

ALASKA LEGISLATURE COMMITTEE FILES 2001-2002 8672

10472 HOUSE TRANSPORTATION

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beverage, an intoxicating liquor, and a controlled substance.

\* Sec. 27. AS 28.35.030(b) is amended to read:

(b) Except as provided under (n) of this section, driving while under the influence of an alcoholic beverage or controlled substance [INTOXICATED] is a class A misdemeanor. Upon conviction,

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

(A) not less than 72 consecutive hours and a fine of not less than \$500 [\$250] if the person has not been previously convicted, except that if

(i) there were no aggravating circumstances associated with the acts upon which the conviction is based and, as determined by a chemical test taken within four hours after the alleged offense was committed, there is 0.1 percent but not more than 0.1 percent by weight of alcohol in the person's blood or 80 milligrams but not more than 100 milligrams of alcohol per 100 milliliters of blood, or when there is 0.08 grams but not more than 0.10 grams of alcohol per 210 liters of the person's breath, the court shall suspend the execution of the sentence of imprisonment upon the condition that the person successfully completes one year of probation during which the person does not commit an alcohol-related offense or a traffic offense, the person successfully completes the program requirements imposed under (h) of this section, the person pays the cost of treatment required under (h) of this section, the person performs three days of community service, and the person pays the fine imposed by the court under this subparagraph: upon determination by the court that the person has satisfied the terms of probation, the court shall discharge the defendant; however, if the court determines that the terms of probation have not been satisfied within one year from the date on which the terms were set by the court, the court shall require the execution of the sentence of imprisonment determined under this

1                   subparagraph:

2                               (ii) the person had, as determined by a chemical test  
3                               taken within four hours after the alleged offense was committed,  
4                               more than 0.10 percent by weight of alcohol in the person's blood  
5                               or more than 100 milligrams of alcohol per 100 milliliters of blood,  
6                               or when there are more than 0.10 grams of alcohol per 210 liters of  
7                               the person's breath, the court shall impose a fine of \$1,500;

8                               (B) not less than 30 days, or not less than 20 days if the  
9                               person performs 10 days of community service, and a fine of not less than  
10                              \$3,000 [\$500] if the person has been previously convicted once, except as  
11                              provided under (q) of this section;

12                              [(C) NOT LESS THAN 60 DAYS AND A FINE OF NOT  
13                              LESS THAN \$1,000 IF THE PERSON HAS BEEN PREVIOUSLY  
14                              CONVICTED TWICE AND IS NOT SUBJECT TO PUNISHMENT UNDER  
15                              (n) OF THIS SECTION;

16                              (D) NOT LESS THAN 120 DAYS AND A FINE OF NOT  
17                              LESS THAN \$2,000 IF THE PERSON HAS BEEN PREVIOUSLY  
18                              CONVICTED THREE TIMES AND IS NOT SUBJECT TO PUNISHMENT  
19                              UNDER (n) OF THIS SECTION;

20                              (E) NOT LESS THAN 240 DAYS AND A FINE OF NOT  
21                              LESS THAN \$3,000 IF THE PERSON HAS BEEN PREVIOUSLY  
22                              CONVICTED FOUR TIMES AND IS NOT SUBJECT TO PUNISHMENT  
23                              UNDER (n) OF THIS SECTION;

24                              (F) NOT LESS THAN 360 DAYS AND A FINE OF NOT  
25                              LESS THAN \$4,000 IF THE PERSON HAS BEEN PREVIOUSLY  
26                              CONVICTED MORE THAN FOUR TIMES AND IS NOT SUBJECT TO  
27                              PUNISHMENT UNDER (n) OF THIS SECTION;]

28                              (2) the court may not, except as provided under (1)(A)(i) of this  
29                              subsection,

30                                       (A) suspend execution of sentence or grant probation except on  
31                                       condition that the person serve the minimum imprisonment under (1) of this

1 subsection;

2 (B) suspend imposition of sentence;

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

7 \* Sec. 28 AS 28.35.030(d) is amended to read:

8 (d) Except as prohibited by federal law or regulation, every provider of  
9 treatment programs to which persons are ordered under [(h) OF] this section shall  
10 supply the judge, prosecutor, defendant, and an agency involved in the  
11 defendant's treatment with information and reports concerning the defendant's  
12 past and present assessment, treatment, and progress [ALASKA COURT  
13 SYSTEM WITH THE INFORMATION REGARDING THE CONDITION AND  
14 TREATMENT OF THOSE PERSONS AS THE SUPREME COURT MAY  
15 REQUIRE BY RULE]. Information compiled under this subsection is confidential  
16 and may only be used in connection with court proceedings involving the  
17 defendant or the defendant's treatment [BY A COURT IN SENTENCING A  
18 PERSON CONVICTED UNDER THIS SECTION, OR BY AN OFFICER OF THE  
19 COURT IN PREPARING A PRESENTENCE REPORT FOR THE USE OF THE  
20 COURT IN SENTENCING A PERSON CONVICTED UNDER THIS SECTION].

21 \* Sec. 29. AS 28.35.030(h) is amended to read:

22 (h) The court shall order a person convicted under this section to satisfy the  
23 screening, evaluation, referral, and program requirements of an alcohol safety action  
24 program if such a program is available in the community where the person resides, or  
25 a private or public treatment facility approved by the division of alcoholism and drug  
26 abuse, of the Department of Health and Social Services, under AS 47.37 to make  
27 referrals for rehabilitative treatment or to provide rehabilitative treatment. The  
28 Department of Health and Social Services shall, by regulation, establish  
29 standards for clinically appropriate treatment required under this subsection.  
30 The treatment standards established under this subsection must include  
31 compliance with alcohol or drug treatment, anger management, counseling,

" MAY NOT EXCEED <sup>\$</sup> 2000 " ISSUE

NEED TO CLARIFY THAT THE <sup>\$</sup> 2000 IS FROM  
INDIVIDUALS. SHOULD NOT BE ANY TOP LIMIT  
FOR INSURANCE COMPANY PAYMENTS TO COVER  
TREATMENT PROGRAMS COSTING MORE THAN  
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1 parent training, and domestic violence prevention. If a person is convicted under  
2 (n) of this section, the court shall order the person to be evaluated as required by this  
3 subsection before the court imposes sentence for the offense. Treatment required  
4 under this subsection shall occur, as much as possible, when the person is  
5 incarcerated. The cost of treatment required under this subsection shall be paid  
6 to the state by the person being treated. The cost of treatment required to be  
7 paid to the state under this subsection may not exceed \$2,000. Upon the person's  
8 conviction, the court shall include reimbursement of the cost of treatment as a  
9 part of the sentence. Except for reimbursement from a permanent fund dividend  
10 as provided in this subsection, payment of the cost of treatment is not required if  
11 the court determines the person is indigent. For costs of treatment that are not  
12 paid by the person as required by this subsection, the state shall seek  
13 reimbursement from the person's permanent fund dividend as provided in  
14 AS 43.23.065. In this subsection, "cost of treatment" does not include costs  
15 incurred as a result of treatment not required under the treatment standards  
16 established under this subsection.

17 \* Sec. 30. AS 28.35.030(k) is amended to read:

18 (k) Imprisonment required under (b)(1)(A) or (B) of this section shall be  
19 served at a community residential center or, if a community residential center is not  
20 available, at another appropriate place determined by the commissioner of corrections.  
21 The cost of imprisonment resulting from the sentence imposed under (b)(i) of this  
22 section shall be paid to the state by the person being sentenced provided, however, that  
23 the cost of imprisonment required to be paid under this subsection may not exceed  
24 \$2,000 [~~\$1,000~~]. Upon the person's conviction, the court shall include the costs of  
25 imprisonment as a part of the judgment of conviction. Except for reimbursement from  
26 a permanent fund dividend as provided in this subsection, payment of the cost of  
27 imprisonment is not required if the court determines the person is indigent. For costs  
28 of imprisonment that are not paid by the person as required by this subsection, the  
29 state shall seek reimbursement from the person's permanent fund dividend as provided  
30 under AS 43.23.065. While at the community residential center or other appropriate  
31 place, a person sentenced under (b)(1)(A) of this section shall perform at least 24

1 hours of community service work, and a person sentenced under (b)(1)(B) of this  
 2 section shall perform at least 160 hours of community service work, as required by the  
 3 director of the community residential center or other appropriate place. In this  
 4 subsection, "appropriate place" means a facility with 24-hour on-site staff supervision  
 5 that is specifically adapted to provide a residence, and includes a correctional center,  
 6 [RESIDENTIAL TREATMENT FACILITY, HOSPITAL,] halfway house, group  
 7 home, work farm, work camp, or other place that provides varying levels of  
 8 restriction: "appropriate place" does not mean a residential treatment facility or a  
 9 hospital.

10 \* Sec. 31. AS 28.35.030(n) is amended to read:

11 (n) A person is guilty of a class C felony if the person is convicted under (a)  
 12 of this section [OF DRIVING WHILE INTOXICATED] and has been previously  
 13 convicted two or more times since January 1, 1996, and within the 10 [FIVE] years  
 14 preceding the date of the present offense. For purposes of determining minimum  
 15 sentences based on previous convictions, the provisions of (o)(4) of this section apply.  
 16 Upon conviction, the court

17 (1) shall impose a fine of not less than \$10,000 [\$5,000] and, except as  
 18 provided under (q) of this section, a minimum sentence of imprisonment of not less  
 19 than

20 (A) 240 [120] days if the person has been previously convicted  
 21 twice;

22 (B) 480 [240] days if the person has been previously convicted  
 23 three times;

24 (C) two years [360 DAYS] if the person has been previously  
 25 convicted four or more times;

26 (2) may not

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

30 (B) suspend imposition of sentence;

31 (3) shall permanently revoke the person's driver's license, privilege to

1 drive, or privilege to obtain a license subject to restoration of the license under (p)  
2 of this section [UNDER AS 28.15.181(c)];

3 (4) may order as a condition of probation or parole that the person take  
4 a drug or combination of drugs, intended to prevent the consumption of an alcoholic  
5 beverage; a condition of probation imposed under this paragraph is in addition to any  
6 other condition authorized under another provision of law; [AND]

7 (5) shall [MAY] also order forfeiture under AS 28.35.036 of the  
8 vehicle, watercraft, or aircraft used in the commission of the offense, subject to  
9 remission under AS 28.35.037; and

10 (6) shall order the department to revoke the registration for any  
11 vehicle registered by the department in the name of the person convicted under  
12 this subsection; if a person convicted under this subsection is a registered co-  
13 owner of a vehicle, the department shall reissue the vehicle registration and omit  
14 the name of the person convicted under this subsection.

15 \* Sec. 32. AS 28.35.030(o) is amended to read:

16 (o) In this section,

17 (1) REPEALED

18 (2) "operate an aircraft" means to [USE,] navigate, pilot, or taxi an  
19 aircraft in the airspace over this state, or upon the land or water inside this state;

20 (3) "operate a watercraft" means to navigate [OR USE] a vessel used  
21 or capable of being used as a means of transportation on water for recreational or  
22 commercial purposes on all waters, fresh or salt, inland or coastal, inside the territorial  
23 limits or under the jurisdiction of the state;

24 (4) "previously convicted" means having been convicted in this or  
25 another jurisdiction, [WITHIN 10 YEARS PRECEDING THE DATE OF THE  
26 PRESENT OFFENSE,] of any of the following offenses; however, convictions for any  
27 of these offenses, if arising out of a single transaction and a single arrest, are  
28 considered one previous conviction:

29 (A) operating a motor vehicle, aircraft, or watercraft while  
30 under the influence of an alcoholic beverage or controlled substance  
31 [INTOXICATED,] in violation of this section or in violation of another law or

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ordinance with similar elements, except that the other law or ordinance may provide for a lower level of alcohol in the person's blood or breath than imposed under (a)(2) of this section;

(B) refusal to submit to a chemical test in violation of AS 28.35.032 or in violation of another law or ordinance with similar elements; or

(C) operating a commercial motor vehicle while under the influence of an alcoholic beverage or controlled substance [INTOXICATED] in violation of AS 28.33.030 or in violation of another law or ordinance with similar elements, except that the other law or ordinance may provide for a lower level of alcohol in the person's blood or breath than imposed under AS 28.33.030(a)(2).

\* Sec. 33. AS 28.35.030 is amended by adding new subsections to read:

(p) Upon request, the department shall review a driver's license revocation imposed under (n)(3) of this section and shall restore the driver's license if

(1) the license has been revoked for a period of at least 10 years;

(2) the person has not been convicted of a criminal offense since the license was revoked; and

(3) the person provides proof of financial responsibility.

(q) If a person is convicted under this section and the person had, as determined by a chemical test taken within four hours after the alleged offense was committed, 0.16 percent or more by weight of alcohol in the person's blood or 160 milligrams or more of alcohol per 100 milliliters of blood, or when there are 0.16 grams or more of alcohol per 210 liters of the person's breath, the court shall

(1) add six months to the minimum sentence of imprisonment otherwise required under this section; and

(2) require the person to complete a 30-day residential alcoholism treatment program under (h) of this section if such a program is available in the community where the person resides.

(r) A person who fails to satisfy alcoholism treatment requirements imposed by the court or an authorized agency under (h) of this section is not eligible for good

1 time deductions credited under AS 33.20.

2 (s) If a person is convicted under this section and has been previously  
3 convicted, the court shall order the person to surrender the registration plates for any  
4 vehicle registered or co-registered in the person's name. The person shall surrender  
5 the registration plates to the department by the close of the next business day. A  
6 person other than the person convicted under this section who applies to register a  
7 motor vehicle that has registration plates that were required to be surrendered under  
8 this section but that were not surrendered as required by this subsection may not  
9 register the vehicle unless the person registering the vehicle provides proof  
10 satisfactory to the department that the person did not know that the registration plates  
11 were required to be surrendered under this subsection or the person pays twice the  
12 applicable registration fee required under AS 28.10.421.

13 \* Sec. 34. AS 28.35.031(a) is amended to read:

14 (a) A person who operates or drives a motor vehicle in this state or who  
15 operates an aircraft as defined in AS 28.35.030(o) [AS 28.35.030(o)(2)] or who  
16 operates a watercraft as defined in AS 28.35.030(o) [AS 28.35.030(o)(3)] shall be  
17 considered to have given consent to a chemical test or tests of the person's breath for  
18 the purpose of determining the alcoholic content of the person's blood or breath if  
19 lawfully arrested for an offense arising out of acts alleged to have been committed  
20 while the person was operating or driving a motor vehicle or operating an aircraft or a  
21 watercraft while under the influence of an alcoholic beverage or controlled  
22 substance [INTOXICATED] or if lawfully arrested under AS 28.35.280 for the  
23 offense of minor operating a vehicle after consuming alcohol. The test or tests shall  
24 be administered at the direction of a law enforcement officer who has probable cause  
25 [REASONABLE GROUNDS] to believe that the person was operating or driving a  
26 motor vehicle or operating an aircraft or a watercraft in this state while under the  
27 influence of an alcoholic beverage or controlled substance [INTOXICATED] or  
28 that the person was a minor operating a vehicle after consuming alcohol.

29 \* Sec. 35. AS 28.35.031(b) is amended to read:

30 (b) A person who operates or drives a motor vehicle in this state or who  
31 operates an aircraft or watercraft shall be considered to have given consent to a

1 preliminary breath test for the purpose of determining the alcoholic content of the  
2 person's blood or breath. A law enforcement officer may administer a preliminary  
3 breath test at the scene of the incident if the officer has probable cause  
4 [REASONABLE GROUNDS] to believe that a person's ability to operate a motor  
5 vehicle, aircraft, or watercraft is impaired by the ingestion of alcoholic beverages and  
6 that the person

7 (1) was operating or driving a motor vehicle, aircraft, or watercraft that  
8 is involved in an accident;

9 (2) committed a moving traffic violation or unlawfully operated an  
10 aircraft or watercraft; in this paragraph, "unlawfully" means in violation of any  
11 federal, state, or municipal statute, regulation, or ordinance, except for violations that  
12 do not provide reason to believe that the operator's ability to operate the aircraft or  
13 watercraft was impaired by the ingestion of alcoholic beverages; or

14 (3) was operating or driving a motor vehicle in violation of  
15 AS 28.35.029(a).

16 \* Sec. 36. AS 28.35.031(g) is amended to read:

17 (g) A person who operates or drives a motor vehicle in this state shall be  
18 considered to have given consent to a chemical test or tests of the person's breath and  
19 blood for the purpose of determining the alcoholic content of the person's breath and  
20 blood and shall be considered to have given consent to a chemical test or tests of the  
21 person's blood and urine for the purpose of determining the presence of controlled  
22 substances in the person's blood and urine if the person is involved in a motor vehicle  
23 accident that causes death or serious physical injury to another person. The test or  
24 tests may be administered at the direction of a law enforcement officer who has  
25 probable cause [REASONABLE GROUNDS] to believe that the person was  
26 operating or driving a motor vehicle in this state that was involved in an accident  
27 causing death or serious physical injury to another person.

28 \* Sec. 37. AS 28.35.031 is amended by adding a new subsection to read:

29 (h) Nothing in this section shall be construed to restrict searches or seizures  
30 under a warrant issued by a judicial officer.

31 \* Sec. 38. AS 28.35.032(a) is amended to read:

1 (a) If a person under arrest for operating a motor vehicle or aircraft while  
2 under the influence of an alcoholic beverage or controlled substance  
3 [INTOXICATED] refuses the request of a law enforcement officer to submit to a  
4 chemical test authorized under AS 28.33.031(a)(1) or AS 28.35.031(a), or if a person  
5 involved in a motor vehicle accident that causes death or serious physical injury to  
6 another person refuses the request of a law enforcement officer to submit to a  
7 chemical test authorized under AS 28.33.031(a)(2) or AS 28.35.031(g), after being  
8 advised by the officer that the refusal will result in the denial or revocation of the  
9 driver's license, privilege to drive, or privilege to obtain a license, that the refusal may  
10 be used against the person in a civil or criminal action or proceeding arising out of an  
11 act alleged to have been committed by the person while operating a motor vehicle or  
12 aircraft while under the influence of an alcoholic beverage or controlled substance  
13 [INTOXICATED], and that the refusal is a crime, a chemical test may not be given,  
14 except as provided by AS 28.35.035. If a person under arrest for operating a watercraft  
15 while under the influence of an alcoholic beverage or controlled substance  
16 [INTOXICATED] refuses the request of a law enforcement officer to submit to a  
17 chemical test authorized under AS 28.35.031(a), after being advised by the officer that  
18 the refusal may be used against the person in a civil or criminal action or proceeding  
19 arising out of an act alleged to have been committed by the person while operating a  
20 watercraft while under the influence of an alcoholic beverage or controlled  
21 substance [INTOXICATED], and that the refusal is a crime, a chemical test may not  
22 be given, except as provided by AS 28.35.035.

