

ALASKA LEGISLATURE COMMITTEE FILES 1985-1986 86/2

3687 HSTA HB 327 - HB 345 (FILE 1) 53

Attachment C:  
Michigan Whistle Blower Protection Act

15.345 PUBLIC OFFICERS AND EMPLOYEES

(4) When a recommendation to an appointing authority is made by the board concerning an unclassified employee or appointee, the appointing authority shall take appropriate disciplinary action which may include dismissal.

P.A. 1973, No. 196, § 5, Imd. Eff. Jan. 8, 1974.

Library References

States C-67, 73

C.J.S. States §§ 120, 121, 130 to 136, 140

Notes of Decisions

In general 1  
Closed sessions 2

behalf of the agency. Op. Atty. Gen. 1980, No. 5640.

2. Closed sessions

1. In general

The son of a member of the barrier free design board may be employed by the board without violation of the ethical standards of § 15341 et seq., although a member of the barrier free design board may not participate in any case in which his or her son appears on

The state board of ethics is subject to the Open Meetings Act, § 15261, and when it meets in closed session for the protection of individual rights, it must comply with the provisions of said act, with respect to the calling and holding of the closed session. Op. Atty. Gen. 1980, No. 5760.

15.346 Rules

Sec. 6. The board may promulgate rules governing its own procedures pursuant to Act No. 306 of the Public Acts of 1969, as amended, being sections 24.201 to 24.315 of the Michigan Compiled Laws. For a period of 1 year following the effective date of this act the board shall have full authority to exercise all of its functions in accordance with temporary rules of procedure promulgated by the board. Both the temporary and permanent rules of the board shall provide that:

(a) The board may request the attendance of any witness whose testimony, in the judgment of the board, will aid in the conduct of its investigations.

(b) A person appearing before the board shall submit either sworn or unsworn testimony as the board may decide and may at all times be represented and accompanied by counsel.

(c) A record of testimony taken before the board or a hearing officer designated by it shall be made in the manner prescribed by the board.

(d) The board may, when it appears necessary for the protection of individual rights, hold its meetings and hearings in private. All other meetings and hearings shall be open to the public.

P.A. 1973, No. 196, § 6, Imd. Eff. Jan. 8, 1974.

WHISTLEBLOWERS' PROTECTION 15.361

Notes of Decisions

1. In general

Records and files concerning any dismissed complaint or terminated investigation by the state board of ethics may be suppressed to protect an individual's privacy, but may only be disposed of by the state board of ethics in accordance with § 18.13c. Op. Atty. Gen. 1980, No. 5760.

15.347 Appropriation

Sec. 7. There is appropriated from the general fund of the state an amount necessary to implement this act but not to exceed \$10,000.00 for the fiscal year ending June 30, 1974.

P.A. 1973, No. 196, § 7, Imd. Eff. Jan. 8, 1974.

Library References

States C-131.

C.J.S. States § 230, 234 to 239.

15.348 Effect on other acts

Sec. 8. The provisions of this act shall not supersede the provisions of any other acts heretofore or hereinafter enacted and shall be interpreted and administered to the extent not inconsistent with other acts.

P.A. 1973, No. 196, § 8, Imd. Eff. Jan. 8, 1974.

MCLA.

WHISTLEBLOWERS' PROTECTION ACT

Caption editorially supplied

Library References

M.L.P. Employment II 1, 23, 151.

M.L.P. State § 6.

P.A. 1980, No. 469, Eff. March 31, 1981

AN ACT to provide protection to employees who report a violation or suspected violation of state, local, or federal law; to provide protection to employees who participate in hearings, investigations, legislative inquiries, or court actions; and to prescribe remedies and penalties.

The People of the State of Michigan enact:

15.361 Definitions

Sec. 1. As used in this act,

(a) "Employee" means a person who perform service for wages or other remuneration under a contract of hire, written or oral, ex-

**15.361 PUBLIC OFFICERS AND EMPLOYEES**

press or implied. Employee includes a person employed by the state or a political subdivision of the state except state classified civil service.

(b) "Employer" means a person who has 1 or more employees. Employer includes an agent of an employer and the state or a political subdivision of the state.

(c) "Person" means an individual, sole proprietorship, partnership, corporation, association, or any other legal entity.

(d) "Public body" means all of the following:

(i) A state officer, employee, agency, department, division, bureau, board, commission, council, authority, or other body in the executive branch of state government.

(ii) An agency, board, commission, council, member, or employee of the legislative branch of state government.

(iii) A county, city, township, village, intercounty, intercity, or regional governing body, a council, school district, special district, or municipal corporation, or a board, department, commission, council, agency, or any member or employee thereof.

(iv) Any other body which is created by state or local authority or which is primarily funded by or through state or local authority, or any member or employee of that body.

(v) A law enforcement agency or any member or employee of a law enforcement agency.

(vi) The judiciary and any member or employee of the judiciary.

P.A.1980, No. 469, § 1, Eff. March 31, 1981.

**15.362 Discharge of, threats to or discrimination against employee for reporting violations of law**

Sec. 2. An employer shall not discharge, threaten, or otherwise discriminate against an employee regarding the employee's compensation, terms, conditions, location, or privileges of employment because the employee, or a person acting on behalf of the employee, reports or is about to report, verbally or in writing, a violation or a suspected violation of a law or regulation or rule promulgated pursuant to law of this state, a political subdivision of this state, or the United States to a public body, unless the employee knows that the report is false, or because an employee is requested by a public body to participate in an investigation, hearing, or inquiry held by that public body, or a court action.

P.A.1980, No. 469, § 2, Eff. March 31, 1981.

**WHISTLEBLOWERS' PROTECTION 15.364**

**Library References**

Labor Relations ☞7.

C.J.S. Labor Relations § 2 et seq.

**15.363 Civil actions for injunctive relief or damages**

Sec. 3. (1) A person who alleges a violation of this act may bring a civil action for appropriate injunctive relief, or actual damages, or both within 90 days after the occurrence of the alleged violation of this act.

(2) An action commenced pursuant to subsection (1) may be brought in the circuit court for the county where the alleged violation occurred, the county where the complainant resides, or the county where the person against whom the civil complaint is filed resides or has their principal place of business.

(3) As used in subsection (1), "damages" means damages for injury or loss caused by each violation of this act, including reasonable attorney fees.

(4) An employee shall show by clear and convincing evidence that they or a person acting on their behalf was about to report, verbally or in writing, a violation or a suspected violation of a law of this state, a political subdivision of this state, or the United States to a public body.

P.A.1980, No. 469, § 3, Eff. March 31, 1981.

**Library References**

Action ☞3.

C.J.S. Actions § 9.

Injunction ☞25.

C.J.S. Injunctions §§ 41, 42, 54.

**15.364 Remedies ordered by court**

Sec. 4. A court, in rendering a judgment in an action brought pursuant to this act, shall order, as the court considers appropriate, reinstatement of the employee, the payment of back wages, full reinstatement of fringe benefits and seniority rights, actual damages, or any combination of these remedies. A court may also award the complainant all or a portion of the costs of litigation, including reasonable attorney fees and witness fees, if the court determines that the award is appropriate.

P.A.1980, No. 469, § 4, Eff. March 31, 1981.

**Library References**

Officers ☞76.

C.J.S. Officers and Public Employees §§ 114 to 116, 221.

**15.365 PUBLIC OFFICERS AND EMPLOYEES**

**15.365 Penalties for violations**

Sec. 5. (1) A person who violates this act shall be liable for a civil fine of not more than \$500.00.

(2) A civil fine which is ordered pursuant to this act shall be submitted to the state treasurer for deposit in the general fund.

P.A. 1980, No. 469, § 5, Eff. March 31, 1981.

**Library References**

Labor Relations ☞ 1056

C.J.S. Labor Relations I 1011.

**15.366 Collective bargaining rights**

Sec. 6. This act shall not be construed to diminish or impair the rights of a person under any collective bargaining agreement.

P.A. 1980, No. 469, § 6, Eff. March 31, 1981.

**Library References**

Labor Relations ☞ 257.

C.J.S. Labor Relations II 239 to 250.

**15.367 Compensation for employee participation in investigation, hearing or inquiry**

Sec. 7. This act shall not be construed to require an employer to compensate an employee for participation in an investigation, hearing or inquiry held by a public body in accordance with section 2<sup>1</sup> of this act.

P.A. 1980, No. 469, § 7, Eff. March 31, 1981.

<sup>1</sup> Section 15.362.

**15.368 Notices of employee protections and obligations**

Sec. 8. An employer shall post notices and use other appropriate means to keep his or her employees informed of their protections and obligations under this act.

P.A. 1980, No. 469, § 8, Eff. March 31, 1981.

**Library References**

Labor Relations ☞ 7.

C.J.S. Labor Relations I 2 et seq.

**15.369 Short title**

Sec. 9. This act shall be known and may be cited as "the whistle-blowers' protection act".

P.A. 1980, No. 469, § 9, Eff. March 31, 1981.

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**POLITICAL ACTIVITIES**

**15.401**

**POLITICAL ACTIVITIES OF PUBLIC EMPLOYEES**

*Caption editorially supplied*

**Library References**

M.L.P. State I G.

P.A. 1976, No. 169, Imd. Eff. June 25

AN ACT to regulate certain political activities by certain public employees; to prescribe the powers and duties of certain state agencies; and to provide penalties. Amended by P.A. 1979, No. 15, § 1, Imd. Eff. May 24.

*The People of the State of Michigan enact:*

**15.401 Public employee defined**

Sec. 1. As used in this act, "public employee" means an employee of the state classified civil service, or an employee of a political subdivision of the state who is not an elected official.

P.A. 1976, No. 169, § 1, Imd. Eff. June 25.

**Library References**

Elections ☞ 311.

C.J.S. Elections I 324.

**Notes of Decisions**

In general 1  
Civil service commission 2  
Job performance 3  
Public employees 3  
Rules and regulations 4  
Volunteers 4

ture to enact statute providing that employee of state classified civil service may engage in certain political activities. Id.

The Political Freedom Act was enacted to permit civil service employees and employees of political subdivisions of the state to engage in certain political activities. Council 11, Am. Federation of State, County and Municipal Emp. (AFSCME), AFL-CIO v. Michigan Civil Service Commission (1978) 274 N.W.2d 804, 87 Mich.App. 420, affirmed 292 N.W.2d 442, 408 Mich. 385.

State cannot require individual to relinquish rights guaranteed him or her by U.S.C.A. Const. Amend. 1 as a condition of public employment, and when political activities of public employee are unrelated to his or her job responsibilities, the employee must be treated as a member of the general public for purpose of adjudicating U.S.C.A. Const. Amend. rights. Id.

**1. In general**

Legislature of state is empowered to enact laws to promote and regulate political campaigns and candidacies. Council No. 11, Am. Federation of State, County and Municipal Emp. (AFSCME), AFL-CIO v. Michigan Civil Service Commission (1980) 202 N.W.2d 442, 408 Mich. 385.

There is no provision in State Constitution which plainly, or by fair implication, empowers the state civil service commission to regulate the off-duty political activity of classified civil servants or which in any manner preemptively conflicts with power of legisla-

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10/17/85

Anch Daily News

## Whistleblower fears he'll be fired

The Associated Press

**FAIRBANKS** — A state Department of Transportation and Public Facilities employee who told superiors that his supervisors and co-workers were improperly using state vehicles and state time says he fears he will be fired.

Burle Beard, an 18-year employee in the agency's right-of-way section, said he received a critical job evaluation shortly after he made his allegations, and he has been placed on leave until mid-November.

Bill McMullen, director of design and construction for the agency, said Beard's rating — a "low acceptable" — accurately reflects his value to the department. Because Beard failed to stop agitating even after an internal investigation cleared the supervisors,

he now is in danger of being fired, McMullen said.

"Burle won't let go of this," McMullen said. "He's become obsessed by it."

Beard's refusal to let the issue die is disrupting work in the right-of-way section, which currently is the bottleneck for most DOT projects, McMullen said. With more than \$100 million in contracts to write each year, the agency cannot let personal squabbles interfere, he said.

Beard's allegations triggered a three-week investigation by the department's Division of Internal Review, which cleared the supervisors of almost all the charges.

"It showed that the allegations were primarily a bunch of smoke," McMullen said. But Beard called the investigation a "whitewash," and he

said investigators did not thoroughly investigate all his allegations.

Beard said he first became aware of improper actions in his department while reading DOT's personnel rules. He said his evidence was primarily against one supervisor, now retired. Beard said the man regularly used a state vehicle for personal tasks and went home a half-hour early each day.

Beard said it bothers him that the man's supervisors, who still work in the division, refuse to acknowledge it occurred.

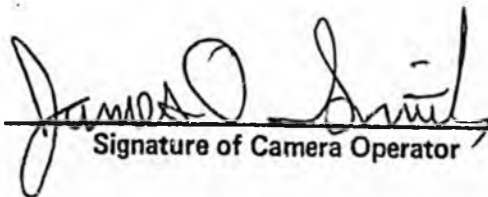
Beard said he pursues the issue because he is angered by the poor evaluation he received this summer, after receiving short, fairly good evaluations in the past.



# RECORDS CERTIFICATION



I, the undersigned, an employee of the State of Alaska, do hereby certify that the microfilm images on this microform are accurate reproductions of the original records of the State of Alaska as accumulated during the regular course of business, and that it is the established policy and practice of this State to microfilm its records and to dispose of the original records after microfilm reproductions have been made.

