

ALASKA LEGISLATURE

HOUSE and SENATE FINANCE COMMITTEE FILES, 2005-2006 2870

HB

135

HFIN

FILE

FY2005 SUPPLEMENTALS

2-25-05

	A	B	C	D	E	F	G	H	I
	Section Number	Department	RDU or Component or Capital	Supplemental Need	General Funds	Federal Funds	Other Funds	Fund Source	Total Funds
1									
2	8	Governor	Arctic National Wildlife Refuge	Funds for support of national efforts to open ANWR for oil and gas exploration and development	500.0				500.0
3	8(b)	Fund Capitalization	Disaster Relief Fund	Base capitalization of fund \$1,000.0, 2004 Bering Strait Sea Storm \$4,054.4, Interior Earthquake shortfall \$259.3, and Kaktovik Winter Storm \$2,363.5	7,677.2				7,677.2
4	11	Military	National Guard Military Headquarters	National Guard Audit Disallowance - Federal auditors have disallowed state expenditures in FFY05 for a total of \$937,234. This request will cover October 2004 to June 2005. An amendment will be offered in the FY 06 budget to cover these expenditures for the remainder of FFY05 and FFY06. The department estimates they will run out of general funds by the end of March	446.0				446.0
5	7(a)	Administration	Capital	ACGOD costs for gas pipeline reservoir studies and depletion plan evaluations.	1,200.0				1,200.0
6	7(b)	Law	Civil Division, Oil, Gas and Mining	Legal costs for work related to the state gas pipeline and to bringing North Slope natural gas to market, and other oil and gas projects for FY05 and FY06.	9,000.0				9,000.0
7	7(c)(1)	Natural Resources	Capital	Gas pipeline risk analysis and royalty issues	2,500.0				2,500.0
8	7(c)(2)	Natural Resources	Capital	Gas pipeline corridor geologic hazards and resource evaluation	2,000.0				2,000.0
9	7(c)(3)	Natural Resources	Capital	Gas pipeline Bullen Point Road right-of-way permitting	3,200.0				3,200.0
10	7(c)(4)	Natural Resources	Capital	Division of Oil and Gas increased workload for gas pipeline	2,700.0				2,700.0
11	7(c)(5)	Natural Resources	Capital	Commissioner's Office increased workload for gas pipeline	200.0				200.0
12	7(d)	Revenue	Capital	Commissioner's Office - Work related to the state gas pipeline and to bringing North Slope natural gas to market	5,300.0				5,300.0
13	7(e)	Revenue	Capital	Alaska Natural Gas Development Authority increased workload for gas pipeline	2,170.0				2,170.0
14									
15	10(a)	Law	Criminal Appeals/Special Litigation Component	Outside counsel for appeal costs in the Murtaugh case related to defense of victim's rights; FY06 lapse date.	50.0				50.0
16	10(b)	Law	1st Judicial District	Contractual costs for a prosecutor to represent the Department of Law in the Therapeutic Courts program			21.4	Statutory Designated Prgm Rcpts	21.4
17									
18	12	Revenue	Tax Division	Increased tobacco tax enforcement costs for the Tobacco Tax legislation passed as ch. 1, FSSLA 2004.	395.5				395.5
19	14(a)	Transportation	Marine Vessel Operations	Fuel cost increases and other increased operating costs.			12,000.0	AMHS Fund	12,000.0
20	14(b)	Transportation	Central Region Highways and Aviation	King Salmon airport - prior year invoices outstanding for air traffic control costs	44.5				44.5
21	14(c)	Transportation	Program Development	Legal costs for defense of SB 260, which changed the membership make up of the policy board for metropolitan planning organizations.	85.0				85.0
22	154(a)	Transportation	Capital	Airport Improvement Program increase of \$5,585.0 in federal funds as allocated below:					0.0
23	15(a)(1)	Transportation	Capital	Kotzebue Obstruction Removal and Safety Area		5,300.0			5,300.0
24	15(a)(2)	Transportation	Capital	Tenakee Springs Seaplane Float Rehabilitation		550.0			550.0
25	15(b)	Transportation	Capital	Surface Transportation Program increase of \$44,150.0 in federal funds as allocated below:					0.0
26	15(b)(1)	Transportation	Capital	Alaska Marine Highways - Coffman Cove Terminal		1,600.0			1,600.0
27	15(b)(2)	Transportation	Capital	Alaska Marine Highways - Mikof Island - South Mikof Island Terminal		3,500.0			3,500.0
28	15(b)(3)	Transportation	Capital	Dalton Highway Milepost 37 to 49 Reconstruction - Hess Creek to Yukon River		9,000.0			9,000.0
29	15(b)(4)	Transportation	Capital	Glenn Highway Milepost 41 - Dogwood Intersection		1,400.0			1,400.0
30	15(b)(5)	Transportation	Capital	Haines Ferry Terminal through town to Old Haines Highway		13,000.0			13,000.0
31	15(b)(6)	Transportation	Capital	Haines Highway Revetment Reinforcement		2,400.0			2,400.0
32	15(b)(7)	Transportation	Capital	Ketchikan Tongass Highway - Third Avenue to Tunnel Resurfacing		5,000.0			5,000.0
33	15(b)(8)	Transportation	Capital	Parks Highway Milepost 72 to 83 Reconstruction - Willow Creek to Kashwitna River Reconstruction		1,250.0			1,250.0
34	15(b)(9)	Transportation	Capital	Parks Highway Milepost 204 - Summit Railroad Overcrossing		4,900.0			4,900.0
35	154(b)(10)	Transportation	Capital	Petersburg Mikof Highway - Ferry Terminal South Resurfacing		1,600.0			1,600.0
36	154(b)(11)	Transportation	Capital	Richardson Highway Milepost 341 - Eielson Access Ramps		500.0			500.0

FY2005 SUPPLEMENTALS

	A	B	C	D	E	F	G	H	I
	Section Number	Department	RDU or Component or Capital	Supplemental Need	General Funds	Federal Funds	Other Funds	Fund Source	Total Funds
1									
37	16	Court System	Trial Courts	Therapeutic court funding coming from NCADD S18.9, Technical Improvement grant from Alaska Legal Services S18.1, Youth for Justice grant S7.5 and Color of Justice grant S5.0.			49.5	Statutory Designated Prgm Rcpls	49.5
38	17	Lapse of Appropriation							
39	18	Effective Date							
40	Total for Fast Track Supplemental Bill				36,968.2	50,000.0	12,070.9	0.0	99,039.1

FY2005 SUPPLEMENTALS

	A	B	C	D	E	F	G	H	
	Section Number	Department	RDU or Component or Capital	Supplemental Need	General Funds	Federal Funds	Other Funds	Fund Source	Total Funds
1									
67	Regular Supplemental Bill								
68	1(a)	Administration	Finance	First National Bank of Alaska credit card rebates - These funds are received from the bank based on state credit card purchases. Growth of the credit card program, combined with more favorable rebate terms has resulted in rebates in excess of budgeted authority. Allowing receipt and expenditure of these funds will allow the department to meet the vacancy factor in this component where health insurance and retirement cost increases were not funded.			76.1	Statutory Designated Prgm Rcpts	76.1
69	1(b)	Administration	Motor Vehicles	Digital drivers license supplies - Funding is needed to cover the additional costs of deploying the digital drivers license system and increased demand for the new licenses. Consumable costs are higher due to volume of first-year purchases and underestimating cost of consumables.			125.0	Receipt Supported Services	125.0
70	1(c)	Administration	Office of Public Advocacy	Projected annual caseload increase - Because of the difficulty in projecting case types and costs 18 months in advance, OPA has historically funded the workload and caseload increases through supplemental appropriations. Funding of \$25.0 in General Fund/Program Receipts is from the Dept. of Law from collections under Criminal Rule 39 and Appellate Rule 209.	600.0				600.0
71	1(d)	Administration	Public Defender Agency	Projected annual caseload increase - PD was reappointed to several hundred old cases associated with the Blakely decision which rendered some aspects of the State of Alaska's sentencing framework unconstitutional. Also, increases in travel to remote courts, expert witness, discovery and file storage costs. Funding of \$24.9 in General Fund/Program Receipts is from the Dept. of Law from collections under Criminal Rule 39 and Appellate Rule 209. Also includes Therapeutic court funding coming from federal funds received by the National Council on Alcohol and Drug Dependency and allocated to State agencies.	887.2		20.0	Statutory Designated Prgm Rcpts	907.2
72	1(e)	Administration	Risk Management	Two major claims against the State's self-insurance deductible (\$1 million per loss) for catastrophic losses have been incurred. Fairbanks Correctional Center \$1,000.0 (total cost is just over \$1 million) and Fairweather hull damage \$350.0.	1,350.0				1,350.0
73	1(f)	Administration	Satellite Infrastructure	The department has realized decreased rental costs for satellite equipment.	(500.0)				(500.0)
74	2	Commerce	Qualified Trade Association Contract	The difference between the estimated amount and the actual amount paid to the Alaska Travel Industry Association that was due.	159.2				159.2
75	3(a)	Corrections	Institutional Facilities	The department took a 7% savings in commodity purchases in anticipation of savings from deploying technology. Deployment has been delayed and the savings has not been realized.	350.0				350.0
76	3(b)	Corrections	Institutional Facilities	Fuel cost increases	75.0				75.0
77	4(a)	Education	ACPE	Unanticipated increase in mainframe charges from Dept. of Administration's Enterprise Technology Services			265.0	ACPE Rcpts	265.0
78	4(b)	Education	Foundation Program	Reduce the FY 05 entitlement for public school funding due to a decrease in projected enrollment, an increase in the amount of federal impact aid that reduces the amount of state aid, and the actual cost of the supplemental funding floor.	(14,145.5)				(14,145.5)
79	4(c)	Education	Library Operations	Costs associated with implementation of librarian job class study resulting in a one-range increase effective January 15, 2005	30.0				30.0
80	5	Fish & Game	Commercial Fisheries	Language in sec 1, ch. 158, SLA 2004, page 14 for the Southeast Region Fisheries Management component should have been for the entire Commercial Fisheries appropriation					0.0
81	6	Fund Capitalization	Fish and Game Fund	Fish and Game Fund interest can't be spent by the Department of Public Safety or the Department of Law per Legislative Audit, December 2004. A language change is necessary to specifically appropriate the interest earnings	108.4				108.4
82	7(a)	Fund Capitalization	Debt Retirement Fund	Increased capitalization of the Debt Retirement Fund to supplant a shortfall in cigarette tax revenue into the School Fund - the estimate for cigarette tax revenue is reduced \$800.0 from \$30.2 million to \$29.4 million. This fully funds the School Construction Debt Reimbursement program in FY 05	551.1	3.5	245.4	DEED CIP Equity	800.0
83	7(b)	Fund Capitalization	Debt Retirement Fund	This section appropriates any lapsing balances as of June 30, 2005 of federal unrestricted receipts to the Debt Retirement Fund. (The amount is unknown at this time.)					0.0

FY2005 SUPPLEMENTALS

	A	B	C	D	E	F	G	H	Total
	Section Number	Department	RDU or Component or Capital	Supplemental Need	General Funds	Federal Funds	Other Funds	Fund Source	Funds
1									
	7(c)	Fund Capitalization	Information Services Fund	Telecommunications Partnering Agreement (TPA) disentanglement remediation \$3,200.0 State of Alaska Telecommunications System (SATS) and 2-Way Radio removed from statewide rate allocation and funded separately \$3,043.4	6,243.4				6,243.4
84									
85	8(a)	Health & Soc Svcs	Behavioral Health: Behavioral Health Grants	Substance abuse prevention Initiative so Alaska's kids are safe and healthy - Leadership Initiatives to Keep Children Alcohol-Free, Reach Out Now, Building Healthy Futures, Statewide Multimedia Campaign; FY06 lapse date.	4,000.0				4,000.0
86	8(b)	Health & Soc Svcs	Behavioral Health: Behavioral Health Administration	Substance abuse prevention Initiative so Alaska's kids are safe and healthy - Alaska Local Options Campaign Project Coordinator; FY06 lapse date.	75.0				75.0
87	8(c)	Health & Soc Svcs	Behavioral Health: Community Action Prevention and Intervention Grants	Substance abuse prevention initiative so Alaska's kids are safe and healthy - Alaska Local Options Campaign; FY06 lapse date.	425.0				425.0
88	8(d)	Health & Soc Svcs	Juvenile Justice: Probation Services	Court-ordered special needs services for children in juvenile facilities. Last session the Legislature asked that these costs be brought forward as supplementals.	194.1				194.1
89	8(e)	Health & Soc Svcs	Public Assistance: Adult Public Assistance	Savings due to caseload reduction and programmatic changes, particularly last year's changes to Interim assistance.	-2,038.8				(2,038.8)
90	8(e)	Health & Soc Svcs	Public Assistance: General Relief Assistance	Projected FY 05 lapse. Approximately 80% of funds are used to pay for funeral and burial expenses of indigent deceased persons; the remainder is used to assist low-income individuals and families who are facing eviction.	-185.0				(185.0)
91	8(f)	Health & Soc Svcs	Departmental Support Services: BASIC Grants	Provides vital social service program support to entities directly serving needy Alaskans across the state. Funding will be used on collaborative, community based activities addressing basic needs such as food, shelter and health care. With FY06 lapse date.	1,000.0				1,000.0
92	8(g)	Health & Soc Svcs	Boards and Commissions: Governor's Advisory Council on Faith-Based and Community Initiatives	FY 05 costs for Office established by Administrative Order 221.	122.1				122.1
93	8(h)	Health & Soc Svcs	Public Health: Vital Statistics	Full funding for lease costs for Juneau office.			150.0	Receipt Supported Services	150.0
94	9	Law	Civil Division, Deputy Attorney General's Office	Judgements and Claims as of 2/7/05.	1,108.9				1,108.9
95	10(a)	Labor	Management Services	Language for carryforward of revenues due to audit findings.					0.0
96	10(b)	Labor	Vocational Rehabilitation Administration	Language for carryforward of revenues due to audit findings.					0.0
97	11(a)	Law	Opinions, Appeals and Ethics	Outside counsel costs to complete the appeal through the oral argument in the Planned Parenthood case; FY06 lapse date.	19.1				19.1
98	11(b)	Law	Statehood Defense	Extend lapse date to June 30, 2006 for Navigable Waters, RS 2477 Rights-of-Way, Statehood Defense - Sec. 62(b), ch 82, SLA 2003.	0.0				0.0
99	11(c)	Law	Environmental Law	Extend lapse date to June 30, 2006 for continued analysis of the continuing injury from the Exxon Valdez oil spill and development of restoration options - Sec. 16, ch 159, SLA 2004	0.0				0.0
100	11(d)	Law	Environmental Law	Extend lapse date to June 30, 2006 for Exxon Valdez Oil Spill Trustee Council - Sec. 22(c), ch 159, SLA 2004.	0.0				0.0
101	12(a)	Military	Capital	Transfer RPL 09-5-0001, authorized on July 8, 2004, for the Alaska Aviation Safety project from operating to capital (\$2,803.0 federal funds).					0.0

FY2005 SUPPLEMENTALS

	A	B	C	D	E	F	G	H	I
	Section Number	Department	RDU or Component or Capital	Supplemental Need	General Funds	Federal Funds	Other Funds	Fund Source	Total Funds
1									
102	12(b)	Military	Capital	Reappropriation of the estimated balance of \$48.5 from the Tudor Road Combined Support Maintenance Site Clean-up project (Sec. 1, ch. 135, SLA 2000) for statewide emergency communications.					0.0
103	12(c)	Military	National Guard Military Headquarters	Anchorage Army basic telecommunications service: increased basic telephone service costs provided by the National Guard Bureau for DMVA offices located in the Anchorage Army.	57.2				57.2
104	12(d)	Military	Air Guard Facilities Maintenance	Network Services Costs for Kulis and Eielson: network service is provided by the Air National Guard.	30.9				30.9
105	12(e)	Military	Alaska Military Youth Academy	Network Services Costs for the Alaska Military Youth Academy: network service is provided by a private sector vendor.	52.6				52.6
106	13(a)	Natural Resources	Fire Suppression Activity	Costs to fight worst fire season in history.	36,902.7				36,902.7
107	13(b)	Natural Resources	Capital	Reappropriation of the Grants to Named Recipient: Ketchikan Area State Parks Advisory Board - \$25,000 for Area-wide Health, Safety and Maintenance Upgrades project to DNR for same purpose. As originally appropriated, the Board has no staff or the capability to receive and expend the funds.					0.0
108	13(c)	Natural Resources	Water Development	Replace non-realizable receipts.	100.0		(100.0)	Receipt Supported Services	0.0
109	14(a)	Public Safety	Capital	Additional National Marine Fisheries Service funding for the existing FY 05 capital project: Marine Fisheries Patrol Improvements. This increases the amount from \$1,080.3 to \$1,250.0.		169.7			169.7
110	14(b)	Public Safety	Capital	New Crime Scene Examination Enhancement project		225.0			225.0
111	15(a)	Revenue	Alaska State Pension Investment Board	Increased managers fees.			1,100.0	various Retirement Funds	1,100.0
112	15(b)	Revenue	Capital	Alaska Mental Health Trust Authority: Mobility Coalition grant funds from the U.S. Department of Transportation.		500.0			500.0
113	15(c)	Revenue	APFC Custody and Management Fees	Increased managers fees.			1,500.0	Permanent Fund Receipts	1,500.0
114	16(a)	State Debt	School Debt Reimbursement	Fund source change due to a shortfall in cigarette tax revenue deposits into the School Fund. The School Fund is reduced from \$30.2 million to \$29.4 million and the Debt Retirement Fund is increased from \$51,670,084 to \$52,470,084.			0.0	Debt Ret Fund and School Fund	0.0
115	16(b)	State Debt	Capital Project Debt Reimbursement	The lapse date of sec. 33(f)(3), ch 158, SLA 2004, page 68, line 16 - 18, is extended to June 30, 2006 for Mellakalla Power and Light's utility plant and capital addition debt reimbursement.					0.0
116	17(a)	Transportation	Capital	Bids came in higher for Chandalar maintenance station construction.	930.0				930.0
117	17(b)	Transportation	Capital	Adak contract - new federal authority for capital improvements.		3,400.0			3,400.0
118	17(c)	Transportation	Capital	Emergency and Non-routine Maintenance: Failed railroad crossings, \$305.0 Winter ice storm and avalanche damage, \$50.0 Johnson River bridge damage, \$210.4	573.4				573.4
119	17(d)	Transportation	Anchorage Airport Facilities	Utility cost increases.			1,001.4	Internal Airports Rev Fund	1,001.4
120	17(e)	Transportation	Anchorage Airport Field and Equipment Maintenance	Utility cost increases.			274.8	Internal Airports Rev Fund	274.8
121	17(f)	Transportation	Capital	Reappropriate the June 30, 2005 balance of the \$10 million appropriation made in sec 29(c), ch. 159, SLA 2004 for the Adak air field, estimated to be \$9 million, to DOT for capital improvements.					0.0
122	17(g)	Transportation	Central Region Facilities	Heating fuel and risk management cost increases	249.9				249.9
123	17(h)	Transportation	Northern Region Facilities	Heating fuel and utility cost increases.	465.5				465.5

