

ALASKA LEGISLATURE COMMITTEE FILES DO 1902

1637 HJ SB 1000. - SB 186

POSITION PAPER

COMMITTEE SUBSTITUTE  
FOR SENATE BILL NO. 100

"An Act relating to mentally ill persons; and providing for an effective date."

The Division of Mental Health and Developmental Disabilities fully endorses the principles of mental health care in the least restrictive setting and the protection for individual civil rights that are addressed in Committee Substitute for Senate Bill 100. The civil commitment process calls for a sensitive balance between the individual's right to the best possible psychiatric treatment, and society's need to be protected from those persons who are dangerous as a result of mental illness. Committee Substitute for Senate Bill 100 emphasizes treatment in the least restrictive alternatives close to home and provides for outpatient involuntary commitments. Periodic hearings are to be conducted in all involuntary hospitalizations.

The Department of Health and Social Services supports the passage of Committee Substitute for Senate Bill 100 with the following amendments:

Page 4, Line 21, 47.30.690 Change 21 days to 30 days. In addition, all subsequent references to 21 day commitment should be changed to 30 days.

Explanation: The 30 day commitment as established by Senate HESS allows hospital staff to monitor medications such as antidepressants and Lithium salts before the need for a second hearing. These medications require at least three weeks before they effect the behavior of most patients. In addition, this period of time will allow the hospital to properly evaluate, diagnose, and treat the mental disorder and in most cases avoid the necessity for a second commitment hearing. Presently, the average length of hospitalization for all patients (voluntary, involuntary, criminally committed, and evaluation and observation) at the Alaska Psychiatric Institute is 30-35 days. It should be emphasized that the 30 day commitment is only for patients not discharged prior to the 30th day or those that do not become voluntary patients.

Recommended by:

Verner Stillner, M.D.  
Verner Stillner, M.D., M.P.H.  
Director, Division of Mental  
Health and Developmental  
Disabilities

Date:

5/26/81

Approved by:

Helen D. Beirac  
Helen D. Beirac, Commissioner  
Department of Health and  
Social Services

Date:

5/26/81

THE LEGISLATURE OF THE STATE OF ALASKA  
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST  
 Bill/Resolution No. Senate Bill No. 100 (COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 100)  
 Title An Act Relating to Mentally Ill Persons.  
 Requested by \_\_\_\_\_ Date February 17, 1981

II. FISCAL DETAIL  
 Agency Affected Department of Health and Social Services  
 Program Category Affected Health  
 BRU, Program, or Subprogram(s) Affected Alaska Psychiatric Institute, Admin. & Support Comm.,  
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars) Mental Health Center

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
100 PERSONAL SERVICES		99.6	108.6	118.4	129.0	146.6
200 TRAVEL		19.8	21.6	23.6	25.7	28.0
300 CONTRACTUAL		339.0	923.8	1,812.6	3,073.3	5,264.1
400 COMMODITIES		9.1	9.9	10.8	11.8	12.8
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
<b>TOTAL</b>		<b>467.5</b>	<b>1,063.9</b>	<b>1,965.4</b>	<b>3,239.8</b>	<b>5,451.5</b>

FUNDING (Thousands of Dollars)

	467.5	1,063.9	1,965.4	3,239.8	5,451.5
GENERAL FUND					
FEDERAL FUNDS					
OTHER (Specify Fund Source)					

POSITIONS

	1	1	1	1	1
FULL TIME					
PART TIME	2	2	2	2	2
TEMPORARY					

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

The intent language in SB 100 emphasizes treatment close to home, least restrictive alternatives and protection of client rights. So far as is determined by the Division of Mental Health and Developmental Disabilities those persons who require involuntary commitment for treatment of mental illness are currently being served, therefore, no increase in the population to be served will result from SB 100. What is required is resources to support the increase of hearings and for the scope of implementation of the intent.

Costs to implement SB 100 are the costs of the increased number of court hearings, the field and medical staff training for the court related activity and an array of costs associated with the establishment of designated facilities. Each of these costs are individually described under their separate heading. In addition spectrum of designated facilities are presented as alternate levels of implementation. Each level provides for

IV. DATE February 17, 1981 PREPARED BY Thomas R. Brown (Signature)  
 AGENCY Department of Health and Social Services (Signature)  
 Original: Legislative Finance PHONE 465-3370  
 cc: Budget and Management  
 Prime Sponsor (First Legislator Named) M&B Approval (Signature) Date 2/17/81

an increase in local capacity for treatment and evaluation.

### I. Hearings (BRU A<sup>1</sup>)

Base data will be the actual API hospital records of 1023 admissions for FY 80. About 44% of these are involuntary civil admissions equal to 450 patients. Under the current system civil commitment progress hearings may take place 14 to 21 days following admission. Therefore, many of these 450 involuntary patients have become voluntary prior to a hearing date. About 120 hearings are actually scheduled each year. A number of the involuntary admissions to API are Evaluated (screened) and released as not being mentally ill. We therefore conclude that SB 100 will, because of the required 72 hour hearing, the 90 day and the 120 day hearing, result in a minimum of 300 of the 72 hour hearings and an undetermined number of 90 and 120 day hearings. The evaluation and the preparation of reports to be available to the court at the more than 300 additional hearings will represent a major workload increase at API.

One half time psychiatrist	43.9	(Two mental health professionals must sign petition)
One half time psychologist	25.3	
One Clerk III	<u>22.2</u>	
Total Hearing Staff Cost	91.4	

### II. Training (BRU Administrative and Support Central Office)

SB 100 presents the function at a local level of accomplishing the preliminary screening and a possible evaluation for all cases taken into custody i.e., involuntary patients. It also will involve many physicians and mental health professionals in court processes and professional demands that are unfamiliar.

Local physicians will need training in recent advances in psychopharmacology and the assessment of medical basis of mental disorders. As these will frequently be general physicians who now do little psychiatric work this update should occur on a yearly basis to insure the best assessment and treatment.

Mental health professionals must be trained in their legal responsibilities to committed and evaluated patients under the act. They must know the legal definition of committable patients and how to assess patients for the commitment hearing. They must be offered a review of appropriate treatment approaches for patients likely to be committed under the act. This must be done on a yearly basis.

#### Costs:

22 physicians X \$451 each of travel and 3 day per diem	9,922.00
Facility, trainer and material costs.	2,500.00
Individual materials as hand-out etc.	<u>550.00</u>
Total training cost for M.D.	12,972.00
22 Mental health professional (same as above)	12,972.00
Forensic material development and distribution for 22 centers	<u>3,000.00</u>
Total training and development cost	28,944.00

### III. Designation Costs (BRU Community Mental Health)

All material will require annual update presentations. Additional costs for center-specific training and unique medical update can be funded through Federal Mental Health Manpower Development Grant sources when these 28.9 base matching funds are available.

Patient receipts recover 26.6% of the actual operating costs at API. It is assumed cost recovery for any designated facility would be similar. The State comprehensive health plan reports the combined cost (cost of a bed and all support services, such as medication, X-ray etc.) per patient day totals \$397 per patient day for Alaska non-federal acute care hospitals. We calculate that involuntary patient care at a designated facility has a potential to create a deficit of \$303 per day per patient, that being the cost incurred but not paid for by the patient. This must be reimbursed to the designated facility.

The health plan reports the cost of a hospital bed without support services to average \$175 per day. A bed must be in reserve at all times at a designated facility. Cost of a reserved bed is \$63,875 per year (175 X 365). When a prepaid and reserved bed is occupied the additional daily cost is \$128 (303 less 175). This is reimbursable to the facility as a non-recoverable patient care cost. We estimate that each designated facility will deliver 200 bed days of treatment and inpatient evaluation service at a cost to the State of \$25,600 (200 X 128). We further assume that two beds will be occupied for 30 days per year at a cost of \$9,090. (128 X 30).

Summary of designated costs:

"head of facility"		56,950.00
reserved bed		63,875.00
200 days patient care @ 128 per day	25,600	
30 days patient care @ 303 per day	<u>9,090</u>	
		<u>34,690</u>
		<u>34,690.00</u>
Annual cost per facility		\$155,515.00

Levels of Implementation

Level I

A level 1 implementation for SB 100 would assume no additional designated facility beyond API. Cost at this level is limited to the costs for the additional hearings and field staff training.

Training	28.9
API staff	<u>91.4</u>
Level 1 total	120.3

Level II

A level 2 implementation would provide a designated facility in each of four judicial areas of Alaska. Nome, Juneau, Fairbanks in addition to the existing Anchorage API.

API hearing staff costs	91.4
Training and development cost	28.9
3 additional designated facilities	<u>466.5</u>
@ 155,515	
Level 2 cost	586.8

Level III

A level 3 implementation would provide a designated facility in each of the 10 superior court services districts and would locate a designated facility in Sitka, Ketchikan, Juneau, Kenai, Kodiak, Bethel, Nome, Kotzebue, and Fairbanks, in addition to API Anchorage;

API hearing staff costs	91.4
Training and development cost	28.9
9 designated facilities	
@ 155,515	<u>1,399.6</u>
Level 2 cost	1,519.9

Level IV

Level 4 implementation will provide a saturation of designated facilities. Evaluation with inpatient treatment capacity would be available in each of the existing 22 community mental health service districts.

