

ALASKA LEGISLATURE

HOUSE and SENATE FINANCE COMMITTEE FILES,

1993-1994

1225

299

Cooperative Marketing Program

The ATMC achieves its promotional objectives through an integrated marketing program directed at domestic and Canadian markets with the greatest potential for producing new and repeat visitors. Components of the program developed by the ATMC include:

- * The Official State Vacation Planner distributed to more than 500,000 potential visitors;
- * Domestic and Canadian magazine advertising, targeting adventure and outdoor travelers;
- * National television image advertising;
- * National public relations efforts;
- * Direct mail advertising campaigns;
- * Special Alaska newspaper sections in major U.S. markets;
- * Winter campaign promoting "off-season" travel to Alaska.

Through extensive market research, analysis of conversion rates and visitor spending habits, the cooperative marketing effort has resulted in award-winning marketing campaigns and unprecedented growth in Alaska's visitor industry.

Benefits of Cooperative Marketing

As a comprehensive travel guide created and designed specifically for people who have already indicated a strong interest in an Alaska vacation, the Vacation Planner represents an extraordinarily affordable and effective vehicle for all tourism-related businesses.

For the nominal cost of a narrative advertisement, businesses can reach hundreds of thousands of potential customers through distribution of the planner via direct mail, at trade shows and travel events, and to 50,000 travel

agents around the nation. Moreover, display advertising in the planner offers unparalleled exposure for Alaska tourism businesses.

In addition to offering advertisement, the Cooperative Marketing Program gives industry businesses the option to develop their own customized direct mail marketing campaign through the sale of labels. Using a list generated from requests for the Vacation Planner, this program is capable of sorting names and addresses of more than 450,000 potential visitors based on a variety of demographic data. The labels program offers virtually all industry businesses a highly cost effective promotional avenue to reach an extremely targeted market base.

Alaska Division of Tourism

The Alaska Division of Tourism is a division of the Department of Commerce and Economic Development. The DOT Director serves as an automatic appointment to the Alaska Tourism Marketing Council, and has a standing seat on the Alaska Visitors Association's Board of Advisors.

The DOT maintains a variety of promotional projects and programs that complement the efforts of ATMC and AVA to serve the visitor and encourage business development.

Tourism Marketing

On the international scene, the DOT promotes Alaska, focusing primarily in Japan and the German-speaking countries of Europe. With tourism offices in both Japan and Germany, this promotion includes consumer advertising, travel trade show exhibits, travel writers/tour wholesaler familiarization tours, and production of foreign language collateral.

On the domestic front, the DOT engages in activities, both independent of and in cooperation with the ATMC, to promote Alaska in the Lower 48. Among those activities is an extensive visitor research program used by the division, ATMC, community organizations and private business to guide marketing efforts. In addition, the division directly mails destination information to travel agencies nationwide, and responds to over 131,000 telephone and mail requests for information from potential visitors.

Visitor Services

The DOT participates with state and federal agencies in operating Alaska Public Land Information Centers in Anchorage and Fairbanks, and fully funds and operates the Tok Visitors Center as an APLIC. The DOT also prints and distributes informational brochures and maps for Alaska trip planning.

Business Development and Assistance

The DOT provides technical assistance to communities developing visitor attractions and private businesses initiating or expanding their product. As part of that effort, the division is spearheading development of the Alaska's most customer service training program offered to tourism businesses statewide. In addition, the division's Alaska Film Office promotes Alaska as a motion picture and television production location.

Product Analysis

DOT participates in feasibility analysis and design of new in-state visitor attractions, and works cooperatively to promote creation of new direct passenger air routes from overseas.

COOPERATIVE MARKETING

The Alaska Cooperative Marketing Program

The Cooperative Marketing Program is a unique joint venture between the state and private industry to bring visitors to Alaska. The Alaska Visitors Association, representing private industry, contracts with the State of Alaska to jointly manage the Alaska Tourism Marketing Council which executes the marketing program.

AVA

The Alaska Visitors Association is a statewide, non-profit trade association representing more than 700 Alaska businesses. With a charter of promoting travel to and within Alaska, the association provides a unified voice for the visitor industry, lobbies the legislature to encourage funding and support of tourism issues and provides a matching contribution to state tourism funds. This match is generated by ad and mailing label revenues from the Official Alaska State Vacation Planner. The association has four primary goals for the coming year:

- Increase the number of visitors to Alaska
- Increase the state funding for tourism promotion
- Educate the visitor industry on important tourism issues
- Encourage and support AVA member businesses

ATMC

The Alaska Tourism Marketing Council is a public corporation jointly managed by AVA and the Alaska State Department of Commerce and Economic Development. It is charged with development and execution of Alaska's domestic and Canadian marketing program. ATMC promotes Alaska as a world-class visitor destination through marketing, advertising and public relations. A yearly appropriation from the legislature and a 15 percent matching contribution from the AVA gives the council its operating capital. The 21-member council is comprised of 10 governor-appointed members, 10 AVA-appointed members and the Director of the Division of Tourism.

DOT

The goal of the state Division of Tourism is to foster the growth of tourism in Alaska. The division follows up on more than 50,000 separate requests for information and represents Alaska at consumer and trade shows throughout the nation. The DOT is responsible for developing international markets, developing research data, providing assistance to tourism businesses and overseeing grant programs. The division also promotes Alaska as a filming location to the movie industry.

ATMC



AVA

DOT

Cooperative Marketing Components

Alaska's Cooperative Marketing Program is a national program promoting Alaska as a visitor destination. The components of the program, which are developed by the ATMC, include:

- The Vacation Planner, sent to more than 700,000 potential visitors.
- Domestic & Canadian magazine advertising, targeting adventure/outdoor travelers.
- National television image advertising.
- National public relations effort.
- Direct mail advertising campaign.
- Special "Alaska" newspaper sections in major U.S. markets.
- Fall/Winter/Spring campaign promoting "off-season" Alaska.

PUBLIC ATTITUDES

The Alaska Visitors Association (AVA) contracted with Cracium & Associates to conduct a statewide public opinion survey on tourism. The main purpose of the survey was to understand Alaskan residents' experiences and perceptions of the role the tourism industry plays in diversifying the State's economy.

The statewide public opinion survey on tourism was conducted with several objectives in mind:

- ☞ gather data on Alaskan views of the tourism industry;
- ☞ identify the current image and perception of tourism specifically, and in relationship to other industries (i.e. mining, fishing, timber, oil and government);
- ☞ explore attitudes regarding the future economic impact of tourism; and
- ☞ track public opinion so that policy makers and businesses can better monitor the growth and development of tourism in the State of Alaska.

Key Findings

If State revenue from oil declines, four out of five Alaska residents, 79.6% of Alaskans surveyed, believe tourism and fishing will be critical for a healthy state economy.

When attention is turned to their local area, seven out of ten Alaskans feel tourism is essential to the local economy. This was especially true for Anchorage, Kenai, Kodiak, Fairbanks, and southeast Alaska. Demographically, more women saw tourism as important to the economy of the area than did men (81% to 63%, respectively). By the same token, a respondent's age and length of residence in Alaska had no bearing on their opinions about the importance of tourism to the local economy.

Half of the respondents either worked or knew someone who worked in a tourism-related industry.

In a series of questions designed to assess underlying values and beliefs about tourism and its effect on the quality of life in Alaska, the public response to arguments for and against tourism revealed a resounding positive experience toward tourism, both economically and personally.