FY2005 SUPPLEMENTALS

	A	B	C	D	E	F	G	H	I
	Section Number	Department	RDU or Component or Capital	Supplemental Need	General Funds	Federal Funds	Other Funds	Fund Source	Total Funds
1									
124	17(i)	Transportation	Central Region Highways and Aviation	Anchorage snowplow and equipment fuel, utilities, sand and steel cost increases.	1,374.4				1,374.4
125	17(j)	Transportation	Northern Region Highways and Aviation	Equipment fuel, utilities, and steel cost increases.	1,399.5				1,399.5
126	17(k)	Transportation	Southeast Region Highways and Aviation	Equipment fuel, sand, chemicals and steel cost increases.	263.4				263.4
127	17(l)	Transportation	State Equipment Fleet Administration	Fuel increases - credit card expenditures reimbursed by user agencies.			1,100.0	Highway Working Capital Fund	1,100.0
128	17(m)	Transportation	Statewide Information Services	Funding for telecommunications chargeback costs. FY 04 supplemental funding was not built into FY 05 budget, thereby causing a shortfall.	659.6				659.6
129	17(n)	Transportation	Central Region Highways and Aviation	King Salmon air traffic control current year contract.	68.0				68.0
130	17(o)	Transportation	Human Resources	Shortage in realizing savings due to delay in implementing electronic timesheets.			140.0	various	140.0
131	18(a)	Transportation	Capital	Airport Improvement Program increase of \$10 million in federal funds as allocated					0.0
132	18(a)(1)	Transportation	Capital	Bethel: Airport Parallel Runway and Other Improvements		16,000.0			16,000.0
133	18(a)	Transportation	Capital	Hooper Bay: Airport Access Road Repairs		2,000.0			2,000.0
134	18(b)	Transportation	Capital	Surface Transportation Program increase of 8,725.0 in federal funds as allocated					0.0
135	18(b)(1)	Transportation	Capital	Southeast: Mid Region Access EIS		2,000.0			2,000.0
136	18(b)(2)	Transportation	Capital	Statewide: Comprehensive Highway Safety Plan		500.0			500.0
137	18(b)(3)	Transportation	Capital	Statewide: Electronic Crash Web Enablement Form 12-200 and Data Transfer		400.0			400.0
138	18(b)(4)	Transportation	Capital	Statewide: Emergency Bridge Replacement		800.0			800.0
139	18(b)(5)	Transportation	Capital	Statewide: Intelligent Transportation systems Implementation Plan (IWAYS)		1,350.0			1,350.0
140	18(b)(6)	Transportation	Capital	Statewide: Road/Highway Functional Classification Review		400.0			400.0
141	18(b)(7)	Transportation	Capital	Statewide: Material Site Investigation		500.0			500.0
142	18(b)(8)	Transportation	Capital	Statewide: Milepost and Destination Signs		1,300.0			1,300.0
143	18(b)(9)	Transportation	Capital	Statewide: National Highway System and Non-National Highway System Anti-icing Program		400.0			400.0
144	18(b)(10)	Transportation	Capital	Statewide: Traveler Information Signs		325.0			325.0
145	18(b)(11)	Transportation	Capital	Glenn Highway: Milepost 58, Milepost 60, and Milepost 97 Slides Repair		750.0			750.0
146	20	Revenue	Treasury Division	Increased managers fees.			25.0	Constitutional Budget Reserve	25.0
147				Regular Supplemental Bill Total	43,555.3	31,023.2	5,922.7		80,501.2
148									
149				Governor's Supplemental Total	141,332.4	129,904.0	23,223.1		294,459.5

Summary of Major FY 05 Funding Requests

General Funds
Only
(in thousand\$)

Governor's Initiatives

Continue work on gasline	\$28,270
Small city energy assistance	\$6,450
Efforts to open ANWR	\$500
Expand substance abuse prevention efforts	\$4,500
	<u>\$39,720</u>

Respond to disasters/emergencies

Last summer's fires	\$36,903
Kaktovik storm	\$2,364
Bering Strait (Nome) Sea Storm	\$4,054
Accident claims	\$1,350
Funding for future disaster preparedness	\$1,000
	<u>\$45,671</u>

Meet contractual obligations

Arizona prison contract	\$2,293
GGU contract	\$2,572
	<u>\$4,865</u>

Fund statutory formula programs

Medicaid caseload and cost increases; unrealized savings from cost containment	\$39,047
--	----------

Higher fuel, utilities

\$10,751

Meet legal challenges

\$1,493

Total

\$141,547 *

**This amount does not reflect some savings in other areas that help offset these increased costs. There also are other supplemental requests in addition to the above, which are detailed in the following sectional summary.*

Philip Reedy ML

2-25-05

HB 135 Notes

- (1) For the record . . .

- (2) The Department of Law is dependent on a substantial amount of assistance from outside legal council in the on-going negotiations regarding construction of a natural gas pipeline from the North Slope.

- (3) As the Representatives are aware, the State is currently involved in two, parallel negotiations under the Stranded Gas Act (AS 43.82).

- (4) Both of those Stranded Gas negotiations contemplate the State's ownership participation in the pipeline project, and we are thus drafting and negotiating terms of the several legal agreements that would be required for the State to participate as a partner in the pipeline project.

- (5) The individual agreements include (at least):
 - (a) the Stranded Gas Agreement;
 - (b) a Business Entity Agreement;
 - (c) a Project Financing Agreement;
 - (d) a Construction Agreement;
 - (e) an Operating Agreement; and
 - (f) a Gas Balancing Agreement.

- (6) The Stranded Gas Agreement(s) and the Business Entity Agreement(s) are the current focus of intensive contract development work and negotiations.

Necessity for "Fast -Track" Supplemental Funding

The Department of Law has already expended essentially its entire Oil & Gas contract services appropriation for fiscal year 2004 - 2005, due to the unanticipated additional work arising from

- > participation in two simultaneous Stranded Gas negotiations; and
- > consideration of State partnership in the NS gas pipeline project, which necessitates development of the Business Entity and Financing Agreements.

The early expenditure of the contract services appropriation for work on the NS gas pipeline has also depleted contract funds that were earmarked for use on other, non-gas pipeline projects, in the Department's FY05 budget request. Those contract services funds -- utilized on oil royalty reopeners, TAPS oil pipeline matters, and Cook Inlet area gas pipeline matters -- also need to be supplemented in this fiscal year.

The Department of Law has therefore asked for a fast-track supplemental appropriation of \$9,000,000 for contract legal services through June 30, 2006. While the Department prefers to receive the full \$9 million amount in this supplemental appropriation, it would be possible to split the appropriation between FY 2005 and FY 2006, with \$5 million in the fast-track supplemental and thus available for expenditure in FY 2005.

2-25-05

My name is Steve Porter. I'm Deputy Commissioner of the Department of Revenue and a member of the State's Stranded Gas negotiating team.

First I want to thank you for your previous investment and support of the State's team in the development of a gas pipeline. Negotiating a contract that will result in bringing the State of Alaska's stranded gas to market is every bit as large a project as anyone estimated it to be. Perhaps no estimate fully appreciated the scope of what success requires. The tasks are huge and multi-layered, and the numbers are profoundly large. The total sales value of just the proven North Slope natural gas reserves would be \$210 billion at a price of \$6/mmcf.

We have a prepared presentation to support the budget request being discussed today. As a part of that presentation we would like to provide you with an overview of what we have done thus far with the Legislature's funding of the State's participation in the Stranded Gas negotiations.

Milestone
Just we began our research regarding the many ways we could enhance the prospect of bringing Alaska North Slope gas to market. The primary areas of

research centered around sharing risk through various financial structures and different levels and types of ownership participation. Our effort at expanding and identifying the additional options available to us was quite successful. We called this portion of our research "Defining the Boundaries". From that Defining the Boundaries research we identified a number of opportunities for sharing risk and increasing the overall chances of moving an Alaska North Slope Gas pipeline to a successful conclusion. Based on the issues identified ^{second milestone} we conducted research on the following areas during what we called the Risk Assessment and Analysis Phases.

The general areas of research were:

Gas price

Risk Analysis – (shipper risk)

Risk Analysis – (Pipeline ownership)

Cost Overrun Risk

Tariff structure and the FERC process

Alaska State Gas Entity

Pipeline Funding

Socio-economic Report

Canada Pipeline Issues

And probably the most important is
Understanding the applicant's perspective on economics

We accomplished most of this through
Contractor support for negotiations

There are three forms of support that we have used thus far in the negotiations: 1) negotiations support - We have contracted for and continue to use the expertise of Dr. Pedro Van Meurs and his team to support us in the actual negotiations, 2) Expert analysis and modeling - We have and will continue to use analytical experts as we fine tune our negotiating position in each of the contract negotiations, and 3) Legal support - We are now at a stage where each side's lawyers are regular participants in the negotiations. We expect each of these forms of negotiations support to continue. We would expect the legal support to increase and our request for additional funding recognizes that need.

Concurrent with the Risk Assessment and Analysis Phase we are also working with the Alberta Government.

Alberta Government

We have met with and will continue to meet with the various Canadian government entities to see if there are ways we can jointly support positions

or actions that will have a positive effect on the success of getting a pipeline built.

Alternative proposal analysis

While we are negotiating with the applicants under the SGDA, we also have a responsibility as the sovereign of encouraging and supporting any other proposal that may bring Alaska North Slope Gas to market. That encouragement and support generally has taken the form of economic evaluation and analysis and feedback to the parties to help them move their projects forward. A good example of this support is the Alaska Gasline Port Authority proposal. We have volunteered to review their project proposal and give them feedback on the overall economics of their proposal as well as express any concerns we have with the overall viability of their project.

In addition we are supporting the work of the Alaska Natural Gas Development Authority in their evaluation of the economic viability of bringing Alaska North Slope Gas to tidewater and developing an LNG project. They are also doing the leg work necessary to make sure a spur gas pipeline to Cook Inlet will be permitted and ready for any alternative that successfully brings Alaska North Slope Gas to market.

Reimbursement

One of the goals of the State was to make sure we received the maximum amount we could from project applicants under the reimbursement provisions of the SGDA. We billed and received in reimbursement from ExxonMobil/ConocoPhillips/BP the maximum amount available under the Act of \$1.5 million. The state continues to be reimbursed also by Transcanada, and DNR is tracking that reimbursement.

Now that we have generally discussed what the previous appropriations have been used for, I would like to take a couple of minutes to explain where we are conceptually. We have talked about understanding risks, understanding the applicants' economic perspective, understanding the volatility of price and cost elements. Think of this timeframe as getting the State to the point of being able to put a proposal on the table with the project applicants. And we have placed a proposal on the table in the Exxon/ConocoPhillips/BP negotiations and received a counter proposal from them. We are also developing a proposal with TransCanada. Each of these negotiations will

require a substantial amount of work to bring a SGDA contract to the legislature.

In the near term the current activities in support these negotiations will include substantial legal support in negotiating the fiscal contracts and other associated contracts and exhibits necessary to bring a contract proposal to the legislature. In addition each variation of fiscal term negotiations may require additional analytical support from our contractors.

- 4/26/05
Once we have a contract to present to the legislature we need to prepare a Commissioner's finding that the contract is in the fiscal interests of the State. All of the reports we have generated will be used to support the finding of the Commissioner of Revenue. This finding will go out for 30 days of public comment period along with the proposed contract. The Commissioner will then respond to those comments and bring the final fiscal finding and contract to you for ratification. The process may well entail going back to the applicant for a refinement of the agreement. The request we have placed before you today will provide the funding for us to accomplish this process.

- 5/4/05
Richard

If we are successful, we also must consider what happens next. If we decide to take an ownership interest in the pipeline, we could almost immediately find ourselves in a partnership relationship with an applicant attempting to build a pipeline. In order to be effective in that new entity the state representatives need to be ready to make financial and other decisions necessary to move the project forward timely. That is why we have requested funding to begin to develop the State's organization that will need to be in place almost immediately upon ratification of any contract.

As a closing point that needs to be made, we hope everyone understands that capital funding of state gas line participation cannot be determined at this time. When a determination is made regarding the type and level of participation that the state will take in a gas pipeline, we will come back to the legislature with a financing structure and a corresponding appropriation request. Depending on the level of state participation that request could be substantial.

Thank you for your continued support of the State's participation in the Stranded Gas negotiations.

Post Track Supplemental

25 Feb. 05

HB 135

Administration - Eric Swanson, admin
Governor - OMB Cheryl Frasca

Commerce, Community & Ec. Dev - Al Clough
Jo Ellen Henrhan - admin
Kate Gard - RCA

Corrections - Marc Antrim, commissioner
Sherleen Griffin - admin.

Education - Eddy Jans
Karen Rehfeld

Environmental Conservation -
Kristin Ryan - E. Health

DOT

Marine Highway - Nancy Slagle (Admin)

Revenue - Susan Taylor (Admin.)

Health & Soc. Services - Janet Clark

**Alaska State Legislature
HOUSE FINANCE COMMITTEE
AGENDA**

February 23, 2005 - Wednesday

HB 158-PUBLIC SCHOOL ACCOUNT/PUBLIC EDUC FUND

Pete Ecklund, Staff, Co-Chair Meyer

Questions:

Eddy Jeans, Director, Education Support Services,
Department of Education and Early Development

HB 135-SUPPLEMENTAL APPROPRIATIONS: FAST TRACK

**Cheryl Frasca, Director, Division of Management & Budget,
Office of the Governor**

**John Katz, Director, State/Federal Relations and Special Counsel,
Washington, D.C. (via teleconference)**

Available for Questions on teleconference in Anchorage:

Jack Hartz, Alaska Oil and Gas Conservation Commission

John Norman, Alaska Oil and Gas Conservation Commission

Sean Parnell, (Oil and Gas Lease)

Available for Questions on teleconference in Fairbanks:

