

ALASKA LEGISLATURE COMMITTEE FILES, 1989-1990 8672

5687

HOUSE HEALTH, EDUCATION & SOCIAL SERVICES

9

HJR

82

STATE OF ALASKA
THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY
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JUNEAU, ALASKA 99811
907-465-3800

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Mary Van Nimwegen

H. HESS

3/12/90

HOUSE COMMITTEE REPORT

3/13

(7)
Date Referred: February 12, 1990

FURTHER REFERRALS:
STATE AFFAIRS

Date of Committee Action: 3/12/90

The HEALTH, EDUCATION, & SOCIAL SERVICES Committee considered: HJR 82

HOUSE JOINT RES. NO. 82 SUPPORT FOR POLICE CORPS BILL

Supporting a Police Corps program.

- RECOMMENDATIONS:
- [] be replaced with _____ [] the same title
 - [] have attached amendment(s) [] a new title
 - [X] do pass
 - [] do not pass
 - [] no recommendation
 - [] individual recommendations
 - [] additional referral to the _____ Committee

- ADOPTS: _____ letter of intent
- ATTACHES NEW FISCAL NOTE(s): (Dept) APPROVES PREVIOUS: (Date/Dept)
- [] fiscal impact _____ [] fiscal note(s) _____
 - [X] zero fiscal note HESS Comm. ✓ [] zero fiscal note(s) _____
 - [] zero with analysis _____ [] zero fn/analysis _____

SIGNING DO PASS: J. Ellis ^{5DP IWR}
ELLIS

Cheri Davis C. DAVIS
George Jacko JACKO
Mark Boyer BOYER
W. Furnace FURNACE

SIGNING: (Check approp. column)

| | Do Not Pass | No Rec | Amend |
|---------------------|-------------|--------|-------|
| <u>Ellis</u> | | | |
| <u>Cheri Davis</u> | | | |
| <u>George Jacko</u> | | | |
| <u>Mark Boyer</u> | | | |
| <u>W. Furnace</u> | | | |
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J. Ellis
 Chairman's Signature

FISCAL NOTE

REQUEST:

Revision Date: _____
 Title: Supporting a Police Corps Program
 Sponsor: Rep. Ellis
 Requestor: House HESS Committee

Agency Affected: _____
 BRU: _____
 Components: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

| OPERATING | FY 91 | FY 92 | FY 93 | FY 94 | FY 95 | FY 96 |
|------------------------|-------|-------|-------|-------|-------|-------|
| PERSONAL SERVICES | | | | | | |
| TRAVEL | | | | | | |
| CONTRACTUAL | | | | | | |
| SUPPLIES | | | | | | |
| EQUIPMENT | | | | | | |
| LAND & STRUCTURES | | | | | | |
| GRANTS, CLAIMS | | | | | | |
| MISCELLANEOUS | | | | | | |
| TOTAL OPERATING | 0 | 0 | 0 | 0 | 0 | 0 |

| | | | | | | |
|---------|--|--|--|--|--|--|
| CAPITAL | | | | | | |
|---------|--|--|--|--|--|--|

| | | | | | | |
|---------|--|--|--|--|--|--|
| REVENUE | | | | | | |
|---------|--|--|--|--|--|--|

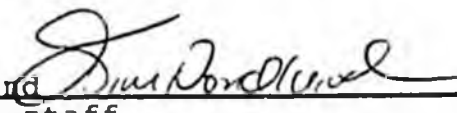
FUNDING: (Thousands of Dollars)

| | | | | | | |
|---------------|---|---|---|---|---|---|
| GENERAL FUND | | | | | | |
| FEDERAL FUNDS | | | | | | |
| OTHER | | | | | | |
| TOTAL | 0 | 0 | 0 | 0 | 0 | 0 |

POSITIONS:

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

ANALYSIS : (Attach a separate page if necessary)

Prepared by: Jim Nordlund  Phone: 465-3759
 Division: HESS Committee staff Date: 3/9/90

Approved by Commissioner: _____ Date: _____
 Agency: _____

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

HJR 82: SUPPORTING A POLICE CORPS PROGRAM
Questions and Answers

Q: What is the Police Corps?

The Police Corps is modeled after the R.O.T.C. program. It would give loans to pay for the college education of participants who agree to be full-time members of the local police forces after graduation. After the graduates complete four years of full-time police duty, the government would assume repayment of the loans.

Q: How will this help fight crime?

It would help fight crime by putting 100,000 new police officers on the streets -- an increase of 40 percent in the nation's police manpower. This not only provides a significant deterrent to committing crimes, but also results in a higher number of arrests.

Q: How will it work?

Participants would be selected competitively by the Office of the Police Corps, which would be established as a part of the Justice Department. During their college summer vacations, the Police Corps students would be given special physical and police training. After graduation, they would join state or local police departments as regular duty officers for four years.

Q: Who would participate?

The Police Corps will recruit students into an extremely competitive application process, which will ensure that the program attracts young men and women who are among the brightest and most talented in the country. Bring these students, many of whom would not have considered police service before, into the war against crime will be one of the biggest benefits that this program will give to society.

Over time, the Police Corps will become a routine point of entry into the law-enforcement community. Students with ambition to become judges, prosecutors, or criminal lawyers will vie for spots in the Corps, adding to the competitiveness of the program and ensuring that in the future, these professions will attract more people who understand and sympathize with the complexities, dangers, and difficulties of police work. This will help to unify society's efforts to win back our streets.

Q: Who will benefit from the Police Corps?

There are several beneficiaries of this program. The simplest answer to the question, though, is that everyone will gain. Our streets will be safer, our lives less constricted by the terrifying fear of crime, and our society filled with people who understand the realities of law enforcement.

Members of minority communities in particular will benefit from this program. Poor, black neighborhoods have been the ones hardest hit by crime.

Obviously, the students who enroll in this program will stand to gain from it also. Police Corps students will have their lives changed in a profoundly positive way by having their tuition paid and through service to their country and community.

Q: How has this idea been received?

The Police Corps has been welcomed by law enforcement officials across the country; including representatives of some police unions. In the news media, support has come from such divergent sources as William F. Buckley and The Progressive. Newspapers like the New York Times, The New York Daily News, The Philadelphia Inquirer, and the Los Angeles Herald-Examiner have all given their editorial endorsement.

In short, this is a concept that all Americans can get behind, which is a great part of its value and appeal. This widespread support sends a clear message: that America is ready to take on crime and to reward those who choose to join that fight.

Police departments can't find enough qualified recruits

By DEAN CONGBALAY
San Francisco Chronicle

Police departments across the nation have issued all-points bulletins for more officers, but not enough qualified candidates are answering the call.

Thousands of openings in

law enforcement are going unfilled. The culprits are an aging population, increased drug use among young people and a generation that never experienced military service.

"One problem is universal

with police departments, whether they're small or large, urban or rural, and that's trying to get good, qualified recruits," said Gerald Vaughn, director of the National Law Enforcement Leadership Institute near Tampa, Fla.

"Everyone is experiencing it." The San Francisco Police Department has 221 openings — more than 11 percent of its allotted force. Seattle is looking for 138 officers. The figure is 370 in Los Angeles, 500 in Chicago

and 1,000 in Washington. "It's just tough to find anybody good these days," said Alameda (Calif.) County Sheriff Charlie Plummer, whose department is down by 35 deputies.

Please see Back Page, POLICE

POLICE: Not enough

Continued from Page A-1

"We can only recruit from the human race. Sometimes we wish we could recruit from Mars and Jupiter."

It has never been easy to become a cop. Police departments have traditionally hired fewer than 10 percent of their applicants. In years past, it was not uncommon for many large departments to have lists of dozens of qualified candidates waiting.

This is no longer the case. Some departments now say they hire fewer than 1 percent of the people who apply for officer's jobs.

In an effort to prevent the situation from becoming worse, California law enforcement departments are scrambling to devise innovative methods to find good officers.

• Contra Costa County sheriff's officials placed billboards along freeways in Emeryville and Benicia with a telephone number for prospective recruits to call if they want a job.

• In San Francisco, officers scour health clubs to search for "active" and fit people, recruiting director Kathleen Hurley said.

• Los Angeles police have a recruiter whose beat is to work with church pastors and to encourage them to preach from the pulpit about the benefits of being a police officer, Sergeant Joseph Peyton said.

• Fremont police hope they will soon become the first department in the Bay Area to reward officers with bonuses of \$500 for each police recruit they find who is hired by the city.

Whatever recruiters do, the likelihood remains that it will be difficult to find good recruits. The problem stems from a myriad of demographic and social factors:

• As population increases, so does crime, causing some law enforcement agencies to hire by the hundreds.

Recruiters also say there are fewer people today in their 20s, their target age group.

• Greater drug use among youth. Although most departments will consider someone who has experimented with illegal drugs, few if any will accept anyone who used the drugs on a regular basis.

• No military experience. The discipline and outlook that people acquire through serving in the armed forces is lacking in many potential officers today, recruiters say.

On the Beat: ROTC for Cops

Can a hybrid of a domestic Peace Corps and ROTC help bring peace to city streets? Next month the Senate will consider the Police Corps Act, a program in which 25,000 participants a year would commit to two summers of training and four years of police work after college. In return, the government would repay up to \$10,000 a year in student loans. Developed by lawyer Adam Walinsky, a former aide to Robert Kennedy, the program appeals to both liberals and conservatives. "It will accomplish two high national

priorities—stronger law enforcement and improved education," says Pennsylvania GOP Sen. Arlen Specter.

Not all police professionals like the idea. Some see it as a costly (an estimated \$1.7 billion by the year 2000) way for college kids to try police work for personal gain. But New York City Police Commissioner Lee Brown says it could bolster a profession in which the average educational level is two years of community college. It might also broaden civilian understanding of cops. If more policymakers walked a beat, says American Uni-



ROBERT MAAS FOR NEWSWEEK

Brown, once head Roosevelt

versity professor James Fyfe, "maybe we wouldn't be discussing inner-city crime on a fifth-grade level."

HJR

83

STATE OF ALASKA
THE LEGISLATURE

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Mary Van Nimwegen

H. HESS

2/20/90

HOUSE COMMITTEE REPORT

(7)

Date Referred: February 12, 1990

FURTHER REFERRALS:

FINANCE

Date of Committee Action: 2/20/90

The HEALTH, EDUCATION, & SOCIAL SERVICES Committee considered: HJR 83

HOUSE JOINT RES. NO. 83

FED GRANTS: ALCOHOL/DRUGS/MENTAL HEALTH

Urging a change in the allocation formula for federal grants for alcohol, drug abuse, and mental health services.

RECOMMENDATIONS:

- be replaced with _____ the same title
- have attached amendment(s) a new title
- do pass
- do not pass
- no recommendation
- individual recommendations
- additional referral to the _____ Committee

ADOPTS: _____ letter of intent

ATTACHES NEW FISCAL NOTE(s):
(Dept)

APPROVES PREVIOUS:

(Date/Dept)

fiscal impact _____

fiscal note(s) _____

zero fiscal note HESS Comm.

zero fiscal note(s) _____

zero with analysis _____

zero fn/analysis _____

SIGNING DO PASS:

SIGNING:

(Check approp. column)

Do Not Pass No Rec Amend

Phyllis Ellis

Mark Boyer

W. H. ...

Charris

Peter ...

| | Do Not Pass | No Rec | Amend |
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Phyllis Ellis

Chairman's Signature

FISCAL NOTE

REQUEST:

Revision Date: _____ Agency Affected: _____
 Title: Urging change in allocation
formula for federal grants BRU: _____
 Sponsor: Rep. Boyer Components: _____
 Requestor: House HESS Committee

EXPENDITURES/REVENUES: (Thousands of Dollars)

| OPERATING | FY 91 | FY 92 | FY 93 | FY 94 | FY 95 | FY 96 |
|------------------------|-------|-------|-------|-------|-------|-------|
| PERSONAL SERVICES | | | | | | |
| TRAVEL | | | | | | |
| CONTRACTUAL | | | | | | |
| SUPPLIES | | | | | | |
| EQUIPMENT | | | | | | |
| LAND & STRUCTURES | | | | | | |
| GRANTS, CLAIMS | | | | | | |
| MISCELLANEOUS | | | | | | |
| TOTAL OPERATING | 0 | 0 | 0 | 0 | 0 | 0 |

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|---------|--|--|--|--|--|--|
| CAPITAL | | | | | | |
|---------|--|--|--|--|--|--|

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|---------|--|--|--|--|--|--|
| REVENUE | | | | | | |
|---------|--|--|--|--|--|--|

FUNDING: (Thousands of Dollars)

| | | | | | | |
|---------------|---|---|---|---|---|---|
| GENERAL FUND | | | | | | |
| FEDERAL FUNDS | | | | | | |
| OTHER | | | | | | |
| TOTAL | 0 | 0 | 0 | 0 | 0 | 0 |

POSITIONS:

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

ANALYSIS : (Attach a separate page if necessary)

Prepared by: House HESS Committee Phone: 465-3759
 Division: _____ Date: 2/20/90

Approved by Commissioner: *Jim Nordlund* Date: 2/20/90
 Agency: Staff - HESS Committee

Distribution (by preparer):

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

HJR

95

STATE OF ALASKA
THE LEGISLATURE

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Mary Van Nimwegen

H. HESS 4/23/90

H. HESS 4/24/90

HOUSE COMMITTEE REPORT

(7)

Date Referred: April 19, 1990

FURTHER REFERRALS:

Date of Committee Action: 4/24/90

The HEALTH, EDUCATION, & SOCIAL SERVICES Committee considered: HJR 95

HOUSE JOINT RES NO.95

SUPPORTING FEDERAL PRO-CHOICE LEGISLATION

Supporting federal pro-choice legislation and the availability of public money to pay for abortions for victims of rape and incest.

RECOMMENDATIONS:

- be replaced with CS HJR 95 (HESS) the same title
- have attached amendment(s) a new title
- do pass
- do not pass
- no recommendation
- individual recommendations
- additional referral to the _____ Committee

ADOPTS: _____ letter of intent

ATTACHES NEW FISCAL NOTE(S):
(Dept)

APPROVES PREVIOUS:
(Date/Dept)

fiscal impact _____

fiscal note(s) _____

zero fiscal note Leg.

zero fiscal note(s) _____

zero with analysis _____

zero fn/analysis _____

SIGNING DO PASS:

J. Ellis

Max Greenberg

Max Baugh

George Jankovics

SIGNING:

(Check approp. column)

| | Do Not Pass | No Rec | Amend |
|-------|-------------|--------|-------|
| _____ | | | |
| _____ | | | |
| _____ | | | |
| _____ | | | |
| _____ | | | |
| _____ | | | |
| _____ | | | |
| _____ | | | |
| _____ | | | |
| _____ | | | |

J. Ellis

Chairman's Signature

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 SECTION 1. SHORT TITLE.