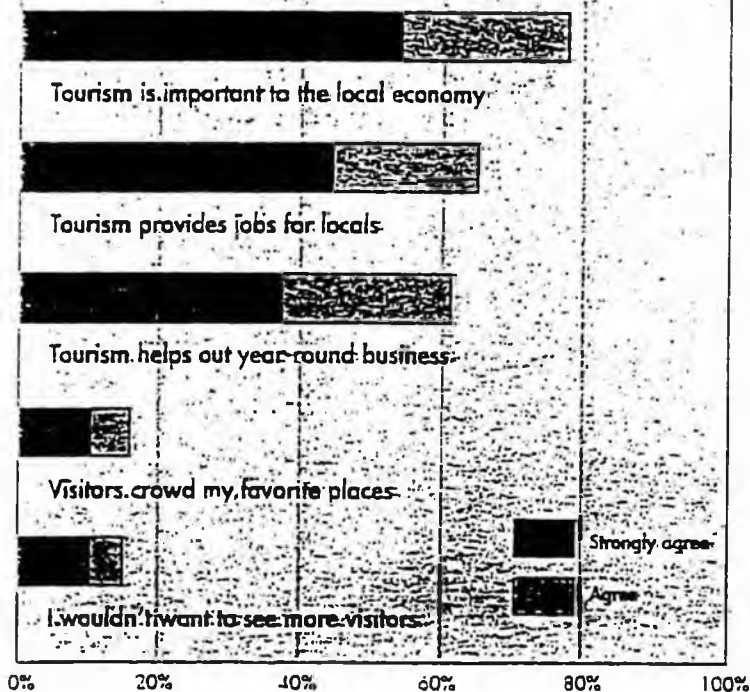
More than three quarters (78%) AGREE with the statement, "Tourism is important to my local economy." When residents were queried about the potential encroachment of tourists, 74% DISAGREE that "I wouldn't want to see any more visitors in my area than there are now." Clearly two-thirds (66%) held strong beliefs that tourists, in fact, provided jobs for locals and helped out year-round local businesses (62%).

A comparison of a similar lifestyle question from a 1989 study on tourism found 24% of Anchorage residents AGREEING with the statement "Tourists crowd all the good places in Anchorage in the summer." In the current study, only 15% of Anchorage residents AGREE that "visitors make it difficult for me to go to my favorite places."

Finally, the study looked at the public sentiment regarding State spending on advertising and promotion. Nearly one-third thought the State should SPEND MORE, (a rare statement of support at a time of increasing cuts in government spending) no doubt to fulfill their hopes of tourism dollars replacing declining oil revenues.

A Survey of Public Attitudes Toward Tourism in Alaska

Conducted by Cracium & Associates July 1991



VISITOR INDUSTRY IMPACT

The visitor business is Alaska's #1 growth industry.

Specifically, the visitor industry:

- ☛ Has the highest percentage of Alaska resident hire of all basic industry sectors, with an 84% local Alaska hire rate;
- ☛ Is the second largest private sector employer in Alaska, surpassed only by the seafood industry. The industry employs 13,300 during the peak season and 13,500 people year-round;
- ☛ Affects the employment of more than 52,000 other people in the transportation, retail or service sectors. And, it would most likely account for another 3,000 primary jobs if travel by Alaskans within Alaska had been calculated;
- ☛ Employs the most people in Southcentral (7,256 jobs with a peak season total of 9,573). Southeast accounts for the second highest employment (2,598 with a peak season total of 3,949) and the Interior/Far North employment ranks third (2,038 jobs with 2,973 during peak season);
- ☛ Generates \$244 million in annual payroll (based on 1990 employment data);
- ☛ Generates \$1.1 billion in revenues and spends an estimated \$590 million on inventory, advertising, marketing and labor. An additional \$260 million is paid out in taxes and other business-related expenses;
- ☛ Spends the most in Southcentral (\$168 million in 1990), second highest amount in Southeast (\$56 million), third highest in Interior/Far North (\$52 million) and 59 million in Southwest Alaska; and,
- ☛ Invests heavily in Alaska. Investments in Alaska are estimated to be \$448 million in property and operating equipment. The industry investment in Alaska is expected to top half a billion dollars within the next few years.

Tourism brings \$1.1 billion in revenues to Alaska.

Between 1989 and 1990, visitor businesses generated \$1.1 billion in revenues. Of this, approximately \$822 million represented business spending, with the remaining \$260 million going for taxes, payment to capital, and profits to business owners.

The total investment in Alaska's visitor industry is estimated at \$448 million, not including an estimated \$2 billion or more in cruiseship investments.

Tourism is a statewide industry.

In all of Alaska's regional economies, the tourism industry is a leading industry in the private sector. In the Southcentral and Interior/North regions, it ranks second, and in Southeast it ranks third. It is a growing factor in the Southwest and Arctic Alaska economies.

As the fastest growing industry in Alaska, tourism's future promise is a long range economic force offering year-round employment to thousands of residents.

Total Revenues to the State of Alaska from the Visitor Industry

As the following table illustrates, a total of over \$30 million attributable to the visitor industry flows into the state's general fund each year. The Alaska Marine Highway System, Department of Fish and Game, and corporate income taxes are the largest sources.

In addition, the Alaska Railroad and International Airport System also receive a significant amount of revenue attributable to the visitor industry. Although these are state operations, their finances are largely independent, and their revenues do not flow into the state general fund. Both of these revenue sources are included under "revenues to other state entities" in the adjoining table. Together, they received close to \$21 million in revenues attributable to the visitor industry.

The figures included in this table represent a *minimum* level of revenues to the state from the visitor industry. There are certainly additional sources of revenue to the state from the visitor industry that could not be quantified here (for example, rental car registration fees).

Despite these limitations, the data presented captures the most significant visitor industry sources of revenue to the state. The figures presented are based on hard data gathered from a variety of sources. Where necessary, conservative estimates were made. The result is a defensible, detailed estimate of the contribution of the visitor industry to state general fund revenues.

Revenues to the General Fund

Non-resident Visitor Spending

State Parks, FY91	
<i>Camping Permits, Historical Guided Tours, Other</i>	\$ 273,000
Department of Fish and Game, CY91	
<i>Non-resident and Alien Tags and Permits</i>	\$ 7,607,000
Alaska Marine Highway System, AVSP89-90	
<i>Non-resident Spending on Ferry Transportation</i>	\$ 14,900,000
Gasoline Taxes Paid by Visitors, AVSP89-90	\$ 517,000
State and University Museums, FY91	
<i>Non-resident Visitor Admission Fees</i>	\$ 240,000

Taxes and Fees from Visitor Industry Businesses

Department of Motor Vehicles Fees, Cy90	
<i>Tour Bus Vehicle Registration Fees</i>	\$ 43,000
Corporate Income Tax, FY91	\$ 4,169,000
Business License Fees, FY91	\$ 125,000
Aviation Fuel Taxes, FY90	\$ 2,000,000
Tour Bus Fuel Tax, CY91	\$ 41,000

Agencies Promoting the Visitor Industry

Alaska Division of Tourism, FY91	
<i>Program Receipts and ATMC</i>	\$ 1,269,000

Subtotal: Revenues to the General Fund **\$ 31,184,000**

Revenues to Other State Entities

Alaska Railroad, CY91	
<i>Pull Revenues, Specials, and</i>	
<i>Estimated Non-resident ticket Receipts</i>	\$ 7,400,000
Alaska International Airport System, FY91	\$ 13,385,000

Subtotal: Revenues to Other State Entities **\$ 20,785,000**

Grand Total **\$ 51,969,000**

**ALASKA NATIVE
TOURISM COUNCIL**
Sharing Alaska's Rich Native Cultures

MEMORANDUM

TO: Honorable Walter J. Hickel
Paul Fuhs, Commissioner of Commerce
and Economic Development
Mary Pignalberi, Director, Alaska Division of Tourism
Members, Alaska House of Representatives
Members, Alaska Senate

FROM: Ann Campbell, Executive Director *Ann*
Alaska Native Tourism Council

RE: Resolution in Support of the Alaska Tourism Marketing Council

DATE: March 9, 1994

Attached to this memorandum, you will find a resolution passed by the Alaska Native Tourism Council at its March meeting, which states unanimous support for the Alaska Tourism Marketing Council (ATMC). This resolution illustrates our support for full refunding of the ATMC's FY 95 budget as well as for its reauthorization.

As you head into final budget considerations for the FY 95 year, please understand that the ATMC program significantly benefits many small businesses throughout Alaska, including rural tourism entrepreneurs. The ATMC, through its domestic marketing efforts, helps stimulate the Alaska economy, creates jobs in rural Alaska and produces a good income for many in rural Alaska.

Through the cooperative marketing program managed by the ATMC, the Alaska Native Tourism Council membership can effectively market Native cultural attractions to millions of potential visitors every year. Our research shows that 50 percent of those people who received information from our members, and who visited Alaska, did visit rural/cultural tour products.

Our membership of 10 community-owned tourism businesses representing the width and breadth of Alaska, is asking each of you to support our industry through your support of the Alaska Tourism Marketing Council's \$7.2 million budget and its longevity.