**Rod Combellick, Acting Director, Division of Geological And Geophysical
Surveys,**

Kate Giard, Alaska Regulatory Commission

shu 2/23/05

	B	C	D	E	F	G	H	I	
Section Number	Department	RDU or Component or Capital	Supplemental Need	General Funds	Federal Funds	Other Funds	Fund Source	Total Funds	
1									
2	Elections Supplemental Bill SB 62 / HB 79								
3	1	Governor	Elections	Extraordinary unanticipated costs incurred by the Division of Elections during the statewide 2004 elections	694.9			694.9	
4	2	Effective Date							
5	Total for Elections Supplemental Bill: SB 62 / HB 79			694.9				694.9	
6	Fast Track Supplemental Bill								
7	1	Administration	Non-Public Building Fund Facilities	Increased costs for heating fuel and other utilities for Non-Public Building Fund buildings	110.0			110.0	
8	2(a)	Commerce	Community Advocacy	Small city energy assistance program	6,450.0			6,450.0	
9	2(b)	Commerce	Office of Economic Development	The Office of Economic Development is coordinating an event at the Boston International Seafood Show that promotes the uniqueness of wild Alaska seafood.			150.0	Statutory Designated Prgr. Rcpts	150.0
10	2(c)	Commerce	Regulatory Commission of Alaska	Legal services costs of \$190.0 provided by the Department of Law were inadvertently omitted from the Regulatory Commission of Alaska's FY 05 budget. \$75.0 for outside counsel costs and \$250.0 to implement the Regulatory Commission of Alaska's improvement initiative to meet its mission more efficiently and effectively are also included.			523.0	RCA Rcpts	523.0
11	2(d) and (e)	Commerce	ASMI	Fund source switch from Federal Receipts to Receipt Supported Services in order to receive funding from the Alaska Fisheries Marketing Board		(1,500.0)	1,500.0	Receipt Supported Services	0.0
12	3(a)	Corrections	Office of the Commissioner	Support for enhanced correctional officer and probation officer recruiting efforts in urban and rural Alaska. Workplace Alaska alone is not bringing enough applicants. The department will purchase TV and radio spots, and advertisements in smaller publications in locations such as Seward, Bethel, Nome, Kenai, Eagle River and Mat-Su.	50.0				50.0
13	3(b)	Corrections	Administrative Services	The department is seeking an e-procurement application to lower purchasing prices and improve efficiencies within the buying process for commodities, equipment, food and services.	225.0				225.0
14	3(c)	Corrections	Out-of State Contractual	The new contract with the Arizona facility started November 1, 2004. With the increased bed cost from \$53.99 to \$57.15 and the projected population at the facility, the department needs additional funds to pay the contractor for housing Alaskan offenders.	2,292.9				2,292.9
15	3(d)	Corrections	Parole Board	Funding needed to conduct discretionary and mandatory parole hearings through the fiscal year. The anticipated savings from conducting hearings telephonically or using video conferencing equipment were insufficient.	65.0				65.0
16	3(e)	Corrections	Parole Board	Funds needed to pay outstanding bills from FY2004.	4.0				4.0
17	4(a)	Education	School Finance and Facilities	Legal and expert services due to the Noon v. State funding lawsuit, extended lapse date to June 30, 2006.	230.0				230.0
18	4(b)	Education	Mt. Edgecumbe Boarding School	Residential operating costs related to expanded student population.	800.0				800.0
19	4(c)	Education	Museum Operations	Funding shortfall due to unanticipated decline in program receipts and increased internal chargebacks.	100.0				100.0
20	5(a)	Environmental Conservation	Capital	Due to safety issues relating to emerging bioterrorism threats and animal diseases, changes in design were necessary to meet original intent and provide a safe and secure laboratory facility. This amendment provides additional funding to cover those design changes and complete construction of the new Environmental Health Laboratory.	355.0	500.0		Federal Unrestricted Rcpts	855.0
21	5(b)	Environmental Conservation	Capital	Agriculture economic disaster match of \$500.0 of federal unrestricted receipts in DNR for non-existent federal funds is reappropriated from sec. 24(n), ch. 159, SLA 2004, page 81, to DEC for the Seafood and Food Safety Lab Replacement project.		(500.0)		Federal Unrestricted Rcpts	(500.0)
22	6(a)	Fund Capitalization	Marine Hwy Stabilization	Fuel cost increases.	6,813.3				6,813.3
23	6(b)	Fund Capitalization	Disaster Relief Fund	Base capitalization of fund \$1,000.0, 2004 Bering Strait Sea Storm \$4,054.4, Interior Earthquake shortfall \$259.3, and Kaktovik Winter Storm \$2,363.5.	7,677.2				7,677.2

FY2005 SUPPLEMENTALS

		B	C	D	E	F	G	H	I	
	Section Number	Department	RDU or Component or Capital	Supplemental Need	General Funds	Federal Funds	Other Funds	Fund Source	Total Funds	
	24	7(a)	Administration	Capital	AOGCC costs for gas pipeline reservoir studies and depletion plan evaluations	1,200.0			1,200.0	
	25	7(b)	Law	Civil Division, Oil, Gas and Mining	Legal costs for work related to the state gas pipeline and to bringing North Slope natural gas to market, and other oil and gas projects for FY05 and FY06	9,000.0			9,000.0	
held	26	7(c)(1)	Natural Resources	Capital	Gas pipeline risk analysis and royalty issues	2,500.0			2,500.0	
	27	7(c)(2)	Natural Resources	Capital	Gas pipeline corridor geologic hazards and resource evaluation	2,000.0			2,000.0	
	28	7(c)(3)	Natural Resources	Capital	Gas pipeline Bullen Point Road right-of-way permitting	3,200.0			3,200.0	
	29	7(c)(4)	Natural Resources	Capital	Division of Oil and Gas increased workload for gas pipeline	2,700.0			2,700.0	
	30	7(c)(5)	Natural Resources	Capital	Commissioner's Office increased workload for gas pipeline	200.0			200.0	
	31	7(d)	Revenue	Capital	Commissioner's Office - Work related to the state gas pipeline and to bringing North Slope natural gas to market	5,300.0			5,300.0	
	32	7(e)	Revenue	Capital	Alaska Natural Gas Development Authority increased workload for gas pipeline	2,170.0			2,170.0	
	33	8	Governor	Arctic National Wildlife Refuge	Funds for support of national efforts to open ANWR for oil and gas exploration and development	500.0			500.0	
	34	9(a)	Health & Soc Svcs	Alaskan Pioneer Homes Pioneer Homes	Replacing unrealizable federal Medicaid funds with receipt supported services. Lower receipts is due to the voluntary nature of residents signing up for Medicaid		(1,200.0)	1,200.0	Receipt Supported Services	0.0
	35	9(b)	Health & Soc Svcs	Behavioral Health Behavioral Health Medicaid Svc	Medicaid caseload growth above FY 05 budget projections. At current expenditure rate, the existing appropriation will be gone in April or May	2,653.7	3,517.7			6,171.4
	36	9(c)	Health & Soc Svcs	Health Care Services Women's and Adolescents Services	Feds reduced FFY05 funding in the Breast and Cervical Cancer screening program. The fund source change will allow services to 1600 enrolled women that otherwise would not be served due to federal funding reductions. Funds will be required by late March or early April to continue the program.	500.0	(500.0)			0.0
	37	9(d)	Health & Soc Svcs	Health Care Services Medicaid Services	Unable to implement cost containment measures as quickly or to the extent planned. e.g., Prescription Drug List delay, Transportation, Rate Setting, Cost Avoidance of Medicare Covered Drugs. At current expenditure rate, the existing appropriation will be gone in April or May	13,021.4	16,888.3			30,709.7
	38	9(e)	Health & Soc Svcs	Senior/Disabilities Svcs Senior/Disabilities Medicaid Svc	Unable to implement cost containment measures as quickly or to the extent planned. e.g., Contract Waiver Assessments, Medicaid Waivers, Reducing Respite Utilization, Nursing Homes Preadmission Care Plans, \$7,084.4 GF and \$7,606.3 Federal = \$16,690.7. Formula growth over budgeted amount will cost \$15,407.8 GF and \$20,930.2 Federal = \$36,418.1. Primary growth is in Personal Care Attendant Services. At current expenditure rate, the existing appropriation will be gone in March.	22,572.2	30,536.6			53,108.8
	39	10(a)	Law	Criminal Appeals/Special Litigation Component	Outside counsel for appeal costs in the Murlaugh case related to defense of victim's rights, FY06 lapse date	50.0				50.0
	40	10(b)	Law	1st Judicial District	Contractual costs for a prosecutor to represent the Department of Law in the Therapeutic Courts program			21.4	Statutory Designated Prgm Expts	21.4
	41	11	Military	National Guard Military Headquarters	National Guard Audit Disallowance - Federal auditors have disallowed state expenditures in FFY05 for a total of \$937,234. This request will cover October 2004 to June 2005. An amendment will be offered in the FY 06 budget to cover these expenditures for the remainder of FFY05 and FFY06. The department estimates they will run out of general funds by the end of March.	446.0				446.0
	42	12	Revenue	Tax Division	Increased tobacco tax enforcement costs for the Tobacco Tax legislation passed as ch. 1, FSSLA 2004	395.5				395.5
Adm	43	13(a)-(c)	Salary & Benefits Adj	Executive Branch	FY 05 costs for the General Government Unit collective bargaining agreement	2,571.5	1,138.2	1,856.5		5,566.2
	44	14(a)	Transportation	Marine Vessel Operations	Fuel cost increases and other increased operating costs			12,000.0	AMHS Fund	12,000.0
	45	14(b)	Transportation	Central Region Highways and Aviation	King Salmon airport - prior year invoices outstanding for air traffic control costs	44.5				44.5
	46	14(c)	Transportation	Program Development	Legal costs for defense of SB 260, which changed the membership make up of the policy board for metropolitan planning organizations	85.0				85.0

FY2005 SUPPLEMENTALS

	B	C	D	E	F	G	H	I	
Section Number	Department	RDU or Component or Capital	Supplemental Need	General Funds	Federal Funds	Other Funds	Fund Source	Total Funds	
1									
47	154(a)	Transportation	Capital	Airport Improvement Program increase of \$5,585.0 in federal funds as allocated below				0.0	
48	15(a)(1)	Transportation	Capital	Kotzebue: Obstruction Removal and Safety Area				5,300.0	
49	154(a)(2)	Transportation	Capital	Tenacke Springs Seaplane Float Rehabilitation				550.0	
50	15(b)	Transportation	Capital	Surface Transportation Program increase of \$44,150.0 in federal funds as allocated below				0.0	
51	15(b)(1)	Transportation	Capital	Alaska Marine Highways: Colman Cove Terminal				1,600.0	
52	15(b)(2)	Transportation	Capital	Alaska Marine Highways: Mikol Island, South Mikol Island Terminal				3,500.0	
53	15(b)(3)	Transportation	Capital	Dalton Highway: Milepost 37 to 49 Reconstruction - Hess Creek to Yukon River				9,000.0	
54	15(b)(4)	Transportation	Capital	Glenn Highway: Milepost 41 - Dogwood Intersection				1,400.0	
55	15(b)(5)	Transportation	Capital	Haines: Ferry Terminal through town to Old Haines Highway				13,000.0	
56	15(b)(6)	Transportation	Capital	Haines Highway: Revetment Reinforcement				2,400.0	
57	15(b)(7)	Transportation	Capital	Ketchikan: Tongass Highway - Third Avenue to Tunnel Resurfacing				5,000.0	
58	15(b)(8)	Transportation	Capital	Parks Highway: Milepost 72 to 83 Reconstruction - Willow Creek to Kasliwina River Reconstruction				1,250.0	
59	15(b)(9)	Transportation	Capital	Parks Highway: Milepost 204 - Summit Railroad Overcrossing				4,900.0	
60	154(b)(10)	Transportation	Capital	Petersburg: Mikol Highway - Ferry Terminal South Resurfacing				1,600.0	
61	154(b)(11)	Transportation	Capital	Richardson Highway: Milepost 341 - Eielson Access Ramps				500.0	
62	16	Court System	Trial Courts	Therapeutic court funding coming from NCADD \$18.9, Technical Improvement grant from Alaska Legal Services \$18.1, Youth for Justice grant \$7.5 and Color of Justice grant \$5.0				49.5	Statutory Designated Prgm Rcpts
63	17	Lapse of Appropriation							
64	18	Effective Date							
65	Total for Fast Track Supplemental Bill				97,082.2	98,880.8	17,300.4	0.0	213,263.4
66									
67	Regular Supplemental Bill								
68	1(a)	Administration	Finance	First National Bank of Alaska credit card rebates - These funds are received from the bank based on state credit card purchases. Growth of the credit card program, combined with more favorable rebate terms has resulted in rebates in excess of budgeted authority. Allowing receipt and expenditure of these funds will allow the department to meet the vacancy factor in this component where health insurance and retirement cost increases were not funded.				76.1	Statutory Designated Prgm Rcpts
69	1(b)	Administration	Motor Vehicles	Digital drivers license supplies - Funding is needed to cover the additional costs of deploying the digital drivers license system and increased demand for the new licenses. Consumable costs are higher due to volume of first-year purchases and underestimating cost of consumables.				125.0	Receipt Supported Services
70	1(c)	Administration	Office of Public Advocacy	Projected annual caseload increase - Because of the difficulty in projecting case types and costs 18 months in advance, OPA has historically funded the workload and caseload increase through supplemental appropriations. Funding of \$25.0 in General Fund Program Receipts is from the Dept. of Law from collections under Criminal Rule 39 and Appellate Rule 209.				600.0	
71	1(d)	Administration	Public Defender Agency	Projected annual caseload increase - PD was reappointed to several hundred old cases associated with the Blakely decision which rendered some aspects of the State of Alaska's sentencing framework unconstitutional. Also, increases in travel to remote courts, expert witness, discovery and file storage costs. Funding of \$24.9 in General Fund Program Receipts is from the Dept. of Law from collections under Criminal Rule 39 and Appellate Rule 209. Also includes Therapeutic court funding coming from federal funds received by the National Council on Alcohol and Drug Dependency and allocated to State agencies.				887.2	Statutory Designated Prgm Rcpts
72	1(e)	Administration	Risk Management	Two major claims against the State's self-insurance deductible (\$1 million per loss) for catastrophic losses have been incurred: Fairbanks Correctional Center \$1,000.0 (total cost is just over \$1 million) and Fairweather hull damage \$350.0.				1,350.0	
73	1(f)	Administration	Satellite Infrastructure	The department has realized decreased rental costs for satellite equipment.				(500.0)	

FY2005 SUPPLEMENTALS

	B	C	D	E	F	G	H	I
Section Number	Department	RDU or Component or Capital	Supplemental Need	General Funds	Federal Funds	Other Funds	Fund Source	Total Funds
1								
74	2	Commerce	Qualified Trade Association Contract	The difference between the estimated amount and the actual amount paid to the Alaska Travel Industry Association that was due.	158.2			158.2
	3(a)	Corrections	Institutional Facilities	The department took a 7% savings in commodity purchases in anticipation of savings from deploying technology. Deployment has been delayed and the savings has not been realized.	350.0			350.0
75								
76	3(b)	Corrections	Institutional Facilities	Fuel cost increases	75.0			75.0
	4(a)	Education	ACPE	Unanticipated increase in mainframe charges from Dept. of Administration's Enterprise Technology Services.			265.0	ACPE Rcpts 265.0
77								
	4(b)	Education	Foundation Program	Reduce the FY 05 entitlement for public school funding due to a decrease in projected enrollment, an increase in the amount of federal impact aid that reduces the amount of state aid, and the actual cost of the supplemental funding floor.	(14,145.5)			(14,145.5)
78								
	4(c)	Education	Library Operations	Costs associated with implementation of librarian job class study resulting in a one-range increase effective January 15, 2005.	30.0			30.0
79								
	5	Fish & Game	Commercial Fisheries	Language in sec 1, ch 158, SLA 2004, page 14 for the Southeast Region Fisheries Management component should have been for the entire Commercial Fisheries appropriation.				0.0
80								
	6	Fund Capitalization	Fish and Game Fund	Fish and Game Fund interest can't be spent by the Department of Public Safety or the Department of Law per Legislative Audit, December 2004. A language change is necessary to specifically appropriate the interest earnings.	108.4			108.4
81								
	7(a)	Fund Capitalization	Debt Retirement Fund	Increased capitalization of the Debt Retirement Fund to supplant a shortfall in cigarette tax revenue into the School Fund - the estimate for cigarette tax revenue is reduced by \$800.0 from \$30.2 million to \$29.4 million. This fully funds the School Construction Debt Reimbursement program in FY 05.	551.1	3.5	245.4	DEED CIP Equity 800.0
82								
	7(b)	Fund Capitalization	Debt Retirement Fund	This section appropriates any lapsing balances as of June 30, 2005 of federal unrestricted receipts to the Debt Retirement Fund. (The amount is unknown at this time.)				0.0
83								
	7(c)	Fund Capitalization	Information Services Fund	Telecommunications Partnering Agreement (TPA) disentanglement remediation \$3,200.0 State of Alaska Telecommunications System (SATS) and 2-Way Radio removed from statewide rate allocation and funded separately \$3,043.4	6,243.4			6,243.4
84								
	8(a)	Health & Soc Svcs	Behavioral Health: Behavioral Health Grants	Substance abuse prevention initiative so Alaska's kids are safe and healthy - Leadership Initiatives to Keep Children Alcohol-Free, Reach Out Now, Building Healthy Futures, Statewide Multimedia Campaign, FY06 lapse date.	4,000.0			4,000.0
85								
	8(b)	Health & Soc Svcs	Behavioral Health: Behavioral Health Administration	Substance abuse prevention initiative so Alaska's kids are safe and healthy - Alaska Local Options Campaign Project Coordinator, FY06 lapse date.	75.0			75.0
86								
	8(c)	Health & Soc Svcs	Behavioral Health: Community Action Prevention and Intervention Grants	Substance abuse prevention initiative so Alaska's kids are safe and healthy - Alaska Local Options Campaign, FY06 lapse date.	425.0			425.0
87								
	8(d)	Health & Soc Svcs	Juvenile Justice: Probation Services	Court-ordered special needs services for children in juvenile facilities. Last session the Legislature asked that these costs be brought forward as supplementals.	194.1			194.1
88								
	8(e)	Health & Soc Svcs	Public Assistance: Adult Public Assistance	Savings due to caseload reduction and programmatic changes, particularly last year's changes to interim assistance.	-2,038.8			(2,038.8)
89								
	8(e)	Health & Soc Svcs	Public Assistance: General Relief Assistance	Projected FY 05 lapse. Approximately 80% of funds are used to pay for funeral and burial expenses of indigent deceased persons, the remainder is used to assist low-income individuals and families who are facing eviction.	-185.0			(185.0)
90								
	8(f)	Health & Soc Svcs	Departmental Support Services: BASIC Grants	Provides vital social service program support to entities directly serving needy Alaskans across the state. Funding will be used on collaborative, community-based activities addressing basic needs such as food, shelter and health care. With FY06 lapse date.	1,000.0			1,000.0
91								

