

ALASKA LEGISLATURE

1680

HOUSE and SENATE FINANCE COMMITTEE FILES, 1997-1998

**HB**

**257**

**HFIN**

**FILE**

# HOUSE COMMITTEE REPORT

(11)

Date Referred to Committee: April 22, 1998

FURTHER REFERRALS:

Date of Committee Action: 5/6/98

The FINANCE Committee considered:

HB 257

HOUSE BILL NO. 257

VOTING & ELECTIONS

“An Act relating to voter qualification, disqualification, and registration; to voter registration officials; to election notices; to mail elections; to certain voting procedures; to the transportation of ballots; and to the official election pamphlet and certain immunity from liability regarding claims arising from publication of the official election pamphlet.”

recommends it be replaced with the following committee substitute CS HB 257 (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) DCED  fiscal note(s) \_\_\_\_\_

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

SIGNING WITH RECOMMENDATIONS	DP	DNP	NR	AM
<i>Gary Thernlund</i>			X	
<i>Ed Held</i>	X			
<i>Ben Simonson</i>	X			
<i>W. Scott E. ...</i>	X			
<i>Robert ...</i>	X			
<i>John ...</i>	X			

CHAIR'S SIGNATURE *Gary Thernlund*

# FISCAL NOTE

**STATE OF ALASKA**  
**1998 LEGISLATIVE SESSION**

**BILL NO. CS HB257(FIN)**

Revision Date ( 5/5/98	Dept. Affected	Office of the Governor
Title <u>An Act relating to elections, to voter registration</u>	BRU	Elective Operations
and to candidates for election	Component	Elections
Sponsor <u>Rules Committee</u>		
Requester <u>House Finance Committee</u>	Component Serial No.	<u>#21</u>

**Expenditures/Revenues**

(Thousands of Dollars)

OPERATING EXPENDITURES	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
Personal Services	56.7	22.7	22.7	22.7	22.7	22.7
Travel						
Contractual	206.9	19.1	19.1	19.1	19.1	19.1
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>263.6</b>	<b>41.8</b>	<b>41.8</b>	<b>41.8</b>	<b>41.8</b>	<b>41.8</b>

<b>CAPITAL EXPENDITURES</b>						
-----------------------------	--	--	--	--	--	--

<b>CHANGE IN REVENUES ( )</b>						
-------------------------------	--	--	--	--	--	--

**FUND SOURCE**

(Thousands of Dollars)

FUND SOURCE	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
1002 Federal Receipts						
1003 GF Match						
1004 GF	263.6	41.8	41.8	41.8	41.8	41.8
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
<b>TOTAL</b>	<b>263.6</b>	<b>41.8</b>	<b>41.8</b>	<b>41.8</b>	<b>41.8</b>	<b>41.8</b>

Estimate of any current year (FY98) cost: none

**POSITIONS**

POSITIONS	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
Full-time						
Part-time						
Temporary	5					

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

This fiscal note assumes that registered voters who have not had contact with the division of elections in the preceding two calendar years will be sent an address update/confirmation card. Voter contact includes having voter history in the preceding two calendar years, signing an initiative petition making changes to a voter registration record, requesting an absentee ballot or responding to notices sent by the division.

The fiscal note shows \$56.7 in personal services, anticipating the need for 5 temporary employees (range 8A) for 5 months. An employee can process 150 registrations a day. Temporary employees will also process over 200,000 microfilmed records. The fiscal note shows \$206.9 in contractual costs primarily for printing the required notices and postage costs. The NVRA requires that the division bear the cost of all postage.

Prepared by <u>Dana LaTour</u> <i>Dana LaTour</i>	Phone <u>465-5347</u>
Division <u>Division of Elections</u>	Date <u>5/6/98</u>
Approved by <u>C. Lt. Governor Fran Ulmer</u> <i>Fran Ulmer</i>	Date <u>5/6/98</u>
Agency <u>Office of the Lieutenant Governor</u>	

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

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

# DRAFT

## FISCAL NOTE

STATE OF ALASKA  
1998 LEGISLATIVE SESSION

BILL NO. CS HB257 ( )

Revision Date ( 5/5/98 ) \_\_\_\_\_ Dept. Affected Office of the Governor  
 Title An Act relating to elections, to voter registration BRU Elective Operations  
and to candidates for election Component Elections  
 Sponsor Rules Committee  
 Requester House Finance Committee Component Serial No. #21

### Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
Personal Services	56.7	22.7	22.7	22.7	22.7	22.7
Travel						
Contractual	206.9	19.1	19.1	19.1	19.1	19.1
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>263.6</b>	<b>41.8</b>	<b>41.8</b>	<b>41.8</b>	<b>41.8</b>	<b>41.8</b>

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

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

### FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	263.6	41.8	41.8	41.8	41.8	41.8
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
<b>TOTAL</b>	<b>263.6</b>	<b>41.8</b>	<b>41.8</b>	<b>41.8</b>	<b>41.8</b>	<b>41.8</b>

Estimate of any current year (FY98) cost: none

### POSITIONS

Full-time						
Part-time						
Temporary	5					

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

This fiscal note assumes that registered voters who have not had contact with the division of elections in the preceding two calendar years will be sent an address update/confirmation card. Voter contact includes having voter history in the preceding two calendar years, signing an initiative petition, making changes to a voter registration record, requesting an absentee ballot or responding to notices sent by the division.

The fiscal note shows \$56.7 in personal services, anticipating the need for 5 temporary employees (range 8A) for 5 months. An employee can process 150 registrations a day. Temporary employees will also process over 200,000 microfilmed records. The fiscal note shows \$206.9 in contractual costs primarily for printing the required notices and postage costs. The NVRA requires that the division bear the cost of all postage.

Prepared by Gail Fenwick *G. Fenwick* Phone 465-3935  
 Division Division of Elections Date 5/5/98  
 Approved by C. Lt. Governor Fran Ulmer Date 5/5/98  
 Agency Office of the Lieutenant Governor

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

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

# FISCAL NOTE

No: 2

Bill Version: CSHB 257 (STA)

(H) Publish Date: 4/22/98

STATE OF ALASKA  
1998 LEGISLATIVE SESSION

Revision Date ( 4/6/98	Dept. Affected: Office of the Governor
Title: <u>An Act relating to voter qualification</u>	BRU: <u>Elective Operations</u>
Sponsor: <u>Rules Committee</u>	Component: <u>Elections</u>
Requester: <u>House State Affairs Committee</u>	Component Serial No.: <u>#21</u>

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

OPERATING EXPENDITURES	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
Personal Services						
Travel						
Contractual	(5.8)					
Supplies	(4.0)					
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>(9.8)</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

<b>CAPITAL EXPENDITURES</b>						
-----------------------------	--	--	--	--	--	--

<b>CHANGE IN REVENUES ( )</b>						
-------------------------------	--	--	--	--	--	--

**FUND SOURCE** (Thousands of Dollars)

FUND SOURCE	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
1002 Federal Receipts						
1003 GF Match						
1004 GF	(9.8)					
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
<b>TOTAL</b>	<b>(9.8)</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY98) cost: none

**POSITIONS**

POSITIONS	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
Full-time						
Part-time						
Temporary	8					

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

The cost savings reflected above are the reduced costs of conducting a portion of the REAA/CRSA elections by mail. The savings consist of fewer election board worker payments, polling place rentals, and precinct supplies. Some of the savings in these areas are offset by an increase in the cost of absentee review boards and counting teams. The next largest expense is the postal fees associated with mailing ballots to voters. The net result of conducting the elections is a savings of \$9.8. The other benefit of by-mail elections is the potential of a higher voter turnout.

Prepared by: <u>Dana LaTour</u> <i>Dana LaTour</i>	Phone: <u>465-5347</u>
Division: <u>Division of Elections</u>	Date: <u>4/6/98</u>
Approved by: <u>C. Lt. Governor Fran Ulmer</u> <i>Fran Ulmer</i>	Date: <u>4/6/98</u>
Agency: <u>Office of the Lieutenant Governor</u>	

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

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

**COMMITTEE COPY**

0-GH0095VL  
Glover  
5/4/98

Adopted  
5/4/98

CS FOR HOUSE BILL NO. 257( )

IN THE LEGISLATURE OF THE STATE OF ALASKA  
TWENTIETH LEGISLATURE - SECOND SESSION

BY

Offered:  
Referred:

Sponsor(s): HOUSE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to elections, to voter registration, and to candidates for election;  
2 and providing for an effective date."

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

4 \* Section 1. AS 15.07.130(a) is amended to read:

5 (a) Periodically, at times of the director's choosing, but no less frequently  
6 than in January [AT THE CLOSE] of each calendar year, the director [AREA  
7 ELECTION SUPERVISOR] shall examine the master register maintained [BY THE  
8 SUPERVISOR] under AS 15.07.120 and shall send, by nonforwardable mail to the  
9 voter's registration mailing address, a notice requesting address confirmation or  
10 correction to each voter

11 (1) whose mail from the division has been returned to the division  
12 in the two years immediately preceding the examination of the register;

13 (2) who has not contacted the division in the two years immediately  
14 preceding the examination of the register; or

1                   **(3) who has not voted or appeared to vote in the two general**  
2                   **elections immediately preceding the examination of the register.**

3 \* Sec. 2. AS 15.07.130(b) is amended to read:

4                   (b) **If** [WHEN] a registered voter has not, [INDICATED IN WRITING A  
5                   **DESIRE TO REMAIN REGISTERED**] within the preceding four calendar years,  
6                   **contacted the division** and has neither voted nor appeared to vote in a local, regional  
7                   school board, primary, special, or general election during the last four calendar years  
8                   **and a notice sent to the voter under (a) of this section was returned as**  
9                   **undeliverable**, the voter shall be advised by a notice sent by forwardable mail to the  
10                   voter's last known address that registration will be inactivated unless the voter responds  
11                   to the notice **no later than 45** [AT LEAST 30] days **after** [BEFORE] the date of the  
12                   **notice sent under this section** [NEXT PRIMARY ELECTION ON A FORM  
13                   FURNISHED BY THE DIRECTOR]. The director shall maintain on the master  
14                   register the name of a voter whose registration is inactivated. The director shall cancel  
15                   a voter's inactive registration **in accordance with the procedures set out in 42 U.S.C.**  
16                   **1973gg-6 (sec. 8, National Voter Registration Act of 1993)** after the second general  
17                   election that occurs after the registration becomes inactive if the voter does not **contact**  
18                   **the division or** vote or appear to vote.

19 \* Sec. 3. AS 15.07.130(d) is amended to read:

20                   (d) The notice **sent under** [DESCRIBED IN] (b) of this section must include  
21                   a postage prepaid and pre-addressed return card on which the voter may state the  
22                   voter's current address. The notice must indicate

23                   (1) that the voter should return the card not later than **45 days after the**  
24                   **date of the notice** [30 DAYS BEFORE THE NEXT PRIMARY ELECTION] if the  
25                   voter did not change residence:

26                   (2) that **failure to** [THE VOTER MAY VOTE ONLY A  
27                   QUESTIONED OR ABSENTEE BALLOT IF THE VOTER DOES NOT] return the  
28                   card **by the 45-day deadline could result in removal of the voter's name from the**  
29                   **official registration list for a subsequent election** [AT LEAST 30 DAYS BEFORE  
30                   THE NEXT PRIMARY ELECTION];

31                   (3) that the voter's registration will be cancelled if the voter does not

1 contact the division during, or vote or appear to vote in an election held during, the  
2 period beginning on the date of the notice and ending on the day after the last day of  
3 the fourth calendar year that occurs after the date of notice; and

4 (4) how the voter can continue to be eligible to vote if the voter has  
5 changed residence.

6 \* Sec. 4. AS 15.07.130 is amended by adding a new subsection to read:

7 (f) For the purpose of this section, a voter "contacts" the division if the voter  
8 notifies the division of a change of address, responds to a notice sent under this  
9 section, signs a petition for a ballot measure, requests a new voter registration card,  
10 or otherwise communicates with the division other than to vote or register to vote.

11 \* Sec. 5. AS 15.15.030 is amended by adding a new paragraph to read:

12 (14) Notwithstanding any other provision of this title, the director may  
13 provide for voting by use of optically scanned ballots where optical scanning  
14 equipment is available.

15 \* Sec. 6. AS 15.20.071 is repealed and reenacted to read:

16 **Sec. 15.20.071. Absentee voting by personal representative.** (a) A qualified  
17 voter with a disability who, because of that disability, is unable to go to a polling place  
18 to vote may vote an absentee ballot through a personal representative.

19 (b) The voter must apply in writing to the following election officials, at the  
20 times specified, for an absentee ballot:

21 (1) to an absentee voting official on or after the 15th day before an  
22 election, up to and including the day of the election;

23 (2) to an election supervisor

24 (A) after a date announced by the director under  
25 AS 15.20.048(b); and

26 (B) on or after the 15th day before an election up to and  
27 including the day of the election;

28 (3) to an absentee voting official at an absentee voting station  
29 designated under AS 15.20.045(b) at a time when the absentee voting station is in  
30 operation; or

31 (4) to a member of the precinct election board on election day.

1 (c) The voter's application must include the following:

2 (1) the name and full residence address of the voter;

3 (2) a form of identification for the voter that meets the requirements  
4 established by the director for absentee voting by mail under AS 15.20.081(f);

5 (3) the full name of the personal representative; and

6 (4) the voter's signature or mark.

7 (d) The election official shall issue the ballot and voter's certificate, which  
8 includes the date and location from which the ballot was issued, upon

9 (i) receipt of the written application of the voter that meets the  
10 requirements of (c) of this section;

11 (2) presentation of identification by the personal representative; and

12 (3) completion by the personal representative of a certification that  
13 includes the personal representative's name, residence and mailing addresses, type and  
14 number of identification, and signature and the name of the voter on whose behalf the  
15 ballot is requested.

16 (e) The personal representative shall deliver the absentee ballot and other  
17 absentee voting materials to the voter as soon as practicable. The voter shall proceed  
18 to mark the ballot in secret, to place the ballot in the secrecy sleeve, and to place the  
19 secrecy sleeve in the envelope provided. On the voter's certificate portion of the  
20 envelope, the voter shall state the name of the personal representative who delivered  
21 the absentee ballot, shall state that, because of a disability, the voter is unable to go  
22 to a polling place to vote, and shall sign the voter's certificate in the presence of the  
23 personal representative. The personal representative shall witness and date the  
24 signature of the voter. The voter shall return the absentee ballot to the personal  
25 representative by a time reasonably calculated to be necessary for the personal  
26 representative to deliver the material to an election official before 8:00 p.m. on election  
27 day. The personal representative shall

28 (1) deliver the ballot and voter certificate to an election official not  
29 later than 8:00 p.m. on election day; and

30 (2) certify on the form requested under (d)(3) of this section the date  
31 and time the voter's absentee ballot and certificate were delivered to the election

1 official.

2 (f) Notwithstanding (e) of this section, if a qualified voter's disability  
3 precludes the voter from performing any of the requirements of (e) of this section, the  
4 personal representative may perform those requirements on the voter's behalf, except  
5 the voting decision.

6 (g) The voter's employer, an agent of the voter's employer, or an officer or  
7 agent of the voter's union may not act as a personal representative for the voter. A  
8 candidate for office at an election may not act as a personal representative for a voter  
9 in the election.

10 \* Sec. 7. AS 15.20.081(b) is amended to read:

11 (b) An application requesting delivery of an absentee ballot to the applicant  
12 by mail must be received by the division of elections not less than seven days before  
13 the election for which the absentee ballot is sought. An application for an absentee  
14 ballot for a state election from a qualified voter requesting delivery of an absentee  
15 ballot to the applicant by electronic transmission must be received by the division of  
16 elections not later than 5:00 p.m. Alaska time on the day [LESS THAN FOUR  
17 DAYS] before the election for which the absentee ballot is sought. An absentee ballot  
18 application submitted by mail under this section must permit the person to register to  
19 vote under AS 15.07.070 and to request an absentee ballot for each state election held  
20 within that calendar year for which the voter is eligible to vote. An absentee ballot  
21 application submitted by electronic transmission under this section may not include a  
22 provision that permits a person to register to vote under AS 15.07.070.

23 \* Sec. 8. AS 15.20 is amended by adding a new section to read:

24 **Article 6. Optically Scanned Voting.**

25 **Sec. 15.20.900. Optically scanned ballot tabulation.** (a) Notwithstanding  
26 any other provisions of this title, the director may adopt regulations that provide  
27 procedures for the tabulation of optically scanned ballots, including procedures for

28 (1) tests of the counting programs developed for each precinct tabulator  
29 to ensure that the system is functioning properly;

30 (2) security for the voting and tabulation of ballots;

31 (3) the transmission and accumulation of vote totals to assure the

1 integrity of the vote counting process;

2 (4) observation by the public of the counting process in the regional  
3 offices; and

4 (5) the disposition of ballots.

5 (b) The state ballot counting review board established under AS 15.10.180  
6 shall test the counting programs for the tabulation of optically scanned ballots and  
7 certify their accuracy in accordance with the regulations adopted under (a) of this  
8 section.

9 \* Sec. 9. AS 15.58.020 is amended to read:

10 **Sec. 15.58.020. Contents of pamphlet.** Each election pamphlet must  
11 [SHALL] contain

12 (1) photographs and campaign statements submitted by eligible  
13 candidates for elective office in the region;

14 (2) information and recommendations filed under AS 15.58.050 on  
15 judicial officers subject to a retention election in the region;

16 (3) a map of the election district or districts of the region;

17 (4) sample ballots for election districts of the region;

18 (5) an absentee ballot application;

19 (6) for each ballot proposition submitted to the voters by initiative or  
20 referendum petition or by the legislature,

21 (A) the full text of the proposition specifying constitutional or  
22 statutory provisions proposed to be affected;

23 (B) the ballot title and the summary of the proposition prepared  
24 by the director or by the lieutenant governor;

25 (C) a neutral summary of the proposition prepared by the  
26 Legislative Affairs Agency;

27 (D) statements submitted which advocate voter approval or  
28 rejection of the proposition not to exceed 500 words;

29 (7) for each bond question, a statement of the scope of each project as  
30 it appears in the bond authorization;

31 (8) a maximum of two pages of material submitted by each political

1 party;

2 (9) additional information on voting procedures that the lieutenant  
3 governor considers necessary;

4 (10) for the question whether a constitutional convention shall be  
5 called,

6 (A) a full statement of the question placed on the ballot;

7 (B) statements not to exceed 500 words that advocate voter  
8 approval or rejection of the question;

9 (11) under AS 37.15.070, the Alaska permanent fund annual income  
10 statement and balance sheet for the two fiscal years preceding the publication of  
11 the election pamphlet.

