

ALASKA LEGISLATURE COMMITTEE FILES 1993-1994 8672

7789 HOUSE HEALTH EDUCATION & SOCIAL SERVICES

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**CS FOR HOUSE BILL NO. 136(HES)**

**IN THE LEGISLATURE OF THE STATE OF ALASKA**

**EIGHTEENTH LEGISLATURE - FIRST SESSION**

**BY THE HOUSE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE**

Offered:  
Referred:

Sponsor(s): REPRESENTATIVE MULDER

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act relating to limited driver's licenses and to the offenses of driving while  
2 intoxicated and refusal to submit to a breath test; and providing for an effective  
3 date."

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

5 \* Section 1. AS 28.15.181(c) is amended to read:

6 (c) A court convicting a person of an offense described in (a)(5) or (8) of this  
7 section arising out of the operation of a motor vehicle, commercial motor vehicle, or  
8 aircraft shall revoke that person's driver's license, privilege to drive, or privilege to  
9 obtain a license. The revocation may be concurrent with or consecutive to an  
10 administrative revocation under AS 28.15.165. The court may not, except as provided  
11 in AS 28.15.201, grant limited license privileges during the minimum period of  
12 revocation. The minimum periods of revocation are:

13 (1) not less than [AT LEAST] 90 days if the person has not been  
14 previously convicted;

1 (2) not less than [AT LEAST] one year if the person has been  
2 previously convicted once;

3 (3) not less than 3 [AT LEAST FIVE] years if the person has been  
4 previously convicted twice;

5 (4) not less than 5 [AT LEAST 10] years if the person has been  
6 previously convicted more than twice.

7 \* Sec. 2. AS 28.15.201 is repealed and reenacted to read:

8 Sec. 28.15.201. LIMITATION OF DRIVER'S LICENSE. (a) A court of  
9 competent jurisdiction revoking a person's driver's license, privilege to drive, or  
10 privilege to obtain a license under AS 28.15.181(b) or the department under  
11 AS 28.15.165 may, for good cause, impose limitations upon the driver's license of a  
12 person that will enable the person to earn a livelihood without excessive risk or danger  
13 to the public. A limitation may not be placed upon a driver's license until after a  
14 review has been made of the person's driving record and other relevant information,  
15 and a limitation may not be imposed when a statute specifically prohibits the limitation  
16 of a license for a violation of its provisions.

17 (b) A court or the department imposing a limitation under (a) of this section  
18 shall

19 (1) require certification of employment;

20 (2) require proof of completion of an alcoholism treatment program  
21 when appropriate;

22 (3) require the surrender of the driver's license; and

23 (4) issue to the licensee a certificate, or the department may issue a  
24 restricted driver's license, valid for the duration of the limitation.

25 (c) After the termination of a limitation as shown on the certificate or driver's  
26 license issued under (b) of this section, the license of a person on whom a limitation  
27 was imposed is revoked until the person receives a new license meeting the  
28 requirements set out in AS 28.15.211.

29 (d) A court revoking a driver's license, privilege to drive, or privilege to obtain  
30 a license under AS 28.15.181(c), or the department when revoking a driver's license,  
31 privilege to drive, or privilege to obtain a license under AS 28.15.165(c), may grant

1 limited license privileges for the final 60 days during which the license is revoked if

2 (1) the revocation was for a violation of AS 28.15.181(a)(5) and not  
3 for a violation of AS 28.15.181(a)(8);

4 (2) the person has not been previously convicted of an offense;

5 (3) the court or the department determines that the person's ability to  
6 earn a livelihood would be severely impaired;

7 (4) the court or the department determines that a limitation under (a)  
8 of this section can be placed on the license that will enable the person to earn a  
9 livelihood without excessive danger to the public; and

10 (5) the court or the department determines that the person has  
11 successfully completed an alcoholism education and rehabilitation treatment program.

12 (e) The department may terminate a revocation and issue a driver's license to  
13 a person whose license, privilege to drive, or privilege to obtain a license was revoked  
14 for an offense described in AS 28.15.181(a)(5) or (8) if the offense occurred before  
15 July 1, 1993, and if

16 (1) the person's license, privilege to drive, or privilege to obtain a  
17 license has been revoked for the minimum periods set out in AS 28.15.181(c); and

18 (2) the person complies with the provisions of AS 28.15.211(d) and (e).

19 \* Sec. 3. AS 28.15.211(d) is amended to read:

20 (d) At the end of a period of revocation or limitation following a revocation,  
21 a person whose driver's license has been revoked may apply to the department for the  
22 issuance of a new license, but shall submit to reexamination, [AND] pay all required  
23 fees including a reinstatement fee of \$100, and if the license was revoked under  
24 AS 28.15.181(a)(5) or (8), submit proof of completion of an alcoholism education  
25 and rehabilitation program.

26 \* Sec. 4. AS 28.15.211(e) is amended to read:

27 (e) At the end of a period of limitation, suspension, or revocation under this  
28 chapter, the department may not issue a driver's license or a duplicate driver's license  
29 to the licensee until the licensee has complied with AS 28.20 relating to proof of  
30 financial responsibility and if the license was revoked under AS 28.15.181(a)(5) or  
31 (8) has submitted proof of completion of an alcoholism education and

1        rehabilitation program.

2        \* Sec. 5. AS 28.35.030(b) is amended to read:

3                (b) Driving while intoxicated is a class A misdemeanor. Upon conviction

4                        (1) the court shall impose a minimum sentence of imprisonment of

5                                (A) not less than 72 consecutive hours and a fine of not less

6                                than \$250 if the person has not been previously convicted; imprisonment

7                                required under this subparagraph shall be served at a community

8                                residential center or, if a community residential center is not available, at

9                                another appropriate facility determined by the commissioner of corrections

10                                and the cost of the imprisonment shall be paid by the person sentenced

11                                under this subparagraph; payment of the cost of imprisonment is not

12                                required if the court determines the person is indigent; for costs of

13                                imprisonment that are not paid by the person sentenced under this

14                                subparagraph, including costs not paid due to indigency, the state shall

15                                seek reimbursement from the person's permanent fund dividend as

16                                provided under AS 43.23.065; while at the community residential center

17                                or other appropriate facility, the person shall perform at least 24 hours of

18                                community service work as directed by the director of the community

19                                residential center or other appropriate facility;

20                                (B) not less than 20 days and a fine of not less than \$500 if the

21                                person has been previously convicted once; imprisonment required under

22                                this subparagraph shall be served at a community residential center or, if

23                                a community residential center is not available, at another appropriate

24                                facility determined by the commissioner of corrections and the cost of the

25                                imprisonment shall be paid by the person sentenced under this

26                                subparagraph; payment of the cost of imprisonment is not required if the

27                                court determines the person is indigent; for costs of imprisonment that are

28                                not paid by the person sentenced under this subparagraph, including costs

29                                not paid due to indigency, the state shall seek reimbursement from the

30                                person's permanent fund dividend as provided under AS 43.23.065; while

31                                at the community residential center or other appropriate facility, the

1 person shall perform at least 160 hours of community service work as  
2 directed by the director of the community residential center or other  
3 appropriate facility;

4 (C) not less than 60 days and a fine of not less than \$1,000 if  
5 the person has been previously convicted twice;

6 (D) not less than 120 days and a fine of not less than \$2,000  
7 if the person has been previously convicted three times;

8 (E) not less than 240 days and a fine of not less than \$3,000 if  
9 the person has been previously convicted four times;

10 (F) not less than 360 days and a fine of not less than \$4,000 if  
11 the person has been previously convicted more than four times;

12 (2) the court may not

13 (A) suspend execution of sentence or grant probation except on  
14 condition that the person serve the minimum imprisonment under (1) of this  
15 subsection;

16 (B) suspend imposition of sentence;

17 (3) the court shall revoke the person's driver's license, privilege to  
18 drive, or privilege to obtain a license under AS 28.15.181, and may order the motor  
19 vehicle or aircraft that was used in commission of the offense to be forfeited under  
20 AS 28.35.036.

21 \* Sec. 6. AS 28.35.032(g) is amended to read:

22 (g) Upon conviction under this section

23 (1) the court shall impose a minimum sentence of imprisonment of

24 (A) not less than 72 consecutive hours and a fine of not less  
25 than \$250 if the person has not been previously convicted; imprisonment  
26 required under this subparagraph shall be served at a community  
27 residential center or, if a community residential center is not available, at  
28 another appropriate facility determined by the commissioner of corrections  
29 and the cost of the imprisonment shall be paid by the person sentenced  
30 under this subparagraph; payment of the cost of imprisonment is not  
31 required if the court determines the person is indigent; for costs of

1 imprisonment that are not paid by the person sentenced under this  
2 subparagraph, including costs not paid due to indigency, the state shall  
3 seek reimbursement from the person's permanent fund dividend as  
4 provided under AS 43.23.065; while at the community residential center  
5 or other appropriate facility, the person shall perform at least 24 hours of  
6 community service work as directed by the director of the community  
7 residential center or other appropriate facility;

8 (B) not less than 20 days and a fine of not less than \$500 if the  
9 person has been previously convicted once; imprisonment required under  
10 this subparagraph shall be served at a community residential center or, if  
11 a community residential center is not available, at another appropriate  
12 facility determined by the commissioner of corrections and the cost of the  
13 imprisonment shall be paid by the person sentenced under this  
14 subparagraph; payment of the cost of imprisonment is not required if the  
15 court determines the person is indigent; for costs of imprisonment that are  
16 not paid by the person sentenced under this subparagraph, including costs  
17 not paid due to indigency, the state shall seek reimbursement from the  
18 person's permanent fund dividend as provided under AS 43.23.065; while  
19 at the community residential center or other appropriate facility, the  
20 person shall perform at least 160 hours of community service work as  
21 directed by the director of the community residential center or other  
22 appropriate facility;

23 (C) not less than 60 days and a fine of not less than \$1,000 if  
24 the person has been previously convicted twice;

25 (D) not less than 120 days and a fine of not less than \$2,000  
26 if the person has been previously convicted three times;

27 (E) not less than 240 days and a fine of not less than \$3,000 if  
28 the person has been previously convicted four times;

29 (F) not less than 360 days and a fine of not less than \$4,000 if  
30 the person has been previously convicted more than four times;

31 (2) the court may not

1 (A) suspend execution of the sentence required by (1) of this  
2 subsection or grant probation, except on condition that the person serve the  
3 minimum imprisonment under (1) of this subsection; or

4 (B) suspend imposition of sentence;

5 (3) the court shall revoke the person's driver's license, privilege to  
6 drive, or privilege to obtain a license under AS 28.15.181, and may order the motor  
7 vehicle or aircraft that was used in commission of the offense be forfeited under  
8 AS 28.35.036; and

9 (4) the sentence imposed by the court under this subsection shall run  
10 consecutively with any other sentence of imprisonment imposed on the person.

11 \* Sec. 7. APPLICABILITY. (a) This Act applies to offenses that are committed after  
12 June 30, 1993.

13 (b) AS 28.15.181(c), as amended by sec. 1 of this Act, AS 28.15.201(d), as amended  
14 by sec. 2 of this Act, AS 28.35.030(b), as amended by sec. 5 of this Act, and  
15 AS 28.35.032(g), as amended by sec. 6 of this Act, apply according to their terms whether the  
16 previous convictions occurred before, on, or after the effective date of this Act.

17 \* Sec. 8. This Act takes effect July 1, 1993.

## Sectional Analysis For CSHB 136 (HES)

### Section 1.

Amends AS 28.15.181, relating to the minimum periods of license revocation. The periods are revised to read:

- not less than 90 days if the person has not been previously convicted
- not less than 1 year if the person has been previously convicted once
- not less than 3 years if the person has been previously convicted twice
- not less than 5 years if the person has been previously convicted more than twice

### Section 2.

Rewrites AS 28.15.201, pertaining to limited licenses. Allows the court to impose limitations on someone's license for the final 60 days of revocation after the first offense only. This applies only to those convicted of driving while intoxicated. Limited license privileges are not granted to those who refuse to submit to a breath test.

### Section 3.

Amends AS 28.15.211(d). At the end of a period of license revocation or limitation, an individual may apply for a new license but must be re-examined, pay a reinstatement fee of \$100, and if the license was revoked for a DWI conviction or refusal to submit to a breath test, must submit proof of the completion of an alcohol treatment and education program.

### Section 4.

Amends AS 28.15.211(e) relating to the reinstatement of a license and proof of financial responsibility (AS 28.20). Adds the additional requirement that if the license was revoked due to a DWI conviction or refusal to submit to a breath test, proof of the completion of an alcohol education and rehabilitation program must be shown before a new license can be issued.

### Section 5.

Amends AS 28.35.030(b). Requires first and second time offenders convicted of driving while intoxicated to serve their imprisonment in a community residential center (CRC). If such a center is not available, an appropriate facility will be determined by the Department of Corrections.

