

ALASKA LEGISLATURE COMMITTEE FILES
6916 HOUSE JUDICIARY

1991-1992

8672

160

1/29/91

SB65 BOARDS OF FISHERIES AND GAME

BOARD OF FISHERIES (7 MEMBERS)

CURRENT

89 DAYS AT \$150 PER DAY	\$93,450
3 DAYS AT \$100 PER DAY	\$2,100
TOTAL	\$95,550

PROPOSED

89 DAYS AT RANGE 22, STEP A - \$203.93	\$127,048
3 DAYS AT 1/2 RANGE 22, STEP A - \$101.97	\$306
92 DAYS AT \$95 PER DAY PER DIEM	\$61,180
TOTAL	\$188,534

INCREASED COSTS FOR BOARD OF FISHERIES \$92,984

BOARD OF GAME

CURRENT

45 DAYS AT \$150 PER DAY	\$47,250
3 DAYS AT \$100 PER DAY	\$2,100
TOTAL	\$49,350

PROPOSED

48 DAYS AT RANGE 22, STEP A - \$203.93	\$68,520
3 DAYS AT 1/2 RANGE 22, STEP A - \$101.97	\$306
48 DAYS AT \$95 PER DAY PER DIEM	\$31,920
TOTAL	\$100,746

INCREASED COSTS FOR BOARD OF GAME \$51,396

GRAND TOTAL \$144,381

CS FOR HOUSE BILL NO. 65 (RESOURCES)
IN THE LEGISLATURE OF THE STATE OF ALASKA
SEVENTEENTH LEGISLATURE - FIRST SESSION -

BY THE HOUSE RESOURCES COMMITTEE

Offered:
Referred:

Sponsor(s): REPRESENTATIVES DAVIDSON, Koponen

A BILL

FOR AN ACT ENTITLED

1 "An Act providing for the appointment and term of members of the Board of Fisheries
2 and Board of Game; relating to disclosures under the Alaska Executive Branch Ethics Act
3 by members of the Board of Fisheries and Board of Game; providing that members of
4 the Board of Fisheries and Board of Game may be removed only for cause; increasing
5 compensation of members of the Board of Fisheries and Board of Game; and repealing
6 certain references to the Board of Fisheries and Board of Game."

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

8 * Section 1. AS 16.05.221 is amended by adding new subsections to read:

9 (c) Members of the Board of Fisheries or Board of Game serve staggered terms of three
10 years and until a successor is appointed. An appointment to fill a vacancy in the membership
11 of the Board of Fisheries or Board of Game shall be made in the same manner as the original
12 appointment and for the balance of the unexpired term.

13 (d) A member of the Board of Fisheries or the Board of Game who has an interest,

1 financial or otherwise, in a business or organization relating to fish or game resources, shall
2 disclose that interest in the manner provided for in AS 39.52.220.

3 * Sec. 2. AS 16.05.280 is amended to read:

4 Sec. 16.05.280. REMOVAL OF BOARD MEMBERS. The governor may only remove
5 a board member for inefficiency, neglect of duty, [OR] misconduct in office, or because the
6 member has been convicted of a misdemeanor or felony for violating a statute or regulation
7 related to fish or game, by delivering to the member a written copy of the charges and giving
8 the member an opportunity to be heard in person or through counsel at a public hearing before
9 the governor or a designee upon at least 10 days' notice by registered mail. The member may
10 confront and cross-examine adverse witnesses. Upon removal, the governor or a designee shall
11 file in the proper state office the findings and a complete statement of all charges made against
12 the member.

13 * Sec. 3. AS 16.05.290 is amended to read:

14 Sec. 16.05.290. COMPENSATION OF BOARD MEMBERS. Each member of a board
15 is entitled to compensation at a rate equal to Step A, Range 22, of the salary schedule in
16 AS 39.27.011(a) for Juneau, Alaska, [TRAVEL EXPENSES AND \$150 PER DIEM] for each
17 day going to and from and for each day in actual attendance at board meetings. For other
18 meetings or conferences authorized by a board a member shall receive compensation at a rate
19 equal to one-half of Step A, Range 22, of the salary schedule in AS 39.27.011(a) for Juneau,
20 Alaska, for each [\$100 PER] day going to and from and for each day in actual attendance.
21 Each member of a board is also entitled to travel expenses and per diem authorized for
22 boards and commissions under AS 39.20.180.

23 * Sec. 4. APPLICABILITY. A person who is a member of the Board of Fisheries or Board of Game
24 on the effective date of this Act shall serve the term to which the person was appointed, subject to
25 AS 16.05.280, as amended by sec. 2 of this Act. A person who is appointed to the Board of Fisheries
26 or Board of Game after the effective date of this Act shall be appointed for the term provided by
27 AS 16.05.221(c).

28 * Sec. 5. AS 39.05.060(a)(5) and 39.05.060(a)(10) are repealed.

HB

66



Alaska Cabaret, Hotel,
Restaurant & Retailers Association

P.O. Box 104839 • Anchorage, Alaska 99510
~~225 Cordova Building B, Suite 305 • (907) 272-8133~~
401 K St,

January 31, 1991

Gloria Hartzmann
Rep. Bert Sharp's Office
Alaska State Legislature
P. O. Box V
Juneau, AK 99811

Dear Gloria,

As you will see from the reams of material that I have enclosed, our primary interest is in the imposition of reasonable penalties (suspension of driver's license) for minors who attempt to purchase alcohol with the use of false identification. Absolutely nothing seems to happen to these "kids" who are after all, breaking the law.

While House Bill 66 does not specifically address this concern of ours, we applaud Rep. Sharp for his stand to apply a reasonable penalty to 13 to 18 year olds who break the law. A driver's license is a precious thing to a teenager and this is a penalty that will matter to them, while at the same time not cause a burden on the corrections system. Too often, if a case even gets before a judge, he is reluctant to sentence a minor to jail time. This is a reasonable penalty for minors who break the law and we support the passage of HB 66.

If I can be of any assistance, please do not hesitate to call.

Sincerely,

Carol Wilson
Executive Director

CORRESPONDENCE



ALASKA STATE MEDICAL ASSOCIATION

4107 Laurel Street • Anchorage, Alaska 99508-5334 • (907) 562-2662

July 26, 1991

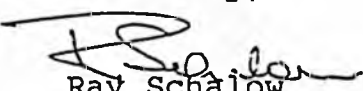
The Honorable Bert M. Sharp
Alaska State House of Representatives
1015 3rd Avenue
Fairbanks, AK 99701

Dear Representative Sharp:

We applaud your efforts this past legislative session for the introducing House Bill No. 66 "An Act relating to revocation of a minor's license to drive."

In April, at our annual meeting, the Alaska State Medical Association adopted Resolution 91-14 that addresses the same subject. If we can assist your efforts with this legislation, please do not hesitate to contact us.

Sincerely,


Ray Schalow
Executive Director

Alaska State Medical Association

4107 Laurel Street Anchorage, Alaska 99508 (907) 562-2662 (Fax) 561-2063

Adopted at the Alaska State Medical Association
Annual Meeting Held in Juneau, Alaska
April 27, 1991

RESOLUTION: 91-14

SUBJECT: Mandatory Drivers License Revocation for Minors DUI

WHEREAS driving under the influence is one of the leading causes of preventable death and disability in our society in general, and

WHEREAS driving under the influence is the leading cause of preventable death and disability among adolescents, and

WHEREAS the majority of drivers killed in automobile accidents are legally under the influence of alcohol, and

WHEREAS purchase, possession and consumption of intoxicating substances, including alcohol, is already illegal for those under age 21, and

WHEREAS patterns of behavior learned in adolescence often carry over into adult life, and

WHEREAS driving a motorized vehicle is a privilege rather than a right, therefore be it

RESOLVED that the Alaska State Medical Association call upon the legislature to pass and the governor to sign into law a mandatory one year revocation of the license to drive for any minor convicted of driving under the influence, and a mandatory revocation for two years or until age 21, whichever comes last, for a second conviction of a minor driving under the influence.

Distribution:

US Department of Health and Human Services
Alaska State Department of Health and Social Services
American Medical Association
Governor Hickel
Alaska State Legislators
Alaska State Troopers
Mothers Against Drunk Driving
Newspapers

Gigi Pilcher
Box 6552
Ketchikan Ak 99901

November 27, 1991

Representative Bert Sharp
119 N. Cushman
Fairbanks, AK 99701

Dear Representative Sharp,

I am responding to your recent letter dated November 22, 1991 regarding HB 66.

After reviewing the proposed bill, I would like to voice my strong support of this legislation. I have a few suggestions which may or may not be feasible and they are as follows:

1) Mandatory attendance by violators to a series of classes on the damaging effects of substance abuse to society.

2) Require violators to pay for the cost of the classes. (These classes are currently required for adults convicted of DWI in Ketchikan.)

3) Drivers license will remain revoked until class attendance is completed.

4) Drivers license be revoked immediately upon violation (no two or three week waiting period).

5) Educate all parents/legal guardians of teen drivers that the parents/guardians have the right to have their child's license revoked at any time. This could be done by having the parent/guardian informed of their rights when they sign for permission when their child applies for their initial license.

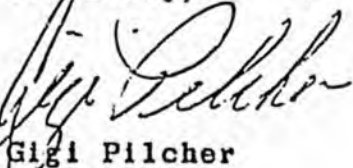
My only comment is that I think the period of revocation is too short.

As the parent of 6 children, ages 2 to 15, I am very concerned about the problem of mixing substances (alcohol and drugs) and driving. Two of my children have their permits and I have stressed to them that a permit and license is a privilege, not a right, and that if I as their parent felt they had abused the privilege that I would have their permit/license revoked.

Therefore, I am very much in favor of the passage of HB 66 and will be happy to assist you in any way to get it passed.

Thank you for sponsoring this bill, passage of it will be a positive measure for all Alaskans.

Sincerely,



Gigi Pilcher

SECTIONAL ANALYSIS
CS HB 66

January 24, 1992

Sec. 1. Revises current law to make it mandatory for the court to revoke the driver's license of a minor adjudicated of misconduct involving a controlled substance, or an alcohol offense, or use of false ID.

Sec. 2. Stiffens the court imposed revocations by making the first offense mandatory for not less than 30 but not more than one year, and the second offense mandatory for not less than 30 days but not more than two years.

Sec. 3. Creates a new section which creates an administrative revocation process (identical to the administrative revocation process for DWI offenders). Probation or peace officers, upon making a determination that a minor has violated the law, shall give notice to the minor that the Department of Public Safety will revoke their driving privileges, and outlines the administrative review process.

Sec. 4. Effective date.

Alaska State Legislature

REPRESENTATIVE
BERT SHARP

DISTRICT 20

MEMBER
FINANCE COMMITTEE

FINANCE SUBCOMMITTEES:
GOVERNOR
FISH AND GAME
LABOR



FAIRBANKS

119 N CUSHMAN
FAIRBANKS, ALASKA 99701
(907) 452-7885/7886


WHILE IN JUNEAU

PO BOX V
STATE CAPITOL
JUNEAU, ALASKA 99811
(907) 465-3004/3018

House of Representatives

MEMORANDUM

TO: Representative Dave Donley
Chairman, House Judiciary Committee

FROM: Representative Bert Sharp 

DATE: February 7, 1992

SUBJ: Hearing request for CSHB66 (TRA)

I respectfully request a hearing before the Judiciary Committee for consideration of CSHB66(TRA).

Driving is a privilege looked forward to by all youngsters. Loss of this privilege can be a strong deterrent. The intent of this bill is to provide the strongest possible incentive for our children to say no to drugs or alcohol.

The purpose of CSHB66 is twofold:

1) It would change the language in AS 28.15.185 from "may" to "shall," requiring a license revocation for a minor adjudicated on charges of misconduct involving drugs, alcohol, or using false ID to purchase alcohol, and establish minimum revocation periods.

2) CSHB66 also adds a new section which would authorize the administrative suspension of a minor's driving privilege for any drug or alcohol related offense, including minor on the premises and using a false ID to purchase alcohol, and establish minimum revocation periods.

Included with this request are: 1) sponsor statement and sectional analysis; 2) fiscal notes from Department of Law, Courts, DHSS, and DPS; 3) Statistical data on minors referred to DFYS; 4) letters of support. The Department of Public Safety and Division of Youth & Family Services support this bill.

For additional information, contact Gloria in my office.