4 This Act may be cited as the "Freedom of Choice Act
5 of 1989".

6 SEC. 2. RIGHT TO CHOOSE.

7 (a) IN GENERAL.—Except as provided in subsection (b),
8 a State may not restrict the right of a woman to choose to
9 terminate a pregnancy—

10 (1) before fetal viability; or

11 (2) at any time, if such termination is necessary to
12 protect the life or health of the woman.

13 (b) MEDICALLY NECESSARY REQUIREMENTS.—A
14 State may impose requirements medically necessary to pro-
15 tect the life or health of women referred to in subsection (a).

16 SEC. 3. DEFINITION OF "STATE".

17 As used in this Act, the term "State" includes the Dis-
18 trict of Columbia, the Commonwealth of Puerto Rico, and
19 each other territory or possession of the United States.

FISCAL NOTE

REQUEST:

Revision Date: _____
 Title: Supporting Federal Pro-Choice
 Legislation
 Sponsor: House HESS Committee
 Requestor: House HESS Committee

Agency Affected: _____
 BRU: _____
 Components: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

| OPERATING | FY 91 | FY 92 | FY 93 | FY 94 | FY 95 | FY 96 |
|------------------------|-------|-------|-------|-------|-------|-------|
| PERSONAL SERVICES | | | | | | |
| TRAVEL | | | | | | |
| CONTRACTUAL | | | | | | |
| SUPPLIES | | | | | | |
| EQUIPMENT | | | | | | |
| LAND & STRUCTURES | | | | | | |
| GRANTS, CLAIMS | | | | | | |
| MISCELLANEOUS | | | | | | |
| TOTAL OPERATING | 0 | 0 | 0 | 0 | 0 | 0 |

| | | | | | | |
|----------------|---|---|---|---|---|---|
| CAPITAL | 0 | 0 | 0 | 0 | 0 | 0 |
|----------------|---|---|---|---|---|---|

| | | | | | | |
|----------------|---|---|---|---|---|---|
| REVENUE | 0 | 0 | 0 | 0 | 0 | 0 |
|----------------|---|---|---|---|---|---|

FUNDING: (Thousands of Dollars)

| | | | | | | |
|---------------|---|---|---|---|---|---|
| GENERAL FUND | | | | | | |
| FEDERAL FUNDS | | | | | | |
| OTHER | | | | | | |
| TOTAL | 0 | 0 | 0 | 0 | 0 | 0 |

POSITIONS:

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

ANALYSIS : (Attach a separate page if necessary)

Prepared by: Jim Nordlund, Staff *Jim Nordlund* ph: 465-3759
 Division: House HESS Committee Date: 4/23/90

Approved by Commissioner: _____ Date: _____
 Agency: _____

Distribution (by preparer):

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

CORRECTION

**THIS DOCUMENT
HAS BEEN REPHOTOGRAPHED
TO ASSURE LEGIBILITY**

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 SECTION 1. SHORT TITLE.

4 This Act may be cited as the "Freedom of Choice Act
5 of 1989".

6 SEC. 2. RIGHT TO CHOOSE.

7 (a) IN GENERAL.—Except as provided in subsection (b),
8 a State may not restrict the right of a woman to choose to
9 terminate a pregnancy—

10 (1) before fetal viability; or

11 (2) at any time, if such termination is necessary to
12 protect the life or health of the woman.

13 (b) MEDICALLY NECESSARY REQUIREMENTS.—A
14 State may impose requirements medically necessary to pro-
15 tect the life or health of women referred to in subsection (a).

16 SEC. 3. DEFINITION OF "STATE".

17 As used in this Act, the term "State" includes the Dis-
18 trict of Columbia, the Commonwealth of Puerto Rico, and
19 each other territory or possession of the United States.

101ST CONGRESS
1ST SESSION

H. R. 3700

To protect the reproductive rights of women.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 17, 1989

Mr. EDWARDS of California (for himself, Mrs. SCHROEDER, Mr. GREEN, Mr. AUCOIN, Mrs. BOXER, Mr. ACKERMAN, Mr. AKAKA, Mr. ALEXANDER, Mr. ANDERSON, Mr. ATKINS, Mr. BATES, Mr. BEILSON, Mr. BERMAN, Mr. BOUCHER, Mr. BROWN of California, Mr. BRYANT, Mr. BUSTAMANTE, Mr. CAMPBELL of Colorado, Mr. CARDIN, Mr. CLAY, Mr. CONYERS, Mr. CROCKETT, Mr. DEFazio, Mr. DELLUMS, Mr. DICKS, Mr. DIXON, Mr. DOWNEY, Mr. DYMALLY, Mr. ENGEL, Mr. EVANS, Mr. FASCELL, Mr. FAUNTROY, Mr. FAZIO, Mr. FORD of Tennessee, Mr. FRANK, Mr. FROST, Mr. GEJDENSON, Mr. GIBBONS, Mr. GILMAN, Mr. GRAY, Mr. HAWKINS, Mr. HAYES of Illinois, Mr. HOYER, Mr. KASTENMEIER, Mr. KENNEDY, Mr. KOSTMAYER, Mr. LANTOS, Mr. LEHMAN of Florida, Mr. LEVINE of California, Mrs. LOWEY of New York, Mr. MARKEY, Mr. MARTINEZ, Mr. MATSUI, Mr. McDERMOTT, Mr. MILLER of California, Mr. MINETA, Mr. MOCODY, Mrs. MORELLA, Mr. MORRISON of Connecticut, Mr. MRAZEK, Mr. OWENS of New York, Mr. PAYNE of New Jersey, Ms. PELOSI, Mr. RANGEL, Mr. ROSE, Mr. ROYBAL, Mr. SABO, Mr. SCHEUER, Ms. SCHNEIDER, Mr. SCHUMER, Mr. SKAGGS, Ms. SLAUGHTER of New York, Mr. SMITH of Florida, Mr. SOLARZ, Mr. STARK, Mr. STOKES, Mr. STUDDS, Mr. TORRES, Mr. TOWNS, Mr. UDALL, Mrs. UNSOELD, Mr. WAXMAN, Mr. WEISS, Mr. WILLIAMS, Mr. WILSON, Mr. WOLPE, Mr. WYDEN, Mr. YATES, Mr. TORRICELLI, Mr. LEVIN of Michigan, Mr. WHEAT, and Mrs. JOHNSON of Connecticut) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To protect the reproductive rights of women.

FISCAL NOTE

REQUEST:

Revision Date: _____
 Title: Supporting Federal Pro-Choice
 Legislation
 Sponsor: House HESS Committee
 Requestor: House HESS Committee

Agency Affected: _____
 BRU: _____
 Components: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

| OPERATING | FY 91 | FY 92 | FY 93 | FY 94 | FY 95 | FY 96 |
|------------------------|----------|----------|----------|----------|----------|----------|
| PERSONAL SERVICES | | | | | | |
| TRAVEL | | | | | | |
| CONTRACTUAL | | | | | | |
| SUPPLIES | | | | | | |
| EQUIPMENT | | | | | | |
| LAND & STRUCTURES | | | | | | |
| GRANTS, CLAIMS | | | | | | |
| MISCELLANEOUS | | | | | | |
| TOTAL OPERATING | 0 | 0 | 0 | 0 | 0 | 0 |

| | | | | | | |
|----------------|----------|----------|----------|----------|----------|----------|
| CAPITAL | 0 | 0 | 0 | 0 | 0 | 0 |
|----------------|----------|----------|----------|----------|----------|----------|

| | | | | | | |
|----------------|----------|----------|----------|----------|----------|----------|
| REVENUE | 0 | 0 | 0 | 0 | 0 | 0 |
|----------------|----------|----------|----------|----------|----------|----------|

FUNDING: (Thousands of Dollars)

| | | | | | | |
|---------------|----------|----------|----------|----------|----------|----------|
| GENERAL FUND | | | | | | |
| FEDERAL FUNDS | | | | | | |
| OTHER | | | | | | |
| TOTAL | 0 | 0 | 0 | 0 | 0 | 0 |

POSITIONS:

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

ANALYSIS : (Attach a separate page if necessary)

Prepared by: Jim Nordlund, Staff *Jim Nordlund* Phone: 465-3759
 Division: House HESS Committee Date: 4/23/90

Approved by Commissioner: _____ Date: _____
 Agency: _____

Distribution (by preparer):

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- Office of Management and Budget
- Impacted Agency(ies)



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108
FEB-15-90

State's legislators urge Congress to be pro-choice

By Mike Magner
Grand Rapids Press Bureau

WASHINGTON — While the Michigan Senate debated whether to require parental consent before teenagers can have abortions, some state legislators were trying to move the reproduction rights issue to Congress.

Letters signed by six state senators and 38 representatives were delivered to members of the Michigan congressional delegation this week urging them to support a federal law protecting a woman's right to an abortion.

"The Freedom of Choice Act would set a national policy — ending the battle in the states," the letters

said. "The Freedom of Choice Act is an opportunity to declare that abortion is a matter of individual conscience, not governmental coercion."

The legislation, introduced last fall by Rep. Don Edwards, D-Calif., and Sen. Bob Packwood, R-Ore., would prohibit states from restricting a woman's right to choose to terminate a pregnancy before viability

(commonly defined as when the fetus can survive outside the womb) or when the woman's health is threatened.

The letters signed by the state legislators were made public Wednesday at the same time that a national

civil liberties group, People for the American Way, released ratings of all 18 Michigan congressmen and both senators on abortion rights.

Based on seven votes in the House last year on abortion issues, five Michigan congressmen were "heroes" and four others were "zeroes" on abortion rights, the group said.

The "heroes" — those who consistently supported a woman's right to choose an abortion — were Reps. Bob Carr, D-East Lansing; George Crockett, D-Detroit; William Ford, D-Taylor; Sander Levin, D-Southfield; and Howard Wolpe, D-Lansing, the group said.

The "zeroes" who voted consistently against abortion rights were Reps. Paul Henry, R-Grand Rapids; Dale Kildee, D-Flint; Bill Schuette, R-Sanford; and Guy Vander Jagt, R-Luther.

Both Michigan senators, Democrats Carl Levin and Donald Riegle Jr., also were "heroes" who took the pro-choice side on two votes in the Senate last year, the group said.

Spokesmen for both senators said the two votes in 1989 were consistent with Levin's and Riegle's past positions.

The four congressmen who were labeled "zeroes" made no bones about their stance against abortion.

"In general, he's pro-life," said a spokesman for Kildee, Chris Ludwig.

"Bill has a consistent, 100-percent voting record in opposition to abortion," said a spokesman for Schuette, Dean Peterson. "He also strongly favors legislation for parental consent and parental notification."

Schuette is a Republican candidate for Levin's seat



Henry



Schuette



Vander Jagt

in the U.S. Senate this year.

Five other Michigan congressmen also received low ratings from People for the American Way. While some of them voted not to cut federal aid to a United Nations organization that sanctions abortions, all nine who received low ratings voted against federal funding for abortions in the District of Columbia and in cases of rape and incest.

The nine congressmen who received higher ratings from People for the American Way all voted to allow funding for abortions in the District of Columbia and in cases of rape and incest.

People for the American Way president Arthur Kropp said the release of the ratings and the legislators' letters was timed to coincide with Wednesday's vote in the Michigan Senate on the parental consent law.

The Senate voted 29-8 to approve the consent bill, requiring girls 17 and under to obtain the permission of a parent or a probate judge before getting an abortion. The bill now moves to the state House but is expected to be vetoed by Gov. James J. Blanchard.

Press Intelligence, Inc.

WASHINGTON, D.C. 20005

Front Page Edit Page Other Page

JAN 21 1990

FORT LAUDERDALE, FLA
SUN-SENTINEL

M - 189.935

S - 304.028

Abortion legislation dubs some heroes, some zeroes

When it came to abortion legislation last year, congressmen from Broward and Palm Beach counties were either "heroes" or "zeroes," an analysis of key votes by a pro-choice advocacy group shows.

Reps. Harry Johnston, D-West Palm Beach, and Larry Smith, D-Hollywood, have been dubbed "heroes" by People For the American Way for upholding a woman's right to choose, during seven votes in the House in 1989 involving federal financing of abortions and access to abortions for poor women. Reps. E. Clay Shaw Jr., R-Fort Lauderdale, and Tom Lewis, R-North Palm Beach, voted exactly opposite of Johnston and Smith.

For their steadfast, anti-abortion voting records, Shaw and Lewis were castigated as "zeroes" by the liberal, non-partisan group active in defending abortion rights.

In the Senate, Sen. Bob Graham, D-Fla., was a "hero," but Sen. Connie Mack, R-Fla., was a "zero," at least in the eyes of People For the American Way. Graham voted in support of the

WASHINGTON

Ken Cummins



group's pro-choice stand on two key Senate votes last fall. Mack voted in both instances to prevent the use of U.S. funds for abortions for Third World women.

Both Senate votes involved efforts by conservatives to kill the annual U.S. contribution to the United Nations Fund for Population Activities because these funds could be used for family planning programs in China that included abortions.

Four of the seven House votes analyzed in the pro-choice congressional voting survey also involved attempts to deny or restrict U.S. funds to the United Nations program — attempts that People For the American Way strongly opposed. The other three House votes were:

■ An unsuccessful bid (opposed by the group) to prevent Washington, D.C., from using local funds for Medicaid abortions, even to save the life of the mother.

■ A successful amendment to the labor, health and education spending bill (backed by People For) that provided federal financing for abortions for victims of rape or incest.

■ A failed attempt by the House to override President Bush's veto of the labor, health and education spending bill because of the more liberal language on federal financing of abortions. People For had vigorously protested the veto.

"The 'zeroes' in our ratings are out of touch with their [Florida] constituents," said Bill Wasserman, the organization's national field director.

Of Florida's 19 congressmen, 10 — including Shaw and Lewis — received the "zero" designation from the organization for their strong, anti-abortion stands on the seven House votes surveyed. Four others — Reps. Johnston, Smith, Dante Fascell, D-Miami, and Bill Lebrman, D-Biscayne Park — were awarded "hero" status for their staunchly pro-choice votes.

SB

7

Original sponsors: Kelly and Coghill

1 IN THE SENATE

BY THE HEALTH, EDUCATION AND
SOCIAL SERVICES COMMITTEE

2 HOUSE CS FOR CS FOR SENATE BILL NO. 7 (HESS)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to free tuition for a spouse or
7 dependent of certain Alaska militia members; and
8 providing for an effective date."