  
Signature of Camera Operator

  
Date

HPB

350

COMMITTEE REPORT

HOUSE

4/23

Judiciary

(7)

FURTHER: FINANCE

3/27/85

Date: Apr. 22, 1985

The Committee on STATE AFFAIRS has had NR 330

"An Act establishing a special unit for the investigation of criminally exploited and missing children; and providing for an effective date."

under consideration and recommends:

- do pass  do not pass
- do pass with attached amendments(s)
- replace with CS for \_\_\_\_\_  same title  
 new title
- and recommends \_\_\_\_\_
- AND attaches a "Letter of Intent"  New Fiscal Note *Sup 54*
- reports it back without recommendation  Zero Fiscal Note Attached
- referred to the \_\_\_\_\_ Committee

MEMBERS SIGNING  
DO PASS

MEMBERS HAVING  
OTHER RECOMMENDATIONS:

*[Handwritten signatures]*

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 CHAIRMAN

STATE OF ALASKA 1985 LEGISLATIVE SESSION  
FISCAL NOTE

Revision Date: \_\_\_\_\_

REQUEST

Bill/Resolution No.: HB 330  
 Title: "...special unit for  
 exploited & missing children"  
 Sponsor: Rep. Cotten  
 Requestor: House State Affairs  
 Date of Request: 4-4-85

FISCAL DETAIL

Agency Affected: Public Safety  
 Program Category Affected: Administration of Justice  
 BRU, Program or Subprogram(s) Affected: Alaska State Troopers

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
<b>OPERATING</b>						
100 PERSONAL SERVICES		974.1	1,032.5	1,094.5	1,160.2	1,229.8
200 TRAVEL		33.5	25.4	26.9	28.5	30.2
300 CONTRACTUAL		178.5	188.0	199.3	211.3	224.0
400 SUPPLIES		50.6	53.6	56.8	60.3	63.8
500 EQUIPMENT		242.2				
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
<b>TOTAL OPERATING</b>		<b>1,478.9</b>	<b>1,299.5</b>	<b>1,377.5</b>	<b>1,460.3</b>	<b>1,547.8</b>
<b>CAPITAL</b>						
<b>REVENUE</b>						

FUNDING: (Thousands of Dollars)

GENERAL FUND	1,478.9	1,299.5	1,377.5	1,460.3	1,547.8
FEDERAL FUNDS					
OTHER					
<b>TOTAL</b>					

POSITIONS:

FULL-TIME	18	18	18	18	18
PART-TIME					
TEMPORARY					

ANALYSIS: Attach a separate page if necessary

Prepared By: Francis C. Allan Phone: 269-5691  
 Division: Alaska State Troopers Date: 04/03/85

Approved by Commissioner: Robert J. Sundberg Date: 4/9/85  
 Agency: Public Safety

Distribution (by Agency preparing fiscal note):  
 Legislative Finance  
 Legislative Sponsor  
 Requestor  
 Office of Management and Budget  
 Impacted Agency(ies)

7/1/84

FISCAL ANALYSIS  
HB 330

Our estimate indicates that to implement this special unit and to strengthen the already existing Child Sexual Assault Unit will require the following manpower additions:

- A) Child Sexual Assault Unit  
3 x Trooper working as an investigator (77A)
- B) Criminal Investigation Bureau  
1 x Trooper working as an investigator (77A)  
1 x Clerk Typist II (7A)
- C) "B" Detachment - Anchorage  
1 x Sergeant (78A)  
1 x Trooper working as an investigator (77A)  
1 x CT II (7A)
- D) "C" Detachment - Soldotna  
1 x Sergeant (78A)  
1 x Trooper working as an investigator (77A)  
1 x CT II (7A)
- E) "A" Detachment - Juneau  
1 x Sergeant (78A)  
1 x Trooper working as an investigator (77A)  
1 x CT II (7A)
- F) "E" Detachment - Fairbanks  
1 x Sergeant (78A)  
1 x Trooper working as an investigator (77A)  
1 x CT II (7A)
- G) Information Services  
1 x Analyst Programmer (17A)

Additionally, an average of \$2,000 is estimated to be needed for each commissioned position for investigative travel as well as a five man training course for one week at the Federal Law Enforcement Training Center in Georgia which will cost approximately \$1,900 for each position. Contractual funds are requested for the "Inquire" Data Processing System to address missing persons. A 6% inflation factor is estimated for each year after FY86. Salaries are calculated at the increased rates reflected in new contracts.

Costs per Clerical Position  
other than Personal Services

CONTRACTUAL - 300

Telephone/Postage, \$85 per month x 12	1,020	
Maintenance Agreement on Typewriter	<u>175</u>	
TOTAL CONTRACTUAL		1,195

SUPPLIES AND MATERIALS - 400

Forms	1,000	
Stationary, copy machine paper, etc.	<u>1,000</u>	
TOTAL SUPPLIES AND MATERIALS		2,000

EQUIPMENT - 500

Desk	576	
Chair	223	
Typewriter	<u>1,369</u>	
TOTAL EQUIPMENT		2,168

Sergeant/Trooper Costs  
other than Personal Services

TRAVEL & PER DIEM - 200

Average - this will vary	2,000	
TOTAL TRAVEL & PER DIEM		2,000

CONTRACTUAL - 300

Telephone/Postage, \$100 per month x 12	1,200	
Photo Processing, \$45 per month x 12	540	
PSEA Physical Exam, Average	300	
HWCF Vehicle - Monthly cost Replacement \$369 per month + 1,755 miles x .31	<u>11,868</u>	
TOTAL CONTRACTUAL		13,908

SUPPLIES & MATERIALS - 400

Clothing Allowance	636	
Training Materials	200	
Film Supplies & Office Supplies	1,365	
Vehicle Accessories - Blanket, tire chains, snow tires, flares, etc.	650	
Ammunition	100	
Other supplies, such anatomically correct dolls etc.	<u>300</u>	
TOTAL SUPPLIES & MATERIALS		3,251

EQUIPMENT - 500

Patrol Vehicle - initial cost	12,000	
Desk	550	
Underhood Speaker	100	
Car Radio	2,800	
Siren/Amplifier	250	
MX360 Radio - Portable w/charger	2,900	
Chair	275	
Firearms (revolver & shotgun)	<u>375</u>	
TOTAL EQUIPMENT		<u>19,550</u>

1.	POSITION TITLE State Trooper		
2.	TYPE OF POSITION PET	STAFF MONTHS 12 0	RP NUMBER
3.	CONTINUATION LEVEL	ADDITION	
4.	TYPE OF EXPENDITURE		
	1	2	
	PERSONAL SERVICES		
5.	Salary 77A + 180 hrs O/T	47,640	
6.	Benefits	11,785	
7.	Supplemental Benefits	2,680	
8.	Fixed Benefits	2,612	
9.	TOTAL PERSONAL SERVICES	01	
10.	Travel	02	
11.	Contractual	03	
12.	Commodities	04	
13.	Equipment	05	
14.	Other	06	
15.	TOTAL COST	11	
16.	RECEIPT CODE	FUNDING SOURCE	
17.		Federal Receipts 1002	
18.		G.F. Match 1003	
19.		General Funds 1004	
20.		I-A Receipts 1005	
21.		Program Receipts 1028	
		Other	
FOR B2M USE ONLY			
4A KEY NUMBER			

RANGE/STEP 77/A	BARG. UNIT PSEA	FORM 12 PAGE/LINE	GOV.	APPROV.	DIS/APP.
BRU PRIORITY 1	LOCATION ANCH	ELECTION DISTRICT 7-15	LEC.		
JUSTIFICATION					
<p>This position will be an investigator with less experience than a sergeant that will work in close coordination with more senior personnel. It will, however, deal with the same type cases involving criminally exploited and missing children. This position will take a proactive approach to these difficult and complex child exploitation cases.</p> <p>This unit will be organized on a centralized Metro concept primarily responsible for investigating sexual exploitation and intra-family sexual assaults involving juveniles under the age of 17.</p> <p>This is one of three positions that will be utilized to strengthen the current Child Sexual Assault Unit in Anchorage and be a component of that Special Unit.</p>					

REQUEST FOR  
NEW POSITION

AGENCY Department of Public Safety  
 PROGRAM Administration of Justice  
 BRU Alaska State Troopers  
 COMPONENT Departments and CIB

FY 86

Page 1 of 18  
 Revised Date

1.	POSITION TITLE State Trooper		
2.	TYPE OF POSITION PFT	STAFF MONTHS 12.0	RP NUMBER
3.	CONTINUATION LEVEL	ADDITION	
4.	TYPE OF EXPENDITURE		
	1	2	
	PERSONAL SERVICES		
5.	Salary 77A + 180 hrs. O/T	47,640	
6.	Benefits	11,785	
7.	Supplemental Benefits	2,680	
8.	Fixed Benefits	2,612	
9.	TOTAL PERSONAL SERVICES	01	
10.	Travel	02	
11.	Contractual	03	
12.	Commodities	04	
13.	Equipment	05	
14.	Other	v	
15.	TOTAL COST	10	

	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

FOR BQM USE ONLY  
4A KEY NUMBER

	RANGE/STEP 77/A	BARG. UNIT PSCA	FORM 12 PAGE/LINE	GOV.	APPROV.	DISAPP.
NUMBER	BRU PRIORITY 2	LOCATION ANCH	ELECTION DISTRICT 7-15	LEG.		

JUSTIFICATION

This position will be an investigator with less experience than a sergeant that will work in close coordination with more senior personnel. It will, however, deal with the same type cases involving criminally exploited and missing children. This position will take a proactive approach to these difficult and complex child exploitation cases.

This unit will be organized on a centralized Metro concept primarily responsible for investigating sexual exploitation and intra-family sexual assaults involving juveniles under the age of 17.

This is one of three positions that will be utilized to strengthen the current Child Sexual Assault Unit in Anchorage and be a component of that Special Unit.

REQUEST FOR  
NEW POSITION

AGENCY: Department of Public Safety  
 PROGRAM: Administration of Justice  
 BR: State Troopers  
 COMPONENT: Departments and CIB

FY 86

Page 2 of 18  
 Revised Date

1.	POSITION TITLE State Trooper		
2.	TYPE OF POSITION PFT	STAFF MONTHS 12.0	RP NUMBER
3.	CONTINUATION LEVEL	ADDITION	
4.	TYPE OF EXPENDITURE		
	1	2	3
	PERSONAL SERVICES		
5.	Salary 77A + 180 hrs. O/T	47,640	
6.	Benefits	11,785	
7.	Supplemental Benefits	2,680	
8.	Fixed Benefits	2,612	
9.	TOTAL PERSONAL SERVICES	01	1.7
10.	Travel	02	2.0
11.	Contractual	03	3.9
12.	Commodities	04	3.3
13.	Equipment	05	1.2
14.	Other		
15.	TOTAL COST		3.1

	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

FOR D&H USE ONLY  
4A KEY NUMBER

RANGE/STEP 77/A	BARG. UNIT PSEA	FORM 12 PAGE/LINE	GOV.	APPROV.	DISAP.
BRU PRIORITY 3	LOCATION ANCH	ELECTION DISTRICT 7-15	LEG.		

JUSTIFICATION

This position will be an investigator with less experience than a sergeant that will work in close coordination with more senior personnel. It will, however, deal with the same type cases involving criminally exploited and missing children. This position will take a proactive approach to these difficult and complex child exploitation cases.

This unit will be organized on a centralized Metro concept primarily responsible for investigating sexual exploitation and intra-family sexual assaults involving juveniles under the age of 17.

This is one of three positions that will be utilized to strengthen the current Child Sexual Assault Unit in Anchorage and be a component of that Special Unit.

REQUEST FOR  
NEW POSITION

AGENCY: Department of Public Safety  
 PROGRAM: Administration of Justice  
 BRU: Alaska State Troopers  
 COMPONENT: Divisions and CIR

FY 86

Page 3 of 18  
 Revised Date

1.	POSITION TITLE Analyst Programmer				RANGE/STEP 17/A	BARG. UNIT GGU	FORM 12 PAGE/LINE	GOV.	APPROV.	DISC'P.
2.	TYPE OF POSITION PFT	STAFF MONTHS 6.0	RP NUMBER	PCN NUMBER	BRU PRIORITY 4	LOCATION ANCH	ELECTION DISTRICT 7-15	LEG.		
3.	CONTINUATION LEVEL				JUSTIFICATION					
4.	TYPE OF EXPENDITURE				AMOUNT					
	1		2		3					
	PERSONAL SERVICES									
5.	Salary		8,688							
6.	Benefits		1,569							
7.	Supplemental Benefits		533							
8.	Fixed Benefits		1,366							
9.	TOTAL PERSONAL SERVICES		01		12.2					
10.	Travel		02							
11.	Contractual		03		5.7					
12.	Commodities		04		1.0					
13.	Equipment		05		.8					
14.	Other									
15.	TOTAL COST				19.7					
	RECEIPT CODE				FUNDING SOURCE					
16.					Federal Receipts 1002					
17.					C.F. Match 1003					
18.					General Funds 1004					
19.					I-A Receipts 1005					
20.					Program Receipts 1020					
21.					Other					
FOR B&M USE ONLY										
4A KEY NUMBER _____										

This position will operate, maintain and otherwise support the "Inquire" data processing software that is utilized in missing persons investigations. This system was purchased several years ago to assist in two major homicide investigations. Funds are requested to upgrade and maintain the system yearly (\$4,500) as well as initial installation (\$1,150). A desk and chair are also requested.

