

ALASKA LEGISLATURE COMMITTEE FILES, 1989-1990 8672
5736 HOUSE JUDICIARY

considered to be in very good to excellent condition. Mr. Collinsworth stated that the bear, moose, caribou, deer, as well as the fisheries population were all in good shape. He advised members that there were some specific species with localized exceptions however, but overall, the health of the state's wildlife resource and status of their habitat was good.

Mr. Collinsworth informed members that the major challenge of the Department of Fish and Game, at the present time, was to maintain the quality of the management and research programs in the face of declining fiscal resources. He stated that there were increasing demands to manage new fisheries, as well as an increasing demand for more precision and allocation of wildlife resources.

Mr. Collinsworth stated that the Department of Fish and Game was also challenged to work with other land and water management agencies, including state agencies as well as the large federal bureaucracy, in planning for land and water use across the state. Mr. Collinsworth advised members that there was presently a great deal of planning happening on the federal side with the Forest Service, Bureau of Land Management, Fish and Wildlife Service and the Park Service. Mr. Collinsworth advised members that the Fish and Wildlife Service had just completed its 16 comprehensive refuge plans and were now in preparation of completing 52 step down plans. He advised members that those 52 step down plans dealt with fish, wildlife, public use and access. He informed members that the department had attempted to have a management presence to participate in all of those planning forms to assure that the state's interest in fish and wildlife and public use were attended to and that the department would have an opportunity to represent the state's interests in those planning processes.

REPRESENTATIVE JOHN SUND advised members he was appreciative of the job Mr. Collinsworth had been doing. He stated that he did have numerous questions and concerns regarding the adequacy of funding the state's natural resource issues, however felt that Mr. Collinsworth was in agreement with that statement.

Representative Sund advised members that with regard to the statement made by Mr. Collinsworth regarding the development of new fisheries in the state and the additional management time that would be involved, that he was very concerned with the budget being able to accomplish that. Representative Sund asked how the department would prioritize the new fisheries and game areas.

Mr. Collinsworth advised members those were always difficult decisions on how to take the limited fiscal resource available and provide a type of management presence across the state. He stated that he had a basic belief that it was necessary to have a management presence wherever fish and wildlife were being harvested, and to provide for the utilization of those resources in a manner that would be consistent with the constitutional obligation for sustained yield. Mr. Collinsworth informed members that if the department would have increasing demands for utilization of new fishery resources, the department tries to attend to the needs to allow for expansion and economic development of under utilized or under developed resources. He informed members that in order to accomplish that, it would be necessary for the department to redistribute the department's human and fiscal resources. Mr. Collinsworth noted that it was very difficult to maintain the level of quality that he would like to see in order to address the new needs as they arrive. He stated that he felt the fish and game program was deficient in fiscal and human resources to attend to all of the needs he could identify. Mr. Collinsworth stated that he felt that there were several areas where the public demand for more precision in management and obligation to protect and maintain the resources in sustaining new levels, was being put in jeopardy simply because the fiscal resources were not available.

Mr. Collinsworth advised members that the three state resource agencies, Fish & Game, Natural Resources and Commerce and Economic Development who essentially manage the state's wealth, receive less than 7% of the general fund operating budget. He noted that the seafood industry and sector in the state's economy was doing fairly well in the face of declining activity in many other sectors of the state's economy. Mr. Collinsworth stated that there were additional opportunities that could be exploited by the state if the fiscal resources were directed into the area of seafood. He stated that there had been a lot of discussion regarding Alaska acquiring additional bottom fish economic activity, advising members that there would not be a verbal solution to the problem. Mr. Collinsworth informed members that the manner in which the state could acquire that activity would be to create the right kind of economic environment for the corporate enterprises and individuals attempting to invest in Alaska's seafood industry to be able to do that. He stated that would mean that the state would have to invest some resources into the infrastructure development that would be required to facilitate the industry. He stated that it was his feeling they would have to be real smart as to how the various taxing policies would be applied, not only at the state level, but boroughs and municipalities as well. Mr. Collinsworth advised members that unless the state was

willing to make the investment of the development of the infrastructure and provide the management, as well as providing the ability to assess the resources and define how they could be harvested, that the state would not achieve anything more than the rate of what the state was utilizing those resources currently.

VERBATIM:

Representative John Sund: Commissioner, what do you see in the need of our, of a domestic observer program in the fisheries.

Commissioner Collinsworth: Well, that is becoming a very significant issue both in the federal forms of the North Pacific Council, as well as with regard to state resources. The most critical need for observer programs do relate to the ground fish fisheries that are primarily prosecuted in the area from three to two hundred miles in the EEZ. This year we have experienced a very significant and increased by-catches of crab in the Bering Sea, for example, as the ground fish fisheries are being prosecuted. We have also, the halibut by-catch is higher this year than it was last year. The by-catch of crab and halibut and even king salmon around Kodiak is of concern. And while we have some statistical information about what these by-catches are, because of the reporting requirements on joint venture vessels in the Bering Sea, we have very little information about by-catches on fully domestic type fisheries around Kodiak, as well as in the Bering Sea. And as the foreign fleets, which had 100% observer coverage that has been eliminated now, in terms of any directed foreign allocation, both in the Bering Sea and the Gulf, we've lost that source of information about by-catch and other information about the status of the populations that are being harvested. And we have a very limited program in joint ventures, we do have coverage on the receiving vessels, foreign vessels that are receiving the product, but our observer coverage onboard the catching vessels is extremely limited and it's one of the fundamental kinds of information you need in order to be able to manage the fisheries is, is exactly what is being caught and what the by-catch rates are.

Representative Sund: Do you feel we should mandate onboard observers on domestic vessels?

Commissioner Collinsworth: The federal government had been very reluctant to mandate onboard observers. I was successful in requiring, or with a motion that any joint venture vessel that fished in the EEZ, also would be required to take an observer into the Donut Fishery on foreign vessels. That was a motion that we were successful in moving through the council. The federal government has

been reluctant because of the cost of mandatory observer coverage, but I believe that it's going to be essential.

END VERBATIM:

Representative Cotten advised members he had two concerns; that of enforcement and allocation. He stated that he was aware of the fact that enforcement responsibilities were no longer within the Department of Fish and Game, however noted that there was presently proposed legislation that would increase penalties for fishing violations with a lot of discussion regarding the state's enforcement efforts. Representative Cotten asked Commissioner Collinsworth how well he thought Fish and Game worked with the Department of Public Safety and how well the enforcement was being conducted, and if not being done sufficiently, what would be the commissioner's recommendation.

Commissioner Collinsworth advised members that he wished he had the collateral to do something about it, however that was a decision that did not rest within his power. He advised members that he did feel enforcement was a very important aspect of the overall conservation management program. Commissioner Collinsworth stated that without adequate enforcement there would be less than a complete management program, in his opinion. He stated that fish and wildlife protection was within the Department of Public Safety, and it was his feeling that they were extraordinarily handicapped in terms of the resources available for enforcement responsibility. Commissioner Collinsworth stated that, with his understanding, there were approximately 80 fish and wildlife officers that carry a badge and were in power to enforce fish and game laws. He noted those 80 officers were responsible to enforce all of the marine activities as well as all of the terrestrial activities. Mr. Collinsworth stated that since violators of fish and game laws do not occur only between the hours of 8:00 a.m. to 5:00 p.m., three shifts of enforcement officers were necessary, and after reducing the number of officers because of administrative overhead; officers on leave; officers sick; officers in court carrying out a prosecution, etc.; that after that reduction and the necessity to divide the remainder among three shifts, there was only a hand full left to cover a state the size of Alaska. Commissioner Collinsworth informed members that the department did not have an adequate amount of officers, as well as not having the necessary equipment to conduct business. He advised members that the department was deficient in terms of the number of vessels as well.

Commissioner Collinsworth advised members that he and Commissioner English had just recently met with the Governor; along with Jack Jordon, Director of Public Safety; and Ken Parker, Director, Division of Commercial

Fisheries for the purpose of discussing the enforcement needs for the spring herring fisheries at the Bering Sea, as far as the number of vessels that could be made available and number of officers that could be made available. He noted that with the length of shoreline and the size and sequencing of those fisheries, that it would be extremely difficult to provide what he would consider to be an adequate level of enforcement. Mr. Collinsworth advised members that there were problems experienced in Cook Inlet in the present year resulting in one closure until Public Safety was able to get their aircraft back in the air, as it had 110 hours on it and was necessary to have 100 hour maintenance check. He advised members that people had been fishing over the line with no enforcement so the department closed the fishery.

Commissioner Collinsworth advised members there had also been problems in the South Peninsula where the department was reluctant to open the fishery because there was no enforcement present. He stated that he felt that the Fish and Wildlife Protection Program was underfunded, however did a good job to the extent that they have the people and resources available. Commissioner Collinsworth advised members that the two departments did work together quite closely.

Chairman Herrmann noted that Commissioner Collinsworth had referenced two instances where the department was managing the resource because of the lack of enforcement protection, and asked how often those instances would, or did occur. Commissioner Collinsworth advised members that in an average season there could be a few occurrences where either the department felt they could not control a fishery to a line, as was being dealt with in Cook Inlet, or isolate a fishery to certain days as was done on the South Peninsula the past year.

Chairman Herrmann advised members that many people had been requesting that a resource economist be included on the Board of Fish and it was her feeling that would be necessary. She referenced the South Peninsula and the inability to manage the fishery because of the lack of protection. Chairman Herrmann stated that the fall fishery was necessary for the people and it was her feeling that there were a lot of fall fisheries that people could utilize for economic purposes, however was not able to be done as there was no check on the amount of resource available, as well as no market. Chairman Herrmann asked what the Department of Commerce and Economic Development were doing regarding that situation, as it was her feeling the department's could be working together to improve the fisheries in the state.

Chairman Herrmann advised members that she felt there ought to be a fisheries person within the Office of the Governor, and asked that Commissioner Collinsworth comment on that concept. She referenced the statement made by Commissioner Collinsworth regarding developing management of the bottom fishery and asked if that would be a state responsibility, and how the department would work together with the federal government on that issue.

Commissioner Collinsworth stated that with regard to having an economic analysis and information available to the the Board of Fisheries, that it was his belief that was a deficient area. He stated that the Board did receive a good deal of biological information from the Department of Fish and Game, and spent quite a substantial amount of money collecting that information. Commissioner Collinsworth stated that on the other hand, the board receives relatively little information regarding the economic implications of the regulatory decisions as to what the distribution or economic affects would be of making those decisions. Commissioner Collinsworth advised members that most of that information was acquired from the public who were affected by the decisions, and through public testimony people assert the kind of economic impact that alternative regulations would have on their particular interest. Commissioner Collinsworth stated that a single economist serving the Boards of Fish and Game would not get the job done. He stated that it was simply too much to ask, other than very specific areas that the board may be addressing, for a single economist to address all of the proposals facing the board, and arrive at any type of economic analysis. Commissioner Collinsworth advised members that they would probably need three people with an economic background, as a single individual would not be able to accomplish any comprehensive work as additional resources would be necessary to provide the board good information regarding the distribution or economic affects of their various regulatory decisions.

Commissioner Collinsworth stated that with regard to the bottom fishery, the state spends very little money in the area of managing that fishery. He noted that there were certain areas within the territorial sea where there were bottom fish species that were being managed, such as shelf rock fish in southeastern, and some inside sable fish fisheries. Commissioner Collinsworth stated that the preponderance of the management obligation, and the authority to manage ground fish, was within the North Pacific Fisheries Management Council. He advised members that most of the money spent by the department was on the traditional fisheries within the territorial seas where the department has the sole management responsibility, and were not shared with the federal government as was done within the EEZ.

Commissioner Collinsworth referenced Chairman Herrmann's question regarding a fisheries position within the Office of the Governor and stated that there was a special assistant assigned to natural resource issues, who was Mr. Rod Swope and advised members that he did handle a good deal of fisheries issues. He noted that he did speak by phone daily with Mr. Swope with over half of the calls relating to fisheries. It was Commissioner Collinsworth's opinion that Mr. Swope provided a good conduit from the Governor's office to the Department of Fish and Game in dealing with fisheries issues. He advised members that there could be a person in the Governor's Office assigned specifically to fisheries, however they had chosen to use the fisheries cabinet form as the principal means of attempting to coordinate the activities of the state, which included the Entry Commission, Department of Commerce and Economic Development, Fish and Wildlife Protection, the Department of Natural Resources, Department of Environmental Conservation, as well as the Department of Community and Regional Affairs. Commissioner Collinsworth advised members that when dealing with issues that involve other areas such as taxes, that they would also work with the Department of Revenue. He advised members that was the form being utilized to coordinate the activities of the state as it relates to the seafood industry.

Chairman Herrmann advised members that she had been attempting to follow the fish and wildlife plans, refuge plans, and park plans that were occurring within her district and advised members that it was almost impossible to monitor all of them. She referenced the Citizens Advisory Committee on Federal Lands, advising members that they were also unable to follow the mass of plans being considered. Chairman Herrmann stated that she was concerned that the planning was being conducted around the people in District 26, with them not being directly involved. She asked Commissioner Collinsworth to comment on the involvement of the Department of Fish and Game and if the Regional Advisory Councils, and Advisory Committee's were involved in the process.

Commissioner Collinsworth advised members that there was in fact an enormous amount of planning activity. He stated that the federal government had a lot of human resources and did a lot of planning. Commissioner Collinsworth stated that there were 16 comprehensive plans done for the refuges, and the step down plans would be more discrete and would be prepared for each of the refuges. He stated that there would be a step down plan for fisheries and wildlife; and step down plans for public use and access. Commissioner Collinsworth advised members that the department had a very limited number of resources primarily in the habitat division, to interact with the Fish and

Wildlife Service. He noted that the department also participates actively in state planning functions regarding water and land use planning functions of the Department of Natural Resources. Commissioner Collinsworth advised members that the department attempts to participate in the initial phases of the planning where the general policies and objectives are laid out to the extent of having influence in an attempt to assure that the interests of the state were being represented. Commissioner Collinsworth advised members that it was more than the department was able to keep up with adequately, however tried to have some level of participation in all of the planning processes.

Representative Cliff Davidson referenced additional fiscal and human resources as mentioned by the Commissioner and asked to what priority use would the department apply those additional resources. Commissioner Collinsworth stated that the department had a full variety of obligations such as a hatchery program, with a state investment of \$80 million plus for capital construction for a hatchery program and the department had felt obligated to operate the hatcheries at an efficient level which had been very difficult, and were currently trying to operate those hatcheries by means of a joint venture with the regional associations. He noted that there were needs in the areas of game and wildlife management, as well as increased needs for research and management in the area of sport fisheries. Commissioner Collinsworth advised members that there was a continuing demand in the area of commercial fisheries. He stated that because of the planning functions and development activities across the state, there was a need in the area of habitat. Commissioner Collinsworth stated that he did not feel that there was an area within the overall agency that he would consider the program to be sufficient. He stated that if they would have additional resources at the margin, he could identify priority needs in each one of those areas. Commissioner Collinsworth advised members that they had tried to maintain balance across all obligations within the department. He stated that the Department of Fish and Game compiles a project budget, advising members that each year they complete a process whereby each division would consider 80% of their budget as the base figure, and from there they collectively rank one project against the other up to 100%. Commissioner Collinsworth advised members that the department tries to maintain a balance across all obligations and incrementally, it was his belief the department would need additional funds in each one of the programs.

