

ALASKA LEGISLATURE COMMITTEE FILES 1983-1984 8672

2450 HJ HB 374 - HB 409

2950



SEWARD CHAMBER OF COMMERCE
P.O. BOX 756
SEWARD, ALASKA 99664
(907) 224-3046 or 224-3047

May 16, 1983

Charlie Bussel Representative
House of Representatives
Pouch V
Juneau, Ak. 99811



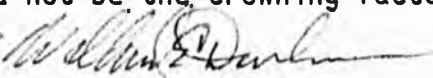
Dear Rep. Bussell

Enclosed for your information is a copy of a news story which ran on the front page of the Anchorage Times Sunday, May 15th. This story is not new! The residents of Sutton have continually voiced opposition to the location of another prison facility in their area. As the news article points out this is not just a few unhappy individuals, it is several hundred. There are only a few who seemingly are for its location there. The Valley newspapers have had a regular showing of letters to the editor from the Sutton people who do not wish any more prison facilities located in their area. The Governor's Office, Division of Corrections officials have stated equvocally that the prison site would not be located in an area where the people did not want its being built.

Seward became interested in this matter when it was withdrawn by the past administration because of Sutton residents complete opposition to the prison. As a matter of fact, until the City of Seward contacted the Division of Corrections and the Governor's Office to say that Seward was very interested in having the facility located here, there was not one community in the State that wanted the new prison built in it. Seward has very carefully over several months, held public meetings and public hearings for our citizens to learn about what a prison being built in the community would bring to it. These hearings have produced only 3 people who spoke against it. The meetings were well attended. Reports were written and filed by Division of Corrections who were in attendance at several of the meetings (2 of which had 100 people or so at them).

Seward has a population of over 2000 and another 2000 in the outlying area adjoining it. With this kind of attitude or enthusiasm on having Seward selected as the location of the maximum security prison, we cannot understand why certain elected officials seem bent on forcing the administration to select Sutton which is adamantly opposed to its location there.

We ask that you seriously think about these points raised and allow the administration of Division of Correction officials to look objectively at the sites nominated for the prison. Politics, we feel should not be the crowning factor on a decision as important as this one is. Thank you.


Willard E. Dunham, Chairman
Seward Citizens Task Force for location of
Spring Creek Facility in Seward

JR

COMBS INSURANCE AGENCY, Inc.

AUTO | FIRE | CASUALTY | BONDS | LIFE

BOX 1108 PALMER, ALASKA 99645

PHONE (907) 745-2144



March 18, 1983

Rep. Charlie Russell
Pouch V.
Juneau, Alaska 99811

Dear Rep. Bussell,

We would like you to consider putting the maximum security prison in the Palmer-Sutton Area. We know the majority of people in this area are for the facility being located here.

It is by far the most cost effective, as was determined by the Division of Health and Social Services several years ago. We are near the center of the population, major court systems, medical facilities, and transportation costs taking the prisoners to and from the Courts would be a great savings. It would also make it more convenient for the families of the prisoners to visit.

The state already owns the property, so there would be no need for money to be expended for the land. The roads and utilities are already in, and most of the land is already cleared, so the buildings would be able to be built much faster. The cost of building in this area is also far less than in other areas of the State.

It would give this area a stable economy, which we really need at this time.

Please take these thoughts into your consideration when the decision as to location comes before you. Thank you for every consideration.

Sincerely,

Mary E. Combs

Michael F. Combs

Prison plan not popular in Sutton

by Al Campbell
for The Times

Sutton — Almost everybody, it seems, wants to build the state's proposed maximum-security prison on the grounds of the existing minimum-medium-security jail near this Glenn Highway community.

Legislators, local politicians, the business community — all support the Sutton-area location for the proposed \$42 million lockup.

All, that is, except the people here, who remain almost unanimously opposed to 300 murderers, rapists, robbers and assorted other felons being housed.

See Sutton, page A-1

A-4 The Anchorage Times, Sunday, May 15, 1983

Sutton residents fear prison would be dangerous for town

Continued from page A-1

in their midst.

They feel that way despite overtures from two state administrations and assurances from prison officials and law enforcement officers that having 300 bad guys locked up nearby leads to a safer environment than having them running around loose.

With only a handful of exceptions, the 400-500 people who live in the unincorporated community remain unconvinced.

Linda Olson, president of the Alpine Community Council, acknowledges that she does not speak for the town, but says she has no doubt whatsoever of the local consensus: "There are no benefits to us, and there could be a lot of problems."

The community council, the closest thing to organized government here, has recently re-emphasized its opposition to the construction plans with a 6-1 vote by directors to "back the community" in opposing the maximum-security addition to the ex-

isting site.

"This is not just a few people, this is everybody against the idea," says Olson.

Generally, residents here oppose the high security prison because they fear escapes, and they feel escapees would somehow victimize local residents, perhaps by stealing their cars, their weapons or other property.

Some also fear physical harm from any individual or group that managed to break out. An incident years ago that saw a young woman molested by a walkaway from the minimum-security section has contributed to that fear.

But the opposition here goes even deeper than that. "We don't want the stigma," says Grant Olson, husband of the community council president.

At a public hearing here several months ago, protestors complained they did not want to be known as "the Leavenworth of Alaska," a reference to the notorious federal penitentiary that put that Kansas community on the map.

The same concern among the

Eagle River business community prompted successful lobbying by Eagle River people to change the name of the facility there from the Eagle River State Jail to Hilland Mountain Correctional Center.

Residents here, too, object not only to the proposed in-prison population, but also to the friends and relatives of inmates who may frequent the area — and even to the corrections staff who may choose to live in the vicinity.

"Who wants a bunch of their (prisoners') buddies cruising around, waiting for visiting hours or bringing in booze and dope?" asked one resident who asked not to be named. "These are not the best people in the world, after all," she said.

The staff would have a considerable impact on the area, says Linda Olson. "This is a small, rural community with our own way of life . . . even a few more people here would alter that way of life considerably."

She and other protestors say for all the assurances from the state and Matanuska-Susitna

Borough governments, no official has pledged any assistance in planning, schools or general economic impact aid to help cope with what could be a doubling of the local population.

"But basically," Olson says, "we just don't see anything to benefit us. It sounds selfish but I am sure most other people in other areas would feel the same way."

Sutton-area people are aware that the \$42 million construction job would undoubtedly go to a major contractor, with union labor. There are few union tradespeople now living in Sutton.

They have been told by state officials that as corrections and support staff expanded, they may be employed at the new site. But they have also been told that local hire preference is illegal.

Meanwhile the Greater Palmer Chamber of Commerce, the borough government and the area's legislative delegation continue to press for the Sutton area as the site for the expanded prison system.

The chamber has pledged to raise up to \$10,000, from private and local government sources, and has a full-time lobbyist currently working in Juneau for the Sutton site.

"We are confident we will get it," says Mike Combs, head of the chamber's prison subcommittee.

The borough government has paid \$3,000 for a cost-benefit study, and concluded that the Valley site would be practical, convenient and otherwise suitable for locating the new facility.

Assemblyman John Musgrove, who represents the Sutton area, says he is aware and "sympathetic" with his constituents here who oppose the prison.

But Musgrove says the benefits, particularly the estimated millions of dollars annually in labor and material purchases, outweigh the possible drawbacks.

"We have become convinced the prison would be as safe as possible," Musgrove says. "And we absolutely need the economic benefits that would come."

Linda Olson says given that kind of argument, people here are more or less resigned to the ultimate selection of Sutton as the site.

"Most of us went to every public hearing we could, and fought against it," she said. "But now, while we will continue to be against it, we are beginning to feel it is inevitable."

She said a recent telephone survey of about 100 local people turned up not one respondent in favor of the prison here.

"We have even asked people who might favor it to come forward and explain it to us, maybe they have some knowledge we can use," she says. "But all we hear from are the business people and the politicians. It looks like that is going to be enough to put it here."

Olson and others say they will ask that the expanded jail, if built, be identified with Palmer, not Sutton.

"Calling it the Palmer Correctional Center is just fine with us," she says. "We don't need the publicity."

State defends its plan to add new jails

By TOM KIZZIA
Daily News reporter

4/2/83

Saying prisoners' demands for fast relief from jail crowding reflect "a high degree of political naivete," the state this week defended its plan to add new jails over the next few years.

Prisoners' attorney Timothy Stearns had called the court-ordered plan submitted by the state inadequate, but Assistant Attorney General Michael Stark said that detailed planning was impossible until the state Division of Corrections knew how much money it was going to get this year from the legislature.

"To expect defendants to



propose a plan now which will deal with all eventualities in light of the present uncertainties as to funding and pending legislation is totally unrealistic," Stark said.

The prisoners "ignore the political realities of declining revenues in the state and the fact that there are at least 15 other executive agencies, many of which provide direct services to the people of Alas-

ka, vying for pieces of an increasingly smaller fiscal pie," Stark wrote in a court brief.

Stark said the state agreed with population goals proffered by the prisoners and was not trying to avoid problems of prison overcrowding. He said the Sheffield administration had approved an operating budget for corrections next year of \$57 million — up from \$41 million this year, though less than the \$63.5 million requested by the division.

Stark said the legislature also is considering emergency overcrowding legislation and capital funding for new prisons. He said the legislature's

delay in creating a new Department of Corrections had been an obstacle to the state's attempt to provide "improved management structure," he said.

The state proposed to provide a more detailed plan to Superior Court Judge Douglas Serdahely two weeks after the end of the legislature. However, Serdahely earlier set a trial date of June 9 for unresolved issues in the class-action suit against the state prison system.

Stearns said Friday he was "more disappointed than ever" in the state's response and would request a prompt hearing from Serdahely on the overcrowding plan.

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COMMITTEE REPORT

HOUSE

FINANCE

(7)

FURTHER:

4/21/83

Date: 5-6-83

Mr. Speaker:

The Committee on JUDICIARY has had HR 375

"An Act relating to access to certain criminal justice information."

under consideration and reports it back as follows:

- do pass do not pass
- do pass with attached amendments(s)
- replace with CS for HR 751 (ND) same title
- and recommends _____ new title
- AND attaches a "Letter of Intent" New Fiscal Note
- reports it back without recommendation Zero Fiscal Note Attached
- referred to the _____ Committee

MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS:

CHAIRMAN

STATE OF ALASKA

BILL SHEFFIELD, GOVERNOR

**DEPARTMENT OF PUBLIC SAFETY
OFFICE OF THE COMMISSIONER**

POUCH N
JUNEAU, ALASKA 99811
PHONE:

May 4, 1983

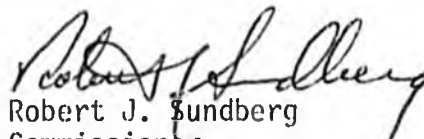
465-4322

The Honorable Charles Bussell
Chairman, House Judiciary Committee
Pouch V
Juneau, Alaska 99811

Dear Representative Bussell:

This is in response to your request for a Position Paper on HB 375. The Department of Public Safety supports passage of this legislation. Employers should be able to request records of convictions of all sex crimes or crimes dealing with contributing to the delinquency of a minor, of persons applying for positions involving supervision or disciplinary power over minors. The enactment of this Bill will help protect employers from unknowingly hiring a person with prior convictions in this area.

Sincerely,


Robert J. Sundberg
Commissioner

RECEIVED APR 06 1983.

STATE OF ALASKA
THE LEGISLATURE

POUCHY - STATE CAPITOL
JUNEAU, ALASKA 99811
907.465.3600

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

April 6, 1983

SUBJECT: Definition of minority in Rule 1(e)
TO: Senator Rick Halford
FROM: Billy G. Berrier *BGB*
Director
Division of Legal Services

You have requested wording for a suggested definition of "minority" for the purposes of Rule 1(e) essentially as we discussed.

I would suggest:

For the purposes of this rule a minority is a group of members who have declared themselves to be a caucus not later than the day following the election of the presiding officers and who are not members of the majority. If there is more than one group who would meet these requirements, the larger group is the minority.

I believe this meets the concept you desired.

BGB:ljb
13/030

Alaska State Legislature



Speaker of the House of Representatives

Prucha V
State Capitol
Juneau, Alaska 99811 -
(907) 465-3720

Official Business

CSHB 7 (Judiciary) Effect of Amendments

The proposed Judiciary committee substitute makes the following changes:

Clarifies that the provisions of this law relate to 'motor' vehicles as defined in the statutes.

Includes a certificate of self insurance as one means of proving financial responsibility. This is typically used by commercial companies to insure a fleet of vehicles. The certificate is defined by AS 28.20.400.

Clarifies that a person seeking a license must only show proof of insurance only on vehicles which are both registered in that persons name and owned by the person which must be located within the state.

Changes the proposed liability limit increases from 100/300/50 to 50/100/25. Currently the limits in law are 25/50/10.

Adopts the language suggested by the Court system relating to issuance of a citation by a peace officer.

Deletes provisions which allowed a peace officer to impound a vehicle on the spot if he had cause to believe an insurance policy was not in effect.

Changes the responsibility for notifying parties in a forfeiture incident from the "court" to the Department of Law as suggested by the Court System.

Changes the date for submission of the first annual report from February 1986 to 1988 and changes report from Dept. of Commerce and Economic Development to a JOINT report with Department of Public Safety.

Adds new effective date of January 1, 1984 for the provisions which mandate that insurance companies offer uninsured and underinsured insurance. These sections would now take effect before any other provision in the law.

Friday, April 22, 1983, The Anchorage Times

House bill seeks to reveal child molesters

Times Juneau Bureau

Juneau — House conservatives have sponsored a bill to give employers access to some criminal records of workers who deal with minors.

The Governor's Commission on the Administration of Justice would be required to disclose to employers of workers who deal with minors records of all convictions for contributing to the delinquency of a minor or for sex crimes, under the bill.

"I hope I can close one small gap in a law that often times has assisted the sexually perverted to ply their trade with children," said Rep. Ramona Barnes, R-Anchorage, main sponsor of the proposal.

Current law permits release of these criminal

records only to law enforcement agencies, she said.

"This information should also be provided employers and supervisors who recruit for positions whose main responsibility is supervising or disciplining minors.

The bill would require the commission to supply fingerprints to the employer, who also could fingerprint employees or job applicants.

The commission would be required to destroy the request for information six months after it is answered.

"The confidentiality of a criminal record rates way below my concern for innocent, trusting children who fall prey to child molesters," Barnes said.