REQUEST FOR  
NEW POSITION

AGENCY Department of Public Safety  
PROGRAM Administration of Justice  
BRU IPS Administration  
COMPONENT Data/Word Processing

FY 86

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Revised Date \_\_\_\_\_

1.	POSITION TITLE State Trooper			RANGE/STEP 77/A	ORG. UNIT PSEA	FORM 12 PAGE/LINE	COV.	APPROV.	DIS/PP.
2.	TYPE OF POSITION PFT	STAFF MONTHS 12.0	RP NUMBER	BRU NUMBER	BRU PRIORITY 5	LOCATION ANCH	ELECTION DISTRICT 7-15	LEG.	
3.	CONTINUATION LEVEL			JUSTIFICATION					
4.	TYPE OF EXPENDITURE			AMOUNT					
	1		2	3					
	PERSONAL SERVICES								
5.	Salary 77A + 180 hrs. O/T		47,640						
6.	Benefits		11,785						
7.	Supplemental Benefits		2,680						
8.	Fixed Benefits		2,612						
9.	TOTAL PERSONAL SERVICES		01	64.7					
10.	Travel		02	2.0					
11.	Contractual		03	13.9					
12.	Commodities		04	3.3					
13.	Equipment		05	19.2					
14.	Other								
15.	TOTAL COST			103.1					
<p>This position will be an investigator with less experience than a sergeant that will work in close coordination with more senior personnel. It will, however, deal with the same type cases involving criminally exploited and missing children. This position will take a proactive approach to these difficult and complex child exploitation cases.</p> <p>This unit will be organized on a centralized Metro concept primarily responsible for investigating sexual exploitation and intra-family sexual assaults involving juveniles under the age of 17.</p> <p>This position will assist in the statewide coordination of investigations and therefore will be based in the Criminal Investigation Bureau.</p>									
	RECEIPT CODE	FUNDING SOURCE							
16.		Federal Receipts 1002							
17.		G.F. Match 1003							
18.		General Funds 1004		103.1					
19.		I-A Receipts 1005							
20.		Program Receipts 1020							
21.		Other							
FOR BSM USE ONLY									
4A KEY NUMBER _____									

REQUEST FOR  
NEW POSITION

AGENCY Department of Public Safety  
PROGRAM Administration of Justice  
BRU Alaska State Troopers  
COMPONENT Detachments and CIR

FY 86

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Revised Date \_\_\_\_\_

1.	POSITION TITLE Sergeant P.S.		
2.	TYPE OF POSITION PET	STAFF MONTHS 12.0	RP NUMBER
3.	CONTINUATION LEVEL	ADDITION	
4.	TYPE OF EXPENDITURE		AMOUNT
	1	2	3
	PERSONAL SERVICES		
5.	Salary 78A + 180 hrs. O/T	51,360	
6.	Benefits	12,705	
7.	Supplemental Benefits	2,680	
8.	Fixed Benefits	2,612	
9.	TOTAL PERSONAL SERVICES	01	69.4
10.	Travel	02	3.9
11.	Contractual	03	13.9
12.	Commodities	04	3.3
13.	Equipment	05	19.2
14.	Other	12	
15.	TOTAL COST		119.7
16.	RECEIPT CODE	FUNDING SOURCE	
17.		Federal Receipts 1002	
18.		G.F. Match 1003	
19.		General Funds 1004	119.7
19.		I-A Receipts 1005	
20.		Program Receipts 1028	
21.		Other	
FOR BSM USE ONLY 4A KEY NUMBER _____			

RANGE/STEP 78/A	BARG. UNIT PSEA	FORM 12 PAGE/LINE	GOV.	APPROV.	DISKTY.
BRU PRIORITY 6	LOCATION ANCH	ELECTION DISTRICT 7-15	LEG.		
JUSTIFICATION					
<p>This position will be an investigator who will be part of a special unit dealing with cases involving criminally exploited and missing children. This position will take a proactive approach to these difficult and complex child exploitation cases. Current staffing is simply unable to address the number of cases that are coming to light.</p> <p>This unit will be organized on a centralized Metro concept primarily responsible for investigating sexual exploitation and intra-family sexual assaults involving juveniles under the age of 17.</p> <p>This position will be located in "B" Detachment in Anchorage.</p>					

REQUEST FOR  
NEW POSITION

AGENCY Department of Public Safety  
 PROGRAM Administration of Justice  
 BRU Alaska State Troopers  
 COMPONENT Attachments and CIB

FY 86

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1.	POSITION TITLE State Trooper			RANGE/STEP 77/A	BARC. UNIT PSEA	FORM 12 PAGE/LINE	COV.	APPROV.	DISAPP.
2.	TYPE OF POSITION PFT	STAFF MONTHS 12.0	RP NUMBER	BRU NUMBER	PRIORITY 7	LOCATION ANCH	ELECTION DISTRICT 7-15	LEG.	
3.	CONTINUATION LEVEL			JUSTIFICATION					
4.	TYPE OF EXPENDITURE			AMOUNT					
	1	2	3						
	PERSONAL SERVICES								
5.	Salary 77A + 180 hrs. O/T	47,640							
6.	Benefits	11,735							
7.	Supplemental Benefits	2,680							
8.	Fixed Benefits	2,612							
9.	TOTAL PERSONAL SERVICES	01	4.7						
0.	Travel	02	2.0						
11.	Contractual	03	3.9						
12.	Commodities	04	3.3						
13.	Equipment	05	9.2						
14.	Other								
15.	TOTAL COST		3.1						
	RECEIPT CODE	FUNDING SOURCE							
16.		Federal Receipts	1002						
17.		G.F. Match	1003						
18.		General Funds	1004	3.1					
19.		I-A Receipts	1005						
20.		Program Receipts	1028						
21.		Other							
FOR BSM USE ONLY									
4A KEY NUMBER									

This position will be an investigator with less experience than a sergeant that will work in close coordination with more senior personnel. It will, however, deal with the same type cases involving criminally exploited and missing children. This position will take a proactive approach to these difficult and complex child exploitation cases.

This unit will be organized on a centralized Metro concept primarily responsible for investigating sexual exploitation and intra-family sexual assaults involving juveniles under the age of 17.

This position will function in "R" Detachment in Anchorage.

REQUEST FOR  
NEW POSITION

AGENCY Department of Public Safety  
 PROGRAM Administration of Justice  
 BRU Alaska State Troopers  
 COMPONENT Detachments and CIB

FY 86

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1.	POSITION TITLE Clerk Typist II		
2.	TYPE OF POSITION PFT	STAFF MONTHS 12.0	RP NUMBER
3.	CONTINUATION LEVEL	ADDITION	
4.	TYPE OF EXPENDITURE		
	1	2	3
	PERSONAL SERVICES		
5.	Salary 7A + 180 hrs. O/T	21,114	
6.	Benefits	3,813	
7.	Supplemental Benefits	1,294	
8.	Fixed Benefits	2,732	
9.	TOTAL PERSONAL SERVICES	01	29.0
10.	Travel	02	
11.	Contractual	03	1.2
12.	Commodities	04	2.0
13.	Equipment	05	2.2
14.	Other		
15.	TOTAL COST		34.4

	RECEIPT CODE	FUNDING SOURCE	
16.		Federal Receipts 1002	
17.		G.F. Match 1003	
18.		General Funds 1004	34.4
19.		I-A Receipts 1005	
20.		Program Receipts 1028	
21.		Other	

FOR HRM USE ONLY  
4A KEY NUMBER \_\_\_\_\_

	RANGE/STEP 7/A	BARC. UNIT GCU	FORM 12 PAGE/LINE	GOV.	APPROV.	DISAPP.
II NUMBER	BRU PRIORITY 8	LOCATION ANCH	ELECTION DISTRICT 7-15	LEG.		

JUSTIFICATION

This position will provide clerical support for the specialized unit dealing with cases involving criminally exploited and missing children. These types of cases require extensive documentation and transcription of lengthy interview tapes. Recent court requirements have developed that result in the necessity of transcribing all interviews fully and making this data available to defense attorneys rather than only limited parts of interviews that are presented as evidence by the prosecution. Additionally, this position will perform all general clerical work including filing, typing and general correspondence. This position will function in "B" Detachment in Anchorage.

**REQUEST FOR  
NEW POSITION**

AGENCY Department of Public Safety  
 PROGRAM Administration of Justice  
 BRU Alaska State Troopers  
 COMPONENT Detachments and CIR

FY 86

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1.	POSITION TITLE Sergeant P.S.		
2.	TYPE OF POSITION PFT	STAFF MONTHS 12.0	RP NUMBER
3.	CONTINUATION LEVEL	ADDITION	
4.	TYPE OF EXPENDITURE		
	1	2	
	PERSONAL SERVICES		
5.	Salary 78A + 180 hrs. O/T	57,360	
6.	Benefits	14,190	
7.	Supplemental Benefits	2,680	
8.	Fixed Benefits	2,612	
9.	TOTAL PERSONAL SERVICES	01	76.8
10.	Travel	02	3.9
11.	Contractual	03	13.9
12.	Commodities	04	3.3
13.	Equipment	05	19.2
14.	Other		
15.	TOTAL COST		17.1
RECEIPT CODE      FUNDING SOURCE			
16.		Federal Receipts 1002	
17.		G.F. Match 1003	
18.		General Funds 1004	17.1
19.		I-A Receipts 1005	
20.		Program Receipts 1028	
21.		Other	
FOR BGM USE ONLY			
4A KEY NUMBER _____			

	RANGE/STEP 78/A	BARG. UNIT PSEA	FORM 12 PAGE/LINE	GOV.	APPROV.	DISAPP.
BRU NUMBER	BRU PRIORITY 9	LOCATION FBKS	ELECTION DISTRICT 20	LEG.		
JUSTIFICATION						
<p>This position will be an investigator who will be part of a special unit dealing with cases involving criminally exploited and missing children. This position will take a proactive approach to these difficult and complex child exploitation cases. Current staffing is simply unable to address the number of cases that are coming to light.</p> <p>This unit will be organized on a centralized Metro concept primarily responsible for investigating sexual exploitation and intra-family sexual assaults involving juveniles under the age of 17.</p> <p>This position will function in "E" Detachment in Fairbanks.</p>						

REQUEST FOR  
NEW POSITION

AGENCY Department of Public Safety  
PROGRAM Administration of Justice  
BRU Alaska State Troopers  
COMPONENT Detachments and CIR

FY 86

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1.	POSITION TITLE State Trooper		
2.	TYPE OF POSITION PFT	STAFF MONTHS 12.0	RP NUMBER
3.	CONTINUATION LEVEL	ADDITION	
4.	TYPE OF EXPENDITURE		
	1	2	
	PERSONAL SERVICES		
5.	Salary 77A + 180 hrs. O/T	53,232	
6.	Benefits	13,168	
7.	Supplemental Benefits	2,680	
8.	Fixed Benefits	2,612	
9.	TOTAL PERSONAL SERVICES	01	71.7
10.	Travel	02	2.0
11.	Contractual	03	13.9
12.	Commodities	04	3.3
13.	Equipment	05	19.2
14.	Other		
15.	TOTAL COST		10.1

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

FOR BSN USE ONLY  
4A KEY NUMBER

RANGE/STEP 77/A	BARG. UNIT PSEA	FORM 12 PAGE/LINE	GOV.	APPROV.	DISAPP.
BRU PRIORITY 10	LOCATION FBKS	ELECTION DISTRICT 20	LEG.		

JUSTIFICATION

AMOUNT

3

This position will be an investigator with less experience than a sergeant that will work in close coordination with more senior personnel. It will, however, deal with the same type cases involving criminally exploited and missing children. This position will take a proactive approach to these difficult and complex child exploitation cases.

This unit will be organized on a centralized Metro concept primarily responsible for investigating sexual exploitation and intra-family sexual assaults involving juveniles under the age of 17.

This position will function in "E" Detachment in Fairbanks.