(Tape Change, HRC 88-144, Side 1, #000)

Representative Davidson referenced the constraints of the Magnuson Act and how the state must interact with federal

guidelines and regulations. He asked Commissioner Collinsworth what measures or initiatives the state could pursue to encourage and ensure additional or expanded Alaskan participation in the bottom fisheries.

Commissioner Collinsworth stated that he did not feel there was a regulatory solution to the issue. He informed members that under the Magnuson Act, it was very difficult to provide special preferences to individual groups. Commissioner Collinsworth stated that there had been interest on the part of various constituents to develop regulations that would establish special development zones and other types of regulations that would bias the harvest to certain groups. He noted that those in general had been found to be inconsistent with the national standards of the Magnuson Act, making it very difficult to develop regulatory programs that would compel more of the harvest and economy activity to stay in Alaska. Commissioner Collinsworth informed members that the way and means to attract industry would be to provide the necessary infrastructure in ports, harbors, docks, power, water sanitation and cold storage facilities. He stated that the right type of environment would have to be created for the seafood industry for investors to want to locate their corporate headquarters in the state. Commissioner Collinsworth added that they would have to consider the state's taxing policies, as well as the state's investment tax credits and other programs to create the right type of economic climate and attitude, and also to provide the infrastructure necessary to facilitate investment in the state.

Commissioner Collinsworth referenced Dutch Harbor advising members they were in need of a sanitation system and facilities. He advised members there was a company wishing to expand their operations in Dutch Harbor currently. Commissioner Collinsworth informed members that those facilities were necessary in order for the interested party to build their bunk houses to accommodate approximately 150 people, and were unable to make that investment until the sewer facility was in place.

Commissioner Collinsworth stated that there was a need to work collectively with municipalities and the private sector to begin to address infrastructure needs in the state. He stated that investment decisions in Alaska's ground fish fisheries were being made presently. Commissioner Collinsworth stated that those investment decisions would be to either build on-shore processing plants or to invest in factory trawlers in offshore operations. He noted that to the extent that the state could encourage on-shore activity, that it would enhance the state's employment and revenues that would accrue to the state.

Representative Davidson referenced the Magnuson Act with regard to forbidding any type of preference, however noted that there seemed to be a considerable amount of discussion at the council level on limited access and participation in fisheries. He stated that if they were not able to follow preference that it would seem to be limiting participation to those practices currently operating. Representative Davidson informed members that the response from Senator Stevens was that it was primarily a finance problem of getting Alaskans involved in the fisheries.

Commissioner Collinsworth stated that he was not sure what the senator was referring to, whether it was private financing being available for the construction of new vessels or on-shore facilities, factory trawlers, or if he might have been referring to something else. Commissioner Collinsworth stated that corporations making decisions as to whether or not to invest in the ground fish fishery, were considering the fact of how attractive it would be to invest in the industry in Alaska, versus maintaining their facilities in Pacific Northwest.

Commissioner Collinsworth reiterated the fact that it was critical that the state address the infrastructure needs of the state to create an attractive economic environment to allow those Boards of Directors to make the decisions to invest in Alaska.

Chairman Herrmann informed members that she did not see fishing infrastructure as a priority item within the Department of Transportation and Public Facilities, and asked if DOT would be involved in the Fishery Committee Cabinet and what process would be involved.

Commissioner Collinsworth advised members that the Department of Transportation did occasionally meet with the Fisheries cabinet to discuss such issues as infrastructure development. He stated that when the jobs bill was initially being prepared that the Fisheries Cabinet did make some recommendations as to projects they felt were timely and ready to proceed with. Commissioner Collinsworth noted that those projects were subject to receiving federal funds. He advised members that Fish and Game would continue to work with DOT as the project proposals come forward.

Chairman Herrmann thanked Commissioner Collinsworth for his comments and advised members they would now receive comments from Phil Smith who was being considered as the Commissioner to the Alaska Commercial Fisheries Entry Commission.

PHIL SMITH, member, Commercial Fisheries Entry Commission, advised members he had been a member of the commission since 1983. He stated that one of the reasons he had been excited about the potential for serving on the commission was that as a collegial body, no one commissioner on the Limited Entry Commission could make a decision as it takes at least two members to make a decision. Mr. Smith advised members that would require people serving on the commission be able to work well together. He informed members that he had been very pleased since appointed to the commission with the Chairman Bruce Twomley, as well as Commissioner Richard Listowski. Mr. Smith advised members that they had all seemed to have balanced out each other's strengths and weaknesses.

Mr. Smith advised members that the commission had been quite successful in the past several years, informing members that of the well over 200 cases of individual applications for entry permits the commission had adjudicated, that only one decision had been reversed at the superior court level.

Mr. Smith advised members that the commission had been responsive to the people in Southeast Alaska who had requested that the commission consider limited entry in the crab fisheries as well as the sable fish fisheries. He noted that over the past six months, the commission had undertaken one of the major efforts in the history of the commission, which was the limitation of the westward area herring fisheries.

Chairman Herrmann asked that Mr. Smith explain the process in which the commission determines the maximum or optimum numbers of permits in certain fisheries. Mr. Smith advised members that under the terms of the Limited Entry Act, which was enacted by the legislature in 1973, there were 19 salmon fisheries limited by the legislature by the fact of the Act passing. He stated that it had been directed in the Act that the maximum number of permits to be issued in each of the 19 salmon fisheries would be the highest number of gear licenses that had been issued and fished in any of the four years prior to limiting entry. Mr. Smith advised members that "fishery" was considered a species, a gear type, and an area. He noted that the 19 fisheries included every salmon fishery from Southeast to Bristol Bay. Mr. Smith advised members that in subsequent limitation decisions, the commission had a somewhat broader discretion than to merely choose the highest number of operating units that appeared over the four year period. Mr. Smith stated that it was fairly clear from the original legislation that the legislature did not want to see a drastic reduction in the number of individuals who would end up with permits, which was reinforced in 1983, when the Supreme Court and it's decision upheld the decision of the prior commission

to set a maximum number of 2150 in the salmon hand troll fishery in southeast. Mr. Smith stated that the commission had an obligation through the maximum number process, to adopting a maximum number to protect what the court called the Reliance Interests of those who had been involved in the fishery prior to limitation. He informed members that with that as a guide, the current commission and the fisheries they had limited had generally looked to the level of participation in the year prior to limitation. Mr. Smith stated that the commission had allowed themselves to be instructed by the public hearing process.

Mr. Smith advised members that the optimum number was another term found in the Act which was a number that had never been called out by the commission in any fishery. He stated that theoretically when a fishery had been limited for a time with all permits out, the commission is instructed by the terms of the Act to assess the long-term viability and stability of the fishery both biologically and economically, and to arrive at a number which would be considered the optimum amount of years, as opposed to maximum number which was almost a mechanical operation. Mr. Smith stated that if in a fishery it was discovered ten years after it had been limited that it was over geared that the commission, under the terms of the Act, was instructed to make those analysis and to call out an optimum number.

Chairman Herrmann asked if the commission had set any optimum numbered fisheries. Mr. Smith advised members that they had not as optimum numbers required buy-back. He stated that they generally contemplate that the optimum number would be less than the maximum number. Mr. Smith advised members there were two reasons the commission had not gone to that process. He noted that one was that the Act states after all the permits are issued. Mr. Smith stated that virtually in all the salmon fisheries there were still cases in court and still unanswered questions as to how many total permits were actually out there. He stated that the commission felt it to be imprudent to set an optimum number while decisions were yet being made as to what the actual number of permits would be.

Mr. Smith advised members that the second reason was because it would contemplate buy-back. He advised members that with the recommendation of the Attorney General, that it purports the current buy-back statute in the Act as unconstitutional and suggests that it violates the Alaska Constitution on two grounds. Mr. Smith informed members that the A. G.'s opinion had suggested that it would violate the Alaska Constitution on these two grounds; 1. Directs the commission to establish a separate fund for buy-back, which was in violation of Article 9 which prohibits the establishment of special funds. 2. Because

the statute empowers the commission to basically tax the gross earnings of fishermen in order to establish the fund to be used for buy-back. Mr. Smith stated that the A. G.'s opinion had questioned whether or not that might not be an unconstitutional delegation of legislative authority to the commission. He stated that with the legal problems and practical problems, as well as not actually knowing the total number of permits, the commission had not moved forward on an optimum number in any fishery.

Representative Cotten referenced leasing of permits and asked Mr. Smith if it did actually occur, if not, why should it not happen, and how the commission was addressing that issue. Mr. Smith advised members that the commission was aware of the fact that leasing of permits did occur. He stated that the first reason that it should not happen was because it was specifically prohibited by section 150 of the Limited Entry Act. Mr. Smith advised members that it was his belief that the policy decisions behind that were multiple, of which one was that there was great concern from the inception of limited entry that there not be established a sort of landlord class of permit holders who would be able to exercise economic coercion of any activities of fishermen. Mr. Smith advised members that an additional reason was that there was some concern that if leasing were permitted, the market for permits would decline as the fisherman who wished to leave the fishing industry would not transfer them as they would retain them and lease the permit and collect rent. Mr. Smith advised members that that would mean that the access to the fishery would be more restricted for people who wished to purchase permits. He noted that as there would be fewer permits available, the price of the permit would undoubtedly escalate.

Mr. Smith advised members that the other concern would be one of effort. He stated that currently there were no requirements that someone who holds a permit must, in fact fish. Mr. Smith stated that in most limited fisheries, 80% to 90% of the permit holders actually go out and involve themselves in the fishery. Mr. Smith advised members that if leasing were permitted, then virtually everyone holding a permit would strike a deal with someone who wanted to fish and would realize an increase in fishing effort. Mr. Smith advised members that leasing of a permit may also result in fishing more vigorously, as the person would have the additional expense of making the payment on the lease of the permit.

Representative Cotten asked if anyone had been prosecuted for the leasing of their permit. Mr. Smith stated that he did recall specifically a case of an attorney who was

leasing permits and ended up paying a \$10,000 fine as well as selling his permit and having his practice barned for a period of five years.

Representative Cotten asked how those people who were leasing their permits were detected. Mr. Smith advised members that the anti-leasing provisions to an extent, was self enforcing, because if a person holds a permit and wants to lease it, should they transfer the permit on the terms that the person use it for a certain period of time and then return it that if the lessee opted not to return the permit, the original permit holder would not have a legal leg to stand on. Mr. Smith stated that prior to allowing a transfer to take place, the commission reviews, and requires the disclosure of all of the terms and conditions of the transfer. If information should come to the commission's attention of the leasing of a permit, Mr. Smith informed members that the commission investigates the situation and suspends the transferability of the permit, pending the potential of revocation, etc.

Chairman Herrmann noted that with regard to the leasing of permits and rural Alaska, that a lot of fishermen that did not have retirement programs could utilize the leasing of their permit for retirement purposes. She noted that they could sell the permit receiving a onetime lump sum amount, however with the ability to lease their permits they would have a steady income from the required lease payments. Chairman Herrmann referenced continuing disability, stating that if someone should have cancer, that one year they could transfer the permit, however the following year they would be required to express a new disability. Chairman Herrmann informed members that it was absurd for someone to have to claim a new disability every year under the commission's regulations.

Mr. Smith stated that the leasing legislation that had been before the legislature the past couple of years introduced by Representative Herrmann, had created some concern with the commission because of the fact that the Limited Entry Act was residency neutral, and if they should allow people who are 65 years of age or older to lease permits, that they may well end up with a lot of grandmothers from the Lower 48 on behalf of finance people or attorneys who were in fact creating all the problems the commission was trying to prevent. Mr. Smith advised members that the commission was yet committed to work with Representative Herrmann on that issue. He stated that another area he had not mentioned as to why leasing was such an evil, was that the commission was currently in court with the Internal Revenue Service with the issue being whether or not permits were considered as property for purpose of IRS enforcement actions. Mr. Smith advised members that people thought the Limited Entry Commission was somewhat arbitrary in it's

decision making, as the IRS had set a standard that few could aspire to. Mr. Smith advised members that the IRS had seized permit cards from fishermen immediately prior to fisheries openings. He stated that the commission did not feel that with the rather arbitrary and thoughtless procedures employed by the IRS, that someone's livelihood should be at stake in that manner. Mr. Smith advised members they were in federal court and he did not know what the final decision would be, however that was another concern the commission had with a bill that would make a permit look more like property, as that was the IRS's argument and they have the right to seize personal property. Mr. Smith stated that they had argued consistently, as the law provides, that an entry permit was a use privilege, and a privilege that is extended under the laws of the state and subject to the laws of the state and the fact that entry permits can be revoked without compensation.

Mr. Smith stated that with regard to Representative Herrmann's concern of the commission's regulations regarding emergency transfers, that the Act read under Section 180 (a), that a fisherman who, because of illness, death, disability, required military or government service, or some other unexpected and unforeseen occurrence, may receive an emergency transfer of his or her permit. Mr. Smith stated that in response to that, the commission had created a regulation, Section 740 (i), which only creates a presumption, that if an individual was coming back to the commission for the second year in a row claiming an emergency that was keeping him from fishing, that the commission ought to research the situation. He stated that the regulation begins with the term, "except for extraordinary circumstances." Mr. Smith stated that on it's face it did appear that it could be unfair, however he advised members that he had ruled on dozens of emergency transfer requests and realized the situation the person may be in and would allow the transfer to take place. Mr. Smith advised members that the commission did not feel the law allowed the flexibility to interpret the word "emergency" as something that would occur over a period of five or ten years. Mr. Smith stated that no matter where they would draw the line that it would appear to be arbitrary as someone would be right there with an exception to the rule.

Representative Drue Pearce asked if banks took assignments on permits. Mr. Smith stated that they did not, that the only entities that could use permits as collateral were the commercial fisheries and agriculture banks. Representative Pearce stated that it would not be dealt with as a liquor license was. Mr. Smith advised members that was correct.

ANNOUNCEMENTS

Chairman Herrmann advised members that the remaining appointees would be heard the following day. She advised members they would also be considering the Dude Creek legislation the following day.

ADJOURNMENT:

The meeting adjourned at 10:05 a.m.

(Tape HRC 88-144, Side 1, #601.)

MEMORANDUM

State of Alaska

ALASKA OIL & GAS CONSERVATION COMMISSION

TO: Wob Evans
Office of the Governor

DATE: January 3, 1990

FILE NO: 1.0VC.45
TELECOPY NO: 270-7542
TELEPHONE NO: 279-1433

THRU:

RECEIVED

SUBJECT: Legislative letter of
intent for CSHB 55 --
Transfer of Class II
UIC program to DEC

JAN 05 1990

OFFICE OF THE
COMMISSIONER

FROM: C. V. Gatterton
Commissioner

Issue: Representatives Menard and Davidson, in a letter of intent for CSHB 55, are asking the administration to examine the possibilities of moving all or a portion of the Underground Injection Control (UIC) from AOGCC to the Department of Environmental Conservation (DEC) by Executive Order or examine the possibility of accomplishing this function through an interagency agreement.