12 \* Sec. 10. AS 15.58.030(a) is amended to read:

13 (a) No later than August 30 [JULY 15] of a presidential election year,  
14 candidates for the offices of the United States President and Vice-President may file  
15 with the lieutenant governor photographs and statements advocating their candidacy.

16 \* Sec. 11. AS 15.58.030(d) is amended to read:

17 (d) Pages on which candidates' photographs or statements appear must be  
18 clearly identified with the words "provided and paid for by the candidate."

19 \* Sec. 12. AS 15.58.030(f) is amended to read:

20 (f) A candidate's photograph must be [A] 5" x 7" in size and must have been  
21 [BLACK AND WHITE GLOSSY PRINT] taken within the past five years. The  
22 photograph must be limited to the head, neck, and shoulders of the candidate.

23 \* Sec. 13. This Act takes effect immediately under AS 01.10.070(c).

Sectional Analysis for CS HB257( ) WORK DRAFT  
Prepared by the Division of Elections  
May 5, 1998

Sections 1-4

- ◆ These sections address voter list maintenance. (They were previously considered and approved by Senate State Affairs, Senate Finance and House State Affairs as SB185.) Since the passage of the National Voter Registration Act (NVRA) in 1993, the division has been unable to purge the voter registration list.
- ◆ This is the state's second attempt to bring state law into compliance with the federal law. In 1996, legislation was passed but the US Department of Justice declared it violated the NVRA and authorized a lawsuit against the state. So far, the Department of Justice has refrained from actually filing the suit while the legislature is considering this corrective legislation.
- ◆ The list maintenance process will work as follows:
  - ◆ Each year a nonforwardable mailing will be sent to voters who, in the two years preceding, have had mail returned to the division; have not contacted the division; and have not voted or appeared to vote.
  - ◆ A second notice will be sent to those voters whose cards are returned by the US Postal Service as undeliverable or with a new forwarding address.
  - ◆ Voters have 45 days to respond to the second mailing. If no response is received, the voter will be placed on an inactive list.
  - ◆ If no there is voter contact during the following four years, the voter will be removed from the registration list.
- ◆ When a voter is placed on the inactive list, their name no longer appears on precinct registers or any list prepared by the division. A voter may become active at any time during that four year period by making contact with the division.

Section 5 and 8

- ◆ Provides statutory authority for the division to conduct elections using optical scanning ballot tabulation equipment. Explicit statutory authority assures that adoption of the optical scanning method does not create any legal difficulties.
- ◆ Gives authority to the director to adopt regulations outlining procedures for the tabulation of optically scanned ballots.

Section 6

- ◆ Improves the absentee by personal representative process. It provides better accountability by requiring the personal representative to provide identification and sign a register before being issued ballots.

- ◆ Streamlining the process by decreasing the number of trips the personal representative is required to make. It would also decrease the number of signatures required. In 1996, there were 513 absentee by personal representative ballots. Of those, 15 percent were rejected for insufficient witnessing and signatures.
- ◆ Although the process has been simplified, additional security measures have been added. This important protection will reduce the possibility of voter fraud.

#### Section 7

- ◆ After implementing absentee voting by fax in 1996, the division quickly realized how valuable a tool it was for voters not receiving ballots in time. However, because the application period ended four days before an election, many could not be served by the process.
- ◆ This section extends the application deadline for absentee voting by fax to the day before an election. The current deadline is four days prior to an election.

#### Sections 9-13

- ◆ These sections make only technical changes associated with the official election pamphlet.



**FRAN ULMER**  
LIEUTENANT GOVERNOR  
STATE OF ALASKA

May 4, 1998

The Honorable Gene Therriault  
Co-Chair, House Finance Committee  
Alaska State Legislature  
State Capitol, Room 515  
Juneau, Alaska 99801

Dear Representative Therriault:

Currently two important election bills, SB185 and HB 257 are in the House Finance Committee waiting to be scheduled. It is crucial to the Division of Elections, that these bills be passed this legislative session. I hope that you will schedule them quickly.

Senate Bill 185, an act relating to list maintenance, will bring the state's election law into compliance with the National Voter Registration Act (NVRA). Since the NVRA was passed in 1993 the division has not been able to remove inactive voters from the registration rolls. The NVRA prohibits targeting voters solely for non-voting. In 1996, legislation was passed in an attempt to bring the state into federal compliance. However, the US Department of Justice believes the legislation violated the NVRA and authorized a lawsuit to be filed against the State of Alaska.

Senate Bill 185 is crucial for several reasons. First, its passage will avoid a lawsuit with the federal government. Second, public confidence in the accuracy of the voter list will increase. Currently the voter list is overinflated and that, in turn, understates voter turnout. Finally, over time there will be cost savings to candidates, political groups, members of the public and the state because the list will be more accurate and inactive voters will be purged.

House Bill 257, an act relating to voter qualification, disqualification, and registration; relating to voter registration officials and election personnel; relating to election notices; relating to mail elections; relating to certain election procedures; relating to the transportation of ballots; and relating to the official election pamphlet, contains a number of important provisions. As you are aware, the division is purchasing a new ballot tabulation system. This bill gives the division statutory authority to conduct elections using optical scanning ballot tabulation equipment. Without statutory authority, an election conducted using this technology may be subject to legal challenge.

Representative Gene Therriault  
May 4, 1998  
Page 2

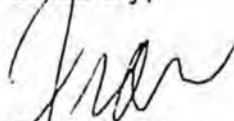
Secondly, HB 257 expands the opportunity for voters to vote absentee by fax. Presently the application deadline for absentee by fax voting is four days prior to an election. This bill will change the application deadline to the day before an election. The division believes this will provide additional opportunity to voters who unexpectedly find themselves unable to vote in person.

Third, the bill improves the absentee by personal representative voting process. The process has been simplified. It also adds additional security measures on the part of the personal representative. For the first time, the personal representative will be required to provide identification and sign a register before ballots will be issued. This important protection will reduce the possibility of voter fraud.

The last major provision deals with exempting election workers who make less than \$1,000 per calendar year from federal unemployment tax. This provision is a result of the Federal Balanced Budget Act of 1997. The state must adopt this provision in order to take advantage of the new federal law.

I would sincerely appreciate your assistance in expediting these two important bills. If you have any questions or would like additional information, please contact me.

Sincerely,



Fran Ulmer  
Lieutenant Governor

TONY KNOWLES  
GOVERNOR



STATE OF ALASKA  
OFFICE OF THE GOVERNOR  
JUNEAU

HB 257  
P.O. Box 110001  
Juneau, Alaska 99811-0001  
(907) 465-3500  
Fax (907) 466-3532

April 18, 1997

The Honorable Gail Phillips  
Speaker of the House  
Alaska State Legislature  
State Capitol  
Juneau, AK 99801-1182

Dear Speaker *Gail* Phillips:

This bill I am transmitting amends the state election code to instill higher voter confidence in the election process and provide greater voter access to ensure maximum turnout at the polls.

This legislation proposes to change the election process in Regional Educational Attendance Areas (REAA) and Coastal Resource Service Areas (CRSA) by conducting elections through the mail. This is expected to increase voter turnout, which has historically been low in these areas. In 1996, average turnout for REAA elections was 35 percent; for CRSA it was 40 percent. Under this bill, the Division of Elections will mail a ballot to all eligible voters in these areas about three weeks prior to the election.

In the 1996 general election, 513 voters participated in the electoral process through absentee voting by personal representative. Fifteen percent of these voters' ballots were rejected. This legislation will make the process less time consuming, less confusing and provide for better accountability.

In an attempt to increase voter participation and voter access, this legislation proposes extending the application deadline for absentee voting by fax to the day before an election. Current law requires the application to be received four days before an election. This change would expand the opportunity to voters who find themselves in extenuating circumstances.

The Honorable Gail Phillips  
April 18, 1997  
Page 2

The legislation also proposes to change the name of the "questioned ballot" to "special review ballot." Many voters have expressed concern and confusion over the term "questioned." This new name more accurately reflects the true intent of the ballot.

Other sections of the bill make technical changes to the election code regarding the official election pamphlet, public notice of elections, and transportation of ballots. Division of Elections staff will be available during the committee process on this bill to offer its full explanation and analysis.

I urge your prompt consideration and passage of this bill.

Sincerely,



Tony Knowles  
Governor

**HB**

**257**

**SFIN**

**FILE**

# SENATE FINANCE COMMITTEE REPORT

DATE: 5/6/98

FURTHER: 5/7/98 OUT OF

DATE TURNED

IN TO OFFICE: 7 May 98

Finance Committee considered

CS FOR HOUSE BILL NO. 257(FIN) am

"An Act relating to elections, to election officials and election workers, to voter registration, and to candidates for election; and providing for an effective date."

and recommends:

- be replaced with S CS CS HB 257 (FIN)
- adopt previous        CS final CS (      )
- attached amendment(s) forth coming
- adopt Letter of Intent by
- further referral to the

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

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	NR	DNP	AM
<i>Redd &amp; Hill</i>	✓	<i>Frank Powell</i>	✓		
<i>Big Kicker</i>	X				
<i>John Ingram</i>	✓				
<i>David Douley</i>	✓				
Co-Chair: <i>Peace</i>	✓	Co-Chair:			
Co-Chair: <i>Bob King</i>	✓	Co-Chair:			

**NEW FISCAL NOTE(S):**

Department                      Date      Zero      Fiscal


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

Department                      Date      Zero      Fiscal

Elections	5/6/98		263.6

APPROPRIATION -- no fiscal note

\*include fiscal notes accompanying Governor's bill

# FISCAL NOTE

No: 3

STATE OF ALASKA  
1998 LEGISLATIVE SESSION

B... Version: CSHB 257 (FIN)  
(H) Publish Date: 5/6/98

FORWARDED OUT OF  
5/7/98

Revision Date ( 5/5/98	Dept. Affected	Office of the Governor
Title <u>An Act relating to elections, to voter registration</u>	BRU	<u>Elective Operations</u>
and to candidates for election	Component	<u>Elections</u>
Sponsor <u>Rules Committee</u>		
Requester <u>House Finance Committee</u>	Component Serial No.	<u>#21</u>

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

OPERATING EXPENDITURES	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
Personal Services	56.7	22.7	22.7	22.7	22.7	22.7
Travel						
Contractual	206.9	19.1	19.1	19.1	19.1	19.1
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>263.6</b>	<b>41.8</b>	<b>41.8</b>	<b>41.8</b>	<b>41.8</b>	<b>41.8</b>

<b>CAPITAL EXPENDITURES</b>						
-----------------------------	--	--	--	--	--	--

<b>CHANGE IN REVENUES ( )</b>						
-------------------------------	--	--	--	--	--	--

**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	263.6	41.8	41.8	41.8	41.8	41.8
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
<b>TOTAL</b>	<b>263.6</b>	<b>41.8</b>	<b>41.8</b>	<b>41.8</b>	<b>41.8</b>	<b>41.8</b>

Estimate of any current year (FY98) cost: none

**POSITIONS**

Full-time						
Part-time						
Temporary	5					

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

This fiscal note assumes that registered voters who have not had contact with the division of elections in the preceding two calendar years will be sent an address update/confirmation card. Voter contact includes having voter history in the preceding two calendar years, signing an initiative petition, making changes to a voter registration record, requesting an absentee ballot or responding to notices sent by the division.

The fiscal note shows \$56.7 in personal services, anticipating the need for 5 temporary employees (range 8A) for 5 months. An employee can process 150 registrations a day. Temporary employees will also process over 200,000 microfilmed records. The fiscal note shows \$206.9 in contractual costs primarily for printing the required notices and postage costs. The NVRA requires that the division bear the cost of all postage.

Prepared by <u>Dana LaTour</u> <i>D. LaTour</i>	Phone <u>465-5347</u>
Division <u>Division of Elections</u>	Date <u>5/6/98</u>
Approved by <u>Lt. Governor Fran Ulmer</u> <i>F. Ulmer</i>	Date <u>5/6/98</u>
Agency <u>Office of the Lieutenant Governor</u>	

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

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

COMMITTEE COPY

O-GH0095VR  
Cramer/Glover  
5/6/98

Sen. Tolgersen moves  
to adopt work draft  
w/o objection, ADOPTED

SENATE CS FOR CS FOR HOUSE BILL NO. 257( )  
IN THE LEGISLATURE OF THE STATE OF ALASKA  
TWENTIETH LEGISLATURE - SECOND SESSION

BY

Offered:  
Referred:

Sponsor(s): HOUSE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to elections, to election officials and election workers, to voter  
2 registration, and to candidates for election; and providing for an effective date."

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

4 \* Section 1. AS 15.07.130(a) is amended to read:

5 (a) Periodically, at times of the director's choosing, but no less frequently  
6 than in January [AT THE CLOSE] of each calendar year, the director [AREA  
7 ELECTION SUPERVISOR] shall examine the master register maintained [BY THE  
8 SUPERVISOR] under AS 15.07.120 and shall send, by nonforwardable mail to the  
9 voter's registration mailing address, a notice requesting address confirmation or  
10 correction to each voter

11 (1) whose mail from the division has been returned to the division  
12 in the two years immediately preceding the examination of the register;

13 (2) who has not contacted the division in the two years immediately  
14 preceding the examination of the register; or

1                    (3) who has not voted or appeared to vote in the two general  
2                    elections immediately preceding the examination of the register.

3 \* Sec. 2. AS 15.07.130(b) is amended to read:

4                    (b) If [WHEN] a registered voter has not, [INDICATED IN WRITING A  
5                    DESIRE TO REMAIN REGISTERED] within the preceding four calendar years,  
6                    contacted the division and has neither voted nor appeared to vote in a local, regional  
7                    school board, primary, special, or general election during the last four calendar years  
8                    and a notice sent to the voter under (a) of this section was returned as  
9                    undeliverable, the voter shall be advised by a notice sent by forwardable mail to the  
10                    voter's last known address that registration will be inactivated unless the voter responds  
11                    to the notice no later than 45 [AT LEAST 30] days after [BEFORE] the date of the  
12                    notice sent under this section [NEXT PRIMARY ELECTION ON A FORM  
13                    FURNISHED BY THE DIRECTOR]. The director shall maintain on the master  
14                    register the name of a voter whose registration is inactivated. The director shall cancel  
15                    a voter's inactive registration in accordance with the procedures set out in 42 U.S.C.  
16                    1973gg-6 (sec. 8, National Voter Registration Act of 1993) after the second general  
17                    election that occurs after the registration becomes inactive if the voter does not contact  
18                    the division or vote or appear to vote.

19 \* Sec. 3. AS 15.07.130(d) is amended to read:

20                    (d) The notice sent under [DESCRIBED IN] (b) of this section must include  
21                    a postage prepaid and pre-addressed return card on which the voter may state the  
22                    voter's current address. The notice must indicate

23                    (1) that the voter should return the card not later than 45 days after the  
24                    date of the notice [30 DAYS BEFORE THE NEXT PRIMARY ELECTION] if the  
25                    voter did not change residence;

26                    (2) that failure to [THE VOTER MAY VOTE ONLY A  
27                    QUESTIONED OR ABSENTEE BALLOT IF THE VOTER DOES NOT] return the  
28                    card by the 45-day deadline could result in removal of the voter's name from the  
29                    official registration list for a subsequent election [AT LEAST 30 DAYS BEFORE  
30                    THE NEXT PRIMARY ELECTION];

31                    (3) that the voter's registration will be cancelled if the voter does not

1 contact the division during, or vote or appear to vote in an election held during, the  
2 period beginning on the date of the notice and ending on the day after the last day of  
3 the fourth calendar year that occurs after the date of notice; and

4 (4) how the voter can continue to be eligible to vote if the voter has  
5 changed residence.

6 \* Sec. 4. AS 15.07.130 is amended by adding a new subsection to read:

7 (f) For the purpose of this section, a voter "contacts" the division if the voter  
8 notifies the division of a change of address, responds to a notice sent under this  
9 section, signs a petition for a ballot measure, requests a new voter registration card,  
10 or otherwise communicates with the division other than to vote or register to vote.

11 \* Sec. 5. AS 15.15.030 is amended by adding a new paragraph to read:

12 (14) Notwithstanding any other provision of this title, the director may  
13 provide for voting by use of optically scanned ballots where optical scanning  
14 equipment is available.

15 \* Sec. 6. AS 15.20.071 is repealed and reenacted to read:

16 **Sec. 15.20.071. Absentee voting by personal representative.** (a) A qualified  
17 voter with a disability who, because of that disability, is unable to go to a polling place  
18 to vote may vote an absentee ballot through a personal representative.

19 (b) The voter must apply in writing to the following election officials, at the  
20 times specified, for an absentee ballot:

21 (1) to an absentee voting official on or after the 15th day before an  
22 election, up to and including the day of the election;

23 (2) to an election supervisor

24 (A) after a date announced by the director under  
25 AS 15.20.048(b); and

26 (B) on or after the 15th day before an election up to and  
27 including the day of the election;

28 (3) to an absentee voting official at an absentee voting station  
29 designated under AS 15.20.045(b) at a time when the absentee voting station is in  
30 operation; or

31 (4) to a member of the precinct election board on election day.

1 (c) The voter's application must include the following:

2 (1) the name and full residence address of the voter;

3 (2) a form of identification for the voter that meets the requirements  
4 established by the director for absentee voting by mail under AS 15.20.081(f);

5 (3) the full name of the personal representative; and

6 (4) the voter's signature or mark.