REPRESENTING
GOLDEN HEART
OF ALASKA

Alaska State Legislature

REPRESENTATIVE
BERT SHARP

DISTRICT 20

MEMBER
FINANCE COMMITTEE

FINANCE SUBCOMMITTEES:
GOVERNOR
FISH AND GAME
LABOR



FAIRBANKS

119 N CUSHMAN
FAIRBANKS, ALASKA 99701
(907) 452-7885 / 7886

WHILE IN JUNEAU

PO BOX V
STATE CAPITOL
JUNEAU, ALASKA 99811
(907) 465-3004 / 3018

House of Representatives

SPONSOR STATEMENT CSHB66

Today's society faces many difficult challenges with juveniles, especially related to alcohol or substance abuse. We must work to strengthen the perception that these types of behavior are unacceptable and violations are subject to punishment by loss of a privilege. I believe an effective method of establishing this precedent is through the use of driver's license revocation. It appears that this was the legislative intent of AS 28.15.185, which was enacted in 1988.

Under existing law, a juvenile's driving privilege can be revoked only by the court through the adjudication process, which is costly. However, minors arrested on a drug or alcohol related offense (other than DWI) are automatically referred to the Division of Family & Youth Services (DFYS). The Division's options are limited to referring the minor to court for adjudication, or it must make an in-house recommendation for treatment of the youth. Last year approximately 1,500 juveniles were involved in liquor or drug offenses in Alaska and less than a dozen resulted in adjudication and driver's license suspension. Clearly, the current law is not working.



REPRESENTING
GOLDEN HEART
OF ALASKA

After working for nearly a year with representatives of the Division of Family and Youth Services, the Division of Motor Vehicles, and the Department of Law, I believe CSHB66(TRA) is an effective and operationally functional method of strengthening the process.

The intent behind CSHB66 is to provide the Department of Public Safety and Division of Youth & Family Services with a tool to help discourage youth from starting the dangerous and sometimes fatal association with drugs and alcohol. Many states have enacted similar legislation designed to provide teenagers with a totally understandable disincentive to alcohol and substance abuse through that of driver's license revocation. This has proven to be an effective method for two reasons: 1) it gives youth a reason to say "no" which is acceptable to their peers, and 2) it provides positive reinforcement to drug-free teenagers by maintaining their eligibility to drive.

I firmly believe this will be a strong preventive tool. The threat of losing one's wheels is a clear message to a teenager. Most importantly, it places the responsibility on the youth -- it is, after all, their choice.

HOUSE COMMITTEE REPORT

5-20-92

(7)

Date Referred: February 7, 1992

FURTHER REFERRALS:

Finance

Date of Committee Action: 3-19-92

The JUDICIARY Committee considered:

HB 66

HOUSE BILL NO. 66

REVOCATION OF MINOR'S DRIVERS LICENSE

"An Act relating to revocation of a minor's license to drive."

RECOMMENDATIONS:

be replaced with CS HB 66 (JUD)

[x] the same title [] a new title

[] have attached amendments(s)

[x] do pass

[] do not pass

[] no recommendations

[] individual recommendations

[] additional referral to the _____ Committee

ADOPTS: _____ letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept)

APPROVES PREVIOUS: (Dept/Date)

[x] fiscal impact Public Safety

[] fiscal note(s)

[] zero fiscal note

[x] zero fiscal note(s) Law (2-7) 92

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
Kevin Pat Parnell	x	Mike Miller			x
Mark Stanley	x	Larry Martin			x
Dave Donley	x	Alfred Zuercher		x	
		Jim Ellis		x	

Dave Donley
CHAIRMAN'S SIGNATURE

FISCAL NOTE

STATE OF ALASKA
1992 LEGISLATIVE SESSION

(Work Draft)
BILL NO. CSHB 66 ()
Dated 11/14/91

Revision Date: _____ Department Affected: Department of Law
Title: "An Act relating to revocation of a minor's license to drive." BRU: Prosecution
Sponsor: Representative Sharp Component: Criminal Justice Litigation
Requestor: Representative Sharp COMPONENT SERIAL NO.

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EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL						
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REVENUE						
FUND SOURCE:						

FUNDING: (Thousands of Dollars)

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

POSITIONS:

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

Estimate of current year impact: _____

ANALYSIS: (Attach a separate page if necessary.)
Please see the attached analysis.

Prepared By: Richard I. Pegues, Director Phone: 465-3672
Division: Administrative Services Date: December 20, 1991
Approved by Commissioner: Richard I. Pegues / FEN
Charles E. Cole, Attorney General
Agency: Department of Law Date: December 20, 1991

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. CSHB 66 (Work Draft)
(dated 11/14/91)

The committee substitute for HB 66 extends the driver's license revocation penalties, under AS 28,15,185(a), for minors from age 13 years through 17 years to include using fraudulent or false identification to enter a licensed premises where alcoholic beverages are sold for the purposes of obtaining alcoholic beverages contrary to law. Currently, AS 28.15.185 already prescribes this penalty for a person who is at least 13 years of age but not older than 17 years of age who is adjudicated by a juvenile court of misconduct involving a controlled substance under AS 11.71, or possession or consumption of alcohol under AS 04.16.050.

The bill also sets a minimum mandatory revocation of not less than 30 days, but no more than one year, for a first conviction or adjudication. And the bill sets a mandatory revocation of not less than 30 days, but not more than two years for a second or subsequent conviction or adjudication. The existing penalty is discretionary not to exceed 90 days for a first conviction, and discretionary not to exceed one year for a second subsequent conviction.

Last, the bill establishes a formal administrative revocation process, under proposed AS 28.15.187, allowing the Department of Public Safety to revoke a minor's driver's license administratively, under the circumstances outlined above.

This bill will not have a fiscal impact on the Department of Law, because the most significant change is to include use of a fraudulent or false identification to obtain alcoholic beverages unlawfully. Likewise, the minimum mandatory license revocation period is not unreasonable and should not result in any additional work. Including these penalties in the administrative license revocation process will also have little or no impact.

FISCAL NOTE

STATE OF ALASKA
1992 LEGISLATIVE SESSION

BILL NO. HB 66

Revision Date: _____ Department Affected: Public Safety
 Title: An Act relating to revocation BRU: Motor Vehicles
of a minor's license to drive Component: Driver Services
 Sponsor: Representative Sharp
 Requestor: House Transportation COMPONENT SERIAL NO.

5	0	0
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EXPENDITURES/REVENUES: (Thousands of Dollars) (inflation not included)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES	134.5	134.5	134.5	134.5	134.5	134.5
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	6.7	6.7	6.7	6.7	6.7	6.7
SUPPLIES	1.5	1.5	1.5	1.5	1.5	1.5
EQUIPMENT	24.7	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING	167.4	142.7	142.7	142.7	142.7	142.7

CAPITAL	0	0	0	0	0	0
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REVENUE FUND SOURCE:	135.0	135.0	135.0	135.0	135.0	135.0
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FUNDING: (Thousands of Dollars)

GENERAL FUND	32.3	7.6	7.6	7.6	7.6	7.6
FEDERAL FUNDS						
OTHER GF/PRGM FUND SOURCE: 1005	135.0	135.0	135.0	135.0	135.0	135.0
TOTAL	167.4	142.7	142.7	142.7	142.7	142.7

POSITIONS:

FULL-TIME	3	3	3	3	3	3
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

Estimate of current year impact: _____

ANALYSIS: (Attach a separate page if necessary.)

See attached.

Prepared By: Juanita Hensley Phone: 465-4335
 Division: Drivers Services Date: 1/23/92
 Approved by Commissioner: *Richard L. Burton* Richard L. Burton
 Agency: Department of Public Safety Date: 1/24/92

This bill will require the Division of Motor Vehicles to administratively revoke the driver's license of any juvenile between the ages of 13 and 17 who has consumed or who is in possession of drugs or alcohol. The Division of Family and Youth Services report approximately 1,500 juveniles yearly are referred to their agency by police authorities for alcohol or drug offenses of are brought in because the juvenile has violated his or her probation by using drugs and/or alcohol.

In order to handle 1,500 additional license revocations a year, and provide due process for the juvenile, one full-time Driver Improvement Specialist/Hearing Officer, and two full-time Document Processor II's will be required. The duties of these positions are detailed in the attached requests for a new position. The cost for personal services for two Document Processor II positions is 70.1; the cost for a Driver Improvement Specialist is 53.6; an additional 10.8 is needed for overtime expenses associated with reinstatement of revoked driver's licenses. The total for personal services is 134.5. The overtime pay is requested in lieu of a Motor Vehicle Representative III position, as the workload required to reinstate the offenders' driver's licenses will be borne by all of the Motor Vehicle Field offices throughout the state.

To revoke 1,500 additional driver's licenses a year takes over 30 processing steps per revoked license. It takes approximately 20 minutes to one hour to conduct an administrative hearing. Each processing step varies in the time it takes to complete. Complete accuracy is essential, as an error of entry onto a record could result in civil liability to the State. It takes approximately 20 minutes per applicant to reinstate a revoked driver's license; the person must make a new application for the driver's license or permit, take all of the required tests, and if the person is under the age of 18 a parent or legal guardian must give consent for the driver's license or permit, and pay the reinstatement fee. All of these steps total approximately 400 hours of additional workload for the Motor Vehicle Field office personnel.

Under existing law, each person whose license has been revoked must pay a \$100 fee when applying for reinstatement of his or her driver's license. Assuming that 90 percent of the minors who are eligible for reinstatement will comply with the reinstatement requirements, approximately 135.0 will be generated annually as program receipts.

DETAIL

		<u>FY93</u>
100	PERSONAL SERVICES	134.5
	2 Document Processor II 70.1	
	1 Driver Improvement Spec 53.6	
	Overtime MVR III Field Office 10.8	
200	CONTRACTUAL	6.7
	Postage and tolls 2.5	
	Telephone line fees .5	
	Conference call and long distance fees 3.7	
400	SUPPLIES	1.5
	Routine Office Supplies	
500	EQUIPMENT	24.7
	3 Computer Terminals	
	3 Network Line Hook-ups	
	3 Desks	
	3 Chairs	
	3 5-Drawer File Cabinets	
	TOTAL	167.4

Position Title Document Processor II		No. of Positions 2	Range/Step 8-B	Barg. Unit GGU	
Time Status PPT	Staff Months 12 each	Location Juneau		Election District	
Type of Expenditure		Justification			
Amount		<p>These positions would handle the necessary paperwork and computer entry onto the minor's record. Among other duties, the positions will send out letters advising the person of the dates of the license revocation, prepare files for hearing officer after the person has requested a hearing, file, close files out, sanitize for microfilm, microfilm, enter microfilm documents for microfilm retrieval, enter license revocation data. It is estimated that these positions will handle approximately 1,500 license revocation files a year.</p>			
1	2				3
Salary*	46.3				////////////////////
Benefits*	23.8				////////////////////
Premium Pay (Included in Above)	////////////////////				////////////////////
Other	////////////////////				////////////////////
Total Personal Services	////////////////////				70.1
Travel					0
Contractual					4.5
Commodities					1.0
Equipment					16.5
Other					0
Total Cost		92.1			
Funding Source for Total Cost					
Federal Receipts	1002				
G.F. Match	1003				
General Fund	1004				
Program Receipts/GF	1005				
I-A Receipts	1007				
CIP Receipts	1061				
Other					
* Personal Services Salary and Benefits Costs are from PACS calculations.					

REQUEST FOR
NEW POSITION

AGENCY Department of Public Safety
 BRU Motor Vehicles
 COMPONENT Driver Services

Page 4 of 5
Revised Date

FY 93

Position Title Driver Improvement Specialist		No. of Positions 1	Range/Step 16-A	Barg. Unit GGU
Time Status PPT	Staff Months 12	Location Juneau		Election District
Justification				
Type of Expenditure			Amount	
1	2	3		
Salary*	37.3	////////////////////		
Benefits*	16.3	////////////////////		
Premium Pay (Included in Above)	////////////////////	////////////////////		
Other	////////////////////	////////////////////		
Total Personal Services	////////////////////	53.6		
Travel		0		
Contractual		2.2		
Commodities		.5		
Equipment		8.2		
Other Overtime		10.8		
Total Cost		75.3		
Funding Source for Total Cost				
Federal Receipts	1002			
G.F. Match	1003			
General Fund	1004			
Program Receipts/GF	1005			
I-A Receipts	1007			
CIP Receipts	1061			
Other				
* Personal Services Salary and Benefits Costs are from PACS calculations.				
<p>This position will conduct administrative hearings involving the revocation of a minor's driver's license and/or privilege to drive. It will prepare the file, send notice to parties advising of the date and time of the hearing, conduct the hearing, prepare the file for appeal, enter license action onto the minor's driving record, and handle all correspondence associated with this program.</p>				

REQUEST FOR
NEW POSITION

AGENCY Department of Public Safety
 BRU Motor Vehicles
 COMPONENT Driver Services

Page 5 of 5
Revised Date

FY 93

FISCAL NOTE

STATE OF ALASKA
1992 LEGISLATIVE SESSION

BILL NO. CSHB 66(TRANS)

Revision Date: 3/9/92 Department Affected: Public Safety
 Title: An Act relating to revocation BRU: Motor Vehicles
of a minor's license to drive Component: Driver Services
 Sponsor: Representative Sharp
 Requestor: House Judiciary COMPONENT SERIAL NO.

