

ALASKA LEGISLATURE COMMITTEE FILES 2001-2002 8672

10263 HOUSE JUDICIARY

108

HB

49

FISCAL NOTE

STATE OF ALASKA
2001 LEGISLATIVE SESSION

Fiscal Note Number: 1
Bill Version: HB 49
(H) Publish Date: 01/10/01

Revision Date/Time (Note if correction): 1/5/01 Dept. Affected: Corrections
Title: Extend Parole Board BRU: Administration and Operations
Sponsor: Rules Committee Component: All
Requester: Governor Component Number: 649

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
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						
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CHANGE IN REVENUES ()						
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FUND SOURCE (Thousands of Dollars)

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

Estimate of any current year (FY2001) cost: 0.0

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

The Alaska Board of Parole consists of five members plus an administrative staff which includes the Executive Director, Parole Board Administrator, Parole Board Officer and 2 clerical positions. The operating expenditures are included in the Department of Corrections' FY02 budget. Those expenses include 319.5 for personal services, 66.4 for travel, 99.0 for contractual services, 4.7 for supplies, 0 for equipment and 0 for miscellaneous. A request is being made by the Board to include an additional parole officer and .5 clerical position and increased operating costs.

Prepared by: Candace Brower Phone 465-4652
Division: Commissioner's Office Date/Time 01/05/01/ 4:00 p.m.
Approved by: Margaret M. Pugh, Commissioner Date 1/5/01
Agency: Department of Corrections

For distribution information, call the Governor's Legislative Office

TONY KNOWLES
GOVERNOR
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OFFICE OF THE GOVERNOR
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HB 49
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January 10, 2001

The Honorable Brian Porter
Speaker of the House
Alaska State Legislature
State Capitol
Juneau, AK 99801-1182

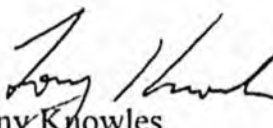
Dear Speaker Porter:

I am transmitting this bill extending the termination date of the Board of Parole for five more years, until June 30, 2006. The board would sunset on June 30, 2001 unless extended by law.

The Board of Parole performs essential functions for the criminal justice system by reviewing prisoners for possible release on discretionary parole, setting conditions for the behavior of prisoners released on both mandatory and discretionary parole, and presiding over parole revocation hearings for those accused of violating their parole conditions. The efforts of the Board of Parole go a long way toward assisting in the rehabilitation of prisoners by reintegrating them back into society while minimizing the risk to the public.

I urge your prompt and favorable consideration of this bill.

Sincerely,


Tony Knowles
Governor

HB 49

Audit Report



DEPARTMENT OF CORRECTIONS
BOARD OF PAROLE
SUNSET REVIEW

December 26, 2000



Audit Control Number:

20-20006-01

Division of Legislative Audit

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

LEGISLATIVE BUDGET AND AUDIT COMMITTEE

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 the Senate and two from the House. 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 \$6 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.

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December 26, 2000

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 SUNSET REVIEW

December 26, 2000

Audit Control Number
20-20006-01

This audit was conducted as required by AS 44.66.050 and under the authority of AS 24.20.271(1). Alaska Statute 44.66.050(c) lists criteria to be used to assess the demonstrated public need for a given board, commission, agency, or program subject to the sunset review process. Currently under AS 44.66.010(a)(3), the Board of Parole is scheduled to terminate on June 30, 2001. The board would be allowed one year in which to conclude its administrative affairs.

In our opinion, the termination date for the Board of Parole should be extended. Under Alaska Statute 33.16, the Board of Parole serves as the parole authority for the State. The state constitution requires the State to establish a parole system. Among the board's primary responsibilities is the determination of a prisoner's suitability for discretionary parole. We recommend the legislature extend the termination date for the Board of Parole to June 30, 2005.

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.



Pat Davidson, 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 to determine whether it is 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, 2001, and will have one year from that date to conclude its affairs.

Objectives

There are two central, interrelated, objectives of our report, which 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 are to be used in determining a demonstrated public need for the board.

Scope and Methodology

Another auditor at our direction and supervision conducted a majority of this review. We followed professional standards to determine that the other auditor was independent and that their work was competent and sufficient.

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 1997 through 1999.
4. Interviews with Parole Board staff.
5. Administrative policies and procedures.
6. Board members' compensation files from 1997 through 1999.
7. Office of the Ombudsman closed case file.
8. 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."*

Members of the board serve for staggered terms of five years and until their successors are appointed. The governor from among board members chooses the board's presiding officer. Alaska statute directs that the governor make appointments to the board *"with due regard for representation on the board of the ethnic, racial, sexual, and cultural populations of the state."*

Statutes also require the governor to appoint at least one member who resides in the first judicial district, one member who resides in the third Judicial District, and one member who resides in either the Second or Fourth Judicial District.

Board members are compensated for participating in board business at a rate set by the governor. The current compensation rate for board members is set at \$75 for each half-day and \$150 for each full day.

Travel costs and per diem is also provided for members traveling in conjunction with their duties directly related to board activities. The board has an administrative staff, which currently consists of an executive director, parole administrator, parole board officer, and two support staff.

BOARD OF PAROLE
DECEMBER 2000

David Cooper, Chairman

Mary Ann Eininger
Charles Moses
Mike Miller
Bertram Matsumoto

The State 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 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 on mandatory parole providing their amalgamated sentence is two years or greater. The term of mandatory parole (mandatory release) is equal to the *"good time"* deduction credited to the prisoner's sentence, which is generally one-third of the total sentence.

Additionally, the board is 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 parole and return the parolee to prison, revoke parole and re-parole without time credited against the sentence for prior time on parole, or take no action.

The board's operations are financed by general fund appropriations as a component of the Department of Corrections. Personnel services for administrative staff account for the majority of the board's expenditures. As shown on the following table, the board's annual appropriations and expenditures have increased relative to prior fiscal years for the period of FY 97 through FY 99.

Fiscal Year	Appropriations	Expenditures
1997	\$ 482,815	\$ 480,451
1998	575,172	571,567
1999	<u>622,354</u>	<u>622,354</u>
Total	<u>\$1,680,341</u>	<u>\$1,674,372</u>

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 that the State establish 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, investigate clemency requests for the governor and perform 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 3).

Currently, under AS 44.66.010(3) the board is scheduled to terminate operations on June 30, 2001. If the legislature does not extend the termination date for the board, it will have one year from that date to conclude operations. In our opinion, the legislature should extend the board's termination date to June 30, 2005.

(Intentionally left blank)

FINDINGS AND RECOMMENDATIONS

Recommendation No. 1

The Board of Parole should develop a formal Memorandum of Understanding with the Department of Corrections to formally reflect the de facto partial "delegation" of the board's responsibilities under statute for the notification of victims of their right to comment at parole hearings.

Currently, under the AS 33.16.120 the board is responsible for notifying the victim(s) of a potential parolee's crime when that individual is about to be considered for discretionary parole.

In practice, however, for prospective parolees incarcerated in facilities located in the State, the Department of Corrections' (DOC) institutional parole officers carry out this responsibility. The board only informs victims that have requested notification for those inmates housed out-of-state who are applying for discretionary parole. The statutes are silent on victim notification of parole hearings related to revocations.

From our review, it does seem the victim notification process is being implemented effectively in a manner consistent with the intent of the statute. As a practical matter, however, board staff carries out victim notification responsibilities for only a limited number of individuals applying for discretionary parole.

We suggest the board may better discharge its statutory responsibility by entering into a formal Memorandum of Understanding (MOU) with the DOC. Such a MOU would recognize the board's responsibility by statute for notifying victims while at the same time reflecting DOC's role in the process.

Recommendation No. 2

The board should 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 of Parole.

Under AS 33.16.040 a member of the Board of Parole is to be compensated at an amount to be set by the governor for each day "*the member is participating in business of the board.*"

Currently, board members are to be reimbursed at a rate of \$150 per full day and \$75 per half-day as established by administrative order issued by Governor Sheffield in March 1984. This 16-year-old gubernatorial memorandum authorizing the compensation is simple and direct; setting terms for payment on either one of two bases – payment for either 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. The board members are reimbursed for reading prospective parolees' correctional system files prior to attending the parole hearing. The board has established policies to allow for a board member to be reimbursed at the rate of \$10 per file for each file read in preparation for the hearing. Technically, under the current reimbursement scheme there is no basis for such compensation payments, because they do not lend themselves to the one-half or full day structure established by Governor Sheffield.

There are various other duties for which board members are reimbursed more on a "piece work" basis, rather than at either the full or half-day rate set out in the Sheffield order. We are satisfied that board members are consistent with the general intent of the order – often by reimbursing for duties on a "piece work" basis, less compensation is paid out than would be done using the full or half-day scale. We believe, however, that the manner in which board members are compensated should be consistent with the specific letter of the governor's direction, as provided for in statute.

We recommend that the Board of Parole develop and submit revised compensation guidelines to the governor's office for its consideration. We recommend that the governor's office evaluate compensation of board members, and consider making adjustments to reflect the current "piecework" compensation structure.

Recommendation No. 3

The board should initiate procedures that allow for a review of the risk assessment form to ensure that all mathematical calculations are performed correctly.

During our review of 80 parole files we noted seven errors in the mathematical calculation of the applicant's risk assessment form. In two instances the errors had an impact on the risk category to which the individual involved was assigned. In one of these cases, the individual was considered in a higher risk "D" category when actually they were in the lower "C" risk category (see Exhibit 1 on page 10 for discussion of risk categories and scores).

A system needs to be established to verify the mathematical calculation of the risk assessment score. This would affect the parole guidelines that the board follows when deciding on whether or not to grant parole. If the risk assessment score is calculated properly, the board and the applicant know that decision will be made on mathematically accurate information provided.

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.

Determine the extent to which the board, commission, or agency 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 are 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 Exhibit 1 on page 10. In the board's 1999 annual report, parole actions taken by the board were made 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 1999 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.

We analyzed parole application and risk assessment data for the three-year period 1997 through 1999. On a sample basis, we confirmed the consistent application of rates of parole with information in the 1998 and 1999 annual reports.

The results of our tests support the assessment, made in the 1999 annual 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.*" The results of our analysis are illustrated in Exhibit 2 on page 11.

EXHIBIT 1

PAROLE GUIDELINES CRITERIA ARE DESIGNED TO MEASURE RISK AND LIKELIHOOD PAROLEE WILL REOFFEND OR VIOLATE PAROLE

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.

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

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.

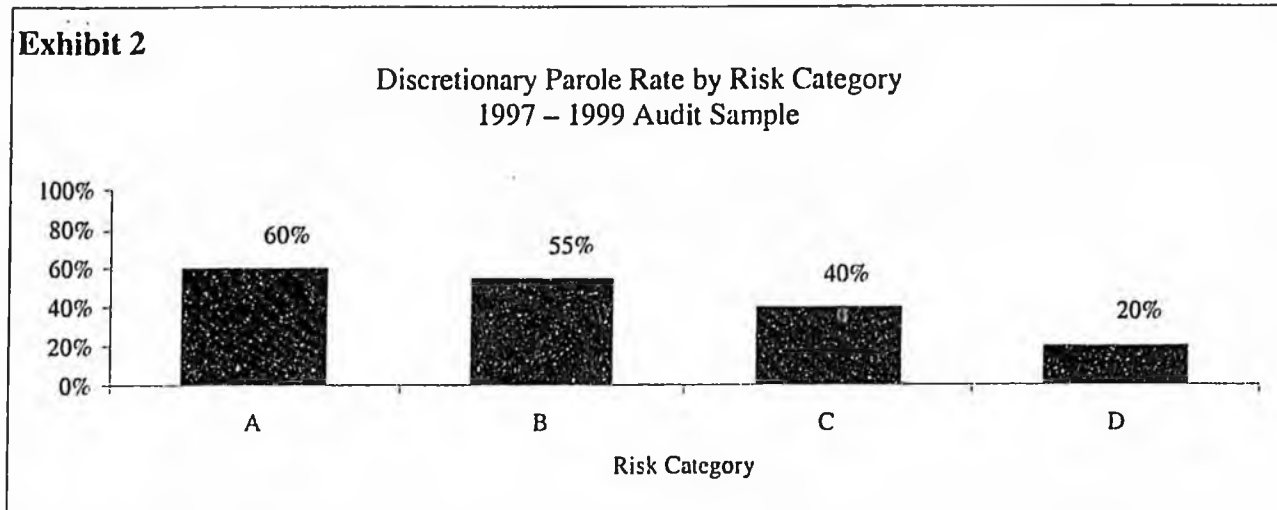
The four categories, labeled A through D, are as follows:

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

Exhibit 2 illustrates that for the 80 cases selected and reviewed between calendar years 1997 and 1999; 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.

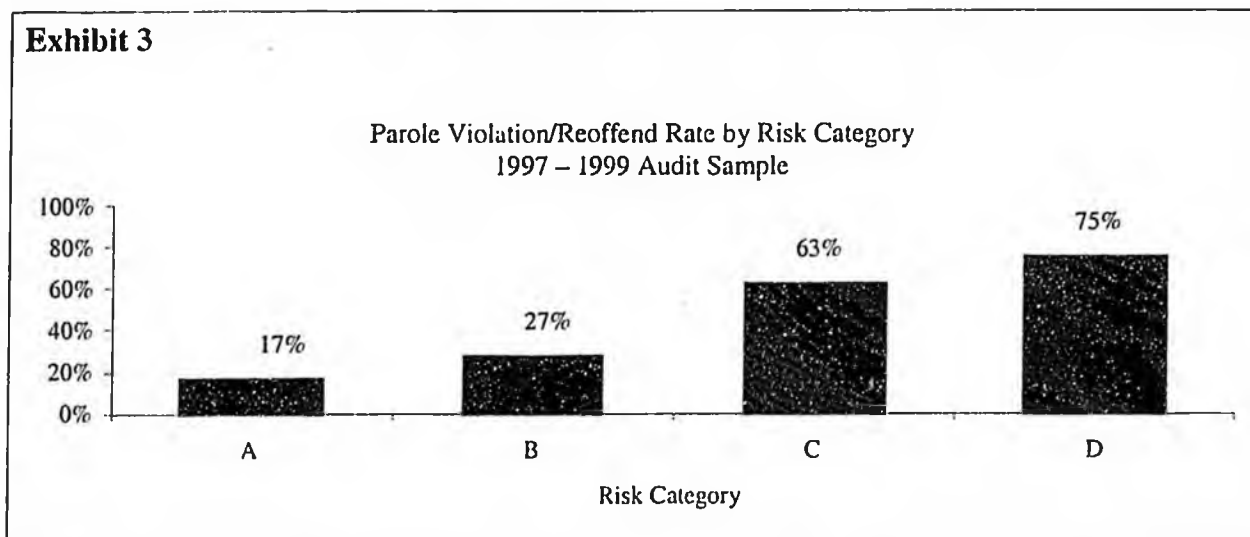
Exhibit 3 illustrates the rate at which individuals with various risk scores re-offend. The gradually increasing rate of parole violation compared to risk scores, gives some indication that the risk score criteria used by the Board is relevant and does correlate with risk to the general public.

