

ALASKA LEGISLATURE

950

HOUSE and SENATE FINANCE COMMITTEE FILES, 1993-1994

25



Tom Fink, Mayor

ANCHORAGE POLICE DEPARTMENT

4501 SOUTH BRAGAW STREET ♦ ANCHORAGE, ALASKA 99507-1599
TELEPHONE (907) 786-8500



Service since 1921

February 19, 1993

The Honorable Cynthia Toohey
Representative for the State of Alaska
State Capitol
Juneau, Alaska 99801-1182

Dear Representative Toohey,

As a member of the Anchorage Police Department in charge of the Patrol Division, and as Co-Chair for Anchorage Task Force on Sexual Assault, as well as Chair for the Anchorage Domestic Violence Committee I would like to extend my support, my encouragement, my urging in the passage of House Bill No. 64 which would make stalking a crime.

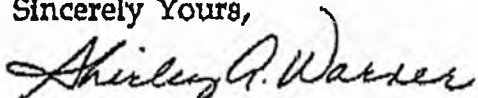
This bill would enable officers to take quick and sure action in situations that could be very volatile, or life-threatening in nature. Officers deal with many cases per year in which they are forced to tell victims of stalking there is nothing they can do. It is only after someone feared takes aggressive action toward the completion of a criminal act that officers may arrest.

Recently one of our officers was finally able to obtain a charge of disorderly conduct against a suspect who had repeatedly followed the victim. At one point the victim's husband took action by firing his weapon at the suspect. The family, as well as the officer, reported their frustration over the inability of the police to do anything to protect them. This situation had the potential for having a tragic ending as has been realized in our community in the past. This is one of many cases our officers have had to handle only to tell the victim other threatening events must occur before the police can protect them.

Aside from being able to protect the victim, this law would send a very clear message to people who feel they can violate the freedom of another. No matter the actions, intentions, or demeanor of those who choose to stalk another, their actions are threatening and they restrict the movements and alter the lives of our citizens.

Thank you for your foresight in the creation of this bill. We appreciate your support for our efforts in protecting citizens.

Sincerely Yours,



Captain Shirley A. Warner
Patrol Division
786-8558



CITY OF HOMER

POLICE DEPARTMENT

4060 HEATH STREET

HOMER, AK 99603-7609

EMERGENCY 911
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February 18, 1993

Rep. Cynthia Toohey
State Capitol
Juneau, Alaska 99801-1182

Dear Representative Toohey;

I am writing in support of House Bill 64, the so-called "Stalking" bill.

I have been a police officer for fifteen years and for the last three years I have served on the state Council on Domestic Violence and Sexual Assault. I strongly believe that this is necessary and important legislation and I support the version of the law contained in HB 64.

Our agency has had to deal with a significant increase in domestic violence crimes during the last decade and I have found that "stalking" conduct is often a part of a pattern that develops during the final, and most lethal, stages of family violence. Perpetrators filled with anger after being divorced or separated, and after being charged with other family violence crimes and being served with domestic violence restraining orders, often resort to stalking their former partners.

We've dealt with a handful of these cases in the last few years that were extremely frustrating because there was nothing we could do to intervene and yet it was clear that the potential for violence was very great and the victim was terrified. In several of the cases the victim was forced to simply pull up roots and move out of state. In the most notorious local case, a man stalked his ex-wife for two years in spite of five restraining orders convictions and an assault conviction. He followed her to restaurants and waited outside in his car with binoculars or sat at a nearby table and stared at her. He accosted her at work. He often followed her in his car. He even followed her out of state on one occasion and police had to meet his plane in Seattle and Portland. Even though he had been convicted of repeatedly violating restraining orders and assaulting her, his "stalking" conduct was lawful and there was nothing we or the district attorney's office could do. Finally, an incident triggered an extraordinary outburst of violence during one of his stalking forays. He drove by her home at about 2:30 in the morning and saw a visitor's truck parked in her driveway. He drove home and loaded a 30.06 hunting rifle and then returned to her neighborhood. He parked two blocks away and walked to her house. The victim heard him at one of her doors and grabbed a handgun she kept nearby because of

his threats. He kicked a door in and confronted her with his rifle and convinced her to give up her gun. She fled the house as he walked down the hallway and shot and killed her companion. He chased her to a neighbor's house, burst in and threatened to kill the neighbors and their children. While they fled, he attacked the woman, who was on the phone with a 911 operator. He was out of bullets and tried to kill the woman by beating her in the face with his gun and boots. He dragged her out of the house and dumped her in the yard. The damage to her face was so severe that the first arriving officers thought that she had been shot in the face. She required several operations to her face during the next year.

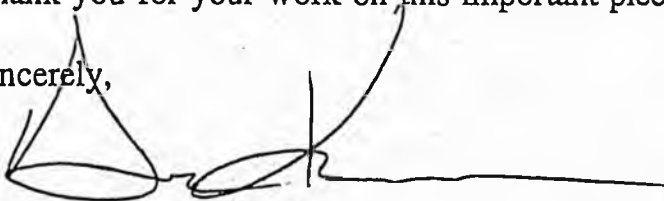
I think that it is possible that his tragedy would not have happened if we had been able to charge this man with an appropriately serious crime during the period of his stalking behavior. I believe that any law enforcement agency would have similar horror stories that involve this type of conduct.

I also strongly endorse the language of the bill that defines stalking as that conduct that includes violations of probation, release before trial, release after conviction or parole. It has been my experience that stalking conduct often violates existing conditions of release or probation but police are powerless to do much about it. Most people don't realize that law enforcement officers cannot arrest on probable cause for such violations; we are required to document the violation and submit it to the district attorney for action. This is a process that can take weeks or months. In situations involving such a high degree of danger the police need the ability to make immediate arrests.

I also applaud the fact that HB 64 creates a separate crime of "Stalking". One of the problems with tagging such a law onto an existing statute (such as Terroristic Threatening) is that it is often difficult or impossible to discern from a computerized criminal history printout which part of the overall statute has been violated in the past. For example, if a perpetrator has been charged with stalking under a subsection of Terroristic Threatening in the past and is arrested again and is at arraignment, the computer printout for the defendant's criminal history that is available through the APSIN system will not show whether the prior arrest(s) were for stalking or threatening to blow up a building. This was one of the reasons that the statute covering the violation of domestic violence restraining orders was removed from the umbrella of "Harassment" and a new, stand alone crime of "Violating a Domestic Violence Restraining Order" was created.

Thank you for your work on this important piece of legislation.

Sincerely,

A handwritten signature in black ink, appearing to read "Andy Klamser", written over a horizontal line.

Sgt Andy Klamser

STATE OF ALASKA

DEPARTMENT OF LAW

CRIMINAL DIVISION/THIRD JUDICIAL DISTRICT
OFFICE OF THE DISTRICT ATTORNEY

February 18, 1993

Rep. Cynthia Toohey
Alaska State Legislature
Box V
Juneau, AK 99801

FAX 465-2137

Dear Representative Toohey:

Thank you very much for eliciting the District Attorney's Office input in committee substitute for House Bill No. 64, the stalking bill. I spoke with Marvena yesterday and informed her that our offices comments will be incorporated into the suggestions by the Department of Law's representative in Juneau, Margo Knuth.

As a felony attorney in the sexual assault and domestic violence unit in the Anchorage District Attorney's office I am very pleased to see the effort your office is putting into this bill. As you know from your experience speaking with constituents in the Anchorage area, this bill is very necessary. In my own experience and that of other prosecutors in this area it is very difficult to successfully prosecute people who are "stalking" their victims under the law as it presently stands. This bill you have sponsored is a very important step in addressing this ever increasing problem. In my experience in this office, I have seen numerous cases both in domestic violence situations as well as between parties that were, initially, virtual strangers. In both situations, reliance on existing law has been frustrating for both law enforcement as well as the victims.

For example, victims of domestic violence who have lawfully obtained restraining orders often times are not protected. The reasons being, restraining orders cannot stop someone from following a person in their car, from parking at their place of work and observing them for the entire eight hour period, following them home from work, and sometimes parking one block away, or within visible range night and day. Victims of this crime have attempted to use all lawful means to get this activity to cease, and our existing framework has no answers. Victims, at this point, have two choices, (a) they can live in fear day after day or (b) they can attempt to leave their homes, their families and often

WALTER J. HICKEL, GOVERNOR

REPLY TO:

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February 18, 1992
Rep. Cynthia Toohy Letter

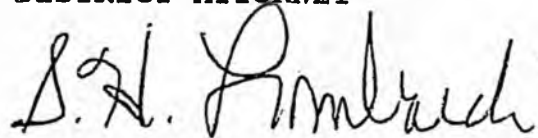
times their friends in a last desperate attempt to escape the person stalking them.

It is hoped that your continuing efforts as well as those in law enforcement and victim support groups will be able to again to address this serious need. Thank you again for soliciting our input and if I can be of any further assistance, for example with testimony from victims or my experience in prosecuting these cases, please feel free to contact me at 263-0169.

Sincerely yours,

CHARLES E. COLE
ATTORNEY GENERAL

EDWARD E. MCNALLY
DISTRICT ATTORNEY



Suzanne H. Lombardi
Assistant District Attorney

SHL:raa



DEPARTMENT OF PUBLIC SAFETY
City of Fairbanks
656 7th Avenue
Fairbanks, Alaska 99701
(907) 459-6500



R. JOHN SHOVER, DIRECTOR

March 22, 1993

The Honorable Representative Toohy
Alaska State Legislature
House of Representatives
State Capitol
Juneau, Alaska 99801-1182

Dear Representative Toohy:

The Fairbanks Department of Public Safety, Police Bureau, supports the passage by the Senate of CSHB64 (FIN). The addition of an anti-stalking law in Alaska will be a tool that aids law enforcement in investigating and prosecuting criminals exhibiting this type of behavior.

Stalking is not a frequent crime, but it is a terrifying crime to the victim. I urge Senate support of this bill. Further, I add my thanks to you and your co-sponsors for the work on this bill.

Sincerely,

A handwritten signature in dark ink, appearing to read "M. E. Pulice".

MICHAEL E. PULICE
Director

MEP:VRG:rlc

Alaska Association Chiefs of Police



March 5, 1993

Representative Cynthia Toohey
State Capitol
Room 104
Juneau, Alaska 99801-1182

Dear Representative Toohey:

On behalf of the Alaska Association of Chiefs of Police I would like to express our support for House Bill 64b. The Chiefs Association has supported other bills that deal with this issue. We believe that a Criminal Statute that identifies Stalking as a crime is long overdue in the State of Alaska.

All Chiefs from around the State can cite repeated examples from their communities of persons who have been seriously beaten, injured, or killed as a result of "family" or "domestic" violence. For many of these victims their injuries were preceded by periods of time wherein the offender stalked, harassed, threatened and intimidated before acting. Being able to intervene during this earlier conduct would be a welcome relief for law enforcement as well as the hundreds of victims.

There are many bills this year that address the Crime of Stalking. While they all have merit, HB64b seems to incorporate the best approach and language. If we can be of any assistance in the passage of your bill, please let me know.

Very truly yours,

Ronald L. Otte
President

RLO/lp

SECTION B

ADW 4-11-73

Stalker law would help fill legal gap

Experts say legislation gives police needed tool

By LIZ RUSKIN
Daily News reporter

Seven months before Robert Fletcher Jr. shot his ex-wife and killed himself on the UAA campus, Ann Fletcher started lodging complaints against him.

Two of the four petitions for domestic violence restraining orders she filed were not granted. One was in effect on the day of the April 6 shooting, but he ignored it.

In March, he was charged with burglary for breaking into her house and stealing her property. But Robert Fletcher was never arrested for the harassing phone calls, the stalking, the death threats she reported.

To those who work with victims of domestic violence, the case illustrates the need for an anti-stalking law.

"The trick with domestic violence, if there is one, is to intervene as early as possible," said Cindy Smith, director of the Alaska Network on Domestic Violence and Sexual Assault. "The way the law is right now, if you're being schematically stalked by a person, you can't do anything until he actually hurts you."

An assault charge can be brought if a person "by words or other conduct ... places another person in fear of imminent physical injury." But that provision apparently wasn't applied to the Fletcher case.

On Oct. 31, Robert Fletcher went to his ex-wife's house taking birthday presents for their 8-year-old daughter, Ann Fletcher reported in her second petition for a restraining order.

"We argued and he became aggressive, threatening to kill me, trying to get the kids to go in another room so they would not watch him hurt me. They refused. I ran outside. Then he left. I called APD (Anchorage Police Department)."

Detective Joe Hoffbeck said an officer was sent to the house, but Robert Fletcher wasn't charged. Technically, he said, the event Ann Fletcher described in her petition

Please see Page B-2, STALKER

STALKER: Proposed harassment law would aid police, courts

Continued from Page B-1

would constitute misdemeanor assault, but it's not unusual for police not to bring charges when the assault alleged doesn't rise above the level of verbal threats.

"Keep in mind, he hasn't done anything," Hoffbeck said. "How many times does a person say things just out of anger and not actually carry through with it?"

An anti-stalking law would probably stop a less-determined man, but probably not someone like Fletcher, Hoffbeck said.

"What law is going to stop him? He didn't stop at burglary. That's a pretty serious charge," he said.



In fact, the anti-stalking bill that has passed the Alaska House of Representatives and is speeding through the Senate would make stalking at worst a Class C felony. Burglary can be a Class B felony, one notch more serious.

But — as Hoffbeck, Smith and others agree — an anti-stalking law would fill a gap in the laws, a gap that some

men now exploit to make life miserable for their prey.

The bill, modeled after the Michigan law, defines misdemeanor stalking as placing another person in fear of death or injury by repeated acts of nonconsensual contact. The behavior can include following, showing up at the person's home or work, calling or sending letters.

The offense would be a felony if the offender already has one stalking conviction or the offense was committed in violation of a restraining order.

Assistant Attorney General Margot Knuth said the bill would broaden the boundaries of what is illegal by removing the require-

ment in the assault statute that the victim fear "imminent" injury. Judges have interpreted imminent to mean that unless the injury could take place within seconds, a threat doesn't amount to assault, Knuth said.

Smith said police sometimes fail to enforce the threat provisions of the assault law. Like that provision, the stalking definition depends on the victim's perception of fear.

"It's going to have to be serious enough to convince the police to act," she said. Passing the stalking law and making serious cases felonies will focus more police and prosecutor attention on

the crime, she said.

Municipal prosecutor Jim Wolf said some perpetrators have learned how to tread the edge of law, staying just far enough away to avoid violating the conditions of their restraining order, behaving themselves just enough to avoid criminal charges while still ruining their victims' lives.

"It's almost like putting the victim in a hostage situation," he said.

He said he didn't know how many stalkers are slipping through the gaps in the current law, but he said he believes there are many.

"There's a lot of sickles out there," he said.



JIM LAVRAKAS / Anchorage Daily News

Gary Petersen apologizes to the judge during his sentencing Wednesday. His attorney, Sue Ellen Tatter, stands at his side.

Antagonist cops plea

Alleged stalker gets 15 days for scaring woman with car

By LIZ RUSKIN
Daily News reporter

A federal worker who police say obsessively stalked an Eagle River woman for more than a year was sentenced in District Court on Wednesday to 15 days in jail for frightening her with his automobile.

Gary Woodrow Petersen, a 56-year-old employee of the Federal Aviation Administration, pleaded no contest to misdemeanor assault as part of a plea agreement with municipal prosecutors.

"All I wanted to do is just talk to her," Petersen told Judge John Lohff.

Police say the woman — who was not named in court — first met Petersen about three years ago when he went to the chiropractic clinic where she works as a massage therapist. She and her husband befriended him and she continued to treat him at the clinic.

Eventually, though, Petersen started following her. He told her in October 1991 that he was obsessed with her because she reminded him of his deceased wife, according to a complaint filed against him in January.

The police and the clinic's law firm told him to leave her alone, but he didn't. He would wait for her at work and watch her house at

The police and the clinic's law firm told him to leave her alone, but he didn't. He would wait for her at work and watch her house at night, police say.

night, police say.

In January 1992, he parked his car in the driveway of her home around 1 a.m., ignoring a restraining order that she had obtained to keep him away. Her husband approached Petersen with a gun and fired two warning shots. Petersen left and was cited for trespassing, but the woman's husband was cited for weapons misconduct.

The assault charge that was the subject of Wednesday's sentencing stems from a Jan. 6, 1993, incident in which she spotted him watching her when she left work one night. According to municipal prosecutors, he followed her and she sped away, only to find his car waiting

Please see Page B-3, PETERSEN

PETERSEN: Sentenced

Continued from Page B-1

for her in a parking lot near her house. Petersen gunned the accelerator and drove toward her car, forcing her to swerve out of the way to avoid being rammed.

Petersen's lawyer, Sue Ellen Tatter, said the police officer who wrote the complaint was overly dramatic. She said her client is not a stalker but a gentle, nonviolent man.

"He fell in love and he pestered," Tatter said. "He thought she was interested in him. At a certain point he should have realized it wasn't true, but he didn't.... He lost some judgment."

She said Petersen became depressed after his wife died of cancer. He is now being treated by a psychiatrist and understands why the massage therapist reacted as she did, Tatter said.

Tuesday, a woman who

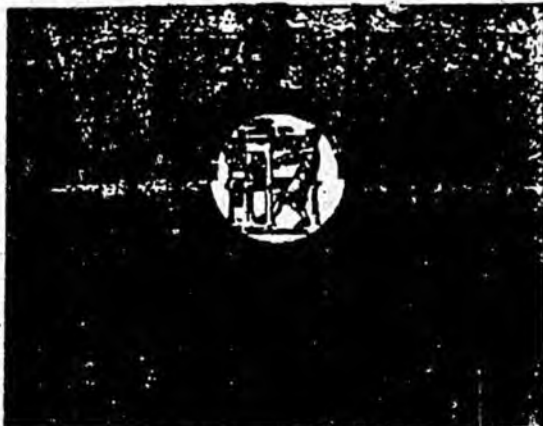
had complained to authorities that her ex-husband had been stalking her was shot in the eye by the man, who then turned the gun on himself.

Municipal Prosecutor Jim Wolf said the Petersen case is one more example of why Alaska needs an anti-stalking law of the sort that is now making its way through the legislature.

Without such laws, he said, stalkers can keep their victims virtual hostages without crossing the line that would bring them assault or harassment charges.

Petersen's sentence includes five years of probation and a requirement that he continue psychiatric treatment, have no contact with the victim and not go within one block of her house or her work places.

"This is really something I regret. I wish I could take it all back," Petersen told the judge.



Domestic violence

Alaska should look at stalker laws

Anyone familiar with domestic violence knows that leaving a relationship can be a risky act. One national study says that three-quarters of domestic assaults occur after the couple separated. More women are killed when leaving than at any other time.

We don't need statistics to understand this fact. Here in Anchorage over the last year, one woman was murdered by her ex-boyfriend when she went back to their apartment to pick up her belongings. Another barely escaped with her life after the man she'd broken up with stalked her with a bomb.

The law does what it can to safeguard women in these dangerous circumstances. Women can request restraining orders, and most of the time — but not always — their boyfriends or husbands obey a court order to stay away. The community also provides shelters for women who so fear their ex-partners they need a place to hide.

But ~~these~~ these measures don't work, we end up asking ourselves, is there more we can do?

Nineteen other states have answered, yes. They have passed stalker laws.

These originated in California, partly in response to a disturbed fan's stalking and murdering a Hollywood star. But California also uses its stalking law for domestic violence cases, and other states have started to follow suit.

The stalking law applies to anyone who follows or harasses another person and threatens violence. Stalking is considered a felony rather than a misdemeanor if the behavior is repeated, or if a restraining order already has been issued.