10.1

REQUEST FOR  
NEW POSITION

AGENCY Department of Public Safety

PROGRAM Administration of Justice

BRU Alaska State Troopers

COMPONENT Detachments and CIB

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1.	POSITION TITLE Clerk Typist II		
2.	TYPE OF POSITION PFT	STAFF MONTHS 12.0	RP NUMBER
3.	CONTINUATION LEVEL	ADDITION	
4.	TYPE OF EXPENDITURE		
	1	2	
	PERSONAL SERVICES		
5.	Salary 7A + 180 hrs. O/T	22,836	
6.	Benefits	4,124	
7.	Supplemental Benefits	1,400	
8.	Fixed Benefits	2,732	
9.	TOTAL PERSONAL SERVICES	01	31.1
10.	Travel	02	
11.	Contractual	03	1.2
12.	Commodities	04	2.0
13.	Equipment	05	2.2
14.	Other		
15.	TOTAL COST		16.5
	RECEIPT CODE	FUNDING SOURCE	
16.		Federal Receipts 1002	
17.		G.F. Match 1003	
18.		General Funds 1004	16.5
19.		I-A Receipts 1005	
20.		Program Receipts 1028	
21.		Other	
FOR B/M USE ONLY			
4A KEY NUMBER _____			

RANGE/STEP 7/A	BARG. UNIT AGU	FORM 12 PAGE/LINE	COV.	APPROV.	DISAP.
BRU PRIORITY 11	LOCATION FBKS	ELECTION DISTRICT 20	LEG.		
JUSTIFICATION					
<p>This position will provide clerical support for the specialized unit dealing with cases involving criminally exploited and missing children. These types of cases require extensive documentation and transcription of lengthy interview tapes. Recent court requirements have developed that result in the necessity of transcribing all interviews fully and making this data available to defense attorneys rather than only limited parts of interviews that are presented as evidence by the prosecution. Additionally, this position will perform all general clerical work including filing, typing and general correspondence. This position will function in "E" Detachment in Fairbanks.</p>					
AMOUNT					
3					
16.5					

REQUEST FOR  
NEW POSITION

AGENCY Department of Public Safety  
PROGRAM Administration of Justice  
BRU Alaska State Troopers  
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FY 86

1.	POSITION TITLE Clark Typist II		
2.	TYPE OF POSITION PFT	STAFF MONTHS 12.0	RP NUMBER
3.	CONTINUATION LEVEL	ADDITION	
4.	TYPE OF EXPENDITURE		
	1	2	
	PERSONAL SERVICES		
5.	Salary 7A + 180 hrs. O/T	21,114	
6.	Benefits	3,813	
7.	Supplemental Benefits	1,294	
8.	Fixed Benefits	2,732	
9.	TOTAL PERSONAL SERVICES	01	
10.	Travel	02	
11.	Contractual	03	
12.	Commodities	04	
13.	Equipment	05	
14.	Other	06	
15.	TOTAL COST	07	
	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	
FOR BSM USE ONLY 4A KEY NUMBER _____			

RANGE/STEP 7/A	BARG. UNIT GGU	FORM 12 PAGE/LINE	GOV.	APPROV.	DISAP.
BRU PRIORITY 8	LOCATION ANCH	ELECTION DISTRICT 7-15	LEG.		
JUSTIFICATION					
<p>This position will provide clerical support for the specialized unit dealing with cases involving criminally exploited and missing children. These types of cases require extensive documentation and transcription of lengthy interview tapes. Recent court requirements have developed that result in the necessity of transcribing all interviews fully and making this data available to defense attorneys rather than only limited parts of interviews that are presented as evidence by the prosecution. Additionally, this position will perform all general clerical work including filing, typing and general correspondence. This position will be located in the Criminal Investigation Bureau in Anchorage.</p>					
AMOUNT					
3					
9.0					
1.2					
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2.2					
4.4					
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**REQUEST FOR  
NEW POSITION**

AGENCY Department of Public Safety  
 PROGRAM Administration of Justice  
 BRU Alaska State Troopers  
 COMPONENT Attachments and CIB

**FY 86**

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1.	POSITION TITLE Sergeant P.S.		
2.	TYPE OF POSITION PFT	STAFF MONTHS 12.0	RP NUMBER
3.	CONTINUATION LEVEL	ADDITION	
4.	TYPE OF EXPENDITURE		
	1	2	
	PERSONAL SERVICES		
5.	Salary 78A + 180 hrs O/T	53,232	
6.	Benefits	15,168	
7.	Supplemental Benefits	2,680	
8.	Fixed Benefits	2,612	
9.	TOTAL PERSONAL SERVICES	01	
10.	Travel	02	
11.	Contractual	03	
12.	Commodities	04	
13.	Equipment	05	
14.	Other	06	
15.	TOTAL COST		

	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

FOR BSM USE ONLY

4A KEY NUMBER \_\_\_\_\_

	RANGE/STEP 78/A	BAKG. UNIT PSEA	FORM 12 PAGE/LINE	COV.	APPROV.	DISAPP.
NUMBER	BRU PRIORITY 13	LOCATION Soldotna	ELECTION DISTRICT 5	LEG.		

	JUSTIFICATION
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7	This position will be an investigator who will be part of a special unit dealing with cases involving criminally exploited and missing children. This position will take a proactive approach to these difficult and complex child exploitation cases. Current staffing is simply unable to address the number of cases that are coming to light.
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11	This unit will be organized on a centralized Metro concept primarily responsible for investigating sexual exploitation and intra-family sexual assaults involving juveniles under the age of 17.
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REQUEST FOR  
NEW POSITION

AGENCY \_\_\_\_\_ Department of Public Safety  
PROGRAM \_\_\_\_\_ Administration of Justice  
BRU \_\_\_\_\_ State Troopers  
COMPONENT \_\_\_\_\_ Attachments and CIP

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1.	POSITION TITLE Sergeant P.S.		
2.	TYPE OF POSITION PET	STAFF MONTHS 12.0	RP NUMBER
3.	CONTINUATION LEVEL	ADDITION	
4.	TYPE OF EXPENDITURE		
	1	2	
	PERSONAL SERVICES		
5.	Salary 78A + 180 hrs. O/T	51,360	
6.	Benefits	12,705	
7.	Supplemental Benefits	2,680	
8.	Fixed Benefits	2,612	
9.	TOTAL PERSONAL SERVICES	01	
10.	Travel	02	
11.	Contractual	03	
12.	Commodities	04	
13.	Equipment	05	
14.	Other	06	
15.	TOTAL COST		

	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

FOR BSM USE ONLY  
4A KEY NUMBER

	RANGE/STEP 78/A	BARG. UNIT PSEA	FORM 12 PAGE/LINE	GOV.	APPROV.	DISAPP.
NUMBER	BRU PRIORITY 14	LOCATION Juneau	ELECTION DISTRICT 4	LEG.		

JUSTIFICATION

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This position will be an investigator who will be part of a special unit dealing with cases involving criminally exploited and missing children. This position will take a proactive approach to these difficult and complex child exploitation cases. Current staffing is simply unable to address the number of cases that are coming to light.

This unit will be organized on a centralized Metro concept primarily responsible for investigating sexual exploitation and intra-family sexual assaults involving juveniles under the age of 17.

This position will function in "A" Detachment in Juneau.

REQUEST FOR  
NEW POSITION

AGENCY D Department of Public Safety

PROGRAM A Administration of Justice

BRU 1 State Troopers

COMPONENT 1 Detachments and CIB

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1.	POSITION TITLE State Trooper		
2.	TYPE OF POSITION PFT	STAFF MONTHS 12.0	RP NUMBER
3.	CONTINUATION LEVEL	ADDITION	
4.	TYPE OF EXPENDITURE		
	1	2	
	PERSONAL SERVICES		
5.	Salary 77A + 180 hrs. O/T	49,368	
6.	Benefits	12,213	
7.	Supplemental Benefits	2,680	
8.	Fixed Benefits	2,612	
9.	TOTAL PERSONAL SERVICES	01	
10.	Travel	02	
11.	Contractual	03	
12.	Commodities	04	
13.	Equipment	05	
14.	Other	1	
15.	TOTAL COST	.3	

	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

FOR BSM USE ONLY  
4A KEY NUMBER \_\_\_\_\_

RANGE/STEP 77/A	WAGE UNIT PSEA	FORM 12 PAGE/LINE	CCV.	APPROV.	DISAP.
NUMBER	BRU PRIORITY 15	LOCATION Soldotna	ELECTION DISTRICT 5	LLG.	
JUSTIFICATION					
UNIT	This position will be an investigator with less experience than a sergeant that will work in close coordination with more senior personnel. It will, however, deal with the same type cases involving criminally exploited and missing children. This position will take a proactive approach to these difficult and complex child exploitation cases.				
3	This unit will be organized on a centralized Metro concept primarily responsible for investigating sexual exploitation and intra-family sexual assaults involving juveniles under the age of 17.				
.9	This position will function in "C" Detachment in Soldotna.				
.0					
.9					
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**REQUEST FOR  
NEW POSITION**

AGENCY Department of Public Safety  
PROGRAM Administration of Justice  
BRU Alaska State Troopers  
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1.	POSITION TITLE Clerk Typist II		
2.	TYPE OF POSITION PET	STAFF MONTHS 12.0	RP NUMBER
3.	CONTINUATION LEVEL	ADDITION	
4.	TYPE OF EXPENDITURE		
	1	2	
	PERSONAL SERVICES		
5.	Salary 7A + 180 hrs. O/T	21,678	
6.	Benefits	3,915	
7.	Supplemental Benefits	1,329	
8.	Fixed Benefits	2,732	
9.	TOTAL PERSONAL SERVICES	01	
10.	Travel	02	
11.	Contractual	03	
12.	Commodities	04	
13.	Equipment	05	
14.	Other		
15.	TOTAL COST		
	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	
FOR B&M USE ONLY			
4A KEY NUMBER _____			

	RANGE/STEP 7/A	BARC. UNIT GGU	FORM 12 PAGE/LINE	GOV.	APPROV.	DISAPP.
NUMBER	BRU PRIORITY 16	LOCATION Soldotna	ELECTION DISTRICT 5	LEG.		
	JUSTIFICATION					
	<p>This position will provide clerical support for the specialized unit dealing with cases involving criminally exploited and missing children. These types of cases require extensive documentation and transcription of lengthy interview tapes. Recent court requirements have developed that result in the necessity of transcribing all interviews fully and making this data available to defense attorneys rather than only limited parts of interviews that are presented as evidence by the prosecution. Additionally, this position will perform all general clerical work including filing, typing and general correspondence. This position will function in "C" Detachment in Soldotna.</p>					

REQUEST FOR  
NEW POSITION

AGENCY \_\_\_\_\_ Department of Public Safety  
PROGRAM \_\_\_\_\_ Administration of Justice  
BRU \_\_\_\_\_ Alaska State Troopers  
COMPONENT \_\_\_\_\_ Detachments and CIR

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1.	POSITION TITLE State Trooper		
2.	TYPE OF POSITION PFT	STAFF MONTHS 12.0	RP NUMBER
3.	CONTINUATION LEVEL	ADDITION	
4.	TYPE OF EXPENDITURE		
	1	2	
	PERSONAL SERVICES		
5.	Salary 77A + 180 hrs. O/T	47,640	
6.	Benefits	11,785	
7.	Supplemental Benefits	2,680	
8.	Fixed Benefits	2,612	
9.	TOTAL PERSONAL SERVICES	01	
10.	Travel	02	
11.	Contractual	03	
12.	Commodities	04	
13.	Equipment	05	
14.	Other		
15.	TOTAL COST		

	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

FOR BSM USE ONLY  
4A KEY NUMBER

	RANGE/STEP 77/A	BARG. UNIT PSEA	FORM 12 PAGE/LINE	GOV.	APPROV.	DISAPP.
NUMBER	BRU PRIORITY 17	LOCATION Juneau	ELECTION DISTRICT 4	LEG.		

	JUSTIFICATION
7	<p>This position will be an investigator with less experience than a sergeant that will work in close coordination with more senior personnel. It will, however, deal with the same type cases involving criminally exploited and missing children. This position will take a proactive approach to these difficult and complex child exploitation cases.</p> <p>This unit will be organized on a centralized Metro concept primarily responsible for investigating sexual exploitation and intra-family sexual assaults involving juveniles under the age of 17.</p> <p>This position will function in "A" Detachment in Juneau.</p>
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1	

REQUEST FOR  
NEW POSITION

AGENCY Department of Public Safety  
PROGRAM Administration of Justice  
BRU Alaska State Troopers  
COMPONENT Divisions and CIB

FY 86

Page 17 of 18  
Revised Date

1.	POSITION TITLE Clerk Typist II		
2.	TYPE OF POSITION PFT	STAFF MONTHS 12.0	RP NUMBER
3.	CONTINUATION LEVEL	ADDITION	
4.	TYPE OF EXPENDITURE		
	1	2	
	PERSONAL SERVICES		
5.	Salary 7A + 180 hrs. O/T	21,114	
6.	Benefits	3,813	
7.	Supplemental Benefits	1,204	
8.	Fixed Benefits	2,732	
9.	TOTAL PERSONAL SERVICES	01	
10.	Travel	02	
11.	Contractual	03	
12.	Commodities	04	
13.	Equipment	05	
14.	Other	06	
15.	TOTAL COST		

	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

FOR B&M USE ONLY

4A KEY NUMBER

	RANGE/STEP 7/A	BAKG. UNIT GGU	FORM 12 PAGE/LINE	GOV.	APPROV.	DISAPP.
NUMBER	BRU PRIORITY 18	LOCATION Juneau	ELECTION DISTRICT 4	LEC.		
JUSTIFICATION						
00011	<p>This position will provide clerical support for the specialized unit dealing with cases involving criminally exploited and missing children. These types of cases require extensive documentation and transcription of lengthy interview tapes. Recent court requirements have developed that result in the necessity of transcribing all interviews fully and making this data available to defense attorneys rather than only limited parts of interviews that are presented as evidence by the prosecution. Additionally, this position will perform all general clerical work including filing, typing and general correspondence. This position will function in "A" Detachment in Juneau.</p>					
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0						
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4						
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REQUEST FOR  
NEW POSITION

AGENCY \_\_\_\_\_  
PROGRAM \_\_\_\_\_  
BRU \_\_\_\_\_  
COMPONENT \_\_\_\_\_

Department of Public Safety  
Administration of Justice  
State Troopers  
Departments and CJB

FY 86

Page 18 of 18

Revised Date

# Alaska Juvenile Crime Commission

P.O. Box 4-2850 Anchorage, Alaska 99509 Ph. (907) 345-0277

## SPECIAL UNIT FOR THE INVESTIGATION OF CRIMINALLY EXPLOITED AND MISSING CHILDREN

Juvenile Unit - Funded by direct appropriation apart from the current law enforcement budget. A new and separate investigative section would be established consisting of a minimum of nine investigators and a supervisor with appropriate clerical support. These investigators should be officers with experience in working with juveniles and in investigative techniques that relate to semi-organized and organized criminal activities. The purpose of the section would be to initiate and follow through investigation into the forces responsible for juvenile prostitution, both male and female, and those forces behind the rising juvenile drug problem and fencing operations involving juveniles. The notable difference between this unit and other units presently in existence is that they would self-initiate these investigations, rather than responding to isolated cases presented to them. It would allow this section to expand upon other investigations presented by other units and to initiate investigations based on intelligence reports from other agencies or information provided by informants. This unit should have the flexibility to work varying hours and have available communications equipment to permit discreet, investigation and surveillance.