The graph in Exhibit 2 below, indicates that for the sample of files we reviewed, as the risk level became higher (the prospective parolee went from lower risk category A to highest risk category D) the board was less likely to grant discretionary parole.



We also confirmed the factors used to assess risk are reasonable. Risk factors were validated by our analysis of the rate of parole violations compared to risk scores.

This analysis is illustrated by the Graph in Exhibit 3, which indicates that parolees classified in higher risk categories at the time of their parole were likely to violate or reoffend while on parole.



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 33.16.1200.

Determine the extent to which the operations of the board 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. Additionally, 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.

The current statutes require that the Board of Parole 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.

Determine the extent to which the board has recommended statutory changes that are generally of benefit to the public interest.

The board supported legislation to allow special medical parole for severely ill inmates. Under the statute, severely ill inmates, who pose minimal threat to the public, can be discharged. This also has the practical benefit of reducing Department of Corrections' health care costs, which would be incurred by the State during further incarceration.

Determine 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 services, economy of service, and availability of services that it has provided.

Due to the nature of its operations many and varied people contact the board for assistance. Victims are concerned about possible parole of perpetrators as well as the families of the individuals who may face incarceration out-of-state. The board's executive director deals with many of these calls, acting much like a "screener," to avoid having the board have to take up calls which it can do little, if anything about.

However, if calls involve policy and actions that should and can be addressed by the full board, the complaint and concerns are conveyed to the board chairman who makes the determination of whether to present the complaint to the board for further action or take other administrative action.

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

Determine the extent to which the board 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 and victim notification of pending parole actions. The board anticipates that a draft of these regulations will be completed for submission and advisement during the 2001 legislative session. 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 comment at publicly held meetings and public notice of proposed regulations.

Determine 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.

Public inquiries or complaints regarding decisions of the board or operations of the agency are typically forwarded to the chairman of the board for resolution. For inquiries forwarded to the chair for further consideration, the complaints or the issues raised by the complaints, were either addressed by the full board or by the chair in a timely manner. Additionally, we did not note any problems or issues from our review of closed cases filed at the Office of the Ombudsman between fiscal years 1997 through 1999.

Determine the extent to which the board regulates entry into an occupation or profession and whether it has presented qualified applicants to serve the public.

This statutory criterion is not applicable to the Board of Parole.

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

No complaints against the board were identified.

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

During FY 00, the Alaska Criminal Justice Assessment Commission conducted an operational review of the State's correctional and parole supervision system. The board issued a number of recommendations, of which we identified the following, in our view, which would benefit the operations of the Board of Parole:

1. Improved standardization of forms and procedures used in petitions to revoke probation and parole.
2. Development of additional treatment programs, including substance abuse and sex offender treatment programs, particularly in rural Alaska.
3. Expansion of the Department of Corrections' enhanced probation program to other larger cities, to provide joint agency community based probation/parole supervision programs, treatment and services, to supplement existing supervision with video supervision in small communities.
4. Greater use of volunteers, when appropriate, in the supervision of probationers/parolees.

Implementation of these recommendations would have a direct and indirect effect on the Board of Parole. The direct effect is that it increases the number of options that the board has to choose from when considering the appropriate treatment of parolees. The indirect effect would be the overall decrease of repeat offenders and parole violators that come back in front of the board.

STATE OF ALASKA

DEPARTMENT OF CORRECTIONS

TONY KNOWLES, GOVERNOR

REPLY TO:

PO BOX 112000
JUNEAU, ALASKA 99811-2000
PHONE (907) 465-3376

February 21, 2001

Ms. Pat Davidson, CPA
Legislative Auditor
Alaska State Legislator
Legislative Budget & Audit
Division of Legislative Audit
P.O. Box 113300
Juneau, Alaska 99811-3300

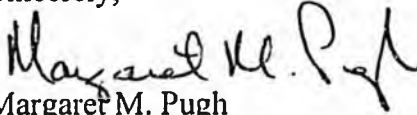
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FEB 26 2001
LEGISLATIVE AUDIT

Dear Ms. Davidson:

On behalf of the Alaska Board of Parole, we appreciate the opportunity to respond to the analyses, findings, and statements noted in your Preliminary Audit Report for the Department of Corrections Board of Parole, Sunset Review, December 26, 2000; Audit Control Number 20-20006-01. Enclosed you will find a written response from the Board of Parole outlining their comments on the Audit's recommendations.

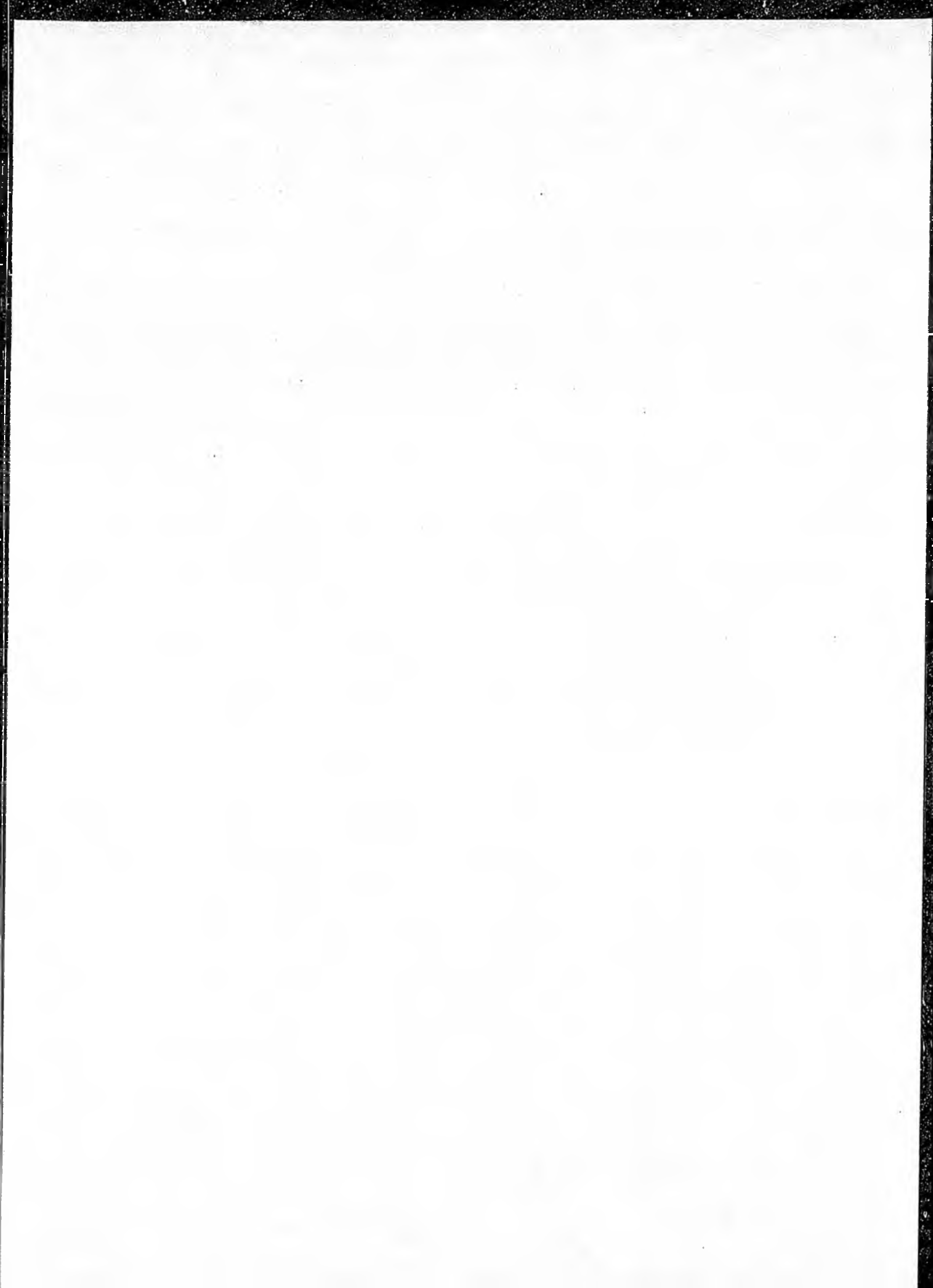
Should you have any further questions, or require more information, please contact my Administrative Services Director, Dwayne B. Peeples at 465-3339.

Sincerely,


Margaret M. Pugh
Commissioner

CC: Dwayne B. Peeples, Director
Division of Administrative Services

Lawrence W. Jones, Executive Director
Alaska Board of Parole



STATE OF ALASKA /

DEPARTMENT OF CORRECTIONS

TONY KNOWLES, GOVERNOR

BOARD OF PAROLE

ALASKA BOARD OF PAROLE

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Larry Jones, Executive Director

February 9, 2001

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RECEIVED
FEB 26 2001
LEGISLATIVE AUDIT

Dear Ms. Davidson:

I wish to thank you for the opportunity to respond to the Preliminary Audit Report (Audit Control Number 20-20006-01) relating to the sunset audit for the Alaska Board of Parole. The professionalism and cooperation exhibited by your office and the audit firm during the course of the field work portion of the audit was appreciated. I offer the following brief responses to the Findings and Recommendations noted in this preliminary report.

The Board does fully support the opinion that the board's termination date be extended to June 30, 2005. Even further extension of the termination date would seemingly be in the best fiscal interest of the state.

Recommendation No. 1

The Board of Parole should develop a formal Memorandum of Understanding with the Department of Corrections to formally reflect the de facto partial "delegation" of the board's responsibilities under statute for the notification of victims of their right to comment at parole hearings.

The Board does appreciate your recommendation of developing a formal Memorandum of Understanding (MOU) with the Department of Corrections to establish the practical and logistical victim notification process, which in fact has been occurring for a number of years. The Board has internally expressed some concern about the liability that the Board may hold should this process not function properly, and a Memorandum of Understanding seems a valid mechanism for formalizing that relationship with the Department of Corrections. The Board will initiate discussions with the Department of Corrections in the near future.

Recommendation No. 2

The board should 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 of Parole.

The Board of Parole accepts this recommendation, and will provide to the Office of the Governor (through the Office of Boards and Commissions) in the near future a recommended statement of compensation for Board members that accurately and in greater detail expresses the mechanism for member compensation that has been in effect for a number of years. I am pleased that you recognize that this methodology for compensation in fact results in a savings to the state for compensation paid (rather than strictly adhering to the simplistic full-day and half-day compensation scenario). The Board is constantly aware of the expenses which they incur, including compensation, and makes a full attempt to be as efficient as possible in its operations.

Recommendation No. 3

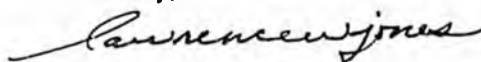
The board should initiate procedures that allow for a review of the risk assessment form to ensure that all mathematical calculations are performed correctly.

The Board accepts this recommendation and will implement review procedures as soon as possible in order to assure accuracy of calculations.

In review of the remainder of the Preliminary Audit, the Board of Parole is in agreement with your analyses, findings and statements. The Board continues to be a primary proponent of attempts to develop "additional treatment programs, including substance abuse and sex offender treatment programs, particularly in rural Alaska" as presented by the Criminal Justice Assessment Commission.

Should you have further questions or desire additional input please feel free to contact me or Larry Jones (465-3304).

Sincerely,


for David F. Cooper
Chair, Alaska Board of Parole

cc: Margaret Pugh, Commissioner, Department of Corrections
Larry Jones, Executive Director, Alaska Board of Parole

HB

52

TONY KNOWLES
GOVERNOR
governor@gov.state.ak.us

STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

HB 52
P.O. Box 110001
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(907) 465-3500
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January 10, 2001

The Honorable Brian Porter
Speaker of the House
Alaska State Legislature
State Capitol
Juneau, AK 99801-1182

Dear Speaker Porter:

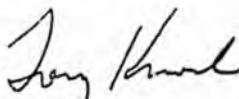
With this bill I transmit today, Alaska has the opportunity to increase supervision of criminal offenders who travel across state lines, thereby contributing to the growing national interest in protecting victims' rights. This bill allows Alaska to participate in the Interstate Compact for Adult Offender Supervision, joining other states in replacing the now-outdated Interstate Compact on Probation and Parole.

The current compact was enacted in 1937 and can no longer adequately deal with the more than four million offenders on probation and parole, 250,000 of which will cross state lines this year. The proposed new compact provides for an interstate commission to coordinate the transfer and supervision of probationers and parolees between states, as well as enforcement mechanisms for states who fail to abide by the rules of the compact.

A state council would also be created to exercise oversight and advocacy concerning the state's participation in the Interstate Commission as well as to make recommendations to the legislature to facilitate the operations and procedures of the compact within the state.

I urge your prompt and favorable consideration of this bill.

Sincerely,


Tony Knowles
Governor

HB 52

**Sectional Analysis of HB 52 and SB 25
(An Act Relating to the Interstate Compact for Adult Offender Supervision)**

Section 1. Legislative findings that: (1) existing Interstate Compact (ICSPP) is the oldest corrections compact among the states and has not been amended since its adoption 62 years ago; (2) the ICSPP currently has jurisdiction over more than a quarter million offenders and is inadequate to address problems associated with interstate movement of probationers and parolees; and (3) acknowledges national recommendations to change the ICSPP to effectively manage interstate movement of probationers/parolees to better address public safety and offender accountability.

