

ALASKA LEGISLATURE COMMITTEE FILES 1993-1994 8672

7839

HOUSE JUDICIARY

104

FISCAL NOTE

STATE OF ALASKA
1993 LEGISLATIVE SESSION

BILL NO. HB 4

Revision Date: _____
Title: "An Act adding as an aggravating factor at sentencing that a victim was elderly or disabled."
Sponsor: Representative Mackie
Requestor: House HESS

Department Affected: Administration
BRU: Public Defender Agency
Component: Public Defender Agency
COMPONENT SERIAL NO. 1631

EXPENDITURES/REVENUES:

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

CAPITAL	0	0	0	0	0	0
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REVENUE FUND SOURCE:	0	0	0	0	0	0
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FUNDING:

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

POSITIONS:

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

Estimate of current year (FY93) impact: _____

ANALYSIS: (Attach a separate page if necessary.)

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

Phone: 279-7541
Date: 1/21/93

Approved by Commissioner: Nancy Bear Usura
Agency: Administration

Date: 1/25/93

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FISCAL NOTE

STATE OF ALASKA
1993 LEGISLATIVE SESSION

BILL NO. HB 4

Revision Date: _____

Department Affected: Administration

Title: An Act adding as an aggravating factor at sentencing that a victim . . .

BRU: Office of Public Advocacy

Sponsor: Representative Mackie

Component: Office of Public Advocacy

Requestor: House Judiciary

COMPONENT SERIAL NO. 43

EXPENDITURES/REVENUES:

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

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

FUNDING:

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

POSITIONS:

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

Estimate of current year (FY93) impact: None

ANALYSIS: (Attach a separate page if necessary.)

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

Phone: 274-1684
Date: 1/19/93

Approved by Commissioner: Nancy Bear Usara
Agency: Administration

Date: 1/20/93

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REPRESENTATIVE
JERRY MACKIE

House of Representatives

March 9, 1993

MEMORANDUM

TO: Representative Brian Porter, Chair
House Judiciary Committee

Brian

FROM: Representative Jerry Mackie

Jerry Mackie

RE: Scheduling request

Two bills I have sponsored relating to public home care providers ~~relating to~~ adding as an aggravating factor at sentencing that a victim was elderly or disabled and relating to failure to report harm or assaults of the elderly or disabled, passed out of the HESS Committee yesterday. I would like to request a hearing in the Judiciary Committee at your earliest possible convenience; I will be traveling in the near future, but will be available March 15, 17, 22 and 26th.

Both of these bills passed the House last session, and I believe they are an important step in protecting the elderly and disabled. I am enclosing a packet of backup material on each bill for your review, and am available to answer any questions.

Thank you.

H

B

I

8

(7)

Date Referred: March 22, 1993

FURTHER REFERRALS:

Finance

Date of Committee Action: 4-3-93

The JUDICIARY Committee considered:

HB 18

HOUSE BILL NO. 18

FEEES FOR POLICE PROTECTION BY STATE

"An Act relating to police protection service areas in municipalities."

RECOMMENDATIONS:

be replaced with _____

CSHB 18 (CRA)

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 _____

fiscal note(s) Public Safety 3/22/93

zero fiscal note _____

zero fiscal note(s) _____

SIGNING <u>DO</u> PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
		<u>Pat Feely</u>		<input checked="" type="checkbox"/>	
		<u>Janette James</u>		<input checked="" type="checkbox"/>	
		<u>Joseph Brown</u>		<input checked="" type="checkbox"/>	
		<u>Brian Foster</u>	<input checked="" type="checkbox"/>		
		<u>Gail Phillips</u>		<input checked="" type="checkbox"/>	
		<u>Don Woodhead</u>	<input checked="" type="checkbox"/>		
		<u>Cliff Davidson</u>	<input checked="" type="checkbox"/>		

Bruce Arba

CHAIRMAN'S SIGNATURE



House of Representatives

SPONSOR STATEMENT
HOUSE BILL 18

This bill authorizes residents within a borough or municipality to petition for the formation of a service area with defined boundaries, for the purpose of police protection. The police services would be provided by the Department of Public Safety. The borough or municipality will assess the owners of property located in the service area to recover the costs of the police services. The Department of Public Safety will be reimbursed for the cost of police service from borough or municipal governments.

The possibilities for police protection service areas within boroughs under HB 18 are practically limitless. Residents in any geographical location within a borough could petition for a service area, and if the majority of residents within the area voted favorably on the measure, they would get the police service.

Residents of a borough that already provides police protection on an area wide basis could presumably take advantage of the opportunity created by this bill, on the grounds that they wanted more or less police protection than the borough was providing. For example, a neighborhood in the Mendenhall Valley of Juneau could petition for a service area to obtain the patrol of a state trooper to supplement municipal police service.

Most residents of municipalities within boroughs that are currently without a local police department are currently served by the troopers at no cost to the residents. The exception is Wasilla, a first class city, where the troopers withdrew on the grounds that the community had an adequate property tax base to support a local police department. Wasilla would presumably be interested in the option for obtaining additional police protection that is presented by this bill. Other communities in the same predicament would probably also want to compare the costs and benefits of a local police force with that of trooper service through a service area.

There is always the possibility that enactment of HB 18 would create an incentive for the Department of Public Safety to hasten the process of withdrawing from areas without local police service that have property tax resources. That is, in response to budgetary belt-tightening, the department might reduce services to areas with property tax resources with the expectation of obtaining a reimbursement contract with a new service area. HB 18 would give the department the opportunity to shift the cost of services it now provides from its general fund appropriation to the beneficiaries of its services. If this were to happen, more service areas might be formed than would otherwise be the case.

Another area that should be addressed is the fiscal note accompanying this packet. The Department of Public Safety has totally ignored the statewide ramifications of this legislation, and have instead chosen to direct their fiscal note at only the Anchorage Hillside area. The department has assumed a level of service this area has not requested. Therefore, the fiscal note would be, in my estimation, proportionately lower as the level of services needed declines.

This bill addresses a need that is statewide. If this bill is enacted any area of the state has the right to form a service area and pay for the level of protection that they feel is necessary. HB 18 would fill a gap for many communities throughout the state, I urge the passage of the legislation.

FISCAL NOTE

STATE OF ALASKA
1993 LEGISLATIVE SESSION

No. 1
Bill Version: CSHB 18 (CRA)
(H) Publish Date: 3/22/93

Revision Date: _____ Dept. Affected: Public Safety
Title: "An Act relating to police protection
service areas in municipalities." BRU: Alaska State Troopers
Component: Detachments
Sponsor: Representative Bunde
Requestor: Representative Bunde COMPONENT SERIAL NO. 799

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

OPERATING	FY 94	FY 95	FY 96	FY 97	FY 98	FY 99
PERSONAL SERVICES	1,885.8	1,885.8	1,885.8	1,885.8	1,885.8	1,885.8
TRAVEL	72.0	72.0	72.0	72.0	72.0	72.0
CONTRACTUAL	1,165.4	633.0	633.0	633.0	633.0	633.0
SUPPLIES	68.2	68.2	68.2	68.2	68.2	68.2
EQUIPMENT	624.2	0.0	0.0	0.0	0.0	0.0
LAND & STRUCTURES	0.0	0.0	0.0	0.0	0.0	0.0
GRANTS, CLAIMS	0.0	0.0	0.0	0.0	0.0	0.0
MISCELLANEOUS	953.9	664.7	664.7	664.7	664.7	664.7
TOTAL OPERATING	4,769.5	3,323.7	3,323.7	3,323.7	3,923.7	3,323.7

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

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts	4,769.5	3,323.7	3,323.7	3,323.7	3,323.7	3,323.7
1006 GF/MHTIA						
Other						
TOTAL	4,769.5	3,323.7	3,323.7	3,323.7	3,323.7	3,323.7

POSITIONS:

FULL-TIME	29	29	29	29	29	29
PART-TIME						
TEMPORARY						

Estimate of current year (FY 93) impact: \$ _____

ANALYSIS: (Attach a separate page if necessary.)

See attached analysis.

Prepared By: C. E. Swackhammer Phone: 465-4322
Division: Commissioner's Office Date: 3/17/93
Approved by Commissioner: *Richard I. Burton* Date: 3/17/93
Agency: Richard I. Burton Dept. of Public Safety

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_____ Office

Department of Public Safety
Fiscal Note - HB 18
Page 2 of 18

Assumptions

The area of Anchorage known as the Hillside (to include other areas such as Girdwood) is the home of about 40,000 citizens, a population equivalent to a small town. Prior to determining the size of the law enforcement presence, the demographics of the area must be reviewed. This area is primarily residential, with some small businesses and a small area of light manufacturing. There is one high school, one junior high school and five elementary schools. There is one bar in the area. The residential area consists of one large trailer court (400+ units), an area of primarily rental units and the majority of the population living in single family residences, in the mid to upper income level.

Suitable patrol presence on an average shift is three units, with a supervisor who is proactive and provides occasional initial response as well as backup for the three primary patrol units. Two followup investigators and three clerical positions support the patrol presence. The volume of calls in an area of this type will support the additional two dispatcher positions.

To administer a unit with twenty-two commissioned personnel and five civilians would require a First Sergeant and Lieutenant for a total of twenty-nine positions.

Costs not specifically associated with individual positions include the cost of leasing a substation (\$228.7), 911-Emergency telephone service from APD under a contract (\$60.0) and indirect management and administrative costs of 25% (\$953.9).

FIRST YEAR COSTS:

	<u>4 x Sergeant</u>	<u>2 x Invest.</u>	<u>16 x Trooper</u>	<u>1 x Lieut.</u>	<u>1x F/Sgt.</u>	<u>1 x Clerk</u>	<u>3 x Disp.</u>	<u>2 x Other*</u>	<u>Total</u>
Pers. Serv.	\$317.2	\$143.7	\$1,073.0	\$78.8	\$74.1	\$109.1	\$89.9	-	\$1,885.8
Travel	12.0	6.0	48.0	3.0	3.0	-	-	-	72.0
Contractual	35.7	17.9	251.5	15.7	15.7	4.8	3.0	821.1	1,165.4
Supplies	9.9	4.9	39.6	2.5	2.5	7.8	1.0	-	68.2
Equipment	<u>90.9</u>	<u>47.2</u>	<u>405.2</u>	<u>26.2</u>	<u>26.2</u>	<u>28.0</u>	<u>0.5</u>	<u>-</u>	<u>624.2</u>
TOTAL	\$465.7	\$219.7	\$1,817.3	\$126.2	\$121.5	\$149.7	\$94.4	\$821.1	\$3,815.6
Management and Administration Overhead @ 25%									953.9
TOTAL									<u>\$4,769.5</u>
PFT									29

* Other costs include:

Substation base	
(10,300 sq ft x \$1.85/per=)	\$228.7
911 Emergency Contract	60.0
Academy	<u>532.4</u>
	<u>\$821.1</u>

CSHS 18(C2A)
 20.1

Investigator I
Anchorage
FY 94

PERSONAL SERVICES

Salary - Range 77, Step A, including 120 hours of overtime	\$49,987	
Benefits	<u>21,874</u>	
Total Personal Services		\$71,861

TRAVEL AND PER DIEM

Average - Training, Transfer costs, etc.		3,000
--	--	-------

CONTRACTUAL

Telephone/Postage, \$85 per mo	1,020	
Photo processing, \$40 per mo	480	
PSEA Physical exam, average	325	
PSEA Cloth. Allowance, \$53 per mo	636	
HWCF Vehicle - Class 116P - Yearly Operating/Replacement costs per SEF	<u>6,480</u>	
Total Contractual		8,941

SUPPLIES & MATERIALS

Initial Issue - uniforms with accessories - jacket, hats, handcuffs, etc,	1822	
Film supplies, office supplies, etc.	325	
Vehicle accessories - blanket, tire chains, snow tires, flares, etc.	<u>325</u>	
Total Supplies & Materials		2,472

EQUIPMENT

Vehicle - SEF Class 116P, (unmarked)	16,800	
Car radio with siren	3,000	
Portable radio	1,900	
Office furniture - desk, chair, etc.	1,100	
Firearms - S&W .4006 & Rem 870P	<u>782</u>	
Total Equipment		<u>23,582</u>

TOTAL COST		\$109,856
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State Trooper
Anchorage
FY 94