Original sponsors: Barnes, Hayes,
Liska, et al

1 IN THE HOUSE BY THE JUDICIARY COMMITTEE
2 CS FOR HOUSE BILL NO. 375 (Judiciary)
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 THIRTEENTH LEGISLATURE - FIRST SESSION
5 A BILL

6 For an Act entitled: "An Act relating to access to certain criminal jus-
7 tice information."

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

9 * Section 1. AS 12.62.030(a) is amended to read:

10 (a) Except as provided in (b) and (c) of this section and in
11 AS 12.62.035, access to specified classes of criminal justice informa-
12 tion in criminal justice information systems is available only to
13 individual law enforcement agencies according to the specific needs of
14 the agency under regulations established by the commission under
15 AS 12.62.010. Criminal justice information may be used only for law
16 enforcement purposes or for those additional lawful purposes necessary
17 to the proper enforcement or administration of other provisions of law
18 as the commission may prescribe by regulations established under
19 AS 12.62.010. No criminal justice information may be disseminated to
20 an agency before the commission determines the agency's eligibility to
21 receive that information.

22 * Sec. 2. AS 12.62 is amended by adding a new section to read: *in subsection (e)(2) as defined*

23 Sec. 12.62.035. ACCESS TO CERTAIN CRIME INFORMATION. (a)
24 Notwithstanding any other provision of law, an interested person may
25 request from the commission records of all convictions involving
26 contributing to the delinquency of a minor and any sex crimes of a
27 person who *holds or* applies for a position in which the person would have
28 supervisory or disciplinary power over a minor. The commission shall
29 size the disclosure of the information to the requesting person

1 and shall provide a copy of the information to the applicant.

2 (b) A request for records under (a) of this section may include
3 the applicant's fingerprints and any other data specified in regula-
4 tions established by the commission. The request shall be on a form
5 approved by the commission, and the commission may charge a fee to be
6 paid by the requesting person for the actual cost of processing the
7 request. The commission shall destroy an application within six
8 months after the requested information is sent to the requesting
9 person and applicant.

10 (c) Negligent disclosure of information by the state under this
11 section is not actionable in a court of law.

12 (d) The commission shall adopt regulations to implement the
13 provisions of this section.

14 (e) As used in this section

15 (1) "contributing to the delinquency of a minor" means a
16 conviction for a violation or attempted violation of AS 11.51.130(a)-
17 (1), (3), or (5) or for a violation or attempted violation of an
18 offense committed outside the state if the offense would have been a
19 crime in this state under AS 11.51.130(a)(1), (3), or (5) if committed
20 in the state;

21 (2) "interested person" means a corporation, company,
22 partnership, firm, association, organization, business trust, or
23 society, as well as a natural person that ^{employs or solicits the employment of} solicits a person to serve
24 with or without compensation in a position in which the person would
25 have supervisory or disciplinary power over a minor;

26 (3) "sex crime" means a conviction for a violation or
27 attempted violation of AS 11.41.410 - 11.41.455, AS 11.51.130(a)(4),
28 or AS 11.66.100 - 11.66.130 or for a violation or attempted violation
29 of an offense committed outside the state if the offense would have

1 been a crime in this state under one of the above sections if commit-
2 ted in the state.
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STATE OF ALASKA
FISCAL NOTE

Revision Date _____, 1983

I. REQUEST

Bill/Resolution No.: HB 375
 Title: "Act relating to access. . ."
 Sponsor: Rep. Barnes
 Requestor: House Judiciary

II. FISCAL DETAIL

Agency Affected: Public Safety
 Program Category Affected: Crime & ID
 BRU, Program of Subprogram(s) Affected: Alaska State Troopers

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC						
TOTAL OPERATING		-0-	-0-	-0-	-0-	-0-
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

III. SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

IV. ANALYSIS: Attach a separate page for any Analysis No fiscal impact anticipated

Prepared By: Jos Mapranath Phone: 465-4336
 Division: Administrative Services Date: 5-4-83
 Approved by Commissioner: *[Signature]* Date: 5/4/83
 Department: Public Safety

Distribution:

- Original to Legislative Finance
- Copy to Office of Management and Budget (for Legislature introduced bills)
- Copy to Department (for Governor introduced bills)
- Copy to Sponsor
- Copy to Requestor (if different from Sponsor)

3/8/83

Suspects arrested in sex cases

by Jeff Berlner
and Carl Gidlund
Times Writers

A man who allegedly used state agencies to procure juveniles for sex has been jailed.

Police and prosecutors say he gave the youths alcohol and drugs then sexually molested them. The man acted under the guise of helping youths he had obtained through legitimate channels, police said.

Held on \$40,000 bail is Hensley L. "Pat" Patterson, 33. He is charged on two felony counts of sexual abuse of a minor, one felony count of contributing to the delinquency of a minor and five misdemeanor charges of contributing to the delinquency of a minor.

Patterson reportedly got access to the youths — all boys age 14 to 17 — through his work under the authority of the state juvenile probation office and as a state-approved foster parent.

"Patterson used state agencies as a way of maintaining contact with the boys," said Paul Olson, an assistant district attorney here who specializes in prosecuting sex crimes.

Police and prosecutors said they stopped another case of an adult man sexually molesting

See Arrest, page A-5

Arrest

(Continued from page A-1)

male juveniles in a second unrelated arrest Friday.

In that case Robert Elstad, 41, was jailed on \$35,000 bail and charged with six counts of sexual abuse of a minor and lewd and lascivious acts toward children.

Both men were arraigned Friday. The cases were put together by the sex crimes units of the Anchorage Police Department and the district attorney's office.

Authorities say that in addition to using state agencies to get custody of the youths, Patterson had other ways of coming into seemingly legitimate contact with young boys.

Olson said Patterson was director of the Cook Inlet Native Association Youth Center and also worked at the Fairview Community Center. In both jobs he came into contact with boys about the age of those he is accused of molesting.

A foster parent from 1973 to 1975 and again from 1977 to 1979, Patterson was given legal custody of juveniles and was an officially approved guardian, Olson said.

Patterson was a so-called "pass partner" for youths held at McLaughlin Youth Center and for youngsters on probation,

Olson said, adding that the state "juvenile probation office allowed him to be with kids on probation."

Juvenile probation officers have the power to authorize approved individuals, such as Patterson, to take the youths out of an institutional setting or out of other custodial situations and act as the guardian of the youths while they are assigned to him.

Officials at McLaughlin and in the Department of Health and Social Services could not be reached for comment Friday. However, Anchorage police Lt. George Novaky said the department's investigation began last December when a youth in custody at McLaughlin told investigators of his involvement with Patterson. The youngster provided information that led to the other boys, he said.

Although the criminal complaint against Patterson lists only five victims, Olson said it is "generally thought that more kids are involved."

The felony contributing-to-the-delinquency-of-a-minor charge alleges that Patterson induced a juvenile to commit a sex act with him. Five misdemeanor contributing-to-the-delinquency-of-a-minor charges state that Patterson supplied drugs and alcohol to the youngsters. The incidents are said to have occurred from 1979 to 1982 at Patterson's home.

In a similar case, police recently charged that the assistant director of the Boys Club of Alaska was using his job to come into contact with boys he allegedly molested sexually.

Venson Brown still faces trial on those charges. And although he has pleaded not guilty, court documents state that Brown has confessed "in substantial part" to the allegations on tape. He goes to trial next month.

Elstad, a businessman who operates a contracting firm, allegedly molested boys age 12 to 15 in incidents that occurred from 1980 through 1982. He lured the boys into his home at 6525 McGill St. without force and then sexually assaulted them, police reported.

Lt. Novaky said the department's investigation of Elstad began last October while officers were pursuing another case — not related to sexual conduct — that involved him. Investigators pursued leads that lead them to seven other alleged victims, several of whom were in McLaughlin, he said.

Patterson and Elstad face grand jury indictments and will be returned to court next week.

A CHILD'S CRUEL DEATH SPURS HER GRANDMOTHER TO WAR AGAINST CHILD MOLESTERS



Pictured here at 2, Amy Sue fell victim to a sadistic killer. "I was never aware of child molesting," says her grandmother.

1978 was a mild spring in the rural Southern California community of Camarillo, where 10-year-old Amy Sue Seltz was playing in the backyard of her aunt's house. The aunt, Delfina, often looked after Amy Sue during the day while her mother, a single parent, worked as an electronics assembler. In this quiet neighborhood, Delfina felt safe leaving her niece unattended for a few minutes while she went inside to change clothes.

It was a mistake with horrible consequences. When Delfina looked outside, Amy Sue had vanished without a trace. For two days her relatives joined with neighbors and police in a futile search. Then, on the third day, a toddler's mutilated body was found in a nearby canyon. Of course, it was Amy Sue.

Ten months later police charged a man named Theodore Frank with the heinous crime. Just the day before, he had been sentenced for the kidnapping and molestation of two preteen girls. Frank, 43, an unemployed laborer, has admitted to molesting as many as 150 children over a 23-year period. Until he was convicted of Amy Sue's murder in December 1979 and sen-



Six weeks before he killed Amy, habitual molester Frank, 43, was freed by psychiatrists who believed he had "recovered."

tenced to die in San Quentin's gas chamber, he had served less than two years in prison and almost nine years in state hospitals for his sex crimes. Even as he committed Frank to Death Row, Judge Byron K. McMillan stated that he considered the sentencing an empty exercise: "I think he'll die of old age—on the streets in about 15 years. I'd bet on it."

That prediction may prove true: Frank is appealing his death sentence, claiming that the crime was not premeditated and that the state used inadmissible evidence. Lawyers for both sides agree that a final resolution of the case may take years. Judge McMillan's baleful view of the judicial process produced at least one positive effect—it motivated Amy Sue's grandmother, Patti Linebaugh, to try to make sure that future Theodore Franks would not be dealt with lightly. "I couldn't believe that the judge who put him away, even in this state, even though we had capital punishment, was saying that Theodore Frank would be out on the streets in 15 years," says Linebaugh, 47. "I felt that the families of Frank's prior victims had a responsibility. If they had only fought to create some pressure on law enforcement, this man wouldn't have been free. Maybe Amy Sue would still be alive."

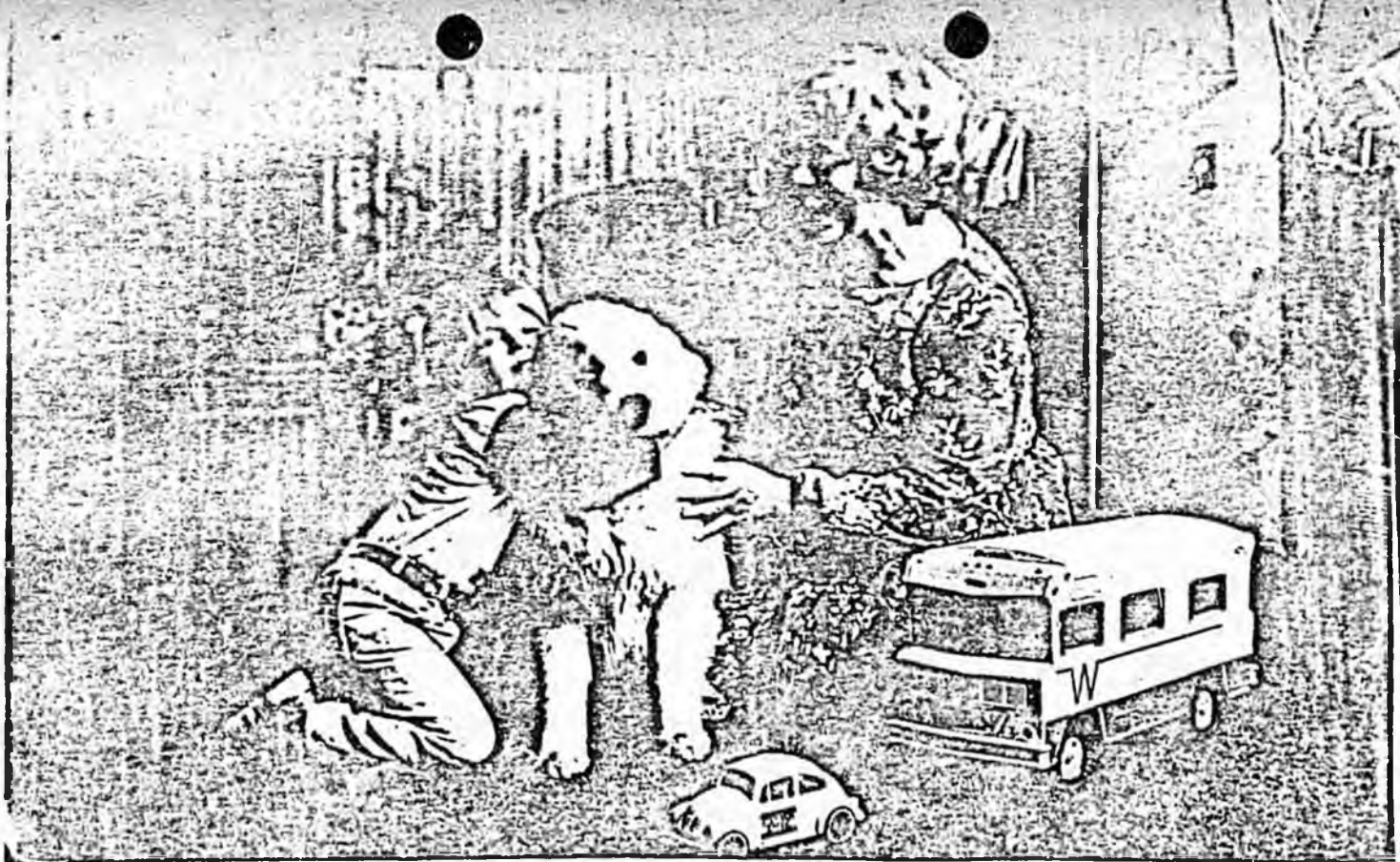
Along with Irv Praeger, who prosecuted the Frank case, and another friend, Linebaugh founded SLAM—Society's League Against Molestation. "What began as a murder investigation became an investigation of our system of dealing with child molesters," says

CONTINUED

"First we were victims of Theodore Frank," says Patti Linebaugh of her granddaughter's killer. "Then we were victims of the court system."



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Playing with grandson Michael, 3, and family pet Nikki, Patti observes, "I look at the little ones and know I have to do something."

Praeger. Statistics show that when a molester is arrested, he has probably attacked some 19 other children. "Only about 5 percent of the attacks are reported," according to Praeger, "and, of the molesters convicted, less than 10 percent went to prison."

Shaken by her grief and those figures, Linebaugh began a petition drive that garnered 140,000 signatures and pressured California legislators into adopting tough new anti-molester laws, which took effect last January. Among the provisions: mandatory long-term prison sentences without hope of probation for virtually all serious or repeat offenders; an extension of the statute of limitations to six years in molestation cases, since victims are often unable to discuss the assault for years afterward; and minimum terms of three years for each count, plus five additional years for each previous conviction of child molestation and 20 years to life for a third offense. "Who's responsible for the death of Amy Sue—Frank?" Linebaugh asks. "Our judicial system. I came to realize that laws could be passed to prevent men like Theodore Frank from getting out on the streets again."