5	0	0
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EXPENDITURES/REVENUES: (Thousands of Dollars) (inflation not included)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES	134.5	134.5	134.5	134.5	134.5	134.5
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	6.7	6.7	6.7	6.7	6.7	6.7
SUPPLIES	1.5	1.5	1.5	1.5	1.5	1.5
EQUIPMENT	24.7	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING	167.4	142.7	142.7	142.7	142.7	142.7

CAPITAL	0	0	0	0	0	0
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REVENUE FUND SOURCE:	135.0	135.0	135.0	135.0	135.0	135.0
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FUNDING: (Thousands of Dollars)

GENERAL FUND	32.3	7.6	7.6	7.6	7.6	7.6
FEDERAL FUNDS						
OTHER GF/PRGM FUND SOURCE: 1005	135.0	135.0	135.0	135.0	135.0	135.0
TOTAL	167.4	142.7	142.7	142.7	142.7	142.7

POSITIONS:

FULL-TIME	3	3	3	3	3	3
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

Estimate of current year impact: _____

ANALYSIS: (Attach a separate page if necessary.)

See attached.

Prepared By: Juanita Hensley Phone: 465-4335
 Division: Drivers Services Date: 3/9/92
 Approved by Commissioner: Richard L. Burton
 Agency: Department of Public Safety Date: 3/9/92

This bill will require the Division of Motor Vehicles to administratively revoke the driver's license of any juvenile between the ages of 13 and 17 who has consumed or who is in possession of drugs or alcohol. The Division of Family and Youth Services report approximately 1,500 juveniles yearly are referred to their agency by police authorities for alcohol or drug offenses of are brought in because the juvenile has violated his or her probation by using drugs and/or alcohol.

In order to handle 1,500 additional license revocations a year, and provide due process for the juvenile, one full-time Driver Improvement Specialist/Hearing Officer, and two full-time Document Processor II's will be required. The duties of these positions are detailed in the attached requests for a new position. The cost for personal services for two Document Processor II positions is 70.1; the cost for a Driver Improvement Specialist is 53.6; an additional 10.8 is needed for overtime expenses associated with reinstatement of revoked driver's licenses. The total for personal services is 134.5. The overtime pay is requested in lieu of a Motor Vehicle Representative III position, as the workload required to reinstate the offenders' driver's licenses will be borne by all of the Motor Vehicle Field offices throughout the state.

To revoke 1,500 additional driver's licenses a year takes over 30 processing steps per revoked license. It takes approximately 20 minutes to one hour to conduct an administrative hearing. Each processing step varies in the time it takes to complete. Complete accuracy is essential, as an error of entry onto a record could result in civil liability to the State. It takes approximately 20 minutes per applicant to reinstate a revoked driver's license; the person must make a new application for the driver's license or permit, take all of the required tests, and if the person is under the age of 18 a parent or legal guardian must give consent for the driver's license or permit, and pay the reinstatement fee. All of these steps total approximately 400 hours of additional workload for the Motor Vehicle Field office personnel.

Under existing law, each person whose license has been revoked must pay a \$100 fee when applying for reinstatement of his or her driver's license. Assuming that 90 percent of the minors who are eligible for reinstatement will comply with the reinstatement requirements, approximately 135.0 will be generated annually as program receipts.

DETAIL

		<u>FY93</u>
100	PERSONAL SERVICES	134.5
	2 Document Processor II 70.1	
	1 Driver Improvement Spec 53.6	
	Overtime MVR III Field Office 10.8	
200	CONTRACTUAL	6.7
	Postage and tolls 2.5	
	Telephone line fees .5	
	Conference call and long distance fees 3.7	
400	SUPPLIES	1.5
	Routine Office Supplies	
500	EQUIPMENT	24.7
	3 Computer Terminals	
	3 Network Line Hook-ups	
	3 Desks	
	3 Chairs	
	3 5-Drawer File Cabinets	
	TOTAL	167.4

Position Title Document Processor II		No. of Positions 2	Range/Step 8-B	Barg. Unit GHI	
Time Status PFT	Staff Months 12 each	Location Juneau		Election District	
Type of Expenditure		Justification			
		<p>These positions would handle the necessary paperwork and computer entry onto the minor's record. Among other duties, the positions will send out letters advising the person of the dates of the license revocation, prepare files for hearing officer after the person has requested a hearing, file, close files out, sanitize for microfilm, microfilm, enter microfilm documents for microfilm retrieval, enter license revocation data. It is estimated that these positions will handle approximately 1,500 license revocation files a year.</p>			
Amount					
1	2				3
Salary*	46.3				////////////////////
Benefits*	23.8				////////////////////
Premium Pay (Included in Above)	////////////////////				////////////////////
Other	////////////////////				////////////////////
Total Personal Services	////////////////////				70.1
Travel					0
Contractual					4.5
Commodities					1.0
Equipment					16.5
Other					0
Total Cost					92.1
Funding Source for Total Cost					
Federal Receipts	1002				
G.F. Match	1003				
General Fund	1004				
Program Receipts/GF	1005				
I-A Receipts	1007				
CIP Receipts	1061				
Other					
* Personal Services Salary and Benefits Costs are from PACS calculations.					

REQUEST FOR
NEW POSITION

AGENCY Department of Public Safety
 BRU Motor Vehicles
 COMPONENT Driver Services

Page 4 of 5
 Revised Date

FY 93

Position Title Driver Improvement Specialist		No. of Positions 1	Range/Step 16-A	Barg. Unit GCII
Time Status PFT	Staff Months 12	Location Juneau	Election District	
Type of Expenditure		Justification		
1	2	3		
Salary*	37.3	////////////////////////////////////		
Benefits*	16.3	////////////////////////////////////		
Premium Pay (Included in Above)	////////////////////////////////////	////////////////////////////////////		
Other	////////////////////////////////////	////////////////////////////////////		
Total Personal Services	////////////////////////////////////	53.6		
Travel		0		
Contractual		2.2		
Commodities		.5		
Equipment		8.2		
Other Overtime		10.8		
Total Cost		75.3		
Funding Source for Total Cost				
Federal Receipts	1002			
G.F. Match	1003			
General Fund	1004			
Program Receipts/GF	1005			
I-A Receipts	1007			
CIP Receipts	1061			
Other				
* Personal Services Salary and Benefits Costs are from PACS calculations.				
<p>This position will conduct administrative hearings involving the revocation of a minor's driver's license and/or privilege to drive. It will prepare the file, send notice to parties advising of the date and time of the hearing, conduct the hearing, prepare the file for appeal, enter license action onto the minor's driving record, and handle all correspondence associated with this program.</p>				

**REQUEST FOR
NEW POSITION**

AGENCY Department of Public Safety
 BRU Motor Vehicles
 COMPONENT Driver Services

Page 5 of 5
 Revised Date

FY 93

FISCAL NOTE

STATE OF ALASKA
1992 LEGISLATIVE SESSION

Bill No. HB 66

Revision Date: _____ Department Affected: Alaska Court System
 Title: An Act relating to revocation of BRU: Trial Courts
a minor's license to drive Components: _____
 Sponsor: Sharp
 Requestor: _____ COMPONENT SERIAL NO.

000 000	000 768
-----------	-----------

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS & CLAIMS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

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

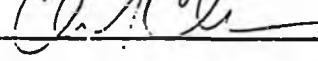
POSITIONS:

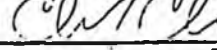
FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year impact: None

ANALYSIS: (Attach a separate page if necessary)

No fiscal impact.

Prepared by: C. S. Christensen III, Staff Counsel  Phone: 264-8228
 Division: Alaska Court System Date: 01/30/92

Approved by: Arthur H. Snowden, II, Administrative Director  Date: 01/30/92
 Agency: Alaska Court System

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB, & Impacted Agency(ies).

Alaska State Legislature

REPRESENTATIVE
BERT SHARP

DISTRICT 20

MEMBER
FINANCE COMMITTEE

FINANCE SUBCOMMITTEES:
GOVERNOR
FISH AND GAME
LABOR



FAIRBANKS

119 N CUSHMAN
FAIRBANKS, ALASKA 99701
(907) 452-7885/7886

WHILE IN JUNEAU

PO BOX V
STATE CAPITOL
JUNEAU, ALASKA 99811
(907) 465-3004/3018

House of Representatives

RE: CS HB 66

FROM: Representative Bert Sharp

DATE: April 2, 1991

SUBJ: Statistical information provided by Dick Illias, Youth
Corrections Administrator:

Number of minors referred to DFYS, FY90 (all referrals)	6,539
Number of minors taken to court, FY90	1,159
Number of court cases dismissed	123
Number of license revocations since 1988	12



REPRESENTING
GOLDEN HEART
OF ALASKA

FISCAL NOTE

STATE OF ALASKA
1992 LEGISLATIVE SESSION

BILL NO. CSHB 66 (TRA)

Revision Date: _____

Department Affected: Administration

Title: An Act relating to revocation of a minor's license to drive.

BRU: Public Defender Agency

Component: Public Defender Agency

Sponsor: Sharp

Requestor: _____

COMPONENT SERIAL NO.

1	6	3	1
---	---	---	---

Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES	*	*	*	*	*	*
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	*	*	*	*	*	*

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

REVENUE FUND SOURCE:						
----------------------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

GENERAL FUND	*	*	*	*	*	*
FEDERAL FUNDS						
OTHER FUND SOURCE:						
TOTAL	*	*	*	*	*	*

POSITIONS:

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

Estimate of current year impact: _____

ANALYSIS: (Attach a separate page if necessary.)
Without meaningful statistics on which to base the analysis, costs cannot be quantified at this time.

CONTINUED ON ATTACHED PAGE

Prepared by: John F. Salemi, Public Defender
Division: Public Defender Agency

Phone: 279-7541
Date: March 3, 1992

Approved by Commissioner: Nancy Bear Usera
Agency: Administration

Date: 3/3/92

Distribution (by preparer): Leg. Fin., Legislative Sponsor, Requestor, OMB/DBR, Gov. Legis. Ofc., & Impacted Agency(ies).

FISCAL NOTE

STATE OF ALASKA
1992 LEGISLATIVE SESSION

BILL NO. CSHB66

Revision Date February 6, 1992

Dept. Affected Health and Social Services

Title: "An act relating to revocation of a minor's license to drive"

BRU: Family and Youth Services

Component: SCRO, NRO, SERO

Sponsor: Representative Sharp

Requestor: Representative Sharp

COMPONENT SERIAL NO. 0254 0255 0258

Expenditures/Revenues

(Thousands of Dollars)

OPERATING	FY93	FY94	FY95	FY96	FY97	FY98
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

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

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

FUNDING:

(Thousands of Dollars)

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

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year impact: **NONE**

ANALYSIS: (Attach a separate page if necessary)

This bill will have a minor administrative impact on the Department of Health and Social Services. It will require that an administrative referral process be incorporated into the already-existing intake screening system to assure those affected minors under the bill are properly referred to the Department of Public Safety for administrative revocation of their driver's license.

Prepared by: Brian Saylor, Deputy Commissioner, H & SS

Phone: 465-3030

Division: Family and Youth Services

Date: February 7, 1992

Approved by Commissioner: Theodore A. Mala

Date: 11 Feb 1992

Agency: Department of Health and Social Services

Distribution (by preparer):

Legislative Finance OMB
Legislative Sponsor Impacted Agency(ies)
Requestor

CORRECTION

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

FISCAL NOTE

STATE OF ALASKA
1992 LEGISLATIVE SESSION

BILL NO. CSHB 66 (TRA)

Revision Date: _____

Department Affected: Administration

Title: An Act relating to revocation of a minor's license to drive.

BRU: Public Defender Agency

Component: Public Defender Agency

Sponsor: Sharp

Requestor: _____

COMPONENT SERIAL NO.

1	6	3	1
---	---	---	---

Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES	*	*	*	*	*	*
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	*	*	*	*	*	*

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

REVENUE FUND SOURCE:						
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FUNDING: (Thousands of Dollars)

GENERAL FUND	*	*	*	*	*	*
FEDERAL FUNDS						
OTHER FUND SOURCE:						
TOTAL	*	*	*	*	*	*

POSITIONS:

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

Estimate of current year impact: _____

ANALYSIS: (Attach a separate page if necessary.)
Without meaningful statistics on which to base the analysis, costs cannot be quantified at this time.
CONTINUED ON ATTACHED PAGE

Prepared by: John F. Salemi, Public Defender
Division: Public Defender Agency

Phone: 279-7541
Date: March 3, 1992

Approved by Commissioner: Nancy Bear Usura
Agency: Administration

Date: 3/3/92

Distribution (by preparer): Leg. Fin., Legislative Sponsor, Requestor, OMB/DBR, Gov. Legis. Ofc., & Impacted Agency(ies).