**ALASKA NATIVE
TOURISM COUNCIL**
Sharing Alaska's Rich Native Cultures

RESOLUTION

Whereas the Alaska tourism industry is strong and growing with over a million visitors arriving each year;

Whereas the strength of Alaska tourism is based upon a successful cooperative marketing program;

Whereas the Alaska Native Tourism Council is a body representing a wide spectrum of Native-owned and operated tourism projects across the state;

Whereas Alaska Native Tourism Council depends on the efforts of the Alaska Tourism Marketing Council (ATMC), whose cooperative marketing program is regarded as one of the most effective in the nation;

Whereas mailing lists from the ATMC program produce outstanding conversions of visitors to Native tourism products;

Whereas many organizations like the Alaska Native Tourism Council couldn't afford to develop mailing lists as productive as the ATMC's leads;

Whereas the continued success of the Alaska Native Tourism Council is dependent upon the continuation of the ATMC;

Whereas the combined efforts of the ATMC and the Alaska Native Tourism Council have produced additional income and jobs for rural Alaskans;

Now therefore be it resolved that the Alaska Native Tourism Council supports a continuation of the authorization of ATMC;

Be it further resolved that the Alaska Native Tourism Council strongly supports full funding for the ATMC program which is so essential for rural tourism success.

This resolution was passed unanimously by the Alaska Native Tourism Council on March 1, 1994.

REPORT CONCLUSIONS

Currently AS 44.66.010 has ATMC scheduled for termination on June 30, 1993 and provides ATMC with a year in which to conclude its affairs. We recommend that the legislature consider legislation that extends ATMC's termination date to June 30, 1997 with the provision that current state general funds supporting their budget be gradually replaced by program receipts generated from revenues derived from the tourism industry (see Recommendation No. 1). Given the future prospect of declining state oil revenues and the continuing growth and maturity of the tourism industry, it is our opinion that state participation in funding the domestic tourism market should be gradually replaced with self-assessed taxes, fees, and/or contributions. This could take the form of enacting legislation to replace state general fund money with an assessment tax on the tourism industry, similar to that paid by commercial seafood processors, to fund the operations of the Alaska Seafood Market Institute. This recommendation is consistent with the Administration's desire to encourage privatization of ATMC. The Division of Tourism (DOT) should closely monitor the effect this action has, if any, on immature or undeveloped tourism markets and adjust the DOT program accordingly.

FINDINGS AND RECOMMENDATIONS

Of the following three recommendations, note that the third is directed solely at the Department of Commerce and Economic Development (DCED), Division of Tourism (DOT). Its inclusion in this report is due to our discovery of a material internal control weakness in DOT's disbursement procedures.

Recommendation No. 1

The legislature should consider legislation that extends the Alaska Tourism Marketing Council's (ATMC's) termination date to June 30, 1997 with the provision that current state general funds supporting its budget be gradually replaced with program receipts from tourism industry contributions or assessments within that four year period.

During Governor Hickel's Organizational Efficiency Task Force review, the operations of DCED as well as other state agencies were examined. In their summary report dated July 1992, the task force felt that state funds should be targeted to assisting the creation of new ventures rather than subsidizing the costs of maturing businesses. Consequently they felt that the efforts to privatize the activities of the ATMC should continue.

Currently the industry is required by statute to contribute at least 15% of the costs of ATMC. AVA has indicated a willingness to increase their contribution to the program. In a December 1991 letter to the commissioner of DCED they state:

We understand and are committed to the desire of the administration to reduce the contribution from the general fund for generic marketing in an effort to replace that source over a five (5) year period with resources of private and state support in collaboration with the Alaska Visitors Association (AVA). The AVA supports in principal the concept that generic marketing should be supported in part by private sector contribution and by new funding sources, rather than solely by the state general fund . . .

AVA has stated that they will increase their contribution to the marketing program. However, in an AVA project entitled *Destination: Alaska, Strategies for the Visitor Industry*, draft recommendations (among many others) were made that the visitor industry should be taxed and increased state general funds should be allocated to ATMC and DOT. It is our understanding that this report is currently being revised, thus these recommendations may be subject to change.

We recommend that current state general funds be gradually replaced by tourism industry generated funds. DCED should coordinate with the industry in determining the options available by which the industry can generate these funds. These funds may be increased industry contributions, industry assessments, tourism-related taxes or a combination of these.

As the goal of replacing state general funds with program receipts from the tourism industry is effectuated, the relationship between DCED and the industry as it is currently legislated may need re-evaluated.

Recommendation No. 2

The legislature should consider legislation to incorporate ATMC's staff within the Division of Tourism.

Currently, Alaska Statutes 44.33.710 provides that the ATMC board of directors may employ and determine the salary of the staff of ATMC. Staff is limited by the statutes to an executive director and no more than two employees. The statutes further provide that if there is no executive director, the staff of the council is to be supervised by the director of DOT.

Presently there is duplication of duties between DOT and ATMC staff. The director of DOT is statutorily responsible for ATMC's procurement activities. AS 44.33.120(b)(3) states, "*The Alaska division of tourism shall . . . review and approve the procurement documents and procedures of the tourism marketing council to ensure compliance with applicable laws and regulations . . .*" Additionally, AS 44.33.705 (11)(d) provides that "*a contract or grant entered into by the council is not effective until signed by the director [of the Division of Tourism].*" DOT staff are therefore responsible for monitoring ATMC's contracts, payments, and procurement. However, ATMC staff duties also include preparing budgets, administering contracts, and handling procurement.

Incorporating ATMC's staff within the Division of Tourism would eliminate these duplicate duties and provide for more efficient operations.

Recommendation No. 3

The Department of Commerce and Economic Development (DCED), Division of Tourism (DOT) should comply with the state budgetary process, state procurement code, and generally acceptable accounting principles and immediately cease the practice of diverting funds to non-state agencies. DCED should work with the Department of Administration in resolving this issue and make recovery to the State as may be considered necessary.

DOT directed a State of Alaska subcontractor to pay the Alaska Highway Rendezvous '92 Society \$6,500 that should have been credited to the State of Alaska. This check accompanied a letter dated November 5, 1992 from DOT that stated:

. . . the revised "Wings Over the North" production was never approved nor budgeted for by the Division of Tourism. Rather, you proceeded on a verbal commitment made in a telephone conversation with Lt. Governor Coghill, which he does not recall having made and which we have tried unsuccessfully to document.

The letter further stated that

. . . due to Alaska procurement laws which require some form of competitive solicitation in order to enter into contracts, we do not have a contractual arrangement. . . . Therefore, our only approach lies in redirecting funds. . . . A good example is the enclosed check from a printer who owed the division a credit and which we are now directing to you.

It is inconceivable to us that state employees would believe diverting monies due the State is an appropriate and legal action. The practice circumvents the state accounting system and certification process. At a minimum, circumvention of this process results in the state accounting records not accurately reflecting the financial transactions of the State. Processing transactions outside the state accounting system create an environment conducive to fraudulent transactions. Since the check/credit noted above related to FY 92 expenditures, it is possible that this diversion of funds also violates provisions regarding the expenditure of state funds as outlined in Section 13, Article IX of the Alaska Constitution.

In addition to the preceding check, according to DOT personnel, at least another \$700 in state funds have been diverted in a similar manner.

Internal controls should ensure that state resources are safeguarded against waste, loss, and misuse; that state resources are used consistent with laws, regulations, and policies; and reliable data is obtained, maintained, and fairly disclosed in reports. Management is responsible for implementing and maintaining adequate internal control systems and should institute timely action to correct identified internal control system weaknesses.

DCED should work with the Department of Administration to determine the appropriate corrective action to remedy the above matter.

WALTER J. HICKEL, GOVERNOR

DEPARTMENT OF COMMERCE AND
ECONOMIC DEVELOPMENT

OFFICE OF THE COMMISSIONER

P.O. BOX 110800
JUNEAU, ALASKA 99811-0800
PHONE: (907) 465-2500
FAX: (907) 463-3841

February 26, 1993

Mr. Randy S. Welker
Legislative Auditor
Alaska State Legislature
Legislative Budget and Audit Committee
Division of Legislative Audit
P.O. Box 113300
Juneau, AK 99811-3300

RECEIVED
FEB 26 1993
LEGISLATIVE AUDIT

Dear Mr. Welker:

Re: Preliminary Report
Department of Commerce and Economic Development
Sunset Review of the Alaska Tourism Marketing Council

This letter presents the response of the Department of Commerce and Economic Development (DCED) to the sunset review of the Alaska Tourism Marketing Council (ATMC). You will also find enclosed a separate response from the ATMC's Planning Committee.

