

ALASKA LEGISLATURE COMMITTEE FILES 1997-1998 8672

9181 HOUSE JUDICIARY

opinion poll. We are *not* speaking here of issues which involve wiping oil off birds, or four dead dogs in the Iditarod. The issue in which we are engaged involves *what is*, and is *not*, sacred *human* dignity, and *what is* - and is not - the acts of a *civilized* community.

Thomas Jefferson stated that the *only* reason a government exists is to protect human life. One need not be a physician, a learned theologian, Mother Teresa, or even a Statesman, to know how one must - in conscience - cast their vote on this issue. Ladies and gentlemen, the ball is in *your* court.

\*\*\*\*\*

See ATTACH A

I am submitting an excerpt of the September 19, 1996 Congressional Record which contains an eloquent statement of Congressman Henry Hyde for your thoughtful and honest consideration.



# Alaska State Legislature

Please enter into the record my testimony to the HOUSE JUDICIAL Comm.  
 committee name  
 committee on #637, dated 3/5/97  
 bill/subject

*See attached*

*Information you requested  
 concerning my verbal statement*

Signed: *Alice J. Huston*  
 Testifier

Representing (Optional)  
213 Shotgun Alley  
 Address  
(907) 747-3931  
 Phone No.

Laws that restrict access to abortion by requiring parental involvement increase teenage birth rates. For example, according to testimony in the reproductive freedom case *Hodgson v. Minnesota*, the Minneapolis birthrate rose 38.4% among mothers aged 15 to 17 after enforcement of a parental notification law. The birthrate for 18 to 19 year-old women, who were not affected by the law, rose only .3% during the same period.

Having little education, few skills and responsibility for a child they may not have wanted, teenage mothers and their children are seven times more likely to slide into poverty. According to national estimates, children born to teenage mothers in 1987 will receive more than \$5.5 billion in federal welfare payments over a 20-year period. And because children born to teenagers are often unwanted, those children may suffer severe psychological and educational disadvantages. As for the minors themselves, their entire adult lives are often limited, if not ruined, by government laws that effectively force them into motherhood.

From: ACLU Briefing Paper on Reproductive Freedom, The Rights of Minors.

TRANSMISSION VERIFICATION REPORT

TIME : 03/03/1997 10:22  
NAME : ALICE JOHNSTONE  
FAX : 9077473931  
TEL : 9077473931

DATE, TIME : 03/03 10:22  
FAX NO./NAME : 19074654410  
DURATION : 00:00:08  
PAGE(S) : 00  
RESULT : NG  
MODE : STANDARD

NG : POOR LINE CONDITION

**HB**

**69**

# HOUSE COMMITTEE REPORT

(7)  
Date Referred to Committee: February 7, 1997

FURTHER REFERRALS:

Finance

Date of Committee Action: 2/12/97

The JUDICIARY Committee considered:

SSHB 69

SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 69

ROPHYPNOL AS SCHEDULE IVA DRUG

"An Act relating to designating flunitrazepam as a schedule IVA controlled substance; and providing for an effective date."

recommends it be replaced with the following committee substitute \_\_\_\_\_  the same title  a new title

additional referral to \_\_\_\_\_ Committee  
 attached amendment(s)

ADOPTS: \_\_\_\_\_ Letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept) \_\_\_\_\_

APPROVES PREVIOUS: (Dept/Date) \_\_\_\_\_

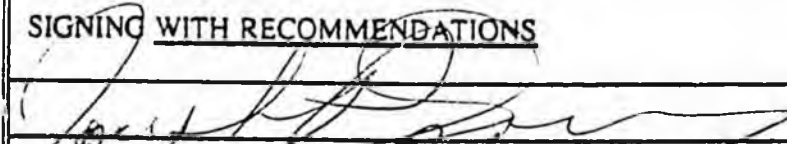
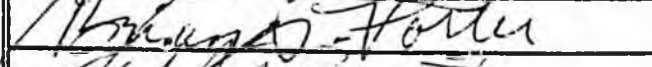

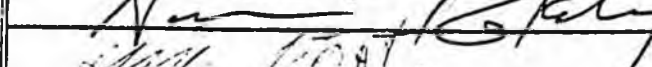
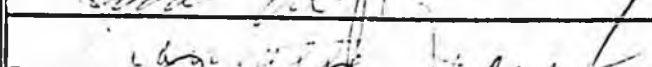
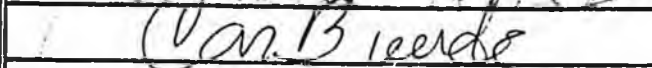

fiscal note(s) \_\_\_\_\_

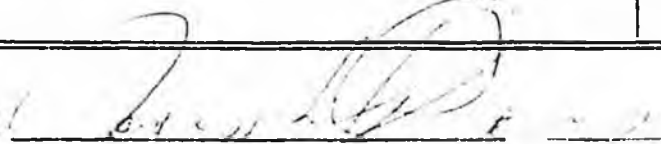
fiscal note(s) \_\_\_\_\_

zero fiscal note(s) DEPT. OF LAW

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

PUB. SAFETY

SIGNING WITH RECOMMENDATIONS		DP	DNP	NR	AM
	GREEN	✓			
	PORTER	✓			
	BERKOWITZ			✓	
	ROKEBERG	✓			
	CROFT	✓			
	JAMES				
	BUNDE	✓			

CHAIR'S SIGNATURE 

# FISCAL NOTE

STATE OF ALASKA  
1997 LEGISLATIVE SESSION

BILL NO. SSHB 69

Revision Date: \_\_\_\_\_ Dept. Affected: Department of Law  
 Title: "An Act . . . designating flunitrazepam as a BRU: Criminal Division  
schedule IVA controlled substance . . ." Component: Criminal Division  
 Sponsor: Representative Vezey  
 Requester: House Judiciary Committee COMPONENT SERIAL NO. 2085

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

OPERATING EXPENDITURES	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

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

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

**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY97) cost: \$ 0.0

**POSITIONS**

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

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

This bill designates the drug flunitrazepam, the "date-rape" drug, as a schedule IVA controlled substance. Passage of this legislation will have no fiscal impact on the Department of Law.

Prepared by: Joan M. Kasson *Joan M. Kasson*  
 Division: Administrative Services Division  
 Approved by Commissioner: Bruce M. Botelho, Attorney General *Bruce M. Botelho for*  
 Agency: Department of Law

Phone: 465-5370  
 Date: 2/11/97  
 Date: 2/11/97

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# FISCAL NOTE

STATE OF ALASKA  
1997 LEGISLATIVE SESSION

BILL NO: HB 69

Revision Date: \_\_\_\_\_ Dept. Affected: Public Safety  
 Title: Flunitrazepam Made Schedule IA Drug BRU: Alaska State Troopers  
 Component: Narcotics Task Force  
 Sponsor: Rep. Vezey  
 Requestor: House Judiciary COMPONENT SERIAL NO. 798

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

OPERATING	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	-0-	-0-	-0-	-0-	-0-	-0-
<b>CAPITAL</b>	-0-	-0-	-0-	-0-	-0-	-0-
CHANGE IN REVENUES ( ) Revenue Code	-0-	-0-	-0-	-0-	-0-	-0-

**FUNDING: (Thousands of Dollars)**

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

Estimate of current year (FY 97) impact: \$ \_\_\_\_\_

**POSITIONS:**

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

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

This bill would make flunitrazepam a schedule IA drug. This would have no significant fiscal impact on AST.

Prepared By: Capt. Ted M. Bachman Phone: 269-5650  
 Division: Alaska State Troopers Date: 02/11/97  
 Approved by Commissioner: *Ronald L. Otte* Date: 2/11/97  
 Agency: Department of Public Safety

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STATE OF ALASKA**

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FAX (907) 465-2029  
Mail Stop 3101

130 Seward Street, Suite 400  
Juneau, Alaska 99801-2105

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

Mary Pagenkopf

*House Judiciary Committee, 2/12/97, 1:00 p.m.*

# Alaska State Legislature

## House of Representatives

Interim Address:  
119 N. Cushman, Suite 211  
Fairbanks, AK 99701  
(907)-456-5081  
Fax# (907)-456-8245



Session Address:  
Room 13  
(907)-465-3719

Official Business

State Capitol  
Juneau, AK. 99801-1182

Representative Al Vezey

### HB 69 Teleconference Participants by Telephone House Judiciary Committee Meeting

February 14, 1997 1:00 p.m.  
1-(800)-478-7612

Jon Christensen, Legislative Liason  
Rothman-LaRoche  
(206)-770-3741

James Tolliver  
DEA  
Washington, D.C.  
(202)-307-7180

Dr. Beth Osterguard  
Clinical Liason  
Rothman-LaRoche  
(612)-825-7712

---

Teleconference from Anchorage  
1-(800)-764-6202

George Taft  
Alaska State Crime Lab  
(907)-269-5740

*LTXS*

*Spec d HCR*

*FTI*

*Tim Sulevick  
HB 30 ?*

2/11/97

Moderator

Web. Meeting  
tele conf.

Minnesota Chemist,

~~Anch~~ [ Beth Ostergard  
(612) 825 7712

[ John Christensen, Seattle  
(206) 770-3741  
Puyallup

Anchorage

<b>PHONE MESSAGE</b>		DATE 2/10	TIME 5:15 A.M. P.M.
FOR	Lisa		
M	Beneiva (CN 70253)		
OF			
PHONE ( )	3719	1-800-478-7612	EXT. 7612
<input type="checkbox"/> FAX	<input type="checkbox"/> MOBILE	<input type="checkbox"/> PAGER	
MESSAGE	Is there an 800 # for people to testify on NBLA? (Out of town)		
AVERY		SIGN'D <u>KT</u>	

1 (800) 478-7612

800 764 6202

HB 69

2/5/97

State Analysis in Va.  
Lobbyist for druggists?  
Tracking drug legislation  
HB 69 re Rophynol  
Rebecca Cordozo  
told her to fax data if she likes

Teleconf. Fairbanks

~~Joe~~ Lisa  
from Vezev  
You now have  
SS HB 69 before  
your committee  
in lieu of HB 69.

We went from a  
~~to~~ Schedule I A  
controlled substance  
to a Sch. IVA ~~Joe~~  
we have you scheduled  
for next week.

SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 69  
IN THE LEGISLATURE OF THE STATE OF ALASKA  
TWENTIETH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVE VEZEY

Introduced:  
Referred:

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to designating flunitrazepam as a schedule IVA controlled  
2 substance; and providing for an effective date."

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

4 \* Section 1. AS 11.71.170(b) is amended by adding a new paragraph to read:

5 (27) flunitrazepam.

6 \* Sec. 2. This Act takes effect immediately under AS 01.10.070(c).



## HLR Service

A Member of the Roche Group

HLR Service Corporation  
9707 166th Street Ct. E.  
Puyallup, WA 98373

February 10, 1997

**Jon Christensen**  
Senior Regional Manager  
Tel 206-770-3741  
1-800-LA-ROCHE Ext. 8-9772  
Fax 206-770-3723

Honorable Representative Al Vezey  
State Capitol  
Room 13  
Juneau, AK 99801

Dear Representative Vezey;

We at Roche are pleased to support your SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 69.

At Hoffmann-La Roche, the manufacturer of Rohypnol, we are extremely concerned by the issue of drug-induced sexual assault and reports that one of our medications may be one of the many misused in this way.

Rohypnol belongs to the class of medications known as benzodiazepines, which collectively have more than 30 years of medical use for the treatment of a variety of central nervous system conditions. They are currently classified in the U.S. in Schedule IV of the Federal Controlled Substances Act.

I am happy to answer any further questions you may have and welcome the opportunity to speak with you further on this issue.