BILL ANALYSIS - CSHB 66 (Transp.)

Title: "An Act relating to revocation of a minor's license to drive."

This bill provides for mandatory driver's license revocation of a minor under 18 who uses fraudulent or false identification to purchase alcohol.

Section 2 provides that the mandatory revocations for this offense as well as for misconduct involving a controlled substance or possession or consumption of alcohol are increased for a first offender to thirty days up to one year, and for a second or subsequent offender, thirty days up to two years.

Section 3 provides for an administrative revocation of a minor's license to drive if a probation or peace officer determines that a person thirteen but not yet eighteen years of age has possessed or used a controlled substance, has possessed or consumed alcohol or has used fraudulent or false identification to purchase alcohol. Such administrative revocation need only be proven by a preponderance of the evidence and shall be thirty days for a first revocation, ninety days for a second or subsequent revocation and such revocation shall be consecutive to any license revocation imposed under another provision of law.

This statute may be subject to constitutional challenge. The loss of a valuable license such as a driver's license has been recognized as such a severe penalty so as to give rise to the constitutional right to jury trial and counsel. (Baker v. City of Fairbanks, 471 P.2d 386 (Alaska 1970). Alexander v. City of Anchorage, 490 P.2d 910 (Alaska 1971)). The summary administrative revocation procedure with a minimal burden of proof may have severe due process problems. It is difficult to determine to what extent additional lawyers and jury trials will be necessary if this bill becomes law. Law enforcement and prosecution will determine the level of enforcement. There may be some increase in the workload of the Public Defender Agency. If this bill does pass into law and additionally passes constitutional muster, over time the fiscal impact may be significant. Driving has become almost a necessity in this society. This is particularly true in Alaska given the lack of adequate public transportation, extreme weather conditions, and the urban sprawl in Anchorage, Fairbanks and on the Kenai peninsula. People who have their driver's licenses suspended often continue to drive. A number of these people will subsequently be charged for driving with license suspended, a serious misdemeanor offense with penalties including jail time, fines, and further license revocations. The end result will be even more public defender cases, increased jury trials and other court proceedings. However, without meaningful statistics regarding the number of cases which may be affected by the broader application of license revocation penalties, quantifying definite fiscal impact is impossible.

FISCAL NOTE

STATE OF ALASKA
1992 LEGISLATIVE SESSION

BILL NO. CSHB66

Revision Date February 6, 1992

Dept. Affected Health and Social Services

Title: "An act relating to revocation of a minor's license to drive"

BRU: Family and Youth Services

Component: SCRO, NRO, SERO

Sponsor: Representative Sharp

Requestor: Representative Sharp

COMPONENT SERIAL NO. 0254 0255 0258

Expenditures/Revenues

(Thousands of Dollars)

OPERATING	FY93	FY94	FY95	FY96	FY97	FY98
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

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

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

FUNDING:

(Thousands of Dollars)

GENERAL FUND	FY93	FY94	FY95	FY96	FY97	FY98
FEDERAL FUNDS						
OTHER						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

FULL-TIME	FY93	FY94	FY95	FY96	FY97	FY98
PART-TIME						
TEMPORARY						

Estimate of current year impact: **NONE**

ANALYSIS: (Attach a separate page if necessary)

This bill will have a minor administrative impact on the Department of Health and Social Services. It will require that an administrative referral process be incorporated into the already-existing intake screening system to assure those affected minors under the bill are properly referred to the Department of Public Safety for administrative revocation of their driver's license.

Prepared by: Brian Saylor, Deputy Commissioner, H & SS

Phone: 465-3030

Division: Family and Youth Services

Date: February 7, 1992

Approved by Commissioner: Theodore A. Mala

Date: 11 Feb 1992

Agency: Department of Health and Social Services

Distribution (by preparer):

Legislative Finance OMB
Legislative Sponsor Impacted Agency/(ies)
Requestor

FISCAL NOTE

STATE OF ALASKA
1992 LEGISLATIVE SESSION

BILL NO. CSHB 66 (TRA)

Revision Date: _____

Title: An Act relating to revocation of a minor's license to drive

Sponsor: Sharp

Requestor: House Judiciary

Department Affected: Administration

BRU: Office of Public Advocacy

Component: Office of Public Advocacy

COMPONENT SERIAL NO.

		4	3
--	--	---	---

Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL	0	0	0	0	0	0
---------	---	---	---	---	---	---

REVENUE FUND SOURCE:	0	0	0	0	0	0
----------------------	---	---	---	---	---	---

FUNDING: (Thousands of Dollars)

GENERAL FUND	0	0	0	0	0	0
FEDERAL FUNDS	0	0	0	0	0	0
OTHER FUND SOURCE:	0	0	0	0	0	0
TOTAL	0	0	0	0	0	0

POSITIONS:

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

Estimate of current year impact: None

ANALYSIS: (Attach a separate page if necessary.)

Prepared by: Brant McGee, Public Advocate
Division: Office of Public Advocacy

Phone: 274-1684
Date: February 18, 1992

Approved by Commissioner: Nancy Bear Usara
Agency: Administration

Date: 3/2/92

Distribution (by preparer): Leg. Fin., Legislative Sponsor, Requestor, OMB/DBR, Gov. Legis. Ofc., & Impacted Agency(ies).

HB

67

Alaska State Legislature
Representative Niilo Koponen

House District 21

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

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

SPONSOR STATEMENT

House Bill 67

"An act relating to the impoundment of mistreated animals"

By Representative Niilo Koponen

Alaska's harsh climate frequently amplifies simple neglect of domestic animals into horrifying episodes of starvation and death. Tragic cases of animal abuse have inspired Alaskan municipalities to equip themselves with the legal ability to take custody of mistreated animals and turn them over to humane societies and other private caretakers until the abusive situation is corrected. Sadly, when such abuse occurs outside borough or municipal boundaries, the State of Alaska is powerless to take action to prevent further suffering.

This bill provides that animals certified by a veterinarian as mistreated may be impounded by Department of Public Safety officials and removed to a setting of proper care and rehabilitation. The Department maintains a current list of volunteer humane associations capable and willing to receive such animals and care for them appropriately.

FISCAL NOTE

STATE OF ALASKA
1992 LEGISLATIVE SESSION

BILL NO. CSHB 67(SA)

Revision Date: _____ Department Affected: Public Safety
 Title: An Act relating to the impoundment of mistreated animals. BRU: Alaska State Troopers
 Component: Detachments
 Sponsor: Representative Koonen
 Requestor: House Judiciary COMPONENT SERIAL NO.

7	9	9
---	---	---

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

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL	223.8	223.8	223.8	223.8	223.8	
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	223.8	223.8	223.8	223.8	223.8	223.8

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

REVENUE FUND SOURCE:						
-------------------------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

GENERAL FUND	223.8	223.8	223.8	223.8	223.8	223.8
FEDERAL FUNDS						
OTHER FUND SOURCE:						
TOTAL	223.8	223.8	223.8	223.8	223.8	223.8

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year impact: _____

ANALYSIS: (Attach a separate page if necessary.)

See attached analysis

Prepared By: Gayle A. Horetski Phone: 465-4322
 Division: Commissioner's Office Date: 1/16/92
 Approved by Commissioner: *Gayle A. Horetski* for Richard L. Burton
 Agency: Department of Public Safety Date: 1/16/92

Department of Public Safety
CSHB 67(SA)
Fiscal Note Analysis
Page 2 of 4

CSHB 67(SA) amends AS 03.55 and AS 11.61 by adding a new section to each statute. AS 11.61.142 establishes the crime of mistreatment of animals as a Class B misdemeanor. AS 03.55.110 provides for the impoundment of mistreated animals by a peace officer as evidence of a crime or in order to protect the health and well being of an animal.

Under CSHB 67(SA) the Department of Public Safety would be required to do the following:

1. Investigate the mistreatment of animals identified through a complaint or discovered through the normal course of their enforcement programs.
2. Determine the level of mistreatment to the animal(s) and elect a course of action that may include removal of the animal(s) either as evidence of a crime or solely for the protection of the animal.
3. Ensure that the animal(s) are removed to a place that provides humane care and treatment.
4. Provide notice of impoundment.
5. Establish procedures to allow fee collection from owners wanting to reclaim their animal(s).
6. Establish procedures for the adoption or the disposal of the animal(s) that are not claimed by the owner(s).

The bill requires that the animal owner be provided an opportunity for an expedited hearing to appeal the impoundment of the animal(s), but does not identify the agency responsible for ensuring this. The bill also does not draw any distinction between the criminal and non-criminal impoundment in relation to the appeals or their costs. This fiscal note does not include the cost for an appeal hearing as we are assuming that responsibility will be with the Department of Law.

The Department of Public Safety presently does not have the requisite facilities or animal care expertise to fulfill the obligations as set out in this bill. Because the provisions contained here have a statewide application it can be anticipated that reported cases will come from throughout rural and urban Alaska, including largely uninhabited and inaccessible parts of the State. An example would be a complaint against a big game guide whose base of operations might be deep in the Alaska wilderness. If all of the responsibilities and costs are

Department of Public Safety
CSHB 67(SA)
Fiscal Note Analysis
Page 3 of 4

determined to fall to the Department of Public Safety, it would be the Department's responsibility to transport the impounded animals, when possible, to the nearest place of care and treatment, and then to contract with individuals or businesses to provide the necessary follow-up care and services. There could be cases where the animal(s) in question could not be transported and would have to be cared for in place. This would add considerably to the cost associated with the requirements of this bill, including shipping of food and other materials to the site of the animals, daily care costs, transportation costs of veterinarian, etc.

The number of animal care complaints has been low so far, but the cases handled by the Department of Public Safety in the recent past have been fairly substantial in terms of the large number of animals per incident. In one case, the Alaska State Troopers in Soldotna had to manage over 100 dogs and several horses in a "cruelty to animals" criminal investigation. Additionally, it could be expected that the number of reported cases would increase sharply once the public became aware of this new law.

While this bill specifies several types of animals as being covered, for purposes of identifying the fiscal impact upon the Department of Public Safety, horses, dogs, and miscellaneous animals will be used to describe baseline data as reported cases generally fall in one of these three categories.

ANIMALS IMPOUNDED PER YEAR
by the DEPARTMENT OF PUBLIC SAFETY

1. Horses	50
2. Dogs	100
3. Misc. Animals	25

TRANSPORTATION TO IMPOUND

Horse trailering: 50 horses x \$1.00 per mile per horse x 50 mi. (Includes round trip contingency)	\$ 2,500.00
Air transport small animals 25 animals x \$200.00 (Includes round trip contingency)	\$ 5,000.00
Ground transport fee for small animals, \$50.00 x 100 animals (Includes return trip contingency)	\$ 5,000.00
Facilities fee, horses \$300.00 per mo. x 50 horses x 60 days includes food/water	\$ 30,000.00
Facilities fee, small animals 125 x \$5.00 per day x 60 days	\$ 37,500.00
Veterinarian Services 175 initial exams, 175 follow- up exams (350 total exams) x \$80/hr minimum (4 hrs. per exam)	\$112,000.00
Medications \$50.00 per animal per incident	\$ 8,750.00
Veterinarian transportation costs - air travel to rural sites for initial inspection (25 trips x \$400.00 per trip)	\$ 10,000.00
Ground transportation fee 150 trips x \$1.75 per mile x 50 miles (round trip)	\$ 13,125.00
TOTAL	\$223,875.00

Revision Date: _____
Title: An Act relating to the impoundment of mistreated animals.
Sponsor: Rep. Kodonen
Requestor: House State Affairs

Department Affected: Public Safety
BRU: Alaska State Troopers
Component: Detachments

COMPONENT SERIAL NO.

	7	9	9
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EXPENDITURES/REVENUES: (Thousands of Dollars) (Inflation not Included)

OPERATING	FY 92	FY 93	FY 94	FY 95	FY 96	FY 97
PERSONAL SERVICES						
TRAVEL	5.6					
CONTRACTUAL	439.1	423.8	423.8	423.8	423.8	423.8
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	444.7	423.8	423.8	423.8	423.8	423.8

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

FUNDING: (Thousands of Dollars)

GENERAL FUND	444.7	423.8	423.8	423.8	423.8	423.8
FEDERAL FUNDS						
OTHER/PROG RCPT						
TOTAL	444.7	423.8	423.8	423.8	423.8	423.8

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year impact _____

ANALYSIS: (Attach a separate page if necessary)
See attached analysis

Prepared by: Capt. Thomas T. Stearns Phone: 465-4322
Division: Alaska State Troopers Date: 2/26/91
Approved by Commissioner: *Richard L. Burton* Richard L. Burton
Agency: Department of Public Safety Date: 2/26/91

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB, & Impacted Agency(ies).