Indeed, Theodore Frank is an example of modern penology and jurisprudence gone gravely awry. Described

by one of his former doctors as "a chronic, habitual child molester," Frank was first arrested in 1958. He subsequently served several terms in prisons and hospitals, emerging each time to commit new assaults, and treating his victims with escalating violence and cruelty. Just six weeks before he killed Amy Sue, Frank had been released from the Atascadero State Hospital, a mental hospital for criminals, after serving more than three years of a four-year sentence for kidnapping and molesting a 4-year-old Bakersfield girl. Frank, who, according to Praeger, took a correspondence course in psychology while in prison, won his release from Atascadero by masquerading as a reformed man. He hoodwinked the hospital psychiatrists so thoroughly that they petitioned Illinois authorities to drop child-molestering charges pending against him there. Frank admitted the deception before being sentenced for assaulting the two preteen girls. "When convenient," he wrote, "I have used my extensive knowledge of psychotherapy as an ongoing game of manipulation."

One of the country's leading authorities on child molestation believes that pedophiles like Frank are not treatable. "There's no percentage for the molester to give it up," explains Dr. Ro-

land Summit, an assistant professor of clinical psychiatry at the University of California at Los Angeles. "He doesn't want to stop or come to the surface or be identified. He doesn't want to close off his option." While researchers have not found a single cause of pedophilia, says Summit, studies indicate that the childhood victim of molestation may become a molester in adult life.

Amy Sue's relatives are trying to put themselves back together. Her mother, Sherry, has married a noncommissioned officer in the U.S. Navy, a man whose strength brought her through the trauma; they now live in an Eastern city where Sherry recently gave birth to twins. Patti Linebaugh likewise perseveres. "Every time I start to back off," she says, "I realize I can't live with myself if I don't create an awareness—make other people understand what must be done."

There are now 44 chapters of SLAM in California alone, and 12 in nine other states. Linebaugh is frequently asked to address interested groups across the country. "I've never done anything like this," she says of herself. "I've just been a mom and a wife and that was it. Yet from somewhere I've had the strength to fulfill a promise to a little baby." DORIS KLEIN BACON

H

B

3

88

AMENDMENT

OFFERED IN THE HOUSE:

By: Judiciary

To: _____ HOUSE BILL No. 388

SENATE BILL No. _____

PAGE: 1

LINE: 12

Line 12 Delet: immediately in accordance with AS 01.10.070 (c).

Line 12 Insert: xxxxx after "effect" with the passage of the US
Congress, of legislation repealing federal
estate tax.



ALASKA STATE LEGISLATURE
HOUSE OF REPRESENTATIVES
RESEARCH AGENCY

Pouch Y, State Capitol
Juneau, Alaska 99811
(907) 465-3991

May 10, 1983

MEMORANDUM

To: Representative Mae Tischer
From: Leonard Steinberg, Research Staff *Leonard Steinberg*
Re: Estate Taxes -- Research Request 83-154

Gail Thibodeau of your office asked for the following state and federal estate tax information:

- 1) the justification for the taxes;
- 2) the amount of income received from these taxes for the last four years;
- 3) the percentage of total revenue represented by estate taxes;
- 4) the amount of estate tax revenue collected by Alaska from residents and non-residents; and
- 5) the hardships that may result from estate taxes.

Justification for Estate Taxes

Estate taxes originated with the Populist political movement in the United States; the goal was to reduce certain excise taxes by taxing the wealthy. The federal government has levied a tax on the transfer of wealth at death continuously since 1916.

The primary reasons Congress passed the estate tax in 1916 were:

- 1) redistribution of wealth by breaking up large concentrations of wealth at the time of death; and
- 2) raising additional revenue for the federal government.

Another justification for estate taxes is that the appreciation in value that occurs between the time property is acquired and a person's death is income which normally escapes income taxation; estate taxes recoup part of this loss.

Representative Mae Tischer
May 10, 1983
Page Two

Following its imposition, individuals avoided the new estate tax by giving away large portions of their wealth prior to their death. Consequently, Congress has imposed a gift tax since 1932. The gift tax rate was substantially less than the estate tax rate until the two were unified by the Tax Reform Act of 1976.

The justifications for state estate taxes are the same as for federal estate taxes. However, according to Mr. Joe Donohue, Deputy Commissioner of Revenue, Alaska has the additional justification that its tax brings in revenue to the State without increasing the tax liability of an estate. Mr. Donohue explained that Alaska's estate taxes are credited, dollar for dollar, against the taxes that would otherwise be paid to the federal government. Therefore, until federal estate tax law is changed, a reduction in Alaska's estate taxes will not present a savings to the estate but only increase the revenues paid to the federal government.

Estate Tax Revenues

The amount and number of State estate tax collections, their percentage of total State revenue, and the amount of State revenues are listed below in Table 1. In fiscal year 1982, 325 estates filed tax returns with the Department of Revenue; 317 (86 percent) of the filed returns received a certificate of non-tax liability while 52 (14 percent) had taxes to pay. The estate tax revenues received in 1982 are not directly related to the 1982 returns because estates have 15 months to make their payments and are frequently granted 10-15 year extensions. Estate taxes during the period 1978-1982 have always been substantially less than one-half of one percent of the State's total unrestricted revenues.

Table 1
State Estate Taxes and Unrestricted State Revenues -- FY1978-1982

	1982	1981	1980	1979	1978
# of State Estate Tax Returns*	325	369	382	407	334
# of Paying Returns* †	52	42	N/A	57	55
State Estate Taxes Collected	\$334,676	\$453,492	\$197,592	\$136,685	\$244,143
State Unrestricted Revenues(\$millions)	\$4,108.4	\$3,718.2	\$2,501.2	\$1,133.0	\$764.9
Estate Taxes as a % of State Revenues	.008%	.012%	.008%	.012%	.032%

* These figures are for calender years and are based on the number of certificates issued for tax and non-tax liability.

† Eighty to ninety percent of state estate tax returns result in the the Department of Revenue issuing certificates of non-tax liability; those returns which actually impose State estate tax liability are listed in this column.

According to Ms. Eloise Herrick of the Department of Revenue, State estate tax records do not break down the revenues collected by residency status. However, Ms. Herrick stated that in her opinion, very little revenue is collected from non-residents. A more accurate determination of how much money was collected from residents and non-residents would require corrolating the revenues received with individual returns and reviewing each individual return to determine residency status; because this would require substantial time and effort, we have not pursued this information at this time.

Table 2 below illustrates the number of federal estate tax returns and the revenues collected by the federal government from both Alaska and the nation. The table also shows the percentage of total federal revenue represented by estate taxes. For example, in federal fiscal year 1982, 159 estate tax returns were filed with the federal government from Alaska and 134,965 were filed nationally. The federal government collected approximately three million dollars in estate taxes from Alaskans and eight billion dollars nationally in 1982. Estate taxes contributed 1.3 percent of the total federal revenue received in 1982.

Table 2

Federal Estate Taxes -- Federal FY1978-1982

(\$ in thousands)

	1982	1981	1980	1979	1978
# of Alaska Federal Estate Tax Returns	159	152	145	156	129
Total # of Estate Tax Returns Filed	134,965	145,617	148,228	159,404	160,152
Estate Taxes Paid by Alaskans	\$3,081	\$2,097	\$2,285	\$2,689	\$2,412
Total Estate Taxes Paid	\$8,035,335	\$6,694,541	\$6,282,247	\$5,344,176	\$5,242,080
Estate Taxes as a % of Total Revenue	1.3%	1.1%	1.2%	1.2%	1.3%
Total Federal Revenue	\$626.8* (bil.)	\$599.2 (bil.)	\$517.1 (bil.)	\$463.3 (bil.)	\$399.6 (bil.)

* Estimate

Federal gift taxes, because they were created to stop estate tax avoidance, are often evaluated in conjunction with federal estate taxes. Table 3 presents information on federal gift taxes. As Table 3 illustrates, gift taxes add relatively little to federal revenue collections.

Table 3

Federal Gift and Estate Taxes and Total Revenues -- 1978-1982

(\$ in thousands)

	1982	1981	1980	1979	1978
# of Alaska Gift Tax Returns	98	252	252	260	193
Total # of Gift Tax Returns Filed	99,533	198,620	215,983	201,785	195,194
Gift Taxes Paid by Alaskans	\$37	\$15	\$66	\$117	\$60
Total Gift Taxes Paid	\$108,038	\$215,745	\$216,134	\$174,899	\$139,419
Total Gift Taxes as a % of Total Revenue	.02%	.04%	.04%	.04%	.03%
Total Federal Revenue	\$626.8* (bil.)	\$599.3 (bil.)	\$517.1 (bil.)	\$463.3 (bil.)	\$399.6 (bil.)

* Estimate

Hardship Cases

Information regarding the frequency of cases in which a family must sell everything to pay estate taxes is not readily available. Large real estate holdings, such as farms, pose the most common hardships; families have reportedly been required to sell farms to pay estate taxes. However, due to the urgency of completing this request, we have not been able to provide a substantive response to this question. Please let us know if you would like additional research performed on this issue.

Several changes to federal tax laws have attempted to reduce the hardships that may result from estate taxes. The Tax Reform Act of 1976 made the following changes:

- increased the value of estates which can escape taxation from \$60,000 to \$175,000;

Representative Mae Tischer
May 10, 1983
Page Six

- allowed farms and other closely held businesses to be valued at less than fair market value; and
- increased marital deductions.

The Economic Recovery Tax Act of 1981 also attempted to reduce hardships by:

- further increasing the value of estates exempt from taxation to \$600,000;
- increasing the amount by which farms and closely held businesses can be undervalued; and
- allowing for unlimited transfers of property among spouses.

Furthermore, the 1981 Act extended the payment period for certain estate taxes to 15 years, and lowered the tax rates from a maximum of 70 to 50 percent.

* * * * *

We hope this information is helpful to you. Please let us know if you would like us to do any additional research.

LS

I. REQUEST

Bill/Resolution No: HB 388
 Title: Repeal of state estate tax.
 Sponsor: Tischer
 Requestor: Judiciary Committee

II. FISCAL DETAIL

Agency Affected: Revenue
 Program Category Affected: _____
 BRU, Program of Subprogram(s) Affected: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
OPERATING						
100 PERSONAL SERVICES	-	-	-	-	-	-
200 TRAVEL	-	-	-	-	-	-
300 CONTRACTUAL	-	-	-	-	-	-
400 COMMODITIES	-	-	-	-	-	-
500 EQUIPMENT	-	-	-	-	-	-
600 LANDS & STRUCTURES	-	-	-	-	-	-
700 GRANTS, CLAIMS, ETC.	-	-	-	-	-	-
TOTAL OPERATING	-	-	-	-	-	-
CAPITAL	-	-	-	-	-	-
REVENUE	-	(300.0)	(300.0)	(300.0)	-	-

FUNDING: (Thousands of Dollars)

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

POSITIONS:

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

III. SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

The repeal of AS 43.31 would reduce general fund tax receipts by approximately \$300,000 per year based on past the five-year average. However, there would be no reduction in the tax paid by the estate. The repeal would only result in the tax being paid to the Federal Government rather than the Department of Revenue.

IV. ANALYSIS: Attach a separate page for any Analysis.

Prepared By: Robert W. Elliott
 Division: Revenue - Research

Phone: 465-2173
 Date: 5/12/83

Approved by Commissioner: Joseph J. Donohue
 Department: Revenue

Date: _____

Distribution:

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- Copy to Sponsor
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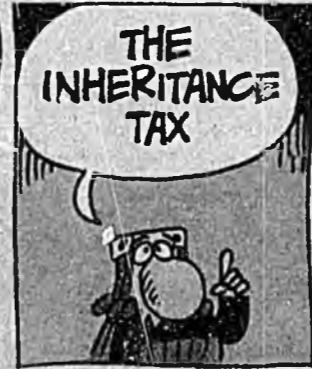
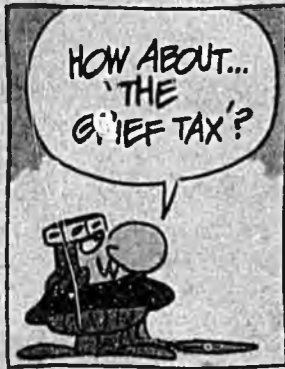
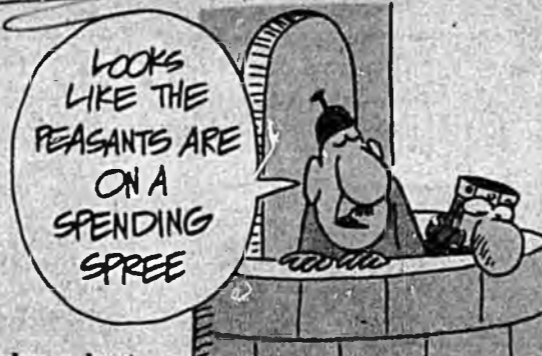
IV. Analysis

None of AS 13.16.610 should be repealed as there still is an apportionment of federal estate taxes required.

HB 388 file

WIZARD OF ID

by Brant parker and Johnny hart



HB

402



POUCH V
JUNEAU, ALASKA 99811
(907) 465-4990

Alaska State Legislature
HOUSE OF REPRESENTATIVES

REPRESENTATIVE
CHARLIE BUSSELL
CHAIRMAN

Committee on Judiciary

HB 402
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Department of Public Safety.

MEMBERS:
REP. JOHN LISKA, VICE CHAIRMAN; REP. RAMONA BARNES, EMERITUS;
REP. JOE HAYES; REP. HUGH MALONE; REP. DON CLOCKSIN; REP. RON WENDTE

STATE OF ALASKA
THE LEGISLATURE

POUCH Y STATE CAPITOL
JUNEAU, ALASKA 99811
907 465 3800


LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

January 13, 1984

SUBJECT: Sectional Analysis of House Bill 402

TO: Representative Charlie Bussell
Chairman, House Judiciary Committee

FROM:  Russ Josephson
Legislative Counsel

You have asked for a sectional analysis of HB 402. The analysis is as follows:

Section 1. Section 1 of the bill requires the Department of Public Safety to request from another state the records of a person previously licensed in that state and now applying for a driver's license in this state. Presently, if a driver has been licensed elsewhere previously the department may request the records, but it is not required to do so. Section 1 also clarifies that the driver's record from the other state becomes a part of the driver's record in this state. (See Section 3.)