Recommendation No. 1: The Legislature should consider legislation that extends the ATMC's termination date to June 30, 1997 with the provision that current State general funds supporting its budget be gradually replaced with program receipts from tourism industry contributions or assessments within that four year period.

We agree that the ATMC should be extended. Furthermore, the Hickel Administration has taken the position that the visitor industry's share of the cost of the ATMC should be increased. In the FY 94 operating budget, the Governor has proposed increasing the industry's share of the ATMC operating budget from 15 percent to 20 percent. Whether State general fund support obtained from existing sources can be phased out entirely depends on legislative enactment of a new revenue source in support of the state's tourism promotion efforts.

Recommendation No. 2: The Legislature should consider legislation to incorporate ATMC's staff within the Division of Tourism.

I disagree. There is currently no duplication of duties between the Division of Tourism (DOT) and the ATMC. The statutes creating the ATMC do not delineate areas of specific responsibility which, to those not intimately involved with the program, might lead to confusion about each agency's responsibilities. We have overcome this by ensuring that both organizations meet cooperatively to determine the most efficient and effective ways to share responsibilities.

The legislation which established the ATMC clearly shows that the ATMC is to operate independently of the DOT. As long as the ATMC is operating under the contractual

arrangements provided for in the statutes and agreed to by the Commissioner, then the ATMC should have its own staff and executive director.

Regarding the statutory requirement that the Director of Tourism sign all ATMC contracts, just because there exists this requirement does not mean that there is duplication of duties. Departments regularly require at least two signatures on contracts: director and commissioner.

Recommendation No. 3: The DCED, DOT should comply with the State budgetary process, State procurement code, and generally acceptable accounting principles and immediately cease the practice of diverting funds to nonstate agencies. DCED should work with the Department of Administration in resolving this issue and make recovery to the State as may be considered necessary.

I must first state that this recommendation has absolutely nothing to do with the ATMC and should not be part of this audit report. Nonetheless, I concur with this recommendation. The department's standard operating procedure is to require line divisions to discuss any and all financial or procurement practices out of the ordinary with the staff and director of the Division of Administrative Services. Had these procedures been followed, this incident would not have occurred.

This incident resulted from poor communication, a lack of understanding of appropriate State procedures, and the attempt by the DOT to honor what was felt to be a financial obligation of the State of Alaska to the International Joint Commission (IJC). The IJC has been in existence for three years and is a joint effort between the Canadian and Alaskan governments to promote tourism.

In FY 92, \$25,000 in expenses were incurred by the IJC on the State's behalf in relation to the Alaska promotional event, "Wings Over the North." The IJC believed it would be reimbursed for these expenses by the State while the DOT believed the project had been reduced and/or canceled. When the expenses were presented to the DOT it was determined by the director that in order to maintain the excellent working relationship that exists between the two governments, the IJC should be reimbursed, if at all possible.

Therefore, rather than receiving the unanticipated payments from United Graphics Inc. for lost slides and the Fairbanks Convention and Visitors' Bureau, the DOT requested that these monies owed the State be routed directly to the IJC. This was not a deliberate attempt to circumvent any State statute or procedure. It was an honest attempt to honor what was felt to be an obligation of the State. I have been in contact with the director of DOT and he is clearly aware of and apologetic for the circumvention of appropriate State procedures.

In an effort to resolve this issue, the department requested that the IJC return the funds to the State. The money was returned on February 5, 1993.

Analysis of Public Need.

My responses to the auditor's comments in this section are limited to specific quotes with which I disagree or which I feel need clarification.

Page 14: DCED does not document analysis performed before entering into an agreement with AVA for joint management of ATMC.

I think this statement has arisen from a misunderstanding of the intent of the statute on the part of the legislative auditor. It is not up to the Commissioner of the Department of Commerce and Economic Development to determine whether there should be a tourism marketing program: that decision resides with the Governor and the State Legislature. The statute cited by the auditor (AS 44.33.705), limits the Commissioner's authority to determining whether the tourism marketing program should be run "through a cooperative marketing program between the state and a qualified trade association having expertise in tourism" or through "a board of directors consisting of the director of tourism, the commissioner of commerce and economic development, and the commissioner of another principal executive department designated by the governor." Once again, the judgement and review of corroborating backup to determine whether there should be a tourism marketing program rests with the Governor and the State Legislature.

Page 15: The DCED/AVA joint management agreement not in compliance with Alaska Statutes.

As the auditor has indicated, the current joint management agreement between DCED and the AVA has been reviewed and approved by the Department of Law. The current agreement expires on June 30, 1994.

Page 15: DOT's potential conflicts of interest within ATMC.

With respect to conflicts of interest between the department and the ATMC, I can only speak from my own experience as Commissioner of DCED since July 1992. I have an excellent working relationship with the members of the ATMC. In my experience, the ATMC has proven a valuable organization which operates in the public interest.

Thank you for the opportunity to comment, and if you require additional information, please contact me at 465-2500.

Sincerely,


Paul Fuhs
Commissioner

GB/yd005.bel
022293a
Enclosure

FISCAL NOTE

STATE OF ALASKA
1994 LEGISLATIVE SESSION

No. 1
Bill Version: SB 341
(S) Publish Date: 3-14-94

Revision Date: 3/9/94
Title: Extending the termination date for
the Alaska Tourism Marketing Council
Sponsor: Senate Labor and Commerce
Requestor: Senate Labor and Commerce

Department Affected: Commerce and Economic Development
BRU: Division of Tourism
Component: Alaska Tourism Marketing Council

COMPONENT SERIAL NO. _____

Expenditures/Revenues:

OPERATING EXPENDITURES	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
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 EXPENDITURES	0	0	0	0	0	0
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CHANGE IN REVENUES ()	0	0	0	0	0	0
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FUND SOURCE

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

Estimate of current year (FY 94) cost: \$ 0

POSITIONS

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

ANALYSIS: (Attach a separate page if necessary.)

* The funds for the Alaska Tourism Marketing Council are in the Governor's FY 95 operating budget.

Changes in CS SB 341 (RES) have no fiscal impact. This fiscal note is appropriate.

4.19.94 date SSS Comte Aide/(initial)

Prepared by: Wendy Mulder
Division: Dept. of Commerce and Economic Development

Phone: 465-2500
Date: _____

Approved by Commissioner: Paul Fuhs
Agency: Commerce and Economic Development

Date: 3/8/94

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SENATE COMMITTEE REPORT

DATE: 3/14/94

FURTHER: Finance

DATE TURNED INTO OFFICE: 4.19.94

Resources Committee considered SENATE BILL NO. 341

~~The Act~~ extending the termination date of the Alaska Tourism Marketing Council and providing for an effective date."

and recommends it be replaced with

and recommends:

replace with _____ CS SB 341 (RES)

or adopt previous _____ CS _____

attaches amendment(s) and report it back as follows

- same title
- new title
- technical title change (HB only)

adopts _____ Letter of Intent

further referral to the _____

do pass

do not pass

no recommendation

individual recommendations:

NEW FISCAL NOTES *prev. applies*

Department	Date	Zero	Fiscal
DC:ED	3.8.94	<input checked="" type="checkbox"/>	

PREVIOUS FISCAL NOTES

Department	Date	Zero	Fiscal

Appropriation No Fiscal Note

DO PASS:

OTHER RECOMMENDATIONS:

① *Steven D. Leman*

② *Heads - NO Rec*

③ *Pass original bill*

④ *True voice - NO Rec*

⑤ *NO Rec*

⑥ *only, Pass original bill*

① *Mike Miller Do Pass*

Chair: Signature and Recommendation

SENATE COMMITTEE REPORT
FIRST COMMITTEE OF REFERRAL

four DATE: 2/28/94

FURTHER: Resources
Finance

Date of 5-Day Notice: 3/3/94
(in accordance with Uniform Rule 23)

DATE TURNED INTO OFFICE: 3/11/94

L&C Committee considered SB 341

~~Act~~ Act extending the termination date of the Alaska Tourism Marketing Council and providing for an effective date."

and report it back as follows

and recommends:

replace with _____ CS _____

attaches amendment(s)

adopts _____ Letter of Intent

further referral to the _____

do pass

do not pass

no recommendation

individual recommendations

same title
 new title
 technical title change
(HB only)

first

FISCAL NOTE INFORMATION

Department	Date	Zero	Fiscal
DCED	3/8/94	✓	

Department	Date	Zero	Fiscal

Appropriation No Fiscal Note

Governor's Bill with Previous Fiscal Notes (enter information above)

DO PASS:

OTHER RECOMMENDATIONS:

~~_____~~

Judith E. Salo

2) Rep. M... Sharp No Rec
2) Alvin... Rec... Recommendation
2) ... N.R.