23 \* Sec. 39. AS 28.35.032(e) is amended to read:

24 (e) The refusal of a person to submit to a chemical test authorized under  
25 AS 28.33.031(a) or AS 28.35.031(a) or (g) is admissible evidence in a civil or criminal  
26 action or proceeding arising out of an act alleged to have been committed by the  
27 person while operating or driving a motor vehicle or operating an aircraft or watercraft  
28 while under the influence of an alcoholic beverage or controlled substance  
29 [INTOXICATED].

30 \* Sec. 40. AS 28.35.032(j) is amended to read:

31 (j) For purposes of this section, convictions for operating or driving while

1        under the influence of an alcoholic beverage or controlled substance  
2        [INTOXICATED] under AS 28.33.030 or AS 28.35.030 and for refusal to submit to a  
3        chemical test under this section, if arising out of a single transaction and a single  
4        arrest, are considered one previous conviction.

5        \* Sec. 41. AS 28.35.033(a) is amended to read:

6                (a) Upon the trial of a civil or criminal action or proceeding arising out of acts  
7        alleged to have been committed by a person while operating or driving a motor vehicle  
8        or operating an aircraft or a watercraft while under the influence of an alcoholic  
9        beverage or controlled substance [INTOXICATED], the amount of alcohol in the  
10        person's blood or breath at the time alleged shall give rise to the following  
11        presumptions:

12                        (1) If there was 0.04 [0.05] percent or less by weight of alcohol in the  
13        person's blood, or 40 [50] milligrams or less of alcohol per 100 milliliters of the  
14        person's blood, or 0.04 [0.05] grams or less of alcohol per 210 liters of the person's  
15        breath, it shall be presumed that the person was not under the influence of an  
16        alcoholic beverage [INTOXICATING LIQUOR].

17                        (2) If there was in excess of 0.04 [0.05] percent but less than 0.08  
18        [0.10] percent by weight of alcohol in the person's blood, or in excess of 40 [50] but  
19        less than 80 [100] milligrams of alcohol per 100 milliliters of the person's blood, or in  
20        excess of 0.04 [0.05] grams but less than 0.08 [0.10] grams of alcohol per 210 liters of  
21        the person's breath, that fact does not give rise to any presumption that the person was  
22        or was not under the influence of an alcoholic beverage [INTOXICATING  
23        LIQUOR], but that fact may be considered with other competent evidence in  
24        determining whether the person was under the influence of an alcoholic beverage  
25        [INTOXICATING LIQUOR].

26                        (3) [REPEALED]

27                        (4) If there was 0.08 [0.10] percent or more by weight of alcohol in  
28        the person's blood, or 80 [100] milligrams or more of alcohol per 100 milliliters of the  
29        person's blood, or 0.08 [0.10] grams or more of alcohol per 210 liters of the person's  
30        breath, it shall be presumed that the person was under the influence of an alcoholic  
31        beverage [INTOXICATING LIQUOR].

1 \* Sec. 42. AS 28.35.033(e) is amended to read:

2 (e) The person tested may have a physician, or a qualified technician, chemist,  
3 registered nurse, or other qualified person of the person's own choosing administer a  
4 chemical test in addition to the test administered at the direction of a law enforcement  
5 officer. The failure or inability to obtain an additional test by a person does not  
6 preclude the admission of evidence relating to the test taken at the direction of a law  
7 enforcement officer; the fact that the person under arrest sought to obtain such an  
8 additional test, and failed or was unable so to do, is likewise admissible in evidence.  
9 The person who administers the chemical test shall clearly and expressly inform  
10 the person tested of that person's right to an independent test described under  
11 this subsection. and, if the person being tested requests an independent test, the  
12 department shall make reasonable and good-faith efforts to assist the person  
13 being tested in contacting a person qualified to perform an independent chemical  
14 test of the person's breath or blood.

15 \* Sec. 43. AS 28.35.035(a) is amended to read:

16 (a) If a person is under arrest for an offense arising out of acts alleged to have  
17 been committed while the person was operating a motor vehicle, aircraft, or watercraft  
18 while under the influence of an alcoholic beverage or controlled substance  
19 [INTOXICATED], and that arrest results from an accident that causes death or  
20 physical injury to another person, a chemical test may be administered without the  
21 consent of the person arrested to determine the amount of alcohol in that person's  
22 breath or blood or to determine the presence of controlled substances in that person's  
23 blood and urine.

24 \* Sec. 44. AS 28.35.035(c) is amended to read:

25 (c) If a chemical test is administered to a person under (a), ~~(b)~~, or (d) of  
26 this section, that person is not subject to the penalties for refusal to submit to a  
27 chemical test provided by AS 28.35.032.

28 \* Sec. 45. AS 28.35.035 is amended by adding a new subsection to read:

29 (d) If a person is under arrest for operating a motor vehicle, aircraft, or  
30 watercraft while intoxicated and exigent circumstances preclude the administration of  
31 a chemical test of the person's breath under AS 28.33.031(a) or AS 28.35.031(a), a

1 chemical test may be administered without the consent of the person arrested for the  
2 purpose of determining the amount of alcohol in that person's blood or to determine  
3 the presence of a controlled substance in the person's blood or urine.

4 \* Sec. 46. AS 28.35.036(a) is amended to read:

5 (a) After conviction of an offense under AS 28.35.030 or 28.35.032, the state  
6 shall [MAY] move the court to order the forfeiture of the motor vehicle [,] or aircraft  
7 involved in the commission of the offense if the convicted person has been previously  
8 convicted in this or another jurisdiction [OF MORE THAN ONE OF THE  
9 FOLLOWING OFFENSES] or has [MORE THAN ONCE] been previously convicted  
10 of one of the following offenses:

11 (1) driving while under the influence of an alcoholic beverage or  
12 controlled substance [INTOXICATED] under AS 28.35.030 or another law or  
13 ordinance with substantially similar elements; or

14 (2) refusal to submit to a chemical test under AS 28.35.032 or another  
15 law or ordinance with substantially similar elements.

16 \* Sec. 47. AS 28.35 is amended by adding a new section to read:

17 **Article 7. Alaska Repeat Offender Status System.**

18 **Sec. 28.35.300. Alaska driving while under the influence offenders status**  
19 **system.** The department shall establish and maintain a database of persons who are  
20 convicted under AS 28.35.030(n). The database shall be accessible to the public for  
21 the purpose of determining if a person is prohibited by law from registering a vehicle.

22 \* Sec. 48. AS 47.37.040(14) is amended to read:

23 (14) cooperate with the Department of Public Safety and the  
24 Department of Transportation and Public Facilities in establishing and conducting  
25 programs designed to deal with the problem of persons operating motor vehicles while  
26 under the influence of an alcoholic beverage or controlled substance  
27 [INTOXICATED OR UNDER THE INFLUENCE OF DRUGS], and develop and  
28 approve alcohol information courses required to be taken by drivers under AS 28.15 or  
29 made available to drivers to reduce points assessed for violation of traffic laws;

30 \* Sec. 49. The uncodified law of the State of Alaska is amended by adding a new section to  
31 read:

1           APPLICABILITY. (a) Section 6 of this Act applies to registration of a motor vehicle  
2 that occurs on or after the effective date of this Act.

3           (b) This Act applies to offenses committed on or after the effective date of this Act,  
4 except that references to previous convictions include convictions occurring before, on, or  
5 after the effective date of this Act.

6           \* Sec. 50. Section 47 of this Act takes effect July 1, 2002.

7           \* Sec. 51. Except as provided in sec. 50 of this Act, this Act takes effect July 1, 2001.

**CS HOUSE BILL 4 (TRA) FISCAL NOTES SUMMARY**

**Expenditures/Revenues**

<b>Operating Expenses</b>	<b>FY 02</b>	<b>FY 03</b>	<b>FY 04</b>	<b>FY 05</b>	<b>FY 06</b>	<b>FY 07</b>
Personal Services	1498.5	1559.1	1600.9	1648.5	1648.5	1648.5
Travel	34.9	36.7	38.4	40.2	40.2	40.2
Contractual	670	695.6	723.2	748.8	761.2	761.2
Supplies	19.3	20.3	21.2	22.2	22.2	22.2
Equipment	83.3	11.5	11.5	11.5	9.1	9.1
Land & Structures						
Grants & Claims	634.6	634.6	634.6	634.6	634.6	634.6
Miscellaneous	30139.8	30795.6	30863.6	30970.9	31075.2	31075.2
<b>TOTAL OPERATING</b>	<b>33080.4</b>	<b>33753.4</b>	<b>33893.4</b>	<b>34076.7</b>	<b>34191.0</b>	<b>34191.0</b>

**Capital Expenditures**

**Change in Revenues**

**FUND SOURCE**

1002 Federal Receipts						
1003 GF Match						
1004 GF	32781.1	33444.1	33584.1	33703.4	33881.7	33881.7
1005 GF/Program Receipts	120.0	130.0	130.0	130.0	130.0	130.0
1037 GF/Mental Health						
Other (1156 Receipt Supported)	170.3	179.3	179.3	179.3	179.3	179.3
<b>TOTAL</b>	<b>33080.4</b>	<b>33753.4</b>	<b>33893.4</b>	<b>34012.7</b>	<b>34191.0</b>	<b>34191.0</b>

**POSITIONS**

Full-time	33.5	34.0	34.5	35.0	35.0	35.0
Part-time	7.0	7.0	7.0	7.0	7.0	7.0
Temporary						

**Consists of:**

- Health & Social Services (Juvenile Justice: Bethel Youth Facility)
- Health & Social Services (Juvenile Justice: Johnson Youth Facility)
- Health & Social Services (Alcohol & Drug Abuse Svcs: Alcohol Safety Action Program)
- Health & Social Services (Alcohol & Drug Abuse Svcs: Alcohol/Drug Abuse Grants)
- Corrections
- Administration (Div Motor Vehicles)
- Administration (Public Defender)
- Public Safety (State Troopers)
- Court System

Prepared by Sharron O'Dell, Acting Transportation Aide  
27-Feb-01

# FISCAL NOTE

STATE OF ALASKA  
2001 LEGISLATIVE SESSION

Fiscal Note Number: \_\_\_\_\_  
Bill Version: CS HB4 (TRA)  
( ) Publish Date: \_\_\_\_\_

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: Health & Social Services  
Title: Relating to operating motor vehicles under the BRU: Juvenile Justice  
influence Component: Bethel Youth Facility  
Sponsor: Representative Rokeberg  
Requester: House (TRA) Component Number: 319

**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	5.0	5.0	5.0	5.0	5.0	5.0
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>5.0</b>	<b>5.0</b>	<b>5.0</b>	<b>5.0</b>	<b>5.0</b>	<b>5.0</b>

<b>CAPITAL EXPENDITURES</b>						
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<b>CHANGE IN REVENUES ( )</b>						
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**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	5.0	5.0	5.0	5.0	5.0	5.0
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
<b>TOTAL</b>	<b>5.0</b>	<b>5.0</b>	<b>5.0</b>	<b>5.0</b>	<b>5.0</b>	<b>5.0</b>

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)

Increased costs would occur at the smaller facilities where holding juveniles for a longer period of time would lead to increased overtime costs for the additional days of stay at the youth facility.

Prepared by: George Buhite, Director Phone 465-2212  
Division: Juvenile Justice Date/Time 2/27/01 8:48 AM  
Approved by: Karen Perdue, Commissioner Date 2/27/01 8:48 AM  
Agency: Department of Health & Social Services

For distribution information, call the Governor's Legislative Office

# FISCAL NOTE

**STATE OF ALASKA**  
**2001 LEGISLATIVE SESSION**

Fiscal Note Number: \_\_\_\_\_  
 Bill Version: CS HB4 (TRA)  
 ( ) Publish Date: \_\_\_\_\_

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: Health & Social Services  
 Title: Relating to operating motor vehicles under the BRU: Juvenile Justice  
influence Component: Johnson Youth Facility  
 Sponsor: Representative Rokeberg  
 Requester: House (TRA) Component Number: 267

**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	15.0	15.0	15.0	15.0	15.0	15.0
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>15.0</b>	<b>15.0</b>	<b>15.0</b>	<b>15.0</b>	<b>15.0</b>	<b>15.0</b>

<b>CAPITAL EXPENDITURES</b>						
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<b>CHANGE IN REVENUES ( )</b>						
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**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	15.0	15.0	15.0	15.0	15.0	15.0
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
<b>TOTAL</b>	<b>15.0</b>	<b>15.0</b>	<b>15.0</b>	<b>15.0</b>	<b>15.0</b>	<b>15.0</b>

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)

Increased costs would occur at the smaller facilities where holding juveniles for a longer period of time would lead to increased overtime costs for the additional days of stay at the youth facility.

Prepared by: George Buhite, Director Phone 465-2212  
 Division: Juvenile Justice Date/Time 2/27/01 8:48 AM  
 Approved by: Karen Perdue, Commissioner Date 2/27/01 8:48 AM  
 Agency: Department of Health & Social Services

For distribution information, call the Governor's Legislative Office

# FISCAL NOTE

STATE OF ALASKA  
2001 LEGISLATIVE SESSION

Fiscal Note Number: \_\_\_\_\_  
Bill Version: CS HB 4 (TRA)  
( ) Publish Date: \_\_\_\_\_

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: Health & Social Services  
Title: An Act relating to offenses involving operating BRU: Alcohol & Drug Abuse Svcs  
a motor vehicle Component: Alcohol Safety Action Program  
Sponsor: Rep Rokeberg  
Requester: House (TRA) Component Number: 305

**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	60.0	60.0	60.0	60.0	60.0	60.0
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims	52.4	52.4	52.4	52.4	52.4	52.4
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>112.4</b>	<b>112.4</b>	<b>112.4</b>	<b>112.4</b>	<b>112.4</b>	<b>112.4</b>

<b>CAPITAL EXPENDITURES</b>						
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<b>CHANGE IN REVENUES ( )</b>						
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**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	112.4	112.4	112.4	112.4	112.4	112.4
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
<b>TOTAL</b>	<b>112.4</b>	<b>112.4</b>	<b>112.4</b>	<b>112.4</b>	<b>112.4</b>	<b>112.4</b>

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)

Section 26 lowers the blood alcohol content from .10 to .08. It is estimated that this will result in a 10% increase in number of DUI cases resulting in convictions and mandatory referral to Alcohol Safety Action Programs (ASAP) and subsequently for treatment. Of these additional cases DHSS estimates that 100% would be referred to an ASAP. The costs to handle these additional cases is \$112.4. We estimate that 65-70% of these cases will be handled by the ASAP office in Anchorage, which is operated by employees of the Division of Alcoholism and Drug Abuse.

Prepared by: Ernest Turner, Director Phone 465-2071  
Division: Alcoholism and Drug Abuse Date/Time 2/26/01 4:30 PM  
Approved by: Karen Perdue, Commissioner Date 2/27/01 8:48 AM  
Agency: Department of Health & Social Services

For distribution information, call the Governor's Legislative Office

# FISCAL NOTE

**STATE OF ALASKA  
2001 LEGISLATIVE SESSION**

Fiscal Note Number: \_\_\_\_\_  
 Bill Version: CS HB 4 (TRA)  
 ( ) Publish Date: \_\_\_\_\_

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: Health & Social Services  
 Title: An Act relating to offenses involving operating a motor vehicle BRU: Alcohol & Drug Abuse Svcs  
 Component: Alcohol/Drug Abuse Grants  
 Sponsor: Rep Rokeberg  
 Requester: House (TRA) Component Number: 1239

**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	582.2	582.2	582.2	582.2	582.2	582.2
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>582.2</b>	<b>582.2</b>	<b>582.2</b>	<b>582.2</b>	<b>582.2</b>	<b>582.2</b>

<b>CAPITAL EXPENDITURES</b>						
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<b>CHANGE IN REVENUES ( )</b>						
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**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	582.2	582.2	582.2	582.2	582.2	582.2
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
<b>TOTAL</b>	<b>582.2</b>	<b>582.2</b>	<b>582.2</b>	<b>582.2</b>	<b>582.2</b>	<b>582.2</b>

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)

Section 26 lowers the blood alcohol content from .10 to .08. It is estimated that this will result in a 10% increase in number of DUI cases resulting in convictions and mandatory referral to Alcohol Safety Action Programs and subsequently for treatment. Of these additional cases DHSS estimates that 75% would be treated in a public program. Due to existing wait capacity and waitlist an additional \$582.2 is required to fund the capacity required to provide the mandated treatment required.

Prepared by: Ernest Turner, Director Phone 465-2071  
 Division: Alcoholism and Drug Abuse Date/Time 2/26/01 4:30 PM  
 Approved by: Karen Perdue, Commissioner Date 2/27/01 8:48 AM  
 Agency: Department of Health & Social Services

For distribution information, call the Governor's Legislative Office

# FISCAL NOTE

**STATE OF ALASKA  
2001 LEGISLATIVE SESSION**

Fiscal Note Number: \_\_\_\_\_  
 Bill Version: CSHB 4 (H. Trans.)  
 () Publish Date: \_\_\_\_\_

02/24/01 3:00 p.m. Dept. Affected: Corrections  
 Title: An Act relating to offenses involving operating BRU: 271  
a motor vehicle, aircraft, or watercraft while under the influence Component: All  
 Sponsor: Representative Rokeberg  
 Requester: House Transportation Committee 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						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous	29,345.3	30,001.1	30,069.1	30,176.4	30,280.7	30,280.7
<b>TOTAL OPERATING</b>	<b>29,345.3</b>	<b>30,001.1</b>	<b>30,069.1</b>	<b>30,176.4</b>	<b>30,280.7</b>	<b>30,280.7</b>

<b>CAPITAL EXPENDITURES</b>						
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<b>CHANGE IN REVENUES ( )</b>						
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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	29,046.0	29,691.8	29,759.8	29,867.1	29,971.4	29,971.4
1005 GF/Program Receipts	120.0	130.0	130.0	130.0	130.0	130.0
1037 GF/Mental Health						
Other - 1156 Receipt supported serv.	179.3	179.3	179.3	179.3	179.3	179.3
<b>TOTAL</b>	<b>29,345.3</b>	<b>30,001.1</b>	<b>30,069.1</b>	<b>30,176.4</b>	<b>30,280.7</b>	<b>30,280.7</b>

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)

This bill will make extensive changes in the current statutes regarding driving while intoxicated. Because of the volume of the bill, we will only address the specific sections that affect the Department of Corrections.

Sec. 4. Changes the presumptive sentencing regarding Manslaughter to add a provision for Manslaughter as a result of DWI. It will change the presumptive sentence from 5 years to seven. This change will result in an increased cost to DOC of \$107,360 in FY05 and \$211,640 in subsequent years.