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

10 * Section 1. AS 14.43 is amended by adding a new section to article 3
11 to read:

12 Sec. 14.43.085. FREE TUITION AND FEES FOR A SPOUSE OR DEPENDENT
13 OF ALASKA MILITIA MEMBERS. A person enrolled as a student in good
14 standing in the state university system, is entitled to attend without
15 payment of tuition and fees, if the person was the spouse or dependent
16 child of a member of the Alaska National Guard or Alaska Naval Militia
17 who died while in the line of duty for the state or federal govern-
18 ment. In this section

19 (1) "dependent child" means a person who is less than 23
20 years of age, who was a dependent of a member of the Alaska National
21 Guard or Alaska Naval Militia at the time of the member's death, and
22 who is

23 (A) the member's natural or adopted child;

24 (B) a child in relation to whom the deceased Alaska
25 National Guard or Alaska Naval Militia member acted as a parent
26 for at least one year before the member's death;

27 (C) the member's stepchild; or

28 (D) the member's acknowledged illegitimate child;

29 (2) "line of duty" has the meaning given under federal law.

HOUSE COMMITTEE REPORT

(7)

Date Referred: April 5, 1989

FURTHER REFERRALS: FINANCE

Date of Committee Action: 5/3/89

The HESS Committee considered: CSSB 7(Fin)(efd add)

CS FOR SENATE BILL NO. 7 (Finance)(efd add)
[NO TUITION/CERTAIN SURVIVORS/NAT'L GUARD]

"An Act relating to free tuition for a spouse or dependent of certain Alaska militia members; and providing for an effective date."

RECOMMENDATIONS:
 be replaced with HCS CSSB 7 (HESS) the same title
 have attached amendment(s) a new title
 do pass
 do not pass
 no recommendation
 individual recommendations
 additional referral to the _____ Committee

ADOPTS: _____ letter of intent

ATTACHES NEW FISCAL NOTE(S): (Dept) APPROVES PREVIOUS: (Date/Dept)

fiscal impact _____ fiscal note(s) _____
 zero fiscal note _____ zero fiscal note(s) 3/29/89 Senate Fin
 zero with analysis _____ zero fn/analysis 1/9/89 U of A

SIGNING DO PASS:

SIGNING: (Check approp. column)

Do Not Pass No Rec Amend

J. L. Ellis
Mark Chumley
Cheri Daiter
Mark Boyer
Peter [unclear]

| | Do Not Pass | No Rec | Amend |
|--|-------------|--------|-------|
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |

J. L. Ellis
 Chairman's Signature

STATE OF ALASKA
1989 LEGISLATIVE SESSION

BILL VERSION: CS SB 7 (Finance)

PUBLISH DATE: 3/29/89

FISCAL NOTE

REQUEST: _____

REVISION DATE: _____ AGENCY: University of Alaska

TITLE: Free tuition for spouse BRU: UAA, UAF, UAS

or dependent of Alaska militia members

SPONSOR: Senators Kelly & Coghill COMPONENTS: _____

REQUESTOR: _____

EXPENDITURES/REVENUES: (THOUSANDS OF DOLLARS)

| OPERATING | FY 89 | FY 90 | FY 91 | FY 92 | FY 93 | FY 94 |
|----------------|-------|-------|-------|-------|-------|-------|
| PERS. SERVICES | 0 | 0 | 0 | 0 | 0 | 0 |
| TRAVEL | 0 | 0 | 0 | 0 | 0 | 0 |
| CONTRACTUAL | 0 | 0 | 0 | 0 | 0 | 0 |
| SUPPLIES | 0 | 0 | 0 | 0 | 0 | 0 |
| EQUIPMENT | 0 | 0 | 0 | 0 | 0 | 0 |
| LAND/BUILD. | 0 | 0 | 0 | 0 | 0 | 0 |
| GRANTS/CLAIMS | 0 | 0 | 0 | 0 | 0 | 0 |
| MISCELLANEOUS | 0 | 0 | 0 | 0 | 0 | 0 |
| TOTAL | 0 | 0 | 0 | 0 | 0 | 0 |
| CAPITAL | 0 | 0 | 0 | 0 | 0 | 0 |
| REVENUE | 0 | 0 | 0 | 0 | 0 | 0 |

FUNDING: (THOUSANDS OF DOLLARS)

| | | | | | | |
|---------------|---|---|---|---|---|---|
| GENERAL FUNDS | 0 | 0 | 0 | 0 | 0 | 0 |
| FEDERAL FUNDS | 0 | 0 | 0 | 0 | 0 | 0 |
| OTHER | 0 | 0 | 0 | 0 | 0 | 0 |
| TOTAL | 0 | 0 | 0 | 0 | 0 | 0 |

POSITIONS:

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

ANALYSIS:

PREPARED BY:


SENATOR RICK UEHLING, CO-CHAIRMAN
SENATE FINANCE COMMITTEE

DATE: March 29, 1989
PHONE NO.: 465-4821

(b)

STATE OF ALASKA
1989 LEGISLATIVE SESSION

BILL VERSION: CS SB 7 (Finance)
PUBLISH DATE: 3/29/89

FISCAL NOTE

REQUEST: _____

REVISION DATE: _____ AGENCY: Dept/Military & Veterans
TITLE: Free tuition for spouse or BRU: _____ Affairs
dependent of Alaska militia members
SPONSOR: _____ COMPONENTS: _____
REQUESTOR: _____

EXPENDITURES/REVENUES: (THOUSANDS OF DOLLARS)

| OPERATING | FY 89 | FY 90 | FY 91 | FY 92 | FY 93 | FY 94 |
|----------------|-------|-------|-------|-------|-------|-------|
| PERS. SERVICES | 0 | 0 | 0 | 0 | 0 | 0 |
| TRAVEL | 0 | 0 | 0 | 0 | 0 | 0 |
| CONTRACTUAL | 0 | 0 | 0 | 0 | 0 | 0 |
| SUPPLIES | 0 | 0 | 0 | 0 | 0 | 0 |
| EQUIPMENT | 0 | 0 | 0 | 0 | 0 | 0 |
| LAND/BUILD. | 0 | 0 | 0 | 0 | 0 | 0 |
| GRANTS/CLAIMS | 0 | 0 | 0 | 0 | 0 | 0 |
| MISCELLANEOUS | 0 | 0 | 0 | 0 | 0 | 0 |
| TO | 0 | 0 | 0 | 0 | 0 | 0 |
| <hr/> | | | | | | |
| CAPITAL | 0 | 0 | 0 | 0 | 0 | 0 |
| <hr/> | | | | | | |
| REVENUE | 0 | 0 | 0 | 0 | 0 | 0 |

FUNDING: (THOUSANDS OF DOLLARS)

| | | | | | | |
|---------------|---|---|---|---|---|---|
| GENERAL FUNDS | 0 | 0 | 0 | 0 | 0 | 0 |
| FEDERAL FUNDS | 0 | 0 | 0 | 0 | 0 | 0 |
| OTHER | 0 | 0 | 0 | 0 | 0 | 0 |
| TOTAL | 0 | 0 | 0 | 0 | 0 | 0 |

POSITIONS:

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

ANALYSIS:

PREPARED BY:


SENATOR RICK UEHLING, CO-CHAIRMAN
SENATE FINANCE COMMITTEE

DATE: March 29, 1989
PHONE NO.: 465-4821

FISCAL NOTE

REQUEST:

Revision Date: 2/22/89
Title: "An Act Relating to Free Tuition for a Spouse or Dependent of Certain Alaska Militia Members."
Sponsors: Kelly and Coghill

Agency Affected: University of Alaska
BRU: UAA, UAF, UAS

Components: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

| OPERATING | FY 89 | FY 90 | FY 91 | FY 92 | FY 93 | FY 94 |
|-------------------|-------|-------|-------|-------|-------|-------|
| PERSONAL SERVICES | | | | | | |
| TRAVEL | | | | | | |
| CONTRACTUAL | | | | | | |
| SUPPLIES | | | | | | |
| EQUIPMENT | | | | | | |
| LAND & STRUCTURES | | | | | | |
| GRANTS, CLAIMS | | | | | | |
| MISCELLANEOUS | | | | | | |
| TOTAL OPERATING | -0- | -0- | -0- | -0- | -0- | -0- |

| | | | | | | |
|---------|--|--|--|--|--|--|
| CAPITAL | | | | | | |
|---------|--|--|--|--|--|--|

| | | | | | | |
|---------|-----|-----|-----|-----|-----|-----|
| REVENUE | -0- | -0- | -0- | -0- | -0- | -0- |
|---------|-----|-----|-----|-----|-----|-----|

FUNDING: (Thousands of Dollars)

| | | | | | | |
|---------------|-----|-----|-----|-----|-----|-----|
| GENERAL FUND | | | | | | |
| FEDERAL FUNDS | | | | | | |
| OTHER | | | | | | |
| TOTAL | -0- | -0- | -0- | -0- | -0- | -0- |

POSITIONS:

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

ANALYSIS : (Attach a separate page if necessary)

No individuals currently meet the qualifications of this bill. As individuals become eligible, the university will request reimbursement from the state on a per person basis as follows:

UAA -\$970 UAF \$1,332 UAS -\$932

Prepared by: Marsha Hubbard *Marsha Hubbard* Phone: 474-7593
Division: Statewide Budget Office Date: 2/22/89

Approved by: Vice President, Brian Cooper *Brian Cooper* Date: 2/22/89
Agency: University of Alaska

Distribution (by preparer):
Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agencies)

RECEIVED

FEB 26 1989

page _____ of _____

LEGISLATIVE FINANCE



ALASKA NATIONAL GUARD
OFFICER'S ASSOCIATION
200 W. 34th Street, Suite 727
Anchorage, Alaska 99503

28 November 1988

2. DECEASED-MEMBER DEPENDENT EDUCATIONAL BENEFITS FOR ALASKA NATIONAL GUARD MEMBERS

A. PROPOSAL: This proposal would enact legislation to provide free tuition and fees at State institutions of higher learning, up to a baccalaureate degree, for the dependents of Alaska National Guard members who die in the line of duty.

B. DISCUSSION: Members of the Alaska National Guard, who die in the line of duty, have made the highest sacrifice. This initiative would show the State's appreciation for that sacrifice.

Currently, there is no free tuition and fees for the survivors of Alaska National Guard members killed in the line of duty. There are several deaths per year among the approximately 4000 Alaska National Guard Personnel. Few deaths have historically occurred in the line of duty.

Members of the Alaska National Guard (approximately 4000) and their spouses (approximately 3000) support this initiative. Also, the Alaska Public Safety Commissioned Officers support this initiative and would like it extended to them.

C. COST: The cost is unknown. Tuition and fees, at an Alaska State institution of higher learning, total \$1467/year. Total cost could be \$5868/dependent, based on an average of four years spent on a bachelor's degree.

D. PRECEDENTS:

ALABAMA: Offers educational benefits for survivors of members killed or disabled in the line of duty.

ALASKA: Offers up to \$7500 plus Workmen's Comp; \$750 burial allowance.

COLORADO: Offers free State Tuition for dependents if member killed or disabled on active duty.

MARYLAND: Offers higher education assistance for dependents of members killed or disabled on active duty.

NEBRASKA: Offers spouse and children 100% tuition in State schools if enlisted member dies on active duty.

SOUTH DAKOTA: Offers free tuition at State college for widows or children (under 25) of any Guard member who dies or is totally disabled while on active duty.

TEXAS: Offers free tuition at State schools for orphans of Guardsmen killed in line of duty.

WYOMING: Offers free tuition in State for dependents of Guardsmen killed or permanently disabled while on active duty.

S B

18

FISCAL NOTE

REQUEST:

Revision Date: 1-8-90
Title: Criminalization of marijuana

Agency Affected: Public Safety
BRU: Alaska State Troopers

Sponsor: Senator Fischer
Requestor: House HESS

Component: Detachments, B.D.E. and V.P.S.O.

EXPENDITURES/REVENUES: (Thousands of Dollars) (Inflation not included)

| OPERATING | FY 91 | FY 92 | FY 93 | FY 94 | FY 95 | FY 96 |
|-------------------|-------|-------|-------|-------|-------|-------|
| PERSONAL SERVICES | | | | | | |
| TRAVEL | | | | | | |
| CONTRACTUAL | | | | | | |
| SUPPLIES | | | | | | |
| EQUIPMENT | | | | | | |
| LAND & STRUCTURES | | | | | | |
| GRANTS, CLAIMS | | | | | | |
| MISCELLANEOUS | | | | | | |
| TOTAL OPERATING | -0- | -0- | -0- | -0- | -0- | -0- |

| | | | | | | |
|---------|-----|-----|-----|-----|-----|-----|
| CAPITAL | -0- | -0- | -0- | -0- | -0- | -0- |
|---------|-----|-----|-----|-----|-----|-----|

| | | | | | | |
|---------|-----|-----|-----|-----|-----|-----|
| REVENUE | -0- | -0- | -0- | -0- | -0- | -0- |
|---------|-----|-----|-----|-----|-----|-----|

FUNDING: (Thousands of Dollars)

| | | | | | | |
|-----------------|-----|-----|-----|-----|-----|-----|
| GENERAL FUND | -0- | -0- | -0- | -0- | -0- | -0- |
| FEDERAL FUNDS | | | | | | |
| OTHER/PROG RCPT | | | | | | |
| TOTAL | -0- | -0- | -0- | -0- | -0- | -0- |

POSITIONS:

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

ANALYSIS: (Attach a separate page if necessary)

It is anticipated that the majority of new criminal cases under this bill would arise from situations where a State Trooper contacts a person on another matter, and the use or possession of marijuana is discovered during the contact. For this reason, we believe the fiscal impact of these additional cases can be absorbed within existing resources.

Prepared by: Francis C. Allan
Division: Alaska State Troopers

Phone: 269-5691
Date: 12/19/89

Approved by Commissioner: Arthur English
Agency: Department of Public Safety

Date: 1-8-90
Page 1 of 1

Handwritten:
12/22/89

SB

19

STATE OF ALASKA
THE LEGISLATURE

POUCHY - STATE CAPITOL
JUNEAU, ALASKA 99811
907-465-3800

LEGISLATIVE AFFAIRS AGENCY
LEGISLATIVE REFERENCE LIBRARY

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

Mary Van Nimwegen

SB 19

H HESS

4/12/90

H HESS

4/20/90

HOUSE COMMITTEE REPORT

(7)

Date Referred: March 22, 1990

FURTHER REFERRALS:

Date of Committee Action: 4/20/90

JUDICIARY
FINANCE

The HESS Committee considered:

CSSSSB 19(RLS)

CS SS SB NO. 19 (Rls) am FORFEITURES IN ALCOHOL OR DRUG CASES

"An Act relating to seizure and forfeiture of property in cases involving alcoholic beverages, controlled substances, and imitation controlled substances."