Jim Kelly - Do Pass
Chair: Signature and Recommendation

SB

346

SFIN

FILE

SENATE FINANCE COMMITTEE REPORT

DATE: 5/3/94

FURTHER:

DATE TURNED INTO OFFICE: _____

The Finance Committee considered SENATE BILL NO. 346

Charitable gaming

Died in SFC 1994.

and recommends:

- replace with _____ CS _____ (FINANCE)
or adopt previous _____ CS _____
 attaches amendment(s)

- same title
 new title
 technical title change (HB only)

- adopts _____ Letter of Intent
 further referral to the _____

- do pass
 do not pass
 no recommendation
 individual recommendations

NEW FISCAL NOTES

Department	Date	Zero	Fiscal

PREVIOUS FISCAL NOTES

Department	Date	Zero	Fiscal

Appropriation No Fiscal Note

DO PASS.

OTHER RECOMMENDATIONS:

1. _____
Co-Chair: Signature/Recommendation

2. _____
Co-Chair: Signature/Recommendation

SENATE COMMITTEE REPORT

DATE: 5/1/94

FURTHER: Finance

DATE TURNED INTO OFFICE: _____

Judiciary Committee considered SENATE BILL NO. 346

~~B-346~~ REPORT CHARITABLE GAMING WINNERS

and recommends:

replace with _____ CS _____

or adopt previous _____ CS _____

attaches amendment(s)

- same title
- new title
- technical title change (HB only)

adopts _____ Letter of Intent

further referral to the _____

do pass

do not pass

no recommendation

individual recommendations

NEW FISCAL NOTES

Department	Date	Zero	Fiscal

PREVIOUS FISCAL NOTES

Department	Date	Zero	Fiscal

Appropriation No Fiscal Note

DO PASS:

OTHER RECOMMENDATIONS:

Chair: Signature and Recommendation

SENATE COMMITTEE REPORT

Final

DATE: 4/5/94

FURTHER Judiciary
Finance

DATE TURNED INTO OFFICE: 5/2/94

HESS Committee considered SENATE BILL NO. 346

Charitable gaming

and recommends it
be replaced with

and recommends:

replace with _____ CS SB 346 (HES)

or adopt previous _____ CS _____

attaches amendment(s) *+ msg rpt bk of notice*

same title
 new title
 technical title change (HB only)

adopts _____ Letter of Intent

further referral to the _____

do pass

do not pass

no recommendation

individual recommendations

150 r d for

NEW FISCAL NOTES

Department	Date	Zero	Fiscal

PREVIOUS FISCAL NOTES

Department	Date	Zero	Fiscal
DOR	3/25/94	✓	
HSS - Pub Asst	3/30/94		✓
HSS - AFDC	3/30/94	✓	

Appropriation No Fiscal Note

DO PASS:

OTHER RECOMMENDATIONS:

2 Robert D. Leman

1 Mike Miller No Rec

1 Duncan No Rec

1 Best thing N.R.

1

Steve Kim No Recommendation
Chair: Signature and Recommendation

SENATE COMMITTEE REPORT
FIRST COMMITTEE OF REFERRAL

DATE: 3/9/94

FURTHER: HESS
Judiciary
Finance

Date of 5-Day Notice: 3/24/94
(in accordance with Uniform Rule 23)

DATE TURNED INTO OFFICE: 4/5/94

L&C Committee considered SB 346

Charitable gaming permittees, operators, and vendors may not turn over a pull tab or bingo prize of \$50 or more to a person unless the person provides information and signs a receipt; and reporting winners of \$50 or more to the Dept of Health/Social Services.

and recommends: *to amend the code with no rec*

replace with _____ CS _____

- same title
- new title
- technical title change (HB only)

attaches amendment(s)

adopts _____ Letter of Intent

further referral to the _____

do pass

do not pass

no recommendation

individual recommendations

20/10/15

FISCAL NOTE INFORMATION

Department	Date	Zero	Fiscal
DOR	3/25/94	✓	
INS - PUB ASST	3/28/94		✓
HS'S - AFDC	3/30/94	✓	

Department	Date	Zero	Fiscal

Appropriation No Fiscal Note

Governor's Bill with Previous Fiscal Notes (enter information above)

DO PASS:

OTHER RECOMMENDATIONS:

Best Sharp - No Rec
Steve Kelly - No Recommendation

Steve Kelly - No Rec
Chair: Signature and Recommendation

ALASKA STATE LEGISLATURE
SENATE BILL NO. 346

HISTORY IN THE SENATE

1994
3/9 Read first time and referred to:
LAC, HES, JUD, FIN

4/5 1 RPT() CS DP 3 NR 3 DNP AM
New Title Same Title Previous FN
1 FN 2 OFN To his

5/2 his RPT(✓) CS 1 DP 4 NR 4 DNP AM
New Title Same Title Previous FN
1 FN 2 OFN To jud

5/3 JUD RPT() CS DP NR DNP AM
New Title Same Title Previous FN
FN OFN wanted to finance

Rules Calendar() CS AM Other
New Title Same Title Previous FN
FN OFN

Read second time
CS Adopted () New Title
Amended Advanced

Read third time
Letter of Intent adopted
Return to second for specific amendment

PASSED	EFD Same ___ or
Yeas	Yeas
Nays	Nays
Excused	Excused
Absent	Absent

Reconsideration
Reconsideration not taken up

PASSED	EFD Same ___ or
Yeas	Yeas
Nays	Nays
Excused	Excused
Absent	Absent

Reported correctly engrossed
Signed by President, to House

Secretary of the Senate

HISTORY IN THE HOUSE

19
Read first time and referred to:

RPT CS() New Title
DP DNP NR AM
FN OFN Previous FN

RPT CS() New Title
DP DNP NR AM
FN OFN Previous FN

RPT CS() New Title
DP DNP NR AM
FN OFN Previous FN

Read second time
CS() Adopted

Amended

Advanced

Read third time

Return to second for specific amendment

PASSED	EFD Same ___ or
Yeas	Yeas
Nays	Nays
Excused	Excused
Absent	Absent

Intent adopted

Reconsideration
Reconsideration not taken up

PASSED ON RECON.	EFD Same ___ or
Yeas	Yeas
Nays	Nays
Excused	Excused
Absent	Absent

Intent adopted

Reported correctly engrossed, signed by the Speaker
and returned to the Senate

Chief Clerk of the House

SENATE-HOUSE HISTORY Continued

19	<p>Received from the House Version: _____</p> <p>Concur in House amendment Y ___ N ___ E ___ A ___ _____ Efd same or Y ___ N ___ E ___ A ___</p> <p>Failed to concur in House amendment, ask House recede Y ___ N ___ E ___ A ___</p> <p>House failed to / receded from amendment Y ___ N ___ E ___ A ___</p> <p>CC appointed by Senate _____ Chair _____</p> <p>CC appointed by House _____ Chair _____</p> <p>(S) Granted Limited Powers of Free Conference</p> <p>(H) Granted Limited Powers of Free Conference</p>
-----------	--

19	<p>(S) Adopted CC Rpt _____ Y ___ N ___ E ___ A ___ _____ Efd same or Y ___ N ___ E ___ A ___</p> <p>(H) Adopted CC Rpt _____ Y ___ N ___ E ___ A ___ _____ Efd same or Y ___ N ___ E ___ A ___</p> <p>To enrolling Received from enrolling Sent to Governor</p> <p>_____ By Governor</p> <p>Chapter Number _____</p> <p>Filed with Lieutenant Governor</p>
-----------	---

FISCAL NOTE

No. 1

Bill Version: SB 346

(S) Publish Date: 4-5-94

**STATE OF ALASKA
1994 LEGISLATIVE SESSION**

BI

Revision Date: _____ Dept. Affected: Revenue
 Title: "An Act requiring charitable gaming permittees, operators & vendors
to report prize winners of \$50 or more to Health & Social Services ..." BRU: Revenue Operations
 Sponsor: Senator Kelly Component: Charitable Gaming Division
 Requestor: Senate Labor and Commerce COMPONENT SERIAL NO. 1883

Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY95	FY96	FY97	FY98	FY99	FY00
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			

Changes in CS SB 346 (HES)
 have no fiscal impact. This
 fiscal note is appropriate.
5/2/94 bch
 date Comte Aide (initial)

Estimate of current year (FY94) impact: \$ 0.0

ANALYSIS: (Attach a separate page if necessary.)