Section 2. Repeals and reenacts AS 33.36.110 (current Interstate Compact) as the Interstate Compact For Adult Offender Supervision. [This Compact was drafted by a group sponsored by the National Institute of Corrections.]

- Article I (pages 2-3) – discusses Purpose and Policy of Compact to promote public safety and protect victims' rights through better management, control, and tracking of movement of interstate offenders, and to equitably distribute the costs, benefits and obligations of the Compact among the participating states.

Discusses creation of Interstate Commission that will establish uniform procedures to manage and track interstate movement of offenders, improve information systems that will assist in goals of public safety and victim notice, report on activities of Compact to all branches of government, and coordinate training of officials monitoring offenders.

- Article II (pages 3-5) – definitions of terms used in the Compact.
- Article III (pages 5-6) - creates the **Interstate Commission** for Adult Offender Supervision, which consists of representatives from each member state (commissioners) appointed by a **State Council** from each state. Discusses membership of the State Council, which is created in Alaska through AS 33.36.140 in section 3 of this bill (page 20). Directs that the State Council shall appoint as its commissioner to the Interstate Council, the compact administrator from the state (see AS 33.36.130 in section 3 of this bill (page 20)).

Provides that, in addition to the commissioners from each state, who shall be the voting members, the Interstate Commission shall include ex-officio non-voting members, including representatives from governor's organizations, legislators, state chief justices, attorneys general, and crime victims.

Each compacting state has one vote on the Interstate Commission, which shall meet at least once each year. The Interstate Commission shall establish an executive committee to act on its behalf when not in session, except for rule-making and amending the Compact.

- Article IV (pages 6-8) – provides the Powers and Duties of the Interstate Commission, the most important of which include: rule-making authority which shall be binding on the compacting states; oversee, supervise and coordinate the interstate movement of offenders; enforce compliance with compact provisions; appoint committees and hire staff; provide for dispute resolution among the compacting states; report annually to the legislatures, governors, judiciary and state councils of the compacting states concerning the preceding year's activities of the Interstate Commission; coordinate education, training and public awareness regarding interstate movement of offenders; and establish uniform standards for reporting, collecting and changing data.
- Article V (pages 8-10) - Organization and Operation of the Interstate Commission. The Interstate Commission shall, within 12 months of its first meeting, adopt by-laws to govern its conduct and carry out the purposes of the Compact; lists several areas that must be addressed in by-laws.
- Article VI (pages 10-12) – Activities of the Interstate Commission. Highlights include: each member state shall have one vote; authorizes Interstate Commission to adopt by-law to provide for telephonic or telecommunication or electronic participation in meetings; all meetings shall be open to the public with public notice given, with limited exceptions.
- Article VII (pages 12-14) – Rulemaking Functions of the Interstate Commission. Mandates the Interstate Commission to adopt rules to effectively achieve the purposes of the Compact, including transition rules during the period in which the Compact is being considered and enacted by the states. Rulemaking shall substantially comply with the federal Administrative Procedure Act. A majority of the compacting states can reject a rule through legislative action. Proposed rules must be published, a hearing provided and the opportunity for public comment before they may be enacted.

This section also provides what subjects must be addressed through rulemaking within 12 months of the first meeting of the Interstate Commission, including: notice to victims; offender registration; transfer procedures; restitution; level of supervision; transition rules between effective date of the Compact and date on which the last eligible state adopts the Compact; and mediation and dispute resolution between the member states.

Provides that the existing rules for the current Interstate Compact will remain in effect only until 12 months after the first meeting of the Interstate Commission.

- Article VIII (pages 14-15) – Oversight, Enforcement and Dispute Resolution by the Interstate Commission. Requires the Interstate Commission to oversee interstate movement of offenders in compacting states and monitor these activities in non-compacting states that may significantly affect compacting states. Directs the courts and executive agencies in member states to enforce the Compact; and provides that

the Interstate Commission is entitled to receive service of process, and has the right to intervene, in all judicial or administrative proceedings that pertain to the Compact and that may affect the powers, responsibilities or actions of the Interstate Commission (implemented by two court rule changes in section 6 of this bill (pages 21-22)).

Provides procedures for the Interstate Commission to resolve disputes between states, and to enforce the provisions of the Compact using any of the enforcement mechanisms set out in Article XI (pages 16-19).

- Article IX (pages 15-16) – Finance. Obligates the Interstate Commission to pay for the costs it incurs, to levy and collect annual dues from each compacting state to cover operational costs based upon a formula focusing on population of the state and the volume of interstate offender movement [Alaska is projected to be in the group of states with the lowest annual assessment]. Provides that the Interstate Commission must follow usual responsible rules of finance and accounting, and requires an annual audit by a certified or licensed public accountant to be included in annual report.
- Article X (page 16) – Compacting States' Effective Date and Amendments. Provides that the Compact shall become effective after 35 states have enacted it. No amendment to the Compact shall become effective unless it is enacted into law by unanimous consent of the compacting states.
- Article XI (pages 16-19) – Withdrawal, Default, Termination and Judicial Enforcement. A compacting state may withdraw from the Compact by enacting a statute repealing the statute that enacted the Compact. Provides authority for the Interstate Commission to impose penalties on a member state that defaults in any of its obligations under the Compact, the by-laws or duly adopted rules, including fines, suspension and termination of membership in the Compact, and judicial enforcement of compliance with Compact requirements.
- Article XII (page 19) – Severability and Construction. Standard language re enforceability of remaining provisions if any particular provision is found to be unenforceable.
- Article XIII (pages 19-20) – Binding effect of Compact and other laws. Clarifies relationship between the Compact and any conflicting laws.

Section 3. AS 33.36 is amended to add sections to implement provisions of the Compact in Alaska.

- AS 33.36.130 provides that the governor shall appoint the compact administrator in Alaska, and describes the responsibilities of the compact administrator to manage the state's supervision and transfer of offenders, and to report to the State Council under AS 33.36.140.

- AS 33.36.140 creates the State Council to implement the provisions of the Compact. the State Council is composed of seven members including five voting members: the commissioner of corrections, the compact administrator, an attorney employed in the Department of law appointed by the governor, two members appointed by the governor from citizens of the state, at least one of whom must be a representative from victim's groups; and one ex officio nonvoting member from the legislative branch selected by the legislature and one ex officio nonvoting member from the judicial branch selected by the judiciary. (Note: The makeup of the State Council is consistent with the requirements of Article III (b) of the Compact on page 5 of the bill.)

The commissioner of corrections or the commissioner's designee serves as the chair of the State Council. The citizen members of the State Council serve for three year terms, and these members and the Department of law representative serve at the pleasure of the governor.

This section sets out the duties of the State Council, including: designating the compact administrator as the state's commissioner to the Interstate Council, exercising oversight and advocacy concerning the state's participation in the Interstate Commission, and making recommendations to the legislature to facilitate the implementation of the Compact and its rules and bylaws.

Section 4. Amends AS 39.25.120(c) to place the compact administrator in the partially exempt service.

Section 5. Repeals As 33.36.120, the definition section of the current Interstate Compact.

Section 6. Amends Civil Rule of Procedure 4 to require service of process on the Interstate Commission as required by Article VIII(a)(2) of the Compact (page 14), and makes clear that this section of the Compact takes effect only if it receives a two-thirds majority of each house.

Section 7. Amends Civil Rule of Procedure 24 to give the Interstate Commission standing to intervene in a judicial proceeding as required by Article VIII(a)(2) of the Compact (page 14), and makes clear that this section of the Compact takes effect only if it receives a two-thirds majority of each house.

Section 8. Instructs the revisor of statutes to change the name of the Compact to the Interstate Compact for Adult Offender Supervision..

Section 9. Effective date. Provides that this Act takes effect only if at least 34 other states ratify the Compact, and the effective date will be the day the commissioner of corrections notifies the revisor of statutes that at least 34 other states have ratified the Compact, or July 1, 2001, whichever is later.

From Dept of Corrections

INTERSTATE COMPACT FOR ADULT OFFENDER SUPERVISION

TALKING POINTS

- Interstate compacts are not new or unique. There are more than 200 interstate compacts in existence today, and 17 are Corrections and Crime Control compacts. While all states, the District of Columbia, Puerto Rico and the Virgin Islands are party to the existing Parole and Probation Interstate Compact, it is actually rather rare to have that many party states.
- Interstate compacts are:
 - (a) Agreements between two or more states that bind them to the compact's provisions.
 - (b) Subject to the substantive principles of contract law.
 - (c) Protected by the constitutional prohibition against laws that impair the obligations of contracts.
 - (d) This means that:
 - Compacting states are bound to observe the terms of the agreements -- even if those terms are inconsistent with other state laws.
 - Compacts have the force and effect of statutory law.
 - Compacts take precedence over conflicting state laws.
- There are over 4 million offenders on probation and parole in the United States today. 250,000 will cross state lines this year.
- Offenders who travel from state to state are currently overseen by about 3,285 different local parole and probation offices, which operate within 860 different agencies. This fragmented system makes it nearly impossible to adequately account for all offenders.
- Managing offender populations is becoming increasingly complex. State and local governments are passing measures dealing with special offender and high-risk groups such as registration of sex offenders and notification to victims regarding offender locations. Probation and parole must be able to satisfy compliance requirements, track the location of offenders, smoothly transfer supervision authority, and when necessary return offenders to the originating jurisdictions. Interstate activity involving offenders must be governed by public policies that ensure equity and justice for all involved parties, including victims of crime.

- States are responsible and can be held liable for the movement and actions of offenders who move in and out of their state. This should be of increasing concern for states, given the ease of interstate travel we currently enjoy.
- The existing compact has been in existence, unchanged, since 1937. It is two pages long and currently costs states about \$400 per year to participate.
- The existing Compact authority and structure are seriously outdated. Symptoms include: the rule making group is not specifically created in compact language and is not legally empowered to carry out certain key activities; it is difficult to create new rules; there is limited ability to enforce rule compliance; and exchange of case information is slow and unreliable.
- The current Compact has no provisions for staff and no national system or agency to monitor the flow of offenders from state to state.
- Under the existing compact, violations are frequent. There is simply not a structure presently in place that can effectively monitor the movement of parolees and probationers across state lines.
- Primary goals of the revised Interstate Compact include:
 - (a) The establishment of an independent compact operating authority to administer ongoing compact activity, including a provision for staff support.
 - (b) Policymaking level appointment representations of all member states on a national governing commission which meets annually to elect the compact operating authority members, and to attend to general business and rule making procedures.
 - (c) Rule making authority, provision for significant sanctions to support essential compact operations.
 - (d) Mandatory funding mechanism sufficient to support essential compact operations (staffing, data collection, training/education, etc.)
 - (e) Compel collection of standardized information.
- The revised Compact is the result of nearly a year of public hearings, research and informed dialogue among legislators, attorneys general, parole and probation officials and victims' rights groups.
- The Compact can be in place, ready to work, by July 1, 2001 if passed by 35 states or upon passage by the 35th state.

- The revised Compact is a contract between states. As such, states wishing to participate in a compact must adopt identical Compact provisions.
- The Compact mandates more efficient communications between states and state agencies. It compels creation of National Database, utilizing current communications technology that will allow states to share critical offender information.
- The revised Compact facilitates state autonomy **AND** national cooperation:
 - (a) By establishing State Councils, a state appointed group which will oversee the interests of all three branches of government in that state, states can ensure that state officials are aware of the Compact and that the state is taking full advantage of the Compact's structure and benefits.
 - (b) By participating in the National Commission, composed of voting members from all member states and territories, states will help to develop the means to identify, track and account for the controlled movement of offenders. The Commission would also promulgate rules for states as well as resolve disputes between states.
- States determine the structure, composition and budget of the State Councils.
- State Council membership must include at least one representative from the legislative, executive and judicial branches of government, victim groups and the Compact Administrator.
- Each state determines the qualifications of the Compact Administrator who shall be appointed either by the Governor in consultation with the Legislature and the Judiciary; or by the State Council.
- State dues in support of the National Commission are based on a formula to be developed by the state within the National Commission. Key components will include a state's population and a state's volume of interstate movement of offenders. Smaller states with a lower volume of offender movement could expect to pay less and a larger state with a higher volume of offender movement could expect to pay proportionately more.
- Rules and bylaws for the National Commission are developed and passed by the Commission and have the effect of law upon states. However, should a majority of states reject a rule, it will have no further force and effect in any Compacting State. Existing rules and bylaws under the current compact will remain in effect during the first year until the Commission promulgates rules and bylaws which supercede the previous rules.
- The National Commission will have an Executive Committee, composed of Compact Administrators from member states.

Article 3. INTERSTATE COMPACT ON PROBATION AND PAROLE

Section

110. Authorizing governor to execute interstate compact.

120. Definition.

Sec. 33.36.110. Authorizing governor to execute interstate compact.

The governor of Alaska is hereby authorized and directed to execute a compact on behalf of the state with any of the United States legally joining in it in the form substantially as follows:

A COMPACT

Entered into by and among the contracting states, signatories hereto, with the consent of the Congress of the United States of America, granted by an act entitled "An act granting the consent of Congress to any two or more states to enter into agreements or compacts for cooperative effort and mutual assistance in the prevention of crime and for other purposes." (Public Law 970, 84th Congress, Second Session)

The contracting states solemnly agree:

(1) That it shall be competent for the duly constituted judicial and administrative authorities of a state party to this compact (herein called "sending state"), to permit any person convicted of an offense within such state and placed on probation or released on parole to reside in any other state party to this compact (herein called "receiving state"), while on probation or parole, if:

(a) Such person is in fact a resident of or has the person's family residing within the receiving state and can obtain employment there;

(b) Though not a resident of the receiving state or not having the person's family residing there, the receiving state consents to such person being sent there.

Before granting such permission, opportunity shall be granted to the receiving state to investigate the home and prospective employment of such person.