Sincerely,

Jon C. Christensen

# Alaska State Legislature

Interim Address:  
119 N. Cushman, Suite 211  
Fairbanks, AK 99701  
(907)-456-5081  
Fax# (907)-456-8245  
Official Business



Session Address:  
Room 13  
State Capitol  
Juneau AK  
99801-1182  
(907)-465-3719

**Representative Al Vezey**

## **HB 69**

### **CLASSIFYING FLUNITRAZEPAM AS A CONTROLLED SUBSTANCE**

Flunitrazepam, trade name Rohypnol, is known by street names that include Roaches, Roches, Rocha, Rophies, Roofies, Ruffies, Ropes, and Rib. The drug induces deep sleep and causes amnesia. Illegal use of this drug is on the increase in the United States and its illegal use has been suspected in Alaska. Rohypnol is a drug that is not readily detectable in urine by using a standard urine test.

The most heinous illegal use of this drug is to slip it into the drink of a female as a prelude to rape. Typically the victim does not remember what happened for several hours after ingesting the drug.

House Bill 69 would classify Rohypnol (flunitrazepam) as a schedule 1A controlled substance which would make it a class A felony to possess this drug.

Victims of drug induced rape can not identify their victims and conviction are difficult and rare. This bill would make the mere possession of this drug a serious crime in the same class as sexual assault in the first degree. HB 69 sends a clear message that we will not tolerate in our society those who would perpetrate sexual abuse.

*Flunitrazepam is the generic name for a drug in the class of prescription medicines known as benzodiazepines. It is manufactured in Europe and Latin American by Hoffman-La Roche under the trade name Rohypnol.*

**HB**

**79**

# Alaska State Legislature

CHAIR  
HOUSE HEALTH, EDUCATION  
& SOCIAL SERVICES COMMITTEE

VICE-CHAIR  
HOUSE JUDICIARY COMMITTEE

MEMBER  
LEGISLATIVE BUDGET & AUDIT COMMITTEE  
HOUSE SPECIAL COMMITTEE ON OIL & GAS  
SELECT COMMITTEE ON LEGISLATIVE ETHICS



REPRESENTATIVE CON BUNDE

District 18

DURING SESSION  
STATE CAPITOL, ROOM 104  
JUNEAU, AK 99801-1182  
(907) 465-4843 (800) 892-4843

DURING INTERIM  
716 W. FOURTH AVE  
ANCHORAGE, AK 99501-2133  
(907) 258-8168

E-MAIL  
Representative\_Con\_Bunde@legis.state.ak.us

## SPONSOR STATEMENT CSHB 79 (STA)

**"An Act relating to sale, possession, and purchase of products containing tobacco and to the offense of possession of tobacco by a person under 19 years of age."**

The goal of HB 79 is to prevent youth from obtaining tobacco and tobacco products. Despite the fact that almost all states prohibit the sale and distribution of tobacco products to minors, tobacco is easily accessible to youth. Studies indicate that minors can purchase tobacco products 70 to 100 percent of the time from merchants and through vending machines.

HB 79 adds stronger requirements, restrictions and prohibitions on the sale of cigarettes and tobacco products to minors. This proposed legislation:

- restricts the placement of vending machines and requires stricter supervision of the machines.
- prohibits the sale of cigarettes in packs of fewer than 20.
- requires all cigarettes and tobacco products to be placed in areas accessible only to employees.
- requires employers to get training before being allowed to sell tobacco or to renew a business license. Retailers must pay the cost of their training and that of their employees.
- enables sting operations in order to comply with the Synar amendment.
- raises the cost of a license endorsement to sell tobacco and requires each store selling tobacco to purchase its own endorsement endorsement.
- imposes a \$300 fine on minors convicted of possession of tobacco.
- adds an anti pre-emption provision to prevent tobacco companies from pre-empting local governments' authority to tax tobacco products or to extend programs to limit youth access to tobacco.
- raises penalties for retailers convicted of selling tobacco products to minors.
- prohibits the sale of tobacco in any form to a customer who appears to be less than 27 years old and cannot present valid ID. **NO ID--NO SALE.**
- requires all money collected from license endorsement fees to be placed into the General Fund. The Legislature may appropriate that money for grants to support enforcement of programs to decrease youth access to tobacco.
- creates the crime relating to the use of false identification for the purpose of purchasing tobacco.

HB 79 makes retailers accountable for sales of tobacco to minors. However, the effects of any legislation regarding the sale of tobacco to minors will be minimal at best without the cooperation of parents who enable illegal behavior when they do not stop their children from stealing and/or purchasing tobacco, and without the cooperation of enforcement officials.

HB 79 enhances our current statutes and provides a means of funding both training for retailers and enforcement of the law. Retailers must be held accountable for their illegal actions or tobacco sales to minors will continue unchecked. This proposed legislation is a step in the right direction and will be another barrier against tobacco use by minors. I urge your positive consideration of this legislation.

# FISCAL NOTE

STATE OF ALASKA  
1997 LEGISLATIVE SESSION

BILL NO. CSHB 79 (STA)

Revision Date: \_\_\_\_\_ Dept. Affected: Alaska Court System  
 Title: Tobacco Sales BRU: Trial Courts  
 Component: \_\_\_\_\_  
 Sponsor: Rep. Bunde  
 Requestor: House Judiciary COMPONENT SERIAL NO. 768

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS & CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0
CAPITAL EXPENDITURES						
CHANGE IN REVENUES ( )						

Fund Source (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY 97) cost: None

Positions

Full-Time						
Part-Time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

No fiscal impact.

Prepared by: Doug Wooliver, Administrative Attorney  
 Agency: Alaska Court System  
 Approved by: Stephanie J. Cole, Acting Administrative Director  
 Agency: Alaska Court System

Phone: 264-8228  
 Date: 04/28/97  
 Date: 04/28/97

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# FISCAL NOTE

No. 1  
 Bill Version: CSHB 79(STA)  
 (H) Publish Date: 4/18/97

**STATE OF ALASKA**  
**1997 LEGISLATIVE SESSION**

Revision Date: \_\_\_\_\_ Department: Commerce and Economic Development  
 Title: An Act relating to sale, possession, and purchase BRU: Occupational Licensing  
of products containing tobacco.... Component: Operations  
 Sponsor: Representative Bunde  
 Requestor: House State Affairs COMPONENT SERIAL NO. 1844

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
PERSONAL SERVICES	41.4	41.4	41.4	41.4	41.4	41.4
TRAVEL	0.0	0.0	0.0	0.0	0.0	0.0
CONTRACTUAL	28.5	13.5	13.5	13.5	13.5	13.5
SUPPLIES	1.0	1.0	1.0	1.0	1.0	1.0
EQUIPMENT	7.3					
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>78.2</b>	<b>55.9</b>	<b>55.9</b>	<b>55.9</b>	<b>55.9</b>	<b>55.9</b>

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES	181.2	134.5	181.2	134.5	181.2	134.5
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 General Fund	78.2	55.9	55.9	55.9	55.9	55.9
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other 1091 Designated PR						
<b>TOTAL</b>	<b>78.2</b>	<b>55.9</b>	<b>55.9</b>	<b>55.9</b>	<b>55.9</b>	<b>55.9</b>

Estimate of any current year (FY 97) cost: \$ 0.0

**POSITIONS**

FULL-TIME	1	1	1	1	1	1
PART-TIME						
TEMPORARY						

**ANALYSIS:** (Attach a separate page if necessary)  
 CSHB 79(SA) establishes penalties for individuals and businesses who sell or give tobacco or tobacco related products to minors. The bill also requires the department to develop and train persons in the sale of products containing tobacco regarding federal and state laws and regulations that apply to sales of products containing tobacco and is a condition of renewal of a business license with a tobacco endorsement. The bill also increases the tobacco endorsement fee from \$25 to \$100. Further explanation of the costs and revenue are shown on the attached.

Prepared by: Jennifer Strickler, Administrative Manager Phone: 465-2144  
 Division: Occupational Licensing Date: 4/17/97  
 Approved by Commissioner: William L. Hensley Date: 4/17/97  
 Agency: Commerce and Economic Development

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**COMMITTEE COPY**

# FISCAL NOTE

STATE OF ALASKA  
1997 LEGISLATIVE SESSION

BILL NO.: CSHB 79(SA)

ANALYSIS: (Continued)

## DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT FISCAL NOTE CALCULATIONS

### Personal Services

\$ 41.4

An Occupational Licensing Examiner I, PFT, Range 12, position is needed to process and coordinate licensing renewal applications to ensure the necessary training has been obtained prior to renewal; coordinate and distribute training course material, monitor federal and state tobacco-related laws to initiate updates of training material, and maintain records on convictions of retail outlets whose tobacco endorsements must be suspended or revoked.

### Contractual Services

\$ 28.5

Contractual Services are based on the following items -

- Development of the training course; \$15.0  
(One-time only)
- Production (printing/ mailing) of training course material based on the assumption that each of the 884 tobacco endorsement businesses renewing in FY 98 have at least one additional retail outlet with a person who must take the course to be eligible for the retail outlet tobacco endorsement renewal. Assuming cost will be \$5.00 each to produce course material, 1,768 licensees x \$5.00; \$8.8
- Contractual-related costs for the one new position, such as communications (phones, postage, etc.); \$3.0
- Office Space least costs per year for the new position based on \$1.45 per sq ft x approx. 98 sf per position; \$1.7

### Supplies

\$1.0

Provides daily operating desk top supplies for the new position.

# FISCAL NOTE

**STATE OF ALASKA**  
**1997 LEGISLATIVE SESSION**

**BILL NO. CSHB 79(SA)**

Revision Date: \_\_\_\_\_  
 Title: An Act relating to sale, possession, and purchase  
of products containing tobacco....  
 Sponsor: Representative Bunde  
 Requestor: House State Affairs

Department: Commerce and Economic Development  
 BRU: Occupational Licensing  
 Component: Operations

**COMPONENT SERIAL NO. 1844**

**Expenditures/Revenues**

(Thousands of Dollars)

OPERATING EXPENDITURES	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
PERSONAL SERVICES	41.4	41.4	41.4	41.4	41.4	41.4
TRAVEL	0.0	0.0	0.0	0.0	0.0	0.0
CONTRACTUAL	28.5	13.5	13.5	13.5	13.5	13.5
SUPPLIES	1.0	1.0	1.0	1.0	1.0	1.0
EQUIPMENT	7.3					
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>78.2</b>	<b>55.9</b>	<b>55.9</b>	<b>55.9</b>	<b>55.9</b>	<b>55.9</b>

<b>CAPITAL EXPENDITURES</b>						
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<b>CHANGE IN REVENUES</b>	181.2	134.5	181.2	134.5	181.2	134.5
---------------------------	-------	-------	-------	-------	-------	-------

**FUND SOURCE**

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 General Fund	78.2	55.9	55.9	55.9	55.9	55.9
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other 1091 Designated PR						
<b>TOTAL</b>	<b>78.2</b>	<b>55.9</b>	<b>55.9</b>	<b>55.9</b>	<b>55.9</b>	<b>55.9</b>

Estimate of any current year (FY 97) cost: \$ 0.0

**POSITIONS**

FULL-TIME	1	1	1	1	1	1
PART-TIME						
TEMPORARY						

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

CSHB 79(SA) establishes penalties for individuals and businesses who sell or give tobacco or tobacco related products to minors. The bill also requires the department to develop and train persons in the sale of products containing tobacco regarding federal and state laws and regulations that apply to sales of products containing tobacco and is a condition of renewal of a business license with a tobacco endorsement. The bill also increases the tobacco endorsement fee from \$25 to \$100. Further explanation of the costs and revenue are shown on the attached.

