the Senate on reconsideration.

The question to be reconsidered: Shall CS FOR SENATE BILL NO. 270 (FIN) An Act relating to juveniles; relating to the jurisdiction of juvenile courts; and relating to the release of juveniles pass the Senate? The roll was taken with the following result:

CSSB 270 (FIN)

Third Reading - On Reconsideration

YEAS: 15 NAYS: 5 EXCUSED: 0 ABSENT: 0

Yeas: Donley, Frank, Green, Halford, Kelly, Leman, Lincoln, Miller, Pearce, R. Phillips, Rieger, Salo, Sharp, Taylor, Torgerson

Nays: Adams, Duncan, Ellis, Hoffman, Zharoff

and so, CS FOR SENATE BILL NO. 270 (FIN) passed the Senate on reconsideration and was referred to the Secretary for engrossment.

FISCAL NOTE

No. 1

STATE OF ALASKA
1996 LEGISLATIVE SESSION

Bill Version: CS SB 270(JWD)
(S) Publish Date: 3-25-96

Revision Date: _____
Title: Relating to Juveniles, Records, Release & Records
Sponsor: Senator Halford
Requestor: Senate (JUD)

Dept. Affected: Health and Social Services
BRU: Family and Youth Services
Component: DFYS Central Office
COMPONENT SERIAL NO. 259
See also (SN#): _____

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING	FY97	FY98	FY99	FY00	FY01	FY02
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

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

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

FUND SOURCE

(Thousands of Dollars)

FUND SOURCE	FY97	FY98	FY99	FY00	FY01	FY02
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other (please specify)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

POSITIONS	FY97	FY98	FY99	FY00	FY01	FY02
FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of any current year (FY96) cost: \$0.0

ANALYSIS: (Attach a separate page if necessary)

There would be no fiscal impact to the Division if this bill were passed.

Prepared by: L. Diane Worley, Director *L. Diane Worley* Phone: 465-3191
 Division: Family & Youth Services Date: 03/21/96
 Approved by Commissioner: Karen Perdue, Commissioner *Karen Perdue* Date: 3/21/96
 Agency: Department of Health & Social Services

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FISCAL NOTE

No. 3

Bill Version: CS 8B270(JUD)

(S) Publish Date: 3-25-96

STATE OF ALASKA
1996 LEGISLATIVE SESSION

Revision Date: _____ Dept. Affected: Department of Law
 Title: "...relating to juveniles...jurisdiction of juvenile courts...release of juveniles." BRU: Criminal Division/Civil Division
 Sponsor: Senator Halford Component: Criminal Division/General Legal Services
 Requester: Senate Judiciary Committee COMPONENT SERIAL NO. 2085/2087

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
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 (FY96) 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 AS 47.10 in three ways. First, the bill includes certain violations of municipal ordinance with other lesser offenses where the Alaska Delinquency Rules do not apply where the offense is committed by a minor, such as traffic and fish and game violations. Second, the bill provides guidance to the juvenile court in determining conditions for the release of a minor pending a delinquency adjudication. Third, the bill provides guidance to the court in making best interest determinations in fashioning sentencing or treatment alternatives at the conclusion of a juvenile hearing. These are procedural changes and will not have a fiscal impact for the Department of Law.

Prepared by: Richard I. Pegues, Director Phone: 465-3672
 Division: Administrative Services Division Date: 3/22/96
 Approved by Commissioner: Bruce M. Botelho, Attorney General Date: 3/22/96
 Agency: Department of Law

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FISCAL NOTE

No. 4

Bill Version: CS SR 270 (FIN)

(S) Publish Date: 4-25-96

**STATE OF ALASKA
1996 LEGISLATIVE SESSION**

Revision Date: 04/24/96 Dept. Affected: Alaska Court System
 Title: An Act relating to juveniles... BRU: Trial Courts
 Delinquents _____ Component: _____
 Sponsor: Sen. Halford
 Requestor: Senate Judiciary COMPONENT SERIAL NO. 768

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
PERSONAL SERVICES	71.5	71.5	71.5	71.5	71.5	71.5
TRAVEL						
CONTRACTUAL	7.5					
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS & CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	79.0	71.5	71.5	71.5	71.5	71.5
CAPITAL EXPENDITURES						
CHANGE IN REVENUES ()						

Fund Source (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	79.0	71.5	71.5	71.5	71.5	71.5
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other						
TOTAL	79.0	71.5	71.5	71.5	71.5	71.5

Estimate of any current year (FY 96) cost: None

Positions

Full-Time						
Part-Time	4.0	4.0	4.0	4.0	4.0	4.0
Temporary						

ANALYSIS: (Attach a separate page if necessary)

See attached fiscal analysis.

Prepared by: C. S. Christensen III, Staff Counsel Phone: 264-8228
 Agency: Alaska Court System Date: 04/24/96

Approved by: Arthur H. Snowden, II, Administrative Director Date: 04/24/96
 Agency: Alaska Court System

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Alaska Court System
Fiscal Analysis
CSSB 270 (FIN)

CSSB 270(FIN) makes two changes to existing law which have a fiscal impact on the court system.