Section 2. This section amends the existing statutory provision that a driver's license expires on the licensee's date of birth in the fifth year following the issuance of the license. With this amendment, expiration would be a year earlier, in the fourth year.

Section 3. Section 3 is a new section of law. It requires the Department of Public Safety to examine the record of a person applying for a license in this state, to make note of any offenses in other states with elements substantially similar to those of offenses in this state for which points are assigned, and to assign the person points on the person's record in this state, accordingly. Further, the department must follow the procedures it would follow for a driver who accumulated points in this state, including notifying the driver if the driver is determined to be a problem driver under AS 28.35.231(a), or declaring the applicant unqualified for a driver's license, as

appropriate. In addition, section 3 requires the department to treat offenses committed in another state by a driver licensed in this state as if the offenses had been committed in this state. This is done by assigning points to the driver's record in this state for offenses committed in another state when those offenses have elements substantially similar to the elements of offenses in this state for which points are assigned.

Section 4. This section amends an existing provision that allows the Department of Public Safety to maintain certain files. With this amendment, the department would be required to maintain a file of all accident reports, abstracts of court records of convictions of vehicle, driver, and traffic offenses, and other information which the department considers necessary to carry out the purposes of the motor vehicle statutes.

Section 5. Section 5 amends existing law that allows the Department of Public Safety to send to another state the records of a person licensed in that other state when the person has been convicted of a motor vehicle-related offense or has lost the driving privilege in this state. The amendment would require the department to send the record to the other state.

Section 6. This section increases the fees for drivers' ~~licenses~~ and permits.

RJ:lmb
L3/081

SECTIONAL ANALYSIS OF
HOUSE BILL NO. 402

BY REP. ABOOD

"AN ACT RELATING TO DRIVERS' LICENSES AND RECORDS"

It has become imperative that the State of Alaska identify the problem driver before he is a menace on the highways. This bill is designed to assure driver's license information reciprocity with all other States; that when issuing a driver's license to an individual from a previous jurisdiction, (an out-of-state individual who moves to Alaska), that the driving records of that individual are verified by the preceding jurisdictions at the request of the Department of Public Safety, State of Alaska to pinpoint possible problem drivers. This bill also changes duration of an Alaskan driver's license from 5 to four years, and shortens the "grace period" allowed to renew an expired license. Further, it clarifies the awarding of "points" for previous driving offenses to an individual from another jurisdiction requesting a license in the State of Alaska, and provides points to be awarded to the driver licensed in Alaska, when offenses are committed outside the jurisdiction of Alaska.

SECTION 1 - AS 28.15.061 (c):

When an application is received from an individual previously licensed in another jurisdiction, the department would now be required to request a copy of the applicant's driving record from the previous jurisdiction(s). (The Department should routinely send back to the issuing states all licenses received from the applicants obtaining Alaska licenses, with a request for forwarding the driving records of the applicant.) It then becomes a part of the driver's record, if the violations from the previous jurisdiction(s) have "similar elements" to those of Alaska law. (See AS 28.15.116) At the present time, the only time driving records are requested from other jurisdictions is when the individual's license has been suspended or revoked. The Department must take the person's word for his previous actions.

The DLC (Drivers License Compact) is a formal interstate agreement, requiring legislative enactment which attempts to regulate only those aspects of driver licensing law which relate to the "one license concept, the one record concept and reciprocity in sharing and acting upon information regarding interstate traffic offenders". Thirty states are now participating in this formal interstate agreement. Although Alaska is not a member of this Compact, most of the 49 other states give driver's license record information readily. In effect, this bill would enact the same legislation that would occur if Alaska entered into the DLC.

Currently, the Federal Government is in the process of updating an on-line computer system known as NDR, (National Driver Register), and it should be functional by 1986. Alaska participated in this system until last year because of funding cutbacks. Any state issuing a license can send an inquiry to this system to determine if that person's driving privileges were withdrawn in another state. At the present time, the inquiry and response are via mail. (See Section 6 relating to "FEES".) Fiscal consideration should be given to additional staffing in the Juneau office to maintain records properly; for the driver improvement program and field office screening, staffing is also required.

SECTION 2 - AS 28.15.101 (a) - EXPIRATION OF LICENSE:

Commissioner Sundberg has recommended that an Alaska Driver's License should expire four (4) years after issuance, (versus the current 5 year expiration date), and that the one year grace period should be changed to a 90 day grace period. A majority of states now carry a 4 year expiration date on driver's licenses. Alaska is the only state carrying a 5 year expiration date.

SECTION 3 - AS 28.15.116 - EFFECTS OF VIOLATIONS IN OTHER STATES:

The Alaska Statutes become contradictory of each other when referring to AS 28.15.221 (a), (violation is counted in Alaska only if it applies to Alaska State Law), and AS 28.15.061 (c), (which states that all violations transfer to Alaska when an individual applies for an Alaska State Driver's License from another jurisdiction). Currently, the problem arises when comparing Alaska laws to the laws of other jurisdictions.

This new section requires that the Department assign points to the applicant's record for offenses committed in other states with laws similar to those of Alaska. If it is determined that the applicant is a "problem driver", (that is, has 50% of the points allowed), this section requires the applicant may be required to appear for a driver improvement interview. The Department may disqualify the applicant if the information from the other jurisdictions proves that the level of points awarded exceeds the maximum allowed. (See AS 28.15.221 (b) - 12 or more points awarded in a 12 month consecutive period, or 18 or more points awarded during any 24 month period.) If the information received from the previous jurisdiction(s) after issuance of a license is unfavorable, the Department can then cancel the license.

When an individual licensed in Alaska violates a traffic law in another jurisdiction, that violation becomes part of his Alaska driving record if the violation has "similar elements" to that of Alaska State Law.

SECTION 4 - Files:

The Department is required to maintain a file of all accident reports, etc. and all other information that the Department considers necessary to carry out the driver's license statute requirements.

SECTION 5 - AS 28.15.171 (b) - Out-of-State Drivers:

If the Department receives a record of the conviction of a person licensed in another jurisdiction, (another state), the department is required to forward the records to the motor vehicle administrator for the jurisdiction in which the person convicted has his license. This corresponds with AS 28.15.160 (b).

SECTION 6 - AS 28.15.271 (1) - FEES:

License fees are to be increased as follows:

All classes of driver's license:	from \$5 to \$10 (5 year to 4 year)
Motor-driven cycles:	from \$2 to \$10 (5 year to 4 year)
Instruction Permit:	from \$1 to \$3
Duplicate Driver's License	from \$2 to \$3
Temporary license & renewal of permit:	from \$1 to \$3
School bus driver's permit:	from \$2 to \$3

The increase in fees outlined in Section 6 of the bill will approximately double the revenue to the state for issuance of driver licenses. These increases in fees have been recommended by Commissioner Sundberg. It is felt that although the fees go directly into the General Fund, the fiscal impact of new positions to facilitate the implementation of the above will be offset by the increase in fees. If the new fee schedule went into effect July 1, 1984, it is perceived the revenue would increase an additional \$404.7 in FY85. The projected increase for FY86, FY87, and FY88 is based on an assumption of a driving population increase of 4% annually.

FY89 will be the first year any increase in revenue will be realized as a result of Section 2 of the bill, which changes license validation period from five years to four years.

This legislation will strengthen driver's licensing procedures which are of great value in keeping dangerous and unqualified drivers off Alaska Highways.

1/13/84

The Driver License Compact was made possible by the Beamer Resolution (Public Law 85-684) adopted by the United States Congress in 1958. That resolution noted the problems and the need for cooperative effort on the part of the states, and it provided advance consent to state action in the following terms:

Resolved ... that the consent of Congress is hereby given to any two or more of the several states to enter into agreements or compacts -

2

- (1) for cooperative effort and mutual assistance in the establishment and carrying out of traffic safety programs ... and
- (2) for the establishment of such agencies, joint or otherwise, as they deem desirable for the establishment and carrying out of such traffic safety programs.

The first major response to the Beamer Resolution came in 1960 when The Council of State Governments started work on what would become the Driver License Compact. The work was begun following resolutions of the Western Interstate Committee on Highway Policy Problems and the Western Governors' Conference's urging that such an agreement be developed. The Council convened an interstate group which included representatives from a variety of governmental and private interests to be responsible for drafting the agreement. State motor vehicle administrators and the American Association of Motor Vehicle Administrators cooperated closely in the drafting of the compact. The Interstate Compact committee of the National Conference of Commissioners on Uniform State Laws and representatives of major national organizations active in highway safety matters assisted in the effort by commenting on successive drafts of the agreement. Legislators from a variety of states also were involved intimately in the compact drafting process. The fruit of these efforts was the Driver License Compact, which was offered to the states for legislative enactment in early 1961. It has now been adopted by thirty states.

The Compact seeks to obtain cooperation among the states in the exchange of driver offense information as a means of aiding driver enforcement programs and in reducing accidents. The agreement is directed toward the exchange of information about certain serious offenses. It also encourages procedural uniformity in state handling of license revocations and other processes involving offenses in states other than the licensing state. Specifically, the compact aims to help accomplish three major objectives:

- Implementation of the "one license concept";
- Implementation of the one record concept;
- Insure uniform and predictable treatment of drivers regardless of state of residence.

Implementation of the "One License Concept"

Nationwide Implementation of the "One License Concept"

The goal is to prevent individual drivers from obtaining multiple licenses from different states and to prevent the use of such multiple licenses to retain driving privileges despite conduct and convictions warranting revocation or suspension. Under the Compact, an individual is allowed to have only one license at any particular time. That license is to be issued and controlled by the state in which the driver resides. Any driving which that driver wishes to do in another state is to be based upon his home state license. Under the Compact such a driver is not eligible to receive a license from another state until his existing license is surrendered.

Implementation of the "One Record Concept"

This second major goal of the DLC is to insure that an individual's entire driving record, including offenses in all states in which he has driven, is used to determine his driving eligibility in his home state and all other states. Ideally this complete driving record would follow the driver from state-to-state. It would be used by all states to determine his driving eligibility when he applies for a license and his continued eligibility during licensure. Under the Compact, a driver's complete driving record (including offenses in all party states) would be on file in his home state. It would accompany him if he moved to another state.

Uniformity of Treatment

The DLC also seeks to insure uniform and predictable treatment of drivers convicted of serious traffic offenses wherever the offense and conviction occurs. The philosophy behind the DLC provisions is that a driver's license should be suspended, revoked, or limited if his driving conduct in another state was such that if it had occurred in the state of his residence it would have called for suspension, revocation, or limitation. However, the Compact drafters were concerned about the varying definitions of offenses and the varying administration of traffic laws among the states. Accordingly, the mandatory language of the Compact is limited to convictions of driving conduct universally recognized to be extremely serious. Those offenses specified in the Compact are (1) manslaughter or negligent homicide, (2) driving while intoxicated, (3) conviction of a felony in which a motor vehicle was used, and (4) conviction of failure to stop and render aid in an accident resulting in death or personal injury. It is important to note that the action taken pursuant to the Compact would be taken by the driver's own home state officials. It would be based upon home state law and not on the laws and policies of the state where the offense(s) occurred. The state where an offense occurred could take unilateral action against the foreign driver's right to drive there, but action against the home state privileges would remain the responsibility of the home state.

MEMBERSHIP AND REACTION TO DLC

Figure 1 shows the geographical distribution of DLC states. It is evident that all the western states are members except Alaska. After that, with the exception of small clusters of non-compact members, there does not appear to be a strong geographical pattern.

The thirty states ¹ which are currently parties to the DLC are:

Alabama (1966)	Indiana (1967)	New Mexico (1963)
Arizona (1963)	Iowa (1965)	New York (1965)
Arkansas (1969)	Kansas (1965)	Oklahoma (1967)
California (1963)	Louisiana (1968)	Oregon (1963)
Colorado (1965)	Maine (1963)	Tennessee (1965)
Delaware (1964)	Mississippi (1962)	Utah (1965)
Florida (1967)	Montana (1963)	Virginia (1963)
Hawaii (1971)	Nebraska (1963)	Washington (1963)
Idaho (1963)	Nevada (1961)	West Virginia (1971)
Illinois (1963)	New Jersey (1966)	Wyoming (1977)

Reaction to and support of the DLC since its promulgation in 1961 has been favorable. Organizations which have endorsed the Compact include the American Association of Motor Vehicle Administrators (AAMVA), The Council of State Governments and various of the regional Governors' Conferences, the Highway Users Federation, the International Association of Chiefs of Police, and the President's Committee for Traffic Safety. Criticisms of the Compact will be discussed in detail in this report. The position of the U. S. Department of Transportation in the past has been that "each state enact or comply" with the DLC, which may be termed an endorsement of the DLC goals if not an endorsement of the specific mechanism. Support for the DLC among the states is evidenced not only by the endorsements of organizations representing state officials, but also by the fact that 60 percent of the states have enacted the Compact. The party states also contain approximately 60 percent of the nation's driving population. One important conclusion of this study is that whatever opposition arose to the DLC may have been due principally to lack of information and failure of communication rather than to substantive opposition to its principles. This conclusion will be considered in detail later in this report.

¹ The year each state adopted the Compact is shown in parenthesis.

STATE OF ALASKA

BILL STEFFIELD, GOVERNOR

**DEPARTMENT OF PUBLIC SAFETY
OFFICE OF THE COMMISSIONER**

POUCH N
JUNEAU, ALASKA 99811
PHONE: 465-4322

February 4, 1983

The Honorable Mitch Abood
Representative
Alaska State Legislature
Pouch V
Juneau, AK 99811

Dear Representative Abood:

In response to your comments of January 19, 1983, attached is a memorandum from Robert J. Rowan, Director of the Division of Motor Vehicles concerning reciprocal agreements.

Even though you did not make a specific request for this information at the time, you did raise my curiosity.

I hope this information is of some value to you.

Sincerely,


Robert J. Sundberg
Commissioner

Attachment: a/s

RECEIVED
FEB 8 1983

MEMORANDUM

State of Alaska

DEPARTMENT OF PUBLIC SAFETY
COMMISSIONER'S OFFICE
Juneau, Alaska

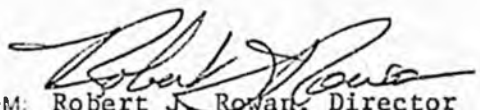
TO: Robert J. Sundberg
Commissioner
Department of Public Safety

DATE: February 1, 1983

FEB 02 1983

FILE NO:

TELEPHONE NO: 269-5554

FROM: 
Robert J. Rowan, Director
Division of Motor Vehicles
Department of Public Safety

SUBJECT: Reciprocal Agreements
Driver's License Records

This replies to your January 25, 1983 memorandum regarding Representative Abood's interest in this subject. I hope the following information answers your questions.