Prepared by: Jennifer Strickler, Administrative Manager  
 Division: Occupational Licensing  
 Approved by Commissioner: William L. Hensley  
 Agency: Commerce and Economic Development

Phone: 465-2144  
 Date: 4/17/97  
 Date: 4/17/97

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# FISCAL NOTE

STATE OF ALASKA  
1997 LEGISLATIVE SESSION

BILL NO.: CSHB 79(SA)

ANALYSIS: (Continued)

## DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT FISCAL NOTE CALCULATIONS

Personal Services \$ 41.4

An Occupational Licensing Examiner I, PFT, Range 12, position is needed to process and coordinate licensing renewal applications to ensure the necessary training has been obtained prior to renewal; coordinate and distribute training course material, monitor federal and state tobacco-related laws to initiate updates of training material, and maintain records on convictions of retail outlets whose tobacco endorsements must be suspended or revoked.

Contractual Services \$ 28.5

Contractual Services are based on the following items -

- Development of the training course; \$15.0  
(One-time only)
- Production (printing/ mailing) of training course material based on the assumption that each of the 884 tobacco endorsement businesses renewing in FY 98 have at least one additional retail outlet with a person who must take the course to be eligible for the retail outlet tobacco endorsement renewal. Assuming cost will be \$5.00 each to produce course material, 1,768 licensees x \$5.00; \$8.8
- Contractual-related costs for the one new position, such as communications (phones, postage, etc.); \$3.0
- Office Space least costs per year for the new position based on \$1.45 per sq ft x approx. 98 sf per position; \$1.7

Supplies \$1.0

Provides daily operating desk top supplies for the new position.

Equipment (One-time costs only) \$7.3

Workstation	3.0
Phone/Install	1.3
Computer	2.0
File Cabinet	<u>1.0</u>
	7.3

**Total Costs: \$78.2**

**Revenue:** There are currently 884 business licenses with tobacco endorsements due for renewal in FY 98 that will be expected to pay the new fee at the 12/31/97 renewal. There are currently 656 business licenses with tobacco endorsements that will renew in FY 99 at the 12/31/98 renewal. Assuming licensing activity remains relatively constant, the revenue can be expected to repeat in subsequent years. The licensing of at least one additional retail outlet with tobacco endorsement is expected to generate additional revenue each year. The revenue is summarized as follow:

**FY 98**

a) <u>New revenue increase from \$25 to \$100: 884 x \$75 =</u>	\$66.3
b) <u>Existing revenue @ \$25: 884 x \$25 =</u>	22.1
c) <u>At least 1 additional retail outlet per licensee: 884 x \$100 =</u>	88.4
d) <u>Training course material at \$15.00 each for 884 licensees plus 884 additional retail outlets: 1,768 x \$15 =</u>	<u>26.5</u>

<b>Total FY 98 Revenue:</b>	<b>\$ 203.3</b>
<b>Less Existing Revenue:</b>	<b>- 22.1</b>
<b>New Revenue:</b>	<b>\$ 181.2</b>

<b>Total FY 98 Revenue:</b>	<b>\$ 203.3</b>
<b>Less FY 98 Costs:</b>	<b>- 78.2</b>
<b>Remaining Balance:</b>	<b>\$ 125.1</b>

**FY 99**

a) <u>New revenue increase from \$25 to \$100: 656 x \$75 =</u>	\$49.2
b) <u>Existing revenue @ \$25: 656 x \$25 =</u>	16.4
c) <u>At least 1 additional retail outlet per licensee: 656 x \$100 =</u>	65.6
d) <u>Training course material at \$15.00 each for 656 licensees plus 656 additional retail outlets: 1,312 x \$15 =</u>	<u>19.7</u>

<b>Total FY 99 Revenue:</b>	<b>\$ 150.9</b>
<b>Less Existing Revenue:</b>	<b>- 16.4</b>
<b>New Revenue:</b>	<b>\$ 134.5</b>

<b>Total FY 99 Revenue:</b>	<b>\$ 150.9</b>
<b>Less FY 99 Costs:</b>	<b>- 55.9</b>
<b>Remaining Balance:</b>	<b>\$ 95.0</b>

# FISCAL NOTE

No.   1    
 Bill Version:   CSHB 79(STA)    
 (H) Publish Date:   4/18/97  

**STATE OF ALASKA**  
**1997 LEGISLATIVE SESSION**

Revision Date: \_\_\_\_\_ Department: Commerce and Economic Development  
 Title: An Act relating to sale, possession, and purchase BRU: Occupational Licensing  
of products containing tobacco... Component: Operations  
 Sponsor: Representative Burde  
 Requestor: House State Affairs COMPONENT SERIAL NO. 1844

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
PERSONAL SERVICES	41.4	41.4	41.4	41.4	41.4	41.4
TRAVEL	0.0	0.0	0.0	0.0	0.0	0.0
CONTRACTUAL	28.5	13.5	13.5	13.5	13.5	13.5
SUPPLIES	1.0	1.0	1.0	1.0	1.0	1.0
EQUIPMENT	7.3					
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>76.2</b>	<b>55.9</b>	<b>55.9</b>	<b>55.9</b>	<b>55.9</b>	<b>55.9</b>
<b>CAPITAL EXPENDITURES</b>						
<b>CHANGE IN REVENUES</b>	<b>181.2</b>	<b>134.5</b>	<b>181.2</b>	<b>134.5</b>	<b>181.2</b>	<b>134.5</b>

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 General Fund	78.2	55.9	55.9	55.9	55.9	55.9
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other 1091 Designated PR						
<b>TOTAL</b>	<b>78.2</b>	<b>55.9</b>	<b>55.9</b>	<b>55.9</b>	<b>55.9</b>	<b>55.9</b>

Estimate of any current year (FY 97) cost: \$           0.0          

**POSITIONS**

FULL-TIME	1	1	1	1	1	1
PART-TIME						
TEMPORARY						

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

CSHB 79(SA) establishes penalties for individuals and businesses who sell or give tobacco or tobacco related products to minors. The bill also requires the department to develop and train persons in the sale of products containing tobacco regarding federal and state laws and regulations that apply to sales of products containing tobacco and is a condition of renewal of a business license with a tobacco endorsement. The bill also increases the tobacco endorsement fee from \$25 to \$100. Further explanation of the costs and revenue are shown on the attached.

Prepared by: Jennifer Strickler, Administrative Manager Phone: 465-2144  
 Division: Occupational Licensing Date: 4/17/97  
 Approved by Commissioner: William L. Hensley Date: 4/17/97  
 Agency: Commerce and Economic Development

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**COMMITTEE COPY**

A M E N D M E N T

OFFERED IN THE HOUSE

TO: CSHB 79(STA)

1 Page 8, line 5, following "date of birth":

2 Insert ";

3 (4) shall display the person's business license and the endorsement  
4 obtained under this section in a conspicuous place at or closely proximate to the  
5 point of sale of products containing tobacco at the person's retail outlet"

A M E N D M E N T

OFFERED IN THE HOUSE

TO: CSHB <sup>77</sup>~~29~~(STA)

- 1 Page 6, line 14, following "days":
- 2       Insert "for the first offense"
  
- 3 Page 6, line 15:
- 4       Delete "within the past 24 months"
- 5       Insert "[WITHIN THE PAST 24 MONTHS]"
  
- 6 Page 6, line 17, following "has been":
- 7       Insert "previously"
  
- 8 Page 6, line 20:
- 9       Delete "within the past 24 months"
  
- 10 Page 6, line 22, following "has been":
- 11       Insert "twice previously"
  
- 12 Page 6, lines 25 - 26:
- 13       Delete "within the past 24 months"
  
- 14 Page 6, line 27, following "has been":
- 15       Insert "three times previously"

# CHILDREN & TORACCO

A Retailer's Guide  
To the New

Federal Regulations

DEPARTMENT OF HEALTH & HUMAN SERVICES

Public Health Service  
Food and Drug Administration HF-23  
Rockville MD 20857

Official Business  
Penalty for Private Use \$300



## RETAILER, IT'S UP TO YOU

*Each day, nearly 3,000 American youngsters become regular smokers. Of these, 1,000 will die early from tobacco-related diseases.*

*As a retailer, you can help protect kids from the dangers of tobacco and nicotine addiction.*

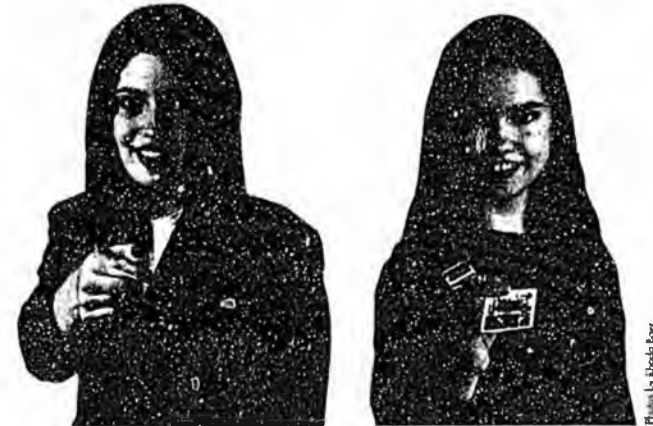
*President Clinton recently announced new FDA rules to make it much harder for kids to get cigarettes and smokeless ("spit") tobacco. The rules also will help make these products less appealing to youngsters.*

**BUT IT'S UP TO  
YOU TO MAKE THESE  
RULES WORK.**



**FOOD AND DRUG ADMINISTRATION**

## WHICH ONE IS 16?



Melissa

Amy

*Can you tell?  
If they walked into your  
store, would you know  
which one was under 18?  
To eliminate the guesswork,  
FDA requires you to card  
anyone who is  
under 27.*

Melissa is 16. Amy is 25.

**BREAK THE RULES,  
PAY THE PRICE!**

*Retailers  
who sell to minors  
risk penalties of  
— \$250 —  
or even more.*

*To make sure retailers  
follow the rules, State and  
local officials will work  
with FDA to monitor  
retailers across the  
country.*

*Also, customers  
witnessing the sale of  
tobacco products to a  
youngster or another  
violation, can report it to  
FDA by calling toll-free:*

**1-888-FDA-4KIDS**

**RETAILERS AND EMPLOYEES,  
THESE RULES AFFECT YOU**

**Starting February 28, 1997**

- ◆ Do not sell cigarettes or smokeless tobacco to anyone under 18.\*
- ◆ Check photo ID for anyone under 27.

**Starting August 28, 1997**

- ◆ Sell products only in a direct, face-to-face exchange. (No vending machines or self-service displays permitted except in places that never have anyone under 18 present.)
- ◆ Do not sell single cigarettes ("loosies") or packs with fewer than 20 cigarettes ("kiddie packs").
- ◆ Only accept coupons for redemption from adults at the store, not through the mail.
- ◆ Do not give out any free samples of cigarettes or smokeless tobacco.
- ◆ *Inside* your store: Have all tobacco ads and promotional material that have any pictures or colors removed. Use only ads or material with black text on a white background. (Exception: Inside places that never have anyone under 18 present, pictures or colors are permitted if the ads are not visible from the outside and cannot be removed.)
- ◆ *Outside* your store: Have all outdoor tobacco ads and promotional material (including on store windows) that are within 1,000 feet of a school or public playground removed. Beyond 1,000 feet, use only ads or material with black text on a white background.
- ◆ Do not give hats, t-shirts, or any other gift or item to anyone in exchange for a tobacco proof-of-purchase or as part of a sale of cigarettes or smokeless tobacco.