Section 1. This section amends AS 47.10.010(b), to provide that if a juvenile is cited for a noncriminal offense under a municipal ordinance for which a conviction cannot result in incarceration or the loss of a valuable license and for which a fine schedule has been established under AS 29.25.070(a), the juvenile will be charged, prosecuted and sentenced in district court in the same manner as an adult.

It is anticipated that the major municipalities will create infractions specific to juveniles, such as curfew infractions. It is also anticipated that municipalities will create juvenile infraction substitutes for many existing crimes such as vandalism and shoplifting. The citations which are contested will come before the court system. Based upon statistics generated during the first two months of Anchorage's complex civil curfew system, and the per capita rate at which adults are charged with misdemeanors, this note assumes that section 1 will generate 6000 citations per year statewide. Noncontested citations may be paid directly to the municipalities; however, defendants may contest citations or enter guilty pleas at court. Thus, many persons subject to this section will come before a district judge and/or pay citations through the court's accounting system. This note assumes that one-third of juvenile citations will be run through the court system; this is the rate at which the courts deal with other municipal citations. It should be kept in mind that the rate at which juveniles contest citations will depend on the size of fines set by the municipalities.

Sections 2 and 3. These sections relate to the release of a juvenile pending a delinquency hearing, and allow for the imposition of bail as is done for adult defendants. These sections would require the establishment of administrative procedures and accounting for bail and appearance bonds; at the present time, Children's Court is not set up to accept any kind of cash deposit and has no operating accounting system.

Estimates from those judicial officers who currently conduct release hearings suggest that such hearings will be substantially lengthened because of the increased complexity of the issues which the judge must consider and which the defendant's counsel will dispute. At the present time, such hearings are scheduled in 15 minute time blocks, and this will be increased to thirty minutes. Over 1200 such hearings are held each year around the state, with the number increasing at a rapid rate as the juvenile crime rate increases. This note reflects the additional time for judicial officers and in-court clerks to hold bail hearings.

When a minor is held in custody, the court is required by Delinquency Rule 12 to hold review hearings every 30 days; such hearings are held over 800 times per year. This will give the minor's counsel regularly scheduled opportunities to revisit bail issues. This note does not reflect the extra time that will be spent on bail issues at the 30 day hearings.

Alaska Court System
Fiscal Analysis
CSSB 270 (FIN)

Section 1

Personal Services

<u>Positions</u>	<u>Salary</u>	<u>Benefits</u>	<u>Total</u>
Court Clerk II, range 10A, PPT, Anchorage/statewide, 8 months	\$16,008	\$6,800	\$22,808
Committing Magistrate, range 22B, PPT, Anchorage/statewide, 3 months	13,815	3,667	17,482
Overtime for In-Court Clerks at range 12A for additional trials			8,800
			<hr/>
Estimated Total Cost for Section 1			\$49,089
			<hr/>

Sections 2 & 3

Personal Services

<u>Positions</u>	<u>Salary</u>	<u>Benefits</u>	<u>Total</u>
In-Court Clerk, range 12A, PPT, Anchorage, 2.25 months	\$5,083	\$1,349	\$6,432
Standing Master, range 24A, PPT, Anchorage, 2.25 months	11,439	3,038	14,475
Overtime for additional bail transactions (receipting, accounting and disbursing) at range 10A			\$1,500
			<hr/>
Total Personal Services			22,407

Contractual (one-time cost)

Modification of software in children's module in Statewide Court Information Processing System to allow bail and appearance bond transactions.			7,500
			<hr/>
Estimated Total Cost for Sections 2 & 3			\$29,907
			<hr/>

Grand Total

\$78,996

FISCAL NOTE

No. 5

Bill Version: CCSB270(FIN)

(S) Publish Date: 4-25-96

STATE OF ALASKA
1996 LEGISLATIVE SESSION

Revision Date: _____ Dept. Affected: Corrections
 Title: An Act relating to juveniles; relating to the BRU: _____
jurisdiction of juvenile courts; relating to the release of juveniles... Component: _____
 Sponsor: Senator Halford
 Requester: Senate Finance COMPONENT SERIAL NO. _____

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
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 (FY96) cost: \$ 0.0

POSITIONS

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

The original version of this bill amended AS 47.10.090(c) to unseal and make available for public inspection, juvenile records when the individual is charged with a felony offense within two years of the date the juvenile records were sealed. Since the Department of Corrections is currently responsible for storing closed juvenile records, the amended section would have required an additional part-time Administrative Clerk III to work in central records, at a cost of \$10.7 per year.

The CCSB 270(JUD) version of this bill has eliminated all sections of the original bill which dealt with juvenile records. Therefore CCSB 270(JUD) would have no significant impact on the Department of Corrections.