DEPARTMENT OF PUBLIC SAFETY
HB 67 Fiscal Note Analysis

The activities required of the Department of Public Safety under HB 67 are as follows:

1. Impoundment and removal of mistreated animals when the responsibility for this is not delegated elsewhere by local ordinance.
2. Provide notice of impoundment.
3. Provide animal owner with an opportunity for an expedited hearing to appeal the impoundment.
4. Establish procedures to allow fee collection from owners wanting to reclaim their animal(s) and for adoption or removal from State custody.
5. Adopt regulations to implement the proposed act.

Not specified in this bill is the agency initially responsible for the following costs and ultimately responsible in the event of non-payment by the animal owner:

1. Obtaining the required certificate of mistreatment by a licensed veterinarian. This would include transportation costs and veterinary fees for the initial exam.
2. Required facilities, food, water and medications during the period of impoundment.
3. Required veterinary fees for follow-up care.

The Department of Public Safety presently does not have either the facilities or animal care expertise to fulfill the obligations set out in this bill. Because the provisions have a statewide application it can be anticipated that reported cases will come from throughout rural and urban Alaska, including sparsely inhabited and inaccessible areas of the State. An example would be a complaint against a big game guide whose base of operations might be deep in the Alaska wilderness. If all of the responsibilities and costs are to fall to the Department of Public Safety, the Department would have to transport the impounded animals, when possible, to the nearest place of care and treatment, and then to contract with individuals or businesses to provide the necessary follow-up care and services. There are likely to be cases where the animal(s) in question could not be transported and would have to be cared for in place. This would add considerably to the cost associated with the requirements of this bill, including shipping of food and other materials to the site of the animals, daily care costs, transportation costs of veterinarian, etc.

The overall rate of such reportings has been low in numbers, but the cases handled by the Department of Public Safety in the recent past have been fairly substantial in terms of the large number of animals per incident. In one case, the Alaska State Troopers in Soldotna had to manage over 100 dogs and several horses in a "cruelty to animals" criminal investigation. Additionally, it could be expected that the number of reported cases would increase sharply once the public became aware of this new law.

While this bill specifies several types of animals as being covered, for purposes of identifying the fiscal impact upon the Department of Public Safety, horses, dogs, and miscellaneous animals will be used to describe baseline data as reported cases generally fall in one of these three categories. This fiscal note is a very conservative estimate of the costs that would result from the adoption of this bill in its present form.

**ESTIMATED NUMBER OF ANIMALS TO BE IMPOUNDED PER YEAR
by the DEPARTMENT of PUBLIC SAFETY**

1. Horses	50
2. Dogs	100
3. Misc. animals	25

TRANSPORTATION TO IMPOUND

Horse trailering: 50 horses x \$1.00/mile per horse x 50 mi. (Includes round trip contingency)	\$ 2,500.00
Air transport for small animals, 25 animals x \$200.00 (Includes round trip contingency)	\$ 5,000.00
Ground transport fee for small animals, \$50.00 x 100 animals (Include round trip contingency)	\$ 5,000.00
Facilities fee, horses \$300.00 per month x 50 horses x 60 days (includes food/water)	\$ 30,000.00
Facilities fee, small animals, 125 x \$5.00 per day x 60 days	\$ 37,500.00
Veterinarian Services, 175 initial exams, 175 follow-up exams (350 total exams) x \$80.00/hr minimum 4 hours per exam (all animals)	\$ 112,000.00
Medications \$50.00 per animal per incident	\$ 8,750.00
Veterinarian transportation costs - air travel to rural sites for initial inspection (25 trips x \$400.00 per trip)	\$ 10,000.00
Ground transportation fee, 150 trips x \$1.75 per mile x 50 miles (round trip)	\$ 13,125.00
Liability Insurance Costs	\$ 200,000.00
Adoption of Regulations which will require public notice of the proposed regulations and travel to Anchorage, Soldotna/Kenai, Sitka, Ketchikan, Bethel, Kodiak, and Fairbanks to conduct public meetings.	\$ 20,900.00
ESTIMATED TOTAL	\$ 444,775.00

STATE OF ALASKA
1991 LEGISLATIVE SESSION

NO. 4
Bill Version: CSHB 67(STA)
(H) Publish Date: 5/16/91

Revision Date: _____ Department Affected: Department of Law
Title: "An Act relating to the impoundment of mistreated animals." BRU: Prosecution, Legal Services
Sponsor: Representative Koponen Component: Prosecution/Criminal Justice Litigation
Requestor: House State Affairs Legal Services/Operations
COMPONENT SERIAL NO.

		8	9
		9	3

Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 92	FY 93	FY 94	FY 95	FY 96	FY 97
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

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

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

FUNDING: (Thousands of Dollars)

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

POSITIONS:

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

Estimate of current year impact: _____

ANALYSIS: (Attach a separate page if necessary.)

Please see the attached analysis.

Richard I. Pegues

Prepared By: Richard I. Pegues, Director Phone: 465-3672
Division: Administrative Services Date: February 11, 1991
Approved by Commissioner: Richard I. Pegues / RCP
Charles E. Cole, Attorney General
Agency: Department of Law Date: February 11, 1991

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB, & Impacted Agency(ies).

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. HB 67

This bill adds a new section to AS 03.55 that gives the Department of Public Safety the power to impound mistreated animals outside of municipalities and within municipalities that do not provide by ordinance for the impoundment of mistreated animals. The bill further provides that the Department of Public Safety may impound a mistreated animal and remove the animal to a place where humane care and treatment can be provided. Impoundment of an animal would occur only if a licensed veterinarian has issued a certificate of mistreatment regarding the animal.

The bill's other provision include giving notice of impoundment to the owners of impounded animals, an administrative appeals process (including appeal to the superior court), conditions for release of an animal to its owner, financial responsibility for impoundment, and a grant of immunity from civil or criminal liability for employees or agents of the Department of Public Safety or veterinarian who take actions in good faith under the proposed act.

Under the bill, mistreatment is defined to mean the abandonment of an animal without providing for the continued health and well-being of an animal or the failure to provide care sufficient to preserve the health and well-being of an animal. Specifically included in this definition is the failure to provide food of sufficient quantity and quality to provide for normal growth or maintenance of body weight; the failure to provide access to potable water in sufficient quantity to satisfy the animal's needs; in the case of animals other than livestock, the failure to provide access to an enclosed structure that is sufficient to protect the animal from wind, snow, rain or sun and that has adequate bedding to protect against cold and dampness; the failure to provide adequate space for exercise necessary for the health of the animal; the failure to provide a clean confinement area, free from excess waste or other contaminant that could affect the health of the animal; and the failure to provide veterinary care considered necessary by a reasonably prudent person to relieve distress from injury, neglect, or disease. The Department of Public Safety would be required to adopt regulations to implement the proposed act.

Under this bill the Department of Law would represent the Department of Public Safety in appeals brought by the owners of impounded animals under proposed AS 03.55.110. The department cannot, at this time, determine what fiscal impact might result from enactment of this bill because of the lack of information regarding the incidence of animal mistreatment. However, the number of complaints of cruelty to animals under AS 11.16.140, which are more narrowly defined, is relatively small. The department has received as many as ten complaints in some years; however last year it did not receive any cruelty to animals complaints.

For this reason, the Department of Law is not requesting fiscal note funds at this time. It cautions, however, that past as well as projected staff reductions would prevent it from providing animal impoundment appeals representation to the Department of Public Safety if the caseload caused by this bill is more than a few cases per year.

Facts from Alaskan animal control offices
 (preliminary figures from Leg. research)

Municipality or Borough	cruelty/mistreatment calls per year	calls investigated	cases prosecuted
Anchorage	1500	"many"	1
Mat-Su Borough	20-25	20-25	none in 4 years
Fairbanks N.S. Borough	155 (in 1990)	155	5
Kenai	50	50	<1
Soldotna	6	6	1
Homer	4-5	4-5	1

Mat-Su Borough: Half or more of calls on mistreated animals are unfounded

Kenai: 90-95% of calls are unfounded

Last case prosecuted was in 1985

Mistreatment cases are usually worked out with owner or animals are confiscated, rather than going to court

Kenai-Soldotna-Homer: Receive calls on animals outside city boundaries, but within borough; city can't do anything, borough has no areawide ability to handle cases

Alaska State Legislature
Representative Niilo Koponen

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

House District 21

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

M E M O R A N D U M

TO: Mary McBurney, Legislative Aide to Representative Kubina
FROM: Ron Clarke *RC* Legislative Aide to Representative Koponen
DATE: May 15, 1991
RE: HB 67

Here's a brief list of the most recent changes to HB 67:

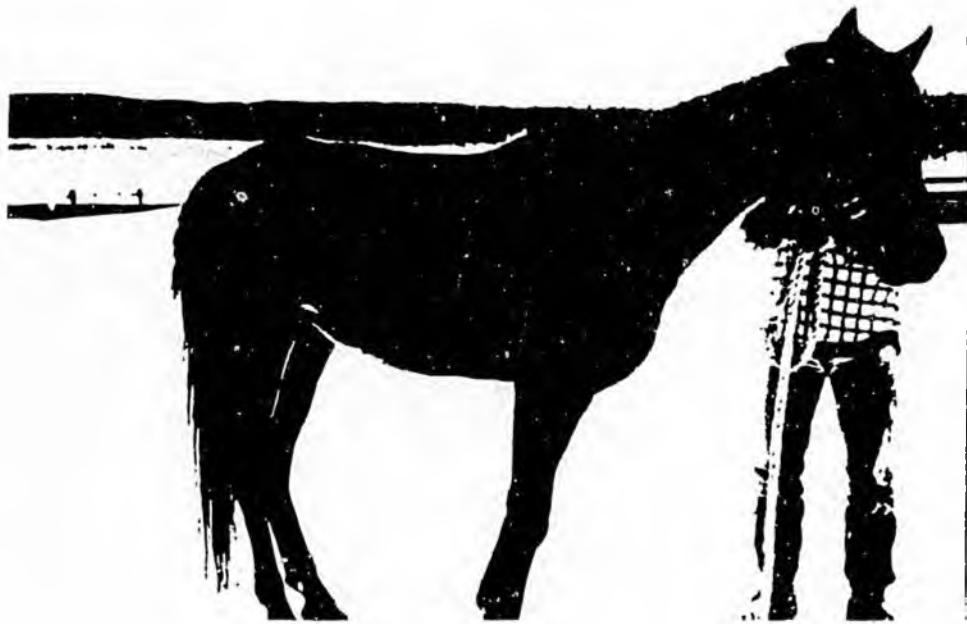
- animal's "health and well-being" changed to "health and life"
- allow for non-release of animals held as evidence
- allow for release of animals at the conclusion of an impound period
- provide for administrative appeals brought by aggrieved owners of impounded animals
- costs of impound and subsequent care are a lien upon the animal
- unclaimed impounded animals may be offered for sale as well as adoption
- sale or adoption of an animal may not occur until all opportunities for appeal by the owner have expired
- owners are indemnified for damages caused by impounded animals no longer under their control
- state is liable for damages by or injuries to impounded animals while in state custody, except for degradation of animals' health due to pre-existing conditions
- hearing for aggrieved owners shall be expedited -- by changing Alaska Rule of Civil Procedure 3 to allow for petition for a probable cause hearing (court can proceed on the filing of a petition rather than a complaint)
- Alaska Board of Veterinary Examiners shall assist the State Veterinarian in adopting regulations regarding standards for