Alaska does not have reciprocal agreements with any other state which would require that state to send us a driving record when an individual possessing a driver's license from that state becomes licensed in Alaska, or vice-versa. Alaska Statute 28.05.021 states, in part, "Compacts or agreements affecting state finances or driving privileges must be approved by adoption of a concurrent resolution approved by a majority vote of each house of the legislature before it becomes effective." Normally this type of agreement is a working arrangement between the state motor vehicle administrators, and there is no formal agreement.

It is generally the policy of the majority of states to automatically send a driving record to the new licensing state upon receipt of the surrendered license. Example: If a person with an Oregon license received an Alaska license, we require surrender of the Oregon license. If we returned that license to Oregon, they would send the driving record for that individual to Alaska.

We currently require the surrender of any out-of-state license, however we do not return it to the state of issue. We currently don't have the manpower to reciprocate, nor to enter any driving record returned.

Also AS 28.15.221(a), as written, prohibits point assignment for any conviction which is not in violation of an Alaska statute, regulation, or municipal ordinance. This section is in direct conflict with AS 28.15.061(c), which reflects that upon receipt of a driving record from another state it becomes a part of the driver's record in this state with the same effect as if the record originated in this state. A request to review AS 28.15.221(a), with recommended change, accompanies the bill analysis and fiscal note to HB-6 and SB-61.

If AS 28.15.221(a) were amended and we had sufficient manpower, we could return surrendered licenses to the state of issuance and enter any records received from that state. I believe the majority of

states would begin to reciprocate immediately if we agreed to send them driving records for individuals with an Alaska license who surrendered same upon becoming licensed in that state. At the present time we receive numerous Alaska licenses surrendered to other states, however we do not return a driving record due to insufficient manpower to handle this function. Whether or not Alaska had a law making it mandatory that other states send us driving records upon the return of one of their licenses, it would not increase the number of participating states.

There is one exception to reciprocity with other states. At the present time, if an individual with an Alaska license is involved in an accident in another state, and that state suspends the license, we reciprocate, and vice-versa.

At the present time, a law enforcement officer and/or DMV can send an inquiry via NLETS (National Law Enforcement Teletype System) to any state and determine an individual's license status. Most states have such inquiries computerized, therefore the response is generally within a reasonable time frame. We use this when an applicant gives us a YES answer to the question "Has your license ever been suspended, revoked, denied or cancelled?"

The Federal Government operates a system called the NDR (National Driver Register). This is a batch computer system in which several states send notices whenever any driver's license is suspended or revoked in their state. (Alaska participated in the NDR by advising them of all license actions until this fiscal year when we discontinued doing so because of funding cutbacks.) Then any state issuing an original license can send an inquiry to the NDR to determine if that person's driving privileges were withdrawn in another state. Such an inquiry and the response is via mail. The Federal Government is in the process of updating the NDR, and plan on implementing an on-line computer system by 1986. At that time all of our terminal offices will be able to see if the applicant is suspended anywhere.

Thirty states are parties to an interstate compact known as the Drivers License Compact (DLC). The DLC is a formal interstate agreement which attempts to regulate only those aspects of driver licensing law which relate to the one license concept, the one record concept, and reciprocity in sharing and acting upon information regarding interstate traffic offenders. The DLC does require legislative enactment. The last state to do so was Wyoming in 1977. Even though some states are not members of the DLC, they still reciprocate in regard to driving violations.

Alaska State Legislature

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HOUSE MAJORITY WHIP

CHAIRMAN
STATE AFFAIRS

MEMBER
TRANSPORTATION
LEGISLATIVE COUNCIL

Representative Mitch Abood
HOUSE DISTRICT 11

MEMORANDUM

TO: Commissioner Robert Sundberg
Department of Public Safety

FROM: Representative Mitch Abood *Mitch*

RE: DRIVING RECORD RECIPROCITY

DATE: April 13, 1983

The following are some comments are based on some research that has been done on the issue referenced above. I have also enclosed a copy of the Bill Draft on Driver's Licenses. Please review the following and call me with your comments.

AS 28.15.061 (c)

"When an application is received from a person previously licensed in another jurisdiction, the department may request a copy of the applicant's driving record from the other jurisdiction. Upon receipt of that record by the department, it becomes a part of the driver's record in this state with the same effect as if the record originated in this state."

In this case, MAY should be changed to SHALL.

At the present time, when an out-of-state driver applies for an Alaska State Driver's license, the Department of Licensing simply throws away the out-of-state license, rather than returning it to the State of origination. According to Bill Brown, Chief of Driver Services, Department of Public Safety in Juneau, Alaska, it would require manpower that is not presently available because of lack of funding to automatically track all out-of-state driver's records when they apply to the State of Alaska for a driver's license.

However, every state in the nation has an NCIC (National Crime Information Center) computer system that can send driver information intrastate, and the cost for using this system remains the same whether you request 5 driver's records or 5,000 per month. Ordinarily, the State of Alaska requests driver's information by mail, but the NCIC system would speed up the process of processing all out-of-state driver information in a timely and cost-effective manner. Also, according to Robert J. Rowan, Director, Division of Motor Vehicles, Department of Public Safety, a law enforcement officer and/or DMV can send an inquiry via NLETS, (National Law Enforcement Teletype System), to any state and determine an individual's license status. Most states have such inquiries computerized, so the response time is pretty reasonable.

Alaska participated in the NDR (National Driver Register) batch computer system that sends notices to several states whenever a driver's license has been suspended, or revoked in their state. Any state issuing an original license can send a request into NDR to review that person's driving history. The inquiry and response are via mail. The Federal Government is planning an on-line computer system by 1986.

The DLC (Drivers License Compact) is a formal interstate agreement, not requiring legislative enactment which attempts to regulate only those aspects of driver licensing law which relate to the "one license concept, the one record concept and reciprocity in sharing and acting upon information regarding interstate traffic offenders." Thirty states are now participating in this formal interstate agreement, but a state does not necessarily need to become a member to participate. As a further note, Alaska cancelled their participation in this system last year because of funding cutbacks.

At the present time, the only time driving records are requested is when an individual's license has been suspended or revoked by another state/jurisdiction. The Department of Licensing takes the individual's word for his previous actions. Reference an individual who is charged with drunk driving, or an habitual violator of driving laws in another jurisdiction. At the present time, this particular individual can lie about his previous record, and state that he/she has lost their license. They will be required to take a written test and an actual on-the-road driving test, but neither of these tests can prove that the individual in question was a danger to the highways.

This issue of driving record reciprocity brings up a number of issues: -

In researching various drivers license figures, the State of Alaska is the only state in the nation to renew driver's licenses on a 5 year period - all the rest of the states in the US re-issue licenses on a 2 to 4 year basis. Alaska State law could be changed to require an individual to renew their license at least once every 3 to 4 years. If it is a question of funding, the State should charge an additional \$3.00 or so, (or whatever it takes) to assure adequate staffing for the Department. I am checking into this with the Department.

At the present time, if the Department of Licensing discovers that the out-of-state individual who has applied for an Alaska State license is

guilty of violations and/or has had his/her license suspended/revoked, the Department then notifies the individual who has been accused and the individual has 30 days to appeal the decision with the jurisdiction holding the driving records. (AS 28.15.031 (1) to (8)).

As an additional recommendation to amend the current Alaska Statutes, the Department of Licensing could, after requesting and receiving a copy of the out-of-state applicant's driving record, mail the new Alaska license to the licensee, rather than issuing the license immediately as the applicant applies for his license. The applicant should be issued a temporary license for a period of 30 days, (Nevada and Washington works on this method), until his driving record could be reviewed, and if violations shown are 50% of accumulated points allowed for a year's period, this person would be identified as a "problem driver", and would be required to appear for a driver improvement interview before the license would be issued (See AS 28.15.221 (b) referencing Point System).

The Alaska Statutes become contradictory of each other when referring to AS 28.15.221 (violation is counted in Alaska State only if it applies to Alaska State Law), and AS 28.15.191, and AS 28.15.061(c), which states that all the violations automatically transfer to Alaska State when an individual applies for an Alaska State driver's license from another jurisdiction. If AS 28.15.061 (c) were changed to reflect that all driving records should be forwarded to the new state of issue, then points should be "awarded automatically" from a previous jurisdiction's violations. The problem arises when comparing Alaska State laws to the laws of the jurisdiction in question - what if (for example), Mississippi has a law that says that you may not make a right hand turn on a red light after stopping? The Mississippi driver who has a violation for this offense applies for an Alaska Driver's license - Alaska laws allow for a driver to make a right hand turn on a red light after stopping. Would this person's violation continue to be on record in Alaska, even though Alaska law allows for turning right on a red after stopping? At the present time, the law is contradictory.

Ultimately, there should be instituted into Federal law a rule that all states comply to driver's record reciprocity. This issue goes hand in hand with the drunk driving issue so prominent at this time. I believe the Barnes Law will have some effect on this.

One item that has not been covered by the draft of this Bill is that of reciprocating the driver's license information to other states when another jurisdiction has notified Alaska that they are licensing an individual previously licensed in Alaska. If the NDR system were used nationwide, this would automatically be in effect.

Please give me a call when you have had a chance to review the above information.

cc: Robert J. Rowan
Deputy Commissioner
Department of Public Safety

DEPARTMENT OF PUBLIC SAFETY

POSITION PAPER - HB 402

Support

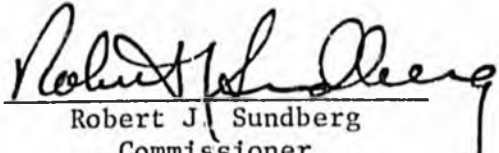
January 16, 1984

HB 402, An Act relating to drivers' licenses and records.

The department supports this piece of legislation, with the condition the fiscal note is approved to enable us to handle the increase in workload.

Basically what this bill does is bring Alaska in line with the majority of the other states in regard to the exchange and use of driving record information.

Alaska has not, for some time, used out-of-state traffic convictions in an attempt to identify drivers who have the greatest likelihood of being in an accident so action can be taken that will hopefully cause these individuals to drive more safely. Out-of-state violations also have not been used to remove from the road, by cancellation of the drivers license, those who are ineligible, or who prove unable to improve their driving enough to assure a reasonable level of safety for others. This bill takes a large step in the direction of correcting those deficiencies, which are due partly to conflicts in the statutes, which this bill will correct, and partly due to funding shortages.


Robert J. Sundberg
Commissioner



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JUNEAU, ALASKA 99811
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Alaska State Legislature
HOUSE OF REPRESENTATIVES

REPRESENTATIVE
CHARLIE BUSSELL
CHAIRMAN

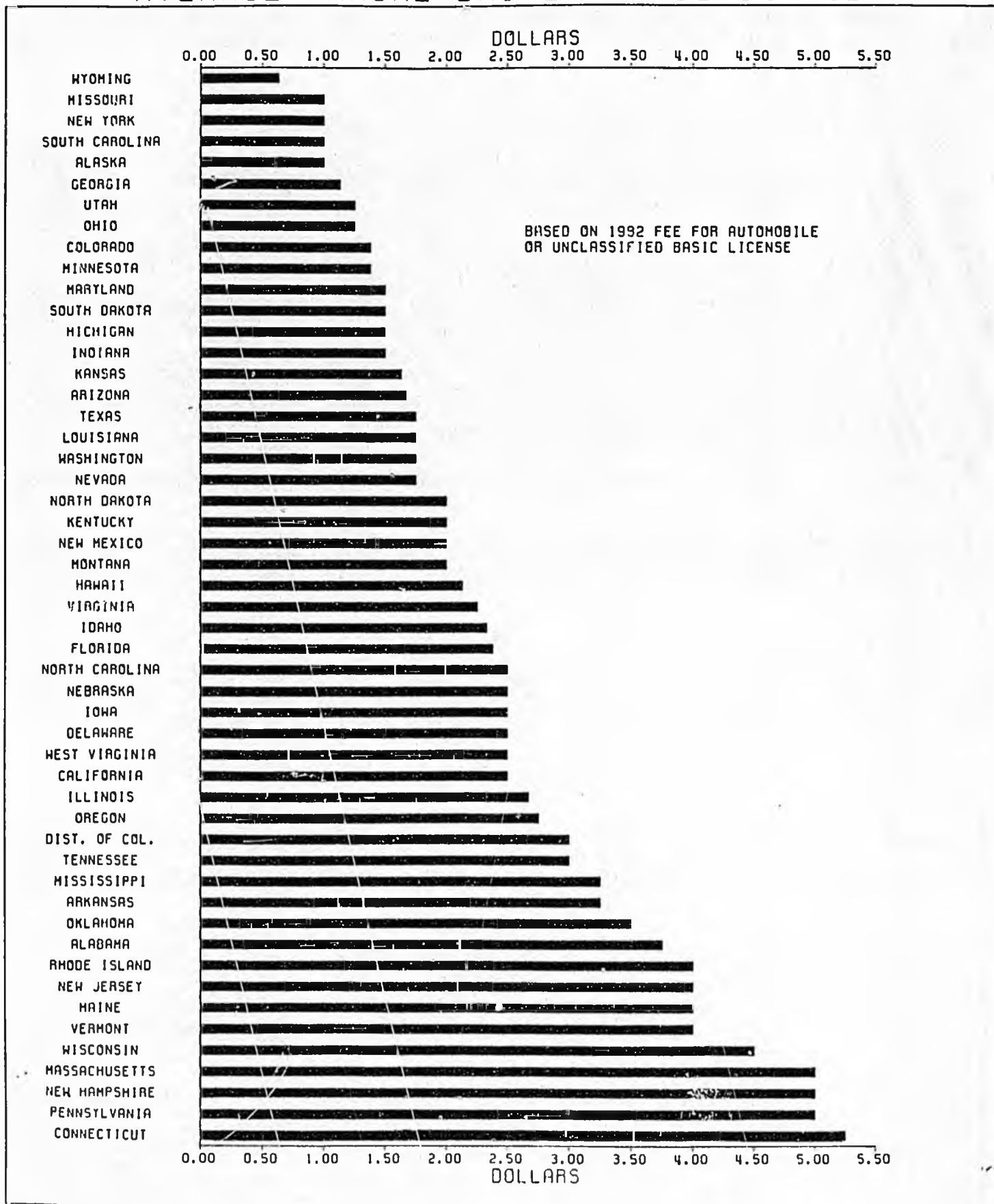
Committee on Judiciary

HB 402
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MEMBERS:
REP. JOHN LISKA, VICE CHAIRMAN; REP. RAMONA BARNES, EMERITUS;
REP. JOE HAYES; REP. HUGH MALONE; REP. DON CLOCKSIN; REP. RON WENDTE