Prepared by: Jennifer Lloyd Phone: 465-4652
 Division: Office of the Commissioner Date: 3/22/96
 Approved by Commissioner: [Signature] Date: 3/22/96
 Agency: Department of Corrections

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FISCAL NOTE

No. 6

STATE OF ALASKA
1996 LEGISLATIVE SESSION

B ersion: CS SB 270(FIN)
(S) Publish Date: 4-25-96

Revision Date: March 28, 1996 Dept. Affected: Public Safety
 Title: Juvenile Offender Proceeding and Records BRU: Alaska State Troopers
 Component: Detachments
 Sponsor: Senator Halford
 Requestor: S. Finance COMPONENT SERIAL NO. 0799

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

OPERATING	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
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						
1006 GF/MHTIA						
Other						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

Estimate of current year (FY 96) 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.)

This bill will not have a fiscal impact on the Division of Alaska State Troopers.

Prepared By: Lt. Dan Lowden Phone: 465-5505
 Division: Alaska State Troopers Date: March 28, 1996
 Approved by Commissioner: *Ronald L. Otte* Date: 3/28/96
 Agency: Ronald L. Otte, Department of Public Safety

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FISCAL NOTE

No. 7

STATE OF ALASKA
1996 LEGISLATIVE SESSION

Bill Version: CS SB 270(FIN)

(S) Publish Date: 4-25-96

Revision Date: _____
Title: An Act relating to juveniles; relating to the jurisdiction of juvenile courts
Sponsor: Sen. Halford
Requestor: (S)Jud.

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

EXPENDITURES/REVENUES:

(Thousands of Dollars)

OPERATING EXPENDITURES	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES	0	0	0	0	0	0
----------------------	---	---	---	---	---	---

CHANGE IN REVENUES ()	0	0	0	0	0	0
------------------------	---	---	---	---	---	---

FUND SOURCE:

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
OTHER						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY 96) cost: \$ -0-

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary.)

There is no fiscal impact to the Office of Public Advocacy.

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

Phone: 274-1684
Date: _____

Approved by Commissioner: Mark Bover
Agency: Department of Administration

Date: 3/29/96

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FISCAL NOTE

No. 8

STATE OF ALASKA
1996 LEGISLATIVE SESSION

Bill Version: CS SB 270 (FIN)

(S) Publish Date: 4-25-96

Revision Date: _____
Title: An Act relating to juveniles; relating to the jurisdiction of juvenile courts.
Sponsor: Senator Halford
Requestor: (S)Jud.

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

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING EXPENDITURES	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES	0	0	0	0	0	0
----------------------	---	---	---	---	---	---

CHANGE IN REVENUES ()	0	0	0	0	0	0
------------------------	---	---	---	---	---	---

FUND SOURCE: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
OTHER						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY 96) cost: \$ -0-

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary.)

There is no fiscal impact to the Public Defender Agency.

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

Phone: (907)264-4412
Date: _____

Approved by Commissioner: Mark Boyer
Agency: Department of Administration

Date: 3/29/96

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SB

270

SFIN

FILE

SENATE FINANCE COMMITTEE

REPORT

REPOSTED OUT OF SRC. 4/24/96

DATE: 3/25/96

DATE TURNED INTO OFFICE: 4/24/96 -

The Finance Committee considered SENATE BILL NO. 270

Relating to juveniles; relating to the jurisdiction of juvenile courts; relating to the release of juveniles; and relating to records concerning juveniles.

and recommends:

- be replaced with CS SB 270 (FIN)
- 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:**
- same title
 - technical change
 - new: SCR# _____

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	NR	DNP	AM
<i>Roll & Kelly</i>	✓	<i>Steve Th...</i>	✓		
<i>David...</i>	✓	<i>Paul...</i>	✓		
<i>Bob...</i>	✓				
Co-Chair: <i>[Signature]</i>		Co-Chair:			
Co-Chair: <i>Rick Stalford</i>	✓	Co-Chair:			

NEW FISCAL NOTE(S):

Department Date Zero Fiscal

Corrections	3/22/96	∅	
Public Safety / Alaska State Troopers	3/26/96	∅	
Admin / OPA	3/29/96	∅	
Admin / PD	3/29/96	∅	
Alaska Court System	4/24/96		79.0

PREVIOUS FISCAL NOTE(S):*

Department Date Zero Fiscal

H*SS / DFYS	3/21/96	∅	
Law	3/22/96	∅	

APPROPRIATION -- no fiscal note

*include fiscal notes accompanying Governor's bill

Sen. Phillips moved
w/o objection
reported out
9-LS1425\F

CS FOR SENATE BILL NO. 270(JUD)

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - SECOND SESSION

BY THE SENATE JUDICIARY COMMITTEE

Offered: 3/25/96

Referred: Finance

Sponsor(s): SENATORS HALFORD, Green, Phillips, Frank

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to juveniles; relating to the jurisdiction of juvenile courts; and
2 relating to the release of juveniles."