API hearing staff costs	91.4
Training and development cost	28.9
21 designated facilities @ 155,515	<u>3,265.8</u>
Level 4 Cost	3,386.1

HB 100 Implementation Schedule

All costs are adjusted for 9% C.O.L.A. annually.

Year FY 82

- a. Hearing
- b. Training
- c. Partial level II designation (Fairbanks, Juneau)

Year FY 83

- a. Hearing
- b. Training
- c. Level II designation
- d. Partial level III designation (2 location)

Year FY 84

- a. Hearing
- b. Training
- c. Level II designation
- d. Level III designation (4 additional locations)

Year FY 85

- a. Hearing
- b. Training
- c. Level II designation
- d. Level III designation
- e. Partial level IV designation (5 locations)

Year FY 86

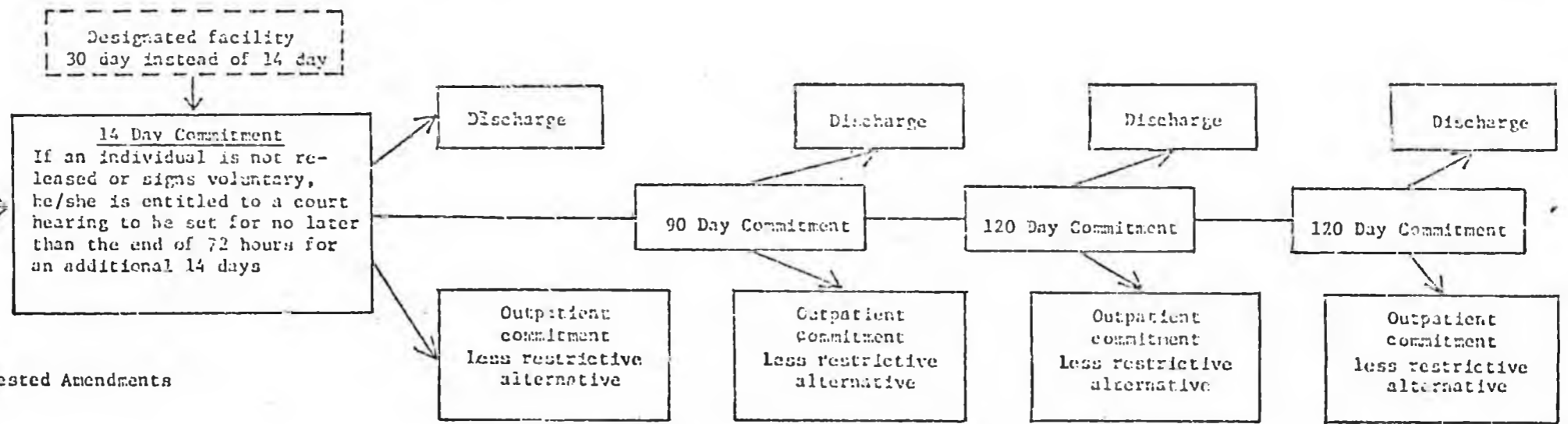
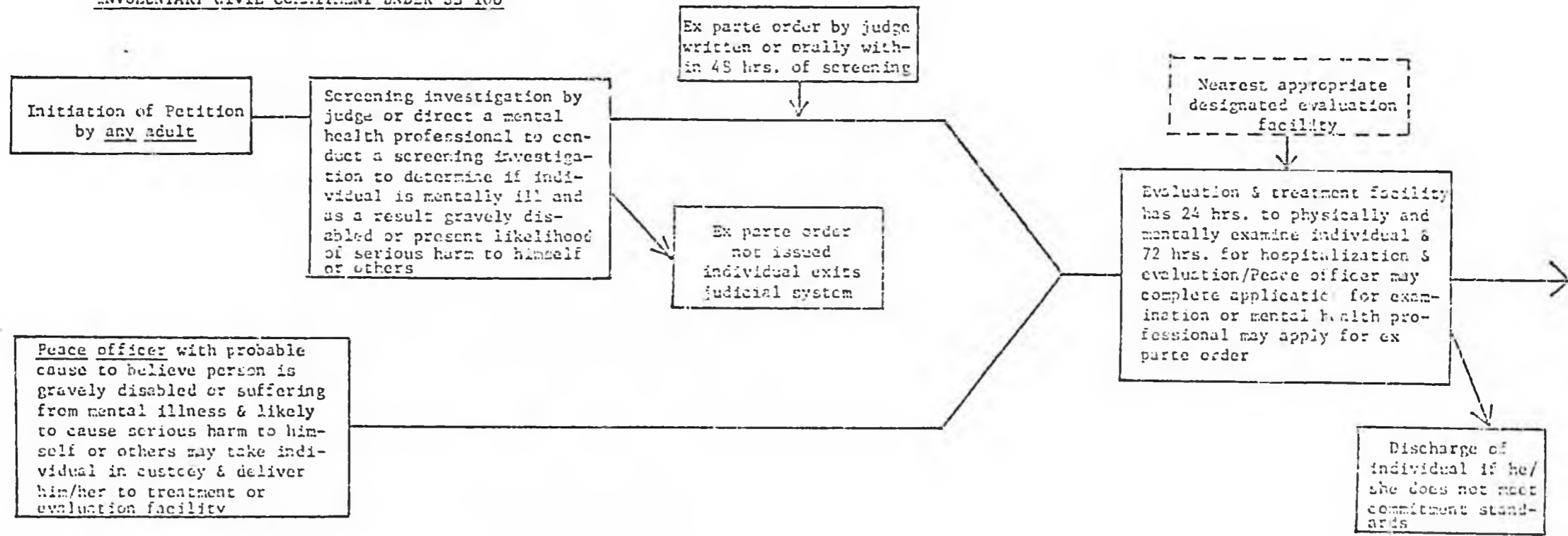
Total implementation 22 designated facilities

NOTE:

The cost of designation of a single facility adjusted by C.O.L.A. of 9% annually is:

FY 82	\$ 169,511
FY 83	184,767
FY 84	201,396
FY 85	219,522
FY 86	239,279

INVOLUNTARY CIVIL COMMITMENT UNDER SB 100



   - Suggested Amendments



# ALASKA MENTAL HEALTH ASSOCIATION

1030 W. 26th Ave., #1

~~5000 Cordova Street, #101~~

Telephone 276-1705

Anchorage, Alaska 99503

*A Division of the National Mental Health Association*

April 27, 1981

Hon. Senator Pat Rodey, Chairman  
Senate Judiciary  
Alaska State Legislature  
Pouch V  
Juneau, Alaska 99811

Dear Pat:

The more I think about my testimony the other day, the less satisfied I am that I made clear our support of SB 100. It is a very fine piece of legislation from our point of view and it is high time Alaska's Commitment Statutes are constitutional.

However, we would hope for a superior bill that more fully satisfies the Purpose, so beautifully stated in the Bill itself.

If our suggested ammendments do not meet with the approval of the legislators, we shall be content with the bill as is for the time being.

Sec. 47.30.690, Page 4, Line 20: The word "voluntary" should be omitted as it is difficult to conceive a youngster 14 or under voluntarily committing himself/herself to a mental facility.

Sec. 47.30.705, Page 6, Line 22: Since a person evidencing obvious mental problems that might require commitment, and the conditions could be exacerbated by confinement in a cell, we feel the wording in this section should strongly suggest that a correctional facility may be used only when NOTHING of a less restrictive nature can be found, including a hospital.

Sec. 47.30.715, Page 7, Line 16: At this point and in all following sections where reference is made to the second commitment period as a 30-day commitment, we strongly urge that it be changed back, as in the original bill, to a 14-day commitment. Considerations of convenience for the Court calendar pale when the rights of an individual's freedom are at stake. In many, if not most, instances, the individuals are guilty of no crime and great care must be taken to ensure due process. Although the policy at the Alaska Psychiatric Institute has been the last several years to guard and protect patients' rights, we feel it should be written into the law to prevent possible abuse in the future. Exceptions could be written into the bill to take into account those times when distances and travel arrangements need

to be considered.

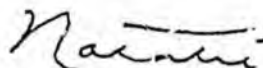
Sec. 47.30.845, Page 25, Line 7: CONFIDENTIAL RECORDS. The patient should also be able to obtain one copy of his/her medical records at no cost. Since the patient is party to his/her treatment plan, there is no reason to deny access to the medical records.

Sec. 47.30.825, Page 21, Paragraph (2): The patient should also have the right to refuse medication unless Court ordered. The national trend is in this direction and we should wisely follow this trend. Again, with the patient an integral part of the treatment plan, the choice should be available to him/her.