A resident of the receiving state, within the meaning of this section, is one who has been an actual inhabitant of such state continuously for more than one year before coming to the sending state and has not resided within the sending state more than six continuous months immediately preceding the commission of the offense for which the person has been convicted.

(2) That each receiving state will assume the duties of visitation of and supervision over probationers or parolees of any sending state and in the exercise of those duties will be governed by the same standards that prevail for its own probationers and parolees.

(3) That duly accredited officers of a sending state may at all times enter a receiving state and there apprehend and retake any person on probation or parole. For that purpose no formalities will be required other than establishing the authority of the officer and the identity of the person to be retaken. All legal requirements to obtain extradition of fugitives from justice are hereby expressly waived on the part of states party hereto, as to such persons. The decision of the sending state to retake a person on probation or parole shall be conclusive upon and not reviewable within the receiving state. Provided, however, that if at the time when a state seeks to retake a probationer or parolee there should be pending against the person within the receiving

state any criminal charge, or the person should be suspected of having committed within such state a criminal offense, the person shall not be retaken without the consent of the receiving state until discharged from prosecution or from imprisonment for such offense.

(4) That the duly accredited officers of the sending state will be permitted to transport prisoners being retaken through any and all states parties to this compact, without interference.

(5) That the governor of each state may designate an officer who, acting jointly with like officers of other contracting states, if and when appointed, shall promulgate such rules and regulations as may be deemed necessary to more effectively carry out the terms of this compact.

(6) That this compact shall become operative immediately upon its execution by any state as between it and any other state or states so executing. When executed it shall have the full force and effect of law within such state, the form of execution to be in accordance with the laws of the executing state.

(7) That this compact shall continue in force and remain binding upon each executing state until renounced by it. The duties and obligations hereunder of a renouncing state shall continue as to parolees or probationers residing therein at the time of withdrawal until retaken or finally discharged by the sending state. Renunciation of this compact shall be by the same authority which executed it, by sending six months' notice in writing of its intention to withdraw from the compact to the other state party hereto.

(8) Whenever the duly constituted judicial and administrative authorities in a sending state shall determine that incarceration of a probationer or reincarceration of a parolee is necessary or desirable, said officials may direct that the incarceration or reincarceration be in a prison or other correctional institution within the territory of the receiving state, such receiving state to act in that regard solely as agent for the sending state.

(9) As used in this amendment, the term "receiving state" shall be construed to mean any state, other than the sending state, in which a parolee or probationer may be found, provided that said state is a party to this amendment.

(10) Every state which adopts this amendment shall designate at least one of its correctional institutions as a "Compact Institution" and shall incarcerate persons therein as provided in subsection (8) hereof unless the sending and receiving state in question shall make specific contractual arrangements to the contrary. All states party to this amendment shall have access to "Compact Institutions" at all reasonable hours for the purpose of inspecting the facilities thereof and for the purpose of visiting such of said state's prisoners as may be confined in the institution.

(11) Persons confined in "Compact Institutions" under the terms of this compact shall at all times be subject to the jurisdiction of the sending state and may at any time be removed from said "Compact Institution" for transfer to a prison or other correctional institution within the sending state, for return to probation or parole, for discharge, or for any other purpose permitted by the laws of the sending state.

(12) All persons who may be confined in a "Compact Institution" under the provisions of this amendment shall be treated in a reasonable and humane manner. The fact of incarceration or reincarceration in a receiving state shall not deprive any person so incarcerated or reincarcerated of any rights which said person would have had if incarcerated or reincarcerated in an appropriate institution of the sending state; nor shall any agreement to submit to incarceration or reincarceration under the terms of this amendment be construed as a waiver of any rights which the prisoner would have had if the prisoner had been incarcerated or reincarcerated in any

appropriate institution of the sending state, except that the hearing or hearings, if any, to which a parolee or probationer may be entitled (before incarceration or reincarceration) by the laws of the sending state may be had before the appropriate judicial or administrative officers of the receiving state. In this event, said judicial and administrative officers shall act as agents of the sending state after consultation with appropriate officers of the sending state.

(13) Any receiving state incurring costs or other expenses under this amendment shall be reimbursed in the amount of such costs or other expenses by the sending state unless the states concerned shall specifically otherwise agree. Any two or more states party to this amendment may enter into supplementary agreements determining a different allocation of costs as among themselves.

(§ 2 ch 138 SLA 1957; am § 1 ch 106 SLA 1960)

Revisor's notes. Formerly AS 33.10.010. Renumbered in 1985.

NOTES TO DECISIONS

Cited in *Gonzales v. State*, 586 P.2d 178 (Alaska 1978).

Sec. 33.36.120. Definition.

In AS 33.36.110 the term "state" means the several states and the Commonwealth of Puerto Rico, the Virgin Islands and the District of Columbia.

(§ 1 ch 138 SLA 1957)

Revisor's notes. Formerly AS 33.10.020. Renumbered in 1985.

NOTES TO DECISIONS

Sec. 39.25.120. Partially exempt service.

(a) Positions in the partially exempt service are included in the position classification plan established under this chapter and are compensated according to the pay plan under AS 39.27.011.

(b) A person holding a position in the partially exempt service is not required to complete an assessment and is not eligible for a hearing by the personnel board in case of dismissal, demotion, or suspension. Positions in the partially exempt service are specifically exempt from the rules established under AS 39.25.150(3) - (10), (12), (13), and (16).

(c) The following positions in the state service constitute the partially exempt service:

(1) deputy and assistant commissioners of the principal departments of the executive branch, including the assistant adjutant general of the Department of Military and Veterans' Affairs;

(2) the directors of the major divisions of the principal departments of the executive branch and the regional directors of the Department of Transportation and Public Facilities;

(3) attorney members of the staff of the Department of Law, of the public defender agency, and of the office of public advocacy in the Department of Administration;

(4) one private secretary for each head of a principal department in the executive branch;

(5) employees of councils, boards, or commissions established by statute in the Office of the Governor or the office of the lieutenant governor, unless a different classification is provided by statute;

(6) not more than two special assistants to the commissioner of each of the principal departments of the executive branch, but the number may be increased if the partially exempt service is extended under AS 39.25.130 to include the additional special assistants;

(7) the principal executive officer of the following boards, councils, or commissions:

(A) Alaska Public Broadcasting Commission;

(B) Professional Teaching Practices Commission;

(C) Parole Board;

(D) Board of Nursing;

(E) Real Estate Commission;

(F) Alaska Royalty Oil and Gas Development Advisory Board;

(G) Alaska State Council on the Arts;

(H) Alaska Police Standards Council;

(I) Alaska Commission on Aging;

(J) Alaska Mental Health Board;

(K) State Medical Board;

(L) Governor's Council on Disabilities and Special Education;

(M) Advisory Board on Alcoholism and Drug Abuse;

(8) Alaska Pioneers' Home managers;

(9) hearing examiners in the Department of Revenue;

(10) the comptroller in the division of treasury, Department of Revenue;

(11) airport managers in the Department of Transportation and Public Facilities employed at the Anchorage and Fairbanks International Airports;

(12) the deputy director of the division of insurance in the Department of Community and

Economic Development;

- (13) the executive director and staff of the Alaska Public Offices Commission;
- (14) the rehabilitation administrator of the Workers' Compensation Board;
- (15) guards employed by the Department of Public Safety for emergencies;
- (16) marine pilot coordinator of the Board of Marine Pilots;
- (17) employees of the unit established under AS 44.37.050;
- (18) guards employed by the Department of Corrections, other than in state correctional facilities, to carry out the responsibility of the commissioner of Corrections under AS 33.30.071(b);
- (19) hearing officers and administrative law judges of the Regulatory Commission of Alaska.

(§ 6 ch 144 SLA 1960; am § 2 ch 48 SLA 1961; am § 2 ch 133 SLA 1961; am § 4 ch 5 SLA 1966; am § 3 ch 104 SLA 1969; am § 2 ch 109 SLA 1969; am § 4 ch 78 SLA 1971; am § 9 ch 47 SLA 1974; am § 4 ch 82 SLA 1975; am § 10 ch 207 SLA 1975; am § 2 ch 157 SLA 1976; am § 19 ch 263 SLA 1976; am E.O. No. 39 § 6 (1977); am § 1 ch 103 SLA 1978; am § 2 ch 108 SLA 1978; am E.O. No. 41 § 3 (1980); am E.O. No. 42 §§ 3, 4 (1980); am E.O. No. 43 § 4 (1980); am E.O. No. 44 § 5 (1980); am E.O. No. 45 § 3 (1980); am E.O. No. 46 § 4 (1980); am § 18 ch 115 SLA 1980; am § 3 ch 79 SLA 1981; am § 4 ch 110 SLA 1981; am E.O. No. 48 § 3 (1981); am § 4 ch 50 SLA 1982; am § 26 ch 93 SLA 1982; am § 8 ch 112 SLA 1982; am 1983 Initiative Proposal No. 2, § 6; am § 106 ch 6 SLA 1984; am § 15 ch 55 SLA 1984; am § 2 ch 103 SLA 1984; am E.O. No. 58 § 18 (1984); am § 59 ch 21 SLA 1985; am § 54 ch 37 SLA 1986; am § 2 ch 84 SLA 1986; am § 5 ch 48 SLA 1987; am § 12 ch 98 SLA 1988; am § 1 ch 107 SLA 1988; am § 33 ch 141 SLA 1988; am E.O. No. 69 § 22 (1988); am E.O. No. 79 § 2 (1991); am § 13 ch 66 SLA 1991; am § 28 ch 89 SLA 1991; am § 21 ch 6 SLA 1993; am E.O. No. 83 § 20 (1993); am § 18 ch 5 FSSLA 1994; am § 3 ch 92 SLA 1995; am ch 30 § 43; am E.O. No. 94 § 2 (1996); am §§ 4, 24 ch 25 SLA 1999; am §§ 43, 84 ch 58 SLA 1999; am § 2 ch 111 SLA 2000)

Revisor's notes. Paragraph (c)(17), formerly (c)(18), was renumbered in 1984. Paragraph (c)(18), enacted as (c)(19), was renumbered in 1984. Paragraph (c)(20), enacted as (c)(19), was renumbered in 1986.

In 1992, under § 6, ch. 13, SLA 1992, and AS 01.05.031, "Governor's Council on Disabilities and Special Education" was substituted for "Governor's Council for the Handicapped and Gifted."

Paragraph (24) was enacted as (19). Renumbered in 1995.

Paragraph (c)(19) was enacted as (c)(25). Renumbered in 1999, at which time the section was renumbered to reflect the 1983 repeal of former (c)(7), the 1988 repeal of former (c)(13) and (19), and 1993 repeal of former (c)(9)(G) and former (c)(20), and the 1999 repeal of former (c)(6) and (21).

Effect of amendments. The first 1991 amendment, effective March 23, 1991, added paragraph (c)(21).

The second 1991 amendment, effective July 2, 1991, added paragraph (c)(22).

The first 1993 amendment, effective April 14, 1993, repealed paragraph (c)(20).

The second 1993 amendment, effective July 1, 1993, repealed subparagraph (c)(9)(G).

The 1994 amendment, effective June 24, 1994, added paragraph (c)(23).

The 1995 amendment, effective July 1, 1995, added paragraph (c)(24).

The first 1996 amendment, effective May 16, 1996, substituted "Alaska Commission on Aging" for "Older Alaskans Commission" in subparagraph (c)(9)(J).

The second 1996 amendment, effective July 1, 1996, in paragraph (c)(21), substituted "assigned to" for "of the division of," inserted "functions," and added a section reference at the end.

The first 1999 amendment, effective July 1, 1999, added paragraph (c)(19) and repealed paragraph (c)(6).

The second 1999 amendment, effective July 1, 1999, in paragraph (c)(12), deleted "The deputy director of the division of tourism and" from the beginning and substituted "Community" for "Commerce", and repealed paragraph (c)(21).

The 2000 amendment, effective August 31, 2000, substituted "complete an assessment" for "take an examination or qualify or earn a place on a register" in the first sentence in subsection (b).

Effective dates. Under § 58(a), ch. 66, SLA 1991, as amended by § 37, ch. 5, FSSLA 1994 and § 2, ch. 1, SSSLA 1994, this section, as set out above, took effect December 16, 1994.

FISCAL NOTE

STATE OF ALASKA
2001 LEGISLATIVE SESSION

Fiscal Note Number: 1
 Bill Version: HB 52
 (H) Publish Date: 01/10/01

Revision Date/Time (Note if correction): 1/5/01 Dept. Affected: Corrections
 Title: Interstate Compact for Adult Supervision BRU: Administration & Operations
 Component: All
 Sponsor: Rules Committee
 Requester: Governor Component Number: 694

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
Personal Services						
Travel	13.7	5.7	5.7	5.7	5.7	5.7
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous	18.0	18.0	18.0	18.0	18.0	18.0
TOTAL OPERATING	31.7	23.7	23.7	23.7	23.7	23.7

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

1002 Federal Receipts						
1003 GF Match						
1004 GF	31.7	23.7	23.7	23.7	23.7	23.7
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
TOTAL	31.7	23.7	23.7	23.7	23.7	23.7

Estimate of any current year (FY2001) cost: 0.0

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

All States joining the Interstate Compact for Adult Offender Supervision will be assessed a fee depending on the size of the offender population, etc. The State of Alaska has been tentatively assessed at \$18,000/year. These fees will pay for the administrative costs of the Compact.

It is anticipated that the first year of the new Compact, there will be at least three meetings of the Interstate Commission in order to develop the by-laws and rules by which the Compact will operate. All joining States will have their Interstate Compact Commissioner or designee attend in order to provide input. This fiscal note provides for three trips to Washington D.C., where the main office of the Compact will be. The travel expense reflects 3 roundtrip airfares at \$1500 each, 5 days per diem for each trip at \$42/day and 4 nights in a hotel in Washington D.C. per trip at \$150/night. Additionally, I have included two meetings of the State Council the 1st year for 4 people. The cost includes airfare at \$500 per member as well as \$115/day per diem for 3 days each. The subsequent years reflect one meeting for each body.