FY2005 SUPPLEMENTALS

	B	C	D	E	F	G	H	I	
Section Number	Department	RDU or Component or Capital	Supplemental Need	General Funds	Federal Funds	Other Funds	Fund Source	Total Funds	
1									
92	8(g)	Health & Soc Svcs	Boards and Commissions: Governor's Advisory Council on Faith-Based and Community Initiatives	FY 05 costs for Office established by Administrative Order 221.	122.1			122.1	
93	8(h)	Health & Soc Svcs	Public Health: Vital Statistics	Full funding for lease costs for Juneau office.		150.0	Receipt Supported Services	150.0	
94	9	Law	Civil Division, Deputy Attorney General's Office	Judgements and Claims as of 2/7/05.	1,108.9			1,108.9	
95	10(a)	Labor	Management Services	Language for carryforward of revenues due to audit findings.				0.0	
96	10(b)	Labor	Vocational Rehabilitation Administration	Language for carryforward of revenues due to audit findings.				0.0	
97	11(a)	Law	Opinions, Appeals and Ethics	Outside counsel costs to complete the appeal through the oral argument in the Planned Parenthood case, FY06 lapse date.	19.1			19.1	
98	11(b)	Law	Statehood Defense	Extend lapse date to June 30, 2006 for Navigable Waters, RS 2477 Rights-of-Way, Statehood Defense - Sec. 62(b), ch. 82, SLA 2003	0.0			0.0	
99	11(c)	Law	Environmental Law	Extend lapse date to June 30, 2006 for continued analysis of the continuing injury from the Exxon Valdez oil spill and development of restoration options - Sec. 16, ch. 159, SLA 2004.	0.0			0.0	
100	11(d)	Law	Environmental Law	Extend lapse date to June 30, 2006 for Exxon Valdez Oil Spill Trustee Council - Sec. 22(c), ch. 159, SLA 2004.	0.0			0.0	
101	12(a)	Military	Capital	Transfer RPL 09-5-0001, authorized on July 8, 2004, for the Alaska Aviation Safety project from operating to capital (\$2,803.0 federal funds).				0.0	
102	12(b)	Military	Capital	Reappropriation of the estimated balance of \$48.5 from the Tudor Road Combined Support Maintenance Site Clean-up project (Sec. 1, ch. 135, SLA 2000) for statewide emergency communications.				0.0	
103	12(c)	Military	National Guard Military Headquarters	Anchorage Armory basic telecommunications service: increased basic telephone service costs provided by the National Guard Bureau for DMVA offices located in the Anchorage Armory.	57.2			57.2	
104	12(d)	Military	Air Guard Facilities Maintenance	Network Services Costs for Kulis and Eielson: network service is provided by the Air National Guard.	30.9			30.9	
105	12(e)	Military	Alaska Military Youth Academy	Network Services Costs for the Alaska Military Youth Academy: network service is provided by a private sector vendor.	52.6			52.6	
106	13(a)	Natural Resources	Fire Suppression Activity	Costs to fight worst fire season in history.	36,902.7			36,902.7	
107	13(b)	Natural Resources	Capital	Reappropriation of the Grants to Named Recipient: Ketchikan Area State Parks Advisory Board - \$25,000 for Area-wide Health, Safety and Maintenance Upgrades project to DNR for same purpose. As originally appropriated, the Board has no staff or the capability to receive and expend the funds.				0.0	
108	13(c)	Natural Resources	Water Development	Replace non-realizable receipts.	100.0		(100.0)	Receipt Supported Services	0.0
109	14(a)	Public Safety	Capital	Additional National Marine Fisheries Service funding for the existing FY 05 capital project: Marine Fisheries Patrol Improvements. This increases the amount from \$1,080.0 to \$1,250.0.		169.7			169.7
110	14(b)	Public Safety	Capital	New Crime Scene Examination Enhancement project.		225.0			225.0
111	15(a)	Revenue	Alaska State Pension Investment Board	Increased managers fees.			1,100.0	Various Retirement Funds	1,100.0
112	15(b)	Revenue	Capital	Alaska Mental Health Trust Authority: Mobility Coalition grant funds from the U.S. Department of Transportation.		500.0			500.0

FY2005 SUPPLEMENTALS

	B	C	D	E	F	G	H	I
Section Number	Department	RDU or Component or Capital	Supplemental Need	General Funds	Federal Funds	Other Funds	Fund Source	Total Funds
1								
113	15(c)	Revenue	APFC Custody and Management Fees			1,500.0	Permanent Fund Receipts	1,500.0
114	16(a)	State Debt	School Debt Reimbursement			0.0	Debt Ret Fund and School Fund	0.0
115	16(b)	State Debt	Capital Project Debt Reimbursement					0.0
116	17(a)	Transportation	Capital	Bids came in higher for Chandalar maintenance station construction	930.0			930.0
117	17(b)	Transportation	Capital	Adak contract - new federal authority for capital improvements		3,400.0		3,400.0
118	17(c)	Transportation	Capital	Emergency and Non-routine Maintenance: Failed railroad crossings, \$305.0 Winter ice storm and avalanche damage, \$50.0 Johnson River bridge damage, \$218.4	573.4			573.4
119	17(d)	Transportation	Anchorage Airport Facilities	Utility cost increases			Internal Airports Rev Fund	1,001.4
120	17(e)	Transportation	Anchorage Airport Field and Equipment Maintenance	Utility cost increases			Internal Airports Rev Fund	274.8
121	17(f)	Transportation	Capital	Reappropriate the June 30, 2005 balance of the \$10 million appropriation made in sec 29(c), ch 150, SLA 2004 for the Adak air field, estimated to be \$9 million, to DOT for capital improvements.				0.0
122	17(g)	Transportation	Central Region Facilities	Heating fuel and risk management cost increases	249.9			249.9
123	17(h)	Transportation	Northern Region Facilities	Heating fuel and utility cost increases.	465.5			465.5
124	17(i)	Transportation	Central Region Highways and Aviation	Anchorage snowhaul and equipment fuel, utilities, sand and steel cost increases.	1,374.4			1,374.4
125	17(j)	Transportation	Northern Region Highways and Aviation	Equipment fuel, utilities, and steel cost increases.	1,399.5			1,399.5
126	17(k)	Transportation	Southeast Region Highways and Aviation	Equipment fuel, sand, chemicals and steel cost increases.	263.4			263.4
127	17(l)	Transportation	State Equipment Fleet Administration	Fuel increases - credit card expenditures reimbursed by user agencies			Highway Working Capital Fund	1,100.0
128	17(m)	Transportation	Statewide Information Services	Funding for telecommunications chargeback costs - FY 04 supplemental funding was not built into FY 05 budget, thereby causing a shortfall	659.6			659.6
129	17(n)	Transportation	Central Region Highways and Aviation	King Salmon air traffic control current year contract	68.0			68.0
130	17(o)	Transportation	Human Resources	Shortage in realizing savings due to delay in implementing electronic timesheets			various	140.0
131	18(a)	Transportation	Capital	Airport Improvement Program increase of \$18 million in federal funds as allocated				0.0
132	18(a)(1)	Transportation	Capital	Bethel Airport Parallel Runway and Other Improvements		16,000.0		16,000.0
133	18(a)	Transportation	Capital	Hooper Bay Airport Access Road Repairs		2,000.0		2,000.0
134	18(b)	Transportation	Capital	Surface Transportation Program increase of 8,725.0 in federal funds as allocated				0.0
135	18(b)(1)	Transportation	Capital	Southeast Mid Region Access EIS		2,000.0		2,000.0
136	18(b)(2)	Transportation	Capital	Statewide Comprehensive Highway Safety Plan		500.0		500.0
137	18(b)(3)	Transportation	Capital	Statewide Electronic Crash Web Enablement Form 12 200 and Data Transfer		400.0		400.0
138	18(b)(4)	Transportation	Capital	Statewide Emergency Bridge Replacement		800.0		800.0
139	18(b)(5)	Transportation	Capital	Statewide Intelligent Transportation systems Implementation Plan (IWAYS)		1,350.0		1,350.0
140	18(b)(6)	Transportation	Capital	Statewide Road/Highway Functional Classification Review		400.0		400.0
141	18(b)(7)	Transportation	Capital	Statewide Material Site Investigation		500.0		500.0

FY2005 SUPPLEMENTALS

	B	C	D	E	F	G	H	I
Section Number	Department	RDU or Component or Capital	Supplemental Need	General Funds	Federal Funds	Other Funds	Fund Source	Total Funds
1								
142	18(b)(81)	Transportation	Capital	Statewide Milepost and Destination Signs		1,300.0		1,300.0
143	18(b)(9)	Transportation	Capital	Statewide National Highway System and Non-National Highway System Anti-icing Program		400.0		400.0
144	18(b)(10)	Transportation	Capital	Statewide Traveler Information Signs		325.0		325.0
145	18(b)(11)	Transportation	Capital	Glenn Highway Milepost 58, Milepost 60, and Milepost 97 Slides Repair		750.0		750.0
	20	Revenue	Treasury Division	Increased managers fees.			25.0	Constitutional Budget Reserve 25.0
146								
147				Regular Supplemental Bill Total	43,555.3	31,023.2	5,922.7	80,501.2
148								
149				Governor's Supplemental Total	141,332.4	129,904.0	23,223.1	294,459.5
150								
151	19(a)	Ratifications	Health & Soc Svcs	AR22520-03 Medical Assistance	\$13,300,029.73			
152	19(b)	Ratifications	Natural Resources	AR37313-04 Fire Suppression Activity	\$2,010,200.00			
153	19(c)	Ratifications	Corrections	AR50566-02 Parole Board	\$62,129.00			
154	21	Retractivity						
	22	Lapse of Appropriations						
155								
156	23	Effective Date						
157	24	Effective Date						

handout
2/23/05
DOTPF

THE BRADFIELD ROAD: \$2 MILLION, TOO MUCH, TOO SOON

The Department of Transportation is requesting \$2 million in the Supplemental Capital Budget, HB 134/SB 97, to embark on the "Mid-Region Access" Environmental Impact Statement, also known as the Bradfield Canal Road. Spending \$2 million for another study on an ill-advised 106 mile, \$314 million road is an unwise investment. Consider these factors:

- None of the half dozen preliminary studies of the Bradfield route have ever penciled out.
- British Columbia does not support construction of the road.
- There are other urgent transportation needs that the state should be funding first.

IT DOESN'T PENCIL OUT

With an estimated cost of \$314 million and annual costs of \$2.2 million for operations and maintenance, one would hope that the proposed Bradfield Road would show significant economic benefits. Yet the 1999 Southeast Alaska Transportation Plan (SATP) concluded that the net benefit from the Bradfield project would be a negative \$148 million. A January, 2005 state-commissioned economic assessment report of the Bradfield Road found a benefit/cost ratio 0.9 or negative \$27 million.

BRITISH COLUMBIA OPPOSITION

The following local governments in BC have passed resolutions opposing the Bradfield Road:

- District of Stewart, May 2003
- District of Port Edward, April 2003
- District of Kitimat, May 2003
- Smithers City Council, Sept. 2004
- Village of Telkwa, June 2004

OTHER PRIORITIES NEEDED TO BE ADDRESSED FIRST

The Petersburg Pilot reported that "The [Transportation Committee, Mayor and City Manager] expressed dismay at the state's push for Bradfield Canal Road construction as a top priority, worrying that such large-scale projects would edge out planned ferry expansion." In the DOT's 2004 SATP, 90% of the people who responded said that improving the existing ferry system is more important than building new roads in Southeast Alaska.

According to a 2003 report from the American Society of Civil Engineers, 55% of Alaska's roads are in poor or mediocre condition and 30% of the state's bridges are structurally deficient or functionally obsolete.

Two million dollars could be much better spent addressing critical improvements to our existing road system. According to DOT's STIP draft amendment #8 from December 2004, there are over \$294 million worth of road repairs for the Alaska Highway System that will go completely unfunded in FY06, including projects along the Taylor, Steese, Nome Teller, McCarthy, Hatcher Pass, Elliot, Glacier, and Copper River Highways. Instead of putting money into yet another study on a speculative and far-off road project, the state should invest in repairing and improving the infrastructure that has already proven vital for the movement of goods and services.

WHAT PEOPLE ARE SAYING ABOUT THE BRADFIELD ROAD

"[W]e have no compelling reasons to spend more public money on more detailed corridor studies. The project won't work. The road would raise state operating budgets.... Mining ore trucks would be on an 8% grade in the tunnel, generating large amounts of diesel exhaust. Tankers with fuel for mine operations would be moving downhill in the tunnel. All of this hazardous activity mixed with the general public is a very dangerous situation." Stikine and Bradfield Canal Transportation Corridor: An Evaluation of Merit. AK DOT 1997.

"I don't care. It doesn't matter." Wrangell Representative Peggy Wilson's response when asked if the Bradfield Road is unnecessarily expensive and a waste of government money. Juneau Empire, October 18, 2004.

Impacts from the Bradfield Road "would kill our town literally." Craig Caruso, Stewart Regional Director for the Kitimat Stikine Regional District Board in the Terrace Standard, February 26, 2003.

"I spoke with the Premier a little over a week ago and he made it clear the province has no desire to put money into that project. He does not believe it would be [beneficial]." BC MLA Bill Belsey, Prince Rupert Daily News, June 19, 2004.

"An alternative that involves construction in, and access to, a foreign country that does not have the support of the government of that country fails the common sense test and is not a reasonable alternative." Juneau Access Supplemental Draft Environmental Impact Statement, page 2-2. AK DOT 2005

outheast Alaska residents have another month to tell the state what they think about a proposed road that would take away Juneau's dubious distinction of being the largest city in North America not connected to the highway system.

But as people offer their comments on the state's preferred plan — a 68.5 mile, two-lane highway from Juneau to Skagway — they should focus not on the road of their dreams, but on the road that would exist in reality.

For many, the road would bring the psychological freedom of knowing they can hop in their cars and drive out of here. It's also been touted by some as a cheaper alternative to the state ferry system, and it's been believed by many who have worked hard to keep the state capital in Juneau to be an important way to fend off future capital-move efforts.

The recent draft supplemental environmental impact statement has taken away the notion that the road would be cheaper than maintaining the ferry system as it is now. Instead, the road would cost \$7 million more than ferries would over 30 years.

Proponents argue the cost savings would be realized by citizens, rather than the state, because driving out of town would be cheaper than buying a ferry ticket. But it doesn't make sense for the state to invest hundreds of millions of dollars in a project so that it doesn't cost as much for someone to go golfing in Whitehorse.

Instead, if the \$280 million road is going to be built, it needs to be done for a significant improvement in the economy or overall quality of life in Juneau.

However, the study shatters the idea that the road would trigger major economic development or population growth for Juneau. What the road would do is boost the number of independent travelers and the industry that caters to them. An additional 8,000 people would come to Juneau in 2008, if the state's favored plan is chosen, according to the state study.

Recreational vehicles would be expected to triple or quadruple in number in the first year of the road's existence. Businesses that serve RVs would no doubt flourish, at the influx of traffic would require more upkeep of roads.

more parking around town and more space for RV parks.

In the past, finding land suitable for RV parks has been tough. The shortage of land in Juneau already has created sky-high housing and land prices. Increased demand for the limited property available is likely to make the cost of real estate in Juneau even worse.

The road also unfortunately would not be the safeguard against future capital move efforts that some would like it to be. Many Alaskans who live in the north would rather fly to Juneau than drive some 800 miles to visit the Alaska Legislature.

Some argue the road must be endorsed because it would lessen Juneau's image as an isolated, inaccessible city. But much of the impetus for the capital move comes from state leaders who want the capital in their own backyards because of the economic gains for their own communities.

The access issue won't lessen that. Instead of building a road that would be used by few visiting the Legislature, access to lawmakers needs to be enhanced in genuine ways — by state-of-the-art teleconferencing and a building that has ample room for public hearings.

The costs of blasting a path up Lynn Canal and maintaining a road that crosses 61 avalanche chutes are enormous. Add to that the loss of 629 acres of forest, 31 acres of fish habitat and 93 acres of wetlands, as well as loss of brown bear habitat. For those kinds of costs, the city should be getting more than just thousands of RVs to crowd our local roadways.

Largely, support for the road boils down to people liking the freedom of being able to drive out of town for a weekend in Haines, Skagway or Whitehorse. But even those who savor that freedom need to keep in mind that that freedom won't exist 35 days each year — the amount of time the road would be closed because of avalanche risks.

Those who couldn't make this week's public hearings should go to the state's Web site for Juneau Access, which can be found through www.dot.state.ak.us, and send comments by March 21. Juneau residents should urge the state to drop the road and not waste money on a project that would add little to our lives, except thousands of RVs.

Empire editorial

JUNEAU EMPIRE, SUNDAY, FEB. 20, 2005

Time has come to speak out on road

HB

136

HFIN

FILE

FISCAL NOTE

STATE OF ALASKA
2005 LEGISLATIVE SESSION

Fiscal Note Number: 2
Bill Version: HB 136
(H) Publish Date: 3/22/05

Revision Date/Time (Note if correction): _____ Dept. Affected: _____
Title Drunk Driving Treatment Program BRU Alaska Court System
Component Trial Courts
Sponsor Representative Rokeberg
Requester _____ Component No. 768

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

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

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

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2005) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2006 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

The court system does not anticipate any fiscal impact from the passage of HB 136.

Prepared by: Douglas Wooliver, Administrative Attorney Phone: 463-4750
Division: Alaska Court System Date/Time: 3/17/05 2:52 PM
Approved by: Doug Wooliver for Stephanie Cole, Administrative Director Date: 3/17/2005
Agency: Alaska Court System

FISCAL NOTE

STATE OF ALASKA
2005 LEGISLATIVE SESSION

Fiscal Note Number: 3
Bill Version: HB 136
(H) Publish Date: 3/22/05

Revision Date/Time (Note if correction): _____ Dept. Affected: Public Safety
Title: "An Act restricting the authority of a court to suspend RDU Alaska State Troopers
execution of a sentence or grant probation in..." Component: AST Detachments
Sponsor: Representative Rokeberg
Requester: House Judiciary Component No.: 2325

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

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

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

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2005) cost: 0.0
Mark this box (X) if funding for this bill is included in the Governor's FY 2006 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)
Passage of this bill will have no fiscal impact on the Alaska State Troopers.