## RETAILERS, YOU MAY BE WONDERING...

**Q: Who is responsible if one of my clerks sells to someone under 18?**

**A: If one of your employees sells to a minor, you are responsible. That is why it is important for you to make sure your employees know the rules.**

**Q: How will anyone know if I'm selling tobacco to youngsters?**

**A: Adolescents, accompanied by State or local officials, will visit stores across the country to try to buy cigarettes and smokeless tobacco. Also, people who observe an illegal sale can report the violation using FDA's toll-free hotline.**

**Q: Aren't the FDA rules just the first step toward stopping me from selling tobacco to anyone?**

**A: No. FDA's only purpose is to reduce young people's use of tobacco. Cigarettes and smokeless tobacco are and will remain legal products for sale to adults. The FDA rules do not change that in any way.**

## GAIN THE RESPECT OF YOUR COMMUNITY

Parents, teachers, doctors, and others who live in your neighborhood and shop in your store want store owners and their employees to take the FDA rules seriously. Show them you put kids first. Follow the rules.



Adapted from cartoons drawn by Jordan Vito, age 7, and Henry Scher, age 7, in Mrs. Masters' 2nd grade class.

If you or your employees want more information,  
call FDA toll-free (1-888-FDA-4KIDS)  
or visit FDA's website ([www.fda.gov/](http://www.fda.gov/)).

**HB**

**87**

**HB 87 • Highway workers injured/killed on the job**

From DOT: anecdotal reports of accidents in Alaska work zones

**Sept. 1987: Parks Highway and Old Nenana:** Two workmen injured/killed. Stan Mains killed when he was hit by a truck in the work zone; Mel Gertler sustained severe head injuries in the same work zone.

**1988 - Glenn Highway:** Traffic control worker killed in the work zone.

**1989 - Parks Highway:** Worker killed while putting out the "work zone" signs.

**1994 - Badger Road:** Tom Williams, working on the paving crew, sustained major injuries when hit by a car in the work zone.

**1995 -**

**Alaska Highway near Farmers Loop Rd:** Speeding caused a two car crash; one dead.

**Glenn Highway, between milepost 109 and 118:** 11 accidents in the work zone.

**Seward Highway near Portage Glacier:** One worker injured

**Seward Highway near Tudor:** Flagger severely injured.

## HB 87 • Traffic Offenses in Construction Zones

### Sponsor Statement

HB 87 doubles the fines for speeding, and for reckless or negligent driving in a highway construction zone. It is a measure designed to lessen the risk to highway work crews and to reduce the number of accidents in highway work zones.

The temporary work zone is an inherently dangerous place for highway work crews. A comprehensive review of highway accidents in construction zones revealed accidents in work zones tend to peak during the day. Sixty-five percent are caused by drivers' negligence or inattention; speeding accounts for about six percent. In addition, surveys indicate almost two-thirds of work zone fatalities occur in rural areas. These figures indicate a lack of driver attention to the special risks and hazards of construction zones.

Although highway work crews use a variety of methods to call drivers' attention to the hazards of a construction zone, none has proven as effective as law enforcement. An increase in the normal fines for traffic offenses occurring in highway work zones will provide an additional inducement to Alaska drivers to slow down and drive carefully in any temporary work zone. New York, Delaware, Iowa and Virginia have passed similar laws.

## HB 87 • Traffic Offenses in Construction Zones

### Sectional Analysis

**Section 1.** Amends current law relating to the supreme court's authority and the authority of a municipality to establish bail schedules for traffic offenses, to double the amount of bail for a speeding offense, reckless or negligent driving offense committed in a highway work zone.

**Section 2.** Adds a new provision to current law doubling the bail or fine for a speeding offense, reckless or negligent driving offense committed in a highway work zone.

**Section 3.** Defines "highway work zone" as an area where road construction, repair or maintenance work is being done on a highway.

## HB 87 • Traffic Offenses in Construction Zones

### Current and Proposed Penalties

<u>Violation</u>	<u>Current</u>	<u>Proposed</u>
<b>Speeding:</b> 3-19 mph over limit	\$4/mile 2-6 pts	\$8/mile 2-6 pts.
<b>Reckless driving:</b>	Misdemeanor 1 yr jail max. \$1000 fine max. 10 pts.	Misdemeanor 1 yr jail max. \$2000 fine max. 10 pts.
<b>Negligent driving:</b>	Infraction No jail \$300 fine max. 6 pts.	Infraction No jail \$600 fine max. 6 pts.

# FISCAL NOTE

STATE OF ALASKA  
1998 LEGISLATIVE SESSION

BILL NO. HB 87

Revision Date <u>2/9/98</u>	Dept. Affected <u>DOT&amp;PF</u>
Title <u>Traffic Offenses in Highway Workzones</u>	BRU <u>Commissioners Office</u>
	Component <u>Office of the Commissioner</u>
Sponsor <u>Representative Elton</u>	
Requester <u>House Judiciary</u>	Component Serial No. <u>530</u>

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

OPERATING EXPENDITURES	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
Personal Services	0.0	0.0	0.0	0.0	0.0	0.0
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

<b>CAPITAL EXPENDITURES</b>	0.0	0.0	0.0	0.0	0.0	0.0
-----------------------------	-----	-----	-----	-----	-----	-----

<b>CHANGE IN REVENUES ( )</b>	0.0	0.0	0.0	0.0	0.0	0.0
-------------------------------	-----	-----	-----	-----	-----	-----

**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

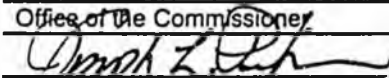
Estimate of any current year (FY98) cost: 0.0

**POSITIONS**

Full-time	0	0	0	0	0	0
Part-time	0	0	0	0	0	0
Temporary	0	0	0	0	0	0

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

The department anticipates no additional costs associated with this legislation. The result of passage of HB 87 will be increased safety within construction work zones.

Prepared by <u>Dennis Poshard, Special Assistant</u>	Phone <u>465-3901</u>
Division <u>Office of the Commissioner</u>	Date <u>2/9/98</u>
Approved by <u></u> Commissioner	Date <u>2/9/98</u>
Agency <u>Department of Transportation and Public Facilities</u>	

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# FISCAL NOTE

**STATE OF ALASKA**  
**1998 LEGISLATIVE SESSION**

**BILL NO: HB 87**

Revision Date: 02/09/98 Dept. Affected: Public Safety  
 Title: An Act relating to fines and bail forfeiture BRU: Alaska State Troopers  
amounts in highway work zones Component: \_\_\_\_\_  
 Sponsor: Rep. Elton  
 Requestor: House Judiciary COMPONENT SERIAL NO. 0799

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

OPERATING	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>
<b>CAPITAL</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>
<b>CHANGE IN REVENUES ( )</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>
Revenue Code						

**FUNDING: (Thousands of Dollars)**

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

Estimate of current year (FY 98) impact: \$ \_\_\_\_\_

**POSITIONS:**

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

ANALYSIS: (Attach a separate page if necessary.)

This bill would not have any significant fiscal impact on AST.

Prepared By: F/Sgt. Don Bowman Phone: 269-5084  
 Division: Alaska State Troopers Date: 02/09/98

Approved by Commissioner: Ronald L. Otte Date: 2-9-98  
 Agency: Department of Public Safety

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# inside MoDOT

a monthly newsletter for the employees of the Missouri Department of Transportation

## Division Bridges Gap With Districts

*Bridge Division reorganization means better service to the districts, more efficient operations*

**T**he Support Center Bridge Division Aug. 1 began implementing reorganization plans that include reducing levels of supervision, organizing teams that follow projects from design to contract bidding, and creating three new positions to provide better support to the districts.

"The advantage our reorganization offers the department is more timely response, which ultimately results in more efficient operations," said Al Laffoon, Bridge Division engineer.

The biggest change in operations for the Bridge Division is the appointment of three new structural liaison engineers -- Ron Temme, John Schroeder and Bill Stroessner -- who will provide support to the districts. They will meet with district personnel to provide assistance and guidance on bridge-related issues such as planning, design and special design problems.

"In the past, there was a void in service to the districts," Schroeder said. "Better coordination between

district work and the Bridge Division should mean projects can be completed quicker since districts will have better access to the information they need."

The previous organizational structure had four levels of supervisors. With the new system, there are only two levels of supervision. "This means the decision-making responsibilities have

been pushed down to the level where they should be," Laffoon said.

The new position of structural resource manager was created to replace a couple of management levels. Structural Resource Manager Paul Kelly will work with project managers and liaison engineers to manage bridge production needs and to ensure orderly and timely production of plans.

"Project managers will have more flexibility with resources since there won't be as many levels of management to go through to get the resources they need," Kelly said. "This means quicker turnaround time for projects. Basically, we'll be

see Bridge, page 6

## Maintenance Workers Killed On Duty in Joplin and Hannibal

Two Missouri Department of Transportation seasonal maintenance workers -- 32-year-old Arthur C. Walker Jr. from District 7, and 32-year-old William "Willie" D. Miller from District 3 -- were killed while on duty in July.

Walker was working as a signing crew member when he was hit by a motorist driving a pickup truck July 11 on Route 39 near Aurora in Barry County. Another seasonal maintenance worker, John Lacey, was injured in the accident as well.

Walker's survivors include his wife, parents and two stepsons. This was his first summer working for MoDOT.

Miller, a seasonal worker for the past four summers, died July 30 at a work site on Route E in Lincoln County after being hit by a motorist driving a pickup truck. The truck crossed the work zone cones and struck Miller as he patched concrete on a bridge deck. No one else was injured in the incident.

Miller is a native of New London. His survivors include his mother, stepfather and siblings. ♦



**HB**

**91**

# Alaska State Legislature

**Representative Brian S. Porter**

HOUSE MAJORITY LEADER



MEMBER  
HOUSE JUDICIARY COMMITTEE  
HOUSE RULES COMMITTEE  
HEALTH, EDUC. & SOCIAL SERVICES COMMITTEE  
LEGISLATIVE COUNCIL JOINT COMMITTEE

**DISTRICT 20**

SESSION:  
STATE CAPITOL, ROOM 216  
JUNEAU, ALASKA 99501-1182  
PHONE: (907) 465-4930  
FAX: (907) 465-3834

INTERIM:  
716 W. 4TH AVE., SUITE 360  
ANCHORAGE, AK 99501-2133  
PHONE: (907) 258-8197  
FAX: (907) 258-5510

**SPONSOR STATEMENT  
FOR  
HB 91 EXTENDING THE TERMINATION DATE OF THE  
BOARD OF PAROLE**

This bill extends the life of the Board of Parole from June 30, 1997, until June 30, 2001,  
as set out in Sec 44.66.010

# Audit Report

---

DEPARTMENT OF CORRECTIONS  
BOARD OF PAROLE

---

July 15, 1996

---



Audit Control Number:

20-1446-96

Division of Legislative Audit

P.O. Box 113300, Juneau, Alaska 99811-3300

# LEGISLATIVE BUDGET AND AUDIT COMMITTEE

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## DIVISION OF LEGISLATIVE AUDIT

The Legislative Budget and Audit Committee is a permanent interim committee of the Alaska Legislature. The committee is made up of five senators and five representatives, with one alternate from each legislative chamber. The chairmanship of the committee alternates between the two chambers every legislature.

The committee is responsible for providing the legislature with audits of state government agencies. The programs and activities of state government now cost more than \$5 billion a year. As legislators and administrators try increasingly to allocate state revenues effectively and make government work more efficiently, they need information to evaluate the work of governmental agencies. The audit work performed by the Division of Legislative Audit helps provide that information.

As a guide to all their work, the Division of Legislative Audit complies with generally accepted auditing standards established by the American Institute of Certified Public Accountants and with government auditing standards established by the U.S. General Accounting Office.