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

4 * Section 1. AS 47.10.010(b) is amended to read:

5 (b) When a minor is accused of violating a statute, regulation, or municipal
6 ordinance specified in this subsection, other than a statute the violation of which is
7 a felony, AS 47.10.020 - 47.10.090 and the Alaska Delinquency Rules do not apply
8 and the minor accused of the offense shall be charged, prosecuted, and sentenced in
9 the district court in the same manner as an adult. If a minor is charged, prosecuted,
10 and sentenced for an offense under this subsection, the minor's parent, guardian, or
11 legal custodian shall be present at all proceedings. The provisions of this subsection
12 apply when a minor is accused of violating

13 (1) a traffic statute or regulation, or a traffic ordinance or regulation of
14 a municipality;

1 (2) AS 11.76.105, relating to the possession of tobacco by a person
2 under 19 years of age;

3 (3) a fish and game statute or regulation under AS 16;

4 (4) a parks and recreational facilities statute or regulation under
5 AS 41.21; [AND]

6 (5) AS 04.16.050, relating to possession or consumption; and

7 (6) a noncriminal offense under a municipal ordinance for which
8 a conviction cannot result in incarceration or the loss of a valuable license and for
9 which a fine schedule has been established under AS 29.25.070(a).

10 * Sec. 2. AS 47.10.040 is amended to read:

11 Sec. 47.10.040. RELEASE OF MINOR. A minor who is taken into custody
12 may, in the discretion of the court and upon the written promise of the parent,
13 guardian, or custodian to bring the minor before the court at a time specified by the
14 court, be released to the care and custody of the parent, guardian, or custodian if the
15 court finds that the appearance of the minor is reasonably assured and that the
16 minor will not pose a danger to other persons or the community. If the court
17 finds that the release of the minor to a parent, guardian, or custodian will not
18 reasonably assure the appearance of the minor or will pose a danger to other
19 persons or the community, the court may (1) place restrictions on the travel,
20 association, or place of abode of the minor, (2) require the minor to return to
21 detention after daylight hours on designated conditions, (3) require the execution
22 of an appearance bond in a specified amount and the deposit in the registry of the
23 court, in cash or other security, a sum not to exceed 10 percent of the amount of
24 the bond, the deposit to be returned upon the performance of the condition of
25 release, (4) require the execution of a bail bond with sufficient solvent securities
26 or the deposit of cash, (5) impose any other condition considered reasonably
27 necessary to assure the minor's appearance as required and the safety of other
28 persons and the community. If the court determines that the imposition of
29 conditions will not reasonably assure the appearance of the minor or that the
30 minor will continue to pose a danger to other persons or the community, the court
31 shall detain the minor [. THE MINOR, IF NOT RELEASED, SHALL BE

1 DETAINED] as provided by AS 47.10.140. The court may determine whether the
2 father or mother or another person shall have the custody and control of the minor for
3 the duration of the proceedings. If the minor is of sufficient age and intelligence to
4 state desires, the court shall give consideration to the minor's desires.

5 * Sec. 3. AS 47.10.040 is amended by adding a new subsection to read:

6 (b) In determining the conditions under (a) of this section, the court shall take
7 into account the factors identified in AS 12.30.020(c) relating to bail.

8 * Sec. 4. AS 47.10.082 is amended to read:

9 Sec. 47.10.082. BEST INTERESTS OF CHILD AND OTHER
10 CONSIDERATIONS. (a) In making its dispositional order under AS 47.10.080(b)
11 the court shall consider the best interests of the child ^{public, and any victims} and ~~the public~~. The court shall
12 also consider ^{amend Sen. Donley moved w/o objection, adopted} ~~public, child, victims~~

13 (1) the seriousness of the minor's present offense in relation to
14 other offenses;

15 (2) the prior criminal history of the minor and the minor's likely
16 amenability to treatment;

17 (3) the need to confine the minor to prevent further harm to the
18 public;

19 (4) the circumstances of the offense and the extent to which the
20 offense harmed the victim or endangered the public safety or order;

21 ^{amend 3 moved sen. Reager w/o objection adopted} (5) the effect of the disposition to be imposed in deterring the
22 minor or other members of society from future delinquent or criminal conduct;

23 (6) the effect of the disposition to be imposed as a community
24 condemnation of the minor's conduct and as a reaffirmation of societal norms;
25 and

26 (7) the ability of the state to take custody and to care for the child
27 to protect the child's best interests under AS 47.10.010 - 47.10.142.

28 (b) In making its dispositional order under AS 47.10.080(c) the court shall
29 consider the

30 ^{amend 2 Sen. Donley moved w/o objection adopted} (1) best interest of public
31 ^{opposed Zharoff Reager} (2) best interests of the child; and
(3) best interest any victims
(4) [IN EITHER CASE THE COURT SHALL CONSIDER ALSO

best interest of public and victim

1 THE] ability of the state to take custody and to care for the child to protect the child's
2 best interests under AS 47.10.010 - 47.10.142.