Background: The federal government's UIC regulations are promulgated under the Safe Drinking Water Act (SDWA) of 1974 as amended. The regulations define five categories of injection wells: Class I, Class II, Class III, Class IV and Class V. Class II wells deal with the underground emplacement of fluids related to the recovery and production of oil and natural gas.

In 1986, AOGCC was delegated primacy for the UIC program for Class II wells in Alaska by the U. S. Environmental Protection Agency (EPA) pursuant to Section 1425 of the SDWA. AS 31.05.030(h) sets forth the statutory authority for AOGCC to accept this enforcement responsibility. As a prerequisite for the award, AOGCC promulgated comprehensive regulations governing underground injection relating to oil and gas activities. The regulations provide an opportunity for public hearing, establish criteria for injection well construction, provide for testing the mechanical integrity of each well, and set forth operating and monitoring requirements for injection wells.

AOGCC does not regulate the kinds of fluid that may be injected by a Class II well beyond the limitation that waste fluids injected for disposal must not be hazardous as defined by federal regulations promulgated under the Resource Conservation and Recovery Act (RCRA). RCRA regulations exempt wastes that are intrinsically associated with the exploration, development or production of crude oil from hazardous waste definition. No limitations are placed on fluids injected for enhanced recovery, which effectively is a cycling process. This approach is in keeping with the SDWA, which avoids addressing the kinds of

fluids that may or may not be injected underground in Class II wells. The purpose of the act is to prohibit contamination of underground sources of drinking water by any fluid injected into a Class II well. (See 42 USC 300h)

AOGCC has been found by EPA on two separate annual audits to be doing a credible job of preventing contamination of drinking water sources by fluids injected underground through Class II injection wells. Contamination is prevented by insuring that the mechanical integrity of injection wells is achieved and maintained and the sealing integrity of confining zones is not breached.

Discussion: Representatives Menard and Davidson's request to transfer the UIC program to DEC is somewhat perplexing. AOGCC administers the UIC program for Class II injection wells only; all other underground injection by Class I, Class III, Class IV and Class V wells in Alaska is administered by EPA. For several years, EPA has wooed DEC to no avail to seek primary enforcement responsibility for the other four injection well classes. It would appear counterproductive to require DEC to staff up and administer just the Class II UIC program without also seeking primary enforcement responsibility for the other injection well classes. Further, the Class II UIC program alone does not appear to provide the vehicle for alleviating Representative Davidson and Menard's concerns.

The primary concern of Representatives Menard and Davidson appears to be one of insufficient inspection of the types of fluid being injected underground. The UIC Class II program, however, is not the vehicle for regulating the type (kind) of fluids being injected underground. Rather than regulating fluid types, the thrust of the UIC Class II program is to address the source of the fluid injected for disposal (ie., non-hazardous fluids only). EPA addresses this point in its August 22, 1989 Final Report of Mid-Course Evaluation of the Class II UIC program which states "oil and gas wastes are not defined on the basis of their constituents, but rather are defined on the basis of their source."

Sampling a fluid to determine its constituents would be of little avail in determining the source of the fluid. And fluid source rather than fluid constituents appears to be the measure for determining whether or not a fluid is exempt from a definition of hazardous waste for purposes of disposal in a Class II well. EPA best summarizes this point in its Mid-Course Evaluation, stating: "analytical methods will help detect hazardous constituents, but that does not mean necessarily that the wastes are hazardous under RCRA and cannot be disposed in a Class II well."

Recommendation: Under the Class II UIC program, and considering the RCRA exemption for oil field wastes, it is questionable

whether AOGCC has authority to monitor and regulate the various constituents of fluids injected underground. However, if AS 46.03.100(d) and AS 46.03.299(b) were repealed, it appears that DEC would have statutory authority, without the Class II UIC program, to regulate the types of fluids that may be injected underground for disposal. AS 46.03.100(d) exempts Class II well injection projects from the requirements of a DEC waste disposal permit; AS 46.03.299(b) exempts oil field wastes from the state's hazardous waste regulations.

Regardless of whether the public good is better served by regulation of the types of fluids injected underground, it seems appropriate for the UIC Class II program to remain intact with the Commission. In fact, transfer of the program may not be a prudent step. This issue was raised by EPA during its midyear 1989 review which states:

"The transfer of the UIC Program to ADEC is a legislative decision. If the legislature decides to make such a transfer, EPA would work closely with the state to ensure a smooth transition. It is worth noting that such a transfer would require statutory and regulatory revision commensurate with the more stringent §1422 of the Safe Drinking Water Act and UIC Regulations 40 CFR §§144-146. Delegation under the more flexible §1425 requires an existing Class II program to demonstrate how the existing program is effective in protecting underground sources of drinking water. Since the legislature would, in effect, be creating a new program for ADEC to administer, the §1425 option would not be available to it. Also, the Class II wells can not be split between two state agencies; ADEC could coordinate with the AOGCC under a state memorandum of agreement."

In summary, should the Legislature find that the public good is better served by regulating the constituents of fluids injected underground in Alaska, the repeal and/or amendment of selected sections of AS 46.03 appears to offer a more direct route than the transfer of the UIC Class II well program to DEC.

cc. Dick Monkman, Deputy Commissioner, DCED
Linda Wild, Legislative Liaison, DCED

HB

57

HOUSE JUDICIARY COMMITTEE
BILL CHECKLIST

- 1.) HB 57
- 2.) Letter to Speaker from Governor 1/9/89
with 1/9/89 fiscal note from VCCB, 1/9/89 fiscal note from PD
Agency, and 1/9/89 fiscal note from Office of Public Advocacy
- 3.) Written testimony from Cindy Smith, of Alaska Network on
Domestic Violence and Sexual Assault
- 4.) 1/18/89 position paper from Commissioner English, DPS
by Barbara Miklos, Council on Domestic Violence and Sexual
Assault
- 5.) 1/13/89 position paper from Commissioner English, DPS
By Nola C-pp, VCCB
- 6) Alaska Statutes regarding degrees of assault
- 7.) CSHB 57 (Jud)
- 8.) SB 113
- 9.) Times news article 12/12/88

HOUSE COMMITTEE REPORT

(7)

Date Referred: January 9, 1989

FURTHER REFERRALS: FINANCE

Date of Committee Action: 1/18/89

The JUDICIARY Committee recommends that:

HOUSE BILL NO. 57 [COMPENSATION FOR VIOLENT CRIME VICTIMS]
"An Act expanding eligibility for violent crimes compensation."

- be replaced with CS HB 57 (Jud) the same title
 a new title
- have attached amendment(s)
- do pass
 do not pass
 no recommendation
 individual recommendations
 additional referral to the [Signature] Committee

ADOPTS: _____ letter of intent

ATTACHES NEW FISCAL NOTE(S):

- fiscal impact
 zero fiscal note
 zero with analysis

APPROVES PREVIOUS:

- fiscal note(s) published:
1/9/89 - Public Safety
 zero fiscal notes(s) published:

SIGNING DO PASS:

Mike Miller
Larry Martin
Greg Davidson
Peter Jones
Bob Munter
Mike [Signature]
[Signature]

SIGNING OTHER THAN DO PASS:
(Do Not Pass, No Recommendation, Amend)

Peter Jones / [Signature]
 co-Chairman's signature



Official Business

COMMITTEE:

HOUSE JUDICIARY

DATE: January 18, 1989

SIGN-IN

Subject of meeting:

HB 36 - An Act relating to victims of crime, Claims by Victims of crime arising from criminal conduct, and service of process on prisoners; and amending Rule 32 (d) (1) and 35 of the Alaska Rules of Criminal Procedure.
 HB 57 An Act expanding eligibility for violent crimes compensation.

NAME

ADDRESS FULL ADDRESS PLEASE !

PHONE.

REPRESENTING

DO YOU WANT TO TESTIFY? WHICH BILL?

Laurie Otto	Dept Law Box KC Juneau	3428	DOL	HB 36 YES
Nina Kenney	Councilor Domestic Violence & Sexual Assault P.O. Box N, Juneau	4556	Council on DVSA	HB 57
Ma. Capp	Violent Crime Comp. Bd Box N Juneau, AK 99801	3040	Violent Crime Comp.	HB 57
Maria Gray	1717 Douglas Hwy #3	2220	Cellular	HB 57
Linda Smith	130 Seward Run 301	6 3650	AK NETWORK on DVSA	HB 36 HB 57
Paul Todd	Sen. Kuchta-	3771		
Conce Lambert				



Official Business

COMMITTEE:

HOUSE JUDICIARY

DATE:

SIGN-IN

Subject of meeting:

HB 36
HB 57

NAME

ADDRESS

FULL ADDRESS PLEASE !

PHONE

REPRESENTING

DO YOU WANT TO TESTIFY? WHICH BILL?

Michael White	Rep Donley's			
BILL PARKER	CORRECTIONS			
San Smith	Corrections			
Jay Lewis	DHS			
Doug Rickard	Rep. v. June 99811		Grossard	
Larry Bunn			Larson	
JIM HARRISON				
Dean Pasquetti			Rep. Harrington	
Debrah Bonita - clerk			Rep. Harrington	
STANIS CIPRIANO	working with the judiciary		JUSTICE DEPT	

WORKING

Original sponsor: Rules/Governor

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

2 CS FOR HOUSE BILL NO. 57 (Judiciary)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act authorizing the Violent Crime Compensation
7 Board to pay compensation for personal injury or
8 death to the victim of an assault in any degree."

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

10 * Section 1. AS 18.67.101 is amended to read:

11 Sec. 18.67.101. INCIDENTS AND OFFENSES TO WHICH AS 18.67.010 -
12 18.67.180 APPLY. The board may order the payment of compensation in
13 accordance with the provisions of this chapter for personal injury or
14 death that resulted from

15 (1) an attempt on the part of the applicant to prevent the
16 commission of crime, or to apprehend a suspected criminal, or aiding
17 or attempting to aid a police officer to do so, or aiding a victim of
18 crime; or

19 (2) the commission or attempt on the part of one other than
20 the applicant to commit any of the following offenses:

21 (A) murder in any degree; [,]

22 (B) manslaughter; [,]

23 (C) criminally negligent homicide; [,]

24 (D) assault in any [THE FIRST OR SECOND] degree; [,]

25 (E) kidnapping; [,]

26 (F) sexual assault in any degree; [,]

27 (G) sexual abuse of a minor; [,]

28 (H) robbery in any degree; [,]

29 (I) threats to do bodily harm; [,] or

1 (J) driving while intoxicated or another crime result-
2 ing from the operation of a motor vehicle, boat, or airplane when
3 the offender is intoxicated.

4 * Sec. 2. APPLICABILITY. The provisions of this Act apply to offenses
5 that qualify for payment of compensation under AS 18.67.010 - 18.67.180 and
6 that are committed or attempted on or after the effective date of this Act.
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Anch-Times Dec 12 1988

Blotter

Pregnant woman raped

A man beat and raped a pregnant woman as she walked toward the Chester Creek bike path this morning, Anchorage police reported.

The 22-year-old woman, who was eight months pregnant, was crossing a bridge behind the Sullivan Arena at 7:45 a.m. when a man jumped out of the bushes and kicked her several times in the stomach and punched her a few times in the mouth, police reported.

The man then pulled out a knife, held it to her throat and raped her.

He fled on foot north toward the arena.

The woman described the assailant as a black man in his early 40s, 5-feet, 10-inches tall, with a bald head. He was missing four top front teeth, and was wearing a red baseball cap, brown ski jacket, maroon pants and work boots.

The woman was taken to Providence Hospital, where she was listed in stable condition at 10 a.m.

Dog sniffs out pot

Alaska State Troopers in Fairbanks seized five pounds of marijuana at the Fairbanks International Airport Friday after a specially-trained dog sniffed out two packages addressed to a Barrow resident.

The shipper had attempted to cover up the pungent odor of the leafy drug by mixing the narcotic with other strong-smelling items.

Arrests of the person who mailed the package and the would-be recipient are pending, troopers reported.

ALASKA NETWORK

ON

DOMESTIC VIOLENCE

AND

SEXUAL ASSAULT

130 Seward, No. 301 • Juneau, Alaska 99801 • (907) 586-3650

Abused Women's Aid in Crisis (AWAIC);
Advocates for Victims of Violence (AVV);
Aiding Women in Abuse and Rape Emergencies (AWARE);
Alaska Women's Resource Center (AWRC); Arctic Women in Crisis (AWIC);
Bering Sea Women's Group (BSWG); Emmonak Women's Shelter;
Kodiak Women's Resource & Crisis Center (KWRC);
Maniilaq Regional Women's Crisis Program; MEN, Inc.;
Safe & Fear-Free Environment (SAFE); Sitkas Against Family Violence (SAFV);
Southwestern Alaska Council for the
Prevention of Child Sexual Assault (SWAC(CSA));
South Peninsula Women's Services (SPWS);
Standing Together Against Rape (STAR); Tundra Women's Coalition (TWC);
Valley Women's Resource Center (VWRC);
Women in Crisis Counseling & Assistance (WICCA);
Women in Safe Homes (WISH); Women's Resource & Crisis Center (WRCC)

HB57 VIOLENT CRIMES COMPENSATION

MEMBERS OF THE COMMITTEE, FOR THE RECORD MY NAME IS CINDY SMITH. I AM THE COORDINATOR OF THE ALASKA NETWORK ON DOMESTIC VIOLENCE AND SEXUAL ASSAULT. THE NETWORK IS A MEMBERSHIP ORGANIZATION COMPOSED OF 21 PROGRAMS WHICH PROVIDE SERVICES TO VICTIMS AND THEIR FAMILIES.

THE NETWORK SUPPORTS HOUSE BILL 57. THIRD AND FOURTH DEGREE ASSAULT ARE THE MOST COMMON CHARGES MADE IN DOMESTIC VIOLENCE CASES. THIRD DEGREE ASSAULT IS A CLASS C FELONY, AND WHILE FOURTH DEGREE ASSAULT IS CHARGED AS A MISDEMEANOR, IT OFTEN INVOLVES PHYSICAL INJURY TO THE VICTIM. IN A STUDY RECENTLY PREPARED BY THE ABUSE PREVENTION PROGRAM IN ANCHORAGE, 82% OF CHARGES WERE COUNTS OF FOURTH DEGREE ASSAULT -- 30% OF THE VICTIMS WERE TRANSPORTED BY THE POLICE DIRECTLY TO MEDICAL FACILITIES. ANOTHER 18% WERE TRANSPORTED TO SHELTER. (THE STUDY INVOLVED OVER 5000 POLICE REPORTS, FROM 1986-1988).

VICTIMS OF THESE ASSAULTS INCUR MEDICAL COSTS TO ATTEND TO INJURIES, OFTEN LOSE TIME FROM WORK AND INCUR OTHER EXPENSES RELATED TO THE ASSAULT. THESE COSTS ARE CURRENTLY NOT COVERED BY VIOLENT CRIMES COMPENSATION. THE ALASKA NETWORK IS STRONGLY SUPPORTIVE OF THIS EFFORT TO ENSURE THAT THEY BECOME ELIGIBLE TO RECEIVE THE SAME COMPENSATION AS OTHER VICTIMS OF VIOLENT CRIME.