Audits are performed at the direction of the Legislative Budget and Audit Committee. Individual legislators or committees can submit requests for audits of specific programs or agencies to the committee for consideration. Copies of all completed audits are available from the Division of Legislative Audit's offices in either Anchorage or Juneau.

### BUDGET AND AUDIT COMMITTEE

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Representative Con Bunde  
Representative John Davies  
Representative Gary Davis  
Representative Vic Kohring  
Representative Mark Hanley (alternate)

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Senator Al Adams  
Senator Steve Frank  
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Senator Fred Zharoff (alternate)

### DIVISION OF LEGISLATIVE AUDIT

Randy S. Welker, CPA  
Legislative Auditor  
Merle R. Jenson, CPA  
Deputy Legislative Auditor

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# ALASKA STATE LEGISLATURE

## LEGISLATIVE BUDGET AND AUDIT COMMITTEE

Division of Legislative Audit



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May 20, 1996

Members of the Legislative Budget  
and Audit Committee:

In accordance with the provisions of Title 24 of the Alaska Statutes, the attached report is submitted for your review.

### DEPARTMENT OF CORRECTIONS BOARD OF PAROLE

July 15, 1996

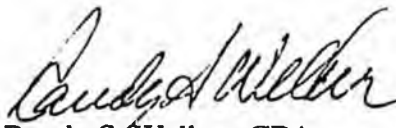
Audit Control Number

20-1446-97

This audit evaluates whether the Board of Parole should be extended in statute. Currently, under AS 44.66.010(a)(3) the board scheduled to terminate on June 30, 1997. The board would have one year from that date to administratively conclude operations.

In our opinion, the Board of Parole should be reestablished. The provision of a parole supervision system in the State is necessary to the protection of the public's welfare. We recommend that the legislature extend the board's termination date to June 30, 2003.

The audit was conducted in accordance with generally accepted government auditing standards. Fieldwork procedures utilized in the course of developing the findings and discussion presented in this report are discussed in the Objectives, Scope, and Methodology section on page one of this report.

  
Randy S. Welker, CPA  
Legislative Auditor

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## OBJECTIVES, SCOPE, AND METHODOLOGY

In accordance with the intent of Titles 24 and 44 of the Alaska Statutes (sunset legislation), we have reviewed the activities of the Board of Parole (board) to determine whether it was operating in the best interest of the public and if it should be statutorily continued in operation. As required by AS 44.66.050(a), the committee of reference shall consider this report during the legislative oversight process to determine whether the board should be reestablished. Currently, under AS 44.66.010(a)(3) the board will terminate on June 30, 1997, and will have one year from that date to conclude its affairs.

### Objectives

There are two central, interrelated, objectives of our report. They are:

1. To determine if the termination date of the board should be extended.
2. To determine if the board is operating in the public's interest. The assessment of the operations and performance of the board, was based on AS 44.66.050(c). This statute sets out criteria that is to be used in determining a demonstrated public need for the board.

### Scope and Methodology

During the course of our examination, we reviewed and evaluated the following:

1. Applicable statutes and regulations.
2. Calendar books on parole hearings.
3. Parole files from 1993 through 1995.
4. Interviews with parole board staff.
5. Minutes of board meetings.
6. Administrative policies and procedures.
7. Board members' compensation files from 1993 through 1996.
8. Office of the Ombudsman closed case file.
9. Budget documents containing goals and objectives of the board and other documents considered relevant.

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## ORGANIZATION AND FUNCTION

The Board of Parole was created as the parole authority for the State under AS 33.16, The Parole Administration Act. The board consists of five part-time members appointed by the governor to serve staggered terms of five years. The statute directs that board members be selected for their ability to make decisions that are "*compatible with the welfare of the community and of individual offenders.*"<sup>1</sup>

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### Board of Parole Members

Alonzo Patterson, Jr., Chairman  
David Cooper  
Elsa Demeksa  
Mary Ann Eininger  
Jana Varrati

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Board members are compensated for participating in board business at \$75 for each half day and \$150 for each full day. The compensation amount is set by the governor. Travel costs and per diem are also provided. The board has an administrative staff which currently consists of an executive director, parole administrator, parole board officer, and two support staff.

The State of Alaska has two forms of parole: discretionary and mandatory. The board is responsible for decisions under discretionary parole. By statute, an inmate may be considered for discretionary parole release only after a statutory minimum time in prison has been served. Upon application, an eligible inmate may appear before the board and be considered for discretionary parole. A discretionary parole decision will either release an inmate on parole, continue the case for future consideration, or deny parole. In contrast, mandatory parole is not voluntary and release is not contingent upon the board's approval. An inmate will be released to mandatory parole providing their composite sentence is two years or more. The term of mandatory parole is equal to the good time deduction credited to the prisoner's sentence which is generally one-third of the total sentence.

The board is also responsible for setting parole conditions and holding parole revocation hearings for both discretionary and mandatory parolees. Revocation hearings are held when it has been determined that a parolee has violated a law or condition of parole. The board has three options under revocation hearings: revoke the violator's parole and return the parolee to prison, revoke parole and reparole without time credited against the sentence for prior time on parole; or take no action.

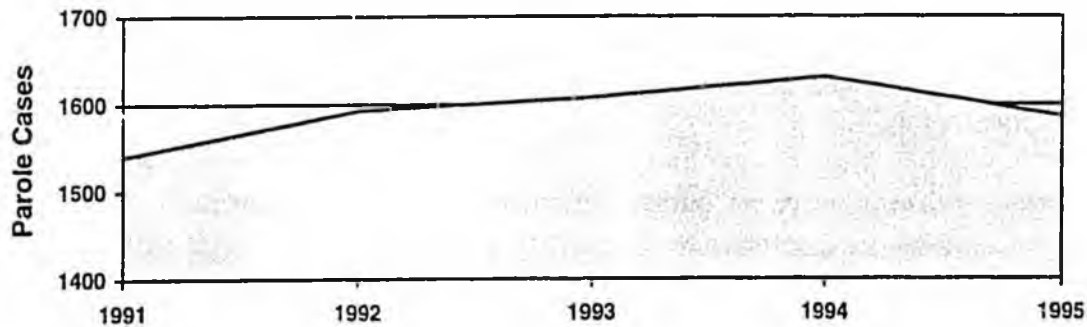
Board operations are funded by General Fund appropriations as a component of the Department of Corrections. Personal services for administrative staff account for the majority of expenditures. As shown on the table on the following page, the board's annual appropriations have decreased while expenditures have fluctuated slightly from fiscal year 1992 through fiscal year 1995.

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<sup>1</sup> AS 33.16.030(a)

<u>Fiscal Year</u>	<u>Appropriations</u>	<u>Expenditures</u>
1992	\$504,500	\$487,400
1993	512,900	479,400
1994	485,400	484,900
1995	473,000	471,800

We identified that the board participated in more than 1,500 parole and executive clemency cases in 1995, (see graph below which represents the board's workload from 1991 through 1995). In Alaska, there is presently no other entity that performs the parole duties of the board.



## REPORT CONCLUSIONS

Under Alaska Statute 33.16, the Board of Parole serves as the parole authority for the State which fulfills the Alaska Constitution requirement for a parole system. Among the board's primary responsibilities is the determination of a prisoner's suitability for discretionary parole. The board also conducts revocation hearings, sets parole conditions, investigates clemency requests for the governor and performs additional parole matters as necessary. Currently, there is no other entity in the State that provides these services.

The board conducts its business in a professional manner, although deficiencies have been noted in operations of the administrative functions (see Recommendations Nos. 1 through 4).

Currently, AS 44.66.010 has the board scheduled for termination on June 30, 1997 and provides the board with a year in which to conclude its affairs. We recommend that the legislature extend the board's termination date to June 30, 2003.

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## FINDINGS AND RECOMMENDATIONS

### Recommendation No. 1

The administrative staff at the board should improve controls over the system used to maintain information on parole applicants and board decisions.

In the late 1980's, the Board of Parole developed an internal management information system (MIS) to monitor its caseload. Staff of the board felt it was necessary to develop their own MIS to supplement the insufficient data provided by the Department of Corrections on parolees. Essentially, the MIS is a data-base system which records a variety of information related to individuals that have had a hearing before the Board of Parole. An important aspect of the MIS system is that it provides statistical data which allows the board to analyze the consistency and appropriateness of its parole decisions over time.

The MIS maintained by the administrative staff at board of parole is incomplete. Problems with the data entered into the MIS are particularly acute for 1995 information. As a result, the accuracy of the MIS has been compromised, and this in turn hampers the development of accurate parole statistics. As cited above, these statistics are necessary to evaluate the overall consistency and appropriateness of parole activity.

We found instances where 1995 parole applicants were not included in the MIS by the administrative office. Also key fields used to query for parole information were incorrect or blank. We attribute this lack of consistent data entry to weak internal controls over how parole information was processed. The main control deficiencies involve a lack of established, written procedures for data entry and no secondary review of the information once it has been entered into the MIS.<sup>2</sup>

In order to produce reliable information on caseload and parole decisions the MIS data should be reviewed and corrected. The staff must develop procedures to ensure data entered is accurate and reflects the parole applicant's case file. At least one staff member should be trained in the data base used to record parole information to ensure data and statistical information is readily available for the board's needs.

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<sup>2</sup> This lack of controls was partly a result of the retirement in June 1995 of the former executive director. This individual had 20 years experience with the Board of Parole, developed the MIS data base, and oversaw, in detail, all data entered into the system since its inception. In addition to the loss of this historical knowledge, a secretary position was vacant for a large period of time in 1995 which caused the administrative section to be understaffed.

Current management is cautious about putting more data into the MIS until it is assured that the computer capacity and procedural controls are adequate and appropriate. While caution may be an appropriate response given the recent history of staff turnover, decisions regarding the MIS and data-entry should be made soon to avoid the possibility of further data management problems.

#### Recommendation No. 2

The executive director, after consulting with the board, seek reauthorization from the governor for compensation of board members. Such reauthorization should be structured in a manner that accurately reflects the tasks performed by the board.

Currently, board members are reimbursed at a rate of \$150 per full day and \$75 per half day while conducting board business. The current rate was established in March 1984 by Governor Sheffield.<sup>3</sup> This 12 year old gubernatorial memorandum authorizing the compensation is simple and direct — setting terms for payment on either one of two bases — a half day of work or a full day of work.

Over the years the compensation rate has been interpreted and applied in various ways. While compensation is provided for half and full days, we identified where board members were often compensated on a task basis, such as for attending administrative meetings, conducting parole hearings, issuing warrants, reading files, setting conditions, and performing other parole related tasks. Total board member compensation in 1994 and 1995 ranged between \$80,000 to \$90,000 for each year.

It is our understanding under the current board regime the half day rate is broken down between duties performed in the morning versus duties performed in the afternoon. Therefore, if a board member issues one warrant in the morning which could take less than an hour and also conducts a preliminary hearing in the afternoon which may take 90 minutes the board member will be reimbursed \$150 — \$75 for the half day of work in the morning and \$75 for the half day of work in the afternoon.<sup>4</sup>

Also, board members are reimbursed for reading parole applicant files prior to attending the parole hearing. Historically, a 20 to 30 minute credit was established which represented the average time it took to read the information. The rate varied based on the type of case: discretionary, revocation, special, and one with supplemental parole conditions. While testing board compensation we often found errors in the amount paid to board members for reading parole files essentially because the rate paid varied, based on the type of file read.

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<sup>3</sup> AS 33.16.040 states, in part, that board members are "... entitled to compensation at an amount to be set by the governor for each day the member is participating in business of the board." [emphasis added]

<sup>4</sup> This method of reimbursement is not consistent with how past board members were compensated. For instance, the previous Juneau representative would accumulate time in 20-minute increments for issuing warrants and request reimbursement at the end of each quarter based on the total accumulated "days" involved. For example, 10 warrants issued on separate days in one quarter would equate to a credit of 200 minutes or 3.33 hours which would be paid at the half day rate of \$75. Under current practice, the same duties would reap a reimbursement of \$750 or 10 half days of work at \$75 per day.