Prepared by: Candace Brower Phone 465-4652
 Division: Commissioner's Office Date/Time 1/5/01 3:45 p.m.
 Approved by: Margaret M. Pugh, Commissioner Date 1/5/01
 Agency: Department of Corrections

For distribution information, call the Governor's Legislative Office

ANALYSIS: (continued)

We have not requested a position in this fiscal note. There is someone in an equivalent position already in place in the Department. At some time in the future, it may become necessary to request an additional position should the demands of the workload become too great.

FISCAL NOTE

STATE OF ALASKA
2001 LEGISLATIVE SESSION

Fiscal Note Number: 2
Bill Version: HB52
() Publish Date: _____

Revision Date/Time(Note if Correction): 03/26/01/15:00 Dept. Affected: Correction
Title: An Act relating to the Interstate Compact for Adult BRU: Administration & Operations
Offender Supervision and the State council for Interstate Adult... Component: Community Corrections
Sponsor: Rules Committee
Requester: Governor Component Number: 1382

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
Personal Services						
Travel	6.8	3.4	3.4	3.4	3.4	3.4
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous	18.0	18.0	18.0	18.0	18.0	18.0
TOTAL OPERATING						

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

1002 Federal Receipts						
1003 GF Match						
1004 GF	24.8	21.4	21.4	21.4	21.4	21.4
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
TOTAL	24.8	21.4	21.4	21.4	21.4	21.4

Estimate of any current year (FY2001) cost: 0.0

Check this box (X) if funding for this bill is included in the Governor's FY 2002 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

Due to a misunderstanding, the previous fiscal note for this bill reflected costs for the Interstate Commissioner's travel to Washington D.C. for meetings. Actually, those costs are included in the \$18,000 fees. Therefore, the fiscal note is reduced by \$6,900 the first year and \$2,300 in subsequent years.

Prepared by: Candace Brower
Division: Commissioner's Office
Approved by: Margaret Pugh
Agency: Department of Corrections

Phone 465-4652
Date/Time 03/26/01/5:30 pm
Date 3/26/01

For distribution information, call the Governor's Legislative Office

HB

67

22-LS0299V
Ford
4/4/01

Adopted

CS FOR HOUSE BILL NO. 67(JUD)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SECOND LEGISLATURE - FIRST SESSION

BY THE HOUSE JUDICIARY COMMITTEE

Offered:
Referred:

Sponsor(s): REPRESENTATIVE ROKEBERG

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to motor vehicle liability insurance for taxicabs."

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

3 * Section 1. AS 28.20.440(b) is amended to read:

4 (b) The owner's policy of liability insurance must

5 (1) designate by description or appropriate reference all vehicles that it
6 covers;

7 (2) except as required under AS 28.22.101(g), insure the person
8 named and every other person using the vehicle with the express or implied
9 permission of the named insured, against loss from the liability imposed by law for
10 damages arising out of the ownership, maintenance, or use of the vehicle within the
11 United States or Canada, subject to limits exclusive of interest and costs, with respect
12 to each vehicle, as follows: \$50,000 because of bodily injury to or death of one person
13 in any one accident, and, subject to the same limit for one person, \$100,000 because of
14 bodily injury to or death of two or more persons in any one accident, and \$25,000
15 because of injury to or destruction of property of others in any one accident;

1 (3) contain coverage in not less than the amounts set out in (2) of this
2 subsection for the protection of the persons insured under the policy who are legally
3 entitled to recover damages from owners or operators of uninsured or underinsured
4 motor vehicles because of bodily injury or death, or damage to or destruction of
5 property arising out of the ownership, maintenance, or use of the uninsured or
6 underinsured motor vehicle; this coverage must comply with the provisions of
7 AS 28.20.445.

8 * Sec. 2. AS 28.22.101(d) is amended to read:

9 (d) Except as provided under (g) of this section, a [A] motor vehicle
10 liability policy must provide coverage in the United States or Canada, subject to limits
11 exclusive of interest and costs, with respect to each vehicle, as follows:

12 (1) \$50,000 because of bodily injury to or death of one person in one
13 accident, and, subject to the same limit for one person, \$100,000 because of bodily
14 injury to or death of two or more persons in one accident; and

15 (2) \$25,000 because of injury to or destruction of property of others in
16 one accident.

17 * Sec. 3. AS 28.22.101 is amended by adding a new subsection to read:

18 (g) A motor vehicle liability policy that covers a taxicab must provide
19 coverage in the United States or Canada, subject to limits exclusive of interest and
20 costs, with respect to each vehicle, as follows:

21 (1) \$100,000 because of bodily injury to or death of one person in one
22 accident, and, subject to the same limit for one person, \$300,000 because of bodily
23 injury to or death of two or more persons in one accident; and

24 (2) \$50,000 because of injury to or destruction of property of others in
25 one accident.

FISCAL NOTE

STATE OF ALASKA
2001 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: CSHB67 (L&C)
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Administration
 Title: "An Act relating to motor vehicle liability insurance for taxicabs..." BRU: Motor Vehicles
 Sponsor: Representative Rokeburg Component: _____
 Requester: House Judiciary Component Number: 2348

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPLRATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
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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 (Specify Type)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2001) cost: 0.0

Check this box (X) if funding for this bill is included in the Governor's FY 2002 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

CSHB 67 (L&C) has no impact on the Division of Motor Vehicles.

Prepared by: Mary Marshburn, Director Phone 269-5559
 Division: Motor Vehicles Date/Time 04/05/01
 Approved by: J.m Duncan, Commissioner Date 4/5/01
 Agency: Department of Administration

For distribution information, call the Governor's Legislative Office

ALASKA STATE LEGISLATURE

House of Representatives

COMMITTEE ASSIGNMENTS:

JUDICIARY COMMITTEE, CHAIRMAN
LABOR & COMMERCE COMMITTEE, MEMBER
LEGISLATIVE COUNCIL, MEMBER
SPECIAL COMMITTEE ON ECONOMIC DEVELOPMENT &
TOURISM, MEMBER

website: <http://www.akrepublicans.org/Rokeberg.htm>



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JUNEAU, AK 99801-1182
PHONE: (907) 465-4968
FAX: (907) 465-2040

Representative Norman Rokeberg

e-mail: Representative_Norman_Rokeberg@legis.state.ak.us

SPONSOR STATEMENT

CSHB 67 (L&C)

An Act relating to motor vehicle liability insurance for taxicabs.

CSHB 67 (L&C) places in state statute minimum liability insurance limits for taxicabs of: \$300,000 for bodily injury or death of one person in one accident; \$500,000 for bodily injury or death of two more persons in one accident; and \$100,000 for injury to or destruction of property of others in one accident.

This minimum would in no way interfere with the ability of the local government to establish higher minimums to operate in a local area; it just sets a floor for statewide levels. Prudent business practice, and some local laws, already call for liability policies but this would make sure that all Alaskans have a reasonable expectation that the cab they are utilizing is covered by minimum insurance.

Your support of this legislation would be appreciated.

ED2:04/03/2001

Note: The draft JUD CS lowers the limits to \$100,000/\$300,000/\$50,000

FISCAL NOTE

STATE OF ALASKA
2001 LEGISLATIVE SESSION

Fiscal Note Number: 1
 Bill Version: CSHB 67(L&C)
 (H) Publish Date: 3/30/01

Revision Date/Time (Note if correction): _____ Dept. Affected: _____
 Title: HB 67 "An Act relating to motor vehicle BRU: _____
 liability insurance for taxicabs." Component: _____
 Sponsor: Representative Rokeberg _____
 Requester: House Labor & Commerce Component Number: _____

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
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						
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CHANGE IN REVENUES ()						
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FUND SOURCE (Thousands of Dollars)

FUND SOURCE	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2001) cost: 0.0

POSITIONS

Full-time						
Part-time						
Temporary						

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

This bill requires taxicabs to carry motor vehicle liability insurance. There is no anticipated fiscal impact to the state as a result of this legislation.

Prepared by: Amy Erickson, Committee Aide HL&C Phone 465-4954

Representative Murkowski Date 3/29/01
Committee Chair

Anchorage

TITLE 11 TRANSPORTATION*

Chapter 11.20 TAXICABS, LIMOUSINES AND VEHICLES FOR HIRE*

11.20.100 Taxicabs--Insurance required.

11.20 100 Taxicabs--Insurance required.

A. Before any permit is issued for any taxicab, the applicant shall furnish one or more policies or certificates of liability insurance issued by an insurance company that is an authorized insurer within the meaning of AS 21.90.900(5).

B. The insurance required by this section for vehicles with a manufacturer's rated seating capacity (or, if a mini-van, the seating capacity after seat removal to accommodate baggage), of six persons or less shall provide coverage as follows:

1. Combined single limit for all bodily injury or property damage arising from one accident: \$500,000.00; and

2. For all persons injured or dead in any one accident caused by an uninsured motorist: \$300,000.00.

C. The insurance required by this section for vehicles with a manufacturer's rated seating capacity (or, if a mini-van, the seating capacity after seat removal to accommodate baggage), of seven persons or more shall provide coverage as follows:

1. Combined single limit for all bodily injury or property damage arising from one accident: \$1,000,000.00; and

2. For all persons injured or dead in any one accident caused by an uninsured motorist: \$300,000.00.

D. The policy or policies of liability insurance shall be approved as to substance and form by the risk manager for the Municipality and filed with the Transportation Inspector. Insurance policies shall be issued for periods of not less than one year.

E. Every insurance policy or certificate shall contain a clause obligating the insurer or surety to give the Transportation Inspector written notice no less than 30 days before the cancellation, expiration, nonrenewal, lapse, or other termination of such insurance. A lapse, cancellation, expiration, nonrenewal, or termination of insurance coverage shall work an automatic suspension of any permit for so long as the permittee is without insurance as required by this section, and it shall be a violation of this chapter to provide taxicab service with a vehicle not insured as required by this section. The insurance policy shall list as a certificate holder:

Municipality of Anchorage
Transportation Inspection Division
P.O. Box 196650
Anchorage, Alaska 99519

(AO No. 57-75; AO No. 78-177; AO No. 79-58; AO No. 80-19(S); AO No. 81-149; AO No. 81-167; AO No. 85-87; AO No. 87-8; AO No. 87-126(S); AO No. 89-63; AO No. 98-51(S), § 2, 5-4-99; AO No. 2000-107, § 2, 7-25-00)

State law reference(s)--Insurance, AS 28.22.

11.20.110 Posting of insurance notice.

The Transportation Inspector shall designate a place in the interior of all vehicles regulated by this title for the posting of a notice stating "This vehicles is insured according to Municipal ordinances." No person may provide services with a regulated vehicle unless this notice is properly posted therein.

(AO No. 57-75; AO No. 78-177; AO No. 80-19(S); AO No. 87-8; AO No. 87-126(S); AO No. 98-51(S), § 2, 5-4-99)

11.20.120 Taxicabs--Records of service.



A. Every taxicab permittee shall ensure the maintenance of a current and accurate daily list for the taxicab operated pursuant to his or her permit of:

1. The name, address, telephone number, license number and expiration date for each chauffeur operating such taxicab and whether the chauffeur's working hours comply with AMC 11.30.060;
2. The dates of hire and termination for each chauffeur operating such taxicab;
3. The daily hours worked by each chauffeur operating such taxicab;
4. The number of daily hours each such taxicab is operated during each calendar month; and
5. The time and place of passenger pickup and delivery, the number of passengers, the amount of fare received, the time of the call for service and the name and license number of the chauffeur responding to that call. This information shall be provided for taxicabs on a "trip sheet."



B. A taxicab permittee may designate an agent to provide the records required by this section so long as:

1. Such agent is a resident of Alaska; and
2. The taxicab permittee executes an agreement establishing the agency relationship. The agreement shall be on a form provided by the Transportation Inspector with signatures notarized, and shall be filed with the Transportation Inspector.



C. The records maintained pursuant to subsection A of this section as well as any other records related to the operation of the permit shall be retained by the taxicab permittee for at least two years and shall be made available upon request of the Transportation Inspector or a police officer. The Transportation Inspector may request that the taxicab permittee forward the record to him or her on a monthly basis.

(AO No. 57-75; AO No. 78-177; AO No. 79-58; AO No. 80-19(S); AO No. 87-8)

11.20.130 Chauffeur training.

Every regulated vehicle permittee shall maintain or participate in maintenance of a chauffeur training and testing program approved by the Commission, providing training as described in section 11.30.020.C. The Commission shall have final authority for evaluation of the training and testing programs, but may delegate that authority. The Transportation Inspector shall evaluate test results to determine whether a chauffeur's license shall be issued pursuant to section 11.30.020.C.

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PART II CODE OF ORDINANCES

Chapter 86 VEHICLES FOR HIRE*

ARTICLE II. COMMERCIAL TRANSPORT VEHICLE

DIVISION 1. GENERALLY

Sec. 86-31. Definitions.

Faubanks

(1) *Taxicab* means any motor vehicle used for the purpose of transporting passengers, upon request, for a fee, over the streets of the city, the routes of which are neither fixed, defined nor regulated by law or municipal directive.

(2) *Motorbus* means any motor vehicle having a seating capacity of nine persons or more, according to the manufacturer's rating, operating over established and fixed routes or under private charter agreement, and serving the public at large or any person who is willing to pay the fare or fee assessed. School buses, church buses, any transportation service provided at no charge by a nonprofit corporation, shuttle buses or vans owned and used by hotels for pickup and delivery of hotel guests, and motorbuses owned or operated by the state or a political subdivision of the state shall not be governed by this article.

Limousine means a large luxury buslike sedan used for the purpose of transporting passengers, upon request, for a fee, over the streets of the city, the routes of which are neither fixed, defined nor regulated by law or municipal directive.

Operate shall mean picking up passengers in, delivering passengers to, or transporting passengers through the city.

(Code 1960, § 8.106)

Cross reference(s)--Definitions generally, § 1-2.

Secs. 86-32--86-50. Reserved.

DIVISION 2. PERMIT

Sec. 86-51. Required.