3 * Sec. 5. AS 47.10.140(d) is amended to read:

4 (d) If the court finds that probable cause exists, it shall determine whether the
5 minor should be detained pending the hearing on the petition or released as provided
6 in AS 47.10.040. [IT MAY EITHER ORDER THE MINOR HELD IN DETENTION
7 OR RELEASED TO THE CUSTODY OF A SUITABLE PERSON PENDING THE
8 HEARING ON THE PETITION.] If the court finds no probable cause, it shall order
9 the minor released and close the case.

CS FOR SENATE BILL NO. 270(FIN)
IN THE LEGISLATURE OF THE STATE OF ALASKA
NINETEENTH LEGISLATURE - SECOND SESSION

BY THE SENATE FINANCE COMMITTEE

Offered:
Referred:

Sponsor(s): SENATORS HALFORD, Green, Phillips, Frank

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to juveniles; relating to the jurisdiction of juvenile courts; and
2 relating to the release of juveniles."

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

4 * Section 1. AS 47.10.010(b) is amended to read:

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7 a felony, AS 47.10.020 - 47.10.090 and the Alaska Delinquency Rules do not apply
8 and the minor accused of the offense shall be charged, prosecuted, and sentenced in
9 the district court in the same manner as an adult. If a minor is charged, prosecuted,
10 and sentenced for an offense under this subsection, the minor's parent, guardian, or
11 legal custodian shall be present at all proceedings. The provisions of this subsection
12 apply when a minor is accused of violating

13 (1) a traffic statute or regulation, or a traffic ordinance or regulation of
14 a municipality;

1 (2) AS 11.76.105, relating to the possession of tobacco by a person
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3 (3) a fish and game statute or regulation under AS 16;

4 (4) a parks and recreational facilities statute or regulation under
5 AS 41.21; [AND]

6 (5) AS 04.16.050, relating to possession or consumption; and

7 (6) a noncriminal offense under a municipal ordinance for which
8 a conviction cannot result in incarceration or the loss of a valuable license and for
9 which a fine schedule has been established under AS 29.25.070(a).

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12 may, in the discretion of the court and upon the written promise of the parent,
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14 court, be released to the care and custody of the parent, guardian, or custodian if the
15 court finds that the appearance of the minor is reasonably assured and that the
16 minor will not pose a danger to other persons or the community. If the court
17 finds that the release of the minor to a parent, guardian, or custodian will not
18 reasonably assure the appearance of the minor or will pose a danger to other
19 persons or the community, the court may (1) place restrictions on the travel,
20 association, or place of abode of the minor, (2) require the minor to return to
21 detention after daylight hours on designated conditions, (3) require the execution
22 of an appearance bond in a specified amount and the deposit in the registry of the
23 court, in cash or other security, a sum not to exceed 10 percent of the amount of
24 the bond, the deposit to be returned upon the performance of the condition of
25 release, (4) require the execution of a bail bond with sufficient solvent securities
26 or the deposit of cash, (5) impose any other condition considered reasonably
27 necessary to assure the minor's appearance as required and the safety of other
28 persons and the community. If the court determines that the imposition of
29 conditions will not reasonably assure the appearance of the minor or that the
30 minor will continue to pose a danger to other persons or the community, the court
31 shall detain the minor [. THE MINOR, IF NOT RELEASED, SHALL BE

1 DETAINED] as provided by AS 47.10.140. The court may determine whether the
2 father or mother or another person shall have the custody and control of the minor for
3 the duration of the proceedings. If the minor is of sufficient age and intelligence to
4 state desires, the court shall give consideration to the minor's desires.

5 * Sec. 3. AS 47.10.040 is amended by adding a new subsection to read:

6 (b) In determining the conditions under (a) of this section, the court shall take
7 into account the factors identified in AS 12.30.020(c) relating to bail.

8 * Sec. 4. AS 47.10.082 is amended to read:

9 Sec. 47.10.082. BEST INTERESTS OF CHILD AND OTHER
10 CONSIDERATIONS. (a) In making its dispositional order under AS 47.10.080(b)

*Sen. Donley's
amendment*

11 the court shall consider the best interests of the public, the child, and any victim.

12 The court shall also consider

13 (1) the seriousness of the minor's present offense in relation to
14 other offenses;

15 (2) the prior criminal history of the minor and the minor's likely
16 amenability to treatment;

17 (3) the need to confine the minor to prevent further harm to the
18 public;

19 (4) the circumstances of the offense and the extent to which the
20 offense harmed the victim or endangered the public safety or order;

21 (5) the effect of the disposition to be imposed in deterring the
22 minor from future delinquent or criminal conduct;

*Sen. Reeger's
amendment*

23 (6) the effect of the disposition to be imposed as a community
24 condemnation of the minor's conduct and as a reaffirmation of societal norms;

25 and

26 (7) the ability of the state to take custody and to care for the child
27 to protect the child's best interests under AS 47.10.010 - 47.10.142.

28 (b) [THE PUBLIC] In making its dispositional order under AS 47.10.080(c)
29 the court shall consider the

*Sen. Donley's
amendment*

30 (1) best interests of the public;

31 (2) best interests of the child;

*Sen. Donley's
amendment*

1
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(3) best interests of any victim: and

(4) [IN EITHER CASE THE COURT SHALL CONSIDER ALSO
THE] ability of the state to take custody and to care for the child to protect the child's
best interests under AS 47.10.010 - 47.10.142.