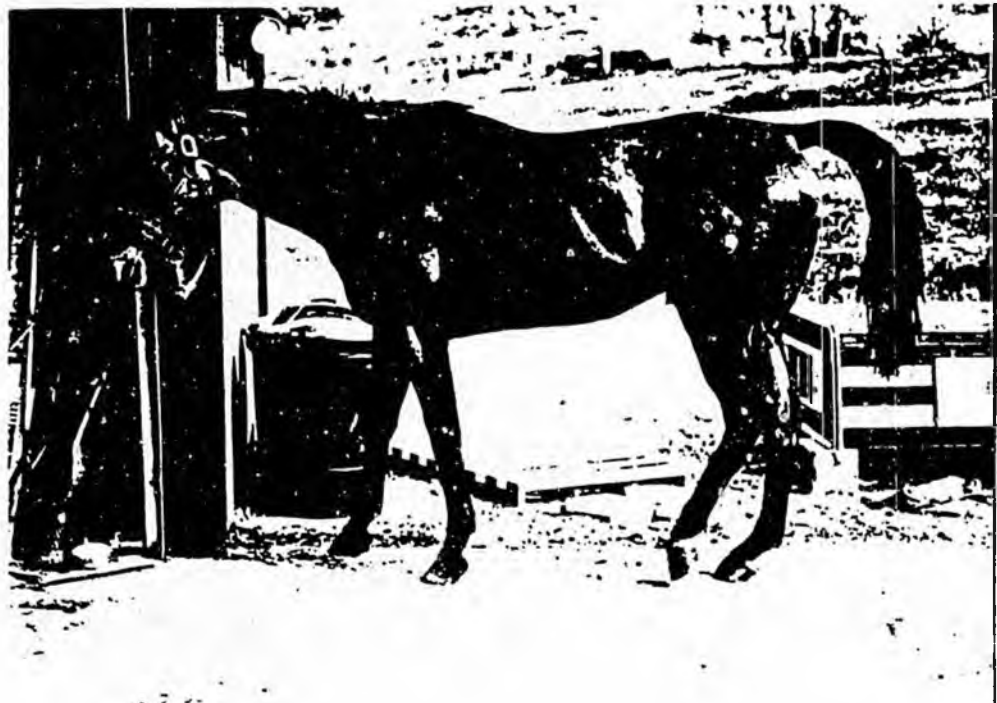
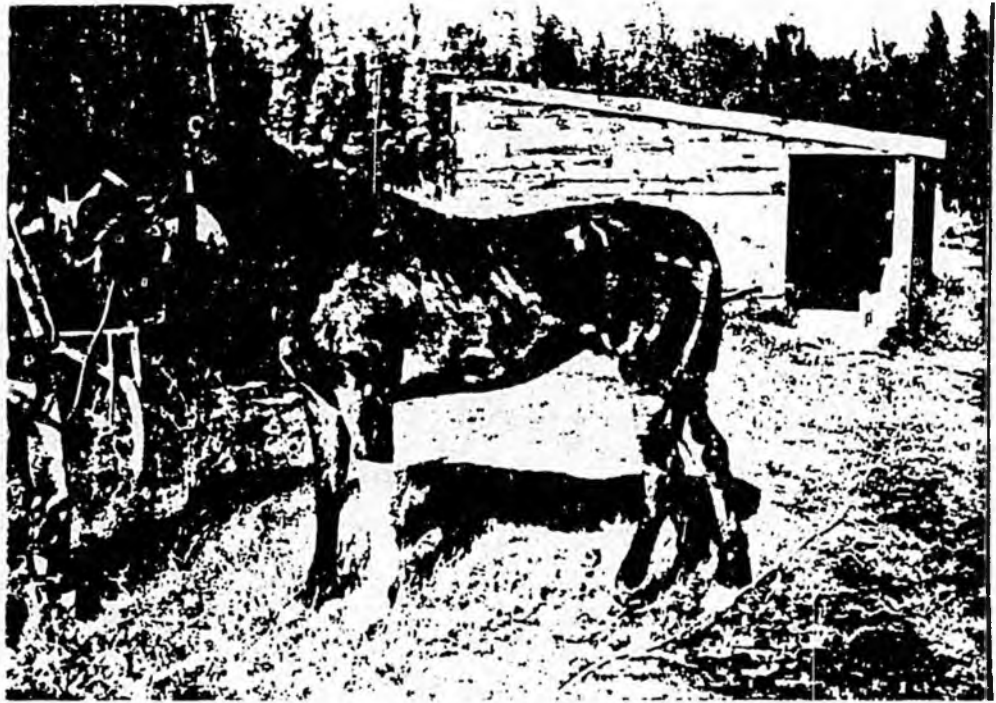
Mary Mc Burney
Page Two
May 15, 1991

treatment of animals in order to provide guidelines for identifying mistreated animals

- Alaska Board of Veterinary Examiners granted authority to adopt such regulations

Let me know if you need any additional information.





He was advertised in the paper as a quarter horse gelding for sale because the owner had no time for him. I called the owner and it sounded promising, the price was right, and we needed a second horse. A time was set to see him that afternoon.

When I arrived at the horse's home, I was taken around back to a small, well chewed corral where the horse was kept. What assailed my eyes and nose was a filthy, mud and manure soaked mess with a dirty, blanketed bay horse standing in the middle of it. He pricked his ears at our approach and hobbled forward. One front leg was bandaged to above the knee with a pus like material oozing between the layers. One hind leg was grotesquely swollen and dragged behind him. The corral smelled as if something had crawled in and died a long time ago.

I took him out of the corral, hosed down the hind leg to get a good look at the massive injuries it had sustained. The young woman told me he had been staked out to a tree while she had gone into town. When she got back, hours later, he was tangled severely and pinned to the ground. There were rope burns all over his legs and the halter had cut into his nose. A veterinarian had applied a bandage on the front leg to protect a full skin thickness rope burn, but the bandage had been left on for a week without changing, thereby promoting infection. The swollen hind leg had a bad rope burn across the tendon just below the hock with double rope burns around the pastern joint. His feet were covered with stress rings and deformed from injuries and malnutrition. As I surveyed this sorry sight I heard the comment that "the stupid horse keeps tangling himself up". My blood was at a slow boil as I reluctantly put the horse up. I informed the woman that the horse was in dire need of veterinary assistance and I would like to have my own vet see the gelding; also, with the condition he was in, he was not worth the \$800 she was asking for him.

The next morning I arrived at her home before my vet, and pulled the horse out of the corral again. I asked for a bucket of hot water and a rag to clean the hind leg off. When I pulled off his filthy canvas blanket, I saw even worse than I had feared. I could see just about every bone on his body, and his skin was crusted with mud, urine and manure. Using a body brush I had brought from home, I started grooming away the worst of areas and found dead, crusty skin and hair coming away in clumps. The owner produced a toilet brush and added her assistance. She started rationalizing his condition by saying they didn't use him, so he received no grain - he "didn't need it". The hay I saw was marginal local, so I knew he hadn't been meeting his basic caloric or nutritional needs.

I was overjoyed to see my vet pull down the drive and get out of his car. He came over to us shaking his head and giving me the "what have you gotten yourself into?" look. We got right down to business by taking off the front bandage. A foul, odorous full thickness rope burn on the inside of his knee was hiding under it, but we were able to clean it up, medicate and rebandage it. He shaved the hind leg and checked it for infection, and luck was with us. The huge swelling of the limb appeared to be edema from the injuries, not infection. After medicating the hind leg, he checked the geldings teeth and had me walk him to the end of the

driveway and back. The horse gamely gave it his all, but it was obvious that even such a small exertion exhausted him. Now came the bad news as my vet summed up his opinion. He gave the horse a 50% chance of coming back sound, but only with some intensive nursing. He informed the owner that the horse was at least 300 lb underweight as well. The gelding would need a bandage change at least every third day, soaking the hind leg 2 to 3 times a day, remedicating it each time, providing a clean and dry environment, and slowly starting him on a high nutrition diet with antibiotics. He would reevaluate him in 10 days and would be better able to tell his fate then.

This news appeared to upset the owner and she started saying that she could not possibly do all these things, and that she didn't even like horses. They were her husband's project and he was away from home a lot. I wanted to see the horse out of that environment, but I did not have my own barn finished yet. I told her I would find a place for the horse for the next 10 days, but she would have to pay all the bills. After the next vet exam, I would decide whether to take the risk to keep him, but I would not give them any money for a horse that might have to be euthanized.

A friend arrived with her trailer and we went through a slow and painful loading, then headed down the road toward a new beginning.

And the story continues.....

We unloaded the gelding at my friend's house, blanketed him, and put him in a stall with generous amounts of grass hay and water. That evening he received his first small helping of grain and alfalfa which perked his interest considerably. I'm sure it was ambrosia to his taste buds. The next week went by quickly for all of us as we took care of his various wounds and bandages. Luckily we were in the midst of a beautiful Indian summer so the gelding was turned out in the arena during the day to exercise and bask in the sun. It was several days, however, before he felt strong enough to lay down and sleep. Although he needed the rest, he was reluctant to go down as he might not be able to get back up again, a horse's worst nightmare. It was so heart lifting to see him finally stretch out in the sunshine and sleep. When he was able to get up and down, we started walking him to the end of the road and back; a mighty exhausting effort for him. Everything was going slowly, but well when I got a call from the owner who had talked to her husband that day and had told him about the gelding's plight. I was informed that he was threatening to shoot the animal be done with the trouble. This got us all worked up, including my vet who thought the horse was too fine a quality animal not to be given a chance. I convinced the owner that the horse's fate should not be decided until his 10 day exam, and to save him some money in board, I would take the horse to my place for the next three days.

The day of the gelding's follow up exam was a tense one for my husband and I. I had called the owner and told him to bring the horse's paperwork with him to the vet. If he passed the exam, I would cut the deal for him right there. By this time the gelding was feeling much better, walking with a barely noticeable limp and more energy. His expression had brightened and his very kind eye showed a renewed interest in his world.

After arriving at the clinic, my vet noted that the horse had made some very positive improvement, but he was still concerned about the hind leg. He decided to x-ray it, and we discovered a dislocated splint bone. After discussing treatment options, we decided that it should be left alone to heal as it wasn't severe enough to warrant surgery. The horse was given about a 50% chance of coming back sound enough for riding. At this point, the owner stated that he had been laid off and maybe he would keep the horse and nurse him back since he now had the time. I knew I couldn't allow the horse to go back to that home; he had worked his magic on me with his sweet disposition, and willing temperament and I had fallen in love with him. I flat out told the owner that the horse wasn't worth much and I would be taking a risk buying him. My vet subtly encouraged the deal and a transaction was made right in the vet clinic; one registered running Quarter Horse in exchange for \$300 and the cost of this vet visit. I had just risked not only my money, but a possible broken heart if things did not go well.

After taking "my horse" home, I decided to do some detective work on his background. His registration papers showed some very impressive racing bloodlines, including four lines to the legendary Three Bars through Rapid Bar, Rocket Bar, Sugar Bars

and Mr Bar None. This accounted for his registered name, Barrad Jazz. I contacted the person who had owned him originally and was told Jazz had spent 2 years on the track and was the first horse trained by his son. He said Jazz had an excellent disposition even then, and was very distraught at the fate the horse had endured after getting to Alaska.

We became more determined than ever to see this ex-racehorse through his injuries and make him into a useful riding horse and companion. After 2 weeks, his diet was up to 4 lb. each of alfalfa and grain, 2 cups of corn oil and lots of good grass hay. His daily medical regimen included hot soaks and DMSO on his hind leg, debriding the massive burn on the front knee and treating all the rope burns with silvadene to encourage soft, healthy scar formation. As this was now October, it was becoming a problem to soak the hind leg, but I couldn't give it up as it was vital to help his healing. Being a creative person, I soon came up with the idea of using a wet towel and a heating pad. Jazz was soon spending an hour a day tied to his hitching post with a heating pad on his hind leg and a surcingle on to hold the cord out of harms way. Good even heat and no more spilled buckets when he got bored!

After 2 months, the change in Jazz was remarkable. He had put on 150# and was sound enough for short one mile jaunts on the powerline. He was still weak and tired easily, but he enjoyed his outings so much he would run up to me in the pasture and shove his head in the halter as if saying "hurry up- let's go. At this stage of his recovery, he decided to shed out all his hair clear down to his black and pink freckled hide. With the onslaught of cold weather, this necessitated the wearing of a good holofil blanket for the rest of the winter. We also decided to put shoes back on him having let him go bare foot during his initial convalescent period. His feet were a mess reflecting the starvation and the injuries he had endured. They were covered with stress rings, with the hind feet also contracted and deformed. Shoeing was stressful as Jazz had a hard time flexing his hind legs for the farrier.

Four months flew by and Jazz was now up to his full ration of 16# of alfalfa and 8# of grain with 2 cups of oil along with his grass hay. He was filling out and hints of his potential beauty were showing though the scraggly hair coat. He would now run around the corral doing sliding stops and roll backs at the fence, bucking and kicking along the way. It was now time for another follow up exam by the vet.

With crossed fingers we waited for the verdict from the doc. and with a grin he pronounced Jazz sound and ready for a conditioning program. He recommended we start putting more miles on him to encourage the ligaments in his hind legs to stretch, and to build back the strength he had lost when his body had eaten up muscle to keep from starving to death. As I had discovered by this time that Jazz had virtually no pleasure horse training, I started working him in a biting rig and long lines. Little did I know then how much work it would be to retrain an ex-racehorse.

By the time May had rolled around, Jazz was well started in his training and shaping up to be a good trail horse. He was still stiff and I saw it was going to take quite a bit of time to work

that out. The only big problems I had with him were a wandering attention span as he found so many interesting things to look at, and extreme excitability whenever other horses ran near him. On Memorial Day he got his first bath. It was hard to believe that the walking scarecrow I had first found had evolved into the gorgeous animal now strutting before me. Jazz has become that once in a lifetime horse of which every child dreams.



