

ALASKA LEGISLATURE

1713

HOUSE and SENATE FINANCE COMMITTEE FILES, 1997-1998

MAR 06 1998

Representative Vic Kohring  
Alaska State Capitol, Room 421  
Juneau, Alaska 99801

Dear Representative Kohring:

I urge you to pass House Bill 400. Merging two departments that are involved in economic development throughout Alaska is a smart way to cut government. Having one department responsible for improving our economy will help all communities and businesses.

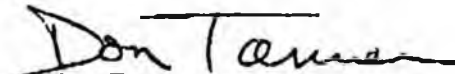
As a small businessman, providing service is important to my customers. I take every effort to minimize my overhead. State government should do the same. This merger bill is the first step in cutting unnecessary overhead.

As a former Deputy Commissioner for the Department of Community and Regional Affairs, I am aware of the economic problems faced in rural Alaska. This merger bill will increase efficiencies and greatly enhance economic growth in rural areas.

Being the Deputy Commissioner I also know that the two departments perform similar tasks. Only one commissioner and administration is needed for the activities of the two departments.

I encourage the Legislature to pass this bill. It will be good for rural Alaska, good for business, and good for the State budget.

Sincerely,

  
Don Tanner

## HB 400

### Boards and Commissions after Merger

Currently: DCED Commissioner sits on 12 Boards and Commissions  
DCRA Commissioner sits on 15 Boards and Commissions

- House Bill 400 includes a provision to allowing a designee to act for the Commissioner on these Boards and Commissions.

#### Statutory Boards and Commissions

Alaska Aerospace Development Corp. (AS 14.40.826)	
Alaska Coastal Policy Council (AS 44.19.155)	
Alaska Housing Finance Corporation (AS 18.56.030)	Designee
Alaska Industrial Dev. & Export Authority (AS 44.88.030)	Designee
Alaska Energy Authority (AS 44.83.030)	Designee
Alaska Municipal Bond Bank (AS 44.85.030)	
Alaska Railroad Corporation (AS 42.40.020)	
Alaska Royalty Oil & Gas Dev. Advisory Board (AS 38.06.025)	
Alaska State Emergency Response Commission (AS 26.23.071)	Designee
Alaska Student Loan Corporation (AS 14.42.120)	
Board of Marine Pilots (AS 08.62.010)	Designee
Power Project Loan Committee (AS 42.45.060)	Designee
State Bond Committee (AS 37.15.110)	Designee
Telecommunications Information Council (AS 44.19.502)	

Total: 14 Statutory Boards and Commissions

#### Non-Statutory Boards

Rural Alaska Community Action Program (RurAL CAP)  
Community Development Quota  
Oil & Gas Council

**HB**

**404**

**HFIN**

**FILE**

# HOUSE COMMITTEE REPORT

(11)

Date Referred to Committee: February 27, 1998

FURTHER REFERRALS:

Date of Committee Action: 3/9/98

The FINANCE Committee considered:

HB 404

HOUSE BILL NO. 404

REGULATION OF COMMERCIAL VEHICLES

"An Act relating to the regulation of commercial vehicles; relating to the temporary registration of out-of-state commercial vehicles; relating to registration fees for commercial vehicles; and providing for an effective date."

recommends it be replaced with the following committee substitute CS HB 404 (TRA)  the same title  a new title

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

attached amendment(s)

ADOPTS: \_\_\_\_\_ Letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept) \_\_\_\_\_

APPROVES PREVIOUS: (Dept/Date) \_\_\_\_\_

fiscal note(s) \_\_\_\_\_  fiscal note(s) DOA 2/27/98  
DOT 2/27/98

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

SIGNING WITH RECOMMENDATIONS		DP	DNP	NR	AM
<i>Gene Theriault</i>	Thecriault			X	
<i>Mark Hanley</i>	Hanley			X	
<i>Kate Kelly</i>	Kelly	✓			
<i>Alvin Muller</i>	Muller			X	
<i>Jim Kohring</i>	Kohring				X
<i>J. DAVIES</i>	J. DAVIES	X			
<i>Grassendorf</i>	Grassendorf			X	
<i>Paul E. Moses</i>	Moses			X	
<i>Foster</i>	Foster	X			
<i>Davis</i>	Davis	X			

CHAIR'S SIGNATURE

*Gene Theriault* *Mark Hanley*

FISCAL NOTE

STATE OF ALASKA  
1998 LEGISLATIVE SESSION

BILL N

Version: CSHB 404 (TRA)  
(H) Publish Date: 2/27/98

Revision Date: 2/25/98 Dept. Affected: Administration  
 Title: An Act relating to the regulation of BRU: Motor Vehicles  
vehicles... Component: Field Services  
 Sponsor: (H) Transportation  
 Requestor: (H) TRA COMPONENT SERIAL NO. 2151

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						
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES (100%) Revenue	15.5	15.5	15.5	15.5	15.5	15.5
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FUNDING: (Thousands of Dollars)

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

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

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary.)

Rounding fees for the registration of the trailers and transferring those fees to the trucks (power-units) derives the revenue.

Prepared By: Juanita M. Hensley Phone: 465-5648  
 Division: Motor Vehicles Date: 2/25/98  
 Approved by Commissioner: Mark Boyer Date: 2/25/98  
 Agency: Dept. of Administration

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# FISCAL NOTE

No: 2

Bill Version: CSHB 404 (TRA)

(H) Publish Date: 2/27/98

**STATE OF ALASKA  
1998 LEGISLATIVE SESSION**

Revision Date _____	Dept. Affected <u>DOT&amp;PF</u>	
Title <u>Regs of Commercial Vehicles</u>	BRU <u>Commissioners Office</u>	
	Component <u>Office of the Commissioner</u>	
Sponsor <u>House Transportation</u>		
Requester <u>House Transportation</u>	Component Serial No. <u>530</u>	

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

OPERATING EXPENDITURES	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
Personal Services	407.9	411.0	415.0	419.2	423.4	427.5
Travel	0.0	0.0	0.0	0.0	0.0	0.0
Contractual	0.0	9.5	9.5	9.5	9.5	9.5
Supplies	0.0	0.0	0.0	0.0	0.0	0.0
Equipment	105.0	0.0	0.0	0.0	0.0	0.0
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>512.9</b>	<b>420.5</b>	<b>424.5</b>	<b>428.7</b>	<b>432.9</b>	<b>437.1</b>

<b>CAPITAL EXPENDITURES</b>						
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<b>CHANGE IN REVENUES ( )</b>	<b>612.5</b>	<b>612.5</b>	<b>612.5</b>	<b>612.5</b>	<b>612.5</b>	<b>612.5</b>
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**FUND SOURCE (Thousands of Dollars)**

FUND SOURCE	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
1002 Federal Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1003 GF Match	0.0	0.0	0.0	0.0	0.0	0.0
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts	512.9	420.5	424.5	428.7	432.9	437.1
1037 GF/Mental Health						
Other (Specify Type)						
<b>TOTAL</b>	<b>512.9</b>	<b>420.5</b>	<b>424.5</b>	<b>428.7</b>	<b>432.9</b>	<b>437.1</b>

Estimate of any current year (FY98) cost: 0.0

**POSITIONS**

Full-time	9	9	9	9	9	9
Part-time	0	0	0	0	0	0
Temporary	0	0	0	0	0	0

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

This bill transfers the responsibility for establishing and collecting out of state registration fees for commercial trucks and increases the registration fee from the \$10 range to \$350 thereby generating approximately 612.5 in new revenue to fund size, weight & safety inspections. When added to the current collections of about 40.0 there is adequate funding to support this fiscal note. Additionally, this will provide protection to the motoring public by ensuring safer commercial vehicles and to our bridges and highways by ensuring properly loaded trucks. This will also create a level playing field for the industry that is essential to their ability to compete fairly in the market place and to ensure that a good part of Alaska's work is done by Alaskans.

Prepared by	<u>Dennis Poshard, Special Assistant</u>	Phone <u>465-3900</u>
Division	<u>Office of the Commissioner</u>	Date <u>2/23/98</u>
Approved by	<u><i>Dan L. Poshard</i></u> Commissioner	Date <u>2/23/98</u>
Agency	<u>Department of Transportation and Public Facilities</u>	

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Analysis  
Program Summary

This legislation will:

Add one new Weigh Station Operator, 2458-12, positions distributed as follows:

	#	Amount
Tok	3	147.3
Fairbanks	1	44.7
Sterling	3	143.4
Anchorage	2	89.3
	9	407.3

Add three new inspection vehicles as follows:

	#	Amount
Tok	1	35.0
Fairbanks	1	35.0
Sterling	1	35.0
Anchorage	0	0
	3	105.0

**Tok**

Add three additional positions to issue temporary registration permits 24 hours per day and perform size, weight and driver/vehicle safety inspections. Trained personnel will be on duty at all times to ensure that truck traffic coming into and leaving the state at Tok is complying with our laws and regulations. One or more persons will be trained to perform driver/vehicle inspections at commercial vehicle crash scenes. The additional revenue collections are estimated to be 1,750 vehicles at \$360 per vehicle = \$ 612.5.

**Fairbanks**

Add one position to allow additional coverage to increase truck size, weight and safety enforcement at the weigh stations by performing size and weight as well as safety inspections. Temporary registrations will be issued at the Fairbanks Weigh Stations.

**Sterling**

Add three new positions to the current one position staff at the Sterling Weigh Station to perform size, weight and driver/vehicle safety inspections and to issue temporary registrations for those vehicles entering the state at Seward, Kenai or Homer. This station is the only truck size, weight and safety inspection facility on the Kenai Peninsula located on the very busy Sterling Highway. There is no resident driver/vehicle safety inspector located on the Kenai Peninsula at this time. Since the weigh station is open only one shift per day, five days per week, it is nearly impossible to estimate the volume of unregistered out of state commercial vehicle traffic. The potential for increased revenue is small. The priority at this station is to provide the size, weight and safety inspections that are not being done at the present time.

**Anchorage**

Add two new positions to enable 24 hour per day seven day per week staffing at the Glenn Outbound and the Potter Weigh Stations. These two positions will focus on truck size and weight enforcement with the present seven other size and weight enforcement personnel. There are presently three commercial vehicle inspector positions stationed in Anchorage who can effectively monitor truck traffic for driver and vehicle safety concerns. This additional coverage will allow for the issuance of temporary registrations at the Anchorage Weigh Stations for unregistered vehicles arriving at the Port of Anchorage.

These new positions will monitor all incoming and outgoing traffic into the state at the Tok Weigh Station and will enhance the coverage at the other stations listed above. The new positions will enable us to:

- issue out of state temporary registrations to foreign ( out of state ) commercial vehicles, thereby ensuring the proper payment of fees from those who live outside of our state.
- conduct size and weight inspections to ensure that the vehicles and their loads conform with state regulations governing truck size and weight.
- perform safety inspections of both the drivers and their vehicles to ensure compliance with state and federal safety and hazardous materials regulations.
- verify that the proper insurance coverage is in place to provide liability protection to our citizens.

Vehicle maintenance of \$ 9.5 for the three vehicles will be absorbed in the division budget in FY99. This cost has been identified as an increase in Contractual Services for the next five years.

#### Funding:

The intent of this fee increase is to provide additional new revenue to fund badly needed truck size, weight and safety enforcement. We estimate that \$ 612.5 in revenue can be generated with three new positions in Tok to operate the weigh station 24 hours per day, seven days per week. The other six positions will be placed in the locations with the greatest need for increased size, weight and safety enforcement. While these other six positions will generate a small increase in revenue, the important issue is the increased size, weight and safety enforcement. When the trucking activities were consolidated into DOT&PF, it was recognized that the funding for the program is inadequate. This is an attempt to increase the level of enforcement at a minimal cost to the state. It is important to recognize that the fee increase helps to correct an inequity that has existed for many years in that out of state vehicles can operate in our state at a very minimal cost while Alaska carriers do not enjoy the same low fees in other states.

COMMERCIAL VEHICLE TRAILERS AND POWER-UNITS

CLASS CODE	COMMERCIAL TRAILER WEIGHT	NUMBER OF UNITS
31	UP TO AND INCLUDING 5,000 LBS UNLADEN	3,163
32	5,000 LBS UP TO AND INCLUDING 12,000LBS	9,012
33	12,000LBS UP TO AND INCLUDING 18,000LBS	5,093
34	MORE THAN 18,000LBS	627

COMMERCIAL VEHICLES-TRUCKS/POWER-UNITS

CLASS CODE	COMMERCIAL TRUCKS WEIGHT	NUMBER OF UNITS
41	UP TO AND INCLUDING 5,000LBS UNLADEN	16,401
42	5,000LBS UP TO AND INCLUDING 12,000LBS	12,376
43	12,000LBS UP TO AND INCLUDING 18,000LBS	5,099
44	MORE THAN 18,000LBS	4,699

FEES COLLECTED FOR COMMERCIAL TRAILERS		FEES FOR COMMERCIAL TRUCKS	
CLASS CODE		CLASS CODE	
31	\$161,313.00	41	\$836,451.00
32	\$775,032.00	42	\$1,064,336.00
33	\$794,508.00	43	\$795,444.00
34	\$138,567.00	44	\$1,038,479.00
TOTAL	\$1,869,420.00	TOTAL	\$3,734,710.00

PROPOSED FEES INCREASE TO THE POWERUNITS TO MAKE IT REVENUE NEUTRAL BY NOT REGISTERING THE TRAILERS AND SWITCHING THE REGISTRATION FEES FROM THE TRAILERS TO THE POWERUNITS.