RECOMMENDATIONS:

- [] be replaced with _____ [] the same title
- [] be replaced with _____ [] a new title
- [] have attached amendment(s)
- [] do pass
- [] do not pass
- [X] no recommendation
- [] individual recommendations
- [] additional referral to the _____ Committee

ADOPTS: _____ letter of intent

ATTACHES NEW FISCAL NOTE(s): (Dept) APPROVES PREVIOUS: (Date/Dept)

- [] fiscal impact _____ [] fiscal note(s) _____
- [] zero fiscal note _____ 2 [X] zero fiscal note(s) 3/26/90 / Pub Ut. / OPA
- [] zero with analysis _____ 3 [X] zero fn/analysis 3/20/90 / Adm. / Adm. / OPS

SIGNING DO PASS:

[Signature]
[Signature]

SIGNING:

(Check approp. column)

| | Do Not Pass | No Rec | Amend |
|--------------------|-------------|--------|-------|
| <u>[Signature]</u> | | | — |
| <u>[Signature]</u> | | ✓ | |
| <u>[Signature]</u> | | ✓ | — |
| _____ | | | |
| _____ | | | |
| _____ | | | |
| _____ | | | |
| _____ | | | |

[Signature]
 Chairman's Signature

Senate Letter of Intent

for

CS FOR SS FOR SB 19 (Rules) AM

It is the intent of the legislature that the Office of Public Advocacy and the Public Defender make an annual report to the legislature stating the number of cases and attorney hours spend on cases as a result of SENATE BILL NO. 19.

FISCAL NOTE

REQUEST:

Revision Date: _____ Agency Affected: Public Safety
 Title: Forfeitures in alcohol or BRU: _____
drug cases
 Sponsor: Senator Sturgulewski Component: _____
 Requestor: Senate Judiciary

EXPENDITURES/REVENUES: (Thousands of Dollars) (Inflation not included)

| OPERATING | FY 91 | FY 92 | FY 93 | FY 94 | FY 95 | FY 96 |
|-------------------|-------|-------|-------|-------|-------|-------|
| PERSONAL SERVICES | | | | | | |
| TRAVEL | | | | | | |
| CONTRACTUAL | | | | | | |
| SUPPLIES | | | | | | |
| EQUIPMENT | | | | | | |
| LAND & STRUCTURES | | | | | | |
| GRANTS, CLAIMS | | | | | | |
| MISCELLANEOUS | | | | | | |
| TOTAL OPERATING | -0- | -0- | -0- | -0- | -0- | -0- |

| | | | | | | |
|---------|-----|-----|-----|-----|-----|-----|
| CAPITAL | -0- | -0- | -0- | -0- | -0- | -0- |
|---------|-----|-----|-----|-----|-----|-----|

| | | | | | | |
|---------|-----|-----|-----|-----|-----|-----|
| REVENUE | -0- | -0- | -0- | -0- | -0- | -0- |
|---------|-----|-----|-----|-----|-----|-----|

FUNDING: (Thousands of Dollars)

| | | | | | | |
|-----------------|-----|-----|-----|-----|-----|-----|
| GENERAL FUND | | | | | | |
| FEDERAL FUNDS | | | | | | |
| OTHER/PROG RCPT | | | | | | |
| TOTAL | -0- | -0- | -0- | -0- | -0- | -0- |

Changes in CSSSB 19 (Rules)
 have no fiscal impact. This
 fiscal note is appropriate.
 Projections of no fiscal impact
 would continue through 1996.

POSITIONS:

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

ANALYSIS: (Attach a separate page if necessary)

By improving the procedures under which property used to commit drug offenses can be forfeited, this bill could result in an increase of funds and property forfeited to the State. It is impossible to estimate the amount of this increase, however, especially as some of the forfeited assets may be passed on to municipalities that assist in these investigations.

Prepared by: Lt. Thomas Stearns
 Division: Alaska State Troopers

Phone: 269-5620
 Date: 2/09/90

Approved by Commissioner: Arthur English
 Agency: Department of Public Safety

Date: 2-9-90
 Page 1 of 1

Handwritten:
 2/19/90

CORRECTION

**THIS DOCUMENT
HAS BEEN REPHOTOGRAPHED
TO ASSURE LEGIBILITY**

FISCAL NOTE

REQUEST:

Revision Date: _____ Agency Affected: Public Safety
 Title: Forfeitures in alcohol or BRU: _____
drug cases
 Sponsor: Senator Sturgulewski Component: _____
 Requestor: Senate Judiciary

EXPENDITURES/REVENUES: (Thousands of Dollars) (Inflation not included)

| OPERATING | FY 91 | FY 92 | FY 93 | FY 94 | FY 95 | FY 96 |
|-------------------|-------|-------|-------|-------|-------|-------|
| PERSONAL SERVICES | | | | | | |
| TRAVEL | | | | | | |
| CONTRACTUAL | | | | | | |
| SUPPLIES | | | | | | |
| EQUIPMENT | | | | | | |
| LAND & STRUCTURES | | | | | | |
| GRANTS, CLAIMS | | | | | | |
| MISCELLANEOUS | | | | | | |
| TOTAL OPERATING | -0- | -0- | -0- | -0- | -0- | -0- |

| | | | | | | |
|---------|-----|-----|-----|-----|-----|-----|
| CAPITAL | -0- | -0- | -0- | -0- | -0- | -0- |
|---------|-----|-----|-----|-----|-----|-----|

| | | | | | | |
|---------|-----|-----|-----|-----|-----|-----|
| REVENUE | -0- | -0- | -0- | -0- | -0- | -0- |
|---------|-----|-----|-----|-----|-----|-----|

FUNDING: (Thousands of Dollars)

| | | | | | | |
|-----------------|-----|-----|-----|-----|-----|-----|
| GENERAL FUND | | | | | | |
| FEDERAL FUNDS | | | | | | |
| OTHER/PROG RCPT | | | | | | |
| TOTAL | -0- | -0- | -0- | -0- | -0- | -0- |

Changes in CSSSB 19 (Rules) have no fiscal impact. This fiscal note is appropriate. Projections of no fiscal impact would continue through 1996.

POSITIONS:

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

ANALYSIS: (Attach a separate page if necessary)

By improving the procedures under which property used to commit drug offenses can be forfeited, this bill could result in an increase of funds and property forfeited to the State. It is impossible to estimate the amount of this increase, however, especially as some of the forfeited assets may be passed on to municipalities that assist in these investigations.

Prepared by: Lt. Thomas Stearns
 Division: Alaska State Troopers

Phone: 269-5620
 Date: 2/09/90

Approved by Commissioner: Arthur English
 Agency: Department of Public Safety

Date: 2-1-90
 Page 1 of 1

Handwritten: 2/9/90

FISCAL NOTE

REQUEST:

Revision Date: _____ Agency Affected: Administration
 Title: An Act relating to seizure and BRU: Central Admin. Svcs.
forfeiture of property . . . substances.
 Sponsor: Sen. Sturgelenski et al. Components: Finance
 Requestor: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

| OPERATING | FY 91 | FY 92 | FY 93 | FY 94 | FY 95 | FY 96 |
|-------------------|-------|-------|-------|-------|-------|-------|
| PERSONAL SERVICES | 0 | 0 | 0 | 0 | 0 | 0 |
| TRAVEL | 0 | 0 | 0 | 0 | 0 | 0 |
| CONTRACTUAL | 0 | 0 | 0 | 0 | 0 | 0 |
| SUPPLIES | 0 | 0 | 0 | 0 | 0 | 0 |
| EQUIPMENT | 0 | 0 | 0 | 0 | 0 | 0 |
| LAND & STRUCTURES | 0 | 0 | 0 | 0 | 0 | 0 |
| GRANTS, CLAIMS | 0 | 0 | 0 | 0 | 0 | 0 |
| MISCELLANEOUS | 0 | 0 | 0 | 0 | 0 | 0 |
| TOTAL OPERATING | 0 | 0 | 0 | 0 | 0 | 0 |
| CAPITAL | 0 | 0 | 0 | 0 | 0 | 0 |
| REVENUE | 0 | 0 | 0 | 0 | 0 | 0 |

FUNDING: (Thousands of Dollars)

| | | | | | | |
|---------------|---|---|---|---|---|---|
| GENERAL FUND | 0 | 0 | 0 | 0 | 0 | 0 |
| FEDERAL FUNDS | 0 | 0 | 0 | 0 | 0 | 0 |
| OTHER | 0 | 0 | 0 | 0 | 0 | 0 |
| TOTAL | 0 | 0 | 0 | 0 | 0 | 0 |

POSITIONS:

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

ANALYSIS: (Attach a separate page if necessary)

The only noted impact of this bill is in amended section 12.35.330(d). This section deals with the sale of forfeited property and accounting for the proceeds. This is not expected to have a fiscal impact.

Prepared by: ^{for} Keith Busch, Director *John Thomas* Phone: 465-2240
 Division: Finance *John Thomas* Date: _____

Approved by Commissioner: Frank S. Baxter Date: 1/21/90
 Agency: Department of Administration

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

Changes in CS 555B 19 (Rules) have no fiscal impact. This fiscal note is appropriate. Projections of no fiscal impact would continue through 1996.

FISCAL NOTE

REQUEST:

Revision Date: _____ Agency Affected: Administration
 Title: An Act relating to seizure and
forfeiture of property BRU: General Services and Supply
 Sponsor: Sturgulewski Components: Property Management
 Requestor: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

| OPERATING | FY 91 | FY 92 | FY 93 | FY 94 | FY 95 | FY 96 |
|-------------------|-------|-------|-------|-------|-------|-------|
| PERSONAL SERVICES | 0 | 0 | 0 | 0 | 0 | 0 |
| TRAVEL | 0 | 0 | 0 | 0 | 0 | 0 |
| CONTRACTUAL | 0 | 0 | 0 | 0 | 0 | 0 |
| SUPPLIES | 0 | 0 | 0 | 0 | 0 | 0 |
| EQUIPMENT | 0 | 0 | 0 | 0 | 0 | 0 |
| LAND & STRUCTURES | 0 | 0 | 0 | 0 | 0 | 0 |
| GRANTS, CLAIMS | 0 | 0 | 0 | 0 | 0 | 0 |
| MISCELLANEOUS | 0 | 0 | 0 | 0 | 0 | 0 |
| TOTAL OPERATING | 0 | 0 | 0 | 0 | 0 | 0 |
| CAPITAL | -0 | 0 | 0 | 0 | 0 | 0 |
| REVENUE | 0 | 0 | 0 | 0 | 0 | 0 |

FUNDING: (Thousands of Dollars)

| | | | | | | |
|---------------|---|---|---|---|---|---|
| GENERAL FUND | 0 | 0 | 0 | 0 | 0 | 0 |
| FEDERAL FUNDS | 0 | 0 | 0 | 0 | 0 | 0 |
| OTHER | 0 | 0 | 0 | 0 | 0 | 0 |
| TOTAL | 0 | 0 | 0 | 0 | 0 | 0 |

POSITIONS:

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

ANALYSIS: (Attach a separate page if necessary) The fiscal impact for the current fiscal year and future fiscal years on the sales/disposal function of property management will be negligible. Since the sales can be held concurrent with routine disposal sales, negligible impacts on the sales are anticipated. This fiscal note applies only to property management and disposal and does not cover the expenses for forfeiture proceedings, or seizure custody, or court costs.

Prepared by: Robert J. Link Phone: 465-2250
 Division: General Services and Supply Date: 1/30/90

Approved by Commissioner: Frank S. Baxter Date: 1/31/90
 Agency: Department of Administration

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

Changes in CS 555B 19 (R1s)
 have no fiscal impact. This
 fiscal note is appropriate.
 Projections of no fiscal impact
 would continue through 1996.

FISCAL NOTE

REQUEST:

Revision Date: _____
 Title: Seizure & forfeiture of property in alcohol & drug cases
 Sponsor: Sturgulewski, et al
 Requestor: _____

Agency Affected: Administration
 BRU: Public Defender Agency
 Components: Third Judicial District

EXPENDITURES/REVENUES: (Thousands of Dollars)

| OPERATING | FY 91 | FY 92 | FY 93 | FY 94 | FY 95 | FY 96 |
|------------------------|----------|----------|----------|----------|----------|----------|
| PERSONAL SERVICES | | | | | | |
| TRAVEL | | | | | | |
| CONTRACTUAL | | | | | | |
| SUPPLIES | | | | | | |
| EQUIPMENT | | | | | | |
| LAND & STRUCTURES | | | | | | |
| GRANTS, CLAIMS | | | | | | |
| MISCELLANEOUS | | | | | | |
| TOTAL OPERATING | 0 | 0 | 0 | 0 | 0 | 0 |

| | | | | | | |
|----------------|----------|----------|----------|----------|----------|----------|
| CAPITAL | 0 | 0 | 0 | 0 | 0 | 0 |
|----------------|----------|----------|----------|----------|----------|----------|

| | | | | | | |
|----------------|----------|----------|----------|----------|----------|----------|
| REVENUE | 0 | 0 | 0 | 0 | 0 | 0 |
|----------------|----------|----------|----------|----------|----------|----------|

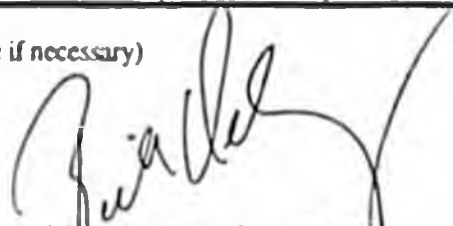
FUNDING: (Thousands of Dollars)

| | | | | | | |
|---------------|----------|----------|----------|----------|----------|----------|
| GENERAL FUND | 0 | 0 | 0 | 0 | 0 | 0 |
| FEDERAL FUNDS | 0 | 0 | 0 | 0 | 0 | 0 |
| OTHER | 0 | 0 | 0 | 0 | 0 | 0 |
| TOTAL | 0 | 0 | 0 | 0 | 0 | 0 |

POSITIONS:

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

ANALYSIS : (Attach a separate page if necessary)



Prepared by: Senator Rick Uehling, Co-chairman Phone: 465-4821
 Division: Senate Finance Committee Date: 2/27/90

Approved by Commissioner: _____ Date: _____
 Agency: _____

Distribution (by preparer):
 Legislative Finance
 Legislative Sponsor
 Requestor
 Office of Management and Business
 Impacted Agency(ies)

Changes in CS SB 19 (R1s)
 have no fiscal impact.
 This fiscal note is
 appropriate.