PERSONAL SERVICES

Salary - Range 76, Step A, including 120 hours of overtime	\$46,418	
Benefits	<u>20,645</u>	
Total Personal Services		\$67,063

TRAVEL AND PER DIEM

Average - Training, Transfer costs, etc.		3,000
--	--	-------

CONTRACTUAL

Telephone/Postage, \$85 per mo	1,020	
Photo processing, \$40 per mo	480	
PSEA Physical exam, average	325	
PSEA Clothing Allowance, \$53 per mo	636	
HWCF Vehicle - Class 115C - Yearly Operating/Replacement costs per SEF	<u>13,260</u>	
Total Contractual		15,721

SUPPLIES & MATERIALS

Initial Issue - uniforms with accessories - jacket, hats, handcuffs, etc.	1,822	
Film supplies, office supplies, etc.	325	
Vehicle accessories - blanket, tire chains, snow tires, flares, etc.	<u>325</u>	
Total Supplies & Materials		2,472

EQUIPMENT (one time cost)

Vehicle - SEF Class 115P	20,000	
Car radio	2,000	
Portable radio	1,900	
Officer furniture - (shared)	500	
Firearms - S&W .4006 & Rem 870P	<u>927</u>	
Total Equipment		<u>25,327</u>

TOTAL COST

\$113,583

Sergeant
Anchorage
FY 94

PERSONAL SERVICES

Salary - Range 78, Step A, including 120 hours of overtime	\$55,515	
Benefits	<u>23,779</u>	
Total Personal Services		\$79,293

TRAVEL AND PER DIEM

Average - Training, Transfer costs, etc.		3,000
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CONTRACTUAL

Telephone/Postage, \$85 per mo	1,020	
Photo processing, \$40 per mo	480	
PSEA Physical exam, average	325	
PSEA Clothing Allowance, \$53 per mo	636	
HWCF Vehicle - Class 116P - Yearly Operating/Replacement costs per SEF	<u>6,480</u>	
Total Contractual		8,941

SUPPLIES & MATERIALS

Initial Issue - uniforms with accessories - jacket, hats, handcuffs, etc.	1,822	
Film supplies, office supplies, etc.	325	
Vehicle accessories - blanket, tire chains, snow tires, flares, etc.	<u>325</u>	
Total Supplies & Materials		2,472

EQUIPMENT

Vehicle - SEF Class 116P, (unmarked)	16,800	
Car radio	2,000	
Portable radio	1,900	
Officer furniture - desk, chair, etc.	1,100	
Firearms - S&W .4006 & Rem 870P	<u>927</u>	
Total Equipment		<u>22,727</u>

TOTAL COST

\$116,433

Clerk Typist III
FY 94

PERSONAL SERVICES

Salary - Clerk III - Range 8, Step A, including 120 hours of overtime	\$24,237	
Benefits	<u>12,145</u>	
Total Personal Services		\$36,382

CONTRACTUAL

Telephone/Postage, \$50 per mo	600	
Repair and maintenance on micro computer	500	
Utilities	<u>500</u>	
Total Contractual		1,600

SUPPLIES & MATERIALS

Computer paper	500	
Registration forms	1,000	
Stationary, copy machine paper, etc.	<u>1,100</u>	
Total Supplies & Materials		2,600

EQUIPMENT

Desk	500	
Chair	225	
Computer table	600	
Micro computer with printer	<u>8,000</u>	
Total Equipment		<u>9,325</u>

TOTAL COST		\$49,907
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Dispatcher II
Anchorage
FY94

PERSONAL SERVICES

Salary - Range 12. Step A, including 120 hours of overtime	\$30,803	
Benefits	<u>14,158</u>	
Total Personal Services		\$44,961

CONTRACTUAL

Utilities	500	
Repair Maintenance of Radio Equipment	<u>1,000</u>	
Total Contractual		\$1,500

SUPPLIES AND MATERIALS

Stationery, copy machine paper, etc.		\$ 500
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EQUIPMENT

Chair		<u>\$ 225</u>
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TOTAL COST		\$47,186
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Lieutenant
Anchorage
FY 94

PERSONAL SERVICES

Salary - Range 22, Step A,	\$55,872	
Benefits	<u>22,886</u>	
Total Personal Services		\$78,758

TRAVEL AND PER DIEM

Average - Training, Transfer costs, etc.		3,000
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CONTRACTUAL

Telephone/Postage, \$85 per mo	1,020	
Photo processing, \$40 per mo	480	
Physical exam, average	325	
Clothing Allowance, \$53 per mo	636	
HWCF Vehicle - Class 115 - Yearly		
Operating/Replacement costs per SEF	<u>13,260</u>	
Total Contractual		15,721

SUPPLIES & MATERIALS

Initial Issue - uniforms with accessories - jacket, hats, handcuffs, etc.	1,822	
Film supplies, office supplies, etc.	325	
Vehicle accessories - blanket, tire chains, snow tires, flares, etc.	<u>325</u>	
Total Supplies & Materials		2,472

EQUIPMENT

Vehicle - SEF Class 115P	20,000	
Car radio	2,000	
Portable radio	1,900	
Officer furniture - (shared)	1,100	
Firearms - S&W .4006 & Rem 870P	<u>927</u>	
Total Equipment		26,227

TOTAL COST

\$126,153

First Sergeant
Anchorage
FY 94

PERSONAL SERVICES

Salary - Range 21, Step A,	\$52,344	
Benefits	<u>21,741</u>	
Total Personal Services		\$74,085

TRAVEL AND PER DIEM

Average - Training, Transfer costs, etc.		3,000
--	--	-------

CONTRACTUAL

Telephone/Postage, \$85 per mo	1,020	
Photo processing, \$40 per mo	480	
Physical exam, average	325	
Clothing Allowance, \$53 per mo	636	
HWCF Vehicle - Class 115 - Yearly		
Operating/Replacement costs per SEF	<u>13,260</u>	
Total Contractual		15,721

SUPPLIES & MATERIALS

Initial Issue - uniforms with accessories - jacket, hats, handcuffs, etc,	1,822	
Film supplies, office supplies, etc.	325	
Vehicle accessories - blanket, tire chains, snow tires, flares, etc.	<u>325</u>	
Total Supplies & Materials		2,472

EQUIPMENT

Vehicle - SEF Class 115P	20,000	
Car radio	2,000	
Portable radio	1,900	
Officer furniture - (shared)	1,100	
Firearms - S&W .4006 & Rem 870P	<u>927</u>	
Total Equipment		26,227

TOTAL COST		\$121,505
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Position Title Clark Typist III		Number of Positions 2	Range/Step 8/A	Bargaining Unit ASEA
Time Status PFT	Staff Months 12	Location Anchorage (statewide)	Election District 18	
Type of Expenditure		Justification		
1	2	3	<p>These two positions will provide general clerical support for the nineteen commissioned officers assigned to Hillside duty under the contract. Duties will include typing case reports, correspondence, filing, etc.</p>	
Salary*	24,237			
Benefits*	12,145			
Premium Pay (Included in Above)				
Other				
Total Personal Services		36,382		
Travel				
Contractual		1,600		
Commodities		2,600		
Equipment		5,325		
Other				
Total Cost		49,907		
Funding Source For Total Cost				
Federal Receipts	1002			
G.F. Match	1003			
General Fund	1004			
Program Receipts/GF	1005	49,907		
I-A Receipts	1007			
CIP Receipts	1061			
Other				
* Personal Services Salary and Benefits Costs are from PACS calculations.				

REQUEST FOR
NEW POSITION

AGENCY Department of Public Safety
 BRU Alaska State Troopers
 COMPONENT Criminal Investigation Bureau

FY 94

Page 11 of 18
 Revised Date

CS 113 18 (C 2011)

(1/92) POSITION.NEW

Position Title Investigator I		Number of Positions 1	Range/Step 77/A	Bargaining Unit P'SFA
Time Status PFT	Staff Months 12	Location Anchorage (statewide)	Election District 18	
Type of Expenditure		Justification		
		This position will be required to provide investigative services including follow-ups on initial Trooper contacts.		
Amount				
1	2	3		
Salary*	49,987			
Benefits*	21,874			
Premium Pay (Included in Above)				
Other				
Total Personal Services		71,861		
Travel		3,000		
Contractual		8,941		
Commodities		2,472		
Equipment		23,582		
Other				
Total Cost		109,856		
Funding Source For Total Cost				
Federal Receipts	1002			
G.F. Match	1003			
General Fund	1004			
Program Receipts/GF	1005	109,856		
I-A Receipts	1007			
CIP Receipts	1061			
Other				
* Personal Services Salary and Benefits Costs are from PACS calculations.				

REQUEST FOR
NEW POSITION

AGENCY Department of Public Safety
BRU Alaska State Troopers
COMPONENT Criminal Investigation Bureau

FY 94

Page 12 of 18
Revised Date

10/1/93

(1/92) POSITION.NEW

Position Title State Trooper		Number of Positions 13	Range/Step 76/A	Bargaining Unit PSEA
Time Status PFT	Staff Months 12	Location Anchorage (statewide)	Election District 18	
Type of Expenditure		Justification		
Amount		These positions will provide general police services typical of a municipal police department (more services than are generally expected from a standard Trooper).		
1	2	3		
Salary*	46,418			
Benefits*	20,645			
Premium Pay (Included in Above)				
Other				
Total Personal Services		67,063		
Travel		3,000		
Contractual		15,721		
Commodities		2,472		
Equipment		25,327		
Other				
Total Cost		113,583		
Funding Source For Total Cost				
Federal Receipts	1002			
G.F. Match	1003			
General Fund	1004			
Program Receipts/GF	1005	113,583		
I-A Receipts	1007			
CIP Receipts	1061			
Other				
* Personal Services Salary and Benefits Costs are from PACS calculations.				

REQUEST FOR
NEW POSITION

AGENCY Department of Public Safety
 BRU Alaska State Troopers
 COMPONENT Criminal Investigation Bureau

Page 13 of 18
 Revised Date

FY 94

CSHS 18 (C-24)

(1/92) POSITION NEW

Position Title Sergeant, Public Safety		Number of Positions 1	Range/Step 78/A	Bargaining Unit PSEA
Time Status PFT	Staff Months 12	Location Anchorage (statewide)	Election District 18	
Type of Expenditure		Justification		
Amount		This position will act as the relief Sergeant to the Anchorage Post of 'B' Detachment that will be required when AST contracts for additional services.		
1	2	3		
Salary*	55,515			
Benefits*	23,779			
Premium Pay (Included in Above)				
Other				
Total Personal Services		79,293		
Travel		3,000		
Contractual		8,941		
Commodities		2,472		
Equipment		22,727		
Other				
Total Cost		116,433		
Funding Source For Total Cost				
Federal Receipts	1002			
G.F. Match	1003			
General Fund	1004			
Program Receipts/GF	1005	116,433		
I-A Receipts	1007			
CIP Receipts	1061			
Other				
* Personal Services Salary and Benefits Costs are from PACS calculations.				

REQUEST FOR
NEW POSITION

AGENCY Department of Public Safety
BRU Alaska State Troopers
COMPONENT Criminal Investigation Bureau

Page 14 of 18
Revised Date

FY 94

CSHB 1820(A)

(1/92) POSITION.NEW

Position Title Corporal		Number of Positions 4	Range/Step 77/A	Bargaining Unit PSEA
Time Status PFT	Staff Months 12	Location Anchorage (statewide)	Election District 18	
Type of Expenditure		Amount		
1	2	3		
Salary*	49,987			
Benefits*	21,874			
Premium Pay (Included in Above)				
Other				
Total Personal Services		71,861		
Travel		3,000		
Contractual		15,721		
Commodities		2,472		
Equipment		25,327		
Other				
Total Cost		118,381		
Funding Source For Total Cost				
Federal Receipts	1002			
G.F. Match	1003			
General Fund	1004			
Program Receipts/GF	1005	118,381		
I-A Receipts	1007			
CIP Receipts	1061			
Other				
* Personal Services Salary and Benefits Costs are from PACS calculations.				

Justification
 These four positions will act as both shift supervisors and providers of direct general police services as situations and work load dictates. Each will supervise three on-duty trooper positions.