This section also requires that the person sentenced pay for the cost of their incarceration; if they cannot pay, the state will seek reimbursement from their permanent fund dividend check.

Finally, this section requires that first-time offenders perform at least 24 hours of community work service, and second-time offenders perform at least 160 hours of community work service as directed by the director of the CRC or other appropriate facility.

#### Section 6.

Amends AS 28.35.032(g) to require the same as directed in Section 5 of the bill, for first and second convictions of refusing to submit to a breath test.

#### Section 7.

States that this act would apply for offenses committed after June 30, 1993. Sections 1,2,5, and 6 of this act apply according to their terms whether or not the previous convictions occurred before, on, or after the effective date of this act.

#### Section 8.

States that this act would go into effect on July 1, 1993.

LEGISLATION POSITION PAPER  
DEPARTMENT OF CORRECTIONS

HB 136

February 25, 1993

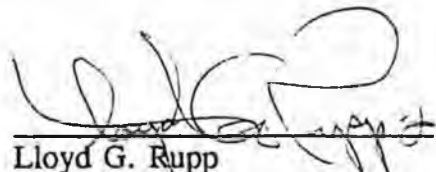
HB 136 provides for the placement of offenders convicted of DWI or refusal to submit to a breath test in a half-way house to serve their 72 hour sentence. It also requires these offenders to pay for the cost of their imprisonment at a half-way house or other correctional facility.

The major impact of this legislation on the Department of Corrections is the expansion of the use of alternative facilities and a method to fund this expansion. DOC currently has over 1,800 offenders scheduled to serve their time (these individuals are called "Court-ordered Reports"). Of this group, approximately 650 are first time DWI offenders who would be covered by this legislation. By charging these and other DWI offenders for the cost of care, DOC can generate revenue to offset the cost of incarcerating these offenders.

There are several options for collecting payment from offenders: direct payment to the service provider, payment to DOC, payment to the Court System. It appears that the most consistent manner of collecting this charge, as well as the court fines, is to ask the Court System to collect both of these. By setting up a separate account code, these funds could be segregated from other court fines and fees, and the amount of collections reported on a regular basis. DOC could compute a rate schedule for the judges to use in preparing judgements and assessing the housing costs.

In reviewing the bill, and analyzing the annual DOC caseload, it appears that a major fiscal impact would result only by extending the half-way house language and payment requirement to other than first time offenders. For example, whereas the number of first time offenders makes up approximately one third of the current COR backlog, they account for only 5-10% of the days to be served by all alcohol/driving offenders.

For the purpose of computing the expected revenue from this bill, it is assumed that the average charge for half-way house or other forms of incarceration will be \$60. The total number of first time DWI offenders each year is estimated at 3532 by the Department of Public Safety. It is estimated that 64% or 2261 of those charged will be convicted. Reducing this number by the number of indigent offenders (estimated at 10%), yields a total of 2035 offenders to be charged for their lodging. At \$60 per day, and three day sentences, the total charged annually should be approximately \$366,300. Assuming that the Court System is able to collect 60% of the amount charged, a total of \$219,780 should be generated each year from this program.

  
Lloyd G. Rupp  
Commissioner  
Department of Corrections

THE  
FOLLOWING  
DOCUMENTS  
ARE  
POOR  
ORIGINAL  
COPIES

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# Alaska State Legislature

## House of Representatives

COMMITTEE ON HEALTH, EDUCATION  
AND SOCIAL SERVICES

DATE: FEBRUARY 25, 1993

PLACE: Capitol Room 106

**SUBJECT OF MEETING:**  
 \*HB 136: DRUNK DRIVING AND BREATH TEST OFFENSE  
 \*HB 137: PAROLE OF TERMINALLY ILL PRISONERS  
 HB 67: ELIGIBILITY FOR PUBLIC ASSISTANCE

NAME	REPRESENTING	BUSINESS/PERSONAL MAILING ADDRESS	ZIP	(H) PHONE	(W) PHONE	DO YOU WANT TO TESTIFY?	WHAT SUBJECT/ WHICH BILL?
JAN HANSEN	DASS				465-2680	<input checked="" type="radio"/> Y <input type="radio"/> N	HB 67
<sup>George</sup> G. 170214r		Rep. Kott's Office			3771	<input checked="" type="radio"/> Y <input type="radio"/> N	HB 137
						<input type="radio"/> Y <input type="radio"/> N	
						<input type="radio"/> Y <input type="radio"/> N	
						<input type="radio"/> Y <input type="radio"/> N	
						<input type="radio"/> Y <input type="radio"/> N	
						<input type="radio"/> Y <input type="radio"/> N	
						<input type="radio"/> Y <input type="radio"/> N	
						<input type="radio"/> Y <input type="radio"/> N	
						<input type="radio"/> Y <input type="radio"/> N	
						<input type="radio"/> Y <input type="radio"/> N	



# Alaska State Legislature

## House of Representatives

COMMITTEE ON HEALTH, EDUCATION  
AND SOCIAL SERVICES

DATE: FEBRUARY 25, 1993

PLACE: Capitol Room 106

**SUBJECT OF MEETING:**  
 \*HB 136: DRUNK DRIVING & BREATH TEST OFFENSES  
 \*HB 137: PAROLE OF TERMINALLY ILL PRISONERS  
 HB 67: ELIGIBILITY FOR PUBLIC ASSISTANCE

NAME	REPRESENTING	BUSINESS/PERSONAL MAILING ADDRESS	ZIP	(H) PHONE	(W) PHONE	DO YOU WANT TO TESTIFY?	WHAT SUBJECT/ WHICH BILL?
Lloyd Rupp, Commissioner	Corrections				465-3376	<input checked="" type="radio"/> Y <input type="radio"/> N	HB 136, 137
Lennie Gorsech	Nella Brown				463-3531	<input type="radio"/> Y <input checked="" type="radio"/> N	
Margo Warming	AMHB				4653071	<input checked="" type="radio"/> Y <input type="radio"/> N	HB 137
						<input type="radio"/> Y <input type="radio"/> N	
						<input type="radio"/> Y <input type="radio"/> N	
						<input type="radio"/> Y <input type="radio"/> N	
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						<input type="radio"/> Y <input type="radio"/> N	
						<input type="radio"/> Y <input type="radio"/> N	
						<input type="radio"/> Y <input type="radio"/> N	

A M E N D M E N T

OFFERED IN THE HOUSE  
TO: HB 136

BY REPRESENTATIVE MULDER

Page 1, line 1, after "relating":

Insert "to limited driver's licenses and"

Page 1, after line 3:

Insert new bill sections to read:

\*\* Section 1. AS 28.15.181(c) is amended to read:

(c) A court convicting a person of an offense described in (a)(5) or (8) of this section arising out of the operation of a motor vehicle, commercial motor vehicle, or aircraft shall revoke that person's driver's license, privilege to drive, or privilege to obtain a license. The revocation may be concurrent with or consecutive to an administrative revocation under AS 28.15.165. The court may not, except as provided in AS 28.15.201, grant limited license privileges during the minimum period of revocation. The minimum periods of revocation are:

(1) not less than [AT LEAST] 90 days if the person has not been previously convicted;

(2) not less than [AT LEAST] one year if the person has been previously convicted once;

(3) not less than 3 [AT LEAST FIVE] years if the person has been previously convicted twice;

(4) not less than 5 [AT LEAST 10] years if the person has been previously convicted more than twice.

\* Sec. 2. AS 28.15.201 is repealed and reenacted to read:

Sec. 28.15.201. LIMITATION OF DRIVER'S LICENSE. (a) A court of competent jurisdiction revoking a person's driver's license, privilege to drive, or privilege to obtain a license under AS 28.15.181(b) or the department under

AS 28.15.165 may, for good cause, impose limitations upon the driver's license of a person that will enable the person to earn a livelihood without excessive risk or danger to the public. A limitation may not be placed upon a driver's license until after a review has been made of the person's driving record and other relevant information, and a limitation may not be imposed when a statute specifically prohibits the limitation of a license for a violation of its provisions.

(b) A court or the department imposing a limitation under (a) of this section shall

- (1) require certification of employment;
- (2) require proof of completion of an alcoholism treatment program when appropriate;
- (3) require the surrender of the driver's license; and
- (4) issue to the licensee a certificate, or the department may issue a restricted driver's license, valid for the duration of the limitation.

(c) After the termination of a limitation as shown on the certificate or driver's license issued under (b) of this section, the license of a person on whom a limitation was imposed is revoked until the person receives a new license meeting the requirements set out in AS 28.15.211.

(d) A court revoking a driver's license, privilege to drive, or privilege to obtain a license under AS 28.15.181(c), or the department when revoking a driver's license, privilege to drive, or privilege to obtain a license under AS 28.15.165(c), may grant limited license privileges for the final 60 days during which the license is revoked if

- (1) the revocation was for a violation of AS 28.15.181(a)(5) and not for a violation of AS 28.15.181(a)(8);
- (2) the person has not been previously convicted of an offense;
- (3) the court or the department determines that the person's ability to earn a livelihood would be severely impaired;
- (4) the court or the department determines that a limitation under (a) of this section can be placed on the license that will enable the person to earn a livelihood without excessive danger to the public; and
- (5) the court or the department determines that the person has successfully completed an alcoholism education and rehabilitation treatment program.

(e) The department may terminate a revocation and issue a driver's license to a person whose license, privilege to drive, or privilege to obtain a license was revoked for an offense described in AS 28.15.181(a)(5) or (8) if the offense occurred before July 1, 1993, and if

(1) the person's license, privilege to drive, or privilege to obtain a license has been revoked for the minimum periods set out in AS 28.15.181(c); and

(2) the person complies with the provisions of AS 28.15.211(d) and (e).

\* Sec. 3. AS 28.15.211(d) is amended to read:

(d) At the end of a period of revocation or limitation following a revocation, a person whose driver's license has been revoked may apply to the department for the issuance of a new license, but shall submit to reexamination, [AND] pay all required fees including a reinstatement fee of \$100, and if the license was revoked under AS 28.15.181(a)(5) or (8), submit proof of completion of an alcoholism education and rehabilitation program.

\* Sec. 4. AS 28.15.211(e) is amended to read:

(e) At the end of a period of limitation, suspension, or revocation under this chapter, the department may not issue a driver's license or a duplicate driver's license to the licensee until the licensee has complied with AS 28.20 relating to proof of financial responsibility and if the license was revoked under AS 28.15.181(a)(5) or (8) has submitted proof of completion of an alcoholism education and rehabilitation program."

Page 1, line 4:

Delete "Section 1."

Insert "Sec. 4."

Renumber the following bill sections accordingly.

Page 4, line 14, after "(b)":

Insert "AS 28.15.201(d), as repealed and reenacted in sec. 2 of this Act and"

Delete "sec. 3"

Insert "sec. 7"

A M E N D M E N T

OFFERED IN THE HOUSE

BY REPRESENTATIVE MULDER

TO: HB 136

Page 1, line 9:

Delete "halfway house"

Insert "community residential center"

Page 1, line 10:

Delete "halfway house"

Insert "community residential center"

Page 2, line 3:

Delete "halfway house"

Insert "community residential center"

Page 2, line 5:

Delete "halfway house"

Insert "community residential center"

Page 2, line 30:

Delete "halfway house"

Insert "community residential center"

Page 2, line 31:

Delete "halfway house"

Insert "community residential center"

Page 3, line 7:

Delete "halfway house"

Insert "community residential center"

Page 3, line 9:

Delete "halfway house"

Insert "community residential center"

A M E N D M E N T

OFFERED IN THE HOUSE

BY REPRESENTATIVE MULDER

TO: HB 136

Page 1, line 10, after "facility":

Insert "determined by the commissioner of corrections"

Page 2, line 31, after "facility":

Insert "determined by the commissioner of corrections"

A M E N D M E N T

OFFERED IN THE HOUSE

BY REPRESENTATIVE MULDER

TO: HB 136

Page 2, line 7, after "once;":

Insert "imprisonment required under this subparagraph shall be served at a halfway house or, if a halfway house is not available, another appropriate facility and the cost of the imprisonment shall be paid by the person sentenced under this subparagraph: payment of the cost of imprisonment is not required if the court determines the person is indigent; for costs of imprisonment that are not paid by the person sentenced under this subparagraph, including costs not paid due to indigency, the state shall seek reimbursement from the person's permanent fund dividend as provided under AS 43.23.065; while at the halfway house or other appropriate facility, the person shall perform at least 160 hours of community service work as directed by the director of the halfway house or other appropriate facility;"

Page 3, line 11, after "once;":

Insert "imprisonment required under this subparagraph shall be served at a halfway house or, if a halfway house is not available, another appropriate facility and the cost of the imprisonment shall be paid by the person sentenced under this subparagraph: payment of the cost of imprisonment is not required if the court determines the person is indigent; for costs of imprisonment that are not paid by the person sentenced under this subparagraph, including costs not paid due to indigency, the state shall seek reimbursement from the person's permanent fund dividend as provided under AS 43.23.065; while at the halfway house or other appropriate facility, the person shall perform at least 160 hours of community service work as directed by the director of the halfway house or other appropriate facility;"

LEGISLATION POSITION PAPER

DEPARTMENT OF CORRECTIONS

HB 136

February 22, 1993

HB 136 provides for the placement of offenders convicted of DWI or refusal to submit to a breath test in a half-way house to serve their 72 hour sentence. It also requires these offenders to pay for the cost of their imprisonment at a half-way house or other correctional facility.