* Sec. 5. AS 47.10.140(d) is amended to read:

(d) If the court finds that probable cause exists, it shall determine whether the
minor should be detained pending the hearing on the petition or released as provided
in AS 47.10.040. [IT MAY EITHER ORDER THE MINOR HELD IN DETENTION
OR RELEASED TO THE CUSTODY OF A SUITABLE PERSON PENDING THE
HEARING ON THE PETITION.] If the court finds no probable cause, it shall order
the minor released and close the case.



Official Business

Alaska State Legislature

Senate

Office of The Majority Leader

Rick Halford
State Capitol
Juneau, Alaska 99801-1182
Phone (907) 465-4958

P.O. Box 670190
Chugiak, Alaska 99567
Phone (907) 694-4958

Sponsor Statement

Juvenile Offender Proceedings

It has been proven that early intervention has been effective in altering a juvenile's criminal behavior. However, since the current juvenile justice system is overburdened with serious offenders many juveniles who commit less serious offenses receive no meaningful consequences until they commit more serious crimes.

SB 270(JUD) provides municipalities the ability to respond to less serious juvenile offenders by expanding its jurisdiction to include the ability to subject juveniles, who commit less serious crimes, to civil infractions and/or mediation.

This measure also grants the courts more flexibility when considering standard bail and sentencing factors. The courts will be permitted to consider such factors as what is best for the public, the degree of dangerousness of the offender, or the offender's likelihood to re-offend, as well as the best interests of the juvenile.

This will provide the courts the latitude necessary to make the appropriate decision when the interests of the public differs from the best interest of the juvenile.

Thank you for your consideration of this legislation.

FEB 14 1996

**Municipality
of
Anchorage**



P.O. Box 196650
Anchorage, Alaska 99519-6650
Telephone: (907) 343-4435

Rick Mystrom, Mayor

OFFICE OF THE MUNICIPAL MANAGER

February 9, 1996

Senator Rick Halford
Alaska State Legislature
State Capitol
Juneau, AK 99801-1182

Re: S.B. 270

Dear Senator Halford:

Thank you for sponsoring S. B. 270, "An Act relating to juveniles, relating to the jurisdiction of juvenile courts; relating to the release of juveniles; and relating to records concerning juveniles."

This bill offers important reform to the way in which juvenile criminal activity is addressed.

Attached are issue summaries supporting the need for the proposed changes.

Thank you again for sponsoring this legislation. If we can offer further information, please let me know.

Sincerely,

A handwritten signature in black ink, appearing to read "Tim Rogers". The signature is written in a cursive, somewhat stylized script.

Tim Rogers
Legislative Program Coordinator

**MUNICIPALITY OF ANCHORAGE
PUBLIC SAFETY PARTNERSHIP PROGRAM
LEGISLATIVE ISSUES**

Allow municipalities to respond to less serious juvenile behavior by expanding its jurisdiction to include the ability to subject juvenile offenders to civil infractions and/or mediation

Early intervention has been proven an effective means of changing young people's attitudes and behaviors. Because the current juvenile justice system is overwhelmed with serious offenses and offenders, many offenders who begin with lower level or less dangerous conduct receive no meaningful consequences until they graduate to the higher level.

According to the 1994 Anchorage Police Department Annual Report, juvenile arrests have increased 66% since 1990. Juvenile offenders have become increasingly dangerous and increasingly blatant regarding their offenses in the knowledge that the system can do very little to them.

Recognizing this situation, the Municipality of Anchorage would like the ability to respond to less serious juvenile behavior by expanding its jurisdiction to include the ability to subject juvenile offenders to civil infractions and/or mediation. This will allow the juvenile justice system to focus on the more serious criminal activity while assuring that juvenile offenders of less serious offenses receive more immediate consequences for their actions.

**MUNICIPALITY OF ANCHORAGE
PUBLIC SAFETY PARTNERSHIP PROGRAM
LEGISLATIVE ISSUE**

Allow the court to consider standard bail and sentencing factors and the best interest of the public in addition to the best interests of the juvenile.

The Alaska Juvenile Justice Code was adopted at a time when the reaction model to juvenile offenders had not yet recognized the importance of victim's rights or the degree of lethality now more common within it. Therefore, no goal other than the best interests of the juvenile was recognized.

Currently, the courts and juvenile authorities are not allowed to consider such factors as what is best for the public, the degree of dangerousness of the offender, or the offender's likelihood to re-offend, or any other factor beyond what is best for the juvenile.

Unfortunately, there are times when the interests of the public will differ from the best interest of the juvenile. The court should be granted the flexibility to respond to the myriad of potentially competing goals of the justice system. Amending the statute as proposed to allow consideration of all relevant factors, including the best interests of the juvenile will provide that flexibility.