Stalking laws cover gaps that restraining orders don't fill. For example, say a man has never abused his ex-wife, and even keeps his distance from her. But he tells her that he'll kill her when she least suspects it, and every day she sees him waiting in the parking lot where she works. He could be arrested for stalking her.

California's stalking law also gives the state more leverage against people who ignore restraining orders. Say a woman gets a restraining order and her ex-partner continues to follow her. Under a stalking law, such behavior would be a felony, and the man, if convicted, would be more likely to serve jail time and would be subject to parole supervision afterwards.

The Alaska Network on Domestic Violence and Sexual Assault is looking into California's and other states' laws to see if a stalking law would be useful here. No one pretends it would guarantee safety. A person obsessed with revenge and indifferent to authority can still elude arrest or get out on bail. He will not stop being a danger.

But a stalking law could be one more tool to control this needless violence.

Man stalks, shoots ex-wife, kills self



Anchorage police Detectives Nancy Polter and Scott Jossen check the UAA parking lot where Bob Fletcher shot his ex-wife and himself Tuesday.

2-week-old court order couldn't stop gunman

By PETER BLUMBERG
Daily News reporter

Robert Fletcher Jr. repeatedly threatened his ex-wife and once declared he wouldn't leave her alone "until death do us part," according to court records.

Ann Fletcher had asked the courts four times since last September for emergency restraining orders against Robert Fletcher out of fear that he would make good on his threats, according to domestic violence files at Superior Court.

Two requests were denied for lack of evidence that Robert Fletcher was violent, another was granted but canceled three weeks later at Ann Fletcher's request, and a 90-day restraining order was finally approved March 22. That was after the court had received a letter from a visitor to Ann Fletcher's home who said he had witnessed her being threatened.

"Since the divorce, Bob (Fletcher) has talked to me several times saying that he was not accepting the divorce and was angry with Ann

blaming him for the whole situation," Charles Robinson said in a handwritten letter to the court. "He has said at different times that jail was better than the situation he was in and that he had nothing to lose."

Ann Fletcher wrote in her own March 22 note to the court: "I believe that my life is in danger. I am not taking these threats lightly from my ex-husband."

Six days later, Robert Fletcher was in court again, this time on charges of burglarizing his wife's home late last year. Police said he admitted breaking into the home and stealing Ann's fur coat and other valuables, according to a tape recording of the March 28 hearing before Magistrate Geoffrey Comfort. Fletcher was released on \$1,000 bail.

Now, because of a Tuesday-morning shootout in a university parking lot, Ann Fletcher, 35 years old and the mother of two young girls, is in Providence Hospital in serious condition. A bullet from Robert Fletcher

Please see Page B-3, THREATS

Woman loses eye to attack near office

By PAMELA DOTO
Daily News reporter

Robert Fletcher Jr. stalked his ex-wife for more than six months, then shot out one of her eyes, exchanged fire with a university police officer and killed himself Tuesday morning, according to court records and Anchorage police.

Fletcher was unemployed and was divorced from Ann Fletcher last fall, according to court records. His family said he was upset because Ann would not let him see his two daughters.

City police, who took over the case from campus officers at the University of Alaska Anchorage after the shooting, say Robert Fletcher, 38, was waiting for Ann in the parking lot when she arrived at her job as a university office manager about 8 a.m.

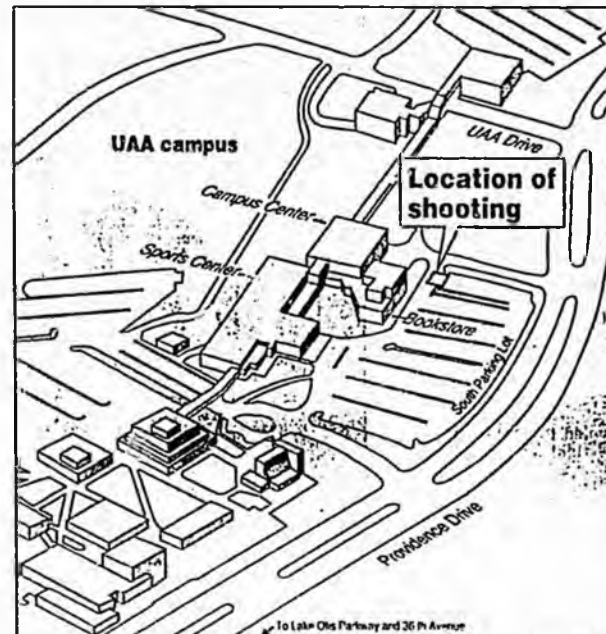
Student Richard Jason Brunt heard screaming from a car parked near the Campus Center and bookstore. He said that all he could make out was a woman saying, "I'm not going to give them to you."

City police said Fletcher first sprayed the woman with Mace, then fastened a handcuff to her right wrist.

When a campus police officer got there at about 8:30 a.m., he parked several feet behind Ann Fletcher's sedan. Both doors of the car were open, but all the officer could see was the woman's hair hanging out one of the doors and Fletcher in the back seat with a .44-caliber Ruger pistol.

"He backed off and got behind his patrol vehicle for protection," Detective Nick Veur said.

Please see Page B-3, SHOOTING



Map of UAA campus

ROTHENSTROM Anchorage Daily News

THREATS: Woman went to court seeking protection

Continued from Page B-1

er's gun took out one eye, according to city police. And Robert Fletcher is dead. Police say he shot himself in the head after shooting Ann and being struck by two bullets from a campus police officer's gun.

In her first petition for court protection, filed on Sept. 2, Ann Fletcher claimed that her husband — who by then had moved out of their Eagle River home — was making threatening comments over the phone and refusing to let their divorce go forward.

But a handwritten note on the petition that appears to have been written by a judge says "Denial and d.v. (domestic violence), no history of d.v." The judge's signature was not legible.

On Nov. 2, shortly after the couple divorced, Superior Court Judge Dana Fabe granted Ann Fletcher's second petition for a restraining order against Robert.

"He has specifically made threats to kill Ms. Fletcher if she sought a J.V. order," Fabe wrote.

But Ann Fletcher asked the court to cancel the restraining order against her ex-husband on Nov. 22 after telling a judge that Robert "agrees to be civil," according to a court document.

Three months later, on Feb. 22, Ann Fletcher filed another petition for a restraining order. This time she complained of harassing phone calls at work and home, and she reported that Robert Fletcher was contacting her friends in an effort to find her.

"Seems to follow me, knowing my location both at

Anti-stalking bill moves

By RALPH THOMAS
Daily News reporter

Alaska may soon have an anti-stalking law. Legislation that would make it a crime to stalk a person passed the state House unanimously last month and has since moved speedily through two committees in the Senate.

The bill — House Bill 64 — would make stalking a felony or misdemeanor, depending on the case. It would also give police the authority to arrest stalking suspects without a warrant.

Supporters say the bill could prevent some murders. When the bill was discussed last month in the House, Rep. Jerry Mackle, D-Craig and a former police officer, talked about his inability to help victims of domestic violence who were being stalked by an estranged spouse.

"I don't know how many times I was asked, 'Do I have to be killed first before you can do anything?'" Mackle said.

The bill has one more committee to clear in the Senate before facing a vote of the full chamber. If the Senate approves the bill, Hinkel administration officials have said it would likely be signed.

Seven anti-stalking bills have been introduced during this year's legislative session, but HB64 is the only one that has passed either chamber.

It defines stalking as repeatedly threatening someone with violence, putting that person in fear of death or injury.

work and at home," she wrote "I fear for myself and others around me."

But Judge Nolan Shottell rejected the request, saying that Ann Fletcher had not shown sufficient proof that she was a victim of domestic violence.

Then, on March 15, Ann Fletcher submitted a new petition listing some of the same complaints she'd filed previously, but describing Robert Fletcher's threats more ominously and in more detail. She alleged that he was stalking her constantly.

Robert "called threatening that he believed in our wedding vows, till death do us part, I hung up phone," she wrote. "Again called to day at work and again at 8:30 p.m. at home saying the same and that children are not to be around my friends, saying that I will pay the piper and will not know when or how."

Although Robert Fletcher protested his innocence in a written statement and called his ex-wife's accusations "lies," Magistrate Comfort sided with Ann Fletcher and granted the emergency

restraining order she requested.

A week later, Magistrate William Hitchcock extended the order for 90 days, barring Robert Fletcher from any contact with Ann except to arrange visits with their 8- and 10-year-old daughters.

On the evening of March 28, Fletcher again appeared before Comfort, this time on the burglary charge. He was accused of stealing a fur coat, a necklace, some jewelry and \$148 in cash from Ann's house.

According to a tape of the proceeding, police Officer Rod Bennett told the magistrate that Fletcher had admitted the crime and also that Fletcher had shown a history of "threatening his ex-wife."

Bennett said he believed Ann Fletcher was telling the truth when she mentioned the "till death do us part" comment. He also spoke of an incident the week before in which police were called to a Muldoon bar because Robert Fletcher had a gun and was threatening to shoot Ann's new boyfriend.

After hearing Bennett, Comfort then listened to Fletcher deny that he had violated the restraining order. The magistrate offered Fletcher the choice of paying \$1,000 bail or allowing himself to be supervised by a third party until his April 16 court date on burglary and theft charges.

Fletcher, who said his parents were out of town at the time, told the judge he had \$1,000 in his pocket and could make bail immediately.

Comfort was not at his office Tuesday and could not be reached for comment.

SHOOTING: Man shoots ex-wife, then kills himself

Continued from Page B-1

Police said Fletcher then dragged the woman about 10 feet from her sedan.

Fletcher got on the ground with her and pointed the weapon at her head. Police said the campus officer did not actually see him shoot her, but another witness did. The bullet went through her left eye socket, police said.

"She will probably be OK," Van der Veur said. But "the eye was pretty much destroyed."

Fletcher got up and walked several feet around a pickup truck, then fired one bullet at the campus officer, according to Van der Veur.

The officer, who was behind his patrol car and was not injured, fired six shots from his .357-caliber Smith & Wesson revolver. One of the bullets hit Fletcher in the leg, and the other struck him in the chest as he fell.

Before ducking behind his car to reload his weapon, the campus policeman saw Fletcher stick the gun in his mouth. When the officer stood up, Fletcher was dead.

Van der Veur, who interviewed the officer after the shooting, thinks he acted properly.

"It looks like he was both protecting his own life and the life of the female victim," he said. "He seems satisfied that he did what he had to do."

The name of the campus policeman is being withheld for three days while he is on administrative leave, standard procedure for most law enforcement officials involved in a shooting, police said.

UAA spokesman Mel Kalkowski said the officer has 12 years of experience and has been at UAA for about one year. Campus officers are certified by the state and must have police academy training to get their jobs, he said.

Police taped off a large section of the parking lot Tuesday as they investigated the death. Fletcher's body lay face down on the asphalt near the pickup truck.

Some students were rattled by the early morning

shooting and the possibility that more people could have been injured.

"I guess people in the mode to commit suicide don't think about how many people they take with them," education student Carol McNeil said. "Bullets can travel a long way."

Ann Fletcher, 35, a well-known and longtime employee at the campus, was listed in serious condition late Tuesday at Providence Hospital.

A woman in the hospital's waiting room who identified herself as her roommate said Ann Fletcher's family was on their way from the Lower 48. She did not want to talk about the shooting.

Court records show Robert Fletcher was unemployed in March, but was working at a Mountain View auto repair shop last fall. He had recently been house-sitting at his parents' Muldoon area home.

Since last fall, Ann Fletcher had repeatedly sought court restraining orders against him because of his threats against her and their daughters, and he was under such an order at the time of Tuesday's shooting. In addition, he was facing charges of burglarizing his wife's house.

His mother, Shirley Cordle, said her son only wanted to see the girls, ages 8 and 10, and was not stalking his ex-wife.

"He was a very loving man," Cordle said tearfully. "He loved his girls more than anything in the world and that was part of the problem. Ann wouldn't let him see them."

Fletcher's younger sister, Susan Jensen, last met with her brother over the weekend, when he told her he had spoken to two attorneys.

"She wouldn't even allow him to talk to the girls on the phone," she said. "The only thing he lived for was those kids."

LI Daily News reporter Peter Blumberg contributed to this story.

Murderous

Can new laws deter spurned lovers a

Barbara Erjavec and Grace Beach sometimes take a rug to the cemetery and have lunch by the graves of their children, sharing a sad litany of what ifs. What if they had known that Kenneth Kopecky had talked openly about his plans to kill the young lovers? What if the law now awaiting the Illinois governor's signature had been in place—could the police have done something then? Grace and Barbara will never know the answers. All they do know is that Kopecky became infatuated with Karen Erjavec last summer when they were both members of a wedding party, and that for the next six months Karen and her boyfriend, Glenn Beach, lived in fear. They received anonymous letters and bizarre, threatening phone calls. Glenn's car was vandalized, and there were tire tracks across the lawn of the house where he lived with his parents. Karen's father, a policeman, knew that the law was powerless against what seemed like just a persistent creep. Even the surveillance lights Glenn's parents installed around their home had no effect last Feb. 16. The Beaches returned from a movie that night to a bustling crime scene in their driveway. Glenn had been shot six times in the back and stabbed twice; Karen had been shot in the head at close range. Two days later, police tracked Ken Kopecky to a motel in Michigan. He shot himself to death as the cops moved in.

The stories sound like the plot lines of hit movies, from "Fatal Attraction" to "Sleeping With the Enemy" to "Cape Fear." But increasingly, state legislators are hearing real-life versions, and they are responding with astonishing speed. California passed the first "anti-stalking" law in 1990, making it a crime to repeatedly follow or harass someone with a "credible threat" to cause fear of bodily harm. Since then, 20 more states have enacted similar laws, and at least a dozen others are considering them. Most make the first stalking offense a misdemeanor, punishable by up to one year in jail and a \$1,000 fine, with felony counts and stiffer penalties for repeat offenses. Florida's law, which went into effect last week, even allows police to make arrests without obtaining a warrant.

Behind almost every state bill has been at least one local tragedy. Wisconsin lawmakers acted after Shirley Lowery was fa-

tally stabbed 19 times
boyfriend in a M
where she had gone
order. Virginia law
ter Regina Butkow
that her daughter ha
months by a weight
her, set her body on f
a creek, where it wa
later. Georgia's prop
more support after
Durden, whose estra
out his repeated dea
He gunned her down
taught mentally d
then shot himself in

ssion

g'—or worse?

*: A battered wife living
mpa, grieving mothers
nd Erjavec*

ving examples aside, no one
despread a problem stalking
cause it has never been a
before. The new laws aim at
ern of threats and harass-
n precedes violent acts, from
child molestation and mur-
e most publicized cases have
rities, like actress Rebecca
ly shot by an obsessed fan,
ardo, in 1989. A few stalkers

fixate on co-workers or complete strangers, and not all victims are female; women sometimes stalk men. But the vast majority of cases involve former lovers or spouses. Nearly one third of all women killed in America are murdered by their husbands or boyfriends, and, says Ruth Micklem, codirector of Virginians Against Domestic Violence, as many as 90 percent of them have been stalked.

Some civil-liberties experts argue that the new laws are overly vague and carry a potential for misuse, particularly in marital disputes. "There are very often false allegations made in all sorts of contexts against spouses or former spouses," says Miami criminal-defense attorney Jeffrey Weiner, who thinks Florida's no-warrant provision may be unconstitutional. Critics also say that people who fear for their safe-

Will the laws actually deter such crimes? Much depends on what twisted logic motivates the stalker. "A lot of these people are just caught up in the emotion of a bad breakup," says David Beatty of the National Victim Center in Arlington, Va. "Sitting someone down in jail for a while may make him rethink his actions." But some stalkers are mentally deranged. Stanton Samenow, a Virginia clinical psychologist and author of "Inside the Criminal Mind," says that many have disturbed self-images in which they see themselves as irresistible or complete zeros. When they are rejected, they resort to intimidation in a desperate attempt to try to regain self-esteem. The threat of prison may deter some of them, but for others, says Samenow, "it's like putting fuel on a fire."

For the anti-stalking laws to have a real impact, courts must take them seriously and apply the new legal muscle they provide. Ironically, the first person sentenced under California's law, Mark David Bleakley, was put on probation and ordered to serve time in a psychiatric facility. Unsupervised, he wandered away and was found waiting outside his victim's health club. Fortunately, he was reapprehended before he could harm her and sentenced to three years in prison.

"Won't hunt": Kristin Lardner wasn't so lucky. The 21-year-old Brookline, Mass., art student was murdered by her former boyfriend in May, just two weeks after the state's anti-stalking law went into effect. Michael Cartier had already served six months in jail and was on probation for attacking another ex-girlfriend. He was attending a violence-treatment program when he began beating Lardner. She reported the



NICK UT-AP

Bardo behind bars

Where Stalking Is Illegal

- California
- Colorado
- Connecticut
- Delaware
- Florida
- Hawaii
- Idaho
- Iowa
- Kentucky
- Massachusetts
- Mississippi
- Nebraska
- Oklahoma
- South Carolina
- South Dakota
- Tennessee
- Utah
- Virginia
- Washington
- West Virginia
- Wisconsin

SOURCE: NATIONAL CONFERENCE OF STATE LEGISLATURES

ABOVE: BILL GENTILE FOR NEWSWEEK, BELOW: DAVID WALBERG



ty can already apply to the civil courts for restraining orders. But such orders are notoriously hard to enforce, and all too often, the first violation is fatal. The California law was drafted after five Orange County women were killed in a six-week period in early 1990. All but one had sought help in vain from authorities. "What does he have to do—shoot me?" 19-year-old Tammy Marie Davis asked police just days before an ex-boyfriend did just that, fatally, in Huntington Beach. When Patricia Kastle, a onetime Olympic skier from Newport Beach, was shot by her former husband, police found a restraining order in her purse.

incidents to the police, who issued a warrant for his arrest. She also obtained two restraining orders from civil-court judges, but they were unaware of the outstanding warrant and merely barred Cartier from going within 200 feet of her. That didn't faze him. On May 30, Cartier waited outside the liquor store where Lardner worked and shot her repeatedly as she walked down Boston's Commonwealth Avenue. Police found him in his apartment, dead from a self-inflicted gunshot wound. "The restraining orders don't restrain, and I strongly suspect the new anti-stalking order won't hunt," says Kristin's father, Washington Post reporter George Lardner.

Massachusetts has since instituted a number of reforms—including computerizing all records of restraining orders and violations. By fall, any police officer or judge should be able to cross-reference them to pinpoint repeat offenders. In Brookline, civil-court judges now routinely look at criminal records of all accused batterers. A committee of the chief justice's office is also studying the idea of outfitting stalkers and their victims with electronic monitoring devices, like those used in house-arrest cases, that would automatically sound an alarm if a stalker came within a certain range.

ADT Security Systems is testing another kind of personal-alarm system for battered women. The victim wears a pendant around her neck, and if she spots her stalker, she presses a button that triggers an alarm at an ADT monitoring station, which in turn alerts police. The system isn't foolproof, however. It works only in close range of a receiving device installed in her home, and a determined stalker could foil it by disconnecting the phone lines. Six Tampa, Fla., women, all former residents of The Spring women's shelter, have been wearing the beepers for the last six months. But only one has used it, when her ex-husband turned up at her home, daring her to shoot him. Police arrived, but the episode left the woman so shaken that she handed in her beeper and went underground. Staffers at The Spring say they don't know what's become of her.

Packing weapons: Other desperate victims have taken to packing their own weapons. Sabine Tsang, 27, had filed numerous futile complaints about a former co-worker. Last month, when Irineo Dominguez allegedly accosted her in a parking lot and ordered her into her car, she pulled out a handgun and shot him twice in the abdomen. Dominguez, now recovering in a Houston hospital, has been charged with attempted kidnapping, according to police. But they have not charged Tsang. "I don't think you'd find a jury in Texas that would convict her, so why try?" says Houston homicide Sgt. Doug Bacon.