(a) No person shall operate or cause to be operated upon the streets of the city any commercial passenger transport vehicle unless the applicant shall first obtain, through application to the city, and thereafter hold effective a permit authorizing the operation of such vehicle upon the streets of the city. No permit shall be issued for a period greater than one year, and a permit shall be required for each vehicle operated under this section.

(b) After being given notice by the city, any person operating a vehicle or causing a vehicle to be so operated in violation of subsection (a) of this section shall be deemed guilty of a misdemeanor and upon conviction of such offense by a court shall be liable to punishment as prescribed in section 1-15.

(c) Upon approval of an application for a permit, the city clerk shall cause to be executed, under the seal of the city and signature of the city clerk, a proper permit signifying the approval and issuance of a permit to the applicant. The applicant shall pay a permit fee of \$50.00 for each vehicle.

(Code 1960, § 8.101)

Sec. 86-52. Proof of Insurance.

There shall be submitted with an application for a permit required in this division copies of policies of liability or indemnity insurance providing coverage and protection against loss through personal injury or property damage arising from negligence on the part of the owner of all vehicles to be operated by virtue of the permit, such insurance to afford coverage in an amount not less than \$300,000.00 for all personal injuries sustained in any one accident or \$500,000.00 if the applicant uses a cellular phone dispatch without a central dispatch, coverage in the amount of \$25,000.00 for property damage arising out of any one accident, and \$50,000.00 for all persons injured or who died in any one accident caused by an uninsured motorist. Each policy shall further contain a clause, addendum or endorsement providing that the insurer or his local agent will give written notice of the cancellation, revocation, termination or expiration of that policy, such notice to be submitted to the city clerk not later than five days prior to such eventuality.

(Code 1960, § 8.102; Ord. No. 5370, § 1, 11-14-1998)

Sec. 86-53. Dispatch location; color scheme; written records.



(a) The application for a permit required in this division shall provide:

- (1) The identity of the location of the terminal or dispatch office from which the vehicles are to operate or whether they will be dispatched by cellular phone upon the granting of the permit;
- (2) A statement by the applicant that the applicant will establish and maintain a central radio dispatch office or will operate dispatch by cellular phone, keeping a daily log of all cellular calls and providing cellular phone numbers to the owner company and the city clerk's office;
- (3) The distinctive single color scheme of the company which the applicant shall apply and which shall be applied to the exterior of each vehicle to be operated under the permit, including the color scheme of any lettering or numbers to appear on the exterior;
- (4) A statement by the applicant that he agrees to maintain a written record of all dispatches of vehicles operated under the permit; a listing, maintained current, of all chauffeurs or drivers of vehicles operated under the foregoing permit, reflecting termination dates of chauffeurs or drivers who withdraw from such positions; and a record of the daily hours of utilization for each vehicle operated under such permit; and
- (5) Such other data as may be from time to time required by the director of public safety.



(b) The information required in subsection (a) of this section shall be submitted to the director of public safety within five days after the end of the month, except insofar as expressly waived by the director of public safety. All records of such information shall be preserved by the applicant for not less than two years to be made available to the director of public safety upon request of the latter.

(Code 1960, § 8.103)

Sec. 86-54. Revocation; suspension.



(a) A permit required in this division may be temporarily suspended or permanently revoked by action of the city clerk for any of the following occurrences:

- (1) Breach of any condition, limitation or modification imposed under this article in approving the application for permit.
- (2) Breach by the holder of the permit of any covenant or agreement undertaken by the holder in making application for such permit.
- (3) Delinquency on the part of the holder of a permit or on the part of the individual chauffeurs or drivers in payment to the city of any taxes or fees imposed on fares collected for the transportation of passengers in vehicles operated under the permit.

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Chapter 20.40

FOR-HIRE VEHICLES

Sections:

- 20.40.010 Definitions.
- 20.40.020 Certificate of public convenience and necessity required.
- 20.40.025 Interstate bus operations.
- 20.40.030 Certificate ? Application.
- 20.40.040 Certificate ? Application ? Public hearing.
- 20.40.050 Certificate ? Issuance.
- 20.40.052 Certificate ? Type.
- 20.40.060 Certificate ? Term ? Renewal.
- 20.40.070 Certificate ? Transfer.
- 20.40.080 Certificate ? Suspension and revocation.
- 20.40.085 Mandatory minimum penalties.
- 20.40.090 Certificate ? Indemnity bond or liability insurance required.
- 20.40.100 License fees.
- 20.40.110 Public vehicles ? Equipment and maintenance.
- 20.40.115 Taximeter certification.
- 20.40.120 Designation of public vehicles.
- 20.40.130 Professional driver?s permit required.
- 20.40.135 Maximum number of hours per day.
- 20.40.140 Professional driver?s permit ? Application.
- 20.40.150 Current state motor vehicle operator?s license required.
- 20.40.160 Professional driver?s permit ? Police investigation of applicant.
- 20.40.170 Professional driver?s permit ? Consideration of application.
- 20.40.180 Professional driver?s permit ? Issuance ? Duration ? Annual fee ? Physical examination.
- 20.40.190 Professional driver?s permit ? Issuance of temporary permit.
- 20.40.200 Professional driver?s permit ? Suspension and revocation.
- 20.40.210 Driver ? Compliance with city, state and federal laws.
- 20.40.220 Professional driver?s permit ? Defacing unlawful.
- 20.40.230 Rate cards, taximeters, and fares.
- 20.40.240 Receipts.
- 20.40.250 Refusal of passenger to pay legal fare.
- 20.40.260 Solicitation, acceptance and discharge of passenger.
- 20.40.270 Drivers ? Reporting accidents required.
- 20.40.280 Service.
- 20.40.290 Manifests.
- 20.40.300 Holder?s records and reports.
- 20.40.310 Advertising.
- 20.40.320 Chapter enforcement.
- 20.40.330 Criminal liability.

20.40.010 DEFINITIONS. The following words and phrases when used in this chapter have the meaning as set out in this section:

?Bus? means any public vehicle having a seating capacity of more than fourteen passengers;

(3) Been convicted of a felony or a misdemeanor involving moral turpitude which reflects unfavorably on the fitness of the holder to offer public transportation.

Prior to suspension, revocation or amendment, the holder shall be given notice of the proposed action to be taken and shall have an opportunity to be heard. (JCC ? 5-9-8).

20.40.085 MANDATORY MINIMUM

PENALTIES (a) It is the intent of the assembly that certificate holders be accountable for compliance by their drivers with the provisions of this chapter. If a holder or a driver operating one of the certificated vehicles violates a provision of this chapter which results in a conviction, the court shall impose fines as follows:

(1) First violation: two-hundred-and-fifty-dollar fine;

(2) Second violation within twelve months: five-hundred-dollar fine.

(b) If a certificate holder or a driver operating a taxicab or other for-hire vehicle for the certificate holder is convicted of violating more than two provisions of this chapter within a twelve-month period, the court, in addition to the criminal penalty imposed, shall suspend or revoke the holder's certificate in accordance with the following schedule:

(1) Third violation within twelve months: maximum sixty days suspension of certificate and minimum five days suspension;

(2) Fourth violation within twelve months: maximum sixty days suspension of certificate and minimum ten days suspension;

(3) Fifth violation within twelve months: revocation of holder's certificate is mandatory and the court shall take physical possession of the certificate and forward it to the city clerk.

(c) If a certificate is revoked, the holder is ineligible for a new certificate for one year from the date of revocation.

(d) Any time a certificate holder's driver is issued a citation or otherwise charged with a violation of any provision of this chapter, the certificate holder shall also be charged.

(e) Violation of the terms of a suspension or revocation imposed pursuant to subsections (a) or (b) of this section is a separate violation of this chapter. (Serial No. 86-66 ? 8, 1986).

20.40.090 CERTIFICATE ? INDEMNITY BOND

OR LIABILITY INSURANCE REQUIRED. (a) No certificate of public convenience and necessity shall be issued or continued in operation unless there is in full force and effect an indemnity bond for each vehicle authorized in the amount of one hundred thousand dollars for bodily injury to any one person; in the amount of three hundred thousand dollars for injuries to more than one person which are sustained in the same accident, and fifty thousand dollars for property damage resulting from any one accident. The bond or bonds shall inure to the benefit of any person who shall be injured or who shall sustain damage to property proximately caused by the negligence of a holder, his servants, or agents. The bond or bonds shall be approved by the city and borough attorney and filed in the office of the clerk and shall have as surety thereon a surety company authorized to do business in the state of Alaska.

(b) The assembly may, in its discretion, allow the holder to file, in lieu of bond or bonds, a liability insurance policy issued by an insurance company authorized to do business in the state of Alaska. The policy shall conform to the provisions of this section relating to bonds.

(c) The liability insurance or the bonds shall contain a clause that the same may not be canceled or terminated or allowed to expire by insurer without thirty days' notice to the city and borough. A certificate showing issuance of the policy or the bonds, containing statements as to coverage and cancellation clause and payment of premium shall be filed with the clerk.

(d) The assembly may, in its discretion, allow the holder to file individual liability insurance policies for each and every vehicle authorized by the certificate. When the owner of a vehicle operated pursuant to a certificate is not the holder, the owner may purchase the policy. It is the responsibility of the certificate holder to at all times have on file with the clerk the individual certificates of insurance. If, at any time, there is not in full force and effect a liability insurance policy for each and every vehicle authorized by the certificate, the certificate shall not be issued nor shall it be continued in operation.

(e) The clerk is given the authority to suspend or revoke any certificate issued under this chapter for any violation of this section. Any holder whose certificate is thus suspended or revoked may appeal the decision of the clerk to the assembly, and such holder shall be entitled to a hearing before the assembly and a final determination on the suspension or revocation by the assembly. (Serial No. 86-66 ? 9, 1986; JCC ? 5-9-9).

20.40.100 FEES. (a) No certificate shall be issued or renewed unless the holder thereof has paid the applicable annual fee or fees as follows:

(1) Taxicabs: one hundred dollars to engage in the public vehicle business and twenty-five dollars for each vehicle operated under a certificate;

(2) Limousines: one hundred dollars to engage in the public vehicle business and twenty-five dollars for each vehicle operated under a certificate;

(3) Vans: one hundred dollars to engage in the public vehicle business and fifty dollars for each van operated under a certificate;

(4) Buses: one hundred dollars to engage in the public vehicle business and one hundred dollars for each bus operated under a certificate;

(5) Speciality Service: one hundred dollars to engage in the public vehicle business and twenty-five dollars for each speciality vehicle operated under a certificate;

(b) The fees shall not be prorated. Fees shall be for one year beginning on the first day of January and shall be in addition to any other license fees or charges established by any proper authority and applicable to the owner or holder of a vehicle or vehicles under the holder's operation and direction. (Serial No. 96-19 ? 4, 1996; Serial No. 94-35am ? 7, 1995; Serial No. 86-66 ? 10, 1986).

20.40.110 PUBLIC VEHICLES ? EQUIPMENT AND MAINTENANCE. (a) Vehicles Inspections. Prior to the operation of any public vehicle under the provisions of this chapter, the vehicle shall be thoroughly examined and inspected by a N.I.A.S.E.-certified mechanic, or the owner may present evidence that the vehicle has within the preceding year been inspected and approved for general

Subject: Re: Bethel Taxicabs

Date: Wed, 4 Apr 2001 13:29:19 -0700

From: "Bob Herron" <bobherron@alaska.com>

To: "Janet Seitz" <Janet_Seitz@legis.state.ak.us>

Janet,

Current code for City of Bethel is "as required by AS 28.22.101(d)".

On April 10th, City Council will have a final public hearing on a new taxi ordinance.

The new insurance section it will read:

with manufacturer's rated seating capacity of six or less...

Combined single limit for all bodily injury or property damage arising from one accident: \$300,000.00; and

For all persons injured or dead in any one accident caused by an uninsured motorist: \$100,000.00.

with manufacturer's rated seating capacity of seven or more...

Combined...\$700,000.00

Uninsured...\$100,000.00

if you need anything else, let me know.

Bob

-----Original Message-----

From: Janet Seitz <Janet_Seitz@legis.state.ak.us>

To: bobherron@alaska.com <bobherron@alaska.com>

Date: Wednesday, April 04, 2001 10:22 AM

Subject: Bethel Taxicabs

>Bob:

>

>Hi!

>

>Does the City of Bethel have any minimum liability limits for taxicab operators? If so, could you tell me what they are?

>

>Thanks for your help.

>

>Janet

>Rep. Rokeberg's Office

>

e: To the chief

Kotzebue

Subject: Re: To the chief

Date: Wed, 4 Apr 2001 11:14:24 -0800

From: "Chief Gregory A. Russell" <kotzpd@otz.net>

To: "Janet Seitz" <Janet_Seitz@legis.state.ak.us>

Janet,

Yes, there are requirements for taxi insurance. They are required to have that insurance information on file with the City Clerk's Office in order to have their permits. They are also required to have them posted in all the taxi's. The City Clerk (Nancy Mercer) is working with the new owners of the Cab Co. right now and they should have their permits in place this week.

I'm including text from the Kotzebue Municipal Code
Kotzebue Police Department for your information:

KMC 5.08.090

A. Before any permit is issued for any taxicab the applicant shall furnish one or more policies or certificates of liability insurance by an insurance company authorized to do business in the state. The policy shall cover personal injuries, death or damage to property suffered during the time for which insurance is in effect and resulting from the operation, maintenance or use of the taxicab.

B. The insurance required by this section shall provide coverage as follows:

1. Injury or death of any one person in any one accident, one hundred thousand dollars;
2. For all persons injured or dead where more than one person is injured or killed in any one accident, three hundred thousand dollars;
3. Damage to property in one accident, twenty five thousand dollars;
4. Injury or death of any one person in any one accident caused by an uninsured motorist, twenty five thousand dollars;
5. For all persons where more than one person is injured or killed in any one accident caused by an uninsured motorist, fifty thousand dollars.

C. The policy or policies of liability insurance shall be approved as to substance and form by the city attorney and filed with the city manager.

D. Every insurance policy or certificate shall contain a clause obligating the insurer or surety to give the city manager written notice no less than thirty days before termination of such insurance. A lapse, cancellation, expiration, nonrenewal or termination of insurance coverage shall work an automatic suspension of any permit.