COMMERCIAL VEHICLE TRUCK REGISTRATION FEE INCREASES

CLASS	CURRENT FEE	INCREASED FEE	PROPOSED FEE	MVRT
41	\$51.00	\$29.00	\$80.00	\$32.00
42	\$86.00	\$38.00	\$124.00	\$54.00
43	\$156.00	\$92.00	\$248.00	\$86.00
44	\$221.00	\$100.00	\$321.00	\$109.00

CURRENT REGISTRATION FEES COLLECTED FROM TRAILERS	\$1,869,420.00
CURRENT REGISTRATION FEES COLLECTED FROM TRUCKS	\$3,734,710.00

THE FEE STRUCTURE WAS DERIVED BY DIVIDING THE CURRENT TRAILER REVENUE BY FOUR (FOUR TRUCK CLASSES 41, 42, 43, 44. THEN DIVIDING THE FOUR EQUAL AMOUNTS BY THE NUMBER OF TRUCK UNITS PER CLASS. THE TOTAL AMOUNT OF REVENUE PROJECTED IS APPROXIMATELY \$5,619,635.00



# General Teamsters Local 959 State of Alaska

Affiliated with International Brotherhood of Teamsters

ANCHORAGE, ALASKA 99502 520 E 54TH AVE TEL 907 565-8122 FAX 907 565-8285 GERALD L. HOGG Secretary-Treasurer

FAIRBANKS, ALASKA 99707, P.O. Box 70609 907 452-2959 FAX 907 452-5051  
JUNEAU, ALASKA 99801, 306 W. H. G. Dr. 907 586-3225 FAX 907 586 3227  
KENAI, ALASKA 99611, P.O. Box 2197 907 293-4498 FAX 907 293-5027

February 19, 1998

Representative Bill Williams  
Chairman  
House Transportation Committee  
State Capitol  
Juneau, AK 99801

Re: HB 404 - Regulation of Commercial Vehicles

Dear Representative Williams:

On behalf of the hundreds of members whom we represent in the trucking industry, I wish to go on record supporting HB 404, Regulation of Commercial Vehicles.

In working with the Department of Transportation, the Division of Motor Vehicles, and many legislative representatives. I feel this bill addresses several important issues in this industry that have been overlooked for years. I do not consider HB 404 a "fix all" to the trucking issues that we and the industry face within the state of Alaska, but most definitely a good faith effort in the right direction. The following issues are addressed in the bill.

HB404 will amend AS 19. Sec. 19.10.310, to allow for inspection criteria found in the Federal Motor Carrier Safety Regulations, as adopted by Alaska, to meet the State's requirements. In discussion with my members and industry representatives, this is needed and is good for all, non-commercial and commercial vehicles alike. In addition, let me assure you this is not a union versus non-union issue. HB404 will assist in creating a level playing field for all motor carriers. The safer our commercial vehicles are on our highways, the safer all of us will be.

In addition to the adoption of the safety criteria, HB 404 will also increase temporary registration fees for those out-of-state trucks that wish to operate in Alaska on a temporary basis. This increase would bring Alaska more in-line with what is charged by other states and provinces issuing temporary permits. Revenue generated from this fee will, if approved by the legislature, be appropriated through the weigh station operation. Although this does not fully address the safety and overall operation requirements of the weigh stations, it does help.



Representative Bill Williams

February 19, 1998

Page 2.

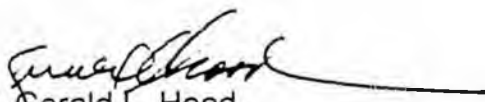
Finally, this bill will eliminate the annual registration of commercial trailers with the Division of Motor Vehicles (DMV) and transfer the fee instead to "commercial" power units. Although revenue-neutral for DMV, this change will result in a savings of at least 20,000 transactions annually at DMV, saving at least \$100,000 annually. Should Alaska become a member of the International Registration Plan (IRP), a requirement of the plan is that the registration be on the power units not the trailers. Most of the states in the lower 48 have made such a change.

In summary, I request you and your Committee members support in passage of HB 404.

If I may be of any further assistance, please let me know.

Sincerely,

TEAMSTERS LOCAL 959



Gerald L. Hood  
Secretary, Treasurer

/kk  
MISC\98B19.Ltr

# ALASKA TRUCKING ASSOCIATION, INC.

3443 Minnesota Drive • Anchorage, Alaska 99503 • PHONE (907) 276-1149 • FAX (907) 274-1946

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## 1998 Trucking Legislation

### HB 404 Before House Finance Committee

March 9, 1998

The Alaska Trucking Association, in cooperation with Teamsters Local 959, is supporting House Transportation Committee Bill 404. The Bill is crafted to resolve problems related to truck user's concerns in three major areas:

First: A current Statute, related to commercial vehicle safety inspections (Sec.19.10.310), is amended to allow for the inspection criteria found in the Federal Motor Carrier Safety Regulations, as adopted by Alaska, to meet the State's requirements. This is needed badly and is a good deal.

Second: Fees for out-of-state trucks (Sec.28.10.152) that wish to operate in Alaska temporarily, are increased from \$50 to \$350. This brings Alaska fees more in line with what is charged by other States and Provinces issuing temporary permits. Revenue generated from this fee will be identified as a program receipt. The Governor's Budget will request this "new" money be appropriated for weigh station operation. It does not solve the problem of under funding for weighing and safety issues, but does help.

Third: The Bill will eliminate the requirement for annual registration of commercial trailers with DMV. The money currently collected will be added to the registration cost of commercial "power units", so as to be revenue neutral. A \$10 one time fee will be assessed commercial trailers. This change will result in saving about 20,000 transactions annually at DMV saving more than \$100,000 annually. The change is also required if Alaska wants to become part of the International Registration Plan. IRP allows for a greatly simplified method of prorating the use of trucks between various States and Provinces. The industry gains substantial efficiency by not having to physically "tag" every one of the almost 20,000 commercial trailers in Alaska annually.



# LEGAL SERVICES

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

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


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

## MEMORANDUM

February 20, 1998

**SUBJECT:** Sectional Summary of HB 404.

**TO:** Representative Bill Williams  
Attn: Pete Ecklund

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

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

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

**Section 1.** Requires an operator of a commercial vehicle to carry proof of insurance. Defines what "proof of insurance" means.

**Section 2.** Requires an owner or operator of a commercial vehicle to provide proof of annual inspection when demanded by a peace officer or certain D.O.T. employees.

**Section 3.** Requires a person who conducts a commercial vehicle inspection to issue a certificate of inspection to the owner or operator. Requires the owner or operator to keep a record of the inspection.

**Section 4.** Amends the regulatory authority of the commissioner of public safety.

**Section 5.** Provides for impoundment of a commercial motor vehicle without a valid inspection certificate. Prohibits release from impoundment until a valid inspection certificate is obtained and impoundment fees are paid. Allows the department to adopt regulations regarding impoundment fees.

**Section 6.** Amends the definition of "commercial motor vehicle".

**Section 7.** Provides that a trailer used for commercial purposes is exempt from vehicle registration.

**Section 8.** Excludes applicants for temporary registration from this subsection.

Representative Bill Williams  
February 20, 1998  
Page 2

**Section 9.** Excludes temporarily registered commercial vehicles from emission inspection requirements.

**Section 10.** Excludes temporarily registered commercial vehicles from this subsection.

**Section 11.** Excludes temporarily registered commercial vehicles from this subsection.

**Section 12.** Excludes temporarily registered commercial vehicles from this subsection.

**Section 13.** Excludes temporarily registered commercial vehicles from this subsection.

**Section 14.** Excludes temporarily registered commercial vehicles from this subsection.

**Section 15.** Provides for temporary registration of certain commercial vehicles and establishes fees.

**Section 16.** Excludes temporarily registered commercial vehicles from this subsection.

**Section 17.** Excludes temporarily registered commercial vehicles from this subsection.

**Section 18.** Excludes temporarily registered commercial vehicles from this subsection.

**Section 19.** Increases the fees for biennial registration of commercial motor vehicles. Removes trailers and semi-trailers from registration requirements.

**Section 20.** Increases the fees for annual registration of commercial motor vehicles.

**Section 21.** Allows peace officers or D.O.T. employees to issue citations for a violation of AS 19.10.060(c).

**Section 22.** Provides that for a violation of AS 19.10.060 a person is subject to a \$300 fine.

**Section 23.** Repealers.

**Section 24.** Provision that allows both the Department of Administration and D.O.T to adopt regulations.

**Section 25.** Effective date for sec. 24.

**Section 26.** Effective date for all sections except sec. 24.

MFF:glc  
98-095.glc

# ALASKA TRUCKING ASSOCIATION, INC.

3443 Minnesota Drive • Anchorage, Alaska 99503 • PHONE (907) 276-1149 • FAX (907) 274-1946

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## 1998 Trucking Legislation

### HB 404 Before House Transportation Committee

February 25, 1998

The Alaska Trucking Association, in cooperation with General Teamsters Local 959, are supporting House Transportation Committee Bill 404, crafted to resolve problems related to truck user's concerns in three major areas:

First: A current Statute related to commercial vehicle safety inspections (Sec.19.10.310) is amended to allow for the inspection criteria found in the Federal Motor Carrier Safety Regulations as adopted by Alaska to meet the State's requirements. Needed badly and a good deal.

Second: Fees for out-of-state trucks (Sec.28.10.152) that wish to operate in Alaska temporarily, are increased from \$50 to \$350. This brings Alaska fees more in line with what is charged by other States and Provinces issuing temporary permits. Revenue generated from this fee will be identified as a program receipt. The Governor's Budget will request this "new" money be appropriated for weigh station operation. It does not solve the problem of under funding for weighing and safety issues, but does help.

Third: The Bill will eliminate the requirement for annual registration of commercial trailers with DMV. The money currently collected will be added to the registration cost of commercial "power units", so as to be revenue neutral. A \$10 one time fee will be assessed commercial trailers. This change will result in saving about 20,000 transactions annually at DMV saving more than \$100,000 annually. The change is also required if Alaska wants to become part of the International Registration Plan. IRP allows for a greatly simplified method of prorating the use of trucks between various States and Provinces. The industry gains substantial efficiency by not having to physically "tag" every one of the almost 20,000 commercial trailers in Alaska annually.



**WHY HAVE WEIGH STATIONS?**

- \* Protect public health and safety;
- \* Protect state infrastructure;
- \* Assure level playing field for industry;
- \* Maintain Federal Highways funding.

**WHY HAVE INSPECTORS?**

- \* Required by the Federal Highways Administration to conduct carrier audits;
- \* Required by the Federal Highways Administration to conduct random commercial vehicle inspections;
- \* Required by the Federal Highways Administration to inspect products being carried, (such as hazardous materials) and assure they are being handled in a safe manner.

In summary, by maintaining the weight stations and inspector programs, the State of Alaska receives hundreds of millions of dollars from the Federal Highway Administration.

**WHERE ARE WEIGH STATIONS LOCATED IN STATE ?**

- (1) FOX - Located in Fairbanks area, this is the Northern most check point.
- (2) RICHARDSON HIGHWAY - One in bound, traffic going up to Prudhoe Bay and one out bound traffic in and around Fox, Delta and other surrounding areas.
- (1) ESTER - Located on the Parks Highway, monitors traffic in and out of Fairbanks.
- (2) GLEN - One in bound, checks traffic going into Anchorage and one out bound, checking traffic going out of Anchorage from Anchorage Port area, etc.
- (1) VALDEZ - Checks traffic going in and out of Valdez including the Port of Valdez.
- (1) POTTER - Checks traffic going in and out of Peninsula, including Portage, Seward and Homer.
- (1) STERLING - Checks local traffic as well as traffic going into Anchorage, and out to Seward and Homer.
- (1) TOK - Checks border traffic, in and out of State.

# Alaska State Legislature

## House of Representatives



Transportation Committee

### Sponsor Statement

#### **HB 404 regulation of commercial motor vehicles**

The purpose of HB 404 is to improve efficiency at D.M.V. and to improve efficiency and safety of freight movement into, out of, and within Alaska. Also, adoption of HB 404 will allow the State to participate in the International Registration Plan.

Our current state commercial vehicle inspection law is unworkable. The bill proposes to conform our inspection program with inspection criteria found in the Federal Motor Carrier Safety Regulations.

Also, HB 404 will increase temporary fees for out-of-state trucks that wish to operate in Alaska from \$50 dollars to \$350. This will bring Alaska fees closer to what is charged by other states and provinces issuing temporary permits. Revenue generated from this fee may be appropriated to operate weigh stations and commercial vehicle safety programs.

Further, HB 404 would eliminate the requirement for annual registration of commercial trailers. The fees collected from the registration of commercial trailers would be transferred to the cost of registration of commercial vehicles, or 'power units'. Hence the bill is revenue neutral. The change is required if Alaska wants to become part of the International Registration Plan, which allows for a simplified method of prorating fees to other jurisdictions in which Alaska commercial vehicles operate, and vice versa. The state and industry will gain substantial efficiencies by not having to issue and physically tag 20,000 commercial trailers annually.

In short, House Bill 404 will create efficiencies in government and the private sector, and will create a safer transportation environment. The safer our commercial vehicles are on our highways, the safer all of us will be.

AMENDMENT # 2  
HB 404 (TRA)

Rep Davis

"An Act relating to regulation of commercial vehicles; non-commercial trailers; relating to temporary registration of out-of-state commercial vehicles; relating to registration fees for commercial vehicles; non-commercial trailers; and providing for an effective date."

AS28.10.421(b)(6) is amended to read:

(6) a trailer not used or maintained for the transportation of persons or property for hire or for other commercial use, including, but not limited to, a boat trailer, baggage trailer, box trailer, utility trailer, house trailer, travel trailer, or a trailer rented or offered for rent shall pay a one-time registration fee.....[~~\$10~~]\$50

A M E N D M E N T /

*Rep Davis*

OFFERED IN THE HOUSE  
TO: CSHB 404(TRA)

1 Page 8, following line 9:

2 Insert a new bill section to read:

3 **\*\* Sec. 18.** AS 28.10.421(b) is amended to read:

4 (b) The biennial registration fees under this subsection are imposed within the  
5 following classifications for:

6 (1) a passenger vehicle or motor home not **primarily** used or  
7 maintained for the transportation of persons or property for hire or for other  
8 commercial use . . . . . \$ 68;

9 (2) a pick-up truck or a van not exceeding 6,000 pounds unladen  
10 weight and not **primarily** used or maintained for the transportation of persons or  
11 property for hire or for other commercial use . . . . . \$ 78;

12 (3) a taxicab . . . . . \$138;

13 (4) a motor bus with a seating capacity for 20 or more persons and  
14 used exclusively for commercial purposes in the transporting of visitors or tourists  
15 . . . . . \$168;

16 (5) a motorcycle or a motor-driven cycle . . . . . \$ 38;

17 (6) a trailer not **primarily** used or maintained for the transportation  
18 of persons or property for hire or for other commercial use, including, but not limited  
19 to, a boat trailer, baggage trailer, box trailer, utility trailer, house trailer, travel trailer,  
20 or a trailer rented or offered for rent . . . . . \$ 10."