7 (d) The election official shall issue the ballot and voter's certificate, which  
8 includes the date and location from which the ballot was issued, upon

9 (1) receipt of the written application of the voter that meets the  
10 requirements of (c) of this section;

11 (2) presentation of identification by the personal representative; and

12 (3) completion by the personal representative of a certification that  
13 includes the personal representative's name, residence and mailing addresses, type and  
14 number of identification, and signature and the name of the voter on whose behalf the  
15 ballot is requested.

16 (e) The personal representative shall deliver the absentee ballot and other  
17 absentee voting materials to the voter as soon as practicable. The voter shall proceed  
18 to mark the ballot in secret, to place the ballot in the secrecy sleeve, and to place the  
19 secrecy sleeve in the envelope provided. On the voter's certificate portion of the  
20 envelope, the voter shall state the name of the personal representative who delivered  
21 the absentee ballot, shall state that, because of a disability, the voter is unable to go  
22 to a polling place to vote, and shall sign the voter's certificate in the presence of the  
23 personal representative. The personal representative shall witness and date the  
24 signature of the voter. The voter shall return the absentee ballot to the personal  
25 representative by a time reasonably calculated to be necessary for the personal  
26 representative to deliver the material to an election official before 8:00 p.m. on election  
27 day. The personal representative shall

28 (1) deliver the ballot and voter certificate to an election official not  
29 later than 8:00 p.m. on election day; and

30 (2) certify on the form requested under (d)(3) of this section the date  
31 and time the voter's absentee ballot and certificate were delivered to the election

1 official.

2 (f) Notwithstanding (e) of this section, if a qualified voter's disability  
3 precludes the voter from performing any of the requirements of (e) of this section, the  
4 personal representative may perform those requirements on the voter's behalf, except  
5 the voting decision.

6 (g) The voter's employer, an agent of the voter's employer, or an officer or  
7 agent of the voter's union may not act as a personal representative for the voter. A  
8 candidate for office at an election may not act as a personal representative for a voter  
9 in the election.

10 \* Sec. 7. AS 15.20.081(b) is amended to read:

11 (b) An application requesting delivery of an absentee ballot to the applicant  
12 by mail must be received by the division of elections not less than seven days before  
13 the election for which the absentee ballot is sought. An application for an absentee  
14 ballot for a state election from a qualified voter requesting delivery of an absentee  
15 ballot to the applicant by electronic transmission must be received by the division of  
16 elections not later than 5:00 p.m. Alaska time on the day [LESS THAN FOUR  
17 DAYS] before the election for which the absentee ballot is sought. An absentee ballot  
18 application submitted by mail under this section must permit the person to register to  
19 vote under AS 15.07.070 and to request an absentee ballot for each state election held  
20 within that calendar year for which the voter is eligible to vote. An absentee ballot  
21 application submitted by electronic transmission under this section may not include a  
22 provision that permits a person to register to vote under AS 15.07.070.

23 \* Sec. 8. AS 15.20 is amended by adding a new section to read:

24 **Article 6. Optically Scanned Voting.**

25 **Sec. 15.20.900. Optically scanned ballot tabulation.** (a) Notwithstanding  
26 any other provisions of this title, the director may adopt regulations that provide  
27 procedures for the tabulation of optically scanned ballots, including procedures for

28 (1) tests of the counting programs developed for each precinct tabulator  
29 to ensure that the system is functioning properly;

30 (2) security for the voting and tabulation of ballots;

31 (3) the transmission and accumulation of vote totals to assure the

1 integrity of the vote counting process;

2 (4) observation by the public of the counting process in the regional  
3 offices; and

4 (5) the disposition of ballots.

5 (b) The state ballot counting review board established under AS 15.10.180  
6 shall test the counting programs for the tabulation of optically scanned ballots and  
7 certify their accuracy in accordance with the regulations adopted under (a) of this  
8 section.

9 \* Sec. 9. AS 15.58.020 is amended to read:

10 **Sec. 15.58.020. Contents of pamphlet.** Each election pamphlet must  
11 [SHALL] contain

12 (1) photographs and campaign statements submitted by eligible  
13 candidates for elective office in the region;

14 (2) information and recommendations filed under AS 15.58.050 on  
15 judicial officers subject to a retention election in the region;

16 (3) a map of the election district or districts of the region;

17 (4) sample ballots for election districts of the region;

18 (5) an absentee ballot application;

19 (6) for each ballot proposition submitted to the voters by initiative or  
20 referendum petition or by the legislature,

21 (A) the full text of the proposition specifying constitutional or  
22 statutory provisions proposed to be affected;

23 (B) the ballot title and the summary of the proposition prepared  
24 by the director or by the lieutenant governor;

25 (C) a neutral summary of the proposition prepared by the  
26 Legislative Affairs Agency;

27 (D) statements submitted which advocate voter approval or  
28 rejection of the proposition not to exceed 500 words;

29 (7) for each bond question, a statement of the scope of each project as  
30 it appears in the bond authorization;

31 (8) a maximum of two pages of material submitted by each political

1 party;

2 (9) additional information on voting procedures that the lieutenant  
3 governor considers necessary;

4 (10) for the question whether a constitutional convention shall be  
5 called,

6 (A) a full statement of the question placed on the ballot;

7 (B) statements not to exceed 500 words that advocate voter  
8 approval or rejection of the question;

9 **(11) under AS 37.13.170, the Alaska permanent fund annual income**  
10 **statement and balance sheet for the two fiscal years preceding the publication of**  
11 **the election pamphlet.**

12 \* **Sec. 10.** AS 15.58.030(a) is amended to read:

13 (a) No later than **August 30** [JULY 15] of a presidential election year,  
14 candidates for the offices of the United States President and Vice-President may file  
15 with the lieutenant governor photographs and statements advocating their candidacy.

16 \* **Sec. 11.** AS 15.58.030(d) is amended to read:

17 (d) Pages on which candidates' photographs or statements appear must be  
18 clearly identified with the words "**provided and** paid for by the candidate."

19 \* **Sec. 12.** AS 15.58.030(f) is amended to read:

20 (f) A candidate's photograph must be [A] 5" x 7" **in size and must have been**  
21 **[BLACK AND WHITE GLOSSY PRINT]** taken within the past five years. The  
22 photograph must be limited to the head, neck, and shoulders of the candidate. **All**  
23 **photographs shall be printed in black and white.**

24 \* **Sec. 13.** AS 23.20.526(d) is amended to read:

25 (d) For the purposes of AS 23.20.525(a)(4) - (6) and (14), the term  
26 "employment" does not apply to service performed

27 (1) by a duly ordained, commissioned, or licensed minister of a church  
28 in the exercise of the person's ministry or by a member of a religious order in the  
29 exercise of duties required by the order;

30 (2) in a facility conducted for the purpose of carrying out a program  
31 of rehabilitation for individuals whose earning capacity is impaired by age or physical

1 or mental deficiency or injury or providing remunerative work for individuals who,  
2 because of their impaired physical or mental capacity, cannot be readily absorbed in  
3 the competitive labor market by an individual receiving the rehabilitation or  
4 remunerative work;

5 (3) as part of an unemployment work-relief or work-training program  
6 assisted or financed in whole or in part by any federal agency or any agency of a state  
7 or political subdivision of the state, by an individual receiving work relief or work  
8 training;

9 (4) for a state hospital by an inmate of a prison or correctional  
10 institution;

11 (5) in the employ of a school, college, or university [,] if the service  
12 is performed by a student who is enrolled and is regularly attending classes at the  
13 school, college, or university;

14 (6) by an individual under the age of 22 who is enrolled at a nonprofit  
15 or public educational institution that [WHICH] normally maintains a regular faculty  
16 and curriculum and normally has a regularly organized body of students in attendance  
17 at the place where its educational activities are carried on as a student in a full-time  
18 program, taken for credit at the institution, which combines academic instruction with  
19 work experience [,] if the service is an integral part of the program [,] and the  
20 institution has so certified to the employer, except that this paragraph does not apply  
21 to service performed in a program established for or on behalf of an employer or group  
22 of employers;

23 (7) in the employ of a hospital [,] if the service is performed by a  
24 patient of the hospital, as defined in AS 23.20.520;

25 (8) in the employ of the state or a political subdivision of the state if  
26 the service is performed by an individual in the exercise of duties

27 (A) as a "public official" as defined in AS 39.50.200(a), any  
28 other elected official, the fiscal analyst of the legislative finance division, the  
29 legislative auditor of the legislative audit division, the executive director of the  
30 Legislative Affairs Agency, and the directors of the divisions within the  
31 Legislative Affairs Agency;

1 (B) as a member of the Alaska Army National Guard or Alaska  
2 Air National Guard or Alaska Naval Militia; [OR]

3 (C) as an employee serving on only a temporary basis in case  
4 of fire, storm, snow, earthquake, flood, or similar emergency; or

5 (D) as an election official or election worker if the amount  
6 of remuneration received by the individual during the calendar year for  
7 services as an election official or election worker is less than \$1,000;

8 (9) in the employ of

9 (A) a church or a convention or association of churches; or

10 (B) an organization which is operated primarily for religious  
11 purposes and which is operated, supervised, controlled, or principally supported  
12 by a church or a convention or association of churches.

13 \* Sec. 14. AS 24.60.250 is repealed and reenacted to read:

14 **Sec. 24.60.250. Effect of failure to file.** In addition to the sanctions described  
15 in AS 24.60.260, if the Alaska Public Offices Commission finds that a candidate for  
16 the legislature who is an incumbent legislator has failed to file a report under  
17 AS 24.60.200 by March 15, the commission shall notify the candidate that the report  
18 is late. If the candidate fails to file the report within 30 days after it is due,

19 (1) the commission shall notify the lieutenant governor;

20 (2) the candidate shall forfeit nomination to office and may not be  
21 seated in office;

22 (3) the lieutenant governor may not certify the person's nomination for  
23 office or election to office; and

24 (4) nomination to the office shall be certified as provided in  
25 AS 39.50.060(b).

26 \* Sec. 15. LEGISLATIVE FINANCIAL DISCLOSURE GRACE PERIOD  
27 RETROACTIVITY. Notwithstanding any other provision of AS 24.60.250 as it exists on the  
28 day before the effective date of this section or as it exists after amendment by sec. 14 of this  
29 Act, a candidate for the legislature who failed to file a report under AS 24.60.200 by April 15,  
30 1998, but who filed the report within 30 days after that date, is subject to civil penalty for  
31 late filing under AS 24.60.240 but may not be made subject to any penalty or consequence

- 1 imposed under AS 24.60.250, including forfeiture of nomination to office, denial of seating
- 2 in office, or denial of certification for office or election to office.
- 3 \* **Sec. 16.** Sections 14 and 15 of this Act are retroactive to March 15, 1998.
- 4 \* **Sec. 17.** This Act takes effect immediately under AS 01.10.070(c).

**HB**

**261**

**HFIN**

**FILE**



# FISCAL NOTE

STATE OF ALASKA  
1998 LEGISLATIVE SESSION

BILL NO. CSHB 261 (FIN)

Revision Date: 03/10/98  
Title: Surcharge for violations of state and  
municipal violations  
Sponsor: Rep. Davis  
Requestor: \_\_\_\_\_

Dept. Affected: Alaska Court System  
BRU: Trial Courts  
Component: \_\_\_\_\_  
COMPONENT SERIAL NO. 788

Expenditures/Revenues

(Thousands of Dollars)

OPERATING EXPENDITURES	FY 98	FY 00	FY 01	FY 02	FY 03	FY 04
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES	5.0					
EQUIPMENT						
LAND & STRUCTURES						
GRANTS & CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	5.0	0.0	0.0	0.0	0.0	0.0

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

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

Fund Sources

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	5.0	0.0	0.0	0.0	0.0	0.0
1008 GF/Program Receipts						
1037 GF/Mental Health						
Other						
TOTAL	5.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY 98) cost: \$ None

Positions

Full-Time						
Part-Time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

See attached analysis

Prepared by: C. S. Christensen III, General Counsel *[Signature]*  
 Agency: Alaska Court System

Approved by: Stephanie J. Cole, Administrative Director *[Signature]*  
 Agency: Alaska Court System

Phone: 284-8228  
 Date: 03/10/98

Date: 03/10/98

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

Alaska Court System  
Fiscal Analysis  
CSHB 261 (FIN)

This legislation will impose a surcharge on felonies, misdemeanors and violations which result in a fine. Court system forms will have to be revised to accommodate information on the surcharge.

Supplies

Producing and distributing new forms

*One-time cost*

\$ 5,000

# FISCAL NOTE

**STATE OF ALASKA**  
**1998 LEGISLATIVE SESSION**

**BILL NO: CSHB 261(Jud)**

Revision Date: 3-11-98 Dept. Affected: Alaska Police Standards Council  
 Title: An Act...Surcharge imposed for violations... and to the Alaska Police Training Fund. BRU: Alaska Police Standards Council  
 Sponsor: Rep. Davis Component: \_\_\_\_\_  
 Requestor: (H) FN COMPONENT SERIAL NO. \_\_\_\_\_

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

OPERATING	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL	573.5	1147.0	1147.0	1147.0	1147.0	1147.0
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>573.5</b>	<b>1147.0</b>	<b>1147.0</b>	<b>1147.0</b>	<b>1147.0</b>	<b>1147.0</b>
<b>CAPITAL EXPENDITURES</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>
<b>CHANGE IN REVENUES ( )</b> Revenue Code	<b>573.5</b>	<b>1147.0</b>	<b>1147.0</b>	<b>1147.0</b>	<b>1147.0</b>	<b>1147.0</b>

**FUNDING: (Thousands of Dollars)**

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts	573.0	1147.0	1147.0	1147.0	1147.0	1147.0
1006 GF/MHTIA						
Other						
<b>TOTAL</b>						

Estimate of current year (FY 98) impact: \$ 396.1

**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.)**

Funding from the program receipts provided by HB 261 will allow the Alaska Police Standards Council to fully support the basic training needs for the statewide law enforcement and corrections community. It will also allow the Council to support in-service and specialized training for the 2000 officers representing 50 police agencies, 12 correctional institutions and the Village Public Safety program.

Considering administrative start-up of HB 261 during FY 99, the estimated projection for collections is 50% (573.5) of FY 00 projections. New revenue from HB 261 for FY 00 is projected at 1147.0.

Prepared By: Laddie Shaw Phone: 465-4378  
 Division: Alaska Police Standards Council Date: 3-11-98  
 Approved by Commissioner: *Ronald L. Otte* Date: 3-11-98  
 Agency: Ronald L. Otte, Dept. of Public Safety

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

**FISCAL NOTE  
HB261  
ATTACHMENT A**

**2,250 Felony convictions in 1997 at \$85.00 = \$191,250.00 (191.3)**

**3,972 DWI related convictions in 1997 at \$75.00 = \$297,900.00 (297.9)**

**16,425 Misdemeanor convictions in 1997 at \$45.00 = \$739,170.00 (739.2)**

**\$245,700 infractions (\$10.00) collected in FY97 at \$15.00 = \$368,550 (368.6)**

**Total estimated revenue generated as a result of surcharges = \$1,597.00**

**Felony, misdemeanor and DWI related convictions for 1997 obtained from DPS Information Systems. Infraction information obtained from APSC for FY97.**

**REVENUE ESTIMATES (FY00)**

With HB261 (New Program Receipts) Total	1,597.0
Without HB261 (Existing Program Receipts) Estimate	<u>&lt;450.0&gt;</u>
New Program Receipt Revenue Generated By HB261	1,147.0
 FY 99 1st Year Start Up Estimate	 573.5

**EXPENDITURE ESTIMATE**

FY99 - Existing Surcharge Receipt Estimate	450.0
 <b>Total Surcharge Receipts Available HB 261 (FY00)</b>	 <b>1147.0</b>

# FISCAL NOTE

**STATE OF ALASKA**  
**1998 LEGISLATIVE SESSION**

**BILL NO: HB 261**

Revision Date: 02/11/98 Dept. Affected: Public Safety  
 Title: An Act ... surcharge imposed for violations... and to the Alaska police training fund. BRU: Alaska State Troopers  
 Sponsor: Rep. Davis Component: \_\_\_\_\_  
 Requestor: H. Judiciary COMPONENT SERIAL NO. 0799

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

OPERATING	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>
<b>CAPITAL</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>0-</b>

CHANGE IN REVENUES ( + )						
Revenue Code						

**FUNDING: (Thousands of Dollars)**

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

Estimate of current year (FY 98) 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.)**

Changes in revenue are identified on Alaska Police Standards Council's fiscal note.

Prepared By: F/Sgt. Don Bowman Phone: 269-5084  
 Division: Alaska State Troopers Date: 02/11/98  
 Approved by Commissioner: Ronald L. Otte *Dee Smith* Date: 2/11/98  
 Agency: Department of Public Safety

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

For further distribution information call the Governor's Legislative Office

FISCAL NOTE

No: 1

STATE OF ALASKA  
1998 LEGISLATIVE SESSION

Bill Version: CSHB 261 (JUD)  
(1) Publish Date: 3/4/98

Revision Date: \_\_\_\_\_  
Title: "An Act relating to a surcharge imposed for violations of state or municipal law..."  
Sponsor: Representative Davis  
Requestor: (H) JUD

Department Affected: Administration  
BRU: Legal and Advocacy Services  
Component: Public Defender Agency  
COMPONENT SERIAL NO. 1631

EXPENDITURES/REVENUES:

(Thousands of Dollars)

OPERATING EXPENDITURES	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

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

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

FUND SOURCE:

(Thousands of Dollars)

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

Estimate of any current year (FY 98) cost: \$ \_\_\_\_\_

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary.)

This bill adds a "surcharge" to fines and penalties for anyone convicted of a crime: \$85 for a felony, \$75 for a driving/alcohol misdemeanor, \$45 for other misdemeanors, and \$15 for a violation.

The funds are to be used for a police training fund. This bill will not cost the Agency money directly, but will impact indigent clients who cannot afford to pay this on top of restitution, fines, and Rule 39 costs already assessed against them. Additionally, it would be more fair to distribute funds generated by the criminal justice system to all of the players. Constantly allocating limited resources to only select components throws the ability of participants to cope out of balance.