With or without these suggested ammendments, SB 100 should be passed this session. It is a milestone piece of legislation of which Alaska can be proud.

We look forward to quick passage.

Sincerely yours,



Natalie Gottstein  
Executive Director

cc: Sen. Don Bennett  
Sen. Carles Parr  
Sen. George Hohman  
Sen. Bill Ray

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January 28, 1981

The Honorable Jalmar Kerttula  
President of the Senate  
Alaska State Legislature  
Pouch V  
Juneau, AK 99811

Dear Mr. President:

Under the authority of art. III, sec. 18 of the Alaska Constitution, I am transmitting a bill to make Alaska a party to the Agreement on Detainers.

At the present time, there is no means by which a prisoner may initiate proceedings to clear a detainer placed against him from another jurisdiction, either state or federal. Such detainers prevent prison officials from developing meaningful rehabilitative plans since the prisoner's future is so uncertain. A detainer is a formal notice by which a prosecutor who has filed charges against someone imprisoned in another state can request that prison authorities in that state hold the prisoner beyond his release date so that he may stand trial. In addition, the present process by which a prosecuting official secures for trial a person already incarcerated in another jurisdiction is quite cumbersome. Enactment of this agreement would alleviate these problems and bring Alaska into step with the large number of other states and the federal government which have enacted the agreement.

The Agreement on Detainers makes the clearing of detainers possible at the instance of a prisoner. It affords him no opportunity to escape just convictions, but it does provide a way for him to test the substantiality of charges pending against him and to secure final judgment on any indictments, informations, or complaints filed in other jurisdictions. The result is to permit the prisoner to secure a greater knowledge of his own future and to make it possible for the correctional authorities to provide better plans and programs for his treatment. The agreement also provides a method by which prosecuting authorities may secure

prisoners incarcerated in other jurisdictions for trial before the expiration of their sentences. At the same time, a governor's right to refuse to make the prisoner available, on public policy grounds, is retained.

As the federal government is already a party to the agreement, the procedures provided in the agreement will be available on a federal-state as well as on an interstate level.

Sincerely,

s/J.S.H.

Jay S. Hammond  
Governor

## POSITION PAPER

## SENATE BILL NO. 115

"An Act relating to the Agreement on Detainers; and providing for an effective date."

This law would benefit both the state and the rights of prisoners. This legislation would require that prison officials inform prisoners of detainers filed against them. A prisoner may then file a formal request for trial on the outstanding charges. The confining jurisdiction would then agree to grant temporary custody to the prosecutor for the trial. If the filing jurisdiction fails to bring the defendant to trial within 180 days after the request, the charges are dismissed with prejudice in the filing state and the detainer is no longer valid. Provision is made for extension of this period upon a showing of good cause in court with the defendant or his counsel present.

The first and most obvious benefit of this agreement to any prisoner who has an outstanding detainer filed against him would be his ability to obtain a speedy trial on the pending charge, rather than waiting until his release from the present sentence.

A second benefit to the prisoner would be his ability to make long-range plans for himself following his trial on the pending charges on his dismissal, rather than existing in a state of uncertainty while serving his present sentence.

A third benefit to the prisoner would be his eligibility for classification to medium or minimum security custody and participation in the rehabilitative programs available to such prisoners. Currently, the existence of a detainer for a prisoner tends to preclude the classification of that prisoner to minimum security custody even though he might otherwise be eligible for such classification. Classification would be based upon fact, rather than pending charges which have not been adjudicated in court.

When a detainer has been lodged, the prisoner is not considered for parole to any plan other than to face the pending charges, regardless of the positive nature of his institutional adjustment or the availability of other rehabilitative parole opportunities; and when parole is granted, it is solely conditioned upon the filing agency's exercise of its detainer.

Another benefit of the Agreement to individual prisoners, which should not be minimized, is the psychological effect of the removal of apprehension and anxiety resulting from the knowledge that pending charges must be faced upon completion of the present sentence.

A final benefit of the Agreement to prisoners is the possibility that, should pending charges be tried and the prisoner convicted, the opportunity exists that the prisoner may be sentenced to serve his new sentence concurrently with that which he is already serving.

A primary benefit of the Agreement to the Division of Adult Corrections would be the ability of the Division to make more concrete, knowledgeable and flexible rehabilitative planning for prisoners who have been able to dispose of outstanding detainers.

A second benefit of the Agreement to the Division of Adult Corrections and to the State of Alaska, although in many ways intangible, is nevertheless quite real, would be the improvement in motivation and involvement in rehabilitative programs of prisoners who are able to dispose of pending charges. There is little incentive for good behavior since, in many instances, the prisoner's classification is the most stringent it will be, and there is no prospect that good behavior will result in an early return to society. Such prisoners are poorly motivated and unwilling to make an investment of time, effort and emotion in available rehabilitative programs as they see little benefit from such involvement.

A third benefit to the State of Alaska, which could result from adoption of the Agreement, is the possible reduction in the cost of inmate housing. This could result from Alaska inmates serving concurrent sentences in non-Alaska institutions following their sentencing on charges which would otherwise remain pending during their period of incarceration in Alaska facilities. Additional savings would result from Alaska inmates being housed in non-Alaskan facilities during trials on charges in other states. This could possibly be offset by the reverse situation - out-of-state prisoners being housed in Alaskan facilities during trials in Alaska.

The Department of Health and Social Services supports this legislation and recommends its enactment.

Recommended by: C. F. Campbell  
Charles F. Campbell, Director  
Division of Adult Corrections

Date: 2-17-81

Approved by: Helen D. Beirne  
Helen D. Beirne, Commissioner

Date: 2-17-81



Official Business

# Alaska State Legislature


Senate

Committee on Judiciary

Pouch V  
State Capitol  
Juneau, Alaska 99811

## MEMORANDUM

TO: Senate Judiciary Committee

FROM: Kevin K. Bruce   
Committee Aide

DATE: March 11, 1981

SUBJECT: SB 115 "AN ACT RELATING TO THE AGREEMENT ON  
DETAINERS; AND ESTABLISHING AN  
EFFECTIVE DATE."

I have contacted the Attorney General's office and the Public Defender's office concerning this legislation, and their responses are as follows:

Arthur Peterson, Assistant Attorney General: The Department supports the legislation and has no specific comments beyond the Governor's transmittal letter (see attached).

Dana Fabe, Acting Public Defender: The Public Defender Agency has no specific comments on the legislation; however, they support the concept and believe it makes sense for Alaska to join the interstate compact.

KKB/ods

THE LEGISLATURE OF THE STATE OF ALASKA  
ELEVENTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. SB 115

Title Interstate Agreement on Detainers

Requested by \_\_\_\_\_ Date \_\_\_\_\_

II. FISCAL DETAIL

Department of Health and Social Services - Division of Adult Corrections

Agency Affected \_\_\_\_\_  
Program Category Affected Offender Confinement, Reformation & Supervision

BRU, Program, or Subprogram(s) Affected Adult Confinement

(Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 80	FY 81	FY 82	FY 83	FY 84	FY 85
100 PERSONAL SERVICES						
200 TRAVEL			6.7	7.3	8.0	8.7
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
<b>TOTAL</b>			<b>6.7</b>	<b>7.3</b>	<b>8.0</b>	<b>8.7</b>

FUNDING (Thousands of Dollars)

	FY 80	FY 81	FY 82	FY 83	FY 84	FY 85
GENERAL FUND			6.7	7.3	8.0	8.7
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

	FY 80	FY 81	FY 82	FY 83	FY 84	FY 85
FULL TIME			-0-	-0-	-0-	-0-
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

Estimated expenditures are based on four (4) trips to other states annually for an inmate and escort.

It is assumed that inflation will be 9% per annum for each of the fiscal years following FY 1982.

Original: Legislative Finance  
cc: Budget and Management  
Prime Sponsor (First Legislator Named)

Prepared by: Roger C. Lange Date: December 30, 1982  
Division/Office: Adult Corrections PH: 465-3376  
Department of Health & Social Services

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165

THE LEGISLATURE OF THE STATE OF ALASKA  
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. Senate Bill No. 165  
 Title "An Act relating to constitutional conventions; and providing for an effective date"  
 Requested by Senate State Affairs Date February 11, 1981

II. FISCAL DETAIL

Agency Affected Office of the Governor  
 Program Category Affected Legislative and Elective Operations  
 BRU, Program, or Subprogram(s) Affected Division of Elections  
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
100 PERSONAL SERVICES	-0-	-0-	199.6	223.6	-0-	-0-
200 TRAVEL	-0-	-0-	27.2	30.5	-0-	-0-
300 CONTRACTUAL	-0-	-0-	863.2	966.8	-0-	-0-
400 COMMODITIES	-0-	-0-	34.4	38.5	-0-	-0-
500 EQUIPMENT	-0-	-0-	-0-	-0-	-0-	-0-
600 LAND & STRUCTURES						
700 GRANTS CLAIMS, ETC.						
<b>TOTAL</b>	<b>-0-</b>	<b>-0-</b>	<b>1124.4</b>	<b>1259.4</b>	<b>-0-</b>	<b>-0-</b>

FUNDING (Thousands of Dollars)

GENERAL FUND	-0-	-0-	1124.4	1259.4	-0-	-0-
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

FULL TIME						
PART TIME						
TEMPORARY			5.5	5.5		

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

Assume: that a majority of the votes cast on the question placed before the voters under AS 15.50.070 is in the affirmative.