Specific areas of concern should be (1) juvenile pornography; both the sale and distribution of and the making of, (2) adults and groups who gain by juvenile prostitution activities, (3) organized or semi-organized activities involving the sale and use of drugs by juveniles, (4) organized or semi-organized activities in which juveniles are used as the source of stolen property to be fenced.

As cases in these areas begin to be made, consideration should be given to the establishment of special prosecutors to be funded to handle these cases from beginning to end for the purpose of maintaining the necessary confidentiality of any investigation involving juveniles as victims and/or participants in sensitive areas and for the purpose of maintaining direction in the legal system throughout investigations that will necessarily be involved, complicated and sensitive.

# Alaska Juvenile Crime Commission

P.O. Box 4-2850 Anchorage, Alaska 99509 Ph. (907) 345-0277

Special Unit - Page Two

To be effective, this unit must have available to it sources of funds to be used for the paying of confidential informants and to be used for such special operations as purchases of stolen property and drugs through undercover operatives. In addition, this unit must have the capability to operate discreetly, involving the use of unmarked cars and certain kinds of surveillance equipment and office security equipment.

The Juvenile Unit would be utilized as appropriate to assist, coordinate and work with state and national law enforcement efforts in juvenile crime and exploitation cases.

Levin

DATE: February 14, 1985

TO: Col. Kolivosky, Alaska State Troopers

FROM: TRP SAGRAVES/INV. FEICHTINGER, Child Sexual Abuse Unit

SUBJECT: Statistical Information, Unit Caseload.

Per your request, attached is a breakout of open cases presently assigned to individual members of the Child Sexual Abuse Unit. The unit was effective on December 1, 1984 and initially consisted of one supervisor (APD), two investigators (APD), and one Trooper Investigator and one clerk (APD). Effective February 1, 1985 an additional investigator (APD) was added to the unit. It is our understanding that on or about March 1, 1985, another investigator (APD) will be added to the unit. When the unit was first formed, the APD sworn personnel assigned brought with them to the unit, cases they had been assigned in their previous units that were still open. The three initial APD investigators assigned to the unit had previously been assigned in units dealing with child sexual abuse crimes.

Presently, the unit is assigned all cases involving the sexual abuse of minors where a family member is the abuser, all cases involving the sexual abuse of minors in which the victims are 10 years of age or younger, and some cases involving the sexual abuse of minors in which the victims are 11-18 years of age. The Sexual Assault Unit of APD is handling the other reported cases involving victims 11-18 years of age. The unit is not handling cases in which minors are being exploited in other than sexual ways such as involvement of minors with adults in narcotics rings and stolen property rings. These cases are being handled by other investigative units within APD. However, some of the sexual exploitation cases presently being handled by the unit also involve other types of exploitation and are being investigated by the unit.

It has been the experience of the investigators in the unit that have worked these kinds of cases for some time that the average amount of investigative time required to handle one single victim inter-family case is approximately 24 man-hours. Multiple victim inter-family cases and single victim exploitation/abuse cases require a man-hour expenditure varying between the two previously stated averages.

In addition to the cases listed and attached, unit members have identified approximately 50-100 suspected or known multiple victim exploiters in the Anchorage area. A pro-active approach is needed to investigate these persons and their activities and there is presently insufficient man-power to do so. Presently, the unit is responding almost entirely re-actively to reported cases and at present is unable to deal effectively even with that. Presently the unit is in a posture where valid cases must be prioritized such that only those involving cooperative victims and situations involving current jeopardy to the victims are being worked.

DATE: February 14, 1985


SUBJECT: Statistical Information, Unit Caseload.

Page 2

In reference to the attached forms detailing presently assigned and open cases we feel that it is necessary to explain some of the categories listed. The blocks labeled "Inter-family and Exter-family" are self explanatory. The block marked "Multiple Victims" indicates and case where there is more than one known victim and could include numerous known victims. If the blocks entitled "Drug Violations, Pornography, or Commercial Prostitution" are checked it indicates that violations of this nature are involved in the case and are being worked as a part of the case. The block entitled "Sexual Assault" refers to cases where the victim (adult or juvenile) was assaulted forceably and is likened to the "stranger rape" situation. The block marked "Sexual Abuse" indicates cases in which a minor was sexually abused, either consentually or forceably. The block marked "Sexual Exploitation" refers to those cases involving sexual abuse in which there are known or suspected multiple victims and there appears to be a pattern of ongoing behavior on the part of the perpetrator in continuing the sexual abuse of known victims and seeking out new victims; in short cases involving a fixated pedophile.

Attached also is a copy of a recent "job description" submitted by Inv. Feichtinger in reference to his duties in this area that had been prepared for an APD classification study now in progress. This attachment is provided for your information and probably accurately describes the job duties, at present, if an investigator in this unit.

For your information, during the month of December, 1984, (the first month this unit was in existence) approximately 44 new cases were taken in. During the month of January, 1985, approximately 58 new cases were taken in. So far this month the unit has taken in approximately 23 new cases. This does not include information that has been received from various sources indicating sexually abusive/exploitive situations where no victims have yet come forward.



Total Cases Open:	125
Closed by arrest/ Follow-up required:	7
Closed pending trial:	12
Inter-family cases:	30
Outside family cases:	81
Multiple Victims:	32
Drug Violations:	4
Pornography:	12
Commercial Prostitution:	5
Sexual Assault:	10
Sexual Abuse:	110
Sexual Exploitation:	22

STATE OF ALASKA  
THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY  
LEGISLATIVE REFERENCE LIBRARY

FOUCHY - STATE CAPITOL  
JUNEAU, ALASKA 99811  
907-465-3000

May, 1986

Copies of minutes listed below were originally included in this file. The minutes are available on the STAIRS date base CM 14. In order to save space copies of minutes have not been left in the files.

Jeanie Henry

Senate Health Education & Social Services Committee, 4/9/85, 1:36 pm  
Senate State Affairs Committee 3/28/85, 8:30 am

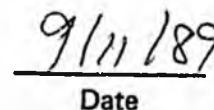


# RECORDS CERTIFICATION



I, the undersigned, an employee of the State of Alaska, do hereby certify that the microfilm images on this microform are accurate reproductions of the original records of the State of Alaska as accumulated during the regular course of business, and that it is the established policy and practice of this State to microfilm its records and to dispose of the original records after microfilm reproductions have been made.

  
Signature of Camera Operator

  
Date

H B

3 3 7

Ford  
2/21/86

Original sponsor: Shultz

1 IN THE HOUSE

BY THE STATE AFFAIRS COMMITTEE

2 CS FOR HOUSE BILL NO. 337 (State Affairs)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to vehicle registration."

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

8 \* Section 1. AS 28.10.108(c) is amended to read:

9 (c) A vehicle subject to registration and not described in (b)  
10 of this section shall have its initial registration, and may have its  
11 annual registration, renewed in the month of initial registration in  
12 the state, subject to the provisions of (f) and (l) of this section.

13 \* Sec. 2. AS 28.10.108 is amended by adding a new subsection to read:

14 (1) A vehicle of a type described in AS 28.10.421(f) may, at the  
15 owner's option, be registered for a six-month period.

16 \* Sec. 3. AS 28.10.411(a) is amended to read:

17 (a) For every year during any part of which a vehicle is subject  
18 to registration under this chapter, a registration fee shall be paid  
19 to the department at the time of original registration and at each  
20 [ANNUAL] renewal of registration after that time.

21 \* Sec. 4. AS 28.10.421 is amended by adding a new subsection to read:

22 (f) Fees for vehicles registered for a six-month period under  
23 AS 28.10.108(l) are as follows:

24 (1) a passenger vehicle or motor home not used or main-  
25 tained for the transportation of persons or property for hire or for  
26 other commercial use.....\$15

27 (2) a pick-up truck or a van not exceeding 6,000 pounds  
28 unladen weight and not used or maintained for the transportation of  
29 persons or property for hire or for other commercial use.....\$17.50.

# STATE OF ALASKA 1986 LEGISLATIVE SESSION FISCAL NOTE

Revision Date : 2-20-86

### REQUEST

Bill/Resolution No. : HB 337  
 Title : An Act relating to vehicle registration  
 Sponsor : Shultz  
 Requestor : House SA  
 Date of Request : 2-20-86

### FISCAL DETAIL

Agency Affected : Public Safety  
 BRU : Motor Vehicles  
 Components : Field Services Administration

### EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES		125.9	132.2	138.8	145.8	153.1
TRAVEL						
CONTRACTUAL		21.1	18.5	19.4	20.4	21.4
SUPPLIES		.8	.9	.9	.9	1.0
EQUIPMENT		16.6				
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>		<b>164.4</b>	<b>151.6</b>	<b>159.1</b>	<b>167.1</b>	<b>175.5</b>

CAPITAL						
---------	--	--	--	--	--	--

REVENUE		(682.5)	(716.6)	(752.4)	(790.0)	(829.5)
---------	--	---------	---------	---------	---------	---------

### FUNDING : (Thousands of Dollars)

GENERAL FUND		164.4	151.6	159.1	167.1	175.5
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>		<b>164.4</b>	<b>151.6</b>	<b>159.1</b>	<b>167.1</b>	<b>175.5</b>

### POSITIONS :

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

### ANALYSIS : Attach a separate page if necessary

During calendar year 1985 there were approximately 420,000 passenger cars and trucks under 6,000 pounds registered in the state. As with all vehicle registrations these are due for renewal once a year on a staggered basis. Other annual programs tied into the registration process include municipal vehicle taxes and emission control inspections. (continued on page 2)

Prepared by : John H. Lucking, Director Phone : 269-5551

Division : Motor Vehicles Date : 2-20-86

Approved by Commissioner : [Signature] Date : 2/21/86

Agency : Public Safety

### Distribution (by Agency preparing fiscal note):

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

# CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. HB 337

ANALYSIS: (continued)

To deviate from the once a year schedule would impact all programs.

Establishing a six month vehicle registration would involve extensive computer reprogramming to allow the system to accept and record six month registrations, and would require special handling in the application and issuing processes at field offices. Record changes versus record updating would be necessary. A mail out program would be ineffective and would require personal visits to already congested field offices. Accounting efforts of receipts would increase.

There is no way to determine how many owners might pursue obtaining six month registrations. Assuming 10% of the qualified vehicles used the six month registration, this would involve 42,000 registrations. The result would be a reduction of \$682,500 in license fees based on current rates. Commissioned agent fees would decrease proportionately. This loss, together with the increased operating costs, would be contrary to current proposals to increase license fees and in dealing with declining revenues.

- Note: 1. Costs in future years reflect a 5% normal inflation rate.  
 2. DP charge in FY 87 only (\$3.5)  
 3. Equipment charge in FY 87 only (\$16.6)  
 4. Assume effective date of July 1, 1986.

100 Personal Services

Anchorage		
2 MVR II, Range 9	61.6	
1 Accounting Clerk II, Range 9	30.8	
Fairbanks		
1 MVR II, Range 9	33.5	125.9

300 Contractual

Telephone & tolls	1.0	
Special Forms	5.0	
DP line charges - 4 CRTs	8.0	
CRT maintenance - 4	3.6	
Programming - 50 hrs at \$70 per hour	3.5	21.1

400 Commodities

Normal office supplies	.8	.8
------------------------	----	----

500 Equipment

1 Chair	.3	
1 Desk	.5	
1 Calculator	.3	
4 CRT terminals at \$3,800 each	15.2	
1 CRT table	.3	
		16.6

TOTAL 164.4

Position Title Motor Vehicle Rep II			No. of Positions 2	Range/Step 9B	Barg. Unit GGU	Gov.	Approv.	Disapp.
Time Status PFT	Staff Months 24	RP Number	Location Anchorage		Election District 7-15	Leg.		
Type of Expenditure			Justification					
		Amount	These positions would work the public counter in the field office to issue motor vehicle registrations and titles.					
1	2	3						
Salary	44,472							
Benefits	11,118							
Premium Pay								
Other	6,054							
Total Personal Services		61.6						
Travel								
Contractual		5.8						
Commodities		14						
Equipment		7.6						
Other								
Total Cost		75.4						
Receipt Code			Funding Source					
			Federal Receipts 1002					
			G. F. Match 1003					
			General Funds 1004					
			I-A Receipts 1005					
			Program Receipts 1028					
			CIP Receipts 1061					
			Other					
			75.4					
For B&M Use Only								
Key Number								

**Request For  
New Position**

Agency Public Safety  
 BRU Motor Vehicles  
 Component Field Services

Page 3 of 5  
 Revised Date

**FY 87**

Position Title <b>Accounting Clerk II</b>			No. of Positions 1	Range/Step 9B	Barg. Unit GGU	Gov.	Approv.	Disapp.
Time Status PFT	Staff Months 12	RP Number	Location Anchorage		Election District 7-15	Leg.		
Type of Expenditure			Justification					
1	2	Amount	Handle additional accounting functions resulting from passage of this bill.					
Salary	22,236							
Benefits	5,559							
Premium Pay								
Other	3,027							
Total Personal Services		30.8						
Travel								
Contractual		2.9						
Commodities		.2						
Equipment		5.2						
Other								
Total Cost		39.1						
Receipt Code	Funding Source							
	Federal Receipts 1002							
	G. F. Match 1003							
	General Funds 1004		39.1					
	I-A Receipts 1005							
	Program Receipts 1028							
	CIP Receipts 1061							
	Other							
For B&M Use Only Key Number _____								