BILL NO: HB 57

DATE: January 18, 1989

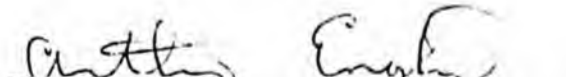
TITLE: An Act expanding
eligibility for
violent crimes
compensation

CONTACT: Barbara Miklos
Executive Director
Council on Domestic
Violence and Sexual
Assault

DEPARTMENT OF
PUBLIC SAFETY

HB57 amends the eligibility for compensation for violent crimes to include assault in any degree rather than only assault in the first or second degree. Currently victims of third- and fourth-degree assault are not eligible to be compensated. Many domestic violence assaults are charged as third- or fourth-degree assaults, even though the injuries to the victims can be quite severe. This is because the degree of assault is determined not only by the extent of injury to the victim, but also by the offender's state of mind or state of intoxication. Thus the victims may have suffered serious injuries, causing loss of earnings and medical and other expenses which they may not be compensated for under the current statute.

The Council on Domestic Violence and Sexual Assault supports the passage of HB 57.



Arthur English
Commissioner

PHOTO COPY

11.41 art. 2

11.41.200

...ability of expert or opinion testi-
... battered wife or battered woman
... 18 ALR4th 1151

11.41.200. Assault in the first degree. (a) A person commits
the crime of assault in the first degree if
(1) that person recklessly causes serious physical injury to another
with the use of a dangerous instrument;
(2) that person recklessly causes serious physical injury to another, the per-
son with intent to cause serious physical injury to any person; or
(3) the person intentionally performs an act that results in serious
physical injury to another under circumstances manifesting extreme
indifference to the value of human life.
Assault in the first degree is a class A felony. (S 3 ch 166 SLA
1982; am § 2 ch 143 SLA 1982)

... of amendments. — The 1982
amendment, in paragraph (1) of subsection
substituted "that person recklessly

causes" for "with intent to cause" and
deleted "he causes physical injury to any
person" following "another person."

NOTES TO DECISIONS

General Consideration
Subsection (a)(1)
Punisher law

GENERAL CONSIDERATION.

... in Smith v. State, Sup. Ct. Op.
No. 221 (File No. 4228), 614 P.2d 300
(1981); Blackburn v. State, Ct. App. Op.
No. 203 (File No. 7224), 661 P.2d 1100
(1983).
... in State v. Silas, Sup. Ct. Op. No.
212 (File No. 4237), 595 P.2d 651 (1979);
... v. State, Sup. Ct. Op. No. 2190
(File No. 4416), 621 P.2d 869 (1980).
... in Handley v. State, Sup. Ct. Op.
No. 215 (File Nos. 3946, 4935), 615 P.2d
1000; Folger v. State, Ct. App. Op.
No. 206 (File No. 5585), 648 P.2d 111
(1982).

II. SUBSECTION (a)(1).

... res and result. — Subsection
(a)(1) of this section requires intent to
cause serious physical injury as the mens
rea and physical injury as the result.
... v. State, Ct. App. Op. No. 200
(File No. 6352), 656 P.2d 1213 (1983).
... dangerous instrument. — The
requirement of a "dangerous instrument"
in subsection (a)(1) of this section serves to

define the surrounding circumstances
from which intent is normally inferred.
Wettanen v. State, Ct. App. Op. No. 200
(File No. 6352), 656 P.2d 1213 (1983).

The requirement of a dangerous
instrument in subsection (a)(1) of this sec-
tion serves to shift the focus of the trier of
facts' attention from the result (physical
injuries), which in any given case may
have been unforceable to the defendant at
the time the assault was committed, to the
manner in which the assault was
committed. Thus, the defendant is pro-
tected against a finding of first-degree
assault in which the jury determines guilt
solely by finding serious physical injury
and then inferring an intent to cause that
serious physical injury from the injuries
alone. Wettanen v. State, Ct. App. Op. No.
200 (File No. 6352), 656 P.2d 1213 (1983).

While feet are not dangerous instru-
ments per se, they may become so, how-
ever they are shod, if used in such a way as
to be capable of causing death or serious
physical injury. Wettanen v. State, Ct.
App. Op. No. 200 (File No. 6352), 656 P.2d
1213 (1983).

Code of Criminal
Procedure

Table 11
Criminal Law

III. FORMER LAW.

Severance of multiple counts involving various victims. See *Nix v. State*, Ct. App. Op. No. 157 (File No. 548) 653 P.2d 1093 (1982).

For case construing former statute relating to mayhem, see *Burleson v. State*, Sup. Ct. Op. No. 1222 (File No. 2466) 541 P.2d 1195 (1975); *Adams v. State*, Sup. Ct. Op. No. 1864 (File No. 3067) 598 P.2d 503 (1979); *Shrakley v. State*, Ct. App. Op. No. 87 (File No. 4916) 641 P.2d 864 (1982).

For cases construing former statute relating to shooting, stabbing, etc., with intent to kill, wound or maim, see *Hallback v. State*, Sup. Ct. Op. No. 28 (File No. 28) 361 P.2d 336 (1961); *McCracken v. State*, Sup. Ct. Op. No. 1028 (File No. 1498) 521 P.2d 489 (1974); *Fox v. State*, Sup. Ct. Op. No. 1510 (File No. 3257) 569 P.2d 1335 (1978); *Creed v. State*, Sup. Ct. Op. No. 1553 (File No. 3636) 573 P.2d 1379 (1978); *Menard v. State*, Sup. Ct. Op. No. 1623 (File No. 2865) 578 P.2d 966 (1978); *Christie v. State*, Sup. Ct. Op. No. 1644 (File No. 2841) 580 P.2d 310 (1978); *Menard v. State*, Sup. Ct. Op. No. 1623 (File No. 2865) 578 P.2d 966 (1978); *Abraham v. State*, Sup. Ct. Op. No. 1836 (File No. 4013) 593 P.2d 621 (1979); *Johnson v. State*, Sup. Ct. Op. No. 1856 (File No. 4104) 595 P.2d 985 (1979); *Smith v. State*, Sup. Ct. Op. No. 2121 (File No. 4228) 614 P.2d 300 (1980); *Larson v. State*, Sup. Ct. Op. No. 2128 (File No. 4131) 614 P.2d 776 (1980); *Nielson v. State*, Sup. Ct. Op. No. 2279 (File No. 4857) 623 P.2d 304 (1981); *Kagaky v. State*, Sup. Ct. Op. No. 2311 (File No. 5228) 624 P.2d 818 (1981).

For cases construing former statute relating to assault with intent to kill or commit rape or robbery, see *Burke v. United States*, 282 F.2d 763 (9th Cir. 1960); *Morrell v. State*, Sup. Ct. Op. No. 1577 (File No. 2790) 575 P.2d 1200 (1978); *State v. Wassile*, Sup. Ct. Op. No. 1630 (File No. 3691) 578 P.2d 971 (1978); *Post v. State*, Sup. Ct. Op. No. 1642 (File No. 2851) 580 P.2d 304 (1978); *Abraham v. State*, Sup. Ct. Op. No. 1836 (File No. 4013) 593 P.2d 621 (1979); *Calantas v. State*, Sup. Ct. Op. No. 1914 (File No. 3663) 599 P.2d 147 (1979); *affd on rehearing*, 608 P.2d 34 (1980); *Brookins v. State*, Sup. Ct. Op. No. 1936 (File No. 3972) 600 P.2d 12 (1979); *Holden v. State*, Sup. Ct. Op. No. 1959 (File No. 3753) 602 P.2d 452 (1979); *Helmer v. State*, Sup. Ct.

Op. No. 2181 (File No. 4383) 616 P.2d 864 (1980).

For case construing former statute relating to assault while armed, see *Royett v. State*, Sup. Ct. Op. No. 1611 (File No. 3097) 578 P.2d 946 (1978); *State v. State*, Sup. Ct. Op. No. 2134 (File No. 4632) 614 P.2d 791 (1980).

For cases construing former statute relating to careless use of firearms, see *Green v. State*, Sup. Ct. Op. No. 1620 (File No. 2866) 579 P.2d 14 (1978); *Christie v. State*, Sup. Ct. Op. No. 1644 (File No. 2841) 580 P.2d 310 (1978); *Elmer v. State*, Sup. Ct. Op. No. 1816 (File No. 3440) 592 P.2d 1221 (1979); *Lambert v. State*, Sup. Ct. Op. No. 2202 (File No. 4443) 620 P.2d 646 (1980).

For cases construing former statute relating to assault with a dangerous weapon, see *Hall v. United States*, 147 F.2d 98 (9th Cir. 1946); *Johnston v. United States*, 154 F.2d 443 (9th Cir. 1947); *Engleston v. United States*, 12 Alaska 211, 172 F.2d 194 (9th Cir. 1949); *Randall v. United States*, 15 Alaska 135, 218 F.2d 587 (9th Cir. 1954); *Soper v. United States*, 15 Alaska 475, 220 F.2d 158 (9th Cir. 1955); *cert. denied*, 350 U.S. 828, 766 Ct. 26, 200 L. Ed. 739 (1955); *Burke v. United States*, 282 F.2d 763 (9th Cir. 1960); *Hahn v. State*, Sup. Ct. Op. No. 46 (File No. 62) 361 P.2d 357 (1961); *Tracey v. State*, Sup. Ct. Op. No. 212 (File No. 373) 571 P.2d 788 (1964); *Thompson v. State*, Sup. Ct. Op. No. 494 (File No. 907) 444 P.2d 170 (1968); *Herrin v. State*, Sup. Ct. Op. No. 519 (File No. 941) 449 P.2d 674 (1969); *Wilson v. State*, Sup. Ct. Op. No. 625 (File No. 1140) 473 P.2d 633 (1970); *State v. Armantrout*, Sup. Ct. Op. No. 686 (File No. 1303) 483 P.2d 596 (1971); *Nielson v. State*, Sup. Ct. Op. No. 760 (File No. 1448) 492 P.2d 122 (1971); *Thomas v. State*, Sup. Ct. Op. No. 1064 (File No. 1869) 604 P.2d 684 (1974); *Joe v. State*, Sup. Ct. Op. No. 1202 (File No. 2401) 542 P.2d 180 (1976); *Barley v. State*, Sup. Ct. Op. No. 1284 (File No. 2647) 548 P.2d 373 (1976); *Elmer v. State*, Sup. Ct. Op. No. 1332 (File No. 3666) 555 P.2d 1210 (1976); *Devon v. State*, Sup. Ct. Op. No. 1348 (File No. 2818) 557 P.2d 142 (1976); *Mutachler v. State*, Sup. Ct. Op. No. 1378 (File No. 2764) 560 P.2d 377 (1977); *State v. Ochipinti*, Sup. Ct. Op. No. 1405 (File No. 3084) 562 P.2d 348 (1977); *Nakapina v. State*, Sup. Ct. Op. No. 1410 (File No. 2915) 562 P.2d 697 (1977); *affd on rehearing*, 576 P.2d 982 (1978); *State v. Taylor*, Sup. Ct. Op. No. 1457 (File No. 3119) 566 P.2d 1016 (1977); *Wahne v. State*, Sup. Ct. Op. No. 1488 (File No.

THE 10
CORPORATION AND
ASSOCIATION

File No. 4383, 616 P.2d 111 (1980); construing former statute, assault while armed, State Sup. Ct. Op. No. 1611 (File No. 578 P.2d 946 (1978); Sevier v. State, Sup. Ct. Op. No. 2134 (File No. P.2d 791 (1980); construing former statute, careless use of firearms, State Sup. Ct. Op. No. 1625 (File No. 579 P.2d 14 (1978); Christie v. State, Sup. Ct. Op. No. 1644 (File No. P.2d 310 (1978); Elusovky v. State, Sup. Ct. Op. No. 1816 (File No. P.2d 592 P.2d 1221 (1979); Lenz v. State, Sup. Ct. Op. No. 2202 (File No. P.2d 646 (1980); construing former statute, to assault with a dangerous weapon, see Ball v. United States, 147 Cir. 1906; Johnston v. United States, 154 F. 445 (9th Cir. 1907); n.v. United States, 12 Alaska 212 (191 (9th Cir. 1949); Randall v. State, 15 Alaska 135, 215 P.2d 475, 220 F.2d 158 (9th Cir. 1954); Soper v. United States, 350 U.S. 828, 765 Ct. 34 (1955); Burke v. United States, 763 (9th Cir. 1960); Hutto v. State, Sup. Ct. Op. No. 46 (File No. 63 (1961); Tracey v. State, Sup. Ct. Op. No. 212 (File No. 373), 391 P.2d 770 (Thompson v. State, Sup. Ct. Op. No. 1 (File No. 907), 444 P.2d 171 (Herrin v. State, Sup. Ct. Op. No. 941), 449 P.2d 674 (1969); v. State, Sup. Ct. Op. No. 629 (File No. 473 P.2d 633 (1970); State v. trout, Sup. Ct. Op. No. 566 (File No. 483 P.2d 696 (1971); Nielsen v. State, Sup. Ct. Op. No. 760 (File No. 1500 (1971); Thomas v. State, Sup. Ct. Op. No. 1064 (File No. 1889), 524 P.2d 974; Joe v. State, Sup. Ct. Op. No. 1 (File No. 2401), 542 P.2d 159 (1976); v. State, Sup. Ct. Op. No. 1256 (File No. 647), 548 P.2d 373 (1976); Elze v. State, Sup. Ct. Op. No. 1332 (File No. 555 P.2d 1210 (1976); Dawson v. State, Sup. Ct. Op. No. 1346 (File No. 557 P.2d 142 (1976); Mutschler v. State, Sup. Ct. Op. No. 1376 (File No. 560 P.2d 377 (1977); State v. Spinti, Sup. Ct. Op. No. 1405 (File No. 562 P.2d 348 (1977); Nukapigak v. State, Sup. Ct. Op. No. 1410 (File No. 562 P.2d 697 (1977); aff'd on appeal, 576 P.2d 982 (1978); State v. Ler, Sup. Ct. Op. No. 1457 (File No. 566 P.2d 1018 (1977); Welch v. State, Sup. Ct. Op. No. 1488 (File No.