The bill does amends sections of Title 28 and suspends up to 75 percent of the minimum fines for driving while under the influence and refusal to submit to a chemical test if the defendant successfully completes a court-ordered treatment program

Prepared by: Lieutenant Todd Sharp Phone: 907-269-4532
Division: Alaska State Troopers Date/Time: 3/18/05 3:39 PM
Approved by: Commissioner William Tandeske Date: 3/18/2005
Agency: Department of Public Safety

FISCAL NOTE

STATE OF ALASKA
2005 LEGISLATIVE SESSION

Fiscal Note Number: 4
Bill Version: HB 136
(H) Publish Date: 3/22/05

Revision Date/Time (Note if correction): _____ Dept. Affected: Administration
Title An Act restricting authority of court RDU Legal and Advocacy Services
to suspend execution of sentence... Component Public Defender Agency
Sponsor Rep. Rokeburg
Requester House Judiciary Component No. 1631

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011
Personal Services	*	*	*	*	*	*
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	*	*	*	*	*	*

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

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

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	*	*	*	*	*	*
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type-Do not abbreviate)						
TOTAL	*	*	*	*	*	*

Estimate of any current year (FY2005) cost: 00
Mark this box (X) if funding for this bill is included in the Governor's FY 2006 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)
This bill restricts the court's ability to suspend a minimum fine imposed for DUI or Refusal convictions. It also opens therapeutic courts to felony DUI offenders. Opening therapeutic courts to felony DUI will increase the workload of the Agency. Currently the Agency closes a case after sentencing. The therapeutic court model and "court-ordered treatment" requires a lengthy time in treatment, intensive supervision and monitoring, and frequent court review hearings, often once a week, which significantly extends the life of a case. Requiring attorneys to attend additional hearings in cases, that currently would be closed, will increase the workload of the Agency. It is unknown how many felony DUI offenders would participate in court-ordered treatment programs like "Wellness Court" in Anchorage, if offered, or whether the special court would be a newly established one in superior court, the jurisdiction for felony cases. This bill, if enacted, will have a fiscal impact on the operations of the Agency, but it is not possible to predict with any certainty what that impact would be. Therefore an indeterminate fiscal note is submitted.

Prepared by: Linda K. Wilson, Deputy Director Phone (907)334-4416
Division: Public Defender Agency Date/Time 3/21/05 8:34 AM
Approved by: Michael Tibbles, Deputy Commissioner Date 3/21/2005
Agency: Department of Administration

FISCAL NOTE

STATE OF ALASKA
2005 LEGISLATIVE SESSION

Fiscal Note Number: 5
Bill Version: HB 136
(H) Publish Date: 3/22/05

Revision Date/Time (Note if correction): _____ Dept. Affected: LAW
Title: "An Act restricting the authority of a court to RDU: CIVIL
suspend execution of a sentence or grant probation..." Component: Collections and Support
Sponsor: Representative Rokeberg
Requester: House Judiciary Component No. _____

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

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

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

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type-Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2005) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2006 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)
This bill amends AS 28.35.030 (Driving under the influence) and 28.35.032 (Refusal to take a breath test) by making it a requirement that a convicted person pay the minimum fine required as a condition of a suspended sentence or probation. The bill also allows the court to forgive 75% of the minimum fine in cases of felony DUI or Refusal if the person has successfully completed an 18-month court-ordered treatment program. The Department of Law believed the provision requiring mandatory fines that could not be suspended was part of HB4 passed three years ago, but an overlooked court of appeals opinion made it possible to suspend the fines. Passage of this legislation could result in additional revenues collected by the Collections Unit, but the amount is difficult to determine.

Prepared by: Kathryn Daughette, Director Phone: 465-3673
Division: Administrative Services Division Date/Time: 3/20/05 12:15 PM
Approved by: K. Daughette for Scott Nordstrand, Acting Attorney General Date: 3/20/2005
Agency: Department of Law

THE
FOLLOWING
DOCUMENT(S)
ARE
POOR
ORIGINAL
COPIES

FISCAL NOTE

STATE OF ALASKA
2005 LEGISLATIVE SESSION

Fiscal Note Number: 6
Bill Version: HB 136
(H) Publish Date: 3/22/05

Revision Date/Time (Note if correction): _____ Dept. Affected: LAW
Title: "An Act restricting the authority of a court to RDU: CRIMINAL
suspend execution of a sentence or grant probation..." Component: Criminal Justice Litigation
Sponsor: Representative Rokeberg
Requester: House Judiciary Component No. _____

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011
Personal Services	*****	*****	*****	*****	*****	*****
Travel	*****	*****	*****	*****	*****	*****
Contractual	*****	*****	*****	*****	*****	*****
Supplies	*****	*****	*****	*****	*****	*****
Equipment	*****	*****	*****	*****	*****	*****
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	*****	*****	*****	*****	*****	*****

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

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

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	*****	*****	*****	*****	*****	*****
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	*****	*****	*****	*****	*****	*****

Estimate of any current year (FY2005) cost: 00
Mark this box (X) if funding for this bill is included in the Governor's FY 2006 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)
This bill amends AS 28.35.030 (Driving under the influence) and 28.35.032 (Refusal to take a breath test) by making it a requirement that a convicted person pay the minimum fine required as a condition of a suspended sentence or probation. The bill also allows the court to forgive 75% of the minimum fine in cases of felony DUI or Refusal if the person has successfully completed an 18-month court-ordered treatment program. The Department of Law believed the provision requiring mandatory fines that could not be suspended was part of HB4 passed three years ago, but an overlooked court of appeals opinion made it possible to suspend the fines. A fiscal note to HB4 provided by this agency was reduced to half of the requested amount, thus we are underfunded for work arising from changes the legislature has made in passing stricter DUI laws in HB4. The change created by this bill will have a fiscal impact on the Department of Law because more trials will likely be required for those who can't afford the

Prepared by: Kathryn Daughhettee, Director Phone: 465-3673
Division: Administrative Services Division Date/Time: 3/20/05 12:21 PM
Approved by: K. Daughhettee for Scott Nordstrand, Acting Attorney General Date: 3/20/2005
Agency: Department of Law

FISCAL NOTE #6

STATE OF ALASKA
2005 LEGISLATIVE SESSION

BILL NO. HE 136

ANALYSIS CONTINUATION

minimum fines, or more probation revocations or collection efforts will be required for those who do not pay the fines. However, the exact fiscal impact is difficult to determine

ALASKA STATE LEGISLATURE

Rep. Lesil McGuire, Chair
Rep. Tom Anderson, Vice-Chair
Rep. John Coghill
Rep. Nancy Dahlstrom
Rep. Ralph Samuels
Rep. Les Gara
Rep. Max Gruenberg



State Capitol, Room 120
Juneau, AK 99801-1182
(907) 465-4990
Fax (907) 465-6592

House Judiciary Committee Letter of Intent HB 136

It is the intent of the Legislature that the Court System and Department of Law continue their practice with regard to the collection of unpaid fines for driving under the influence of alcohol. That practice is to pursue the payment of unpaid fines through a civil action by the Department of Law and not through revoking probation. It is also the intent of the Legislature to encourage the use of fines, wellness courts and interlock devices, when appropriate, as tools for addressing these crimes and those who commit them.

A handwritten signature in cursive script, appearing to read "Lesil McGuire".

Representative Lesil McGuire
Chair

COMMITTEE COPY

AMENDMENT 1

~~with~~ not offered

OFFERED IN THE HOUSE FINANCE COMMITTEE
BY: REPRESENTATIVE CROFT

TO: HB 136

Page 4, line 12 after "completed", insert:

"or can show that they made reasonable efforts to gain entry into and were denied admission to"

Page 7, line 18 after "completed", insert:

"or can show that they made reasonable efforts to gain entry into and were denied admission to"

Remember accordingly.

ALASKA STATE LEGISLATURE

House of Representatives

COMMITTEE ASSIGNMENTS

RULES COMMITTEE, CHAIRMAN;
LABOR & COMMERCE COMMITTEE, MEMBER
LEGISLATIVE COUNCIL, MEMBER
SPECIAL COMMITTEE ON OIL & GAS, MEMBER
SPECIAL COMMITTEE ON WAYS & MEANS, MEMBER

website: <http://www.akrepublicans.org/rokeberg/index.php>



INTERIM
110 WEST 4TH AVENUE, SUITE 600
ANCHORAGE, AK 99501
PHONE (907) 269-0117
FAX (907) 269-0119

SESSION
ALASKA STATE CAPITOL
JUNEAU, AK 99801-1162
PHONE (907) 465-4908
FAX (907) 465-2040

Representative Norman Rokeberg

e-mail: Representative_Norman_Rokeberg@legis.state.ak.us

SECTIONAL ANALYSIS FOR HB 136

By: Representative Norman Rokeberg

Title: An Act restricting the authority of a court to suspend execution of a sentence or grant probation in prosecutions for driving while under the influence and prosecutions for refusal to submit to a chemical test; and allowing a court to suspend up to 75 percent of the minimum fines required for driving while under the influence and for refusal to submit to a chemical test if the defendant successfully completes a court-ordered treatment program.

- Section 1:** Requires the courts to impose the minimum fines for a misdemeanor DUI offense.
- Section 2:** Requires the courts to impose the minimum fines for a felony DUI offense.
- Section 3:** Expands the provisions for "court-ordered treatment programs" to felony DUI offenses. Allows the court to suspend 75% (up from 50%) of the minimum fines for successful participants.
- Section 4:** Requires the courts to impose the minimum fines for a misdemeanor offense of refusal to submit to a chemical test.
- Section 5:** Requires the courts to impose the minimum fines for a felony offense of refusal to submit to a chemical test.
- Section 6:** Mirrors the provisions of Section 3 in the refusal to submit to a chemical test statutes.

ALASKA STATE LEGISLATURE

House of Representatives

COMMITTEE ASSIGNMENTS

RULES COMMITTEE, CHAIRMAN
LABOR & COMMERCE COMMITTEE, MEMBER
LEGISLATIVE COUNCIL, MEMBER
SPECIAL COMMITTEE ON OIL & GAS, MEMBER
SPECIAL COMMITTEE ON WAYS & MEANS, MEMBER

website <http://www.akrepublicans.org/rokeberg/index.php>



INTERIM
716 WEST 4TH AVENUE, SUITE 600
ANCHORAGE, AK 99501
PHONE (907) 269-0117
FAX: (907) 269-0119

SESSION
ALASKA STATE CAPITOL
JUNEAU, AK 99801-1182
PHONE (907) 465-4968
FAX: (907) 465-2040

Representative Norman Rokeberg

e-mail: Representative_Norman_Rokeberg@legis.state.ak.us

SPONSOR STATEMENT FOR HB 136

By: Representative Norman Rokeberg

Title: An Act restricting the authority of a court to suspend execution of a sentence or grant probation in prosecutions for driving while under the influence and prosecutions for refusal to submit to a chemical test; and allowing a court to suspend up to 75 percent of the minimum fines required for driving while under the influence and for refusal to submit to a chemical test if the defendant successfully completes a court-ordered treatment program.

The Legislature believes in the effectiveness of therapeutic courts. Anchorage and Bethel have active therapeutic courts, and various other Alaska communities - Ketchikan, Juneau and Fairbanks - are currently working to establish these courts at the misdemeanor, and in some cases felony, level. I introduced HB 136 in order to provide additional statutory assistance to the operations of therapeutic courts around the state.

Specifically, HB 136 expands the court-ordered treatment programs, i.e. "Wellness Courts," to felony DUI defendants. The statutory authority for these courts can be found under AS 28.35.030 and AS 28.35.032. There are several reasons for doing this:

1. Opening therapeutic courts to felons would increase public protection from DUI crimes. The success of the 18-month "court-ordered treatment" system created by the Legislature is demonstrated by data that shows that over a three-year period, only 25% of graduates have had any repeat offenses. This is in stark contrast to the 75% of DUI offenders who repeat after serving their time in jail.
2. It creates economies of scale if the newly established DUI Wellness Courts are open to both felony and misdemeanor DUI cases.
3. This is an opportune time to extend the DUI/Wellness Court model. The National Highway Traffic Safety Administration (NHTSA) has made funding of this type of court a priority.

In addition to expanding the therapeutic court provisions to felony DUI offenders, HB 136 gives a judge the ability to reward a graduating DUI offender by suspending 75% of the mandatory fine. This amount is increased from the present 50%. Currently, Wellness Court participants pay for most of their own treatment. This is a very costly requirement over the course of the required 18-month program. Allowing the judge to reduce mandatory fines will increase the incentive for defendants to enter a Wellness Court.

Lastly, HB 136 requires that misdemeanant and felony DUI offenders, who are not participants in a court-ordered treatment program, must pay the minimum fines provided in statute. It has been brought to my attention that judges, under the authority of a 1992 Alaska Court of Appeals decision (*Curtis v. State*), are often suspending the fines that the Legislature has specifically set out in statute. HB 136 overrides this decision and makes it absolutely clear to the courts that these defendants must pay the minimum fines.

I urge your support of this legislation.

FISCAL NOTE

STATE OF ALASKA
2005 LEGISLATIVE SESSION

Fiscal Note Number: 1
Bill Version: HB 136
(H) Publish Date: 3/22/05

Revision Date/Time (Note if correction): _____ Dept. Affected: Corrections
Title "An act restricting the authority of a court to RDU Institutional Facilities
suspend execution of a sentence or grant probation ..driving under Component Institution Director's Office
Sponsor Representative Rokeberg
Requester Judiciary, Finance Component No. 524

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011
Personal Services	0.0	0.0	0.0	0.0	0.0	0.0
Travel	0.0	0.0	0.0	0.0	0.0	0.0
Contractual	0.0	0.0	0.0	0.0	0.0	0.0
Supplies	0.0	0.0	0.0	0.0	0.0	0.0
Equipment	0.0	0.0	0.0	0.0	0.0	0.0
Land & Structures	0.0	0.0	0.0	0.0	0.0	0.0
Grants & Claims	0.0	0.0	0.0	0.0	0.0	0.0
Miscellaneous	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
-----------------------------	------------	------------	------------	------------	------------	------------

CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0
-------------------------------	------------	------------	------------	------------	------------	------------

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts	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	0.0	0.0	0.0	0.0	0.0	0.0
1037 GF/Mental Health	0.0	0.0	0.0	0.0	0.0	0.0
Other (Specify Type--Do not abbreviate)	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2005) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2006 budget proposal:

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)

The Department of Corrections does not anticipate a significant fiscal impact with the passage of this legislation.

Prepared by: Sharleen Griffin, Acting Director Phone 465-4641
Division Administrative Services Date/Time 3/21/05 7 01 AM
Approved by: Portia C.K. Parker, Deputy Commissioner Date 3/21/2005
Agency Department of Corrections

FISCAL NOTE

STATE OF ALASKA
2005 LEGISLATIVE SESSION

Fiscal Note Number: 2
Bill Version: HB 136
(H) Publish Date: 3/22/05

Revision Date/Time (Note if correction): _____ Dept. Affected: _____
Title: Drunk Driving Treatment Program BRU: Alaska Court System
Component: Trial Courts
Sponsor: Representative Rokeberg
Requester: _____ Component No.: 768

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

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

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

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2005) cost: 0.0
Mark this box (X) if funding for this bill is included in the Governor's FY 2006 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

The court system does not anticipate any fiscal impact from the passage of HB 136.

Prepared by: Douglas Wooliver, Administrative Attorney Phone: 463-4750
Division: Alaska Court System Date/Time: 3/17/05 2:52 PM
Approved by: Doug Wooliver for Stephanie Cole, Administrative Director Date: 3/17/2005
Agency: Alaska Court System

FISCAL NOTE

STATE OF ALASKA
2005 LEGISLATIVE SESSION

Fiscal Note Number: 3
Bill Version: HB 136
(H) Publish Date: 3/22/05

Revision Date/Time (Note if correction): _____ Dept. Affected: Public Safety
Title: "An Act restricting the authority of a court to suspend execution of a sentence or grant probation in..." RDU: Alaska State Troopers
Sponsor: Representative Rokeberg Component: AST Detachments
Requester: House Judiciary Component No.: 2325

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

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

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

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2005) cost: 0.0
Mark this box (X) if funding for this bill is included in the Governor's FY 2006 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)
Passage of this bill will have no fiscal impact on the Alaska State Troopers.

The bill does amends sections of Title 28 and suspends up to 75 percent of the minimum fines for driving while under the influence and refusal to submit to a chemical test if the defendant successfully completes a court-ordered treatment program.