Since September 1995, the 20 to 30 minute credit has been broken down in dollars to reflect a portion of an hourly rate which was determined by dividing the \$150 full day rate by 7.5 hours per work day to obtain an hourly rate of \$20 per hour. Previously the 20 to 30-minute reading file credit was accumulated and rounded to the nearest half-day or full day amount when submitted by the board member for reimbursement.

We found evidence that previously the compensation rate was manipulated to allow a board member to receive reimbursement over the \$150 per day limit. Historically, a board member would not be entitled to compensation for reading parole files in the evening if he/she had already performed a full day of parole duties during that day. However, we found support which indicates the date used to account for when files were read was modified in some cases to allow board members to receive payment in excess of the \$150 limit for reading files.

In our view, given the demands on their time, the compensation of board members at a general rate of \$150 a day is reasonable. We do not question the rates or the methodology established by the board as a basis for compensation. We also recognize that the \$150 per day payment should not necessarily serve as an upper limit — that there may be times when the workload circumstances merit more pay. However, such exceptions and circumstances should be clearly documented in the gubernatorial authorization, rather than misrepresenting circumstances to justify or make compensation fit under the existing authorization. It is time for the governor to have an opportunity to review the varied interpretations and applications that have grown out of the original, minimally worded, 12-year old authorization.

To that end, we encourage the board to review compensation policies, and consider formally restructuring the compensation approval documentation to include both specific tasks and the day and half-day rates. We would suggest the board seek a revised, more extensively worded, compensation authorization document. We recommend that the board of parole, in consultation with the Office of the Governor, adopt compensation guidelines and develop written policies for compensating board members.

### Recommendation No. 3

The statute regarding rights of victims to comment on prisoner parole should be changed to reflect the responsibilities of both the Department of Corrections and the Board of Parole.

Under the AS 33.16.120 the board is responsible for victim notification when a prisoner is considered for discretionary parole. Yet, in practice this function is largely performed by Department of Corrections institutional parole officers. The board has very little involvement in notifying victims that have requested notice of a discretionary parole hearing. Currently, the board only informs victims that have requested notification for those inmates housed outside the State of Alaska or at a federal prison who are applying for discretionary parole. We found the statutes silent on victim notification of parole hearings related to revocations.

Generally, it appears that the victim notification process is being implemented effectively in a manner consistent with the intent of the statute. However, as a practical matter, board staff carry out victim notification responsibilities for only a limited number of individuals applying for discretionary parole. We recommend that AS 33.16.120 be amended to reflect the responsibilities carried out by the Department of Corrections for notifying victims regarding inmates which are being considered for discretionary parole.

#### Recommendation No. 4

The executive director should follow the requirements of the Alaska Administrative Manual when approving reimbursement to Board members for per diem claims or obtain the necessary documentation to support a reasonable exception.

We found evidence that a board member has consistently received per diem and lodging while attending parole hearings within a 50-mile radius of the board member's residence or duty station. It is our understanding that per diem and lodging has been provided to the board member for his convenience, primarily due to his advanced age.

The Alaska Administrative Manual (AAM) specifically identifies that board members are not on travel status nor entitled to per diem when the meeting or other business takes place within a 50-mile radius of the board member's primary dwelling. While the recordkeeping involved in determining when the board member will be in and out of travel status may be cumbersome, board staff should take steps to comply with the AAM.

The board member involved is very much an active participant in the board's deliberations and actions. Under such circumstances it is possible an exception to state requirements could be justified as a "reasonable accommodation"<sup>5</sup> to the individual's advanced years and perhaps any associated infirmities. If this is the case, we suggest the board's executive director gather the appropriate documentation and seek a waiver from the State Accountant regarding the AAM.

Otherwise, we recommend that the board cease payment of per diem and lodging for board members not considered on travel status. The board administrative staff should consider discussing travel and per diem requirements with the Department of Administration, Division of Finance to gain a clear understanding of the applicable portions of the AAM.

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<sup>5</sup>The term "reasonable accommodation" is part of the vernacular that grew out of the Americans with Disabilities Act. This federal law requires employers to make what is termed "reasonable accommodation" to facilitate the hiring and retention of "disabled" individuals. While we do not intend to suggest that advanced age is necessarily a disabling condition, we think that the principle and intent behind the concept of "reasonable accommodation" may be valid and applicable in this particular situation. Making "reasonable accommodation" given this situation will serve both the interests of the State and the individual involved.

## ANALYSIS OF PUBLIC NEED

### Limited Analysis

The following analyses of Board of Parole activities relate to the public need factors defined in the "sunset" law, Alaska Statute 44.66.050. These analyses are not intended to be comprehensive, but address those areas we were able to cover within the scope of our review.

### *The extent to which the board, commission, or program has operated in the public interest.*

The Board of Parole has established objective, quantitative criteria for use in evaluating individuals eligible for parole.

The criteria applied by the board is designed to assess the risk posed to the public by an individual under consideration for parole.

For more discussion on these risk factors and how they are used see discussion in inset to the right. In the 1994 annual report the board analyzed their parole actions in the context of these risk factors. Further, the board confirmed that these risk factors were relevant, by analyzing the parole violation rates compared to risk scores.

In the report, this statistical analysis indicated that the board did appropriately consider risk to the general public when granting discretionary parole. From the analysis presented in the 1994 report, the board granted discretionary parole at a higher rate to applicants assessed at a lower risk than to higher risk individuals. Further, when evaluated in the context of parole violations, these risk factors appeared to be appropriate and relevant. Individuals with higher risk scores had a higher parole violation rate than individuals with lower risk scores.

### Parole Guidelines

The Board of Parole has developed guidelines which are used in exercising parole discretion. The guidelines suggest the amount of time an individual should serve before being released on discretionary parole. Guidelines are based on the nature of the crime and individual risk factors such as prior criminal and social history. An example of the guidelines used by the board is shown in Appendix A of this report.

On occasion, discretionary parole hearings are granted to applicants that fall either above or below the guidelines. The board considers these cases if there are specific aggravating or mitigating circumstances. An important aspect of the guidelines is the risk assessment score. Risk scores range between 0 to 49.

As shown on "worksheet" present in Appendix B of this report, points are assigned for such factors as: (1) age of the applicant at the time of the first offense and current age; (2) employment history prior to incarceration; (3) history of drug and/or alcohol abuse; and, (4) prior criminal record. When used with the guidelines (see Appendix A) the applicants are sorted into one of four categories based on their risk assessment score. The four categories, labeled A through D, are as follows:

A = 0-6 pts.  
B = 7-14 pts.

C = 15-29 pts.  
D = 30-49 pts.

The top graph on the following page illustrates that for the 90 cases from 1995 selected and reviewed, lower risk applicants have a larger discretionary parole rate than individuals with higher risk scores. As stated in our analysis discussion, this trend indicates the board is appropriately considering risk when granting discretionary parole.

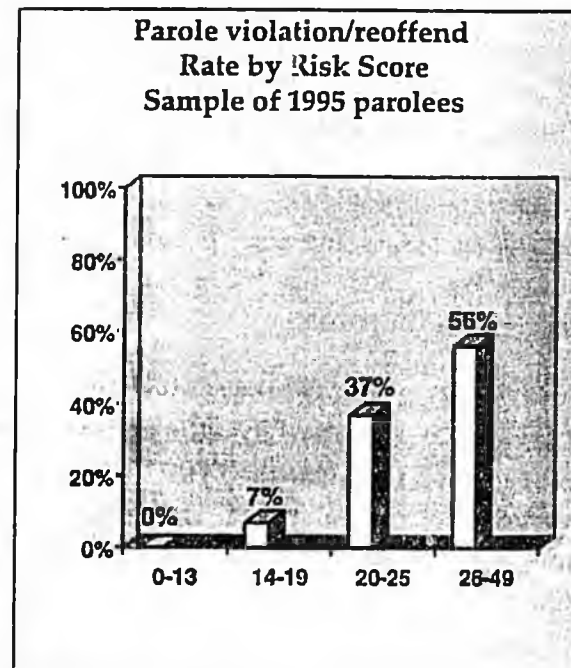
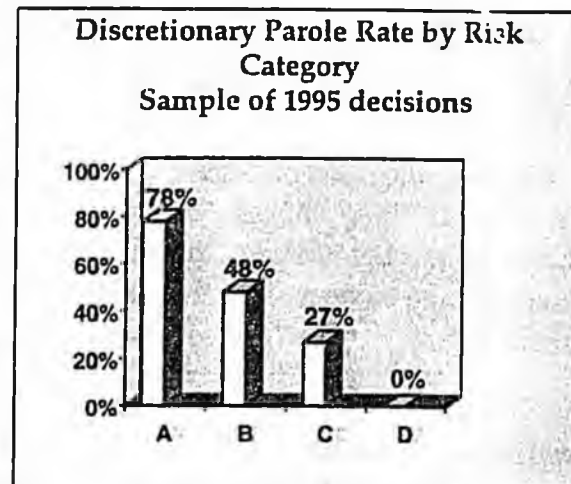
The bottom graph illustrates the rate at which individuals with various risk scores reoffend. The gradually increasing rate of parole violation compared to risk scores, gives some indication that the risk score criteria used by the board is relevant and does correlate with risk to the general public.

We analyzed parole application and risk assessment data for both the 1995 calendar year and the three year period 1993 through 1995. On a sample basis, we confirmed that the parole rate by risk score was consistent with the information in the 1994 report. See graph on inset to the right.

This result supports the assessment, made in the 1994 report, that the board is "paying a great deal of attention to an applicant's risk to the community at the time parole is granted."

Further, we confirmed that the factors used to assess risk are reasonable. That is, the risk factors were validated by our analysis of the rate of parole violations compared to risk scores. See graph in bottom inset at right.

Even though the Board of Parole takes little part in the victim notification process the statutes require the board to be responsible for notifying victims on upcoming parole hearings and consider comments from victims (see Recommendation No. 3). The Board of Parole in conjunction with the Department of Corrections, has an appropriate and adequate system in place to notify victims regarding the consideration of discretionary parole. Victims are afforded an opportunity to make written or oral presentations to the board as required under AS 33.16.120.



***The extent to which the operation of the board, commission, or agency program has been impeded or enhanced by existing statutes, procedures, and practices which it has adopted, and any other matter, including budgetary, resource, and personnel matters.***

Since 1991, the board's administrative staff has not increased even though the number of hearings has grown. The board has continued to meet statutory requirements for quarterly meetings, discretionary parole releases, revocations and clemency investigations. Also, in November 1995 the board adopted a new process of conducting monthly meetings to handle mandatory revocations. The goal of this process is to allow the quarterly meetings to be more focused on discretionary parole releases.

The Board of Parole has established many forms and guidelines used in the operation of the board. The board also publishes an annual report which provides narrative and statistical information about parole caseload and parole decisions.

During 1995, the Board of Parole had one vacant position for most of the year. Additionally, the former Executive Director, with more than 20 years experience with corrections and parole, retired. This significantly reduced the historical knowledge of program operations. The former executive director developed and performed numerous tasks without benefit of any documented policy and procedures. As a result of this departure, many internal control weaknesses developed since remaining staff did not have the hands-on experience or written procedures to follow in carrying out day-to-day data base maintenance duties. As discussed in Recommendation No. 1, the board should improve controls over the management information system used to maintain various information on parole applicants and board decisions.