Prepared by: Barbara K. Brink, Director  
Division: Public Defender Agency

Phone: (907) 264-4414  
Date: \_\_\_\_\_

Approved by Commissioner: Mark Boyer  
Agency: Department of Administration

Date: 2/27/98

DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE  
For further distribution information, call the Governor's Legislative Office

COMMITTEE COPY

# FISCAL NOTE

Bill Version: CSHB 261 (JUD)

(H) Publish Date: 3/4/98

**STATE OF ALASKA  
1998 LEGISLATIVE SESSION**

**BILL**

Revision Date:		Dept. Affected:	<u>Alaska Court System</u>
Title:	<u>Surcharge for violations of state and municipal violations</u>	BRU:	<u>Trial Courts</u>
Sponsor:	<u>Rep. Davis</u>	Component:	<u></u>
Requester:		COMPONENT SERIAL NO.	<u>768</u>

Expenditures/Revenues		(Thousands of Dollars)				
OPERATING EXPENDITURES	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
PERSONAL SERVICES	113.9	113.9	113.9	113.9	113.9	113.9
TRAVEL						
CONTRACTUAL						
SUPPLIES	8.0	3.0	3.0	3.0	3.0	3.0
EQUIPMENT	3.0					
LAND & STRUCTURES						
GRANTS & CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>124.9</b>	<b>116.9</b>	<b>116.9</b>	<b>116.9</b>	<b>116.9</b>	<b>116.9</b>

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

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

Fund Source		(Thousands of Dollars)				
1002 Federal Receipts						
1003 GF Match						
1004 GF	124.9	116.9	116.9	116.9	116.9	116.9
1006 GF/Program Receipts						
1037 GF/Mental Health						
Other						
<b>TOTAL</b>	<b>124.9</b>	<b>116.9</b>	<b>116.9</b>	<b>116.9</b>	<b>116.9</b>	<b>116.9</b>

Estimate of any current year (FY 99) cost: None

Positions						
Full-Time	3	3	3	3	3	3
Part-Time						
Temporary						

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

See attached analysis

Prepared by: C. S. Christensen III, General Counsel  
 Agency: Alaska Court System

Approved by: Stephanie J. Cole, Administrative Director  
 Agency: Alaska Court System

Phone: 264-8228  
 Date: 01/27/98

Date: 01/27/98

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

Alaska Court SystemHB 261Clerical time required for processing surchargesTrial Court StaffMinutesEstablish Tracking System

2.5

Staff will classify each judgment entered by the court, verify surcharge ordered and actual amount due, and set up a tracking document for each judgment. Required information will be entered, the tracking document will be refiled, and a report prepared by classification for outstanding surcharges.

Collection of Money

1.5

During the receipting process, staff will include identification of each surcharge. To maintain records of all payments, staff will obtain each tracking document from the filing system, update the document with payment information, return tracking document to the filing system and make a copy of each receipt for depositing and reporting purposes.

Depositing Money Collected

1.0

Staff will prepare a list of surcharges collected using receipt copies; make a copy of the list to send with the required bookkeeping report to Fiscal Operations; and enter necessary adjustment information on the bookkeeping report.

Total Trial Court Staff Time per Judgment

---



---

 5.0
Administration StaffRecording Surcharges Collected in AKSAS


---

 5.5

Staff will compare information provided by each court with information listed in the State's accounting system (AKSAS). Upon reconciliation of the data, the employee will prepare a worksheet for data entry, assign a separate treasury receipt number for any surcharges collected, and enter the deposit by treasury receipt number in AKSAS. To complete the process, staff will make a copy of each worksheet and distribute them to the receiving agency, and file remaining documents.

Assumptions

- 1 Fiscal year 1997 case dispositions to include plead guilty, plead not guilty and found guilty were used for calculations.
- 2 In calculating processing time required, one judgment per disposition was used for tasks completed by trial court staff.
- 3 To determine administrative staff time required to record surcharges in the State's accounting system, one deposit per court was used as the unit of measure. Superior Courts were classified as one deposit daily, all other courts were classified as one deposit weekly.

Alaska Court SystemFiscal AnalysisHB 261Personal Services

	<u>Salary</u>	<u>Benefits</u>	<u>Total</u>
Court Clerk II, 10A, Anchorage, permanent full-time	25,644	10,978	\$ 36,622
Court Clerk II, 10A, Anchorage, permanent full-time	25,644	10,978	36,622
Court Clerk II, 10A, Fairbanks, permanent full-time	28,932	11,691	<u>40,623</u>
<b>Total Personal Services</b>			<b>113,867</b>

This legislation will impose a surcharge on felonies, misdemeanors and violations which result in a fine. During fiscal year 1997, an estimated 19,745 misdemeanors and 2,554 felonies would have been subject to the surcharge. The court system's case management system does not provide this breakdown for traffic violations. We have estimated that 75% of all traffic cases or 44,579 traffic violations result in the imposition of a fine. Accordingly, we have estimated that a total of 66,578 cases would have a surcharge imposed. Multiplying the number of cases times the estimated time to process these cases (see page 2) results in the need for approximately three full-time positions.

Supplies

Supplies for new positions		3,000
Producing and distributing new forms	<i>One-time cost</i>	<u>5,000</u>
<b>Total Supplies</b>		<b>8,000</b>

Equipment*One-time cost*

Desk, chair, terminal and filing cabinet for new positions		<u>3,000</u>
<b>Total estimated costs</b>		<b><u>\$ 124,867</u></b>

# FISCAL NOTE

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

**BILL NO: HB 261**

Revision Date: 01/22/98  
 Title: An Act... Surcharge imposed for violations...  
 and to the Alaska police training fund.  
 Sponsor: Rep. Davis  
 Requestor: (H) JUD

Dept. Affected: Alaska Police Standards Council  
 BRU: Alaska Police Standards Council  
 Component: \_\_\_\_\_  
 COMPONENT SERIAL NO. \_\_\_\_\_

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

OPERATING	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL	627.4	1200.9	1200.9	1200.9	1200.9	1200.9
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>627.4</b>	<b>1200.9</b>	<b>1200.9</b>	<b>1200.9</b>	<b>1200.9</b>	<b>1200.9</b>
<b>CAPITAL EXPENDITURES</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>
<b>CHANGE IN REVENUES ( )</b>						
Revenue Code	573.5	1147.0	1147.0	1147.0	1147.0	1147.0

**FUNDING: (Thousands of Dollars)**

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts	627.4	1200.9	1200.9	1200.9	1200.9	1200.9
1006 GF/MHTIA						
Other						
<b>TOTAL</b>						

Estimate of current year (FY 98) impact: \$ 396.1

**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.)**

Funding from the program receipts provided by HB261 will allow the Alaska Police Standards Council to fully support the basic training needs for the statewide law enforcement and corrections community. It will also allow the Council to support in-service and specialized training for the 2000 officers representing 50 police agencies, 12 correctional institutions and the Village Public Safety program.

Considering administrative start-up of HB261 during FY99, the estimated projection for collections is 50% (573.5) of FY00 projections. New revenue from HB261 for FY00 is projected at 1200.9.

Prepared By: Laddie Shaw  
 Division: Alaska Police Standards Council  
 Approved by Commissioner: \_\_\_\_\_  
 Agency: Ronald L. Otte, Dept. of Public Safety

Phone: 465-4378  
 Date: 02-12-98  
 Date: 01/28/98

Attachment for Fiscal Note (HB261) Analysis:	FY99	FY00
<u>Personal Services (salary &amp; benefits)</u>	<u>240.0</u>	<u>240.0</u>
Administrator	94.2	94.2
Secretary	47.8	47.8
Admin. Clerk	27.0	27.0
Training Coordinator	71.0	71.0
<u>Travel</u>	<u>30.7</u>	<u>30.7</u>
Field Travel (compliance inspections)	10.5	10.5
Admin. Travel (admin. hearings)	3.1	3.1
Convention (Police Standards Conference)	1.0	1.0
Commission (Council meetings/11 members)	5.8	5.8
Non-Employee (hearing officer/witnesses)	3.8	3.8
Other (per diem)	6.5	6.5
<u>Contractual</u>	<u>253.6</u>	<u>1326.3</u>
Basic Police Recruit Training (30 Officers @ \$5700 FY99)	171.0	
Basic Police Recruit Training (100 officers @ \$5700 FY00)		570.0
Basic Municipal Corrections Recruit Training 20 Officers @ \$1750	35.0	35.0
Refresher Academy (officers with out-of-state training) 10 Officers @ \$1320	13.2	13.2
Court Reporting	.6	.6
In-Service and Specialized Training for police and correctional officers (2000 officers with 50 police agencies, 12 correctional institutions and 100 VPSO's)	18.5	692.3
Communications, maintenance advertising, printing, etc.	<u>15.3</u>	<u>15.3</u>
Total (Operating Budget)	<u>524.3</u>	<u>1,597.0</u>

HB261 will generate the funding necessary to provide Alaska law enforcement and corrections officers the level of training they need to adequately perform their roles in an ever-changing contemporary society.

This bill will allow the Alaska Police Standards Council to reemphasize its mission in providing quality service to the public by maximizing the training investment in our law enforcement and corrections personnel.

The goals of the Alaska Police Standards Council is to enhance the ability of its peace officers to provide that level of service desired by the citizens of Alaska through:

- Prescribing essential training requirements and curriculum;
- Promoting advanced and executive level training;
- Implementing and enforcing prerequisite standards for the selection and retention of officers;
- Maximizing the utilization of the training fund.

Civil actions resulting from inadequate training are on the increase. The end costs of providing adequate training is negligible when compared to the cost associated with lawsuits and their resultant judgment.

**FISCAL NOTE  
HB261  
ATTACHMENT A**

**2,250 Felony convictions in 1997 at \$85.00 = \$191,250.00 (191.3)**

**3,972 DWI related convictions in 1997 at \$75.00 = \$297,900.00 (297.9)**

**16,425 Misdemeanor convictions in 1997 at \$45.00 = \$739,170.00 (739.2)**

**\$245,700 infractions (\$10.00) collected in FY97 at \$15.00 = \$368,550 (368.6)**

**Total estimated revenue generated as a result of surcharges = \$1,597.00**

**Felony, misdemeanor and DWI related convictions for 1997 obtained from DPS Information Systems. Infraction information obtained from APSC for FY97.**

**REVENUE ESTIMATES (FY00)**

With HB261 (New Program Receipts) Total	1,597.0
Without HB261 (Existing Program Receipts) Estimate	<u>&lt;450.0&gt;</u>
New Program Receipt Revenue Generated By HB261	1,147.0

FY 99 1st Year Start Up Estimate	573.5
----------------------------------	-------

**EXPENDITURE ESTIMATE**

FY99 - Total Surcharge Receipts	450.0
Less FY99 Governor Auth. Budget of Surcharge receipts	<u>&lt;396.1&gt;</u>
FY99 Bal. of Surcharge Receipts Available	53.9

New Surcharge Receipts (HB261)	<u>573.0</u>
<b>Total Surcharge Receipts Available (FY99)</b>	<b>627.4</b>
Additional Surcharge Receipts (Full Program FY00)	<u>573.5</u>
<b>Total Surcharge Receipts Available (FY00)</b>	<b>1,200.9</b>

A dopted  
3/11/98

0-LS0920\B.2  
Luckhaupt  
3/11/98

#3

AMENDMENT

OFFERED IN THE HOUSE  
TO: CSHB 261(JUD)

BY REPRESENTATIVE DAVIS

- 1 Page 2, line 27, following "misdemeanor":
- 2 Delete ",."
  
- 3 Page 2, line 28, following "for the":
- 4 Insert "misdemeanor or"
  
- 5 Page 2, line 31, following "law":
- 6 Insert "or a misdemeanor"
  
- 7 Page 3, line 1, following "for the":
- 8 Insert "misdemeanor or"
  
- 9 Page 3, line 4:
- 10 Delete "\$15"
- 11 Insert
- 12 "(A) \$15 if the fine or bail forfeiture amount for the offense
- 13 is \$30 or more; or
- 14 "(B) \$5 if the fine or bail forfeiture amount for the offense
- 15 is less than \$30"

Adopted  
3/9/98

0-LS0920\B.1  
Luckhaupt  
3/7/98

AMENDMENT ↑

A

OFFERED IN THE HOUSE

BY REPRESENTATIVE

TO: CSHB 261(JUD)

1 Page 4, following line 12:

2 Insert new bill sections to read:

3 **\* Sec. 10.** Notwithstanding the requirements of AS 12.55.039(d) and AS 37.05.142 that  
4 surcharges collected under AS 12.55.039 be accounted for separately, the Alaska Court  
5 System shall deposit money collected under AS 12.55.039 in the general fund and shall, by  
6 February 1 of each year, provide to the Department of Administration, to the Legislative  
7 Budget and Audit Committee, and to each house of the legislature an estimate of the money  
8 collected under AS 12.55.039 for that fiscal year.

9 **\* Sec. 11.** Section 10 of this Act is repealed on the earlier of (1) the date that the Alaska  
10 Court System has the capability to separately track and account electronically for money  
11 collected under AS 12.55.039, or (2) June 30, 2002. The executive director of the Alaska  
12 Court System shall notify the lieutenant governor and the revisor of statutes when the  
13 electronic capability described in this section has been obtained."

CS FOR HOUSE BILL NO. 261(JUD)  
 IN THE LEGISLATURE OF THE STATE OF ALASKA  
 TWENTIETH LEGISLATURE - SECOND SESSION

BY THE HOUSE JUDICIARY COMMITTEE

Offered: 3/4/98  
 Referred: Finance

Sponsor(s): REPRESENTATIVE DAVIS

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to fines and to a surcharge imposed for violations of state or  
 2 municipal law and to the Alaska police training fund."

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

4 \* Section 1. AS 12.25.195 is amended by adding a new subsection to read:

5 (c) Disposition of an offense under (a) of this section may not occur unless the  
 6 person cited for the offense pays the surcharge prescribed in AS 12.55.039 in addition  
 7 to the scheduled bail or fine amount. The surcharge required to be paid under this  
 8 subsection shall be deposited into the general fund and accounted for under  
 9 AS 37.05.142.

10 \* Sec. 2. AS 12.25.200(b) is amended to read:

11 (b) A citation issued under AS 12.25.180 must indicate

12 (1) the amount of bail or fine and the surcharge applicable to the  
 13 offense;

14 (2) the procedure a person must follow in responding to the citation;

1 (3) that if the person fails to pay the bail or fine the person must appear  
2 in court;

3 (4) that failure to pay the bail or fine or appear in court for an offense  
4 involving a moving motor vehicle may result in

5 (A) suspension of the person's driver's license, privilege to  
6 drive, or privilege to obtain a license; or

7 (B) attachment of the person's permanent fund dividend to pay  
8 the fine plus court and collection costs under AS 28.05.155; and

9 (5) that the person has a right to

10 (A) a trial;

11 (B) engage counsel;

12 (C) confront and question witnesses;

13 (D) testify; and

14 (E) subpoena witnesses on the person's behalf.

15 \* Sec. 3. AS 12.55.035 is amended by adding a new subsection to read:

16 (f) In imposing a fine, the court may not reduce the fine by the amount of a  
17 surcharge or otherwise consider the applicability of a surcharge to the offense.

18 \* Sec. 4. AS 12.55.039(a) is amended to read:

19 (a) In addition to any fine or other penalty prescribed by law, a defendant who  
20 pleads guilty or nolo contendere to, forfeits bail for, or is convicted of a

21 (1) felony shall be assessed a surcharge of \$85;

22 (2) violation of a misdemeanor offense under AS 28.33.030,  
23 28.33.031, AS 28.35.030, or 28.35.032, or a violation of a municipal ordinance  
24 comparable to a misdemeanor offense under AS 28.33.030, 28.33.031,  
25 AS 28.35.030, or 28.35.032 and adopted under AS 28.01.010, shall be assessed a  
26 surcharge of \$75;

*except - a misdemeanor on the bail schedule*

27 (3) misdemeanor, or a violation of a municipal ordinance if a  
28 sentence of incarceration may be imposed for the ordinance violation, other than  
29 a provision identified in (2) of this subsection, shall be assessed a surcharge of  
30 \$45;

31 (4) violation or an infraction under state law or a violation of a  
*misdemeanor that are on Bail Schedule*

## House Bill 261: Issues discussed 3/9/98

**Question:** Why are only certain DUI statutes cited? (Section 4, page 2, lines 22 – 26)

The statutes for operating a commercial vehicle while intoxicated do not mirror those for operating a vehicle or watercraft while intoxicated. The specific violations are contained in different sections of statutes, as shown below.

AS 28.33.030: Operating a commercial vehicle while intoxicated

- Operating a commercial motor vehicle while intoxicated a class A misdemeanor
- Sentencing as if convicted under 28.35.030

AS 28.33.031: Implied consent (there is no separate statute for refusal to submit)

- Refusal to submit to a chemical test authorized under this section is a Class B misdemeanor and punishable under AS 28.35.032

Sec. 28.35.030: Operating a vehicle, aircraft or watercraft while intoxicated

- Operating or driving a motor vehicle an aircraft or a watercraft a class A misdemeanor unless, the person is convicted of driving while intoxicated and has been previously convicted two or more times within the five years preceding the date of the present offense, then it's a class C felony
- Contains sentencing and fine amounts (these are used for commercial vehicles as well (see AS 28.33.030)

Sec. 28.35.031: Implied consent (this was not included because the crime of refusing to submit is contained in a separate statute)

Sec. 28.35.032: Refusal to submit to chemical test

- Refusal to submit to a chemical test authorized by AS 28.33.031(a) or AS 28.35.031(a) or (g) is a class A misdemeanor unless the person is convicted and has been previously convicted two or more times within the five years preceding the date of the present offense.
- Contains sentencing and fine amounts

**Question:** What kind of policy call do we want to make requiring less serious misdemeanors that have not incarceration period and small fine amounts?

An amendment has been prepared to specify that misdemeanors for which sentences of incarceration may be imposed carry the higher \$45 surcharge. Misdemeanors that do not carry a possible sentence of incarceration (although still criminal in nature) are included with the violations and infractions that have the lower \$15 surcharge

A further break down the more minor offenses provides that those carrying a fine or bail forfeiture of \$30 or more would receive a \$15 surcharge, and those carrying a fine or bail forfeiture of less than \$15 would receive a \$5 surcharge.