The major impact of this legislation on the Department of Corrections is the expansion of the use of alternative facilities and a method to fund this expansion. DOC currently has over 1,800 offenders scheduled to serve their time (these individuals are called "Court-ordered Reports"). Of this group, approximately 650 are first time DWI offenders who would be covered by this legislation. By charging these and other DWI offenders for the cost of care, DOC can generate revenue to offset the cost of incarcerating these offenders.

There are several options for collecting payment from offenders: direct payment to the service provider, payment to DOC, payment to the Court System. It appears that the most consistent manner of collecting this charge, as well as the court fines, is to ask the Court System to collect both of these. By setting up a separate account code, these funds could be segregated from other court fines and fees, and the amount of collections reported on a regular basis. DOC could compute a rate schedule for the judges to use in preparing judgements and assessing the housing costs.

In reviewing the bill, and analyzing the annual DOC caseload, it appears that a major fiscal impact would result only by extending the half-way house language and payment requirement to other than first time offenders. For example, whereas the number of first time offenders makes up approximately one third of the current COR backlog, they account for only 5-10% of the days to be served by all alcohol/driving offenders.

For the purpose of computing the expected revenue from this bill, it is assumed that the average charge for half-way house or other forms of incarceration will be \$60. The total number of first time DWI offenders each year is estimated at 3532 by the Department of Public Safety. It is estimated that 64% or 2261 of those charged will be convicted. Reducing this number by the number of indigent offenders (estimated at 10%), yields a total of 2035 offenders to be charged for their lodging. At \$60 per day, and three day sentences, the total charged annually should be approximately \$366,300. Assuming that the Court System is able to collect 60% of the amount charged, a total of \$219,780 should be generated each year from this program.

---

Lloyd G. Rupp  
Commissioner  
Department of Corrections

Position Paper - Corrections 2/22/93

**SPONSOR STATEMENT**  
Representative Eldon Mulder

House Bill 136

House Bill 136 relates to DWI offenses and punishments. Currently, convicted offenders are sentenced to 72 hours of imprisonment, usually served in a jail. This type of sentencing has resulted in a backlog of up to 2500 offenders waiting to serve their time. They often do not go to jail until as much as one year after the offense has occurred. When they finally do serve, it is often over a weekend. This results in a very little feeling of "punishment" for the offense. It is also costing the state a tremendous amount of money.

House Bill 136 addresses this problem. The bill requires that convicted offenders and those who refuse to submit to a breath test serve their 72 hours in Community Residential Centers and that they pay the cost of their stay themselves. If they cannot pay, the state will seek reimbursement from the person's permanent fund dividend check.

In addition, offenders are required to perform 24 hours of community service work as directed by the director of the halfway house during their stay in the facility. If there are no halfway houses available in a community, offenders may stay in an alternative facility as determined and approved by the Department of Corrections.

Finally, HB 136 requires forfeiture of the vehicle upon the third and subsequent offenses.

The purpose of this bill is two-fold: to attempt to curtail the number of DWI offenses by offering serious punishment to offenders and to ease the financial burden on the Department of Corrections. I urge the Committee to support this legislation.

*Sponsor Statement*

## Sectional Analysis for HB 136

### Section 1.

Amends AS 28.35.030(b) to require that the 72 hour imprisonment for first time DWI offenses be served at a halfway house, better known as a community residential center (CRC). If such a center is not available, an appropriate facility will be determined by the Department of Corrections.

This section also requires that the person sentenced pay for the cost of their incarceration; if they cannot pay, the state will seek reimbursement from their permanent fund dividend check.

Finally, this section requires that the person shall perform at least 24 hours of community work service as directed by the director of the CRC.

### Section 2.

Amends AS 28.35.032(g) to require the same as directed in Section 1 of the bill, for refusal to submit to a breath test.

### Section 3.

Amends AS 28.35.036(a) to require the state to move the court to order forfeiture of the vehicle upon the the third and subsequent offenses.

### Section 4.

States that this act would apply for offenses committed after June 30, 1992.

### Section 5.

States that this act would go into effect on July 1, 1993.

LEGISLATION POSITION PAPER  
DEPARTMENT OF CORRECTIONS

HB 136

February 22, 1993

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The major impact of this legislation on the Department of Corrections is the expansion of the use of alternative facilities and a method to fund this expansion. DOC currently has over 1,800 offenders scheduled to serve their time (these individuals are called "Court-ordered Reports"). Of this group, approximately 650 are first time DWI offenders who would be covered by this legislation. By charging these and other DWI offenders for the cost of care, DOC can generate revenue to offset the cost of incarcerating these offenders.

There are several options for collecting payment from offenders: direct payment to the service provider, payment to DOC, payment to the Court System. It appears that the most consistent manner of collecting this charge, as well as the court fines, is to ask the Court System to collect both of these. By setting up a separate account code, these funds could be segregated from other court fines and fees, and the amount of collections reported on a regular basis. DOC could compute a rate schedule for the judges to use in preparing judgements and assessing the housing costs. Collections would be done by the Court System, with delinquent accounts handled by the Attorney General.

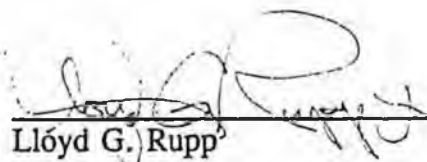
In reviewing the bill, and analyzing the annual DOC caseload, it appears that a major fiscal impact would result only by extending the half-way house language and payment requirement to other than first time offenders. For example, whereas the number of first time offenders makes up approximately one third of the current COR backlog, they account for only 5-10% of the days to be served by all alcohol/driving offenders.

For the purpose of computing the expected revenue from this bill, it is assumed that the average charge for half-way house or other forms of incarceration will be \$60. The total number of first time DWI offenders each year is estimated at 3532 by the Department of Public Safety. It is estimated that 64% or 2261 of those charged will be convicted. Reducing this number by the number of indigent offenders (estimated at 10%), yields a total of 2035 offenders to be charged for their lodging. At \$60 per day, and three day sentences, the total charged annually should be approximately \$366,300. Assuming that the Court System is able to collect 60% of the amount charged, a total of \$219,780 should be generated each year from this program.

Position Paper - Corrections

Position Paper  
HB 136  
Page 2

DOC recommends that a portion of these revenues be used for the purchase of additional half-way house beds, and that the remainder be returned to the general fund to help support the balance of the DOC budget. Therefore, 50% of the estimated annual revenue is shown as a program receipt for the department. By establishing an authorization to receive and expend these funds, the department will be able to make use of this revenue, but only if it is actually collected. With the uncertainty while starting up the program, DOC will proceed cautiously in contracting for additional space. As the revenue stream stabilizes, the department will know better how to plan and budget for this program.



Lloyd G. Rupp  
Commissioner  
Department of Corrections



# Alaska Sentencing Commission

1029 W. Third Avenue, Suite 201, Anchorage, Alaska 99501 (907) 279-2526 FAX (907) 276-5046

James V. Gould, Chair  
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Lloyd G. Rupp

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Gigi Pilcher  
John Saleni

Duane S. Udland  
Rep. Fran Ulmer

February 10, 1993

Representative Eldon Mulder  
Alaska State Legislature  
State Capitol  
Juneau, AK 99801-1182

RE: HB 136; DWI

FEB 15 1993

Dear Representative Mulder:

I am writing with respect to your proposed legislation altering DWI penalties. Your legislation encourages the housing of DWI prisoners in halfway houses and strengthens the fines and forfeiture provisions of the current law.

One of the Sentencing Commission's major recommendations is well served by your legislation -- the increased use of halfway houses. Clearly, the great majority of DWI offenders could be more cheaply and more effectively punished in the setting you propose (halfway houses with community service) than in hard beds. As you know, many DWI offenders in Anchorage and Fairbanks already serve their sentences in halfway houses.

While the Commission did not specifically make a recommendation as to the use of community service while in halfway houses, your proposal is certainly consistent with their general recommendations. You might also consider a requirement for alcohol screening and education while at the halfway house. We have discussed a similar program with representatives of MADD. I recommend you consult with both DOC and MADD.

The commission recommended the increased use of fines and forfeitures, but as alternatives to jail time rather than as additional penalties. The commission generally recommended the use of fines scaled to the offender's income, which would seem appropriate in DWI cases. See 1992 ASC Report at p. 11. The Commission also recommended that the legislature investigate alternatives to the current three day minimum sentence for first time DWI offenders. At p. 44-45 of its 1992 report, the Commission recommends:

**Beginning immediately, the legislature should amend the law providing that DWI first offenders must be sentenced to jail for at least three days. Instead the**

Alaska Sentencing Commission

legislature should investigate other creative alternatives to punish drunk drivers more quickly, cheaply, and effectively.

The commission recognizes that drunk driving is a serious offense which must be deterred, but believes that the current law does not represent the most cost-effective approach. The Department of Corrections estimates that housing DWI offenders costs approximately \$6 million per year, even though many DWI offenders are already serving their sentences in halfway houses. This does not represent the full cost of housing drunk drivers, since many first and second offenders are housed in local jails.

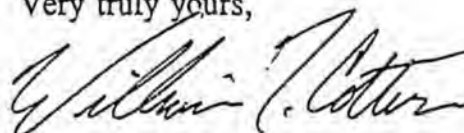
Jail time is only one part of the sentence for DWI in Alaska. First time DWI offenders also are required to follow the treatment recommendations made by the state alcohol screening program, pay a fine of at least \$250, and have their driver's license suspended for 90 days. For second offenses, the fine rises to \$500 and the period of suspension to 365 days. AS 28.35.030; AS 28.15.171. In addition, the offender's insurance rates are likely to go up. The commission does not recommend changes in these aspects of the DWI sentence.

While the mandatory jail term may have some added deterrent value, there are many less costly approaches. Other jurisdictions have used a variety of successful programs that publicly identify offenders and require community service from them, like wearing an orange vest to pick up trash along the highway. The commission recommends that the legislature work with representatives of groups like Mothers Against Drunk Drivers to formulate a plan that will deal with this serious problem more effectively. This recommendation passed, nine in favor and four opposed.

The Commission certainly understands the political realities concerning DWI. Its recommendation quoted above was only made after a long discussion and consideration of all the issues. Nevertheless, if we are to address the current backlog of about 2500 misdemeanants waiting up to nine months to go to jail, within our current fiscal constraints, we must consider creative alternatives. I would ask you to consider whether some combination of community service, stiff fines (on a sliding scale dependent on income to increase the bite), and mandatory alcohol treatment could be substituted for the current required 72 hours in jail.

Please feel free to give me a call if you have any questions.

Very truly yours,



William T. Cotten  
Executive Director

of the offender and planned reintegration into the community. Gradual reintegration into the community should not be restricted to low-risk offenders, since supervision and aftercare are even more important for serious offenders reaching the end of their prison terms.

22. When community residential centers are used for end-of-sentence furloughs, placement should be for long enough to provide adequate programming and encourage a successful transition to the community.
23. The DOC Division of Institutions should continue review of its classification system for determining which offenders are suitable for programming and community custody. Quicker and more uniform classification will increase opportunities for rehabilitation.
24. The legislature should expand immunity for the state and for state employees for the release and supervision of offenders on parole, probation, furlough, work release, or similar conditional release. This should help individual officers who currently take an unnecessarily conservative approach to release because of concerns about personal or departmental liability.<sup>17</sup>
25. The legislature should adopt legislation promoting the increased use of forfeitures and fines as alternatives to jail time. It should work with the courts to create effective mechanisms for the collection of fines and restitution and to investigate the use of day fines.<sup>18</sup> It should also revise statutes if necessary to permit judges to sentence offenders to non-DOC alternatives such as home confinement with electronic monitoring.
26. Judges should increase the use of forfeitures and restitution orders for presumptive sentences and the use of fines, forfeitures, and restitution orders for non-presumptive sentences. These alternatives are under-utilized by many judges.
27. Statewide coordination of alternative punishments will be needed after the Sentencing Commission sunsets at the end of FY 93. Criminal justice agencies should set aside the time and a small amount of travel money to continue to work out problems and improve the system. Something along the lines of the former criminal justice working group should be formed to assure the necessary coordination.

---

<sup>17</sup> This issue is discussed in more detail in: 1991 Alaska Sentencing Commission Annual Report at p. 26-27.