- 1) FY 81 - no additional cost
- 2) FY 82 - no additional cost
- 3) FY 83
  - a) Full cost of special election for Constitutional Convention delegate selection;
  - b) Full cost of Official Election Pamphlet pertaining to special election in four regional issues (at request of Senate State Affairs);
  - c) Preparation costs for ratification election to be held early in FY 84
- 4) FY 84
  - a) Full cost of ratification election;
  - b) Full cost of Official Election Pamphlet in four regional issues pertaining to constitutional amendment ratification (at request of Senate State Affairs);
  - c) 12% inflation over FY 83

IV. DATE February 13, 1981 PREPARED BY Danith D. Anderson  
 AGENCY Division of Elections  
 Original: Legislative Finance PHONE 586-6181  
 cc: Budget and Management  
 Prime Sponsor (First Legislator Named)

SB 165 -- Fiscal Note Supplementary Information

(100) Personal Services

Includes overtime (average of \$20,000/month for 1980 elections plus 12% inflation) for 3-month period; cost of 22 total temporary employees (19 at Range 8 and 3 at Range 10) for Anchorage, Fairbanks, Juneau and Nome offices for 3-month period (\$1,393/month x 19 x 3) + (\$1,564/month x 3 x 3); cost of Election Pamphlet and public information staff (based on 1980 costs and 12% inflation).

(200) Travel

Includes in-state airfare for public information officer and election supervisor coordination; travel for election pamphlet staff (based on 1980 costs and 12% inflation); travel for absentee voting officials for pipeline assistance, data processing systems personnel (\$350/airfare + \$500/trip x 32 trips).

(300) Contractual Services (Total of \$863,200)

(310) Includes Zenith line, long-distance and telegram service, postage (82.2 with 40.0 allocated for Electric Pamphlet).

(320) Printing and Advertising Including cost of printing ballots (80.0) (25 sets of data vote ballots, 15 sets of paper ballots, assuming 40 election districts), declarations of candidacy forms, tally books, registers, notices of election, certificates and return booklets; plus Election Pamphlet printing costs (based on 1980 costs with 12% inflation -- 165.0) and general advertising.

(330) Rents and Leases Additional office space in Juneau and Anchorage for election related activities.

(360) Equipment Rental Includes 10 Mag Card II typewriters at \$300. each x 3 months = \$9,000; data processing equipment rental (card reader, 6 display stations, 4 printers); copier expense.

(380) Professional Services Including data processing consulting (20.0)

(390) Other fees and expenses (460.0)  
Election Night Expense (100.0)  
Miscellaneous (20.0)  
Election Board Payments (340.0)

(400) Commodities Includes all election-related materials (31.9) for 500 precincts, election night activities, temporary employees, absentee voting officials (50 total) and election pamphlet staff (2.5).

(500) Equipment No additional equipment expenses required.

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# STATE OF ALASKA

## ALASKA PUBLIC OFFICES COMMISSION

JAY S. HAMMOND, GOVERNOR

REPLY TO:

- 610 C STREET, SUITE 211  
ANCHORAGE, ALASKA 99501-3598  
(907) 276-4176
- JUNEAU BRANCH OFFICE  
POUCH CO  
JUNEAU, ALASKA 99811-0222  
(907) 465-4864

April 15, 1982

House Judiciary Committee

Re: HCS CSSB 167(SA)

The Alaska Public Offices Commission opposes the provisions of the House Committee Substitute for Senate Bill 167 which abolish the Commission, assigning Campaign Disclosure to the Director of Elections and Conflict of Interest plus Regulation of Lobbying to the Commissioner of Administration. The Commission believes that the net effect of such a transfer would be to dilute the effectiveness of Alaska's disclosure laws by assignment to agencies with substantial workloads which are materially different from the duties of a disclosure agency.

The Commission, as organized presently, is committed solely to the process of disclosure including assisting those who are required to file as well as providing public access to the information on file. The suggestion has been made by those who initiated the plan to abolish the Commission that to do so will result in greater efficiency for candidates as well as a savings cost to the State. That statement overlooks two facts: State candidates will still have to deal with two entities since Conflict of Interest is to be administered by the Commissioner of Administration and budget reductions will bring reduced service in either public accessibility or in assistance to those subject to the laws. Reduced service is the inevitable result of having a professional staff whose workload is divided between disclosure and other responsibilities.

CSSB 167 as approved by the Senate contains numerous constructive amendments to the Campaign Disclosure Law. A substantial number of those amendments were formulated in 1981, with additional items developed and advocated by the Commission this year. The list dated February 15, 1982, summarizes those amendments and the Commission asks that you adopt CSSB 167 (RLS)(am) rather than the House State Affairs Committee substitute. The Commission believes that such an action holds the best hope for seeing that the amendments on the attached list are accomplished.

In making this request, there is one item which State Affairs added to this bill which deserves comment lest the Commission's opposition to other provisions of the House State Affairs version be misconstrued. On pages 17 & 18, section 38, a new paragraph (9) has been added which amends the definition of political party such that the Libertarian Party would be eligible for exemption from the contribution limitation. In 1981, the Commission considered adopting a regulation which would have accomplished the same thing, but following public testimony, concluded that the proposed regulation went beyond the scope of its authority and the issue would require Legislative action. The Commission continues to feel that Legislative action is the appropriate forum for such a decision.

In closing, I would like to emphasize the Commission strongly favors restoration of a four-year statute of limitations for violations of the Campaign Disclosure Law. The 1980 amendments to the Election Code established the requirement that prosecution be initiated within one year of the date of the election. Given the steadily increasing size and length of campaigns a one year statute of limitations is a serious loophole which should be closed.

ALASKA PUBLIC OFFICES COMMISSION  
CHECKLIST OF CSSB 167(R1s) CHANGES IN AS 15.13, CAMPAIGN DISCLOSURE  
February 15, 1982

- increasing the maximum annual contribution from \$1,000 to \$2,000;
- raising the threshold at which a contributor's name must be reported to over \$250;
- allowing expenditures of \$250 or less to be reported as a lump sum on each report;
- exempting candidates for service area boards from campaign disclosure requirements;
- allowing deputy treasurers, as well as treasurers and candidates, to certify reports;
- allowing candidates who plan to accept no more than \$250 in total contributions and to spend no more than \$250 to file one Campaign Exemption Report;
- allowing contributions which exceed \$100 in cash to be accepted if receipted;
- allowing candidates to use a "short form" of identification on political communications, i.e., "paid for by Pat Candidate;"
- allowing expenditures before filing;
- establishing January 10 as the due date for Year-end Reports;
- deleting the requirement to report expenditures on 24 Hour Reports as well as changing such to "48 hour" reports;
- specifying which violations of AS 15.13 may result in criminal penalties;
- eliminating the requirement to record and report contributions returned within 72 hours;
- deleting the requirement that suppliers of services file reports;
- restoring the four-year statute of limitations for AS 15.13;
- requiring that APOC hearing process regulations be promulgated;
- prohibiting new regulations from taking effect later than 30 days before the filing deadline.

THE LEGISLATURE OF THE STATE OF ALASKA  
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST  
 Bill/Resolution No. HCSCCSB 167  
 Title Composition and responsibilities of the Alaska Public Offices Commission  
 Requested by House Judiciary Committee Date April 13, 1982

II. FISCAL DETAIL Administration  
 Agency Affected  
 Program Category Affected General Government  
 BRU, Program, Or Subprogram(s) Affected Commissioner's Office  
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
100 PERSONAL SERVICES		128.4	138.7	198.8	161.7	174.7
200 TRAVEL		1.0	1.1	1.2	1.3	1.4
300 CONTRACTUAL		40.7	43.9	47.4	51.2	55.3
400 COMMODITIES		3.5	3.8	4.1	4.4	4.8
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL		173.6	187.5	202.5	218.6	236.2

FUNDING (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
GENERAL FUND		173.6	187.5	202.5	218.6	236.2
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
FULL TIME		3.0	3.0	3.0	3.0	3.0
PART TIME		1.0	1.0	1.0	1.0	1.0
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instruction, Section III)

SEE ATTACHED

IV. DATE April 13, 1982 PREPARED BY Robert L. Rehfeld  
 AGENCY Administration  
 Original: Legislative Finance PHONE 465-2200  
 cc: Budget and Management  
 Prime Sponsor (First Legislator Named) Kelly  
 33-001 (Rev. 12/81) House Judiciary  
 Office of the Governor: Keith Specking

*CRH*  
*BK*

Department of Administration  
 Fiscal Impact: 24.45 and 39.50  
 FY 83

Personal Services

Position	Salary	Benefits	Total
Executive Director	42.0	11.2	53.2
Adm. Assistant II	25.0	7.4	32.4
Secretary I	21.0	6.5	27.5
Clerk III (8ms)	11.5	3.8	<u>15.3</u>
			128.4

Travel

Two administrative trips: ANC-JNU-ANC = \$600  
 Four days per diem @ \$80/day = 400

1.0

Contractual Services

Communications:	12.9	
Printing	7.5	
Ads	1.0	
Repair: 2 Memories	.9	
2 Selectrics	.3	
Pitney Bowes	.5	
Lexitron	1.8	
Misc.	.4	
Equipment Rental:		
Postage Meter	.2	
Xerox Share	3.0	
Lexitron	9.2	
Professional Services:		
Legal & Misc.	<u>3.0</u>	40.7

Supplies & Materials

Office Supplies	3.5	<u>3.5</u>
TOTAL		173.6

Assumptions: Retain Juneau Office for lobbying; Anchorage office is housed with other DOA offices for purposes of sharing xerox machine, etc.