FISCAL NOTE

REQUEST:

Revision Date: _____
Title: Seizure & forfeiture of
property in alcohol & drug cases
Sponsor: Sturgulewski, et al
Requestor: _____

Agency Affected: Administration
BRU: Office of Public Advocacy
Components: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

| OPERATING | FY 91 | FY 92 | FY 93 | FY 94 | FY 95 | FY 96 |
|-------------------|-------|-------|-------|-------|-------|-------|
| PERSONAL SERVICES | | | | | | |
| TRAVEL | | | | | | |
| CONTRACTUAL | | | | | | |
| SUPPLIES | | | | | | |
| EQUIPMENT | | | | | | |
| LAND & STRUCTURES | | | | | | |
| GRANTS, CLAIMS | | | | | | |
| MISCELLANEOUS | | | | | | |
| TOTAL OPERATING | 0 | 0 | 0 | 0 | 0 | 0 |

| | | | | | | |
|---------|---|---|---|---|---|---|
| CAPITAL | 0 | 0 | 0 | 0 | 0 | 0 |
|---------|---|---|---|---|---|---|

| | | | | | | |
|---------|---|---|---|---|---|---|
| REVENUE | 0 | 0 | 0 | 0 | 0 | 0 |
|---------|---|---|---|---|---|---|

FUNDING: (Thousands of Dollars)

| | | | | | | |
|---------------|---|---|---|---|---|---|
| GENERAL FUND | 0 | 0 | 0 | 0 | 0 | 0 |
| FEDERAL FUNDS | 0 | 0 | 0 | 0 | 0 | 0 |
| OTHER | 0 | 0 | 0 | 0 | 0 | 0 |
| TOTAL | 0 | 0 | 0 | 0 | 0 | 0 |

POSITIONS:

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

ANALYSIS : (Attach a separate page if necessary)

Changes in CS SB 19 (Rules)
have no fiscal impact.
This fiscal note is
appropriate *[Signature]*

Prepared by: Senator Rick Uehling, Co-chairman
Division: Senate Finance Committee

Phone: 465-4821
Date: 2/27/90

Approved by Commissioner: _____
Agency: _____

Date: _____

Distribution (by preparer):

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

Alaska State Legislature



2957 SHELDON JACKSON STREET
ANCHORAGE, ALASKA 99508

SENATOR
ARLISS STURGULEWSKI
Senate President Pro Tempore
Chairman, Senate Rules Committee

While in Juneau
P.O. BOX V
JUNEAU, ALASKA 99811
(907) 465-3818

Senate

MEMORANDUM

19 March 1990

TO: Representative Johnny Ellis
Chairman, House HESS Committee *as*

FROM: Senator Arliss Sturgulewski

RE: Senate Bill 19

I appreciate your scheduling of Senate Bill 19. This legislation amends current seizure and forfeiture laws as they pertain to drugs and bootleg alcohol.

The major change to current procedures is a new chapter in Title 12 outlining seizure and forfeiture proceedings. That new chapter clarifies current procedures and adds an administrative proceeding to the current methods by which property can be declared forfeit.

The major policy changes addressed by the bill include

1. Applying these seizure and forfeiture provisions to violations of alcohol laws.
2. Adding real property to the list of items subject to seizure in felony cases.
3. Adding to the ways in which persons may obtain relief from seizure and forfeiture provisions. This is accomplished by a new section that exempts persons who provide for than half the support of a minor child in that persons household. This relief is the same as that listed in the Alaska Exemptions Act (from bankruptcy).

This legislation is needed in order to bring our state's forfeiture and seizure laws more closely in line with the federal model forfeiture act and

with constitutional standards set by the courts since the current law was enacted.

Because of the backlog in the federal courts, there is a possibility that states with seizure laws will have to start processing drug cases through their own courts. The cases currently processed through federal courts cost us 20% of any proceeds realized.

As you know, this bill was introduced into the 15th Legislature as well. There have been numerous discussions with the administration in development of this legislation. The administration supports Senate Bill 19.

This is good legislation that gives our law enforcement agencies better tools with which to work and at the same time protects the rights of our citizenry.

Attached is a sectional analysis of the Senate Rules Committee Substitute.

Please contact me or Melissa Fouse of my staff if you have any questions.

SECTIONAL ANALYSIS
SS SENATE BILL 19
Rules Committee Substitute
19 March 1990

SECTION 1:

This section repeals and reenacts current law regarding seizure and forfeiture of property for violation of bootlegging statutes.

Subsection (a) outlines the conditions under which alcoholic beverages are subject to forfeiture.

Subsection (b) lists the conditions under which property is subject to seizure and forfeiture.

*Change from current law is the addition of a provision allowing property traceable to or derived from the illegal activity to be subject to forfeiture.

Subsection (c) lists the property that is subject to forfeiture.

*change from current law adds items in subsections (1), (2), (3), (4), and (6).

Subsection (d) is new language that allows a peace officer to immediately destroy alcoholic beverages if the alcoholic beverages are in a prohibited area or are being consumed illegally.

Subsection (e) requires that seized alcoholic beverages be destroyed.

SECTION 2:

This is a new chapter in Title 12, the Code of Criminal Procedure. It sets out procedures to be followed to declare seized property forfeit.

Sec.12.38.010 states that these procedures apply to property seized under the controlled substances and bootlegging statutes.

Sec.12.38.020 (a) lists the conditions under which property may be seized with and without a court order.

Subsection (b) describes how constructive seizure may take place.

Sec. 12.38.030 (a) requires the agency with custody of the property to give notice of the seizure to interested parties within 30 days.

Subsection (b) authorizes the seizing agency to keep the property or, in its discretion, release the property to an appropriate person.

Subsection (c) directs the department of public safety to inventory the seized property and estimate its value. The inventory and estimate is to be sent to the attorney general.

Subsection (d) gives the attorney general authority to decide whether or not to pursue forfeiture proceedings on seized property. If forfeiture proceedings are not pursued, the seized property must be returned.

Subsection (e) exempts controlled substances, imitation controlled substances, bootleg alcohol, and property ordered forfeit by a court from the provisions of this section.

Sec. 12.38.040 (a) allows the court to issue orders or prescribe requirements to ensure the availability of seized property.

Subsection (b) authorizes the state to request sale or other disposition of the property. A person claiming an interest in the property may also request a sale or other disposition if the conditions in subsections 1-5 are met.

Subsection (c) makes the proceeds from the sale of the seized property, plus interest, subject to the forfeiture action.

Sec. 12.38.050 (a) sets out the conditions under which a forfeiture proceeding may begin:

- (1) by the state's filing a motion in a civil or criminal proceeding
- (2) by the state's filing a complaint in a separate in rem proceeding
- (3) by publication of a notice by the commissioner of public safety that the state intends to seek administrative forfeiture.

Subsection (b) requires that within 30 days after initiation of a forfeiture proceeding persons with a interest in the property must be served with notice and public notice of the proceeding must be started. This subsection sets out the items required in the public notice.

Subsection (c) exempts public notice requirements for those items subject to automatic forfeiture.

Subsection (d) requires the state to prove in court by a preponderance of the evidence that the property is subject to forfeiture. Subsection (d) states that it is prima facie evidence that the defendant has been convicted of the conduct making the property subject to forfeiture or that a grand jury has returned an indictment specifying that the property is subject to forfeiture.

Subsection (e) outlines court procedures in forfeiture cases.

Subsection (f) allows the state to request that forfeiture proceedings be delayed until the conclusion of a pending criminal action relating to the conduct that made the property subject to forfeiture.

Subsection (g) asserts that it is not a defense in a forfeiture proceeding that a criminal violation has not been prosecuted, or has resulted in a conviction of a different offense or in an acquittal.

Sec. 12.38.060 (a) allows seized property with a value of less than \$100,000, or is not real property, to be ordered forfeit to the state administratively following the procedures outlined in this chapter.

Subsection (b) directs the commissioner of public safety to end an administrative forfeiture proceeding if a timely claim and appropriate security is filed by a person with an interest in the seized property.

Sec. 12.38.070 (a) sets out the conditions under which a claim may be filed.

Subsection (b) sets out where the claim is to be filed and what information it must contain.

Subsection (c) authorizes property to be forfeited to the state without further proceedings if the claim is not timely filed.

Sec. 12.38.080 (a) allows the court to order property forfeit to the state.

Subsection (b) states that an order of judicial or administrative forfeiture provides clear title to the property to the state. States that an order on behalf of party subject to relief from the order of forfeiture (see Sec.12.38.090) clears any cloud on the title to the property resulting from the forfeiture proceeding.

Subsection (c) orders costs of maintenance, storage, disposal, attorney's fees, to be paid by the person who causes property to be subject to forfeiture.

Subsection (d) allows a court to order other assets to be forfeited if the property subject to forfeiture is hard to reach.

Subsection (e) allows an order of forfeiture to be made regardless of the location of the property.

Subsection (f) creates a perfected priority lien to the state over property ordered forfeited. That lien has priority over all unsecured and all unperfected secured debts associated with the property.**

** This is in response to an Alaska Supreme Court ruling that unrecorded, unsecured, creditors can file claims for remission of forfeitable property. According to the Department of Law this is a serious potential problem since it would require the state to give the property to an associate of the defendant unless it could be proven that the transaction was a sham. The supreme court (according to the Department of Law) hinted at a possible way of correcting this problem, which would be to create a lien in favor of the state that has priority over the "creditor's" unrecorded lien. This subsection was drafted to correct this problem.

Sec. 12.38.090 (a) allows a person to obtain relief by filing a timely claim and proving by a preponderance of the evidence that

the person has a valid right to the property

the person did not knowingly participate in or facilitate the conduct that resulted in the property being subject to forfeiture, and

did not know, or have reason to believe, that a person might engage in the conduct that resulted in the property being subject in the property being subject to forfeiture.

or

that the person provides more than half the support of a minor dependent living in the persons household and is claiming exemptions from the forfeiture under the Alaska Exemptions Act (AS 09.38.010 - 09.38.090). This exemption does not apply to limited entry permits or liquor licenses.

Subsection (b) allows a person with a partial interest in the property to choose to receive the partial value, or after paying the difference, the entire property. Disposition of multiple claims is to be proportional based on the priority and value of each person's respective interest, or is to be otherwise allocated by the court in the interests of justice.

Sec. 12.38.100 (a) directs that property be transferred to the commissioner of administration for disposal and sets out methods by which property may be disposed of.

Subsection (b) directs the commissioner of administration to separately account for the proceeds from the sale of forfeited property. Allows for these funds to be appropriated for the furtherance of the administration of justice.

SECTION 3:

This section repeals and reenacts the seizure and forfeiture provisions in Title 17 having to do with violations of the controlled substances and imitation controlled substances laws.

Sec. 17.30.110 sets out the list of property subject to forfeiture. The major change from current law is the addition of real property. This conforms to the federal model forfeiture act, except that in this bill we have made real property subject to forfeiture only in cases of a felony offense.

SECTION 4:

This is current law with the addition of a statutory reference to the forfeiture procedures under AS 12.38.

SECTION 5:

Repeals current forfeiture provisions in Title 11 (Criminal Law) and Title 17 (Controlled Substances).

CURRENT LAW

Sec.04.16.220 Alcoholic Beverages-Forfeitures

Sec. 04.16.220. Forfeitures. (a) The following are subject to forfeiture:
(1) alcoholic beverages manufactured, sold, offered for sale or possessed for sale, bartered or exchanged for goods and services in this state in violation of AS 04.11.010; alcoholic beverages stocked, warehoused, or otherwise stored in violation of AS 04.21.060; alcoholic beverages possessed, sold or offered for sale in an area where the results of a local option election have, under AS 04.11.490 - 04.11.500, prohibited the possession of alcoholic beverages or prohibited the board from issuing, renewing, or transferring one or more licenses or permits under this title in the area; alcoholic beverages transported into the state and sold to persons not licensed under this chapter in violation of AS 04.16.170(b);

Original sponsor(s): SEN. STURGULEWSKI, Kelly, Merttula, Pearce, Rodey, Binkley, Vehling

1 IN THE SENATE BY THE RULES COMMITTEE
2 CS FOR SPONSOR SUBSTITUTE FOR SENATE BILL NO. 19 (Rules) am
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 SIXTEENTH LEGISLATURE - SECOND SESSION
5 A BILL
6 For an Act entitled: "An Act relating to seizure and forfeiture of proper-
7 ty in cases involving alcoholic beverages, controlled
8 substances, and imitation controlled substances."
9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:
10 * Section 1. AS 04.16.220 is repealed and reenacted to read:
11 Sec. 04.16.220. PROPERTY SUBJECT TO FORFEITURE. (a) Under the
12 procedures set out in AS 12.38, alcoholic beverages are subject to
13 forfeiture to the state if
14 (1) manufactured, delivered, distributed, possessed, con-
15 cealed, stored, acquired, sold, exchanged, offered for sale or ex-
16 change, or transported, or one of these acts is attempted or soli-
17 cited, in violation of a criminal law under this title;
18 (2) unlawfully possessed in an area where the results of a
19 local election under AS 04.11.498 have prohibited possession of alco-
20 holic beverages; or
21 (3) found on licensed premises without excise stamps re-
22 quired by federal law.
23 (b) The property listed in (c) of this section is subject to
24 forfeiture, under the procedures set out in AS 12.38, if
25 (1) except for liquor licenses forfeited under AS 04.16.-
26 180, the property is used, or intended to be used, to commit or facil-
27 itate an offense under AS 04.11.010, AS 04.16.175, AS 04.21.060, an
28 offense relating to alcoholic beverages on licensed premises without
29 excise stamps required by federal law, or an offense relating to

Sec.04.16.220 Alcoholic Beverages-Forfeitures

(2) materials and equipment used in the manufacture, sale, offering for sale, possession for sale, barter or exchange of alcoholic beverages for goods and services in this state in violation of AS 04.11.010; materials and equipment used in the stocking, warehousing, or storage of alcoholic beverages in violation of AS 04.21.060; materials and equipment used in the sale or offering for sale of an alcoholic beverage in an area where the results of a local option election have, under AS 04.11.490 - 04.11.500, prohibited the board from issuing, renewing, or transferring one or more licenses or permits under this title in the area;

(3) aircraft, vehicles, or vessels used to transport, or facilitate the transportation of

(A) alcoholic beverages manufactured, sold, offered for sale or possessed for sale, bartered or exchanged for goods and services in this state in violation of AS 04.11.010;

(B) property stocked, warehoused, or otherwise stored in violation of AS 04.21.060;

(C) alcoholic beverages imported into a municipality or established village in violation of AS 04.11.496.

(4) alcoholic beverages found on licensed premises that do not bear federal excise stamps if excise stamps are required under federal law;

(5) alcoholic beverages, materials, or equipment used in violation of AS 04.16.175.