AVERAGE ANNUAL DRIVERS LICENSE FEE



**SUMMARY OF REQUIREMENTS FOR OBTAINING A DRIVER
LICENSE FOR OPERATION OF A PRIVATE AUTOMOBILE**

STATE	LEARNER PERMIT		DRIVER LICENSE			
	MINIMUM AGE	FEE 1/	MINIMUM AGE	FEE 1/	TERM	RENEWAL DATE
Alabama	15	\$.50	16	\$15.00	4	Issuance
Alaska	17	1.00	16	5.00	5	Birthday
Arizona	15 yr. 7 mo.	2.00	16	5.00	3	Birthday
Arkansas	14	No Fee	16	13.00	4	Birth Month
California	15	10.00	16	10.00	4	Birthday
Colorado	15 1/2	5.50	16	5.50	4	Birthday
Connecticut	16	1.50	16	21.00	4	Birthday
Delaware	16	10.00	16	10.00	4	Birthday
Dist. of Col.	16	5.00	18	12.00	4	Issuance
Florida	15	9.50	16	9.50	4	Birthday
Georgia	15	1.50	16	4.50	4	Birthday
Hawaii	15	3.00	15	8.50	4	Birthday
Idaho	14	4.00	16	7.00	3	Birthday
Illinois	15	20.00	16	8.00	3	Birthday
Indiana	15	2.00	16	6.00	4	Birth Month
Iowa	14	3.00	16	10.0	4	Birthday
Kansas	14	.50	16	6.50	4	Birthday
Kentucky	16	.00	16	8.00	4	Birth Month
Louisiana	15	.00	15	7.00	4	Birthday
Maine	15	5.00	15	16.00	4	Birthday
Maryland	15 yr. 9 mo.	20.00	16	6.00	4	Birthday
Massachusetts	16	5.00	17	20.00	4	Birthday
Michigan	16	7.50	16	6.00	4	Birthday
Minnesota	15	2.50	16	5.50	4	Birthday
Mississippi	15	.50	15	13.00	4	Birth Month
Missouri	15	.25	16	3.00	3	Issuance
Montana	15	8.00	15	8.00	4	Birthday
Nebraska	14	3.00	16	10.00	4	Birthday
Nevada	15 1/2	9.00	16	7.00	4	Birthday
New Hampshire	15	No Fee	16	20.00	4	Birthday
New Jersey	16	5.00	17	8.00	2	Issuance
New Mexico	15	2.00	15	8.00	4	30 Days After Birthday
New York	16	5.00	17	4.00	4	Birthday
North Carolina	15	4.00	16	10.00	4	Birthday
North Dakota	14	8.00	16	8.00	4	Birthday
Ohio	16	3.00	16	5.00	4	Birthday
Oklahoma	15 1/2	9.00	16	7.00	2	Birth Month
Oregon	15	5.00	16	11.00	4	Birthday
Pennsylvania	16	5.00	17	20.00	4	Birth Month
Rhode Island	16	No Fee	16	8.00	2	Birthday
South Carolina	15	2.00	16	4.00	4	Birthday
South Dakota	14	6.00	16	6.00	4	Birthday
Tennessee	15	6.00	16	6.00	2	Birthday
Texas	15	2.00	16	7.00	4	Birthday
Utah	16	5.00	16	5.00	4	Birthday
Vermont	15	1.00	18	8.00	2	Birthday
Virginia	15 yr. 8 mo.	3.00	16	9.00	4	Birth Month
Washington	15	3.50	16	7.00	4	Birthday
West Virginia	16	4.00	16	10.00	4	Issuance
Wisconsin	14	10.00	16	9.00	2	Birthday
Wyoming	15	1.00	16	2.50	4	Birthday
American Samoa	16	1.00	16	7.00	3	Issuance
Guam	15	-	16	5.00	3	Birthday
Puerto Rico	16	5.00	16	5.00	4	Issuance
Virgin Islands	-	-	18	9.00	3	Birthday

1/ Examination fees not included.

STATE OF ALASKA 1984 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: 10-25-83

I. REQUEST
 Bill/Resolution No.: HB 402
 Title: ... drivers' licenses and records
 Sponsor: Abood
 Requestor: House Judiciary
 Date of Request: 1-12-84

II. FISCAL DETAIL
 Agency Affected: Public Safety
 Program Category Affected: Life & Prop.
 BRU, Program of Subprogram(s) Affected: Driver/Vehicle Services - Driver Services

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 84	FY 85	FY 86	FY 87	FY 88	FY 89
OPERATING						
100 PERSONAL SERVICES		102.1	108.2	114.7	121.6	128.9
200 TRAVEL		-	-	-	-	-
300 CONTRACTUAL		14.3	6.7	7.1	7.5	8.0
400 COMMODITIES		.4	.4	.5	.5	.5
500 EQUIPMENT		10.8	-	-	-	.4
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC						
TOTAL OPERATING		127.6	115.3	122.3	129.6	137.8
CAPITAL						
REVENUE		404.7	420.9	437.7	455.2	823.4

FUNDING: (Thousands of Dollars)

GENERAL FUND		127.6	115.3	122.3	129.6	137.8
FEDERAL FUNDS						
OTHER (Specify Source)						
TOTAL						

POSITIONS:

FULL-TIME		4	4	4	4	4
PART-TIME						
TEMPORARY						
TOTAL		4	4	4	4	4

III. SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

Through increase in driver license fees.

IV. ANALYSIS: Attach a separate page for any Analysis

Prepared By: Bill Brown Phone: 465-4335
 Division: Motor Vehicles Date: 10-25-83
 Approved by Commissioner: [Signature] Date: 11/25/83
 Department: Public Safety

Distribution:

- Original to Legislative Finance
- Copy to Office of Management and Budget (for Legislature introduced bills)
- Copy to Department (for Governor introduced bills)
- Copy to Sponsor
- Copy to Requestor (if different from Sponsor)

9/14/83

DETAIL:

100	Personal Services	(Salaries computed using 1983 salary schedule)	
	1 Document Processing Clerk II		
	Salary = \$19,176; Benefits = \$7,341	26.5	
	2 Document Processing Clerk I		
	Salary = \$36,240; Benefits = \$14,174	50.4	
	1 Clerk Typist II		
	Salary = \$18,120; Benefits = \$7,087	25.2	102.1
300	Contractual		
	310 - Postage	3.2	
	320 - Printing	.6	
	360 - Equipment Rental (One CRT)	8.0	
	382a - DP Chargeback (Programming & Maint)	2.5	14.3
400	Commodities		
	480 - Normal office supplies	.4	.4
500	Equipment		
	550 - Four typewriters @ \$1,369 each	5.5	
	Four chairs: 3 @ 206 & 1 @ 155	1.8	
	Four desks: 3 @ 568 & 1 @ 469	2.2	
	Two file cabinets: 1 @ 320 & 1 @ 259	.6	
	Six electrical panels	1.7	10.8
			TOTAL 127.6

REVENUE:

The increase in fees outlined in Section 6 of the bill will approximately double the revenue to the state for issuance of driver licenses. The FY85 budget projects FY85 revenue for license fees to be \$404.7. If the new fee schedule went into effect July 1, 1984, it is perceived the revenue would increase an additional \$404.7 in FY85. The projected increase for FY86, FY87 and FY88 is based on an assumption of a driving population increase of 4% annually.

FY89 will be the first year any increase in revenue will be realized as a result of Section 2 of the bill, which changes license validation period from five years to four years.

ASSUMPTIONS:

Effective date of July 1, 1984. Cost of living calculated at 6%.

GENERAL COMMENTS:

We have not, for some time, used out-of-state violations in an attempt to identify drivers who have the greatest likelihood of being in an accident so action could be taken that will hopefully cause these individuals to drive more safely. Out-of-state violations also have not been used to remove from the road, by cancellation of the drivers license, those who are ineligible or who prove unable to improve their driving enough to assure a reasonable level of safety for others.

This bill takes a large step in the direction of correcting those deficiencies with our present method of operation. Our present deficiencies are due partly to conflicts in the statutes, which this bill corrects, and partly due to funding shortages.

H B

404

Opinion

Governor's Bill Would Loosen Controls In Fish and Game Dept.'s Use of Poison

By JOE La ROCCA

JUNEAU — The Sheffield administration has quietly endorsed a controversial proposal to relax the use of poison to kill wild game animals, such as wolves, a proposition which has been consistently rejected by the legislature for nearly a decade.

The provision, which is buried deep within a 12-page bill introduced by the governor recently, would enable the boards of fisheries and game to promulgate regulations authorizing the use of poison to control wildlife population and predators.

Under existing law, the Dept. of Fish and Game cannot use poison to kill animals in Alaska unless it gets the written consent of either the board of fisheries or game for a specific, one-time application.

But the proposed legislation would give the department standing authority to use poison whenever and wherever it pleases, without consulting the boards.

The measure, House Bill

404, purports to be a housekeeping measure, designed merely to clarify and update the state's fish and game code.

For example, in his cover letter accompanying the bill, the governor told the legislature that the bill would "provide for the statutory clarification," and "correct some anomalies . . . by repealing outdated sections and clarifying ambiguities."

The governor added: "We have tried to eliminate all the controversial or unpopular provisions of versions of this bill introduced in earlier years."

But in fact, the bill — which the governor probably signed off on without reading — proposes a number of substantive changes in the fish and game code. The most egregious of them is the provision to relax controls on the use of poison for predator control and other purposes.

The current law, which has been on the books since 1968, was sponsored by former Gov. Jay Hammond, when he was a

member of the State Senate.

Prior to that time, the department had the same freedom to use poison for predator control which HB 404 now seeks to restore.

But because of controversy stemming from the use of poison to kill wolves in Southeast Alaska in order to protect diminishing blacktail deer herds here, then-Sen. Hammond pushed through the law now on the books prohibiting the use of poison without the explicit and written consent of what was then the Board of Fish and Game.

Ironically, during Hammond's second term in office, the Dept. of Fish and Game sought a bill similar to the one now pending which also masqueraded as a housekeeping bill making purely technical changes in the fish and game code.

But in fact, it proposed a number of substantive changes, including — without Hammond's knowledge or consent — the repeal of the clamp-down on the use of poison for predator

control authored by Hammond while he was in the Senate.

The cumulative effect of these proposed changes then, as now, was to increase dramatically the powers of the commissioner of fish and game, at the expense of the boards of fish and game.

The use of poison to control predatory species of fish and game is a legitimate management tool. But its use should be closely monitored by a broad range of decision makers.

Because of the powerful emotional impact its use gen-

erates, decisions to implement poison for predator control should not be left to the narrow discretion of fish and game specialists and technicians. Nor should it be used without public hearings each time its use is contemplated.

But under the bill introduced by the governor, both the broad decisional and public hearing processes would be circumvented. For these and other reasons, this unsavory provision in HB 404 should be killed, by poison or any other means at the legislature's disposal.

Bits
From
Bettye



By Sen. Bettye Fahrenkamp
Each year, as the session draws on and on, a ritualistic finger-pointing exercise ensues between the members of the

home is, another responsibility and concern of mine relates to the constant proliferation of regulations by the state govern-

State Publishes 1982 Mining Report

JUNEAU — A report summarizing mining activity in Alaska during 1982 has been released for public distribution.

penditures for exploration and development, and production statistics are reported.

The total value of 1982

Exploration expenditures, which are sensitive to general economic conditions, were predictably lower in 1982, falling

STATE OF ALASKA 1984 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: February 3, 1984

REQUEST

Bill/Resolution No.: CSSS HB 404
 Title: Miscellaneous amendments
regarding Fish and Game
 Sponsor: House Resources Comm
 Requestor: House Resources Comm
 Date of Request: Feb 3, 1984

FISCAL DETAIL

Agency Affected: Fish and Game
 Program Category Affected: NRMEC
 BRU, Program or Subprogram(s) Affected:
All

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 84	FY 85	FY 86	FY 87	FY 88	FY 89
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0
CAPITAL	0	0	0	0	0	0
REVENUE	0	0	0	0	0	0

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

ANALYSIS: Attach a separate page for analysis

Prepared By: Beverly Reaume

Phone: 465-4120

Division: Administration

Date: February 3, 1984

Approved by Commissioner: [Signature]

Date: Feb 3 1984

Agency: Department of Fish and Game

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- impacted Agency(ies)

12/1/83

STATE OF ALASKA 1984 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

REQUEST

Bill/Resolution No.: CSSSHR404(RFS)
 Title: Misc. Amendments regarding
Fish & Game
 Sponsor: House Resources
 Requestor: House Judiciary
 Date of Request: 2-14-84

FISCAL DETAIL

Agency Affected: Public Safety
 Program Category Affected: _____
Fish & Wildlife Protection
 BRU, Program or Subprogram(s) Affected:
Fish & Wildlife Enforcement

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 84	FY 85	FY 86	FY 87	FY 88	FY 89
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND	0.0	0.0	0.0	0.0	0.0	0.0
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

ANALYSIS: Attach a separate page for analysis

Prepared By: Paul Conger Phone: 465-4333
 Division: Administrative Services Date: 02/14/84
 Approved by Commissioner: *[Signature]* Date: 2/16/84
 Agency: _____

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

12/1/83

STATE OF ALASKA 1984 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: January 11, 1984

REQUEST

Bill/Resolution No.: SSHB 404
Title: Miscellaneous amendments to AS 16: Fish and Game

FISCAL DETAIL

Agency Affected: Fish and Game
Program Category Affected: NRMEC

Sponsor: Governor Sheffield

BRJ, Program or Subprogram(s) Affected:

Requestor: House Resources Comm.

All

Date of Request: January 11, 1984

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 84	FY 85	FY 86	FY 87	FY 88	FY 89
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0
CAPITAL	0	0	0	0	0	0
REVENUE	0	0	0	0	0	0

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

ANALYSIS: Attach a separate page for analysis

Prepared By: Beverly Reaume
Division: Administration

Phone: 465-4120

Date: January 11, 1984

Approved by Commissioner: Chas. Belasewich
Agency: Fish and Game

Date: 1-11-84

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

12/1/83

STATE OF ALASKA
THE LEGISLATURE

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

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

February 3, 1984

SUBJECT: House Resources Committee substitute
for SSHB 404

TO: Representative John Ringstad and
Representative Richard Schultz
Co-Chairmen, House Resources Committee

FROM: Edward H. Hein *EH*
Legislative Counsel

1. The provisions of CSSB 101 (Resources) are merged into the committee substitute at sections 1, 6, and 15. (See attached sectional analysis of CSSB 101 (Res) for details of that bill).
2. Section 5 of the CS reverts back to the mandatory language of existing law, but allows a peace officer discretion to issue a citation or a warning when, in the officer's judgment, "it is in the state's best interest".
3. In section 8 (page 6, lines 26 - 27) and section 10 (page 8, lines 22 - 23), the CS reinserts "stocking" within the scope of regulations that may be adopted by the boards of fisheries and game.
4. The CS deletes amendments to AS 16.05.870(b) that appeared in section 17 of SSHB 404.
5. Sections 9 and 11 add new language that requires the boards of fisheries and game to provide a written explanation of reasons for rejecting proposals for regulations submitted to the boards.
6. Section 16 amends AS 16.05.495 to redefine the area covered by the vessel license exemption.
7. All other changes reflected in the CS are technical changes required by the legislative drafting manual.