21 Renumber the following bill sections accordingly.

22 Page 8, line 16, following "is":

23 Insert "**primarily**"

1 Page 8, line 17, following "or":

2 Insert "primarily used"

3 Page 8, line 29, following "and":

4 Insert "primarily"

5 Page 9, following line 11:

6 Insert a new bill section to read:

7 **\*\* Sec. 22.** AS 28.10.661 is amended by adding a new paragraph to read:

8 (3) "primarily used" means use for a period that exceeds six months  
9 of a calendar year."

10 Renumber the following bill sections accordingly.

11 Page 11, line 12:

12 Delete "secs. 1 - 23"

13 Insert "secs. 1 - 25"

14 Page 11, line 14:

15 Delete "Section 24"

16 Insert "Section 26"

17 Page 11, line 15:

18 Delete "sec. 25"

19 Insert "sec. 27"



# General Teamsters Local 959 State of Alaska

Affiliated with International Brotherhood of Teamsters

ANCHORAGE, ALASKA 99503, 520 E. 34TH AVE (907) 565-8122 FAX (907) 565-8265 GERALD L. HOOD, Secretary-Treasurer

FAIRBANKS, ALASKA 99707, P.O. Box 70609 (907) 452-2959 FAX (907) 452-5051  
JUNEAU, ALASKA 99801, 308 Wiloughby (907) 586-3225 FAX (907) 586-1227  
KENAI, ALASKA 99611, P.O. BOX 3150 (907) 283-4498 FAX (907) 283-8030

March 6, 1998

Representative Gene Theriault  
Co-Chairperson  
House Finance Committee  
State Capitol  
Juneau, AK 99801

Re: HB 404 - Regulation of Commercial Vehicles

Dear Representative Theriault:

On behalf of the hundreds of members whom we represent in the trucking industry, I wish to go on record supporting HB 404, Regulation of Commercial Vehicles.

In working with the Department of Transportation, the Division of Motor Vehicles, and many legislative representatives, I feel this bill addresses several important issues in this industry that have been overlooked for years. I do not consider HB 404 a "fix all" to the trucking issues that we and the industry face within the state of Alaska, but most definitely a good faith effort in the right direction. The following issues are addressed in the bill.

HB404 will amend AS 19. Sec. 19.10.310, to allow for inspection criteria found in the Federal Motor Carrier Safety Regulations, as adopted by Alaska, to meet the State's requirements. In discussion with my members and industry representatives, this is needed and is good for all, non-commercial and commercial vehicles alike. In addition, let me assure you this is not a union versus non-union issue. HB404 will assist in creating a level playing field for all motor carriers. The safer our commercial vehicles are on our highways, the safer all of us will be.

In addition to the adoption of the safety criteria, HB 404 will also increase temporary registration fees for those out-of-state trucks that wish to operate in Alaska on a temporary basis. This increase would bring Alaska more in-line with what is charged by other states and provinces issuing temporary permits. Revenue generated from this fee will, if approved by the legislature, be appropriated through the weigh station operation. Although this does not fully address the safety and overall operation requirements of the weigh stations, it does help.



Representative Gene Theriault

March 6, 1998

Page 2.

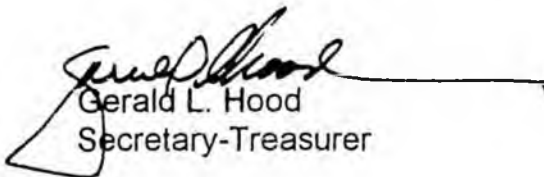
Finally, this bill will eliminate the annual registration of commercial trailers with the Division of Motor Vehicles (DMV) and transfer the fee instead to "commercial" power units. Although revenue-neutral for DMV, this change will result in a savings of at least 20,000 transactions annually at DMV, saving at least \$100,000 annually. Should Alaska become a member of the International Registration Plan (IRP), a requirement of the plan is that the registration be on the power units not the trailers. Most of the states in the lower 48 have made such a change.

In summary, I request you and your Committee members support in passage of HB 404.

If I may be of any further assistance, please let me know.

Sincerely,

TEAMSTERS LOCAL 959



Gerald L. Hood  
Secretary-Treasurer

/kk  
MISC\98C6.Ltr



# House Finance Committee

SUBJECT OF MEETING

SCR 19  
HB 261  
HB 404

DATE: March 9, 98

PLACE: Camp 519

NAME	REPRESENTING	BUSINESS/PERSONAL MAILING ADDRESS	ZIP	(H) PHONE	(W) PHONE	DO YOU WANT TO TESTIFY?	
Laddie Shaw	Police Standards				4378	Y	(N) 1
Frank Dillon	Comm Vch.	3443 Minnesota Dr Anch. AK 99503			276 1149	(Y)	N H
Babba Huff Truckess	Teamsters				565-8236	(Y)	N C
						Y	N
						Y	N
						Y	N
						Y	N
						Y	N
						Y	N
						Y	N

**HB**

**404**

**SFIN**

**FILE**

# SENATE FINANCE COMMITTEE REPORT

DATE: 3/27/98

FURTHER: 4/7/98

DATE TURNED  
IN TO OFFICE: 7 April 98

Finance Committee considered CS FOR HOUSE BILL NO. 404(TRA)

"An Act relating to the regulation of commercial vehicles; relating to the temporary registration of out-of-state commercial vehicles; relating to registration fees for commercial vehicles; and providing for an effective date."

and recommends:

- be **replaced** with \_\_\_\_\_ CS \_\_\_\_\_ (\_\_\_\_\_)
- adopt **previous** \_\_\_\_\_ CS HB 404 (TRA)
- attached amendment(s)
- adopt Letter of Intent by \_\_\_\_\_ Committee
- further referral to the \_\_\_\_\_ Committee

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

SIGNING <del>DO</del> PASS	DP	OTHER RECOMMENDATIONS	NR	DNP	AM
<i>John Ingersoll</i>	✓	<i>Sean Farrell</i>	X		
<i>David Donley</i>	✓	<i>Lee Adams</i>	X		
Co-Chair: <i>Sean Farrell</i>	✓	Co-Chair:			
Co-Chair: <i>David Donley</i>	✓	Co-Chair:			

**NEW FISCAL NOTE(S):**

Department                      Date      Zero      Fiscal

Admin; DMV	4/1/98		***

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

Department                      Date      Zero      Fiscal

DOT+PF; Commission	2/23/98		5129

APPROPRIATION -- no fiscal note

\*include fiscal notes accompanying Governor's bill

# FISCAL NOTE

4/7/98

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

**BILL NO: CSHB 404(TRA)**

Revision Date: 4/1/98 Dept. Affected: Administration  
 Title: "An Act relating to the regulation of commercial vehicles..." BRU: Motor Vehicles  
 Component: Field Services  
 Sponsor: H. Transportation  
 Requestor: (S) FIN COMPONENT SERIAL NO. 2151

**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>CAPITAL EXPENDITURES</b>						
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<b>CHANGE IN REVENUES (1005)</b>	<b>195.5</b>	<b>17.5</b>	<b>17.5</b>	<b>17.5</b>	<b>17.5</b>	<b>17.5</b>
Revenue Code						

**FUNDING: (Thousands of Dollars)**

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

Estimate of current year (FY 98) impact: \$ 0

**POSITIONS:**

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary.)

SEE ATTACHED

Prepared By: Juanita M. Hensley Phone: 465-5648  
 Division: Motor Vehicles Date: 4/1/98  
 Approved by Commissioner: Mark Boyer *Alkon M. Elgee* Date: 4/1/98  
 Agency: Department of Administration

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Revision Date: 4/1/98

Dept. Affected: Administration

ANALYSIS CONTINUED:

### COMMERCIAL TRAILER PERMANENT REGISTRATION

DMV is in the process of redefining and re-energizing the way we do business. The efficiency measures are allowing the division to keep up with increased workload each year. For example from 1996 to 1997 the number of registered vehicles increased by 26,047.

The proposal to issue permanent registrations to commercial trailers is intended to be an efficiency savings for DMV and the transportation industry together. In 1997 there were 18,268 registered commercial trailers.

All of the trailer registrations will not be eliminated in one year. During the first year of implementation which would be CY 99 all trailers would still have to be registered and issued the permanent registrations and plate or decal so costs would remain the same. After that there would still be new trailers coming into the state each year and typically this figure would be 20% so the actual workload savings beginning in CY 2000 would be approximately 14,000 registration renewals. The transaction cost for renewal of a commercial trailer is \$7.74 per transaction. Registration and titling for a first time registration in the state is \$12.45 per transaction.

At this time, DMV cannot estimate the amount of savings associated with this bill. Rounding fees for the registration of the trailers and transferring those fees to the trucks (power-units) and charging a one-time registration fee for trailers derives revenue indicated.

# FISCAL NOTE

4/7/98  
 No: 2  
 Bill Version: CSHB 404 (TRA)  
 (H) Publish Date: 2/27/98

STATE OF ALASKA  
 1998 LEGISLATIVE SESSION

Revision Date		Dept. Affected	DOT&PF
Title	Regs of Commercial Vehicles	BRU	Commissioners Office
Sponsor	House Transportation	Component	Office of the Commissioner
Requester	House Transportation	Component Serial No.	530

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

OPERATING EXPENDITURES	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
Personal Services	407.9	411.0	415.0	419.2	423.4	427.6
Travel	0.0	0.0	0.0	0.0	0.0	0.0
Contractual	0.0	9.5	9.5	9.5	9.5	9.5
Supplies	0.0	0.0	0.0	0.0	0.0	0.0
Equipment	105.0	0.0	0.0	0.0	0.0	0.0
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>512.9</b>	<b>420.5</b>	<b>424.5</b>	<b>428.7</b>	<b>432.9</b>	<b>437.1</b>

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

<b>CHANGE IN REVENUES ( )</b>	612.5	612.5	612.5	612.5	612.5	612.5
-------------------------------	-------	-------	-------	-------	-------	-------

**FUND SOURCE** (Thousands of Dollars)

FUND SOURCE	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
1002 Federal Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1003 GF Match	0.0	0.0	0.0	0.0	0.0	0.0
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts	512.9	420.5	424.5	428.7	432.9	437.1
1037 GF/Mental Health						
Other (Specify Type)						
<b>TOTAL</b>	<b>512.9</b>	<b>420.5</b>	<b>424.5</b>	<b>428.7</b>	<b>432.9</b>	<b>437.1</b>

Estimate of any current year (FY98) cost: 0.0

**POSITIONS**

POSITIONS	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
Full-time	9	9	9	9	9	9
Part-time	0	0	0	0	0	0
Temporary	0	0	0	0	0	0

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

This bill transfers the responsibility for establishing and collecting out of state registration fees for commercial trucks and increases the registration fee from the \$10 range to \$350 thereby generating approximately 612.5 in new revenue to fund size, weight & safety inspections. When added to the current collections of about 40.0 there is adequate funding to support this fiscal note. Additionally, this will provide protection to the motoring public by ensuring safer commercial vehicles and to our bridges and highways by ensuring properly loaded trucks. This will also create a level playing field for the industry that is essential to their ability to compete fairly in the market place and to ensure that a good part of Alaska's work is done by Alaskans.

Prepared by	Dennis Poshard, Special Assistant	Phone 465-3900
Division	Office of the Commissioner	Date 2/23/98
Approved by	<i>Joseph L. Poshard</i> Commissioner	Date 2/23/98
Agency	Department of Transportation and Public Facilities	

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**Analysis**  
**Program Summary:**

This legislation will:

Add nine new Weigh Station Operator I, 2453-12, positions distributed as follows:

	#	Amount
Tok	3	147.5
Fairbanks	1	42.7
Sterling	3	128.4
Anchorage	2	86.3
	9	405.9

Add three new inspection vehicles as follows:

	#	Amount
Tok	1	35.0
Fairbanks	1	35.0
Sterling	1	35.0
Anchorage	0	0
	3	105.0

**Tok**

Add three additional positions to issue temporary registration permits 24 hours per day and perform size, weight and driver/vehicle safety inspections. Trained personnel will be on duty at all times to ensure that truck traffic coming into and leaving the state at Tok is complying with our laws and regulations. One or more persons will be trained to perform driver/vehicle inspections at commercial vehicle crash scenes. The additional revenue collections are estimated to be 1,750 vehicles at \$350 per vehicle = \$ 612.5.

**Fairbanks**

Add one position to allow additional coverage to increase truck size, weight and safety enforcement at the weigh stations by performing size and weight as well as safety inspections. Temporary registrations will be issued at the Fairbanks Weigh Stations.

**Sterling**

Add three new positions to the current one position staff at the Sterling Weigh Station to perform size, weight and driver/vehicle safety inspections and to issue temporary registrations for those vehicles entering the state at Seward, Kenai or Homer. This station is the only truck size, weight and safety inspection facility on the Kenai Peninsula located on the very busy Sterling Highway. There is no resident driver/vehicle safety inspector located on the Kenai Peninsula at this time. Since the weigh station is open only one shift per day, five days per week, it is nearly impossible to estimate the volume of unregistered out of state commercial vehicle traffic. The potential for increased revenue is small. The priority at this station is to provide the size, weight and safety inspections that are not being done at the present time.

**Anchorage**

Add two new positions to enable 24 hour per day, seven day per week staffing at the Glenn Outbound and the Potter Weigh Stations. These two positions will focus on truck size and weight enforcement with the present seven other size and weight enforcement personnel. There are presently three commercial vehicle inspector positions stationed in Anchorage who can effectively monitor truck traffic for driver and vehicle safety concerns. This additional coverage will allow for the issuance of temporary registrations at the Anchorage Weigh Stations for unregistered vehicles arriving at the Port of Anchorage.

These new positions will monitor all incoming and outgoing traffic into the state at the Tok Weigh Station and will enhance the coverage at the other stations listed above. The new positions will enable us to:

- issue out of state temporary registrations to foreign ( out of state ) commercial vehicles, thereby ensuring the proper payment of fees from those who live outside of our state.
- conduct size and weight inspections to ensure that the vehicles and their loads conform with state regulations governing truck size and weight.
- perform safety inspections of both the drivers and their vehicles to ensure compliance with state and federal safety and hazardous materials regulations.
- verify that the proper insurance coverage is in place to provide liability protection to our citizens.

Vehicle maintenance of \$ 9.5 for the three vehicles will be absorbed in the division budget in FY99. This cost has been identified as an increase in Contractual Services for the next five years.