668 P.2d 981 (1977); Larson v. State, Sup. Ct. Op. No. 1502 (File No. 568 P.2d 783 (1977); White v. State, Sup. Ct. Op. No. 1605 (File No. 2952), 577 P.2d 1044 (1978); Rivett v. State, Sup. Ct. Op. No. 1611 (File No. 3097), 578 P.2d 946 (1978); Menard v. State, Sup. Ct. Op. No. 2865, 578 P.2d 966 (1978); (File No. 2865); Sup. Ct. Op. No. 1630 (File No. 1691), 578 P.2d 971 (1978); v. State, Sup. Ct. Op. No. 1644 (File No. 2841), 580 P.2d 310 (1978); v. State, Sup. Ct. Op. No. 1656 (File No. 3424), 580 P.2d 700 (1978); v. State, Sup. Ct. Op. No. 1667 (File No. 2661), 581 P.2d 226 (1978); Mill v. State, Sup. Ct. Op. No. 1751 (File No. 585 P.2d 546 (1978); cert. denied, 445 U.S. 827, 100 S. Ct. 51, 62 L. Ed. 2d 34 (1979); Marsden v. State, Sup. Ct. Op. No. 1791 (File No. 3957), 589 P.2d 863 (1979); v. State, Sup. Ct. Op. No. 1791 (File No. 3890), 590 P.2d 43 (1979); Price v. State, Sup. Ct. Op. No. 1794 (File No. 590 P.2d 419 (1979); Ellis v. State, Sup. Ct. Op. No. 1816 (File No. 592 P.2d 1221 (1979); State v. 3467; Sup. Ct. Op. No. 1851 (File No. 595 P.2d 851 (1979); Cooper v. State, Sup. Ct. Op. No. 1852 (File No. 595 P.2d 648 (1979); Gilbert v. State, Sup. Ct. Op. No. 1889 (File No. 598 P.2d 87 (1979); Creer v. State, Sup. Ct. Op. No. 1941 (File No. 4180), 600 P.2d 1086 (1979); Kraus v. State, Sup. Ct. Op. No. 1949 (File No. 4669), 604 P.2d 12 (1979); Holmes v. State, Sup. Ct. Op. No. 4532, 604 P.2d 248 (1979); v. State, Sup. Ct. Op. No. 2039 (File

No. 3741), 608 P.2d 19 (1980); Cochrane v. State, Sup. Ct. Op. No. 2086 (File No. 4531), 611 P.2d 61 (1980); Sevier v. State, Sup. Ct. Op. No. 2134 (File No. 4632), 614 P.2d 791 (1980); Loesche v. State, Sup. Ct. Op. No. 2202 (File No. 4443), 620 P.2d 646 (1980); Calder v. State, Sup. Ct. Op. No. 2224 (File No. 4293), 619 P.2d 1026 (1980); Grant v. State, Sup. Ct. Op. No. 2261 (File No. 3750), 621 P.2d 1338 (1981); Kugak v. State, Sup. Ct. Op. No. 2311 (File No. 5228), 624 P.2d 318 (1981); Neal v. State, Sup. Ct. Op. No. 2341 (File No. 4787), 628 P.2d 19 (1981); Wire v. State, Ct. App. Op. No. 2 (File No. 5189), 621 P.2d 18 (1980); Schroff v. State, Ct. App. Op. No. 016 (File No. 4835), 627 P.2d 653 (1981); State v. Ahwinona, Ct. App. Op. No. 037 (File No. 5373), 635 P.2d 488 (1981); Davidson v. State, Ct. App. Op. No. 78 (File No. 4351), 642 P.2d 1383 (1982); Shenkley v. State, Ct. App. Op. No. 87 (File No. 4936), 644 P.2d 864 (1982); Dyer v. State, Ct. App. Op. No. 268 (File No. 6133), 622 P.2d 1983). For cases construing former statute relating to assault and battery, see Nichis v. United States, 72 F.2d 1000 (9th Cir. 1934); State v. Spencer, Sup. Ct. Op. No. 935 (File No. 1742), 514 P.2d 14 (1973); Peter v. State, Sup. Ct. Op. No. 1543 (File No. 3617), 572 P.2d 1179 (1978); Rivett v. State, Sup. Ct. Op. No. 1611 (File No. 3097), 578 P.2d 946 (1978); Penn v. State, Sup. Ct. Op. No. 1774 (File No. 3873), 588 P.2d 288 (1978); Nix v. State, Ct. App. Op. No. 007 (File No. 5060), 624 P.2d 823 (1981).

Sec. 11.41.210. Assault in the second degree. (a) A person commits the crime of assault in the second degree if (1) with intent to cause physical injury to another person, that person causes physical injury to another person by means of a dangerous instrument; or (2) that person recklessly causes serious physical injury to another person. (b) Assault in the second degree is a class B felony. (§ 3 ch 166 SLA 1978; am § 4 ch 102 SLA 1980; am § 3 ch 143 SLA 1982)

Effect of amendments. — The 1980 amendment, in subsection (a), designated former paragraph (1) as paragraph (2), added "or" to the end of that paragraph, added present paragraph (1), and deleted the previous paragraph (2). The 1982 amendment, in subsection (a), read "he intentionally places another person in fear of imminent serious physical injury by means of a dangerous instrument; or." The 1982 amendment, in subsection (a), substituted "that person" for "he" preceding "causes" and "another person" for "any person" preceding "by means of" in paragraph (1), added "or" to the end of paragraph (1), repealed former paragraph

Title 11
Criminal Law

(2), which read: "with intent to cause physical injury to another person, he causes serious physical injury to any person; or," redesignated former paragraph (3) as paragraph (2), and substituted "that person" for "he" and deleted "by means of a dangerous instrument" from the end.

both in present paragraph (2).
Legislative history reports. — For a report on Chapter 102, SLA 1980 HCS CSSB 511), see 1980 Senate Journal Supplement, No. 44, May 29, 1980, or 1980 House Journal Supplement, No. 79, May 28, 1980.

NOTES TO DECISIONS

Former law. — See notes to AS 11.41.200 under analysis line III.

Sentence upheld. — See Williams v. State, Ct. App. Op. No. 139 (File No. 5676), 652 P.2d 478 (1982).

A 10-year total sentence with five years suspended for assault in the second degree was not excessive even though defendant was a first felony offender and the sentence exceeded the presumptive term for a second offender. Neakok v. State, Ct. App. Op. No. 163 (File No. 6418), 653 P.2d 658 (1982).

Applied in State v. Silas, Sup. Ct. Op. No. 1851 (File No. 4237), 595 P.2d 644 (1979); Kimbrell v. State, Ct. App. Op. No. 101 (File No. 5944), 647 P.2d 518 (1982).

Stated in Coleman v. State, Sup. Ct. Op. No. 2190 (File No. 4416), 621 P.2d 666 (1980).

Cited in State v. Ahwinona, Ct. App. Op. No. 037 (File No. 5373), 635 P.2d 648 (1981); Larson v. State, Ct. App. Op. No. 177 (File No. 6179), 656 P.2d 571 (1982).

Sec. 11.41.220. Assault in the third degree. (a) A person commits the crime of assault in the third degree if that person recklessly

(1) places another person in fear of imminent serious physical injury by means of a dangerous instrument; or

(2) causes physical injury to another person by means of a dangerous instrument.

(b) Assault in the third degree is a class C felony. (§ 5 ch 102 SLA 1980; am § 4 ch 143 SLA 1982)

Effect of amendments. — The 1982 amendment, in subsection (a), added the paragraph (1) designation, substituted "that person" for "he" in the introductory language, added "or" to the end of paragraph (1), and added paragraph (2).

Legislative history reports. — For a report on Chapter 102, SLA 1980 HCS CSSB 511) see 1980 Senate Journal Supplement, No. 44, May 29, 1980, or 1980 House Journal Supplement, No. 79, May 28, 1980.

NOTES TO DECISIONS

"Dangerous instrument" defined. — Since "dangerous instrument" includes "deadly weapon," and "deadly weapon" includes "any firearm," which in turn is defined to include unloaded rifles, simple substitution yields an unambiguous statute that prohibits the use of an unloaded rifle to place another in fear of imminent serious physical injury. Siggelkow v. State, Ct. App. Op. No. 110 (File No. 5532), 648 P.2d 611 (1982).

of fair warning that placing another in fear by means of an unloaded firearm, from any distance, was prohibited. Siggelkow v. State, Ct. App. Op. No. 110 (File No. 5532), 648 P.2d 611 (1982).

Former AS 11.41.210(a)=2 (prior to 1980 amendment) and 11.81.900(b)=11) were not so ambiguous as to deprive defendant

Applied in Wolf v. State, Ct. App. Op. No. 99 (File No. 5882), 647 P.2d 600 (1982); McManners v. State, Ct. App. Op. No. 123 (File No. 6065), 650 P.2d 416 (1982); Bidwell v. State, Ct. App. Op. No. 199 (File No. 6290), 656 P.2d 592 (1982); Wright v. State, Ct. App. Op. No. 204 (File No. 6569), 656 P.2d 1226 (1983).

Title 10
Criminal Law

paragraph (2).
history reports. -- For a
apter 102, SLA 1980 (HCS
see 1980 Senate Journal
No. 44, May 29, 1980, or 1980
al Supplement, No. 79, May

State v. Silas, Sup. Ct.
file No. 4237, 595 P.2d
rell v. State, Ct. App. Op.
5944, 647 P.2d 618 (1982).
Coleman v. State, Sup. Ct.
file No. 4116, 621 P.2d

State v. Ahwinona, Ct. App.
File No. 5373, 635 P.2d
son v. State, Ct. App. Op.
No. 6179, 656 P.2d 571 (1982).

ree. (a) A person commits
at person recklessly
nt serious physical injury
n by means of a dangerous
C felony. (§ 5 ch 102 SLA

ative history reports. -- For a
y Chapter 102, SLA 1980 (HCS
11) see 1980 Senate Journal
ent, No. 44, May 29, 1980, or 1980
ournal Supplement, No. 79, May

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warning that placing another
means of an unloaded firearm
any distance, was prohibited.
w v. State, Ct. App. Op. No. 11
5532, 648 P.2d 611 (1982).

lied in Wolf v. State, Ct. App. Op.
File No. 5882, 647 P.2d
McManners v. State, Ct. App. Op.
33 (File No. 6065), 650 P.2d
Bidwell v. State, Ct. App. Op.
file No. 6290, 656 P.2d 592 (1982).
v. State, Ct. App. Op. No. 204
69, 656 P.2d 1226 (1983).

ated in Mynard v. State, Ct. App.
No. 136 (File No. 5501), 652 P.2d 489

Sec. 11.41.230. Assault in the fourth degree. (a) A person
commits the crime of assault in the fourth degree if
(1) that person recklessly causes physical injury to another person;
(2) with criminal negligence that person causes physical injury to
another person by means of a dangerous instrument; or
(3) by words or other conduct that person recklessly places another
person in fear of imminent physical injury.
(b) Assault in the fourth degree is a class A misdemeanor. (§ 3 ch
SLA 1978; am § 6 ch 102 SLA 1980; am § 5 ch 143 SLA 1982)

Subject of amendments. -- The 1980
amendment substituted "fourth" for
"third" preceding "degree" in the
introductory paragraph in subsection (a),
and in subsection (b), and deleted "inten-
tionally or" near the beginning of para-
graph (1) in subsection (a).
The 1982 amendment, in subsection (a),

substituted "that person recklessly" for
"he intentionally" in paragraph (3).
Legislative history reports. -- For a
report on Chapter 102, SLA 1980 (HCS
CSSB 511), see 1980 Senate Journal
Supplement, No. 44, May 29, 1980, or 1980
House Journal Supplement, No. 79, May
28, 1980.

NOTES TO DECISIONS

Applied in Bidwell v. State, Ct. App.
Op. No. 199 (File No. 6290), 656 P.2d 592
Jackson v. State, Ct. App. Op. No.
105 (File No. 6664), 657 P.2d 405 (1983).
Quoted in Maynard v. State, Ct. App.
Op. No. 136 (File No. 5501), 652 P.2d 489

Cited in Folger v. State, Ct. App. Op.
No. 105 (File No. 5585), 648 P.2d 111
(1982); Kelly v. State, Ct. App. Op. No. 143
(File No. 6521), 652 P.2d 112 (1982); Moxie
v. State, Ct. App. Op. No. 246 (File No.
7192), 662 P.2d 990 (1983).

Collateral references. -- Standard for
conduct of minor motorist charged
with gross negligence, recklessness, wilful

or wanton misconduct, or the like, under
guest statute or similar common-law rule,
97 ALR2d 861.

Sec. 11.41.250. Reckless endangerment. (a) A person commits
the crime of reckless endangerment if the person recklessly engages in
conduct which creates a substantial risk of serious physical injury to
another person.
(b) Reckless endangerment is a class A misdemeanor. (§ 3 ch 166
SLA 1978)

Article 3. Kidnapping and Custodial Interference.

Section	Section
Kidnapping	330. Custodial interference in the second degree
Custodial interference in the first degree	370. Definitions

STEVE COWPER
GOVERNOR



STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

CC
9HB.57

January 9, 1989

The Honorable Sam Cotten
Speaker of the House
Alaska State Legislature
P.O. Box V
Juneau, AK 99811

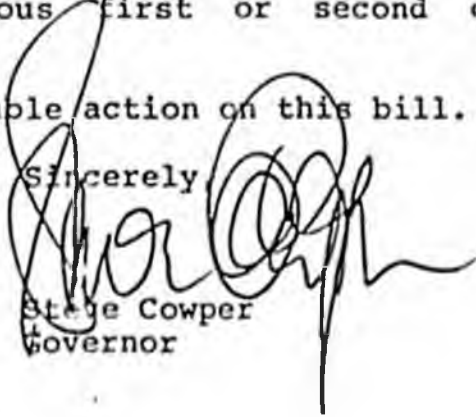
Dear Representative Cotten:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill expanding eligibility for violent crimes compensation.

The current law governing eligibility for violent crimes compensation is based in large part on the specific type of crime committed. By specifically referring to "assault in the first or second degree," AS 18.67.101 permits compensation in physical assault cases for only the most serious felonies. Because the degree of assault is often dependent on a complex legal analysis, the characterization of an assault as any particular degree often has more to do with the offender's state of mind (or state of intoxication) than with the overall harm suffered by the victim, much of which might not be manifested by physical injury. This bill seeks to remedy this injustice by permitting the Violent Crimes Compensation Board to award compensation in any assault case, regardless of whether it is third degree (class C felony assaults involving dangerous instruments), fourth degree (misdemeanor assaults, including most domestic violence cases), or the most serious first or second degree, assaults.

I urge your prompt and favorable action on this bill.

Sincerely,



Steve Cowper
Governor

FISCAL NOTE

REQUEST:

Revision Date: _____
 Title: EXPANDING ELIGIBILITY FOR
VIOLENT CRIMES COMPENSATION
 Sponsor: Rules Committee
 Requestor: GOVERNOR

Agency Affected: PUBLIC SAFETY
 BRU: VIOLENT CRIMES COMPENSATION BOARD
 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	-0-	20.0	20.0	20.0	20.0	20.0
MISCELLANEOUS						
TOTAL OPERATING	-0-	20.0	20.0	20.0	20.0	20.0

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

REVENUE						
---------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

GENERAL FUND	-0-	20.0	20.0	20.0	20.0	20.0
FEDERAL FUNDS						
OTHER						
TOTAL	-0-	20.0	20.0	20.0	20.0	20.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

This bill amends AS 18.67.121 to allow victims of third and fourth-degree assaults to apply for violent crimes compensation. This change is expected to increase the number of eligible compensation claims by about 20 per year, at an average estimated cost of \$1,000.00 per claim.