EHH:ojb
J3/049

STANCLIFF

STATE OF ALASKA
THE LEGISLATURE

POUCH Y STATE CAPITOL
BUREAU ALASKA 99811
907-465-3830

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

February 3, 1984

SUBJECT: Sectional analysis of CSSB 101 (Resources)

TO: Representative John Ringstad
Representative Richard Shultz
Co-Chairmen, House Resource Committee

FROM: Edward H. Hein *EH*
Legislative Counsel

Section 1 adds a new section, AS 16.05.165, to the fish and game code that provides that a peace officer investigating a misdemeanor violation of the code or a regulation adopted under it may issue a citation as provided in AS 12.25.180, notwithstanding the provisions of AS 16.05.160, which requires a peace officer to arrest any person committing a code violation in the officer's presence. Note that SSHB 404 would amend AS 16.05.160 to make such arrests discretionary, but would expand the arrest authority to include violations of all of AS 16 except AS 16.51 and 16.52. Section 1 also directs the supreme court to establish a bail schedule for fish and game misdemeanor violations and provides for paying fines by mail, similar to what is done with traffic tickets.

Section 2 amends AS 16.05.410, which provides for revocation of licenses for conviction of sport fishing and hunting license violations. The amendment provides that the existing revocation provisions do not apply to violations for which a forfeitable bail amount is established under AS 16.05.165. Two convictions of such an offense, however, could result in a peace officer filing a civil action to have the person's license revoked. A non-jury court hearing is required. If the court finds that the person's actions demonstrate a disregard for the preservation of the state's fish or wildlife resources, the license may be revoked for a mandatory one-to-three year period.

Section 3 amends AS 12.25.190(c) to provide that a person receiving a citation under AS 16.05.165 is not required to

Representative John Ringstad and
Representative Richard Shultz
Page 2
February 3, 1984

give a written promise that he or she will appear in court
in response to the citation.

EHH:ojb
J3/050



STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

January 17, 1984

The Honorable Joe Hayes
Speaker of the House
Pouch V
Juneau, AK 99811

Dear Representative Hayes:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a sponsor substitute for HB 404, providing for the statutory clarification and reform of AS 16. HB 404 was introduced on May 6, 1983 (1983 Hse. Jrnl., pg. 1211). The section-by-section analysis which accompanied the original HB 404 at the time it was introduced (1983 Hse. Jrnl., pp. 1212 -- 1217), describes the effect of the bill and the reasons why the amendments contained in it would substantially benefit effective management of the fish and game resources of the state.

The attached sponsor substitute differs from the original HB 404 in only minor ways. It changes the title to a more appropriate one, and inserts the word "means" in sec. 10. It deletes the original sec. 14 (amending AS 16.05.-340(b)), since ch. 23, SLA 1983 corrected the problem addressed there, and the original sec. 26, because the amendment to AS 16.30.012 in that section was accomplished by ch. 123, SLA 1982. The remaining sections of the bill are renumbered accordingly. AS 16.05.632, mandating an identification system for crab pots, is deleted from the repealer section; the Board of Fisheries and the Department of Public Safety have determined that the repeal would not be appropriate since the board has concluded that pot limits are biologically justified, and department personnel can enforce pot limits. AS 16.05.-940(28) (the definition of "visitor") is deleted; in sec. 12 of the original HB 404 "nonresident" is used instead of "visitor," but the repeal of the definition of "visitor" was overlooked. Finally, the sponsor substitute adjusts some discrepancies between the language of current statutes and the language of the original HB 404.

We have tried to eliminate all the controversial or unpopular provisions of versions of this bill introduced in earlier years, and the sponsor substitute is consistent with that aim. I therefore urge your passage of this bill this year.

Sincerely,


Bill Sheffield
Governor

DEPARTMENT OF PUBLIC SAFETY
POSITION PAPER - CSSH B 404 (RES)

Support

The Department of Public Safety supports passage of CSSH B 404 (RES). This bill authorizes the Supreme Court to establish a bail schedule for specific misdemeanor offenses.

Under existing law, peace officers have the authority to issue citations for misdemeanors instead of arrest under AS 12.25.180, however, once a citation is issued, the offender must ordinarily appear in court, even if he does not wish to contest the charge. The Bill adopts a procedure similar to that found in the motor vehicle code (AS 28.05.151) which allows the offender to post and forfeit bail if he does not wish to contest the charge.

Passage of this will benefit both law enforcement and the person cited for relatively minor offenses. The person will avoid the time and expense associated with a court appearance, while law enforcement will be able to concentrate its resources on serious resource offenses.

An added benefit will be a reduction in offenses requiring action by the Department of Law and a correspondence reduction in the court calendars.


Robert J. Sundberg
Commissioner

SPONSOR SUBSTITUTE FOR HOUSE BILL 404
AN ACT MAKING MISCELLANEOUS AMENDMENTS
REGARDING FISH AND GAME

SECTION-BY-SECTION ANALYSIS

Sections 1, 3, 4, 5, 6, 19, and 21 would change the word "chapter" to refer to the appropriate chapters of AS 16 so that the powers and duties of the boards, commissioner and department, and definitions, apply to the appropriate chapters of that title. The Legislature enacted AS 16.05 in 1959. Some other old provisions were apparently overlooked, and, when new provisions were added, the various powers or obligations established in AS 16.05 should have been, but were not, amended to cover other chapters. This oversight has left gaps in the statutes which need to be corrected.

Section 2 would expressly authorize the Commissioner of Fish and Game to conduct research and enter into cooperative agreements and contracts.

In addition to cooperative agreements, it is also appropriate for the department to enter into contracts or to make grants for specific projects. Section 2 also would require the commissioner to establish criteria governing department grants and contracts to ensure that those expenditures are a wise use of public money.

Sections 4 and 5 would authorize peace officers to enforce the provisions of AS 16 except AS 16.51 and AS 16.52, and to arrest persons violating the fish and game title. Section 6 would permit the officers to execute warrants. The word "chapter" is changed to refer to AS 16 except AS 16.51 and AS 16.52, which relate to the Alaska Seafood Marketing Institute and the Fishery Industrial Technology Center, respectively, so that uniform enforcement procedures will apply to almost all of Title 16. Also, the requirement that offenders be brought before a magistrate "immediately" is dropped. This would delete an unnecessary burden imposed on protection officers. Finally, the mandatory requirement that deputies arrest all offenders is stricken because an arrest for certain minor violations may not be appropriate and could result in unnecessary expenditures for enforcement and prosecution.

Sections 7 and 9 set out the authority of the Board of Fisheries and the Board of Game, respectively, to set quota and bag limits. No express authorizations exist for harvest levels or sex and size limitations, even though regulations of this nature are basic to resource management and have been adopted based on interpretations of other board powers. That authority is made express in sections 7 and 9, as a legal safeguard.

Sections 8 and 11 would remove the authority of the boards to adopt regulations for engaging in biological research, since biological research is a departmental function.

Section 10 would amend existing law to reflect the true function of the Board of Game. Despite the current language of AS 16.05.255(a)(6), the board does not adopt regulations regarding investigation of predators, which is an administrative function of the department. The board does, however, establish methods and means and harvest levels for the taking of predators or other competitors through regulations.

Sections 12 and 14 would eliminate the burden upon sport fishing license vendors who must distinguish between long-term nonresidents and short-term sojourners when issuing 14-day and three-day licenses. The problem arose because the definition of "visitor" included only temporary nonresidents and did not include long-term nonresidents or those awaiting residency status. Thus a person who had not yet lived here for one year was required to pay the higher nonresident license fee, even if only a few days remained in a fishing season. The proposed change is fair and will be more efficient to administer.

Section 13 would make minor technical amendments to AS 16.05.340(a)(9), to clarify the meaning of existing law.

In section 15, language in AS 16.05.685(c)(2) which describes areas no longer used in the management of king crab would be deleted.

Section 16 would clarify AS 16.05.831(a) which was enacted in 1975 to prohibit the waste of salmon. That section now contains language that could be considered ambiguous, and thus reduce the law's effectiveness. The clarification expressly provides that no salmon intended for sale, whether to a private individual or a commercial buyer, may be wasted.

Section 17 would make grammatical changes in the anadromous fish protection statute to correct an apparent deficiency. Currently, only a person or agency desiring to use, divert, obstruct, pollute or change the flow or bed of an anadromous fish stream must first notify the commissioner. In order to make AS 16.05.870 more enforceable, notification would be required before beginning any activity which may change the stream or pollute the stream.

Section 18 would restrict the criminal sanctions in AS 16.05.900 to apply only to AS 16.05.870--16.05.895, relating to anadromous fish protection. The basic penalty section

for Title 16 would be moved to a new section (AS 16.05.925, contained in section 20 of the bill) under the "general provisions" article, where it more logically belongs.

Sections 19 and 20 deal with the basic prohibition of Title 16 that it is unlawful to possess fish and game unless permitted by a statute or a board regulation. This prohibition and the accompanying penalty are AS 16.05.920(a) and 16.05.900(a), respectively. Section 20 would set out the general penalty section separately in AS 16.05.920(a). Through apparent oversight which resulted from enactment of AS 16.20 well after enactment of AS 16.05, certain prohibitions were created by regulation without an enforceable penalty. The new AS 16.05.925 would provide a uniform penalty for the violation of a regulation adopted under AS 16.05 or AS 16.20. The penalty is made a class A misdemeanor, to conform with sentencing under AS 12.55.035 and 12.55.135. Also, sec. 19 of the bill changes "made" to "adopted," with regard to regulations, for the sake of consistent terminology.

Section 21 amends AS 16.05.940 which is the basic definition section for AS 16.05--AS 16.40. Four of the definitions contained in this section would be amended as follows:

(9) the definition of "fish" would be amended to include parts of the fish; this would affect enforcement, for example, when salmon roe is sold separately from the carcass;

(13) the definition of "fur dealing" would be rewritten for clarity and to correct punctuation errors;

(14) the definition of "game" would be amended to include reptiles; this would provide regulatory authority to control the importation of undesirable snakes and other reptiles into the state; and

(28) the definition of "visitor" would be repealed, which only appears in Title 16 in conjunction with the "visitor's special sport fishing license" in AS 16.05.340(a)(6); that designation would be changed by section 12 of this bill to "nonresident special sport fishing license."

Section 22 would add a criminal sanction for wasting herring. Existing law prohibits this waste but does not clearly specify a criminal penalty.

Section 23 would amend AS 16.10.280 to allow the department's determination of a price dispute to be based on an estimate of the number of fishermen involved. During a recent Bristol Bay price dispute, the department's role in setting up mediation was hampered by the need to actually

"certify" that one-third of the registered fishermen were involved in a price dispute, as provided under existing law. Given the information available, this is not always possible.

Section 24 would correct a technical error in the land description of the Susitna Flats State Game Refuge, established by ch. 140, SLA 1976.

Section 25 would amend AS 16.35.200 to require that the use of poison to kill an animal be governed by regulations adopted by the Board of Fisheries or Board of Game as appropriate. Currently only written consent of the appropriate board is required. The requirement of regulation will provide for full public comment. The use of poison within a building, or to kill rodents at dumps or landfills, is exempt from board regulation.

Section 26 would repeal the following laws:

(a) AS 16.05.251(a)(9) and 16.05.255 (a)(8). These provisions empower the boards to adopt regulations for cooperative agreements to promote research and education and to train persons for management. These are administrative functions and do not require board regulations. The repeal of these sections will permit the separation of the rulemaking functions of the boards from the administrative functions of the commissioner of fish and game.

(b) AS 16.05.903. This section, which created the Alaska Big Game Photo Contest, was enacted in 1975. The original intent was that the revenues from entry fees and the sale of a published volume of the winning photographs would generate enough money to pay for cash prizes and operating expenses. Unfortunately, the revenues from the sale fell far short--less than 20 percent of the costs were recovered during the first year. The 1975 legislation created public criticism of the department with respect to spending priorities and proper use of taxpayer's money. The repeal will not affect the continuation of the department's annual Wildlife Photo Contest.

(c) AS 16.10.230(1). This section provides exemptions to the unlawful taking of migratory fish and shellfish in high seas areas designated by the International Pacific Salmon Fisheries Commission. That commission no longer exists and enactment of the federal Fisheries Conservation and Management Act (P.L. 94-265) makes the other exemptions set out in the statute obsolete. Therefore, this subsection should be repealed.

(d) AS 16.15.010-16.15.090. This chapter created the Alaska Fisheries Experimental Laboratory, which no longer exists.

(e) AS 16.35.010--16.35.180. These sections relate to bounties which are no longer paid. The bounties on seals are in conflict with the Marine Mammal Protection Act of 1972, which preempted these state laws. In addition, AS 16.05.255 provides that the Board of Game may establish bounties through the adoption of regulations. The remainder these sections pertain to employment of trappers and hunters for predator control, and have become obsolete.

MANUAL
OF
LEGISLATIVE DRAFTING
1984

FOR THE USE OF LEGISLATIVE STAFF

Prepared
by

LEGISLATIVE AFFAIRS AGENCY

True exceptions should be few and very specific. They should be introduced with "except that," "but," or "However," or by starting a new sentence. If the exceptions could logically be grouped in a subsection or section apart from the general rule, it is useful to the reader for the drafter to introduce the general rule with language such as "Except as provided in (c) of this section (or AS XX.XX.XXX)...."

(h) "May," "shall," "must"

Use the word "shall" only to impose a duty upon someone. Use the word "must" when describing requirements related to objects such as forms or criteria. (Use "must" sparingly, however, because most sentences using it can probably be written more clearly to impose a duty on a person, in which case "shall" would be the proper word.) Use the word "may" to grant a privilege or discretionary power. Use the words "may not" to impose a prohibition upon someone. For a further discussion, see Dickerson, The Fundamentals of Legal Drafting (1965), pp. 130 and 131. For example:

The commissioner shall issue a license..., i.e., it is the commissioner's duty to do so.

The form must specify that..., i.e., the form is required to have something in particular on it.