Sec.04.16.220 Alcoholic Beverages-Forfeitures

(h) Alcoholic beverages forfeited under (d) of this section shall be placed in the custody of a peace officer of the state and destroyed no earlier than 30 days after forfeiture. All other property forfeited under this section shall be placed in the custody of the commissioner of public safety for disposition according to an order entered by the court. The court shall order destroyed any property forfeited under this section that is harmful to the public. Other property shall be ordered sold and the proceeds used for payment of expenses of the proceedings for forfeiture and sale, including expenses of seizure, custody and court costs. The remainder of the proceeds shall be deposited in the general fund.

1 conduct made criminal because of the results of a local election under
2 AS 04.11.490 - 04.11.500; or

3 (2) the property is used, or intended to be used, in a
4 direct or indirect exchange for an alcoholic beverage in violation of
5 AS 04.11.010, or is traceable to or derived from the exchange.

6 (c) The following property is subject to forfeiture under (b) of
7 this section:

8 (1) firearms, explosives, and weapons;

9 (2) money, securities, negotiable instruments, and anything
10 of value, whether tangible or intangible, secured or unsecured;

11 (3) raw materials, chemicals, pharmaceuticals, and any-
12 thing, including plants or other living organisms, from which alco-
13 holic beverages might be derived;

14 (4) books, records, tapes, formulas, research papers, and
15 equipment, including data processing equipment and electronic equip-
16 ment used in surveillance or countersurveillance efforts;

17 (5) aircraft, vehicles, vessels, and conveyances; and

18 (6) a right, title, or interest in real property, and any
19 improvements or appurtenances, if the offense making the property
20 subject to forfeiture is a felony offense.

21 (d) Notwithstanding any other provisions of AS 12.38, alcoholic
22 beverages seized under AS 12.38.020 are automatically forfeited to the
23 state and subject to immediate destruction by a peace officer if

24 (1) unlawfully possessed in an area where the results of a
25 local election under AS 04.11.498 have prohibited possession of alco-
26 holic beverages; or

27 (2) in the process of being consumed or in a container that
28 has been opened or the seal of which has been broken.

29 (e) Except as provided in (d) of this section, alcoholic

CURRENT LAW

Sec.04.16.220 Alcoholic Beverages-Forfeitures

(b) Property subject to forfeiture under this section may be actually or constructively seized under an order issued by the superior court upon a showing of probable cause that the property is subject to forfeiture under this section. Constructive seizure is effected upon posting a signed notice of seizure on the item to be forfeited, stating the violation and the date and place of seizure. Seizure without a court order may be made if

(1) the seizure is incident to a valid arrest or search;

(2) the property subject to seizure is the subject of a prior judgment in favor of the state; or

(3) there is probable cause to believe that the property is subject to forfeiture under (a) of this section; except for alcoholic beverages possessed in violation of AS 04.11.498 or an ordinance adopted under AS 04.11.498, property seized under this paragraph may not be held over 48 hours or until an order of forfeiture is issued by the court, whichever is earlier.

Sec.17.30.114-Controlled Substances

Sec. 17.30.114. Seizure and custody of property. (a) Property listed in AS 17.30.110 may be seized by a peace officer upon an order issued by a court having jurisdiction over the property upon a showing of probable cause that the property may be forfeited under AS 17.30.110. Seizure without a court order may be made if

(1) the seizure is incident to a valid arrest or a search under a valid search warrant;

(2) the property subject to seizure has been the subject of an earlier judgment in favor of the state in a criminal proceeding or civil proceeding in rem under this chapter or AS 11.71; or

(3) there is probable cause that the property was used, is being used, or is intended for use, in violation of this chapter or AS 11.71 and the property is easily movable; property seized under this paragraph may not be held for more than 48 hours without a court order obtained to continue its detention.

(b) Property taken or detained under (a) of this section shall be held in the custody of either the commissioner of public safety or a municipal law enforcement agency authorized by the commissioner of public safety to retain custody of property listed in AS 17.30.110 subject only to the orders and decrees of the court having jurisdiction over any forfeiture proceedings. If property is seized under this chapter, the commissioner of public safety or an authorized municipal law enforcement agency may

(1) place the property under seal;

(2) remove the property to a place designated by the court; or

(3) take custody of the property and remove it to an appropriate location for disposition in accordance with law.

1 beverages forfeited to the state shall be destroyed by the law
2 enforcement agency with custody of the property under procedures
3 prescribed by the commissioner of public safety.

4 * Sec. 2. AS 12 is amended by adding a new chapter to read:

CHAPTER 38. FORFEITURE OF PROPERTY.

6 Sec. 12.38.010. APPLICABILITY. This chapter applies to property
7 subject to forfeiture under AS 04.16.220 and AS 17.30.110.

8 Sec. 12.38.020. SEIZURE OF PROPERTY SUBJECT TO FORFEITURE. (a)

9 Property subject to forfeiture may be seized by a peace officer

10 (1) under an order issued by a court in an ex parte pro-
11 ceeding upon a showing

12 (A) of probable cause that the property is subject to
13 forfeiture; or

14 (B) that a grand jury has returned an indictment
15 finding that the evidence, if unexplained or uncontradicted,
16 would warrant a court's conclusion that the property specifically
17 identified in the indictment is subject to forfeiture; or

18 (2) without a court order if

19 (A) constitutionally permissible or otherwise au-
20 thorized by law;

21 (B) the property has been the subject of a judgment in
22 favor of the state in a forfeiture proceeding; or

23 (C) there is probable cause to believe that the prop-
24 erty is subject to forfeiture and is easily movable; except for
25 alcoholic beverages, controlled substances, or imitation con-
26 trolled substances, property seized solely under this subpara-
27 graph may not be held for more than 48 hours without a court
28 order under (1) of this subsection.

29 (b) Property that cannot with reasonable effort be taken into

Sec.04.16.220 Alcoholic Beverages-Forfeitures

(c) Within 30 days of a seizure under this section the Department of Public Safety shall make reasonable efforts to ascertain the identity and whereabouts of any person holding an interest or an assignee of a person holding an interest in the property seized, including a right to possession, a lien, mortgage, or conditional sales contract. The Department of Public Safety shall notify the person ascertained to have an interest in property seized of the impending forfeiture, and before forfeiture the Department of Law shall publish, once a week for four consecutive calendar weeks, a notice of the impending forfeiture in a newspaper of general circulation in the judicial district in which the seizure was made, or if no newspaper is published in that judicial district, in a newspaper published in the state and distributed in that judicial district.

Sec.17.30.116-Controlled Substances

Sec. 17.30.116. Procedure for forfeiture action. (a) Within 20 days after a seizure under AS 17.30.110 — 17.30.126, the commissioner of public safety shall, by certified mail, notify any person known to have an interest in an item with an appraised value of \$500 or more, or who is ascertainable from official registration numbers, licenses, or other state, federal or municipal numbers on the item, of the pending forfeiture action. Additionally, the commissioner of public safety shall publish notice of forfeiture action of an item valued at \$500 or more in a newspaper of general circulation in the judicial district in which the seizure was made, or if no newspaper is published in that judicial district, in a newspaper published in the state and distributed in that judicial district. The notice shall be published once each week during four consecutive calendar weeks. The requirements of this subsection do not apply to the forfeiture of controlled substances which have been manufactured, distributed, dispensed, or possessed in violation of this chapter or AS 11.71, regardless of their value.

Sec.17.30.114-Controlled Substances

(c) Within 10 days after a seizure under AS 17.30.110 — 17.30.126, the commissioner of public safety shall make an inventory of any property seized, including controlled substances, and shall appraise the value of any items seized other than controlled substances. (§ 4 ch 45 SLA 1982)

1 physical custody may be constructively seized by posting a written
2 notice of the seizure in a conspicuous place on the property. This
3 subsection does not prohibit other reasonable methods of constructive
4 seizure.

5 Sec. 12.38.030. NOTICE OF SEIZURE; CUSTODY OF SEIZED PROPERTY;
6 INVENTORY AND APPRAISAL. (a) Within 30 days after a seizure under
7 AS 12.38.020, the law enforcement agency responsible for custody of
8 the property shall give notice by certified mail of the seizure to
9 persons known to have a financial interest in an item with an estimat-
10 ed value more than \$1,000, or whose interest in the property is ascer-
11 tainable from official tax rolls, registration numbers, licenses, or
12 other state, federal, or municipal identification numbers affixed to
13 the property.

14 (b) Subject to the order of the court, property seized under
15 AS 12.38.020 remains in the legal custody of the Department of Public
16 Safety or a municipal law enforcement agency authorized by the commis-
17 sioner of public safety to retain custody. The agency responsible for
18 custody may, in its discretion, release the property to another appro-
19 priate person.

20 (c) Within 10 days after a seizure under AS 12.38.020, the law
21 enforcement agency responsible for custody of the property shall
22 estimate the value, make an inventory of the property, and send the
23 inventory and estimate to the attorney general.

24 (d) If the attorney general determines that a forfeiture pro-
25 ceeding cannot be sustained or as a matter of discretion will not be
26 instituted, a written report of that decision shall be sent to the
27 agency responsible for custody of the property and the property must
28 be returned to the person from whom it was obtained.

29 (e) This section does not apply to property that is subject to

Sec.17.30.118-Controlled Substances

Sec. 17.30.118. Petition for release of seized items. (a) A claimant under AS 17.30.116(b) may at any time petition for release of a seized item as follows:

- (1) to a court in which a warrant for seizure has been issued;
- (2) to a court in which a criminal or civil action alleging forfeiture of the item has been filed; or
- (3) before an action is filed, or if no seizure warrant was issued, to a court in the judicial district in which the violation took place.

(b) An item may not be released by the court under (a) of this section unless the claimant gives adequate assurance that the item will remain subject to the court's jurisdiction and

- (1) the court finds that the release is in the best interests of the state; or
- (2) the claimant provides a bond or other valid and equivalent security equal to twice the assessed value of the item. (§ 4 ch 45 SLA 1932)

Sec.17.30.120-Controlled Substances

Sec. 17.30.120. Petition for sale of seized item. A claimant may petition the court for sale of an item before final disposition of court proceedings. The court shall grant a petition for sale upon a finding that the sale is in the best interests of the state and the preservation and maintenance of the item seized. Proceeds from the sale plus interest to the date of final disposition of the court proceedings become the subject of the forfeiture action. (§ 4 ch 45 SLA 1982)

1 automatic forfeiture under AS 04.16.220(d) or AS 17.30.110(c), or to
2 property seized under AS 12.38.020(a)(2)(B).

3 **Sec. 12.38.040. PRESERVATION OR DISPOSAL OF PROPERTY BEFORE**
4 **ORDER OF FORFEITURE.** (a) A court may issue an appropriate temporary
5 or other order, require execution of a satisfactory performance bond
6 to the state, or take other action to preserve the availability or
7 value of property seized under AS 12.38.020.

8 (b) The state may, at any time before an order of forfeiture is
9 issued, request the sale or other disposition of property seized under
10 AS 12.38.020. A person claiming an interest in the property may also
11 request sale or other disposition before an order of forfeiture is
12 issued if the person proves by a preponderance of the evidence that

13 (1) the person has filed a timely claim under AS 12.38.070
14 or, before the initiation of a forfeiture proceeding, has sent a
15 notice of claim to the commissioner of public safety in conformance
16 with the requirements of AS 12.38.070(b);

17 (2) the property is not likely to be used as evidence in a
18 judicial or administrative proceeding;

19 (3) the person has given adequate assurance that the prop-
20 erty or its proceeds will remain subject to the court's jurisdiction;

21 (4) the sale or other disposition is in the best interests
22 of the state and will provide for protection of the value of the
23 property; and

24 (5) the person provides a bond or other equivalent security
25 equal to twice the estimated value of the property.

26 (c) Proceeds from the sale of property, plus interest earned on
27 the proceeds to the date of termination of the proceedings, become the
28 subject of the forfeiture action in the same manner as the property
29 itself.

CURRENT LAW

Sec.04.16.220 Alcoholic Beverages-Forfeitures

(d) Property subject to forfeiture under (a) of this section may be forfeited

(1) upon conviction of a person under AS 04.11.010, 04.11.496(b), or AS 04.21.060 or upon entry of judgment under AS 04.11.498 or an ordinance adopted under AS 04.11.498;

(2) upon judgment by the superior court in a proceeding in rem that the property was used in a manner subjecting it to forfeiture under (a) of this section.

Sec.17.30.112-Controlled Substances

Sec. 17.30.112. Proceedings resulting in forfeiture. (a) Property listed in AS 17.30.110 may be forfeited to the state either upon conviction of the defendant of a violation of this chapter or AS 11.71, or upon judgment of a court in a separate civil proceeding in rem. The court may order a forfeiture in the in rem proceeding if it finds that an item specified in AS 17.30.110 was used during or in aid of a violation of this chapter or AS 11.71.

1 Sec. 12.38.030. FORFEITURE PROCEEDINGS; NOTICE; BURDEN OF PROOF;
2 DEFENSES EXEMPTED. (a) A forfeiture proceeding

3 (1) may be initiated by the state filing a motion to for-
4 feit in a criminal or civil proceeding relating to the conduct that
5 makes the property subject to forfeiture;

6 (2) may be initiated by the state filing a complaint in a
7 separate in rem proceeding; or

8 (3) under AS 12.38.060 may be initiated by the commissioner
9 of public safety directing that publication under (b) of this section
10 be made of the state's intent to seek forfeiture of property adminis-
11 tratively.

12 (b) Within 30 days after a forfeiture proceeding has been initi-
13 ated as provided in (a) of this section,

14 (1) persons required to be notified under AS 12.38.030
15 shall be served with a copy of the motion, complaint, or other notice
16 in a manner authorized for service of process under the rules of civil
17 procedure; and

18 (2) the law enforcement agency with custody of the property
19 shall begin to publish notice of the forfeiture proceeding in the
20 manner provided for service by publication under the rules of civil
21 procedure; the notice must include

22 (A) a list of property with an estimated value of more
23 than \$1,000, with a description of the property, including motor
24 vehicle or other registration numbers;

25 (B) the approximate value of the property;

26 (C) the date and place of seizure;

27 (D) the reason the property is subject to forfeiture;

28 (E) a citation to this chapter, and a citation to the
29 court docket number relating to a judicial forfeiture proceeding;

Sec.17.30.116-Controlled Substances

(c) Questions of fact or law raised by a notice of forfeiture action and answer of a claimant in an action commenced under this section must be determined by the court sitting without a jury. This proceeding may be held in abeyance until conclusion of any pending criminal charges

Sec.04.16.220 Alcoholic Beverages-Forfeitures

(g) It is no defense in an in rem forfeiture proceeding brought under (d)(2) of this section that a criminal proceeding is pending or has resulted in conviction or acquittal of a person charged with violating AS 04.11.010, 04.11.496(b), or AS 04.21.060.