Sec. 26. Changes the threshold for DWI presumption from .10 to .08. It is estimated by Department of Law that although this may not increase arrests by a large amount, it will increase convictions by 10%. In FY00 there were 4118 misdemeanor convictions for DWI and 200 felony convictions. Estimating a 10% increase and taking into account the increased cost of treatment provision as well as the diversion program proposed in this bill, it is estimated that the increased cost of incarceration will come to \$1,004,990 in FY02, \$977,637 in FY03, and \$1,011,604 in \$1,045,571

Prepared by: Candace Brower Phone 465-4652  
 Division: Commissioner's Office Date/Time 2/24/01 3:50 PM  
 Approved by: Margaret Pugh, Commissioner Date 2/27/01  
 Agency: Department of Corrections

For distribution information, call the Governor's Legislative Office

FISCAL NOTE

STATE OF ALASKA  
2001 LEGISLATIVE SESSION  
DEPARTMENT OF CORRECTIONS

BILL NO. CSHB4  
PAGE 2 of 2  
DATE 2/24/01

in subsequent years.

Sec. 27. This section makes the minimum sentence for second time offenders 30 days, or not less than 20 days if the person performs 10 days of community work service. In FY00 there were an estimated 824 second time DWI offenders. We assume that one-half will opt to complete the 10 days CWS. The other half will serve their extra 10 days in the CRC. Including statutory good time, 412 offenders will serve 7 days @ \$64.00/day for a total of \$184,576.

Sec. 29. This section increases cost of imprisonment to be charged to the offender from up to \$1,000 to up to \$2,000. The increased charge for incarceration to \$2,000 does not make a large difference in receipts to the DOC. The current minimum sentence for second time offenders is 20 days. With good time, someone would serve 13 days. This is served in a Community Residential Center @ \$64.00/day. That totals \$832. Offenders are already required to pay up to \$1,000 for cost of care. If the penalty is increased to 30 days, then the increase in cost of care will be made up for by the additional requirement. The requirement for payment is for misdemeanants only.

This section also requires treatment to occur as much as possible while the offender is incarcerated. This applies to felony DWI offenders. It is estimated that there will be approximately 240 felony offenders in FY02. It is estimated that one-half of those will require Intensive Outpatient Treatment at \$2500 per person for a total of \$300,000. It is estimated that one-half will require Residential Treatment at a cost of \$6380 per offender for a total of \$765,600. The total cost of treatment the first year would be \$1,065,600. The second and subsequent years, it is estimated there will be at least 260 felons for a total treatment cost of \$1,154,400

Sec. 31. This section changes the 5-year look-back to a 10-year look-back, phasing it in over a 5 year period. It is estimated this will result in an increase of 19 felons the first year and 38 in subsequent years for a cost of \$418,000 the first year and \$836,000 the second year.

This section also doubles the minimum sentencing for felony offenders. Using 240 as the number of expected convicted DWI felons in FY02, and estimating that 80% of those will be third time offenders, 192 will serve an additional 80 days. I will utilize the cost of \$88/day to estimate these costs as that is the average cost if an offender serves half of their sentence in a prison bed and half in a community residential center. The cost for third time offenders will be \$1,351,680. Estimating that 15% will be 4<sup>th</sup> time offenders, that would result in 36 offenders serving an additional 160 days @ \$88/day equals \$506,880. The remaining 5% (12 offenders) will serve an additional 244 days for a total of \$257,664. The total cost of this provision for the first fiscal year will be \$2,116,224.

Sec. 32. This section takes away the language in the current statute that provides a 10-year look-back for second time offenders. It is estimated that 3% of the 824 second time offenders will be affected by this removal. The result will be an additional 26 offenders serving a term for second time offense rather than first for a total of \$27,456.

Sec. 33. This section increases the sanctions for those offenders whose BRAC is .16 or greater. It would add an additional 6 months in prison for those offenders. Based on DMV records, 70% of all DWI offenders have a .15 or greater BRAC. Estimating that 60% have greater than .16, 2590 offenders would be sentenced to the additional 6 months. It is estimated that one-half of these offenders would complete treatment and receive good time, serving an additional 4 months and one-half would not complete treatment and would serve the entire 6 months. The cost to DOC for this provision is \$24,349,208. This section also takes away good time for all those DWI offenders who do not complete treatment as imposed. It is impossible to evaluate the cost of this to the Dept.

# FISCAL NOTE

**STATE OF ALASKA  
2001 LEGISLATIVE SESSION**

Fiscal Note Number: \_\_\_\_\_  
 Bill Version: CS HB 4 (TRA )  
 ( ) Publish Date: \_\_\_\_\_

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: Administration  
 Title: An act relating to offenses involving operating BRU: Motor Vehicles  
a motor vehicle, aircraft, or watercraft while under..... Component: \_\_\_\_\_  
 Sponsor: Representative Rokeberg  
 Requester: House Transportation 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						
<b>TOTAL OPERATING</b>	<b>794.5</b>	<b>794.5</b>	<b>794.5</b>	<b>794.5</b>	<b>794.5</b>	<b>794.5</b>

<b>CAPITAL EXPENDITURES</b>						
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<b>CHANGE IN REVENUES ( )</b>						
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**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	794.5	794.5	794.5	794.5	794.5	794.5
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
<b>TOTAL</b>	<b>794.5</b>	<b>794.5</b>	<b>794.5</b>	<b>794.5</b>	<b>794.5</b>	<b>794.5</b>

Estimate of any current year (FY2001) cost: 0.0

**POSITIONS**

Full-time	13	13	13	13	13	13
Part-time	1	1	1	1	1	1
Temporary						

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

This analysis contains only the total estimated funding amount because DMV has not had sufficient time to complete a detailed analysis of this complex bill. The fiscal impact can be separated into the following major areas:

**Section 6.** This requires DMV to refuse to register a vehicle if the owner has a license suspension or revocation.

Cost - \$546.0 10 PFT/1 PPT

**Section 26.** DMV estimates DWI arrests will increase by 15% when BAC is reduced to .08. Requests for hearings will increase and an additional hearing officer and support person will be needed. Cost - \$120.0 2 PFT

**Section 31.** This section requires DMV to revoke the registration of vehicles owned by the offender. Cost - \$50.0 1 PFT

**Section 47.** This section requires DMV to establish and maintain a public database of felony DWI offenders. Cost - \$78.5

Prepared by: Charles R. Hosack Phone 269-5559  
 Division: Motor Vehicles Date/Time 2/26/01  
 Approved by: Jim Duncan, Commissioner Date 2/26/01  
 Agency: Department of Administration

For distribution information, call the Governor's Legislative Office

# FISCAL NOTE

**STATE OF ALASKA**  
**2001 LEGISLATIVE SESSION**

Fiscal Note Number: \_\_\_\_\_  
 Bill Version: CS HB 4 (TRA)  
 ( ) Publish Date: \_\_\_\_\_

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: Administration  
 Title: "An Act relating to offenses involving operating a motor vehicle..." BRU: Legal & Advocacy  
 Component: Public Defender Agency  
 Sponsor: Representative Rokeberg  
 Requester: (H) TRA Component Number: 1631

**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	786.6	829.9	871.7	919.3	919.3	919.3
Travel	27.4	29.2	30.9	32.7	32.7	32.7
Contractual	160.1	173.3	186.4	199.6	199.6	199.6
Supplies	16.8	17.8	18.7	19.7	19.7	19.7
Equipment	83.3	11.5	11.5	11.5	9.1	9.1
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>1,074.2</b>	<b>1,061.7</b>	<b>1,119.2</b>	<b>1,182.8</b>	<b>1,180.4</b>	<b>1,180.4</b>

<b>CAPITAL EXPENDITURES</b>						
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<b>CHANGE IN REVENUES ( )</b>						
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**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	1,074.2	1,061.7	1,119.2	1,182.8	1,180.4	1,180.4
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
<b>TOTAL</b>	<b>1,074.2</b>	<b>1,061.7</b>	<b>1,119.2</b>	<b>1,132.8</b>	<b>1,180.4</b>	<b>1,180.4</b>

Estimate of any current year (FY2001) cost: 0.0

**POSITIONS**

Full-time	12.5	13.0	13.5	14.0	14.0	14.0
Part-time						
Temporary						

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

The following pages list the expected costs of Section 26 (.08), Sections 31 and 46(Vehicle Forfeiture), Section 33 (.16 Enhancement), and Section 31 (Look-Back).

In addition, the increased fines, fees, and license revocation periods set out in various sections of the bill will also have some fiscal impact and there may be additional fiscal impact from other parts of the bill that are not listed on pages 2-4 of this analysis.

Prepared by: Barbara Brink, Director Phone: (907) 334-4414  
 Division: Public Defender Agency Date/Time: 2/26/01 12:00 AM  
 Approved by: Jim Duncan, Commissioner Date: 2/26/01  
 Agency: Department of Administration

For distribution information, call the Governor's Legislative Office

PUBLIC DEFENDER AGENCY  
HB 4 FISCAL NOTE

Sec. 26 - 0.08	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
Personal Services	98.9	98.9	98.9	98.9	98.9	98.9
Travel	3.7	3.7	3.7	3.7	3.7	3.7
Contractual	27.3	27.3	27.3	27.3	27.3	27.3
Supplies	2.2	2.2	2.2	2.2	2.2	2.2
Equipment	8.5	0.8	0.8	0.8	0.8	0.8
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>140.6</b>	<b>132.9</b>	<b>132.9</b>	<b>132.9</b>	<b>132.9</b>	<b>132.9</b>

**POSITIONS**

Full-time	1	1	1	1	1	1
Part-time						
Temporary						

Sec. 31&46-Forfeiture	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
Personal Services	197.1	197.1	197.1	197.1	197.1	197.1
Travel	6.5	6.5	6.5	6.5	6.5	6.5
Contractual	22.0	22.0	22.0	22.0	22.0	22.0
Supplies	4.0	4.0	4.0	4.0	4.0	4.0
Equipment	26.0	2.6	2.6	2.6	2.6	2.6
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>255.6</b>	<b>232.2</b>	<b>232.2</b>	<b>232.2</b>	<b>232.2</b>	<b>232.2</b>

**POSITIONS**

Full-time	4	4	4	4	4	4
Part-time						
Temporary						

Sec. 33-0.16 Enhanc'm't	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
Personal Services	448.8	448.8	448.8	448.8	448.8	448.8
Travel	15.5	15.5	15.5	15.5	15.5	15.5
Contractual	97.7	97.7	97.7	97.7	97.7	97.7
Supplies	9.7	9.7	9.7	9.7	9.7	9.7
Equipment	45.5	4.5	4.5	4.5	4.5	4.5
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>617.2</b>	<b>576.2</b>	<b>576.2</b>	<b>576.2</b>	<b>576.2</b>	<b>576.2</b>

**POSITIONS**

Full-time	7	7	7	7	7	7
Part-time						
Temporary						

Sec. 31-Look-Back	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
Personal Services	41.8	85.1	126.9	174.5	174.5	174.5
Travel	1.7	3.5	5.2	7.0	7.0	7.0
Contractual	13.1	26.3	39.4	52.6	52.6	52.6
Supplies	0.9	1.9	2.8	3.8	3.8	3.8
Equipment	3.3	3.6	3.6	3.6	1.2	1.2
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>60.8</b>	<b>120.4</b>	<b>177.9</b>	<b>241.5</b>	<b>239.1</b>	<b>239.1</b>

**POSITIONS**

Full-time	0.5	1.0	1.5	2.0	2.0	2.0
Part-time						
Temporary						

TOTAL PUBIC DEFENDER	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
Personal Services	786.6	829.9	871.7	919.3	919.3	919.3
Travel	27.4	29.2	30.9	32.7	32.7	32.7
Contractual	160.1	173.3	186.4	199.6	199.6	199.6
Supplies	16.8	17.8	18.7	19.7	19.7	19.7
Equipment	83.3	11.5	11.5	11.5	9.1	9.1
Land & Structures						
Grants & Claims						
Miscellanecus						
<b>TOTAL OPERATING</b>	<b>1,074.2</b>	<b>1,061.7</b>	<b>1,119.2</b>	<b>1,182.8</b>	<b>1,180.4</b>	<b>1,180.4</b>
<b>POSITIONS</b>						
Full-time	12.5	13.0	13.5	14.0	14.0	14.0
Part-time						
Temporary						

# FISCAL NOTE

STATE OF ALASKA  
2001 LEGISLATIVE SESSION

Fiscal Note Number: \_\_\_\_\_  
 Bill Version: CSHB 4(TRA)  
 () Publish Date: \_\_\_\_\_  
 Dept. Affected: Public Safety  
 BRU: AST Detachment  
 Component: ST Detachment  
 Component Number: 2325

Revision Date/Time (Note if correction): \_\_\_\_\_  
 Title: Registration of Motor Vehicle, Operating Motor Vehicle, Aircraft, Watercraft while intoxicated & Drivers License  
 Sponsor: Representative Rokeberg  
 Requester: House Transportation Committee

**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	47.6	47.6	47.6	47.6	47.6	47.6
Travel	7.5	7.5	7.5	7.5	7.5	7.5
Contractual	391.5	391.5	391.5	391.5	391.5	391.5
Supplies	2.5	2.5	2.5	2.5	2.5	2.5
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>449.1</b>	<b>449.1</b>	<b>449.1</b>	<b>449.1</b>	<b>449.1</b>	<b>449.1</b>

<b>CAPITAL EXPENDITURES</b>						
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<b>CHANGE IN REVENUES ( )</b>						
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**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	449.1	449.1	449.1	449.1	449.1	449.1
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
<b>TOTAL</b>	<b>449.1</b>	<b>449.1</b>	<b>449.1</b>	<b>449.1</b>	<b>449.1</b>	<b>449.1</b>

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	1	1	1	1	1	1
Part-time						
Temporary						

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

This legislation will require one full-time Procurement Specialist I, range 14 position, to manage the forfeiture inventory (450 vehicles and 50 snow-machines). Included in this analysis are the transportation costs, storage costs, DMV Fees, and I/M Test Fees. The transportation costs assume twenty-five percent of the vehicles would require long-distance transportation (vehicle transport contractor - \$900 per vehicle) and seventy-five percent by short-distance (towing companies - \$50 per vehicle). The storage of vehicle (\$450 annually) and snow-machine (\$350 annually) would be contracted out to general automobile/RV storage facilities. The following costs are not included in this fiscal note: the administrative fee charged for the sale of vehicles (5% - 10% of sale proceeds); loan payoff of vehicles forfeited; and secure arrangements for vehicle storage. See attached sheet for additional details.

Prepared by: Lt. Steve Dunnagan Phone 269-4532  
 Division: Alaska State Troopers Date/Time 2/21/01 10:00 AM  
 Approved by: Commissioner Glenn Godfrey Date 2/21/01  
 Agency: Department of Public Safety

For distribution information, call the Governor's Legislative Office

# FISCAL NOTE

CSHB 4(TRA)

## CSHB 4(TRA) - Vehicles Forfeited on 2nd DWI Offense

		Procurement Specialist I, Range 14, Anchorage	47,600		
		Travel for Auctions	7,500		
Type	Location	Vendor	Shipment or Annual Cost	Est. Annual #	Cost
Vehicle	Long Distance (25%)	AK Veh Tran	\$ 900	115	\$ 103,500
Vehicle	Short Distance (75%)	Towing Co.	\$ 50	335	\$ 16,750
I/M Test	Fbx/Anc - 30% of 450	Xpress Lube	\$ 55	135	\$ 7,425
DMV Fees		DMV	\$ 78	450	\$ 35,100
Snowmachine Storage	Anch, Palmer, Fbx	Auto / RV	\$ 350	50	\$ 17,500
Vehicle Storage	Anch, Palmer, Fbx	Auto / RV	\$ 450	450	\$ 202,500
Contractual Cost for One Position (phones, computer, postage, DP Svc)					\$ 8,700
Total Contractual Costs					\$ 391,475
Office and DP Supplies for One Position			Total Supply Costs		
			\$ 2,500		
<b>TOTAL</b>					<b>\$ 449,075</b>

Assumption: 1,000 convictions, 50% forfeited (450 vehicles and 50 snowmachines).  
 Analysis does not include: 1. secure arrangement for vehicle storage. 2. Sale of Vehicle  
 5% Admin Fee. 3. Vehicle Loan Payoff - forfeited vehicles.

## Option - Vehicle Forfeited on 3rd DWI Offense

		Procurement Specialist I, Range 14, Anchorage	47,600		
		Travel for Auctions	5,000		
Type	Location	Vendor	Shipment or Annual Cost	Est. Annual #	Cost
Snowmachine	Bethel/Nome - Anc	NAC	\$ 210	50	\$ 10,500
Vehicle	Long Distance (25%)	AK Veh Tran	\$ 900	50	\$ 45,000
Vehicle	Short Distance (75%)	Towing Co.	\$ 50	150	\$ 7,500
I/M Test	Fbx/Anc - 30% of 200	Xpress Lube	\$ 55	60	\$ 3,300
DMV Fees		DMV	\$ 78	200	\$ 15,600
Snowmachine Storage	Anch, Palmer, Fbx	Auto / RV	\$ 350	50	\$ 17,500
Vehicle Storage	Anch, Palmer, Fbx	Auto / RV	\$ 450	200	\$ 90,000
Contractual Cost for Position (phones, computer, postage, DP Svc)					\$ 8,700
Total Contractual Costs					\$ 198,100
Office and DP Supplies for Position			Total Supply Costs		
			\$ 2,500		
<b>TOTAL</b>					<b>\$ 253,200</b>

Assumption: 500 convictions, 50% forfeited (200 vehicles and 50 snowmachines).  
 Analysis does not include: 1. secure arrangement for vehicle storage. 2. Sale of Vehicle  
 5% Admin Fee. 3. Vehicle Loan Payoff - forfeited vehicles.