THE LEGISLATURE OF THE STATE OF ALASKA  
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. HCS CSSB 167 (SA) - "An Act relating to election campaigns & Title to the composition & responsibilities of the Alaska Public Offices Commission; Requested by House State Affairs Date 3/25/82 and providing for an effective date." /

II. FISCAL DETAIL

Agency Affected Office of the Governor  
Program Category Affected Division of Elections  
BRU, Program, Or Subprogram(s) Affected Division of Elections  
(Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
100 PERSONAL SERVICES	17.5	117.8	101.5	113.7	127.3	142.6
200 TRAVEL	-0-	4.0	-0-	5.0	-0-	6.2
300 CONTRACTUAL	3.9	31.3	7.0	38.8	8.7	48.1
400 COMMODITIES	.2	2.5	.4	3.1	.5	3.8
500 EQUIPMENT	11.8	-0-	-0-	-0-	-0-	-0-
600 LAND & STRUCTURES	-0-	-0-	-0-	-0-	-0-	-0-
700 GRANTS, CLAIMS, ETC.	-0-	-0-	-0-	-0-	-0-	-0-
TOTAL	33.4	155.6	108.9	160.6	136.5	200.7

FUNDING (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
GENERAL FUND	33.4	155.6	108.9	160.6	136.5	200.7
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS

(In Man-Months)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
FULL TIME	1.0	12.0	12.0	12.0	12.0	12.0
PART TIME	-0-	-0-	-0-	-0-	-0-	-0-
TEMPORARY	6.0	36.0	5.0	30.0	5.0	30.0

III. ANALYSIS (See Fiscal Note Preparation Instruction, Section III)

Assume:

1. An effective date of June 1, 1982;
2. 12% inflation;
3. Only campaign disclosure responsibilities.
4. That the current APOC Executive Director's services will be required through December 31, 1982.
5. One temporary clerk in each office for 6 months each general election year and for one month during non-general election years.
6. One-time equipment start-up costs (including microfiche-reader-printers in each of our 5 offices).

11  
155.6  
173.6  
339.2

IV. DATE 3/29/82

PREPARED BY Danith D. Arnoldt, Deputy Director  
AGENCY Office of the Governor, Division of Elections

Original: Legislative Finance PHONE 586-6181  
cc: Budget and Management  
Prime Sponsor (First Legislator Named)  
33-001 (Rev. 12/81)

STATE OF ALASKA  
THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY


POUCH Y - STATE CAPITAL  
JUNEAU, ALASKA 99801  
907-465-3800

MEMORANDUM

March 19, 1982

SUBJECT: Public Offices Commission  
(HCS CSSB 167 (SA))

TO: Representative Ray H. Metcalfe  
Chairman, House State Affairs Committee

FROM: Richard A. Bradley   
Legislative Counsel

You have requested a state affairs committee substitute for CSSB 167 (Rules) am.

Because it will not be possible to have a bill of this size (and complexity) prepared by 1:30 today, and because I gather that the committee has not completed its mark-up process, I decided that an analysis of what you have requested and my anticipated response to it would be useful to the committee.

I. Deletion of secs. 27 and 29 of SB 167. There are no particular difficulties with these deletions; these changes tie in with II, below.

II. Add in provisions of HB 89 am. Add references applying to school boards and charter commissions.

These changes present no particular policy problems. It is necessary to amend the provisions twice: first amending existing law and then amending provisions of the anticipated municipal code, with conditional effective dates.

III. Change \$250 to \$500 on page 5 of SB 167. No particular problem.

IV. Make the bill consistent with a one year statute of limitations. The committee asked that lines 1 - 5 on page 15 of SB 167 be deleted. If the committee wants to

Representative Ray H. Metcalfe  
Page 2  
March 19, 1982

make the statute of limitations for all offenses possible under the election code (AS 15, including AS 15.13), it will also be necessary to amend AS 15.13.120(e) down from its present four years to one year.

This is necessary because the existing provisions of AS 15.-56.130 are inconsistent with the existing provisions of AS 15.13.120(e). One provision or the other needs affirmative amendment to resolve the inconsistency.

V. Add in the provisions of HB 796 transferring the responsibilities of the APOC to the director of elections (as to AS 15.13) and to the commissioner of administration (as to AS 24.45 and AS 39.50). The merger of SB 167 and HB 796 will eliminate a number of sections in the earlier part of SB 167; sections that I anticipate deleting include secs. 2 - 5. I assume that the substantive changes accomplished in SB 167 in sec. 6 and following are to be incorporated into the provisions of HB 796 transferring the responsibilities out of APOC. The result is that each section in each bill needs careful review to see how these mergers are to be accomplished consistently.

I regret that it was not possible to prepare a bill of this complexity in the time permitted.

RAB:ljb

STATE OF ALASKA  
THE LEGISLATURE

POUCH Y - STATE CAPITOL  
JUNEAU, ALASKA 99611  
907-465-3800

LEGISLATIVE AFFAIRS AGENCY

M E M O R A N D U M

March 24, 1962

SUBJECT: APOC amendments  
(HCS CSSB 167 (SA))

TO: Representative Ray H. Metcalfe  
Chairman, House State Affairs  
Committee

FROM: Richard A. Bradley *B*  
Legislative Counsel

You have requested a draft of an amendment that removes the requirement to report income derived from occupants of single or multi-family units that are owned solely by the candidate.

In preparation of the amendment, I assumed that you would also wish the amendment to apply to the others required to report under AS 39.50 beyond a "candidate": for example, (existing) public officials and municipal public officials.

I have not taken your request that the units be owned "solely" by the candidate (or public official) literally. Thus, the amendment follows the style of AS 39.50.030 that usually treats property owned by a spouse or by a spouse and dependent child no differently for reporting purposes than that owned by the reporting official or candidate. Under the amendment you requested, if a spouse owned the units and the reporting official had no ownership interests in the units, the reporting official would have to report the interests owned by the spouse assuming the property was otherwise required to be reported under AS 39.50. Since this seems inconsistent with the logic of your request, I have dealt with this asset consistently with the other provisions of AS 39.50.030.

I suggest the following language:

March 24, 1982

\* Sec. \_\_\_\_\_. AS 39.50.030 is amended by adding a new subsection to read:

(d) If a public official, a candidate for state elective office, or a candidate for elective municipal office or the spouse or dependent child of a public official, a candidate for state elective office, or a candidate for elective municipal office or a combination of them are the sole owners of a single or multi-family residential unit, the public official, a candidate for state elective office, or a candidate for elective municipal office is not required to report the income received from residential occupants of the unit.

I must also add that I doubt that this amendment which deals with the substantive aspects of the conflict of interest/financial disclosure requirements of AS 39.50 comes within the subject of the bill which is election campaigns and a reassignment of the responsibilities of the public offices commission.

If I may assist further, please advise.

RAB:ljb

STATE OF ALASKA  
THE LEGISLATURE

POUCH Y - STATE CAPITOL  
JUNEAU, ALASKA 99811  
907-465-3800


LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

March 29, 1982

SUBJECT: Election campaigns and APOC  
(HCS CSSB 167 (SA))

TO: Representative Ray H. Metcalfe  
Chairman, House State Affairs  
Committee

FROM: Richard A. Bradley   
Legislative Counsel

At your request, I have not requested that HCS CSSB 167 (SA) be prepared in final form and delivered to you because I have been advised that the committee may be considering additional amendments.

At this time, I would like to call to your attention some defects in the clean draft of HCS CSSB 167 (SA) that I provided to you on March 25th. Further review brought the need for these changes to the light and they will be incorporated into the bill when it is prepared in final form.

In Sec. 1 of the bill there is a reference to a provision of AS 29: "at any regular election, as defined by AS 29.78.-010(14), . . ." It is clear that the new municipal code, if adopted this year, will render the reference obsolete.