The current statutes require the Board of Parole to be responsible for victim notification under AS 33.16.120, yet in practice the Department of Corrections performs the function with little oversight or follow-up by the Board of Parole. The current statutes should be amended to reflect the policies and procedures in place (see Recommendation No. 3).

The methodology in place to provide compensation to the board members is inconsistently applied and appears to be based on changing, but undocumented board interpretations. Guidelines need to be established for each task for which a board member may be compensated for during the year (see Recommendation No. 2). Due to the weak internal control structure in the administrative office, errors occur in determining the amount to compensate each board member. Also per diem reimbursements have been made to one board member inconsistent with the requirements of the State's administrative manual (see Recommendation No. 4).

***The extent to which the board, commission, or agency has recommended statutory changes that are generally of benefit to the public interest.***

Over the past three years the board has initiated statutory changes which allow for special medical parole for severely ill inmates. Under the statute, severely ill inmates which pose minimal threat to the public, can be discharged to minimize health care costs incurred by the state required to be provided to the individual during incarceration. At the present time, no statutory changes are pending that were proposed by the board.

***The extent to which the board, commission, or agency has encouraged interested persons to report to it concerning the effect of its regulations and decisions on the effectiveness of service, economy of service, and availability of service that it has provided.***

According to the current executive director, parole board staff continually receives calls from the public. Complaints are conveyed to the Chairman who determines if the other board members need to be informed of the complaint.

The board meets quarterly to conduct parole hearings and monthly to review mandatory revocation.

Normally the board holds at least one public meeting each year. Public notice is given before each public meeting and time is allotted for public comment. We did identify that no public meeting was held for the more than 17 months between September 13, 1993 and March 8, 1995. At the March 1995 meeting, recent changes to the Board of Parole legislation were discussed.

***The extent to which the board, commission, or agency has encouraged public participation in the making of its regulations and decisions.***

Currently, the executive director is drafting regulations to correspond with recent board statutory changes related to special medical parole. The anticipated completion date for this draft is September 1996. Public comments are solicited during the annual public meetings. There is no indication that the board has encouraged public participation in the making of its regulations and decisions other than the attempt to solicit public comments at the public meetings.

***The efficiency with which public inquiries or complaints regarding the activities of the board, commission, or agency filed with it, with the department to which a board or commission is administratively assigned, or with the Office of the Ombudsman have been processed and resolved.***

As noted above, public inquiries or complaints within the agency that are beyond the capabilities of staff members are conveyed to the chairman of the board for resolution. In addition, during our review of closed cases filed at the Office of the Ombudsman from FY 93 - FY 96 we identified five additional cases since our last sunset review in fiscal year 1994.

We determined that the Board of Parole acted within its authority and appropriately in three cases. In the remaining two cases it was determined: (1) that the manual on Executive Clemency provided erroneous information regarding pardons, therefore the manual was recalled and corrected in conjunction with the Department of Law, and (2) the board needs to inform the parolee about payment responsibilities for program costs as a condition of parole.

*The extent to which the board or commission which regulated entry into an occupation or profession has presented qualified applicants to serve the public.*

Not applicable to the Board of Parole.

*The extent to which state personnel practices, including affirmative action requirements, have been complied with by the board, commission, or agency to its own activities and the area of activity or interest.*

No complaints against the board were identified.

*The extent to which statutory, regulatory, budgeting, or other changes are necessary to enable the agency, board, or commission to better serve the interests of the public and to comply with the factors enumerated in this subsection.*

See the Findings and Recommendation section of this report.

APPENDIX A

GUIDELINES MONTHS SERVED MATRIX					
Offense Group	Examples of Offenses	Risk A 0 to 6	Risk B 7 to 14	Risk C 15 to 29	Risk D 30 to 49
Unclassified I	Murder I	120-**	150-**	180-**	210-**
Unclassified II	Murder II, Kidnapping, Misconduct Involving Controlled Substance I (MICS I)	60-**	80-**	100-**	120-**
Unclassified III	Sexual Abuse of a Minor I Sexual Assault I *	32-**	40-**	50-**	62-**
I	Manslaughter, Assault I, Sexual Assault I* Attempted Murder I or II	28-48	34-52	36-80	42-100
II	Robbery I, Arson I, Atpt. Kidnapping, Escape I, M.I.C.S. II, Criminal Possession of Explosives	14-32	18-40	28-48	34-52
III	Burglary I, Robbery II, Assault II, Sexual Assault II, Sexual Abuse of a Minor II, Promoting Prostitution I, Unlawful Exploitation/Minor	8-24	11-24	14-32	18-40
IV	Issuing a Bad Check I, Theft I, Forgery I, Escape II, Perjury, M.I.C.S. III, Arson II, Criminal Mischief I	6-18	8-24	11-28	14-32
V	Criminal Negligent Homicide, Sexual Assault III, Sexual Abuse of a Minor III, Assault III, Incest, Endanger Welfare of Minor, Failure to Appear, Stalking I	5-14	6-18	8-24	11-28
VI	Burglary II, Theft II, Forgery II, Fraud, Use of a Credit Card, Issuing a Bad Check II, (OldMIW II), Criminal Mischief II, Escape III, MICS IV	4-12	5-14	6-18	8-24
Misdemeanors	Assault IV, Theft III, Escape IV, Criminal Trespass I, Forgery III, Resisting Arrest, MIW IV, Sam IV, Stalking II	3-7	3-8	4-9	6-10
All Time Served Ranges Above Are In Months					
* Unclassified II Sexual Assault I for Offenses committed after 9/30/82. Offense Group I Sexual Assault I for Offenses committed before 10/01/82					
** Unclassifieds Have Minimum Guidelines Terms Only.					

APPENDIX B

Parole Risk Assessment

- 1. Age at date of first offense for which convicted (adult or juvenile) \_\_\_\_\_
    - 25 or over = 0
    - 20 - 24 = 2
    - 19 or under = 4
  - 2. Felony adjudications/convictions (adult or juvenile) \_\_\_\_\_
    - none = 0
    - 1 = 2
    - 2 or more = 4
  - 3. Misdemeanant adjudications/convictions (adult or juvenile) \_\_\_\_\_
    - none = 0
    - 1 to 3 = 2
    - 4 or more = 4
  - 4. Adjudications/convictions for Burglary, Criminal Trespass, or Forgery/Worthless checks/Credit cards (adult or juvenile) \_\_\_\_\_
    - none = 0
    - 1 or more = 4
  - 5. Probation or parole revocations/rescissions (adult or juvenile) \_\_\_\_\_
    - none = 0
    - 1 = 2
    - 2 or more = 4
  - 6. Prior Employment, year before incarceration \_\_\_\_\_
    - F-T (includes Subsistence, Homemakers, Students) = 0
    - P-T or Seasonal = 1
    - Sporadic or none = 2
  - 7. Alcohol Abuse--Problem drinking/alcoholism/any impaired functioning \_\_\_\_\_
    - No = 0
    - Yes = 4
  - 8. Drug Abuse--use of any other drugs except marijuana \_\_\_\_\_
    - No = 0
    - Yes = 4
  - 9. Disciplinary Adjudications (low moderate or higher, last three years) \_\_\_\_\_
    - none = 0
    - 1 or 2 = 2
    - 3 or more = 4
- SUBTOTAL \_\_\_\_\_
- 10. If current age now is 35 or older, = -2 \_\_\_\_\_
  - 11. If conviction for Sexual Assault (adult/juvenile, any degree) = +15 \_\_\_\_\_
  - 12. If successful completion of approved Sex Offender Program, = -9 \_\_\_\_\_
- GRAND TOTAL \_\_\_\_\_

RISK SCORES

- 0 - 6 = Risk A                      15 - 29 = Risk C
- 7 - 14 = Risk B                    30 - 49 = Risk D

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TONY KNOWLES, GOVERNOR

DEPARTMENT OF CORRECTIONS

Alonzo B. Patterson Jr., Chairman  
David F. Cooper, Vice-Chairman  
Elsabeth F. Demeksa, Member  
Jana Varrati, Member  
Mary Ann Eininger, Member

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Mr. Randy Welker  
Legislative Auditor  
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Juneau, AK 99811-3300

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NOV 29 1996

LEGISLATIVE AUDIT

November 29, 1996

Dear Mr. Welker:

The Alaska Board of Parole appreciates the opportunity to respond to the issues raised in the Preliminary Audit Report dated July 15, 1996. This is the Board's response to the findings and recommendations in the preliminary audit report.

- Recommendation No. 1 The administrative staff of the board should improve controls over the system used to maintain information on parole applicants and board decisions.

The Board has purchased a new software program titled "Access" and has contracted for the program design and staff training. The program will include screen forms to reduce the error margin. In addition, the staff has established a procedure to validate the information and will verify the accuracy at the end of every quarter. This procedure includes cross checking the schedule of hearings with the data entry and the file material. Although this process can be time consuming for the limited staff, it will ensure that the data presented and collected is accurate and up to date.

The Board is in the process of contracting with the previous executive director and the designer of the current d-base system, to complete the statistical report and annual report for 1996. All further reports will be completed using the new Access program.

The Board will be providing input to the Department of Corrections for inclusion in their Management Information System to enhance coordination with all components of the criminal justice system.

- Recommendation No. 2 The executive director, after consulting with the board, should contact the Office of the Governor and obtain new compensation rates and procedures that more accurately reflect the varied tasks performed by the board.

The Board appreciates the recognition in this report of the numerous duties performed by Board members in addition to conducting formal Board hearings. The Board would like to bring to your attention the actual requirements involved when signing a warrant or conducting a preliminary revocation hearing.

Signing a warrant includes:

- (1) preparation time, i.e., dress appropriately, collect the necessary forms, seal and recording equipment;
- (2) time to travel to and from the field probation office (the Palmer Board member's round trip travel time to the probation office is one hour); and
- (3) discussing the case with the probation/parole officer and reviewing the file to determine if a warrant is justified.

Conducting Preliminary hearings includes:

- (1) schedule the hearing to accommodate the schedules of the probation officer, the attorney, the witnesses, the institution and the Board member;
- (2) preparation time, i.e. dress appropriately, collect the necessary forms, seal and recording equipment;
- (3) time to travel to and from the institution;
- (4) set up for a hearing i.e., setting up the tape recorder, getting a telephone into the room when necessary, review the parole or institutional file;
- (5) conduct the hearing, this could take any where from one hour to six hours; (for example, we recently had an instance in which the Board Member had to continue a preliminary hearing three separate times at the request of the attorney, that preliminary hearing took over six hours of the Board Member's time); and
- (6) make copies of hearing paperwork for the parolee, the institution, the parole file, and the Parole Board file.

In addition, whenever Parole Board members go to the probation/parole field offices or the institution they are asked to address other issues, cases or matters that officers or superintendents bring to their attention. To sign a warrant or conduct a hearing may seem to be a simple matter but it frequently requires three to four hours of a member's time.

The report does not consider that Board members must be available to sign a warrant seven days a week. Because of workload demands, it is virtually impossible for an individual to hold a full time job and serve on the Board. This Board is made up of hardworking and dedicated individuals who sacrifice their time to assure Board decisions are fair and equitable. As noted in the report, compensation policy has evolved over the years to accommodate increasing demands on time and more complex legislation, correctional procedures, and judicial rulings.

When considering the Board compensation, \$90,000 divided by five Board members is \$22,000 a year, which is equivalent to a clerical position at a range 8A with the State of Alaska. Most states compensate their Parole Board members on the same level as their judges.

When you consider a Board Member often puts in ten and twelve hour days, not to mention the time it takes to read files for a hearing, one can easily conclude the current compensation doesn't begin to adequately reflect the level of work the Board conducts.