REQUEST FOR
NEW POSITION

AGENCY Department of Public Safety
 BRU Alaska State Troopers
 COMPONENT Criminal Investigation Bureau

FY 94

Page 15 of 18
 Revised Date

CS HQ 1302A
 2.1

(1/92) POSITION.NEW

Position Title Dispatcher II		Number of Positions 2	Range/Step	Bargaining Unit ASEA
Time Status PFT	Staff Months 12	Location Anchorage (statewide)	Election District 18	
Type of Expenditure		Amount		
1	2	3		
Salary*	30,803			
Benefits*	14,158			
Premium Pay (Included in Above)				
Other				
Total Personal Services		44,961		
Travel				
Contractual		1,500		
Commodities		500		
Equipment		225		
Other				
Total Cost		47,186		
Funding Source For Total Cost				
Federal Receipts	1002			
G.F. Match	1003			
General Fund	1004			
Program Receipts/GF	1005	47,186		
I-A Receipts	1007			
CIP Receipts	1061			
Other				
* Personal Services Salary and Benefits Costs are from PACS calculations.				

Justification
Two additional dispatchers will be required to provide full dispatching services to the Hillside area.

REQUEST FOR
NEW POSITION

AGENCY Department of Public Safety
BRU Alaska State Troopers
COMPONENT Criminal Investigation Bureau

Page 16 of 18
Revised Date

FY 94

CS HB 18 (CAN)
No. 1

(1/92) POSITION, NEW

Position Title Lieutenant, P.S.		Number of Positions 1	Range/Step 22/A	Bargaining Unit SU
Time Status PFT	Staff Months 12	Location Anchorage (statewide)	Election District 18	
Type of Expenditure		Justification		
Amount		This position will provide management of the new unit to include contract compliance.		
1	2	3		
Salary*	55,872			
Benefits*	22,886			
Premium Pay (Included in Above)				
Other				
Total Personal Services		78,758		
Travel		3,000		
Contractual		15,721		
Commodities		2,472		
Equipment		26,227		
Other				
Total Cost		126,178		
Funding Source For Total Cost				
Federal Receipts	1002			
G.F. Match	1003			
General Fund	1004			
Program Receipts/GF	1005	126,178		
I-A Receipts	1007			
CIP Receipts	1061			
Other				
* Personal Services Salary and Benefits Costs are from PACS calculations.				

REQUEST FOR
NEW POSITION

AGENCY Department of Public Safety
 BRU Alaska State Troopers
 COMPONENT Detachment

Page 17 of 18
 Revised Date

FY 94

CS HS 18 (CAA)
 NO. 1

(1/92) POSITION.NEW

Position Title First Sergeant, P.S.		Number of Positions 1	Range/Stop 21/A	Bargaining Unit SU
Time Status PFT	Staff Months 12	Location Anchorage (statewide)	Election District 18	
Type of Expenditure		Justification		
Amount		This position will be needed to provide supervision of the shift and relief sergeants as well as the two investigators and the clerical staff.		
1	2	3		
Salary*	52,344			
Benefits*	21,741			
Premium Pay (Included in Above)				
Other				
Total Personal Services		74,085		
Travel		3,000		
Contractual		15,721		
Commodities		2,472		
Equipment		26,227		
Other				
Total Cost		121,505		
Funding Source For Total Cost				
Federal Receipts	1002			
G.F. Match	1003			
General Fund	1004			
Program Receipts/GF	1005	121,505		
I-A Receipts	1007			
CIP Receipts	1061			
Other				
* Personal Services Salary and Benefits Costs are from PACS calculations.				

REQUEST FOR
NEW POSITION

AGENCY Department of Public Safety

FY 94

BRU Alaska State Troopers

Page 18 of 18

COMPONENT Detachments

Revised Date

2070-4000
No. 1

REPRESENTATIVE CON BUNDE
CO-CHAIR HEALTH, EDUCATION
& SOCIAL SERVICES

Alaska State Legislature

DURING SESSION:
STATE CAPITOL
JUNEAU, ALASKA 99801-1182
CAPITOL ROOM 112
OFFICE (907) 465-4843


House of Representatives

MEMORANDUM

md 3-21-93

DATE: March 8, 1993

TO: Representative Brain Porter
Chair, House Judiciary Committee

FROM: Representative Con Bunde 
Co-Chair House Health Education & Social Services Committee

RE: HB 18 Municipal Police Protection

I am requesting a hearing for HB 18 " An Act relating to police protection service areas in municipalities". Please let me know when you are able to schedule the hearing, so the appropriate back up materials will be available.

Thank you for your cooperation in this matter. If you have any questions please contact my office at your convenience.

House of Representatives

SPONSOR STATEMENT
HOUSE BILL 18

House Bill 18 addresses the need of residents statewide to insure police protection where troopers have withdrawn or areas that lack such protection. This bill authorizes residents within a borough or municipality to petition for the formation of a service area with defined boundaries for police protection. The police services would be provided by the Department of Public Safety. The department would be reimbursed for the cost of the service by the borough or municipal governments in which the service area was located. The borough would, in turn, assess the owners of property located in the service area to recover the costs of the contract service.

This bill addresses a need that is statewide. Any area of the state has the right to choose a level of protection that is needed.

Article 7 of Title 29 AS. 29.35.450 provides the following:

(a) A service area to provide special services in a borough may be established, operated, altered, or abolished by ordinance. Special services include services not provided on an areawide or nonareawide basis in the borough, or a higher or different level of service than that provided on an areawide or nonareawide basis. The borough may include a city in a service area if

- (1) the city agrees by ordinance; or
- (2) approval is granted by a majority of voters residing in the city, and by a majority of voters residing inside the boundaries of the proposed service area but outside the city.

The possibilities for police protection service areas within boroughs under HB 18 are practically limitless. Residents in any geographical location within a borough could petition for a service area, and if the majority of residents within the area voted favorably on the measure, they would get the trooper service.

Residents of a borough that already provides police protection on an area wide basis could presumably take advantage of the opportunity created by this bill, on the grounds that they wanted more or less police protection than the borough was providing. For example, a neighborhood in the Mendenhall

Valley of Juneau could petition for a service area to obtain the patrol of a state trooper to supplement municipal police service.

There is no feasible way for us to estimate the number of police service areas that might emerge around the state in response to HB 18. Any combination of residents throughout vast regions of the state might come together to petition for a service area. The level of satisfaction with existing police protection services could be probed by a comprehensive opinion survey, but a survey would not provide a reliable estimate of the number of service areas that might be formed because there are too many unknown factors involved for respondents to make a meaningful judgment.

Most residents of municipalities within boroughs that are currently without a local police department are currently served by the troopers at no cost to the residents. The exception is Wasilla, a first class city, where the troopers withdrew on the grounds that the community had an adequate property tax base to support a local police department. Wasilla would presumably be interested in the option for obtaining police protection that is presented by this bill. Other communities in the same predicament would probably also want to compare the costs and benefits of a local police force with that of trooper service through a service area.

There is always the possibility that enactment of HB 18 would create an incentive for the Department of Public Safety to hasten the process of withdrawing from areas without local police service that have property tax resources. That is, in response to budgetary belt-tightening, the department might reduce services to areas with property tax resources with the expectation of obtaining a reimbursement contract with a new service area. HB 18 would give the department the opportunity to shift the cost of services it now provides from its general fund appropriation to the beneficiaries of its services. If this were to happen, more service areas might be formed than would otherwise be the case.

Another area that should be addressed is the fiscal note accompanying this packet. The Department of Public Safety has totally ignored the statewide ramifications of this legislation, and have instead chosen to direct their fiscal note at only the Anchorage Hillside area. The department has assumed the need of 24-hour, seven day per week protection services. No area of the state has asked for this level of service, and I question if this level of service will be requested. Therefore, the fiscal note would be, in my estimation, proportionately lower as the level of services needed declines.

HB 18 would fill a gap for many communities throughout the state, I urge the passage of the legislation.

House of Representatives

SECTIONAL ANALYSIS
HOUSE BILL 18

Section 1: Amends AS 29. 10. 200 by adding a new paragraph to read:
(51) AS 29.35.495 (police protection service areas)

Section 2: Amends AS 29.35 by adding a new section to article 7. Section
29.35. 495 POLICE PROTECTION SERVICE AREAS .

(a) This section allows residents of an area in a municipality to file a petition for the formation of a police protection service area. The boundaries must be described in the petition, and the additional police protection services to be provided by the Department of Public Safety in the area shall be signed by at least 10% of the voters in the proposed service area.

(b) Upon receipt of the petition the Commissioner of Public Safety has 30 days to notify the clerk of the estimated actual cost of providing the services in the proposed service area.

(c) Upon receipt of the estimated actual cost of providing the additional services in the proposed service area, the question of levying assessments to cover the estimated cost shall be placed before the voters residing in the proposed special service area during the next regular or special election held in the municipality.

(d) The governing body shall levy assessments to finance additional police protection services in the amount equal to the estimated actual cost from the Dept. of Public Safety. Payment shall be made to the commissioner by the municipality or borough.

(e) At least once every three years an election shall be held by the municipality in a police protection service area that has been formed. The Commissioner of Public Safety shall submit a revised notice of the estimated actual cost of providing the services during the next three years for inclusion. If the question is not approved by a majority of residents voting, the service area shall be dissolved 120 days after certification of the election. If the question is approved, the rate of assessments shall be adjusted by the municipality.

(f) This section applies to home rule and general law municipalities.

BILL NO: HB 18

DATE: March 17, 1993

TITLE: "An Act relating to police protection service areas in municipalities"

CONTACT: C.E. Swackhammer
Deputy Commissioner
465-4322

HB 18 allows residents of a municipality to form a police protection service area in which the Department of Public Safety will provide a specified level of police protection funded by assessments upon the residents.

It has been the position of the Governor and the Commissioner of Public Safety to withdraw Troopers from urban areas which are authorized to provide police protection on their own, and to concentrate the Department's resources in rural and unorganized areas of the State. This bill runs counter to that position, allowing residents of organized municipalities to require police protection from Troopers. Those areas forming service areas would have a contractual right to a certain level of service from Troopers that rural citizens would not share. Many rural communities have never had a local Trooper, and other communities have lost their Trooper Posts as budget cuts have forced the Department to reduce services.

The Department is concerned about potential problems raised by HB 18 including:

The process for establishing a service district, including the requirements that such contracts may impose on the Department to hire (or layoff) employees bypasses the Legislature;

The bill does not provide any information on what happens if the assessment accepted by the voters is insufficient to fund the level of service contracted, (who makes up the difference?);

There would be a loss of local control over police protection as there would be no local setting of policies, and no enforcement of local ordinances;

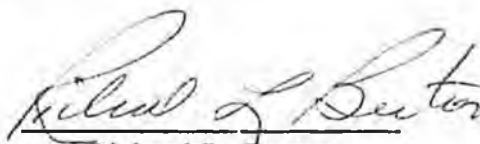
The Department could experience a highly variable demand for Troopers as municipalities adopt and reject service areas, requiring hiring and training efforts in some years and layoffs in others;

Individual Troopers could find that employment with the Department was less predictable, less stable, and therefore less desirable due to the uncertainty that any given service area contract would be extended; and,

Because of the long lag time in selecting, hiring, and training Troopers, adoption of service area contracts could mean reduced services to the rest of the citizens served by the Department.

The Task Force on Governmental Roles, formed under SCS CS HCR 17 (CRA) by the 17th Legislature, examined the functions of state, federal, and local governments and made recommendations as to the appropriate roles and relationships of the different levels of government with respect to several governmental functions. The Task Force was composed of House and Senate members, representatives of the executive branch, representatives from the Municipal League, and a representative from the unorganized borough. In their final report the Task Force made the following recommendation: "...To encourage and facilitate the implementation of police protection and to generate economies of scale, the Task Force advocates a change in Title 29 to permit assemblies of unified municipalities and home rule boroughs to establish service areas for police protection, notwithstanding charter provisions that place restrictions on the service area formation process. Authority to form service areas for police protection should also be given to general law boroughs. This would resolve the Hillside problem and prevent similar situations in other municipalities. ..." The Department feels that the approach recommended by the Task Force is better public policy, as it avoids several of the potential problems raised by HB 18.

The Department of Public Safety opposes the bill.