JAN 06 1996



Anchorage - Star of the North
Chamber of Commerce

Anchorage Chamber of Commerce
Criminal Justice System Reform
Resolution 95/96-5

WHEREAS the public is unsafe due to the "Catch and Release" of drug offenders who continue to operate after arrest; and

WHEREAS Civil Abatement is a useful tool in preventing illegal activities and is available only to the State and not local municipalities; and

WHEREAS juvenile offenders are becoming more dangerous and are exempt from public censure because of confidentiality laws; and

WHEREAS the sealing of the records of juvenile offenders obscures the fact after their 18th birthday that they have a criminal history; and

WHEREAS the State has sole jurisdiction over juvenile crime and municipalities are barred from addressing juvenile crime; and

WHEREAS the "best interest of the juvenile" standard conflicts with society's expectation of accountability to and protection of the public; and

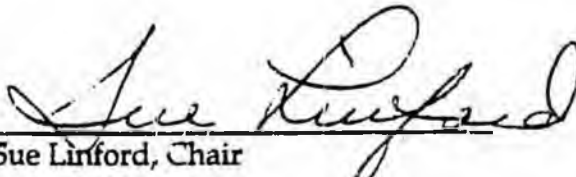
WHEREAS the Municipality of Anchorage has assumed costs of criminal justice services in excess of \$5,535,00 those costs normally reserved to the state, and yet is burdened with inadequate numbers of correctional facilities and magistrates;

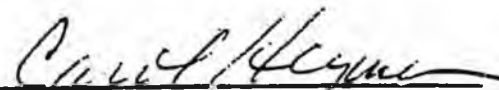
NOW THEREFORE BE IT RESOLVED that the Anchorage Chamber of Commerce does hereby support the Criminal Justice Proposals brought forward by the Municipality of Anchorage that propose more stringent conditions for bail for repeat drug offenders, allow municipalities to utilize Civil Abatement procedures, revise the confidentiality laws concerning juvenile offenders, give municipalities jurisdiction over less serious juvenile crimes, and provide for at least equal consideration of the best interest of the Public and the victims in bail and sentencing procedures for juveniles; and

BE IT FURTHER RESOLVED that the Anchorage Chamber of Commerce supports the Municipality of Anchorage's initiative to call upon the state to recognize the importance of increasing the number of correctional facilities and magistrates serving Anchorage by raising their priority within the state budget; and

BE IT FURTHER RESOLVED that the Anchorage Chamber of Commerce urges all of its members to actively support these proposals by encouraging their Senators and Representatives to support these measures.

Approved December 15, 1995


Sue Linford, Chair


Carol Heyman, President

LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

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

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

MEMORANDUM

March 30, 1995

SUBJECT: Sectional Summary of CSSB 270(JUD). (Work Order No. 9-LS1425\F)

TO: Senator Rick Halford
Attn: Kelly Huber

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 47.10.010(b) to provide that the court in a juvenile that violates a noncriminal offense under a municipal ordinance will be prosecuted in district court and the children's court proceedings of AS 47.10 will not apply.

Section 2 of the bill amends AS 47.10.040 by providing that a children's court proceeding under AS 47.10 may release a minor to the minor's parents if the court finds that the appearance of the minor is reasonably assured and that the minor does not pose a risk to other persons. If the court finds that the minor's appearance is not reasonably assured or poses a danger, this section provides the court with the authority to impose various conditions on the minor's release or to require the minor's detention.

Section 3 of the bill amends AS 47.10.082 by revising and expanding the factors a children's court must consider when making its disposition order relating to a minor.

Section 15 of the bill amends AS 47.10.140(d) relating to the detention of minors.

GPL:glc
96-203.glc

SENATE COMMITTEE REPORT
First Committee of Referral

*FN and OFN
 information
 for incoming*

DATE: 2/7/96

FURTHER: Finance

Date of 5-Day Notice: 2-22-96
 (in accordance with Uniform Rule 23)

DATE TURNED
 INTO OFFICE: 3-22-96

The Judiciary Committee considered SB 270

Relating to juveniles; relating to the jurisdiction of juvenile courts; relating to the release of juveniles;
 and relating to records concerning juveniles.

O & FN

and recommends:

- be replaced with _____ CS SB 270 (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:**
- same title
 - technical title
 - new: SCR# _____

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	NR	DNP	AM
<i>Linda Green</i>	<input checked="" type="checkbox"/>	<i>[Signature]</i>		<input checked="" type="checkbox"/>	
<i>Kate Miller</i>	<input checked="" type="checkbox"/>	<i>[Signature]</i>			
		<i>[Signature]</i>		<input checked="" type="checkbox"/>	
CHAIR: <i>[Signature]</i>	<input checked="" type="checkbox"/>	CHAIR:			

NEW FISCAL NOTE(S):

PREVIOUS FISCAL NOTE(S):*

Department	Date	Zero	Fiscal
<i>CS Health & Soc Serv.</i>	<i>3/21/96</i>	<input checked="" type="checkbox"/>	
<i>CS Atk Court System</i>	<i>3/22/96</i>		<i>79.0</i>