Funding:

The intent of this fee increase is to provide additional new revenue to fund badly needed truck size, weight and safety enforcement. We estimate that \$ 612.5 in revenue can be generated with three new positions in Tok to operate the weigh station 24 hours per day, seven days per week. The other six positions will be placed in the locations with the greatest need for increased size, weight and safety enforcement. While these other six positions will generate a small increase in revenue, the important issue is the increased size, weight and safety enforcement. When the trucking activities were consolidated into DOT&PF, it was recognized that the funding for the program is inadequate. This is an attempt to increase the level of enforcement at a minimal cost to the state. It is important to recognize that the fee increase helps to correct an inequity that has existed for many years in that out of state vehicles can operate in our state at a very minimal cost while Alaska carriers do not enjoy the same low fees in other states.

**HB**

**405**

HFIN

FILE

Rough

Adopted

(a) A person commits the offense of failure to stop at the direction of a peace officer in the first degree if the person violates (b) of this section and, during the commission of that offense, the person violates a traffic law or commits another crime.

Then add the following definitions to (d)

- (3) "crime" has the meaning given in AS 11.81.900;
- (4) "traffic law" has the meaning given in AS 28.15.261.

# HOUSE COMMITTEE REPORT

(11)

Date Referred to Committee: March 9, 1998

FURTHER REFERRALS:

Date of Committee Action: 5/1/98

The FINANCE Committee considered:

HB 405

HOUSE BILL NO. 405

FLEEING OR EVADING A PEACE OFFICER

“An Act relating to failing to stop a vehicle when directed to do so by a peace officer.”

recommends it be replaced  the same title  
 with the following committee substitute \_\_\_\_\_  a new title

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

attached amendment(s)

ADOPTS: \_\_\_\_\_ Letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept)

APPROVES PREVIOUS: (Dept/Date)

3  fiscal note(s) DOC, DORA  
COURT

fiscal note(s) LAW, 3/9/98

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

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

SIGNING WITH RECOMMENDATIONS	DP	DNP	NR	AM
<i>Gene Hernandez</i>			X	
<i>Pat Kelly</i>			✓	
<i>Wesley Moore</i>			X	
<i>John W. ...</i>	X	X		
<i>John W. ...</i>			X	
<i>Ben ...</i>			X	
Martin	X			

CHAIR'S SIGNATURE

*Gene Hernandez*

# FISCAL NOTE

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

**BILL NO. HB 405**

Revision Date: \_\_\_\_\_ Dept. Affected: Alaska Court System  
 Title: An Act relating to failing to stop a BRU: Trial Courts  
vehicle when directed to do so by a police officer Component: \_\_\_\_\_  
 Sponsor: Rep. Kott  
 Requestor: House Finance COMPONENT SERIAL NO. 788

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

OPERATING EXPENDITURES	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
PERSONAL SERVICES	45.8	45.8	45.8	45.8	45.8	45.8
TRAVEL						
CONTRACTUAL	30.6	30.6	30.6	30.6	30.6	30.6
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS & CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>78.5</b>	<b>78.5</b>	<b>78.5</b>	<b>78.5</b>	<b>78.5</b>	<b>78.5</b>

<b>CAPITAL EXPENDITURES</b>						
<b>CHANGE IN REVENUES ( )</b>						

**Fund Source** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	78.5	76.5	78.5	76.5	76.5	76.5
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other						
<b>TOTAL</b>	<b>78.5</b>	<b>76.5</b>	<b>76.5</b>	<b>76.5</b>	<b>76.5</b>	<b>76.5</b>

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

**Positions**

Full-Time						
Part-Time	2	2	2	2	2	2
Temporary						

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

See attached analysis.

Prepared by: Doug Wooliver, Administrative Attorney  
 Agency: Alaska Court System

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

Phone: 264-8265  
 Date: 03/12/98

Date: 03/12/98

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**Alaska Court System  
Fiscal Analysis  
HB 405**

HB 405 makes it a class C felony to fail to stop at the direction of a peace officer if, during the commission of that offense, the person violates another law, ordinance, or traffic regulation. It also raises from a class B to a class A misdemeanor the crime of simply failing to stop at the direction of a peace officer without violating another law, ordinance, or traffic regulation.

The Department of Law's fiscal note states that an average of 220 cases of failure to stop are referred annually to state prosecutors and an additional 100 are referred to municipal prosecutors. Both the Department of Law and the Public Defender's Agency estimate that most of these cases would be charged as felonies under HB 405. This note is based on these estimates.

Assuming that 250 of the 320 cases will be charged as felonies, and assuming that roughly 10% will go to trial, the court system will see an additional 25 felony trials a year.

This note does not reflect the additional costs the court system will incur in handling the many felony charges that do not proceed to trial.

**Alaska Court System****Fiscal Analysis****HB 406****Personal Services**

	<u>Salary</u>	<u>Benefits</u>	<u>Total</u>
Pro Tem Superior Court Judge, Anchorage, PPT, 4.5 months	\$ 21,938	\$ 10,693	\$ 32,631
In-Court Clerk, range 12A, Anchorage, PPT, 4.5 months	10,850	2,352	<u>13,202</u>
<b>Total Personal Services</b>			<b>\$ 45,833</b>

**Contractual**

Jury fees: Twenty-five superior court, 3.5-day trials with 14 jurors at \$25 a day each	<u>30,625</u>
<b>Total Estimated Cost</b>	<b>\$ <u>76,458</u></b>

**FISCAL NOTE**

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

**BILL NO. HB 405**

Revision Date: March 11, 1998 p.m.  
 Title: "An Act relating to failing to stop a vehicle when directed to do so by a peace officer"  
 Sponsor: Representative Kott  
 Requestor: (H) FIN

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	176.8	176.8	176.8	176.8	176.8	176.8
TRAVEL	7.0	7.0	7.0	7.0	7.0	7.0
CONTRACTUAL	52.6	52.6	52.6	52.6	52.6	52.6
SUPPLIES	3.8	3.8	3.8	3.8	3.8	3.8
EQUIPMENT	13.0	1.3	1.3	1.3	1.3	1.3
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>253.2</b>	<b>241.5</b>	<b>241.5</b>	<b>241.5</b>	<b>241.5</b>	<b>241.5</b>

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

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

**FUND SOURCE:**

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	253.2	241.5	241.5	241.5	241.5	241.5
1005 GF/Program Receipts						
1037 GF/Mental Health						
OTHER						
<b>TOTAL</b>	<b>253.2</b>	<b>241.5</b>	<b>241.5</b>	<b>241.5</b>	<b>241.5</b>	<b>241.5</b>

Estimate of any current year (FY 98) cost: \$ -0-

**POSITIONS:**

FULL-TIME	2.0	2.0	2.0	2.0	2.0	2.0
PART-TIME						
TEMPORARY						

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

See attached.

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: 3/11/98

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**FISCAL NOTE**

**STATE OF ALASKA**

**BILL NO. HB 405**

**1998 LEGISLATIVE SESSION**

**ANALYSIS: (continued)**

Failure to stop at the direction of a peace officer is currently a Class B misdemeanor offense with a maximum 90-day penalty. This bill rewrites the offense to create a new Class A misdemeanor if a person knowingly fails to stop, and a Class C felony with up to five years in jail, if while doing so the person violates another law, ordinance, or traffic regulation.

New information from the Department of Law indicates that 220 of these offenses were referred for prosecution last year, with an additional 100 to the Municipality of Anchorage. According to National Standards, two Attorney IVs, one in Anchorage and one in Fairbanks, would be required to handle this volume of new felonies.

The rather dramatic increase in penalties adds substantial work to the processing of a case, including pre-indictment hearings, grand jury challenges, 12-person jury trials, pre-sentence report procedures and felony sentencings. Because of the permanent impact of a felony record, and in some situations, a presumptive two or three-year sentence, these cases will be much more time and labor intensive as C felonies than B misdemeanors. Hopes that such serious penalties will decrease the numbers of such cases are optimistic and speculative at best.

# FISCAL NOTE

STATE OF ALASKA  
1998 LEGISLATIVE SESSION

BILL NO. HB 405

Revision Date (Note if correction) \_\_\_\_\_ Dept. Affected Corrections  
 Title An Act relating to failing to stop a vehicle when BRU Administration and Operations  
directed to do so by a peace officer. Component ALL  
 Sponsor Representative Kott  
 Requester House Judiciary Component Serial No. #C694

**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	134.5	134.5	134.5	134.5	134.5	134.5
<b>TOTAL OPERATING</b>	<b>134.5</b>	<b>134.5</b>	<b>134.5</b>	<b>134.5</b>	<b>134.5</b>	<b>134.5</b>

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

<b>CHANGE IN REVENUES ( )</b>						
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**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	134.5	134.5	134.5	134.5	134.5	134.5
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
<b>TOTAL</b>	<b>134.5</b>	<b>134.5</b>	<b>134.5</b>	<b>134.5</b>	<b>134.5</b>	<b>134.5</b>

Estimate of any current year (FY98) cost: 0.0

**POSITIONS**

Full-time						
Part-time						
Temporary						

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

Please see attached.

Prepared by Bruce Richards Phone 455-3307  
 Division Commissioner's Office Date 3/10/98  
 Approved by Commissioner Margaret M. Pugh Margaret M. Pugh Date 3/10/98  
 Agency Department of Corrections

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FISCAL NOTE

STATE OF ALASKA  
1998 LEGISLATIVE SESSION  
DEPARTMENT OF CORRECTIONS

BILL NO. HB 405  
DATE 3/10/98  
PAGE 2 of 2

ANALYSIS CONTINUATION

HB 405 creates a new class C felony crime for failure to stop at the direction of a peace officer when directed to, when during the commission of this offense, the person violates another law, ordinance, or traffic regulation. The penalty for simply knowingly failing to stop at the direction of a peace officer is increased from a class B to a class A misdemeanor.

Assumptions:

An average of 220 cases of failure to stop at the direction of a peace officer are referred annually to state prosecutors, and approximately 100 are referred to prosecutors in the Municipality of Anchorage. The Department of Law assumes that a majority of these cases would be charged as felonies if this legislation were enacted.

The Dept. of Corrections estimates that approximately 5 prisoners a year will be convicted of a class C felony which could bring a sentence of up to 5 years. This estimate is based on the assumption that most cases will be plead out or reduced to a misdemeanor. The Dept. of Corrections estimates the average sentence will be one year or 243 days served after statutory good time is subtracted. Of the 243 days, 32 days are subtracted for the sentence that would be served under current statutes. This would result in a total of 211 days served.

5 inmates X 211 days X \$100.07 per day = \$105,573

Since the penalty for failure to stop for a police officer is being increased from a class B misdemeanor to a possible class C felony, the Department of Corrections is required to conduct a presentence investigation report (PSI). The cost for a PSI is approximately \$450.

5 PSI reports X \$450 = \$2250

The Dept. of Corrections estimates that approximately 5 prisoners a year will be convicted of a class A misdemeanor. The sentence is estimated to be 180 days, or 120 days actually served after the subtraction of statutory good time. Of the 120 days, 32 days are subtracted for the sentence that would be served under current statutes. This would result in a total of 88 days, most likely served in a halfway house.

5 inmates X 88 days X \$60.60 per day = \$26,664

The total estimated annual cost if HB 405 is enacted would be \$134,487

The Dept. of Corrections believes this to be a conservative estimate considering the number of people charged with this crime last year was approximately 220 statewide

# FISCAL NOTE

Bill Version: HB 405  
 (H) Publish Date: 3/9/98

**STATE OF ALASKA  
 1998 LEGISLATIVE SESSION**

Revision Date (Note if correction) \_\_\_\_\_ Dept. Affected Law  
 Title An Act relating to failing to stop a vehicle when BRU Criminal Division  
directed to so by a peace officer Component 1st-4th Jud District/OSPA  
 Sponsor Representative Kott #2198/99/  
 Requester House Judiciary Committee Component Serial No 2261/79/01/03

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

OPERATING EXPENDITURES	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
Personal Services	56.6	56.6	56.6	56.6	56.6	56.6
Travel	0.2	0.2	0.2	0.2	0.2	0.2
Contractual	9.1	9.1	9.1	9.1	9.1	9.1
Supplies	0.9	0.9	0.9	0.9	0.9	0.9
Equipment	6.5					
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>73.3</b>	<b>66.8</b>	<b>66.8</b>	<b>66.8</b>	<b>66.8</b>	<b>66.8</b>

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

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

**FUND SOURCE (Thousands of Dollars)**

1002 Federal Receipts						
1003 GF Match						
1004 GF	73.3	66.8	66.8	66.8	66.8	66.8
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
<b>TOTAL</b>	<b>73.3</b>	<b>66.8</b>	<b>66.8</b>	<b>66.8</b>	<b>66.8</b>	<b>66.8</b>

Estimate of any current year (FY98) cost: \_\_\_\_\_

**POSITIONS**

Full-time						
Part-time	1	1	1	1	1	1
Temporary						

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

HB 405 creates a new class C felony crime for failure to stop at the direction of a peace officer when directed to, when during the commission of this offense, the person violates another law, ordinance, or traffic regulation. The penalty for simply knowingly failing to stop at the direction of a peace officer is increased from a class B to a class A misdemeanor.

An average of 220 cases of failure to stop at the direction of a peace officer are referred annually to state prosecutors, and approximately 100 are referred to prosecutors in the Municipality of Anchorage. The Department of Law assumes that a majority of these cases would be charged as felonies if this legislation were enacted. Outside of Anchorage, the cases would be spread around the various district attorney's offices statewide. Although this will increase the workload in each office, it does not justify addition of prosecutor positions outside of Anchorage. However, the Anchorage District Attorney's Office could not absorb such a large increase in felony cases. One-half of a full time equivalent attorney

Prepared by Joan M. Kasson Phone 465-5370  
 Division Attorney General's Office Date 3/5/98  
 Approved by Commissioner Bruce M. Botelho, Attorney General Date 3/5/98  
 Agency Department of Law

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FISCAL NOTE

STATE OF ALASKA  
1998 LEGISLATIVE SESSION

BILL NO. HB 405

ANALYSIS CONTINUATION

position would be needed to handle this new caseload.

The cost estimate is based on the FY98/99 standard attorney cost schedule, and includes clerical support, communications, lease, and other normal overhead costs (\$133,500 per year for FTE attorney). Not included in the standard cost schedule are one-time equipment purchases for the new part-time position. These costs, \$6,500, are added separately for FY99 only.