**Question:** What about the costs to municipalities

It is my understanding that municipalities pay for municipal prosecutors and public defenders from their municipal budgets. Fines on violations of municipal ordinances may be paid one of two ways.

If a municipality does not have its own accounting system, the state court system collects the money. The court system forwards the amount of the fine to the municipality and the surcharge amount to the state. Municipalities are charged 10 percent of the fine for this service.

If a municipality has its own accounting system, the fine is sent directly to the municipality. It is then the municipality's responsibility to forward the surcharge to the state. I have requested a list of those municipalities that collect their own surcharges. I have contacted the Municipality of Anchorage to determine if they believe there will be an increase in their costs of accounting for these surcharges. According to the police department bookkeeping section, this would not increase their costs.

**Question:** What are the fine amounts

Alaska statutes setting out the fines for felonies and misdemeanors are attached. A copy of the bail forfeiture schedule contained in the Alaska Rules of court is attached. A cursory search of the statutes for fines on misdemeanors shows that fines can range from \$50 to \$10,000.

**Question:** What's the difference between bail forfeiture and a fine.

A fine is the monetary penalty to be paid on an offense. Fines are normally set out in statute, and depend upon the type of offense. In many instances a monetary range is provided giving the judge discretion in setting the actual fine amount.

Alaska statutes also provide the supreme court to establish schedules of payments to be made. To summarize AS 45.75.133, Bail forfeiture, the supreme court establishes a schedule of bail amounts (fines) for violations that may be disposed of without court appearance. The bail forfeiture amount may not exceed the maximum fine specified by law.

If a person cited can dispose of the violation without a court appearance, the amount of bail forfeiture applicable to the offense is written on the citation. The person may pay the amount of bail on the citation and provide a copy of the citation indicating the right to an appearance is waived, a plea of no contest is entered and bail is forfeited. In this event the court enters a judgment of conviction and forfeiture of bail is a complete satisfaction for the violation.

If the person cited for this same offense appears in court and is found guilty, the court may not impose a penalty (fine) that exceeds the bail forfeiture amount. Failure to appear in court or pay the bail forfeiture amount is guilty of a class B misdemeanor.

**Question:** What are the actual fiscal impacts and benefits of the legislation

Laddie Shaw with the Alaska Police Standards Council has prepared a new fiscal note which he will explain at the meeting.

The legislature is authorized to appropriate money from the police training fund to the public safety training academy, including village public safety officers, and to the Alaska Police Standards Council (APSC) to provide training for law enforcement and corrections. The legislature appropriated 100 percent of the fund to the APSC in FY 96 and FY 97. The APSC distributed a portion of the funds using reimbursable service agreements to the state training academy in Sitka.

**AS 11.81.250. Classification of offenses.**

(a) For purposes of sentencing under AS 12.55, all offenses defined in this title, except murder in the first and second degree, attempted murder in the first degree, sexual assault in the first degree, sexual abuse of a minor in the first degree, misconduct involving a controlled substance in the first degree, and kidnapping, are classified on the basis of their seriousness, according to the type of injury characteristically caused or risked by commission of the offense and the culpability of the offender. Except for murder in the first and second degree, attempted murder in the first degree, sexual assault in the first degree, sexual abuse of a minor in the first degree, misconduct involving a controlled substance in the first degree, and kidnapping, the offenses in this title are classified into the following categories:

(1) class A felonies, which characteristically involve conduct resulting in serious physical injury or a substantial risk of serious physical injury to a person;

(2) class B felonies, which characteristically involve conduct resulting in less severe violence against a person than class A felonies, aggravated offenses against property interests, or aggravated offenses against public administration or order;

(3) class C felonies, which characteristically involve conduct serious enough to deserve felony classification but not serious enough to be classified as A or B felonies;

(4) class A misdemeanors, which characteristically involve less severe violence against a person, less serious offenses against property interests, less serious offenses against public administration or order, or less serious offenses against public health and decency than felonies;

(5) class B misdemeanors, which characteristically involve a minor risk of physical injury to a person, minor offenses against property interests, minor offenses against public administration or order, or minor offenses against public health and decency;

(6) violations, which characteristically involve conduct inappropriate to an orderly society but which do not denote criminality in their commission.

(b) The classification of each felony defined in this title, except murder in the first and second degree, attempted murder in the first degree, sexual assault in the first degree, sexual abuse of a minor in the first degree, misconduct involving a controlled substance in the first degree, and kidnapping, is designated in the section defining it. A felony under Alaska law defined outside this title for which no penalty is specifically provided is a class C felony.

(c) The classification of each misdemeanor defined in this title is designated in the section defining it. A misdemeanor under Alaska law defined outside this title for which no penalty is provided is a class A misdemeanor.

**AS 11.81.900: Definitions**

(b)(58) "violation" is a noncriminal offense punishable only by a fine, but not by imprisonment or other penalty, conviction of a violation does not give rise to any disability or legal disadvantage based on conviction of a crime; a person charged with a violation is not entitled (A) to a trial by jury, or (B) to have a public defender or other counsel appointed at public expense to represent the person

**AS 12.55.035. Fines.**

(a) Except as provided in AS 12.55.036, upon conviction of an offense, a defendant may be sentenced to pay a fine as authorized in this section or as otherwise authorized by law.

(b) Except as provided in AS 12.55.036, upon conviction of an offense, a defendant who is not an organization may be sentenced to pay, unless otherwise specified in the provision of law defining the offense, a fine of no more than

(1) \$75,000 for murder in the first or second degree, attempted murder in the first degree, sexual assault in the first degree, sexual abuse of a minor in the first degree, kidnapping, or misconduct involving a controlled substance in the first degree;

(2) \$50,000 for a class A, B, or C felony;

(3) \$5,000 for a class A misdemeanor;

(4) \$1,000 for a class B misdemeanor;

(5) \$300 for a violation.

(c) Except as provided in AS 12.55.036, upon conviction of an offense, a defendant that is an organization may be sentenced to pay a fine not exceeding the greater of

(1) an amount that is

(A) \$500,000 for a felony offense or for a misdemeanor offense that results in death;

(B) \$200,000 for a class A misdemeanor offense that does not result in death;

(C) \$25,000 for a class B misdemeanor offense that does not result in death;

(D) \$10,000 for a violation;

(2) two times the pecuniary gain realized by the defendant as a result of the offense;

or

(3) two times the pecuniary damage or loss caused by the defendant to another, or to the property of another, as a result of the offense.

(d) If a defendant is sentenced to pay a fine, the court may grant permission for the payment to be made within a specified period of time or in specified installments.

(e) In imposing a fine under (c) of this section, in addition to any other relevant factors, the court shall consider

(1) measures taken by the organization to discipline an officer, director, employee, or agent of the organization;

(2) measures taken by the organization to prevent a recurrence of the offense;

(3) the organization's obligation to make restitution to a victim of the offense, and the extent to which imposition of a fine will impair the ability of the organization to make restitution; and

(4) the extent to which the organization will pass on to consumers the expense of the fine.

**Sec. 12.55.036. Day fines.**

(a) Upon conviction of a misdemeanor, other than a violation of AS 11.41 and AS 11.56.740, a defendant may be sentenced to pay a day fine as authorized by this section. If a day fine is imposed under this section, the defendant may not be sentenced to pay a fine under AS 12.55.035, serve a term of imprisonment, or be placed on probation.

(b) The Alaska Supreme Court shall adopt a day fine plan that includes

(1) an assessment of the gravity of all misdemeanor offenses, which assessment must include the existence of prior offenses, and the assignment of presumptive penalties to them in day fine units within the following ranges:

(A) for class A and unclassified misdemeanors, not to exceed 365-day fine units;

(B) for class B misdemeanors, not to exceed 90-day fine units;

(2) a schedule of the presumptive day fine penalties;

(3) procedures for a court to increase or decrease the presumptive day fine penalties if the court finds the existence of an aggravating factor under AS 12.55.155(c) or a mitigating factor under AS 12.55.155(d);

(4) a table for the conversion of a defendant's actual, potential, or estimated gross income, less one-third for a defendant above the federal poverty guideline as determined by the United States Department of Health and Human Services, and less one-half for a defendant below the federal poverty guideline into net daily income amounts; the table must include adjustments for the number of dependents actually supported by the defendant;

(5) procedures for a court to gather information about the defendant's occupation, actual, estimated, and potential income, number of dependents, and other facts necessary or relevant to sentencing a person to a day fine; a court may order the production of the financial or other records of a person it determines to be relevant to a determination under this section; the procedures must include a requirement that the facts shall be received

(A) under oath so that the defendant is subject to prosecution under AS 11.56.200; or

(B) in a writing or recording that bears notice that false statements made in it are punishable under AS 11.56.210; and

(6) other information the court determines to be necessary for implementing the day fine plan.

(c) The amount of a day fine shall be the product of the net daily income of the defendant, adjusted for the number of dependents actually supported by the defendant, times the day fine penalty. When imposing a sentence of a day fine, the court shall

(1) state on the record the

(A) presumptive day fine penalty for the offense, and whether the court is adjusting the presumptive day fine penalty for the existence of aggravating or mitigating factors;

(B) net daily income of the income of the defendant, adjusted for the number of dependents actually supported by the defendant; and

(C) amount of the day fine;

(2) make written findings of the facts considered in

(A) finding the existence of aggravating or mitigating factors and in assigning a value to those factors; and

(B) determining the defendant's gross and daily net incomes.

(d) When imposing a sentence of a day fine, the court may permit the payment of the day fine in specified installments or within a certain period of time, provided the entire day fine is paid within 180 days of imposition.

(e) A sentence imposing a day fine shall be considered a civil judgment for the day fine. The Department of Law shall enforce the judgment and may utilize any procedure available for the enforcement of civil judgments. If the Department of Law uses the civil process of the court to enforce or collect a day fine, the department shall be awarded costs and attorney fees.

(f) The Alaska Court System shall evaluate and prepare a report every two years not later than February 1 on the use of day fines and their effectiveness. The court system shall notify the legislature that the report is available. The report must include

(1) a comparison of the number of defendants receiving a day fine as a sentence with the number of other defendants, eligible to receive a day fine, who receive another sentence;

(2) a comparison of the recidivism rates between defendants receiving a day fine with other defendants,

(A) eligible for a day fine, who receive another sentence; and

(B) not eligible for a day fine, who receive another sentence;

(3) the potential savings to the state from the number of defendants who are eligible to receive a sentence of imprisonment, and who receive a day fine, assuming those defendants would have been sentenced to a term of imprisonment;

(4) the amount of day fines collected, the success rate of collections, and the number of cases requiring civil process to collect the day fine; and

(5) recommendations concerning expansion or restriction of the use of day fines, including proposals for legislation.

(g) Money collected under this section shall be deposited into the general fund and separately accounted for under AS 37.05.142. The annual estimated balance in the account maintained under AS 37.05.142 for day fines collected under this section may be appropriated by the legislature as follows: (1) 25 percent of the annual estimated balance for grants and claims paid by the Council on Domestic Violence and Sexual Assault; (2) 25 percent of the annual estimated balance for grants and claims paid by the Violent Crimes Compensation Board; and (3) the balance for any lawful purpose. Nothing in this subsection creates a dedicated fund.

**AS 12.55.135. Sentences of imprisonment for misdemeanors.**

(a) A defendant convicted of a class A misdemeanor may be sentenced to a definite term of imprisonment of not more than one year.

(b) A defendant convicted of a class B misdemeanor may be sentenced to a definite term of imprisonment of not more than 90 days unless otherwise specified in the provision of law defining the offense.

(c) A defendant convicted of assault in the fourth degree committed in violation of the provisions of an order issued or filed under AS 18.66.100 - 18.66.180 or issued under former AS 25.35.010 or 25.35.020 shall be sentenced to a minimum term of imprisonment of 20 days.

(d) A defendant convicted of assault in the fourth degree who knowingly directed the conduct constituting the offense at a uniformed or otherwise clearly identified peace officer, fire fighter, correctional employee, emergency medical technician, paramedic, ambulance attendant, or other emergency responder who was engaged in the performance of official duties at the time of the assault shall be sentenced to a minimum term of imprisonment of

(1) 60 days if the defendant violated AS 11.41.230(a)(1) or (2);

(2) 30 days if the defendant violated AS 11.41.230(a)(3).

(e) If a defendant is sentenced under (c) or (d) of this section,

(1) execution of sentence may not be suspended and probation or parole may not be granted until the minimum term of imprisonment has been served;

(2) imposition of a sentence may not be suspended except upon condition that the defendant be imprisoned for no less than the minimum term of imprisonment provided in the section; and

(3) the minimum term of imprisonment may not otherwise be reduced.

(f) A defendant convicted of vehicle theft in the second degree in violation of AS 11.46.365(a)(1) shall be sentenced to a definite term of imprisonment of at least 72 hours but not more than one year.

Valdez	3VA
Whittier	3WH
<b>Fourth District</b>	
Aniak	4AK
Bethel	4BE
Delta Junction	4DJ
Fairbanks	4FA
Fort Yukon	4FY
Galena	4GA
Healy	4HB
Kasigluk (closed)	4KS
McGrath	4MC
Mekoryuk	4ME
Nenana	4NE
Quinhagak	4QU
Rampart (closed)	4RA
Tanana	4TA
Tok	4TO
Tunuuak	4TU

(Adopted by SCO 412 effective July 1, 1980; amended by SCO 478 effective August 17, 1981; by SCO 541 effective October 1, 1982; by SCO 564 effective April 4, 1983; by SCO 565 effective May 3, 1983; by SCO 617 effective May 15, 1985; by SCO 672 effective June 15, 1986; by SCO 1034 effective June 14, 1990; by SCO 1035 effective nunc pro nunc February 1, 1991; and by SCO 1132 effective July 15, 1993)

**Cross References**

**CROSS-REFERENCES:** Administrative Bulletin No. 7 (Case Numbering)

**Rule 42. Docketing.**

There shall be no court docket kept on any case filed in the district or superior court. Any dockets prepared prior to the effective date of this rule shall continue to be maintained until a final disposition has been entered in the case. No rule of court shall be interpreted to require docketing of documents or hearings.

(Adopted by SCO 412 effective July 1, 1980; amended by SCO 554 effective April 4, 1983; by SCO 630 effective September 15, 1985; and by SCO 656 effective September 15, 1985)

**Rule 43. Bail Forfeiture Schedules.**

(a) **Procedure for Adopting Bail Forfeiture Schedule.** The supreme court will consider adopting a bail forfeiture schedule only when so authorized by statute. The agency charged with enforcement under a statute for which a bail forfeiture schedule has been authorized shall forward to the administrative director its recommendations for a proposed schedule, listing offenses by number, describing the offenses, and proposing a bail forfeiture amount. The

proposed schedule shall be accompanied by commentary explaining the basis for the agency's recommendation, and by a copy of the proposed citation form. The supreme court shall consider the recommendation, and shall determine whether to adopt a bail forfeiture schedule, and if so, shall determine which offenses are amenable to disposition by bail forfeiture and whether the bail forfeiture amounts are appropriate. The administrative director shall notify the agency when an order adopting the schedule is issued.

(b) **Procedures for Amending Bail Forfeiture Schedules.**

(1) By July 1 of each year, each agency charged with enforcement under a statute for which a bail forfeiture schedule has been authorized shall forward to the administrative director of the Alaska Court System its written recommendation concerning whether the schedule must be amended to reflect any legislative and regulatory changes, or whether policy considerations warrant revisions. Any proposed amendments shall be accompanied by commentary. The supreme court shall consider the agency's recommendations and determine by October 1 whether to adopt them. If it will be impractical for the court to respond by that date, the administrative director will inform the agency of the date by which the response can be expected. The administrative director shall notify the agency when an order amending the schedule is issued.

(2) In addition to the provisions of paragraph (b)(1), an agency may request a bail forfeiture schedule amendment whenever the need arises.

(3) Any person or agency may request a bail forfeiture schedule amendment at any time by proposing an amendment in writing to the chief justice or to the administrative director.

(Adopted by SCO 412 effective July 1, 1980; amended by SCO 651 effective July 1, 1985; and by SCO 1180 effective July 15, 1995)

**Rule 43.1. Traffic Bail Forfeiture Schedule.**

Pursuant to AS 28.05.151, the following vehicle and traffic offenses are amenable to disposition without court appearance upon payment and forfeiture of the bail amounts listed. If a person charged with one of these offenses appears in court and is found guilty, the penalty imposed for the offense may not exceed the bail amount for that offense listed below. An offense for which a bail forfeiture amount has been established shall be charged on a citation which meets the requirements of District Court Criminal Rule 8(c) and shall not be filed, numbered or processed as a criminal case.

Effective January 1, 1996, as a condition of the

# ADMINISTRATIVE RULES

## Rule 43.1

disposition without appearance of an offense under AS 28 or a regulation adopted under AS 28, the defendant shall pay a surcharge of \$10 in addition to the bail forfeiture amount listed below. The surcharge applies only to offenses occurring after December 31, 1995. A court may allow a defendant who is unable to pay the surcharge to perform community work under AS 12.55.055(c) in lieu of the surcharge. The surcharge must be deposited into the general fund in a separate account designated for such surcharges.