<sup>18</sup> Unlike standard fines, day fines are linked to the offender's daily income, so that poor and rich offenders are sentenced equitably. Day fines are described in more detail in 1990 Alaska Sentencing Commission Annual Report at p. 37.

criticized for competing with the private sector, they have strong support from the general public. This recommendation was adopted without objection.

2. **Beginning immediately, the legislature should offer support and encouragement to criminal justice agencies in their efforts to reach creative, long-term solutions to budget reductions.**

Innovative ideas are necessary to cope with major budget reductions. The commission recommends that criminal justice agencies be allowed some discretionary funds for planning and for pilot programs. The Legislature also should support internal reallocation of budgets within agencies to achieve long-term budget reductions.

Agencies will need the encouragement of the Legislature and the Governor to try new ideas without the immediate assumption that such changes are unacceptable. If state revenues in fact decline by \$1 billion over the next 10 years, people will need to change their expectations of what government can do. The results of the focus groups indicate that people think the state should take financial considerations into account in devising a suitable system of punishment. All branches of government should work to educate the public on the budget impacts of their programs and to provide information necessary to make difficult choices. This recommendation was adopted without objection.

**Beginning immediately, Department of Corrections should establish a plan to allow offenders convicted of driving while intoxicated (DWI) and driving with license suspended or revoked (DWLS/R) to serve their sentences without a long delay (currently nine months in some locations).**

Far and away the most common criminal offense is driving while intoxicated. In 1990, 2544 DWI offenders served time in Department of Corrections facilities. 1629 of these were first-time DWI offenders with an average sentence of five days. Another 2255 people served time in one of the 19 local jails, which are run on contract with the Department of Public Safety, serving an average sentence of three days. As of October 1992, about 960 DWI offenders were on waiting lists with the Department of Corrections, waiting up to nine months to serve their sentences.

In order to clear up the backlog and to provide specific programming appropriate for drunk drivers, the Department of Corrections should investigate the use of low-security facilities to process large numbers of DWI and DWLR/S offenders in the bigger communities. Offenders serving short sentences in halfway houses should not be mixed with offenders being reintegrated into the community at the end of long sentences.

**Beginning immediately, the legislature should amend the law providing that DWI first offenders must be sentenced to jail for at least three days. Instead the legislature should investigate other creative alternatives to punish drunk drivers more quickly, cheaply, and effectively.**

The commission recognizes that drunk driving is a serious offense which must be deterred, but believes that the current law does not represent the most cost-effective

approach. The Department of Corrections estimates that housing DWI offenders costs approximately \$6 million per year, even though many DWI offenders are already serving their sentences in halfway houses. This does not represent the full cost of housing drunk drivers, since many first and second offenders are housed in local jails.

Jail time is only one part of the sentence for DWI in Alaska. First time DWI offenders also are required to follow the treatment recommendations made by the state alcohol screening program, pay a fine of at least \$250, and have their driver's license suspended for 90 days. For second offenses, the fine rises to \$500 and the period of suspension to 365 days. AS 28.35.030; AS 28.15.171. In addition, the offender's insurance rates are likely to go up. The commission does not recommend changes in these aspects of the DWI sentence.

While the mandatory jail term may have some added deterrent value, there are many less costly approaches. Other jurisdictions have used a variety of successful programs that publicly identify offenders and require community service from them, like wearing an orange vest to pick up trash along the highway. The commission recommends that the legislature work with representatives of groups like Mothers Against Drunk Drivers to formulate a plan that will deal with this serious problem more effectively. This recommendation passed, nine in favor and four opposed.

5. **The Department of Corrections should increase the use of alternative punishments as part of some presumptive sentences. The commission recommends that the Department of Corrections pursue an active policy for some presumptively sentenced offenders that substitutes time spent in alternative punishment programs for time in prison, within the limits of public safety. High supervision programs such as community residential centers, treatment programs, intensive supervised probation, and day reporting centers can control risk to the public, provide rehabilitative opportunities, and fulfill the goals of presumptive sentencing at lower cost than spending the entire presumptive term in prison.**

The commission believes that its support for presumptive sentencing is compatible with its support for alternative punishments. Alaska case law already provides that time spent in custodial programs such as community residential centers and residential treatment programs must be credited to the offender's time served, just like incarceration. Regardless of whether the correctional budget is reduced, the commission has already recommended that these alternatives be routinely used for presumptively sentenced offenders during the final portion of their sentences, to help them make their transition back to the community. For many offenders, these alternatives may also be safely and effectively used for longer periods of time. The commission recommends strong oversight for these offenders, along with careful monitoring and evaluation of their programs. See Section II-A. of this report.

The Department of Corrections currently is seeking a legal opinion on whether it may furlough presumptively sentenced offenders to their homes in order to participate in highly structured programs such as intensive supervised probation and day reporting centers. See AS 33.30.111. If this cannot be done under current statutes, the commission

COTT & WESLEY GERRISH  
MEMORIAL

# M A D D

ANCHORAGE, ALASKA  
CHAPTER

MAILING ADDRESS:  
795 West 4th Avenue, Box 821  
Anchorage, AK 99501

(907) 258-MADD

BUSINESS ADDRESS  
718 East 11th Avenue  
Anchorage, AK 99501

February 24, 1993

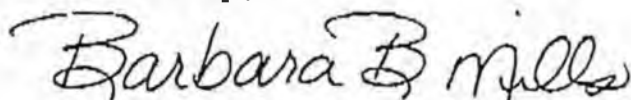
Rep. Eldon Mulder  
State Capitol  
Room 116  
Juneau, Alaska 99801

Dear Rep. Mulder:

We at Mothers Against Drunk Driving would like to express our support for House Bill 136. We feel that this bill addresses the concerns of the Department of Corrections while keeping intact the most important part of our drunk driving laws, time in jail. In fact, we feel this will have an even greater impact on offenders if they are required to pay their own way.

I would encourage all legislators to pass this bill.

Sincerely,

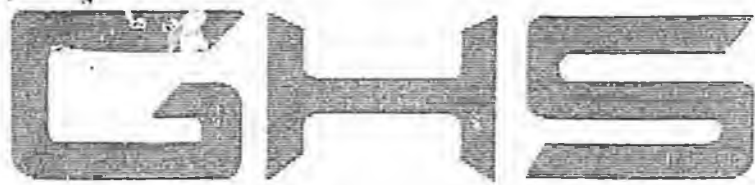


Barbara F. Mills  
Executive Director  
MADD Anchorage Chapter

BBM:mpc

MODIFYING  
ATTITUDES  
TOWARDS  
DRIVING AND  
DRINKING

Letters of Support



GASTINEAU HUMAN SERVICES CORPORATION • 5597 AISEK STREET • JUNEAU, ALASKA 99801 • (907) 780-4338  
GASTINEAU MANOR • (907) 780-6661  
GLACIER MANOR • (907) 780-4515  
FACSIMILE • (907) 780-4098

February 16, 1993

FEB 18 1993

Representative Eldon Mulder  
P.O. Box V  
Juneau, AK 99811

Dear Representative Mulder:

I have just had an opportunity to read HB 136 and I applaud the intent of this bill.

Gastineau Human Services operates both residential and out-patient services as well as the only community residential center (CRC) in Southeast Alaska. While often referred to as halfway houses, these facilities are properly known as community residential centers. They are approved and inspected by the Department of Corrections to serve, in part, the purposes required by HB 136. With that experience, and on behalf of the Alaska State Chapter of the International Association of Residential and Community Alternatives (IRCHA), of which I am the secretary-treasurer, I would like to suggest some changes in the language of the bill.

Where the bill refers to halfway house or other appropriate facilities, I suggest it read community residential center or facility meeting CRC standards, as promulgated by the Department of Corrections. This is more than just a semantic difference. The standards deal directly with issues of safety and security for the community, the staff and the residents. They also assure adequate standards of treatment of the offender and thus protect the interests of the State.

The language of the bill needs to make it clear that this program will be operated by the Department of Corrections (because these people would, in fact, be incarcerated) and would be funded by DOC. The point is to make it clear that it is a State responsibility to assign financial responsibility and collect the money rather than a program responsibility. The program can accept payment but cannot take the financial burden of operating from the funds collected.



A United Way Agency

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One final point relates to community work service (CWS). GHS is a strong advocate of CWS. Over thirty thousand hours per year is done in Juneau under our supervision. However, the focus should be to intervene in the abuse of alcohol. To that end I suggest that the language of this bill be modified to require that alcohol screening, assessment and all required alcohol education must be completed during the time of confinement in the CRC.

If I can provide further clarification or information, please contact me at 780-4338.

Thank you for your interest and attention concerning this critical issue.

Sincerely,

  
Jerry Shriner  
Asst. Exec. Director

JS:hl  
(hb136.doc)

# alternatives sought

Continued from Page B-1

currently houses 2,546 prisoners, 72 over a court-imposed maximum.

Prison population in 1983 was 1,407.

With the exception of extending parole and allowing jailers to send felons to residential treatment programs for part of their sentences, the commission recommends no major change in the state's controversial "presumptive" sentencing scheme.

Presumptive sentencing, which sets required terms of imprisonment without parole for violent crimes and drug sales, has helped swell the prison population since it went into effect in 1980. Before then, Alaska had wide open, or "indeterminate" sentencing laws that allowed judges great leeway and led to bias in sentences, including many criminals escaping jail time.

"You could take a couple of offenders who were as close as possible, two peas in a pod," said Dan Hickey, former chief prosecutor and an author of the current presumptive law. "One would get nothing. The other would have gotten five years to serve for exactly the same conduct."

The goal of presumptive sentencing was "certainty and uniformity," Hickey said.

Now all repeat felons, plus first offenders convicted of robbery, armed assault, sexual penetration of a child or non-consensual penetration of an adult, drug sales, arson and manslaughter do time measured in years.

In addition, starting in 1983, under pressure from Rep. Ramona Barnes, now speaker of the House of Representatives, the state added presumptive prison terms for sex criminals and began vigorous prosecution of child molesters. About 20 percent, or 500, of the men now in prison are molesters or rapists, according to Department of Corrections figures.

Unlike some other states, more than half the criminals in Alaska prisons are there for committing a violent crime.

Still, there are probably several hundred prisoners who could be effectively punished and controlled by cheaper means than being

kept in prison, said Superior Court Judge Beverly Cutler, a commission member. Corrections reports the cost of keeping a prisoner at \$66,040 a year, although some institutions are cheaper.

Other states faced with overcrowding have adopted "alternative punishments," also called "intermediate sanctions." These include intensively supervised probation, boot camp, house arrest with electronic monitoring and detention centers, where prisoners work at regular jobs but return to the center at night for supervision and treatment programs.

House arrest with electronic monitoring, for example, costs an estimated \$1,650 a year.

"A graduated system of alternative punishments is both sound correctional practice and an opportunity to control prison overcrowding," the commission report says.

Among commission recommendations, the one most likely to attract public comment is doing away with the three-day jail term for first-time drunken drivers.

"It depends on what they want to do instead," said Barbara Mills, executive director of Mothers Against Drunk Driving. "I've heard of different things that have been tried in different areas. So far, the biggest deterrent is going to jail."

In 1983, shortly after the law was enacted, drunken drivers killed 36 people in Anchorage, Mills said. Last year, the toll was eight. However, more than 1,000 already convicted drunken drivers are on a waiting list to serve their time with current reservations being made for next fall.

Mills said this problem can be solved with a little effort on the part of Corrections and no change in the law. "This is a knee-jerk reaction to overcrowding," she said. "We could do some kind of boot camp. I don't see why we aren't doing that."

Legislators haven't seen the report yet and House Speaker Barnes said she preferred to reserve comment. Lawmakers have been talking about substituting a \$5,000 fine for the required jail time, she said. "I'm very willing to look at (the report) with an open mind," she said.

# Sentencing panel urges alternatives

By SHEILA TOOMEY  
Daily News reporter

Alaska's mandatory three-day jail term for drunken drivers is too expensive and should be replaced by a more cost-effective punishment, the Alaska Sentencing Commission has concluded after a two-year examination of state sentencing practices and prison crowding.

Other recommendations in the commission's final report to the governor include:

- Creating a system of graduated non-prison punishments for many convicted criminals, as an alternative to expensive prison confinement for those who can be adequately controlled by such means.

- Making first offenders convicted of serious felonies eligible for parole after serving half their sentence, excluding those convicted of manslaughter or sex crimes.

- Releasing most prisoners into halfway houses at the end of their sentences, to promote successful, supervised re-entry into the community.

The 14-member panel was created in 1990 to come up with a solution to Alaska's crowded and expensive prison system in the context of declining revenues. The system

Please see Page B-3, SENTENCE

Daily News 1/19/93

Daily News Article 1-19-93

# FISCAL NOTE

STATE OF ALASKA  
1993 LEGISLATIVE SESSION

BILL NO. HB136

Revision Date: February 25, 1993

Dept. Affected: Corrections

Title: "An Act relating to the offense of driving while intoxicated . . ."