# FISCAL NOTE

STATE OF ALASKA  
2001 LEGISLATIVE SESSION

BILL NO. HB 4

Revision Date/Time (Note if correction) Work Draft 2/16/01 Dept. Affected \_\_\_\_\_  
 Title Omnibus DWI Bill BRU Alaska Court System  
 Component Trial Courts  
 Sponsor Rep. Norrnan Rokeberg  
 Requester House Transportation Committee Component No. 768

**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	584.3	601.6	601.6	601.6	601.6	601.6
Travel						
Contractual	118.4	130.8	145.3	157.7	170.1	170.1
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>702.7</b>	<b>732.4</b>	<b>746.9</b>	<b>759.3</b>	<b>771.7</b>	<b>771.7</b>

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	702.7	732.4	746.9	759.3	771.7	771.7
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
<b>TOTAL</b>	<b>702.7</b>	<b>732.4</b>	<b>746.9</b>	<b>759.3</b>	<b>771.7</b>	<b>771.7</b>

Estimate of any current year (FY2001) cost: 0.0

**POSITIONS**

Full-time	7	7	7	7	7	7
Part-time	6	6	6	6	6	6
Temporary						

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

See Attached

Prepared by: Douglas Wooliver Phone 463-4750  
 Division: Alaska Court System Date/Time 2/23/01 @ 2:15 P.M.  
 Approved by: Stephanie Cole Date \_\_\_\_\_  
 Agency: Alaska Court System

For distribution information, call the Governor's Legislative Office

Fiscal Analysis  
Draft CSHB 4 (22-LS0046\P Ford 2/16/01)  
Alaska Court System

Draft CSHB 4 (22-LS0046\P Ford 2/16/01) makes several changes to the statutes relating to the offense of driving while intoxicated. Some of those changes will have a fiscal impact on the court system.

Section 26 lowers the BAC necessary for a DWI violation under AS 28.35.030(a)(2) from .1 to .08. National studies show that other states that have made this change have experienced a 10% increase in DWI filings. Based on that assumption, the court system would see an increase of 500 misdemeanors and 28 felony filings a year.

Section 31 is a five-year phase-in of a new 10-year look-back for felony DWI offenses. The Department of Law estimates that the phase-in will result in 64 new felony filings in year one, 128 in year two, 192 in year three, 256 in year four, and 320 in year five. This fiscal note is based on those estimates and on a 10% felony trial rate.

Sections 31 and 46 call for mandatory vehicle forfeiture for all second and subsequent DWI offenders. A court hearing is required for each forfeiture. The Department of Law estimates that this change will result in 800 forfeiture hearings. This note is based on that estimate and assumes that each hearing will last 15 minutes.

Section 33 adds six months to the sentence of any person charged with a DWI if that person's BAC is .16 or higher. The Department of Corrections estimates a total of 2,150 state and municipal offenders will fall into this category. Although the trial rate for misdemeanor offenses is generally very low, the amount of jail time required under this section and the number of cases involved suggests that the court system will see a significant number of trials. This note assumes a 5% trial rate for the misdemeanor cases that fall into this category<sup>1</sup>.

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<sup>1</sup> This note assumes that all of our current 287 felony offenders fall into this .16 or higher category but that the trial rates in those cases will not change.

# Alaska Court System

## Fiscal Note Calculations for Draft CSHB4 Dated 2/16/01

2/23/01

### Increase in 64 - 320 New Felonies FY02 thru FY06 (Part A):

	FY02	FY03	FY04	FY05	FY06
<b><u>Superior Court:</u></b>					
Jury Costs	14,476	26,884	41,360	53,768	66,176
Superior Court Judge	138,467	142,300	142,300	142,300	142,300
Law Clerk for Superior Court Judge	48,130	49,400	49,400	49,400	49,400
Secretary	41,997	43,050	43,050	43,050	43,050
In-Court Clerk	41,997	43,050	43,050	43,050	43,050
	270,591	277,800	277,800	277,800	277,800
<b>Fiscal Note Total for 64 - 320 New Felonies (Part A)</b>	<b>285,067</b>	<b>304,684</b>	<b>319,160</b>	<b>331,568</b>	<b>343,976</b>

### Enhanced Penalties for BAC above .16 (Part B):

An estimated 2,150 cases would fall in this category, 287 of these cases would be handled by the superior court. Using a 5% district court trial rate on the remaining 1863 cases:

#### District Court:

Jury Costs	97,713	97,713	97,713	97,713	97,713
District Court Judge	121,005	125,388	125,388	125,388	125,388
District Court Judge Pro Tem (2 months)	20,168	20,898	20,898	20,898	20,898
Secretary	41,997	43,050	43,050	43,050	43,050
In-Court Clerk	41,997	43,050	43,050	43,050	43,050
In-Court Clerk PPT (2 months)	7,000	7,175	7,175	7,175	7,175
	232,166	239,561	239,561	239,561	239,561
<b>Fiscal Note Total for Enhanced Penalties for BAC of .16 (Part B)</b>	<b>329,879</b>	<b>337,274</b>	<b>337,274</b>	<b>337,274</b>	<b>337,274</b>

In an average work year there are 248 possible work days excluding vacation time

94 trials @ 3 work days equals 282 work days and would require 2 additional months of judge and clerk time

### Vehicle Forfeitures (Part C):

800 new hearings, 287 of which would be handled in conjunction with a superior court case (felony)

513 hearings @ 15 minutes/hearing = 128.25 hours of hearing time (one month)

	FY02	FY03	FY04	FY05	FY06
<b><u>District Court:</u></b>					
District Court Judge Pro Tem (1 Month)	10,084	10,449	10,449	10,449	10,449
In-Court Clerk PPT (1 Month)	3,500	3,588	3,588	3,588	3,588
<b>Fiscal Note for Vehicle Forfeitures (Part C)</b>	<b>13,584</b>	<b>14,037</b>	<b>14,037</b>	<b>14,037</b>	<b>14,037</b>

Alaska Court System

Fiscal Note Calculations for Draft CSHB4 Dated 2/16/01

2/23/01

500 New Misdemeanors and 3 Felony Trials at .08 (Part D):

	FY02	FY03	FY04	FY05	FY06
<b>Superior Court:</b>					
Jury Costs	<u>6,204</u>	<u>6,204</u>	<u>6,204</u>	<u>6,204</u>	<u>6,204</u>
District Court Judge Pro Tem (5 Months)	50,419	52,245	52,245	52,245	52,245
In-Court Clerk PPT (5 Months)	<u>17,499</u>	<u>17,940</u>	<u>17,940</u>	<u>17,940</u>	<u>17,940</u>
	<u>67,918</u>	<u>70,185</u>	<u>70,185</u>	<u>70,185</u>	<u>70,185</u>
<b>Fiscal Note for 500 Misdemeanors + 3 Felony Trials (Part D)</b>					
	<u>74,122</u>	<u>76,389</u>	<u>76,389</u>	<u>76,389</u>	<u>76,389</u>

<b>Cumulative Fiscal Note:</b>					
Personal Services	584,258	601,583	601,583	601,583	601,583
Contractual	<u>118,393</u>	<u>130,801</u>	<u>145,277</u>	<u>157,685</u>	<u>170,093</u>
Cumulative Total	<u>702,651</u>	<u>732,384</u>	<u>746,860</u>	<u>759,268</u>	<u>771,676</u>
<b>Funding Source:</b>					
1004 GF	702,651	732,384	746,860	759,268	771,676
<b>Positions:</b>					
Full-time	7	7	7	7	7
Part-time	6	6	6	6	6

# 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

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## Representative Norman Rokeberg

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### MEMORANDUM

**TO:** The Honorable Vic Kohring, Chairman  
House Transportation Committee

**FROM:** Representative Norman Rokeberg *Norman/jp*

**DATE:** February 15, 2001

**RE:** HB 4

Please schedule a hearing for House Bill 4 next week before the House Transportation Committee.

### Attached are:

1. HB 4 - I am having a draft blank CS prepared and will provide you with a copy as soon as I have it.
2. Sponsor Statement
3. Sectional Analysis
4. Fiscal Notes: I would ask that you request fiscal notes from Court system, Administration (Public Defender and Motor Vehicles), Law, Corrections, Health & Social Services, Public Safety, Transportation.
5. "Setting Limits, Savings Lives: The Case for .08 BAC Laws". I am having more of these brochures delivered and will provide you with enough for your committee's use.
6. "Final Report of the DUI Prevention Task Force", Executive Summary and Summary of Task Force Recommendations.
7. "Federal Highway funding and State DWI Laws", Legislative Research Report
8. Pertinent portion of HR 539 from 106<sup>th</sup> Congress
9. "Responses to Statements Regarding .08 BAC Laws" from State Department of Transportation and Public Facilities, January 2001
10. "Annual Core Apportionments and Potential Penalties Under Sec. 163(a) for FY 2004 and Thereafter" from Alaska Highway Safety Office, DOT&PF, January 2001
11. Newspaper articles of interest:

- a. "Two die in 2-car wreck", Kenai Peninsula Clarion online, 21 April 2000
- b. "Troopers arrest man charged in double-fatal accident", 2 May 2000, Kenai Peninsula Clarion online, 2 May 2000
- c. "Pickup hits, kills bicyclist", Anchorage Daily News, 5 July 2000
- d. "3<sup>rd</sup> Wreck Pinned on Booze", Anchorage Daily News, 6 July 2000
- e. "Injured women improving", Anchorage Daily News, 7 July 2000
- f. "Accused drunken driver charged", The Frontiersman, 25 July 2000
- g. "Hit-run victim on bike path recalls 'outlandish' accident", Anchorage Daily News, 29 July 2000
- h. "Driver drunk in 6-fatality July wreck", Anchorage Daily News, 6 August 2000
- i. "Man faces 3<sup>rd</sup> DUI", KTUU story, 9 August 2000
- j. "DWI", Anchorage Daily News, 9 August 2000
- k. "Driver involved in fatal crash had had blood alcohol", Fairbanks Daily News-Miner, 17 October 2000
- l. "Family, friends express outrage", 12 October 2000, Anchorage Daily News
- m. "Woman arrested in connection with September death of Unalaska man", Kenai Peninsula Clarion online, 19 October 2000
- n. "Attorney calls drunken driving sentence one of most severe ever", Kenai Peninsula Clarion online, 16 November 2000
- o. "Legislature on right road with drunken-driving laws", Juneau Empire, 14 January 2001
- p. "DWI legislation", Fairbanks Daily News-Miner, 22 January 2001
- q. "Pick up your phones and pens a join the battle against drunken driving", Anchorage Daily News, 23 January 2001
- r. "Local legislators get an earful", The Alaska Star, 25 January 2001
- s. "Taking away the keys", Fairbanks Daily News-Miner, 2 February 2001
- t. "Money is no object; Alaskans are fed up with drunk drivers", Anchorage Daily News, 10 February 2001
- u. "State traffic accidents up 8.8 percent in 1999", Juneau Empire, 11 February 2001
- v. "The whole toolbox", Fairbanks Daily News-Miner, 12 February 2001
- w. "When drivers are outlaws", Anchorage Daily News, 13 February 2001
- x. "Mandatory sentences should go to drunk drivers who injure, kill", Anchorage Daily News, 14 February 2001

# ALASKA STATE LEGISLATURE

## House of Representatives

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## Representative Norman Rokeberg

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### SUPPLEMENTAL SPONSOR STATEMENT CSHB 4 () P VERSION 2/16/01 FORD FOR SECTIONS 37, 44, AND 45

By Representative Norman Rokeberg

Sections 37, 44, and 45 are intended to address opinions in several appellate court cases.

Drunk driving cases confront the police with a wide variety of situations, and they should have the tools needed to obtain necessary physical evidence of intoxication. In some cases, time becomes of the essence due to the delays (often caused by complications at the scene of an accident or the conduct of the drivers) in getting drivers to a location where a breath test can be administered. When this happens, or if the breath testing equipment is not functioning, these and other exigent circumstances should allow police to obtain a blood test. In other instances, the police may wish to present the matter to a judge for a warrant.

In *Sosa v. State*, 4 P.2d 951 (Alaska 2000), the Alaska Supreme Court held that the implied consent statutes provide the exclusive means for obtaining evidence of a driver's intoxication. The court reasoned that because AS 28.35.035 permits blood test only under two specified circumstances (where a crash results in a fatality or serious injury, and where a defendant is unconscious or otherwise incapable of refusal) the statutes, by implication, prohibit blood tests under any other circumstances. Accordingly, in *Sosa* itself the Supreme Court held that the fact that their Intoximeter was broken did not justify the Bethel police in obtaining a warrant for defendant Juan Sosa's blood. The warrant was invalid, and the evidence obtained as a result of the warrant had to be suppressed.

Section 37 adds a new section to AS 28.35.031, providing that the implied consent statute was not intended to prevent the police search warrants. This makes it clear that the legislature has adopted the view expressed by Justice Compton in his dissenting opinion in *Pena v. State*, 684 P. 2d 684, 868 (Alaska 1984). Justice Compton said: "There simply is nothing in the [implied consent] statutes to indicate that the legislature contemplated restricting searches pursuant to warrant, which derive from the statutory authority of the court, rather than the power of an officer to search an individual at the time of arrest."

Section 45 adds a new section to AS 28.35.035, authorizing the police to obtain a blood

sample where exigent circumstances prevent the police mentioned by the Alaska Court of Appeals in *Bass v. Municipality of Anchorage v. State*, 692 P.2d 961, 961 (Alaska App. 1984). In *Bass* the court justified its very narrow construction of AS 28.35.035 by saying: "Certainly it would have been easy for the legislature to say that the police could forcibly take a blood sample where there were exigent circumstances which prevented the police from administering a breath test." The concept of searches made under exigent circumstances is well-established. Because physical evidence of intoxication disappears rapidly with the passage of time, it is the intent of this section that, if the state can prove the police were unable to take a breath sample within a reasonable period of time, they would be allowed to draw blood.

These provisions thus allow the police to obtain blood test evidence of intoxication using the implied-consent procedure in Section 45 when time is of the essence, the testing equipment is not functioning, or there are other exigent circumstances. Section 37 provides an alternative so the police can, in their discretion, use the traditional method of obtaining a search warrant to obtain evidence.

# 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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SESSION:  
ALASKA STATE CAPITOL  
JUNEAU, AK 99801-1182  
PHONE: (907) 465-4968  
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## Representative Norman Rokeberg

e-mail: [Representative\\_Norman\\_Rokeberg@legis.state.ak.us](mailto:Representative_Norman_Rokeberg@legis.state.ak.us)

### SPONSOR STATEMENT HOUSE BILL 4

**An Act relating to offenses involving operating a motor vehicle, aircraft, or watercraft while under the influence of an alcoholic beverage or controlled substance; relating to implied consent to take a chemical test; relating to registration of motor vehicles; relating to presumptions arising from the amount of alcohol in a person's breath or blood; and providing for an effective date**

All reasonable and responsible Alaskans can agree that driving drunk is inappropriate behavior. Drunk drivers can and do kill, maim, cause untold grief, pain, and cost fellow Alaskans money. Why should an Alaskan be afraid to drive a vehicle on Alaska's roads? The drunk driver needs to be separated from his or her vehicle and if the drunk won't separate themselves from that vehicle then it is up to the State to provide public safety for the rest of its citizens by accomplishing just that.

Over the past year, Alaska has seen the devastating results of poor decisions made by repeat offender drunk drivers. Even with all the educational promotion (don't drink and drive; use it, lose it; use a designated driver), the message is still not getting across to repeat offenders and many young people. It is unfortunate that most of the time these individuals are not caught and, when they are, it is apparent that some of them are not getting the message: **DO NOT DRINK AND DRIVE.**

House Bill 4 would increase fines and jail time for repeat offender drunk drivers. It would lower the blood alcohol content from .10 to .08. It mandates that the offender get treatment, pay for treatment (or a part of it), and get treatment while in jail -- no more sitting around and watching television while you serve your three days or whatever. It also creates the crime of vehicular homicide -- ten-year minimum for someone with no previous drunk driving convictions and 15-year minimum for someone with a drunk driving history. It sets up a DUI court that would be able to more completely track and control those offenders who want to take advantage of treatment opportunities and who haven't killed or maimed anyone.

The cost to implement the provisions of House Bill 4 is going to be high. But can we balance the cost to the state to that of a human being. What does the life of a

loved one cost? What does the treatment of an injured person cost? These people also drive around without a license and are uninsured so there is little to remote possibility that the injured Alaskan citizen will ever get reimbursed or receive non-state assistance with their costs. One of the main issues facing the legislature in this instance is the people's wish to maintain budget discipline -- a stand that I have been proud to maintain over the years. BUT in this instance, it is time to pay for the safety of our families. The fiscal impact will be great. If it saves one life, or saves one Alaskan from injury -- isn't it worth it?

Please support this legislation and let's separate the drunk from the vehicle!

ED 1:02/12/01

# LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES  
LEGISLATIVE AFFAIRS AGENCY  
STATE OF ALASKA

(907) 465-3867 or 465-2450  
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Deliveries to: 129 6th St., Rm. 329

## MEMORANDUM

January 16, 2001

**SUBJECT:** Sectional Summary of HB 4 - Driving while intoxicated.

**TO:** Representative Norman Rokeberg  
Attn: Janet

**FROM:** Michael F. Ford   
Legislative Counsel

You have requested a sectional summary of the above-described bill.

As a preliminary matter, note that a sectional summary of a bill should not be considered an authoritative interpretation of the bill and the bill itself is the best statement of its contents. If you would like an interpretation of the bill as it may apply to a particular set of circumstances, please advise.

**Section 1.** Findings and intent section.

**Section 2.** Changes references to "driving while intoxicated" to "driving while under the influence of an alcoholic beverage or controlled substance".

**Section 3.** Technical amendment relating to vehicular homicide.

**Section 4.** Creates the crime of vehicular homicide and defines the offense as a class A felony. Provides a minimum sentence of imprisonment of ten years for a first conviction and 15 years for a second or subsequent conviction.

**Section 5.** Changes references to "driving while intoxicated" to "driving while under the influence of an alcoholic beverage or controlled substance".

**Section 6.** Technical amendment relating to vehicular homicide.

**Section 7.** Changes references to "driving while intoxicated" to "driving while under the influence of an alcoholic beverage or controlled substance".

**Section 8.** Requires the department of administration to refuse to register a vehicle if the applicant does not have a driver's license due to suspension or revocation, fails to provide evidence of insurance, or fails to register the vehicle in the applicant's legal name.

**Section 9.** Changes references to "driving while intoxicated" to "driving while under the influence of an alcoholic beverage or controlled substance".

**Section 10.** Changes references to "driving while intoxicated" to "driving while under the influence of an alcoholic beverage or controlled substance".

**Section 11.** Changes references to "driving while intoxicated" to "driving while under the influence of an alcoholic beverage or controlled substance".

**Section 12.** Repeals the phrase "reasonable grounds" and replaces it with "probable cause" for purposes of administrative suspension of a driver's license. Also changes references to "driving while intoxicated" to "driving while under the influence of an alcoholic beverage or controlled substance".

**Section 13.** Changes references to "driving while intoxicated" to "driving while under the influence of an alcoholic beverage or controlled substance".

**Section 14.** Provides for minimum periods of driver's license revocation after a person has been convicted of D.U.I. or convicted of refusing to take a breath test after being arrested for D.U.I.

**Section 15.** Technical amendment relating to the authority of the court to grant limited driver's license privileges following a conviction for D.U.I.

**Section 16.** Creates a provision that allows a person with a revoked driver's license to obtain limited driver's license privileges following a conviction for D.U.I. or refusal to take a breath test.