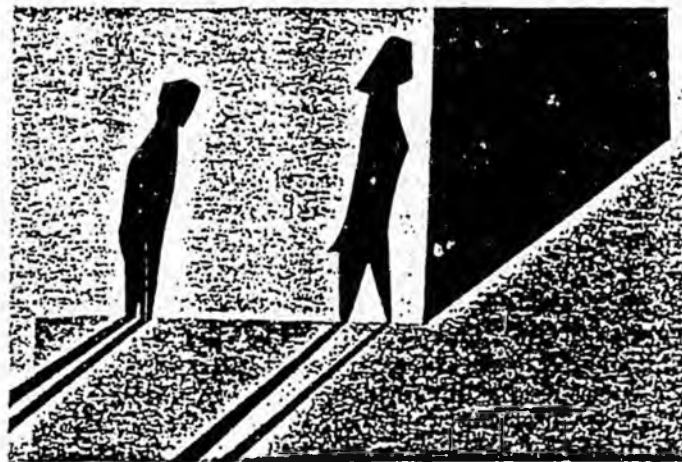
The prospect of more victims arming themselves is no comfort to law-enforcement officials. Yet most admit there is very little they can do in the face of a persistent stalker. "You can put a person in jail for a year or so, but they eventually will get out," says Det. John Lane, part of a four-member anti-stalking unit established by the Los Angeles police after Schaeffer's murder. Even so, the new laws do give police one more weapon to employ against stalkers—and if they deter even a small percentage of crimes, that's better than none.

MELINDA BECK with DEBRA ROSENBERG in Boston, FARAI CHIDEYA in Chicago, SUSAN MILLER in Houston, DONNA FOOTE in Los Angeles, HOWARD MANLY in Atlanta and PETER KATZ in Tampa

California Law Targets Obsessed Fans, Vengeful Lovers

In separate cases this summer two California men were convicted for repeatedly harassing their former girlfriends, marking the first time in the nation that people have been prosecuted successfully under a felony "stalking" law.

The legislation was passed by California lawmakers last year to give police and court authority to intervene when victims are being seriously and repeatedly threatened but before they are attacked. Senator Ed Royce introduced the stalking bill after five Orange County women were murdered in 1989, even though they had obtained temporary restraining orders against their assailants and had reported threats of violence to police. Without a law prohibiting harassment, police had been powerless to act until victims were actual-



ly assaulted.

The new law, which went into effect Jan. 1, defines stalking as "willfully, maliciously and repeatedly following or harassing another person" and making credible threats that create a fear of death or serious injury. If the victim has obtained a temporary restraining order against the assailant, stalking is a felony. If no restraining

order is in effect, a first offense of stalking is a misdemeanor; a second similar conviction becomes a felony.

The law also permits judges to establish high bail in some stalking cases to ensure that dangerous individuals are not released to continue to harass, terrorize and possibly kill their victims. The maximum penalty for felony stalking is three years

in prison and a fine of up to \$10,000.

The most sensational stalking cases involved celebrities harassed by obsessed fans. David Letterman, Michael J. Fox and Sharon Gless were recent victims; and two actresses, Rebecca Schaeffer and Theresa Saldana, were brutally attacked by men who lay in wait for them. Schaeffer died. The legislation was strongly supported by groups representing Hollywood stars.

The usual stalking victim, however, is a woman terrorized by a vengeful ex-husband or boyfriend. Senator Royce cites a 1987 report of the U.S. Department of Justice, stating that 31 percent of all female murder victims are killed in incidents of domestic violence; many of the women were harassed or terrorized before being murdered. Although men are stalked less often than women, male victims of harassment received some notoriety in the movie "Fatal Attraction."

In one California case, the court found that the victim's former boyfriend had repeatedly violated a restraining order and had threatened to "blow her head off." The man was sentenced to two years in prison. In the other stalking case, a woman's former boyfriend allegedly poured acid on her car and slashed its tires, abducted her dog, confronted her on the street and shoved her into a pole, and made threatening phone calls. He was awaiting sentencing at press time.

Checks May Stop Criminals from Buying Guns

In its first year, Oregon's new gun law kept almost 1,000 firearms out of the hands of people prohibited from owning them, according to a study by the Oregon State Police. The state's 15-day handgun waiting period and mandatory background check on all firearm sales uncovered convicted felons and other prohibited purchasers trying to buy firearms from licensed gun dealers.

The report demonstrates that a handgun waiting period combined with a mandatory background check of

criminal and mental health records works," said Representative Vera Katz, who sponsored the law.

For the study, the first of its kind conducted by a law enforcement agency in the nation, the Oregon State Police screened all firearm sales during 1990 by federally licensed firearm dealers in Oregon. The report, "The 1990 Study of Retail Firearm Sales and Concealed Handgun Licensing in Oregon," indicated that at least 968 people who attempted to buy firearms from licensed

gun dealers had been convicted of felony crimes, convicted during the past four years of violent misdemeanor crimes or committed to a state mental hospital for mental illness.

The state police report was mandated by a law that regulates the sale and possession of firearms, passed in 1989 by the Oregon legislature. The bill had support from the National Rifle Association, local gun organizations, law enforcement agencies in Oregon and gun control advocates.

LUCILLE BROWN: BRINGING PEACE



Over the course of the 1980s, cities all over the country lived through the phenomenon of the razzle-dazzle school superintendent: arrival from out-of-state, accompanied by high hopes and a glittering résumé; promises of instant change and dramatic educational improvement; bitter quarrels with the existing power structure; and finally, after only a couple of years, a disillusioned community and one more fired superintendent.

Richmond, Virginia, has been through all that. But last year, when Albert L. Jones became the latest in a long string of highly touted failures in the superintendent's office, the city went for somebody completely different: Lucille M. Brown.

Lucille Brown is no newcomer. She has been in the Richmond school system since her days there as a pupil, and she has worked there as teacher, principal and administrator for the past 34 years.

She not only doesn't court the press, she doesn't even want to be interviewed. She offers no promises of dramatic change, only a promise to go slow and keep things calm.

And the city seems to like it. When the *Richmond Times-Dispatch* profiled Brown recently, just about everyone said she was just what Richmond needed after years of educational turmoil. "She's bringing some peace that needed to be back," said the school board chairman. "We had too many new initiatives coming out too fast," said a principal. "She saw the need to slow down the pace."

Brown has faced her share of problems, such as a serious equipment shortage and a protest by senior teachers who feel the salary scale discriminates against them. A few critics complain that she is so slow-moving as to border on indecisiveness. But Brown clearly has some priorities. She has launched an interdisciplinary science program at the high-school and middle-school levels. She surprised some observers by staking out a pro-neighborhood school policy and reversing an earlier decision to turn a large neighborhood high school into a regional school exclusively for the gifted.

Mostly, though, Lucille Brown seems to be doing well because of what she isn't: a flashy and charismatic salesperson of the sort that has failed too many times in too many places in America in the last few years.

—Alan Ehrenhalt

person faculty includes teachers, a medical director and support staff. The school will admit 20 students by June, and hopes to hold a maximum of 100 by 1993. After spending time in this transitional, non-diploma program, students can then transfer credits back to Albuquerque's other high schools.

Principal Hayes has received positive feedback from participants thus far. For students who used to spend their days on drugs, a day in this school "is a whole different situation," says Hayes. "but they are kept busy, and the day goes by fast."

—Jeanne Ponessa

For more information, contact Marijo Rymer, Public Information Director, Albuquerque Public Schools, P.O. Box 25704, Albuquerque, NM 87125.

A High School Just for Kids Kicking the Drug Habit

Don't look for football or cheerleaders at a new Albuquerque high school. From its name, Recovery High, to some of its activities, including extensive therapy sessions, the school is anything but traditional.

Recovery High, which opened in February, is believed to be the only high school in the country dedicated exclusively to former substance abusers.

The school offers a regular curriculum for

grades 9 through 12. But along with math and English, the program includes art therapy, group discussions about recovery and weekly meetings with students' families. "We also have experiential or adventure therapy such as rock climbing or ropes courses all day every Wednesday," says Principal Jan Hayes.

The idea for Recovery High was first developed by an Albuquerque neighborhood anti-drug organization in 1990. The

Robert Wood Johnson Foundation awarded an \$800,000 grant for the school's first 18 months, and the school district provided the remaining \$267,000 needed to open the doors.

Students are admitted to Recovery High on a voluntary basis after referral from a counselor or treatment center—and after passing a drug test. "What we're looking for is an interest and a commitment to recovery," says Hayes. And the idea seems to be catching on—so far, the school has been swamped with referrals.

Recovery High's 12-

Stalking 'Stalkers' With Tough New Laws

For nearly a year, Carrie Prickett successfully shielded herself from harassment by an ex-boyfriend, moving in with friends and having them screen her telephone calls. Her efforts, however, could not prevent an outcome that is all too familiar in "stalking" cases: Police recovered Prickett's charred body from a creek near her Virginia home and charged the man with her slaying.

Stalking Legislation Sweeps the Nation

Violent, harassing and threatening behaviors toward innocent citizens have always been a serious problem particularly for victims of domestic violence and sexual abuse. Yet it has taken a series of high profile cases during the last few years — often involving celebrity victims — to focus public attention on stalking as a serious crime problem.

While laws such as protective injunctions and stay-away orders do exist to protect victims from violent pursuers, law enforcement officers may not intervene until such orders have been violated. By then, it is usually too late to prevent the offenders from harming or even killing those whom such orders were designed to protect.

In recognition of the ineffectiveness of such orders and in response to a series of tragic crimes committed by perpetrators who stalked and harassed their victims before turning to violence, California passed the nation's first "stalking" law in 1990. In simple terms, the law makes it a crime to engage in a pattern of behavior that harasses and/or threatens other people. Its purposes are twofold: to eliminate behaviors which disrupt normal life for the victim, and to prevent such behaviors from escalating into violence.

In July 1991, the Center included the concept of stalking laws in its *Crime Victims and Corrections* training and technical assistance project sponsored by the U.S. Department of Justice Office for Victims for Crime. Two months later, Center staff appeared on NBC's *The Today Show* and *A Closer Look with Faith Daniels* to emphasize the importance of stalker laws. In September 1992, Center staff joined journalist Ted Koppel on ABC's *Nightline* to defend the constitutionality of such legislation.

California's landmark legislation has led to an unprecedented deluge of "anti-stalking" legislation nationwide. To date, twenty-seven states have passed laws based on the California model this year alone.

In most states, stalking is defined as the "willful, malicious and repeated following or harassing of another person, and requires the existence of a credible threat of violence." Penalties for violation vary; however, most carry a penalty of one year in jail and/or a \$1,000 fine.

Senator Bill Cohen (R-ME) has introduced legislation which charges the National Institute of Justice with developing a model stalking law which should pass constitutional muster. This model would then be made available to state legislators.

In Los Angeles, stalking laws have led to the creation of the four-member *Threat Management Division* of the Los Angeles Police Department. In the last year and a half, the Division has handled more than 150 stalking cases. In other states, law enforcement officials are already making arrests under these newly passed statutes.

The National Victim Center has acted as an information clearinghouse regarding stalking laws. By providing interested legislators with information and technical assistance, and heightening public awareness through the media, the Center has assisted many states in drafting and passing anti-stalking laws. The Center intends to keep abreast of all aspects of this significant and expedient legislative trend.

For additional information, please contact the Center's Director of Public Affairs, David Beatty, at (703) 276-2880.

States With Anti-Stalking Laws

- California
- Colorado
- Connecticut
- Delaware
- Florida
- Idaho
- Iowa
- Illinois
- Hawaii
- Kentucky
- Louisiana
- Massachusetts
- Mississippi
- Nebraska
- New York
- North Carolina
- Ohio
- Oklahoma
- South Carolina
- South Dakota
- Tennessee
- Utah
- Virginia
- Washington
- West Virginia
- Wisconsin

Police say anti-stalking law would protect women

THE ASSOCIATED PRESS

ANCHORAGE — An anti-stalking bill now before the Legislature would stiffen penalties against men who obsessively follow women, a move police and victims say is desperately needed.

Under laws now on the books, police often can only charge stalkers with misdemeanors like trespassing and disorderly conduct, sanctions victims and their families call inadequate.

That may change, however, because lawmakers have introduced legislation this session that would make stalking a felony in certain circumstances.

"This is a major concern," said state Rep. Cynthia Toohey, a sponsor of the stalking bill. "As women get more involved in working and supporting their families, they need more protection."

At least 27 states have passed such laws.

One case involving a 32-year-old Anchorage woman provides a compelling example.

Police say Gary Woodrow Petersen's obsession began in 1990 when he went to a chiropractic clinic and met a woman who looked like his late wife.

For more than a year, he didn't want to let her out

of his sight. Police say he would hang out in the parking lot of the building where she worked. He would follow her home. He would watch her house at night.

On Jan. 18, after the woman had filed six complaints with police, the 56-year-old Federal Aviation Administration employee was arrested and charged with disorderly conduct. He was released from jail four days later after posting \$2,000 bail.

Police won't release the name of the woman in the case.

According to the criminal complaint filed against Petersen, the woman and her husband befriended him until he began following her. At one point, the clinic where she worked issued him a notice not to trespass or bother employees. Then Petersen got a call from Anchorage police.

"The police officer called him and told him to stay away," APD spokeswoman Jo Kalkus said.

But police say that didn't stop Petersen, who continued to wait, follow and stare.

On Jan. 6, 1992, he parked his car in the driveway of the woman's home. Her husband turned on the floodlights outside, approached Petersen with a gun

and fired two warning shots. Petersen finally left, but police later cited him for trespassing.

Almost two weeks later, he called officers to report that one of the bullets fired that day had hit his car. The woman's husband was cited for misconduct involving weapons, police said.

Petersen, reached at his home recently, denied ever bothering the woman. He would not comment further and referred questions to his attorney, who would not talk about the case.

This year, exactly one year after the shooting incident, police say the woman had another confrontation with Petersen: She spotted him watching her when she left work Jan. 6, and he followed her in his car as she tried to speed away.

After a short chase at speeds that reached 80 mph, she was sure she had lost him. But when she got to an intersection near her home, she saw Petersen's car parked in a lot nearby, at South Birchwood and the Old Glenn Highway. Petersen gunned his accelerator and drove straight toward her. She veered out of the way and sped home.

Police arrested Petersen 12 days later.

If found guilty of disorderly conduct, Petersen would face up to 90 days in jail and a \$1,000 fine.

The proposed legislation would carry both misdemeanor and felony penalties. If someone continues to follow and harass a person in violation of a restraining order, he or she could be charged with a felony that carries up to five years in jail and a \$50,000 fine.

Petersen's victim had obtained a restraining order against him, but that failed to stop him.

Police Capt. Shirley Warner, who serves on the Anchorage Domestic Violence Committee and the Task Force on Sexual Assault, says a stalking law would help the efforts of both organizations.

Police generally can't do much if someone is on public property, but a stalking law would prevent someone from hanging around and intimidating the victim, even if the stalker is not violent.

"They are somebody who is just obsessed," Warner said.

Sometimes the obsession turns deadly. In 1990, 21-year-old Andy Nelson of Anchorage was charged and convicted of murder after he stalked his former girlfriend, then shot and killed her.

Family keeps watch through murder trial

'Long, hard battle' for victim's kin, friends

By DON HUNTER
Daily News reporter

It was Sandra Pogony who wanted to be a lawyer, not her father.

At 21, she had the tools. She was bright, a good student, a national debate champion. But it is Gary Pogony who has prowled the hallways and offices of the state courthouse the past 10 months, a guy in jeans and a weather-worn brown leather jacket among the suits and wingtips.

"There's not really much a person can say," Pogony said Thursday, a few moments after the state's case against the young man who killed Sandy Pogony last summer went to the jury.

"It's been a long, hard battle. Susan Parkes did a good job with

her presentation. She worked hard, and so did Jim Hanley."

The jury in Andy Nelson's case is deliberating today. Nelson, 22, has conceded firing the shots that killed Pogony and wounded Thomas Van Flein, a law clerk who was dating Pogony for the second time. But his attorneys and a psychiatrist who interviewed him this spring say Nelson was overcome by a psychotic depression and mentally unable to form the intent to kill necessary for a first-degree murder conviction.

At trial, the psychiatrist, Dr. G. Christian Harris, said Nelson was confused and uncertain when he opened fire, but told him he drove home with the sense that a burden

Please see Back Page, MURDER



JIM LAVRAKAS / Anchorage Daily News

Gary Pogony listens to opening arguments at the trial of Andy Nelson.

MURDER TRIAL: Victim's family endures long ordeal

Continued from Page A-1

had been lifted from him.

"When he said that he felt relieved after the killing," Gary Pogony said, "any compassion in our family for him was gone at that time."

For months, Gary Pogony had prodded and pushed to get the charges against Nelson to trial. He worried when Nelson's family hired Bill Bryson, a sought-after defense attorney with a reputation built on a steady diet of high-profile felony cases, fearing that Parkes, the less-experienced state prosecutor, might be out of her depth.

"I had a lot of concern about that," he said, although Parkes did a good job. "The victim's family should have some rights in

deciding who prosecutes the case."

By the time Nelson came to trial, the patience, and sometimes the composure, of the Pogony family was wearing thin.

Early in the trial, the judge warned that it was important for Sandy's family and friends to mask their feelings in the courtroom. It wasn't easy to keep a mask in place. The trial brought hurts and subtle affronts.

When the attorneys described how Nelson stalked Sandy at a couple of Anchorage nightspots before her death, reporters picked it up; the retelling seemed to make Sandy sound more like a carouser than the dutiful student who occasionally went dancing on weekends.

And then Harris, the defense expert, talked about the relationship between Nelson and Sandy Pogony: "I didn't feel the psychiatrist had a right to call Sandy by her first name when he always called Andy 'Mr. Nelson,'" said Sandy's brother, Steve Pogony. "And when they used the term 'making out,' they made it seem like she'd done a lot of that. She hadn't."

Steve testified early in the case and then joined his father in the first row behind the prosecution table for the duration of the trial.

A couple of days later, one of the alternate jurors complained to the judge that he felt pressured when Steve looked at him. If one juror felt pressured, another

seemed oblivious. An elderly woman who appeared to keep nodding off was eventually excused before deliberations began.

Harris also testified that the attack on Sandy early on the morning of Aug. 5 was one of several options racing through Nelson's mind. He also considered shooting Louise Pogony, Sandy's mother, thinking that hurting her mother would cause Sandy the kind of pain he felt, Harris said.

"We thought we knew him," Gary Pogony said. "But you couldn't read him. He called my wife up on July 15; he called her to wish her a happy birthday. And then in a matter of a couple of weeks later, he's thinking about killing her."

2-2-93

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'Stalkers' must face punishment

What happens when a man repeatedly follows a woman down the street, lurks outside her house, tails her in his car or waits for her in the office parking lot? In Alaska, too often, the answer is nothing.

Thankfully, there are efforts under way in the Legislature to change that.

Several so-called "anti-stalking" measures are now under consideration. It's a good bet they'll be consolidated into a new law that will stiffen the penalties for such behavior.

That's good news, because stalking is a crime that terrorizes women and, sometimes, their families. On occasion the roles have been reversed, with women following men.

Usually it's a would-be boyfriend or angry ex-lover or estranged husband. Sometimes it's a stranger.

In the worst instances, their threats eventually escalate into violence. Even when they don't, the fear of what might happen is enough to terrify the victims of stalkers. No one should have to live like that.

Under current Alaska law, authorities can't do much to discourage stalking — trespassing and disorderly conduct charges aren't a

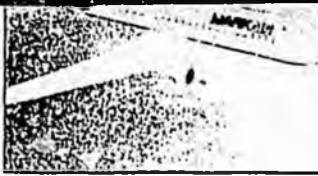
strong enough deterrent — until the incident turns violent. In other words, the victim isn't helped until it's too late.