BRU: Statewide Programs

Sponsor: Rep. Mulder

Component: Statewide Programs

Requestor: Rep. Mulder

COMPONENT SERIAL NO. 1858

**Expenditures/Revenues:**

(Thousands of Dollars)

OPERATING	FY94	FY95	FY96	FY97	FY98	FY99
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL	110.	219.8	219.8	219.8	219.8	219.8
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>110.</b>	<b>219.8</b>	<b>219.8</b>	<b>219.8</b>	<b>219.8</b>	<b>219.8</b>

CAPITAL						
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REVENUE FUND SOURCE: GF/PR 1005	219.8	219.8	219.8	219.8	219.8	219.8
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**FUNDING:**

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts	110.	219.8	219.8	219.8	219.8	219.8
1006 GF/MHTIA						
Other						
<b>TOTAL</b>	<b>110.</b>	<b>219.8</b>	<b>219.8</b>	<b>219.8</b>	<b>219.8</b>	<b>219.8</b>

**POSITIONS:**

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year (FY93) impact: \$ -0-

**ANALYSIS:** (Attach a separate page if necessary)

See attached fiscal analysis.

Prepared by: Dana LaTour, Special Assistant

Phone: 465-3376

Division: Office of the Commissioner

Date: 2-25-93

Approved by Commissioner: Lloyd G. Rupp

Date: 2-25-93

Agency: Department of Corrections

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According to the Department of Public Safety there were 3532 people charged with a first time DWI offense last year. It appears that approximately 64% or 2261 of those charged were convicted. Reducing this number by the number of indigent offenders (estimated at 10%), yields a total of 2035 offenders to be charged \$60 per day for their incarceration. At \$60 per day, and three day sentences, the total charged annually should be approximately \$366,300. Assuming that the Court System is able to collect 60% of the amount charged, a total of \$219,780 should be generated each year from this program.

# FISCAL NOTE

STATE OF ALASKA  
1993 LEGISLATIVE SESSION

BILL NO: HB 136

Revision Date: \_\_\_\_\_ Dept. Affected: Public Safety  
 Title: "An Act relating to offenses of driving while BRU: Motor Vehicles  
intoxicated and refusal to submit to a breath test." Component: Driver Services  
 Sponsor: Representative Mulder  
 Requestor: Representative Mulder COMPONENT SERIAL NO. 500

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

OPERATING	FY 94	FY 95	FY 96	FY 97	FY 98	FY 99
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	-0-	-0-	-0-	-0-	-0-	-0-
<b>CAPITAL</b>	-0-	-0-	-0-	-0-	-0-	-0-
<b>REVENUE FUND SOURCE:</b>	-0-	-0-	-0-	-0-	-0-	-0-

**FINDING: (Thousands of Dollars)**

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
<b>TOTAL</b>	-0-	-0-	-0-	-0-	-0-	-0-

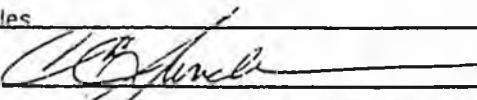
**POSITIONS:**

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 (FY 93) impact: \$ \_\_\_\_\_

ANALYSIS: (Attach a separate page if necessary.)

No fiscal impact is anticipated.

Prepared By: Juanita Hensley Phone: 465-4361  
 Division: Motor Vehicles Date: 7/24/93  
 Approved by Commissioner:  Date: 7/24/93  
 Agency: Richard J. Burton, Dept. of Public Safety

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FISCAL NOTE

STATE OF ALASKA  
1993 LEGISLATIVE SESSION

BILL NO. Work Draft CSHB136(HES)

Dated 2/26/93

Revision Date: March 1, 1993  
Title: "...relating to limited driver's licenses and...  
driving while intoxicated...refusal to submit..."  
Sponsor: Representative Mulder  
Requestor: Representative Mulder

Department Affected: Department of Law  
BRU: Legal Services  
Component: Operations  
COMPONENT SERIAL NO. 0093

EXPENDITURES/REVENUES:

OPERATING	FY 94	FY 95	FY 96	FY 97	FY 98	FY 99
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

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

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

FUNDING:

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
OTHER						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

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

Estimate of current year (FY93) impact: -0-

ANALYSIS: (Attach a separate page if necessary.)

Please see the attached analysis.

Prepared by: Richard I. Peques, Director  
Division: Administrative Services Division  
Approved by Commissioner: Charles E. Cole, Attorney General  
Agency: Department of Law

Phone: 465-3672  
Date: March 1, 1993  
Date: March 1, 1993

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FISCAL NOTE

STATE OF ALASKA  
1993 LEGISLATIVE SESSION

BILL NO. Work Draft CSHB 136(HES)  
Dated 2/26/93

ANALYSIS (Continued):

The workdraft version of CSHB 136 (HES), dated 2/26/93, substantially amends the state's laws relating to driving while intoxicated and refusal to submit to a breath test. The bill's amendments primarily address sentencing provisions which occur after prosecution. For the most part, the amendments will not have a fiscal impact on the Department of Law.

The major feature of the bill provides the minimum mandatory period of imprisonment, 72 hours for a first offense and 20 days for a second offense, shall be served at a community residential center or, if a center is not available, at another appropriate facility determined by the commissioner of corrections. The bill further provides that the cost of the imprisonment shall be paid by the person who is sentenced. And the bill provides that the state shall seek reimbursement from a person's permanent fund dividend, in cases where a person has not paid for the cost of imprisonment. The Department of Law's civil division currently collects unpaid criminal fines and would collect unpaid imprisonment costs that result from the adoption of these provisions.

The department's attorney, who is responsible for the collection of unpaid criminal fines, is assisting the sponsor's staff to clarify the language in Section 5 and Section 6 to insure that the bill's cost reimbursement provisions are straightforward and enforceable. Otherwise, it may not be possible to collect unpaid imprisonment costs without incurring costs greater than the unpaid amount. Consequently, it will probably not be possible to collect unpaid costs, unless these sections are clarified. We also note that requiring DWI and breath test refusal offenders to pay the cost for their imprisonment may cause a legal problem, because other offenders are not required to pay the cost of their imprisonment.

# FISCAL NOTE

STATE OF ALASKA  
1993 LEGISLATIVE SESSION

BILL NO: CSHB 136(HESS)

Revision Date: 3/2/93 Dept. Affected: Public Safety  
 Title: "An Act relating to offenses of driving while intoxicated and refusal to submit to a breath test." BRU: Motor Vehicles  
 Component: Driver Services  
 Sponsor: Representative Mulder  
 Requestor: House HESS COMPONENT SERIAL NO. 500

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

OPERATING	FY 94	FY 95	FY 96	FY 97	FY 98	FY 99
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
REVENUE FUND SOURCE:	-0-	-0-	-0-	-0-	-0-	-0-

FUNDING: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

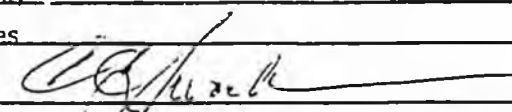
POSITIONS:

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 (FY 93) impact: \$ \_\_\_\_\_

ANALYSIS: (Attach a separate page if necessary.)

No fiscal impact is anticipated.

Prepared By: Juanita Hensley Phone: 465-4361  
 Division: Motor Vehicles Date: 3/2/93  
 Approved by Commissioner:  Date: 3/2/93  
 Agency: Richard L. Burton, Dept. of Public Safety

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# FISCAL NOTE

STATE OF ALASKA  
1993 LEGISLATIVE SESSION

BILL NO. HB 136

Revision Date: February 25, 1993  
 Title: "An act relating to the offense of driving while intoxicated..."  
 Sponsor: Rep. Mulder  
 Requestor: Rep. Mulder House HESS

Dept. Affected: Corrections  
 BRU: Statewide Programs  
 Component: Statewide Programs  
 COMPONENT SERIAL NO. 1858

**Expenditures/Revenues:** (Thousands of Dollars)

OPERATING	FY94	FY95	FY96	FY97	FY98	FY99
PERSONAL SERVICES						
TRAVEL	383	766	766	766	766	766
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>383</b>	<b>766</b>	<b>766</b>	<b>766</b>	<b>766</b>	<b>766</b>

<b>CAPITAL</b>						
----------------	--	--	--	--	--	--

<b>REVENUE FUND SOURCE:</b> GF/PR 1005	766	766	766	766	766	766
--	-----	-----	-----	-----	-----	-----

**FUNDING:** (Thousands of Dollars)

	FY94	FY95	FY96	FY97	FY98	FY99
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts	383	766	766	766	766	766
1006 GF/MHT/A						
Other						
<b>TOTAL</b>	<b>383</b>	<b>766</b>	<b>766</b>	<b>766</b>	<b>766</b>	<b>766</b>

**POSITIONS:**

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year (FY93) impact: \$ -0-

**ANALYSIS:** (Attach a separate page if necessary)

See attached fiscal analysis.

Prepared by: Dana LaTour, Spec. Asst.  
 Division: Office of the Commissioner  
 Approved by Commissioner: Lloyd G. Rudd, Commissioner  
 Agency: Department of Corrections

Phone: 465-3376  
 Date: 2/25/93  
 Date: 2/25/93

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FISCAL NOTE ANALYSIS

CSHB 136 (HESS)

Page 2

According to the Department of Public Safety, last year there were 3532 people charged with a first time DWI offense and 1124 charged with a second DWI offense.

Assuming a successful conviction rate of 64% for first time offenders there were 2261 first offenders last year. Assuming that second time offenders have a greater chance of being convicted and using a rate of 75%, there were 843 second time offenders convicted last year.

Using those numbers:

2261-226 (10% indigent offenders) = 2035 offenders x 3 days x \$60  
day = \$366,300.

843 - 84 (10% indigent offenders) = 759 offenders x 20 days x \$60  
day = \$910,800.

The total amount charged annually should be approximately \$1,277,100. Assuming that the Court System is able to collect 60% of the amount charged, a total of \$766,260 should be generated each year from this program.

H B

1 3 7

# HOUSE COMMITTEE REPORT

(9)

Date Referred: February 5, 1993

FURTHER REFERRALS:

Judiciary  
Finance

Date of Committee Action: 2-25-93

The HEALTH, EDUCATION AND SOCIAL SERVICES Committee considered:

HB 137

HOUSE BILL NO. 137

PAROLE OF TERMINALLY ILL PRISONERS

"An Act authorizing special medical parole for terminally ill prisoners."

**RECOMMENDATIONS:**

be replaced with \_\_\_\_\_  the same 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 \_\_\_\_\_

fiscal note(s) \_\_\_\_\_

zero fiscal note corrections

zero fiscal note(s) \_\_\_\_\_

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
<i>Al Vegas</i>	<input checked="" type="checkbox"/>	<i>Lrene Nechtow</i>		X	
<i>Lin Brando</i>	<input checked="" type="checkbox"/>				
<i>Bob D. ...</i>	<input checked="" type="checkbox"/>				
<i>Harley Olberg</i>	<input checked="" type="checkbox"/>				
<i>Bettye David</i>	<input checked="" type="checkbox"/>				
<i>Tom Bice</i>	<input checked="" type="checkbox"/>				

*Lin Brando*

CHAIRMAN'S SIGNATURE



**Alaska State Legislature**  
**House of Representatives**  
 COMMITTEE ON HEALTH, EDUCATION  
 AND SOCIAL SERVICES

DATE: FEBRUARY 25, 1993

PLACE: Capitol Room 106

SUBJECT OF MEETING:  
 \*HB 136: DRUNK DRIVING & BREATH TEST OFFENSE  
 \*HB 137: PAROLE OF TERMINALLY ILL PRISONERS  
 HB 67: ELIGIBILITY FOR PUBLIC ASSISTANCE

NAME	REPRESENTING	BUSINESS/PERSONAL MAILING ADDRESS	ZIP	(H) PHONE	(W) PHONE	DO YOU WANT TO TESTIFY?		WHAT SUBJECT/ WHICH BILL?
Lloyd Rupp, Commissioner	Corrections				465-3376	<input checked="" type="radio"/>	<input type="radio"/>	HB 136, 137
Dennis Gersuch	Native Affairs				463-3531	<input type="radio"/>	<input checked="" type="radio"/>	
Margo Warming	AMHB				4653071	<input checked="" type="radio"/>	<input type="radio"/>	HB 137
						<input type="radio"/>	<input type="radio"/>	
NAME	REPRESENTING	BUSINESS/PERSONAL MAILING ADDRESS	ZIP	(H) PHONE	(W) PHONE	TO TESTIFY?		WHICH BILL?
JAN HANSEN	DHSS				465-2680	<input checked="" type="radio"/>	<input type="radio"/>	HB 67
G. Dozier		Rep. Kott's Office			3771	<input checked="" type="radio"/>	<input type="radio"/>	HB 137
						<input type="radio"/>	<input type="radio"/>	
						<input type="radio"/>	<input type="radio"/>	
						<input type="radio"/>	<input type="radio"/>	
						<input type="radio"/>	<input type="radio"/>	
						<input type="radio"/>	<input type="radio"/>	
						<input type="radio"/>	<input type="radio"/>	
						<input type="radio"/>	<input type="radio"/>	
						<input type="radio"/>	<input type="radio"/>	
						<input type="radio"/>	<input type="radio"/>	
						<input type="radio"/>	<input type="radio"/>	

# FISCAL NOTE

STATE OF ALASKA  
1993 LEGISLATIVE SESSION

BILL NO. HB 137

Revision Date: \_\_\_\_\_ Dept. Affected: Corrections  
 Title: "An Act authorizing special BRU: Statewide Programs  
medical parole for terminally ill prisoners " Component: Inmate Health Care  
 Sponsor: Rep. Mulder  
 Requestor: Rep. Mulder COMPONENT SERIAL NO. 705

Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY94	FY95	FY96	FY97	FY98	FY99
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>

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

REVENUE FUND SOURCE:						
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FUNDING: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
<b>TOTAL</b>						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year (FY93) impact: \$ -0-

ANALYSIS: (Attach a separate page if necessary)

See attached fiscal analysis

Prepared by: Dana LaTour, Special Assistant  
 Division: Office of the Commissioner  
 Approved by Commissioner: Lloyd G. Rudd  
 Agency: Department of Corrections

Phone: 465-3376  
 Date: 2-22-93  
 Date: 2-22-93

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Fiscal Note Analysis

HB 137 "An Act authorizing special medical parole for terminally ill prisoners."