Hope this is useful.

GREG

Box 46
Kotzebue, AK 99752
(907) 442-3351

www.kotzebuepolice.com

----- Original Message -----

From: "Janet Seitz" <Janet_Seitz@legis.state.ak.us>

To: <kotzpd@otz.net>

Sent: Wednesday, April 04, 2001 09:32

Subject: To the chief

> Does Kotzebue have any minimum insurance limits for taxicabs? If so,
> what are they?

4/4/01 11:19 AM

KODIAK CITY ORDINANCE

5.40.030 Application for taxicab or limousine permit. (a) A completed application for a taxicab or limousine permit shall be submitted to the city clerk on a form provided by the city clerk. The application shall include, but not be limited to, the following information:

- (1) The name and address of the applicant;
- (2) The nature of the business entity, if other than a natural person, and the name and address of each owner, partner, member, shareholder, and director;
- (3) The name under which the applicant will conduct business;
- (4) The make, model, year of manufacture, engine or serial number, and Alaska license number of a vehicle registered to the applicant which will be operated under the taxicab or limousine permit; and
- (5) On an application for a taxicab permit: the name, address, and telephone number of the licensed dispatch service to be utilized by the applicant and a description of any distinctive color scheme utilized by the dispatch service, including any lettering or numbering, which will be applied to the exterior of the taxicab prior to utilization.

(b) The application shall be accompanied by:

- (1) Any required fees established by resolution or motion of the city council.;
- (2) An insurance policy or certificate of insurance reflecting coverage by a company authorized to do business in this state for personal injury or property damage arising or resulting from the operation or use of the vehicle described in the application, including uninsured motorist coverage, with limits of not less than one hundred thousand dollars for bodily injury or death for one person, three hundred thousand dollars for bodily injury or death to two or more persons in any one accident, and \$50,000 for injury or destruction to property of others in any one accident. The policy or certificate shall reflect a provision in or rider to the policy requiring written notice to the city not less than thirty days prior to cancellation of the policy;
- (3) On application for a taxicab permit: a letter from a licensed dispatch service stating that the dispatch service has agreed to provide the applicant with services; and

(4) A full and complete set of fingerprints taken by the Kodiak police department or a copy of the applicant's current chauffeur's license. (Ord. 1066 §3, 1998; Ord. 1060 §6, 1998; Ord. 1041 §1, 1997; Ord. 938 §10, 1992; Ord. 876 §1 & §2, 1990; Ord. 512 §1 (part), 1978)

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HOMER CITY ORDINANCE

8.12 450 Insurance. A copy of current liability and indemnity insurance policies providing coverage and protection against loss through personal injury or property damage arising from negligence on the part of the owner or driver of all vehicles to be operated by virtue of the public transportation vehicle permit shall be on file in the office of the City clerk prior to issuance of such vehicle permits.

a. The insurance required by this section for vehicles with a seating capacity of ten persons or less shall provide coverage as

follows: Minimum insurance requirements are:

1. For bodily injury and property damage, a limit not less than three hundred thousand dollars comprehensive single limit liability;
2. For all persons injured or dead in any one accident caused by and uninsured motorist, fifty thousand dollars.

b. The insurance required by this section for vehicles with a seating capacity of eleven persons or more shall provide coverage as follows:

1. For bodily injury and property damage a limit not less than five hundred thousand dollars comprehensive single limit liability;
2. For all persons injured or dead in any one accident caused by an uninsured motorist, fifty thousand dollars.

c. Each policy shall contain an endorsement providing that the insurer or his local agent will give written notice of cancellation, revocation, termination or expiration of that policy. Such notice shall be submitted to the City Clerk not later than five days prior to such eventuality. (Ord. 85-28, 1985; Ord. 85-7 1 (part), 1985).



Ketchikan Municipal Code

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Title 5: REVENUE AND FINANCE Index KETCHIKAN MUNICIPAL CODE Index

Chapter 5.40 PUBLIC VEHICLES

Sections:

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| 5.40.010 Definitions. | 5.40.150 Current State Motor Vehicle Operator's License Required. |
| 5.40.020 Certificate Required. | 5.40.160 Driver's Permit - Police Investigation of Applicant. |
| 5.40.023 Human-powered Public Vehicles Prohibited. | 5.40.170 Driver's Permit - Consideration of Application. |
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| 5.40.070 Taxicab Certificate - Transfer. | 5.40.235 Limousine and Sightseeing Fares. |
| 5.40.080 Certificate - Suspension and Revocation. | 5.40.240 Receipts. |
| 5.40.085 Penalties and Injunctive Relief. | 5.40.260 Solicitation, Acceptance and Discharge of Passenger. |
| 5.40.090 Certificate - Indemnity Bond or Liability Insurance Required. | 5.40.265 Open Stands. |
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5.40.010 Definitions.

The following words and phrases when used in this chapter have the meaning as set out in this section:

- (1) "Airporter" means a public vehicle which transports persons to or from the Ketchikan

International Airport or the airport ferry terminal on a schedule designed to meet every major airline flight arriving or departing from said airport. The transportation of each passenger on an airporter must either begin or end at the airport or airport ferry terminal; an airporter may also provide prearranged group transportation services in strict compliance with the definition in subsection (11) of this section;

(2) "Certificate" means a written certificate of public convenience and necessity issued for taxicab service, or in the case of other public vehicles, a public vehicle certificate, authorizing the holder thereof to conduct a public vehicle business in the city;

(3) "Child Transport Vehicle" means a public vehicle used to transport children to or from their schools, babysitters, day-care centers, churches, recreational centers, latchkey centers, homes, parents or other child care;

(4) "Cruising" means the driving of a public vehicle on the streets, alleys, or public places of the city in search of, or soliciting prospective passengers;

(5) "Handicapped transportation vehicle" means a public vehicle which is specifically equipped with a wheelchair lift; is in compliance with all requirements to be fully wheelchair accessible; and is used to transport physically handicapped and elderly persons and their companions to any destination determined by the handicapped or elderly person;

(6) "Holder" means a person to whom a certificate has been issued;

(7) "Limousine" means a public vehicle designated by its manufacturer as a limousine which is operated to carry no more than six passengers at a time and which is available for passenger use only through reservations made no less than ninety minutes in advance of service;

(8) "Manifest" means a daily record prepared by a taxicab driver or dispatcher, of all trips made by the driver showing time and place or origin, destination, number of passengers and the amount of fare of each trip.

(9) "Open stand" means a public place along side of the curb of a street or elsewhere in the city which has been reserved exclusively for the use of taxicabs;

(10) "Permittee" means a person who has been issued a driver's permit or a valid driver's license issued under prior city ordinances;

(11) "Pre-arranged group transportation service" means transporting an organized group of eight passengers or more where such services are arranged in advance of the public vehicle's arrival at the point of departure and where the holder, public vehicle owner, or driver has not directly or indirectly formed or organized the group. The transportation of all passengers in a pre-arranged group transportation service must either begin or end at the same location.

(12) "Public vehicle" means a vehicle offered for commercial passenger service on public streets in which the driver is furnished by the owner or holder. The term public vehicle includes, but is not limited to, taxicabs, sightseeing vehicles, limousines, airporters, child transport vehicles, handicapped transport vehicles, and includes non-motorized vehicles. Vehicles operated by or providing services under contract to the city, borough, or the school district, are not included in this definition and are not subject to the provisions of this chapter.

Vehicles operated by another municipality in the borough and vehicles which are being operated under contract to another municipality in the borough are not subject to the provisions of this chapter unless they are operated as sightseeing vehicles or are operated away from routes approved by the police department. Courtesy vehicles, which are operated by or under contract with a business which is not otherwise engaged in commercial passenger service on public streets and which are used solely to provide incidental transportation for the business' customers or employees to or from the place where the primary business or employment occurs, are not public vehicles unless the customer or employee is separately charged for such transportation. Vehicles operated by or under contract with nonprofit organizations are not public vehicles when such vehicles are directly used in the course of providing religious, educational or charitable services which are exempt from the city's sales tax. A vehicle is offered for commercial passenger service if the owner or operator advertises for, solicits or otherwise seeks out passengers or receives compensation.

(13) "Rate card" means a card for display in each taxicab which contains the rates of fare then in force;

(14) "Sightseeing vehicle" means a public vehicle which provides pre-arranged group transportation service or which transports passengers on guided tours of cultural, natural, or historic sites. Tour passengers must be transported in groups with no passengers added after the tour begins and no passengers departing until the tour is completed. A shuttle service or other transportation which primarily transports passengers to or from commercial areas or transportation facilities is not a sightseeing vehicle. A vehicle which is advertised as available for tours shall be considered a sightseeing vehicle and shall operate as required under this paragraph.

(15) "Taxicab" means a public vehicle, which provides any commercial passenger service beyond that described in the definition of an airporter, child transport vehicle, handicapped transport vehicle, limousine, or sightseeing vehicle. A vehicle for which a taxicab certificate has been issued may operate as an airporter, limousine, child transport vehicle, handicapped transport vehicle, or sightseeing vehicle. A public vehicle which is not a limousine, airporter, handicapped transportation vehicle, or child transportation vehicle, but which operates on call or hail to provide point to point transportation to any destination determined by the passenger is a taxicab;

(16) "Driver's permit" means the written permission granted by the chief of police or the chief's designee to a person to drive a taxicab, handicapped transportation vehicle, or child transport vehicle upon the streets of the city, "driver's permit" also means a valid driver's license issued under prior city ordinances;

(17) "Taximeter" means a mechanical or electrical instrument or device which measures distance driven or time, or both, upon which the rates of fare of a taxicab are based;

(18) "Vehicle" means every device in, upon or by which any person may be transported or drawn upon a highway excepting vehicles used exclusively upon stationary rails or tracts;

(19) "Waiting time" means the time when a taxicab is not in motion from the time of acceptance of a passenger or passengers to the time of discharge but does not include any time that the taxicab is not in motion if due to any cause other than the request, act, or fault of a passenger or passengers. (Ord. 1256 2, 1993) KMC 5.40

default in payment for property or business assets conveyed as part of the earlier transfer of the certificate, any former holder which previously has filed with the city clerk a notice of its financing agreement and of its address shall be sent notice, addressed to the address filed with the city clerk, of any proceeding to revoke or suspend the certificate. Said notice shall be sent at the same time notice is given to the current holder, unless the current holder has previously presented competent evidence, acknowledged by the former holder, to the city manager showing that the debt that is the subject of the financing agreement has been paid in full.

(2) Upon revocation of a certificate as to which notice of the revocation proceeding was required to be given to the former holder pursuant to section 5.40.080(c)(1), the council shall issue the certificate to the former holder, or to the formerholder's assignee, provided:

(A) The former holder requests that the certificate be issued to the former holder or to the former holder's assignee;

(B) The former holder shows that the debt that is the subject of the financing agreement has not been paid in full;

(C) The former holder or its assignee is qualified to hold a certificate;
and

(D) The earlier transfer of the certificate was approved by the city council. (Ord. 1256 2, 1993) KMC 5.40

5.40.085 Penalties and injunctive relief.

(a) The violation of any provision of this chapter shall be an infraction, and any person convicted of such a violation shall be subject to a fine of not more than \$300.00.

(b) In addition to any other remedy or penalty provided by this section, a person who violates a provision of this chapter or a municipal regulation promulgated under this chapter shall be subject to a civil penalty of not more than \$500.00 for each offense, or injunctive relief to restrain the person from continuing the violation or threat of violation, or both such civil penalty and injunctive relief. Upon application by the city for injunctive relief and a finding that a person is violating or threatening to violate a provision of this chapter, the superior court shall grant injunctive relief to restrain the violation.

(c) Each day during which a violation described in this section occurs shall constitute a separate offense. (Ord. 1256 2, 1993) KMC 5.40

5.40.090 Certificate - indemnity bond or liability insurance required.

(a) No certificate shall be issued or continued in operation unless there is in full force and effect liability insurance policy for each vehicle authorized in the amount of \$100,000.00 for

bodily injury to any one person; in the amount of \$300,000.00 for injuries to more than one person which are sustained in the same accident, and \$50,000.00 for property damage resulting from any one accident. The policy shall inure to the benefit of any person who shall be injured or who shall sustain damage to property proximately caused by the negligence of a holder, his servants or agents, and issued by an insurance company authorized to do business in the state.

(b) The liability insurance policy shall contain a clause that the same may not be cancelled or terminated or allowed to expire by insurer without thirty days' notice to the city. A certificate showing issuance of the policy, containing statements as to coverage and cancellation clause and payment of premium shall be filed with the clerk.

(c) The council may, in its discretion, allow the holder to file individual liability insurance policies for each and every vehicle authorized by the certificate. When the owner of a vehicle operated pursuant to a certificate is not the holder, the owner may purchase the policy. It is the responsibility of the certificate holder to at all times have on file with the clerk the individual certificates of insurance. If, at any time, there is not in full force and effect a liability insurance policy for each and every vehicle authorized by the certificate, the certificate shall not be issued nor shall it be continued in operation.

(d) The city manager is given the authority to suspend or revoke any certificate issued under this chapter for any violation of this section. Any holder whose certificate is thus suspended or revoked may appeal the decision of the manager to the council, and such holder shall be entitled to a hearing before the council and a final determination on the suspension or revocation by the council. (Ord. 1256 2, 1993) KMC 5.40

5.40.100 License fees.

(a) No certificate shall be issued or renewed unless the holder thereof has paid the applicable annual fee or fees as follows:

(1) Taxicabs: \$10.00 to engage in the public vehicle business and \$20.00 for each vehicle operated under a certificate;

(2) All other public vehicles: \$25.00 for each service for which an endorsement is requested.