# Alaska State Legislature House of Representatives

## Committees

Rules Committee, Chair  
Legislative Council  
International Trade & Tourism  
Military & Veterans Affairs  
World Trade & State/Federal Relations



Interim:  
10928 Eagle River Rd. Suite 141  
Eagle River, AK 99577

Session:  
Alaska State Capitol  
Juneau, AK 99801

## SPONSOR STATEMENT HB 405

HB 405 increases the penalties for not stopping at the direction of a police officer. Failure to stop at the direction of a police officer in the first degree occurs if during the commission of the offense the person violates any other law and is a Class C felony. Failure to stop at the direction of a peace officer in the second degree occurs if the person knowingly fails to stop as soon as possible in a safe manner and is a Class A misdemeanor.

The crime of eluding a police officer is inherently dangerous for pedestrians, other drivers and innocent bystanders. As an example in the Municipality of Anchorage in August of 1998, a passenger in a vehicle attempting to avoid arrest was killed when the vehicle ran a red light and struck a building. This is only one of several recent incidents where casualties have resulted from this very serious crime.

Increasing the penalties for this crime will not only help deter this potentially dangerous behavior but will more correctly align the severity of the punishment with the severity of the crime itself.

I urge your support for this legislation.

## Representative Pete Kott

Juneau Office (907) 465-3777 Toll Free 1-800-861-KOTT(5688) Fax (907) 465-2819  
Eagle River Office (907) 694-8944 Fax (907) 694-8945 E-Mail: representative\_pete\_kott@legis.state.ak.us







Rick Mystrom,  
Mayor

# ANCHORAGE POLICE DEPARTMENT

4501 South Bragaw Street • Anchorage, Alaska 99507-1599

Telephone (907) 786-8500



Service since 1921

February 13, 1998

Representative Pete Kott  
Alaska State Legislature  
State Capitol (MS 3100)  
Juneau, Alaska 99801-1182

Dear Representative Kott:

This note is to thank you for your support of HB 405, which will amend certain sections of AS 28.35.182, *Failure to Stop at Direction of Peace Officer*. As you well know, those who flee police officers often put many others at risk of injury or death in their attempt to elude capture. The law, as currently written, fails to hold violators accountable for the seriousness of this crime.

Since the Anchorage Police Department severely restricted its pursuit policy several years ago in the name of public safety, eluding officers has become more common. Even if caught later, drivers faced minor penalties. This new legislation will serve notice to those who consider fleeing that non-compliance can result in a felony conviction, and that Alaska will not tolerate those who recklessly threaten the lives of others.

Again, thanks for your help in bringing this legislation forward.

Sincerely,

Duane S. Udland  
Chief of Police

DSU/ros

# LEGAL SERVICES

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

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


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

## MEMORANDUM

February 18, 1998

**SUBJECT:** Sectional Summary of HB 405.

**TO:** Representative Pete Kott  
Attn: Jim Hornaday

**FROM:** Gerald P. Luckhaupt   
Legislative Counsel

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

Section 1 of the bill repeals AS 28.35.182, the offense of failing to stop at the direction of a peace officer, and reenacts that section as failure to stop at the direction of a peace officer in the first and second degree.

Subsection (a) creates the new offense of failure to stop at the direction of a peace officer in the first degree which is committed when a person violates subsection (b), failure to stop at the direction of a peace officer in the second degree and the person violates another law, ordinance, or traffic regulation.

Subsection (b) provides that a person commits the offense of failure to stop at the direction of a peace officer in the second degree if the person while operating a vehicle knowing fails to stop when requested to do so by a peace officer.

Subsection (c) provides affirmative defenses<sup>1/</sup> to a person charged with failure to stop at the direction of a peace officer. The defenses are that the peace officer's vehicle (if the peace officer was operating a vehicle when requesting the defendant to stop) did not meet lighting and audible signaling requirements for law enforcement vehicles and was not marked appropriately

---

1. AS 11.81.900(b)(1) defines "affirmative defense" to mean that

- (A) some evidence must be admitted which places in issue the defense; and
- (B) the defendant has the burden of establishing the defense by a preponderance of the evidence.

Representative Pete Kott  
February 18, 1998  
Page 2

so as to be recognizable as a law enforcement vehicle or that the peace officer was not wearing the uniform of office or displaying a badge when requesting the defendant to stop.

Subsection (d) supplies definitions.

Subsection (e) provides that failure to stop at the direction of a peace officer in the first degree is a class C felony and failure to stop at the direction of a peace officer in the second degree is a class A misdemeanor.

GPL:glc:jr  
98-089.glc

4/30/97

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**cc:Mail for: Representative Gene Therriault**

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**Subject:** Appointment of Judges to other Judgeships

**From:** Bill@ajc.state.ak.us (William Cotton) at CC2MHS1 5/1/98 3:37 PM

**To:** Representative Gene Therriault at LAA\_HTHR

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You asked me yesterday in the House Finance meeting on HJR 47 what percentage of people appointed to judgeships were already judges -- in other words were moving from one judgeship to another. I estimated the percentage of judges appointed to be about 10 to 20 percent.

I checked this percentage today on returning to the office. The percentage of judgeships since 1985 where a person already a state court judge was appointed was actually 15%. I wish all my estimates were as good.

Please feel free to contact me if you need further information.

Bill Cotton  
Alaska Judicial Council

**HB**

**405**

**SFIN**

**FILE**

# SENATE FINANCE COMMITTEE REPORT

DATE: 5/6/98

FURTHER: 5/9/98

DATE TURNED  
IN TO OFFICE: 9 May 98

Finance Committee considered CS FOR HOUSE BILL NO. 405(FIN)

"An Act relating to failing to stop a vehicle when directed to do so by a peace officer."

and recommends:

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

**Senate Bill:**

- same title
- new title
- House Bill:**
- same title
- technical title
- new: SCR# \_\_\_\_\_

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	NR	DNP	AM
<i>Deane Donley</i>	<input checked="" type="checkbox"/>	<i>Sean Rainell</i>			
		<i>Al Adams</i>	X	UNFUNDED LEGISLATION	
Co-Chair:		Co-Chair: <i>Pease</i>	<input checked="" type="checkbox"/>		
Co-Chair:		Co-Chair: <i>Scott</i>	<input checked="" type="checkbox"/>		

**NEW FISCAL NOTE(S):**

Department	Date	Zero	Fiscal
<i>Forth coming</i>			
<i>Fiscal Notes</i>			
<i>AK Courts</i>			
<i>Corrections</i>			
<i>DOA Public Defend.</i>			

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

Department	Date	Zero	Fiscal
<i>DO LAW</i>	<i>5/5/98</i>		<i>73.7</i>

APPROPRIATION -- no fiscal note

\*include fiscal notes accompanying Governor's bill

# FISCAL NOTE

REPORTED OUT OF  
 5/9/98  
 No: 1  
 Bill Version: HB 405  
 (H) Publish Date: 3/9/98

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

Revision Date (Note if correction)	Dept. Affected	Law
Title <u>An Act relating to failing to stop a vehicle when directed to so by a peace officer.</u>	BRU	Criminal Division
Sponsor <u>Representative Kott</u>	Component	1st-4th Jud District/OSPA
Requester <u>House Judiciary Committee</u>	Component Serial No.	#2198/99/ 226179/01/03

**Expenditures/Revenues**

(Thousands of Dollars)

OPERATING EXPENDITURES	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
Personal Services	56.6	56.6	56.6	56.6	56.6	56.6
Travel	0.2	0.2	0.2	0.2	0.2	0.2
Contractual	9.1	9.1	9.1	9.1	9.1	9.1
Supplies	0.9	0.9	0.9	0.9	0.9	0.9
Equipment	6.5					
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>73.3</b>	<b>66.8</b>	<b>66.8</b>	<b>66.8</b>	<b>66.8</b>	<b>66.8</b>

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ( )						
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**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	73.3	66.8	66.8	66.8	66.8	66.8
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
<b>TOTAL</b>	<b>73.3</b>	<b>66.8</b>	<b>66.8</b>	<b>66.8</b>	<b>66.8</b>	<b>66.8</b>

Estimate of any current year (FY98) cost: \_\_\_\_\_

**POSITIONS**

POSITIONS	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
Full-time						
Part-time	1	1	1	1	1	1
Temporary						

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

HB 405 creates a new class C felony crime for failure to stop at the direction of a peace officer when directed to, when during the commission of this offense, the person violates another law, ordinance, or traffic regulation. The penalty for simply knowingly failing to stop at the direction of a peace officer is increased from a class B to a class A misdemeanor.

An average of 220 cases of failure to stop at the direction of a peace officer are referred annually to state prosecutors, and approximately 100 are referred to prosecutors in the Municipality of Anchorage. The Department of Law assumes that a majority of these cases would be charged as felonies if this legislation were enacted. Outside of Anchorage, the cases would be spread around the various district attorney's offices statewide. Although this will increase the workload in each office, it does not justify addition of prosecutor positions outside of Anchorage. However, the Anchorage District Attorney's Office could not absorb such a large increase in felony cases. One-half of a full time equivalent attorney

Prepared by <u>Jean M. Kasson</u>	Phone <u>465-5370</u>
Division <u>Attorney General's Office</u>	Date <u>3/5/98</u>
Approved by Commissioner <u>Bruce M. Botelho, Attorney General</u>	Date <u>3/5/98</u>
Agency <u>Department of Law</u>	

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FISCAL NOTE

STATE OF ALASKA  
1998 LEGISLATIVE SESSION

BILL NO. HB 405

ANALYSIS CONTINUATION

position would be needed to handle this new caseload.

The cost estimate is based on the FY98/99 standard attorney cost schedule, and includes clerical support, communications, lease, and other normal overhead costs (\$133,500 per year for FTE attorney). Not included in the standard cost schedule are one-time equipment purchases for the new part-time position. These costs, \$6,500, are added separately for FY99 only.

**HB**

**406**

HFIN

FILE

# HOUSE COMMITTEE REPORT

(11)

Date Referred to Committee: April 7, 1998

FURTHER REFERRALS:

Date of Committee Action: 4/9/98

The FINANCE Committee considered:

HB 406

HOUSE BILL NO. 406

SUBSISTENCE USES OF FISH AND GAME

“An Act relating to subsistence uses of fish and game.”

recommends it be replaced with the following committee substitute CS HB 406 (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) \_\_\_\_\_

(8)  fiscal note(s) AK Court; law  fiscal note(s) \_\_\_\_\_

(6) fish: game \_\_\_\_\_

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

SIGNING WITH RECOMMENDATIONS	DP	DNP	NR	AM
<i>Gene Therriault</i> Therriault	X			
<i>Mark Harley</i> Harley			X	
<i>Gordon Ford</i> Mulder			X	
<i>Eric Martin</i> Martin			X	
<i>Pat Kelly</i> Kelly			X	
<i>Cal Davies</i> J. Davies		X		
<i>Ben Grossendort</i> Grossendort		X		
<i>Moses</i> Moses		X		
<i>J. Davis</i> J. Davis		X		
<i>Richard Foster</i> FOSTER		X		
<i>John Kohns</i> Kohns				X

CHAIR'S SIGNATURE *Gene Therriault* *Mark Harley*

# FISCAL NOTE

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

**BILL NO. CSHB 406 (Fin)**

Revision Date (Note if correction)	Dept. Affected <u>Fish and Game</u>
Title <u>Act authorizing Board of Fisheries and Board of Game to identify fish and game taken for subsistence...</u>	BRU <u>Administration and Support</u>
Sponsor <u>House Resources Committee</u>	Component <u>Boards of Fisheries and Game</u>
Requester <u>House Finance Committee</u>	Component Serial No. <u>2048</u>

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

OPERATING EXPENDITURES	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
Personal Services	12.8	12.8	12.8	12.8	12.8	12.8
Travel	346.9	156.6	156.6	156.6	156.6	156.6
Contractual	47.5	26.6	26.6	26.6	26.6	26.6
Supplies	1.3	0.7	0.7	0.7	0.7	0.7
Equipment	0.0	10.0	10.0	10.0	10.0	10.0
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>408.5</b>	<b>206.7</b>	<b>206.7</b>	<b>206.7</b>	<b>206.7</b>	<b>206.7</b>

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

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

**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	408.5	206.7	206.7	206.7	206.7	206.7
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
<b>TOTAL</b>	<b>408.5</b>	<b>206.7</b>	<b>206.7</b>	<b>206.7</b>	<b>206.7</b>	<b>206.7</b>

Estimate of any current year (FY98) cost: \_\_\_\_\_

**POSITIONS**

Full-time	2*	2*	2*	2*	2*	2*
Part-time						
Temporary						

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

HB 406 will substantially revise the state's subsistence statute, requiring the Board of Fisheries and the Board of Game to establish individual criteria to determine who may participate in subsistence fisheries and hunts in Alaska.

During the first year of implementation, the Joint Board will meet approximately 12 days to analyze the new statute and establish the regional council system, including appointments to councils. Following, each board will meet separately for approximately 12 days each to review and revise the nonsubsistence use areas, establish the subsistence permit point system and application form, and establish the appeal process.

(\*Increase two PPT clerks to PFT)

(continued on separate page)

Prepared by <u>Diana Cole, Exec. Director</u> <i>Diana Cole</i>	Phone <u>465-6095</u>
Division <u>Boards Support Section</u>	Date <u>4/15/98</u>
Approved by <u>Frank Rue, Commissioner</u> <i>Frank Rue</i>	Date <u>4/15/98</u>
Agency <u>Department of Fish and Game</u>	

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FISCAL NOTE ANALYSIS, continued  
BRU: Admin and Support  
COMPONENT: Boards of Fisheries and Game, #2048

CSHB 406(Fin)  
April 15, 1998

To perform the regulation consistence review and make determinations for subsistence, each board will meet approximately 7 days.

During subsequent years, each board will meet approximately 14 additional days.

CONTRACTUAL, SUPPLIES AND EQUIPMENT

Funds will provide for meeting room rental, phone and fax machines at the meetings, supplies for meetings, and necessary equipment. The budget in subsequent years reflects inflation and equipment upgrades.

STAFFING

Two existing administrative clerks will be increased from seasonal (10 months) to full-time (12 months) in the Boards of Fisheries and Game components. These positions serve as the main clerical support for the Board of Fisheries, Board of Game, and for headquarters staff.