There are seven bills in the Legislature to change the law. Although the proposals are different — some would expand the existing prohibition against terroristic threatening, others would create a new anti-stalking statute — the ideas generally are the same. First-time stalking offenses would be a misdemeanor and, notably, the crime would become a felony if it's repeated, if it's done in violation of a court order or if it involves a weapon.

The intent is clear: With an anti-stalking law on the books, authorities will be able to act before threats become violent.

As many as 30 states have adopted similar legislation in the past couple of years. Alaska needs to do so, too.

TOPIC: Measures that would make 'stalking' a crime



FARE WAR
Extended
to summer
Business, B-6

OUT OF STATE
Alaska kids need
more exercise
Lifestyles, F-1

THE HALL
Seawolf
Paul Krake
Sports, C-1



Anchorage Daily News

VOL. XLVII. NO. 86 82 PAGES

ANCHORAGE, ALASKA, THURSDAY, MARCH 26, 1992

PRICE

Hostage-taker killed

4 freed; blast ends standoff in Chugiak

By PETER BLUMBERG
and LARRY CAMPBELL
Daily News Staff

A man boiling with rage over a woman who left him died amid gunfire and a fiery explosion Wednesday afternoon after holding a family hostage with a gun and a bomb in a Chugiak trailer.

Conn Wayne Duncan, 40, held Rob and Wendy Lydy and their two young daughters for nearly five hours before attempting a desperate bolt to freedom with one of his hostages.

Police bullets and his own bomb stopped him.

The Lydy home had been a refuge for Duncan's ex-girlfriend, who had been fleeing his violent attacks for nearly a month. But that haven turned to hell when Duncan showed up Wednesday morning.

Anchorage Police sharpshooters' bullets dropped Duncan to the ground outside the trailer as he tried to escape to a pickup truck with Bob Lydy. The hostage ran to safety before the plastic explosive clutched by Duncan blew up in his hand.

Lydy's wife, Wendy, and the couple's 10- and 4-year-old daughters, were released earlier unharmed. Lydy's only injury was a cut on the chin.

Duncan's violent death marked the end of a month of terror he inflicted on the 30-year-old woman he once lived with, as documented in court records.

On Feb. 24, the woman was granted a restraining order against Duncan after she told a judge he'd threatened her by holding a gun to her head. A judge also issued an arrest warrant for assault.

The following week Duncan, under arrest, appeared in court on a charge of growing some 60 mari-



After the bomb exploded, police officers train their rifles on Conn Duncan in case he is still alive while firefighters move to put out the fire.

■ **'TAKE HIM OUT':** Order to fire was first for special city police team. B-1

juana plants at a Spenard trailer he owned. At another hearing later that day, he tried to have the arrest warrant on the assault dropped. He denied ever threatening his ex-girlfriend.

"I'm not a violent person," Duncan told one judge. "I have no record of that. I have no desire to bother (the victim). I'm not going to do that."

Duncan posted a \$2,500 bond March 4 and was freed. Five days later, he allegedly abducted her from work, took her to her South

Anchorage home and, over the next 36 hours, raped her seven times. According to police investigators, the attacks were interspersed with aimless ramblings and violent assaults.

At one point he bound her to the bed with duct tape. And he threatened her again with a gun. Only when her boss called her at home for missing work did Duncan leave.

"She was definitely a woman living in fear," said Sgt. Gary Apperson, who investigated the assault.

Another arrest warrant was is-

Please see Back Page, HOSTAGE-TAKER



APD Lt. Audie Holloway talks to the 10-year-old girl after the rescue.

Captor had violent background



Conn Wayne Duncan

By DAVID HULEN
Daily News reporter

Conn Wayne Duncan, the man who took four people hostage in Chugiak Wednesday before being blown to bits by a bomb he was holding, was no stranger to violence — or explosives.

Five years ago this month, Duncan was arrested for beating up his former wife, Laura Risinger, according to court records. Police seized a 9mm handgun.

Angry about their pending divorce, he had been calling her as often 30 times a day with threats, Risinger recalled in an interview Wednesday.

And, she said, he threatened to kill her with a bomb.

"He was harassing me," Risinger said. "He took to following me around with plastic explosives. He was calling me every 15 minutes telling me how much of the neighborhood he could flatten."

The woman obtained a court order requiring Duncan to stay away from her, though prosecutors never filed criminal charges against him. When she got an unlisted phone number, Duncan's threats ended, she said.

Duncan, an auto-body repairman,

Please see Back Page, DUNCAN

THE BACK PAGE

HOSTAGE-TAKER: Standoff ends in flames

Continued from Page A-1

sued for rape and kidnapping; and the restraining order was continued.

At the end of a hearing where the woman repeated her fear of Duncan, Magistrate Andrew Brown asked her if she wanted an escort from court.

"I have a bodyguard," she said without further explanation.

Wednesday morning, Duncan arrived at the trailer at Mile 18 of the Old Glenn Highway shortly before 8 a.m. looking for the woman. She'd taken refuge with the Lydys two weeks ago.

"The girl was visiting Bob and Wendy," said Chet Giles, owner of the A Transmission auto shop across the street from the trailer. "According to her, she told Bob that this guy had a gun and was looking for her, and Bob said, 'I've got a gun, too.'"

"Bob probably never thought it was going to happen like this."

Duncan tried to force the woman to leave with him. But while Duncan thought she was tying her shoes to leave, she ducked out of the trailer and ran to a neighbor's house, where she called police.

By 10:30 a.m., the police bomb squad and the Crisis Intervention Response Team were poised around the trailer. Police hostage negotiators established telephone lines from a command van parked nearby while other officers closed off the surrounding area and blocked traffic on the Old Glenn Highway.

Giles, who had watched the drama from his shop since early that morning, listened as police questioned the ex-girlfriend inside his shop.

At one point, he said, Duncan ordered Bob Lydy to leave the trailer and look for her. Lydy caught up with her at the neighbor's house, but instead of picking her to

"We made the decision that we would not let him get in a vehicle and leave."

— Deputy Chief Duane Udland

return, told her to stay put. Lydy returned to the trailer and his captive family.

Police had decided early on that they would kill Duncan rather than let him escape with explosives, according to Deputy Chief Duane Udland. They already knew he'd fired one shot from his 9mm pistol into the floor.

They also believed his bomb threat.

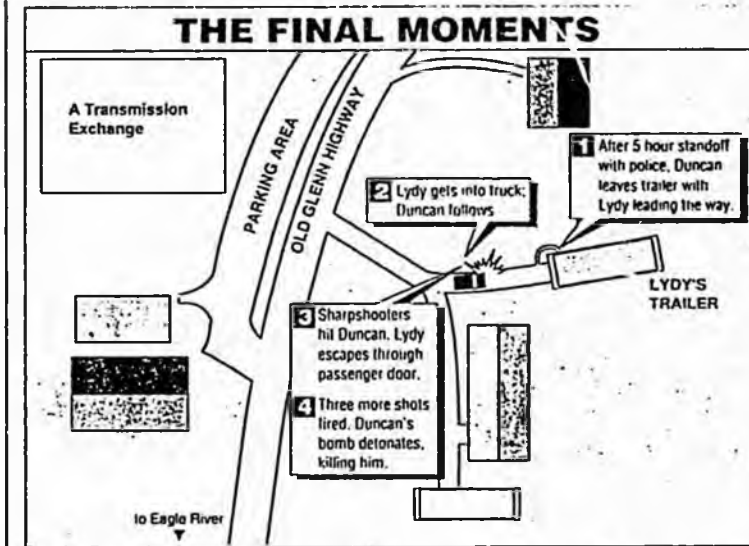
"They'd been told that morning, by his ex-wife, the ex-girlfriend and an acquaintance of Duncan who showed up at the scene, that he had up to 10 pounds of plastic explosive.

"We were convinced he had a real bomb," Udland said. "Our hope was he would come out of the trailer by himself. We made the decision that we would not let him get in a vehicle and leave."

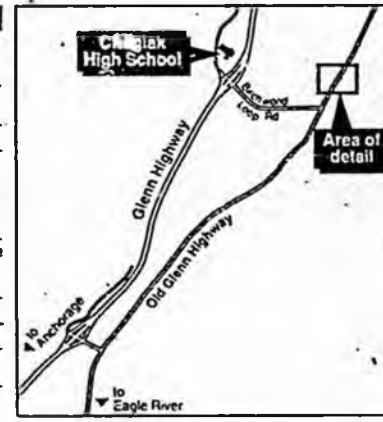
Trained negotiators at police headquarters in Anchorage had made three or four telephone calls to the trailer, and officers in the command van made several more, Udland said. Duncan's only clear demand was that police bring back his ex-girlfriend.

"He talked in vague terms about how life couldn't go on any more and how he couldn't go back to jail," Udland said. "I don't think he was too worried about us hurting him. He said, 'I know you'll end up arresting me and I'm not going back to jail.'"

Then came a note, carried



SEQUENCE OF EVENTS	
Before	Conn Duncan arrives at trailer of Bob and Wendy Lydy, looking for his ex-girlfriend.
8:00 a.m.	Duncan's ex-girlfriend calls police from neighbor's house after escaping.
8:13 a.m.	Police arrive at Lydy's trailer.
10:35 a.m.	Eight members of Crisis Intervention Response Team stake out positions surrounding trailer. Bob and Wendy Lydy and their two daughters are hostage inside.
11:15 a.m.	4 year old girl released unharmed; note demands that Duncan's ex-girlfriend return to trailer within one hour.
12:15 p.m.	10 year old girl released unharmed.
1:04 p.m.	Wendy Lydy released unharmed.
1:06 p.m.	Duncan and Bob Lydy emerge from trailer.
1:07 p.m.	Police shoot Duncan. A plastic explosive he was carrying explodes.



RON ENGSTROM AND REVIN POWELL, Anchorage Daily News

leave the trailer — and was going to take the Lydys with him. But Bob Lydy refused to go unless his wife was released first, Udland said.

"That demand 'may very well have saved both their lives,'" Udland said.

The trailer door opened and Wendy Lydy walked away.

Just after 1 p.m. Duncan left the trailer, with Bob Lydy leading the way. Police CIRT members aimed their M-16 assault rifles at Duncan as he motioned Lydy to his ex-girlfriend's truck.

As Lydy climbed into the driver's door and into the cab, a sharpshooter fired. The shot knocked Duncan to his knees.

Duncan rose to his feet. From their positions, the police could see Duncan pull something on the bomb in his hand.

Seconds later, police fired three more shots. One hit Duncan. As he struggled on the ground, Lydy fled out the truck's passenger door.

Suddenly Duncan disappeared in a flash of light, and a split second later came a muffled blast. Lydy, in the midst of his dash, raised a fist.

When the smoke lifted, the truck was ablaze and Duncan's body was gone.

"The good guy is OK! The good guy is OK!" a voice screamed over a police radio.

Udland said later that Lydy used his head. "He did exactly what we were crossing our fingers and hoping he would do."

Across the street in his shop, Giles said police found some of Duncan's remains strewn about his yard.

Police and federal agents plan to analyze the bomb to determine what it was made of and how.

Daily News reporters Marilee Enge, Don Hunter and Pamela Ooto contributed to this report.

to police by the terrified 4-year-old girl.

"I want my mommy! I want my mommy!" she cried. Sgt. Walt Monegan bundled her in his arms and carried her to safety.

Police read the message she brought: Duncan said he would detonate his bomb if his demand wasn't carried out within the hour.

A short time later the older daughter was allowed

to leave. The three adults inside were calm and huddled in the kitchen, she told police.

But negotiations between Duncan and police were falling apart.

Why Duncan wasn't in jail

Man killed in hostage standoff sounded like a good bail risk in court

By DON HUNTER
Daily News reporter

In court three weeks ago, Conn Wayne Duncan looked and sounded like a pretty good bail risk, especially compared with the other criminal defendants sitting around him.



Duncan

He had lived in Alaska for years and hadn't been in any serious trouble before. In his recent brushes with the law, he had voluntarily showed up for court dates on a charge of growing marijuana.

■ **NO GUARANTEES FOR WOMEN:** The Conn Duncan case underlines the plight of domestic-violence victims. F-1

■ **INVESTIGATION:** Parked car may have signaled ex-girlfriend's presence to Duncan; police look for more explosives. B-1

Largely as a result, the man who this week held a Chugiak family hostage before exploding himself with a homemade bomb was able to persuade a judge to reduce his bail from \$10,000 to \$2,500 on a charge of threatening his

ex-girlfriend with a gun.

After failing to talk another judge into letting him go solely on his promise to show up for trial, Duncan bailed out of jail March 4 and skewed out of control.

On tape recordings of his court appearances, Duncan sounds calm and intelligent as he tried to convince judges that the charges against him were false, that the woman who claimed he held a gun to her head was lying or mistaken, and that he would stay out of trouble.

Please see Back Page, DUNCAN



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indus
The studen
the marke

THE BACK PAGE

DUNCAN: Man who took hostages went free on lower bail

Continued from Page A-1

Assistant District Attorney Steve Branchflower argued against reducing Duncan's bail at those hearings. On Thursday night, however, Branchflower said the 40-year-old divorced father had done a good job of concealing his anger.

"A lot of times crazy people let off vibrations," Branchflower said. "This guy acted like a regular person. There was nothing about his appearance that would cause you to get scared."

In court March 3 and 4, Duncan insisted he had done nothing wrong.

"Your honor," he told one judge, "I'm not trying to sound like a really super good guy or anything. ... I understand that my ex-girlfriend was upset with me. We were both upset. But I do not know where she got the idea that I had a gun. I haven't had one since 1987. I

"A lot of times crazy people let off vibrations. This guy acted like a regular person. There was nothing about his appearance that would cause you to get scared."

— Assistant District Attorney Steve Branchflower

don't have one now. I don't need one."

People accused of crimes under state law are entitled to a reasonable bail. The trick is deciding what's reasonable. Judges usually go on a defendant's history and his ties to Alaska. In Duncan's case, his record before the pot bust was practically spotless.

Duncan and his attorney asked Judge John Lohff to let him go on his own recognizance, which is basically an unsecured promise that he would show up for future court dates. His argument was strengthened by the fact he had voluntarily appeared in court that very day.

But Duncan hadn't known that there was a second arrest warrant out for him when he appeared in court on the drug charge March 3. The second warrant — for the assault charge against his ex-girlfriend — was served on Duncan in court. The judge who had issued it set bail at \$10,000.

"If he had known earlier that there was a warrant (for the assault), he would have turned himself in," said the assistant public defender who was representing him. "There's no indication he's a flight risk. He's lived in Alaska for 14 years. I think his record speaks for itself."

Branchflower, however, argued against reducing Duncan's bail, much less setting him free on his own recognizance.

"I've seen this situation happen many times, where a matter is brought to the attention of the police," Branchflower told the judge or March 3.

"Usually, the boyfriend, the husband ... their reaction is anger and rage. This is a particularly dangerous time now when the defendant finds that someone he has trusted and loved has resorted to the police."

Lohff refused to let Duncan free without bail, but he reduced it to \$2,500.

Duncan stayed in jail that night. The next day, he tried to persuade Judge Natalie Finn to let him out without posting bail.

"I'm not a violent person," Duncan told Finn.

"Your honor, I guarantee you, you have my word, my sacred honor, I will be here to take care of this. I'm not going to run."

Finn also refused to reduce Duncan's bail below \$2,500.

About 10 p.m. the same day, Duncan made bail and checked out of Cook Inlet Pre-Trial Facility.

The next time authorities heard of him was March 10, when the woman who said Duncan had held a gun to her head reported that he appeared at her door March 9, held her captive for more than 24 hours and raped her.

More charges were filed, this time for rape and kidnapping, and the judge who signed that warrant set bail at \$100,000. But Duncan was nowhere to be found.

He didn't appear again until the morning of March 25, when he tracked his ex-girlfriend to the home of friends in Chugiak.

Branchflower said he had argued against decreasing Duncan's bail because he thought Duncan needed time to cool off. People who have just been arrested can get pretty angry at the people who accuse them, especially when they're accused by girlfriends or wives, he said.

"I've developed a sense of radar with these guys, and I knew something would happen," he said. "I didn't know it would be this bad."

"That's not to say I haven't made that argument many times and been wrong," Branchflower said.

"I've often said our job is very much like defusing bombs. And every once in a while one blows up. You never hear about the ones that don't. You hear about the one that blows up. Unfortunately, in this case, literally."



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WILLIAM POUND
EXECUTIVE DIRECTOR

"STALKING" LEGISLATION UPDATE

December 18, 1992
Donna Hunzeker

Thirty states have "stalking" laws as of this writing. California passed the first law in 1990, creating (and coining) "stalking" as a crime. States known to have added similar laws this year are: Alabama, Colorado, Connecticut, Delaware, Florida, Hawaii, Kansas, Idaho, Illinois, Iowa, Kentucky, Louisiana, Massachusetts, Michigan, Mississippi, Nebraska, New York, North Carolina, Ohio, Oklahoma, Rhode Island, South Carolina, South Dakota, Tennessee, Utah, Virginia, Washington, West Virginia and Wisconsin.

New Jersey and Pennsylvania considered, but did not pass, stalking measures in 1992. A number of states, Arkansas, Indiana and Texas among them, are preparing stalking legislation to be introduced next year.

In other states, laws called something other than "stalking" have similar intent and purpose. For example, "terrorizing" in Maine is either a Class D crime or Class C crime when threats of violence are made. Since 1987, Minnesota has had "trespass" and "harassment" laws to apply to stalking situations that include "intent to harass, abuse or threaten." Multiple acts of harassment are punishable through enhanced penalties, and in the 1992 omnibus crime bill, Minnesota increased penalties for repeat offenses. Minnesota law also has felony penalties for "terroristic threats" which can apply to stalking situations. Arizona created misdemeanor classifications of harassment this year.

States typically have defined "stalking" as willful, malicious, and repeated following and harassing of another person. Most stalking laws require that the perpetrator make a "credible threat of violence" against the victim, and in many states, credible threat includes threats against the immediate family of the victim. Many provisions require that the victim have "reasonable fear of death or great bodily injury." Stalking laws generally apply to cases where women allegedly are terrorized by former boyfriends or husbands. Cases where women (or men) are stalked by casual acquaintances or even strangers have brought about some state laws and are applicable under most stalking laws. Statute language in most states broadly provides that the victim could be any person or circumstance in which following, threats and intimidation are present.

Many states have both misdemeanor and felony classifications of stalking, with up to one year of jail typical for first offenses. Tougher penalties (up to three, five and even six years) often apply to second or subsequent stalking offenses. Enhanced penalties also apply in many states where a stalker violates a protective order.

California amended its original stalking law this year, redefining "credible threat" of harm to include threats against immediate family, and increasing penalties for second or subsequent stalking convictions. The new law also allows restraining orders for up to 10 years.

For more information, please contact NCSL Marketing/Book Order Department at 303-830-2200 for "Stalking Laws" State Legislative Report.

4-12-93

Billy-

2 copies of new
fiscal note for HB64.
Bill is scheduled
for Thursday. May
we put in members'
files?

Yes No

Billy

Kathy

2618

4-12-93

Billy-

2 copies of new
fiscal note for HB64.
Bill is scheduled
for Thursday. May
we put in members'
files?

Yes No

Billy

Kathy

2618

HB

65

HFIN

FILE

HOUSE COMMITTEE REPORT

Date Referred: April 13, 1993

FURTHER REFERRALS:

Date of Committee Action: 4/26/93

The FINANCE Committee considered:

HB 65

HOUSE BILL NO. 65

FINANCIAL ADMINISTRATION OF STATE GOVT.