Prepared by: Nola K. Camp, Administrator Phone: 465-3000
 Division: Violent Crimes Compensation Board Date: 10/24/88

Approved by Commissioner: Gayle A. Huretski, Deputy Comm. Date: 10/27/88
 Agency: DEPARTMENT OF PUBLIC SAFETY

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

STATE OF ALASKA
1989 LEGISLATIVE SESSION

BILL VERSION: HB 57
PUBLISH DATE: HOUSE 1/9/89

FISCAL NOTE

REQUEST:

Revision Date: _____
Title: "An Act expanding eligibility
for violent crimes compensation"
Sponsor: Rules Committee
Requestor: Governor Cowper

Agency Affected: Dept. of Administration
BRU: Public Defender Agency
Components: Third Judicial District

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		-0-	-0-	-0-	-0-	-0-

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

REVENUE						
---------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

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

POSITIONS:

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

ANALYSIS (Attach a separate page if necessary)

Prepared by: John B. Salemi, Acting Public Defender Phone: 279-7541
Division: Public Defender Agency Date: 10/25/88

Approved by Commissioner: John Andrews Date: _____
Agency: Department of Administration

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

FISCAL NOTE

REQUEST:

Revision Date: _____ Agency Affected: Administration
 Title: "An Act expanding eligibility for violent crimes compensation..." BRU: Office of Public Advocacy
 Sponsor: Rules Committee Components: _____
 Requestor: Governor

EXPENDITURES/REVENUES: (Thousands of Dollars)

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

CAPITAL						
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REVENUE						
---------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

GENERAL FUND	0	0	0	0	0	0
FEDERAL FUNDS						
OTHER						
TOTAL	0	0	0	0	0	0

POSITIONS:

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

ANALYSIS : (Attach a separate page if necessary)

Prepared by: Erant McGee, Public Advocate Phone: 274-1684
 Division: Office of Public Advocacy Date: 10/24/88

Approved by Commissioner: John Andrews Date: 11/10/88
 Agency: Department of Administration

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

STATE OF ALASKA
1989 LEGISLATIVE SESSION

BILL VERSION: HB 57
PUBLISH DATE: _____

REQUEST: _____ FISCAL NOTE _____
Revision Date: _____ Agency Affected: Public Safety
Title: EXPANDING ELIGIBILITY FOR BRU: VIOLENT CRIMES COMPENSATION
VIOLENT CRIMES COMPENSATION BOARD
Sponsor: HOUSE RULES
Requestor: HOUSE JUDICIARY

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

OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS	-0-	20.0	20.0	20.0	20.0	20.0
MISCELLANEOUS						
TOTAL OPERATING	-0-	20.0	20.0	20.0	20.0	20.0

CAPITAL						
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REVENUE						
---------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

GENERAL FUND	-0-	20.0	20.0	20.0	20.0	20.0
FEDERAL FUNDS						
OTHER						
TOTAL	-0-	20.0	20.0	20.0	20.0	20.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

This bill amends AS 18.67.101 to allow victims of third and fourth-degree assaults to apply for violent crimes compensation. This change is expected to increase the number of eligible compensation claims by about 20 per year, at an average estimated cost of \$1,000.00 per claim.

Prepared by: Nola K. Capp, Administrator
Division: Violent Crimes Compensation Brd.
Approved by Commissioner: SA # Arthur English
Agency: Department of Public Safety

Phone: 465-3040
Date: 1/13/89
Date: 1-13-89

STATE OF ALASKA
1989 LEGISLATIVE SESSION

BILL VERSION: CS HB 57 (JUD)
PUBLISH DATE: _____

REQUEST:

FISCAL NOTE

Revision Date: 1-25-89

Agency Affected: Public Safety

Title: EXPANDING ELIGIBILITY FOR
VIOLENT CRIMES COMPENSATION

BRU: VIOLENT CRIMES COMPENSATION
BOARD

Sponsor: HOUSE RULES

Requestor: HOUSE FINANCE

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

OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS	-0-	20.0	20.0	20.0	20.0	20.0
MISCELLANEOUS						
TOTAL OPERATING	-0-	20.0	20.0	20.0	20.0	20.0

CAPITAL						
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REVENUE						
---------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

GENERAL FUND	-0-	20.0	20.0	20.0	20.0	20.0
FEDERAL FUNDS						
OTHER						
TOTAL	-0-	20.0	20.0	20.0	20.0	20.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

This bill amends AS 18.67.101 to allow victims of third and fourth-degree assaults to apply for violent crimes compensation. This change is expected to increase the number of eligible compensation claims by about 20 per year, at an average estimated cost of \$1,000.00 per claim.

Prepared by: Nola K. Capp, Administrator
Division: Violent Crimes Compensation Brd.

Phone: 465-3040
Date: 1/25/89

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

Date: 1-25-89

H B

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HOUSE JUDICIARY COMMITTEE
BILL CHECKLIST

- 1.) CS for HB 58 (C&RA)
- 2.) Minutes on HB 58 C&RA - January 19, 1989
- 3.) HB 58
- 4.) 1/19/89 memo from Theresa Bannister to Rep. MacLean
re: CSHB 58 (C&RA)
- 5.) 1/19/89 memo "" "" "" "" "" ""
- 6.) amendment to Sec 2 adding new sec. C
- 7.) witness register
- 8.) Committee report - C&RA
- 9.) work draft C&RA CS
- 10.) Governor's letter of transmittal
- 11.) 1/9/89 Fiscal Note DPS/Fire Prevention

STATE OF ALASKA
THE LEGISLATURE

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JUNEAU, ALASKA 99811
907-465-3800

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

HB 58

H. CERA

1/19/89

Alaska State Legislature



House of Representatives House Judiciary Committee

P. O. Box V
State Capitol
Juneau, Alaska 99811
(907) 465-4990
(907) 465-4712

February 23, 1989

MEMORANDUM

TO: Representative Ben Grussendorf
Chairman, House Rules Committee

FROM: Representatives Max Gruenberg and Peter Goll,
Co-Chairman, House Judiciary Committee

RE: CSHB 58 (Jud): Changes from CSHB 58 (C&RA)

A handwritten signature in cursive script, appearing to read "Peter Goll", written over the "FROM" line of the memorandum.

CSHB 58 (Jud) differs from CSHB 58 (C&RA) in three primary respects:

1. Section 2, CSHB 58 (Jud) simplifies the language of Section 2 CSHB 58 (C&RA). The Judiciary version clarifies the procedure by which a fire department's compliance order may be stayed while an appeal of the order is pending in the superior court, and the terms on which a stay of the order may be granted.
2. The penalty provisions of the Community and Regional Affairs version have been changed.
3. Section 3 of the Judiciary Committee Substitute is new. This section changes the procedure by which warning placards for hazardous materials are adopted.

A detailed comparison of CSHB 58 (C&RA) and CSHB 58 (Jud) follows:

- A. Section 1, CSHB 58 (Jud) and Section 1 CSHB 58 (C&RA) are identical.
- B.(1) Under Section 2, CSHB 58 (C&RA), stays on appeal of fire department compliance orders were governed by Appellate Rule 603(a)(2), which has been interpreted as making issuance of a stay mandatory so long as a bond is filed. Section 2, CSHB 58 (Jud) changes this and amends Appellate Rule 603(a)(2) in cases arising under AS 18.70.100. CSHB 58 (Jud) clearly

states a fire department compliance order may not be stayed while an appeal is pending unless the court finds that a stay is in the public interest. The court is authorized to condition the stay on an appropriate bond or other terms.

(2) In addition, Section 2 of CSHB 58 (Jud) eliminates language in Section 2 of CSHB 58 (C&RA) that is unnecessary:

(a) Because each ten days that a violation continues is a separate offense, there is no need for the provisions that "the imposition of one penalty for a violation does not excuse the violation" (p.2, lines 12-13, CSHB 58 [C&RA]).

(b) Because enforcement orders contain a time limit for compliance (see 13 AAC 59.070[b]), there is no need for the requirement that violations be corrected "within a reasonable time" (p.2, lines 13-15, CSHB [C&RA]); and

(c) Because fire departments have independent authority under AS 18.70.070 to enforce the removal of prohibited conditions, there is no need for specific authorization for "enforcing the removal of prohibited conditions" when a criminal penalty has been imposed under AS 18.70.100 (p.2, lines 17-19, CSHB 58 [C&RA]).

(3) Finally, the penalty imposed in Section 2 of the bill for a violation of a fire protection regulation or a compliance order has been changed from a maximum of \$500 and six months in jail (CSHB 58 [Jud] at p.1, line 29 to p.2, line 2), to a maximum of \$1,000 and 90 days in jail, which is the standard penalty for a Class B misdemeanor. (CSHB 58 [Jud], at p.2, line 3).

This change reflects the Judiciary Committee's desire to standardize the penalties for misdemeanor offenses for offenses created outside of Title 12 (Criminal Law) to conform with the misdemeanor categories established in Title 12.

C. Section 3 of CSHB 58 (C&RA) has been eliminated. The wording in Section 2 of CSHB 58 (Jud) has been revised to eliminate the use of the word "department," so that there is no need to define that word.

D. Section 3 of CSHB 58 (Jud) is completely new. This provision amends AS 18.70.310(b) to allow the Department of Public Safety to adopt an alternate system of warning placards for hazardous materials when the standard system is inappropriate.

The Department, industry representatives, and fire enforcement representatives asked for this flexibility in order to enable the Department to address deficiencies in the standard warning sign system.

E. Section 4, CSHB 58(Jud) is identical to Section 4, CSHB 58 (C&RA), except that the penalty provisions have been revised in the same manner as in Section 2 of the bills.

F. Section 5, CSHB 58 (Jud) is new; it reflects the fact that in Section 2 of the bill, the requirements for granting a stay of an enforcement order have been altered from the provisions of Appellate Rule 603(a)(2).

G. Section 6, CSHB 58 (Jud) and Section 5, CSHB 58 (C&RA) are identical.

H. Bill Titles: The title of CSHB 58 (Jud) has been changed to reflect the amendment to Appellate Rule 603(a)(2) and the change in the selection of a system for hazardous materials warning placards.

Alaska State Legislature
Representative Niilo Koponen

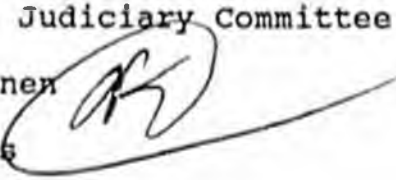
House District 21

119 N. Cushman, Suite 207
Fairbanks, Alaska 99701
(907) 456-8172

Pouch V
Juneau, Alaska 99811
(907) 465-4992

MEMORANDUM

TO: Rep. Max Gruenberg
Rep. Peter Goll
Co-Chair, House Judiciary Committee

FROM: Rep. Niilo Koponen 

RE: HB 58 amendments

DATE: 2/16/89

Thank you for giving me the opportunity to comment on the proposed amendments to the state's placarding statutes.

In spite of many hours spent with all interested parties in the course of our work on this issue in the last legislature, it appears we did not anticipate every situation. I suppose it was inevitable.

As you can see by the language pertaining to Municipalities, it was the intention of the sponsors of last year's legislation to grant flexibility to the responsible authorities. It was not our intention to tie the hands of any agency. Therefore, I feel Representative Gruenberg's proposal is consistent with the intent of this statute, and I fully support his amendment. Had this issue arisen during the course of our deliberations, I am sure we would have included similar language in last year's bill.

If I can be of any further assistance to the committee, please let me know.

STATE OF ALASKA

DEPARTMENT OF PUBLIC SAFETY

OFFICE OF THE COMMISSIONER

STEVE COWPER, GOVERNOR

P.O. BOX N
JUNEAU, ALASKA 99811-1200
PHONE:

February 7, 1989

Honorable Peter Goll
Co-Chairman
House Judiciary Committee
Alaska House of Representatives
P.O. Box V
Juneau, AK 99811

RECEIVED FEB - 7 1989

Re: House Bill 58
Fire Protection Laws

Dear Representative Goll:

The Department of Public Safety would like to request that the Judiciary Committee consider some amendments to CSHB 58 (C & RA), a bill relating to fire protection laws. We believe the amendments suggested below would clarify the language of the present bill.

Amendment No. 1. Add a new Section 1 to read:

Sec. 1. AS 18.70.020 is amended to read:

Sec. 18.70.020. DUTIES OF DEPARTMENT OF PUBLIC SAFETY.
The Department of Public Safety shall

(1) aid in the enforcement of all laws and ordinances and the rules and regulations adopted under AS 18.70.010 - 18.70.100, ~~18.70.300 - 18.70.310~~, and all other laws relating to fires or to fire prevention and protection;

(2) encourage the adoption of fire prevention measures by means of education;

(3) prepare or have prepared for dissemination information relating to the subject of fire prevention and extinguishment; and

(4) administer the state fire-service training program.

This change will provide conformity in AS 18.70.020 with the changes proposed in AS 18.70.090 and 18.70.100.

Amendment No. 2. Renumber CSHB 58 (C & RA) Section 1 to Section 2.

Amendment No. 3. Renumber CSHB 58 (C & RA) Section 2 to Section 3 and revise to read:

Sec. 3. AS 18.70.100 is repealed and reenacted to read:

Sec. 18.70.100. VIOLATION. (a) A person who violates a provision of AS 18.70.010 - 18.70.100, 18.70.300 - 18.70.310, or a regulation adopted under those sections, or who fails to comply with a department order issued under AS 18.70.010 - 18.70.100 or 18.70.300 - 18.70.310 is guilty of a misdemeanor, and is punishable by a fine of not more than \$500, or by imprisonment for not more than six months, or by both. When not otherwise specified, each 10 days that a prohibited condition is maintained is a separate offense.

(b) A person aggrieved by a final order of the department may appeal to the superior court within 30 days after the issuance of the order. Filing of the appeal does not excuse noncompliance with the order unless the court stays the operation of the order. A stay may not be granted or continued if it is against the public interest.

(c) Prosecution under (a) of this section does not prevent the department from enforcing the removal of the prohibited conditions as allowed by law.

(d) In this section, "department" means
(1) the Department of Public Safety; or
(2) a fire department that is enforcing regulations under AS 18.70.090.

This change will provide penalty provisions for hazardous materials violations, and more clearly describe the appeals process. It also clarifies the meaning of the term "department" as used in AS 18.70.100.

Section 4 of CSHB 58 (C & RA) deals with fireworks violations; and is acceptable in its present form.

Amendment No. 4. Add a new Section 5 to read:

Sec. 5. AS 18.70.100(b), as amended by sec. 3 of this Act, amends Alaska Rule of Appellate Procedure 603(a)(2) by prohibiting the granting or continuation of a stay if the court finds it is against the public interest.

This section is included as a precautionary measure, because the language in section 3 may have the effect of amending a court rule. The bill's title should also be changed to reflect this section.

Honorable Peter Goll
February 7, 1989

Page 3

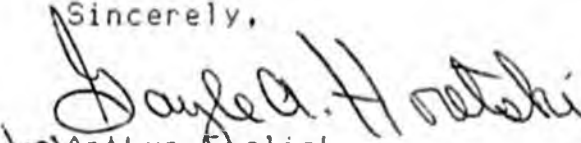
Amendment No. 5. Renumber CSHB 58 (C & RA) Section 5 to Section 6 and change it to read:

Sec. 6. Sections 1 and 2 of this Act take effect immediately under AS 01.10.070(c).

This language provides that the penalties for violations of hazardous materials laws take effect immediately.

We would be glad to discuss these proposed changes with you or your staff if you wish. Thank you for the opportunity to comment on this bill.