**STATE OF ALASKA  
1998 LEGISLATIVE SESSION**

**BILL NO. CSHB 406(FIN)**

Revision Date (Note if correction) _____	Dept. Affected <u>Fish and Game</u>
Title <u>Subsistence Uses of Fish and Game</u>	BRU <u>Sport Fish</u>
	Component <u>Sport Fish</u>
Sponsor <u>House Resources Committee</u>	
Requester <u>House Finance Committee</u>	Component Serial No. <u>464</u>

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

OPERATING EXPENDITURES	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
Personal Services	48.5	48.5	48.5	48.5	48.5	48.5
Travel	16.8	16.8	16.8	16.8	16.8	16.8
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>65.3</b>	<b>65.3</b>	<b>65.3</b>	<b>65.3</b>	<b>65.3</b>	<b>65.3</b>

<b>CAPITAL EXPENDITURES</b>						
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<b>CHANGE IN REVENUES ( )</b>						
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**FUND SOURCE (Thousands of Dollars)**

1002 Federal Receipts	49.0	49.0	49.0	49.0	49.0	49.0
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
1024 Fish and Game Fund	16.3	16.3	16.3	16.3	16.3	16.3
<b>TOTAL</b>	<b>65.3</b>	<b>65.3</b>	<b>65.3</b>	<b>65.3</b>	<b>65.3</b>	<b>65.3</b>

Estimate of any current year (FY98) cost: 0.0

**POSITIONS**

Full-time	0	0	0	0	0	0
Part-time	0	0	0	0	0	0
Temporary	0	0	0	0	0	0

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

No new positions are being requested. However, funding for 10 months of staff time utilizing existing permanent/seasonal PCNs is required as well as funding for additional travel costs.

Prepared by <u>Kevin Delaney</u>	Phone <u>465-4180</u>
Division <u>Sport Fish</u>	Date <u>4/15/98</u>
Approved by Commissioner <u>[Signature]</u>	Date <u>4/15/98</u>
Agency _____	

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# FISCAL NOTE

**STATE OF ALASKA  
1998 LEGISLATIVE SESSION**

**BILL NO. CSHB 406(FIN)**

Revision Date (Note if correction) _____	Dept. Affected: <b>Fish and Game</b>
Title <u>Subsistence Uses of Fish and Game</u>	BRU <u>Wildlife Conservation</u>
	Component <u>Wildlife Conservation</u>
Sponsor <u>House Resources Committee</u>	
Requester <u>House Finance Committee</u>	Component Serial No. <u>473</u>

**Expenditures/Revenues**

(Thousands of Dollars)

OPERATING EXPENDITURES	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
Personal Services	87.1	88.0	88.9	89.8	90.7	91.6
Travel	20.6	18.5	18.5	18.5	18.5	18.5
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>107.7</b>	<b>106.5</b>	<b>107.4</b>	<b>108.3</b>	<b>109.2</b>	<b>110.1</b>

<b>CAPITAL EXPENDITURES</b>						
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<b>CHANGE IN REVENUES (1024)</b>						
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**FUND SOURCE**

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match	107.7	106.5	107.4	108.3	109.2	110.1
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other -- F&G Fund (1024)						
<b>TOTAL</b>	<b>107.7</b>	<b>106.5</b>	<b>107.4</b>	<b>108.3</b>	<b>109.2</b>	<b>110.1</b>

Estimate of any current year (FY98) cost: 0.0

**POSITIONS**

Full-time	1	1	1	1	1	1
Part-time	0	0	0	0	0	0
Temporary	0	0	0	0	0	0

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

The estimated costs of representing the division at and coordinating with regional councils and the expanded Game Board meeting schedule are in addition to funds currently expended working with federal subsistence regional advisory councils.

Assumptions: (1) Additional staff time (10 days/each regional council meeting) will be offset by extending seasonal PCNs; (2) A project coordinator (Range 18) will be hired to work with the board and division staff on subsistence issues; (3) Additional travel costs will be incurred for area staff to attend regional council meetings (1 staff for 6 days annually) and division staff to attend expanded Game Board meetings (3 staff for 19 days each in FY99 and for 14 days each in FY00).

Prepared by <u>Wayne Regelin, Director</u> <i>W. Regelin</i>	Phone <u>465-4190</u>
Division <u>Wildlife Conservation</u>	Date <u>4/15/98</u>
Approved by Commissioner <u>Simon Bruce</u> <i>Simon Bruce</i>	Date <u>4/15/98</u>
Agency <u>Alaska Department of Fish and Game</u>	

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# FISCAL NOTE

**STATE OF ALASKA  
1998 LEGISLATIVE SESSION**

**BILL NO. CSHB 406(FIN)**

Revision Date (Note if correction) \_\_\_\_\_ Dept. Affected Fish and Game  
 Title Act authorizing Board of Fisheries and Board BRU Commercial Fisheries  
of Game to identify fish and game taken for subsistence Component All  
 Sponsor House Resources Committee  
 Requester House Finance Committee Component Senal No. 2167,68, 69, 70, 71

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

OPERATING EXPENDITURES	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
Personal Services	50.0	50.0	50.0	50.0	50.0	50.0
Travel	32.2	22.9	22.9	22.9	22.9	22.9
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>82.2</b>	<b>72.9</b>	<b>72.9</b>	<b>72.9</b>	<b>72.9</b>	<b>72.9</b>

<b>CAPITAL EXPENDITURES</b>						
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<b>CHANGE IN REVENUES ( )</b>						
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**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	82.2	72.9	72.9	72.9	72.9	72.9
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
<b>TOTAL</b>	<b>82.2</b>	<b>72.9</b>	<b>72.9</b>	<b>72.9</b>	<b>72.9</b>	<b>72.9</b>

Estimate of any current year (FY98) cost: 0.0

**POSITIONS**

Full-time	0	0	0	0	0	0
Part-time	5	5	5	5	5	5
Temporary	0	0	0	0	0	0

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

Line 100 costs are for seasonal and overtime costs for preparation of materials for the board meetings.  
 Line 200 costs are for travel and per diem for support staff attendance at board meetings.

Prepared by Bob Clasby Phone 465-4210  
 Division Director Date 4.15.98  
 Approved by Commissioner: Frank Rue Date 4.15.98  
 Agency Fish and Game

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# FISCAL NOTE

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

**BILL NO. CS HB 406(FIN)**

Revision Date: \_\_\_\_\_ Dept. Affected: Fish and Game  
 Title: Act Relating to Fish and Game BRU: Subsistence  
 Component: Subsistence  
 Sponsor: House Resources  
 Requester: House Finance COMPONENT SERIAL NO. 483

**Expenditures/Revenues**

(Thousands of Dollars)

OPERATING EXPENDITURES	FY 93	FY 00	FY 01	FY 02	FY 03	FY 04
PERSONAL SERVICES	1,033.2	2,197.2	2,197.2	2,197.2	2,197.2	2,197.2
TRAVEL	42.6	68.2	68.2	68.2	68.2	68.2
CONTRACTUAL	156.2	206.2	206.2	206.2	206.2	206.2
SUPPLIES	29.0	43.0	43.0	43.0	43.0	43.0
EQUIPMENT	56.0	15.0	31.0	15.0	31.0	15.0
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>1,317.0</b>	<b>2,529.6</b>	<b>2,545.6</b>	<b>2,529.6</b>	<b>2,545.6</b>	<b>2,529.6</b>

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ( )						
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**FUND SOURCE**

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	1,317.0	2,529.6	2,545.6	2,529.6	2,545.6	2,529.6
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other						
<b>TOTAL</b>	<b>1,317.0</b>	<b>2,529.6</b>	<b>2,545.6</b>	<b>2,529.6</b>	<b>2,545.6</b>	<b>2,529.6</b>

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

**POSITIONS**

FULL-TIME	19	37	37	37	337	37
PART-TIME						
TEMPORARY						

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

Overview: HB406 would substantially revise the state's subsistence statute, requiring the Board of Fisheries and the Board of Game to establish individual qualification criteria to determine who may participate in subsistence fisheries and hunts in Alaska, as well as an adjudication process for challenges and denials for qualification. Applicants are expected to be residents of areas and communities determined to be nonsubsistence under the provisions of this legislation. Individuals will have to apply for each species and fish and game population for which they wish to hunt and fish. This new qualification system is expected to draw about 122,000 applications each year—64,000 fishing permit applications and 58,000 hunting permit applications.

Division: Wav C. Pete Phone: 465-4147  
Subsistence Date: 4/15/98  
 Approved by Commissioner: Frank Rue Date: 4/15/98  
 Agency: Department of Fish and Game

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## FISCAL NOTE ANALYSIS: Division of Subsistence

### **Development of a Subsistence Permitting Program:**

**OVERVIEW:** CSHB 406(FIN) would substantially revise the state's subsistence statute, requiring the Board of Fisheries and the Board of Game to establish individual qualification criteria to determine who may participate in subsistence fisheries and hunts in Alaska. Applicants are expected to be residents of areas and communities determined to be non-subsistence under the provisions of this legislation. Individuals will have to apply for each species and fish stock and game population for which they wish to hunt and fish. These individual applications systems are expected to draw about 120,000 applications each year—64,000 fishing permit applications and 58,000 hunting permit applications.

**PROCESS:** The team charged with issuing permits for the Board of Fisheries and the Board of Game will consist of a core of 37 individuals: 1 section head, 2 program managers, 2 resource specialists III's, 10 hearing officers, 6 analyst programmers, 4 paralegals, 6 data entry clerks, 2 secretaries, and 4 administrative clerks. Duties of this team will cover two primary functions: (1) the issuance of permits and (2) the process of appeals of unsuccessful applicants. The process of issuing permits requires the design and printing of applications, a distribution system for applications to the public, evaluation of applications, and actual permit issuance to qualified applicants. Appeals and disagreements over the issuance of permits requires a systematic process in which applicants have adequate recourse to resolving disputes prior to seeking judicial relief.

The permit process will have a series of stipulations and safeguards to provide applicants with the greatest opportunity to receive benefits to which they are entitled. The design of the application will include reviews by each board and appropriate staff. The oversight process begins when applications are received and initially reviewed. Applications lacking vital information or incomplete responses will be returned with letters of explanation. Unsuccessful applicants will be notified of their rejection to give them the opportunity to provide additional support to their subsistence preference claim. If after re-evaluation of additional information applicants are still unsuccessful, they may seek an appearance before the hearing officer in order to determine the facts of the case. If the hearing officer still decides against the applicant, the applicant can appeal to the Boards of Fisheries or Game. In the event the board affirms the original denial, the decision would be final for the Department and the applicant could appeal to the Superior Court.

**CORE STAFFING:** Because each board will have its own permit process for applications each board's process will have its own set of hearing officers, analyst programmers and data entry clerks, resource specialists and administrative clerks. All of these positions will be located in Anchorage to facilitate their access to the entire state as well as applicants' ease of access to them.

**SECTION HEAD.** An assistant director (range 23) will oversee the entire subsistence eligibility section and coordinate with the rest of the division, the department, and other agencies.

**BOARD SECTION LEADER.** Two program managers (range 22), one for each board, will lead the application design, issuance and award process. They will each oversee a staff of 17.

**SUBSISTENCE RESOURCE SPECIALIST III:** The subsistence resource specialist III (SRS III) is a range 18 position and will have programmatic and administrative oversight of the analyst programmers and administrative clerks for each board's permit system. Working with Division's current director and research director, the SRS III will develop and analyze options for the subsistence hunting and fishing application and scoring system for presentation to the Boards of Fisheries and Game. They will oversee the awards and appeals of applications.

**PARALEGALS:** The four (4) paralegals will coordinate the file for each appeals and adjudication. They will conduct the research necessary and make sure the file is complete before each hearing. They will assist the hearing officer.

**ADMINISTRATIVE CLERK III:** The four (4) administrative clerks (AC III) are a range 10 position and will be responsible for maintaining general administrative functions of the appeals staff of this unit. The AC III will respond to public inquires about the appeals process. They will also serve as recording clerks during hearings.

**HEARING OFFICERS:** The ten (10) hearing officers (HO) are range 22 positions with responsibilities for determining finding of facts. Each board and each region (Southeast, Southcentral, Southwest, Arctic, Interior) will have a hearing officer. The two hearing officers will design and implement the necessary procedures to see that the intent of the legislation is met and that applicants who are denied a subsistence hunting or fishing permit are assured of due process. Each of these positions receives clerical support from an administrative clerk II and investigative support from an analyst programmer III position.

**ANALYST PROGRAMMER III:** The analyst programmers (A.P III) are range 16 positions with responsibilities for the design of the fishing or hunting applications, creation of necessary data management procedures and programs, and collection of administrative information relevant to the applicant. Using hunting license and permit information within the Department of Fish and Game, the two A.P IIIs will provide the hearing officers with data relevant to the applications in dispute. The A.P IIIs will also undertake a random review of successful permit applicants to ensure that the system is meeting its objective of providing a subsistence preference to qualified applicants. The A.P IIIs will have the shared responsibility with the hearing officers for preparation of documentation of applicant cases. They will also directly supervise the administrative clerk II positions.

**DATA ENTRY CLERK II:** The data entry clerks (AC II) are range 9 positions. The primary responsibility of the two AC IIs will be the review for accuracy of all permit applications and entry of application information. Following data entry, the AC IIs will archive all materials in accordance with administrative procedures. As required, the AC IIs will provide support for the distribution of applications and permits.

**SUBSISTENCE SUPPORT STAFF:** The unit will draw upon some of the staff resources of the Division of Subsistence. With this unit's SRS III, the Division's current director and research director and AP IV will develop and analyze options for the subsistence applications and scoring systems for presentation to the Boards of Fisheries and Game. These and other support functions will be subsumed within the Division's current budget. Subsistence Resources Specialist IIs and IIIs and clerical staff will provide regional support in informing the public about the process and will respond to and forward inquires of local residents.

**BUDGET—Division of Subsistence:**

**ELIGIBILITY SECTION:**

**FY 99**

The initial budget for the eligibility section provides for nineteen (19) full-time employees: one section head, 2 program managers., 2 resource specialists, 2 secretaries, 6 analyst programmer IIIs, and 6 data entry clerk IIs. This group, split into two teams, one for each board, will design and distribute the application forms, respond to public inquires, score the applications received, and process appeals. Full-time funding for the unit projects personnel costs totaling \$1,033.2.

**TRAVEL:** A travel budget of \$42.6 provides for program outreach throughout the state, participation of the SRS III at Board of Fisheries and Board of Game meetings, and the appearance of the hearing officers for hearings as required.