Page 2

It is assumed that passage of this legislation may result in the parole of some terminally ill inmates who otherwise would not be paroled. There are currently 8 - 10 inmates who could be considered terminally ill. However, there is no assurance that any or all of these inmates would be granted parole since that decision remains at the discretion of the Parole Board.

Department of Corrections medical staff have estimated that a terminally ill inmate in the final stages of life can cost up to \$500,000 per year for outside care. At this time, there is one inmate whose cost of care during the last 18 months has exceeded \$500,000.

While this bill could create considerable savings over the long run, most of these savings will come as cost aversion. Therefore, the Department cannot reflect an actual budgetary reduction from current budget levels in this fiscal note. As the inmate population ages, the impact of this legislation could be significant.

**SPONSOR STATEMENT**  
Representative Eldon Mulder

House Bill 137

House Bill 137 relates to special medical parole for terminally ill prisoners. The Department of Corrections is responsible for inmates' medical costs as long as they remain in custody. Covering health costs is a serious financial burden, particularly when a terminal illness is involved.

This bill would give the parole board the discretion to grant special medical parole for terminally ill patients that it determines are not a threat to society. Once paroled, their medical costs are picked up by Medicare or Medicaid, thus easing the financial burden on the Department of Corrections.

Passage of this bill would save the State of Alaska a substantial amount of money. I urge you to support House Bill 137.

*Sponsor Statement*

## Sectional Analysis for HB 137

### Section 1.

Adds the language "special medical" to AS 33.16.010(d).

### Section 2.

Adds a new subsection to AS 33.16.010 to allow someone who is eligible to be released on special medical parole by the Parole Board under new AS 33.16.085.

### Section 3.

Amends AS 33.16.060, relating to the duties of the parole board, to include considering the suitability of a prisoner who is eligible for special medical parole and, relating to the board adopting regulations under the Administrative Procedures Act, to establish standards for the suitability of a prisoner for special medical parole.

### Section 4.

Adds a new section to AS 33.16 pertaining to special medical parole. Allows the Board to grant special medical parole to a prisoner who is serving a term of at least 181 days and is determined by the board to have a terminal illness.

### Section 5.

Adds the language "special medical" to AS 33.16.140, pertaining to the order for parole.

### Section 6.

Adds the language "special medical" to AS 33.16.150(a).

### Section 7.

Adds the language "special medical" to AS 33.16.150(b), relating to the board's conditions of parole.

Section 8.

Adds the language "special medical" to AS 33.16.200, relating to custody of a parolee.

Section 9.

Amends AS 33.16.900 by adding a new paragraph defining "special medical parole."

DEPARTMENT OF CORRECTIONS  
POSITION PAPER  
2-22-93

HB137 "An Act authorizing special medical parole for terminally ill prisoners."

The Alaska Sentencing Commission has recommended that parole statutes be amended to allow special medical parole for terminally ill offenders. The Commission's report found that many offenders have serious medical problems that cost the department a significant amount of money each year. The Commission expressed concern that as the inmate population ages and as the number of HIV infected inmates increase the department will face even higher inmate health care costs.

Currently, the Department can furlough a terminally ill person, but it will still be responsible for medical expenses. Medicare or Medicaid will step in only after the person has been released from DOC custody.

This legislation tries to establish a class of inmates who would be eligible for discretionary parole at an earlier date. The intention of this action is to reduce inmate medical costs.

Initially, there appears to be 8 - 10 offenders who might qualify for parole under the provisions of this bill. It should be noted that all inmates paroled under these provisions may not be eligible for government sponsored health care depending on their categorical qualification for Medicaid or their age and their resulting qualification for Medicare.

The Department will draft regulations and develop procedures for assessing inmate medical conditions and certifying parole eligibility.

The Department would like to see the bill expanded to include prisoners who suffer a chronic debilitating condition.

It is assumed that passage of this legislation may result in the parole of some terminally ill inmates who otherwise would not be paroled. However, there is no assurance that any or all of these inmates would be granted parole since that decision remains at the discretion of the Parole Board.

Current legal advice given to the Parole Board has severely restricted their ability to set appropriate parole conditions on terminally ill prisoners. This bill should be extended to address those issues.

Position Paper - Corrections

DEPARTMENT OF CORRECTIONS

POSITION PAPER HB137

Page 2

Department of Corrections medical staff have estimated that a terminally ill inmate in the final stages of life can cost up to \$500,000 per year for outside care. At this time, there is one inmate whose cost of care during the last 18 months has exceeded \$500,000.

While this bill could create considerable savings over the long run, most of these savings will come as cost avoidance. The Department cannot reflect an actual budgetary reduction from current budget levels, since its budget is not currently being heavily impacted by terminally ill offenders. However, as the inmate population ages, the impact of this legislation could be significant.



---

Lloyd G. Rupp  
Commissioner



# Alaska Sentencing Commission

1029 W. Third Avenue, Suite 201, Anchorage, Alaska 99501 (907) 279-2526 FAX (907) 276-5046

James V. Gould, Chair  
Philip R. Volland, Vice Chair

Jayne E. Andreen  
Richard L. Burton

Charles E. Cole  
Hon. Beverly W. Cutler

Sen. Steve Frank  
Lloyd G. Rupp

JoAnn Holmes  
Hon. Warren W. Matthews

Gigi Pilcher  
John Salemi

Duane S. Udland  
Rep. Fran Ulmer

February 9, 1993

FEB 15 1993

Representative Eldon Mulder  
Alaska State Legislature  
State Capitol  
Juneau AK 99801-1182

FEB 15 1993

RE: HB 137; Special Medical Parole

Dear Representative Mulder:

I am writing about your proposed legislation on special medical parole. This legislation would implement the Sentencing Commission's recommendation that a special medical parole for terminally ill offenders be allowed in appropriate cases, in order to shift the huge medical costs in these cases from the state to the federal government. The Commission recommended:

**Parole statutes should be amended to allow special medical parole for terminally ill offenders.** Many offenders have serious medical problems that cost the Department of Corrections an extraordinary amount of money. The AIDS epidemic has not yet had a serious impact on Alaska prisons, but prison populations in some East Coast states are reported to be 40% HIV positive. In addition, there are a number of inmates serving long sentences who can be expected to grow old in prison.

DOC currently can furlough a terminally ill person, but it still will be responsible for medical expenses. Medicare or Medicaid will pick up the person's medical costs only upon release from DOC custody. The parole board should be allowed to grant parole to terminally ill offenders. DOC should study the offender population and devise a system to achieve this objective. This recommendation passed unanimously.

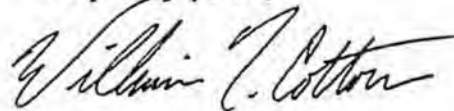
Alaska Sentencing Commission

Your legislation appears to be a measured response to the fiscal problem the Commission addressed. First, it creates a special medical parole for terminally ill prisoners. Second, it allows the parole board to limit use of the provision to offenders who will not pose a danger to society. Clearly, not all terminally ill prisoners would be appropriate candidates.

The need for legislation such as HB 137 is substantial now, and will increase as time goes by. My understanding is that the state has paid well over a half a million dollars for health care for two terminally ill prisoners in the last two years. We can expect these numbers to dramatically increase over the next few years, because of an aging prison population generally and because of AIDS.

On behalf of the Alaska Sentencing Commission, I would urge the Legislature to adopt legislation like HB 137 which allows special medical parole for appropriate terminally ill prisoners. Please feel free to call me if I can be of assistance.

Very truly yours,



William T. Cotton  
Executive Director

WTC:erm

HB

139

# HOUSE COMMITTEE REPORT

(9)

Date Referred: March 26, 1993

FURTHER REFERRALS:

Judiciary  
Finance

Date of Committee Action: 2/23/94

The HEALTH, EDUCATION AND SOCIAL SERVICES Committee considered:

HB 139

HOUSE BILL NO. 139

ASSISTIVE TECHNOLOGY LOAN GUARANTEES

"An Act establishing a loan guarantee and interest rate subsidy program for assistive technology."

RECOMMENDATIONS:

be replaced with \_\_\_\_\_

CS HB 139 (HESS)

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 DOE

fiscal note(s) \_\_\_\_\_

zero fiscal note \_\_\_\_\_

zero fiscal note(s) \_\_\_\_\_

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
<i>[Signature]</i>	✓	<i>[Signature]</i>			X
<i>[Signature]</i>	✓	<i>[Signature]</i>		✓	
<i>[Signature]</i>	✓	<i>[Signature]</i>			X
		<i>[Signature]</i>		✓	
		<i>[Signature]</i>		✓	

*[Signature]*  
CHAIRMAN'S SIGNATURE



# Alaska State Legislature

House of Representatives  
 COMMITTEE ON HEALTH, EDUCATION  
 AND SOCIAL SERVICES

DATE: 2/23/94

PLACE: Capitol Room 106

SUBJECT OF MEETING:  
 HB 139: ASSISTIVE TECHNOLOGY LOAN GUARANTEES  
 \*HB 451: COMPREHENSIVE HEALTH INSURANCE ACT  
 \*INDICATES FIRST PUBLIC HEARING

NAME	REPRESENTING	BUSINESS/PERSONAL MAILING ADDRESS	ZIP	(H) PHONE	(W) PHONE	DO YOU WANT TO TESTIFY?	WHAT SUBJECT/ WHICH BILL?
Stan RIDGEWAY	DVR				✓ 405-6932	(Y) N	HB 139
Rupe ANDREWS	AARP				✓ 789-7422	(Y) N	HB 139
Nancy CORNWELL	Health System Reform Work Group	2411 West 69th Ave Anchorage AK	99502		243-8336	(Y) N	HB 451
						Y N	
						Y N	
						Y N	
						Y N	
						Y N	
						Y N	
						Y N	

LIN1100-R01  
02/28/94

LEGISLATIVE TELECONFERENCE NETWORK

PAGE 01  
14:43:46

TCN: 40360 DATE & TIME: 02/23/94 15:00 TO 17:00 STATUS:7 STATS. IN

\*\*\* ORDER SUMMARY \*\*\*

SPONSOR: HHES HOUSE HEALTH, EDUCATION AND SOCIAL SERVI CHAIRS: TOOHEY  
PURPOSE: PUB PUBLIC HEARING LEGISLATIVE BUNDE  
CONTACT: LYNNE SMITH TEL#: (907)465-6825  
CHAIRING SITE: JUNEAU CAPITOL CAP106

SPONSOR REMARKS(PUB): TESTIMONY:N LISTEN ONLY  
AT THIS TIME HB 451 IS THE SECOND BILL ON THE CALENDAR.  
IT WILL BE LISTEN ONLY  
TCN REQUESTED ON 02/23/94 AND HAS 4 UPDATES

\*\*\* AGENDA \*\*\*

1 HB 451 COMPREHENSIVE HEALTH INSURANCE ACT

\*\*\* PARTICIPATING LIDS \*\*\*

ANC ANCHORAGE	716 W 4TH. #200	LOCATION STAFF
FBX FAIRBANKS	119 N CUSHMAN ST	LOCATION STAFF
* JNU JUNEAU	CAPITOL	LOCATION STAFF
TOK TOK	MP 1314 AK. HWY	LOCATION STAFF

\*\*\* VOLUNTEER & OFFNET SITES \*\*\*

ZZZ OF1 OFFNET 1 ANCHORAGE DR. NIGHSWANDER (907)257-1234

PARTICIPANTS IN: ANCHORAGE

ANC

1	THEA PITTMAN	OBSV. HB 451
	4750 EAGLE #1	ANCHORAGE AK 99503 (907)561-0515
2	DONNA HUEDLE	OBSV. HB 451
	406 W FIREWEED	ANCHORAGE AK 99501 (907)277-4822
3	BONNIE NELSON	OBSV. HB 451
	20615 WHITE BIRCH RD	EAGLE RIVER AK 99567 (907)688-3071
4	OBSERVER FOUR	OBSV. HB 451
		AK (907)000-0000
5	OBSERVER FIVE	OBSV. HB 451
		AK (907)000-0000

PARTICIPANTS IN: JUNEAU

JNU

1 REP	CYNTHIA TOOHEY	TSFY. ALL ITEMS
		AK (907)000-0000
2 REP	CON BUNDE	TSFY. ALL ITEMS
		AK (907)000-0000
3 REP	PETE KOTT	TSFY. ALL ITEMS



8-LS0556JL  
Lauterbach  
2/22/94

CS FOR HOUSE BILL NO. 139( )  
IN THE LEGISLATURE OF THE STATE OF ALASKA  
EIGHTEENTH LEGISLATURE - SECOND SESSION

BY

Offered:  
Referred:

Sponsor(s): REPRESENTATIVES DAVIES, Brice, Brown, B.Davis, Grussendorf, James, Larson, Nordlund, Sitton, Ulmer, Menard, Hudson, Mackie, MacLean, Porter, Foster, Hanley, Kott

A BILL

FOR AN ACT ENTITLED

1 "An Act establishing a loan guarantee and interest rate subsidy program for  
2 assistive technology."