Richard L. Burton
Commissioner

HOUSE COMMITTEE REPORT

(5)

Date Referred: January 11, 1993

FURTHER REFERRALS:

Judiciary
Finance

Date of Committee Action: 3-19-93

The COMMUNITY AND REGIONAL AFFAIRS Committee considered:

HB 18

HOUSE BILL NO. 18

FEEES FOR POLICE PROTECTION BY STATE

"An Act relating to police protection service areas in municipalities."

RECOMMENDATIONS:

be replaced with C.S. For HB 18 (CRA) | | 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 Public Safety

fiscal note(s) _____

zero fiscal note _____

zero fiscal note(s) _____

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
Ed Willis	<input checked="" type="checkbox"/>	Do NOT Pass in This Form Ed Willis			
Ed Willis	<input checked="" type="checkbox"/>	Ed Willis			
		John W. Davis	<input checked="" type="checkbox"/>		
		John Sanders		<input checked="" type="checkbox"/>	
		Harley Ollberg		<input checked="" type="checkbox"/>	
		W.K. Williams		<input checked="" type="checkbox"/>	

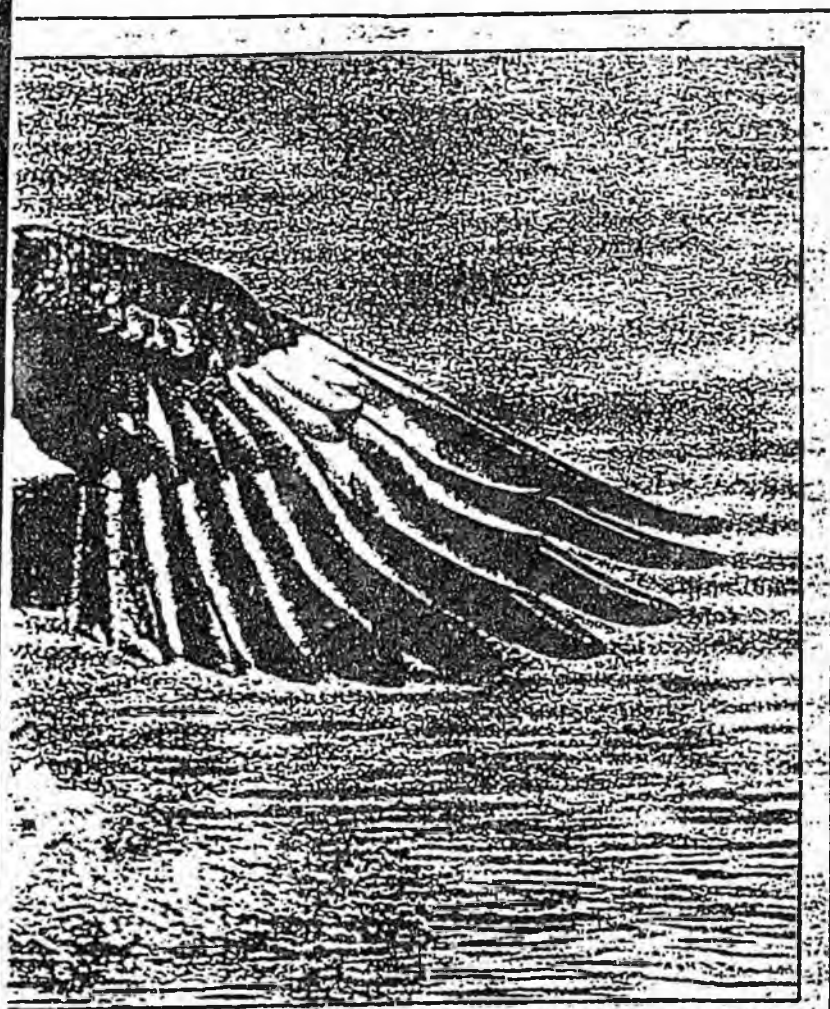

 CHAIRMAN'S SIGNATURE

Toolberry
 1-2-93

METRO

ANCHORAGE DAILY NEWS

SECTION B



BILL ROTH / Anchorage Daily News

homes farther north. This one landed recently at Westchester.

Troopers trim duty in Wasilla

Cutbacks force move

By PAMELA DOTO
Daily News reporter

Alaska State Troopers will stop patrolling Wasilla next month — a move that has some residents skittish about the city's vulnerability to crime.

Trooper administrators, who have been planning the move since January, say budget cutbacks will force them to direct their attention elsewhere. Besides, the town of 4,400 should have its own police force like neighboring Palmer, said trooper director Col. John Murphy.

"As far as we're concerned, it's time for Wasilla to start paying its own way," Murphy said.

Troopers now patrol the city limits and respond to routine calls, like thefts, car accidents and burglaries. They even arrest an average of 30 drunken drivers in the city each month.

But that will stop May 1. Troopers will still be able to arrest some drunken drivers while they're patrolling the highways, but not as many. And they won't respond to any more thefts, minor accidents and burglaries.

Wasilla residents can do the paperwork themselves and mail a report to troopers if they want them to investigate, troopers said.

If the situation is life-threatening or a major crime, however, troopers will still respond, Murphy said.

But, "It's our belief that they should have their own police department," he said.

Murphy said the cutbacks will be similar to how the troopers now handle the Hillside area, which they stopped patrolling early last winter.

There are only three troopers and one sergeant for each shift to patrol an area

Use tuition rates

will undergo reorganization

full-time resident semester, up from

at or below the comparable institu-

ne said. discussed raising

dent, criticized wasteful university spending and said it was time for regents to begin finding other ways to cut the budget.

"The students are serious," he said. "It's time to roll up our sleeves and get to work."

Students have also lobbied legislators, regents and Gov. Wally Hickel for additional building maintenance funding.

Peninsula prison may see job cuts

The Associated Press

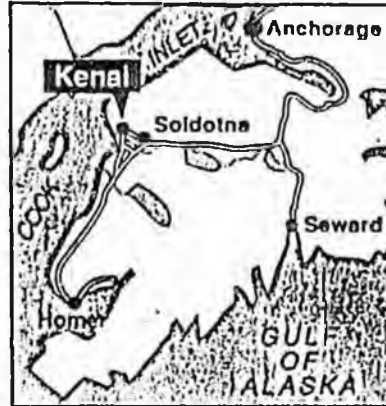
KENAI — The Department of Corrections says it could meet more than half its goal of \$7.5 million in budget cuts by closing most of the Wildwood medium-security prison.

The move would eliminate 60 area jobs.

Frank Prewitt, deputy commissioner of the Department of Corrections, said the prison would operate with 50 or fewer inmates while renovations were made to enlarge the institution for eventual reopening later.

Wildwood Correctional Center houses about 200 prisoners.

Although about 150 corrections jobs are headed for layoffs statewide, the Ke-



KEVIN POWELL / Anchorage Daily News

na's Wildwood prison will be hardest hit, Prewitt said.

Ken Brown, Wildwood superintendent, said workers found out Wednesday they may be out of a job.

"They're demoralized and

angry," Brown said. "They feel as though it's politics, and politics is an unseemly business."

Prewitt said Wildwood workers with seniority might move to other state prisons if they want to relocate. Some of the staff cuts may be accomplished through an early retirement program, he added.

The proposal has upset local politicians who say it's a state Senate attempt to keep jails open in the Matanuska and Susitna valleys and Anchorage.

Wildwood expansion would use prison labor. The project is part of a five-to-10-year plan being pursued separate from the budget-cutting exercise.

"In the short haul, it is a tough hit for the Kenai community," Prewitt said.

Wildwood Pre-Trial Facility, which employs 40 people and houses offenders before they are sentenced, would remain open during prison renovations.

Sentenced inmates serving time at the medium-security prison would be housed elsewhere in the state.

Prewitt said space would open up perhaps as soon as July when minimum-security prisoners are released to halfway houses, electronic monitoring programs or other community programs.

"We're getting to the point where we've about settled on this plan," Prewitt said.

WASILLA: Troopers to stop patrolling Valley town

Continued from Page B-1

their efforts in areas that cannot support a police force, like Big Lake. That community has had a spree of burglaries and other crimes.

"We haven't been able to give it enough attention," Trooper Capt. Pat Kasnick said.

Wasilla residents have twice voted down a proposal to establish their own police force.

But Mayor John Stein said support for a police

department is growing because Wasilla is maturing into a family-oriented community.

"Residents are beginning to feel a little insecure," Stein said.

Still, Stein said not everyone wants Wasilla to have its own police, and the support he's seen so far isn't enough to get a proposal on the table.

Some residents have a frontier attitude toward public safety, he said.

"There are a lot of people that arm themselves and

their homes," he said.

A police force would cost the city anywhere from \$500,000 to \$900,000 a year and would double residents' property tax rate, Stein said.

The city's business community — made up of about 700 stores and shops — is receptive to having their own police protection. Many merchants, however, can't even vote on the issue because they don't live in Wasilla, said Cheryl Riggs, vice president of the city's chamber of commerce.

"I think the city of Wasilla is pretty volatile," Riggs said. "It doesn't have the protection it really needs for a first-class city."

Murphy said there may be a lot of changes statewide in the areas troopers will actively patrol because of the budget cuts. And if residents don't like it, they should let state lawmakers know, he said.

"The citizens of this state have to make a decision on what's important to them," Murphy said. "We're going to do what we can with what we have."



Murder suspect Ch

Lawyer seeks v

By GAIL RANDALL
Daily News reporter

A lawyer for Ch worker accused of last summer, said moved somewhere rural community.

"I think it was Glennallen," said Smithart's case last Dleni withdrew. "Smithart's trial Lemaire disapp

PRESTON
THORGRIMSON
SHIDLER
GATES & ELLIS

ATTORNEYS AT LAW

Suite 400
420 L Street
Anchorage, AK 99501-1937

Telephone: (907) 276-1969
Facsimile: (907) 276-1365

DEPARTMENT OF PUBLIC SAFETY
COMMISSIONER'S OFFICE
Juneau, Alaska

JAN 28 1993

January 26, 1993

Richard L. Burton, Commissioner
Department of Public Safety
P.O. Box 111200
Juneau, AK 99811-1200

Re: Legislation with respect to the exercise of municipal police protection powers.

Dear Dick:

As usual, it was delightful and refreshing to see you again at the SWAMC Conference and to be able to exchange ideas and concerns with you. With regard to the problem perceived by the state of the municipal assumption of police protection, I enclose for your review Section IVB of the Final Report of the Task Force on Governmental Roles. This section of the report deals with the relationship of the state and municipalities in the area of police protection, criminal prosecution and jails.

The Task Force was formed under SCS CS HCR 17 (CRA) of the 17th Legislature. The task of the Task Force was to examine the functions of state, federal and local governments and to make recommendations as to the appropriate roles and relationships of the different levels of government with respect to the different governmental functions. The committee focused almost exclusively on the state/local relationships. Because the governor vetoed the appropriation for the Task Force, it was unable to address all the governmental functions in which there is an interface between the state and municipalities. However, it did address some of the public safety issues, and that part of the report is included. I was one of two public members appointed to the Task Force by the governor. The other members of the Task Force consisted of Senate and House members, persons appointed by the Municipal League, persons representing the executive branch and a person representing an unincorporated community in the unorganized borough.

The committee recommendation with respect to the police protection power issue is in the second paragraph on page 25 of the final report. This position was something of a compromise between the administration's position that all municipalities over a certain size should be required to provide police protection and the position of the municipalities that they should not be forced to undertake a state function they are unwilling to assume. If legislation were adopted to implement this recommendation, it would have the effect of placing squarely in the hands of the assembly of second class

January 26, 1993
Page 2

and home rule boroughs and unified municipalities the authority to establish service areas for police protection without a vote of the residents. A vote is currently required for second class boroughs and is often required under the charters of home rule boroughs and unified municipalities. The legislation would be drafted so as to remove and override all charter and statutory impediments to the formation by the local governing body of service areas for police protection purposes. Although I believe the Task Force recognized that such legislation would not, in itself, either establish or require the establishment of police protection service areas, it would remove the statutory and charter restrictions that may currently exist. I am sure that Barbara Blasco or one of her assistants in the governmental affairs section of the AG's office could provide you with legislation to implement this recommendation of the Task Force.

While most municipalities applaud the removal of restrictions on the exercise of municipal powers, the legislation discussed above might not be as universally acceptable to municipalities.

I share with most municipalities their concern for the understaffing and underbudgeting of your department and hope the legislature will see its way clear to provide you with the resources you need to serve our state.