**Request For  
New Position**

Agency Department of Public Safety  
 BRU Division of Motor Vehicles  
 Component Administration

Page 4 of 5  
 Revised Date

**FY 87**

Position Title <b>Motor Vehicle Rep. II</b>			No. of Positions <b>1</b>	Range/Step <b>9B</b>	Barg. Unit <b>GGU</b>	Gov.	Approv.	Disapp.																																				
Time Status <b>PFT</b>	Staff Months <b>12</b>	RP Number	Location <b>Fairbanks</b>	Election District		Leg.																																						
<table border="1"> <thead> <tr> <th colspan="2">Type of Expenditure</th> <th>Amount</th> </tr> <tr> <th>1</th> <th>2</th> <th>3</th> </tr> </thead> <tbody> <tr> <td>Salary</td> <td>24,348</td> <td rowspan="4"></td> </tr> <tr> <td>Benefits</td> <td>6,087</td> </tr> <tr> <td>Premium Pay</td> <td></td> </tr> <tr> <td>Other</td> <td>3,027</td> </tr> <tr> <td colspan="2">Total Personal Services</td> <td>33.5</td> </tr> <tr> <td colspan="3">Travel</td> </tr> <tr> <td>Contractual</td> <td></td> <td>2.9</td> </tr> <tr> <td>Commodities</td> <td></td> <td>.2</td> </tr> <tr> <td>Equipment</td> <td></td> <td>3.8</td> </tr> <tr> <td>Other</td> <td></td> <td></td> </tr> <tr> <td colspan="2">Total Cost</td> <td>40.4</td> </tr> </tbody> </table>			Type of Expenditure		Amount	1	2	3	Salary	24,348		Benefits	6,087	Premium Pay		Other	3,027	Total Personal Services		33.5	Travel			Contractual		2.9	Commodities		.2	Equipment		3.8	Other			Total Cost		40.4	<b>Justification</b>  This position would work the public counter in the field office to issue motor vehicle registrations and titles.					
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**Request For  
New Position**

Agency Department of Public Safety  
BRU Division of Motor Vehicles  
Component Field Services

Page 5 of 5  
Revised Date \_\_\_\_\_

**FY 87**

ANALYSIS OF COMMITTEE SUBSTITUTE FOR HB 337

Section 1. AS 28.10.108 (c) is amended to read:

- (c) a vehicle not described in (b) of this section shall have its initial registration and may have its annual renewed in the month of the initial registration subject to provisions under (f) and (i) of this section.

Section 2. AS 28.10.108 is amended by adding new subsection to read:

- (1) A vehicle of a type described in AS 28.10.421 (f) may at owner's option be registered for a 6 month period.

Section 3. AS 28.10.411 (a) is amended to read:

- (a) for every year during any part of the year registration shall be paid to the department at the initial registration and at each renewal thereafter.

Section 4. AS 28.10.421 is amended by adding:

(f) fees for vehicles for 6 month period

- (1) car or motor home not used commercially is \$15.00
- (2) Pick up truck or van not over 6000# unladen weight and not used commercially is \$17.50

DEPARTMENT OF PUBLIC SAFETY

POSITION PAPER - HB-337

Opposed

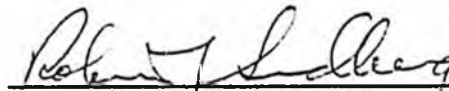
April 5, 1985

HB-337, an Act relating to vehicle registration.

During the calendar year 1984 there were 420,000 passenger cars and trucks under 6,000 pounds registered in the state. As with all vehicle registrations, these are due for renewal once a year on a staggered basis. Other annual programs tied into the registration process include municipal vehicle taxes and emission control inspections. To deviate from the once a year schedule would impact all programs.

Establishing a six month vehicle registration would involve extensive computer reprogramming to allow the system to accept and record six month registrations and would require special handling in the application and issuing processes at field offices. Record changes versus record updating would be necessary. A mail out program would be ineffective and would require personal visits to already congested field offices. Accounting efforts of receipts would increase.

There is no way to determine how many owners might pursue obtaining six month registrations. Assuming 10 percent of the qualified vehicles used the six month registration, this would involve 42,000 registrations. The result would be a reductions of \$682,500 in license fees based on current rates. Commissioned agent fees would decrease proportionately. This loss together with the increased operating costs would be contrary to current proposals to increase license fees and in dealing with declining revenues.

  
ROBERT J. SUNDBERG  
Commissioner

BACKGROUND ON HB 337

THIS BILL HAS BEEN REQUESTED BY MANY CONSTITUENTS WHO OWN CARS, PICK-UPS AND MOTOR HOMES BUT ONLY DRIVE THEM PART OF THE YEAR. SOME EQUIPMENT IS ONLY USED 3 MONTHS IN A YEAR BUT THE OWNER IS REQUIRED TO PURCHASE AN ANNUAL LICENSE. THIS REGULATION HAS PROVEN TO BE A HARDSHIP ON MANY RETIREES AND THOSE ON FIXED OR MARGINAL INCOMES.

THE BILL DOES NOT INCLUDE THE PREMIUM LICENSED VEHICLES OVER 5000#---ONLY THOSE IN THE LOWER WEIGHT BRACKET. THIS WILL LIMIT THE LOSS IN REVENUE TO A MINIMAL AMOUNT AND AS A RESULT WOULD HAVE VERY LITTLE ADVERSE EFFECT ON THE BUDGET.

WITH DECLINING OIL REVENUES, FEDERAL GOVERNMENT MATCHING FUNDS AND GRANTS BEING SCRUTINIZED BY THE ADMINISTRATION THE ECONOMIC POSITION OF MANY OF OUR OLDER CITIZENS IS BECOMING PRECARIOUS AS TO WHETHER TO REMAIN IN ALASKA OR GO ELSEWHERE. THIS BILL WOULD BE INFLUENTIAL IN THE DECISION OF MANY OF OUR PIONEERS TO REMAIN HERE IN THE LAND THEY LOVE. THEY WOULD BE ABLE TO CONTINUE TO HELP AND ADVISE IN OUR STATE'S GROWING PROBLEMS.



# RECORDS CERTIFICATION



I, the undersigned, an employee of the State of Alaska, do hereby certify that the microfilm images on this microform are accurate reproductions of the original records of the State of Alaska as accumulated during the regular course of business, and that it is the established policy and practice of this State to microfilm its records and to dispose of the original records after microfilm reproductions have been made.

  
Signature of Camera Operator

  
Date

H B

3 4 5

(1 of 3)

COMMITTEE REPORT  
HOUSE

2/14

(7)

FURTHER: JUDICIARY

4/1/85

Date: 2/12/86

The Committee on STATE AFFAIRS has had HB 345

"An Act returning the standard for civil liability of vendors of alcoholic beverages to ordinary negligence under the common law; and providing for an effective date."

under consideration and recommends:

- do pass  do not pass
- do pass with attached amendments(s)
- replace with CS for (SA)  same title  
 new title
- and recommends \_\_\_\_\_
- 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

[Signature]  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
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MEMBERS HAVING  
OTHER RECOMMENDATIONS:

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[Signature]  
[Signature]

CHAIRMAN

Ford  
2/11/86 ✓✓

Original sponsor: Rules/Governor

1 IN THE HOUSE

BY THE STATE AFFAIRS COMMITTEE

2 CS FOR HOUSE BILL NO. 345 (State Affairs)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to civil liability of persons who  
7 provide alcoholic beverages; and providing for an  
8 effective date."

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

10 \* Section 1. AS 04.21.020 is amended to read:

11 Sec. 04.21.020. CIVIL LIABILITY OF PERSONS PROVIDING ALCOHOLIC  
12 BEVERAGES. A person who provides alcoholic beverages to another  
13 person may not be held civilly liable for injuries resulting from the  
14 intoxication of that person unless the person who provides the alco-  
15 holic beverages holds a license authorized under AS 04.11.080 - 04.-  
16 11.220, or is an agent or employee of such a licensee, or is required  
17 by AS 04.11.010 to hold a license or permit, and

18 (1) the alcoholic beverages are provided to a person under  
19 the age of 21 years in violation of AS 04.16.051, unless the licensee,  
20 agent, or employee secures in good faith from the person a signed  
21 statement, liquor identification card, or driver's license meeting the  
22 requirements of AS 04.21.050(a) and 04.21.050(b), that indicates that  
23 the person is 21 years of age or older; or

24 (2) the alcoholic beverages are provided to a drunken  
25 person [IN VIOLATION OF AS 04.16.030].

26 \* Sec. 2. AS 04.21.020 is amended by adding new subsections to read:

27 (b) In determining whether a licensee, agent, or employee of a  
28 licensee has provided alcoholic beverages to a drunken person or a  
29 minor, competent evidence establishing that the licensee, agent, or

1 employee of a licensee adhered to responsible business practices shall  
2 be relevant to determining if the person served was a minor or drunken  
3 person.

4 (c) In this section, "responsible business practices" are those  
5 business policies, procedures and actions that an ordinarily prudent  
6 person would follow in like circumstances. The service of alcoholic  
7 beverages to a person with actual or constructive knowledge that the  
8 person is intoxicated or a minor constitutes an unreasonable business  
9 practice. Evidence of responsible business practices is relevant to  
10 determining whether a person who does not have actual knowledge should  
11 have known of the person's intoxicated condition or age. Evidence of  
12 responsible business practices may include comprehensive training of  
13 the licensee and licensee's employees and agents who are present at  
14 the time of service of alcoholic beverages and responsible management  
15 policies, procedures, and actions that are in effect at the time of  
16 the service. For the purposes of service to intoxicated persons,  
17 evidence of comprehensive training includes the development of knowl-  
18 edge and skills regarding the responsible service of alcoholic bever-  
19 ages and the handling of intoxicated persons. This training must be  
20 appropriate to the level, kind, and type of responsibility for each  
21 employee and agent to be trained.

22 (d) For the purposes of service to intoxicated persons, evidence  
23 of responsible management policies, procedures, and actions may  
24 include policies, procedures, and actions that are implemented at the  
25 time of service that

26 (1) encourage persons not to become intoxicated if they  
27 consume alcoholic beverages on the licensee's premises;

28 (2) promote availability of nonalcoholic beverages and  
29 food;

1 (3) promote safe transportation alternatives other than  
2 driving while intoxicated;

3 (4) prohibit employees and agents of the licensee from  
4 consuming alcoholic beverages while acting in their capacity as  
5 employee or agent;

6 (5) establish promotions and marketing efforts that publi-  
7 cize responsible business practices to the licensee's customers and  
8 community;

9 (6) implement comprehensive training procedures;

10 (7) maintain an adequate, trained number of employees and  
11 agents for the type and size of the licensee's business;

12 (8) are written in a policy and procedures handbook or  
13 similar format, and made available to employees;

14 (9) establish a standardized method for hiring qualified  
15 employees; and

16 (10) reprimand employees who violate employer policies and  
17 procedures.

18 (e) For the purposes of service to minors, evidence of  
19 responsible business practices may include management policies that  
20 are implemented at the time of service and that ensure the examination  
21 of proof of identification for all persons seeking service of alco-  
22 holic beverages who may reasonably be suspected to be minors and  
23 comprehensive training of employees who are responsible for the  
24 detection of false or altered identification.

25 (f) Proof of responsible business practices shall be based on  
26 the totality of the circumstances including the availability of  
27 training programs and alternative public transportation; the licen-  
28 see's type and size of business; and previous contacts with the intox-  
29 icated person or minor who is served. Proof of the existence or

1 omission of one or more elements of responsible business practices  
2 does not constitute the proof or disproof of the responsible business  
3 practices.

4 \* Sec. 3. AS 04.21.080(b)(7) is amended to read:

5 (7) "drunken person" means a person whose physical or  
6 mental conduct is substantially impaired as a result of the introduc-  
7 tion of an alcoholic beverage into the person's [HIS] body, and who  
8 exhibits those observable or reasonably discoverable [PLAIN AND EASILY  
9 OBSERVED OR DISCOVERED] outward manifestations of behavior commonly  
10 known to be produced by the overconsumption of alcoholic beverages;

11 \* Sec. 4. This Act takes effect immediately in accordance with AS 01.-  
12 10.070(c).

BILL SHEFFIELD  
GOVERNOR



STATE OF ALASKA  
OFFICE OF THE GOVERNOR  
JUNEAU

March 29, 1985

The Honorable Ben Grussendorf  
Speaker of the House  
Alaska State Legislature  
Pouch V  
Juneau, AK 99811

Dear Representative Grussendorf:

Under the authority of art. III, sec. 18, of the Alaska Constitution, and based on the recommendations of my Task Force on Drunk Driving, I am transmitting a bill that will ~~return the standard for civil liability of vendors of alcoholic beverages to ordinary negligence under the common law.~~ By amending AS 04.21.020 to delete the cross reference to AS 04.16.030, ~~this bill will change the current criminal negligence standard for this type of civil liability, often called "dram shop" liability, to one of ordinary negligence under common law as articulated by the Alaska Supreme Court in Nazareno v. Urie, 538 P.2d 671, 673-675 (Ak. 1981).~~ In the words of the court

Having determined that the sale of the liquor may be the proximate cause of injuries sustained by a third person, it is clear that the vendor is under a duty not to sell liquor where the sale creates a risk of harm to the customer or to others. . . . We therefore hold that there is a general common law duty, independent of statute, requiring vendors to conduct themselves with reasonable care and prudence when dispensing alcohol. (638 P.2d at 674)

This holding put Alaska in alignment with 19 other states that have adopted the ordinary negligence standard for this type of liability by court decision, and with about 18 more states that have done so by statute.