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

4 \* Section 1. AS 23.15 is amended by adding a new section to read:

5 Sec. 23.15.125. ASSISTIVE TECHNOLOGY LOAN GUARANTEE AND  
6 INTEREST SUBSIDY PROGRAM. (a) An assistive technology loan guarantee fund  
7 is established in the agency. The fund consists of money appropriated to it. The  
8 agency may solicit and accept available public and private money for distribution from  
9 the fund.

10 (b) Subject to (c) and (d) of this section, the agency may use money in the  
11 fund established under this section to guarantee 90 percent of the principal amount of  
12 a loan or to subsidize the interest rate of a loan guaranteed by the agency for  
13 appropriate assistive technology that is best suited for enabling

14 (1) a handicapped individual to obtain or maintain employment; or

1 (2) an individual having a physical or mental disability to live more  
2 independently.

3 (c) The agency may guarantee a loan or subsidize the interest rate of a loan  
4 guaranteed under this section if

5 (1) the loan is made to a handicapped or disabled person or a member  
6 of the person's family;

7 (2) the loan is originated and serviced by a state or federally chartered  
8 financial institution located in the state;

9 (3) before a loan guarantee or subsidy is requested from a lending  
10 institution, the agency determines that the person requesting the loan guarantee or  
11 subsidy is not able to obtain the needed assistive technology from a less costly source;

12 (4) the lending institution determines that the person or the family of  
13 a child reasonably can be expected to repay the loan given their expected income or  
14 other resources; and

15 (5) for a loan to modify a vehicle to provide transportation for a  
16 handicapped person, the applicant has been steadily employed for the 90 days  
17 immediately preceding the date of the loan application.

18 (d) The director shall establish an assistive technology loan committee within  
19 the agency. The committee shall consist of the director, or the director's designee, a  
20 representative of a financial institution who is experienced with consumer loans, and  
21 at least one but not more than three persons with disabilities. The committee shall

22 (1) establish guidelines for providing loans under this section, including  
23 guidelines relating to the maximum amounts and duration of loans and guidelines to  
24 ensure that persons with disabilities who live in rural or remote areas of the state have  
25 adequate access to loans under this section;

26 (2) annually establish the percentage of money in the fund that may be  
27 used for subsidizing the interest rates on loans guaranteed under this section; and

28 (3) make reports and recommendations to the legislature on the  
29 operation of the loan program.

30 (e) In this section, "assistive technology" means durable equipment, adaptive  
31 aids, and assistive devices.

# FISCAL NOTE

STATE OF ALASKA  
1994 LEGISLATIVE SESSION

BILL NO. HB 139

Revision Date: \_\_\_\_\_ Dept. Affected: Education  
 Title: An Act establishing a loan guarantee BRU: Vocational Rehabilitation  
and interest rate subsidy program for Assistive Component: Assistive Technology  
Technology  
 Sponsor: Representative Davies  
 Requestor: Representative Davies COMPONENT SERIAL NO. 1202

Expenditures/Revenues	(Thousands of Dollars)					
OPERATING EXPENDITURES	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	100.0	0	0	0	0	0

CAPITAL EXPENDITURES						
----------------------	--	--	--	--	--	--

CHANGE IN REVENUES ( )						
------------------------	--	--	--	--	--	--

FUND SOURCE	(Thousands of Dollars)					
1002 Federal Receipts	100.0	0	0	0	0	0
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
<b>TOTAL</b>	100.0	0	0	0	0	0

Estimate of any current year (FY94) cost: \$ 0

POSITIONS						
FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

See attached.

Prepared by: Keith J. Anderson *For Redding Sr* Phone: 465-6932  
 Division: Vocational Rehabilitation Date: December 14, 1993  
 Approved by Commissioner: *Walt Nelson* Date: 12-17-93  
 Agency: \_\_\_\_\_

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FISCAL NOTE

State of Alaska  
1994 Legislative Session

BILL NO. HB 139

Title: An Act establishing a  
loan guarantee and interest  
subsidy program for  
Assistive Technology.

Department Affected: Education  
BRU: Vocational Rehabilitation  
Component: Assistive Technology

Sponsor: Representative Davies  
Requestor: Representative Davies

The Assistive Technology of Alaska (ATA) Advisory Board has recommended to the division that we investigate using federal funds generated through the ATA project to fund the Technology Loan Fund. With this direction we have proposed to the federal funding agency a plan to fund the loan program by using federal receipts instead of state capital or general funds.

If approved, ATA's fourth year grant includes a plan by which grant funds can be used to establish the loan fund. This would provide seed money to establish the loan fund. If this bill becomes law, the division can, by July 30, provide approximately 100.0 for this purpose. It is our understanding that this amount of money can be leveraged into as much as 750.0 as a guarantee and interest buy down depending on how the banking industry recommends the loans be set-up. This legislation forms a partnership between private industry and government to meet the needs of Alaskans with disabilities.

No additional staff cost.

Initial funding 100.0 from federal receipts, one year capitalization only.

# Alaska State Legislature

COMMITTEES  
RESOURCES  
COMMUNITY AND REGIONAL AFFAIRS  
LEGISLATIVE BUDGET AND AUDIT

FINANCE SUBCOMMITTEES  
UNIVERSITY OF ALASKA  
DEPARTMENT OF NATURAL RESOURCES



*While in Fairbanks*  
119 N. Cushman Street, Suite 207  
Fairbanks, Alaska 99701  
(907) 456-8172  
FAX (907) 456-1910

*While in Session*  
State Capitol  
Juneau, Alaska 99801-1182  
(907) 465-4457  
FAX (907) 465-3787

## Representative John Davies District 29

2/22/94

### HB 139: Assistive Technology Loan Guarantee Sponsor Statement

People with disabilities often have difficulties in qualifying for conventional loans to purchase assistive technology to live and work more independently. Assistive technology includes items such as hearing aids, walkers, talking computers, wheelchairs, and wheelchair lift equipment.

HB 139 would set up a fund to guarantee up to 90% of a bank loan received by a qualified individual for the purpose of purchasing needed assistive technology. In addition, the state could subsidize, on a needs basis, all or part of the interest on a loan.

As indicated in the fiscal note, the fund would be capitalized with \$100,000 of federal money.

# POSITION PAPER: DEPARTMENT OF EDUCATION

Division Vocational Rehabilitation Bill Number HB 139

Bill Title An Act establishing a loan guarantee and interest rate subsidy program for Assistive Technology.

Sponsor Representative Davies

Position Statement: Explain briefly what the bill does, its impacts and Department's position, i.e., a) support, b) do not support, c) neutral or d) oppose.

The Department of Education supports this bill. It would meet an identical need by a group of individuals in the State of Alaska which is not being addressed. It is recommended that the mechanics of the loan guarantee and interest subsidies be clarified. Other than student loans by the Commission on Post Secondary Education, the Department is not in the loan business, and does not have the infrastructure to support significant responsibilities in this area. This would best be handled by banking institutions.

## WHAT THE BILL DOES:

This bill would provide two types of assistance to individuals who need help in order to acquire assistive devices:

### LOAN GUARANTEE

This bill provides for the state to guarantee loans issued to individuals who need assistive devices. The process for accessing the guarantee is as follows:

1. The individual completes an application available from their local assistive technology office.

continued on page 2

## APPROVED:

Director Keith J. Anderson Division Vocational Rehabilitation

Signature Steve Redgum for Date December 14, 1993

Commissioner/Deputy Mike Maher

Signature \_\_\_\_\_ Date \_\_\_\_\_

continued from page 1

2. The local office personnel will evaluate the degree to which the individual meets pre-established criteria for acquiring a loan and certifies those who qualify.
3. The individual presents the certification, along with an application for a loan, to a bank of his/her choice.
4. The bank acts on the application. After the loan is made it is treated as any other loan. If the person defaults on the loan, the state is liable to meet the outstanding obligation.

#### SUBSIDIZED INTEREST

Based on the ability of the individual to repay the loan, the state can subsidize the interest rate up to that required by the loaning institutions.

#### IMPACT OF THE BILL:

If passed, this bill would make it possible for citizens of the State of Alaska to gain access to technological devices necessary for them to function more independently in their homes and communities. It is estimated that there are approximately 4,000 persons in the state who are in need of these devices. The cost of these devices vary broadly from a few dollars to several thousand dollars.

**PROPOSAL FOR THE ASSISTIVE TECHNOLOGY  
LOAN GUARANTEE AND INTEREST SUBSIDY PROGRAM  
PREPARED BY THE  
DIVISION OF VOCATIONAL REHABILITATION  
January 25, 1994**

**A. INTRODUCTION:**

Federal receipts from The Assistive Technology grant would be set aside as a special fund for a "leveraged loan or interest rate buy down" program. The sum of \$100,000 would be used to establish this program.

The program involves a bank(s) providing loan funds in cooperation with the Assistive Technology Loan Guarantee and Interest Subsidy Program which serves as guarantor.

It is estimated that there are at least 4,000 Alaskans with work-limiting disabilities that can benefit from technology services. Assistive Technologies of Alaska (ATA) has found that the area of greatest need relating to assistive technology is funding. Credit financing is an avenue not frequently available to persons with disabilities due to low household income levels. A funding alternative that supports consumer independence exists in the form of extended term, low interest loans. This program is intended to provide Alaskans with disabilities who would not otherwise be eligible for credit financing due to credit history or income, an option for a long-term low interest loan.

**B. PARTICIPATION:**

1. The program will be available to individuals with disabilities or their representatives, rather than organizations or businesses.
2. These individuals must demonstrate that the funding will be used to purchase assistive technology.
3. It must also be demonstrated that the assistive technology requested has the potential to improve that individual's quality of life, independence, or ability to function productively.
4. The Resource Center (programs who receive ATA grants) will also assist the individual by helping to explore any other potential resources for the equipment. If no other source is available, the individual would then be referred to a banking institution to apply for a loan. The Resource Center would assist the individual in determining whether or not they fall within the parameters of the program and in making this application.

5. The loan would be guaranteed to 90% of the principal amount and, if needed, would subsidize the loan interest.

**C. ROLE OF THE BANKING INSTITUTIONS:**

1. The individuals or their representatives will make application for the loan to a participating bank. The bank will determine a specific interest rate. If a person applying for a loan cannot afford the payback because of the interest rate, the bank will recommend that ATA buy down on the interest rate.
2. The Program will pay the difference between the rate charged by the bank and the rate paid by the individual (interest rate buy down).
3. The banks will serve as the lenders using their loan funds.
4. The bank will determine that the applicant has the ability to repay the loan and would not generally be eligible for a regular commercial loan. A monthly payment will be determined that can be reasonably expected of the borrower.
5. The banks will determine if the loan is reasonably secure due to the financial position of the applicant including the offering of collateral or the use of a cosigner.
6. The loan guarantee component of this model may involve a loan insurance component which could replace the need for a set-aside reserve.
7. The bank will collect all payments from the borrower and will bill the loan program for the interest rate buy down if there is one. This may be done on a quarterly or semi-annual basis.
8. The banks will provide loan terms that meet the individual's needs and the program criteria. They will:
  - 1) conduct credit checks for applicants,
  - 2) disseminate coupon (payment) books to borrowers;
  - 3) post payments,
  - 4) report on total amount loaned, received, and in arrears;
  - 5) send notification of late payment to borrowers; and
  - 6) process default arrangements which could include loan restructuring, collection agency, etc.