Sincerely,

PRESTON THORGRIMSON
SHIDLER GATES & ELLIS

By:



Gerald Lee Sharp

Enclosures
U:\R94LLURTON.115

An ultimate state policy goal should be to maintain local choice without imposing unnecessary costs on the state. To this end the Task Force advocates that the administration adopt a much tougher policy line with municipalities that refuse to pay for basic public protection services. For example, the Department of Public Safety could guarantee a minimum level of trooper response, similar to that in unincorporated areas, but require a contractual arrangement with local authorities covering complete costs for state troopers to provide any higher level of response to a particular service area.

To encourage and facilitate the implementation of police protection and to generate economies of scale, the Task Force advocates a change in Title 29 to permit the assemblies of unified municipalities and home rule boroughs to establish service areas for police protection, notwithstanding charter provisions that place restrictions on the service area formation process. Authority to form service areas for police protection should also be given to general law boroughs. This would resolve the Hillside problem and prevent similar situations in other municipalities.

The state must prosecute offenses charged under state laws. The Task Force position is that areawide police and prosecution services should apply to all classes of municipalities to encourage unified delivery. If the City and Borough of Juneau with a population of 28,965 provides prosecution services, then why not Kenai Peninsula Borough (40,802), Kodiak Island Borough (15,535), or Matanuska-Susitna Borough (41,797)? Withholding Municipal Assistance, with the Department of Law determining how much it costs to prosecute certain classes of misdemeanor offenses, is a dubious idea at best and seems like a prescription for endless legal disputes.

In place of punitive legislation, the Task Force endorses an approach that would provide incentives to provide local police and prosecution services. One solution would be to make (or, actually, to reimpose) public protection as a funding category within the Revenue Sharing program and to provide funding based on the number of police officers employed, criminal caseload or other criteria. Once a municipality accepted funding from the state for police or prosecution services, that service would become a continuing local responsibility. Municipal representatives on the Task Force, however, have concerns about the state's ongoing commitment to funding such services. They point to the funding history of the Revenue Sharing program, which the legislature has chronically underfunded and would like some guaranteed level of state aid if municipalities assume additional service responsibilities.

15140 Mesa Place
Anchorage, AK 99516
April 3, 1993

Rep. Con Bunde
State Capitol
Juneau, AK 99801

BY FACSIMILE

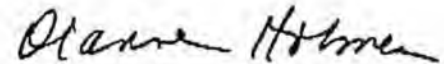
Dear Rep. Bunde:

There is a lot to be said for allowing communities to vote for and pay for the level of services they feel they need. With declining state revenues, I believe this type of government is the harbinger of what is to come. And the passage of HB 18 is exactly the kind of grass roots effort that speaks directly to this type of government.

Passage of HB 18 will not only help ensure some much needed revenue for the Dept. of Public Safety and will also show that you believe politics should not dictate good government.

There are also other reasons why HB 18 should pass and they deal with the difference in training of Troopers vs smaller community-based Public Safety departments. Training is very important for Public Safety officers. You may be aware that many smaller communities forced with paying for their own police can not and do not always provide quality and on-going training. The Troopers on the other hand have a good system for continuing training that helps ensure quality police service.

Sincerely,



Dianne Holmes
345-1514

COPY

JOHN W. ABBOTT

Attorney at Law
Anchorage, Alaska 99510

Office and Facsimile Number
(907) 346-1039

April 3, 1993

FACSIMILE TRANSMISSION SENT

THIS DATE TO: (907) 465-3834

CONFORMING COPY MAILED

The Honorable Brian Porter
Chair, House Judiciary Committee
Capitol Rm. 122
State Capitol
Juneau, Alaska 99801-1182

Re: CS for House Bill No. 18 (CRA); Hearing on Bill.

Dear Chairman Porter:

I am writing this letter to express my support for the above-referenced bill, and in lieu of testimony that would have been offered but for the last-minute cancellation of a scheduled teleconferenced hearing. I would like to have my comments read into the record and made available to all of the members of the House Judiciary Committee.

I am presently a resident in the lower hillside area, an area not presently included as a part of a police protection service area. For the most part, my neighborhood is not provided with police protection due to the limited response of the Alaska State Troopers and Anchorage Police Department. I would like to have police protection and am willing to pay a reasonable amount for such protection. I am unwilling to further subsidize the insatiable appetite of the Anchorage Police Department for new electronic and other toys. I have no desire to pour additional monies into the creation of a still greater bureaucracy

Letter to Representative
Brian Porter, Members of
House Judiciary Committee
CS for HB 18 (CRA)
April 3, 1993
Page 1 of 3

by the APD. Unlike a majority of the members of the hillside Task Force, I have confidence about the level of professionalism of the APD. Notwithstanding, I am unwilling to subsidize police protection services in other areas and to perpetuate the growth of the APD administrative staff, resulting in a high cost for obtaining such police protection. Having said that, I would like to briefly state my reasons for favoring the enactment of HB 18.

As the members of the Committee may not be aware (excepting, of course, the Chair), the Charter resulting from the merger of the City of Anchorage and the Greater Anchorage Area Borough in 1975 provided, *inter alia*, that creation of a police protection service area required a vote of approval from a majority of the residents living in the proposed service area. On several occasions now, the residents of the lower and upper hillside areas have voted against the creation of a service area or areas. Maneuvering by the Anchorage Assembly continues to the present in an effort to force residents of the hillside area to pay for "protection" by the APD. In other words, certain members of the Assembly, the Fink administration and the Anchorage Police Department are unwilling to abide by the terms of the 1975 charter.

I, like many others living in the hillside areas, would like to have police protection available. However, I favor use of the Alaska State Troopers because of the high professionalism of that organization, its considerably lower cost, and insulation from local politics. This same approach is favored by the Southeast Anchorage Police Protection Task Force in its position paper dated March 31, 1993.

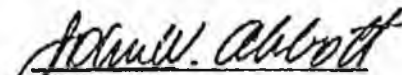
HB 18 is properly viewed as a reasonable alternative to what will certainly be a continued division between those residing in the hillside areas and the Fink administration and APD who favor subsidization of other police service areas by means of taxes imposed upon hillside residents (taxes based upon service plus subsidization as opposed to the actual cost of service for an area). Contracting with the Alaska State Troopers would provide for a fair and reasonable tax rate for the services performed and would provide a highly professional police organization presence in the area.

The continued practice of cross-subsidization is in all likelihood unlawful and is certainly unfair. Hillside residents already pay generally higher property taxes because of the tax assessed value of hillside homes. It is just not fair to assess a police service protection area tax that reflects both the cost of the service as well as payment to other service areas to lower those service area costs. This approach by the APD and the Fink administration has probably been the major stumbling block in achieving a positive vote for police protection in the hillside areas.

Letter to Representative
Brian Porter, Members of
House Judiciary Committee
CS for HB 18 (CRA)
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Page 2 of 3

To summarize, if passed, HB 18 will provide a method whereby hillside residents can obtain highly professional police protection at a fair and reasonable costs to taxpayers. The proposed method for collection of tax proceeds for payment to the State of Alaska (having the Municipality collect taxes for payment to the State) is a method used frequently in Alaska. The cost of protection would bear some resemblance to the cost of providing the service and would not include subsidization of another service area. Even in the absence of the provisions of the Municipal Charter, residents should have some voice in whether or not they accept a service and the reasonableness of the service cost. HB 18 will provide a method to this end. I strongly urge the support of the House Judiciary Committee members in voting "do pass" for this bill. Whether or not the bill passes legislative scrutiny, it should at least be presented to the full legislature for an up or down vote and should not die in committee.

Very truly yours,


JOHN W. ABBOTT

Letter to Representative
Brian Porter, Members of
House Judiciary Committee
CS for HB 18 (CRA)
April 3, 1993
Page 3 of 3

HB

28

03/24/93
13:07:58

LEGISLATIVE TELECONFERENCE NETWORK SYSTEM
PARTICIPANT LIST (ALL PARTICIPANTS)
TCN:30434 SCHEDULED FOR:03/24/93 13:00 TO 15:00
PUBLIC HEARING HOUSE JUDICIARY

LTN1150
BY:ANC
FOR:ANC

LOCATION: ANCHORAGE

HB 28
HB 168

JOHN
RONALD

SALEMI
ROBINSON

PUBLIC DEFENDER TESTIFY
LUCKY STK BINGO ORSERVE

168 → Elsie O'Brian is on line in Houston (AK)

03/24/93
13:10:42

LEGISLATIVE TELECONFERENCE NETWORK SYSTEM
PARTICIPANT LIST (ALL PARTICIPANTS)
TCN:30434 SCHEDULED FOR:03/24/93 13:00 TO 15:00
PUBLIC HEARING HOUSE JUDICIARY

LTN1150
BY:KTN
FOR:KTN

LOCATION:KETCHIKAN

HB 28	MS	JEANENNE	HENRY ✓	TESTIFY
HB 28	MS	SUE	PICKRELL ✓	AKNS DRUG FREE YTESTIFY
HB 28	MS	LYNDA	ADAMS ✓	TESTIFY

Rep. Brian Porter, Chairman

House Judiciary Committee

Date: March 24, 1993

Place: Capitol Room 120

Subject of Meeting: HB 136 Drunk Driving and
Breath Test Offenses; HB 28 Penalty for Providing
Alcohol to a Minor; HB 168 Multiple Permitted Gaming

Please Print Name	Representing	Business/Personal Mailing Address	Zip	(H) Phone	(W) Phone	Do you Want to Testify?	Which Subject/ Which Bill?
Margaret Knuth	Law-CDCO	Box 110300	99811		4049	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N	HB 136 HB 28
John L. Lamm	DCEO					<input type="checkbox"/> Y <input type="checkbox"/> N	168 IF NEEDED
Juanita Hensley	DPS/DMV	Box 20020	99802		4335	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N	HB 136 (C)
Bill Williams						<input type="checkbox"/> Y <input type="checkbox"/> N	
Dena La Tou	Corrections				3454	<input type="checkbox"/> Y <input type="checkbox"/> N	IF needed HB 136/28
						<input type="checkbox"/> Y <input type="checkbox"/> N	
						<input type="checkbox"/> Y <input type="checkbox"/> N	
						<input type="checkbox"/> Y <input type="checkbox"/> N	
						<input type="checkbox"/> Y <input type="checkbox"/> N	
						<input type="checkbox"/> Y <input type="checkbox"/> N	
						<input type="checkbox"/> Y <input type="checkbox"/> N	
						<input type="checkbox"/> Y <input type="checkbox"/> N	

HOUSE COMMITTEE REPORT

(7)

Date Referred: March 5, 1993

FURTHER REFERRALS:

Finance

Date of Committee Action: 4-14-93

The JUDICIARY Committee considered:

HB 28

HOUSE BILL NO. 28

PENALTY FOR PROVIDING ALCOHOL TO A MINOR

"An Act relating to the penalty for providing alcoholic beverages to a person under the age of 21; and providing for an effective date."

RECOMMENDATIONS:

be replaced with CS HB 28 (JUD) the same title

a new title

have attached amendments(s)

do pass

do not pass

no recommendations

individual recommendations

additional referral to the _____ Committee

ADOPTS: _____ letter of Intent

ATTACHES NEW FISCAL NOTE(S): _____ (Dep*)

APPROVES PREVIOUS: _____ (Dept/Date)

fiscal impact _____

fiscal note(s) _____

zero fiscal note _____

4 zero fiscal note(s) ^{(2) LAW (1-28-93)}
^{(2) ADMINISTRATION (2-12-93)}
^{PUBLIC SAFETY (2-10-93)}

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
<i>Jeannette James</i>	<input checked="" type="checkbox"/>	<i>Brian Porter</i>		<input checked="" type="checkbox"/>	
<i>Pete Kott</i>	<input checked="" type="checkbox"/>	<i>Tom Donohue</i>		<input checked="" type="checkbox"/>	
<i>Joseph [unclear]</i>	<input checked="" type="checkbox"/>	<i>Cap [unclear]</i>		<input checked="" type="checkbox"/>	

DOC FN
not adopted

Brian Porter

CHAIRMAN'S SIGNATURE



Ketchikan High School

2610 Fourth Avenue • Ketchikan, Alaska 99901-5799 • (907) 225-9815

March 23, 1993

To Whom It May Concern:

This letter is to state our support of H.B. 28 which would make furnishing alcohol to a minor a felony. Our High School and our community has suffered greatly because of the tragic consequences of our students being furnished alcohol by adults. This bill would be a step in the right direction in deterring such destructive action.