The Nazareno case was decided in 1981 after the 1980 enactment of AS 04.16.030 and AS 04.21.020 which raised the standard to one of criminal negligence. However, the case involved facts that occurred before that enactment, so the

HB 345 WORKING / 345

Nazareno court did not apply those statutes which, together, have essentially nullified the effect of the Nazareno ruling. The deletion of the cross reference in AS 04.21.020 to AS 04.16.030, with its criminal negligence standard, will now resurrect the Nazareno ruling.

The criminal negligence standard for civil liability is often difficult to meet. "Criminal negligence" is defined in AS 04.21.080(a)(1) as a gross deviation from the standard of care that a reasonable person would observe. Ordinary negligence is a deviation that is not as extreme.

Even though enactment of this bill will change the standard for civil liability of vendors of alcohol to ordinary negligence, it will preserve the criminal negligence standard for violation of AS 04.16.030, which prohibits providing alcoholic beverages to drunken persons. Violation of AS 04.16.030 is a class A misdemeanor under AS 04.16.180 and is also grounds for suspension or revocation of a liquor license under AS 04.11.370.

Section 1 of the bill also amends AS 04.21.020 to subject bootleggers and others who sell alcoholic beverages illegally without a license to the same liability exposure as are licensees.

Section 2 of the bill amends the definition of "drunken person" to impose some duty on the part of the alcohol server to observe or discover the outward manifestations of overconsumption of alcohol.

A problem has arisen recently concerning the high cost and lack of availability of liability insurance for liquor licensees. This problem has been raised as an argument against deletion of the criminal negligence standard for civil liability. However, our division of insurance in the Department of Commerce and Economic Development tells us that this bill is not the cause of the insurance problems that the liquor industry, as well as many other industries and professions like commercial fishing, attorneys, and health care providers are now experiencing, not just in Alaska but nationwide.

These insurance problems have been caused by factors beyond our control, which were set in motion long before my Task Force recommended this bill. The same problems are being experienced by liquor licensees even in the minority

(approximately 15) of states that protect their liquor licensees from ordinary negligence liability.

This Administration and the Legislature have made significant strides in dealing with drunk driving. In the past two years we have raised the drinking age from 19 to 21, increased mandatory fines and sentences, added four new judges, funded a DWI fast-track court, added victims of drunk driving to the violent crimes compensation program, provided for mandatory automobile insurance, improved breath testing procedures, strengthened licensing and revocation statutes, added many alcohol awareness programs, and funded \$14 million for alcohol treatment programs in FY '85. While many of these measures have been punitive in nature, this bill will have the beneficial affect of deterring those licensees who might serve persons who are obviously drunk. However, ~~enactment of this bill without addressing the insurance problems would leave victims of drunk driving without any assurance of reasonable compensation for physical injuries.~~ The plight of these victims should be kept in mind as you deliberate on this bill.

Since it would be a hollow victory if liability insurance and the protection it provides the public were unavailable, ~~I urge the Legislature to join with the Administration in a cooperative effort to find a solution to the insurance problems.~~

~~My Task Force on Drunk Driving also recommended other legislation to help deal with the serious drunk driving problems we continue to experience despite the many recent steps we have taken. One of those recommendations (No. 4) -- authorize the Department of Corrections to contract for the incarceration and treatment of convicted drunk driving offenders -- is included in sec. 5 of HB 114 introduced at my request on January 25, 1984. The other recommendations were:~~

No. ~~2~~ to encourage completion of court-ordered alcohol treatment;

No. ~~3~~ to provide adequate funding for long-term alcohol treatment programs;

No. ~~5~~ to require licensing and training of alcohol sellers and servers.

~~We have deferred introduction of legislation to implement these recommendations because they all carry with them~~

*Assurance*

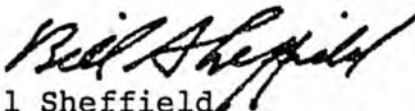
*Status of  
hb 114 ?*

*see h. research  
what do  
other states do*

fiscal impacts of varying, but significant, scope. We are continuing to look at these recommendations, but we want to introduce this attached zero-fiscal-impact bill as soon as possible to implement the most important of the Task Force's recommendations.

I respectfully urge your early consideration and action on this bill.

Sincerely,

  
Bill Sheffield  
Governor

## RESUME

VICTOR COLMAN, J.D.

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Specialist: Dram Shop Liability Laws

### Current Research Projects

- (1) Legal Research Analyst, Prevention Research Center, Pacific Institute for Research and Evaluation. Help to design, conduct and supervise original research on drug and alcohol prevention policy and the law.
- (2) Associate Director, Prevention Research Group, Medical Research Institute of San Francisco. Associate Director of 18-month federally funded study. Research included the analysis of current server intervention programs, dram shop statutes and relevant case law, and the drafting of a comprehensive model dram shop law. (Grant objectives completed, final report due September 1985.)

### Book Chapters

- (1) Liquor Liability Law (Goldberg and Mosher). New York: Matthew Bender Co. (writing in progress, publication in 1986).

### Journal Articles

- (1) "Preventing Alcohol-Related Injuries: Dram Shop Liability in a Public Health Perspective," (co-authored with B. Krell and J. Mosher). Western State University Law Review, Volume XII, No. 2 (Spring 1985).
- (2) "Dram Shop Laws: A Prevention Tool." Paper presented at the 40th annual forum of the National Council on Alcoholism, April 11-15, 1984.

### Conference Presentations on Dram Shop Liability

- (1) Seminar on Dram Shop Litigation in Massachusetts and New England States, sponsored by the Massachusetts Academy of Trial Attorneys, October 12, 1984.
- (2) Seminar on Preparation and Trial of Dram Shop Cases, sponsored by the Michigan Trial Lawyers Association, June 22, 1984.
- (3) Workshop on Dram Shop Liability and Server Intervention Programs. National Council on Alcoholism, 40th Anniversary Forum, April 12-15, 1984.

### Litigation Experience

- (1) Research Assistant to Bruce E. Krell, Attorney at Law, 345 Grove Street, San Francisco, California 94102. Drafted pleadings and researched legal issues for dram shop case in 1983, which was ultimately settled for 10.5 million dollars.

TESTIMONY BEFORE STATE AFFAIRS  
COMMITTEE OF THE ALASKA STATE HOUSE  
REGARDING HB 345 -- DRAM SHOP LIABILITY

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and Legal Consultant  
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James F. Mosher  
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and Secretary  
Council on Alcohol  
Policy  
National Association  
for Public Health  
Policy

February 5, 1986

## INTRODUCTION

Our names are Victor J. Colman and James F. Mosher, Legal Consultant and Secretary, respectively, for the Council on Alcohol Policy of the National Association for Public Health Policy. As lawyers, we have had more than ten years combined experience in the study of public policies affecting the prevention of alcohol-related problems. We recently completed a federally-funded research study on server intervention and dram shop liability, culminating in the drafting of a model dram shop act and a detailed analysis of the business practices of the alcoholic beverage retail industry.

Our testimony today concerns the importance of HB 345 as one part of a comprehensive legislative approach to alcohol problems prevention policy. We are, as a society, reexamining our attitudes and norms regarding alcohol consumption. This reexamination recognizes that, according to the U.S. Surgeon General, alcohol is associated with more than 200,000 deaths annually; that drunk driving is the leading cause of death among our youth; and that alcoholism and associated diseases represent the number one drug problem in our society.

As part of this growing new awareness, there has been increased attention given to the alcoholic beverage retail industry. Research shows that 50% or more of all drunk drivers are drinking in licensed establishments just prior to the drunk driving incident. Given the terrible costs of overconsumption and the prevalence of heavy drinking in retail establishments, the retailing of alcoholic beverages must be considered a hazardous activity, one that requires both skill and care to protect others.

DRAM SHOP REFORM: THE RELEVANCE OF RESPONSIBLE BUSINESS PRACTICES

This, the most innovative aspect of HB 345, will help to bring Alaska in line with what is now a national trend, while at the same time directly address uncertainties in current law. It establishes that the adherence of a licensee (or his agent or employee) to responsible business practices shall be relevant in determining if the person served was intoxicated or a minor. This broadened evidentiary focus encompasses recent efforts by the retail industry, educators, governmental branches, and others to develop server intervention programs. Server intervention refers to reforms by retail establishments which are designed to reduce the risk of serving alcoholic beverages to intoxicated or underaged persons.

The noninclusive list of management policies incorporated into HB 345 reflects an evaluation of the best server intervention programs in the country. It also provides an explicit guide to courts and juries for evaluating an establishment's adherence to a reasonable standard of care to protect public health and safety.

Comments/Suggested Changes

Section 1 AS 04.21.020 (1) Service to minors

Topic: This section outlines the liability for service to underaged drinkers. There are other situations that this section could cover, however.

Suggestion: Add a subsection (a):  
"Proof of service of alcoholic beverages to a minor without request for identification shall form a rebuttable presumption of negligence."

Comment: Because the present dram shop bill is phrased in the negative it might be appropriate to enact affirmative language that can provide real incentive for licensees to systematically check identification.

Suggestion: Add a subsection (b):

"Service of alcoholic beverages by a defendant to an adult person who subsequently serves a minor off the premises [or who is legally permitted to serve a minor] does not constitute service to the minor unless a reasonably prudent person in like circumstances would know that such subsequent service is reasonably likely to occur."

Suggestion: Add a subsection (c):

"A defendant does not have a duty to investigate whether a person being served alcoholic beverages intends to serve the alcoholic beverages to other persons off the premises."

Comment:

These last 2 subsections deal with the situation where a minor has an adult purchase alcohol for him/her. The licensee is not under a duty to actively investigate this possibility, and is only charged with a legal duty when s/he knows that this is the situation. See Section 6 of the Model Act.

#### Section 04.21.020 (2) Service to drunken persons

Suggestion: Insert the word "intoxicated" for "drunken."

Comment: "Drunken" is a phrase which may connote that the patron is an alcoholic. Dram shop liability is meant to deter service to anyone who may become intoxicated, whether they are alcoholics or not. Furthermore, Section 2 of AS 04.21.020 (c) uses the word "intoxicated." To achieve consistency "intoxicated" should be used throughout the entire statutory scheme.

#### Section 2 AS 04.21.020 (b) Determining negligence

Suggestion: Insert "intoxicated" for "drunken." (See previous Comment.)

#### AS 04.21.020 (c) Responsible business practices

Suggestion: This subsection is too long to insert into one paragraph. The Model Act divided these parts into subsections; it is recommended that a similar structure be implemented.

Suggestion: Delete the last ten words of subsection (b) so that the subsection ends with: ". . . shall be relevant."

Comment: The last ten words are excess verbiage and make it unclear whether evidence of responsible business practices are applicable to service to both intoxicated persons and minors.

Section 3 AS 04.21.080 (b)(7) Defining drunken person

Suggestion: Insert "intoxicated" for "drunken."

Suggestion: Other words to use instead of "observable and reasonably discoverable" might be: "...who, at time of service, exhibits those visibly apparent, outward manifestations of behavior..."

Comment: The phrase "... observable and reasonably discoverable ..." may set up an ambiguous standard which is not as forceful and distinct as "... visibly apparent ..." The phrase "... reasonably discoverable outward ..." indicates that servers have an obligation to hunt out their customers and look for outward manifestations, when such servers are only under a legal duty to observe signs of intoxication at time of service.

Suggestion: In addition to defining intoxicated person, it is recommended that the definition of intoxication, as defined in Section 3 (d) of the Model Act, be inserted as well.

Comment: Utilizing a definition of "intoxication" along with defining "intoxicated person" will help the courts and juries distinguish between intoxicated acts and serving someone who is an intoxicated person.

Other Suggestions

- (1) To add Section 14 of the Model Act and make it absolutely clear that this statutory scheme is the exclusive remedy against licensed defendants. This approach does not prevent plaintiffs from suing social hosts under a common law theory of recovery.
- (2) To add a server training component (see Appendices A and B). Comprehensive server training involves training of staff personnel, along with management training and extensive policy review and development. Appropriate management policies will set the tone of the establishment's responsible serving practices. Enacting the Responsible Server Training Act, which has already been introduced into the California State Senate as SB 1595, is an important and complementary step, along with dram shop liability, in developing alcohol control policy which can aid in preventing drunk driving and other alcohol-related problems.
- (3) To amend Section 04.16.030. Sale or disposition of alcoholic beverages to drunken persons
  - a. change "drunken" to "intoxicated"
  - b. change "criminal negligence" to "negligence"

Comment: Dram shop liability is an action in tort and it is highly anomalous to impose a criminal negligence standard upon a civil cause of action. No other states in the nation have used this standard in dram shop statutes or in the common law.

### CONCLUSION

HB 345 is an important public health bill, which relies on ordinary principles of negligence to impose civil liability on licensees who conduct their business without due care for the safety of others. It does not constitute an unusual burden for the retail industry; rather, HB 345 simply relies upon legal liability principles that affect all merchants and citizens conducting business in our society. HB 345 represents an important public health measure that deserves support from health and safety constituencies, concerned citizens and policymakers.