"An Act relating to the improvement of state finances through reduction of operating costs of certain state agencies and establishment of certain fees; and providing for an effective date."

RECOMMENDATIONS:

to be replaced with _____

(S HB 65 (FIN))

[] the same title
[] a new title

[] have attached amendments(s)

[] do pass

[] do not pass

[] no recommendations

[] individual recommendations

[] additional referral to the _____ Committee

ADOPTS: _____ letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept)

APPROVES PREVIOUS: (Dept/Date)

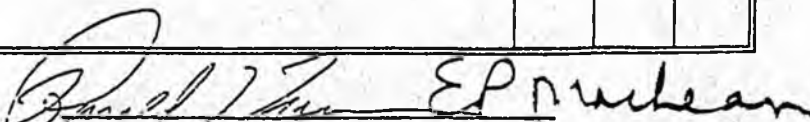
[] fiscal impact Fish game⁽¹⁾; DEC⁽¹⁾
DHS⁽¹⁾

[] fiscal note(s) labor⁽¹⁾ DNR⁽¹⁾ DPS⁽¹⁾
DCE (2) Labor (1)

[] zero fiscal note Admin⁽¹⁾; AK COMT SUS⁽¹⁾

[] zero fiscal note(s) Admin(2) REV (1)

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
<u>EP Muehan</u> <small>Mackean</small>	<input checked="" type="checkbox"/>	<u>amend</u>			<input checked="" type="checkbox"/>
<u>[Signature]</u> <small>grussendorf</small>	x	<u>Terry Martin</u> <small>Martin</small>		<input checked="" type="checkbox"/>	
<u>[Signature]</u> <small>Larson</small>	x	<u>Mike Navarre</u> <small>Navarre</small>		<input checked="" type="checkbox"/>	
<u>Jan Brown</u> <small>Brown</small>	<input checked="" type="checkbox"/>	<u>Mark Hanley</u> <small>Hanley</small>		x	
		<u>[Signature]</u> <small>Thomson</small>		x	
		<u>[Signature]</u> <small>FOSTER</small>		x	
		<u>[Signature]</u> <small>Barnell</small>		x	


 CO CHAIRMAN'S SIGNATURE

4/27/93 Mackean

FISCAL NOTE

STATE OF ALASKA
1993 LEGISLATIVE SESSION

BILL NO. CSHB 65 (FIN)

Revision Date: _____ Dept. Affected: Administration
 Title: An Act relating to the Alcoholic Beverage Control Board... Department of Labor fees... BRU: Retirement and Benefits
 Sponsor: Rules Component: Retirement and Benefits
 Requestor: _____ COMPONENT SERIAL NO. 64

Expenditures/Revenues: (Thousands of Dollars)

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

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

FUNDING:

1002 Federal Receipts	0	0	0	0	0	0
1003 CF Match	0	0	0	0	0	0
1004 CF	0	0	0	0	0	0
1005 CF/Program Receipts	***	***	***	***	***	***
1006 CF/MHTIA	0	0	0	0	0	0
Other	0	0	0	0	0	0
TOTAL	0	0	0	0	0	0

POSITIONS

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

Estimate of current year (FY93) impact \$ none

ANALYSIS: (attach a separate page if necessary.) ***This bill changes approximately 683.0 the BRU receives for administering certain group insurance programs from program receipts to other state funds. The funding source change is reflected in the Governor's FY94 Budget..

The bill also authorizes the Administration to self-insure the health and life programs for State employees. Self-insurance has shown itself to be a cost saving mechanism for many entities. The administration has no estimates of how much might be saved through self insurance since it is dependent on variables such a claims experience and interest earnings. It does not intend to proceed unless there is a savings and that the estimated savings at that time is determined.

Prepared By: Robert F. Stalnaker *Robert F. Stalnaker* Phone: 465-4470
 Division: Retirement and Benefits Date: 4-19-93

Approved by Commissioner: Nancy Bear Usery *Nancy Bear Usery* Date: 4/21/93
 Agency: Department of Administration

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FISCAL NOTE

STATE OF ALASKA
1993 LEGISLATIVE SESSION

BILL NO. CSHB 65(JUD)

Revision Date: _____ Dept. Affected: Health and Social Services
 Title: An Act relating to licenses, certificates, BRU: Medical Assistance
and permits administered and fees charged... Component: Medicaid Non Facility
 Sponsor: House Rules, at Governor's request
 Requestor: _____ COMPONENT SERIAL NO. 0229

Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY94	FY95	FY96	FY97	FY98	FY99
PERSONAL SERVICES	0.0	0.0	0.0	0.0	0.0	0.0
TRAVEL	0.0	0.0	0.0	0.0	0.0	0.0
CONTRACTUAL	0.0	0.0	0.0	0.0	0.0	0.0
SUPPLIES	0.0	0.0	0.0	0.0	0.0	0.0
EQUIPMENT	0.0	0.0	0.0	0.0	0.0	0.0
LAND & STRUCTURES	0.0	0.0	0.0	0.0	0.0	0.0
GRANTS, CLAIMS	0.0	0.0	0.0	0.0	0.0	0.0
MISCELLANEOUS	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL						
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REVENUE FUND SOURCE						
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FUNDING: (Thousands of Dollars)

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

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year (FY93) impact: \$0.0

ANALYSIS: (Attach a separate page if necessary)

The sections of the original bill that referenced Medicaid support for subsidized adoptions have been removed by the House Rules Committee substitute. The subsidized adoption provisions are now addressed in HB 178.
(Jud)

Prepared by: Dave W. Williams
 Division: Medical Assistance

Phone: 907-465-3355
 Date: 4/16/93

Approved by Commissioner: Theodore A. Mala, MD, MPH
 Agency: Department of Health and Social Services

Date: 4-19-93

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FISCAL NOTE

STATE OF ALASKA
1993 LEGISLATIVE SESSION

BILL NO. CSHB 65 (FIN)

Section #54

Revision Date: 27-Apr-93
 Title: Financial Administration of State Government
 Sponsor: Governor
 Requestor: House Finance

Department Affected: Environmental Conservation
 BRU: See attachment
 Component: _____

COMPONENT SERIAL NO. attached

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 94	FY 95	FY 96	FY 97	FY 98	FY 99
PERSONAL SERVICES	36.6	36.6	36.6	36.6	36.6	36.6
TRAVEL						
CONTRACTUAL	1.0					
SUPPLIES	0.5					
EQUIPMENT	5.0					
LAND&STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	43.1	36.6	36.6	36.6	36.6	36.6

CAPITAL						
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REVENUE						
FUND SOURCE:	446.1	446.1	446.1	446.1	446.1	446.1

FUNDING:

1002 FEDERAL RECEIPTS						
1003 GF MATCH						
1004 GF						
1005 GF/PROGRAM RECPT	43.1	36.6	36.6	36.6	36.6	36.6
1006 GF/MHTIA						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME	1.0	1.0	1.0	1.0	1.0	1.0
PART-TIME						
TEMPORARY						

Estimate of current year (FY93) impact: \$ NONE

ANALYSIS (Attach a separate page if necessary.)

See attached

Prepared by: Janice Adair, Assistant Commissioner
 Division: Commissioner's Office

Phone: 465-5010
 Date: 4/27/93

Approved by Commissioner: *Janice Adair*
 Agency: Department of Environmental Conservation

Date: 4/27/93

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB, & Impacted Agency(ies).

ATTACHMENT

Analysis - Department of Environmental Conversation

BRU ENVIRONMENTAL HEALTH

Palmer Lab Component (#651)

Private lab certification program receipts are estimated to be 20.2.

BRU ENVIRONMENTAL QUALITY

Water Quality Management Component (#645)

For the 401 permit certification 30.7 is estimated in program receipts.

Solid Waste Management Component (#1427)

By placing a surcharge on each ton of waste 375.0 in program receipts is expected.

Monitoring and Laboratory Support (#643)

Private lab certifications would generate 20.2 in program receipts.

OPERATING EXPENDITURES

Administrative Services Component (#635)

A FTE Accounting Clerk III (R-10) at an annual cost of 36.6 would be necessary to handle billing procedures and collection of the user fees. This position would begin in FY94 to aide in program development and recordkeeping procedures. An initial cost of 5.0, .5 in supplies, and 1.0 in contractual services are anticipated position support costs. Position would not be filled until regulations adopting fee schedules were in place.

Section 63 maintains current air permit fees thus would have no fiscal impact.

Position Title Accounting Clerk III		No of Positions 1	Range / Step 10	Bag Unit CCU
Time Status FTE	Staff Months 12	Location Juneau		Election District H:3 S:0
TYPE OF EXPENDITURE		Amount		
Salary	24.7			
Benefits	11.9			
Premium Pay				
Other				
Total Personal Services	36.6	36.6		
Travel				
Contractual		1.0		
Commodities		.5		
Equipment		5.0		
Other				
Total Cost		43.1		
FUNDING SOURCE FOR TOTAL COST				
Federal Receipts	1002			
G. F. Match	1003			
General Fund	1001	43.1		
IA Receipts	1007			
UII Receipts	1061			
Other	Program receipts			
		Justification		
		<p>An additional staff person is essential for receiving, recording, and depositing fees collected under the expanded user fee program. This position would also issue invoices, track receipts and report on collections to program staff. During FY94, staff would aide in planning document flow and record keeping system/database.</p> <p>An initial expenditure for equipment, supplies and contractual services are anticipated position support costs.</p>		

**Request For
New Position**

AGENCY Department of Environmental Conservation
 DIVISION Administration
Administrative Services

FY 94

COMPOUND

Page 7 of 7
 Revised Date

FISCAL NOTE

STATE OF ALASKA
1993 LEGISLATIVE SESSION

BILL NO. CSHB 65 (JUD)

Revision Date: _____

Department Affected: Administration

Title: 'An Act relating to the improvement of state finances...'

BRU: Risk Management

Sponsor: (H) Rules

Component: Risk Management

Requestor: (H) Finance

COMPONENT SERIAL NO. 71

Expenditures/Revenues:

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

CAPITAL	0	0	0	0	0	0
---------	---	---	---	---	---	---

REVENUE FUND SOURCE: GF/PRG 1005	0	0	0	0	0	0
-------------------------------------	---	---	---	---	---	---

FUNDING:

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

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

Estimate of current year (FY93) impact: None

ANALYSIS: (Attach a separate page if necessary.)

Prepared by: Don Hitchcock, Director
Division: Risk Management

Phone: (907) 465-2180
Date: _____

Approved by Commissioner: Nancy Bear Usura
Agency: Administration

Date: 4/15/93

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FISCAL NOTE

STATE OF ALASKA
1993 LEGISLATIVE SESSION

BILL NO. CSHB 65 (JUD)

Revision Date: _____
Title: "An Act relating to improvement of state
finances through reduction of operating . . ."
Sponsor: (H) Rules
Requestor: (H) Finance

Department Affected: Administration
BRU: Finance
Component: Finance
COMPONENT SERIAL NO. 59

Expenditures/Revenues:

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

CAPITAL	0	0	0	0	0	0
---------	---	---	---	---	---	---

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

FUNDING:

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

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

Estimate of current year (FY93) impact: 0

ANALYSIS: (Attach a separate page if necessary.)

Prepared by: Don Wanie, Director
Division: Finance

Phone: 465-2240
Date: _____

Approved by Commissioner: Nancy Bear Usura
Agency: Administration

Date: 9/10/93

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FISCAL NOTE

STATE OF ALASKA
1993 LEGISLATIVE SESSION

BILL NO. CSHB 65 (JUD)

Revision Date: _____
Title: *An Act relating to improvement of State finances through reduction of operating costs . . .*
Sponsor: (H) Rules
Requestor: (H) Finance

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

EXPENDITURES/REVENUES:

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

CAPITAL	0	0	0	0	0	0
---------	---	---	---	---	---	---

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

FUNDING:

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

POSITIONS:

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

Estimate of current year (FY93) impact: 0

ANALYSIS: (Attach a separate page if necessary.)

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

Phone: 274-1684
Date: _____

Approved by Commissioner: Nancy Bear Usura
Agency: Administration

Date: 1/15/93

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FISCAL NOTE

STATE OF ALASKA
1993 LEGISLATIVE SESSION

BILL NO. CSHB65 (JUD)

Revision Date: _____
 Title: An Act relating to the improvement of state
finances.
 Sponsor: (H) Rules
 Requester: (H) Finance

Dept Affected: Administration
 BRU: Retirement & Benefits
 Components: Retirement & Benefits
 COMPONENT SERIAL NO. 64

Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 94	FY 95	FY 96	FY 97	FY 98	FY 99
Personal Services	0.0	0.0	0.0	0.0	0.0	0.0
Travel	0.0	0.0	0.0	0.0	0.0	0.0
Contractual	0.0	0.0	0.0	0.0	0.0	0.0
Supplies	0.0	0.0	0.0	0.0	0.0	0.0
Equipment	0.0	0.0	0.0	0.0	0.0	0.0
Land & Structures	0.0	0.0	0.0	0.0	0.0	0.0
Grants, Claims	0.0	0.0	0.0	0.0	0.0	0.0
Miscellaneous	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

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

Funding: (Thousands of Dollars)

1002 Federal Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1003 GF Match	0.0	0.0	0.0	0.0	0.0	0.0
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts	***	***	***	***	***	***
1006 GF/MHTIA	0.0	0.0	0.0	0.0	0.0	0.0
Other:	***	***	***	***	***	***
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Positions:

Full-Time	0.0	0.0	0.0	0.0	0.0	0.0
Part-Time	0.0	0.0	0.0	0.0	0.0	0.0
Temporary	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of current year (FY93) impact: none

ANALYSIS: (attach a separate page if necessary)

*** This bill changes approximately 683.0 the BRU receives for administering certain group insurance programs from program receipts to other state funds. The funding source change is reflected in the Governor's FY94 Budget Request.

Prepared By: Robert F. Stalnaker, Director *R. Stalnaker* Phone: 465-4470
 Division: Retirement and Benefits Date: 4/15/93
 Approved By Commissioner: Nancy Bear Usura *N. Bear Usura* Date: 4/15/93
 Agency: Administration

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB, Impacted Agency(ies)

FISCAL NOTE

STATE OF ALASKA
1993 LEGISLATIVE SESSION

BILL NO. CS HB 65(JUD)

Revision Date: 4/15/93
Title: Omnibus Bill, Sec 36-38

Dept. Affected: Alaska Commission on Postsecondary Education

BRU: _____
Component: Student Loans

Sponsor: Rules Committee

Requestor: Governor

COMPONENT SERIAL NO. 212/213

Expenditures/Revenues:

(Thousands of Dollars)

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

CAPITAL						
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REVENUE FUND SOURCE: 1022	500.0	500.0	500.0	500.0	500.0	500.0
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FUNDING:

(Thousands of Dollars)

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

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year (FY93) impact: \$ _____

ANALYSIS: (Attach a separate page if necessary)

Prepared by: Doug Hanon, Finance Officer
Division: Alaska Commission on Postsecondary Education

Phone: 465-6757

Date: 4/15/93

Approved by Commissioner: _____

Date: _____

Agency: _____

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FISCAL NOTE

STATE OF ALASKA
993 LEGISLATIVE SESSION

BILL NO. CS HB 65(JUD)

Revision Date: 4/15/93 Dept. Affected: Alaska Commission on Postsecondary Education
 Title: Omnibus Bill, Sec. 39-43 BRU: Student Loans
 Component: Student Loans Operations
 Sponsor: Rules Committee
 Requestor: Governor COMPONENT SERIAL NO. 213

Expenditures/Revenues:

(Thousands of Dollars)

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

CAPITAL						
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REVENUE FUND SOURCE: 1022	13.0	13.0	13.0	13.0	13.0	13.0
---------------------------	------	------	------	------	------	------

FUNDING:

(Thousands of Dollars)

02 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year (FY93) impact: \$ _____

ANALYSIS: (Attach a separate page if necessary)

Prepared by: Doug Hanon, Finance Officer Phone: 465-6757
 Division: Alaska Commission on Postsecondary Education Date: 4/15/93
 Approved by Commissioner: _____ Date: _____
 Agency: _____

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FISCAL NOTE

STATE OF ALASKA
1993 LEGISLATIVE SESSION

BILL NO. CSHB 65 (JUD)
Section #54

Revision Date: 12-Apr-93
Title: Financial Administration of State
Government
Sponsor: Governor
Requestor: House Judiciary

Department Affected: Environmental
Conservation
BRU: see attachment
Component: _____

COMPONENT SERIAL NO. attached

EXPENDITURES/R VENUES:

(Thousands of Dollars)

OPERATING	FY 94	FY 95	FY 96	FY 97	FY 98	FY 99
PERSONAL SERVICES	62.3	36.6	36.5	36.6	36.6	36.6
TRAVEL	0.0	0.0	0.0	0.0	0.0	0.0
CONTRACTUAL	2.0	2.0	2.0	2.0	2.0	2.0
SUPPLIES	1.0	0.5	0.5	0.5	0.5	0.5
EQUIPMENT	10.0	0.0	0.0	0.0	0.0	0.0
LAND&STRUCTURES	0.0	0.0	0.0	0.0	0.0	0.0
GRANTS,CLAIMS	0.0	0.0	0.0	0.0	0.0	0.0
MISCELLANEOUS	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	75.3	39.1	39.1	39.1	39.1	39.1

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

REVENUE						
FUND SOURCE: 1005		700.0	703.0	704.0	707.0	710.0

FUNDING:

1002 FEDERAL RECEIPTS	0.0	0.0	0.0	0.0	0.0	0.0
1003 GF MATCH	0.0	0.0	0.0	0.0	0.0	0.0
1004 GF	75.3	0.0	0.0	0.0	0.0	0.0
1005 GF/PROGRAM RECPT	0.0	39.1	39.1	39.1	39.1	39.1
1006 GF/MHTIA	0.0	0.0	0.0	0.0	0.0	0.0
OTHER		0.0	0.0	0.0	0.0	0.0
TOTAL	75.3	39.1	39.1	39.1	39.1	39.1

POSITIONS:

FULL-TIME	1.5	1.0	1.0	1.0	1.0	1.0
PART-TIME						
TEMPORARY						

Estimate of current year (FY93) impact: \$ NONE

ANALYSIS: (Attach a separate page if necessary.)

see attachment

Prepared by: Christine Underwood, Administrative Officer
Division: Division of Information and Administrative Services

Phone: 465-5010
Date: 4/12/93

Approved by Commissioner: Janice Adair, Assistant Commissioner
Agency: Department of Environmental Conservation

Date: 4/12/93

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB, & Impacted Agency(ies).

Projected Revenues/Program Receipts from expanded authority to collect user fees:

Since these proposals would have to be implemented through the adoption of regulations, there would be no program receipts realized until FY95. In future fiscal years, DEC would like to see a funding source shift from general funds to program receipts.

BRU ENVIRONMENTAL HEALTH

Sanitation Component (#650)

Program receipt authority to collect fees for sanitation permits would generate an estimated 11.6 in revenue. The type of facilities affected include: swimming pools, spas, daycare/preschools, public accommodations, campgrounds, hotel/motels, liquor stores, barber/beauty shops, public toilets, showers, laundromats, and compressed air providers.

Palmer Lab Component (#651)

Revenue from pesticide product registration and drinking water lab certification and training is estimated to be 155.0.

BRU SPILL PREVENTION AND RESPONSE

Program Development Component (#1814)

The Department would be authorized to collect fees from businesses which are required to report information about hazardous substances to the State Emergency Response Commission under SARA Title III [42.U.S.C. 11001-11050]. Projected revenues raised through such a fee structure will depend on its design. The final fee structure would be established by regulation after further study. Estimated program receipts start at 5.0 for FY95 and increase to 15.0 in FY99. Personal services would need an increase in FY94 of 25.7 for a 0.5 FTE, Regulations Specialist II to promulgate the needed regulations under the auspices of the Department's paralegal in the Commissioner's Office.