Sincerely,

Bob Hewitt

Bob Hewitt
Vice-Principal

Don Pennington

Don Pennington
Principal

8-LS0287E

Ford

4/1/93

CS FOR HOUSE BILL NO. 28(JUD)
IN THE LEGISLATURE OF THE STATE OF ALASKA
EIGHTEENTH LEGISLATURE - FIRST SESSION

BY THE HOUSE JUDICIARY COMMITTEE

Offered:
Referred:

Sponsor(s): REPRESENTATIVES WILLIAMS, Phillips, B.Davis, Nicholia, Olberg, Bunde, Kott

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the penalty for providing alcoholic beverages to a person
2 under the age of 21; and providing for an effective date."

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

4 * Section 1. AS 04.16.051 is amended by adding a new subsection to read:

5 (d) A person acting with criminal negligence who violates this section is guilty
6 of a class C felony if, within the five years preceding the violation, the person has
7 been previously convicted under

8 (1) this section; or

9 (2) a law or ordinance of this or another jurisdiction with elements
10 substantially similar to this section.

11 * Sec. 2. AS 04.16.180(a) is amended to read:

12 (a) Except as provided in AS 04.11.015, AS 04.16.051, 04.16.200 - 04.16.210
13 [AS 04.16.200 - 04.16.210], and AS 04.21.065, a person who violates a provision of
14 this title or a regulation adopted by the board is guilty, upon conviction, of a class A

1 misdemeanor. Each violation is a separate offense.

2 * Sec. 3. AS 04.21.065(a) is amended to read:

3 (a) A holder of one of the following types of licenses or permits shall post on
4 the licensed or designated premises two separate [A] warning [SIGN OR] signs as
5 described in (b) of this section:

6 (1) beverage dispensary license;

7 (2) restaurant or eating place license;

8 (3) club license;

9 (4) brewery license: this paragraph applies only to a brewery that
10 permits a person to sample portions of the brewery's product;

11 (5) package store license;

12 (6) common carrier dispensary license;

13 (7) recreational site license;

14 (8) community liquor license;

15 (9) pub license;

16 (!0) winery license; this paragraph applies only to a winery that permits
17 a person to sample portions of the winery's product;

18 (11) caterer's permit;

19 (12) special events permit;

20 (13) conditional contractor's permit;

21 (14) another license or permit issued by the board authorizing
22 consumption of alcoholic beverages.

23 * Sec. 4. AS 04.21.065(b) is amended to read:

24 (b) The [A] warning signs [SIGN] required by (a) of this section must be at
25 least 11 inches by 14 inches and the lettering must be at least one-half inch high
26 and in contrasting colors. The first sign must read, [IN LETTERING AT LEAST
27 ONE-HALF INCH HIGH AND IN CONTRASTING COLORS,] "WARNING:
28 Drinking alcoholic beverages such as beer, wine, wine coolers, and distilled spirits or
29 smoking cigarettes during pregnancy can cause birth defects." The second sign must
30 read, "WARNING: A person who provides alcoholic beverages to a person under
31 21 years of age, if convicted under AS 04.16.051, could be imprisoned for up to

1 five years and fined up to \$50,000." The license or permit holder shall display the
2 signs in a manner that would make them conspicuous to a person who will be
3 purchasing or consuming alcoholic beverages or smoking cigarettes on the licensed or
4 designated premises.

5 * Sec. 5. This Act takes effect July 1, 1993.

Alaska State Legislature



During Session:
State Capitol
Juneau, AK 99801-1182
(907) 465-3424
Fax (907) 465-3793

In Ketchikan:
352 Front Street
Ketchikan, AK 99901
(907) 247-4672
Fax (907) 225-8546

Committees:
House Resources,
Chairman
Community &
Regional Affairs
Labor & Commerce

Representative William K. Williams

MEMORANDUM

TO: Representative Brian Porter, Chairman, House Judiciary
FROM: Representative William K. Williams *W.K.W.*
DATE: March 5, 1993
RE: Request for scheduling of HB 28 for House Judiciary hearing

I would like to request a hearing of HB 28 in the House Judiciary Committee at your earliest convenience. The bill, which deals with the penalty for providing alcohol to minors, was passed out of House Health, Education, and Social Services on March 4, 1993.

I am attaching back-up information on HB 28, and would appreciate your consideration of scheduling it soon. If you need further information please contact my office at 465-3424.

Thank you.

Alaska State Legislature



Representative William K. Williams

During Session:
State Capitol
Juneau, AK 99801-1182
(907) 465-3424
Fax (907) 465-3793

In Ketchikan:
352 Front Street
Ketchikan, AK 99901
(907) 247-4672
Fax (907) 225-8546

Committees:
House Resources,
Chairman
Community &
Regional Affairs
Labor & Commerce

SPONSOR STATEMENT HB 28

Honorable Co-Chairs and members of the committee thank you for hearing this bill today.

House Bill 28 is legislation first introduced in the 1992 Legislature by former Representative Cheri Davis in response to the tragic alcohol related deaths of two youths in our community. The purpose of this legislation is to change the penalty for providing alcoholic beverages to a person under the age of 21.

Currently, Furnishing alcohol to a minor is a misdemeanor with a maximum penalty of one year in prison and a \$5,000 fine.

House Bill 28 would make furnishing a minor with alcohol a class "C" felony with a maximum penalty of five years in prison and a \$50,000 fine.

By creating stiffer penalties for providing alcoholic beverages to minors, House Bill 28 will strengthen the deterrent effect of the present laws and enforcement efforts.

Thanks again for hearing this bill today. I'd be glad to try to answer any questions you may have in regard to HB 28.

HOUSE COMMITTEE REPORT

(7)

Date Referred: January 11, 1993

FURTHER REFERRALS:

Judiciary
Finance

Date of Committee Action: 3-4-93

The HEALTH, EDUCATION AND SOCIAL SERVICES Committee considered:

HB 28

HOUSE BILL NO. 28

PENALTY FOR PROVIDING ALCOHOL TO A MINOR

"An Act relating to the penalty for providing alcoholic beverages to a person under the age of 21; 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
- [X] individual recommendations
- [] additional referral to the _____ Committee

ADOPTS: _____ letter of Intent

ATTACHES NEW FISCAL NOTE(S):

APPROVES PREVIOUS:

- [2] fiscal impact Corrections, Admin^(Dept) - ~~Depts~~ ^{Public} [] fiscal note(s) _____
- [3] zero fiscal note law, Public Safety, Admin^{OP+} [] zero fiscal note(s) _____

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
<i>Don Bando</i>	✓	<i>Public Safety</i>		X	
<i>[Signature]</i>	✓	<i>At Verby</i>		X	
<i>Vene Neche</i>	✓	<i>Town Clerk</i>		X	

[Signature]
CHAIRMAN'S SIGNATURE

BILL NO: HB 28

DATE: February 10, 1993

TITLE: "An Act relating to the
penalty for providing
alcohol to a minor"

CONTACT: C.E. Swackhammer
Deputy Commissioner
465-4322

HB 28 amends AS 04.16.051 - Furnishing Alcoholic Beverages to Persons under 21 - by making this offence a Class C felony.

This proposed legislation will affect anyone who furnishes or delivers (not just sells) alcohol to a person under the age of 21 years.

Creating a felony for this offense will require presentation before a Grand Jury to review each case. Additional time will be necessary for Grand Jury preparation, witness coordination and transportation, and Trooper testimony.



Richard L. Burton
Commissioner

POSITION PAPER - Department of Public Safety

Position Paper - Public Safety

(b) A person receiving compensation for transporting alcoholic beverages may not knowingly deliver alcoholic beverages to a drunken person. (§ 3 ch 131 SLA 1980; am § 6 ch 156 SLA 1988)

Effect of amendments. — The 1988 amendment added subsection (b).

Legislative history reports. — For Senate letter of intent relating to the en-

actment of (b) of this section by sec. 6, ch. 156, SLA 1988 (HCS CSSB 371 (Jud) am H), see 1988 Senate Journal 2939.

NOTES TO DECISIONS

Effect of AS 04.21.020. — Section 04.21.020, which provides conditions for the civil liability of persons providing alcoholic beverages, does not immunize vendors who violate this section. *Williford v. L.J. Carr Invs., Inc.*, 783 P.2d 235 (Alaska 1989).

Recognition of bystander's right to

recover damages for negligent infliction of emotional distress caused by injury to another. — See *Tommy's Elbow Room, Inc. v. Kavorkian*, 727 P.2d 1038 (Alaska 1986).

Applied in *Lord v. Fogcutter Bar & Stacy Cap*, 813 P.2d 660 (Alaska 1991).

Sec. 04.16.050. Possession or consumption by persons under the age of 21.

NOTES TO DECISIONS

Comparative negligence. — A licensee who violates this section is not entitled to assert the comparative fault of the minor/consumer, in an action for damages resulting from the unlawful sale of intoxicating liquor. *Loeb v. Rasmussen*, 822 P.2d 914 (Alaska 1991).

Stated in *Shamberg v. State*, 762 P.2d 488 (Alaska Ct. App. 1988).

Cited in *Alfred v. State*, 758 P.2d 130 (Alaska Ct. App. 1988).

Sec. 04.16.051. Furnishing or delivery of alcoholic beverages to persons under the age of 21. (a) A person may not furnish or deliver an alcoholic beverage to a person under the age of 21 years.

(b) This section does not prohibit the furnishing or delivery of an alcoholic beverage

(1) by a parent to the parent's child, by a guardian to the guardian's ward, or by a person to the legal spouse of that person if the furnishing or delivery occurs off licensed premises; or

(2) by a licensed physician or nurse to a patient in the course of administering medical treatment.

(c) Acts unlawful under AS 11.51.130 are not made legal by (b) of this section. (§ 3 ch 131 SLA 1980; am § 9 ch 109 SLA 1983; am §§ 7, 8 ch 156 SLA 1988; am § 1 ch 50 SLA 1989)

Effect of amendments. — The 1988 amendment inserted references to delivery in the catchline and in subsections (a) and (b).

The 1989 amendment, effective May 27, 1989, inserted "or delivery" in paragraph (b)(1).

Legislative history reports. — For Senate letter of intent relating to the amendments to (a) and (b) of this section by secs. 7 and 8, ch. 156, SLA 1988 (HCS CSSB 371 (Jud) am H), see 1988 Senate Journal 2939.

Sec. 04.16.150. Licensee responsible for violations.**NOTES TO DECISIONS**

Stated in *Tommy's Elbow Room, Inc. v. Kavorkian*, 727 P.2d 1038 (Alaska 1986).

Article 2. Penalties and Forfeitures.**Section**

180. Penalties for violation

200. Unlicensed persons

Sec. 04.16.180. Penalties for violation. (a) Except as provided in AS 04.11.015, AS 04.16.200 — 04.16.210, and AS 04.21.065, a person who violates a provision of this title or a regulation adopted by the board is guilty, upon conviction, of a class A misdemeanor. Each violation is a separate offense.

(b) A suspension or revocation of a license ordered by the board under AS 04.11.370(4) and (5) shall be as follows:

(1) On first conviction: the license of the premises involved may not be revoked, but may be suspended for not more than 45 days.

(2) On second conviction: the license of the premises involved may not be revoked, but may be suspended for not more than 90 days.

(3) On third conviction: the license of the premises involved may be suspended or revoked.

(c) In this section, the terms "second conviction" and "third conviction" include only convictions for violations that occur within five years of the first conviction. The terms refer to the cumulative number of convictions of a licensee of any combination of violations of the provisions of this title, regulations adopted under this title, or ordinances adopted under AS 04.21.010. The terms "second conviction" and "third conviction" include a conviction of the agent or employee of a licensee of a violation of a law, regulation, or ordinance if the conviction constitutes a ground for suspension or revocation under AS 04.11.370(5).

(d) This section does not affect the authority of the board to suspend or revoke a license when the board determines that continuance of activities under a license would not be in the best interests of the public. (§ 3 ch 131 SLA 1980; am § 10 ch 156 SLA 1988; am § 1 ch 81 SLA 1989)

Effect of amendments. — The 1988 amendment inserted "AS 04.11.015 and" in the first sentence in subsection (a).