Sincerely,


for Arthur English
Commissioner

STATE OF ALASKA
THE LEGISLATURE

OFFICE OF THE CLERK
LEGISLATIVE AGENCY
1000 EAST BROADWAY
ANCHORAGE, ALASKA 99514

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

January 19, 1989

SUBJECT: CSHB 58 (C&RA)

TO: Representative Eileen MacLean, Chair
Community and Regional Affairs Committee

FROM: Theresa Bannister *TB*
Legislative Counsel

This memo accompanies CSHB 58 (C&RA). I have made the amendments that the committee approved.

I have two comments about the the definition of "department" that has been added to the bill as sec. 3. Since the bill has passed out of the committee you may wish to pass these comments along for the review of the next committee of referral.

The first comment is that the phrase "that is enforcing fire safety regulations under AS 18.70.090" could be interpreted to modify "Department of Public Safety". I presume this isn't what was intended. The definition could be rewritten to avoid this possibility.

The second is that the definition appears to be mildly inconsistent with the context of AS 18.70.100(a)(1) and (2). The definition limits the fire departments to those enforcing "fire safety" regulations. However, in the context of AS 18.70.100(a)(1) and (2) the department order can deal with hazardous substances that are not ignitable and that might not be included under "fire safety" regulations.

I would be happy to assist with any redrafting that you or the next committee would like done with regard to the above.

If I may be of further assistance, please advise.

TB:kb
wkk1/055

Enclosure

2

STATE OF ALASKA THE LEGISLATURE

POUCHY STATE CAPITOL
JUNEAU ALASKA 99801
707 465 1800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

January 18, 1989

SUBJECT: CSHB 58 (C&RA)

TO: Representative Eileen MacLean, Chair
Community and Regional Affairs Committee

FROM: Theresa Bannister ⁷³
Legislative Counsel

This memo accompanies the committee substitute that you requested for HB 58. The draft contains the title change made in the prior draft as well as two other changes.

1. TITLE CHANGE. The title is different from HB 58. The main purpose of the title change is to give notice that the bill covers fireworks and hazardous substances that are not ignitable.
2. SUBSTITUTION FOR "THIS CHAPTER". "This chapter" in secs. 1 and 2 of HB 58 has been replaced by citations for AS 18.70.010 - 18.70.100 and 18.70.300 - 18.70.310 (articles 1 and 3 of the chapter). A reference to "this chapter" pulls in article 2, relating to mutual fire aid agreements. Since the purpose of using the chapter reference was to include hazardous substances under AS 18.70.310, there is no need to reference article 2. Limiting the reference to articles 1 and 3 also avoids any possible confusion that the enforcement and penalty provisions apply in some way to mutual fire aid agreements. The new reference does include AS 18.70.300 since that section contains a definition that is used in the first article of the chapter.
3. DELETION OF FORMER SEC. 3. The present draft does not include sec. 3 of HB 58. Section 3 adds a subsection to AS 18.70.310 that indicates that a violation of the section or a regulation adopted under the section is punishable under AS 18.70.100. Since AS 18.70.100 already accomplishes what sec. 3 states, the cross-reference is unnecessary, and there is a slight possibility that the proposed subsection could be interpreted to limit the application of

Representative Eileen MacLean
Page 2
January 18, 1989

AS 18.70.100.

If I may be of further assistance, please advise.

TB:kb
wkk1/049

Attachment

STEVE COWPER
GOVERNOR



STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

January 9, 1989

The Honorable Sam Cotten
Speaker of the House
Alaska State Legislature
P.O. Box V
Juneau, AK 99811

Dear Representative Cotten:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill relating to fire protection laws.

The bill does four things: (1) it assists the division of fire prevention by allowing fire code enforcement to be handled by fire departments "recognized" by the Department of Public Safety, rather than just "city" fire departments; (2) it corrects an oversight that has left violations of hazardous materials laws unenforceable; (3) it requires compliance with a department order unless a motion for a stay has been filed with the court (current law permits noncompliance simply by filing a notice of appeal); and (4) makes enforcement of fireworks regulations more feasible.

Section 1 of the bill amends AS 18.70.090 to allow fire departments that are not city fire departments to be "recognized" under regulations adopted by the Department of Public Safety which provide standards and qualifications for that recognition. Non-city fire departments would then be able to enforce state fire safety regulations. Given the limited resources of the division of fire prevention, this change is needed to provide meaningful enforcement in many areas of the state. City fire departments would, of course, be "recognized" under those regulations and would continue to enforce state fire safety regulations.

Section 2's amendments to AS 18.70.090 also change two section-specific citations to include instead all of AS 18.70. This change will make certain provisions in AS 18.70.090 applicable to AS 18.70.310, regarding hazardous materials and wastes placards.

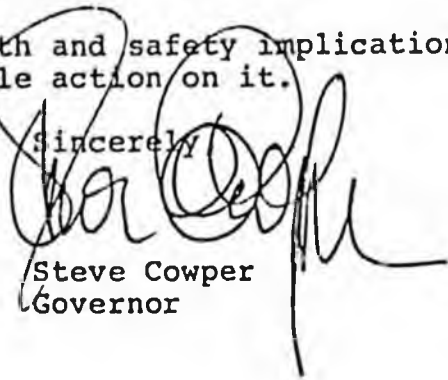
Sections 2 and 3 amend AS 18.70.100(a) and AS 18.70.310, respectively, to apply penalty provisions to violations of AS 18.70.310, regarding hazardous materials and wastes placards. Current law provides no penalty, leaving AS 18.70.310 essentially unenforceable.

Section 2 also amends AS 18.70.100(a) to make it a misdemeanor to be in noncompliance with a department order relating to fire protection, unless a motion for stay has been filed with the court. The existing language of AS 18.70.100(a) permits noncompliance with an order by merely filing a notice of appeal, thus unnecessarily delaying correction of life-threatening situations.

Finally, sec. 4 amend: AS 18.72.040 to make prosecution of fireworks violations more feasible by allowing a conviction if the person "recklessly" fails to comply with fireworks laws. This change is consistent with other provisions of law which prohibit reckless creation of risks of injury and which provide that ignorance of the law is no excuse. See AS 11.41.250 (reckless endangerment) and AS 11.81.620(a). The current language of AS 18.72.040 requires proof that the person knew what the law was, and "willfully" violated it, which is often impossible to prove.

This bill has important health and safety implications and I urge your prompt and favorable action on it.

Sincerely,

A handwritten signature in black ink, appearing to read "Steve Cowper", written over the word "Sincerely". The signature is fluid and cursive, with a long vertical line extending downwards from the end.

Steve Cowper
Governor

FISCAL NOTE

REQUEST:

Revision Date: _____
Title: An act relating to fire
protection
Sponsor: Rules Committee
Requestor: Governor

Agency Affected: Public Safety
BRU: Fire Prevention
Component: Fire Prevention Operations

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	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	0	0	0	0	0	0
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)
No fiscal impact.

Prepared by: Gordon E. Brunton
Division: Fire Prevention

Phone: 465-4331
Date: 10/23/88

Approved by Commissioner: G.A.H. English
Agency: Department of Public Safety

Date: 11-14-88

HOUSE COMMITTEE REPORT

(7)

Date Referred: January 20, 1989

FURTHER REFERRALS:

Date of Committee Action: 2/7/89

The JUDICIARY Committee recommends that:

HOUSE BILL NO. 58 [FIRE PROTECTION]

"An Act relating to fire protection; and providing for an effective date."

[✓] be replaced with CS HB 58 (Judiciary) [] the same title [✓] a new title

[] have attached amendment(s)

- [✓] do pass
[] do not pass
[] no recommendation
[] individual recommendations
[] additional referral to the _____ Committee

ADOPTS: _____ letter of intent

ATTACHES NEW FISCAL NOTE(s):

- [] fiscal impact
[] zero fiscal note
[] zero with analysis

APPROVES PREVIOUS:

- [✓] fiscal note(s) published: _____
[] zero fiscal notes(s) published: _____

SIGNING DO PASS:

SIGNING OTHER THAN DO PASS: (Do Not Pass, No Recommendation, Amend)

Handwritten signatures and names: Peter J. ... Goll, Davidson, Gruenberg, Ellis, Davis, Martin

Chairman's signature: Peter J. ...

HOUSE COMMITTEE REPORT

(5)

Date Referred: January 9, 1989

FURTHER REFERRALS: JUDICIARY

Date of Committee Action: 1/19/89

The COMMUNITY & REGIONAL AFFAIRS Committee recommends that:

HOUSE BILL NO. 58 [FIRE PROTECTION]

"An Act relating to fire protection; and providing for an effective date."

be replaced with CS HB 58 C+RA the same title
 a new title

have attached amendment(s)

- do pass
- do not pass
- no recommendation
- individual recommendations
- additional referral to the _____ Committee

ADOPTS: _____ letter of intent

ATTACHES NEW FISCAL NOTE(S):

- fiscal impact
- zero fiscal note
- zero with analysis

APPROVES PREVIOUS:

- fiscal note(s) published: _____
- zero fiscal notes(s) published: 1/9/89

SIGNING DO PASS:

Bette [unclear]

Richard [unclear]

Whit H. Davis

Eileen P. McLean

SIGNING OTHER THAN DO PASS:
(Do Not Pass, No Recommendation, Amend)

[Signature] no rec

Eileen P. McLean

Chairman's signature



Official Business

COMMITTEE:

DATE:

SIGN-IN

Subject of meeting:

NAME

ADDRESS

PHONE

REPRESENTING

DO YOU WANT TO TESTIFY?

NAME	ADDRESS	PHONE	REPRESENTING	DO YOU WANT TO TESTIFY?
<i>Warden Brunton</i>	<i>P.O. Box N Juneau 99811</i>	<i>465-4331</i>	<i>Public Safety</i>	<i>Yes</i>

1. EXAMPLE / WITNESS REGISTER

AMENDMENT

HOUSE BILL 58

Under Section 2, add a new section (c) to read

(c) In this section

"department" means the Department of Public Safety or a fire department that is enforcing fire safety regulations under AS 18.70.090.

Revise AS 18.70.100 (b) as follows:

(b) The application of the penalty prescribed in (a) of this section does not prevent the ~~department~~ [DEPARTMENT OF PUBLIC SAFETY] from enforcing the removal of the prohibited conditions.

Amendment

H-2

Delete wording

"of Public Safety"
line 10 + 11

Page 2

Made by Rep. Davis

A M E N D M E N T

OFFERED IN THE HOUSE

BY GRUENBERG

TO: CSHB 58(Jud)

Page 1, line 8, following ";":

Insert "authorizing the adoption and use of alternative designs for warning placards for hazardous substances;"

Page 2, following line 10:

Insert a new bill section to read:

"* Sec. 3. AS 18.70.310(b) is amended to read:

(b) The Department of Public Safety, division of fire prevention, shall adopt the National Fire Protection Association 704M system of warning placards for hazardous chemicals, hazardous materials, and hazardous wastes. A municipality may, with the approval of the Department of Public Safety, division of fire prevention, adopt and use an alternative design for warning placards that gives adequate warning to the public and emergency response personnel, if the 704M system placards are inappropriate. The Department of Public Safety, division of fire prevention, may by regulation adopt one or more alternative designs for warning placards for use at an approved site outside a municipality by a business or government agency if the 704M system placards are inappropriate."

Renumber the following bill sections accordingly.

1A

A M E N D M E N T

OFFERED IN THE HOUSE

BY GRUENBERG

TO: CSHB 58(Judiciary)

Page 1, line 8, following ";;":

Insert "authorizing the adoption and use of alternative designs for warning placards for hazardous substances;"

Page 2, following line 10:

Insert a new bill section to read:

"* Sec. 5. AS 18.70.310(b) is amended to read:

(b) The Department of Public Safety, division of fire prevention, shall adopt the National Fire Protection Association 704M system of warning placards for hazardous chemicals, hazardous materials, and hazardous wastes. A municipality may, with the approval of the Department of Public Safety, division of fire prevention, adopt and use an alternative design for warning placards that gives adequate warning to the public and emergency response personnel, if the 704M system placards are inappropriate. Unless the site is located in a municipality that has adopted an alternative design for warning placards, the Department of Public Safety, division of fire prevention, may by regulation adopt one or more alternative designs for warning placards for use at an approved site by a business or government agency if the 704M system placards are inappropriate."

Renumber the following bill sections accordingly.

go0279hH
Bannister
2/10/89

Original sponsor: Rules/Governor

Rep. Gauenberg

BY THE JUDICIARY COMMITTEE

1 IN THE HOUSE

2 CS FOR HOUSE BILL NO. 58 (Judiciary)

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 the enforcement and penalty
7 provisions of certain laws on fire protection, fire-
8 works, and warning placards for hazardous substances;
9 and amending Alaska Rule of Appellate Procedure
10 603(a)(2); and providing for an effective date."

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

12 * Section 1. AS 18.70.090 is amended to read:

13 Sec. 18.70.090. ENFORCEMENT AUTHORITY [OF REGULATIONS]. The
14 Department of Public Safety and the chief of each [CITY] fire depart-
15 ment recognized under regulations adopted by the Department of Public
16 Safety, and their authorized representatives in their respective
17 areas, may enforce the regulations adopted by the Department of Public
18 Safety for the prevention of fire or for the protection of life and
19 property against fire or panic. All state peace officers may assist
20 the Department of Public Safety in the enforcement of AS 18.70.010 -
21 18.70.100, 18.70.300 - 18.70.310, and the regulations adopted under
22 those sections [IT]. The authority conferred in AS 18.70.010 - 18.-
23 70.100 and 18.70.300 - 18.70.310 extends to the enforcement of the
24 provisions of AS 11.46.400 - 11.46.430.

25 * Sec. 2. AS 18.70.100 is repealed and reenacted to read:

26 Sec. 18.70.100. VIOLATION. (a) A person who violates a pro-
27 vision of AS 18.70.010 - 18.70.100, 18.70.300 - 18.70.310, or a regu-
28 lation adopted under those sections, or who fails to comply with an
29 order issued under AS 18.70.010 - 18.70.100 or 18.70.300 - 18.70.310

1 is guilty of a class B misdemeanor. When not otherwise specified,
2 each 10 days that the violation or noncompliance continues is a sepa-
3 rate offense.

4 (b) A person aggrieved by a final order may appeal to the supe-
5 rior court within 30 days after the issuance of the final order.
6 Filing of the appeal does not excuse noncompliance with the order.
7 The court may stay the operation of the order on those terms relating
8 to bonding or other matters that the court finds proper. A stay may
9 not be granted or continued if the court finds that it is against the
10 public interest.

11 * Sec. 3. AS 18.72.040 is amended to read:

12 Sec. 18.72.040. VIOLATION. A person who recklessly [KNOWINGLY
13 AND WILFULLY] fails to comply with a provision of this chapter or
14 fireworks regulations adopted in the fire safety code is guilty of a
15 class B misdemeanor [AND UPON CONVICTION IS PUNISHABLE BY A FINE OF
16 NOT MORE THAN \$500, OR BY IMPRISONMENT FOR NOT MORE THAN SIX MONTHS,
17 OR BY BOTH]. Each day of noncompliance constitutes a separate of-
18 fense. In this section, "recklessly" has the meaning given in AS 11.-
19 81.900.