**Section 17.** Requires a person who loses their driver's license for D.U.I. or refusal to take a breath test to meet the terms of probation imposed under AS 28.35.030(b)(1)(A)(i), in order to have their license reissued. Also makes technical amendments relating to license revocation.

**Section 18.** Creates a new crime relating to knowingly allowing a person who has been convicted of felony D.U.I. to drive a vehicle you own or control. Defines the crime as a class A misdemeanor and provides minimum penalties.

**Section 19.** Technical amendment relating to driving with a canceled, suspended, or revoked driver's license, or in violation of a license limitation.

**Section 20.** Changes references to "driving while intoxicated" to "driving while under the influence of an alcoholic beverage or controlled substance".

**Section 21.** Repeals the phrase "reasonable grounds" and replaces it with "probable cause" for purposes of the commercial motor vehicle implied consent law. Also changes

references to driving "while intoxicated" to driving "while under the influence of an alcoholic beverage or controlled substance".

**Section 22.** Repeals the phrase "reasonable grounds" and replaces it with "probable cause" for purposes of the commercial motor vehicle implied consent law.

**Section 23.** Changes a reference to driving "while intoxicated" to driving "while under the influence of an alcoholic beverage or controlled substance". Also changes references to "intoxicating liquor" to "alcoholic beverage".

**Section 24.** Changes a reference to "intoxicating liquor" to "alcoholic beverage".

**Section 25.** Changes references to driving "while intoxicated" to driving "while under the influence of an alcoholic beverage or controlled substance".

**Section 26.** Changes references to driving "while intoxicated" to driving "while under the influence of an alcoholic beverage or controlled substance". Also changes references to "intoxicating liquor" to "alcoholic beverage". Reduces the legal limit for being intoxicated from 0.10 to 0.08 percent of alcohol in a person's blood.

**Section 27.** Changes references to driving "while intoxicated" to driving "while under the influence of an alcoholic beverage or controlled substance". Changes the penalties for D.U.I.

**Section 28.** Adds provisions relating to alcoholism treatment for a person convicted of D.U.I.

**Section 29.** Increases the limit imposed on the cost of imprisonment required to be paid by a person convicted of D.U.I. Specifies that imprisonment for a person convicted of D.U.I. cannot be served at a residential treatment facility or a hospital.

**Section 30.** Changes references to driving "while intoxicated" to driving "while under the influence of an alcoholic beverage or controlled substance". Repeals the requirement that a third conviction for D.U.I. constitutes a class C felony only if the convictions occur within a five year period. Increases the penalties for a conviction under this section, including jail time, fine, loss of driver's license, and forfeiture of the vehicle used in the offense.

**Section 31.** Defines the terms "operate a motor vehicle" and "operate or drive a motor vehicle" as requiring control of a moving motor vehicle. Repeals a provision that limits prior convictions to those occurring within the past 10 years. Changes references to driving "while intoxicated" to driving "while under the influence of an alcoholic beverage or controlled substance".

**Section 32.** Adds provisions relating to restoration of a driver's license following a D.U.I. conviction, relating to the penalty for D.U.I. when the offender has a blood alcohol level of 0.16 or more, and relating to failure to satisfy alcohol treatment requirements.

**Section 33.** Makes technical amendments relating to the implied consent law. Changes references to driving "while intoxicated" to driving "while under the influence of an alcoholic beverage or controlled substance". Repeals the phrase "reasonable grounds" and replaces it with "probable cause" for purposes of the implied consent law.

**Section 34.** Repeals the phrase "reasonable grounds" and replaces it with "probable cause" for purposes of administering a breath test under the implied consent law.

**Section 35.** Repeals the phrase "reasonable grounds" and replaces it with "probable cause" for purposes of administering a breath or blood test under the implied consent law when there is a motor vehicle accident that causes death or serious physical injury.

**Section 36.** Changes references to driving "while intoxicated" to driving "while under the influence of an alcoholic beverage or controlled substance".

**Section 37.** Changes a reference to driving "while intoxicated" to driving "while under the influence of an alcoholic beverage or controlled substance".

**Section 38.** Changes a reference to driving "while intoxicated" to driving "while under the influence of an alcoholic beverage or controlled substance".

**Section 39.** Changes references to driving "while intoxicated" to driving "while under the influence of an alcoholic beverage or controlled substance". Also changes certain presumptions applicable to a civil or criminal action involving a person alleged to have driven while under the influence of an alcoholic beverage or controlled substance.

**Section 40.** Requires the police to inform a person undergoing a chemical test for intoxication of their right to have an independent chemical test and requires the department to make reasonable and good-faith efforts to assist the person to obtain an independent test.

**Section 41.** Changes a reference to driving "while intoxicated" to driving "while under the influence of an alcoholic beverage or controlled substance".

**Section 42.** Requires the state to seek forfeiture of a motor vehicle used in committing a D.U.I. or breath test offense. Changes a reference to driving "while intoxicated" to driving "while under the influence of an alcoholic beverage or controlled substance".

**Section 43.** Adds new provisions requiring registration of felony D.U.I. offenders.

Representative Norman Rokeberg

January 16, 2001

Page 5

Section 44. Changes a reference to driving "while intoxicated or under the influence of drugs" to driving "while under the influence of an alcoholic beverage or controlled substance".

Section 45. Repeals sec. 46 of this Act, relating to a D.U.I. court pilot project .

Section 46. Creates a pilot project that establishes a D.U.I. court in Anchorage.

Section 47. Applicability section.

Section 48. Effective date.

MFF:glc  
01-018.glc

**HB**

**8**

**DRAFT LETTER OF INTENT  
HOUSE BILL 8  
LEGISLATIVE PIONEER ROAD TASK FORCE**

**It is the intent of the 22<sup>nd</sup> Legislature that the roads considered by the Legislative Pioneer Road Task Force should be those which will enhance economic development, open up new corridors of economic development, provide access, assert Alaska's RS 2477 rights, and enhance communication opportunities.**

**It is further the intent of the 22<sup>nd</sup> Legislature that the term "pioneer roads" is meant to denote gravel roads, one step above trails.**

# ALASKA STATE LEGISLATURE

## House of Representatives

COMMITTEE ASSIGNMENTS:

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

e-mail: Representative\_Norman\_Rokeberg@legis.state.ak.us

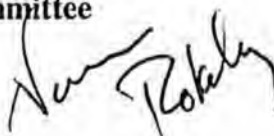
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SESSION:  
ALASKA STATE CAPITOL  
JUNEAU, AK 99801-1182  
PHONE: (907) 465-4968  
FAX: (907) 465-2040

### Representative Norman Rokeberg

#### MEMORANDUM

**TO:** The Honorable Vic Kohring, Chairman  
House Transportation Committee

**FROM:** Rep. Norman Rokeberg 

**DATE:** January 16, 2001

**RE:** HB 8  
Road Development Task Force

Thank you for agreeing to hear HB 8 on Thursday, January 25, 2001.

Attached are:

1. House Bill 8
2. Sponsor Statement
3. Sectional Analysis
4. Letters of Support (more to be provided when received)  
General Teamsters Local 959
5. "State must improve transportation, mining session told", Fairbanks  
Daily News, 3 November 2000
6. "Gold mining companies announce promising finds", Fairbanks Daily  
News, 2 November 2000
7. Information on some of the roads mentioned in the legislation

**PS:** Please excuse my old stationery. My new letterhead has not arrived.



## General Teamsters Local 959 State of Alaska

Affiliated with International Brotherhood of Teamsters

ANCHORAGE, ALASKA 99503, 520 E. 34TH AVE. (907) 583-8122 FAX (907) 583 8285 GERALD L. HOOD, Secretary-Treasurer

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JUNEAU, ALASKA 99801, 308 Willoughby (907) 586-3225 FAX (907) 586-1227  
KENAI, ALASKA 99611, P.O. BOX 3150 (907) 283-4498 FAX (907) 283-8030

January 12, 2001

Representative Vic Kohring  
Chair  
Transportation Committee  
State Capitol  
Juneau, AK 99801

Re: HB 8 Legislative Road Development Task Force

Dear Representative Kohring:

On behalf of the thousand of Teamsters that we represent throughout the State and many of whom transport goods on our road system, I would like to go on record in support of HB 8. The long-term viability of our State, as you and your committee members are aware, is dependent on a strong road system structure. We support the intent of this bill to identify those systems important to future economic growth and development throughout the State.


We also strongly believe that the intermodal transportation system needs to be considered as the task force looks at future development of our road systems. Due to the vast area of our State, the effective interlinking of our various transportation systems is the key to our successful ability to transport goods and provide an effective road system for the motoring public as well.

It is further imperative that the financial support of such development needs to be included in any and all considerations. Like any other infrastructure, the financial support to build must include a commitment to maintain such road structures in the future.

We appreciate your time and consideration in hearing this bill and your support in assuring that our road systems meet the needs and concerns of all Alaskans, not only in furthering economic development, but for the general motoring public as well.

Sincerely,

TEAMSTERS LOCAL 959

  
Gerald L. Hood  
Secretary-Treasurer

cc: Transportation Committee Members

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# ALASKA STATE LEGISLATURE

## House of Representatives

### COMMITTEE ASSIGNMENTS:

LABOR & COMMERCE COMMITTEE, CHAIRMAN  
JUDICIARY COMMITTEE, MEMBER  
LEGISLATIVE COUNCIL, MEMBER  
SPECIAL COMMITTEE ON UTILITY RESTRUCTURING, MEMBER  
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## Representative Norman Rokeberg

### Sponsor Statement for House Bill 8 ROAD DEVELOPMENT TASK FORCE

**Title: An Act establishing the Legislative Road Development Task Force; and providing for an effective date**

House Bill 8 establishes a Legislative Task Force whose duties would include: research existing plans for road development in the state, identify roads that are important to Alaska's future economic development, study feasibility of developing or upgrading roads in order to promote future economic development, determine availability and source of funds to develop or upgrade those roads, and establish a priority ranking for projects to develop or upgrade those roads identified by the Task Force. The Task Force would include various members as described in the legislation.

Without a better transportation infrastructure, many areas in Alaska cannot be developed to their full potential. The legislation sets forth many roads the Task Force should consider. Many of these roads have been discussed by previous legislatures and these discussions have impressed on me the need for some forward thinking when it comes to road projects. We need to get roads up and going to benefit all areas of the state. Besides natural resource projects, tourism could benefit from roads to all points of the state, thus offering smaller areas more economic opportunities. While new roads could be viewed as interrupting the way of life in rural areas, it is important to remember that if those rural areas want to become viable, they need transportation access for business, industry, local communication, and commerce.

The Task Force would complete its work and make recommendations in January 2002.

ED1:01/16/2001

# ALASKA STATE LEGISLATURE

## House of Representatives

### COMMITTEE ASSIGNMENTS:

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

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SESSION:  
ALASKA STATE CAPITOL  
JUNEAU, AK 99801-1182  
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## Representative Norman Rokeberg

### SECTIONAL ANALYSIS HOUSE BILL 8

**An Act establishing the Legislative Road Development Task Force; and providing  
for an effective date**

**Prepared by: Rep. Norman Rokeberg**

**Section 1:** Creates the Legislative Road Development Task Force. Sets forth membership and objectives of the Task Force. Lists some roads that should be considered with particular emphasis. Task Force is to meet as frequently as it desires and may meet and vote by teleconference. Compensation not to be paid to Task Force members but per diem and travel may be paid for all except legislative and commissioner members. A written report is to be presented to the Legislature and the Governor before the Second Session of the 22nd Alaska State Legislature, which convenes in January 2002.

**Section 2:** Act is repealed on first day of 2002 legislative session.

**Section 3:** Immediate effective date.



## General Teamsters Local 959 State of Alaska

Affiliated with International Brotherhood of Teamsters  
 ANCHORAGE, ALASKA 99503, 520 E. 34TH AVE. (907) 565-8122 FAX (907) 565-8285 GERALD L. HOOD, Secretary-Treasurer

FAIRBANKS, ALASKA 99707, P.O. Box 70609 (907) 452-2959 FAX (907) 452-5051  
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 KENAI, ALASKA 99611, P.O. BOX 3150 (907) 283-4498 FAX (907) 283-8030

January 12, 2001

Representative Vic Kohring  
 Chair  
 Transportation Committee  
 State Capitol  
 Juneau, AK 99801

JAN 16 2001

Re: HB 8 Legislative Road Development Task Force

Dear Representative Kohring:

On behalf of the thousand of Teamsters that we represent throughout the State and many of whom transport goods on our road system, I would like to go on record in support of HB 8. The long-term viability of our State, as you and your committee members are aware, is dependent on a strong road system structure. We support the intent of this bill to identify those systems important to future economic growth and development throughout the State.

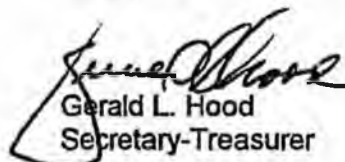
We also strongly believe that the intermodal transportation system needs to be considered as the task force looks at future development of our road systems. Due to the vast area of our State, the effective interlinking of our various transportation systems is the key to our successful ability to transport goods and provide an effective road system for the motoring public as well.

It is further imperative that the financial support of such development needs to be included in any and all considerations. Like any other infrastructure, the financial support to build must include a commitment to maintain such road structures in the future.

We appreciate your time and consideration in hearing this bill and your support in assuring that our road systems meet the needs and concerns of all Alaskans, not only in furthering economic development, but for the general motoring public as well.

Sincerely,

TEAMSTERS LOCAL 959

  
 Gerald L. Hood  
 Secretary-Treasurer

cc: Transportation Committee Members

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JAN 23 2001

**ASSOCIATED GENERAL CONTRACTORS of ALASKA**

4041 B STREET • ANCHORAGE, ALASKA 99501  
PO BOX 240609 • ANCHORAGE, ALASKA 99521 0609  
TELEPHONE (907) 561-5354 • FAX (907) 562-6118

January 15, 2001

Representative Norman Rokeberg  
Alaska State Legislature  
State Capitol (MS 3100)  
Juneau, Alaska 99801-1182

Re: House Bill 8 - "An Act establishing the Legislative  
Road Development Task Force; and providing for an effective  
date"

Dear Representative Rokeberg:

The Associated General contractors of Alaska support this bill and initiative. For Alaska to grow and develop its natural resources we need additional roads that will connect remote parts of the state with communities on the road system. It has been many years since Alaska built a new road and action in that direction is long overdue. This taskforce can address the priorities of the State and the report will be a useful tool to implement a program of development.

We look forward to working with you on this bill.

Sincerely,

Richard Cattanach  
Executive Director

Tony Knowles, Governor

*Alaska*

**Department of Community  
and Economic Development**

**Office of the Commissioner**

P.O. Box 110800, Juneau, AK 99811-0800

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Email: [questions@dced.state.ak.us](mailto:questions@dced.state.ak.us) • Website: [www.dced.state.ak.us/](http://www.dced.state.ak.us/)

January 17, 2001

JAN 23 2001

The Honorable Norman Rokeberg  
Alaska House of Representatives  
State Capitol, Room 118  
Juneau, AK 99801-1182

Dear Representative Rokeberg:

Thank you for the opportunity to comment on HB8, "an Act establishing the Legislative Road Development Task Force." This bill provides an opportunity for me to serve along with Commissioner Perkins with the Department of Transportation and Public Facilities as nonvoting members of the task force.

As I understand the bill, the task force will rank road development projects. Road development projects have implications for many of the functions of my department ranging from promoting community and economic development to enhancing tourism. I assume the task force would be open to considering alternative transportation modes where appropriate.


Many of the road projects are currently part of regional plans being studied by DOT and in many cases road development may be the most efficient and effective approach to accomplish the goals of increased development. In those cases I will be pleased to offer the assistance of the department to expedite road development. The Alaska Industrial Development and Export Authority stands by to provide its assistance in financing roads associated with the development of large projects.

Sincerely,

*Deborah B. Sedwick*

Deborah B. Sedwick  
Commissioner

Cc: Robert Poc, Executive Director, AIDEA



Article last updated:  
Friday, November 03, 2000 6:24 AM MST

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## State must improve transportation, mining session told

By DIANA CAMPBELL  
Staff Writer

ANCHORAGE--Alaska has enormous economic potential for mining despite a poor transportation infrastructure and rigid environmental rules, said Cominco President David Thompson.

The state has a pro-mining Legislature, administration and congressional delegation and an enviable record of tax stability, he said. Cominco runs the Red Dog zinc mine near Kotzebue.

"Our leading choice is Alaska," Thompson told the lunchtime crowd of about 250 people attending the Alaska Miners Association annual convention.

Thompson urged the mining industry to work three areas that would encourage mineral development in Alaska. Improve transportation, bring environmental regulations back to a state level and learn to better explain how mining works, he said.

For instance, zinc is used to galvanize steel and increases its life three times, Thompson said. Zinc is used to galvanize steel in the automotive industry and in household appliances. That cuts down on the need for smelting plants that are responsible for 23 million tons of greenhouse gases annually, he said. Cominco's zinc would help reduce that, he said.

"We are the essential ingredient to stop environmental pollution," he said.

Thompson's assertion had some people thinking. "I've never heard that before," said Art Roth, industrial products specialist for Svedala Industries.


Most in the audience agreed with Thompson. The industry needs to promote how mined minerals are used in everyday life, said Bill Jeffress, Fairbanks Gold Mining Inc.'s manager of environmental services.

"It's like how people think milk comes from a milk carton in the store," he said.

Jeffress agreed with Thompson about the need to have more state involvement in environmental regulation.

"A lot of federal laws are broad based, and they are written to cover a lot of situations in the Lower 48," he said. "Any time you have your regulations at a state level, you have an opportunity to write reasonable regulations."



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More state money needs to go into the state Department of Natural Resources and the state Department of Environmental Conservation, many in the mining industry say.

Recent cutbacks have resulted in short staffs, translating into a longer permit process time, said Steve Borrell, AMA executive director. That, he said, gives the federal government more muscle. There needs to be a strong voice on a state level to understand Alaska's peculiarities, he said.

"Local people understand environmental concerns," Borrell said.

Thompson's evaluation of the state's transportation system is right, Borrell said. Cominco's Red Dog Mine is a success because its high-grade ore makes transporting it to market affordable, he said.

The mine is the largest zinc producer in the world. In 1999 Red Dog produced 521,000 tons of zinc and announced \$123 million in operating profit.


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Article last updated:  
Thursday, November 02, 2000 6:27 AM MST

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## Gold mining companies announce promising finds

By DIANA CAMPBELL  
Staff Writer

ANCHORAGE--North Star Exploration Inc. has announced promising results of recent assays from test holes near Northway.