Prepared by: Don Stolworthy, Director *Don Stolworthy* Phone: 465-2229
 Division: Charitable Gaming Division Date: March 25, 1994
 Approved by Commissioner: Darrel J. Rexwinkel *Darrel J. Rexwinkel* Date: March 25, 1994
 Agency: Department of Revenue

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FISCAL NOTE

STATE OF ALASKA
1994 LEGISLATIVE SESSION

Bill Version: SB 346
(S) Publish Date: 4-5-94

Revision Date: _____ Dept. Affected: Health and Social Services
Title: An Act relating to charitable gaming and reports to DHSS BRU: Public Assistance Payments
Component: APDC
Sponsor: Labor and Commerce Committee
Requestor: _____ COMPONENT SERIAL NO. 0220

Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY95	FY96	FY97	FY98	FY99	FY00
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	UNKNOWN	UNKNOWN	UNKNOWN	UNKNOWN	UNKNOWN	UNKNOWN
MISCELLANEOUS	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	UNKNOWN	UNKNOWN	UNKNOWN	UNKNOWN	UNKNOWN	UNKNOWN

CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
----------------------	-----	-----	-----	-----	-----	-----

CHANGES IN REVENUES	0	0	0	0	0	0
---------------------	---	---	---	---	---	---

FUND SOURCE (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	0.0	0.0	0.0	0.0	0.0	0.0
1006 GF/MHTIA	0.0	0.0	0.0	0.0	0.0	0.0
Other	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL	UNKNOWN	UNKNOWN	UNKNOWN	UNKNOWN	UNKNOWN	UNKNOWN

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 (FY94) impact: NONE

ANALYSIS: (Attach a separate page if necessary)

Senate Bill 346 requires charitable gaming permittees, operators, and vendors to report bingo and pull-tab prizes of \$50.00 or more to the Department of Health and Social Services. Winners would be required to sign a receipt that included identifying information, and operators would be required to forward a copy of each receipt to DHSS. DHSS would be required to review the receipts submitted by the vendors, determine whether prizes had been reported by recipients of needs-based assistance, and take action to recover any assistance paid in error as a result of a recipient's failure to report winnings.

Prepared by: Jan L. Hansen, Director
Division: Division of Public Assistance
Approved by Commissioner: Margaret R. Lowe, M.Ed., Ed.S.
Agency: Department of Health & Social Services

Phone: 465-2680
Date: 3/30/94
Date: 3/30/94

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Changes in 1558 346 (HES)
 have no fiscal impact. This
 fiscal note is appropriate.
 5/2/94
 Comte Aide (initial)

ANALYSIS (cont.):

Bingo and pull-tab winnings count as income in public assistance programs. Public assistance recipients are required to report winnings to their eligibility worker, who takes action to make appropriate adjustments to their benefits. Failure to report bingo and pull-tab winnings is a significant potential cause of error in the administration of public assistance programs.

This legislation is aimed toward the problem of non-reporting of gaming prizes and would undoubtedly impact the accuracy of administration of assistance payments.

It is not possible to quantitatively assess the fiscal impact of this legislation on program costs. The savings that would be realized by discovery of unreported winnings could be offset by increased risk of federal fiscal sanctions if reports of winnings were received or processed too late to avoid overpayments. The Department has no information on which to assess the impact of this bill on each of the public assistance programs that would be affected. Savings in Food Stamp program costs are entirely federal. Federal fiscal sanctions are imposed if quality control error rates exceed federal targets for AFDC, Food Stamps, and Medicaid, even if the state discovers the errors and recovers the overpayments.

STATE OF ALASKA
1994 LEGISLATIVE SESSION

FISCAL NOTE

BILL No. 3
Bill Version: SB 346
(S) Publish Date: 4-5-94

Revision Date: _____ Dept. Affected: Health and Social Services
Title: An Act relating to charitable gaming and reports to DHSS BRU: Public Assistance Administration
Sponsor: Labor and Commerce Committee Component: Eligibility Determination
Requestor: _____ COMPONENT SERIAL NO. 0236

Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY95	FY96	FY97	FY98	FY99	FY00
PERSONAL SERVICES	410.3	492.6	492.6	492.6	492.6	492.6
TRAVEL	0.0	0.0	0.0	0.0	0.0	0.0
CONTRACTUAL	44.0	52.8	52.8	52.8	52.8	52.8
SUPPLIES	4.4	5.5	5.5	5.5	5.5	5.5
EQUIPMENT	88.0	0.0	0.0	0.0	0.0	0.0
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	546.7	550.9	550.9	550.9	550.9	550.9
CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
CHANGES IN REVENUES	0	0	0	0	0	0

FUND SOURCE (Thousands of Dollars)

	FY95	FY96	FY97	FY98	FY99	FY00
1002 Federal Receipts	235.0	236.9	236.9	236.9	236.9	236.9
1003 GF Match	235.0	236.9	236.9	236.9	236.9	236.9
1004 GF	76.7	77.1	77.1	77.1	77.1	77.1
1005 GF/Program Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1006 GF/MHTIA	0.0	0.0	0.0	0.0	0.0	0.0
Other	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL	546.7	550.9	550.9	550.9	550.9	550.9

POSITIONS:

	FY95	FY96	FY97	FY98	FY99	FY00
FULL-TIME	11	11	11	11	11	11
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

Estimate of current year (FY94) impact: NONE

ANALYSIS: (Attach a separate page if necessary)

Senate Bill 346 requires charitable gaming permittees, operators, and vendors to report bingo and pull-tab prizes of \$50 or more to the Department of Health and Social Services. Winners would be required to sign a receipt that includes identifying information, and operators would be required to forward a copy of each receipt to DHSS. DHSS would be required to review the receipts submitted by the vendors, determine whether the prizes had been reported by recipients of needs-based assistance, and take action to recover any assistance paid in error as a result of a recipient's failure to report winnings.

Prepared by: Jan L. Hansen, Director
Division: Division of Public Assistance
Approved by Commissioner: Margaret L. Lowe, M.Ed., Ed.S.
Agency: Department of Health & Social Services

Phone: 465-2680
Date: 3/30/94
Date: 3/30/94

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Chaitus in CS SB 346 (HES)
 reflect NO FISCAL CHANGE from the original
 fiscal note. This fiscal note is appropriate.
 date 5/1/94
 Connie Aida (initial)

ANALYSIS (cont.):

The large volume of unsorted reports of winnings produced by this legislation creates a need for administrative positions to sort the information, match it against caseload listings, and disseminate it to eligibility workers. Eligibility workers must then check each report to determine if the information has already been reported and take any necessary action on each case. If overpayments occur, claims specialists must establish and execute recovery claims.

Assumptions:

- This legislation is effective 9/1/94.
- There are 180,000 prizes of \$50 or more awarded annually (Based on Department of Revenue estimates).
- One Administrative Assistant position and two Clerk III positions will be needed to accept and review prize receipts, match the receipts against public assistance records, and notify DPA field staff of public assistance matches.
- There are approximately 31,000 households receiving public assistance each month.
- If 3100 prizes of \$50 or more are awarded to public assistance recipients each month, 3100 case actions by field staff will be required each month. One eligibility supervisor, 4 eligibility technicians, and one support clerk will be required for caseload administration.
- 2 new claims specialists will be needed to establish overpayment claims and take action to recover the funds.