**CONTRACTUAL:** Leasing office space; printing and distribution of applications; permits denials; notices of deadlines and other correspondence and communications are estimated to bring the total for contractual services to \$156.2.

**SUPPLIES & EQUIPMENT:** Office expendables are estimated at \$29.0. Necessary equipment for this new unit including furniture, computers and office equipment is estimated at \$56.0 for the first year.

The total budget for the first year of operation is \$ 1,317.0.

**FY 00**

**ELIGIBILITY SECTION:** Second year staffing will increase to a total of 37 employees with hiring of 10 hearing officers, 4 paralegals and 4 administrative recording clerks. This group will process the first set of appeals and challenges, estimated to be about 1,000 per year. Personnel costs total \$2,197.2.

Travel, Contractual, Supplies and Equipment will total \$332.4.  
The total budget in the second year of operation is \$2,529.6.

**FY 01**

The total budget in the third year will be \$2,545.6, reflecting a 16.0 increase for equipment upgrades. Staffing remains the same.

**FY 02**

The total budget in the third year will be \$2,529.6. Staffing and other budget categories remain the same.

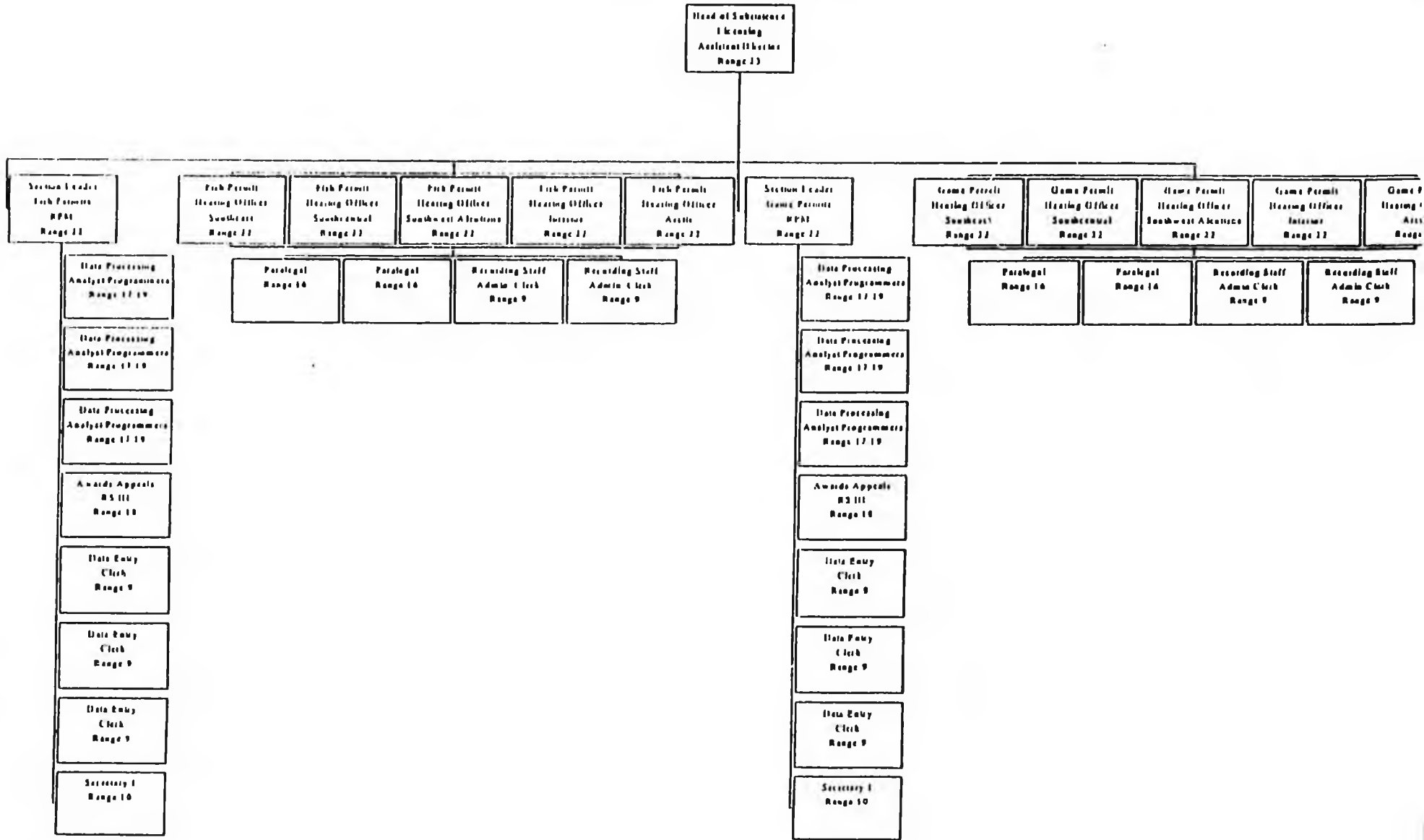
**FY 03**

The total budget in the fourth year will be \$2,545.6, reflecting a 16.0 increase for equipment upgrades. Staffing and other budget categories remain the same.

**FY 04**

The total budget in the fifth year will be \$2,529.6. Staffing and other budget categories remain the same.

(Potential Organization) 4/8/98



**Personnel Costs for New Subsistence Eligibility Section**

	Range	Monthly Salary/Benefits	Yearly Salary/Benefits	Number of Positions	Personnel Costs
Assistant Director	23	\$7,300	\$87,600	1	\$87,600
Regional Program Managers	22	\$6,500	\$78,000	2	\$156,000
Resource Specialist III	18	\$5,800	\$69,600	2	\$139,200
Analyst Programmers	16	\$5,000	\$60,000	6	\$360,000
Data Entry Clerks	9	\$3,000	\$36,000	6	\$216,000
Admin Clerks	9	\$3,000	\$36,000	4	\$144,000
Secretary I	10	\$3,100	\$37,200	2	\$74,400
Hearing Officer	22	\$6,500	\$78,000	10	\$780,000
Paralegal Staff	16	\$5,000	\$60,000	4	\$240,000
<hr/>					
Total				37	\$2,197,200

## Applicants for Subsistence Permits

Fish	1995 Population	Households	Percent of	Number of	Mean Fishers	Number of	Number of Fish	Total Number of
			Households	Households				
			Wanting to Fish	Wanting to Fish	per HH	to Fish	for per Fisher	Applicants
Unalaska	4,083	1,021	11%	112	2	225	2	449
Bethel	5,195	1,299	70%	909	2	1,818	2	3,637
King Salmon-Naknek	1,305	326	48%	157	2	313	2	626
Dillingham	2,243	561	72%	404	2	807	2	1,615
Kodiak Area	13,498	3,375	26%	877	2	1,755	2	3,509
Nome	3,576	894	50%	447	2	894	2	1,788
Barrow	4,234	1,059	29%	307	2	614	2	1,228
Kotzebue	2,947	737	6%	560	2	1,120	2	2,240
Sitka	9,194	2,299	33%	759	2	1,517	2	3,034
Cordova	2,568	642	27%	173	2	347	2	693
Petersburg	3,374	844	21%	177	2	354	2	709
Wrangell	2,758	985	23%	227	2	454	2	908
Anchorage	257,780	64,445	10%	6,445	1.5	9,667	2	19,334
Fairbanks Area	88,729	22,182	10%	2,218	1.5	3,327	2	6,555
Juneau	29,228	7,307	10%	731	1.5	1,096	2	2,192
Kenai Area	45,984	11,496	10%	1,150	1.5	1,724	2	3,449
Ketchikan Area	15,082	3,771	30%	1,131	1.5	1,697	2	3,393
Mat-Su Area	50,261	12,565	20%	2,513	1.5	3,770	2	7,539
Valdez	4,469	1,117	20%	223	1.5	335	2	670
TOTAL				19,520		31,834		63,668

Game	1995 Population	Households	Percent of	Number of	Mean Hunters	Number of	Number of	Total Number of
			Households	Households				
			Wanting to Hunt	Wanting to Hunt	per HH	to Hunt	for per Hunt	Applicants
Unalaska	4,083	1,021	11%	112	1	112	2	225
Bethel	5,195	1,299	20%	260	1	260	2	520
King Salmon-Naknek	1,305	326	58%	189	1	189	2	378
Dillingham	2,243	561	42%	236	1	236	2	471
Kodiak Area	13,498	3,375	48%	1,620	1	1,620	2	3,240
Nome	3,576	894	20%	179	1	179	2	358
Barrow	4,234	1,059	43%	455	1	455	2	910
Kotzebue	2,947	737	73%	538	1	538	2	1,076
Sitka	9,194	2,299	44%	1,011	1	1,011	2	2,023
Cordova	2,568	642	57%	366	1	366	2	732
Petersburg	3,374	844	43%	363	1	363	2	725
Wrangell	2,758	985	34%	335	1	335	2	670
Anchorage	257,780	64,927	9%	7,733	1	7,733	2	15,467
Fairbanks Area	88,729	22,576	13%	3,345	1	3,345	2	7,690
Juneau	29,228	9,743	33%	3,215	1	3,215	2	6,430
Kenai Area	45,984	15,328	19%	2,912	1	2,912	2	5,825
Ketchikan Area	15,082	5,027	37%	1,660	1	1,660	2	3,720
Mat-Su Area	50,261	16,754	18%	3,016	1	3,016	2	6,031
Valdez	4,469	1,490	44%	655	1	655	2	1,311
TOTAL				28,900		28,900		57,801

**STATE OF ALASKA  
1998 LEGISLATIVE SESSION**

**BILL NO. CSHB 406(Fin)**

Revision Date (Note if correction) \_\_\_\_\_ Dept. Affected Fish and Game  
 Title Act authorizing Board of Fisheries and Board BRU Administration and Support  
of Game to identify fish and game taken for subsistence... Component Advisory Committees  
 Sponsor House Resources Committee  
 Requester House Finance Committee Component Serial No. 2231

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

OPERATING EXPENDITURES	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
Personal Services	231.8	231.8	231.8	231.8	231.8	231.8
Travel	110.0	220.0	220.0	220.0	220.0	220.0
Contractual	180.0	180.0	180.0	180.0	180.0	180.0
Supplies	42.0	42.0	42.0	42.0	42.0	42.0
Equipment	80.0	20.0	20.0	20.0	20.0	20.0
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>643.8</b>	<b>693.8</b>	<b>693.8</b>	<b>693.8</b>	<b>693.8</b>	<b>693.8</b>

<b>CAPITAL EXPENDITURES</b>						
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<b>CHANGE IN REVENUES ( )</b>						
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**FUND SOURCE (Thousands of Dollars)**

1002 Federal Receipts						
1003 GF Match						
1004 GF	643.8	693.8	693.8	693.8	693.8	693.8
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
<b>TOTAL</b>	<b>643.8</b>	<b>693.8</b>	<b>693.8</b>	<b>693.8</b>	<b>693.8</b>	<b>693.8</b>

Estimate of any current year (FY98) cost: \_\_\_\_\_

**POSITIONS**

Full-time	4	4	4	4	4	4
Part-time						
Temporary						

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

HB 406 will substantially revise the state's subsistence statute, requiring the Board of Fisheries and the Board of Game to establish individual criteria to determine who may participate in subsistence fisheries and hunts in Alaska.

During the first year of implementation, the Joint Board will meet to analyze the new statute and establish the regional council system, including appointments to councils. The regional councils will then meet about 6 days each in the first year, and advisory committee travel and meeting days will increase to attend pertinent regional council and board meetings.

(continued on separate page)

Prepared by Diana Cote, Exec. Director Phone 465-6095  
 Division Boards Support Section Date 4/15/98  
 Approved by Frank Rue, Commissioner Date 4/15/98  
 Agency Department of Fish and Game

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FISCAL NOTE ANALYSIS, continued  
BRU: Admin and Support  
COMPONENT: Advisory Committees, #2231

CSHB 406(Fin)  
April 15, 1998

The regional councils will meet about 6 days each in the first year, and advisory committee travel and meeting days will increase to attend pertinent regional council and board meetings.

During subsequent years, regional councils will meet an estimated 12 days per year. Advisory committee travel and meeting days will increase to attend pertinent regional council and board meetings.

#### CONTRACTUAL SUPPLIES AND EQUIPMENT

Funds will provide for meeting room rental, phone and fax machines at the meetings, supplies for meetings, and necessary equipment for four new staff positions and regional councils. The budget in subsequent years reflects inflation and equipment upgrades.

#### STAFFING

One new regional coordinator position will work with the new regional committees and existing advisory committees. Staff for existing regional coordinator will be increased from seasonal to full-time. Three administrative clerks will provide clerical support including processing travel claims, serve and support to both Boards Section regional staff and to the regional councils and advisory committees.

# FISCAL NOTE

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

**BILL NO. CSHB 406 (FIN)**

Revision Date: 04/15/98  
 Title: An act relating to Fish and Game  
 Sponsor: House Resources  
 Requestor: House Finance

Dept. Affected: Alaska Court System  
 BRU: Trial Courts  
 Component: \_\_\_\_\_  
 COMPONENT SERIAL NO. 768

**Expenditures/Revenues**

(Thousands of Dollars)

OPERATING EXPENDITURES	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
PERSONAL SERVICES	0.0	118.3	89.6	89.6	89.6	87.8
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS & CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>118.3</b>	<b>89.6</b>	<b>89.6</b>	<b>89.6</b>	<b>57.5</b>

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ( )						
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**Fund Source**

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	0.0	118.3	89.6	89.6	89.6	57.5
1005 GF; Program Receipts						
1037 GF; Mental Health						
Other						
<b>TOTAL</b>	<b>0.0</b>	<b>118.3</b>	<b>89.6</b>	<b>89.6</b>	<b>89.6</b>	<b>57.5</b>

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

**Positions**

Full-Time						
Part-Time	0	3	3	3	3	3
Temporary						

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

See attached analysis.

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

Phone: 264-8228  
 Date: 04/15/98

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

Date: 04/15/98

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**Alaska Court System  
Fiscal Analysis  
CSHB 406 (FIN)**

CSHB 406 (FIN) creates a presumption that a resident who is domiciled in an area determined by the Board of Fisheries or Board of Game to be customarily and traditionally dependent on a resource is a qualified subsistence user, and that a resident who is not domiciled in such an area is not a qualified subsistence user.