1 and
2 (F) notice that the property will be forfeited to the
3 state if a timely claim is not filed under this chapter.
4 (c) The notice requirements of (b) of this section do not apply
5 to property that is subject to automatic forfeiture under AS 04.16.
6 220(d) or AS 17.30.110(c).
7 (d) In a forfeiture proceeding other than a summary administra-
8 tive proceeding under AS 12.38.060, the state must prove by a prepon-
9 derance of the evidence that the property is subject to forfeiture.
10 It is prima facie evidence, sufficient to support an order of forfei-
11 ture, that a defendant has been convicted of conduct making the prop-
12 erty subject to forfeiture, or that a grand jury has returned an
13 indictment finding that the evidence, if unexplained or uncontradict-
14 ed, would warrant a court to conclude that the property specifically
15 identified in the indictment is subject to forfeiture.
16 (e) In a forfeiture proceeding other than a summary administra-
17 tive proceeding under AS 12.38.060, questions of fact or law shall be
18 determined by the court, sitting without a jury. A person claiming an
19 interest in the property under AS 12.38.070 and 12.38.090 may testify,
20 present evidence and witnesses, and cross-examine witnesses presented
21 by other parties. In addition to other testimony and evidence pre-
22 sented, the court may consider the relevant portions of the record of
23 a related criminal action.
24 (f) Except for proceedings under AS 12.38.090(a)(2) to permit
25 use of exempted property, at the request of the state a forfeiture
26 proceeding, including discovery, shall be held in abeyance until the
27 conclusion of a pending criminal action relating to the conduct making
28 the property subject to forfeiture.
29 (g) It is not a defense to a forfeiture proceeding that a

Sec.17.30.112-Controlled Substances

(b) It is not a defense in an in rem proceeding brought under this section that a criminal proceeding has resulted in a conviction or conviction of a lesser offense for a violation of this chapter or AS 11.71. (§ 4 ch 45 SLA 1982)

Sec.17.30.116-Controlled Substances

(b) Upon service or publication of notice of commencement of a forfeiture action under this section, a person claiming interest in the property shall file within 30 days after the service or publication, a notice of claim setting out the nature of the interest, the date it was acquired, the consideration paid, and an answer to the state's allegations. If a claim and answer is not filed within the time specified, the property described in the state's allegation must be ordered forfeited to the state without further proceedings or showings.

1 criminal offense has not been prosecuted, or has resulted in a
2 conviction of a different offense or an acquittal.

3 Sec. 12.38.060. SUMMARY ADMINISTRATIVE FORFEITURE PROCEDURES.
4 (a) If the value of the property seized under AS 12.38.020 does not
5 exceed \$100,000 and is not real property, the commissioner of public
6 safety may order administrative forfeiture of the property under this
7 chapter. The Administrative Procedure Act (AS 44.62) does not apply
8 to an administrative forfeiture.

9 (b) The commissioner of public safety shall terminate the admin-
10 istrative forfeiture proceeding and refer the matter to the attorney
11 general for initiation of a judicial forfeiture proceeding if a person
12 files a timely claim under AS 12.38.070 and deposits with the commis-
13 sioner, in cash or bond approved by the commissioner, 25 percent of
14 the appraised value of the property, but not less than \$1,000. The
15 deposit is conditioned to secure the payment of all reasonable costs
16 and expenses of the judicial forfeiture proceeding, including attorney
17 fees, if the state is the prevailing party.

18 Sec. 12.38.070. PROCEDURE FOR CLAIMANTS. (a) A person claiming
19 an interest in property that is the subject of a forfeiture proceed-
20 ing, including persons who claim an exemption under AS 12.38.-
21 090(a)(2), shall file a claim

22 (1) in a judicial forfeiture proceeding, within the time
23 permitted under applicable court rules; or

24 (2) in an administrative forfeiture proceeding under
25 AS 12.38.060, within 20 days of the date of the final publication
26 under AS 12.38.050(b)(2).

27 (b) The claim must

28 (1) be filed with the court in judicial forfeiture proceed-
29 ings, or with the commissioner of public safety in administrative

1 forfeiture proceedings under AS 12.38.060;

2 (2) be sworn under oath; and

3 (3) set out with specificity the reasons why the property
4 is not subject to forfeiture or why the person is entitled to relief
5 under AS 12.38.090, the nature of the person's right, title, or inter-
6 est in the property, the time and circumstances of the person's acqui-
7 sition, the consideration paid, and additional facts supporting the
8 claim.

9 (c) If a claim is not timely filed, the property shall be for-
10 feited to the state without further proceedings.

11 Sec. 12.38.080. ORDER OF FORFEITURE; LIEN IN FAVOR OF THE STATE.

12 (a) If the state proves that property is subject to forfeiture, the
13 property may be ordered forfeited to the state, except as provided in
14 AS 12.38.090.

15 (b) An order of judicial or administrative forfeiture, or an
16 order granting relief under AS 12.38.090, removes all liens, encum-
17 brances, or other clouds on the title resulting from the forfeiture
18 proceeding.

19 (c) A person whose conduct causes property to be subject to
20 forfeiture shall pay the reasonable cost of maintenance, storage,
21 disposal, or other expenses of the forfeiture proceeding, including
22 attorney fees, either as part of a sentence, a condition of probation
23 or suspended imposition of sentence, or as a mandatory assessment of
24 costs in a forfeiture proceeding.

25 (d) Judicial order of forfeiture shall forfeit to the state
26 any other assets of the person who caused the property to be subject
27 to forfeiture, up to the value of any property subject to forfeiture,
28 if the property subject to forfeiture has been

29 (1) commingled with other property and cannot be separated

Sec.04.16.220 Alcoholic Beverages-Forfeitures

(e) The owner of property subject to forfeiture under (a) of this section is entitled to relief from the forfeiture in the nature of remission of the forfeiture if in an action under (d) of this section the owner shows that the owner was not a party to the violation and had no actual knowledge that the property was used or was to be used in violation of the law.

(f) A person other than the owner holding, or the assignee of, a lien, mortgage, conditional sales contract on, or the right to possession to property subject to forfeiture under (a) of this section is entitled to relief from the forfeiture in the nature of remission of the forfeiture if in an action under (d) of this section the person shows that the person was not a party to the violation subjecting the property to forfeiture and had no actual knowledge that the property was used or was to be used in violation of the law.

1 without difficulty;
2 (2) transferred to, sold to, or deposited with a third
3 party, placed beyond the jurisdiction of the court, or removed so it
4 cannot be located;
5 (3) substantially diminished in value by an act or omission
6 of the person who caused the property to be subject to forfeiture; or
7 (4) ordered returned to an innocent party under AS 12.38.-
8 090(a)(1).
9 (a) An order of forfeiture issued under this section may be made
10 regardless of the location of the property that might be subject to
11 forfeiture or that has been ordered forfeited.
12 (f) A perfected priority lien on property that has been ordered
13 forfeited is created in favor of the state up to an amount that is the
14 sum of the expenses of investigation, prosecution, and forfeiture
15 arising out of the conduct making the property subject to forfeiture.
16 In calculating the amount of the lien, expenses of all state, federal,
17 or local agencies are to be included. The lien has priority over all
18 unsecured and all unperfected secured debts associated with the prop-
19 erty.
20 Sec. 12.38.090. RELIEF FROM FORFEITURE. (a) A person who has
21 filed a timely claim under AS 12.38.070 may obtain relief from the
22 forfeiture upon proof by a preponderance of the evidence
23 (1) that the person
24 (A) has a valid right, title, or interest in the
25 property, acquired in good faith, which takes priority over a
26 lien in favor of the state under AS 12.38.080(f);
27 (B) did not knowingly participate in or facilitate the
28 conduct that resulted in the property being subject to forfei-
29 ture; and

Sec.17.30.122-Controlled Substances

Sec. 17.30.122. State disposal of forfeited property. Property forfeited under AS 17.30.110 — 17.30.126 other than controlled substances shall be disposed of by the commissioner of administration in accordance with applicable law. The commissioner of administration may

- (1) destroy property harmful to the public;
- (2) sell the property and use the proceeds for payment of all proper expenses of the proceedings for forfeiture and sale, including expenses of seizure, custody, and court costs;

1 (C) did not know or have reasonable cause to believe
2 that a person might engage in the conduct that resulted in the
3 property being subject to forfeiture; or

4 (2) that the person provides more than half the support of
5 a minor dependent living in the person's household, in which case the
6 person may claim exemptions from the forfeiture to the extent permit-
7 ted under AS 09.38.010 - 09.38.090; however, an exemption may not be
8 permitted for a liquor license granted under AS 04.

9 (b) If the person claiming an interest in the property is found
10 to be entitled to less than the total value of the property, the
11 person may choose to receive either the proportional value of the
12 partial interest that is realized upon disposition of the property or,
13 upon payment of the difference in value, the entire property. In
14 cases of multiple claims, the return of the property is to be based on
15 the value and priority of each person's respective interest, or is to
16 be otherwise allocated by the court in the interests of justice.

17 Sec. 12.38.100. STATE DISPOSAL OF FORFEITED PROPERTY. (a) For-
18 feited property, other than property summarily forfeited under AS 04.-
19 16.220(d) or AS 17.30.110(c), shall be transferred to the commissioner
20 of administration for disposition in accordance with applicable law.
21 The commissioner of administration may

- 22 (1) destroy property harmful to the public;
- 23 (2) sell the property and, subject to appropriations for
24 that purpose, use the proceeds to pay the expenses of the proceedings
25 of forfeiture and sale, including expenses of seizure, custody, and
26 court costs;
- 27 (3) transfer the property to another agency of the state or
28 a political subdivision of the state for use in the furtherance of the
29 administration of justice;

CURRENT LAW

Sec.17.30.122-Controlled Substances

(3) take custody of the property and authorize its use in the enforcement of this chapter or AS 11.71, or transfer it to another agency of the state or a political subdivision of the state for a use in furtherance of the administration of justice;

(4) take custody of the property and remove it for disposition in accordance with law;

(5) forward it to the Drug Enforcement Administration of the United States Department of Justice for disposition; or

(6) transfer ownership of an aircraft to the Alaska Wing, Civil Air Patrol. (§ 4 ch 45 SLA 1982; am § 2 ch 18 SLA 1983)

1 (4) transfer the property to the United States Department
2 of Justice for disposition;

3 (5) transfer ownership of an aircraft to the Alaska Wing,
4 Civil Air Patrol;

5 (6) at the direction of the commissioner of public safety,
6 transfer up to 90 percent of the net value of forfeited property to
7 one or more political subdivisions of the state; in directing this
8 transfer, the commissioner of public safety may take into account an
9 equitable allocation based on the amount of the contribution made by
10 each agency to the investigation of the conduct making the property
11 subject to forfeiture, or any agreements as to the sharing of assets;
12 or

13 (7) otherwise dispose of the property in accordance with
14 the law.

15 (b) The commissioner of administration shall separately account
16 for the proceeds from the sale of forfeited property under (a) of this
17 section that the commissioner deposits in the general fund. The
18 annual estimated balance in the account may be used by the legislature
19 to make appropriations to the Department of Public Safety for use in
20 the administration of justice.

21 * Sec. 3. AS 17.30.110 is repealed and reenacted to read:

22 Sec. 17.30.110. PROPERTY SUBJECT TO FORFEITURE. (a) Under the
23 procedures set out in AS 12.38, the property listed in (b) of this
24 section is subject to forfeiture to the state if

25 (1) manufactured, delivered, dispensed, distributed, pos-
26 sessed, concealed, stored, acquired, or transported in violation of
27 AS 11.71 or AS 11.73;

28 (2) used, or intended to be used, to accomplish or facili-
29 tate the manufacture, delivery, dispensing, distribution, possession,

Sec.17.30.110-Controlled Substances

Sec. 17.30.110. Items subject to forfeiture. The following may be forfeited to the state:

(1) a controlled substance which has been manufactured, distributed, dispensed, acquired, or possessed in violation of this chapter or AS 11.71;

(2) raw materials, products, and equipment which are used or intended for use in manufacturing, distributing, compounding, processing, delivering, importing, or exporting a controlled substance which is a felony under this chapter or AS 11.71;

(3) property which is used or intended for use as a container for property described in (1) or (2) of this section;

(4) a conveyance, including but not limited to aircraft, vehicles or vessels, which has been used or is intended for use in transporting or in any manner in facilitating the transportation, sale, receipt, possession, or concealment of property described in (1) or (2) of this section in violation of a felony offense under this chapter or AS 11.71; however,

(A) a conveyance may not be forfeited under this paragraph if the owner of the conveyance establishes, by a preponderance of the evidence, at a hearing before the court as the trier of fact, that use of the conveyance in violation of this chapter or AS 11.71 was committed by another person and that the owner was neither a consenting party nor privy to the violation;

(B) a forfeiture of a conveyance encumbered by a valid security interest at the time of seizure is subject to the interest of the secured party if the secured party establishes, by a preponderance of the evidence, at a hearing before the court as the trier of fact, that use of the conveyance in violation of this chapter or AS 11.71 was committed by another person and that the secured party was neither a consenting party nor privy to the violation;

(5) books, records, and research products and materials, including formulas, microfilm, tapes, and data, which are used in violation of this chapter or AS 11.71;

(6) money, securities, negotiable instruments, or other things of value used in financial transactions derived from activity prohibited by this chapter or AS 11.71; and

(7) a firearm which is visible, carried during, or used in furtherance of a violation of this chapter or AS 11.71. (§ 4 ch 45 SLA 1982)

1 concealment, storage, acquiring, or transportation of a controlled
2 substance or imitation controlled substance in violation of AS 11.71
3 or AS 11.73; or

4 (3) used, or intended to be used, in a direct or indirect
5 exchange for a controlled substance or imitation controlled substance
6 in violation of AS 11.71 or AS 11.73, or if traceable to or derived
7 from such an exchange.

8 (b) The following property is subject to forfeiture under (a) of
9 this section:

10 (1) firearms, explosives, or weapons;

11 (2) money, securities, negotiable instruments, or anything
12 of value, whether tangible or intangible, secured or unsecured;

13 (3) raw materials, chemicals, pharmaceuticals, or anything,
14 including plants or other living organisms, from which controlled
15 substances might be derived;

16 (4) books, records, tapes, formulas, research papers, and
17 equipment, including data processing and electronic equipment used in
18 surveillance or counter-surveillance efforts;

19 (5) aircraft, vehicles, vessels, and conveyances, if the
20 offense making the property subject to forfeiture is a felony offense;
21 and

22 (6) a right, title, or interest in real property, and any
23 improvements and appurtenances, if the offense making the property
24 subject to forfeiture is a felony offense.