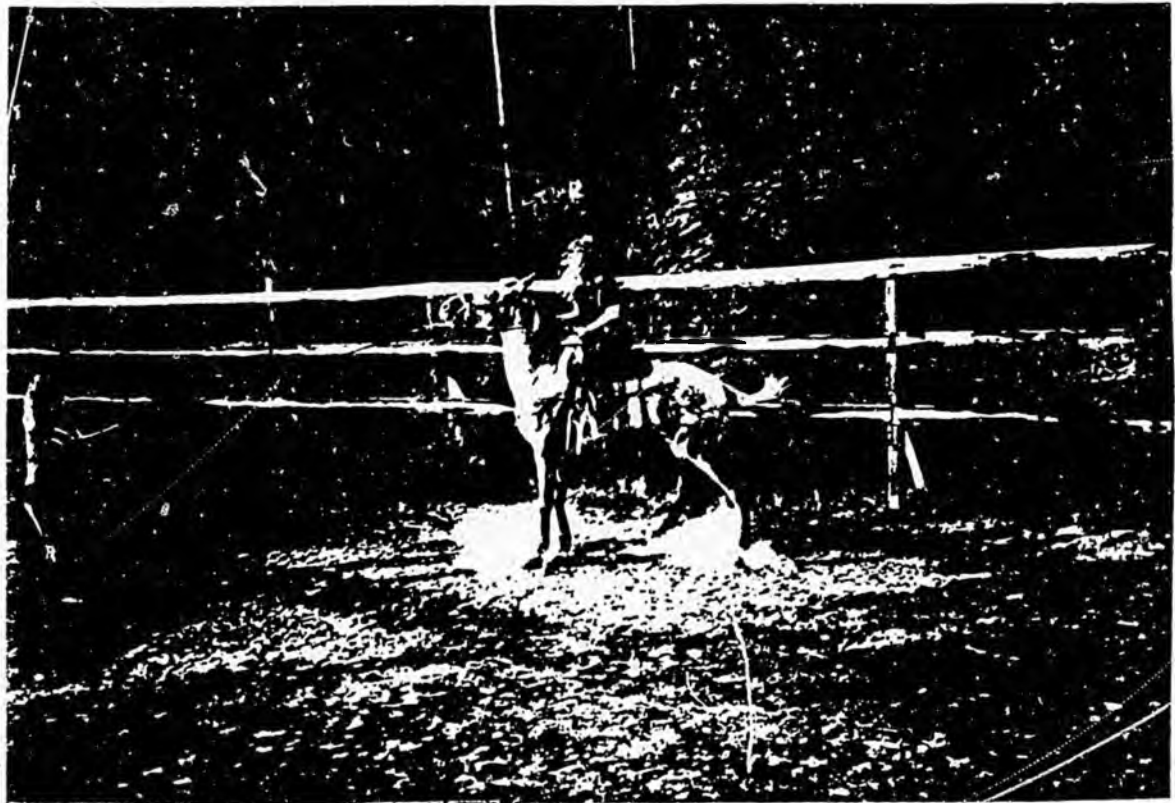
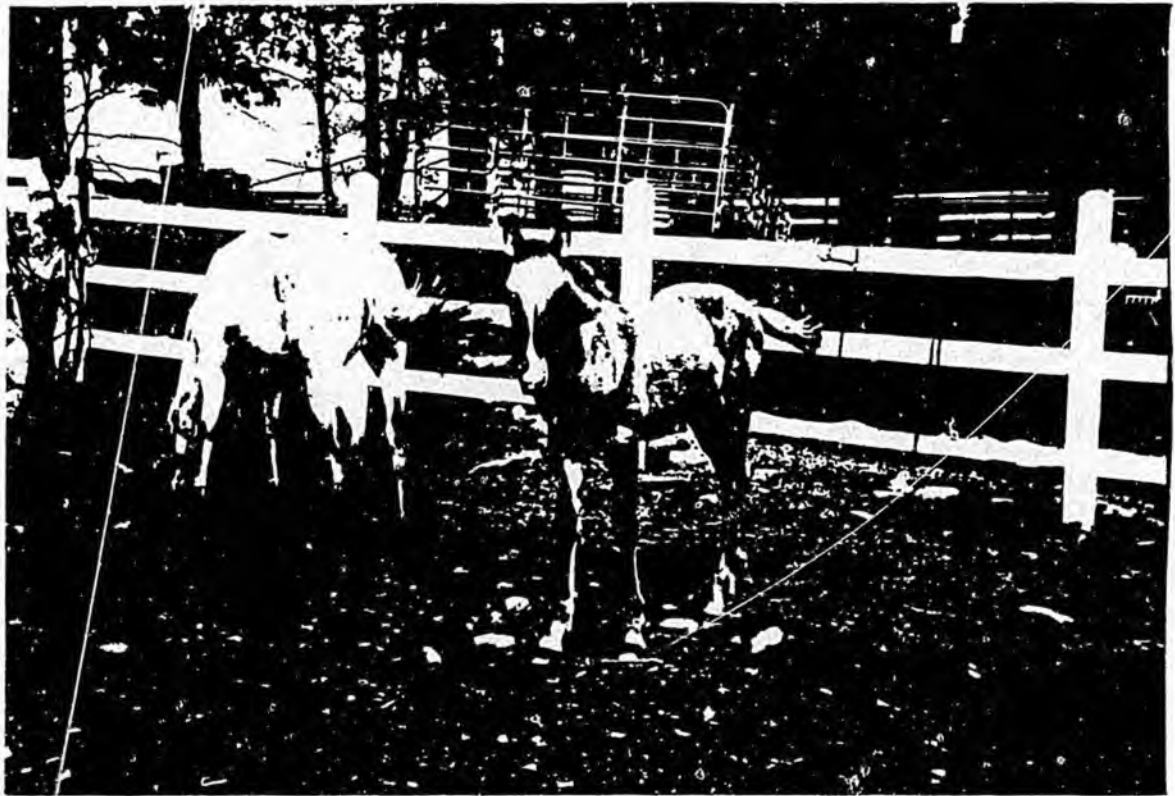


Photo 1 and 2

This Appaloosa mare and 2 day old Appy/Walker filly were given to me in April, 1988. The owner was unaware that the mare, Sugar, was in foal and was being stalled with the stallion. The filly, Ginger, was born in a manure pile and had urine burns on her legs. The owner, unable to put her in a clean environment, placed the mare and filly with me. The mare was unable to produce milk until the 5th day and the filly could not stand on her own. The mare was caked with old manure that took a month to remove as it was very painful. The mare and filly were very lethargic but within a short time were both very active.

Photo 3

Shows the improvement by mid July 1988.

Photo 4

Ginger at 2 years, 4 months, 14.2 hands - August 1990. As of January 1991, Ginger is now 15.2 hands and still growing!

Cheryl Rhodes



Photo 1

This Thoroughbred/cross 10 year old gelding was purchased in March, 1990, by a young friend of mine and taken to my place for care. The gelding, Dakota, was badly abused by a stallion and had large open sores along the spine. The hoofs were cracked from a very muddy environment. The owner could not put weight on the horse so he was of not use as a pack animal. At 15.3 hands, Dakota weighed under 900 lbs.

Photo 2

A proud Dakota and his very proud owner in June 1990. He had gained 100 lbs at this time. As of February, 1991, Dakota now weighs 1,157 lbs and is very sound.

Cheryl Rhodes

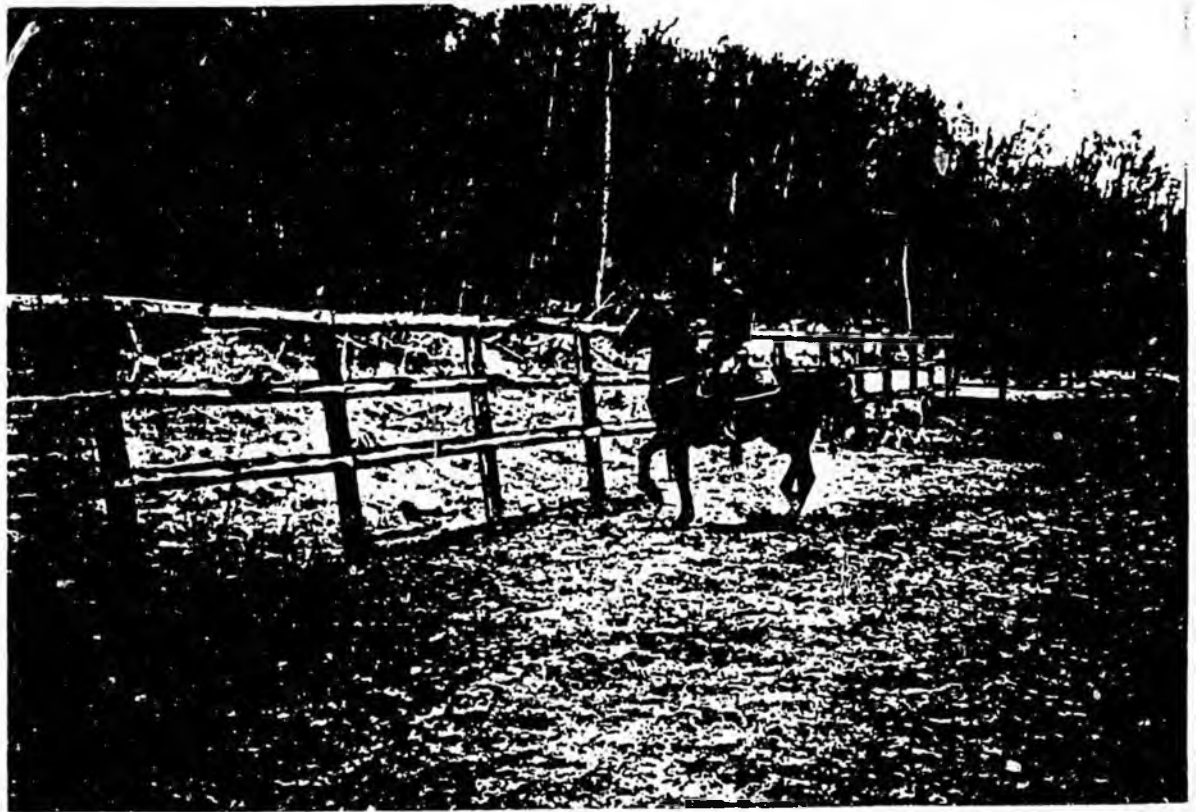
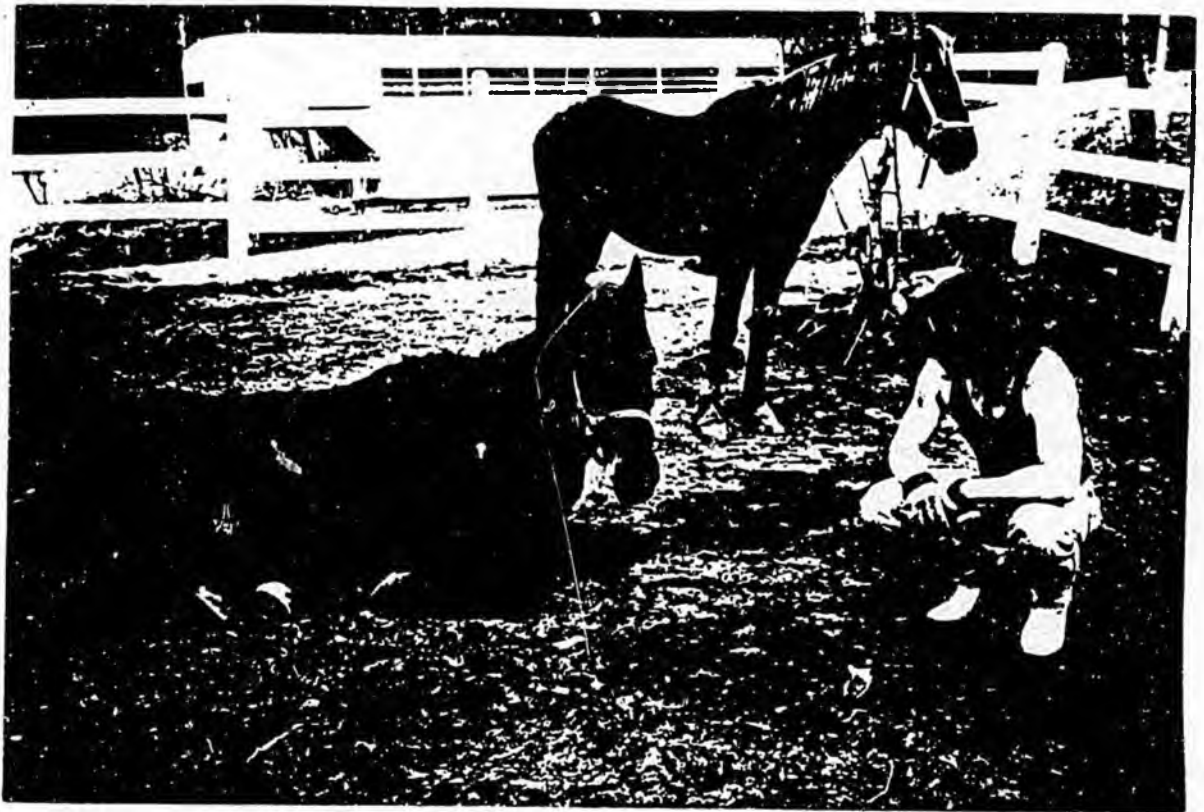


Photo 1

Rex is a 20 year old American Saddlebred (background) that we purchased in January, 1990, at a minimal price because he was no longer wanted. Rex was an extremely stressed horse and obviously never been anything but an arena horse.