Prepared by: Lieutenant Todd Sharp Phone: 907-269-4532
Division: Alaska State Troopers Date/Time: 3/18/05 3:39 PM
Approved by: Commissioner William Tandeske Date: 3/18/2005
Agency: Department of Public Safety

FISCAL NOTE

STATE OF ALASKA
2005 LEGISLATIVE SESSION

Fiscal Note Number: 4
Bill Version: HB 136
(H) Publish Date: 3/22/05

Revision Date/Time (Note if correction): _____ Dept. Affected: Administration
Title An Act restricting authority of court RDU Legal and Advocacy Services
to suspend execution of sentence... Component Public Defender Agency
Sponsor Rep. Rokebura
Requester House Judicial Component No. 1631

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011
Personal Services	*	*	*	*	*	*
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	*	*	*	*	*	*

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

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

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	*	*	*	*	*	*
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type-Do not abbreviate)						
TOTAL	*	*	*	*	*	*

Estimate of any current year (FY2005) cost: 00

Mark this box (X) if funding for this bill is included in the Governor's FY 2006 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This bill restricts the court's ability to suspend a minimum fine imposed for DUI or Refusal convictions. It also opens therapeutic courts to felony DUI offenders. Opening therapeutic courts to felony DUI will increase the workload of the Agency. Currently the Agency closes a case after sentencing. The therapeutic court model and "court-ordered treatment" requires a lengthy time in treatment, intensive supervision and monitoring, and frequent court review hearings, often once a week, which significantly extends the life of a case. Requiring attorneys to attend additional hearings in cases, that currently would be closed, will increase the workload of the Agency. It is unknown how many felony DUI offenders would participate in court-ordered treatment programs like "Wellness Court" in Anchorage, if offered, or whether the special court would be a newly established one in superior court, the jurisdiction for felony cases. This bill, if enacted, will have a fiscal impact on the operations of the Agency, but it is not possible to predict with any certainty what that impact would be. Therefore an indeterminate fiscal note is submitted.

Prepared by: Linda K. Wilson, Deputy Director
Division: Public Defender Agency
Approved by: Michael Tibbles, Deputy Commissioner
Agency: Department of Administration

Phone (907)334-4416
Date/Time 3/21/05 8:44 AM
Date 3/21/2005

FISCAL NOTE

STATE OF ALASKA
2005 LEGISLATIVE SESSION

Fiscal Note Number: 5
Bill Version: HB 136
(H) Publish Date: 3/22/05

Revision Date/Time (Note if correction): _____ Dept. Affected: LAW
Title "An Act restricting the authority of a court to RDU CIVIL
suspend execution of a sentence or grant probation..." Component Collections and Support
Sponsor Representative Rokeberg
Requester House Judiciary Component No. _____

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

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

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

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2005) cost: 00

Mark this box (X) if funding for this bill is included in the Governor's FY 2006 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)
This bill amends AS 28.35.030 (Driving under the influence) and 28.35.032 (Refusal to take a breath test) by making it a requirement that a convicted person pay the minimum fine required as a condition of a suspended sentence or probation. The bill also allows the court to forgive 75% of the minimum fine in cases of felony DUI or Refusal if the person has successfully completed an 18-month court-ordered treatment program. The Department of Law believed the provision requiring mandatory fines that could not be suspended was part of HB4 passed three years ago, but an overlooked court of appeals opinion made it possible to suspend the fines. Passage of this legislation could result in additional revenues collected by the Collections Unit, but the amount is difficult to determine.

Prepared by: Kathryn Daughhete, Director Phone 465-3673
Division: Administrative Services Division Date/Time 3/20/05 12:19 PM
Approved by: K. Daughhete for Scott Nordstrand, Acting Attorney General Date 3/20/2005
Agency: Department of Law

FISCAL NOTE

STATE OF ALASKA
2005 LEGISLATIVE SESSION

Fiscal Note Number: 6
Bill Version: HB 136
(H) Publish Date: 3/22/05

Revision Date/Time (Note if correction): _____ Dept. Affected: LAW
Title: "An Act restricting the authority of a court to RDU: CRIMINAL
suspend execution of a sentence or grant probation..." Component: Criminal Justice Litigation
Sponsor: Representative Rokeberg
Requester: House Judiciary Component No. _____

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011
Personal Services	*****	*****	*****	*****	*****	*****
Travel	*****	*****	*****	*****	*****	*****
Contractual	*****	*****	*****	*****	*****	*****
Supplies	*****	*****	*****	*****	*****	*****
Equipment	*****	*****	*****	*****	*****	*****
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	*****	*****	*****	*****	*****	*****

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

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

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	*****	*****	*****	*****	*****	*****
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	*****	*****	*****	*****	*****	*****

Estimate of any current year (FY2005) cost: 00

Mark this box (X) if funding for this bill is included in the Governor's FY 2006 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This bill amends AS 28.35.030 (Driving under the influence) and 28.35.032 (Refusal to take a breath test) by making it a requirement that a convicted person pay the minimum fine required as a condition of a suspended sentence or probation. The bill also allows the court to forgive 75% of the minimum fine in cases of felony DUI or Refusal if the person has successfully completed an 18-month court-ordered treatment program. The Department of Law believed the provision requiring mandatory fines that could not be suspended was part of HB4 passed three years ago, but an overlooked court of appeals opinion made it possible to suspend the fines. A fiscal note to HB4 provided by this agency was reduced to half of the requested amount, thus we are underfunded for work arising from changes the legislature has made in passing stricter DUI laws in HB4. The change created by this bill will have a fiscal impact on the Department of Law because more trials will likely be required for those who can't afford the

Prepared by: Kathryn Daughhete, Director Phone: 465-3673
Division: Administrative Services Division Date/Time: 3/20/05 12:21 PM
Approved by: K. Daughhete for Scott Nordstrand, Acting Attorney General Date: 3/20/2005
Agency: Department of Law

FISCAL NOTE #6

STATE OF ALASKA
2005 LEGISLATIVE SESSION

BILL NO. HB 136

ANALYSIS CONTINUATION

minimum fines, or more probation revocations or collection efforts will be required for those who do not pay the fines. However, the exact fiscal impact is difficult to determine.

STATE OF ALASKA

DEPARTMENT OF LAW
OFFICE OF THE ATTORNEY GENERAL

Frank H. Murkowski, Governor

P.O. BOX 110300
JUNEAU, ALASKA 99811-0300
PHONE: (907)465-3600
FAX: (907)465-2075

December 9, 2003

The Honorable Norman Rokeberg
Alaska State Legislature
716 W 4th Suite 300
Anchorage, AK 99501-2133

Dear Rep. Rokeberg:

This is in response to your letter of August 20, in which you expressed your concern that the statutory minimum fines in drunk driving cases are sometimes being suspended, despite your intent in introducing and supporting House Bill 4 in the 2001 and 2002 sessions. Based on case law from the court of appeals, and given the language of the statute, we believe that additional legislation will be needed if such fines are to be fully imposed.

As you know, your bill greatly increased the financial costs of being convicted of drunk driving. Minimum fines for first and second offenders increased six-fold, from \$250 to \$1500 and from \$500 to \$3000, respectively. Fines for subsequent misdemeanor convictions increased by \$3000. Fines for felony drunk driving doubled to \$10,000. In addition, HB 4 increased the maximum amount that offenders must pay to the state as reimbursement for the costs of incarceration from \$1000 to \$2000. Your bill also doubled the fees that convicted repeat offenders would have to pay to reinstate their driver licenses. Finally, your bill required vehicle forfeiture for offenders convicted of felony drunk driving.


The opinion of the Alaska Court of Appeals in *Curtis v. State*, 831 P.2d 359 (Alaska App. 1992) was, up until recently, an obscure two-page decision more than a decade old. With fines for first and second offenders set at \$250 and \$500, judges rarely, if ever, invoked the *Curtis* decision to suspend a portion of the fines. In any event, with the large increase in fines enacted in HB 4, the *Curtis* opinion has, in essence, been rediscovered by lawyers and judges. In fact, it came as a surprise to state prosecutors, who had long forgotten about it. Ultimately, *Curtis* leaves the decision to impose or suspend a fine in a drunk driving case to the discretion of the sentencing judge. The

minimum period of incarceration, however, cannot be suspended, unless the person completes a "therapeutic court" program.

It certainly can be argued, as mentioned in your letter, that the legislature's intent was that the only way fines could be reduced is by completing a "therapeutic court" program described in AS 28.35.030(q) or in the special legislation setting up the Anchorage and Bethel therapeutic courts. However, the therapeutic court program allows both fines and imprisonment to be suspended. The decision in *Curtis*, which is based on the specific statutory language in AS 28.35.030(b)(2)(A), only applies to suspending fines. Because the language of the statute in issue in *Curtis* remains unchanged, in our opinion that holding is still valid and would not be successfully challenged on appeal. The relationship between *Curtis* and HB 4 was raised by state prosecutors during the Murkowski administration transition process as an item for possible legislative action. If the legislature's desire is to reverse the *Curtis* opinion, that would require a relatively simple amendment to AS 28.35.030(b)(2)(A) and the similar provisions governing felony driving under the influence and refusal to take a breath test.

If you have further questions, please contact me.

Sincerely,



David W. Marquez
Legislative Liason



National Council on Alcoholism and Drug Dependence
Juneau Affiliate
211 4th Street, Suite #102
Juneau, AK 99801

Phone: (907) 463-3755
Fax: (907) 463-2539
<http://www.ncadd-j.org>
National Intervention Network (800) 654-HOPE

March 3, 2005

Representative Norman Rokeberg
Chairman House Rules Committee
Alaska State Legislature
Juneau, Alaska

Dear Representative Rokeberg:

The National Council on Alcoholism and Drug Dependence (NCADD)- Juneau Affiliate, strongly supports the passage of HB 136.

This bill enhances the current structure of therapeutic courts in Alaska by extending the same rights of a successful misdemeanor court graduate to a felony refusal or felony DUI court graduate. This would increase the amount of people able to benefit from therapeutic courts by increasing the pool of applicants and providing larger incentives to participate in these effective and cost efficient courts. It would also decrease the number of drunk drivers returning to Alaska's highways after release from a correctional institution.

Decreasing drunk driving and other alcohol related crimes is a priority for NCADD, especially in a state where the rate at which alcohol kills Alaskans is twice the U.S. average. Drug courts, DUI courts, family care courts, and mental health courts are just a few of the 1600 therapeutic courts currently operating in the U.S. These alternative "problem-solving" courts have proven themselves effective in reducing recidivism for the chronic alcohol or drug dependent offender. They have been so successful that John Walters, the drug czar for the Bush administration, recently came out in favor of them as the most effective way of dealing with this population of offender thus reducing drug crimes. The Bush administration's proposed budget for 2006 includes 70 million for drug/DUI courts, double the current budget. This financial commitment supports the value of these courts to our nation. House Bill 136 fits very well with the federal commitment.

Thank you for your past efforts and continued support this year.

Sincerely,

Matt Felix, Executive Director



The Alaska Center for Therapeutic Courts

406 G Street, Suite 302
Anchorage, Alaska 99501
Fax: 907-272-1194
wellnessjudge@yahoo.com

A division of Partners for Progress, Inc.

James N. Wanamaker
Director

Phone: 907-272-1193
Mobile: 907-227-4084

March 2, 2005

Representative Norman Rokeberg
Chairman House Rules Committee
Alaska Legislature
Juneau, Alaska

Fax 1-907-465-2040

Re: House Bill No. 136

Dear Representative Rokeberg:

The Alaska Center for Therapeutic Courts strongly supports the passage of HB 136.

Sections 3 and 6 of the bill will extend the methodology of the Anchorage Wellness Court to include felony DUI and felony refusal cases. The Anchorage Wellness Court has certainly proved itself as a system that should be made available in other parts of the state. Any defendant who completes the 18 months of monitored sobriety and all the strict requirements of the Wellness Court can gain a suspension of 75% of minimum jail sentence and, with this bill, 75% of the minimum fine.

The Alaska public is protected by this system because that defendant who completes Wellness Court has embarked on a life of sobriety and has a wealth of tools to maintain sobriety. This is in stark contrast to the usual DUI defendant who gets drunk and rearrested for DUI within days of release from jail.

Currently, misdemeanor DUI courts are being developed in Ketchikan, Juneau, and Fairbanks. Extending the Wellness Court method to felony DUI and refusal cases will help to increase the volume of defendants who choose to enter these Wellness Court programs, and make more efficient use of public resources.

March 2, 2005

Page 2

This is an extremely opportune time to expand the DUI Wellness Courts since federal funding is available through National Highway Traffic Safety Administration (NHTSA).

Of a housekeeping nature, are Sections 1, 2, 4, and 5 of the bill which make it clear that the DUI defendant must actually pay the minimum fines set by the Legislature. This would end the minority practice of suspending all or a portion of the minimum fine or offsetting the cost of treatment as a credit against the fine.

The practice of reducing the minimum fine will then be limited to persons who graduate from Wellness Court. The bill increases the permitted offset (for Wellness Court graduates only) to 75%. This is a much smaller number than the whole DUI offender population and will not adversely affect state finances.

Thank you for your constant and effective support of the therapeutic court program. I return from Hawaii to Anchorage on March 9. in the meantime, I am available on my mobile phone (907) 227-1084 (yes, it will ring right through to Hawaii and I would be pleased to receive your call if there are any questions.)

Sincerely,



James N. Wanamaker
Director



MADD

Activism | Victim Services | Education™

Mothers Against Drunk Driving
JUNEAU CHAPTER
211 4th St., Suite 314
Juneau, AK 99801
Phone (907)463-2562
Fax (907)463-2540
madd@alaska.net
www.madd.org/ak/juneau

February 25, 2005

Representative Norman Rokeberg
State Capitol, room 214
Juneau, AK 99801-1182

RE: House Bill 136 -An Act restricting the authority of a court to suspend execution of a sentence or grant probation in prosecutions for driving while under the influence and prosecutions for refusal to submit to a chemical test;

Dear Representative Rokeberg:

The MADD Alaska Chapters are grateful for your sponsorship of HB 136. MADD is a strong proponent of restorative justice. The Justice System, the offender and the victim/community all play a necessary role in community safety, competency development and accountability.

There is a reason a DUI offender is held responsible for his/her actions. Society demands this of the offender. Accountability is connected to community safety and competency development; without one, the other two are most likely to be ineffective.

There is sensible reason behind the need for comprehensive sentencing. One DUI offender may find the fines deter any future drunk driving while another might discover treatment is the answer. Some discover losing their license an effective consequence and others discover jail is something they never want to go through again. It's important that each part of a DUI sentence be passed down to all offenders because there is no way of knowing which part of the sentence will be the effective tool in preventing future drunk driving.

Unfortunately Alaska has Judges who dismiss all or more than the mandatory minimum fines for many DUI offenders. Financial disclosures do not seem to play a part in the dismissals as MADD volunteers have witnessed dismissals with repeat offenders who own property and have lucrative jobs.

MADD is grateful Rep. Rokeberg is willing to take a stand for restorative justice.

Sincerely,

Cindy Cashen
Executive Director



Sentence Structure

DRIVEN magazine, Spring 2002



The case has gone to trial. The evidence has been presented. Both the prosecution and the defense have rested their cases. The jury has reached a verdict: guilty. Now the critical phase of punishing the defendant begins – the sentencing.

In cases where there's a guilty verdict, the judge is usually responsible for sentencing the offender. While some jurisdictions have mandatory minimum sentences for certain offenses that judges must adhere to or enhance, the judge has considerable discretion over sanctions including confinement, fines, probation, treatment and creative sentencing options.

Judges consider the defendant's background, past offenses, the seriousness of the crime, post-arrest behavior, circumstances of the offense, remorsefulness of the defendant and any victim impact statements. Ultimately, the fundamental question facing a judge is what sanction or combination of sanctions will most effectively reduce or eliminate future criminal activity by the offender.

In the case of driving under the influence (DUI) offenses, rendering punishment that reduces recidivism of drunk drivers is paramount. Currently, almost one-third of all offenders arrested for DUI are repeat offenders, indicating that traditional sentences such as jail time, fines and community service simply are not working. In fact, through its research-based Higher Risk Driver program, MADD advocates sanctions that encompass driving restrictions, community restitution and offender recovery.

One of the most difficult challenges now before the courts is to find the perfect combination of sanctions to reduce the alarming recidivism rate in this country. Fortunately, judges nationwide are rising to the challenge by establishing innovative sanctions and programs designed to reduce the crime of drunk driving. Here are just three examples of the hundreds of passionate judges across the country who are taking the first step.

Each Sentence Is a Work of Art

"DUI cases are the most important cases that judges handle," says Judge William Todd of Rockdale, Georgia. "And those sentences cannot be mechanical; they must be individualized to the offender."

During his 10 years as chief assistant district attorney, Todd saw his share of drunk driving cases. When he took the bench in 1993, he quickly developed a database for himself designed to track his cases and offender data such as the number of DUIs in the defendant's lifetime, number of DUIs in the past five years, crashes, sentence(s) received, location where the defendant was drinking, marital status, type of car the defendant was driving and demographic information. Using this database, Todd looks at trends, tracks progress and identifies problematic patterns. Most importantly, though, the database allows Todd to review the profile of the defendant before him, which helps him create an individualized sentence using a combination of sanctions designed to reduce the recidivism rate for that specific offender.

Todd uses a vast combination of sanctions. Traditional measures such as jail, electronic monitoring, Alcoholics Anonymous meetings, random drug and breath tests, fines, DUI school, treatment, victim impact panels, ignition interlock devices and other vehicle sanctions are used in conjunction with non-traditional sanctions. People who have sold cigarettes to minors have found that they and their families were required to pick up cigarette butts at a park. Those who littered have spent time on the side of the road picking up trash.

However, Todd believes sanctions alone are not the answer. "Both treatment and rehabilitation as well as prompt sanctions are the key," Todd says. "Follow-up is also important. You must enforce the sanctions and hold the offender accountable."

Todd has offenders check in with his court and keeps "steady pressure" on them by having defendants write

essays about their experience and charging offenders for all costs associated with their sanctions. He also works to establish a trust relationship with the offender. "I will try everything I can to turn people around," Todd explains. "This often means changing terms of probation, revoking terms where appropriate, or modifying sentences based on a change in behavior or a change in circumstances."