Statute or Regulation	Description of Offense	Bail	Statute or Regulation	Description of Offense	Bail
			AS 28.35.235	Unauthorized use of handicapped parking	100
			AS 28.35.251	Contained or confined loads	100
			13 AAC 02.005(a)	Disobedience to traffic control devices	30
			13 AAC 02.010 (a)(1)(A&B)	FTY to vehicle in intersection after green signal	50
			13 AAC 02.010 (a)(1)(A&B)	FTY to pedestrian in crosswalk after green signal	50
			13 AAC 02.010 (a)(3)(A)	Failure to stop for steady red traffic signal	50
			13 AAC 02.010 (a)(3)(B)	FTY when turning on red signal	50
AS 05.30.010	Operating an unregistered snow vehicle	\$20	13 AAC 02.010 (a)(3)(B)	Turning on red signal when prohibited	30
AS 05.30.040(a)	Failure to display snow vehicle numbered registration decal	20	13 AAC 02.010 (a)(3)(C)	Failure to stop for steady red arrow	50
AS 28.05.095(a)	Failure to wear safety belt (age 16 and older: passenger or driver)	15	13 AAC 02.010(b)	Position of vehicle stopping at intersection	30
AS 28.05.095(b)	Failure to provide child safety device. (Note: First charge may be dismissed by court upon proof of correction, but second or subsequent charge is not dismissible)	50	13 AAC 02.015	Failure to obey pedestrian control signal	20
AS 28.05.095(b)	Failure to properly secure child in child safety device	50	13 AAC 02.020 (a)(1)	Failure to yield after stopping for flashing red signal	50
AS 28.05.095(d)	Illegal removal of vehicle seatbelt	15	13 AAC 02.020 (a)(1)	Failure to stop for flashing red signal	50
AS 28.10.451	Failure to register vehicle	50	13 AAC 02.025	Lane use control signals	30
AS 28.10.461	Plates/decals/permits must be properly attached and displayed	20	13 AAC 02.030(a)	Display of unauthorized signs, signals, or markings	20
AS 28.10.461	Failure to carry certificate of registration in vehicle	20	13 AAC 02.050(a)	Failure to drive on right side of roadway	30
AS 28.10.471	Operating vehicle w/expired registration	50	13 AAC 02.050 (a)(3)	FTY when driving left of obstructed roadway	50
AS 28.15.011(b)	Driving with license expired less than one year	50	13 AAC 02.050(b)	Vehicle not to use left lane at less than speed limit	30
AS 28.15.021(2)	Driving with out-of-state license after 90 days in state	50	13 AAC 02.050(b)	Turn off required when 5 or more vehicles are behind	50
AS 28.35.029	Open container of alcoholic beverage in motor vehicle	50	13 AAC 02.055(a)	Improper overtaking on right	30
AS 28.35.031(e)	Refusal to submit to a preliminary breath test	50	13 AAC 02.055(b)	Return to lane only when clear	50
AS 28.35.135(b)	Failure to notify dept. of change of name/address	20	13 AAC 02.060(a)	Limitations on driving left of center	30
AS 28.35.140	Obstructing or blocking traffic	20	13 AAC 02.065(a)	Improper overtaking on the left	30
AS 18.35.145(e)	Ownership of a vehicle which illegally passes a school bus	50	13 AAC 02.065(a)	FTY to overtaking vehicle	50
AS 28.35.180	Disobedience to signal of officer regulating traffic	30	13 AAC 02.065(b)	FTY to on-coming traffic when passing	50
			13 AAC 02.070	FTY 1/2 of roadway to on-coming vehicle and failure to pass on right of on-coming vehicle	50
			13 AAC 02.075(b)	Passing/driving left of center in no pass zone	50
			13 AAC 02.080 (b-c)	Wrong way on one-way roadway	30
			13 AAC 02.085(a)	Improper lane change	30
			13 AAC 02.085(b)	Improper use of center lane of 3-lane roadway	30

Rule 43.1

ALASKA RULES OF COURT

Statute or Regulation	Description of Offense	Ball	Statute or Regulation	Description of Offense	Ball
13 AAC 02.090 (a-c)	Following too closely	50	13 AAC 02.215 (a-f)	Signals required turn/stop/slowing-discontinues after	30
13 AAC 02.095(a)	Driving over, across or within barrier/median	50	13 AAC 02.240 (a-b)	Obedience to train signals and barriers	50
13 AAC 02.095(a)	Failure to stay on right side of divided highway	50	13 AAC 02.250(a)	Certain vehicles to stop at all railroad crossings	50
13 AAC 02.095(c)	Improper entry/exit—controlled-access highway	30	13 AAC 02.255(a&b)	Heavy equipment to give notice of RR crossing	20
13 AAC 02.107	Drive nearest right edge on narrow/winding roadway	30	13 AAC 02.255(a&c)	Heavy equipment to stop at RR crossing	50
13 AAC 02.120(a)	FTY to vehicle on right at unsigned intersection	50	13 AAC 02.257	Give warning w/horn when vision restricted/alley/driveway/bldgs	30
13 AAC 02.120(b)	FTY to vehicle entering intersection after stop	50	13 AAC 02.257	Stop: Emerging from alley/driveway/building	50
13 AAC 02.125	FTY when turning left	50	13 AAC 02.257	Position of stop when emerging from alley/driveway/bldg	30
13 AAC 02.130(b)	Improper position of vehicle stopping at stop sign	30	13 AAC 02.265	Stop when traffic may be obstructed	30
13 AAC 02.130	FTY after stopping or at yield sign	50	13 AAC 02.275(a)	Basic speed: Reasonable & prudent for road conditions	30
13 AAC 02.130(b)	Failure to stop for stop sign	50	13 AAC 02.275(b)	Speeding:	
13 AAC 02.135(b)	FTY when entering roadway from non-roadway	50		3—19 mph over posted limit	4/mi
13 AAC 02.140(c)	Driver of emergency vehicle not to disregard safety	30	13 AAC 02.280 (a-d)	Altered speed limits:	
13 AAC 02.150 (a-b)	Pedestrians subject to traffic regulations	20		3—19 mph over posted limit	4/mi
13 AAC 02.155(a)	FTY to pedestrian in crosswalk	50	13 AAC 02.295	Minimum speed regulation	30
13 AAC 02.155(b)	Pedestrian to exercise due caution	20	13 AAC 02.325(a)	Speed limitation on motor-driven cycles at night	30
13 AAC 02.155(c)	Vehicle not to pass vehicle stopped for pedestrian	50	13 AAC 02.325 (b)&(c)	Special speed limit when:	
13 AAC 02.155(e)	Not to drive within or through pedestrian safety zone	30		(b) Towing mobile home or	
13 AAC 02.160 (a-f)	Pedestrian crossing at other than crosswalks	20		(e) Passing school bus with flashing yellow lights	4/mi
13 AAC 02.175 (a-e)	Pedestrian to use sidewalk/left edge of roadway and not interfere, sleep, loiter or obstruct	20	13 AAC 02.325(c)	Driving with lighted headings at unreasonable speed	30
13 AAC 02.180	Pedestrian not to distract drivers when soliciting rides and pedestrian not to solicit employment, business or contributions from vehicle occupants	20	13 AAC 02.325(f)	Overweight, oversize or excess speed when crossing over bridge or through tunnel	
13 AAC 02.190(a)	FTY to pedestrian w/white cane/guide dog	50		3—19 mph over	4/mi
13 AAC 02.190(b)	Not to use white cane/guide dog unless blind	20		Overwidth	25/ft
13 AAC 02.195(a)	Pedestrian FTY to authorized emergency vehicle	20		Overlength	10/ft
13 AAC 02.200 (a-c)	Improper position/method turning at intersection	30		Overweight	.05/lb
13 AAC 02.205 (a-b)	U-turn only when safe/not on hill, crest or curve	30	13 AAC 02.340(a-d except (d)(1)(L))	Stopping/standing/parking on highway/other location	10
13 AAC 02.210	Improper start from parked/stopped standing	30	13 AAC 02.340(d) (1)(L)	Handicapped parking	100
			13 AAC 02.365 (a-g)	Additional parking regulations	10
			13 AAC 02.367(d)	Not to stop/stand/park in loading zone	10
			13 AAC 02.372(b)	Position of bus stopping to load/unload passengers	10
			13 AAC 02.372(c)	Taxi cab restrictions on standing/parking	10

# ADMINISTRATIVE RULES

# Rule 43.1

Statute or Regulation	Description of Offense	Bail	Statute or Regulation	Description of Offense	Bail
13 AAC 02.372(d)	Stop/stand in bus stop/taxi stand	10	13 AAC 02.545(a)	Drinking while driving	50
13 AAC 02.377 (c-f)	Parking meter violations	7	13 AAC 02.545(b)	Drivers to exercise due care to avoid collision	30
13 AAC 02.395 (b-e)	Special bicycle violations	20	13 AAC 03.005(a)	Commercial vehicle: Disobedience to traffic control devices	90 or MCA*
13 AAC 02.400 (a-h)	Riding bicycles on roadways/bike paths	20	13 AAC 03.010(a)(1) (A&B)	Commercial vehicle: FTY to vehicle in intersection after green signal	150 or MCA*
13 AAC 02.420 (a-c)	Parking of bicycles	10	13 AAC 03.010(a)(1) (A&B)	Commercial vehicle: FTY to pedestrian in crosswalk after green signal	150 or MCA*
13 AAC 02.425 (a-d)	Special motorcycle violations	30	13 AAC 03.010(a)(3) (A)	Commercial vehicle: Failure to stop for steady red traffic signal	150 or MCA*
13 AAC 02.427(a)	Motor vehicle not to deprive motorcycle of full lane use	30	13 AAC 03.010(a)(3) (B)	Commercial vehicle: FTY when turning on red signal	150 or MCA*
13 AAC 02.427(a)	Motorcycles more than two abreast	30	13 AAC 03.010(a)(3) (C)	Commercial vehicle: Failure to stop for steady red arrow	150 or MCA*
13 AAC 02.427(b)	Motorcycle passing in same lane as other motor vehicle	30	13 AAC 03.050(a)	Commercial vehicle: Failure to drive on right side of roadway	90 or MCA*
13 AAC 02.445	Snowmobile and other off-highway vehicle violations	20	13 AAC 03.050(a)(3)	Commercial vehicle: FTY when driving left of obstructed roadway	150 or MCA*
13 AAC 02.455 (a-g)	Snowmobiles and other off-highway vehicle operation on highways and other locations	20	13 AAC 03.050(b)	Commercial vehicle: Turn off required when 5 or more vehicles are behind	150 or MCA*
13 AAC 02.480	Requirements for unattended motor vehicle	20	13 AAC 03.055(a)	Commercial vehicle: Improper overtaking on right	90 or MCA*
13 AAC 02.482(a)	Bicycles/pedestrians traveling in prohibited area	20	13 AAC 03.055(b)	Commercial vehicle: Return to lane only when clear	150 or MCA*
13 AAC 02.482(a)	Driving a motor vehicle where prohibited	30	13 AAC 03.060(a)	Commercial vehicle: Limitations on driving left of center	90 or MCA*
13 AAC 02.482(b)	Non-motorized vehicle to yield to traffic on roadway	20	13 AAC 03.065(a)	Commercial vehicle: Improper overtaking on the left	90 or MCA*
13 AAC 02.485 (a-b)	Limitation on backing	30	13 AAC 03.065(a)	Commercial vehicle: FTY to overtaking vehicle	150 or MCA*
13 AAC 02.487	Driving vehicle on sidewalk	30			
13 AAC 02.495 (a-c)	Obstructing driver's view/control of vehicle	30			
13 AAC 02.495(d)	Opening doors/entering or leaving when vehicle in motion	20			
13 AAC 02.495 (e-f)	Person riding outside vehicle or in trailer	20			
13 AAC 02.497(a)	Interfering w/funeral procession	30			
13 AAC 02.497(b)	Requirements for drivers in funeral procession	30			
13 AAC 02.497(c)	Permit requirements for funeral procession/parade	20			
13 AAC 02.505 (d-e)	Motor vehicle drivers to exercise due care re/animals	30			
13 AAC 02.515	Coasting prohibited	30			
13 AAC 02.517 (a-g)	Emergency vehicle regulations	30			
13 AAC 02.520(a)	Following emergency vehicle closer than 500 feet	50			
13 AAC 02.520(b)	Improper stopping/parking at emergency scene	20			
13 AAC 02.520(c)	Crossing fire hose	30			
13 AAC 02.530(d)	Haal/drag material causing damage to highway	30			
13 AAC 02.532	RR trains not to block roadways	20			

Rule 43.1

ALASKA RULES OF COURT

Statute or Regulation	Description of Offense	Ball	Statute or Regulation	Description of Offense	Ball
13 AAC 03.065(b)	Commercial vehicle: FTY to oncoming traffic when passing	150 or MCA*	13 AAC 03.295	Commercial vehicle: Minimum speed regulation	90 or MCA*
13 AAC 03.070	Commercial vehicle: FTY 1/2 of roadway to oncoming vehicle and failure to pass on right of oncoming vehicle	150 or MCA*	13 AAC 03.325(b), (c), (e)	Commercial vehicle special speed limit when: (b) Towing mobile home, or (c) Equipped with lighted headlights, or (e) Passing school bus with flashing yellow lights 3-14 mph over	12/mi. or MCA*
13 AAC 03.080(b-c)	Commercial vehicle: Wrong way on one-way roadway	90 or MCA*	13 AAC 03.325(f)	Commercial vehicle: Overweight, oversize or excess speed when crossing over bridge or through tunnel	12/mi. or MCA*
13 AAC 03.085(b)	Commercial vehicle: Improper use of center lane of 3-lane roadway	90 or MCA*		3-14 mph over	25/ft or MCA*
13 AAC 03.095(a)	Commercial vehicle: Driving over, across or within barrier/modian	150 or MCA*		Overlength	10/ft or MCA*
13 AAC 03.095(a)	Commercial vehicle: Failure to stay on right side of divided highway	150 or MCA*		Overweight	.05/lb or MCA*
13 AAC 03.095(c)	Commercial vehicle: Improper entry/exit-controlled-access highway	90 or MCA*	13 AAC 04.003	Minimum equipment required for sale/rent/lease/loan	20
13 AAC 03.107	Commercial vehicle: Drive nearest right edge on narrow/winding roadway	90 or MCA*	13 AAC 04.004 (a-c)	Sale or use of equipment	20
13 AAC 03.155(a)	Commercial vehicle: FTY to pedestrian in crosswalk	150 or MCA*	13 AAC 04.005(a)	Disconnection/alteration of equipment	20
13 AAC 03.155(b)	Pedestrian to exercise due caution	20	13 AAC 04.005(b)	Operating a vehicle modified to be too low or too high	250
13 AAC 03.155(c)	Commercial vehicle: Not to pass vehicle stopped for pedestrian	150 or MCA*	13 AAC 04.005(c)	Operating a vehicle with features or load adversely affecting steering, braking or stability	100
13 AAC 03.155(e)	Commercial vehicle: Not to drive within or through pedestrian safety zone	90 or MCA*	13 AAC 04.006 (b-c)	Submit to roadside vehicle inspection	30
13 AAC 03.275(a)	Commercial vehicle basic speed: Reasonable & prudent for road conditions	90 or MCA*	13 AAC 04.009 (a-c)	Prohibited practices— Inspection/repair	20
13 AAC 03.275(b)	Commercial vehicle speeding: 3-14 mph over posted limit	12/mi. or MCA*	13 AAC 04.010	Illuminate lights as required	30
13 AAC 03.280 (a-d)	Commercial vehicle altered speed limits: 3-14 mph over posted limit	12/mi. or MCA*	13 AAC 04.015(d)	Lights must be in good working order, securely mounted, not obstructed	20
			13 AAC 04.020(e) (1&2)	Headlight dimming requirements	30
			13 AAC 04.070(e)	Parking lights not used when vehicle in motion	30
			13 AAC 04.095(d), (g),(i)	Flashing yellow lights used when required	30
			13 AAC 04.097(a)	Use of flashing red light school bus	30
			13 AAC 04.100 (a-b)	Improper use of flashing blue lights	30

# ADMINISTRATIVE RULES

## Rule 43.1

Statute or Regulation	Description of Offense	Bail
13 AAC 04.145 (a—e)	Improper use of auxiliary/spot lights	30
13 AAC 04.145(f)	Use of lights in colors not authorized	30
13 AAC 04.205(d) & (e)	Improper towing	100
13 AAC 04.210(a)	Failure to give audible warning as required	20
13 AAC 04.225 (a—b)	View not to be obstructed	30
13 AAC 04.240 (a—c)	Flares/other warning devices requirements	20
13 AAC 04.245(a—i)	Display of warning lights/devices	20
13 AAC 04.247(d)	Improper use of signs/stop arm on school bus	30
13 AAC 04.252 (a—c)	Slow moving vehicle emblem requirements	20
13 AAC 04.260 (a—c)	Restrictions on television/headset in motor vehicle	20
13 AAC 04.275 (a—e)	Connections/safety devices—towed vehicles	20
13 AAC 04.320(d)	Lights turned on when on Hwy. — Motor driven cycle	30
13 AAC 04.350(a)	Helmet required minors/passengers (AS 28.35.245 exempts adults)	20
13 AAC 04.350(b)	Eye-protective device required when no windscreen	20
13 AAC 04.350(c)	Minimum equip. for rent/lease/loan of motorcycle	20

\* If this offense resulted in physical injury to a person, the officer must cite it as a mandatory court appearance (MCA). If there was no physical injury to a person, the offense should be cited as a mail-in-bail offense at the bail forfeiture amount listed.