Over a 2 month period with worming and a select feeding program, Rex finally calmed enough to begin gaining weight.

Photo 2

A weight gain of nearly 100 lbs. Rex was placed with a young lady who has him back in the ring and showing once again.

Cheryl Rhodes

HOUSE COMMITTEE REPORT

(7)
Date Referred: May 16, 1991

FURTHER REFERRALS:

Date of Committee Action: 3-13-82

The JUDICIARY Committee considered:

HB 67

HOUSE BILL NO. 67

IMPOUNDMENT OF MISTREATED ANIMALS

"An Act relating to the impoundment of mistreated animals."

RECOMMENDATIONS:

be replaced with CS HB 67 (JUD) the same title

a new title

have attached amendments(s)

do pass

do not pass

no recommendations

individual recommendations

additional referral to the _____ Committee

ADOPTS: _____ letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept)

APPROVES PREVIOUS: (Dept/Date)

fiscal impact DPS (1/16)

fiscal note(s) _____

zero fiscal note _____

zero fiscal note(s) _____

SIGNING DO-PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
<i>Dave Wouley</i>	X				
<i>Al Glick</i>					
<i>W. Greenberg</i>					
		<i>Kevin Pat Russell</i>			✓

Dave Wouley
CHAIRMAN'S SIGNATURE

FISCAL NOTE

STATE OF ALASKA
1991 LEGISLATIVE SESSION

BILL NO. HB 67

Revision Date: _____ Department Affected: Department of Law
 Title: "An Act relating to the impoundment of mistreated animals." BRU: Prosecution, Legal Services
 Sponsor: Representative Koponen Component: Prosecution/Criminal Justice Litigation
 Requestor: House State Affairs Legal Services/Operations

COMPONENT SERIAL NO.			8	9
			9	3

Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 92	FY 93	FY 94	FY 95	FY 96	FY 97
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

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

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

FUNDING: (Thousands of Dollars)

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

POSITIONS:

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

Estimate of current year impact: _____

ANALYSIS: (Attach a separate page if necessary.)

Please see the attached analysis.

Prepared By: Richard I. Pegues, Director Phone: 465-3672
 Division: Administrative Services Date: February 11, 1991
 Approved by Commissioner: Richard I. Pegues / JAC
 Agency: Department of Law Charles E. Cole, Attorney General Date: February 11, 1991

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB, & Impacted Agency(ies).

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. HB 67

This bill adds a new section to AS 03.55 that gives the Department of Public Safety the power to impound mistreated animals outside of municipalities and within municipalities that do not provide by ordinance for the impoundment of mistreated animals. The bill further provides that the Department of Public Safety may impound a mistreated animal and remove the animal to a place where humane care and treatment can be provided. Impoundment of an animal would occur only if a licensed veterinarian has issued a certificate of mistreatment regarding the animal.

The bill's other provision include giving notice of impoundment to the owners of impounded animals, an administrative appeals process (including appeal to the superior court), conditions for release of an animal to its owner, financial responsibility for impoundment, and a grant of immunity from civil or criminal liability for employees or agents of the Department of Public Safety or veterinarian who take actions in good faith under the proposed act.

Under the bill, mistreatment is defined to mean the abandonment of an animal without providing for the continued health and well-being of an animal or the failure to provide care sufficient to preserve the health and well-being of an animal. Specifically included in this definition is the failure to provide food of sufficient quantity and quality to provide for normal growth or maintenance of body weight; the failure to provide access to potable water in sufficient quantity to satisfy the animal's needs; in the case of animals other than livestock, the failure to provide access to an enclosed structure that is sufficient to protect the animal from wind, snow, rain or sun and that has adequate bedding to protect against cold and dampness; the failure to provide adequate space for exercise necessary for the health of the animal; the failure to provide a clean confinement area, free from excess waste or other contaminant that could affect the health of the animal; and the failure to provide veterinary care considered necessary by a reasonably prudent person to relieve distress from injury, neglect, or disease. The Department of Public Safety would be required to adopt regulations to implement the proposed act.

Under this bill the Department of Law would represent the Department of Public Safety in appeals brought by the owners of impounded animals under proposed AS 03.55.110. The department cannot, at this time, determine what fiscal impact might result from enactment of this bill because of the lack of information regarding the incidence of animal mistreatment. However, the number of complaints of cruelty to animals under AS 11.16.140, which are more narrowly defined, is relatively small. The department has received as many as ten complaints in some years; however last year it did not receive any cruelty to animals complaints.

For this reason, the Department of Law is not requesting fiscal note funds at this time. It cautions, however, that past as well as projected staff reductions would prevent if from providing animal impoundment appeals representation to the Department of Public Safety if the caseload caused by this bill is more than a few cases per year.

Carol A. Jensen
 8451 Greenhill Way
 Anchorage, Alaska 99502
 (907) 344-7078

Post-It™ brand fax transmittal memo 7671		# of pages	2
To	House Judiciary Committee	From	C. Jensen
Co.	Al. HB 67	Co.	
Dept.		Phone	(907) 243-4366
Fax #	465-2299	Fax #	(907) 344-7078

3-13-92 7:45am

March 13, 1992

TO: HOUSE JUDICIARY COMMITTEE
 FROM: Carol Jensen
 RE: HB 67 (CS) Mistreatment of Animals

Please reference the enclosed copy of my 3/10/92 letter to Representative Koponen regarding some important provisions that have been deleted from this bill. Specifically, we need to include provisions for adequate shelter from the elements, a clean confinement area and sufficient room in which the animal can move around freely. These were stipulated in the bill last year, but are not in the committee substitute.

I am worried about the final section #6, which requires a 2/3 majority of each house to vote yes on section 5 or else the bill is dead. Is this absolutely necessary? This bill is too important to risk it not passing by a simple majority.

As I've stated to you before, animal neglect and cruelty is out of control in Alaska, probably more so than anywhere else in the country. We desperately need this bill passed this session. Of utmost importance, in addition to Section 3, #1, 2, A, B, and C, are the three additional stipulations I mentioned above.

Please feel free to contact me Mon-Fri 8:00AM-5:00PM at 243-4366 or at home at the above number.

Thank you for your attention and consideration.

Carol Jensen
 Carol Jensen

Encl-1-as stated

Carol A. Jensen
8451 Greenhill Way
Anchorage, Alaska 99502
(807) 344-7078

March 10, 1992

Representative Niilo Koponen
Alaska House of Representatives
Pouch V
Juneau, AK 99811

Dear Representative Koponen:

The latest version of HB 67 (Mistreatment of Animals and Standards for Treatment) does not include three definitions of mistreatment under Section 11.61.142 (Section 3). I think it is very important to have the requirements for adequate shelter, space for exercise and a clean confinement area in this bill (see attached page with section from last years bill that included these provisions).

Some of the worst cruelty cases I have seen involved animals becoming ill due to living knee deep in their own excrement. In the John Caston case in Kenai in 1988, some dogs were confined in 50-gallon drums turned over on their sides. These poor animals could only lie down in a very cramped position; they could not move. They were kept in these barrells for sometimes more than 24 HOURS AT A TIME. They were forced to lie in their own waste, which accumulated and was never cleaned out. When these animals were finally let out, they could not walk for a while because of their legs being so cramped. Of course, many died in these barrells. It is not uncommon for people to allow a build-up of manure in horse stalls and corrals; this can result in crippling diseases to the hooves.

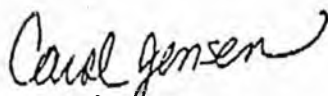
We have extreme weather conditions here in Alaska. It should be mandatory that animals are given shelter from the weather, whether it is drenching rain, hot, burning sun or -50 degree wind chill.

I hope you and Representative Moyer can get these provisions put back into the bill.

Please advise if there will be a teleconference on this bill. I would try to get out of work to attend.

Thank you for your attention and hard work on this.

Sincerely,



Carol Jensen
(work phone: 243-4366)
(Encl-Page 3 of HB 67 (1/23/91))

HOUSE COMMITTEE REPORT

(7) Date Referred: January 23, 1991 FURTHER REFERRALS: Judiciary

Date of Committee Action: 5-15-91

The STATE AFFAIRS Committee considered: HB 67

HOUSE BILL NO. 67 IMPOUNDMENT OF MISTREATED ANIMALS

"An Act relating to the impoundment of mistreated animals."

RECOMMENDATIONS: [] the same title
be replaced with CS HB 67 (STA) [x] a new title
[] have attached amendments(s)
[x] do pass
[] do not pass
[] no recommendations
[] individual recommendations
[] additional referral to the _____ Committee

ADOPTS: _____ letter of Intent

ATTACHES NEW FISCAL NOTE(s): (Dept) APPROVES PREVIOUS: (Dept/Date)
[x] fiscal impact Public Safety [] fiscal note(s)
[x] zero fiscal note Law [] zero fiscal note(s)

SIGNING DO PASS:

SIGNING OTHER RECOMMENDATIONS:

Table with 4 columns: Name, Check appropriate column, Do Not Pass, No Rec, Amend. Includes signatures of Gene Kubera, Tom Meyer, and E. Buden.

Gene Kubera
Chairman's Signature

Alaska State Legislature
Representative Niilo Koponen

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

House District 21

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

SPONSOR STATEMENT

House Bill 67

"An act relating to the impoundment of mistreated animals"

By Representative Niilo Koponen

Alaska's harsh climate frequently amplifies simple neglect of domestic animals into horrifying episodes of starvation and death. Tragic cases of animal abuse have inspired Alaskan municipalities to equip themselves with the legal ability to take custody of mistreated animals and turn them over to humane societies and other private caretakers until the abusive situation is corrected. Sadly, when such abuse occurs outside borough or municipal boundaries, the State of Alaska is powerless to take action to prevent further suffering.

This bill provides that animals certified by a veterinarian as mistreated may be impounded by Department of Public Safety officials and removed to a setting of proper care and rehabilitation. The Department maintains a current list of volunteer humane associations capable and willing to receive such animals and care for them appropriately.

Facts from Alaskan animal control offices
(preliminary figures from Leg. research)

Municipality or Borough	cruelty/mistreatment calls per year	calls investigated	cases prosecuted
Anchorage	1500	"many"	1
Mat-Su Borough	20-25	20-25	none in 4 years
Fairbanks N.S. Borough	155 (in 1990)	155	5
Kenai	50	50	<1
Soldotna	6	6	1
Homer	4-5	4-5	1

Mat-Su Borough: Half or more of calls on mistreated animals are unfounded

Kenai: 90-95% of calls are unfounded

Last case prosecuted was in 1985

Mistreatment cases are usually worked out with owner or animals are confiscated, rather than going to court

Kenai-Soldotna-Homer: Receive calls on animals outside city boundaries, but within borough; city can't do anything, borough has no areawide ability to handle cases

Alaska State Legislature

Legislative Research Agency



P.O. Box Y
Juneau, AK 99811-3100
Phone: (907) 463-3991
Fax: (907) 463-3351

March 7, 1991

MEMORANDUM

TO: Representative Niilo Koponen

FROM: Paula d. Scavera *PS*
Legislative Analyst

RE: Complaints of Animal Mistreatment
Research Request 91.191

You requested information about the frequency of complaints of animal mistreatment and cruelty to borough animal control authorities. You also requested information about prosecutions regarding animal mistreatment that resulted from these complaints.

Attached is a table which lists the jurisdiction of the animal control authority, the estimated number of complaints per year and the number of prosecutions. In most cases, animal control officers come to some sort of agreement with the animal owner or confiscate the animal, rather than seek a court remedy.

Note that the Kenai Peninsula Borough is not involved with animal control. Each town within the borough has its own animal control authority. These communities receive many complaints of animal mistreatment occurring outside the limits where they have no jurisdiction. Investigations of these complaints are not made. Thus, a large area of the Kenai Peninsula Borough is not under the jurisdiction of any animal control authority.

I hope this information is helpful to you. If you need further assistance, please don't hesitate to contact this office.

Attachment

**THE FOLLOWING PAGES
WERE TREATED AS A UNIT
IN THE ORIGINAL FILE**

CORRECTION

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

Alaska State Legislature

Legislative Research Agency



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