But in our view, the phrase could be simplified and the reference obliterated without loss: "at any regular municipal election [, AS DEFINED BY AS 29.78.010(4),]". As the quote suggests, I want to delete the definitional phrase and add the term "municipal".

Sec. 7 of the draft provided to you last week has been deleted.

In explanation of the deletion, let me state that I was uncertain at first how to combine the provisions of SB 167

and HB 796. In places, both amend the same section of AS 15.13. I have understood that you wished the substantive changes requested in SB 167 (which is a reform bill proposed by the commission) with the elimination of the commission as the contribution received from HB 796. To the extent that HB 796 made policy changes to AS 15.13, I have not incorporated them into the resulting HCS CSSB 167 (SA).

Thus since SB 167 repealed AS 15.13.040(f), I have deleted the amendment to sec. 40(f) from the bill and added AS 15.-13.040(f) to the repealer section.

I have proposed several changes to AS 15.13.115, a section added to AS 15.13 in this bill. The source of this section is existing AS 15.13.120(d); the section is minimally changed for clarity.

Further changes have been made since it was last provided to you. Sec. 115(b) suggests that a "determination" is a conclusion by the commission (or director under this bill) that there has been actual violation. The suggestion in (c) that only such a "determination" is reported to the complainant is undoubtedly inadequate to the complainant. The complainant wants to know what the results of the investigation were, whether or not a determination under (b) that a violation was found to exist has occurred.

As I say this, I am aware that the commission has not interpreted the provisions of existing law this way; they have sought to give meaning to an ambiguous law. But this is the time to clear up ambiguities.

And finally, I have deleted sec. 115(d). The decision of the commission (or director) should be a final administrative decision, just like the results of other administrative investigations are final.

If the determination is that a violation has occurred, the matter is transferred to the attorney general and it is unclear what the nature of an "appeal" by the person against whom a violation has occurred might mean; in that situation, the complainant would not ordinarily be appealing. If the determination is that a violation has not occurred, it is again unclear what it means to appeal the decision. The commission has discretion to refer a case to the attorney

Representative Ray H. Metcalfe  
Page 3  
March 29, 1982

general or not. That decision is not and should not be subject to review if the decision is to close a case.

HB 796 deleted AS 15.13.125: Civil Penalties. SB 167 did not; I have replaced the section in the bill and amended it consistently with the pattern of the bill.

And finally, I am uncertain that the amendment relating to residential units that you requested achieves your goal. As written, the Mendenhall Apartments, for example, would not qualify for the exclusion you seek because it is not (exclusively) a residential unit. I am continuing to work on the amendment and I believe that I will be able to achieve your request.

RAB:ljb

STATE OF ALASKA  
THE LEGISLATURE

POUCH Y - STATE CAPITOL  
JUNEAU ALASKA 99811  
907-465-3800

LEGISLATIVE AFFAIRS AGENCY

M E M O R A N D U M

April 1, 1982

SUBJECT: Election campaigns and APOC  
(HCS CSSB 167 (SA))

TO: Representative Ray H. Metcalfe  
Chairman, House State Affairs  
Committee

FROM: Richard A. Bradley *B*  
Legislative Counsel

The bill requested is enclosed.

As I advised Ann Krekelberg yesterday, I have incorporated into the bill the amendments proposed in my recent amendment to you which corrected earlier defects in the bill.

And as I advised, in my opinion the amendments to AS 39.50.-030 at bill sec. 64 do not come within the subject of the bill.

RAB:ljb

Enclosure

TELEPHONES  
(907) 586-1325  
586-6526

# Alaska MUNICIPAL League

204 N FRANKLIN ST.  
JUNEAU, ALASKA 99901

March 19, 1982

To: All members of the House State Affairs Committee

From: Ginny Chitwood, Executive Director  
Alaska Municipal League

Re: HB 796 (now being incorporated into SB 167)

The Alaska Municipal League is an association of municipalities throughout Alaska. One of the services we provide our members is lobbying following a policy statement voted on at the annual conference each year. We have a staff of three, all of whom register with the Alaska Public Offices Commission and we report all expenditures involved in our lobbying activities according to the rules and regulations.

We are not protesting the provisions of HB 796 on our behalf. However, on the last page of HB 796, Section 47 calls for the repeal of AS 24.45.161(a)(2), which is the exemption provision for municipal elected and appointed officers. If this section was repealed, every mayor, council or assembly member, manager and other appointed official would have to register as a lobbyist and report under APOC regulations when working on behalf of their municipality unless specifically invited by a committee to address a particular subject.

Since all salaries, travel expenses, expense accounts, etc. of municipal elected and appointed officials are a matter of public record, we feel this is a duplication of time and effort. This would be the same as if the Federal government required state senators and representatives to report all travel expenses, etc. when visiting Alaska's Congressional Delegation. If you took your Congressman to lunch you would have to register and report all expenses involved. Since state government is an extension of Federal government, we feel there would be no need for this. By the same token, since local government is an extension of state government, we feel there is no need to subject municipal elected and appointed officials to the same regulations as a paid lobbyist. Some of our municipalities have paid lobbyists and these lobbyists register and report. I don't know of a single case where a paid lobbyist has not complied with the rules.

I respectfully ask that the reference to AS 24.45.161(a)(2) in line 16, page 20 of HB 796 be deleted.

Thank you.

S

B

180

THE LEGISLATURE OF THE STATE OF ALASKA  
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST  
 Bill/Resolution No. HCS CSSB 180 (Judiciary)  
 Title An act relating to municipal government (Title 29 re-write)  
 Requested by Representative Ramona Barnes Date 4/23/82

II. FISCAL DETAIL  
 Agency Affected Community and Regional Affairs  
 Program Category Affected Development  
 BRU, Program, Or Subprogram(s) Affected Training and Development  
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
100 PERSONAL SERVICES	-0-	-0-	-0-	-0-		
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL	-0-	-0-	-0-	-0-		

FUNDING (Thousands of Dollars)

GENERAL FUND	-0-	-0-	-0-	-0-		
FEDERAL FUNDS	-0-	-0-	-0-	-0-		
OTHER (Specify Source)						

POSITIONS

FULL TIME	-0-	-0-	-0-	-0-		
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instruction, Section III)

There is no fiscal impact with passage of this legislation.

IV. DATE April 23, 1982 PREPARED BY Palmer McCarter - Director  
 AGENCY Local Gov. Asst. Div. - C & RA  
 Original: Legislative Finance PHONE 465-4707  
 cc: Budget and Management  
 Prime Sponsor (First Legislator Named)  
 33-001 (Rev. 12/81)



# Alaska State Legislature

## House of Representatives

Committee on

Community & Regional Affairs

Pouch V  
State Capitol  
Juneau, Alaska 99811

Official Business

### M E M O R A N D U M

To: All Committee Members  
House CRA Committee

Date: March 25, 1982

From: Linda Otey, Committee Aide *LO*

Re: Differences-- CSSB 180(CRA)am / CSHB 170 (CRA)

Changes made in Committee:

CSSB 180  
1. 600 pop. necessary for reclassification of 2nd class to 1st class status.

*House accepted*  
CSHB 170  
400 population requirement for reclassification

2. Temporary law section added to allow pending applicants for reclassification to be permitted if petition has been filed with the Dept. before the effective date of this act.

-----none-----

3. -----none-----

*House Deleted*

*House accepted*

amended/regarding notification of certification of petitions; recall and initiative. (pg. 64)

Changes made on Senate Floor:

4. By Ziegler/ to allow borough mayors to vote in the event of a tie (pg. 4)

*House accepted*

5. Deleted language of mandatory, non-suspendable imprisonment for violation of an ordinance. (Pg. 59)

*House accepted*

6. By CRA Committee - "the assembly shall (may) establish short plat procedure. Returned to mandate of current law in waiver procedure. (Pg. 90-91)

*House returned w/ approval of Senate*

7. By Gilman- returned to current law - taxation of vessels: \$5 max-5 tons or less, \$15 max- over 5 tons. (Pg. 102)

*deleted*

*Reinserted - no limit*

CSSB 180

*Deleted*

8. By Gilman/Kerttula - amended percentages back to current law. (Pg. 115)
9. By Sen. CRA- amended definition of 'subdivision' to be consistent with other statutory references. (Pg. 174)

*Deleted*

*accepted*

CSHB 170

Rates of Penalty & Interest:  
20%, 15%, 20%

*- accepted House long.*

*House - Also accepted 2 technical amendments requested by Tam Cook.*

*House. Deleted Chapter 14 - Capital City - "Retained current law"*

1

STATE OF ALASKA  
THE LEGISLATURE

POUCH Y - STATE CAPITOL  
JUNEAU, ALASKA 99801  
907 465-3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

March 25, 1982

SUBJECT: Municipal government  
(CSSB 180 (C&RA) am)

TO: Representative Patrick M. O'Connell  
Chairman, House Community and Regional  
Affairs Committee

FROM: Tamara Brandt Cook  
Legislative Counsel

TBC

I have discovered three technical mistakes in CSSB 180 (C&RA) am which is currently in your committee.