The numbers show that his program is working. Recidivism rates in Judge Todd's court dropped to half, and last year his court saw a considerable decline in the number of DUIs compared to years past. And since 1997, there have been only two DUI-related deaths in Rockdale County, even with increases in population and in the number of bars in the county. A 1998 study of the Todd program by the National Highway Traffic Safety Administration (NHTSA) found that it was more effective, by a wide margin, than a sentencing program that imposed the minimum sanctions.

Todd encourages other judges to try innovative sanctions and find the right combination for each individual offender. "Each sentence is a work of art," he says. "First you paint the picture, and then oftentimes it needs to be touched up."

Creativity and Consequences

Sentencing takes on new meaning in the courtroom of Judge Ted Poe of the Criminal District Court in Harris County, Texas, in Houston, as one woman convicted of a DUI found out. Poe sentenced her to carrying a placard reading, "I am a drunk driver" outside the Neiman Marcus store where she regularly shopped.



"It was far worse for her to have to carry that sign and face her friends than pay the \$5,000 fine," Poe says. "That woman will never be back in the system because it was far too embarrassing for her."

A judge for nearly 20 years, Poe uses what he calls "hybrid sentencing" – a combination of jail and creative sanctions. "I keep all the options open, from prison to community service," Poe explains. "My philosophy is that the offenders need to do something for the victim, do something for the community and do something for themselves."

Poe is known for his creative sentences. Whether it is sanctioning the offender to make restitution, personalizing the crime or inflicting public punishment, Poe does whatever is necessary to serve justice. "Restitution to the victim can include money for damages or funeral expenses," Poe says. "Offenders can be required to sell their cars, take out loans or get a job to pay the restitution owed." In one case, the offender had destroyed the victim's car in a drunk driving crash, leaving her with no vehicle. Poe required the defendant to turn over his vehicle to the victim in a courtroom ceremony for use until the victim's car was repaired. Poe maintains, "This type of punishment causes shock, thus changes the defendant's behavior."

Another victim-based sanction Poe uses is ordering defendants to erect and maintain markers at the crash site to honor victims. Poe says, "This personalizes the crime for the offender."

Along the same line, Poe requires that a picture of the victim be prominently displayed in the offender's prison cell – a standard part of Poe's sentences in all homicide cases, including those caused by drunk drivers. "This is also designed to change the offender's attitude," Poe explains. "I know it works because defendants are always trying to have [the pictures] removed."

The only time Poe doesn't use this sanction is when he believes the defendant will use the picture as a "badge to brag" – this is especially true with younger defendants.

Poe has found that younger offenders can be harder to reach. But that doesn't stop him from trying and succeeding. Poe recalls one case where a popular 17-year-old high-school senior drove drunk, and crashed into a van, killing two people and injuring another. Poe sentenced the minor to jail and ordered the victims' photos posted in his cell.

Poe also ordered him to attend a work camp for those younger than 27; to erect and maintain a marker at the crash site, to visit and maintain the victims' grave sites, including bringing flowers; to send a check to the victims'

high school as well as his own; to view an autopsy; and to carry a placard at the crash site and at the convenience store where he purchased the beer. The placard read, "I killed two people while driving drunk." Also, as part of the defendant's 10 years of probation, he was ordered to do 20 hours of public speaking a year at area schools about the dangers of underage drinking and drunk driving. Poe mandated that he start at his former high school, where he was once so popular.

That was five years ago. Today, the defendant not only does his annual 20 hours of speaking, he voluntarily dedicates nine months out of the year to speak at schools. In addition, on his own accord, he carries around his placard, which he now views as a public warning rather than a punishment.

Poe doesn't issue his creative sanctions to be cruel. On the contrary, he says, "People must learn that drunk driving is a crime of violence, much like shooting a gun into a crowd of people. Sometimes you hit and kill someone, and sometimes you are lucky. Drunk driving is not socially acceptable and people must learn that."

Poe is a tough judge, and his approach seems to be working. His court has a 20 percent recidivism rate, while the national average for offenders failing to maintain the terms of their probation is about 50 percent. Poe says, "The system must offer consequences. Where judges often fail is in giving lofty probation terms, and when the defendant fails to complete them, nothing happens. The system loses credibility and the probation office is unsuccessful in working with [offenders] because they have lost respect for the system."

Poe believes that through tough and appropriate sanctions, defendants can turn around and become productive citizens.

Empowering Offenders to Change

Similar to Poe's philosophy, Judge Dorothy Baker of the 4th Judicial District in Oregon also focuses on serving justice while enabling offenders to change their behavior. "In order to increase community safety, we as a society need to increase the quality of life for those who threaten our safety, because if you increase quality of life, it is less likely the person will re-offend," Baker says.

MADD Fact:
In 2000, it's estimated that more than 1 million people were arrested in the United States for driving under the influence.

On the bench for more than 20 years, Baker has chosen to work only with drunk driving offenders. And, like Todd, she feels that dealing with offenders needs to be individualized. "Each offender must be individually assessed and monitored closely while they work on their recovery," Baker explains. "By paying attention to each detail in an offender's life and investing time and energy to empower that offender, most can change their quality of life, become vested in themselves and make our communities a better place."

Baker's DUI Intensive Supervision Program (DISP) is one of a kind. The first phase of the program consists of obtaining and maintaining sobriety. The second phase concentrates on quality of life. "My program includes complete behavior modification and is designed to impact all areas of a defendant's life," Baker says.

Defendants voluntarily enter into Baker's three-year program through a plea agreement. Once in her courtroom, defendants discuss their plea, the legal consequences of their actions, their past crimes and the threat they pose to society. Baker then interviews them on a personal level, asking them questions such as: what they think about before they drink; if drinking makes them feel better; if they think drinking alcohol is working for their life; if alcohol is solving problems; and if they feel that there is an underlying problem and what that problem may be. Baker says her philosophy is clear: "Lead the defendant down the path to discover the destructive behavior and then attack the problem causing the drinking."

The conditions of Baker's program are standard. Participants must work a minimum of 35 hours per week, lead an organized, structured life, and have some type of social activity that does not involve alcohol.

Additionally, offenders are required to take polygraph tests, report to their probation officer and have a follow-up meeting with Baker 45 to 90 days after sentencing.

Offenders and their family members also must sign a document stating that there will be only one vehicle per licensed driver in the household, that the keys will be kept from the offender, and that there will be no alcohol or drugs brought into the house.

However, Baker says that absolute honesty is the most important point in the program because it helps offenders regain accountability for their actions. "If an offender violates their probation, they must tell on themselves," Baker explains. "Based on the violation, I modify the terms of the program."

In one case, an offender called Baker to confess he was drinking and that he should be put in jail. The next day in court when he was sober, he protested when Baker modified his probation to include jail. Baker matter-of-factly states, "I was doing what he had asked and sent him to jail."

The numbers testify to Baker's success. In more than three years, slightly more than 1 percent of the participants have re-offended. But it is the gratitude from those who have gone through the program and their families that speaks volumes. Wives call crying to thank her. Parents beg her to take their other children into the program even though no crime has been committed. And, she receives an abundance of appreciation from those who have turned their lives around and graduated from the program.

When asked about the success of DISP, Baker says, "Be dedicated to consistency and work based on that. Any community can create a program like this. All it takes is communication and dedication among the criminal justice community."

Where the justice system has failed to make an impact on drunk driving by rendering standard sentencing, judges nationwide are successfully using personalized programs and creative sanctions. This individualized approach aims to not only punish offenders for their crimes, but to rehabilitate them as well, thus helping to reduce drunk driving recidivism and make the streets safer for everyone. Through the efforts of Judges Todd, Poe, Baker and thousands like them, the criminal justice system is helping to solve the nation's drunk driving problem one case at a time.

This information is brought to you courtesy of Mothers Against Drunk Driving -- find us online at <http://www.madd.org/>.

The mission of MADD is to stop drunk driving, support the victims of this violent crime, and prevent underage drinking.



Higher Risk Driver Fact Sheet

Higher-Risk Drivers: The Problem & Proven Solutions

Higher-Risk Driver: MADD defines the "higher-risk driver" as 1) Repeat offenders convicted (conviction is defined as receiving a court-imposed sanction) of a second driving-under-the-influence offense within a 5-year period; 2) High BAC offenders convicted of a driving-under-the-influence offense with a BAC of .15% or higher; and/or 3) Driving-while-suspended (DWS) where the suspension was the result of a conviction for driving under the influence.

THE PROBLEM

Repeat Offenders:

- About one-third of all drivers arrested or convicted of driving under the influence are repeat offenders. These drivers are 40% more likely to be involved in a fatal crash than those without prior DUIs.¹

High-BAC Offenders:

- 58% of alcohol-related traffic fatalities in 2001 involved drivers with a BAC of .15% and above.² These drivers are at least 382 times more likely to be involved in a fatal crash than a non-drinking driver.¹⁷
- During a typical weekend night, 1% of drivers will have a blood alcohol concentration (BAC) of .15 or higher.¹³

Offenders Who Drive on a Suspending License:

- 50-75% of drunk drivers whose licenses are suspended continue to drive.¹⁴
- 32% of suspended second-time offenders and 61% of suspended third-time offenders received violations or were involved in crashes during their suspensions.³
- Generally, unlicensed drivers are 4.9 times more likely to be involved in a fatal crash than properly licensed drivers.¹⁶

Drivers Who Refuse a BAC Test:

- Depending on the state, 3% to 59% of those under suspicion for DUI/DWI refused to take a BAC test.¹⁵
- Not surprisingly, those states that did not sanction those who refuse the test more than those who take the test had higher refusal rates. Also, offenders who refuse the test tend to have higher recidivism rates and more previous offenses.

MADD SOLUTIONS: THE THREE R'S

Restrictions on Driving:

- Restrict vehicle operation by suspending licenses, impounding or immobilizing vehicles, and requiring alcohol ignition interlock devices on offenders' vehicles.
 - Studies show that license revocation laws can decrease fatal late-night crashes by 9%.⁶
 - Interlock systems have reduced repeat DWI offenses among convicted drinking drivers in Maryland⁷, California⁸ and other states^{9,10} by 65% to 90%.

- o License suspension was effective in reducing DWI offenses among convicted drinking drivers in Ohio⁴. After two years, there were lower rates of moving violations and crashes compared with DUI offenders convicted before the law went into effect and this reduction significantly reduced alcohol-related fatalities.
- o Vehicle impoundment has reduced DWI offenses among convicted drinking drivers. First-time offenders who had their vehicles impounded had 25% fewer crashes and repeat offenders had 38% fewer crashes than similar offenders who had access to their vehicles in California.⁵

Restitution Sanctions:

- Require compensation to the community through fines, mandatory incarceration and financial restitution to crash victims.
 - o Community service has little or no impact on reducing recidivism. However, some judges use creative sentencing and restitution sanctions to create more meaning from sanctions.
 - o Fines and court fees can be used to offset the costs of law enforcement efforts to crack down on drunk drivers and to pay the cost of treatment programs. They can also fund special minimum-security facilities for DUI offenders.

Recovery Provisions:

- Promote recovery programs through mandatory alcohol assessment and treatment, intensive probation and attendance at victim impact panels.
 - o Over 70% of DUI offenders have alcohol abuse problems and between 10% and 50% were alcohol dependent.¹¹ Repeat offenders are the most likely to be alcohol dependent.
 - o A 1995 study found that DUI offenders who participated in treatment programs had a 7-9% reduction in recidivism over those who had no treatment.¹²

Citations:

1. National Highway Traffic Safety Administration, 1997 FARS data
2. Century Council Hardcore Drunk Driver Project.
3. National Highway Traffic Safety Administration. Vehicle and License Plate Sanctions: Legislative Fact Sheet. January 2003.
4. Voas, R.B.; Tippetts, A.S.; and Taylor, E.P. Impact of Ohio administrative license suspension. In: 42nd Annual Proceedings: Association for the Advancement of Automotive Medicine. Des Plaines, IL: AAAM, 1998.
5. DeYoung, D. J. (1997, November) An evaluation of the specific deterrent effect on vehicle impoundment on suspended, revoked and unlicensed drivers in California. (Final Report No. DOT HS 808 727). Washington, DC: Department of Transportation, National Highway Traffic Safety Administration (NHTSA).
6. Zador, P.L.; Lund, A.K.; Fields, M.; and Weinberg, K. *Fatal Crash Involvement and Laws Against Alcohol-Impaired Driving*. Arlington, VA: Insurance Institute for Highway Safety, 1938. & Nichols, J.L., and Ross, H.L. The effectiveness of legal sanctions in dealing with drinking drivers. *Alcohol, Drugs and Driving* 6 (2):33-55, 1990.
7. Beck, KH, et al. Effects of Ignition Interlock License Restrictions on Drivers with Multiple Alcohol Offenses: A Randomized Trial in Maryland. *American Journal of Public Health*, 89 (11) 1696-1700, 1999.
8. Tashima, H.N., and Helander, C.J. 1999 Annual Report of the California DUI Management Information System. Sacramento, CA: California Department of Motor Vehicles Research and Development Section, 1999.
9. Weinrath, M. Ignition interlock program for drunk drivers: A multivariate test. *Crime Delinquency* 43(1):42-59, 1997.
10. Coben, J.H., and Larkin, G.L. Effectiveness of ignition interlock devices in reducing drunk driving recidivism. *American Journal of Preventive Medicine* 16(1S):81-87, 1999.
11. Weczorek, WF; Miller, BA; and Nochajski, TH. (1992). Multiple and single location drinking among DWI offenders referred for alcoholism evaluation. *American Journal of Drug and Alcohol Abuse*, Vol. 18, No. 1, 1992, pp. 103-116 18(1):103-116.
12. Wells-Parker, Elisabeth; Bangert-Drowns, Robert; McMillen, Robert; & Williams, Marsha. "Final Results From a Meta-Analysis of Remedial Interventions with DUI Offenders" *Addiction*. July 1995.

13. Foss, R.D., Voas, R.B., & Beirness, D.J. (1993). Using a Passive Alcohol Sensor to Detect Legally Intoxicated Drivers. *American Journal of Public Health*, 83(4), 556-560.
14. Nichols, J.L., and Ross, H.L. The effectiveness of legal sanctions in dealing with drinking drivers. *Alcohol, Drugs and Driving* 6(2):33-55, 1990.
15. MADD Rating the States 2002 data.
16. Scopatz, R.A., Hatch, C.E., Delucia, B.H., and K.A. Tays. *Unlicensed to Kill: The Sequel*. AAA Foundation for Traffic Safety. January 2003.
17. Zador, P. L., Krawchuk, S.A., & Voas, R.B. (2000). Relative Risk of Fatal Crash Involvement by BAC, Age, and Gender (Report HS-809-050). Washington, DC: U.S. Department of Transportation, National Highway Traffic Safety Administration.

This information is brought to you courtesy of Mothers Against Drunk Driving -- find us online at <http://www.madd.org/>.
The mission of MADD is to stop drunk driving, support the victims of this violent crime, and prevent underage drinking.



MADD

Activism | Victim Services | Education

Mothers Against Drunk Driving
JUNEAU CHAPTER
211 4th St., Suite 314
Juneau, AK 99801
Phone (907)463-2562
Fax (907)463-2540
madd@alaska.net
www.madd.org/ak/juneau

May 1, 2003

Representative Norman Rokeberg
State Capitol
Juneau, Alaska 99801

RE: Dismissal of DUI fines

Dear Representative Rokeberg:

I am providing the enclosed information for your interest. As you well know, your House Bill 4 raised the minimum and maximum level of fines for offenders sentenced with driving while under the influence (DUI).

Historically judges have not dismissed DUI fines because of the theory that this served as an encouragement for compliance of the law. The fine also provided sufficient reason to seek a job for those DUI offenders arrested while unemployed. This theory has proven effective for many DUI offenders and most Alaska judges continue to hand down sentences which include fines.

In the case of Jack Curtis v. State of Alaska, the Court of Appeals have ruled that "while courts do not have the inherent power to suspend execution of a sentence, the Alaska legislature has given the power to the trial courts." This is possible when the minimum prison sentence has been served.

They point out in Dunham v. Juneau that while the law states no portion of the mandated minimum fine can be suspended; the Appellate court is "convinced that this conclusion was hasty. The parties in Dunham did not distinguish between the mandated imprisonment and the mandated fine..." Therefore a fine may be dismissed regardless of prison time.

Defending attorneys have become aggressive in searching for judges and magistrates who consider this option in DUI cases. Defending attorneys are pushing for a dismissal of fines by pointing out the DUI offender does not have job and therefore cannot afford to pay the fine. Unfortunately some judges and magistrates are beginning to listen to this appeal.

One such example is across the street from your Juneau office. On occasion, Magistrate Sivertsen will consider such an option, and in doing so creates a dangerous precedent for prosecuting attorneys.



MADD

Activism | Victim Services | Education™

Mothers Against Drunk Driving
JUNEAU CHAPTER
211 4th St., Suite 314
Juneau, AK 99801
Phone (907)463-2562
Fax (907)463-2540
madd@alaska.net
www.madd.org/ak/juneau

One public defender is taking all his DUI cases assigned to Judge Froehlich and having them bumped to Magistrate Sivertsen or to Ketchikan Judge Miller.