25 (c) Notwithstanding the provisions of AS 12.38, a controlled
26 substance or imitation controlled substance, and plants grown in the
27 wild from which controlled substances or imitation controlled sub-
28 stances are derived, seized under AS 12.38.020, are automatically
29 forfeited to the state. The law enforcement agency with custody of

Sec.17.30.126-Controlled Substances

Sec. 17.30.126. Forfeiture of controlled substances. (a) A controlled substance manufactured, possessed, transferred, sold, or offered for sale in violation of this chapter or AS 11.71 is contraband and must be seized and summarily forfeited to the state. The commissioner of public safety or the commissioner's designee, including a municipal law enforcement agency authorized under AS 17.30.114(b) of this section to retain custody of controlled substances, is responsible for the disposal of controlled substances which have been forfeited. The controlled substances shall be disposed of in accordance with procedures and requirements prescribed by the commissioner.

(b) Plants from which controlled substances may be derived and which have been planted or cultivated in violation of this chapter or AS 11.71, or which are grown in the wild, may be seized and summarily forfeited to the state. (§ 4 ch 45 SLA 1982)

1 property described in this subsection shall dispose of it under proce-
2 dures prescribed by the commissioner of public safety.

3 (d) In this section, "violation of AS 11.71 or AS 11.73" in-
4 cludes an attempt or sollicitat on under AS 11.31 to violate AS 11.71
5 or AS 11.73.

6 * Sec. 4. AS 18.60.148(a) is amended to read:

7 (a) A transfer to the Alaska Wing, Civil Air Patrol, of a for-
8 feited aircraft under AS 12.38, AS 16.05.195(f), [AS 17.30.122.] or
9 another state law or regulation, is subject to the following condi-
10 tions:

11 (1) the transfer shall be made without cost to the Civil
12 Air Patrol;

13 (2) the aircraft becomes a corporate Civil Air Patrol
14 aircraft;

15 (3) the aircraft may only be used for Civil Air Patrol
16 search and rescue, civil defense, and training purposes;

17 (4) the aircraft may not be transferred to another wing of
18 the Civil Air Patrol unless

19 (A) the aircraft has been corporate aircraft of the
20 Alaska Wing, Civil Air Patrol for at least 36 months after the
21 date of transfer to the Alaska Wing; or

22 (B) the aircraft is being exchanged for another Civil
23 Air Patrol corporate aircraft of equivalent or greater value;

24 (5) if the Civil Air Patrol determines that the aircraft
25 should be disposed of as surplus property, the disposition shall first
26 be approved by the Department of Administration.

27 * Sec. 5. AS 11.73.060; AS 17.30.112, 17.30.114, 17.30.116, 17.30.118,
28 17.30.120, 17.30.122, 17.30.124, and 17.30.126 are repealed.

SB

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STATE OF ALASKA THE LEGISLATURE

POUCH Y - STATE CAPITOL
JUNEAU, ALASKA 99811
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Copies of minutes listed below were originally included in this file. The minutes are available on the STAIRS database CMPR. In order to save space copies of minutes have not been left in the files.

Mary Van Nimwegen

SIS 50

H. HESS

4/19/90

H. HESS

4/25/90

HOUSE COMMITTEE REPORT

(7)

Date Referred: March 21, 1990

FURTHER REFERRALS:

FINANCE

Date of Committee Action: 4/25/90

The HEALTH, EDUCATION, & SOCIAL SERVICES Committee considered: CSSB 50(R1s)

CS SENATE BILL NO. 50 (Rules) TRUST FUND FOR HANDICAPPED PERSONS

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

RECOMMENDATIONS:

- [] be replaced with _____ [] the same title
[] a new title
[] have attached amendment(s)
[X] do pass
[] do not pass
[] no recommendation
[] individual recommendations
[] additional referral to the _____ Committee

ADOPTS: _____ letter of intent

ATTACHES NEW FISCAL NOTE(S):
(Dept)

APPROVES PREVIOUS:

(Date/Dept)

[] fiscal impact _____

[] fiscal note(s) _____

[] zero fiscal note _____

[X] zero fiscal note(s) 3/16/90 / S. Finance

[] zero with analysis _____

[] zero fn/analysis _____

SIGNING DO PASS:

SIGNING:

(Check approp. column)

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Chairman's Signature

PRIVATE SECTOR

SELF-SUFFICIENCY TRUST

PUBLIC SECTOR

Governed by a Voluntary Board of Trustees Selected for Individual commitment to and understanding of the needs of PEOPLE with DISABILITIES and THEIR FAMILIES.

Appointed by the National Foundation for the Handicapped

The Board of Trustees:

Set policy for the operating of the Private and Charitable Trust Funds.

Select and contract with Corporate Fiduciary Agent (Bank) to invest and manage all trust assets.

Select and contract with a Social Service Agent to complete all necessary intake processes, including the development of each Life-Care Plan.

Approve each Life-Care Plan and vote on participation of each family Trust/ Life-Care Plan.

Use discretionary trustee powers in cooperation with the Special Trustee to verify or approve expenditures within the guidelines of each Life-Care Plan.

The Board of Trustees must comply with the TRUST and TRUSTEES ACT of Illinois (Ill. Rev. Stat. Ch. 17, Par. 1651-1690).

1988 passed into law of Public Act 01-1373 creating a mechanism to receive private trust assets to expand, enhance and supplement services for disabled eligible for services under the Illinois Department of Mental Health and Developmental Disabilities.

- Established Chapter 91 1/2 Sections 5-110 and 5-119 of the "Mental Health and Developmental Disabilities Code".

- Empowers the State Treasurer as ex-officio and custodian of the public sector fund.

- Provides for the Comptroller to direct payments from each account within the "fund" upon receipt of certified vouchers approved by the Director of DMH DD.

- Requires DMH DD to adopt rules and regulations for the administration of the public sector "fund".

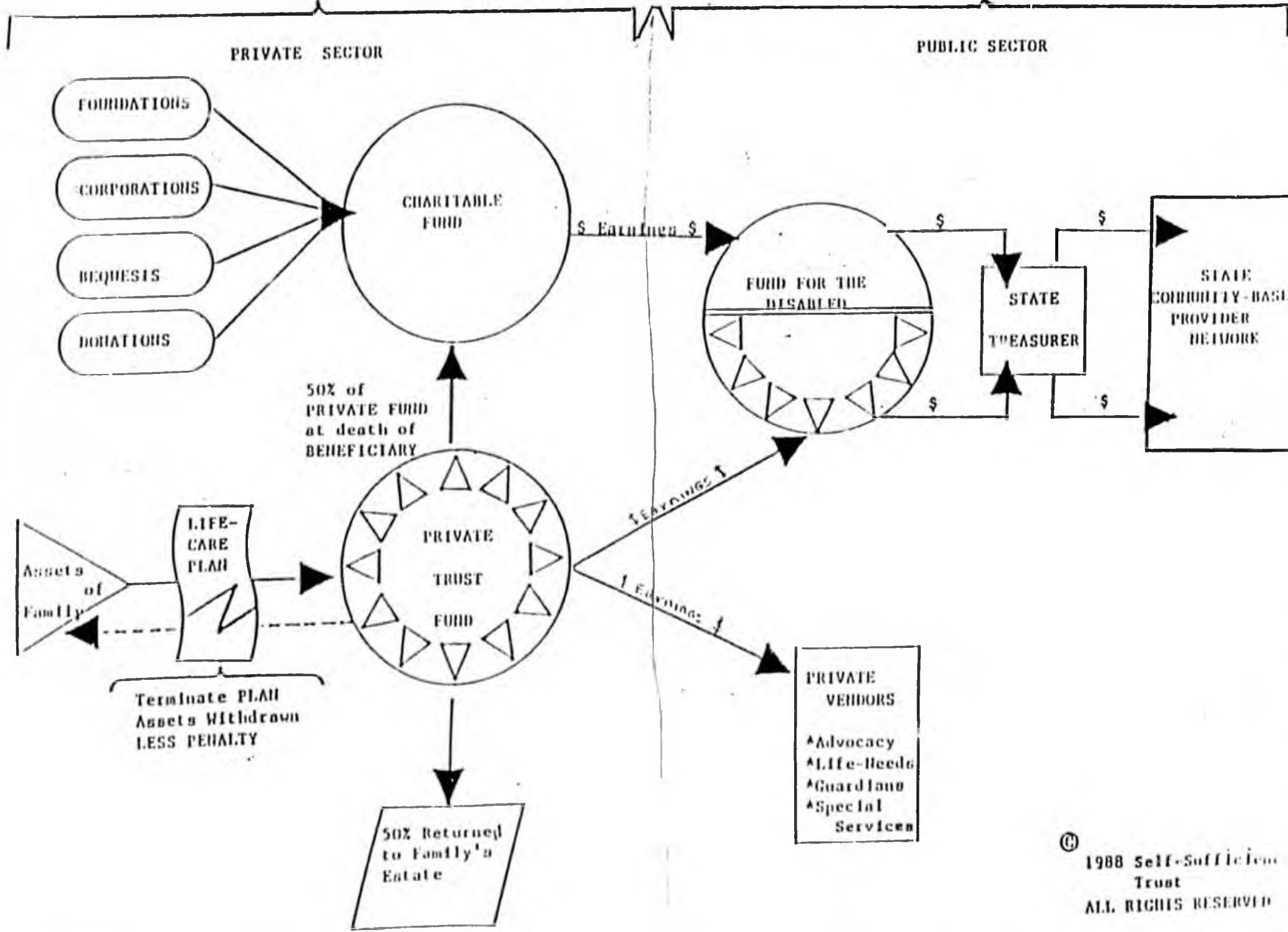
- Monies shall be spent pursuant to existing department rules governing expenditures for services and based upon the individual trust agreements (Life-Care Plan) for each eligible beneficiary.

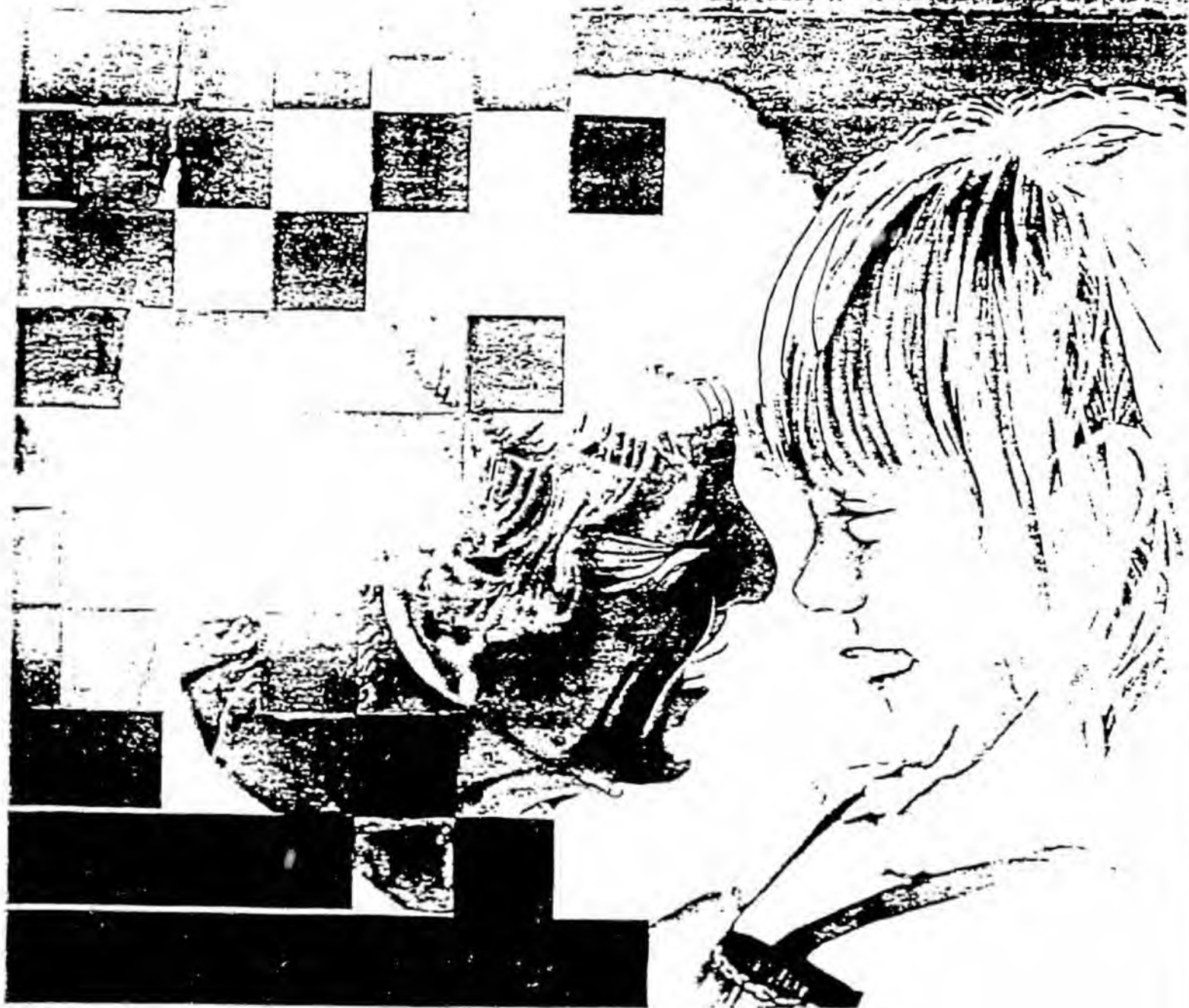
- If Director determines monies cannot be expended pursuant to department rules or service availability, funds and accrued interest will be returned to the beneficiary's Private Trust Fund.

The receipt of monies from the Self-Sufficiency Trust (Private Fund) will not in any way reduce, impair or diminish the benefits each beneficiary would otherwise be entitled to under law.

Establishes a "Fund" for the Disabled to accept monies from any source which, subject to appropriations, will be used for services to low income disabled eligible for DMH-DD services.

SELF-SUFFICIENCY TRUST
Supplemental Service Funding Process





by Paul Medlin

When parents and families with children who are disabled ponder the future, they face concerns that parents of non-disabled children do not. They must provide a life-care legacy that will not render their disabled dependent vulnerable after the parent's death. Innovative research and development in nontraditional estate and future care planning has begun to replace the usual "stare decisis" situations faced by these families with effective measures to

assure the protective legacy their dependents need. The Self-Sufficiency Trust model removes the complications that have traditionally stymied effective estate planning efforts by parents. It includes the personalized life-care monitoring and guardianship services that significantly reduce future vulnerability.

Conceived in Illinois, the Self-Sufficiency Trust evolved from the research of the National Foundation for the Handicapped under the direction of Mr. James