The tests showed the presence of gold in significant quantities, said Tom Bundtzen, the company's manager of Alaska field operations.

"With one drill hole, we ran into something pretty sweet," Bundtzen said.

North Star, a privately funded exploration company based in New York, has an exclusive exploration and development agreement with Doyon Ltd. to evaluate and develop mineral resources on 7 million acres.

The company was one of two that announced significant gold findings on Wednesday. Copper Ridge Explorations announced a significant gold find on its Ogopogo project in the Goodpaster area near the Pogo mine site.

North Star collected samples mid-September through mid-October near Northway Junction northeast of the Alaska Highway. The claim is called Road Metal.

One ore sample showed gold at 2.865 ounces per ton or \$757.85 per ton. The least amount in the same drilling was 0.535 ounces of gold per ton or \$141.43. In comparison, Fort Knox Gold Mine mills ore at 0.0245 ounces per ton.


North Star is focusing its Alaska exploration program on five areas within the Doyon region, Bundtzen said. The company is looking at claims near Hughes, called the Indian River trend; the Tofty prospect near Manley Hot Springs; Elephant Mountain project near Rampart; and Kaiyah project near Kaltag, in addition to the Northway work.

Bundtzen said the company is looking for a major mining firm interested in developing the Northway project.

Owners of the Ogopogo project are hoping the same rich geology that produced the Pogo mine's 5.6 million ounces of gold for Teck Resources and Sumitomo will do the same for them.

"Structurally, we may actually be connected to Pogo," said Mark Fields, Copper Ridges vice president and



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director.

Recent drillings from Ogopogo indicated a high of 123 parts per billion of gold. That's enough to conduct an intensive drilling program, Fields said. The work was done in August.

"We need to trench and do diamond drilling," he said. A company press release said it is in discussion with several major gold companies.

The Ogopogo project covers 114 state claims and 8,040 acres on the northern boundary of Pogo.

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## EUREKA TO RAMPART ROAD LOCATION STUDY

### I. PURPOSE AND NEED

The citizens of Rampart desire year-round surface access to improve their social and economic conditions. There is no reliable road access linking Rampart to the State highway system. Community activism placed the project on the State's 20-year transportation plan. The community lies on the south bank of the Yukon River, approximately 161 kilometers (km) (100 miles [mi]) northwest of Fairbanks (Fig. 1).

The road would extend 40 km (25 mi) northward from Eureka on the Elliott Highway to Rampart. It would follow the approximate route of the wagon trail constructed in 1906 by the Alaska Road Commission to transport mail and supplies to gold miners at Rampart. In 1963, the Alaska Department of Highways converted 12 km (7 mi) of trail into a gravel road from the Elliott Highway to Joseph Creek. Further work was suspended when construction funds were diverted to repair roads in southern Alaska damaged by the 1964 "Good Friday" earthquake. A portion of the 1963 road and an additional 3 km (2 mi) up to Lost Creek were rebuilt by ADOT&PF in 1983, and another 3 km (2 mi) at the north end has been improved over the years by Rampart residents. Beginning at Eureka, ADOT&PF maintains the first 3 km (2 mi) of the existing road. The remaining 22 km (14 mi) of trail has not been upgraded. Local residents provide minimal maintenance on the rest of the roadway and the trail.

When the ground is frozen and road conditions permit, snow machines, four-wheel-drive trucks, or heavy equipment can travel on the trail from Lost Creek to Rampart. All-terrain vehicles use the trail during the summer, but severe rutting and sinkholes force operators to use adjacent lands that are classified as wetlands. Destruction of wildlife and anadromous fish habitat is occurring.

Barges and aircraft are the only commercial transportation to and from Rampart. Barges deliver freight, except fuel, three or four times each summer. (Fuel is not shipped by barge due to exorbitant costs but is delivered by airplane). Air service is the only year-round means for transporting people and perishable goods. Air transport is expensive and unreliable due to frequent fog and wind conditions along the Yukon River.

A reliable, year-round road will provide Rampart residents with a lower cost of living and increase employment opportunities, and protect wetlands, wildlife, and fisheries resources.

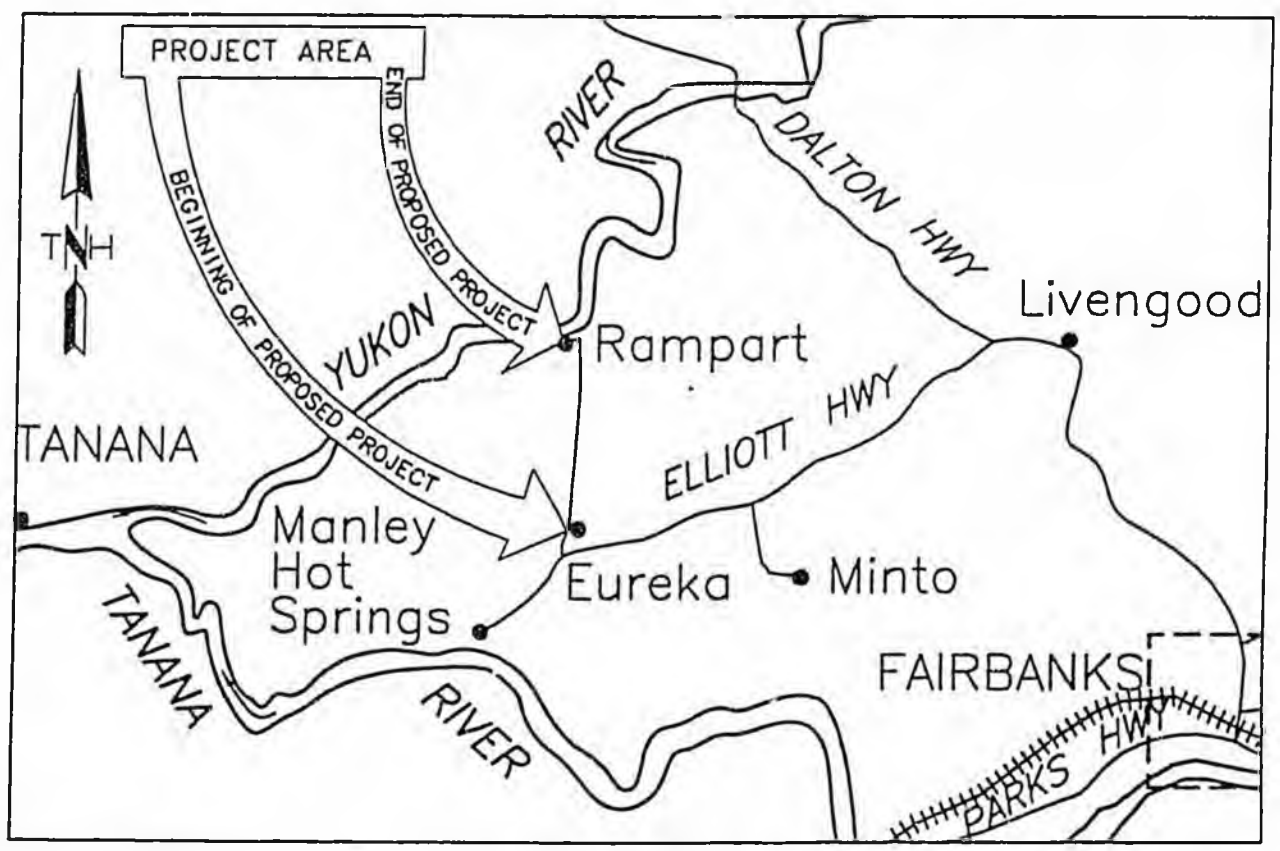
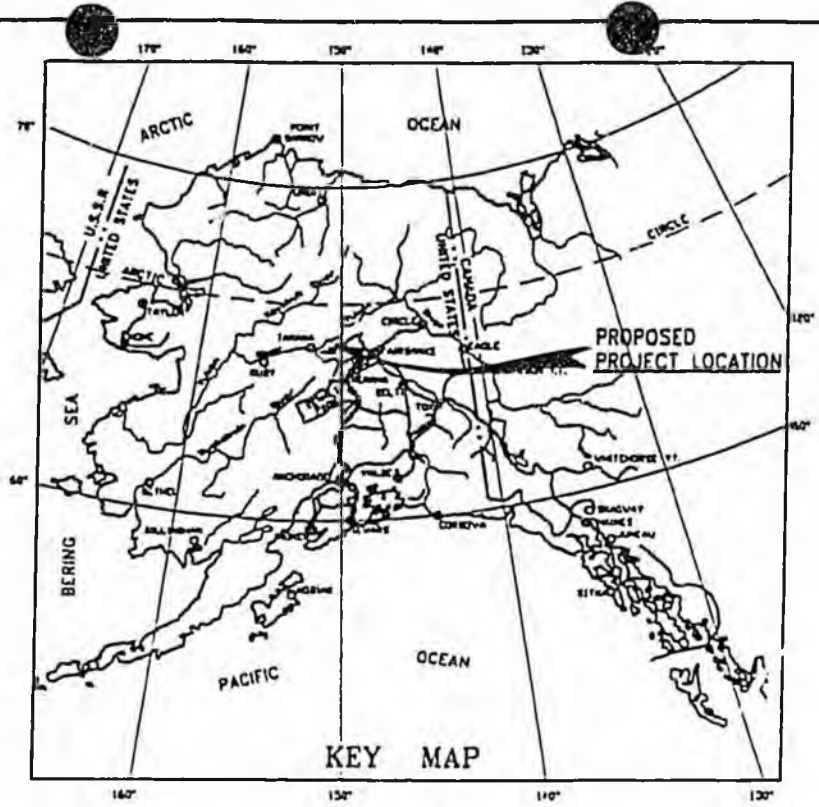


FIGURE 1

STATE OF ALASKA  
DEPARTMENT OF PUBLIC TRANSPORTATION  
AND  
PUBLIC FACILITIES

EUREKA TO RAMPART ROAD  
VICINITY AND KEY MAPS



**TANANA CHIEFS CONFERENCE, INC.**

Yukon Tanana Subregion  
1302 21st Avenue  
Fairbanks, Alaska 99701  
(907)459-3930

9 23 1996 P1:02

November 11, 1996

State of Alaska Department of Transportation & Public Facilities  
Division of Design & Construction  
2301 Peger Road  
Fairbanks, Alaska 99709-5399

Dear Mr. John Rezek, P.E.

Enclosed is a copy of Tanana Chiefs Conference/Yukon Tanana Subregional Advisory Board resolution 96-07. Resolution 96-07-*'Continued Support of the Rampart-Eureka Road'*-was passed and approved by the Advisory Board on Oct. 23, 1996.

The Subregional Board consists of the villages of Alatna, Allakaket, Evansville, Fairbanks, Hughes, Lake Minchumina, Manley, Minto, Nenana, Rampart and Tanana. The road has been supported by the villages of the subregion for almost ten years.

The proposed Eureka-Rampart Road has been a community goal of Rampart since the early 80's; and was submitted to the State Transportation Improvement Plan (STIP) for several years for consideration as a road project .

Our Subregional Office looks forward to the proceeding of the location study and environmental analysis. We want to be involved and will attend the Scoping meeting scheduled for Fairbanks.

Thank you.

Sincerely,

TANANA CHIEFS CONFERENCE, INC.

Oscar Frank, Jr.  
Community Resource Coordinator

cc: Rampart Village Council .

## UNORGANIZED BOROUGH

### RAMPART

Project Name	Description	Cost	Need ID	GIP	Priority	Score
Airport Improvements	Reconstruct the runway and safety area		5134	AV		
Eureka to Rampart Road	Construct approx. 14 miles of two lane, gravel road to complete connection between Eureka, on the Elliott Highway, and Rampart, on the Yukon River. The entire route is approx. 26 miles long. The project entails construction of the center section and localized improvements on previously improved sections.	12,600,000	3705	CTP	2	76

### RED DEVIL

Project Name	Description	Cost	Need ID	GIP	Priority	Score
Airport Improvements	Reconstruct the airport to meet current standards. Construct a new apron and taxiway, snow removal equipment building, and purchase a new grader.	1,500,000	5657	AV	1	80

### RUBY

Project Name	Description	Cost	Need ID	GIP	Priority	Score
Ruby to McGrath Road	New road construction to connect Ruby and McGrath		3656	CTP	3	

### RUSSIAN MISSION

Project Name	Description	Cost	Need ID	GIP	Priority	Score
Landfill Road	Construct 3/4 mile long road to the new landfill	450,000	9918	CTP	1	124
Local Streets	Repair/rehabilitate approximately 2 miles of local streets. Improvements include application of dust palliative	330,000	3697	CTP	3	
New Housing Roads	New roads for upcoming housing	200,000	3698	CTP	3	
Runway Rehabilitation	Realign and extend the runway; reconstruct apron, taxiway and access road, raise grade to mitigate flooding problems.	2,700,000	5136	AV		112

FROM REP. MORROW

Tanana Tribal Council  
P.O. Box 130  
Tanana, Alaska 99777  
Ph: (907) 366-7160  
Fax: (907) 366-7195

JAN 28 2000

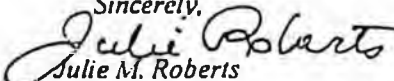
*January 7, 2000*

*Rampart Village Council  
Rampart Alaska*

*Dear Council Members,*

*The Tanana Tribal Council discussed the Rampart – Eureka Road and has decided to support your efforts in having the road built to Rampart. When the initial request for support came in, we did not realize or understand how important it was for the village of Rampart to have this road in place. Now, based on facts that your village has provided to us, we realize the very existence of your community is at stake here and we cannot stand by and allow your community to become extinct. Without reliable transportation into a small community, such as Rampart, services only become fewer and fewer. The State of Alaska has an obligation to protect and promote the viability of our village residents, regardless of their size. Without access into the rural areas of Alaska, our State will never live up to its potential.*

*A resolution of support is enclosed and if you need us to testify on your behalf, please give us a call and we will provide support for your village. Our very best in your endeavor.*

*Sincerely,*  
  
*Julie M. Roberts*  
Executive Director

*Cc: Department of Transportation*

Tanana Tribal Council  
P.O. Box 130  
Tanana, Alaska 99777  
Ph: (907) 366-7160  
Fax: (907) 366-7195

Resolution 01-00

Titles: Resolution of Support for the Village of Rampart

Whereas: the Tanana Tribal Council is the duly constituted and legal governing body of the federally recognized Indian Tribe organized as the Native Village of Tanana; and

Whereas: the Rampart Village Council has requested our support in having the proposed Rampart - Eureka Road built; and

Whereas: tribal members of the Tanana Tribal Council currently resides in the village of Rampart and strong family ties have existed for many years; and

Whereas: the safety and general welfare of the people of Rampart is of the utmost importance to the Tanana Tribal Council; and

Now Therefore Be it Resolved that the Tanana Tribal Council hereby requested the State of Alaska; the Bureau of Indian Affairs and Congress to fully support funding to build the Rampart - Eureka Road for the General well being and existence of the village of Rampart Alaska.

Passed and Approved this 20 day of January, 2000, by the Tanana Tribal Council seated in Quorum.

Signed: Faith M. Peter  
Chairwoman

Date: 1/20/2000

Attest: Marie S. Anderson  
Secretary



land was staked the last 18 months by prospectors hoping to find another Pogo, according to Erik Hansen, a land status consultant based in Fairbanks.

"Some Canadian junior mining companies decided to go in and stake all around Pogo," Hansen said. "That caused other people to wake up and smell the coffee."

Sumitomo Metal Mining Co., which holds the claims to the 72-square-mile claim block called Pogo, also has some surrounding and nearby land staked, compiling a considerable property package. And North Star Exploration, which signed an exploration property deal to work on Doyon Ltd. land in the area, also staked a sizeable position in the Goodpaster area.

In all, more than 700,000 acres—equal to about 1,100 square miles of land in the Goodpaster area—has been claimed for mineral exploration and development by gold prospectors.

"They've pretty much saturated the whole country with claims, so the Pogo land rush is coming to an end," Hansen said. "Next will be to see who keeps the claims and who drops them."

Prospectors are now looking at potential sites both to the northwest and the southeast of Pogo, he said. On a weekly basis, Hansen tracks claim filings and has produced a land status map of the Goodpaster mining district.

### Staking the Goodpaster

During the Pogo area play, prospectors used both existing geologic data for the Goodpaster as well as the theory of closeness to make their land selections.

"It was a combination," Hansen said. "Anything in proximity of Pogo is fair game for the staking, but a lot of companies used existing public geological data to delineate targets for their staking."

Copper Ridge Explorations Inc., a recently formed junior exploration company, used both theories to select its 24,000-acre claim block located just north of the Pogo deposit, according to company president Gerald Carlson.

"By the time we decided to look for ground in the area, most of the prospective ground on the east-west trend had been taken up," he said.

Prior geological surveys conducted by the U.S. Geological Survey and

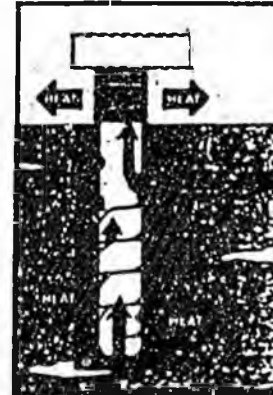
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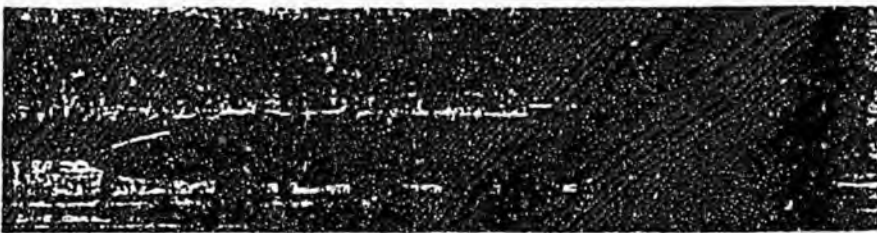
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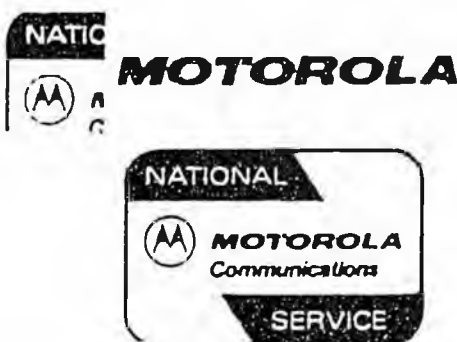


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recent stream sedimentation samples that produced trends similar to Pogo-style mineralization caused the company to select its property, called Ogopogo, he said.

"I think it is also quite significant that we were able to acquire this ground within only a few miles of the Pogo deposit itself—the 'closeology' factor," Carlson said.