This action has several negative effects:

- Creates a negative public impression the Legislature is allowing DUI offenders to not pay for their actions.
- Public Defending Agency costs the state and therefore the taxpayers of Alaska additional and unnecessary costs as DUI cases move from one town to another.
- Allows DUI offenders to walk away without paying a penny for the crime committed based on the fact they did not, while arrested for DUI, have a job.
- Has a negative impact on Judge Froehlich's grade as district court judge.

As the enclosed documents show, MADD encouraged the Public Defending Agency to reconsider this decision but was unsuccessful.

Please let me know if you have any questions on this matter. MADD hopes this situation may be worked out so all DUI offenders are obligated to fines for the dangerous crimes they choose to commit.

Sincerely,

Cindy Cashen
Executive Director

LEXSEE 831 P2D 359

JACK CURTIS, Appellant, v. STATE OF ALASKA, Appellee.

No. 1222, Court of Appeals No. A-4035

COURT OF APPEALS OF ALASKA

831 P.2d 359; 1992 Alas. App. LEXIS 33

May 15, 1992, Decided

PRIOR HISTORY: [**1]

Appeal from the District Court, Third Judicial District, Anchorage, Martha Beckwith, Judge. Trial Court No. 3AN-90-3132 Cr

DISPOSITION:

REMANDED

CASE SUMMARY:

PROCEDURAL POSTURE: Defendant sought review of an order of the District Court, Third Judicial District, Anchorage (Alaska), which modified a sentence imposed on him for driving while intoxicated (DWI). The trial court originally believed he was a first offender and his sentence included a \$ 250 fine. Upon the State's motion after it was discovered defendant had a prior offense, the court modified the fine to \$ 500, in accordance with *Alaska Stat. § 28.35.030(c)*.

OVERVIEW: Defendant contended that the trial court was authorized to modify his sentence only to the extent necessary to correct its illegality, and that although the minimum fine was \$ 500 for a second offense, the trial court was able to suspend all or part of this minimum fine, and was required to suspend it to the amount of the original fine. On appeal, the court held that (1) under *Alaska Stat. § 28.35.030(c)*, the only limitation on the trial court's authority to suspend a DWI offender's sentence was the condition that he serve the mandated 20 days' imprisonment; (2) although a prior case held that no portion of the mandated minimum fine was subject to suspension, the conclusion made in that case was hasty and the parties therein did not distinguish between the

mandated imprisonment and the mandated fine; (3) although courts did not have an inherent power to suspend execution of a sentence. § 28.35.030(c) limited a sentencing court's authority to suspend a term of imprisonment but did not limit the sentencing court's authority to suspend a fine; and (4) because defendant's original sentence included a \$ 250 fine, the trial court was required to suspend one-half of the \$ 500 fine.

OUTCOME: The court remanded the case to the trial court with directions to amend the judgement.

LexisNexis(R) Headnotes

Criminal Law & Procedure > Criminal Offenses > Vehicular Crimes > Driving Under the Influence
Criminal Law & Procedure > Sentencing > Sentencing Ranges

Criminal Law & Procedure > Sentencing > Fines
[HN1] *Alaska Stat. § 28.35.030(c)* provides that, when a person is convicted of a second driving while intoxicated offense within 10 years, a sentencing court is required to impose a minimum sentence of imprisonment of not less than 20 consecutive days and a fine of not less than \$ 500. The statute also provides that execution of sentence can not be suspended nor probation be granted except on condition that the minimum imprisonment provided in this section is served.

Criminal Law & Procedure > Criminal Offenses > Vehicular Crimes > Driving Under the Influence
Criminal Law & Procedure > Sentencing > Suspension of Sentence

Criminal Law & Procedure > Sentencing > Fines
[HN2] Under *Alaska Stat. § 28.35.030(c)*, the only limitation on a district court's authority to suspend a

driving while intoxicated offender's sentence is the condition that the offender serve the mandated 20 days' imprisonment. The statute imposes no condition on the court's authority to suspend the mandated \$ 500 fine.

*Governments > Legislation > Interpretation
Criminal Law & Procedure > Sentencing > Suspension
of Sentence*

[HN3] While courts do not have the inherent power to suspend execution of a sentence, the Alaska legislature has given this power to trial courts. *Alaska Stat. § 12.55.080; Alaska Stat. § 12.55.015(a)(7)*. When a statute of general application grants sentencing courts the power to suspend all or part of a sentence, that statute will govern unless the legislature specifically provides otherwise.

COUNSEL:

Appearances: David R. Weber, Assistant Public Defender, and John B. Salemi, Public Defender, Anchorage, for Appellant.

Susan Wibker, Assistant District Attorney, Edward E. McNally, District Attorney, Anchorage, and Charles E. Cole, Attorney General, Juneau, for Appellee.

JUDGES: Before: Bryner, Chief Justice, and Coats and Mannheimer, Judges.

OPINION BY: MANNHEIMER

OPINION:

[*360] OPINION

MANNHEIMER, Judge.

On August 9, 1990, Jack Curtis was sentenced for driving while intoxicated (DWI), *AS 28.35.030(a)*. Believing that Curtis was a first DWI offender, the district court sentenced him to 60 days' imprisonment with 57 days suspended, plus a \$ 250 fine. The 3 days to serve and the \$ 250 fine were the specified minimum penalties for a first offender. *AS 28.35.030(c)*.

Two months later, the State moved to modify Curtis's sentence after discovering that Curtis had a prior DWI conviction from 1987. The district court granted the motion and modified Curtis's sentence to 60 days' imprisonment with 40 days suspended, plus a \$ 500 fine.

Curtis does not challenge the district court's authority to [*2] modify his sentence after learning that it was less than the statutory minimum. Curtis points out, however, that under *Love v. State*, 799 P.2d 1343, 1346 (*Alaska App.* 1990), and *Dunham v. Juneau*, 790 P.2d 239, 241 (*Alaska App.* 1990), the district court was

authorized to modify the sentence only to the extent necessary to correct the illegality. Curtis contends that, although the minimum fine is \$ 500 for a second offense, the district court is empowered to suspend all or part of this minimum fine. Therefore, Curtis argues, to correct the portion of the original judgement that sentenced him to pay a fine of \$ 250, the district court should have sentenced Curtis to a \$ 500 fine with \$ 250 suspended. We agree.

The 1990 version of *AS 28.35.030(c)* (the version that governs the sentencing in Curtis's case) [HN1] provided that, when a person was convicted of a second DWI offense within 10 years, the sentencing court was required to "impose a minimum sentence of imprisonment of not less than 20 consecutive days and a fine of not less than \$ 500". The statute also provided that "execution of sentence [could] not be suspended nor . . . probation be granted except [**3] on condition that the minimum imprisonment provided in this section [was] served." (emphasis added)

Curtis points out that, [HN2] under *AS 28.35.030(c)*, the only limitation on the district court's authority to suspend a DWI offender's sentence was the condition that the offender serve the mandated 20 days' imprisonment. The statute imposed no condition on the court's authority to suspend the mandated \$ 500 fine. Thus, Curtis argues, the district court retained the authority to suspend all or part of the minimum fine, and therefore the least amount of judicial intervention necessary to correct the illegality of his original fine - \$ 250 to pay - was to change it to a fine of \$ 500 with \$ 250 suspended.

The State counters that this Court has already held, in *Dunham v. Juneau*, that no portion of the mandated minimum fine can be suspended. 790 P.2d at 240-41. The *Dunham* decision does in fact say this, but we are convinced that this conclusion was hasty. The parties in *Dunham* did not [*361] distinguish between the mandated imprisonment and the mandated fine; the defendant simply argued that his sentence could not be altered.

[HN3] While courts do not have the inherent power [**4] to suspend execution of a sentence, *Pete v. State*, 379 P.2d 625, 626 (*Alaska* 1963), the Alaska legislature has given this power to the trial courts. *AS 12.55.080; AS 12.55.015(a) (7)*. When a statute of general application grants sentencing courts the power to suspend all or part of a sentence, that statute will govern unless the legislature specifically provides otherwise. *Spec v. State*, 511 P.2d 130 (*Alaska* 1973). Curtis is correct that *AS 28.35.030(c)* limits a sentencing court's authority to suspend the term of imprisonment but does not limit the court's authority to suspend the fine. Thus,

because AS 28.35.030(c) does not restrict a sentencing court from suspending all or part of the mandatory minimum fine, the court retains this power.

The district court originally ordered Curtis to pay a \$ 250 fine. The mandatory minimum fine for a second DWI offender was \$ 500. To correct the illegality, the

district court needed to increase Curtis's fine to \$ 500 with \$ 250 suspended.

This case is therefore REMANDED to the district court with [**5] directions to amend the judgement in this manner.

Misdemeanor and Felony DUI Sentences and Fines

Misdemeanor DUI	Prison	Fine	License Revocation	Look Back
class A misdemeanor				
1 st offense	72 hours	\$1500	90 day suspension	
2 nd offense	20 days	\$3000	1 year suspension	within 15 years
3 rd offense	60 days	\$4000	3 year suspension	within 15 years
4 th offense	120 days	\$5000	5 year suspension	within 15 years
5 th offense	240 days	\$6000	5 year suspension	within 15 years
6 th offense	360 days	\$7000	5 year suspension	within 15 years
Felony DUI				
class C felony				
3 rd offense	120 days	\$10,000	3 year suspension	2+ times since 1996 and within 10 years
4 th offense	240 days	\$10,000	5 year suspension	
5 th offense	360 days	\$10,000	5 year suspension	

By: Representative Norman Rokeberg

DRIVING WHILE INTOXICATED SENTENCES – JUNEAU

DATE FYI Juneau Empire	NAME	CHARGE	JUDGE	JAIL	SUSPENDED	FINE	SUSPENDED	LICENSE	PROBATION
1/2/04	Whiting	Felony (third, seventh drunk driving)	Weeks	5 years	2 years suspended		\$10,000	Permanently Revoked	
10/08/04	Patterson	.134	Froehlich	75 days	35 days suspended	\$1,500		90 days	2 years
10/15/04	Schmidt	Misdemeanor	Froehlich	63 days	30 suspended	\$1,500		90 days revocation	2 years
10/22/04	Bugbee		Sivertsen	63 days	30 suspended	\$3,000	\$1,500	90 days	18 months
10/29/04	Johnson	2 nd degree assault & misdemeanor DWI	Weeks	6 months on DWI	All but 3 days suspended on DWI	\$1,500	\$1,500	90 days	10 years
10/29/04	Thomas		Weeks	32 months	14 months suspended	\$10,000	\$10,000	Permanently suspended	7 years
10/29/04	Smith		Weeks	84 months	28 months	\$10,000	\$5,000	Permanently Revoked	3 years
11/12/04	Andrews		Froehlich	63 days	30 suspended	\$1,500		90 days	2 years
11/19/04	Morris	.210	Froehlich	45 days	40 days suspended	\$1,500	\$1,500	90 days	2 years

DATE FYI Juneau Empire	NAME	CHARGE	JUDGE	JAIL	SUSPENDED	FINE	SUSPENDED	LICENSE	PROBATION
11/26/04	Roche-Carlton	Felony	Weeks	18 months	14 suspended	\$10,000	\$7,500	Permanently Revoked	2 years
12/03/04	Quick	.147	Sivertsen	90 days	65 days suspended	\$3,000	\$2,500	1 year	2 years
12/17/04	Willis	Felony	Weeks	3 years	1 year 225 days suspended	\$10,000	\$10,000	Permanently Revoked	3 years
1/7/05	Claffin	Felony	Collins	240 days	120 suspended	\$10,000	\$7,500		5 years
1/7/05	Moy	Misdemeanor	Sivertsen	240 days	80 suspended	\$4,000	\$3,250	Three years revocation	4 years
1/7/05	Wiseman	Misdemeanor	Sivertsen	70 days	45 suspended	\$3,000	\$2,500	One year revocation	2 years
1/7/05	Crowley	Misdemeanor	Sivertsen	34 days	30 suspended	\$1,500	\$750	90 days revocation	18 months
1/14/05	Rose	Felony	Weeks	18 months	14 suspended	\$10,000	\$10,000	Lifetime revocation	2 years
1/14/05	Williams, Jr.	Felony	Collins	16 months	12 suspended	\$10,000	\$9,000	Permanently revoked	2 years
1/14/05	Lott	Felony	Collins	20 months	16 months	\$10,000	\$9,000	Permanently revoked	4 years
1/28/05	Lofaso	.191	Sivertsen	40 days	34 suspended	\$3,000	\$1,500	90 days revocation	2 years

DATE FYI Juneau Empire	NAME	CHARGE	JUDGE	JAIL	SUSPENDED	FINE	SUSPENDED	LICENSE	PROBATION
1/28/05	Lemke	.181	Sivertsen	46 days	40 suspended	\$3,000	\$1,500	90 days revocation	18 months
1/28/05	Knott	.205	Sivertsen	60 days	54 suspended	\$1,500		90 days revocation	2 years
1/28/05	Helart	.185	Sivertsen	150 days	130 suspended	\$3,000		One year revocation	3 years
1/28/05	Gomez- Olvera	.192	Sivertsen	90 days	70 suspended	\$3,000	\$3,000	One year revocation	3 years
1/28/05	Hope	.218	Sivertsen	46 days	40 suspended	\$3,000	\$1,500 suspended	90 days revocation	2 years plus guilty of probation violation, 30 days with 3 suspended and additional 2 years probation
1/28/05	Robinson		Sivertsen	90 days	70 suspended	\$3,000		One year revocation	2 years
1/28/05	Dusenberry		Miller	90 days	84 suspended	\$1,500		90 days revocation	3 years
1/28/05	Ortiz		Miller	70 days	50 suspended	\$3,000		One year revocation	5 years

DATE FYI Juneau Empire	NAME	CHARGE	JUDGE	JAIL	SUSPENDED	FINE	SUSPENDED	LICENSE	PROBATION
1/28/05	Haltiner		Miller	40 days	30 suspended	\$1,500		90 days	2 years
2/04/05	Milton		Sivertsen	240 days	200 days		\$3,000	One year revocation	3 years probation + for probation violations
2/4/05	Wendling	Misdemeanor	Collins	12 months	10 months	\$4,000	\$4,000	4 years	30 months probation
2/4/05	Cooper		Sivertsen	46 days	40 suspended	\$1,500	\$750	90 days	2 years
2/4/05	Benson of Maui		Sivertsen	35 days	30 suspended	\$3,000	\$1,500	90 days	1 year probation
2/4/05	Casey		Sivertsen	180 days	120 suspended	\$4,000		3 years	3 years
2/4/05	Manager		Sivertsen	33 days	30 suspended	\$3,000	\$1,500	90 days	18 months
2/4/05	Lane	.186	Sivertsen	36 days	30 suspended	\$3,000	\$1,500	90 days	1 year

DRIVING WHILE INTOXICATED SENTENCES – PER NOME NUGGET

DATE Nome Nugget	NAME	CHARGE	JUDGE	JAIL	SUSPENDED	FINE	SUSPENDED	LICENSE	PROBATION
10/7/04	Aketachunak			90 days	80 days	\$1500	\$1,200	90 days revocation	Until 9/1/2006
10/14/04	Cantrell			60days	40 days	\$3,000	\$1,000	1 year	Until 10/24/06
10/21/04	Tocktoo			30 days	27 days	\$1,500	\$1,200	90 days revocation	Until 10/12/05
10/21/04	Pete			140 days	120 days	\$,1500	\$1,200	90 days revocation	Until 10/08/05
11/04/2004	Nashoanak, Sr.			30 days	27 days	\$1,500	\$1,200	90 days revocation	Until 10/22/05
11/11/04	Otten, Jr.			30 days	27 days	\$1,500	\$1,300	90 days revocation	Until 10/26/05
11/11/04	Smith			60 days	40 days	\$3,000	\$2,000	1 year revocation	Until 10/28/05
11/25/04	Fagerstrom			1 year	120 days	\$10,000	\$5,000	Lifetime revocation	2 years
11/25/04	Angi			1 years	120 suspended	\$10,000	\$7,000	Lifetime revocation	2 years
11/25/04	Kavairlook, Sr.			30 days	27 days	\$1,500	0	90 days revocation	Until 11/8/05
11/25/04	Jackson			120 days	90 days	\$3,000	\$1,000	1 year	Until 11/9/08

DATE Nome Nugget	NAME	CHARGE	JUDGE	JAIL	SUSPENDED	FINE	SUSPENDED	LICENSE	PROBATION
12/2/04	McGuffey			30 days	27 days	\$1,500	\$1,200	90 days	Until 11/15/05
12/9/04	Malewotkuk, Jr.			150 days	0	\$1,500	\$1,200	90 days	Until 11/22/05
12/9/04	Iyakitan			30 days	27 days	\$1,500	\$1,300	90 days	Until 11/30/05
12/9/04	Wilson			60 days	40 days	\$3,000	\$2,000	1 year	Until 11/30/05
12/9/04	Hoogendorn			35 days	32 days	\$1,500	\$1,200	90 days	Until 12/1/05
12/9/04	Hamilton			30 days	27 days	\$1,500	\$1,200	90 days	Until 11/29/05
12/16/04	Kasper			40 days	20 days	\$3,000	\$2,000	1 year	Until 12/6/04
12/16/04	Hunt, Jr.			40 days	20 days	\$3,000	\$2,000	1 year	Until 12/2/05
1/6/05	Olanna			180 days	120 days	\$3,000	\$2,000	1 year	Until 12/21/07
1/27/05	Wheeler			30 days	27 days	\$1,500	\$1,200	90 days	Until 1/20/06
2/3/05	Tocktoo			120 days	90 days	\$1,500	\$1,200	90 days	Until 1/24/06