1. Chapter 14, which begins on page 31 is essentially identical to the provisions dealing with the capital city currently contained in AS 29.18.510 - 29.18.610. However, Sec. 7, Chapter 143, SLA 1978 provides that the Capital City Incorporation Act ". . . takes effect 30 days after certification that a bond issue for costs of relocation of the capital has been adopted by the voters of the state". This effective date was inadvertently omitted from CSSB 180 (C&RA) am, so that Chapter 14 takes effect on the effective date of the Act. I would recommend that an effective date similar to that contained in Sec. 7 Chapter 143, SLA 1978 be added with respect to Chapter 14, or that the first sentence of Sec. 29.14.010 be changed to read: "Thirty days after certification that a bond issue for costs of relocating the state capital has been authorized by the voters of the state there is created and incorporated a city of the state as the capital city of Alaska that is a city of the first class."

*Unen-  
passed*

2. On page 132, line 2 there is a reference to AS 34.- 34.10.070 - 34.10.220 which has been carried over from existing law. Those sections have been repealed and the reference should be deleted from this Act.

Representative Patrick M. O'Connell

Page 2

March 25, 1982

*was  
found* 3. On page 192, line 28 an existing chapter in Title 29 was inadvertently omitted from the repealer. AS 29.48 should be repealed in this Act, since material currently in AS 29.48 has been reorganized into Chapter 35 of this Act.

Please contact me if you have any questions regarding these technical corrections and let me know if you would like the corrections incorporated into a committee substitute for your committee.

TBC:ljb

17.11.070

Amendments to CSMB170 and CSSB180  
Municipal Government

**Problem:** No limitation is made upon the exercise of planning, platting and zoning authority with respect to projects authorized by a state or federal agency. This could result in the arbitrary and/or unreasonable exclusion or restriction of natural resource development on federal, state and fee lands.

**Solution:** Insert language in the bills which would prohibit local zoning decisions from interfering with federal or state agency decisions providing for the development of natural resources.

**Compare:** AS 25.30.030 which allows the governor to waive compliance with local zoning regulations for the construction of a public project.

**Methods:** (1) Impose limitation in Chapter 40 of Title 29, dealing with the exercise of zoning powers.

(2) Since home rule municipalities are not subject to Chapter 40 [except §§200 (subdivision of state land) and 100 (title to vegetated areas)], see AS 29.10-110, refer to limitation in Chapter 40 by inserting a new subsection in AS 29.10.110 (limitation of home rule powers).

**Language:** A. Amend AS 29.40 by adding a new section 210. Two Alternatives are suggested:

1. Alternative 1:

040 (C)

Sec. 29.40.210. ACTIVITIES AUTHORIZED BY STATE AGENCIES.

Ordinances, regulations or permit decisions adopted or promulgated under AS 29.35.130 or AS 29.40 may not preclude or otherwise impede an activity conducted pursuant to a lease, license, permit or other written authorization issued by a state or federal regulatory agency or department having jurisdiction over the activity.

1. Alternative 2:

~~2. AS 29.40.270~~

AS 29.40.270. USES OF STATE CONCERN. (a) Ordinances, regulations and permit decisions adopted or promulgated under AS 29.33, AS 29.38, AS 29.40, or AS 29.41 may not arbitrarily or unreasonably restrict uses of state concern as defined in subsection (b) of this section.

(b) Uses of state concern means those land and water and air uses which would significantly affect the longterm public interest. These uses include:

(1) uses of national interest, including the use of resources for the siting of major facilities which contribute to meeting national energy needs, construction and maintenance of those facilities, and systems, resources development of federal, state and fee lands and national defense and related security facilities,

(2) uses of more than local concern, including those land, water and air uses which confer significant environmental, social, cultural, or economic benefits or burdens beyond a single municipality,

(3) the siting of major energy facilities, activities pursuant to a state or federal oil and gas lease, or large-scale industrial or commercial development activities on fee land which are dependent on a given location and which, because of their magnitude or the magnitude of their effect on the economy of the state or the surrounding area, are reasonably likely to present issues of more than local significance

But city is not permitted to extend system beyond settled area.—It was never intended by the use of the term "adjacent" in this section to permit a municipality to leapfrog a settled area, particularly where such area is, from all appearances, a part of the metropolitan area, and extend its distribution system into the territory beyond. *Chugach Elec. Ass'n v. City of Anchorage*, 13 Alaska 747, 106 F. Supp. 6 (D. Alas. 1952).

Although city may extend system to noncontiguous area beyond unsettled area.—Under this section a municipality is authorized to extend its distribution system into any noncontiguous area within a reasonable distance of its corporate limits, provided that the intervening territory is unsettled and uninhabited or virtually so. *Chugach Elec. Ass'n v. City of Anchorage*, 13 Alaska 747, 106 F. Supp. 6 (D. Alas. 1952).

Purchasing land beyond limits to divert stream from reaching city.—

Since AS 29.10.117 (now AS 29.48.-030) gives municipalities the express right to provide for the location and construction of sewers, aqueducts, and watercourses and widen, straighten, strengthen or change the channels of streams and water courses, such a grant of power would be idle if the city could not purchase ground outside of the incorporated limits and divert a stream beyond its limits and prevent it from reaching the incorporated limits, if such a course should be deemed advisable, rather than to confine its activities to the city limits proper. *Town of Seward v. Margules*, 9 Alaska 354 (1938).

If authority has not been expressly given by this section for a city to purchase land outside of the incorporated limits and to divert a stream beyond its limits and prevent it from reaching the incorporated limits, such authority is necessarily implied. *Town of Seward v. Margules*, 9 Alaska 354 (1938).

**Sec. 29.48.050. Franchises and permits.** (a) The assembly acting for the area outside cities and the council acting for the area within a city may grant franchises, including exclusive franchise privileges, for the construction, operation and maintenance of bus transportation systems and public utilities not regulated under AS 42.05 and may permit them the use of streets and other public places under regulations prescribed by ordinance.

(b) No franchise is valid until it has been submitted to the qualified voters of the city or borough area outside cities in which it applies, and at least 55 per cent of the votes cast are in favor of the franchise. At least 30 days notice of a franchise referendum election shall be given in the same manner as is provided for notice of regular municipal elections, and the notice shall specify the purpose of the election. The ordinance granting a franchise shall provide for its submission for ratification to the qualified voters of the city or borough area outside cities at either a regular or special election, and the result of the election shall be canvassed publicly by the council or assembly and spread upon the records of the minutes and the result declared and certified in the same manner as in a regular election.

(c) Public utilities regulated under AS 42.05 have the right to use the streets and other public places, upon payment of a reasonable permit fee and on reasonable terms and conditions and with reasonable exceptions the assembly or council requires. A dispute as to whether fees, terms, conditions, or exceptions are reasonable

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§ 29.89.010

MUNICIPAL GOVERNMENT

§ 29.89.030

**Sec. 29.89.010. Revenue sharing payable.** In addition to the equalization entitlements paid under AS 29.88.010 — 29.88.045, during each fiscal year the department shall pay aid

(1) to a municipality or other eligible recipient which has the power to provide the services described in AS 29.89.020 — 29.89.040 and exercises the power in the manner required by this chapter;

(2) to a Native village government under AS 29.89.050. (§ 3 ch 155 SLA 1980)

**Sec. 29.89.020. State aid to municipalities for roads.** (a) The department shall pay to a municipality which has power to provide for road maintenance and exercises that power, \$2,500 a mile for each mile of road, street or highway maintained by the local government, excluding (1) the official state highway system, (2) roads, streets or highways not dedicated to public use, (3) roads, streets or highways maintained under the local service road program (AS 19.30.111 — 19.30.251), and (4) alleyways, in accordance with regulations adopted by the Department of Transportation and Public Facilities. A payment may not be made under this subsection for maintenance of a road which is not used by automotive equipment.

(b) A frozen waterway and a connection from an inhabited area to a waterway which may be safely used for public transportation by automotive equipment and is so used during a portion of a year is eligible for a payment of \$1,500 per mile if the waterway and connection are maintained during the period of use by a municipality or combination of municipalities. The department, after consultation with the Department of Transportation and Public Facilities, shall determine which waterways and connections qualify and, where the waterways or connections lie outside the corporate limits of a municipality, which municipalities shall receive the payments under this subsection, unless the municipalities involved have agreed in writing to a particular distribution. (§ 3 ch 155 SLA 1980)

**Sec. 29.89.030. State aid to municipalities and other eligible recipients for health facilities and hospitals.** (a) The department shall pay

(1) to a municipality which has the power to provide hospital facilities and services and which exercises that power, \$1,000 per bed for each bed actually used for patient care, limited to the number of beds provided for in the construction design of the hospital, or \$250,000 a hospital for those hospitals with 10 or more beds, or \$50,000 a hospital for those hospitals with less than 10 beds, as the municipality may elect; money received under this paragraph may be used only for hospitals and shall be apportioned among qualifying hospitals as the municipality determines;

equal to \$10 per capita for the population served by the department, as determined by the state fire marshal.