Most agree that news about Pogo created this land rush. But the relatively unexplored land of the Goodpaster also made the district attractive, said Curt Freeman, a Fairbanks-based consulting geologist.

"Part of it was the fact that Pogo was unknown ... in a district that had absolutely nothing else going for it during the last 100 years. It was a dope-slap for geologists, telling us that we really don't understand what we think we do," said Freeman.

The land rush, which peaked about a year ago, was so great that junior-sized exploration firms were looking to hire claim-stakers to work on Christmas Day. Freeman was one who turned down such holiday pay.

"I don't think I could have hired a (helicopter) pilot then," he said. "The first real bunch of claim-staking started in June and July last year; then it ramped up to complete madness."

Because of the rough terrain and lack of road access, most of the land rush occurred with the help of helicopters, which were used to drop off claim-staking crews. That increased the initial land acquisition costs, as well as the first stage of exploration work conducted this past summer.

**Exploration Spending**

Two years ago, only Sumitomo and Teck Exploration (Sumitomo's joint venture partner on the Pogo project), were spending time and money in the Goodpaster area.

Now, about 20 companies are actively exploring the area, according to Richard Swainbank, the state's mineral development specialist headquartered in Fairbanks.

"There's a lot of interest around Pogo, but not a lot of money," Swainbank said. "If the price of gold was in the \$330 to \$380 (per ounce) range, the amount of activity in the Pogo area would

be double or triple. It's very, very hard to fund exploration programs right now."

When gold prices dropped to the \$250 per ounce range this summer, exploration crews found that funding also decreased. No matter what prospectors turned up on their properties, exploration firms couldn't seem to escape the financial drag of the slumping gold market.

"The fall in the price of gold couldn't have come at a worse time for the state of Alaska," Swainbank said. (Note: Gold prices rose in late September.)

Freeman, who has several clients holding claims in the Goodpaster area, estimates that \$3 million to \$5 million was spent during the 1999 summer season by prospectors working around Pogo.

That number does not include about \$15 million in developmental expenses incurred by Teck Exploration to start construction of a mile-long tunnel that will access the Pogo deposit.

"If you would have asked me in March how much would be spent in the area, I would have estimated two to three times that which was spent,"

said Freeman. "With the drop off in interest in gold, money for the high-risk stuff has been that much harder to come."

There's one small consolation for such tight exploration funding, Swainbank said. Less money means that prospecting work has been more carefully planned and paced, rather than a willy-nilly process that can often accompany the start of such an exciting exploration area.

"Claims will get looked at more generally, instead of bringing in drill rigs prematurely," Swainbank said. "Nothing can kill a project quicker than a dry drill hole."

#### "Goldpaster" District's Future

Most in the industry expect to see in upcoming months some changes in land status surrounding Pogo. Temporary prospecting sites will be converted into more tangible mining claims while less prospective land will be dropped.

"A whole bunch (of prospecting sites) are being converted and some land has been windrowed out," Freeman said.

"There's a sifting process going on right now and by the end of the year, the Hansen map will look different with checkerboard holes where land has been dropped."

In addition to land changes, Swainbank expects to see continued partnerships and consolidation of efforts between junior exploration firms and major mining companies that have money to invest in prospecting and development.

"Major companies that have cash on hand will be shopping in the bargain basement because even the cost of maintaining the claim rent on those properties has to be a pretty good-sized burden on some of the juniors," he said.

Finally, some companies are pressing on with exploration on their properties after a successful start with their ground exploration efforts earlier this summer.

"We will be soil sampling and prospecting in the area of the anomalous gold results to try to localize the bedrock source of the gold," Carlson said in early September, about his company's Ogopogo property. "We are very excited by the results of the program so far." □

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## Teck begins tunnel work on Pogo Ridge gold deposit near Delta

By Tim Bradner  
Journal Reporter



Teck Resources crews are busy digging into Pogo Ridge at the company's big Pogo gold prospect 35 miles northeast of Delta.

The company also has initiated prefeasibility studies of development of a mine that, if positive, will be followed by environmental studies and the start of a long permitting process. Karl Hanneman, Teck's Alaska Regional Manager, told the Resource Development Council May 5.

More than 50 feet of a planned 5,500-foot underground exploration access tunnel is completed, he said. Tunnel work will pause 200 feet into the mountain to allow installation of a treatment facility to process drainage water and then resume, he said.

Teck received final clearance on permits from state agencies March 1 and federal agencies March 4. Work on a 2,000-foot

road began the same day from the present camp near the Goodpaster River, 200 feet up the side of Pogo Ridge to the portal, or entrance, to the tunnel.

Tunnel work began after heavy equipment was moved up the road. The tunnel is being built at a 15-degree downslope and upslope to come up under the ore body.

Configuration of the tunnel allows water to drain to the low point in the tunnel for treatment, with no chance of draining out with a risk of contamination of the Goodpaster River.

Teck now has about 45 people at work on the project, Hanneman said. About 30 will be employed over the next 12 to 18 months on the tunnel and test work.

Teck also plans an additional 50 test holes drilled from the surface in 1999 and a similar number in 2000 and 2001. These are mainly "in fill" holes

to obtain ore samples between the holes drilled earlier, which are at 50-foot intervals.

Once the tunnel is completed, drilling also will be done from underground to test suspected ore deposits that are too deep to reach from the surface.

Pogo has an identified gold resource of 5.5 million ounces in 10 million tons of ore grading an average of 0.5 ounce per ton, Hanneman told the RDC.

By way of comparison, Hanneman said, at this early stage of exploration, the Fort Knox Mine near Fairbanks had about 4 million ounces of identified gold resource in a lower-grade ore body.

Pogo is a higher-grade gold deposit and will be mined with a smaller, more compact underground project than the type of larger, open pit mine used at Fort Knox, he said.

Over the next 12 to 18 months Teck will do additional exploration drilling, both from surface and from the underground tunnel, to further define the ore body.

Teck has about 45 people at work on the project. About 30 will be employed over the next 12 to 18 months.

The company will also carry out tests on strength of the rock, gain information on potential water drainage problems, and mine bulk ore samples

to test underground mining methods and procedures to extract gold from the ore.

The flat-lying orientation of the gold deposit poses a serious engineering challenge to the mining — how to "hold up the roof" — and the tests of rock strength are particularly important. About 30 people will be employed through this phase of exploration, Hanneman said.

The presence of the Pogo gold deposit was first detected in 1981 during a regional mineral reconnaissance. It wasn't until

1991 that Sumitomo Metal Mining Arizona Inc., a subsidiary of Japanese-owned Sumitomo Metals, staked claims on state lands in the area and began serious exploration.

Teck, a long-established U.S. minerals company, bought 10 percent of the project and became its operator. The discovery was announced in 1997.

Teck has become active in Alaska in recent years, but the company owns 35 percent of Cominco, which operates the big Red Dog Mine in Northwest Alaska, and 15 percent of Abacus Minerals, which is exploring, with Teck as a partner, the Niblack base metals prospect in Southeast Alaska.

Teck, which operates mines in the U.S., Canada, Chile and Australia, had \$713 million in revenues and \$193 million in profits last year. Sumitomo Metals is a subsidiary of Japan's Sumitomo Corp., a 300-year-old company that, among all subsidiaries, had \$95 billion in revenues last year.

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# BUSINESS

Al Slavin, Business Editor; 459-7593

Sunday, October 17, 1999

## Teck weighs Pogo Mine route options

By AL SLAVIN  
 Business Editor

One route is by air.

Another combines a little flying and a winter trail.

A third scenario involves building an all-season road in the Goodpaster River valley. All three lead to a remote parcel of land that is about to become Pogo Mine, a lucrative gold deposit located 40 miles from Delta Junction.

The choice is one of the more delicate ones from both a financial and environmental standpoint. It will define the permanent access through a relatively undeveloped section of wilderness to a deposit containing 5.2 million ounces of gold.

"We've got to come to grips with what's best for the project, what's best for the community and what we can get permitted," said Karl Hanneman, the project manager for the joint venture between Teck Resources and Summit Mining.

Hanneman spelled out the options last week to the Greater Fairbanks Chamber of Commerce's transportation committee. Some consideration is being given to a fly-in operation, which would leave the smallest footprint but bring a noise problem.

Equipment and supplies could be flown to the mine from a staging area at Fort Greely's airstrip, Hanneman said. But the flight path for the eight to 10 daily flights by DC-6s would be over Delta Junction.

The cost of a fly-in operation—\$8 million to bolster the on-site airstrip and \$13 million to \$14 million in annual operating expenses—could also prove too much, Hanneman said.

A second option has fewer flights by adding a winter road. That option has three scenarios, one of which involves using the existing winter trail that crosses 11 streams.

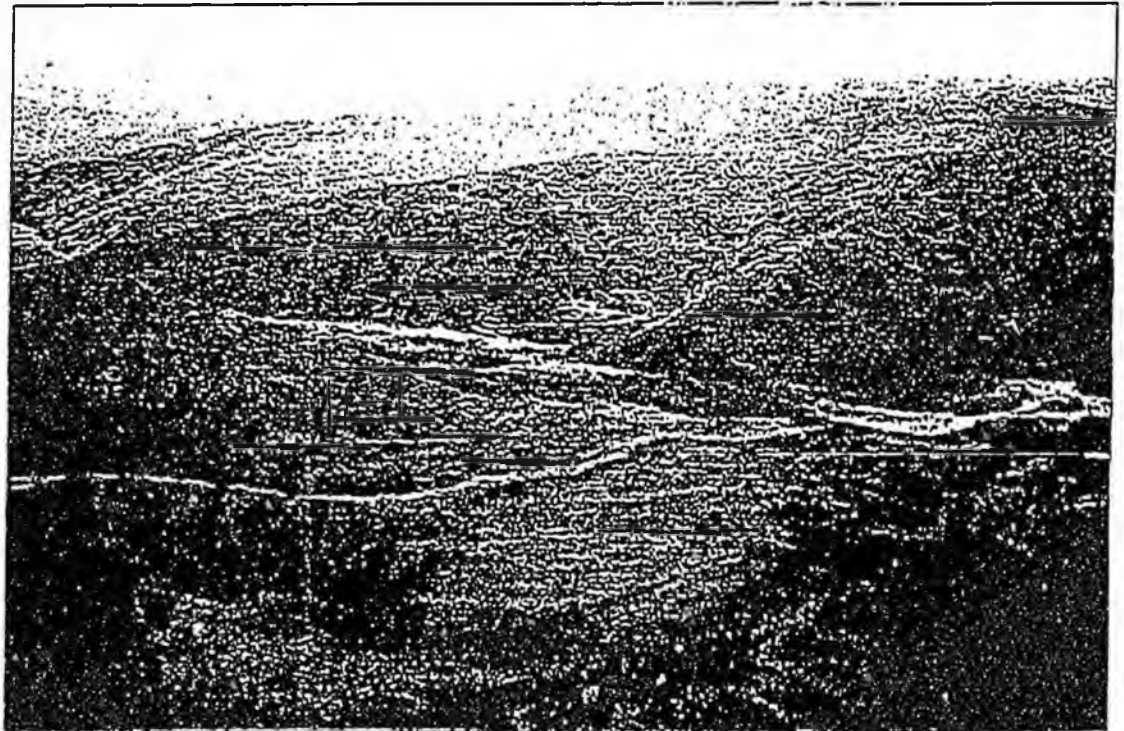


Photo courtesy of Teck Resources

**POGO DEPOSIT**—Teck Resources is currently mulling over the best way into the Pogo Deposit, a remote parcel of land in the Goodpaster River Valley containing 5.2 million ounces of gold. The possible scenarios include a fly-in operation, building a new winter trail or constructing an all-season road.

Two other trail routes have been identified, traversing the north or south border of the Shaw Creek Flats, Hanneman said. This would take the burden off a winter trail that already receives substantial recreational use.

A new trail would cost an estimated \$15 million to build and \$8 million to \$9 million each year to operate and maintain.

The final option involves building a \$25 million all-season road. Annual operating and maintenance costs could reach \$6 million. An additional \$3 million would be needed to remove the road at end of the mine's life, estimated at 10 to 12 years.

While the scenarios differ in approach, they all share one common thread: Each is certain to leave someone unhappy.

The promise of a \$250 million construction project and 300 year-round jobs is certain to rally support from the business sector. But it won't be enough to stave off environmentalists and property owners who fear that the Goodpaster River valley may get trampled along the way to development.

"A big project like that is going to include a lot of change and a lot of impact," said Sylvia Ward, executive director of the Northern Alaska Environmental Center. "There's some concerns. Everybody is going to keep an eye on protecting the Goodpaster River from contamination."

"That's an absolute," she said. "The river's got to be protected."

She also worries that an all-season road will harm the Fortymile Caribou Herd.

"We'll be doing all we can to stop an all-season road," Ward said.

Hanneman has spelled out one option that may appease everyone, including environmentalists like Ward. It requires running a power line to the remote project. This would reduce the amount of fuel needed on site, reducing the amount of traffic on the selected path. It would also eliminate regulations concerning air emissions.

"It's a great example of doing something for the environment that turns out to be the right thing for the business sector as well," Ward said.

Whether a power line will be cost effective is unclear. Golden Valley Electric Association has informed Teck Resources that it would cost \$18 million to upgrade GVEA's power system between North Pole and Eielson Air Force Base.

There would also be \$16 million in expenses to run power from that point back to the project. Both of those costs, which are subject to negotiation, would fall to the project's developers if GVEA cannot find a wider customer base in the area.

Hanneman is still gathering information and hopes to complete this feasibility study within 24 months. The analysis of underground exploration work is under way along with the environmental assessment.

This information will be used as a basis for a future permit application. But Hanneman is still awaiting one more component: comment from trappers, loggers, fish and game officers and anyone familiar with the section of backcountry.

"We want to tap into the knowledge of the community to help us make a good decision," Hanneman said.

**ROCK CREEK - NOME AREA**

The Rock Creek Nome Area Road  
January 27, 2000

The Rock Creek Road will help to encourage potential economic development of the hard rock mineral resources in the Nome area currently under investigation by a group of companies including Novagold, Alaska Gold, Sitnasuak, and the Bering Straights Corp.

The existing road is built along existing contours and is seasonal in nature. The road could not be used for transport of construction material during potential mine start-up due to it's windy nature, gradient and narrowness.

The new rerouted road would shorten the haul distance by two miles and be built across a flat plain that would make maintenance and use possible year round.

The City of Nome fully supports the road project for the potential economic benefit it could provide.

The City has recently lost 70 jobs due to the temporary shut down of mining operations in the Placer mining fields. The job loss is due to the current low prices of gold. Hard rock mining may still be viable at the current prices due to the higher tenor of the gold present. It must be remembered that the potential for sustained mining operations are speculative.

Currently, The rock creek gold deposit contains an estimated 500,000 ounces of gold.

GP:sp

STATE OF ALASKA  
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NUMBER OF PAGES INCLUDING THIS PAGE 9

RE: GLACIER CREEK RD.

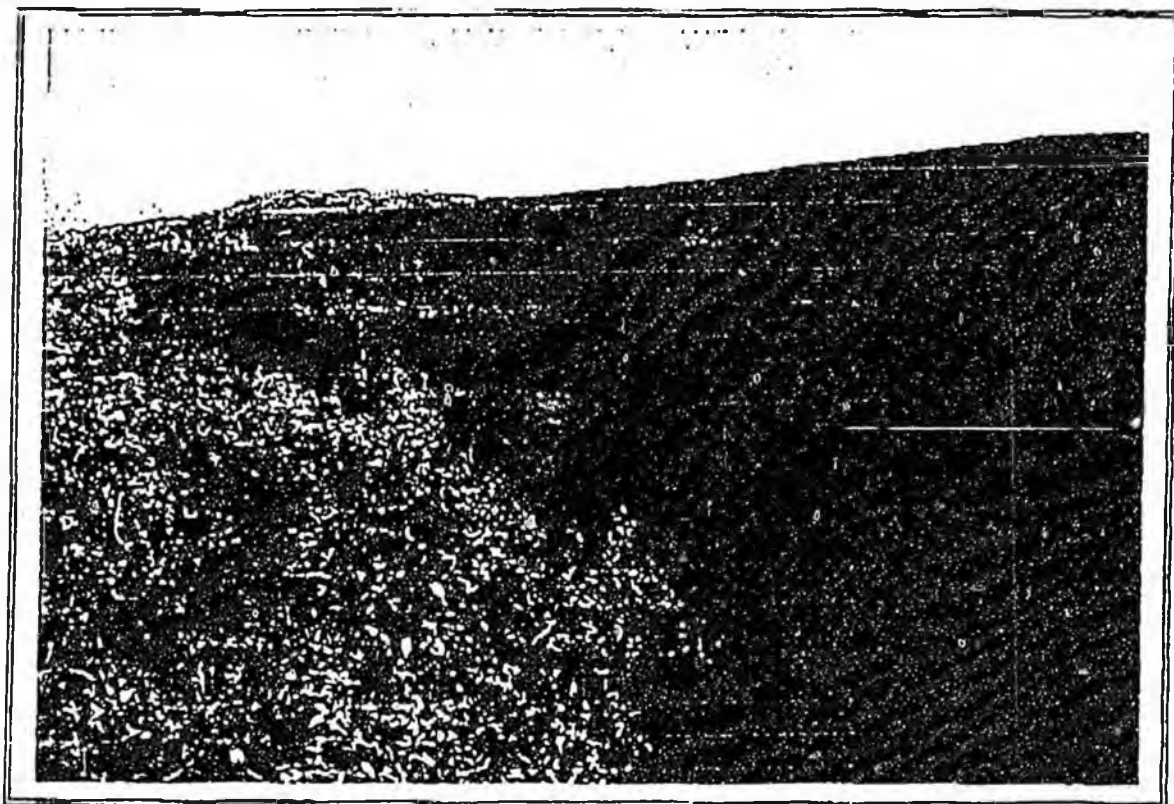
Note: Alternative 3 is the Preferred Route.

THIS DOCUMENT WAS PREPARED IN 1995.