The presumption is rebuttable by a preponderance of the evidence presented at a hearing before the appropriate board, and such hearings must be held in accordance with the Administrative Procedures Act (APA). Sec. 44.62.560 of the APA provides for judicial review by the superior court of a final administrative order.

The judicial function is reactive in nature, and thus the court system generally relies on estimates of administrative appellate caseload provided by the executive branch agencies with responsibility for handling the original administrative actions. The Department of Law has estimated that 40 cases will be appealed to the superior court during the first year that the new regulations are in effect (FY 00), 30 cases will be appealed during the second, third and fourth years, and 20 cases per year will be appealed during the fifth and subsequent years. The Department of Law anticipates that these will be extremely complex, time consuming administrative appeals, and that one attorney will be able to handle 10 cases per year.

Appeals under the APA consume substantially more judicial time than do other types of civil cases. While the large majority of other civil cases are resolved with relatively little judicial time spent (95% settle before trial, for example), all administrative appeals require substantial judicial time to review the record and render a decision. Using the estimates of case complexity made by the Department of Law, this note assumes that handling the FY 00 caseload generated by four attorneys will require 10 months of pro tem judicial time with proportionate reductions in later years.

This note does not include costs associated with adjudicating any constitutional challenges which might be mounted against the legislation, because of the speculative nature of such costs. It does not include costs associated with the creation of a new Class A misdemeanor for providing false information regarding the taking or use of fish or game for subsistence uses, because the Department of Law has not estimated the number of such case which might be prosecuted per year. Finally, it does not include costs associated with handling the administrative appeals which are appealed from the superior court to the supreme court.

**Alaska Court System**

**Fiscal Analysis**

**CSHB 406 (FIN)**

**Personal Services**

**by Fiscal Year**

	<u>Salary</u>	<u>Benefits</u>	<u>Total</u>
<b><u>FY 00</u></b>			
Superior Court Pro Tem Judge, Anchorage, PPT, 10 months	\$ 48,750	\$ 23,762	\$ 72,512
Law Clerk, 13D, Anchorage, PPT, 10 months	28,320	11,558	39,878
In-Court Clerk, 12A, Anchorage, PPT, 2 months	4,822	1,045	<u>5,867</u>
FY 00 Total Personal Services			<u>\$ 118,257</u>
<b><u>FY 01 - FY 03</u></b>			
Superior Court Pro Tem Judge, Anchorage, PPT, 8 months	\$ 36,583	\$ 17,821	\$ 54,384
Law Clerk, 13D, Anchorage, PPT, 8 months	22,656	6,718	29,374
In-Court Clerk, 12A, Anchorage, PPT, 2 months	4,822	1,045	<u>5,867</u>
FY 01 - FY 03 Total Personal Services			<u>\$ 89,625</u>
<b><u>FY 04</u></b>			
Superior Court Pro Tem Judge, Anchorage, PPT, 5 months	\$ 24,375	\$ 11,681	\$ 36,256
Law Clerk, 13D, Anchorage, PPT, 5 months	14,160	4,199	18,359
In-Court Clerk, 12A, Anchorage, PPT, 1 month	2,411	523	<u>2,934</u>
FY 04 Total Personal Services			<u>\$ 57,549</u>

# FISCAL NOTE

Workdraft M

**STATE OF ALASKA  
1998 LEGISLATIVE SESSION**

**BILL NO. CSHB 406 (FIN)**

Revision Date _____	Dept. Affected _____ Law
Title "An Act authorizing the Board of Fisheries	BRU Civil Division
to identify fish and game that are taken or used for subsistence	Component Natural Resources
Sponsor House Resources Committee	
Requester House Finance Committee	Component Serial No 2212

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

OPERATING EXPENDITURES	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
Personal Services	226.4	452.9	339.6	339.6	339.6	226.4
Travel	0.7	1.4	1.0	1.0	1.0	0.7
Contractual	42.7	117.1	96.9	94.9	94.9	66.8
Supplies	3.6	7.3	5.4	5.4	5.4	3.6
Equipment	19.5	13.0				
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>292.9</b>	<b>591.5</b>	<b>443.0</b>	<b>441.0</b>	<b>441.0</b>	<b>297.5</b>

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ( )						
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**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	292.9	591.5	443.0	441.0	441.0	297.5
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
<b>TOTAL</b>	<b>292.9</b>	<b>591.5</b>	<b>443.0</b>	<b>441.0</b>	<b>441.0</b>	<b>297.5</b>

Estimate of any current year (FY98) cost: \_\_\_\_\_

**POSITIONS**

Full-time	3	5	4	4	4	3
Part-time						
Temporary						

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

CS HB 406(Fin) would substantially revise the state's subsistence statute and the way in which the Boards of Fish and Game manage fish and game resources for subsistence uses. It would establish an individual eligibility for subsistence based on customary and traditional use of individual stocks and populations. Persons who were determined to be "qualified subsistence users" for a stock or population, based on individual criteria, would be eligible to take that stock or population under subsistence regulations in times of a shortage of the stock or population. Persons who lived in an area identified as dependent on each stock or population would be presumed to be qualified subsistence users of that stock or population; those who did not could apply for such status. Eligibility for the status could be challenged. The application and challenge processes would be handled by the Department of Fish and Game, and all hearings would be held under provisions of the Administrative Procedures Act, which allows for appeal to the superior court. It is estimated by the Department of Fish and Game that approximately 122,000 applications for qualified subsistence user status would be

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Division <u>Attorney General's Office</u>	Date <u>4/14/98</u>
Approved by Commissioner <u>Bruce V. Botelho</u> Attorney General	Date <u>4/14/98</u>
Agency <u>Department of Law</u>	

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FISCAL NOTE

STATE OF ALASKA  
1998 LEGISLATIVE SESSION

Workdraft M  
BILL NO. CSHB 406 (FIN)

ANALYSIS CONTINUATION

received annually and that 1,000 of those would go on to the hearing officer appeal stage. The Department of Law anticipates that 40 of these determinations would be appealed to the superior court in the first year of the new program and that 30 would be appealed annually after that time. Further, one-fifth of these decisions would then be appealed to the Supreme Court.

Management of subsistence use fish and game resources would begin with an identification of nonsubsistence areas by the boards, taking into account whether a cash economy was a principal characteristic of the area. CSHB 406 (FIN) directs the boards to review all existing nonsubsistence area designations within two years and to substantially increase the proportion of the state that is designated as nonsubsistence areas.

The boards would then identify stocks and populations located outside nonsubsistence areas that are customarily and traditionally taken or used for subsistence. The boards would determine whether there was a harvestable surplus of each of those stocks and populations and, depending on the amount of the harvestable surplus, relative to the amount determined to be reasonably necessary for subsistence uses by residents, adopt regulations that provide for different groups of persons to harvest each individual stock or population. Under the provisions of CSHB 406 (FIN), the boards would differentiate among four levels of availability for each stock or population: 1) sufficient to provide for all consumptive uses; 2) sufficient to provide for a reasonable opportunity for subsistence uses by qualified subsistence users and some, but not all, other consumptive uses; 3) sufficient to provide a reasonable opportunity for subsistence uses by qualified subsistence users but no other consumptive uses; and 4) not sufficient to provide a reasonable opportunity for human consumptive uses by all qualified subsistence users.

The legislation revamps the entire subsistence management regime and will require the boards to revisit and perhaps revise all hunting and fishing regulations during the first year after passage of the bill. They will be required to reevaluate and re-identify the nonsubsistence areas within the first two years. The boards will be required to make annual determinations of harvestable amounts, determine at which of the four levels noted above each stock and population is, and establish the appropriate types of regulations. They will also be required to determine the eligibility of those who have applied for qualified subsistence user status or whose status has been challenged.

The additional responsibilities of the boards in implementing the individual eligibility preference system of CSHB 406 (FIN) will involve extensive additional meetings of those bodies, particularly in the first year, and accompanying legal services from the Civil Division of the Department of Law. In the first year, each of the two boards will require the services of one attorney to provide advice during the regulations review and revision process. In the second year, two additional attorneys, for a total of four, will be necessary to assist with continuing advice to the boards in their eligibility and area determinations and in pursuing the challenges to hearing officer and board decisions that will be taken to court. These cases are expected to attract the attention of public interest attorneys and organizations. It is estimated that there will be at least 40 cases appealed to the superior court in the first year the new regulations will be in effect and 30 a year thereafter. It is anticipated that one-fifth of those will be appealed to the Alaska Supreme Court. As the number of appeals declines in subsequent years, the number of attorneys required will decrease to three in FY01, and to two in FY04.

A provision of the bill makes knowingly providing false information to the department or board regarding the taking or use of fish or game for subsistence uses or regarding the person's or another person's eligibility to engage in subsistence uses of fish and game a Class A misdemeanor. In addition to imposing other penalties of law, a court shall suspend the fishing and hunting privileges of a person convicted under the section not less than one year. The Criminal Division of the Department of Law will incur some additional costs under this section, but the division is unable to estimate these at this time.

FISCAL NOTE

STATE OF ALASKA  
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BILL NO. CSHB 406 (FIN)

ANALYSIS CONTINUATION

The bill as currently written presents constitutional issues and, given the volatility of this issue in the State of Alaska, challenges to the constitutionality of the law that would be enacted by this bill are anticipated. In this arena, too, we expect that public interest attorneys will handle cases that individuals themselves would not be able to bring. However, the costs of defending such constitutional challenges are too speculative and are not included in this fiscal note. Should extraordinary costs be incurred for such defense, the department would seek a supplemental appropriation.

Cost estimates are based on the department's standard FY99/99 cost allocation schedule (full-time equivalent attorney, \$133,500). The cost schedule includes clerical support, communications, space, supplies, data processing, and other normal overhead expenses.

The standard cost does not include case-specific contractual and travel costs, such as the extraordinary travel to the additional multiple board meetings that Fish and Game estimates will be required by this bill, or one-time new equipment purchases for new positions. \$1,000 is added for deposition, court reporter, and transcription costs for each case anticipated to go to court, \$6,396 for travel to attend board meetings in FY99 and \$4,476 for travel to attend board meetings in the following years, and \$6,500 per new attorney position for one-time equipment purchases.

While clerical costs are included in the rate, position authorizations are required. These are included using an approximate ratio of one clerical support position for every three professional positions. One clerical support position is requested in FY99, with \$6,500 for one-time new equipment costs.

## SUMMARY POINTS

CS FOR HOUSE BILL NO. 406(JUD)

0-LS1573J

4/5/98

**"An Act relating to fish and game; and providing for an effective date."**

- 1. Legislature adopts the policies contained in Title VIII of ANILCA to conserve resources and provide a preference for a subsistence way of life.**
- 2. This preference is applied in times of shortage to people who customarily and traditionally depend on the resource, regardless of where they live.**
- 3. No constitutional amendment required.**
- 4. Authorizes the appropriate board to identify subsistence dependent areas based on individual stock or population data.**
- 5. Those dependent residents located within the subsistence dependent area are presumed to qualify for the preference and those located elsewhere are presumed not to qualify.**
- 6. Any individual may rebut the above presumptions by meeting specific criteria relating to reliance and dependence on the resource.**
- 7. Retains existing state definitions of "customary trade", "customary and traditional", "reasonable opportunity", "subsistence use" and adds definitions of "preference" and "sustained yield."**
- 8. Retains existing non-subsistence areas established by the Boards of fisheries and game. The respective boards may act independently to establish non-subsistence areas.**
- 9. Establishes regional advisory committees with specific guidelines for rejection of proposals.**
- 10. Retains existing local advisory committees.**

## Steps When Implementing the 1992 State Subsistence Law

### 1. Nonsubsistence Area Filter

Is the fish stock or game population in question in a nonsubsistence area? If all of the fish stock or game population is in a nonsubsistence area, there is no need for the board to address subsistence uses -- subsistence harvests are not allowed in a nonsubsistence area. If any portion of the fish stock or game population is outside a nonsubsistence area, then the board goes to step 2.

### 2. Customary and Traditional Use Determination

The board determines if there is a customary and traditional use of the fish stock or game population by applying the 8 criteria (5 AAC 99.010), considering information about the use pattern. If there has been a previous positive finding, then this step is unnecessary, and the board goes to step 3. If there has been a previous negative finding, there is no need to address subsistence uses further, unless the proposal is for reconsidering a negative finding. Also, the board may periodically reconsider previous customary and traditional use findings.

### 3. Harvestable Surplus Filter

Can a portion of the fish stock or game population be harvested consistent with sustained yield, considering biological information? If there is no harvestable surplus, then the board authorizes no fisheries or hunts on the stock-population, and there is no need to address subsistence uses further. If there is a harvestable surplus, then the board goes to step 4.

### 4. Amount Reasonably Necessary for Subsistence

The board determines the amount reasonably necessary for subsistence uses, considering information about the subsistence use pattern. If there has been a previous determination on the amount, then the board goes to step 5. The board may periodically reconsider and update these determinations.

### 5. Subsistence Regulations and Reasonable Opportunity Finding

A. If the harvestable portion of the stock or population is sufficient to provide for all consumptive uses, the board adopts subsistence regulations that provide a reasonable opportunity for subsistence uses, and adopts regulations that provide for other uses of those stocks or populations, subject to preferences among beneficial uses.

B. If the harvestable portion of the stock or population is sufficient to provide for subsistence uses, and some, but not all other consumptive uses, the board adopts subsistence regulations that provide a reasonable opportunity for subsistence uses, and may adopt regulations that provide for other uses of those stocks or populations; the regulations that differentiate among consumptive use shall provide for a preference for subsistence uses. Also, nonresident hunting for moose, caribou, elk, and deer must be restricted before resident hunting for these species is restricted (AS 16.05.255d).

C. If the harvestable portion of the stock or population is sufficient to provide for subsistence uses, but no other consumptive uses, the board adopts regulations that eliminate other consumptive uses in order to provide a reasonable opportunity for subsistence uses. If subsistence regulations do not provide a reasonable opportunity for subsistence uses after eliminating all other uses, then the board goes to step 6.

### 6. Tier II Subsistence Regulations

If the harvestable surplus is not sufficient to provide a reasonable opportunity for subsistence uses for human food, the board adopts regulations that reduces or eliminates subsistence harvests for other subsistence uses (such as feeding sled dogs). If the harvestable surplus is still not sufficient to provide a reasonable opportunity for subsistence uses, the board adopts regulations providing for a Tier II fishery of the fish stock or Tier II hunt of game population, following 5 AAC 92.062.