**D. LOAN MINIMUM & MAXIMUM:**

1. This proposal does not include set amounts for either a minimum or maximum loan. This will be determined by the Assistive Technology Loan Committee and may change annually, depending upon the ability of the loan fund.
2. An expedited loan process is intended for mini-loans under \$1,000.

**E. ASSISTIVE TECHNOLOGY PROGRAM:**

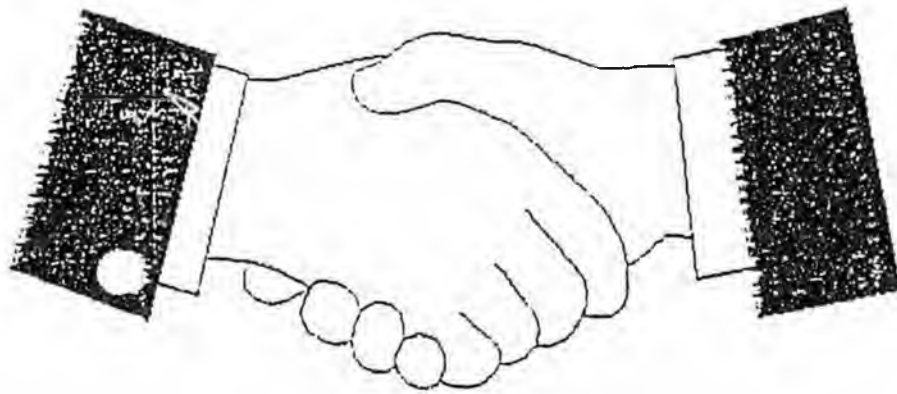
1. The Assistive Technology Program will make payments from the fund to the banks for interest buy down or, in the event of default, for 90% of the outstanding principal.
2. A loan fund reserve amount (10% - 20%) of outstanding loans will be negotiated with the participating banks for loan guarantee purposes. Loan fund insurance could replace this reserve.

**F. ADMINISTRATION OF THE PROGRAM:**

1. The Assistive Technology Loan Program is administered by an Assistive Technology Loan Committee established in the Division of Vocational Rehabilitation. This committee shall consist of not more than five individuals appointed by the Division director.
2. The committee shall:
  1. Establish the guidelines for providing loans to individuals, including the maximum and minimum amount of loans.
  2. Write regulations which govern all aspects of the activities allowed under the statute.
  3. Approve or disapprove applications for the program to buy-down the interest for any given loan. To do this they must establish a fixed percentage of the total loan funds which will be available for subsidizing interest. This percentage may be modified yearly.
  4. Make recommendations for ways to improve the program, ensure continuation of the program (which could include grants, endowments, appropriations, recovery of funds from loans,

etc.).

5. **Make an annual report to the legislature on all aspects of the program. (Number of loans made, number of defaults, default rate on loans, funds used for interest buy-down, balance in the loan fund, etc.).**



## ASSISTIVE TECHNOLOGY LOAN GUARANTEE AND INTEREST SUBSIDY PROGRAM

What Is This Program? It is a emerging public-private sector partnership to establish a loan guarantee and interest subsidy program which will enable persons with disabilities to purchase assistive technologies necessary to their independence now known as Senate Bill 70 and House Bill 139!

Who Will Be Affected? Persons with disabilities, their families, employers and businesses

Explain The Term Assistive Technologies (AT)? Simply put, these are devices and services that can help people live, learn, work and play within their communities. These tools range from simple eyeglasses, hearing aids and walkers to computers that talk and lift-equipped vans.

Why Do We Need This Fund? From a '91 study by the University of Alaska, over half of all persons with disabilities (58%) in the state do not have access to the equipment which can help them live more sufficient lives.

### What Are The Benefits?

\*Through this program, low-interest, longterm loans will be repaid and funds will continue to stimulate economic growth for years to come.

\*Employment and re-employment of disabled or injured workers will be promoted, reducing workers' compensation costs and developing additional work force that can be tapped.

\*Through the use and development of technology to improve independence and productivity of persons who are disabled, need for public support will be reduced.

\*Inclusion of persons with disabilities will occur allowing all Alaskans to make a valuable contribution to their community.

How Will The Program Work? The State of Alaska will guarantee up to 90% of the loan principal amount or subsidize the interest of a loan to a state or federally chartered financial institution. Persons with disabilities | their families will be able to make direct application to their local bank for an assistive technology loan.

What About The Costs? Anticipated Federal funding of \$100,000 will "seed" this initiative with no immediate impact on the current state budget.



Date: March 22, 1993

To: Legislature of the State of Alaska

From: Gary Roth, President and Chief Executive Officer  
Denali State Bank, Fairbanks, AK



RE: SB 70 and HB 139  
"An Act Establishing a Loan Guaranty and Interest Rates Subsidy  
Program For Assistive Technology"

I would like to add my support for the above referenced bills and ask that the legislature of the State of Alaska approve a bill for this program. As a long time banker and as the past President of the Fairbanks Resource Agency, I feel that this loan guaranty and interest subsidy program will assist many handicapped and developmentally disabled people to lead a productive life. I have personally witnessed the great advantages of disabled and handicapped people returning to a normal lifestyle and enjoying life free from the oversight and restrictions of the welfare system. The amount of pride and well-being displayed by these people when they can thus contribute to society rather than being a ward of society is tremendous.

This program will go a long way in providing additional support to these individuals. Many have completed training programs which have given them the necessary skills to become independent livers. Unfortunately, because of their past disabilities or handicaps, they have been unable to establish credit of any kind. This bill will assist the financial institutions in making credit available to these individuals because of the lack of one of the key credit considerations - past credit history. Additionally, the families of some of the disabled people have had undue hardship to support this family member and this may have had a derogatory affect on their credit. With proper counseling and direction of the agency or department, funds could be made available through the guaranty program for personal computers for home workshops, handicapped accessible vehicles, and other adaptive or assistive devices. The guaranty program will also enable financial institutions to extend longer loan terms over what normally may be considered a maximum term allowable for personal loans. This is usually no longer than 18 months.

The interest subsidy may or may not always be necessary. This will depend on the individual circumstances of each case in that it will have an effect in the amount of the proposed monthly installments on any given loan. This may mean the difference between qualifying under the banks debt-to-income ratios for such credits.

I ask the support of both the Senate and the House in passing this legislation.

H B

1 4 8

# HOUSE COMMITTEE REPORT

(9)

Date Referred: March 29, 1993

FURTHER REFERRALS:

Judiciary

Date of Committee Action: 4-2-93

The HEALTH, EDUCATION AND SOCIAL SERVICES Committee considered:

HB 148

HOUSE BILL NO. 148

EXEMPT U OF AK FROM APA PROCEDURES

"An Act exempting the University of Alaska from the administrative adjudication provisions of the Administrative Procedure Act; and providing for an effective date."

RECOMMENDATIONS:  the same title

be replaced with \_\_\_\_\_  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 \_\_\_\_\_

fiscal note(s) \_\_\_\_\_

zero fiscal note \_\_\_\_\_

zero fiscal note(s) University 3/29/93

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
<i>[Signature]</i>	✓	<i>Benny Davis</i>		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<i>[Signature]</i>	✓	<i>Wendy Nicholas</i>		<input checked="" type="checkbox"/>	
<i>[Signature]</i>	✓				
<i>[Signature]</i>	✓				
<i>[Signature]</i>	✓				
<i>[Signature]</i>	✓				

*[Signature]*  
CHAIRMAN'S SIGNATURE

4/2/93

LTM100-R01  
04/23/93

LEGISLATIVE TELECONFERENCE NETWORK

PAGE 01  
11:11:19

TCN: 30468 DATE & TIME: 04/02/93 15:00 TO 17:00 STATUS: 7 STATS. IN

\*\*\*\*\* ORDER SUMMARY \*\*\*\*\*

SPONSOR: HHES HOUSE HEALTH, EDUCATION AND SOCIAL SERVI CHAIRS: TOOHEY  
PURPOSE: PUB PUBLIC HEARING BUNDE  
CONTACT: LYNNE SMITH TEL#: (907)465-6825  
CHAIRING SITE: JUNEAU CAPITOL CAP106

SPONSOR REMARKS(PUB): TESTIMONY: Y ALLOWED 10 MINUTE LIMIT  
TCN REQUESTED ON 04/02/93 AND HAS 9 UPDATES

\*\*\*\*\* AGENDA \*\*\*\*\*

- 1 HB 148 EXEMPT U OF AK FROM APA PROCEDURES
- 2 HB 210 HIRING OF CHIEF SCHOOL ADMINISTRATOR

\*\*\*\*\* PARTICIPATING LIOS \*\*\*\*\*

ANC ANCHORAGE	3111 C STREET	LOCATION STAFF
FBX FAIRBANKS	119 N CUSHMAN ST	LOCATION STAFF
* JNU JUNEAU	CAPITOL	LOCATION STAFF
KTN KETCHIKAN	352 FRONT STREET	LOCATION STAFF
PSG PETERSBURG	101 GJOA STREET	LOCATION STAFF
TOK TOK LIO	MP 1314 AK. HWY	LOCATION STAFF
VAL VALDEZ	STATE BLDG. #13	LOCATION STAFF

\*\*\*\*\* VOLUNTEER & OFFNET SITES \*\*\*\*\*

ZZZ OF1 OFFNET 1 KUSPUK SD BOBETTE BUSH (907)675-4250

PARTICIPANTS IN ANCHORAGE

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PARTICIPANTS IN FAIRBANKS

FBX

1 CAROLYNE WALLACE TSFY. HB 148  
4057 MALLARD WAY FAIRBANKS AK 99709 (907)479-4081

2 BONNIE WILLIAMS TSFY. HB 148  
1335 SUNNY SLOPE RD. FAIRBANKS AK 99709 (907)455-6652

3 REP. TOM BRICE TSFY. ALL ITEMS  
119 N. CUSHMAN. STE. 205 FAIRBANKS AK 99701 (907)456-7423

PARTICIPANTS IN: JUNEAU

JNU

1 TEST 1 TSFY. ALL ITEMS  
AK (907)000-0000

2 TEST 2 TSFY. ALL ITEMS  
AK (907)000-0000

3 TEST 3 TSFY. ALL ITEMS  
AK (907)000-0000

4 TEST 4 TSFY. ALL ITEMS  
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5 TEST 5 TSFY. HB 148  
AK (907)000-0000

6 TEST 6 TSFY. HB 148  
AK (907)000-0000

7 TEST 7 TSFY. HB 210  
AK (907)000-0000

8 OBS 1 OBSV. HB 148  
AK (907)000-0000

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LTN1100-R01  
04/23/93

LEGISLATIVE TELECONFERENCE NETWORK

PAGE 02  
11:11:19

TCN: 30468

DATE & TIME: 04/02/93 15:00 TO 17:00

STATUS: 7 STATS. IN

PARTICIPANTS IN: JUNEAU

JNU

9	OBS	2		OBSV. ALL ITEMS (907)000-0000
10	OBS	3	AK	OBSV. ALL ITEMS (907)000-0000
11	OBS	4	AK	OBSV. ALL ITEMS (907)000-0000
12	OBS	5	AK	OBSV. ALL ITEMS (907)000-0000
13	OBS	6	AK	OBSV. ALL ITEMS (907)000-0000
14	OBS	7	AK	OBSV. ALL ITEMS (907)000-0000
15	OBS	8	AK	OBSV. ALL ITEMS (907)000-0000
16	OBS	9	AK	OBSV. HB 210 (907)000-0000

PARTICIPANTS IN: KETCHIKAN

KTN

1 MS. LOIS FOSTER OBSV. HB 148  
738 FOREST PARK DRIVE KETCHIKAN- AK 99901 (907)225-2829

PARTICIPANTS IN: PETERSBURG

PSG

1 MS. MARY FRANCES OBSV. HB 210  
BOX 289 PETERSBURG AK 99833 (907)772-4271

PARTICIPANTS IN: TOK

TOK

1 MS. CATHERINE WILSON OBSV. HB 210  
P.O. BOX 226 TOK AGSD AK 99780 (907)883-5151

PARTICIPANTS IN: VALDEZ

VAL

1 MR. JOHN TONGEN OBSV. HB 210  
BOX 398 VALDEZ VALDEZ SCHOOLS AK 99686 (907)835-4357

PARTICIPANTS IN: OFFNET

ZZZ OF1

1 BOBETTE BUSH TSFY. HB 210  
KUSPUK AK (907)000-0000