Calculations:

FY 95 (Eligibility/Support Staff - 10 months)

1	Eligibility Tech IV	R16	43.3
1	Administrative Assistant	R16	43.3
1	Eligibility Tech III	R15	41.0
3	Eligibility Tech II	R14	127.0
2	Eligibility Tech 1 (Claims Specialists)	R13	71.8
3	Clerk III	R08	83.9
	Equipment		88.0
	Supplies		4.4
	Office Space		<u>44.0</u>
	Total		546.7

ANALYSIS (cont.):

FY 96 through FY00 (Eligibility/Support Staff - 12 months)

1	Eligibility Tech IV	R16	52.0
1	Administrative Assistant	R16	52.0
1	Eligibility Tech III	R15	49.2
3	Eligibility Tech II	R14	152.5
2	Eligibility Tech 1 (Claims Specialists)	R13	86.2
3	Clerk III	R08	100.7
	Supplies		5.5
	Office Space		<u>52.8</u>
	Total		550.9

Position Title Eligibility Technician IV		No. of Positions 1	Range/Step R16	Bargaining Unit SS
Time Status FT	Staff Months 10 months	Location Anchorage		Election District
TYPE of EXPENDITURE		AMOUNT	Justification This is the eligibility supervisor position needed to supervise the additional eligibility workers who will administer the additional case processing workload produced by SB 346.	
Salary		43.3		
Benefits				
Premium Pay				
Other				
Total Personal Services		43.3		
Travel				
Contractual		4.0		
Commodities		0.4		
Equipment		8.0		
Other				
Total Cost		55.7		
FUNDING SOURCE for TOTAL COST				
1002	Federal Receipts	24.0		
1003	GF Match	24.0		
1004	General Fund	7.7		
1005	GF/Program Receipts			
1006	GF/Mental Health Trust			
1007	I/A Receipts			
1061	CIP Receipts			
Other				

11-7

**REQUEST for
NEW POSITION**

AGENCY: Health and Social Services
 BRU: Public Assistance Administration
 COMPONENT: Eligibility Determination (0236)

Page 1 of 1
 Revised Date:

FY95

Position Title Administrative Assistant		No. of Positions 1	Range/Step R16	Bargaining Unit GGU
Time Status FT	Staff Months 10 months	Location Anchorage		Election District
TYPE of EXPENDITURE		AMOUNT		
Salary		43.3		
Benefits				
Premium Pay				
Other				
Total Personal Services		43.3		
Travel				
Contractual		4.0		
Commodities		0.4		
Equipment		8.0		
Other				
Total Cost		55.7		
FUNDING SOURCE for TOTAL COST				
1002	Federal Receipts	23.9		
1003	GF Match	23.9		
1004	General Fund	7.9		
1005	GF/Program Receipts			
1006	GF/Mental Health Trust			
1007	I/A Receipts			
1061	CIP Receipts			
Other				
Justification This administrative assistant position is the lead worker needed to accept and review prize receipt information, match it against caseload listings, and disseminate it to eligibility workers.				

5-11

**REQUEST for
NEW POSITION**

AGENCY: Health and Social Services
 BRU: Public Assistance Administration
 COMPONENT: Eligibility Determination (0236)

Page 1 of 1
 Revised Date:

FY95

Position Title Eligibility Technician III		No. of Positions 1	Range/Step R15	Bargaining Unit GGU
Time Status FT	Staff Months 10 months	Location Anchorage		Election District
TYPE of EXPENDITURE		AMOUNT		
Salary		41.0		
Benefits				
Premium Pay				
Other				
Total Personal Services		41.0		
Travel				
Contractual		4.0		
Commodities		0.4		
Equipment		8.0		
Other				
Total Cost		53.4		
FUNDING SOURCE for TOTAL COST				
1002	Federal Receipts	23.0		
1003	GF Match	23.0		
1004	General Fund	7.4		
1005	GF/Program Receipts			
1006	GF/Mental Health Trust			
1007	I/A Receipts			
1061	CIP Receipts			
Other				
Justification This is the eligibility lead worker/case worker needed to administer the additional case processing workload produced by SB 346.				

11-9

**REQUEST for
NEW POSITION**

AGENCY: Health and Social Services
 BRU: Public Assistance Administration
 COMPONENT: Eligibility Determination (0236)

FY95

Page 1 of 1
 Revised Date:

Position Title Eligibility Technician II		No. of Positions 1	Range/Step R14	Bargaining Unit GGU
Time Status FT	Staff Months 10 months	Location Anchorage		Election District
TYPE of EXPENDITURE		AMOUNT		
Salary		38.1		
Benefits				
Premium Pay				
Other				
Total Personal Services		38.1		
Travel				
Contractual		4.0		
Commodities		0.4		
Equipment		8.0		
Other				
Total Cost		50.5		
FUNDING SOURCE for TOTAL COST				
1002	Federal Receipts	21.7		
1003	GF Match	21.7		
1004	General Fund	7.1		
1005	GF/Program Receipts			
1006	GF/Mental Health Trust			
1007	I/A Receipts			
1061	CIP Receipts			
Other				
Justification This eligibility case worker position is needed to administer the additional case processing workload produced by SB 346.				

**REQUEST for
NEW POSITION**

AGENCY: Health and Social Services
 BRU: Public Assistance Administration
 COMPONENT: Eligibility Determination (0236)

Page 1 of 1

Revised Date:

FY95

7-11

Position Title Eligibility Technician I		No. of Positions 2	Range/Step R13	Bargaining Unit GGU
Time Status FT	Staff Months 10 months	Location Juneau		Election District
TYPE of EXPENDITURE		AMOUNT		
Salary		71.8		
Benefits				
Premium Pay				
Other				
Total Personal Services		71.8		
Travel				
Contractual		8.0		
Commodities		0.8		
Equipment		16.0		
Other				
Total Cost		96.6		
FUNDING SOURCE for TOTAL COST				
1002	Federal Receipts	41.5		
1003	GF Match	41.5		
1004	General Fund	13.6		
1005	GF/Program Receipts			
1006	GF/Mental Health Trust			
1007	I/A Receipts			
1061	CIP Receipts			
Other				
Justification These eligibility claims specialist positions are needed to establish overpayment claims and take action to recover the funds.				

11-8

**REQUEST for
NEW POSITION**

AGENCY: Health and Social Services
 BRU: Public Assistance Administration
 COMPONENT: Eligibility Determination (0236)

Page 1 of 1
 Revised Date:

FY95

Position Title Eligibility Technician II		No. of Positions 1	Range/Step R14	Bargaining Unit GGU
Time Status FT	Staff Months 10 months	Location Fairbanks		Election District
TYPE of EXPENDITURE		AMOUNT		
Salary		38.1		
Benefits				
Premium Pay				
Other				
Total Personal Services		38.1		
Travel				
Contractual		4.0		
Commodities		0.4		
Equipment		8.0		
Other				
Total Cost		50.5		
FUNDING SOURCE for TOTAL COST				
1002	Federal Receipts	21.7		
1003	GF Match	21.7		
1004	General Fund	7.1		
1005	GF/Program Receipts			
1006	GF/Mental Health Trust			
1007	I/A Receipts			
1061	CIP Receipts			
Other				
Justification This eligibility case worker position is needed to administer the additional case processing workload produced by SB 346.				

**REQUEST for
NEW POSITION**

AGENCY: Health and Social Services
 BRU: Public Assistance Administration
 COMPONENT: Eligibility Determination (0236)

Page 1 of 1

Revised Date:

FY95

9-11

Position Title Eligibility Technician II		No. of Positions 1	Range/Step R14	Bargaining Unit GGU
Time Status FT	Staff Months 10 months	Location Bethel		Election District
TYPE of EXPENDITURE		AMOUNT		
Salary		50.8		
Benefits				
Premium Pay				
Other				
Total Personal Services		50.8		
Travel				
Contractual		4.0		
Commodities		0.4		
Equipment		8.0		
Other				
Total Cost		63.2		
FUNDING SOURCE for TOTAL COST				
1002	Federal Receipts	27.2		
1003	GF Match	27.2		
1004	General Fund	8.8		
1005	GF/Program Receipts			
1006	GF/Mental Health Trust			
1007	I/A Receipts			
1061	CIP Receipts			
Other				
Justification This eligibility case worker position is needed to administer the additional case processing workload produced by SB 346.				