20 * Sec. 4. AS 18.70.100(b), as amended by sec. 2 of this Act, amends
21 Alaska Rule of Appellate Procedure 603(a)(2) by prohibiting the granting or
22 continuation of a stay if the court finds it is against the public interest
23 and by giving the court discretion regarding the terms and conditions of a
24 stay, including bonding.

25 * Sec. 5. This Act takes effect immediately under AS 01.10.070(c).
26
27
28
29

go0279hH
Bannister
2/9/89

Original sponsor: Rules/Governor

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

2 CS FOR HOUSE BILL NO. 58 (Judiciary)

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 the enforcement and penalty
7 provisions of certain laws on fire protection, fire-
8 works, and warning placards for hazardous substances;
9 and amending Alaska Rule of Appellate Procedure
10 603(a)(2); and providing for an effective date."

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

12 * Section 1. AS 18.70.090 is amended to read:

13 Sec. 18.70.090. ENFORCEMENT AUTHORITY [OF REGULATIONS]. The
14 Department of Public Safety and the chief of each [CITY] fire depart-
15 ment recognized under regulations adopted by the Department of Public
16 Safety, and their authorized representatives in their respective
17 areas, may enforce the regulations adopted by the Department of Public
18 Safety for the prevention of fire or for the protection of life and
19 property against fire or panic. All state peace officers may assist
20 the Department of Public Safety in the enforcement of AS 18.70.010 -
21 18.70.100, 18.70.300 - 18.70.310, and the regulations adopted under
22 those sections [IT]. The authority conferred in AS 18.70.010 - 18.-
23 70.100 and 18.70.300 - 18.70.310 extends to the enforcement of the
24 provisions of AS 11.46.400 - 11.46.430.

25 * Sec. 2. AS 18.70.100 is repealed and reenacted to read:

26 Sec. 18.70.100. VIOLATION. (a) A person who violates a pro-
27 vision of AS 18.70.010 - 18.70.100, 18.70.300 - 18.70.310, or a regu-
28 lation adopted under those sections, or who fails to comply with an
29 order issued under AS 18.70.010 - 18.70.100 or 18.70.300 - 18.70.310

1 is guilty of a class B misdemeanor. When not otherwise specified,
2 each 10 days that the violation or noncompliance continues is a sepa-
3 rate offense.

4 (b) A person aggrieved by a final order may appeal to the supe-
5 rior court within 30 days after the issuance of the final order.
6 Filing of the appeal does not excuse noncompliance with the order.
7 The court may stay the operation of the order. A stay may not be
8 granted or continued if the court is satisfied that it is against the
9 public interest.

10 * Sec. 3. AS 18.72.040 is amended to read:

11 Sec. 18.72.040. VIOLATION. A person who recklessly [KNOWINGLY
12 AND WILFULLY] fails to comply with a provision of this chapter or
13 fireworks regulations adopted in the fire safety code is guilty of a
14 class B misdemeanor [AND UPON CONVICTION IS PUNISHABLE BY A FINE OF
15 NOT MORE THAN \$500, OR BY IMPRISONMENT FOR NOT MORE THAN SIX MONTHS,
16 OR BY BOTH]. Each day of noncompliance constitutes a separate of-
17 fense. In this section, "recklessly" has the meaning given in AS 11.-
18 81.900.

19 * Sec. 4. AS 18.70.100(b), as amended by sec. 2 of this Act, amends the
20 granting and duration of a stay under Alaska Rule of Appellate Procedure
21 603(a)(2) by prohibiting the granting or continuation of a stay if the
22 court finds it is against the public interest.

23 * Sec. 5. This Act takes effect immediately under AS 01.10.070(c).
24
25
26
27
28
29

Original sponsor: Rules/Governor

IN THE HOUSE

BY THE COMMUNITY AND
REGIONAL AFFAIRS COMMITTEE

CS FOR HOUSE BILL NO. 58 (C&RA)

IN THE LEGISLATURE OF THE STATE OF ALASKA

SIXTEENTH LEGISLATURE - FIRST SESSION

A BILL

For an Act entitled: "An Act relating to the enforcement and penalty provisions of certain laws on fire protection, fireworks, and warning placards for hazardous substances; and providing for an effective date."

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

* Section 1. AS 18.70.090 is amended to read:

Sec. 18.70.090. ENFORCEMENT AUTHORITY [OF REGULATIONS]. The Department of Public Safety and the chief of each [CITY] fire department recognized under regulations adopted by the Department of Public Safety, and their authorized representatives in their respective areas, may enforce the regulations adopted by the Department of Public Safety for the prevention of fire or for the protection of life and property against fire or panic. All state peace officers may assist the Department of Public Safety in the enforcement of AS 18.70.010 - 18.70.100, 18.70.300 - 18.70.310, and the regulations adopted under those sections [IT]. The authority conferred in AS 18.70.010 - 18.70.100 and 18.70.300 - 18.70.310 extends to the enforcement of the provisions of AS 11.46.400 - 11.46.430.

* Sec. 2. AS 18.70.100 is amended to read:

Sec. 18.70.100. VIOLATION. (a) A person is [WHO VIOLATES ANY PROVISION OF AS 18.70.010 - 18.70.100 OR THE PUBLISHED REGULATIONS OR ORDERS ADOPTED UNDER IT FROM WHICH NO APPEAL HAS BEEN TAKEN WITHIN 30 DAYS AFTER THE ISSUANCE OF A FINAL ORDER IS, SEVERALLY, FOR EACH VIOLATION,] guilty of a misdemeanor, and is punishable by a fine of

not more than \$500, or by imprisonment for not more than six months, or by both, if the person (1) violates or otherwise fails to comply with a provision of AS 18.70.010 - 18.70.100, 18.70.300 - 18.70.310, or a regulation adopted under those sections; (2) fails to comply with a department order issued under AS 18.70.010 - 18.70.100 or 18.70.-300 - 18.70.310, unless a motion for a stay is filed with the superior court within 10 days after issuance of the order; or (3) fails to comply with a department order issued under AS 18.70.010 - 18.70.100 or 18.70.300 - 18.70.310, within 10 days after a motion for stay has been denied by the superior court. A person aggrieved by a final order of the department may appeal to the superior court within 30 days after the issuance of the order. The imposition of one penalty for a violation does not excuse the violation. A [AND A] person guilty of a violation shall correct the violation within a reasonable time. When not otherwise specified, each 10 days that a prohibited condition is maintained is a separate offense.

(b) The application of the penalty prescribed in (a) of this section does not prevent the department [DEPARTMENT OF PUBLIC SAFETY] from enforcing the removal of the prohibited conditions.

* Sec. 3. AS 18.70.100 is amended by adding a new subsection to read:

(c) In this section, "department" means the Department of Public Safety or a fire department that is enforcing fire safety regulations under AS 18.70.090.

* Sec. 4. AS 18.72.040 is amended to read:

Sec. 18.72.040. VIOLATION. A person who recklessly [KNOWINGLY AND WILFULLY] fails to comply with a provision of this chapter or fireworks regulations adopted in the fire safety code is guilty of a misdemeanor and upon conviction is punishable by a fine of not more than \$500, or by imprisonment for not more than six months, or by

both. Each day of noncompliance constitutes a separate offense. In this section, "recklessly" has the meaning given in AS 11.81.900.

* Sec. 5. Section 1 of this Act takes effect immediately under AS 01.-
10.070(c).

HB

63

STATE OF ALASKA
THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY
LEGISLATIVE REFERENCE LIBRARY

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

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

HB 603

H. HESS

1/20/89

HOUSE COMMITTEE REPORT

(7)

Date Referred: January 20, 1989

FURTHER REFERRALS: FINANCE

Date of Committee Action: _____

The JUDICIARY Committee recommends that:

HOUSE BILL NO. 63 [EXTEND BOARD OF PAROLE]
"An Act continuing the state board of parole; and providing for an effective date."

[] be replaced with _____ [] the same title
[] a new title

[] have attached amendment(s)

- [] do pass
- [] do not pass
- [] no recommendation
- [] individual recommendations
- [] additional referral to the _____ Committee

ADOPTS: _____ letter of intent

ATTACHES NEW FISCAL NOTE(S):

- [] fiscal impact
- [] zero fiscal note
- [] zero with analysis

APPROVES PREVIOUS:

- [] fiscal note(s) published: _____
- [✓] zero fiscal notes(s) published: _____

SIGNING DO PASS:

Peter Jurek

Walt Humphrey

Mike DeLoach

Al Eskin

Nike Miller

Larry Maston

SIGNING OTHER THAN DO PASS:
(Do Not Pass, No Recommendation, Amend)

Peter Jurek

 chairman's signature

HOUSE COMMITTEE REPORT

(7)

Date Referred: January 9, 1989

FURTHER REFERRALS: JUDICIARY
FINANCE

Date of Committee Action: 1/20/89

The HEALTH, EDUCATION & SOCIAL SERVICES Committee recommends that:

HOUSE BILL NO. 63 [EXTEND BOARD OF PAROLE]

"An Act continuing the state board of parole; and providing for an effective date."

[] be replaced with _____ [] the same title
[] a new title

[] have attached amendment(s)

- do pass
- do not pass
- no recommendation
- individual recommendations
- additional referral to the _____ Committee

ADOPTS: _____ letter of intent

ATTACHES NEW FISCAL NOTE(S):

- fiscal impact
- zero fiscal note
- zero with analysis

APPROVES PREVIOUS:

- fiscal note(s) published: _____
- zero fiscal notes(s) published: _____

SIGNING DO PASS:

J. H. Ellis

Rep. Walt Furnace

Mark Boyer

Max Mendenhall

SIGNING OTHER THAN DO PASS:
(Do Not Pass, No Recommendation, Amend)

J. H. Ellis

 Chairman's signature



Official Business

COMMITTEE:

House HESS Committee

DATE: 1/20/89

SIGN-IN

Subject of meeting:

HB 63 - Extend Board of Parole

HB 59 - Extend Domestic Violence/Sexual Assault Council

NAME	ADDRESS - Include ZIP	PHONE	(Include Title) REPRESENTING	If testifying, specify bill
Gudy Smith	130 Seward Km 301	6-3650	Alc. Network on DV/SA	HB 59
L. R. ...				
Dyana McIntyre	P.O. Box 10131 Fbx 9970	465-4992	COVSA	Will not testify HB 59
G. HORETSKI	P.O. BOX N, JUN.	4372	D. PCB. SAF.	HB 59
S. Bricgan	222 Seward Hwy, Juneau	6-3565	1276 101	
L. Otto	PO Box KC Jun	3428	VOL	Will not testify unless invited HB 59
Jan Unreth	P.O. Box T	3334	Puke Board	HB 63

13

STATE OF ALASKA
1989 LEGISLATIVE SESSION

BILL VERSION: HB 63
PUBLISH DATE: HOUSE 1/9/89

FISCAL NOTE

REQUEST:

Revision Date: _____
Title: "An Act Continuing The State
Board of Parole"
Sponsor: Rules Committee
Requestor: Governor

Agency Affected: Department of Corrections
BRU: _____
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						
SCCELLANEOUS						
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						
TOTAL						

POSITIONS:

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

ANALYSIS : (Attach a separate page if necessary)

Susan E. Knight

Prepared by: Susan Knighton Phone: 465 - 3376
 Division: Administrative Services Date: 10 Nov. 88
S. Humphrey-Barnett
 Approved by Commissioner: Susan Humphrey-Barnett Date: 10 Nov. 88
 Agency: Department of Corrections

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

STEVE COWPER
GOVERNOR



STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

January 9, 1989

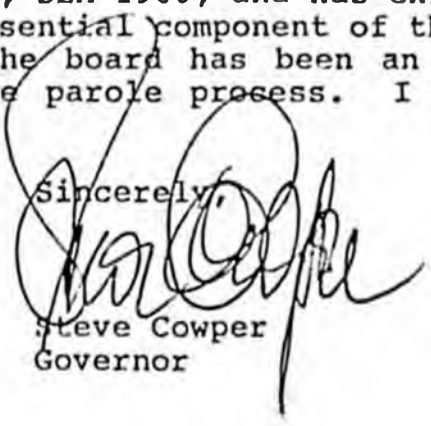
The Honorable Sam Cotten
Speaker of the House
Alaska State Legislature
P.O. Box V
Juneau, AK 99811

Dear Representative Cotten:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill extending the board of parole for the customary four-year period (see AS 44.66.-010(c)). Under current law the board is scheduled to "sunset" June 30, 1989. Under AS 44.66.010(b), it will then go into its wind-down year.

Article III, sec. 21, of the Alaska Constitution requires a parole system to be provided by law. The state board of parole was created by ch. 81, SLA 1960, and has existed ever since. Parole remains an essential component of the state's criminal justice system. The board has been an effective vehicle in administering the parole process. I urge your support of this bill.

Sincerely,



Steve Cowper
Governor

A PERFORMANCE REPORT ON THE
DEPARTMENT OF CORRECTIONS
ALASKA STATE BOARD OF PAROLE

July 1, 1984 - June 30, 1988

Audit Control Number

20-1346-89-R

Commissioner, Department of
Corrections

Susan Humphrey-Barnett

Deputy Commissioner, Department
of Corrections

J. Frank Prewitt

Members of the
Alaska State Board of Parole

Member
Member
Member
Member
Member

Donald R. Bruce
David F. Cooper
Mike Miller
Alonzo Patterson, Jr.
Dolores G. Weiler

STATE OF ALASKA

THE LEGISLATURE BUDGET AND AUDIT COMMITTEE

AUDIT DIVISION
P.O. BOX W
JUNEAU, ALASKA 99811-3300

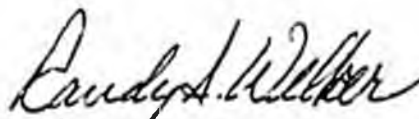
October 13, 1988

Members of the Legislative Budget and Audit Committee:

According to the provisions of Titles 24 and 44 of the Alaska Statutes, the Division of Legislative Audit is required to conduct a "sunset" review of the Alaska State Board of Parole.

At the request of the Chairman, during Fiscal Year 1988 budget deliberations, the Audit Division's budget was revised to reflect certain changes in the organization of the Committee's two Divisions. The revised budget of the Audit Division reflected efficiencies that might be obtained by utilizing the staff of the Legislative Finance Division on selected audit assignments during the interim.

As a result, the audit of the Alaska State Board of Parole was conducted and this report has been prepared by the Legislative Finance Division. We feel this report discharges our responsibility under Titles 24 and 44. The report is submitted for your review.



Randy S. Welker, CPA
Legislative Auditor
Division of Legislative Audit

THE LEGISLATURE

BUDGET AND AUDIT COMMITTEE

FINANCE DIVISION
P.O. BOX WF
JUNEAU, ALASKA 99811
PHONE: (907) 465-3795

August 8, 1988

Members of the Legislative Budget
and Audit Committee:


In accordance with the provisions of Title 24 and 44 of the
Alaska Statutes (sunset legislation), the attached report is
submitted for your review.

A PERFORMANCE REPORT
ON THE
ALASKA STATE BOARD OF PAROLE

July 1, 1984 - June 30, 1988

Audit Control Number

20-1346-89-R



Mike Greany, Director
Division of Legislative Finance

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