## Rule 43.1

## ALASKA RULES OF COURT

State Regulation	Federal Regulation	Description of Offense	Ball
13 AAC 05.020(a)(1)	49 CFR 390.15	Records and assistance required to be available	\$300
13 AAC 05.020(a)(1)	49 CFR 390.21	Marking of commercial vehicles	100
13 AAC 05.020(a)(2)	49 CFR 391.41	Driving A CV without medical examiner's certificate in possession	100
13 AAC 05.020(a)(3)	49 CFR 392.4	Possession/influence/use of drugs/other substances while on duty	300
13 AAC 05.020(a)(3)	49 CFR 392.6	Carrier schedule requires violation of speed limits	300
13 AAC 05.020(a)(3)	49 CFR 392.7	Failure to check/use parts and accessories	100
13 AAC 05.020(a)(3)	49 CFR 392.8	Failure to check/use emergency equipment	50
13 AAC 05.020(a)(3)	49 CFR 392.9	Safe loading of cargo and passengers required	300
13 AAC 05.020(a)(3)	49 CFR 392.9a	Corrective lenses to be worn	100
13 AAC 05.020(a)(3)	49 CFR 392.9b	Hearing aid to be worn	100
13 AAC 05.020(a)(3)	49 CFR 392.11	Slow and exercise caution approaching railroad crossing	100
13 AAC 05.020(a)(3)	49 CFR 392.12	Vehicle carrying passengers must stop before drawbridge	100
13 AAC 05.020(a)(3)	49 CFR 392.13	Other commercial vehicle must slow down before drawbridge	100
13 AAC 05.020(a)(3)	49 CFR 392.14	Extreme caution and reduced speed or discontinued operation required in hazardous condition	300
13 AAC 05.020(a)(3)	49 CFR 392.15	Required and prohibited use of turn signals	100
13 AAC 05.020(a)(3)	49 CFR 392.16	Seat belt must be used if installed	100
13 AAC 05.020(a)(3)	49 CFR 392.20	Leaving vehicle unattended without setting parking brake and taking other precautions	300
13 AAC 05.020(a)(3)	49 CFR 392.21	Stop/park on traveled portion of highway	100
13 AAC 05.020(a)(3)	49 CFR 392.22	Hazard warning signals required when stop on highway or shoulder	200
13 AAC 05.020(a)(3)	49 CFR 392.24	Lighted fusee may not be attached to vehicle	100
13 AAC 05.020(a)(3)	49 CFR 392.25	Flame-producing emergency signal may not be used with dangerous cargo	300
13 AAC 05.020(a)(3)	49 CFR 392.30	Lamps must be lighted while moving	100
13 AAC 05.020(a)(3)	49 CFR 392.31	Lamps must be lighted when parked or stopped	100
13 AAC 05.020(a)(3)	49 CFR 392.33	Lamps or reflectors obscured	50
13 AAC 05.020(a)(3)	49 CFR 392.42	Failure to timely notify employer of license revocation	300
13 AAC 05.020(a)(3)	49 CFR 392.50	Unsafe fueling practices	100
13 AAC 05.020(a)(3)	49 CFR 392.51	Reserve fuel carried improperly	200
13 AAC 05.020(a)(3)	49 CFR 392.52	Fueling bus in closed building with passengers aboard	300
13 AAC 05.020(a)(3)	49 CFR 392.60	Transporting unauthorized person	100
13 AAC 05.020(a)(3)	49 CFR 392.61	Allowing unauthorized person to drive	300
13 AAC 05.020(a)(3)	49 CFR 392.62	Bus driver: Conservation/distraction prohibited	100
13 AAC 05.020(a)(3)	49 CFR 392.63	Towing or pushing loaded bus	300
13 AAC 05.020(a)(3)	49 CFR 392.64	Riding in closed vehicle without proper exit	100
13 AAC 05.020(a)(3)	49 CFR 392.65	Sleeper berth: transfer to/from	100
13 AAC 05.020(a)(3)	49 CFR 392.66	Carbon monoxide: Use of vehicle when detected	300
13 AAC 05.020(a)(3)	49 CFR 392.67	No open flame heater while vehicle in motion	300
13 AAC 05.020(a)(3)	49 CFR 392.68	Motive power not to be disengaged	200
13 AAC 05.020(a)(3)	49 CFR 392.69	Sleeper berth: Only one person may occupy while vehicle in motion	100
13 AAC 05.020(a)(5)	49 CFR 395.1(h)	Maximum driving and on-duty time in Alaska	150
13 AAC 05.020(a)(5)	49 CFR 395.8	Driver must record duty status	100
13 AAC 05.020(a)(5)	49 CFR 395.13(c)	Motor carrier may not allow out-of-service driver to drive	300
13 AAC 05.020(a)(5)	49 CFR 395.13(d)	Out-of-service driver may not drive	300
13 AAC 05.020(a)(6)	49 CFR 396.7	Operation in unsafe condition forbidden	300
13 AAC 05.020(a)(6)	49 CFR 396.9(c)(2)	Operation of "Out of Service" vehicle prohibited	300
13 AAC 05.020(a)(6)	49 CFR 396.9(c)(3)	Removal of "Out of Service" sticker prohibited	300
13 AAC 05.020(a)(6)	49 CFR 396.11	Failure to prepare daily vehicle inspection report	50
13 AAC 05.020(a)(6)	49 CFR 396.13	Failure to review/sign last vehicle inspection report	50
13 AAC 05.020(a)(6)	49 CFR 396.17	Periodic inspection and documentation required	50
13 AAC 05.020(a)(7)	49 CFR 399.211	Steps, handholds and deck plates must be maintained	50

# ADMINISTRATIVE RULES

## Rule 43.2

State or Regulation	Description of Offense	Bail
13 AAC 06.020(a)	Refusing to submit vehicle to inspection or test	\$ 30
13 AAC 06.020(b)	Operating vehicle after being directed to have it repaired	20
13 AAC 06.040(a)	Failure to stop & submit to roadside inspection	30
13 AAC 08.140	Unlawful use of classified licenses	30
17 AAC 40.030(a)(1)	Operate vehicle in accordance with general rules at airport	30
17 AAC 40.030 (a) (2), (c)(3)	Speeding: 3—19 mph over prescribed limits	4/mi.
17 AAC 40.030(b) (1—4)	For-hire vehicles must obtain permit	20
17 AAC 40.030(b)(5)	For-hire vehicles not to solicit passengers	20
17 AAC 40.030(c)(1)	Improper operation on runways, taxiways, etc.	30
17 AAC 40.030(c)(4)	Ramp operator's permit required for ramp operation	20
17 AAC 40.030(d)(1) & (d)(3)	Illegal parking/abandoning vehicle	10
17 AAC 40.030(d)(2)	Expired parking meter	7
17 AAC 40.030(e)	Improper operation of vehicle inside buildings	30
17 AAC 40.420(a)	Permit required for operation on landing area/apron/etc.	20
17 AAC 40.420(b)	Operate vehicle for disposing garbage/waste material	20
17 AAC 40.440(b)	Vehicles to have proper identification	20

Note to SCO 1215: The surcharge requirement was added by §§ 2 and 3, ch. 119 SLA 1994, adopting AS 12.55.039 and AS 28.05.151(c). This order is made for the sole reason that the legislature has mandated the amendments.

(Adopted by SCO 775 effective January 1, 1987; amended by SCO 910 effective September 15 1988; by SCO 944 effective September 30, 1988; by SCO 1047 effective nunc pro tunc September 12, 1990; by SCO 1151 effective February 1, 1994; and by SCO 1215 effective July 15, 1995)

### Rule 43.2. Fish and Game Bail Forfeiture Schedule.

Pursuant to AS 16.05.165(b), the following fish and game offenses are appropriate for disposition without court appearance upon payment and forfeiture of the bail amounts listed. If a person charged with one of these offenses appears in court and is found guilty, the penalty imposed for the offense may not exceed the bail amount for that offense listed below. An offense for which a bail forfeiture

amount has been established shall be charged on a citation which meets the requirements of District Court Criminal Rule 8(c) and shall not be filed, numbered or processed as a criminal case.

Statute or Regulation	Description of Offense	Bail
AS 16.05.330(a)	Sport fishing without license in possession	\$100
AS 16.05.330(a)	Hunting without license in possession	125
AS 16.05.340(a) (17)(A)	Taking waterfowl without state duck stamp	75
AS 16.05.340(a) (23)&(24)	King Salmon Tag Required	50
AS 16.05.420	False statement on license application	200
AS 16.05.480(a)	Crewmember fishing license required	150
AS 16.05.490(a)	Vessel license required	200
AS 16.05.520(a)	Vessel number plate	100
AS 16.05.680(1)	Employ unlicensed crew	200
5 AAC 01.010(b)	Identification of subsistence finfish fishing gear	100
5 AAC 01.010(i)	Escape mechanism requirements for subsistence fishing gear	100
5 AAC 01.240(c)	Marking of subsistence taking king salmon (lower Yukon River)	100
5 AAC 05.334(a)	ID requirements for commercial salmon drift gillnets (Yukon River)	200
5 AAC 05.334(b)	ID requirements for commercial salmon stationary gear (Yukon River)	200
5 AAC 07.334(a)	ID requirements for commercial salmon drift gillnets (Kuskokwim River)	200
5 AAC 07.334(b)	ID requirements for commercial salmon stationary gear (Kuskokwim River)	200
5 AAC 47.022(84)	Single hook required/snagging prohibited (Thomas Basin-Ketchikan)	100
5 AAC 52.024(b)	Failure to record king salmon landing (Upper Copper River and Upper Susitna River area)	100
5 AAC 56.010(b)	Taking red salmon in closed season (Russian River)	100 plus 20 per fish
5 AAC 56.010(c) (1-6)	Taking king salmon 16" or more in closed season (Kenai Peninsula)	150 per fish

Rule 43.2

ALASKA RULES OF COURT

Statute or Regulation	Description of Offense	Bail	Statute or Regulation	Description of Offense	Bail
5 AAC 56.010(d-f)	Taking rainbow trout in closed season (Russian River/Kenai River area)	\$100 plus 20 per fish	5 AAC 61.010(h)	Sport fishing during closed hours (Susitna-West Cook Inlet area)	\$100 plus 150 per king salmon and 20 per other salmon species
5 AAC 56.015(a)	Rainbow/steelhead trout harvest record required (freshwaters of the Kenai Peninsula)	100	5 AAC 61.015(a)	Rainbow/steelhead trout harvest record required (Susitna-West Cook Inlet area)	100
5 AAC 56.015(b)	Failure to record rainbow/steelhead trout landing (freshwaters of the Kenai Peninsula)	100	5 AAC 61.015(b)	Failure to record rainbow/steelhead trout landing (Susitna-West Cook Inlet area)	100
5 AAC 56.017(a)	King Salmon harvest record required (freshwaters of the Kenai Peninsula)	100	5 AAC 61.017(a)	King salmon harvest record required (Susitna-West Cook Inlet area)	100
5 AAC 56.017(b)	Failure to record king salmon landing (freshwaters of the Kenai Peninsula)	100	5 AAC 61.017(b)	Failure to record king salmon landing (Susitna-West Cook Inlet area)	100
5 AAC 56.020(c)	Fishing from a boat where prohibited after taking a king salmon (Kenai River)	100	5 AAC 61.035(c)	Using other than unbaited, single-hook, artificial lures in specified waters (Kenai Peninsula)	100
5 AAC 56.035(c) (1-2), (j), (l), (m)	Using other than unbaited, single-hook, artificial lures in specified waters (Kenai Peninsula)	100	5 AAC 61.035(d-e)	Using other than unbaited, artificial lures in specified waters	100
5 AAC 56.035(f)	Fishing from a boat where prohibited (Kenai River)	100	5 AAC 61.035(i)	Use of bait where prohibited (Susitna-West Cook Inlet area)	100
5 AAC 56.035(g)	Fishing from a boat on Monday where prohibited	100	5 AAC 75.020	Sport fishing with more than one line	100
5 AAC 58.017(a)	King salmon harvest record required (Cook Inlet-Resurrection Bay saltwater area)	100	5 AAC 75.021	More than 2 lines, hooks, or lures while ice fishing	50
5 AAC 58.017(b)	Failure to record king salmon landing (Cook Inlet-Resurrection Bay saltwater area)	100	5 AAC 75.022(a)(1)	Using fixed or weighted hook — freshwater	100
5 AAC 58.020(c)(1)	Over limit of razor clams (Southern terminus of Kenai River to the southernmost tip of the Homer Spit)	50 plus 2 per clam	5 AAC 75.022(a)(2)	Multiple hook with gap larger than 1/8" — freshwater	50
5 AAC 58.035(b)	Snagging or attempting to snag where prohibited (Cook Inlet north of a line extending west from Anchor Point)	125	5 AAC 75.022(a)(4)	Unauthorized use of spear — sport fishing	100
5 AAC 58.035(e)	Snagging or attempt to snag when prohibited (saltwater of the Homer Spit, fishery enhancement lagoon)	125	5 AAC 75.022(a)(5)	Unauthorized use of arrow — sport fishing	100
5 AAC 61.010(f) (1-5)	Taking king salmon 16" or more in closed season	150 per fish	5 AAC 75.022(c)	Attempt to snag — freshwater	125
			5 AAC 75.022(c)	Fail to release — freshwater	125
			5 AAC 75.023(a) &(b)	Illegal gear in single-hook waters	50
			5 AAC 75.035(1)	ID requirements for shellfish sport fishing gear	100
			5 AAC 75.035(2)	Escape mechanism requirements for shellfish sport fishing gear	100

# ADMINISTRATIVE RULES

## Rule 43.3

Statute or Regulation	Description of Offense	Bail	Statute or Regulation	Description of Offense	Bail
5 AAC 75.050(a) &(b)	Sport fishing in closed waters	\$100 plus 20 per fish	5 AAC 93.060 (except (f))	Failure to pay fee (Little Susitna Public Use Facility) (This does not include commercial violations under subparagraph (f).)	\$50
5 AAC 77.010(a)	Sport fish licenses required for personal use fishing	100	5 AAC 95.515 (4)(A)	Refuse and waste (Little Susitna Public Use Facility)	100
5 AAC 77.010(d)	ID requirements for personal use fishing gear	100	5 AAC 95.515 (4)(D)	Pets (Little Susitna Public Use Facility)	50
5 AAC 77.010(f)	Marking of personal use fish	75	5 AAC 95.515 (4)(E)	Assembly (Little Susitna Public Use Facility)	50
5 AAC 77.518 (2)(A)	Over limit of razor clams (From the terminus of the Kenai River to southernmost tip of Homer Spit)	50 plus 2 per clam	5 AAC 95.515 (4)(F)	Fires (Little Susitna Public Use Facility)	50
5 AAC 92.010	Harvest ticket not in possession; fail to validate	100	5 AAC 95.515 (4)(H)	Limit on number of persons/vehicles (Little Susitna Public Use Facility)	50
5 AAC 92.012(a)	Taking waterfowl without federal duck stamp	75	5 AAC 95.515 (4)(I)	Camping in designated areas (Little Susitna Public Use Facility)	50
5 AAC 92.012(a)	Unsigned federal duck stamp	25	5 AAC 95.515 (4)(J)	Unattended campsite/vehicle (Little Susitna Public Use Facility)	50
5 AAC 92.018	Unsigned state duck stamp	25	5 AAC 95.515 (4)(K)	Camping over 15 days or authorized limit (Little Susitna Public Use Facility)	50
5 AAC 92.050(a)(7)	Failure to cancel permit after killing big game	75	5 AAC 95.515 (4)(L)	Unauthorized coconations (Little Susitna Public Use Facility)	100
5 AAC 92.050(a)(8)	Failure to submit permit hunt report	75	5 AAC 95.515 (4)(M)	Traffic violations (Little Susitna Public Use Facility)	50
5 AAC 92.062(d)	False information on application for Tier II permit	200	5 AAC 95.515 (4)(N)	Violation of campground rules (Little Susitna Public Use Facility)	50
5 AAC 92.080(1)	Unlawfully taking game by shooting from, on or across highway	300			
5 AAC 92.100(a) (1-6)	Taking migratory birds by illegal methods	100			
5 AAC 92.100(b)	Transportation of migratory bird without fully feathered wing or head attached	50			
5 AAC 92.100(c)	Taking migratory birds before or after legal shooting hours	50 plus \$2/minute			
5 AAC 92.150(a)	Possess mountain sheep without both horns	100			
5 AAC 92.150(b)	No evidence of sex attached	100			
5 AAC 92.165	Fail to seal bear or possess unsealed bear skin or skull	100			
5 AAC 92.170	Fail to seal wolf, wolverine, lynx	100			
5 AAC 92.200 (d)	Fail to submit required report	75			
5 AAC 92.230	Feeding game	50			
5 AAC 92.410 (b)	Fail to submit required report (This does not include failure to salvage.)	75			

(Adopted by SCO 778 effective January 1, 1987; amended by SCO 892 effective April 1, 1988; by SCO 1000 effective October 1, 1989; by SCO 1033 effective July 6, 1990; by SCO 1076 effective July 1, 1991; by SCO 1077 effective nunc pro tunc July 21, 1991; by SCO 1101 effective July 9, 1992; by SCO 1143 effective August 9, 1993; and by SCO 1170 effective May 1, 1994; by SCO 1218 effective May 15, 1995; and by SCO 1256 effective September 15, 1996)

### Rule 43.3. Parks Bail Forfeiture Schedule.

Pursuant to AS 41.21.960(b), the following offenses committed within a park or recreational facility are amenable to disposition without court appearance upon payment and forfeiture of the bail amounts listed. If a person charged with one of these offenses appears in court and is found guilty, the penalty imposed for the offense may not exceed the

Rule 43.3

ALASKA RULES OF COURT

bail amount for that offense listed below. An offense for which a bail forfeiture amount has been established shall be charged on a citation which meets the requirements of District Court Criminal Rule 8(c) and shall not be filed, numbered or processed as a criminal case.