The commissioner may inspect records..., i.e., the commissioner may if it is necessary or proper, but the commissioner is not obligated to do so.

The commissioner may not issue a license..., i.e., under the defined circumstances, it is beyond the power of the commissioner to issue the license.

A person may not operate a ... without a license..., i.e., under the circumstances, a person is not permitted to do the specified act without a license.

Do not use "must" or "shall not." Also, do not use the "No... may" construction; use "may not." For instance, avoid "No fish trap may be.. ," and use "A fish trap may not be...."

(i) Numerals

Numbers from one through nine are written in words only:

one, two, three, four, etc. first, second, third, etc.

Numbers over nine are written in figures only:

10, 11, 12, 13, 14, etc. 10th, 11th, 12th, 13th, etc.

When referring to money, use figures only:

H B

408

STATE OF ALASKA
FISCAL NOTE

Revision Date _____, 1983

I. REQUEST

Bill/Resolution No.: HB-408
 Title: Reimbursement for costs and attorney
 Sponsor: Bettisworth
 Requestor: House Judiciary

II. FISCAL DETAIL

Agency Affected: Public Safety
 Program Category Affected: Life and Property
 BRU, Program of Subprogram(s) Affected: Driver/Vehicle Services

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
OPERATING						
100 PERSONAL SERVICES		70.7	74.9	79.4	84.2	89.3
200 TRAVEL		6.0	6.4	6.8	7.2	7.6
300 CONTRACTUAL		19.6	20.8	22.0	23.3	24.7
400 COMMODITIES		.4	.4	.4	.4	.5
500 EQUIPMENT		17.7	-0-	-0-	-0-	.5
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC						
TOTAL OPERATING		114.4	102.5	108.6	115.1	122.6
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND		114.4	102.5	108.6	115.1	122.6
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS:

FULL-TIME		2	2	2	2	2
PART-TIME						
TEMPORARY						

III. SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

Source of funds not identified by sponsor.

IV. ANALYSIS: Attach a separate page for any Analysis

Prepared By: Robert J. Rowan, Director
 Division: Motor Vehicles

Phone: 269-5551
 Date: 5/13/83

Approved by Commissioner: [Signature]
 Department: Public Safety

Date: 6/10/83

Distribution:

Original to Legislative Finance
 Copy to Office of Management and Budget (for Legislature introduced bills)
 Copy to Department (for Governor introduced bills)
 Copy to Sponsor
 Copy to Requestor (if different from Sponsor)

3/8/83

GENERAL COMMENTS:

Last year the Division of Motor Vehicles held approximately 230 driver's license suspension or revocation hearings, and 150 motor vehicle title revocation and determination hearings. About 25% of all these hearings were found in favor of the citizen. Due to the fact this bill authorizes the state to pay attorney fees if the decision is in favor of the private citizen, it is felt more people will demand hearings than in the past. Therefore, the two positions requested are to handle that additional workload.

Attorney time on driver's license hearings is estimated at 4 hours for each hearing, and for motor vehicle titles at 6 hours each. The reimbursement for attorney fees will be paid by the Department of Administration, so this expense should be covered in their fiscal note.

FISCAL DETAIL:100 - PERSONAL SERVICES

1 Hearing Officer, Range 16 (New Class)	42.5	
1 Clerk IV, Range 9	28.2	
		70.7

200 - TRAVEL

Hearing officer to various locations to conduct hearings	6.0	6.0
---	-----	-----

300 - CONTRACTUAL

310 Phones, tolls, postage	1.2	
320 Forms	.3	
330 Space Rental, 300 sq ft @ 2.25	8.1	
360 Equipment Rental - 1 AJIS terminal	8.0	
382 DP Chargeback - programming & maintenance	2.0	
		19.6

400 - COMMODITIES

Normal office supplies	.4	.4
------------------------	----	----

500 - EQUIPMENT

Office Equipment, 2 employees	3.9	
WANG Word processing station	12.0	
Recording/Transcribing Equipment	1.8	
		17.7
	TOTAL	<u>114.4</u>

ASSUMPTIONS:

Effective date of July 1, 1983. Six percent inflation factor used for FY85 and subsequent years.

1.	POSITION TITLE Hearing Officer				RANGE/STEP 16A	BARG. UNIT GGU	FORM 12 PAGE/LINE	GOV.	APPROV.	DISAPP.
2.	TYPE OF POSITION PFT	STAFF MONTHS 12	RP NUMBER	PCN NUMBER	BRU PRIORITY	LOCATION Anchorage	ELECTION DISTRICT 7-15	LEG.		
3.	CONTINUATION LEVEL				JUSTIFICATION					
4.	TYPE OF EXPENDITURE			AMOUNT						
	1		2		3					
	PERSONAL SERVICES									
5.	Salary		32,000							
6.	Benefits		5 600							
7.	Supplemental Benefits		2,000							
8.	Fixed Benefits		2,900							
9.	TOTAL PERSONAL SERVICES		01		42,500					
10.	Travel		02		6,000					
11.	Contractual		03							
12.	Commodities		04		200					
13.	Equipment		05		2,700					
14.	Other									
15.	TOTAL COST				51,400					
	RECEIPT CODE				FUNDING SOURCE					
16.					Federal Receipts 1002					
17.					G.F. Match 1003					
18.					General Funds 1004					
19.					I-A Receipts 1005					
20.					Program Receipts 1028					
21.					Other					
					51,400					
FOR HRM USE ONLY										
4A KEY NUMBER _____										

With the passage of HB-408 hearings would probably number 800 in FY84, and increase by 10% a year thereafter. The hearings are now held by departmental employees whose primary duty are other than being hearing officers.

With the normal increase in regular workload, and number of hearings that can be expected with passage of this bill, it will be necessary to have a full time hearing officer. This hearing officer will travel as necessary to conduct hearings at other locations. Annual case load for this hearing officer is expected to be 450 hearings per year.

13 REQUEST FOR
NEW POSITION

AGENCY Department of Public Safety
 PROGRAM Life and Property Protection
 BRU Driver/Vehicle Services
 COMPONENT _____

FY 84

Page _____ of _____
 Revised Date _____

HB

409

COMMITTEE REPORT

HOUSE

(7)

FURTHER:

5/19/83

Date: 5-16-83

Mr. Speaker:

The Committee on JUDICIARY has had HB 409

"An Act relating to the primary and general elections."

under consideration and reports it back as follows:

- do pass do not pass
- do pass with attached amendments(s)
- replace with CS for HB 409 (JUD) same title
- new title
- and recommends _____
- AND attaches a "Letter of Intent" New Fiscal Note
- Zero Fiscal Note Attached
- reports it back without recommendation
- referred to the _____ Committee

MEMBERS SIGNING
DO PASS

[Signature]

[Signature]

[Signature]

[Signature]

MEMBERS HAVING
OTHER RECOMMENDATIONS:

[Signature]

[Signature]

[Signature]

[Signature]
CHAIRMAN

AMENDMENT

OFFERED IN THE HOUSE:

BY: Judiciary

TO: _____ HOUSE BILL No. 409

SENATE BILL No. _____

PAGE: 4

LINE: 1

Delet: (general)

Insert: primary

A M E N D M E N T

M E M O R A N D U M

CSHB 409 (Judiciary)

page 3:

Sec. 10. AS 15.60.010(20) is amended to read:

CHANGE FROM:

(20) "political party" means a group of organized voters which represents a political program and which nominated a candidate for governor who received at least five [10] percent of the total vote cast at the preceding general election for governor;

CHANGE TO:

(20) "political party" means a group of organized voters which represents a political program and which nominated a candidate for governor who received at least five [10] percent of the total vote cast at the primary election for governor;

Libertarians hit election limit plan

AINOWS 5-17-83

Legislation aimed at limiting names on the general election ballot to two parties—the top cumulative vote-getters in the primary—was blasted this morning at a press conference by Libertarian Dick Randolph.

The former state legislator and current party chairman said (HB 409) is designed to keep Libertarians off the ballot and is being pushed through the Legislature at "breakneck" speeds.

"I think it's an extreme example of the arrogance-of-power politics," Randolph said.

HB 409 passed from the House Judiciary Committee Monday and is scheduled to be considered by the full house today.

If adopted, candidates would appear on the general election ballot if their parties won the largest or second largest votes for their candidates as a group.

For example, if three Republicans, three Democrats and three Libertarians ran for a House seat, votes from all three candidates in each party would be totalled to see which parties appeared on the ballot. Under that scenario, the top vote-getter could fail to make the general election if his party was outpolled.

Randolph, a former Libertarian House member and unsuccessful candidate for governor, said HB 409 is moving faster than any other piece of legislation this session. The bill was referred to only one committee, and the full House calendar was held Monday to allow it to be added, Randolph said.

"Only one hearing was held without any notice to us," Randolph said.

As evidence of Republican Party desire for its passage, Randolph quoted a letter reportedly circulated by Republican State Chairman Kenneth O. Stout:

"House Bill 409 is probably the most significant piece of legislation for Republicans that we will have in this decade," the letter said. "This legislation is desperately needed to protect the major parties from being diluted (sic) by lesser party candidates to the point that confusion is the order of the day."

"Clearly it's an orchestration between the party and their hacks in the Legislature," Randolph said.

The three Democrats on the committee voted against referring the bill out of committee.

Randolph said Alaska election law ought to be rewritten, but not to protect major parties from competition.

House kills measure to reduce candidates

By HARRY McFARLAND

The Associated Press

JUPEAU — The House by a 23-16 vote Friday defeated a measure aimed at reducing the often-crowded general election ballot facing Alaska voters. Under the measure, the two candidates receiving the most votes would have competed in the general election.

Currently, the top vote-getters in Alaska's three recognized parties — Democratic, Republican and Libertarian — and any candidates who qualify by petition advance to the general election.

The bill, however, would have precluded candidates who qualify by petition from having their names on the general election ballot.

An amendment by House Judiciary Chairman Charlie Bussell and Rep. Mae Tischer, both R-Anchorage, would have allowed the possibility of two Democrats or two Republicans running against each other in the general election. The amendment was adopted on a 21-17 vote, then lawmakers beat down the measure.

House lawmakers argued that the bill would reduce the choices given to voters in elec-

tions and thus thwart the presentation of ideas.

Former Libertarian gubernatorial candidate and state lawmaker Dick Randolph, in a press release, called the bill (HB409) a Republican priority and said it was pushed through the legislature at "breakneck speed."

Randolph promised to challenge the measure's constitutionality in court if it passed the legislature.

Randolph's press release included a May 11 form letter from Ken Stout, chairman of the Republican Party of Alaska, to lawmakers. In the letter was the statement that "this legislation is definitely needed to protect the major parties from being deluded (sic) by lesser party candidates to the point that confusion is the order of the day. We experienced this during our last election with some rather ludicrous candidates going into the General Election and being a constant source of agitation to all concerned, not to mention the enormous expense to the state that we incurred."

Bussell had the bill held for another vote when he gave a notice of reconsideration.

Opinion

Richard Morgan / Publisher

Wayne Dunworth
General manager

John Marrs
Editor

A bill written to be unfair

House Bill 409 is a bill in dire need of amendment.

Anyone who believes in fair play should agree.

HB 409 is about taking references to gender out of the election codes, plus a tidy little section about primary elections.

What the plus provides is that only the leading candidates of the two parties that gather the most votes in a primary election can be on the general election ballot. The key word there is *parties*. The primary would produce no more than two winners, and they would be from the parties that accumulated the

most votes. It would turn the primary into a semifinal, qualifying heat with handicaps for small parties.

A little imagination applied to the last gubernatorial race could provide a tally sheet like this one:

Republican - Tom Fink	33,000
Republican - Terry Miller	32,000
Democrat - Bill Sheffield	29,000
Democrat - Steve Cowper	28,000
Libertarian - Dick Randolph	35,000

HB 409 would return Randolph and other Libertarians into the oblivion from which they only recently emerged.

The point here is not to support Randolph or the Libertarian Party, or any other party, but to sound the call on behalf of equality and fair play.

The Libertarians, despite winning no public offices, finally won in the last general election more than 10 percent of the vote and legal status as a political party in the state of Alaska. That means they are eligible for the first time to enter candidates in the primary election for selection as general election candidates.

Some of the Libertarians' political foes just can't abide that possibility.

So some of the members of the House Judiciary Committee concocted HB 409. It has the committee's name as its sponsor, a fact that provides a little political camouflage.

But the committee has voted on 409. Speaker of the House Joe Hayes, Majority Leader Ramona Barnes, Judiciary Chairman

Charlie Bussell and Rep. John Liska -- all Anchorage area Republicans -- voted to recommend the bill to the House. Democrats Hugh Malone of Kenai, Don Clocksin of Anchorage and Ron Wendte of Ketchikan voted against it.

HB 409 got referred on to the Rules Committee, where it sits now. The Rules Committee -- Hayes and Barnes are two of its nine members -- ought to amend it or kill it. Whether it will, is another question.

The bill's purpose, as written, is obvious. In the scenario imagined above, the voters would wind up getting to choose only between the second and fourth votegetters and No. 1 would go begging for write-ins, if anything.

Randolph says measure would 'kill' Libertarians

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by Bill White
Times Writer

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Juneau — A bill that could wipe out the Libertarian Party and other minor political parties is scheduled for action in the House of Representatives next week.

As introduced by the Judiciary Committee, the bill would let no more than two candidates run for each office in general elections.

The two political parties — not candidates — that received the greatest number of votes for an office in the primary would field their best candidate in the general election, under the bill.

The House majority has targeted the proposal for passage this year.

"I haven't read it thoroughly, but it looks like a 'kill the Libertarian bill,'" said Dick Randolph, a former state legislator from Fairbanks and now head of the Libertarian Party.

"Major parties would be in a position to shut out the minority parties," said Randolph, who ran third in last fall's gubernatorial election.

"A bill like this would kill us off," he said.

Anchorage Rep. Charlie Bussell, chairman of

the Judiciary Committee, said the bill appears to have been drafted improperly.

The measure is intended, he said, to require just two names on the general election ballot so the candidate who wins can get a majority of the votes cast.

Only once since statehood has the governor been elected by a majority of the voters, he said. Last fall, Bill Sheffield won the gubernatorial office with about 45 percent of the vote.

Rep. Ramona Barnes, R-Anchorage, a member of the committee, said the last draft she saw of the bill wouldn't have shut out the Libertarian Party. She said the proposal might be changed at hearings next week.

Several amendments are awaiting the bill in the Judiciary Committee.

One amendment would give independents and write-in candidates a shot at the general election. But members of political parties still would have an advantage. The total votes for all members of a party running for an office would be counted together and matched against total votes for an independent or write-in candidate.