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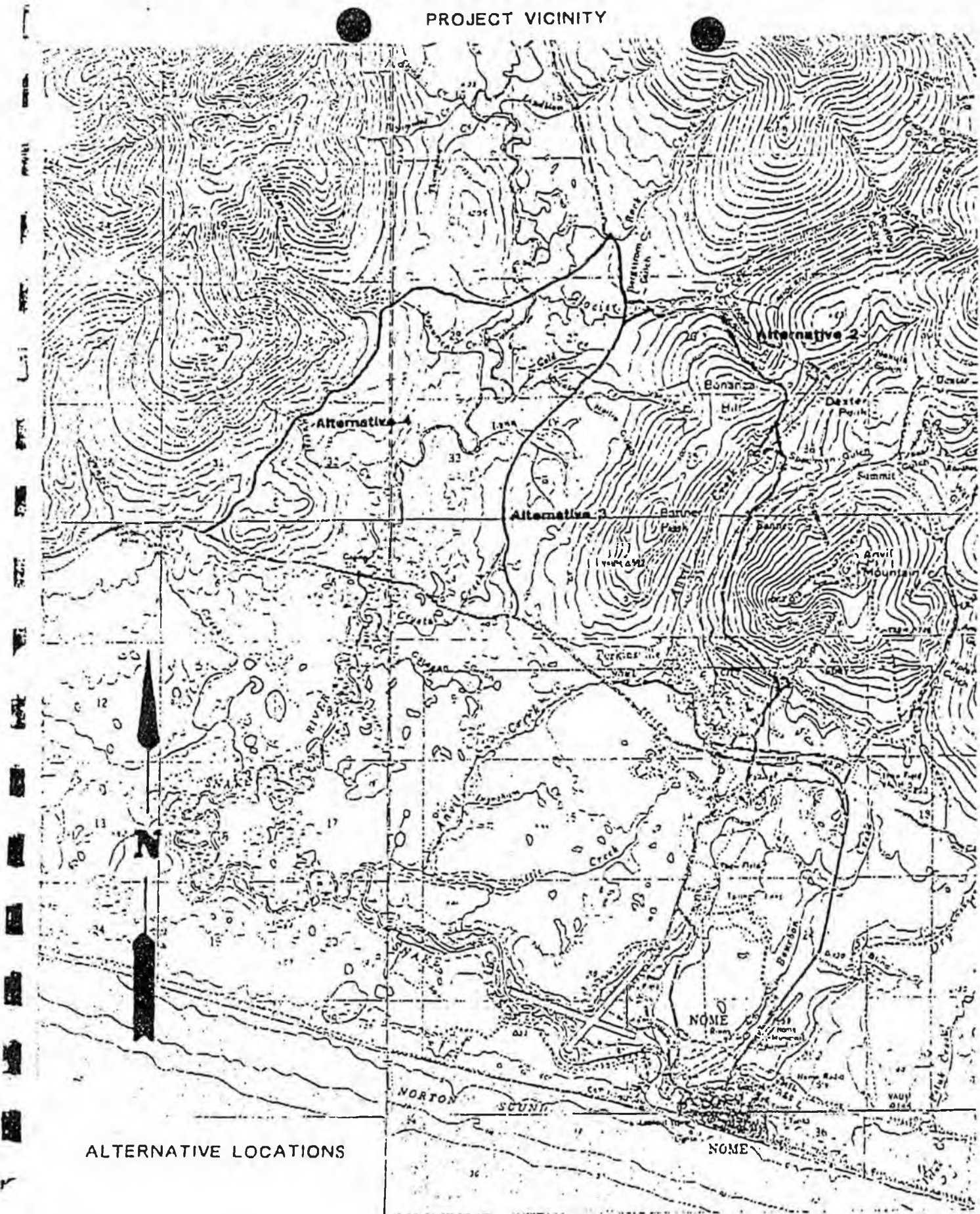
# GLACIER CREEK ROAD NONE, ALASKA ENVIRONMENTAL ASSESSMENT



Glacier Creek

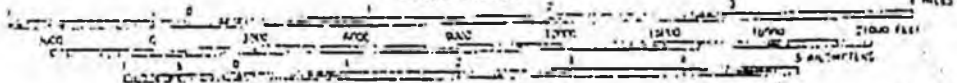
Alaska Department of Transportation  
and Public Facilities  
Northern Region- Western District  
Division of Design and Construction  
Environmental Section

PROJECT VICINITY



ALTERNATIVE LOCATIONS

SCALE 1:61300



## CHAPTER I

## PURPOSE AND NEED

The Alaska Department of Transportation and Public Facilities (ADOT&PF) in cooperation with the Federal Highway Administration (FHWA) is proposing to either upgrade or reroute Glacier Creek Road in Nome Alaska. The proposed project's objective is to enhance economic development. Glacier Creek Road accesses numerous gold mining operations with new development and exploration expected during the next several years.

The proposed project would provide an all-season, year-round<sup>1</sup> access road to areas that are believed to contain large mineral deposits. The existing road was originally constructed as a sidehill cut for much of its length and is therefore susceptible to early and lengthy closure due to snow accumulation.

Glacier Creek Road has major deficiencies, especially for heavy equipment. Grades on the existing road are severe, and when combined with the many sharp curves sight distance becomes severely limited. The existing road is approximately 4.3 meters [14 feet] wide, is gravel surfaced, and without shoulders. There is very little room for maneuverability or passing. These aspects are a hinderance for drivers, especially when a vehicle breaks down, becoming more extreme when operating larger equipment.

Several large gold deposits have been identified in the vicinity of Glacier Creek Road by private sector exploration firms. Reports from both federal and state agencies have also documented the potential for economic lode gold deposits in this area. Additionally, there are several gold mines currently in production. However, the

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<sup>1</sup> Currently, Glacier Creek Road is not maintained during the winter.

## GLACIER CREEK ROAD

operation of these current mining ventures are sometimes hindered by the length of time the existing road is open to traffic.

Currently, mining companies are in the process of defining the Rock Creek ore body, in the anticipation of bringing it into production. (Rock Creek crosses the existing Glacier Creek Road at about 1 kilometer [ $\frac{1}{4}$  mile]) beyond Glacier Creek. Exploration of the entire area is under the "Rock Creek" designation and encompasses nearly 13,760 hectares [34,000 acres]. An adjacent 14,165 hectares [35,000 acres] tract is also being explored. Until recently, these two tracts were being explored by separate companies. The Kennicott Mining Company has assumed Newmont Exploration's 13,760 hectare [34,000 acres] tract.

It is estimated that between 100-200 jobs would be created if a new mine were to begin production. This is a significant economic boost to an area which has a labor force of about 3,000 and an unemployment rate typically near 10 percent.

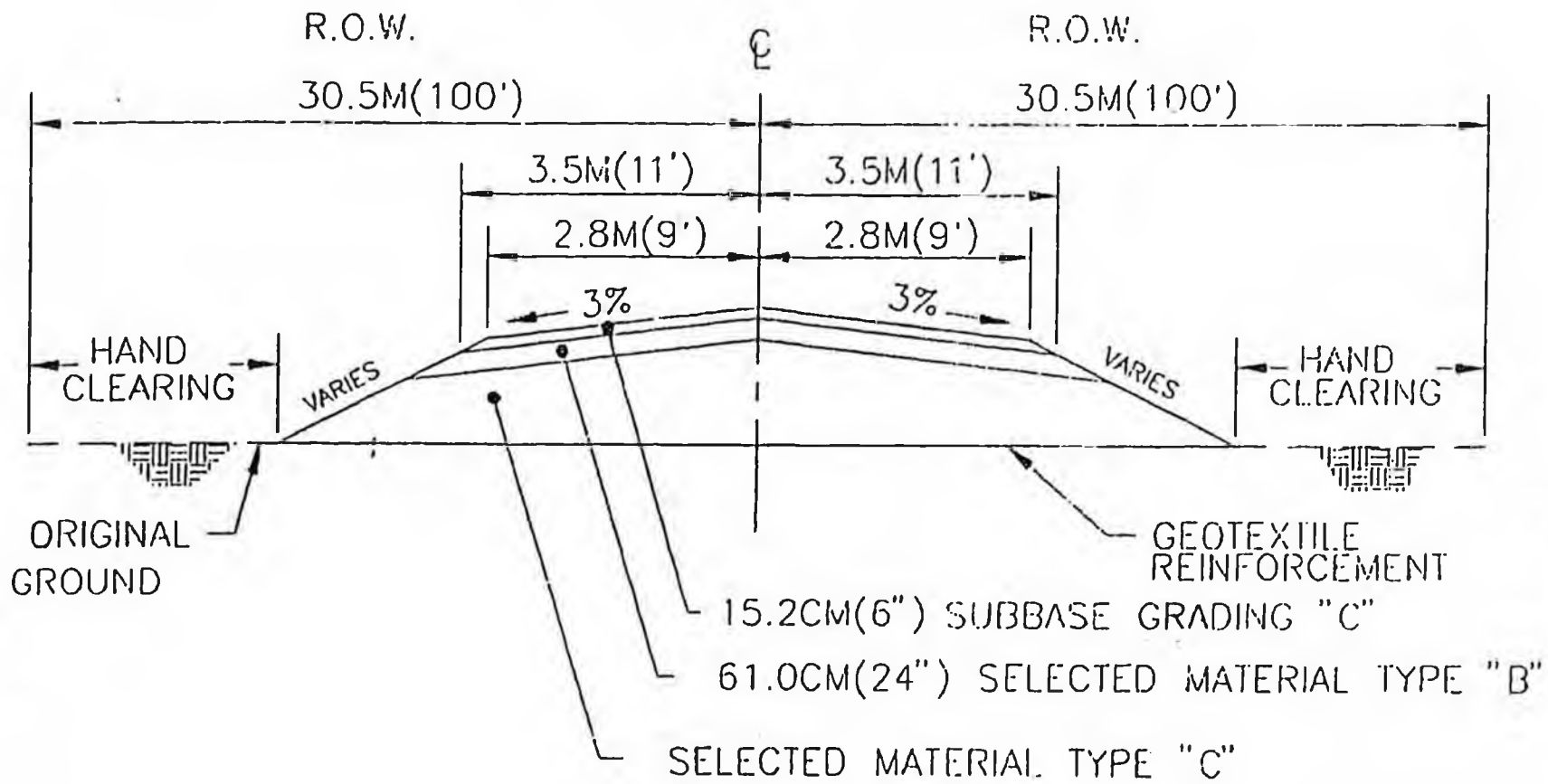
## CHAPTER II

## ALTERNATIVES

Four alternatives have been evaluated for this proposal. They are the no-action (or no-build), upgrade the existing roadway alignment, and two options to re-route the road.

All of the build alternatives would have a finished road width of 5.5 meters [eighteen feet] including shoulders. The typical section for the build alternatives would have foreslopes varying from 1:4 to 1:1 $\frac{1}{2}$  [4:1 to 1 $\frac{1}{2}$ :1]. Design criteria recommended with all build versions would result in horizontal curves at or above the minimums. Other recommendations include flatter grades, and hand clearing alders and willows out of the right-of-way to help facilitate snow removal. The proposed facility would require additional right-of-way to establish a corridor width of approximately 30.5 meters [100 feet].

NOME, ALASKA



TYPICAL SECTION

## GLACIER CREEK ROAD

### Alternatives 3 & 4

### Re-route Glacier Creek Road

Two locations were considered for realignment. An alternate route on the west side of the Snake River (Alternative 4) was investigated and discarded because of its longer length and higher cost; and a greater potential for environmental impacts, particularly with regard to crossing the Snake River. Because of its width, crossing the Snake would entail a bridge structure substantially increasing construction costs.

The recommended route, Alternative 3, starts on the east side of the Snake River, approximately 10 kilometers [6.3 miles] on the Bob Blodgett Nome-Teller Highway traversing into the Snake River valley and intersecting into the existing Glacier Creek Road near Kilometer 9 [Mile 5.6]. From this point, the existing Glacier Creek Road would be upgraded to Rock Creek. The approximate length would be 6 kilometers [3.6 miles].

A spur road connecting the new alignment with the existing Glacier Creek Road south of Glacier Creek is also proposed to access the area to eliminate the need for a new and additional crossing of Glacier Creek. This spur road would be about one-quarter mile long (approximately 400 meters). Two 3.7-meter [12-foot] culverts would replace the existing road crossing at Glacier Creek.

The topography along this alignment is flat, open terrain with sparse vegetation consisting of a combination of alpine tundra/barren ground system, with alders and willows lining the numerous drainage channels. Underlying soils are primarily undisturbed tundra consisting of fine material with a high moisture content that is interspersed with ice lenses.

The major advantage of this alternative is that it allows the desired all-season capability with minimal maintenance efforts. Another cost saving would be realized by incorporating an overlay throughout the proposed alignment and hand-clearing alders

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**GLACIER CREEK ROAD**

and willows to the right-of-way limits. This in turn would reduce snow drift accumulation on the road's surface enhancing vehicle safety and minimizing maintenance costs.

A potential disadvantage with this alternative is possible differential settlement of the embankment placed over undisturbed tundra. Although eventually this type of problem generally reaches a point of equilibrium.

Right-of-way costs would be increased with this alternative. Land ownership along the proposed route is primarily native corporation lands.<sup>2</sup> This alternative's alignment would for the most part, avoid the numerous patented mining claims, except near the end of the project where the many claims cannot be avoided.

**Alternative 3**

**Preferred Alternative**

The department is recommending re-routing the road to the east of the Snake River, as described above. This alternative is preferred because it offers the best means to satisfy the purpose and need for the proposed project. It would provide users with a safe, all-season driving surface at minimum costs; and with minimal social, economic and physical environmental impacts.

<sup>2</sup>The Bering Straits Native Corporation has passed Resolution #2-4-94-2 granting a perpetual subsurface easement and restrictive covenant to the ADOT&PF to facilitate the Glacier Creek Road proposal. However, it is the village corporations who have been granted surface rights to the land.

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**GLACIER CREEK ROAD**

**TABLE 1  
ESTIMATED COST**

Alternative 1: No-Build	
Phase 2: Design	\$ 0
Phase 3: Right-of-Way	\$ 0
Phase 4: Construction	\$ 0
Maintenance: Summer	\$ 8,105
Maintenance: Winter	<u>\$ 0</u>
TOTAL	<u>\$ 8,105</u>
Alternative 2: Upgrade Existing Route	
Phase 2: Design	\$ 300,000
Phase 3: Right-of-Way	\$ 521,909
Phase 4: Construction	\$4,054,334
Maintenance: Summer	\$ 8,105
Maintenance: Winter	<u>\$ 390,184</u>
TOTAL	<u>\$5,265,532</u>
Alternative 3: Re-route road	
Phase 2: Design	\$ 300,000
Phase 3: Right-of-Way	\$ 159,770
Phase 4: Construction	\$2,947,854
Maintenance: Summer	\$ 4,053
Maintenance: Winter	<u>\$ 8,105</u>
TOTAL	<u>\$3,419,782</u>
Alternative 4: Re-route road	
Phase 2: Design	\$ 400,000
Phase 3: Right-of-Way	\$ 234,013
Phase 4: Construction	\$4,866,526
Maintenance: Summer	\$ 4,053
Maintenance: Winter	<u>\$ 130,061</u>
TOTAL	<u>\$5,634,053</u>

**NOME, ALASKA**

**REQUEST FOR FUNDING  
PRELIMINARY ENGINEERING AND DESIGN  
CROOKED CREEK DONLIN CREEK MINE ROAD**

**PROJECT BACKGROUND**

The Donlin Creek mine is a lode-gold exploration project located 15 miles north of the village of Crooked Creek (population 144). Small placer mining operations (total production 35,000 oz.) have been present in the area since 1915. In the mid-1980's, Calista geologists determined that a significant lode source could exist in the uplands above the existing placer mining operations near Snow Gulch.

In 1988 and 1989 Western Gold Mining and Exploration Ltd. (WestGold) spent \$2 million drilling and trenching the Donlin Creek deposit. Based on their fieldwork they estimated the Donlin Creek gold reserve to be over 400,000 ounces. In 1995, Placer-Dome North America (PDNA) operated a \$2 million exploration and drilling program. In 1996 and 1997 they extended \$18 million on additional drilling and exploration work at Donlin Creek, delineating a 3.6 million-ounce gold resource. Successful field results in 1998 produced an estimated 11.5 million ounces of resource which could lead to a preliminary mine feasibility determination by the end of 1999.

The level of exploration and financial investment PDNA is making at the Donlin Creek Project is a sign this area is considered a very advanced exploration property. The actual development cost for a mine facility will require an outlay of more than \$600 million dollars. The construction of an access road is just one of the costs associated with developing a producing mine. It is in the best interest of the mining industry that the State of Alaska encourages the development of remote mines.

An airstrip suitable for Hercules and DC-6 type aircraft was constructed at American Creek. Although it was expensive, Placer-Dome and Calista believed the expenditure was necessary to conduct advanced exploration. The airstrip will meet this project's needs for exploration support, but it will not be sufficient for use during actual construction and development of a mine. Long-term mine development will require access to the mine site over land. Over the next two years, it is essential to link the mine site with the Kuskokwim River via a road.

There is minimal road access to the Donlin Creek area. A pioneer road is in place from the placer mine sites at Snow Gulch and Queen Gulch. PDNA constructed an additional one and one half miles of road during 1997 from Queen Gulch to American Creek. The road provides access to the general location of the exploration camp, which was constructed in 1996. The road project and campsite represent a very high level of commitment by PDNA to undertake a viable exploration program to prove up the gold reserve in the area.

## PROJECT DESCRIPTION:

Road access from the Kuskokwim River is required to move equipment, supplies and materials into the Donlin, Creek area. Engineering studies to design and site a 24-mile road from Donlin Creek South, down the Crooked Creek valley, which terminates on the Kuskokwim River about 0.5 miles South of the Jungjuk Creek confluence, along with construction cost estimates, are required before actual road construction can begin.

Work which needs to be completed as soon possible includes; a) a preliminary engineering analysis, including the delineation of alternative and initial cost estimates and; b) soil borings at critical points along the proposed road alignment and at potential material sites to determine soil suitability. A field program can be completed using locally available equipment and manpower during late winter and early spring. It is estimated that the preliminary engineering and design work will cost \$500,000 for engineering services and field studies. An engineering study will identify a suitable road alignment and determine construction costs. Other work needed is an examination of available mapping and further investigation into the environmental issues so the cost estimate can be finalized.

## SUMMARY OF DESIGN STUDY SCOPE OF WORK BY TASK

1. Establish Land Ownership for route area
2. Control Survey GPS
3. Air Photo Mapping
4. Route Engineering
5. Geotech Field Work
6. Bridge, Drainage and Alignment Refinement
7. Environmental and Assessment
8. Cost Estimating

## PROJECT JUSTIFICATION

The Kuskokwim Corporation, representing 10 villages in the upper Kuskokwim River, are in favor of this project. They will be sending in a resolution or letter of support for this project. Immediate benefits will be to employment of local residents during the construction of the road. It is estimated that during construction of the road it could employ in the neighborhood of 30-50 employees. The road will provide a critical link between the Kuskokwim River, and the mine and campsite at American Creek and Snow Gulch. Without a road, it will be difficult to move equipment and materials to the mine site for the construction and operation of a producing mine. The development of a mine in the region will provide a significant amount of employment opportunities for many years to come. Provided the exploration site does become a mine it is anticipated that 600 employees will be needed during the construction phase, and thereafter for operations an estimated 400 permanent jobs will be needed.