BRU ENVIRONMENTAL QUALITY

Wastewater and Water Treatment Component (#1426)

Estimated receipt of 37.5 for subdivision plan reviews.

Hazardous Waste Management (#1427)

For the one permit issued, 50.0 is estimated in program receipts. An estimated one or two facility sitings per year would generate approximately 15.0 in revenue.

Water Quality Management Component (#645)

For the 401 permits issued, 30.7 is estimated in program receipts.

Solid Waste Management Component (#1427)

By placing a surcharge on each ton of waste 375.0 in program receipts is expected.

Monitoring and Laboratory Support (#643)

Drinking water certifications would generate 20.2 in program receipts.

OPERATING EXPENDITURES**Commissioner's Office Component (#633)**

A 0.5 FTE Regulations Specialist II (R-16) at a cost of 25.7 for FY94 only, would be needed to develop a fee structure and regulations for the Program Development Component of the SPAR Division. This position would also assist the Division of Environmental Quality in developing their needed regulations. An initial equipment cost of 5.0, .5 in supplies, and 1.0 in contractual services are anticipated position support costs.

Administrative Services Component (#635)

A FTE Accounting Clerk III (R-10) at an annual cost of 36.6 would be necessary to handle billing procedures and collection of the user fees. This position would begin in FY94 to aide in program development and recordkeeping procedures. An initial equipment cost of 5.0, .5 in supplies, and 1.0 in contractual services are anticipated position support costs.

Position Title Regulations Specialist 11		No. of Positions 1	Range / Step 16A	Borg. Unit GGU
Time Status .5FTE	Staff Months 6	Location Juneau		Election District H:3 S:8
TYPE OF EXPENDITURE		Amount		
Salary	18.2	Justification This position is needed to develop a fee structure and regulations for the Program Development Component of the SPAR Division. This position would also assist the Division of Environmental Quality in developing their needed regulations. The position would be limited to 6 months during FY94 and would be working under the auspices of the Department's paralegal in the Commissioner's Office. Unless regulations are developed and adopted, the Department cannot exercise its program receipt authority and collect user fees. An initial expenditure for equipment, supplies and contractual services are anticipated position support costs.		
Benefits	7.5			
Premium Pay				
Other				
Total Personal Services	25.7			
Travel				
Contractual	1.0			
Commodities	.5			
Equipment	5.0			
Other				
Total Cost	32.2			
FUNDING SOURCE FOR TOTAL COST				
Federal Receipts 1002				
G.F. Match 1003				
General Fund 1004	32.2			
IA Receipts 1007				
CI Receipts 1061				
Other				

**Request For
New Position**

AGENCY Environmental Conservation
BRU Administration
COMPONENT Commissioner's Office

FY 94

Page 1 of 2

Revised Date:

Position Title Accounting Clerk III		No. of Positions 1	Range / Step 10	Barg Unit GGU
Time Status 1 FTE	Staff Months 12	Location Juneau		Election District H:3 S:B
TYPE OF EXPENDITURE		Amount		Justification An additional staff person is essential for receiving, recording, and depositing fees collected under the expanded user fee program. This position would also issue invoices, track receipts and reports on collections to program staff. During FY94, staff would aide in planning document flow and record keeping system/database. An initial expenditure for equipment, supplies and contractual services are anticipated position support costs.
Salary	24.7			
Benefits	11.9			
Premium Pay				
Other				
Total Personal Services	36.6	36.6		
Travel				
Contractual		1.0		
Commodities		.5		
Equipment		5.0		
Other				
Total Cost		43.1		
FUNDING SOURCE FOR TOTAL COST				
Federal Receipts	1002			
G. E. Match	1003			
General Fund	1004	43.1		
IA Receipts	1007			
GP Receipts	1061			
Other	Program receipts			

**Request For
New Position**

AGENCY Department of Environmental Conservation
Administration
BRU Administrative Services
COMPONENT _____

FY 94

Page 2 of 2
Revised Date: _____

FISCAL NOTE

STATE OF ALASKA
1993 LEGISLATIVE SESSION

BILL NO. CSHB 65 (JUD)
Section #55 Air Quality

Revision Date: 12-Apr-93
Title: Financial Administration of State
Government
Sponsor: Governor
Requestor: House Judiciary

Department Affected: Environmental
Conservation
BRU: Environmental Quality
Component: Air Quality Management

COMPONENT SERIAL NO. 1428

EXPENDITURES/REVENUES:

(Thousands of Dollars)

OPERATING	FY 94	FY 95	FY 96	FY 97	FY 98	FY 99
PERSONAL SERVICES	0.0	1,618.0	1,962.2	2,235.4	1,572.8	1,572.8
TRAVEL	0.0	109.0	211.8	229.4	63.5	63.5
CONTRACTUAL	0.0	20.0	20.0	20.0	20.0	20.0
SUPPLIES	0.0	25.5	35.5	45.5	25.5	25.5
EQUIPMENT	0.0	109.5	22.5	20.0	0.0	0.0
LAND&STRUCTURES	0.0	0.0	0.0	0.0	0.0	0.0
GRANTS, CLAIMS	0.0	0.0	0.0	0.0	0.0	0.0
MISCELLANEOUS	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	0.0	1882.0	2252.0	2550.3	1681.8	1681.8

CAPITAL						
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REVENUE						
FUND SOURCE:	0.0	3747.1	4117.1	4421.8	3742.6	3742.6

FUNDING:

1002 FEDERAL RECEIPTS						
1003 GF MATCH						
1004 GF						
1005 GF/PROGRAM RECPT	0.0	1,882.0	2,252.0	2,250.3	1,681.8	1,681.8
1006 GF/MHTIA						
OTHER						
TOTAL	0.0	1882.0	2252.0	2550.3	1681.8	1681.8

POSITIONS:

FULL-TIME	0.0	22.5	27.0	31.0	21.8	21.8
PART-TIME						
TEMPORARY						

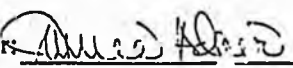
Estimate of current year (FY93) impact: \$

ANALYSIS: (Attach a separate page if necessary.)

See Attached

Prepared by: Christine Underwood, Administrative Officer
Division: Administrative Services

Phone: 465-5010
Date: 4/13/93

Approved by Commissioner: 
Agency: Department of Environmental Conservation

Date: 4/13/93

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB, & Impacted Agency(ies).

ATTACHMENT
DEC Analysis Section 66

Title V of the 1990 Clean Air Act(CAA) requires the US Environmental Protection Agency to develop a uniform, nationwide permitting program for selected sources of air contaminants. Congress also directed each state or local air management authority to develop and manage an approvable permit program under the direction of EPA. The executing regulations, presented in 40 CFR Part 70, establish specific criteria for an EPA-approvable local or state permitting program. This permit program (referred to as Title V permits) will provide an improved administrative framework to maintain healthful air in areas currently meeting federal air quality standards and to improve air quality in areas not meeting federal air quality standards.

The CAA mandates that permit fees cover both the direct and indirect costs of the mandated air quality program. Section 66 contains language necessary to the Department for expanded fee collection authority.

The fiscal note reflects additional operating expenses beginning FY95, which level off by FY99. These increased costs will bring in an estimated \$3,747.1 in program receipts in FY95, with the amounts varying until a stabilization point is reached near FY99. It is important to note that the fees collected will not exceed the total operational costs of the expanded air quality program mandated by the Federal CAA.

Based on a Permittee Search Project, between 425 and 450 Alaska sources will be required to obtain a Title V permit. There are currently 175 permitted sources within the State handled by less than 22 staff. Permitting staff will be charged with development and issuance of construction and operating permits. The Compliance Assurance Group is charged with the responsibility of assuring that all permitted sources within the State are in an optimal state of compliance. The Group will perform all facility inspections and reporting activities statewide, and will train inspectors. The Act requires each state to develop a Small Business Assistance Program (SBAP) to help small businesses comply with the complex provisions of the CAA. The primary focus of the SBAP will be to provide technical assistance to non-major sources subject certain provisions of the CAA. The Program Planning and Development Group is slated to review and comment on proposed federal regulations as they may apply to facilities in Alaska, revise Alaska's air quality control regulations as necessary to meet federal requirements, develop procedures to implement Alaska's regulations as well as provide guidance to permit applicants and the public. The Administrative Group will establish and maintain the complex cost recovery and permit fee tracking system. Accounting staff will assess, bill, and collect fees from permitted facilities. The Monitoring/Modeling Group will continue to review the ambient air quality demonstrations of complex permitting activities.

FISCAL NOTE

STATE OF ALASKA
1993 LEGISLATIVE SESSION

BILL NO. CSHB85(JUD)

Revision Date: 3/24/93

Department Affected: Fish and Game

Title: An act relating to the financial

BRU: Administration and support

administration of state government

Component: Administration and support

Sponsor: House Rules Committee

Requestor: House Judiciary

COMPONENT SERIAL NO. 0479

EXPENDITURES/REVENUES:

(Thousands of Dollars)

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

CAPITAL	0	0	0	0	0	0
---------	---	---	---	---	---	---

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

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	(553.9)	(560)	(560)	(560)	(560)	(560)
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other	553.9	560	560	560	560	560
TOTAL	0	0	0	0	0	0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

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

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

Prepared By: Geron Bruce *GB* Phone: 465-6143
 Division: Commissioner's Office Date: _____
 Approved by Commissioner: Carl L. Rosier *by M. Rosier*
 Agency: Department of Fish and Game Date: April 15, 1993

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Analysis:

This fiscal note is presented for informational purposes only. The change in funding sources it describes is already reflected in the FY94 operating budgets proposed by both the House and the Senate.

FISCAL NOTE

STATE OF ALASKA
1993 LEGISLATIVE SESSION

BILL NO : CSHB 65 (JUD) Sec. 45

Revision Date: _____
 Title: Financial Administration of State
Government
 Sponsor: House Rules Committee by Request
 Requestor: House Finance

Department Affected: Labor
 BRU: Labor Standards & Safety
 Component: Mechanical Inspection

COMPONENT SERIAL NO. 346

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 94	FY 95	FY 96	FY 97	FY 98	FY 99
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

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

REVENUE	0.4	0.4	0.4	0.4	0.4	0.4
FUND SOURCE:	PR #1005	PR #1005	PR #1005	PR #1005	PR #1005	PR #1005

FUNDING: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipt						
1006 GF/MHTIA						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year (FY93) impact: \$ None

ANALYSIS: (Attach a separate page if necessary)

See attached

Prepared by: Donald G. Study, CSP, Director Phone: 465-6003
 Division: Labor Standards & Safety Date: 4/16/93
 Approved by Commissioner: Charles W. Mahler
 Agency: Department of Labor Date: 4/16/93

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Fiscal Note Analysis for:

Financial Administration of State Government

The Department of Labor is affected by three sections of this bill. Separate fiscal notes have been prepared for each section. Sections 45 and 46 of this bill would allow the department to establish certain fees and certification time periods by regulation. Section 48 would increase an existing fee set by statute.

The net fiscal impact of the sections of this bill (and associated regulations) relevant to this department is the general fund gains \$1.1.

Section 45:

This section would allow the department to adopt regulations establishing fees for administering special inspector examinations and processing applications for special boiler and pressure vessel inspector commissions. The department currently performs these functions without charge.

This section of the bill would have no fiscal impact on the department. Regulations establishing a \$25 application and examination fee are anticipated. This would generate approximately \$0.4 annually in receipts to the general fund.

For purposes of calculating fiscal impact, an effective date of July 1, 1993 is assumed.

FISCAL NOTE

STATE OF ALASKA
1993 LEGISLATIVE SESSION

BILL NO : CS HB 65 (JUD) Sec. 46

Revision Date: _____
 Title: Financial Administration of State
Government
 Sponsor: House Rules Committee by Request
 Requestor: House Finance

Department Affected: Labor
 BRU: Labor Standards & Safety
 Component: Mechanical Inspection
 COMPONENT SERIAL NO. 346

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 94	FY 95	FY 96	FY 97	FY 98	FY 99
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

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

REVENUE	0.0	0.0	0.0	0.0	0.0	0.0
FUND SOURCE:	PR #1005	PR #1005	PR #1005	PR #1005	PR #1005	PR #1005

FUNDING: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipt						
1006 GF/MHTIA						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year (FY93) impact: \$ None

ANALYSIS: (Attach a separate page if necessary)

See attached

Prepared by: Donald G. Study, CSP, Director Phone: 465-6003
 Division: Labor Standards & Safety Date: 4/16/93
 Approved by Commissioner: Charles W. Mahlen
 Agency: Department of Labor Date: 4/16/93

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Fiscal Note Analysis for:

Financial Administration of State Government

The Department of Labor is affected by three sections of this bill. Separate fiscal notes have been prepared for each section. Sections 45 and 46 of this bill would allow the department to establish certain fees and certification time periods by regulation. Section 48 would increase an existing fee set by statute.

The net fiscal impact of the sections of this bill (and associated regulations) relevant to this department is the general fund gains \$1.1.

Section 46:

Section 46 would give the department the authority to set time periods for certificates of fitness for plumbers and electricians by regulation. This would allow the department to shift from a one- or three-year certificate to two-year certificates. This bill would have no fiscal impact other than stabilizing revenues to the department.

For purposes of calculating fiscal impact, an effective date of July 1, 1993 is assumed.

FISCAL NOTE

STATE OF ALASKA
1993 LEGISLATIVE SESSION

BILL NO : CSHB 65 (FIN) Sec. 47

Revision Date: _____
 Title: Financial Administration of State
Government
 Sponsor: House Rules Committee by Request
 Requestor: House Rules

Department Affected: Labor
 BRU: Labor Standards & Safety
 Component: Mechanical Inspection

COMPONENT SERIAL NO. 346

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 94	FY 95	FY 96	FY 97	FY 98	FY 99
PERSONAL SERVICES	24.3	24.3	24.3	24.3	24.3	24.3
TRAVEL						
CONTRACTUAL						
SUPPLIES	2.5	2.5	2.5	2.5	2.5	2.5
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	26.8	26.8	26.8	26.8	26.8	26.8

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

REVENUE	26.8 *	26.8 *	26.8 *	26.8 *	26.8 *	26.8 *
FUND SOURCE:	PR #1005	PR #1005	PR #1005	PR #1005	PR #1005	PR #1005

FUNDING: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipt	26.8	26.8	26.8	26.8	26.8	26.8
1006 GF/MHTIA						
Other						
TOTAL	26.8	26.8	26.8	26.8	26.8	26.8

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year (FY93) impact: \$ None

ANALYSIS: (Attach a separate page if necessary)

See attached

Prepared by: Donald G. Study, CSP, Director Phone: 465-6003
 Division: Labor Standards & Safety Date: 4/27/93

Approved by Commissioner: Charles W. Mahlen
 Agency: Department of Labor Date: 4/27/93

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FISCAL NOTE

STATE OF ALASKA
1993 LEGISLATIVE SESSION

BILL NO : CSHB 65 (JUD) Sec. 48

Revision Date: _____
 Title: Financial Administration of State
 Government
 Sponsor: House Rules Committee by Request
 Requestor: House Finance

Department Affected: Labor
 BRU: Labor Standards & Safety
 Component: Wage & Hour
 COMPONENT SERIAL NO. 345

EXPENDITURES/REVENUES:

(Thousands of Dollars)

OPERATING	FY 94	FY 95	FY 96	FY 97	FY 98	FY 99
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

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

REVENUE	0.7	0.7	0.7	0.7	0.7	0.7
FUND SOURCE:	PR #1005	PR #1005	PR #1005	PR #1005	PR #1005	PR #1005

FUNDING:

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipt						
1006 GF/MHTIA						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year (FY93) impact: \$ None

ANALYSIS: (Attach a separate page if necessary)

 See attached

Prepared by: Donald G. Study, CSP, Director Phone: 465-6003
 Division: Labor Standards & Safety Date: 4/16/93
 Approved by Commissioner: Charles W. Mahlen
 Agency: Department of Labor Date: 4/16/93

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FISCAL NOTE

STATE OF ALASKA
1993 LEGISLATIVE SESSION

BILL NO : CSHB 65 (FIN) Sec. 47

Revision Date: _____
 Title: Financial Administration of State
 Government
 Sponsor: House Rules Committee by Request
 Requestor: House Rules

Department Affected: Labor
 BRU: Labor Standards & Safety
 Component: Mechanical Inspection

COMPONENT SERIAL NO. 346

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 94	FY 95	FY 96	FY 97	FY 98	FY 99
PERSONAL SERVICES	24.3	24.3	24.3	24.3	24.3	24.3
TRAVEL						
CONTRACTUAL						
SUPPLIES	2.5	2.5	2.5	2.5	2.5	2.5
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	26.8	26.8	26.8	26.8	26.8	26.8

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

REVENUE	26.8 *	26.8 *	26.8 *	26.8 *	26.8 *	26.8 *
FUND SOURCE:	PR #1005	PR #1005	PR #1005	PR #1005	PR #1005	PR #1005

FUNDING: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipt	26.8	26.8	26.8	26.8	26.8	26.8
1006 GF/MHTIA						
Other						
TOTAL	26.8	26.8	26.8	26.8	26.8	26.8

POSITIONS:

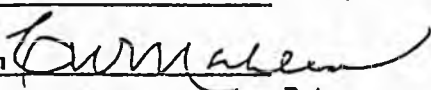
FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year (FY93) impact: \$ None

ANALYSIS: (Attach a separate page if necessary)

See attached

Prepared by: Donald G. Study, CSP, Director Phone: 465-6003
 Division: Labor Standards & Safety Date: 4/27/93

Approved by Commissioner: Charles W. Mahlen 
 Agency: Department of Labor Date: 4/27/93

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Fiscal Note Analysis for:

Financial Administration of State Government

The Department of Labor is affected by four sections of this bill. Separate fiscal notes have been prepared for each section. Sections 45 through 47 of this bill concern fees and certification time periods for departmental programs. Section 49 would increase an existing fee set by statute.

In anticipation of new fees and fee increases, a fund source change from general funds to program receipts was included in the department's FY 94 budget submittal. Because the \$93.5 in fee income is reflected in the department's operating budget, it is excluded from this fiscal note.

The net fiscal impact of the sections of this bill (and associated regulations) relevant to this department is the general fund gains \$94.6, and the department gains \$26.8 expenditure authorization to cover the costs of services provided.

Section 47:

This section would establish fees for an application/examination and for duplicate certificates of fitness for electricians and plumbers. Section 47 would also increase fees for certificates of fitness and for renewals of certificates.

No application/examination fee is currently charged; a \$50 application/examination fee would generate approximately \$23.8 annually in program receipts. This fee reflects the cost of providing these services.

No fee is currently charged for duplicate certificates; a \$25 fee for duplicate certificates of fitness would generate approximately \$3.0 annually in program receipts. The \$25 fee reflects the cost of providing the duplicate certificate.

Currently, \$40 is charged for a one year certificate and \$75 is charged for a three year certificate. A \$160, two-year certificate of fitness fee--with an \$80, one-year certificate of fitness issued for a three year period until the current three-year certificates are phased out--is proposed. These fee changes are expected to generate \$93.5 annually. The revenue associated with this change is included in the department's operating budget submittal as program receipts. Two points are relevant: 1) the general fund gains \$93.5 and 2) the fiscal note does not reflect the receipt of the revenue because it is in the operating budget.

For purposes of calculating fiscal impact, an effective date of July 1, 1993 is assumed.