(b) A grant shall be made under (a) of this section to facilitate the organization of a volunteer fire department in an area not in an organized borough or city, upon application of the proposed fire protection group to the state fire marshal and upon approval of applications according to standards of organization and service prescribed by regulations adopted by the state fire marshal. (§ 3 ch 155 SLA 1980)

**Sec. 29.89.050. State aid to Native village governments.** The state shall pay \$25,000 to a Native village government for a village which is not incorporated as a city under AS 29.03.010 — 29.95.030. In this section, "Native village government" means

(1) a local governing body organized by authority of the Act of Congress of June 18, 1934 (25 U.S.C. § 476); or

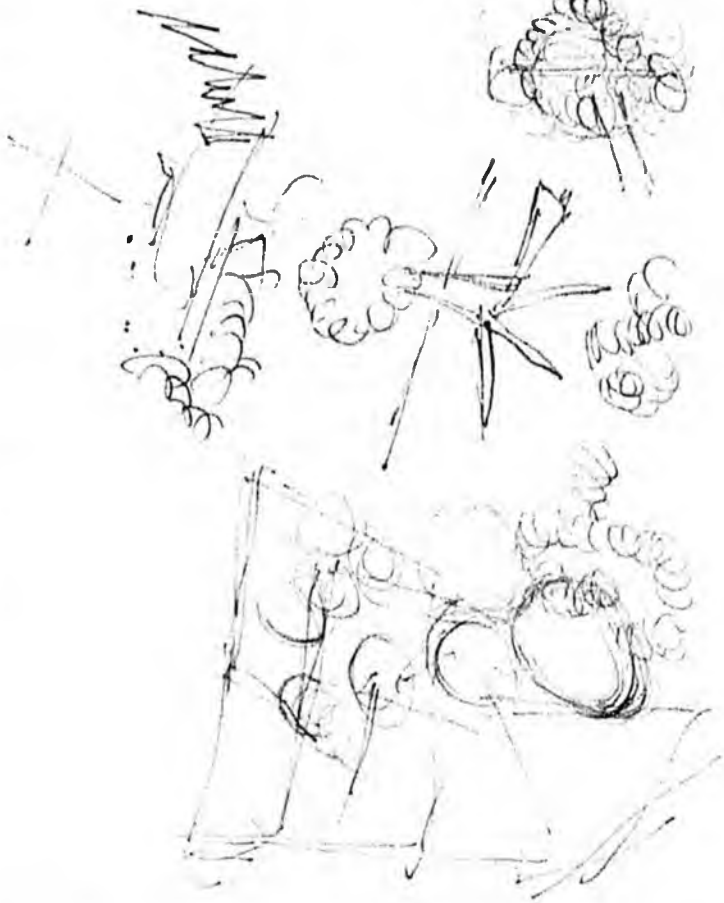
(2) a traditional village council or, if there is no traditional village council, the paramount chief or other governing body of a Native village which meets the requirements of the Alaska Native Claims Settlement Act (43 U.S.C. §§ 1601 — 1628). (§ 3 ch 155 SLA 1980)

**Sec. 29.89.060. Population determination.** For purposes of AS 29.89.010 — 29.89.100, population shall be determined by the latest figures of the United States Bureau of the Census or other reliable population data, including but not limited to public school enrollment figures, public utility connection, registered voters or certified employment payrolls. (§ 3 ch 155 SLA 1980)

**Sec. 29.89.070. Area cost-of-living differential.** (a) Payments to a municipality or other eligible recipient under AS 29.89.020 — 29.89.030 shall reflect area cost-of-living differentials. Payments shall be based upon the sum of per capita, per mile and per bed or facility grants due each municipality or other recipient multiplied by the appropriate area cost-of-living differential. The area cost-of-living differential for each recipient shall be determined annually by election district under the provisions of AS 39.27.030. Application of the area cost-of-living differential may not result in distribution of an amount less than the amount of the payment determined without application of this section.

(b) The election districts used to establish area cost-of-living differentials under (a) of this section are those designated by the proclamation of reapportionment and redistricting of December 7, 1961, and retained for the house of representatives by proclamation of the governor September 3, 1965. (§ 3 ch 155 SLA 1980)

**Sec. 29.89.080. Miscellaneous services account.** The miscellaneous services account is established. Money to carry out the provisions of AS 29.89.010 — 29.89.100 shall be allocated by the department to the account in accordance with AS 29.95.010. If amounts in the account



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186

3-25-82



HB 112

← passed

SB 186

Chas. CAMPBELL -

AMY WEBB - 33.27

send them some notes

11-14 addl. states →

Michigan - will we take other states' prisoners? c: could be under this. More likely to exchange p. ~~we~~ will be to our advantage



Anderson - when the bill be passed from committee.

MEMBER STATES IN INTERSTATE CORRECTIONS COMPACTS

Western Corrections Compact States

Alaska  
\* Arizona  
\* California  
\* Colorado  
Hawaii  
Idaho  
Montana  
Nevada  
Oregon  
\* Utah  
Washington  
\* Wyoming  
(Guam)

Interstate Corrections Compact States

\* Arizona  
\* California  
\* Colorado  
Connecticut  
Florida  
Georgia  
Indiana  
Iowa  
Kansas  
Kentucky  
Maine  
Nebraska  
New Hampshire  
Tennessee  
\* Utah  
\* Wyoming  
(Guam)

\* The asterisks indicate states which are signatory to both compacts.

POSITION PAPER

SENATE BILL NO. 186

"An Act adopting the Interstate Corrections Compact; and providing for an effective date."

Basically, this law would enable the State of Alaska to engage in contracts with the 16 other party states for the placement and/or exchange of prisoners for the purpose of treatment, long-range release planning and, in some cases, for protection purposes.

Alaska is presently signatory to the Western Corrections Compact (AS 33.25.010) along with 11 other states. The two compacts are very similar; in fact, the Interstate Corrections Compact was developed in order to encompass eastern states that were interested in expanding their placement resources. By adding the Interstate Corrections Compact, Alaska would increase placement resources by 100% or 1: additional states.

Although it is true that we are expanding our correctional facilities in order to return prisoners to the state, we must realize that for two to three years more, we will have no choice but to house many of our prisoners out of state. Recent developments indicate that the Federal Bureau of Prisons is having problems in accommodating so many state prisoners and may not be able to help us indefinitely to the extent they have in the past. We think it essential for us to develop other options.

Membership in the Interstate Corrections Compact would enable us to return some prisoners to home states, rather than placing them in the Federal Bureau of Prisons and, in some cases, accept Alaska residents who have been convicted and sentenced in other states. Alaska would not be under obligation to accept prisoners from other party states as mandatory reciprocation is not required in the Compact, nor would other party states be obligated to accept Alaska inmates. In each case of interstate placement, a contract must be negotiated between the party states.

Even though we are expanding our correctional facilities, there will always be a few prisoners with special needs who would benefit from being placed in specialized facilities outside of Alaska. By being party to the Interstate Corrections Compact, we would be in a better position to place those few offenders in appropriate settings. It should be noted some prisoners request to be returned to their home states and the Compact would provide an expedient means for us to do so.

**POSITION PAPER/Department of Health & Social Services**

Recommended by:

*Charles F. Campbell*

Charles F. Campbell, Director  
Division of Adult Corrections

Date:

*2/27/81*

Approved by:

*Allen O. Beisinger*

Commissioner  
Department of Health and  
Social Services

Date:

*2-28-81*

THE LEGISLATURE OF THE STATE OF ALASKA  
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. Senate Bill No. 186  
 Title Interstate Corrections Compact  
 Requested by Rules Committee Date 02/17/81

II. FISCAL DETAIL

Agency Affected Department of Health and Social Services - Division of Adult Corrections  
 Program Category Affected Offender Confinement, Reformation & Supervision  
 BRU, Program, or Subprogram(s) Affected Adult Confinement  
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
<b>TOTAL</b>		-0-	-0-	-0-	-0-	

FUNDING (Thousands of Dollars)

GENERAL FUND		-0-	-0-	-0-	-0-	
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

FULL TIME		-0-	-0-	-0-	-0-	
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

It is estimated that enactment of this legislation would not result in any increase of expenditures. It will provide for an increased number of out-of-state facilities for placement of convicted offenders. Since the census of Alaska state correctional centers are at maximum levels now, the Federal Bureau of Prisons system must be relied upon to provide bed space. Entering into the compact would also open several other state resources, when appropriate, to Alaska.

IV. DATE 02/25/81 PREPARED BY William W. Ludwig  
Roger C. Lange for  
 AGENCY Division of Adult Corrections  
 PHONE 465-3376

Original: Legislative Finance  
 cc: Budget and Management  
 Prime Sponsor (First Legislator Named) M&B Approval [Signature] Date 2/25/81