Regulation	Description of Offense	Bail	Regulation	Description of Offense	Bail
11 AAC 12.020(a)	Failure to comply with traffic or parking control signs	\$25	11 AAC 20.860(e)	Kenai River boat power not clearly marked	\$ 50
11 AAC 12.020(b)	Placing or operating a vehicle beyond boundaries established by barriers	50	11 AAC 20.862(a)	Operating motor boat with more than six persons on board (Kenai River Special Management Area)	100
11 AAC 12.020(c)	Placing or operating a vehicle except on a road or parking lot	200	11 AAC 20.862(b)	Anchored boat obstructing channel (Kenai River Special Management Area, May 15-July 31)	100
11 AAC 12.050	Refuse and waste	100	11 AAC 20.862(c)	Anchored buoy left unattended (Kenai River Special Management Area)	100
11 AAC 12.110	Motor vehicle operations	50	11 AAC 20.870	No wake area — Kenai Lake outlet	50
11 AAC 12.120	Horses	50	11 AAC 20.875	Water skiing except on Kenai Lake	50
11 AAC 12.130	Pets	50	11 AAC 20.880	Camping on Kenai River Islands	50
11 AAC 12.150	Construction of signs	50	11 AAC 20.885(c)	Operating boat on Kenai River with expired, suspended or revoked guide number or sticker	50
11 AAC 12.160	Assembly	50	11 AAC 20.885(d)	Sale of guide boat without notification or removal of sticker	100
11 AAC 12.180	Fires	50	11 AAC 20.885(f)	Failure to remain within sight or sound of clients during guided activity (Kenai River Special Management Area)	100
11 AAC 12.190	Firearms and other weapons	100	11 AAC 20.890(a)	Renting boats without permit (Kenai River Special Management Area)	100
11 AAC 12.195	Explosives	100	11 AAC 20.905	Use of alcoholic beverages	50
11 AAC 12.200	Underwater diving	50	11 AAC 20.918(7)	Recreational gold panning in Kenai state parks	100
11 AAC 12.230(a)	Camping outside developed campground	50	11 AAC 20.919(5)	Recreational gold panning in Independence Mine State Historical Park	100
11 AAC 12.230(b)	Unauthorized camping over 15 days	50	11 AAC 20.958	Use of bicycle in area or manner not allowed (Perseverance State Trail)	50
11 AAC 12.230(c)	Return to campground in 15 days or less	200	11 AAC 21.010(a) & (b)	Refuse and waste (Alaska Chilkat Bald Eagle Preserve)	100
11 AAC 12.230(f)	Camping quiet hours 11 p.m. to 6 a.m.	50	11 AAC 21.035	Vandalism (Alaska Chilkat Bald Eagle Preserve)	150
11 AAC 12.230(h)	Camping where signs prohibit	50	11 AAC 21.045	Construction of signs (Alaska Chilkat Bald Eagle Preserve)	50
11 AAC 12.230(j)	Leaving food/food container accessible to bears	50	11 AAC 21.050	Explosives (Alaska Chilkat Bald Eagle Preserve)	100
11 AAC 12.240	Vandalism	150	11 AAC 21.055	Public use cabins (Alaska Chilkat Bald Eagle Preserve)	50
11 AAC 12.245	Public use cabins	50	11 AAC 21.100(e)	Commercial activities (Alaska Chilkat Bald Eagle Preserve)	100
11 AAC 12.250	Fees	50	11 AAC 21.105(f)	Closure and use management (Alaska Chilkat Bald Eagle Preserve)	100
11 AAC 12.335(e)	Closures and use management	50			
11 AAC 18.030(c)	Violation of non-competitive commercial permit stipulation	100			
11 AAC 18.040(g)	Violation of competitive commercial permit stipulation	100			
11 AAC 20.015(b)	Operating off-road vehicle on Eklutna Lakeside Trail when prohibited (Chugach State Park)	100			
11 AAC 20.045(6)	Recreational gold panning (Chugach State Park)	100			
11 AAC 20.860(b)	Kenai River boat power restricted to 35 h.p.	150			

(Adopted by SCO 774 effective January 1, 1987; amended by SCO 841 effective June 1, 1987; by SCO 895 effective May 1, 1988; by SCO 992 effective August 1, 1989; and by SCO 1259 effective October 1, 1996)

**Rule 43.4. Smoking Bail Forfeiture Schedule.**

Pursuant to AS 18.35.341(d), the following bail forfeiture amounts are established for violations of the laws prohibiting smoking in designated public places. If a person charged with one of these offenses appears in court and is found guilty, the penalty imposed for the offense may not exceed the bail amount for that offense listed below. An offense for which a bail forfeiture amount has been established shall be charged on a citation which meets the requirements of District Court Criminal Rule 8(c) and shall not be filed, numbered or processed as a criminal case.

Statute	Description of Offense	Bail
AS 18.35.300	Smoking in a regulated place in which smoking is regulated	\$40
AS 18.35.305	Smoking in a place in which smoking is prohibited	40
AS 18.35.330	Failure to display smoking and no smoking signs	100

(Adopted by SCO 776 effective January 1, 1987; amended by SCO 1152 effective February 1, 1994)

**Rule 43.5. Alcohol Bail Forfeiture Schedule.**

Pursuant to AS 04.16.205(c) the following bail forfeiture amount is established for violation of AS 04.11.498 or an ordinance adopted under this statute. If a person charged with this offense appears in court and is found guilty the penalty imposed for a first or second offense may not exceed the bail amount listed below. An offense for which a bail forfeiture amount has been established shall be charged on a citation which meets the requirements of District Court Criminal Rule 8(c) and shall not be filed numbered or processed as a criminal case.

Statute	Description of Offense	Bail
AS 04.11.498 an ordinance adopted under this statute	Possession of an alcoholic beverage in a community which has voted in a local option election to prohibit	\$100 for first and second

such possession offense

(Adopted by SCO 777 effective January 1, 1987)

**Rule 43.6. Oversize Vehicle Bail Forfeiture Schedule.**

Pursuant to AS 45.75.133 the following offenses are appropriate for disposition without court appearance upon payment and forfeiture of the bail amounts listed. If a person charged with one of these offenses appears in court and is found guilty the penalty imposed for the offense may not exceed the bail amount for that offense listed below. An offense for which a bail forfeiture amount has been established shall be charged on a citation which meets the requirements of District Court Criminal Rule 8(c) and shall not be filed numbered or processed as a criminal case.

Statute or Regulation	Description of Offense	Bail Forfeiture Amount
3 AAC 35.110 AS 45.75.380(a)(11)	Failure to stop at weigh station	\$100
3 AAC 35.120(b) AS 45.75.380(a)(11)	Driving without permit when required	200
3 AAC 35.120(b) AS 45.75.380(a)(10)	Permit has expired	100
3 AAC 35.120(b) AS 45.75.380(a)(10)	Load is reducible and not specifically authorized by permit	100
3 AAC 35.120(b) AS 45.75.380(a)(10)	Moving during a period of time not authorized by permit	100
3 AAC 35.120(b) AS 45.75.380(a)(10)	Traveling off route specified on permit	100
3 AAC 35.120(b) AS 45.75.380(a)(10)	Exceeds maximum size stated on permit	100
3 AAC 35.120(b) AS 45.75.380(a)(10)	Has overhang not authorized by permit	100
3 AAC 35.120(b) AS 45.75.380(a)(10)	Does not have proper signs, beacons, pilot cars, communications, flags or police escort (where required by permit)	100
3 AAC 35.120(b) AS 45.75.380(a)(10)	Does not conform with special conditions described on permit (other than speed)	100
3 AAC 35.120(b) AS 45.75.380(a)(10)	Speeding: 3—9 MPH over limit set in permit	4/mile
	10—19 MPH over limit set in permit	4/mile
3 AAC 35.140 AS 45.75.380(a)(11)	No permit on vehicle; or, issuance cannot be readily verified	100
17 AAC 25.012(a)	Overwidth, 8' 6"	50/ft.

Rule 43.6

ALASKA RULES OF COURT

Statute or Regulation	Description of Offense	Bail Forfeiture Amount
AS 45.75.380(a)(11)	maximum	or fraction thereof
17 AAC 25.012(b) AS 45.75.380(a)(11)	Overheight, 14' maximum except: Anchorage — 15' maximum Dalton & Elliot Hwys. — 17' maximum	50
17 AAC 25.012(c) AS 45.75.380(a)(11)	Overlength single power vehicle (40' maximum)	50/ft. or fraction thereof
17 AAC 25.012(c) AS 45.75.380(a)(11)	Overlength semi-trailer, 48' maximum (non-designated highways)	50/ft. or fraction thereof
17 AAC 25.012(c) AS 45.75.380(a)(11)	Overlength semi-trailer, 48' maximum	50/ft. or fraction thereof
17 AAC 25.012(c) AS 45.75.380(a)(11)	Overlength combination of vehicles, 75' maximum, including load	50/ft. or fraction thereof
17 AAC 25.012(d) AS 45.75.380(a)(11)	Overhangs — 3' front, 4' rear maximum	20/ft. or fraction thereof
17 AAC 25.013(a)(1) AS 45.75.380(a)(11) & (b)	Overweight tires	.05/lb
17 AAC 25.013(a)(2) AS 45.75.380(a)(11) & (b)	Overweight axle	.05/lb
17 AAC 25.013(a)(3) AS 45.75.380(a)(11) & (b)	Overweight gross	.05/lb
17 AAC 25.013(b) AS 45.75.380(a)(11)	Overweight distribution	200
17 AAC 25.013(b) AS 45.75.380(a)(11) & (b)	Overweight inner gross (tractor and first cargo vehicle)	.05/lb
17 AAC 25.013(c) AS 45.75.380(a)(11) & (b)	Overweight axle combination	.05/lb
17 AAC 25.014(a) AS 45.74.380(a)(11)	Triples prohibited without permit (three cargo carrying units)	300
17 AAC 25.014(b) AS 45.75.380(a)(11)	Overlength long combination vehicle (LCV) - 120' maximum overall length of cargo vehicles (designated highways)	50/ft. or fraction thereof
17 AAC 25.014(c) AS 45.75.380(a)(11)	Overlength combination of vehicles, 85' maximum (designated highways)	50/ft. or fraction thereof
17 AAC 25.014(d) AS 45.75.380(a)(11)	Overlength semi-trailer, 53' maximum if in combination with truck tractor (designated highways)	50/ft. or fraction thereof

Statute or Regulation	Description of Offense	Bail Forfeiture Amount
17 AAC 25.014(e)(2) AS 45.75.380(a)(11)	Oversize sign required on combinations over 75'	50
17 AAC 25.014(f) AS 45.75.380(a)(11)	Reasonable access, 5 miles maximum	150

(Adopted by SCO 849 effective October 1, 1987; amended by SCO 1102 effective July 9, 1992; and by SCO 1220 effective August 15, 1995)

**Rule 43.7. Warning Signs Bail Forfeiture Schedule.**

Pursuant to AS 04.21.065(g), the following bail forfeiture amount is established for violation of the law requiring the posting of warning signs. If a person charged with this offense appears in court and is found guilty, the penalty imposed for the offense may not exceed the bail amount listed below. An offense for which a bail forfeiture amount has been established shall be charged on a citation which meets the requirements of District Court Criminal Rule 8(c) and shall not be filed, numbered or processed as a criminal case.

Statute or Regulation	Description of Offense	Bail Forfeiture Amount
AS 04.21.065	Failure to post warning signs about birth defects, or about providing alcoholic beverages to persons under 21.	\$100

(SCO 1131 effective July 15, 1993; amended by SCO 1175 effective December 1, 1994)

**Rule 44. Rulemaking.**

(a) **Uniform Policy.** The supreme court shall make and promulgate rules governing administration of all courts, and practice and procedure in civil and criminal cases in all courts. The rules shall be uniform throughout the Alaska Court System.

(b) **Request for Rulemaking.** Any person may propose new rules or changes in present rules to the supreme court. Each proposal must:

- (1) Be in writing;
- (2) Include the language proposed for change;
- (3) Include the reason for the suggested rule or change;
- (4) Be submitted to the court rules attorney at the Anchorage Office of the Administrative Director of Courts.

The court rules attorney shall review each proposal. If the proposal is unclear or in need of further

AMENDMENT

B

OFFERED IN THE HOUSE

TO: HB 261

1 Page ~~3~~<sup>4</sup> line 31:

2 Delete "\$15"

3 Insert

4 "(A) \$15 if the fine or bail forfeiture amount for the offense

5 is \$30 or more; or

6 (B) \$5 if the fine or bail forfeiture amount for the offense

7 is less than \$30"

# Alaska State Legislature

*Interim:*  
145 Main St. Lp., 223  
Kenai, Alaska 99611  
907/283-7095  
907/283-3075 fx  
907/262-7574 hm

*Session:*  
State Capitol  
Juneau, AK 99801  
907/465-2693  
fx 907/465-3835  
800/463-2693

## Representative Gary Davis

### SECTIONAL ANALYSIS COMMITTEE SUBSTITUTE TO HOUSE BILL 261 (JUD)

#### **"An Act relating to surcharge imposed for violations of state or municipal law and to the Alaska police training fund"**

- Section 1: Adds a new subsection to **AS 12.25.195, Disposition of Scheduled Offences**, that requires payment of the surcharge prescribed in AS 12.55.039 before an offence may be disposed. Specifies that the surcharge paid will be deposited into the general fund and accounted for under AS 37.05.142, Accounting for Program Receipts.
- Section 2: Amends **AS 12.25.200, Form for Citations**, subsection (b) to require that the amount of the surcharge applicable to the offense be indicated on the citation issued.
- Section 3: Adds a new section to 12.55.035, Fines, to indicate that the judge may not consider the amount of the surcharge when imposing a fine.
- Section 4: Amends **AS 12.55.039, Surcharge**, subsection (a) by increasing the surcharge assessed and expanding the list of offenses for which surcharges may be charged.
- Section 5: Amends **AS 18.65.225, Alaska Police Training Fund**, to include the surcharges collected under AS 12.25.195(c) and AS 29.25.072 in the amounts that may be appropriated to the fund
- Section 6: Amends **AS 29.05.151, Citations for Scheduled Vehicle and Traffic Offenses**, to require that the surcharge prescribed in 12.55.039 be applied for offenses that do not require a court appearance.
- Section 7: Amends **AS 29.10.200, Limitation of Home Rule Powers**, to include AS 29.25.072 (surcharge) in the list of limitations.

*Representing House District 8  
Cooper Landing, Funny River, Hope, Moose Pass, Seward, Sterling, Soldotna*

Representative\_Gary\_Davis@legis.state.ak.us

Section 8: Adds a new section to **AS 29.25, Municipal Enactments**, that states a municipality, including home rule and general law municipalities, may not enforce an ordinance for which a fine or imprisonment is prescribed unless that municipality authorizes and provides for the collection of the surcharge. It further states that the surcharge will be deposited into the general fund and accounted for under AS 37.05.142, Accounting for Program Receipts.

Section 9: Amends **AS 29.25.075, Collection of Penalties**, to allow courts to collect the surcharge for the municipality.

## Letters of Support: House Bill 261, Law Enforcement Training Surcharge

Municipality of Anchorage: Bob Bell, Assemblyman (2/19/98)  
Alaska Association Chiefs of Police: Tom Walker, President (2/5/98)  
Alaska Peace Officers Association: John Charbonneau, President (2/11/98)

### Police Departments

Anchorage	Duane Udland, Chief of Police, (1/29/98)
Anchorage	Lt. Mcchan, Training Section to Chief Udland, (2/4/98)
Dillingham	Brent Moody, Chief of Police (1/28/98)
Homer	Dennis Oakland, Chief of Police (2/19/98)
Hoonah	Robert Beasley, Chief of Police (2/6/98)
Kenai	Daniel Morris, Chief of Police (2/6/98)
Kodiak	John Palmer, Chief of Police (2/12/98)
Nome	Milton Haken, Chief of Police (2/6/98)
North Slope Borough	G. Scott Campbell, Chief of Police
Sitka	Lynn Lamir, Chief of Police (2/10/98)
Soldotna	Shirley Warner, Chief of Police (2/17/98)
Univ. of AK, Anchorage	Robert E. Bachand, Chief of Police (2/10/98)
Unalaska	Glenn Herbst, Director of Public Safety (2/6/98)
Valdez	Joseph Michaud, Chief of Police (2/6/98)
Wasilla	Charlie Fannon, Chief of Police (2/3/98)

STATEWIDE

OFFENSE	TOTAL ISSUE	PENDING	ACQUIT	NOT FILED	NOLO	DISMISS	BAIL FORFEIT	GUILTY	NOT GUILTY	NOT PROS	SIS/ DIS	CLOSED STAT	UN- KNOWN
8860 PE OL SHELLFISH	1	0	0	0	0	0	0	0	0	0	1	0	0
8861 PE OL FINFISH	1	0	0	0	0	0	0	0	0	0	1	0	0
8862 PE OL MISC	1	0	0	0	1	0	0	0	0	0	0	0	0
8870 PE UG FL MK GR/BUOY	7	2	0	0	2	2	1	0	0	0	0	0	0
8871 PE UG IMP MK GR/BUOY	2	0	0	0	2	0	0	0	0	0	0	0	0
8890 PE MI FAIL TO MK FSH	33	7	0	0	20	1	0	1	0	0	0	0	0
8894 PE MI BY NON RESIDENT	4	2	0	0	2	0	0	0	0	0	0	0	0
8895 PE MI MISC	4	2	0	0	1	0	0	0	0	0	1	0	0
9567 WATER SAFETY	47	29	0	0	9	2	4	3	0	0	0	0	0
9935 MINOR CONSUMING 9/95	3,695	581	0	0	1,545	444	31	1,064	12	0	15	3	0
STATEWIDE TOTAL	851	17,793	47	0	33,308	10,628	17,092	17,332	496	1	274	98	2,782

# Alaska State Legislature

*Interim:*  
145 Main St. Lp., 223  
Kenai, Alaska 99611  
907/283-7095  
907/283-3075 fx  
907/262-7574 hm



*Session:*  
State Capitol  
Juneau, AK 99801  
907/465-2693  
fx 907/465-3835  
800/463-2693

*Representative Gary Davis*

## SPONSOR STATEMENT

### HOUSE BILL 261

**“An Act relating to a surcharge imposed for violations of state or municipal law and to the Alaska police training fund”**

The Alaska Police Training Fund, created in 1994 by the legislature, was established January 1, 1996. The purpose of the fund is to “. . . provide a stable funding source for law enforcement and corrections officer training. . .” To this end, the legislature established a schedule of surcharges to be applied to various offenses and provided that the equivalent of the surcharges collected be deposited in the Police Training Fund. From that fund the legislature may appropriate amounts for the operation of the Public Safety Training Academy and for training programs established by the Alaska Police Standards Council.

House Bill 261 expands the list of offenses on which a surcharge may be imposed and increases existing surcharges. Its purpose is to provide additional funding for public safety training and obtain that funding from the surcharges imposed on individuals who violate the law.

Each year the Alaska Public Safety Training Academy in Sitka requires general fund appropriations in addition to what it receives through the police training fund. This is also true of training programs established by the Alaska Police Standards Council. Hopefully, the additional revenue received from the enactment of HB 261 will stabilize and perhaps reduce the amount of general fund appropriations needed to sufficiently fund our public safety training programs.

HB261/SS/1/21/98

*Representing House District 8  
Cooper Landing, Funny River, Hope, Moose Pass, Seward, Sterling, Soldotna*

Representative\_Gary\_Davis@legis.state.ak.us