(b) The license fees shall not be prorated. Fees shall be for one year beginning on the first day of January and shall be in addition to any other license fees or charges established by any proper authority and applicable to the owner or holder of a vehicle or vehicles under the holder's operation and control. (Ord. 1256 2, 1993) KMC 5.40

5.40.110 Equipment and maintenance.

(a) Vehicle inspection. Prior to the use and operation of any taxicab and annually thereafter, each vehicle operated as a taxicab under this chapter shall be inspected by the chief of police or the chief's designee to determine that the vehicle is clean, properly painted and lettered and

Subject: City of Wasilla - taxicab insurance requirements

Date: Thu, 5 Apr 2001 09:42:34 -0800

From: Jamie Newman <JNewman@ci.wasilla.ak.us>

To: "Janet_Seitz@legis.state.ak.us" <Janet_Seitz@legis.state.ak.us>

Mayor Palin requested that I forward you the following information regarding insurance requirements for taxicabs in the city of Wasilla. Per WMC 6.12.050, the following limits apply:

6.12.050 Insurance requirement.

A. A taxicab permit may not be issued unless the business files a certificate of liability insurance from an insurance company authorized to do business in the state of Alaska.

B. Each vehicle shall be insured in the following amounts:

1. Liability coverage with limits of not less than one hundred thousand dollars (\$100,000.00) per person and three hundred thousand dollars (\$300,000.00) per accident for bodily injury, and not less than fifty thousand dollars (\$50,000.00) per accident for property damage; and

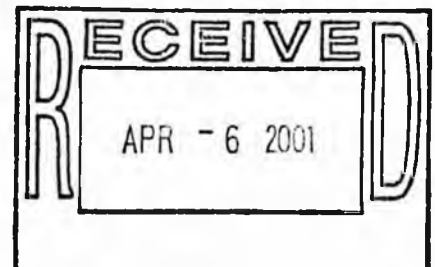
2. Uninsured or underinsured motorist coverage with limits of not less than one hundred thousand dollars (\$100,000.00) per person and three hundred thousand dollars (\$300,000.00) per accident for bodily injury, and fifty thousand dollars (\$50,000.00) per accident for property damage.

C. Every insurance policy or certificate of insurance shall contain a clause obligating the insurer or surety to give the city clerk written notice no less than twenty (20) days before the cancellation, expiration, nonrenewal, lapse or other termination of such insurance.

D. A lapse, cancellation, expiration, non-renewal, or termination of insurance coverage shall be a violation of this chapter and shall constitute an automatic suspension of a taxicab permit until the policy is reinstated. (Prior code § 9.16.050)

If I may be of further assistance, please do not hesitate to contact me - thanks and have a great day!

Jamie Newman, Deputy City Clerk
City of Wasilla - City Clerk's Office
Phone: (907) 373-9090
Fax: (907) 373-9092
Email: jnewman@ci.wasilla.ak.us



Re: Taxicab

Subject: Re: Taxicab

Date: Fri, 6 Apr 2001 09:49:35 -0800

From: "Jane Nelson" <cityclerk@barrow.com>

Organization: City of Barrow

To: "Janet Seitz" <Janet_Seitz@legis.state.ak.us>

Janet,

In the City of Barrow Code, Title 7 Taxicab , Section 7.36.040 Insurance required

A. Before any permit is issued for a taxicab, the applicant shall furnish one or more policies or certificates of liability

insurance issued by an insurance company authorized to do business in the state of Alaska..

B. The insurance required by this section for each vehicle operated under the permit shall provide coverage as follows:

1. Combined single limit for all body injury or property damage arising from one accident: Three hundred thousand dollars; and

2. For all persons injured or killed in any one accident caused by an uninsured motorist: one hundred thousand dollars.

C. The policy or policies of liability insurance shall be approved as to substance and form by the executive director and filed with him or her.

D. Every insurance policy or certificate shall contain a clause obligating the insurer or surety to give the executive director

written notice no less than thirty days before the cancellation, expiration, nonrenewable, lapse or other termination of

such insurance. A lapse, cancellation, expiration, nonrenewable or termination of insurance coverage shall work an

automatic suspension of any permit for so long as the permittee is without insurance as required by this section, and it is a

violation of this chapter to operate a taxicab service with a vehicle not insured as required by this section.

D----- Original Message -----

From: Janet Seitz <Janet_Seitz@legis.state.ak.us>

To: <CityClerk@barrow.com>

Sent: Wednesday, April 04, 2001 10:01 AM

Subject: Taxicab

> Does the City of Barrow have ordinances concerning insurance coverage
> for taxicabs? If so, could you tell me what the minimum amounts are?

>

> Thank you.

>

> Janet

>



THE
FOLLOWING
DOCUMENT(S)
ARE
POOR
ORIGINAL
COPIES

Executive Taxi Inc.

3300 Lakeview Dr. shop C P.O. Box 85011
 Fairbanks, AK 99701 Fairbanks, AK 99708
 Dispatch (907) 455-8899 Fax (907) 458-8294

APR 02 2001

April 2, 2001

Attn: Rep. Norman Rokeberg

Dear Mr. Rokeberg:

I received your fax today on House Bills 67 and 68.

You suggest minimums of ~~\$3,000,000.00~~^{\$300,000}, \$500,000.00, and \$100,000.00 on the first page. These are absurd and completely unnecessary. They will quadruple our insurance premiums that are already costing thousands per vehicle a year.

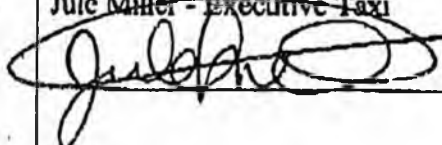
Under Sec. 3. AS28.22.101 (g)(1), having a limit of \$500,000.00 would increase our policy limits in Fairbanks by \$200,000. I would prefer not to have our policy limit of \$300,000 be raised to \$500,000. I in no way wish to endanger the public by being underinsured. I only wish to maintain reasonable insurance so that I can remain cost competitive.

As to transporting people intoxicated for free, I doubt that is going to happen. If they want to give people free rides in Anchorage, that's fine but somebody is still going to pay for it indirectly. If you want to address the liability issue, go ahead. You have to remember that most of the taxis in Alaska are in small towns and villages. People that often rely on taxis are people that can't afford their own transportation and often live below the poverty.

Something that is a much bigger problem in Alaska is uninsured vehicles. If someone has an accident without insurance and it is their fault, their vehicle should be impounded or forfeited until the economic damage has been paid. It seems unfair that we cannot do anything to a taxicab without insurance, but yet people with no insurance hit us regularly. We either end up paying for our vehicle to get fixed ourselves or paying more for insurance to cover uninsured motorist.

Thank you for your time.

Jule Miller - Executive Taxi



Date: April 2, 2001



Alaska State Legislature

APR 09 2001

Please enter into the record my testimony to the House Judiciary
committee name

committee on HB 67, dated 4-7-01
bill/subject

I know several people who were in accidents with people that were driving uninsured and/or without a license. In every case, the non-insured motorists was at fault. Nothing happened to that person. Taking driver's licenses is not keeping them off the road. My friends all had uninsured motorists protection (most of them have it because the military requires us to carry insurance). In these cases, the person at fault goes unpunished, and the victim's insurance rates increase.

I propose we make it mandatory to show proof of insurance when applying for the PFD. If the person is involved in any vehicle incident after showing proof, regardless of fault, impose a fine like most other states (MT, NJ, CA) and revoke PFD privileges that year. Annual insurance rates are far cheaper than the PFD check.

Signed: Julie A. Mullett
Testifier In fact, I use my check for my insurance.

my friends who are victims of uninsured motorists
Representing (Optional)

P.O. Box 672326 Chugiak AK 99567
Address

907-357-5455
Phone No.

Thank you

HOUSE BILLS 67 AND 68
ADDITIONAL INFORMATION

APR 04 2001

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April 4, 2001

Via Mail & Facsimile No.: 907-465-2040

Honorable Norman Rokeberg
House of Representatives
Alaska State Legislature
State Capitol - Mail Stop 3100 (Room 118)
Juneau, Alaska 99801-1182

Re: Proposed HB 67 and HB 68; Taxicab Insurance / Immunity for Transport
of Intoxicated Persons or Their Vehicles

Dear Representative Rokeberg:

I represent the Anchorage Taxicab Permit Owners Association (ATPOA), on whose behalf I provide the following comments regarding the above-referenced proposed legislation. Your efforts are commendable in attempting to address the potentially uninsured liability of the taxicab industry where it seeks to participate in programs to transport intoxicated persons and their vehicles back to their residences. Unfortunately, this is a thorny issue, requiring very carefully worded legislation to fully address the liability concerns. Separately, ATPOA has concerns regarding HB 67 and the proposed mandatory taxicab insurance law language.

I. HB 67. Section 3 of this Bill would add new mandatory insurance coverage limits for taxicabs. ATPOA does not object to this concept, but the specific limits in the Bill should be revised. The Bill currently provides for separate limits for 1) bodily injury or death (\$300,000 for one claimant, \$500,000 for two or more claimants), and 2) property destruction (\$100,000). The separate limit for property damages is excessive and unnecessary. The property damage should be rolled in with the damages for bodily injury or death, in the \$300,000/\$500,000 limits. This would be in accordance with the recently increased limits under Anchorage Municipal Code §11.20.100, which provides, in pertinent part,

Taxicabs - Insurance Required.

A. Before any permit is issued for any taxicab, the applicant shall furnish one or more policies or certificates of liability insurance issued by an insurance company that is an authorized insurer within the meaning of AS 21.90.900(5).

B. The insurance required by this section for vehicles with a manufacturer's rated seating capacity (or, if a mini-van, the seating capacity after seat removal to accommodate baggage) of six persons or less shall provide coverage as follows:

1. Combined single limit for all bodily injury or property damage arising from one accident: \$500,000;

If HB 67 passes in its current form, the Anchorage ordinance, and all taxicab insurance policies written thereunder, will be out of compliance because they do not provide a separate limit for property damage.

Property damage liability claims ordinarily do not even approach \$100,000; they are better included within the overall limit for the total of bodily injury, death, and property damage claims. ATPOA would therefore request that HB 67, in Section 3, revise the added subsection (g) to read:

(g) A motor vehicle liability policy that covers a taxicab must provide coverage in the United States or Canada, subject to limits exclusive of interest and costs, with respect to each vehicle, of \$300,000 because of injury to or destruction of property of others or bodily injury to or death of one person arising out of one accident and, subject to the same limit for one person, \$500,000 because of injury to or destruction of property of others or bodily injury to or death of two or more persons arising out of one accident.

II. HB 68. We would suggest modifications to the proposed new section AS 09.65.280, in order to 1) extend the statutory immunity to all potentially liable parties associated with the taxicab's operation and 2) to maximize the ability of third persons, injured because of a taxicab driver's operation of an intoxicated person's vehicle, to recover from the intoxicated person's automobile liability policy.

If immunity is to be provided, it is important that all potentially liable persons connected to the taxicab's operation be covered by the immunity; otherwise, injured parties will simply pursue claims against those who have been left "uncovered" by the immunity law. In Anchorage, for example, the current language of the Bill, referring to the "owner or an employee of the taxicab business" is ambiguous and perhaps even inapplicable to many of the potentially liable businesspersons. In Anchorage, there are four categories of businesspersons affiliated with operation of a taxicab: 1) the taxicab chauffeur (driver) who is an independent contractor, not an employee (cf. AS 23.10.055(13), exempting taxicab drivers from Alaska Wage and Hour Act, and AS 23.30.230(a)(7), exempting taxicab drivers from Alaska Workers Compensation Act), who ordinarily lease a taxicab from a taxicab owner and ordinarily operate under municipal taxicab permit rights held by a permit owner; 2) taxicab owners (referred to in Anchorage as "operators," who lease their cabs to chauffeurs; 3) taxicab permit owners, who enter into agreements authorizing operators and chauffeurs to operate under their permits; and

4) dispatch companies, who are licensed to receive calls for taxicab services and dispatch calls to taxicabs who in turn "subscribe" to dispatch and pay a fee to the dispatch companies for such services. Although a chauffeur (driver) is not the employee of either the taxicab vehicle owner, the taxicab permit owner or the taxicab dispatch company, all of such persons and entities have in the past been the subject of claims or lawsuits by persons injured in taxicab accidents. If only some of these parties are immunized in connection with services performed in transporting intoxicated persons or their vehicles, then the remaining persons or entities will be the ripe targets. I would therefore suggest that all references in proposed AS 09.65.280(a) and (c) be changed to read:

. . . may not bring a civil action to recover damages from the taxicab driver, the owner of the taxicab which the driver operates, the owner of any taxicab permit or license under which the taxicab driver operates, or the owner of a taxicab dispatch service which dispatches taxicab drivers to customers seeking taxicab service.

I believe that the foregoing language would address not only Anchorage's situation, but also the various types of taxicab businesses which exist in other towns and cities in Alaska, whether or not a taxicab driver is an employee.

The second concern mentioned above is that the legislation should preserve, to the maximum extent possible, the ability of a third party to bring a claim covered by the intoxicated person's own automobile insurance coverage, when his automobile is being driven by a taxicab driver who is returning the intoxicated person's vehicle to his residence. As you are aware, taxicab insurance covers only the specifically listed taxicab vehicles, and will not cover a taxicab driver when he or she steps out of his or her cab to operate an intoxicated person's vehicle. This is the reason why statutory immunity is required for such circumstance, as you have done in the proposed AS 09.65.280(c).

The problem, however, is that where a taxicab driver negligently operates an intoxicated person's vehicle, injuring a third person, the third person may be left with no viable claim against a person covered by liability insurance. Among the concerns this presents are 1) the legislation may not pass if it is perceived that the victims in such cases cannot pursue any automobile liability coverage, and 2) faced with such predicament, the victim in a large claim will be motivated to challenge the constitutionality of this entire immunity statute. It therefore seems advisable to maximize the ability of injured third parties to recover from the intoxicated person's automobile liability policy, where a taxicab driver operates the person's automobile.

Under AS 28.20.440(b)(2), an automobile policy must, at least for the minimum statutory coverage limits (\$50,000 one person / \$100,000 multiple persons), insure "the person named in the policy and every other person using the vehicle with the express or implied permission of the named insured. . . ." It is also typical for auto insurance liability policies, including taxicab policies, to cover persons using the covered auto with the permission of the insured. To preserve the ability of an injured third party to bring a claim against the intoxicated person's own