The 1989 amendment, effective August

30, 1989, inserted a reference to AS 04.21.065 in the first sentence of subsection (a) and made related grammatical changes.

FISCAL NOTE

STATE OF ALASKA
1993 LEGISLATIVE SESSION

BILL NO. HB 28

Revision Date: _____
 Title: 'An Act relating to the penalty for providing
alcoholic beverages to a person under 21.'
 Sponsor: Reps. Williams, Phillips, Davis, Nicholia
 Requestor: _____

Department Affected: Administration
 BRU: Public Defender Agency
 Component: Public Defender Agency

 COMPONENT SERIAL NO. 1631

EXPENDITURES/REVENUES:

OPERATING	FY 94	FY 95	FY 96	FY 97	FY 98	FY 99
PERSONAL SERVICES	67.3	69.3	71.4	73.5	75.7	78.0
TRAVEL	0.0	0.0	0.0	0.0	0.0	0.0
CONTRACTUAL	4.0	4.1	4.2	4.3	4.4	4.5
SUPPLIES	2.0	2.0	2.0	2.0	2.0	2.0
EQUIPMENT	4.0	0.0	0.0	0.0	0.0	0.0
LAND & STRUCTURES	0.0	0.0	0.0	0.0	0.0	0.0
GRANTS, CLAIMS	0.0	0.0	0.0	0.0	0.0	0.0
MISCELLANEOUS	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	77.3	75.4	77.6	79.8	82.1	84.5

CAPITAL	0.0	0.0	0.0	0.0	0.0	0.0
----------------	------------	------------	------------	------------	------------	------------

REVENUE FUND SOURCE:	0.0	0.0	0.0	0.0	0.0	0.0
-----------------------------	------------	------------	------------	------------	------------	------------

FUNDING:

1002 Federal Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1003 GF Match	0.0	0.0	0.0	0.0	0.0	0.0
1004 GF	77.3	75.4	77.6	79.8	82.1	84.5
1005 GF/Program Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1006 GF/MHTIA	0.0	0.0	0.0	0.0	0.0	0.0
OTHER	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL	77.3	75.4	77.6	79.8	82.1	84.5

POSITIONS:

FULL-TIME	0.0	0.0	0.0	0.0	0.0	0.0
PART-TIME	2.0	2.0	2.0	2.0	2.0	2.0
TEMPORARY	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of current year (FY93) impact: _____

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

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

Phone: 279-7541
 Date: _____

Approved by Commissioner: Nancy Bear Usura
 Agency: Administration

Date: 2/12/93

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CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. HB 28

This bill amends Title 4 (A.S. 04.16.051 and A.S. 04.16.180) as a means of enhancing the penalty for furnishing alcohol to an individual under the age of 21 years. The actual penalty increase is significant; from a class A misdemeanor, a crime carrying a maximum sentence of one year in jail and a \$5,000 fine, to a class C felony, a category of crime with a jail sentence of up to five years in prison and a fine of up to \$50,000.

The Department of Law has indicated in their fiscal analysis that 200 complaints per year are processed involving furnishing alcoholic beverages to minors. They estimate that 100 of these "will include evidence sufficient enough to permit (the District Attorney's office) to bring a felony prosecution." Assuming that the Public Defender would eventually take on representation of the vast majority of these felony cases a significant fiscal impact will be realized.

The National Advisory Commission on Criminal Justice Standards, established by the administrator of the Law Enforcement Assistance Administration, has established national caseload standards applicable to Public Defender agencies. With respect to felony cases, the standards indicate that the felony caseload of a Public Defender attorney should not exceed that of 150 cases per year. Using this standard of measurement the anticipated impact on this agency if this proposal becomes law will be the equivalent of one half-time attorney position (75 new felony cases per year). Some support staffing is also necessary to absorb a significant felony caseload increase. Therefore a half-time paralegal position would also be necessary. (It should be noted that in 1992 the Public Defender Agency submitted an indeterminate fiscal note with respect to a similar legislative proposal. That fiscal note was prepared without the benefit of the Department of Law's estimates with respect to felony prosecutions that would be initiated if this bill were to become law).

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. HB 28

BUDGET ANALYSIS

100	Personal Services		
	1/2 Attorney IV	41.5	
	1/2 Paralegal Assistant II	25.8	
			67.3
200	Travel		-0-
300	Contractual		4.0
400	Supplies		2.0
500	Equipment (one time)		<u>4.0</u>
		TOTAL	77.3

FISCAL NOTE

STATE OF ALASKA
1993 LEGISLATIVE SESSION

BILL NO. HB 28

Revision Date: _____ Dept. Affected: Department of Corrections
 Title: "An Act relating to increasing the BRU: Statewide Programs
penalty for providing alcoholic beverages to a minor Component: _____
 Sponsor: Rep. Williams
 Requestor: Rep. Williams COMPONENT SERIAL NO. 1858

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING	FY94	FY95	FY96	FY97	FY98	FY99
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL	600.	600.	600.	600.	600.	600.
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	600	600.	600.	600.	600.	600.

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

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

FUNDING:

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	600.	600.	600.	600.	600.	600.
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	600.	600.	600.	600.	600.	600.

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

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

ANALYSIS: (Attach a separate page if necessary)

See attached page

Prepared by: Dana LaTour
 Division: Commissioner's Office
 Approved by Commissioner: Lloyd G. Rupp
 Agency: Department of Corrections

Phone: 465-3376
 Date: 2-12-93
 Date: 2-12-93

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Fiscal Note

HB 28: An Act relating to the penalty for providing beverages to a person under the age of 21;..."

Page 2

This bill amends AS 04.16.051 and AS 04.16.180(a) to raise the penalty for furnishing alcoholic beverages to a person under the age of 21 from a class A misdemeanor to a class C felony.

The Department of Law has estimated that approximately 200 complaints involving furnishing alcoholic beverages to minors are referred to their department for prosecution each year. About 100 of those complaints will include sufficient evidence to bring a felony prosecution.

For the purpose of this fiscal note it is assumed that the lowest mean sentence for a class C felony of this type is 7.5 months or 225 bed-days. The average mean sentence length for the class A misdemeanor of providing alcoholic beverages to a minor is 1.5 months or 45 bed-days. Thus it is assumed that raising the offense from a class A misdemeanor to a class C felony would result in an increase in sentence of 180 bed-days. Subtracting one-third of the sentence for statutory good time results in an increase of 120 bed-days per offense. It is assumed that these offenders could be placed in contract community residential center beds at an average cost of \$50 per day.

The following calculation is used to compute the fiscal impact to the Department of Corrections:

100 convictions per year x 120 additional bed days x \$50 =
\$600,000 per year

FISCAL NOTE

STATE OF ALASKA
1993 LEGISLATIVE SESSION

BILL NO. HB 28

Revision Date: January 28, 1993
Title: "...penalty for providing alcoholic beverages to a person under the age of 21..."
Sponsor: Representative Williams
Requestor: Representative Williams

Department Affected: Department of Law
BRU: Prosecution
Component: All
COMPONENT SERIAL NO. 0085 through 0090

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.

Richard I. Peques

Prepared by: Richard I. Peques, Director
Division: Administrative Services Division

Phone: 465-3672
Date: January 20, 1993

Approved by Commissioner: Charles E. Cole, Attorney General
Agency: Department of Law

Date: January 28, 1993

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Fiscal Note - Law - Prosecution

FISCAL NOTE

STATE OF ALASKA
1993 LEGISLATIVE SESSION

BILL NO. HB 28

ANALYSIS (Continued):

This bill amends AS 04.16.051 and AS 04.16.180(a) to raise the penalty for furnishing an alcoholic beverage to a person under the age of 21 years from a class A misdemeanor to a class C felony.

About 2,000 misdemeanor liquor violations are referred to the Department of Law for prosecution each year. Most of these are minor consuming complaints and about 10 percent, or 200 of these complaints, involve furnishing alcoholic beverages to minors. About one-half of this latter number of complaints, or 100, will include evidence sufficient enough to permit us to bring a felony prosecution.

Although bringing a felony prosecution is somewhat more time-consuming and costly than bringing a misdemeanor prosecution, when the work that will be caused by this bill is spread throughout the entire criminal division we cannot show a significant fiscal impact at any particular location. However, in a time of substantially diminishing resources, such as now, we strongly caution against creating additional workload for our prosecutors. Any new workload can only be handled at the expense of decreasing prosecutorial efforts in other areas, such as violent crimes and drug trafficking.

FISCAL NOTE

STATE OF ALASKA
1993 LEGISLATIVE SESSION

BILL NO: HB 28

Revision Date: _____ Dept. Affected: Public Safety
 Title: "An act relating to the penalty for providing alcoholic beverages to a person under 21." BRU: Alaska State Troopers
 Sponsor: Representative Williams Component: Detachments
 Requestor: Representative Williams COMPONENT SERIAL NO. 799

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:

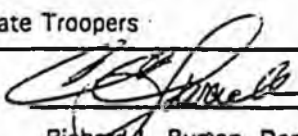
FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

Estimate of current year (FY 93) impact: \$ _____

ANALYSIS: (Attach a separate page if necessary.)

No fiscal impact upon the Alaska State Troopers is anticipated.

Prepared By: Francis C. Allan Phone: 269-5691
 Division: Alaska State Troopers Date: 1/29/93

Approved by Commissioner:  Date: 2/10/93
 Agency: Richard J. Burton, Dept. of Public Safety

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Fiscal Note - Public Safety - Troopers

FISCAL NOTE

BILL NO. HB 28

STATE OF ALASKA
1993 LEGISLATIVE SESSION

Revision Date: _____
Title: An Act relating to the penalty for providing alcoholic beverages . . .
Sponsor: Representatives Williams, Phillips, et al.
Requestor: House HESS

Department Affected: Administration
BRU: Office of Public Advocacy
Component: Office of Public Advocacy
COMPONENT SERIAL NO. 43

EXPENDITURES/REVENUES:

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

CAPITAL	0	0	0	0	0	0
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REVENUE FUND SOURCE:	0	0	0	0	0	0
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FUNDING:

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

POSITIONS:

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

Estimate of current year (FY93) impact: None

ANALYSIS: (Attach a separate page if necessary.)

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

Phone: 274-1684
Date: _____

Approved by Commissioner: Nancy Bear Usera
Agency: Administration

Date: 2/10/93

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Fiscal Note - Admin - Office of Public Advocacy

HB

41



Alaska Action Trust

P.O. Box 102323 • Anchorage, Alaska 99510
Office: 540 "L" Street, Suite 206 • Anchorage, AK 99501
(907) 268-4040 • FAX (907) 276-7185

FAX TRANSMITTAL

TO: Representative Hudson, Chair of House Labor & Commerce
 Representative Green, Vice-Chair of House Labor & Commerce
 Representative Mulder
 Representative Porter
 Representative Williams
 Representative Sitton
 Representative Mackie

FROM: Dennis Mestas

DATE: January 22, 1993

RE: HB 41

On behalf of the Academy of Trial Lawyers, I have been asked to express our strong opposition to HB 41. HB 41 would grant immunity for negligent maintenance, construction and design activities that would virtually insulate the ski area from any liability for the operation of the ski area operations.

The state law Seibu wishes to repeal and revise via a via HB 41 was largely the result of one lawsuit which was filed against Seibu. In that case, a 16 year old boy was skiing on the newly opened night skiing area at Alyeska when he skied over an unmarked, unsigned, unlighted 15 foot drop-off that was in a shadowed area in the middle of the night skiing course. The shadows that obscured the drop-off were a result of Seibu placing the largest group of lights on the course immediately behind a grove of trees. As the case developed, it appeared that Seibu failed to advise the lighting engineers of the trees' existence (according to the lighting engineer) and Seibu somehow failed to notice the trees when it was placing the lights behind them. This is somewhat difficult to do when each light must be separately aimed with a sighting mechanism on it. Further, neither Seibu nor the lighting engineer noticed the trees and the shadow after the system was built and the area was open. This young boy was paralyzed for life from the waist down when he went off the drop-off and landed on a flat "cat track" - a road.