As noted in these draft reports, the Board has been grappling for some time to develop a policy under the general wording of AS 33.16.040 to adequately and fairly compensate members. The Board's compensation rate was set 12 years ago and has not been adjusted since then even though demands on members' time has increased substantially. (Appendix A) In 1984, the Parole Board was handling approximately 800 cases a year; by 1995, the caseload had increased to over 1500 cases, nearly doubled. In 1984, the Board met for 49 days in formal hearings; in 1996, the Board met for 69 days in formal hearings, plus at least one day monthly for administrative meetings in addition to their other duties.

The rise in inmate populations necessitates commensurate increases in Board time and activity as do changes in statute and DOC policy regarding placement of prisoners in Community Release Centers and development of other intermediate sanctions available to the Board to enhance rehabilitation opportunities for parolees.

The Board recognizes its role in keeping state expenditures down and has continued to strive to maximize use of funds available to it. In light of that, the Board appreciates the auditor's recognition that \$150 per day payment should not necessarily serve as an upper limit for compensation.

Most states have adopted a yearly compensation rate for Parole Board members which eliminates the need for duty/time lists. (Appendix B) The Alaska Board of Parole has been studying the compensation policies of those boards and comparing them to our own. We are in the process of working with the Governor and his staff on a new compensation plan.

The Board disagrees that compensation is "inconsistently applied." In September, 1995, the Board adopted a policy to continue the current compensation set by the Governor in 1984 of \$150.00 for a full day of Parole Board work, \$75.00 for a half day and \$10.00 for each file read. While we agree the board needs to have a written policy, the current form of compensation is indeed quite consistent and straight forward.

- Recommendation No. 3 The statute regarding rights of victims to comment on prisoner parole needs to be changed to reflect the responsibilities of both the Department of Corrections and the Board of Parole.

The Board agrees that practice should reflect statutory requirements but, historically, the Board has relegated the task of parole report preparation and victim notification to the probation/parole officer pursuant to AS 33.16.190.

# CORRECTION

THE FOLLOWING DOCUMENT(S)  
HAVE BEEN REFILMED TO  
ASSURE LEGIBILITY OR PAGINATION



Rev. 6/98

Central Microfilm Services  
Department of Education  
State of Alaska

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AS 33.16.190 provides:

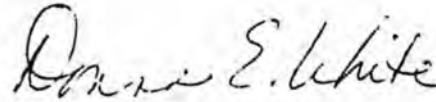
**Authority of parole and probation officers.** An officer appointed by the commissioner under AS 33.05.020(a) or under this chapter, may discharge duties under AS 33.05 and this chapter.

- Recommendation No. 4 The executive director should follow the requirements of the Alaska Administrative Manual when approving reimbursement to board members for per diem claims or obtain the necessary documentation to support a reasonable exception.

The Executive Director does follow the Alaska Administrative Manual when preparing per diem and hotel expenses for Board members. As a matter of record, the Board member noted in this report lives more than 50 road miles from the Anchorage facilities. In an effort to finally resolve this issue, the Board has requested and received the exemption.

We concur with the recommendation that extends the Board's termination date to June 30, 2003.

Sincerely,

  
for Alonzo B. Patterson, Jr.  
Chairman

Enclosure

cc:

Margaret Pugh

STATE OF ALASKA  
BOARD OF PAROLE



1995 ANNUAL REPORT TO THE GOVERNOR  
AND THE ALASKA LEGISLATURE

JUNE 1996

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This report is available from the Board of Parole

**APPENDIX B  
PAROLE BOARD MEMBER COMPENSATION**

The following information is the result of a survey conducted by the State of Nevada, Board of Parole Commissioners. This survey was completed in September, 1996.

<b>State</b>	<b>Chairmans Salary</b>	<b>Members Salary</b>	<b>Use Video Conference?</b>	<b># of Members</b>
Alabama	\$88,000	\$88,000	No	3
Arkansas	\$64,000	\$55,000	No	7
Arizona	\$53,810	\$49,995	No	7
California	\$90,480	\$87,300	No	9
Colorado	\$72,200	\$67,200	No	7
Connecticut			Yes	13
Delaware			No	5
Florida	\$70,881	\$70,881	No(under review)	3
Georgia	\$79,685	\$79,685	No	5
Hawaii	\$77,969	\$72,800	No	3
Idaho			No	5
Illinois	\$60,000	\$55,000	Yes	12
Indiana	\$58,000	\$48,500	No	5
Idaho			No	5
Iowa	\$70,000		Yes	
Kansas	\$79,685	\$77,420	No(Yes in 1 year)	5
Kentucky	\$65,000	\$45,000	No	7
Louisiana	\$42,000	\$38,000	Yes(rejected)	7
Maryland	\$78,000	\$65,000	Yes	8
Massachusetts	\$72,487	\$55,850	Yes	7
Michigan	\$74,500	\$68,000	No	10
Minnesota			No	
Mississippi	\$55,000	\$50,000	No	3

State	Chairmans Salary	Members Salary	Use Video Conference?	# of Members
Missouri	\$63,380	\$59,430	Yes	5
Nebraska	\$62,000	\$47,301	No	5
Nevada			No	6
New Hampshire			No	7
New Jersey	\$86,000	\$83,500	No	9
New York	\$90,832	\$76,421	No	18
New Mexico	\$56,000	\$50,000	No	4
North Carolina	\$70,643	\$65,220	No	5
Ohio	\$70,408	\$60,000	No	12
Oklahoma			No	5
Oregon	\$69,180	\$56,904	Yes(in future)	3
Pennsylvania	\$81,449	\$78,450	No	5
Puerto Rico	\$55,000	\$45,000	No	5
Rhode Island	\$65,000	\$65,000	No	7
South Carolina			No	7
South Dakota			No	6
Tennessee	\$60,000	\$58,000	No	7
Texas	\$65,000	\$62,000	No	18
Us Army	\$95,000	\$95,000	No	14
Us Govt	\$115,700	\$108,200	No	4
Vermont			No	5
Washington	\$72,000	\$69,000	No	3
West Virginia	\$40,000	\$40,000	No	5
Wisconsin	\$65,000	\$55,787	No	5
Wyoming			No	7
<b>Average Total</b>	<b>\$69,315</b>	<b>\$60,007</b>		<b>Average Members 7</b>

**HB**

**95**

# MEMORANDUM

**Date:** April 16, 1997  
**To:** Joe Green  
**From:** Lisa Kirsch  
**Re:** HB 95 --Sunset Provisions

*Lisa*

As we discussed yesterday, the paragraphs adding new language and reinserting the old language in the event of sunset, are necessary where we have replaced existing law. If we add an entirely new section, it can be deleted without repercussions when and if the act sunsets. But in the case where we have replaced a subsection with a new subsection, the old subsection needs to be reinserted or there will be gaps in chapter 28.

Mike Ford says he doesn't like this anymore than you do, but it is the only way to sunset in this circumstance. It means more work for him and he agrees it makes the bill hard to read.

My suggestion would be to eliminate the sunset clause and go to a provision that requires a report from the DMV and legislative review of the system in 2005. This would eliminate the messy drafting and still provide for legislative action on the database after it has had a chance to prove itself. Mike says that he could provide such a section. It would require amendment of the Judiciary CS, since it has the sunset clause and all the duplicate paragraphs of old and new language.

*OK, let's get that amendment drafted  
and allow the com to make the call  
on Sunset with confusion  
or Review with clearer language  
Thanks for the time effort.*

# MEMORANDUM

**Date:** April 15, 1997  
**To:** Joe Green  
**From:** Lisa Kirsch  
**Re:** HB 95 Amendment to allow license plate removal

Sections 6 & 7 in the "L.1" amendment allow plates to be removed as an exception to the requirement that the plates must remain with the vehicle so long as it is subject to registration. Because we have a sunset provision on this bill, we need a section to add new language and a section to reinsert the old language if the bill sunsets. As a result, section six is the new language and section six becomes effective when the bill goes into effect and section six is deleted if and when the act sunsets. Section seven reinserts the old language, and goes into effect if and when the bill is allowed to sunset.

"Peace officer" as defined under AS 01.10.060 may include parking authority employees, but it is not entirely clear. Mike Ford was inclined to think they were not included in that definition. I have contacted the Anchorage city attorneys' office. They should get back to me soon on this issue.

*Lisa*

*I agree w/ Mike and think we probably  
should insert <sup>on PL sub 19</sup> after "Peace officer"*

*or other authorized something  
or other person authorized to issue citations  
or ??? to allow parking authorities  
to join team - our sincerest pray  
can # order be changed*



A M E N D M E N T

OFFERED IN THE HOUSE  
TO: CSHB 95(JUD)

BY REPRESENTATIVE GREEN

1 Page 4, following line 9:

2 Insert new bill sections to read:

3 **\*\* Sec. 6.** AS 28.10.151(a) is amended to read:

4 (a) The department, upon registering a vehicle, shall issue the owner one fully  
5 reflectorized registration plate for a trailer or a motorcycle and two fully reflectorized  
6 registration plates for every other vehicle. Except as specifically provided in this  
7 section and AS 28.10.181, the plate or plates must remain with the vehicle as long  
8 as the vehicle is subject to registration under this chapter.

9 **\* Sec. 7.** AS 28.10.161(a) is amended to read:

10 (a) The department, upon registering a vehicle, shall issue the owner one fully  
11 reflectorized registration plate for a trailer or a motorcycle and two fully reflectorized  
12 registration plates for every other vehicle. Except as specifically provided in [THIS  
13 SECTION AND] AS 28.10.181, the plate or plates must remain with the vehicle as  
14 long as the vehicle is subject to registration under this chapter.

15 **\* Sec. 8.** AS 28.10.161 is amended by adding a new subsection to read:

16 (d) A person who receives a notice of noncompliance regarding motor vehicle  
17 insurance under AS 28.35.310 shall return the registration plates for the motor vehicle  
18 that is the subject of the notice unless the person provides proof of insurance as  
19 required under AS 28.22.031(a). A peace officer may remove registration plates from  
20 a motor vehicle and return the plates to the department if the motor vehicle owner has  
21 received notice of noncompliance under AS 28.35.310 and has failed to provide proof  
22 of insurance as required under AS 28.22.031(a)."

23 Renumber the following bill sections accordingly.

*is from office  
referred to include  
parking authority*

1 Page 6, line 11, following "person":

2 Insert "(1)"

3 Page 6, line 13, following "\$501":

4 Insert "; or

5 (2) receives notice of noncompliance under AS 28.35.310 unless the  
6 person surrenders the plates for the motor vehicle as required under  
7 AS 28.10.161(d)"

8 Page 6, line 19, following "person":

9 Insert "[(1)]"

10 Page 6, line 21, following "\$501":

11 Insert "[; OR

12 (2) RECEIVES NOTICE OF NONCOMPLIANCE UNDER  
13 AS 28.35.310, UNLESS THE PERSON SURRENDERS THE PLATES FOR THE  
14 MOTOR VEHICLE AS REQUIRED UNDER AS 28.10.161(d)]"

15 Page 6, following line 31:

16 Insert new bill sections to read:

17 **"\* Sec. 19.** AS 28.22.031(a) is amended to read:

18 (a) A person [INVOLVED IN AN ACCIDENT] who is required under  
19 AS 28.22.021 to prove that a motor vehicle liability policy or a certificate of self-  
20 insurance was in effect shall, within 15 days after the moving violation, accident, or  
21 receipt of notice of noncompliance under AS 28.35.310, whichever is earliest,

22 (1) present a copy of the insurance policy, certificate, bond, or  
23 insurance binder that

24 (A) was in effect at the time of the moving violation or  
25 accident to the department for inspection;

26 (B) complies with the mandatory insurance provisions of  
27 AS 28.22 if the person has received notice of noncompliance under  
28 AS 28.35.310;