LEGISLATIVE TESTIMONY  
ALASKA HOUSE STATE AFFAIRS COMMITTEE  
DRAM SHOP LIABILITY AND THE  
RESPONSIBLE BUSINESS PRACTICES DEFENSE

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and Secretary  
Council on Alcohol Policy  
National Association for  
Public Health Policy

September 18, 1985

## DRAM SHOP LIABILITY: CURRENT TRENDS AND RATIONALE

Dram shop (or server liability) refers to the potential legal liability of licensed servers of alcoholic beverages for injuries caused by their intoxicated and underaged patrons. The concept of dram shop liability has had a major resurgence in the United States since 1979, concurrent with the increasing public concern and outcry over the enormous societal costs of drunk driving. Currently, thirty-nine states and the District of Columbia impose dram shop liability in some form (through statutes and state Supreme Court decisions) while other states have adopted it through lower court decisions (see attached chart for details). Numerous governmental public interest and private groups, including the Presidential Commission on Drunk Driving, support dram shop liability law as an appropriate public health approach for reducing the number of injuries and deaths caused by drunk drivers and for compensating victims.

The increased attention on the retail alcoholic beverage industry is not surprising. Research shows that 50% or more of all drunk drivers are drinking in licensed establishments just prior to the drunk driving incidents. Given the terrible costs of overconsumption and the prevalence of heavy drinking in retail establishments, the retailing of alcoholic beverages must be considered a hazardous activity, one that requires both skill and care to protect others.

Yet, despite the potential dangers involved, many alcohol beverage retailers have, until recently, paid little attention to their role in the drunk driving prevention effort. Staff are often given only the most minimal training, management has often geared their policies to maximize alcohol profits, and staff incomes are often directly tied to selling large quantities

of alcohol without regard to potential consequences. Establishments are frequently understaffed, and irresponsible promotions — such as happy hours and drink and drown nights — have been used to encourage heavy drinking. These practices, which are now being reexamined and reformed both within and outside the alcohol retail industry, would be considered intolerable for other less hazardous business activities in our society. Thus, the increased exposure of the retail industry to dram shop liability reflects the increasing awareness that retailers do have a significant societal responsibility, along with the intoxicated person, to prevent drunk driving and other alcohol-related problems emanating from their establishments.

DRAM SHOP REFORM: THE MODEL RESPONSIBLE BUSINESS PRACTICES  
DEFENSE

This, the most innovative aspect of the Model Law, will help to bring Alaska in line with what is a national trend, and, at the same time, addresses uncertainties in current law. It establishes a "responsible business practices defense", which provides a defendant a means of protection from liability if, at the time of the service of alcoholic beverages, the drinking establishment and its employees were following responsible business policies, procedures and actions. This defense encompasses the recent efforts by the retail industry, educators, governmental organizations, and others to develop server intervention programs. Server intervention refers to reforms by retail establishments which are designed to reduce the risk of serving alcoholic beverages to intoxicated or underaged persons.

The Model Responsible Business Practices Defense was drafted as part of the Model Alcoholic Beverage Retail Licensee Liability Act of 1985 to address several problems in current dram shop law and practice. The Model

Act was the culmination of an eighteen month federally-funded research project conducted by the Prevention Research Group of the Medical Research Institute of San Francisco (now at the Prevention Research Center of the Pacific Institute for Research and Evaluation). The research project analyzed in detail the role of dram shop liability in the prevention of alcohol-related problems, particularly drunk driving, and the current status of server intervention programs. The research showed that most dram shop cases did not examine the defendant's serving and management practices, which are critical to the establishment's ability to adhere to its legal responsibilities. The noninclusive list of management policies incorporated into the Model Act reflects an evaluation of the best server intervention programs in the country and provides an explicit guide to courts and juries for evaluating an establishment's adherence to a reasonable standard of care to protect the public.

Because of the lack of service and management standards, present law provides very little guidance to defendants regarding what is expected of them to avoid liability. Many licensees believe that their actions are quite reasonable. In fact, the law has been an indifferent and ineffective deterrent. It has also encouraged quick settlements by insurance carriers, who often act responsibly in the given circumstances, and often results in settlements in excess of \$10,000. The Model Act, with its noninclusive list of management standards, provides a basis for evaluating a licensee's relative risk of liability and a strong incentive for a licensee to adopt more responsible practices.

### CONCLUSION

The Model Dram Shop Act is an important step in the development of a comprehensive public policy to prevent drunk driving and other alcohol-

related problems. The bill relies on ordinary principles of negligence to impose liability on licensees who conduct their business without due care for the safety of others. It does not constitute an unusual burden on the industry; rather, it relies on legal liability principles that affect all businesses and citizens conducting business in our society. It is a public health and safety measure that reflects community standards and expectations.

The Model Dram Shop Act provides clear guidelines for defining the licensees' responsibility, acting as a strong incentive for industry-wide reform. Continued research and evaluation of server intervention programs should be conducted with the passage of The Model Dram Shop Act so that the business practices most conducive to prevention will become increasingly standardized. Business that can show adherence to the standards will be able to justify lower insurance premiums, an additional economic incentive for compliance. In short, the Model Act will trigger appropriate action by licensees, researchers, program developers and evaluators, insurance companies, citizen's groups and others to prevent the carnage on our highways and the terrible toll alcohol plays in our society. It also provides just compensation to drunk driving victims, appropriately placing the financial burden not just the intoxicated tortfeasor, but the irresponsible sellers of alcoholic beverages who have profited from the injury-producing incident. The Model Dram Shop Act therefore represents an important public health measure that deserves support from health and safety constituencies, concerned citizens and policymakers.

## APPENDIX A

### THE MODEL DRAM SHOP ACT: SUMMARY

PURPOSE OF ACT: (1) To prevent intoxicated traumatic injuries, death, and other damages; (2) To provide compensation to those suffering as a result of intoxication-related incidents.

PLAINTIFFS (who can sue): Any person who suffers injury, except that the intoxicated adult is not permitted to recover for self-inflicted injuries. (Note that several jurisdictions have allowed suits by intoxicated minors. The Model Act takes no position on this issue.)

DEFENDANTS (who can be sued): Any alcohol beverage retailer (and their employees and agents), who, at the time of furnishing of the alcohol, was required by law to hold an alcoholic beverage license. Social hosts, under the present language in Section 5, remain exempt from civil liability.

ACTS GIVING RISE TO LIABILITY: The negligent service of alcoholic beverages to a minor or an intoxicated person.

DEFENSES: (1) Any defenses generally applicable to tort actions under California law; (2) Responsible Business Practices Defense.

### THE MODEL DRAM SHOP ACT: QUESTIONS AND ANSWERS

(1) DOES THE MODEL ACT BENEFIT THE DRUNK DRIVER?

No. Intoxicated wrongdoers are not "off the hook." They are still responsible, criminally and civilly, for the injuries that they cause. The Model Act requires the intoxicated wrongdoer to share the fault with the negligent or reckless provider of alcohol.

(2) ISN'T THE MODEL ACT A MAKE-WORK PROJECT FOR PLAINTIFF'S ATTORNEYS?

No. The Model Act, in the interests of public health, is designed to encourage responsible business practices by servers of alcohol in providing a defense to those licensees who can demonstrate such responsible practices.

(3) CAN UNLICENSED FURNISHERS OF ALCOHOL (SOCIAL HOSTS) BE HELD LIABLE UNDER THE MODEL ACT?

No. Only those defendants who are required to have a license can be held liable under the present language in Section 5 of the Model Act.

- (4) IS THE LIABILITY OF A LICENSEE FOR SERVING MINORS OR INTOXICATED PERSONS A NEW CONCEPT IN CIVIL RESPONSIBILITY?

No. Dram shop liability is based upon ordinary principles of tort law, which have been applied by numerous courts across the country to unreasonable serving practices by retail licensees. This type of responsibility has also been recognized by criminal laws, which provide for criminal liability if licensees serve minors or intoxicated persons. Every business and private citizen has a general legal responsibility to act responsibly in preventing foreseeable harm to others.

- (5) DOES THE MODEL ACT UNFAIRLY IMPOSE A STANDARD OF CARE FOR COMMERCIAL SERVERS OF ALCOHOL THAT IS NOT EXPECTED FROM OTHER TYPES OF RETAIL BUSINESSES?

No. The Model Act utilizes the same tort standards that other businesses are subject to, and takes into account the difficulties that face licensed purveyors of alcohol. The Model Act recognizes that the sale of alcoholic beverages requires the exercise of skill and care to protect the public due to the hazardous nature of this business activity.

- (6) WHAT ARE RESPONSIBLE BUSINESS PRACTICES?

Section 10 of the Model Act lists illustrative management and server practices and policies that a jury can consider in determining the merits of a responsible business practices defense. These practices are well-recognized within the alcoholic beverage industry, and are already adhered to by many responsible licensed establishments. For example, evidence of responsible management policies, procedures, and actions would include encouraging persons not to become intoxicated if they consume alcoholic beverages on the defendant's premises, and to promote the availability of non-alcoholic beverages and foods.

- (7) CAN THE LICENSEE AVOID LIABILITY BY ATTENDING A "CRASH COURSE" ON SERVER TRAINING, EVEN IF HE ACTS IRRESPONSIBLY AT THE TIME OF SERVICE?

No. The licensee must act responsibly at the time of the service of alcoholic beverages. The fact that a licensee attended a training course might actually be used against him if he failed to follow the procedures and practices learned in the training.

### CURRENT STATUS OF SERVER LIABILITY LAWS

Statutory Liability: 24 states

Common Law Liability (court-made law): 29 states

-Lower courts only: 6 states

-Common law only: 15 states

+ District of Columbia

Total Number of States with Server Liability: 39 states

+ District of Columbia

Total Number of States without Server Liability: 11 states

### OTHER FACTS

- Eleven (11) states have enacted new server liability statutes since 1971, nine (9) of these in the last five (5) years.

- Fifteen (15) states have abolished common law server liability in the last five (5) years.

## POSITION PAPER

## HOUSE BILL 345

"An Act returning the standard for civil liability of vendors of alcoholic beverages to ordinary negligence under common law; and providing for an effective date."

The Department of Health and Social Services supports this legislation.

Analysis

The Standard of negligence would be returned to ordinary negligence under common law, by a court decision with this legislation. This standard would bring Alaska in alignment with nineteen (19) other states and return the Alaska statute to its original intent prior to 1980. The civil liability under this legislation is well established in law as early as the mid 1700's. The ordinary negligence standard for alcohol dispensation was also well established in Alaskan law, before the 1980 changes.

Reasonable and responsible vending of alcoholic beverages by licensees must be encouraged by statute, regulation, and public policies to insure the health, and welfare of the general population. The application and subsequent issuance of a license to dispense alcohol assumes awareness by the licensee of the effects of the drug alcohol. Furthermore, the designated vendor must realize the systemic relationship of alcohol consumption, over-consumption and the drinker's subsequent action, especially as it applies to potential criminal acts. This awareness and understanding must be reinforced by consistent knowledge of possible civil liability for the results of unreasonably dangerous acts of the licensee. The level of a licensee's liability for unreasonable failure to control over consumption on the licensee's premises must be commensurate with the level of liability that other businesses face for unreasonably dangerous activity.

Purpose

It is accepted medical knowledge that individuals under the influence of central nervous system depressant drugs (alcohol) may not use reasonable judgment under ordinary environmental conditions. Furthermore, this class of drug effects the motor skills that become increasingly more critical as society becomes more technically advanced. Several recent research studies have suggested that alcohol abuse prevention policy requires the development of many complimentary strategies that do not focus exclusively on individual drinking behavior. The present law embodies a policy of encouragement rather than prevention. There is a possibility, under present statute, that a vendor may perceive a higher level of protection from liable action. This perception may undermine the intent of regulations and statutes that recognize special duties for alcohol dispensing. Under these circumstances, prevention through the proper operation of an establishment is less likely.

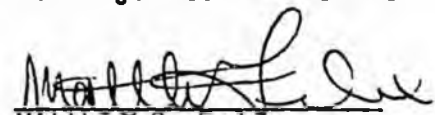
To place total liability for harmful acts on those who are injured by the drugged individual, and/or the individuals that have reached their drugged condition under the supervision of a state licensed vendor, seems contrary to logic. Not only the threat of regulatory sanction, but a knowledge of possible liability to those who may be injured, must force licensed vendors to dispense alcohol in a prudent manner and to permissible classes of individuals. In addition, the possible liability must not be placed beyond reach of the harmed public by an unreasonable level of proof requirement.

When drinking problems are analyzed from a contextual or environmental standpoint, and not merely as manifestations of alcoholism or alcohol abuse, it becomes clear that the particular harms that result are preventable without focusing on the individual drinking behavior itself. In fact the structural, environmental, systems manipulation offers more promise of prevention than concentrating on drugged individual motivations that are unresponsive to reason. Punitive efforts focused on changing the drunk drivers habits are an example of the limited effect of individual approaches to preventing alcohol related accidents or fatalities.

Many, if not most, drunk driving accidents injure more than the drunk driver. "Motivated" intervention before an incident occurs, offers a obvious prevention strategy. This intervention has inherent conflict with financial incentives found in commercial vending establishments. If the licensees are aware that the level of negligent proof is so difficult that recourse by the injured public is not generally expected, the financial incentives for serving liquor more easily override the other incentives to intervene. As a prevention strategy, "dram shop" legislation becomes much more effective when this balance is maintained. The change would merely expose liquor vendors to the same standards of responsibility that are applied to almost all other commercial and, for that matter, non-commercial activities.

There is a wealth of data showing a distinct correlation between per capita consumption and a host of health and social ills. In a contemporary social structure where nearly everyone drives or rides in an automobile, the most obvious result of drinking and driving is death and injury from accidents. No one change in legislation should be considered an all encompassing solution. Nevertheless, HB 345 brings the statute back into balance in a historically reasonable approach to the problem of injuries and deaths attributed to alcohol abuse.

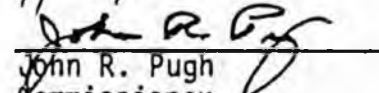
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