The drop-off was created by a road cut made by a dozer as it cut through the ridge comprising the ski area between lifts 1 and

4. Seibu left a near 90 degree out-bank in the middle of the ski area instead of shaving off its upper edge to make a "roll." An expert, who was a former National Ski Areas Association president and extremely revered figure in the national ski industry, testified that the situation was "murderous and totally unacceptable." He further indicated it was far beyond the role (pale) of normal industry standards and was an easily, cheaply remedied situation.

I take the time to briefly set forth some of these facts as you should note that a provision of the proposed bill includes among the "inherent risks of skiing" variation or steepness in terrain "man-made structures, and their components ... including roads and catwalks or other terrain modifications". Thus, Seibu and other ski areas seek to be immunized for design and construction activities which are clearly avoidable, controllable and their responsibility and which are clearly not "unavoidable, natural consequences of the sport of skiing." According to the ski experts in the above case against Alyeska (Schlaak v. Seibu) such design and construction activities involving roads, lights, signs and trail marking are an integral part of the safety considerations that have to be kept in mind in making slopes safe for skiers during the design, construction and maintenance process.

It should be kept in mind that skiing is not much different than driving a car. The same human reactions and human frailties relating to vision, reaction time and attention are present. Thousands and thousands of people are travelling these "ski roads including many, many children." They deserve the same sort of consideration regarding a safe traffic design including elimination of hazards when reasonably possible as well as appropriate signs and warnings of hazards. Virtual cliffs constructed in the middle of a ski run because of improper road cutting certainly do not qualify for the rubric of "inherent hazards of skiing." Nor do other hidden hazards known to the ski area which the skier does not and cannot know of, such as snow making equipment.

Further, in this regard, I believe it is appropriate to refer to the recent Supreme Court decision which Seibu and others are apparently so desperate to make an end run around. The case is Hilbschman v. City of Valdez, et al. One of the thrusts of that opinion was that the present statute codified the common law that ski areas were not liable for injuries caused by the inherent risks of skiing. As the Supreme Court noted, it is only in this situation where the injuries or deaths are caused solely by such inherent risks that the lack of liability is apparent. Such risks are the natural and unavoidable risks -- the risks that cannot be controlled.

Perhaps even more importantly, the Supreme Court noted that the legislature in passing "tort reform" indicated a very strong statutory policy was present (as you will no doubt recall) to the

effect that each party should only bear its own risk, i.e. the "tort reform" statutes.

Thus, we now have several and not joint liability. While at one point "tort reformers" wanted every party to be responsible for its own fault, now Seibu and others seek to avoid any responsibility which runs directly against the clear intent of legislature in passing "tort reform" and mandating complete several liability. Thus, the Supreme Court noted that it would not be consistent to allow ski areas to escape liability while promoting the concept of true several liability. Here, the ski areas, of course, do not object to several liability, they just do not want to be among the "several."

Finally, we believe HB 41 is brought before the legislature because of not only the recent Hiibschman decision but also because of a recent death that occurred at Seibu's resort at Alyeska. On December 8, 1991, Bart Rizer, a 12 year old boy, died of hypothermia on an open slope in the bowl at Alyeska. Approximately four feet of snow had fallen in the 48 hours before his death and the bowl had not previously been open for skiing and had not been groomed. December 8, 1991, was a Sunday. On Saturday, skiing had been allowed on the ridge from the roundhouse down where a packed base was present. On Sunday, in the late afternoon, Seibu opened the bowl for skiing even though the bowl had not been adequately signed or roped off so as to warn skiers of extremely dangerous and indeed life threatening snow conditions that were present in some areas. Further, there was not even sufficient grooming done to allow the ski patrol to visually inspect and gain access to all parts of the bowl to check for downed skiers when the final sweep of the hill was made after the bowl was closed at 3:30 p.m. Many skiers had to be literally dug out of the snow as it was "bottomless powder" up to skiers' chests when off their skis.

While making a run through the bowl shortly before it closed, Mr. Rizer fell while proceeding down a short steep slope known as "Horror Hill" which is virtually in the middle of the bowl and is not obscured by trees. Unknown to Bart was the fact that extremely deep, treacherous snow was on Horror Hill. The snow was so deep that when he fell head first into it he was buried upside down up to his knees and was unable to extricate himself. When the final sweep was made a very short time later, Mr. Rizer was not found and he died of hypothermia after being abandoned on the mountain.

Apparently, he was in a very small hollow where he could not be seen from the only packed area down through the bowl. Seibu had packed one narrow track up through the bowl and therefore, this portion of Horror Hill could not be visualized from immediately below it as it could be when the whole area is packed because the snow was five or six feet deep and the ski patrol would have found it extremely difficult to walk through this deep snow across the bottom of the hill scrutinizing it for downed skiers. Similarly,

because of the deep snow, a walk across the top of the hill could not be made without extreme difficulty. Apparently, one ski patrolman may have skied down a small portion of Horror Hill, but did not see Bart due to the snow condition and his location. There is no way that a proper sweep could have been made of this area given the extreme snow and the limited number of ski patrollers. Thus, for no good reason, a very bright and promising young man is dead.

You will note that a portion of the proposed bill is focused on grooming operations. Further, a portion of it is also focused at every possible snow condition. If this bill is passed as written, it would even insulate Alyeska from foreseeable avalanches that could kill hundreds of people because "snow on the ground is constantly changing". This is truly outrageous.

Seibu is required by the U.S. Forest Service to have a snow safety plan. This plan is prepared by the U.S. Forest Service in concurrence with Seibu. One of the stated objectives of their plan is as follows:

One of the prime objectives in winter sports administration is to prevent accidents related to ski lifts, tows, avalanche and terrain hazards.

One of Seibu's stated and agreed to duties is as follows:

Taking reasonable care to identify and mitigate hazards on primary ski slopes.

Thus, the Forest Service is directly involved in monitoring and requiring safe operation of Seibu's ski area at Alyeska. Most of the ski area is on Forest Service land and is governed by Forest Service Management regulations. All aspects of ski safety are addressed in this plan. These include signs far beyond those included in the present statute including cautionary signs, daily trail and snow condition signs, area map with trail locations, avalanche signs, and trail markers. There are many other provisions of the ski plan that are focused at safety.

The question is this, if Seibu and other ski areas on public Forest Service land are already required to try to achieve maximum public safety, why are they now trying to escape responsibility for what they are required to do? Why should Seibu be insulated for negligent use of our land? The clear import of Forest Service regulation and the Forest Service mandated safety plan is to maximize public safety, not eliminate it. HB 41 will cause further erosion of safety procedures at Alyeska and other ski areas rather than enhancing the stated Forest Service goal of maximum safety for recreational users of federal land.

March 1, 1993

Representative Brian Porter
State Capitol
Juneau, AK 99801

Dear Representative Porter:

Would you please take some time before the Judiciary Committee hearing Friday, March 5, to read this letter. This letter contains important information you should consider before you discuss and vote upon House Bill 41.

HB 41 goes against the will of the Alaskan people. When you consider this bill, please remember that in 1987 Proposition #2, which was about proportionate fault, passed overwhelmingly in Alaska with a 75 percent majority. This united voice indicates that Alaskans want people to be responsible for their proportionate share of responsibility.

The Supreme Court reviewed a summary judgment ruling in the *Hiibschman v. City of Valdez* case. In this case, a Valdez skier was paralyzed from the waist down when she went off a bump/jump and landed on her tail bone. The Supreme Court noted that the ruling was completely inconsistent with the will of the people. This ski bill is contrary to that initiative, which 3 out of 4 Alaskans approved.

Unfortunately this kind of narrow self-interest legislation is frequent today. Everyone wants immunity from the consequences of their negligence and recklessness. The ski resorts, the airplane manufacturer, the doctors, the contractors. Often this type of immunity is cloaked in "tort reform" and similar buzz words. Tort law has been made out to be the bad guy.

Actually, the whole idea behind tort concepts is to motivate people and business to behave safely and to spread the expenses associated with injury and death among all of the users of the particular industry—a type of social insurance. Not a bad idea, considering the relative safety we Americans have in what we eat, wear, buy and build. Look at life in Mexico for an idea of what it is like when the rule is "every man for himself."

In the past few years, the big manufacturers and the insurance companies have had a concerted campaign to change tort law to protect their profits. They throw in some populist arguments like lawyer bashing and overseas competitors, then go for the jugular.

I would not be surprised that Seibu's liability carrier has something to do with the ski operator immunity amendments. We've witnessed how other industries operate. They win the basic bill, then over the years have enough amendments, a little at a time to get what they want.

You can probably tell that I have a fairly strong opinion about this. The trigger for me is the deception that manufacturers and insurers use to try to convince the public that our legal system and laws need major overhaul. They really are acting out of self-interest. They couldn't care less about fairness, balance, or reform for the benefit of everyone.

When Tim Kelly introduced the bill, he listed reasons for doing so. The reasons follow with comments.

1. *SB 44 attempts to strike a balance between protecting skiers and ski area resort operators.*

Alaska already has a statute that spells out inherent risks of skiing and ski area operators' responsibilities. In part it reads:

Skiers' responsibilities: The act precludes recovery by skiers from a ski area operator for injuries resulting from an inherent risk of skiing which is defined in the statute as including, but not limited to, in part, variations or steepness in terrain, snow or ice conditions, and surface or subsurface conditions such as bare spots, forest growth and rock, and a skier's failure to ski within the limits of the skier's ability.

In summary the Supreme Court says:

The land owner must act as a reasonable person in managing his property in a reasonably safe condition in view of all the circumstances including the likelihood of injury to others, the seriousness of the injury, and the burden on the respective parties of avoiding the risk

AND

The skier must recognize there is an inherent risk of skiing. Inherent risks are listed in the current law; however, the law states risks are not limited to those risks listed in the statute.

2. *This legislation would remove ski resort operators from liability for injuries caused by the inherent risks and dangers of skiing.*

Alaska already have such legislation.

3. *The bill does not absolve ski operators from negligence.*

Perhaps, but if a person feels the ski resort was negligent in an injury or death, just try to find legal counsel to represent you. We have already spent thousands of dollars trying to find out what happened on the day of Bart's death. We were unable to find out what happened until we started litigation. We were forbidden to talk with ski patrollers or other Seibu employees. If you give ski area operators this bill, getting a fair hearing would be extremely difficult.

The proposed bill is so encompassing that most situations, whether man-made or natural, is beyond their "financial or physical control." Therefore, ski area operators have limited responsibilities to the skiers while skiing down their slopes.

4. *Ski area operators must prepare and obtain approval from the Commissioner of Public Safety or managing U.S. agency for a plan of operation.*

Alyeska is already responsible for preparing an annual operations and safety plan. The U.S. Forest Service requires it since Alyeska rests mostly on Forest Service land. It is a state law that Alaska ski area operators prepare and submit a safety plan every year.

5. *Provide a qualified ski patrol.*

Ski resorts outside are hiring more professional ski patrollers who are employees of the ski resorts instead of relying so heavily on volunteer ski patrollers. Volunteer ski patrollers receive free skiing to patrol the mountain. However, they do not have the

expertise or the experience of professional ski patrollers. Alyeska has about 4-5 times more volunteer ski patrollers than professional protrollers on the weekends.

Many safety-conscious Alaskans have read the new 1991 National Ski Patrol (NSP) Manual. There has been a big change from the 1985 manual to the current manual. The national ski patrollers have had many of their responsibilities removed. The NSP is a voluntary organization and not responsible for or trained to the level of expertise that is needed to oversee management of a ski area.

The current ski patrol manual is more like a boy scout manual listing how to receive awards. I'd be glad to share with you an earlier version of the ski patrollers' manual and the current one to prove my point.

6. *Establish and maintain a tramway sign system.*

The Department of Transportation already has requirements. Because the tramway is considered public transportation, the ski area operators cannot get out of their responsibilities here. If they could, they probably would have written that into the bill too.

7. *Savings could be passed on to skiers in the form of lower ticket prices.*

Since Colorado put their bill into effect, prices have gone up (see enclosed newspaper article). No state has ever lowered ticket prices!

8. *This legislation could encourage continuing development of ski resorts in Alaska.*

Alaska doesn't have the population to encourage other ski resorts to come up here. Look at the proposed Hatcher Pass and Eagle River reports that much study and money was spent on trying to get new businesses to open up ski areas. The costs are just too high for our population.

9. *Seibu is investing more than \$55 million in its current expansion. With passage of SB 44, Seibu intends to further develop Alyeska by expanding into the Winter Creek area.*