FISCAL NOTE

STATE OF ALASKA
1993 LEGISLATIVE SESSION

BILL NO : CSHB 65 (JUD) Sec. 48

Revision Date: _____
 Title: Financial Administration of State
Government
 Sponsor: House Rules Committee by Request
 Requestor: House Finance

Department Affected: Labor
 BRU: Labor Standards & Safety
 Component: Wage & Hour

COMPONENT SERIAL NO. 345

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 94	FY 95	FY 96	FY 97	FY 98	FY 99
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

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

REVENUE	0.7	0.7	0.7	0.7	0.7	0.7
FUND SOURCE:	PR #1005	PR #1005	PR #1005	PR #1005	PR #1005	PR #1005

FUNDING: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipt						
1006 GF/MHTIA						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year (FY93) impact: \$ None

ANALYSIS: (Attach a separate page if necessary)

See attached

Prepared by: Donald G. Study, CSP, Director Phone: 465-6003
 Division: Labor Standards & Safety Date: 4/16/93
 Approved by Commissioner: Charles W. Mahlen
 Agency: Department of Labor Date: 4/16/93

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Fiscal Note Analysis for:

Financial Administration of State Government

The Department of Labor is affected by three sections of this bill. Separate fiscal notes have been prepared for each section. Sections 45 and 46 of this bill would allow the department to establish certain fees and certification time periods by regulation. Section 48 would increase an existing fee set by statute.

The net fiscal impact of the sections of this bill (and associated regulations) relevant to this department is the general fund gains \$1.1.

Section 48:

Section 48 of this bill raises the fee for an employment agency license from \$10 to \$100. This fee has not been increased since 1953. This increase reflects the costs of review performed by the department for these operating permits.

The eight licensed employment agencies operating in the state will pay a total of an additional \$0.7 annually for licensing. The department will continue to absorb the cost of reviewing and issuing these permits and the \$0.7 additional revenue collected will be deposited into the general fund.

For purposes of calculating fiscal impact, an effective date of July 1, 1993 is assumed.

FISCAL NOTE

STATE OF ALASKA 1993 LEGISLATIVE SESSION

Revision Date 4/12/93 Department Affected: Natural Resources
 Title: "An Act Relating to Financial Administration of State Government" BRU: Park & Recreation Management
 Components: Park Management
 Sponsor: Rules Committee
 Requestor: House Judiciary Component Serial No. 452

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 94	FY 95	FY 96	FY 97	FY 98	FY 99
PERSONAL SERVICES	38.2	19.0	15.0	15.0	0.0	0.0
TRAVEL						
CONTRACTUAL	27.0	15.0	12.0	12.0	0.0	0.0
SUPPLIES	10.8	6.0	5.0	5.0	0.0	0.0
EQUIPMENT						
LAND&STRUCTURES						
GRANTS,CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	76.0	40.0	32.0	32.0	0.0	0.0

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

REVENUE fund source:	150.0 PR	200.0 PR	300.0 PR	400.0 PR	400.0 PR	400.0 PR
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FUNDING: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	76.0					
1005 GF/Program Receipts		40.0	32.0	32.0	0.0	0.0
1006 GF/MHTIA						
Other						
TOTAL	76.0	40.0	32.0	32.0	0.0	0.0

POSITIONS:

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

Estimate of current year (FY93) Impact: \$ No fiscal impact anticipated

ANALYSIS: (Attach a separate page if necessary)

See Attached

Prepared by: Nell C. Johannsen Phone: 762-2600
 Division: Parks & Outdoor Recreation Date: 12-Apr-93
 Approved by Commissioner: Glenn A. Olds Date: 12-Apr-93
 Agency: Department of Natural Resources

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Department of Natural Resources

CSHB65(JUD) Bill Analysis

April 12, 1993

The state park fee program to be funded by this fiscal note consists of the design, construction and installation of fee collection stations at approximately 44 locations in the state park system. Each fee station is estimated to cost \$4,000, including labor, supplies and contractual expenses.

The fee stations would be installed in phases, over a four year period. Eighteen stations would be installed in FY94, and ten stations installed in FY95. Eight stations would be installed in both FY96 and FY97. First year costs include design and production of fee collection envelopes and annual pass decals, as well as design and production of standard drawings and plans for the fee stations. These one-time costs are estimated at \$4,000.

No new positions would be required by this legislation. Additional administrative and management costs would be absorbed by existing staff.

The estimate of revenue to be produced by this bill is based on visitation records for selected park units, as well as financial records for the existing camping fee program. In the fourth year of implementation, this new fee program is expected to generate annual revenues of approximately \$400,000. Potential revenues to the state from this program exceed the state's costs in each of the four year implementation period. In subsequent years, these user fees would help offset increased park maintenance and operating costs as well as possible general fund budget reductions. The net financial effect of this program would be positive, with fee revenues greater than operating costs.

FISCAL NOTE

STATE OF ALASKA
1993 LEGISLATIVE SESSION

BILL NO: CSHB 65(JUD)

Revision Date: 4/15/93 Dept. Affected: Public Safety
 Title: "An Act relating to the improvement of BRU: Alaska Police Standards Council
State Finances" Component: Alaska Police Standards Council
 Sponsor: House Rules
 Requestor: House Finance COMPONENT SERIAL NO. 519

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

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

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

REVENUE FUND SOURCE: 1005	11.4	12.0	12.5	13.1	13.8	14.5
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FUNDING: (Thousands of Dollars)

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

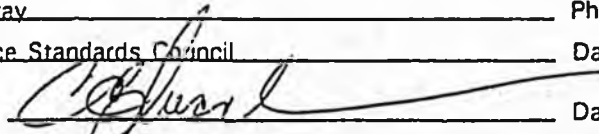
POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year (FY 93) impact: \$ None

ANALYSIS: (Attach a separate page if necessary.)

See attached.

Prepared By: Jack W. Wray Phone: 465-4378
 Division: Alaska Police Standards Council Date: 4/15/93
 Approved by Commissioner:  Date: 4/15/93
 Agency: Richard I. Burton, Dept. of Public Safety

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Analysis:

Passage of this legislation will allow the Council to amend their regulations to include a fee schedule for the issuance of police, probation, parole, and correctional officer certificates and police and correctional instructor certificates.

Estimated revenue amounts are based on the Council's issuance of 228 police, probation, parole and correctional officer certificates and police and correctional instruction certificates during FY 92. Charge per certificate is calculated at \$50.00 per certificate and the yearly increase in revenue is based on a 5% population increase and a corresponding increase in number of officers and instructors.

FISCAL NOTE

STATE OF ALASKA
1993 LEGISLATIVE SESSION

BILL NO. CSHB 65

Revision Date: March 5, 1993 Dept. Affected: Revenue
 Title: Improvement of state finances through reduction of operating costs BRU: Alcohol Beverage Control Board
costs of certain state agencies and establishment of certain fees... Component: Alcohol Beverage Control Board
 Sponsor: House Rules by Request of the Governor
 Requestor: _____ COMPONENT SERIAL NO. 100

Expenditures/Revenues: (Thousands of Dollars)

	FY94	FY95	FY96	FY97	FY98	FY99
OPERATING						
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

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

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

FUNDING: (Thousands of Dollars)

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

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year (FY93) impact: \$ 0.00

ANALYSIS: (Attach a separate page if necessary)

The administrative efficiencies and savings that will result from biennial licensing will assist the board in its attempt to maintain adequate performance in spite of budget reductions which total 71% for FY93.

Prepared by: Rod R. Mourant *Rod R. Mourant* Phone: 465-2300
 Division: Commissioner's Office Date: 3/5/93
 Approved by Commissioner: Darrel J. Rexwinkel *Darrel J. Rexwinkel* Date: 3/5/93
 Agency: Revenue

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FISCAL NOTE

STATE OF ALASKA
1993 LEGISLATIVE SESSION

Bill No. CSHB 65 (JUD)

Revision Date: 04/16/93 Department Affected: Alaska Court System
 Title: Financial Administration of State BRU: Trial Courts
Government Components: _____
 Sponsor: Senate Rules (by request of Governor)
 Requestor: _____ COMPONENT SERIAL NO. 768

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 94	FY 95	FY 96	FY 97	FY 98	FY 99
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS & CLAIMS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

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

REVENUE						
FUND SOURCE:						

FUNDING: (Thousands of Dollars)

1002 FEDERAL RECEIPTS						
1003 GF MATCH						
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/PROGRAM RECEIPTS						
1006 GF/MHTIA						
OTHER						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year (FY 93) Impact: None

ANALYSIS: (Attach a separate page if necessary)
No fiscal impact

Prepared by: C. S. Christensen III, Staff Counsel *CMC* Phone: 264-8228
 Division: Alaska Court System Date: 04/16/93

Approved by: Arthur H. Snowden, II, Administrative Director *AS* *CMC* Date: 04/16/93
 Agency: Alaska Court System

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB, & Impacted Agency(ies).

8-GH1020ND
Dierdorff
4/25/93

CS FOR HOUSE BILL NO. 65()
IN THE LEGISLATURE OF THE STATE OF ALASKA
EIGHTEENTH LEGISLATURE - FIRST SESSION

BY

Offered:
Referred:

Sponsor(s): HOUSE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to licenses, certificates, and permits administered and fees
2 charged by the Alcoholic Beverage Control Board, the office of public advocacy,
3 the Alaska Commission on Postsecondary Education, the Department of Fish and
4 Game, the Department of Labor, the Alaska Police Standards Council, the
5 Department of Natural Resources, and the Department of Environmental
6 Conservation; relating to the administration of the state insurance catastrophe
7 reserve account; relating to the provision of group life or group health insurance
8 for state employees; authorizing the Department of Natural Resources to accept
9 certain donations for parks and recreation; relating to fiscal reporting and
10 accounting by the Department of Administration; extending the suspension of
11 certain tax credit provisions; and amending Alaska Rule of Probate
12 Procedure 16(d); and providing for an effective date."

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

2 * Section 1. AS 04.11.090(b) is amended to read:

3 (b) The biennial [ANNUAL] beverage dispensary license fee is \$2,500
4 [\$1,250].

5 * Sec. 2. AS 04.11.100(d) is amended to read:

6 (d) The biennial [ANNUAL] fee for a restaurant or eating place license is
7 \$600 [\$300].

8 * Sec. 3. AS 04.11.100(e) is amended to read:

9 (e) A license may be renewed under this section only if the licensee provides
10 evidence to the board's satisfaction that gross receipts from the sale of food upon the
11 licensed premises constitute no less than 50 percent of the gross receipts of the
12 licensed premises for each of the two preceding calendar years [LICENSE YEAR].

13 * Sec. 4. AS 04.11.110(c) is amended to read:

14 (c) The biennial [ANNUAL] club license fee is \$1,200 [\$600].

15 * Sec. 5. AS 04.11.120(c) is amended to read:

16 (c) The biennial [ANNUAL] bottling works license fee is \$500 [\$250].

17 * Sec. 6. AS 04.11.130(d) is amended to read:

18 (d) The biennial [ANNUAL] brewery license fee is \$1,000 [\$500].

19 * Sec. 7. AS 04.11.135(c) is amended to read:

20 (c) The biennial [ANNUAL] brewpub license fee is \$500 [\$250].

21 * Sec. 8. AS 04.11.140(d) is amended to read:

22 (d) The biennial [ANNUAL] winery license fee is \$500 [\$250].

23 * Sec. 9. AS 04.11.150(b) is amended to read:

24 (b) The biennial [ANNUAL] package store license fee is \$1,500 [\$750].

25 * Sec. 10. AS 04.11.160(a) is amended to read:

26 (a) A general wholesale license authorizes the holder to sell alcoholic
27 beverages in the original package, and wine in bulk, in quantities of not less than five
28 gallons. A holder of a general wholesale license may not sell to a person not licensed
29 under this title, except as provided in AS 04.21.040. A holder of a general wholesale
30 license may not sell alcoholic beverages unless any stamps required to be affixed to
31 the package by state or federal law are intact on the package. A wholesaler must

1 obtain a general wholesale license for each distributing point. The biennial
 2 [ANNUAL] general wholesale license fee is \$2,000 [\$1,000 FOR THE FIRST
 3 \$100,000 OF BUSINESS TRANSACTED], payable at the time of making an original
 4 application or an application for renewal. In addition, the following annual fees shall
 5 be paid by a holder of a general wholesale license:

<u>Total Business Transacted During Calendar Year</u>	<u>Annual Fee</u>
6 over \$100,000 and not over \$150,000	\$ 500
7 over \$150,000 and not over \$200,000	\$ 1,000
8 over \$200,000 and not over \$250,000	\$ 1,500
9 over \$250,000 and not over \$300,000	\$ 2,000
10 over \$300,000 and not over \$350,000	\$ 2,500
11 over \$350,000 and not over \$400,000	\$ 3,000
12 over \$400,000 and not over \$500,000	\$ 4,000
13 over \$500,000 and not over \$600,000	\$ 5,000
14 over \$600,000 and not over \$700,000	\$ 6,000
15 over \$700,000 and not over \$800,000	\$ 7,000
16 over \$800,000 and not over \$1,000,000	\$ 9,000
17 over \$1,000,000	\$10,000.

18
 19 * Sec. 11. AS 04.11.160(b) is amended to read:

20 (b) A wholesale malt beverage and wine license authorizes the holder to sell
 21 malt beverages and wine in the original packages in quantities of not less than five
 22 gallons. The holder of a wholesale malt beverage and wine license may not sell to a
 23 person not licensed under this title except as provided in AS 04.21.040. The biennial
 24 [ANNUAL] wholesale malt beverage and wine license fee is \$400 [\$200 FOR THE
 25 FIRST \$20,000 OF BUSINESS TRANSACTED DURING A YEAR], payable at the
 26 time of making an original application or application for renewal. In addition, the
 27 following annual fees shall be paid by a holder of a wholesale malt beverage and wine
 28 license:

<u>Total Business Transacted During Calendar Year</u>	<u>Annual Fee</u>
29 over \$20,000 and not over \$50,000	\$ 300
30 over \$50,000 and not over \$100,000	\$ 1,000

31

1	over \$100,000 and not over \$150,000	\$ 1,500
2	over \$150,000 and not over \$200,000	\$ 2,000
3	over \$200,000 and not over \$400,000	\$ 4,000
4	over \$400,000 and not over \$600,000	\$ 6,000
5	over \$600,000 and not over \$800,000	\$ 8,000
6	over \$800,000	\$10,000.

7 * Sec. 12. AS 04.11.160(c) is amended to read:

8 (c) No later than February 28 of each year [FOLLOWING THE YEAR FOR
9 WHICH A LICENSE HAS BEEN ISSUED UNDER THIS SECTION], the licensee
10 shall file with the board an affidavit showing the total business transacted during the
11 preceding calendar year under the license and the location of the licensed premises
12 at which the business was transacted. At the time of filing the affidavit, the licensee
13 shall pay the additional annual [LICENSE] fees accrued under (a) and (b) of this
14 section during the preceding calendar year.

15 * Sec. 13. AS 04.11.170(c) is amended to read:

16 (c) The biennial [ANNUAL] distillery license fee is \$1,000 [\$500].

17 * Sec. 14. AS 04.11.180(b) is amended to read:

18 (b) The biennial [ANNUAL] fee for a common carrier dispensary license is
19 \$700 [\$350] for each vehicle, boat, aircraft, or railroad buffet car in which alcoholic
20 beverages are served.

21 * Sec. 15. AS 04.11.210(b) is amended to read:

22 (b) The biennial [ANNUAL] fee for a recreational site license is \$800 [\$400].

23 * Sec. 16. AS 04.11.220(d) is amended to read:

24 (d) The biennial [ANNUAL] fee for a pub license is \$800 [\$400].

25 * Sec. 17. AS 04.11.250(a) is amended to read:

26 (a) A conditional contractor's permit authorizes the holder to sell beer or wine
27 for consumption only on designated premises for two years [ONE YEAR] from the
28 date of issuance of the permit at construction sites that are located outside a city and
29 inside the boundaries of a military or naval reservation.

30 * Sec. 18. AS 04.11.250(b) is amended to read:

31 (b) An applicant for a conditional contractor's permit must obtain and file with

1 the board written permission from the commanding officer of the military or naval
2 reservation and the prime contractor of the remotely situated project for the conduct
3 of the activities authorized by the permit. A conditional contractor's permit may be
4 renewed biennially [ANNUALLY] upon reapplication for a permit and may be
5 revoked or suspended at the discretion of the commanding officer or the prime
6 contractor.

7 * Sec. 19. AS 04.11.250(d) is amended to read:

8 (d) The biennial [ANNUAL] conditional contractor's permit fee is \$1,200
9 [\$600].

10 * Sec. 20. AS 04.11.270(a) is amended to read:

11 (a) An application for renewal of a license or renewal of a conditional
12 contractor's permit must include [:]

13 (1) the information required for a new license or permit under
14 AS 04.11.260 except that proof of notice under AS 04.11.310 is not required; and

15 (2) a list of all convictions of the applicant of violations of this title,
16 a regulation adopted under this title, or an ordinance adopted under AS 04.21.010, that
17 occurred in the preceding two calendar years [YEAR].

18 * Sec. 21. AS 04.11.270(b) is repealed and reenacted to read:

19 (b) A license shall be renewed as follows:

20 (1) on or before November 1 of each year, the director shall mail a
21 renewal application to each licensee whose license, unless renewed, will expire on
22 December 31 of that year; the application shall be mailed to the licensee at the
23 licensed premises or at a mailing address furnished by the licensee;

24 (2) the licensee shall submit the completed renewal application and the
25 biennial license fee to the director on or before December 31;

26 (3) a renewal application filed after December 31 is delinquent and
27 must be accompanied by a \$100 penalty fee;

28 (4) if December 31 falls on a weekend or a state holiday, the deadline
29 is extended to the first business day following December 31.

30 * Sec. 22. AS 04.11.330(a) is amended to read:

31 (a) An application requesting renewal of a license shall be denied if

1 (1) the board finds, after review of all relevant information, that
2 renewal of the license would not be in the best interests of the public;

3 (2) the license has been revoked for any cause;

4 (3) the applicant has not operated the licensed premises for at least 30
5 eight-hour days during each of the two preceding calendar years [THE
6 IMMEDIATELY PRECEDING CALENDAR YEAR], unless the board determines that
7 the licensed premises are under construction or cannot be operated through no fault of
8 the applicant;

9 (4) the board finds that issuance of an existing license under
10 AS 04.11.400(g) has not encouraged tourist trade;

11 (5) the requirements of AS 04.11.420 - 04.11.450 relating to zoning,
12 ownership of the license, and financing of the licensee have not been met;

13 (6) renewal of the license would violate the restrictions pertaining to
14 the particular license under this title;

15 (7) renewal of the license is prohibited under this title as a result of an
16 election conducted in accordance with AS 04.11.502;

17 (8) the application has not been completed in accordance with
18 AS 04.11.270;

19 (9) the license was issued under AS 04.11.400(j), and the board finds
20 that the public convenience does not require renewal.

21 * Sec. 23. AS 04.11.330(d) is amended to read:

22 (d) Notwithstanding (a) (3) of this section, a recreational site license issued
23 under AS 04.11.210 may be renewed if the license was exercised at least once during
24 each of the two [THE IMMEDIATELY] preceding calendar years [YEAR].

25 * Sec. 24. AS 04.11.490(b) is amended to read:

26 (b) If a majority of the voters vote "yes" on the question set out in (a) of this
27 section, the board shall be notified immediately after certification of the results of the
28 election and thereafter the board may not issue, renew, or transfer between holders or
29 locations a license for licensed premises located within the boundaries of the [A]
30 municipality and in unincorporated areas within five miles of the boundaries of the
31 municipality or within the perimeter of the [AN] established village. Licenses that

1 may not be renewed because of a local option election held under this section are void
2 90 days after the results of the election are certified. A license that will expire during
3 the 90 days after the results of a local option election under this section are certified
4 may be extended, until it is void under this subsection, by payment of a prorated
5 portion of the biennial [ANNUAL] license fee.