Department	Date	Zero	Fiscal

APPROPRIATION -- no fiscal note

*include fiscal notes accompanying Governor's bill

Senate Finance Committee

To: Larry Stevens

From: Jerry

Date: 27 Feb 96

Subject: Bill Number: SB 270 Version: _____

Fiscal Note WITHOUT a Senate Finance Committee Referral

Title: Juvenile Offender Proceedings
and Records

Referrals: _____

Sponsor(s): Halford, Green, R. Phillips, Frank

Department: Corrections

BRU: _____

Component: _____

Comments: _____

Attachments:

- Fiscal Note(s)
- Bill History from BASIS

SB 270

	JRN-DATE	JRN-PAGE	(S)	ACTION
1	02/07/96	2325	(S)	READ THE FIRST TIME - REFERRAL(S)
2	02/07/96	2326	(S)	JUDICIARY
3	02/09/96	2362	(S)	COSPONSOR(S): FRANK

SELECTION=>
PF1 PF2 PF3 PF4 PF5 PF6 PF7 PF8 PF9 PF10 PF11 PF12
HELP SUBJ EXIT MENU TEXT PRINT BWD FWD CMT/JRNL FIRST LAST QUIT
4B H ==PC LINE 22 COL 14

FISCAL NOTE

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO. CSSB 270 (FIN)

Revision Date: 04/24/96

Dept. Affected: Alaska Court System

Title: An Act relating to juveniles...

BRU: Trial Courts

Delinquents

Component: _____

Sponsor: Sen. Haiford

Requestor: Senate Judiciary

COMPONENT SERIAL NO. 768

Expenditures/Revenues

(Thousands of Dollars)

OPERATING EXPENDITURES	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
PERSONAL SERVICES	71.5	71.5	71.5	71.5	71.5	71.5
TRAVEL						
CONTRACTUAL	7.5					
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS & CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	79.0	71.5	71.5	71.5	71.5	71.5

CAPITAL EXPENDITURES

CHANGE IN REVENUES ()

Fund Source

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	79.0	71.5	71.5	71.5	71.5	71.5
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other						
TOTAL	79.0	71.5	71.5	71.5	71.5	71.5

Estimate of any current year (FY 96) cost: None

Positions

Full-Time						
Part-Time	4.0	4.0	4.0	4.0	4.0	4.0
Temporary						

ANALYSIS: (Attach a separate page if necessary)

See attached fiscal analysis.

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Date: 04/24/96

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Agency: Alaska Court System

Date: 04/24/96

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Alaska Court System
Fiscal Analysis
CSSB 270 (FIN)

CSSB 270(FIN) makes two changes to existing law which have a fiscal impact on the court system.

Section 1. This section amends AS 47.10.010(b), to provide that if a juvenile is cited for a noncriminal offense under a municipal ordinance for which a conviction cannot result in incarceration or the loss of a valuable license and for which a fine schedule has been established under AS 29.25.070(a), the juvenile will be charged, prosecuted and sentenced in district court in the same manner as an adult.

It is anticipated that the major municipalities will create infractions specific to juveniles, such as curfew infractions. It is also anticipated that municipalities will create juvenile infraction substitutes for many existing crimes such as vandalism and shoplifting. The citations which are contested will come before the court system. Based upon statistics generated during the first two months of Anchorage's complex civil curfew system, and the per capita rate at which adults are charged with misdemeanors, this note assumes that section 1 will generate 6000 citations per year statewide. Noncontested citations may be paid directly to the municipalities; however, defendants may contest citations or enter guilty pleas at court. Thus, many persons subject to this section will come before a district judge and/or pay citations through the court's accounting system. This note assumes that one-third of juvenile citations will be run through the court system; this is the rate at which the courts deal with other municipal citations. It should be kept in mind that the rate at which juveniles contest citations will depend on the size of fines set by the municipalities.

Sections 2 and 3. These sections relate to the release of a juvenile pending a delinquency hearing, and allow for the imposition of bail as is done for adult defendants. These sections would require the establishment of administrative procedures and accounting for bail and appearance bonds; at the present time, Children's Court is not set up to accept any kind of cash deposit and has no operating accounting system.

Estimates from those judicial officers who currently conduct release hearings suggest that such hearings will be substantially lengthened because of the increased complexity of the issues which the judge must consider and which the defendant's counsel will dispute. At the present time, such hearings are scheduled in 15 minute time blocks, and this will be increased to thirty minutes. Over 1200 such hearings are held each year around the state, with the number increasing at a rapid rate as the juvenile crime rate increases. This note reflects the additional time for judicial officers and in-court clerks to hold bail hearings.

When a minor is held in custody, the court is required by Delinquency Rule 12 to hold review hearings every 30 days; such hearings are held over 800 times per year. This will give the minor's counsel regularly scheduled opportunities to revisit bail issues. This note does not reflect the extra time that will be spent on bail issues at the 30 day hearings.