6 * Sec. 25. AS 04.11.492(b) is amended to read:

7 (b) If a majority of the voters vote "yes" on the question set out in (a) of this
8 section, the board shall be notified immediately after certification of the results of the
9 election and thereafter may not issue, renew, or transfer between holders or locations
10 a license for licensed premises located within the boundaries of the [A] municipality
11 and in unincorporated areas within five miles of the boundaries of the municipality,
12 with the exception of a beverage dispensary or package store operated under a
13 community liquor license held by the municipality. Licenses in effect are void 90 days
14 after the results of the election are certified. A license that will expire during the 90
15 days after the results of a local option election under this section are certified may be
16 extended, until it is void under this subsection, by payment of a prorated portion of the
17 biennial [ANNUAL] license fee.

18 * Sec. 26. AS 04.11.496(b) is amended to read:

19 (b) If a majority of the voters vote "yes" on the question set out in (a) of this
20 section, a person, beginning on the first day of the month following certification of the
21 results of the election, may not knowingly send, transport, or bring an alcoholic
22 beverage into the municipality or established village, unless the alcoholic beverage is
23 sacramental wine to be used for bona fide religious purposes based on tenets or
24 teachings of a church or religious body, is limited in quantity to the amount necessary
25 for religious purposes, and is dispensed only for religious purposes by a person
26 authorized by the church or religious body to dispense the sacramental wine. The board
27 shall be notified immediately after certification of the results of the election and
28 thereafter may not issue, renew, or transfer between holders or locations a license for
29 licensed premises located within the boundaries of the municipality and within
30 unincorporated areas within five miles of the boundaries of the municipality or within
31 the perimeter of the established village. Licenses that may not be renewed because of

1 a local option election held under this section are void 90 days after the results of the
2 election are certified. A license that will expire during the 90 days after the results of
3 a local option election under this section are certified may be extended, until it is void
4 under this subsection, by payment of a prorated portion of the biennial [ANNUAL]
5 license fee.

6 * Sec. 27. AS 04.11.498(c) is amended to read:

7 (c) If a majority of the voters of an established village vote "yes" on the
8 question set out in (a) of this section and the sale of alcoholic beverages, or the sale
9 and importation of alcoholic beverages, has not been previously prohibited in the
10 established village in accordance with AS 04.11.490 or 04.11.496, a person, beginning
11 90 days after certification of the results of the election, may not knowingly possess an
12 alcoholic beverage in the established village, unless the person is licensed by the board
13 or the alcoholic beverage is wine to be used for bona fide religious purposes based on
14 tenets or teachings of a church or religious body, is limited in quantity to the amount
15 necessary for religious purposes, and is dispensed only for religious purposes by a
16 person recognized by the church or religious body as authorized to dispense the wine.
17 The board shall be notified immediately after certification of the results of the election
18 and thereafter may not issue, renew, or transfer between holders or locations a license
19 for licensed premises located within the perimeter of the established village as defined
20 in AS 04.21.080(b). Licenses that may not be renewed because of a local option
21 election held under this section are void 90 days after the results of the election are
22 certified. A license that will expire during the 90 days after the results of a local
23 option election under this section are certified may be extended until it is void under
24 this subsection [SECTION], by payment of a prorated portion of the bienni?!
25 [ANNUAL] license fee.

26 * Sec. 28. AS 04.11.498(e) is amended to read:

27 (e) If a majority of the voters of a municipality vote "yes" on the question set
28 out in (a) of this section and the sale of alcoholic beverages, or the sale and
29 importation of alcoholic beverages, has not been previously prohibited in the
30 municipality in accordance with AS 04.11.490 or 04.11.496, an ordinance is adopted
31 that becomes effective beginning 90 days after certification of the results of the

1 election, and a person may not knowingly possess an alcoholic beverage in the
2 municipality, unless the alcoholic beverage is wine to be used for bona fide religious
3 purposes based on tenets or teachings of a church or religious body, is limited in
4 quantity to the amount necessary for religious purposes, and is dispensed only for
5 religious purposes by a person recognized by the church or religious body as
6 authorized to dispense the wine. The board shall be notified immediately after the
7 adoption of the ordinance and thereafter may not issue, renew, or transfer between
8 holders or locations a license for licensed premises located within the boundaries of
9 the municipality and within unincorporated areas within five miles of the boundaries
10 of the municipality. Licenses that may not be renewed because of a local option
11 election held under this section are void 90 days after the results of the election are
12 certified. A license that will expire during the 90 days after the results of a local
13 option election under this section are certified may be extended, until it is void under
14 this subsection [SECTION], by payment of a prorated portion of the biennial
15 [ANNUAL] fee.

16 * Sec. 29. AS 04.11.500(b) is amended to read:

17 (b) If a majority of the voters vote "yes" on the question set out in (a) of this
18 section, the board shall be notified immediately after certification of the results of the
19 election and thereafter may not issue, renew, or transfer between holders or locations
20 a license for licensed premises located within the boundaries of the municipality and
21 in unincorporated areas within five miles of the boundaries of the municipality or
22 within the perimeter of the established village, except those types of licenses listed on
23 the ballot. Licenses in effect within the boundaries of the municipality or perimeter
24 of the established village, and in an unincorporated area outside of but within five
25 miles of the boundaries of the municipality, except those types of licenses listed on the
26 ballot, are void 90 days after the results of the election are certified. A license that
27 will expire during the 90 days after the results of a local option election under this
28 section are certified may be extended, until it is void under this subsection, by payment
29 of a prorated portion of the biennial [ANNUAL] license fee.

30 * Sec. 30. AS 04.11.500(c) is amended to read:

31 (c) If the majority of the voters vote "no" on the question set out in (a) of this

1 section or vote "yes" on the questions set out in AS 04.11.490, 04.11.492, 04.11.496,
2 or this section if different types of licenses are listed on the ballot in an election
3 conducted in accordance with AS 04.11.502 after an election in which the voters voted
4 "yes" on the question set out in (a) of this section, the board shall be notified
5 immediately after certification of the results of the election. Licenses in effect in the
6 municipality, in the unincorporated area outside of but within five miles of the
7 boundaries of the municipality or established village that were excepted from the
8 prohibition on sale in accordance with the results of the earlier election are void 90
9 days after the results of the election are certified. Thereafter the board may not issue,
10 renew, or transfer between holders or locations a license for licensed premises located
11 within the boundaries of the municipality or within the perimeter of an established
12 village, or in an unincorporated area within five miles of the boundaries of the
13 municipality, except a license that may be issued to a municipality or to one of the
14 types of licenses listed on the ballot as a result of a majority of the voters voting "yes"
15 on the question set out in AS 04.11.492 or this section, respectively. A license that
16 will expire during the 90 days after the results of a local option election under this
17 section are certified may be extended, until it is void under this subsection, by payment
18 of a prorated portion of the biennial [ANNUAL] license fee.

19 * Sec. 31. AS 04.11.610(a) is amended to read:

20 (a) Biennial [ANNUAL] license fees, excluding annual wholesale fees and
21 biennial wholesale license fees, collected within a municipality shall be refunded
22 semi-annually to the municipality.

23 * Sec. 32. AS 04.11.680(a) is amended to read:

24 (a) Upon application and payment of one-quarter [ONE-HALF] of the
25 biennial [ANNUAL] fee, the board may issue a license under this title that will be
26 effective for a continuous six-month period. Otherwise, all licenses issued under this
27 title other than a retail stock sale license are effective for the two calendar years
28 [YEAR] ending December 31, unless a shorter period is prescribed by the board or by
29 law.

30 * Sec. 33. AS 13.26.410(a) is repealed and reenacted to read:

31 (a) The commissioner of administration may establish by regulation a schedule

1 of reasonable fees for the costs of the public guardian's services. The fee schedule
2 established may be based upon the ability of the ward or protected person to pay for
3 guardian services but may not exceed the actual cost of providing public guardian
4 services. The office of public advocacy shall charge and collect the fees established
5 under this subsection, but may waive collection of a fee upon a finding that collection
6 is not economically feasible or in the public interest.

7 * Sec. 34. AS 13.26.410(c) is amended to read:

8 (c) The public guardian may [SHALL] investigate the financial status of

9 (1) a person who requests the appointment of the public guardian as the
10 person's guardian or conservator; and

11 (2) a ward for whom a court has appointed the public guardian.

12 * Sec. 35. AS 13.26.410 is amended by adding a new subsection to read:

13 (f) The annual estimated balance in the account maintained under
14 AS 37.05.142 may be used by the legislature to make appropriations to the Department
15 of Administration to carry out the purposes of AS 44.21.400 - 44.21.410 (office of
16 public advocacy).

17 * Sec. 36. AS 14.43.120(a) is amended to read:

18 (a) Proceeds from a scholarship loan to a full-time student may only be used
19 for books, tuition and required fees, loan guarantee fees, and [FOR] room and board.
20 Proceeds from a scholarship loan to a half-time student may only be used for books,
21 [AND] tuition and required fees, and loan guarantee fees.

22 * Sec. 37. AS 14.43.120(h) is amended to read:

23 (h) Security may not be required for a loan; however, a loan guarantee fee,
24 as specified in (u) of this section, shall be charged at the time that the loan is
25 awarded. Additionally, provision shall be made for payment of all fees and costs
26 incurred in collection of the amount owed on the loan if it becomes delinquent or in
27 default.

28 * Sec. 38. AS 14.43.120 is amended by adding a new subsection to read:

29 (u) A loan guarantee fee of one percent of the total scholarship loan amount
30 shall be assessed upon a scholarship loan that is funded from the student loan fund of
31 the Alaska Student Loan Corporation. The loan guarantee fee shall be added as a

1 finance charge to the total loan amount awarded, notwithstanding the loan limits set
2 out at AS 14.43.110 and 14.43.115. Subject to appropriation, the loan guarantee fees
3 shall be deposited into a guarantee fee account within the student loan fund of the
4 Alaska Student Loan Corporation, and subsequently transferred by the commission to
5 loan accounts within the student loan fund to offset losses incurred due to student loan
6 debt cancellation as a result of death, disability, or bankruptcy of the student.

7 * Sec. 39. AS 14.43.300(a) is amended to read:

8 (a) A scholarship loan to a recipient under AS 14.43.250(b)(1) - (4) or (6) may
9 not exceed \$2,500 a school year for an undergraduate student or \$5,000 a school year
10 for a graduate student, exclusive of loan guarantee fees under (g) of this section, and
11 may not be made to a student for more than six years. A scholarship loan to a
12 recipient under AS 14.43.250(b)(5) may not exceed the cost of tuition and required
13 fees, loan guarantee fees under (g) of this section, books and educational supplies,
14 room and board, and transportation for two round trips between the recipient's home
15 and school each year. A loan under AS 14.43.250(b)(5) may not be made for more
16 than five years of undergraduate study, five years of graduate study, or a combined
17 maximum of eight years of study.

18 * Sec. 40. AS 14.43.300 is amended by adding a new subsection to read:

19 (g) A loan guarantee fee of one percent of the total memorial scholarship loan
20 amount shall be assessed upon a memorial scholarship loan. The loan guarantee fee
21 shall be added as a finance charge to the total loan amount awarded. Subject to
22 appropriation, the loan guarantee fee shall be deposited into a guarantee fee account
23 within the memorial scholarship revolving loan fund, and subsequently transferred by
24 the commission to the appropriate memorial scholarship accounts within the memorial
25 scholarship revolving loan fund to offset losses incurred due to loan debt cancellation
26 as a result of death, disability, or bankruptcy of the student.

27 * Sec. 41. AS 14.43.640(c) is amended to read:

28 (c) A loan may not exceed \$7,500 in a school year, exclusive of loan
29 guarantee fees.

30 * Sec. 42. AS 14.43.640(d) is amended to read:

31 (d) Proceeds from a teacher scholarship loan may be used only for

1 undergraduate expenses of books, tuition, required fees, loan guarantee fees, room and
2 board, and the transportation expense for two round trips between the loan recipient's
3 home and school.

4 * Sec. 43. AS 14.43.740(a) is amended to read:

5 (a) The provisions of AS 14.43.100, 14.43.110, 14.43.115, 14.43.120(a) - (d),
6 (i), (m), and (r) - (u) [(r) - (t)], and 14.43.135 apply to a loan made under
7 AS 14.43.710 - 14.43.790.

8 * Sec. 44. AS 16.05.390(d) is amended to read:

9 (d) Compensation provided by this section shall be paid from appropriations
10 made to the department [FROM THE GENERAL FUND].

11 * Sec. 45. AS 18.60.220 is amended to read:

12 Sec. 18.60.220. DUTIES OF THE DEPARTMENT OF LABOR. The
13 Department of Labor shall

14 (1) have all violators of AS 18.60.180 - 18.60.390 prosecuted;

15 (2) issue, suspend, or revoke for cause, inspection certificates provided
16 for in AS 18.60.390;

17 (3) take action necessary for the enforcement of the laws and
18 regulations governing the use of boilers and unfired pressure vessels;

19 (4) keep a complete record of the type, dimensions, maximum
20 allowable working pressure, age, condition, location, and date of the last recorded
21 internal inspection of boilers and unfired pressure vessels to which AS 18.60.180 -
22 18.60.390 apply;

23 (5) adopt regulations establishing reasonable fees for administering
24 special inspector examinations and for processing applications for special
25 inspector commissions; and

26 (6) do acts necessary to carry out the purposes of AS 18.60.180 -
27 18.60.390.

28 * Sec. 46. AS 18.62.020 is amended to read:

29 Sec. 18.62.020. APPLICATION FOR AND ISSUANCE OF CERTIFICATE.
30 The department shall issue certificates of fitness and renewal [VALID FOR ONE
31 YEAR AND] certificates of fitness valid for two [THREE] years. The certificate may

1 [SHALL] be issued only to an individual. An applicant for a certificate shall apply
2 in writing, under oath, on a form prescribed by the department containing

3 (1) the name and address of the applicant;

4 (2) the applicant's age;

5 (3) the applicant's citizenship; and

6 (4) [WHETHER THE APPLICANT IS APPLYING FOR A
7 ONE-YEAR OR A THREE-YEAR CERTIFICATE; AND

8 (5)] other information relevant to licensing that the department requires.

9 * Sec. 47. AS 18.62.030 is repealed and reenacted to read:

10 Sec. 18.62.030. FEES. An applicant

11 (1) shall pay a nonrefundable application and examination fee of \$50
12 when applying for a journeyman level certificate of fitness;

13 (2) for a trainee or journeyman level certificate of fitness shall pay a
14 biennial fee of \$160, to be prorated if the certificate is issued for a shorter period, for
15 the issuance of a certificate or a renewal certificate;

16 (3) shall pay a fee of \$25 for the issuance of a duplicate certificate of
17 fitness.

18 * Sec. 48. AS 18.65.220 is amended by adding a new paragraph to read:

19 (7) charge and collect reasonable fees, established by the council by
20 regulation, for processing applications for basic certification of police, probation,
21 parole, and correctional officers under regulations of the council.

22 * Sec. 49. AS 23.15.390 is amended to read:

23 Sec. 23.15.390. FEES. The fee for filing an application for a permit is \$100
24 [\$10]. All fees shall be deposited in the general fund. In addition to paying this fee,
25 all persons conducting employment agencies must comply with the provisions of
26 AS 43.70 (Alaska Business License Act).

27 * Sec. 50. AS 37.05.146(4) is amended by adding a new subparagraph to read:

28 (R) receipts of the group insurance programs established under
29 AS 39.30.090.

30 * Sec. 51. AS 37.05.289(a) is amended to read:

31 (a) There is established in the general fund a state insurance catastrophe

1 reserve account consisting of assets appropriated to it by the legislature, [AND] assets
2 allocated to the account by the Department of Administration as provided in [(b) OF]
3 this section, and amounts deposited into the account as provided in this section.

4 Assets of the account may be used to obtain insurance, to establish reserves for the
5 self-insurance program, and to satisfy claims or judgments arising under the program.
6 Interest earned on money in the account shall be remitted to the Department of
7 Revenue in accordance with AS 37.10.050.

8 * Sec. 52. AS 37.05.289 is amended by adding new subsections to read:

9 (c) The \$5,000,000 cap, set in (b) of this section, on money that may be
10 retained in the state insurance catastrophe reserve account applies only to unobligated
11 money in the account at the end of a fiscal year.

12 (d) Amounts received in settlement of insurance claims or as recovery for
13 losses shall be deposited into the state insurance catastrophe reserve account.

14 * Sec. 53. AS 39.30.090(a)(4) is amended to read:

15 (4) In procuring a policy of group health or group life insurance
16 as provided under this section or excess loss insurance as provided in
17 AS 39.30.091, the [THE] Department of Administration shall comply with the dual
18 choice requirements of AS 21.86.310, and shall obtain the insurance policy from an
19 [ANY] insurer authorized to transact business in the state under AS 21.09, a hospital
20 or medical service corporation authorized to transact business in this state under
21 AS 21.87 [AND AS 21.90], or [FROM] a health maintenance organization authorized
22 to operate in this state under AS 21.86. An excess loss insurance policy may be
23 obtained from a life or disability insurer authorized to transact business in this
24 state under AS 21.09 or from a hospital or medical service corporation authorized
25 to transact business in this state under AS 21.87.

26 * Sec. 54. AS 39.30.090(a)(5) is amended to read:

27 (5) The Department of Administration shall make available bid
28 specifications for desired insurance benefits or for administration of benefit claims
29 and payments to (A) all insurance carriers authorized to transact business
30 [LICENSED] in this [THE] state under AS 21.09 and all hospital or medical service
31 corporations authorized to transact business under AS 21.87 who are [AND]

1 qualified to provide the desired benefits; and (B) to insurance carriers authorized
2 to transact business in this state under AS 21.09, hospital or medical service
3 corporations authorized to transact business under AS 21.87, and third-party
4 administrators licensed to transact business in this state and qualified to provide
5 administrative services. The specifications shall be made available [ON OR
6 BEFORE JULY 1, 1965, AND] at least once every [SUCCEEDING] five years. The
7 lowest responsible bid submitted by an insurance carrier, hospital or medical service
8 corporation, or third-party administrator with adequate servicing facilities shall
9 govern selection of a carrier, hospital or medical service corporation, or third-party
10 administrator under this section or the selection of an insurance carrier or a
11 hospital or medical service corporation to provide excess loss insurance as
12 provided in AS 39.30.091.

13 * Sec. 55. AS 39.30 is amended by adding a new section to read:

14 Sec. 39.30.091. AUTHORIZATION FOR SELF-INSURANCE AND EXCESS
15 LOSS INSURANCE. Notwithstanding AS 21.86.310 or AS 39.30.090, the Department
16 of Administration may provide, by means of self-insurance, one or more of the benefits
17 listed in AS 39.30.090(a)(1) for state employees eligible for the benefits by law or
18 under a collective bargaining agreement. The department shall procure any necessary
19 excess loss insurance under AS 39.30.090.

20 * Sec. 56. AS 39.30.095(a) is amended to read:

21 (a) The commissioner of administration shall establish the group health and
22 life benefits fund as a special account in the general fund to provide for group life and
23 health insurance under AS 39.30.090 and 39.30.160 or for self-insurance
24 arrangements under AS 39.30.091. The commissioner shall maintain accounts and
25 records for the fund. The fund consists of employer contributions, employee
26 contributions, appropriations from the legislature, and income earned on investment of
27 the fund as provided in (d) of this section.

28 * Sec. 57. AS 39.30.095(b) is amended to read:

29 (b) After obtaining the advice of an actuary, the commissioner of
30 administration shall determine the amount necessary to provide benefits under
31 AS 39.30.090, 39.30.091, and 39.30.160 and shall set the rate of employer contribution