16-11

**REQUEST for
NEW POSITION**

AGENCY: Health and Social Services
 BRU: Public Assistance Administration
 COMPONENT: Eligibility Determination (0236)

Page 1 of 1
 Revised Date:

FY95

Position Title Clerk III		No. of Positions 3	Range/Step R08	Bargaining Unit GGU
Time Status FT	Staff Months 10 months	Location Anchorage		Election District
TYPE of EXPENDITURE		AMOUNT		
Salary		83.9		
Benefits				
Premium Pay				
Other				
Total Personal Services		83.9		
Travel				
Contractual		12.0		
Commodities		1.2		
Equipment		24.0		
Other				
Total Cost		121.1		
FUNDING SOURCE for TOTAL COST				
1002	Federal Receipts	52.0		
1003	GF Match	52.0		
1004	General Fund	17.1		
1005	GF/Program Receipts			
1006	GF/Mental Health Trust			
1007	I/A Receipts			
1061	CIP Receipts			
Other				
<p>Justification</p> <p>Two clerical support positions are needed to accept and review prize receipt information, match it against caseload listings, and disseminate it to eligibility workers.</p> <p>One clerical support position is needed to support the additional case worker positions needed to administer the additional case processing workload produced by SB 346.</p>				

**REQUEST for
NEW POSITION**

AGENCY: Health and Social Services
 BRU: Public Assistance Administration
 COMPONENT: Eligibility Determination (0236)

FY95

Page 1 of 1

Revised Date:

11-11

SB

350

HFIN

FILE

(11)

Date Referred: April 22, 1994

HOUSE COMMITTEE REPORT
FURTHER REFERRALS:

Date of Committee Action: 1/25/94

The FINANCE Committee considered:

SB 350

SENATE BILL NO. 350

ARREST FOR VIOLATING RELEASE CONDITIONS

"An Act relating to a defendant's violation of conditions of release; and providing for an effective date."

RECOMMENDATIONS:

be replaced with _____ the same title

have attached amendments(s)

do pass

do not pass

no recommendations

individual recommendations

additional referral to the _____ Committee

ADOPTS: _____ letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept)

APPROVES PREVIOUS: (Dept/Date)

fiscal impact _____

fiscal note(s) Corrections 3/19/94
LAW 3/19/94 PS 3/19/94

zero fiscal note _____

zero fiscal note(s) (2) DOA 3/19/94

SIGNING <u>DO</u> PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
<i>Eric Maclean</i>	✓				
<i>Harold J. Larson</i>	X				
<i>Mark Stanley</i>	X				
<i>Terry Martin</i>	X				
<i>Sean R. Therrault</i>	X				
<i>Ben Gussendorf</i>	X				
<i>Tom Hoffman</i>	X				
<i>Miles Navarre</i>	✓				
<i>Jay Brown</i>	✓				
<i>Sean Therrault</i>	X				
<i>Therrault</i>					

Ronald J. Larson EP Maclean

CHAIRMAN'S SIGNATURE

FISCAL NOT

No. 1
 Bill Version: SB 350
 (C) Publish Date: 3-9-94

STATE OF ALASKA
 1994 LEGISLATIVE SESSION

Revision Date: _____ Dept. Affected: Administration
 Title: "An Act Relating to Defendant's Conditions of Release..." SRU: Public Defender Agency
 Component: Public Defender Agency
 Sponsor: _____
 Requestor: Governor COMPONENT SERIAL NO. 1631

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY95	FY96	FY97	FY98	FY99	FY00
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 EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0

FUND SOURCE (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	0.0	0.0	0.0	0.0	0.0	0.0
1006 GF/MHTIA	0.0	0.0	0.0	0.0	0.0	0.0
Other	0.0	0.0	0.0	0.0	0.0	0.0
Total	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of current year (FY94) cost: none

POSITIONS:

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

ANALYSIS: (Attach a separate page if necessary)

Prepared by: John Salemi, Public Defender Phone: 264-4400
 Division: Public Defender Agency Date: _____
 Approved by Commissioner: Nancy Bear Usara Date: 2/17/94
 Agency: Administration

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(Rev. 10/93) 41 2/17/94

FISCAL NOTE

No. 2

Bill Version: SB 350

(S) Publish Date: 3-9-94

STATE OF ALASKA
1994 LEGISLATIVE SESSION

Revision Date: _____ Dept. Affected: Corrections
 Title: An Act relating to a defendant's violation of conditions of release BRU: Statewide Operations
 Sponsor: Rules Committee Component: Institutions
 Requestor: Governor COMPONENT SERIAL NO. 707-725

Expenditures/Revenues	(Thousands of Dollars)					
OPERATING EXPENDITURES	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS	11.3	11.6	12.0	12.3	12.7	13.1
TOTAL OPERATING	11.3	11.6	12.0	12.3	12.7	13.1

CAPITAL EXPENDITURES	0	0	0	0	0	0
----------------------	---	---	---	---	---	---

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

FUND SOURCE	(Thousands of Dollars)					
1002 Federal Receipts						
1003 GF Match						
1004 GF	11.3	11.6	12.0	12.3	12.7	13.1
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	11.3	11.6	12.0	12.3	12.7	13.1

Estimate of any current year (FY94) cost: \$ _____

POSITIONS						
FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)
 Please see the attached fiscal analysis.

Prepared by: Diane Schenker, Special Assistant Phone: 65-4643/736-2141
 Division: Office of the Commissioner Date: 3/15/94
 Approved by Commissioner: J. Frank Prewitt, Jr. Date: 3/15/94
 Agency: Department of Corrections

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The bill would authorize warrantless arrests of certain defendants who violated conditions of bail in certain assault, sexual assault, stalking, and domestic violence cases. According to the District Attorney's office and information from the Anchorage Police Department, getting warrants under current law generally involves a one-day delay.

Assumptions

1. The Anchorage District Attorney's office estimates 100 cases per year, statewide, and estimates that each case will result in one additional day of incarceration.
2. The average cost of incarceration, statewide, in a state correctional center is approximately \$113 per day.
3. It is not possible to estimate any current year (FY94) costs until the department knows when the bill will actually go into effect.
4. Because the bill will impact all correctional institutions, and the average daily cost of incarceration reflects a combination of costs including overhead, the estimated expenses are shown under "miscellaneous."
5. An inflation factor of 3% is assumed after FY95.

Operating Expenses

100 cases per year X 1 day per case X \$113 per day = \$ 11,300 per year.

FISCAL NOTE

No. 13

Bill Version: SB 350

(S) Publish Date: 3-9-94

STATE OF ALASKA
1994 LEGISLATIVE SESSION

Revision Date: February 15, 1994
Title: "An Act relating to a defendant's violation of conditions of release..."
Sponsor: Rules/Bv Request of Governor
Requestor: Governor's Office

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

EXPENDITURES/REVENUES:

OPERATING	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
PERSONAL						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND &						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

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

REVENUE						
---------	--	--	--	--	--	--

FUNDING:

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

POSITIONS:

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

Estimate of current year (FY94) impact: -0-

ANALYSIS: (Attach a separate page if necessary.)
Please see the attached analysis.

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

Phone: 465-3672
Date: February 15, 1994

Approved by Commissioner: Bruce M. Botelho, Attorney General
Agency: Department of Law

Date: February 15, 1994

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FISCAL NOTE

STATE OF ALASKA
1994 LEGISLATIVE SESSION

No. 4
BILL (SI Version: \$3350
(S) Publish Date: 3-9-94

Revision Date: _____ Dept. Affected: Public Safety
Title: Defendant's Conditions of Release BRU: Statewide
Component: _____
Sponsor: Rules by Request
Requestor: Governor COMPONENT SERIAL NO. _____

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

OPERATING	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL EXPENDITURES	-0-	-0-	-0-	-0-	-0-	-0-
CHANGE IN REVENUES ()	-0-	-0-	-0-	-0-	-0-	-0-
<small>Revenue Code</small>						

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-

Estimate of current year (FY 94) impact: \$ _____

POSITIONS:

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

ANALYSIS: (Attach a separate page if necessary.)

Prepared By: Lee Ann Lucas Phone: 465-1322
Division: Office of the Commissioner Date: 2/16/94
Approved by Commissioner: [Signature] Date: _____
Agency: Richard L. Burton Dept. of Public Safety

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FISCAL NOT

No. 5

STATE OF ALASKA
1994 LEGISLATIVE SESSION

Bill Version: SB 350

(S) Publish Date: 7-9-94

Revision Date: _____ Dept. Affected: Administration
 Title: "An Act Relating to Defendants Conditions of Release..." SFL: Office of Public Advocacy
 Component: Office of Public Advocacy
 Sponsor: _____
 Requestor: Governor COMPONENT SERIAL NO. 43

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY95	FY96	FY97	FY98	FY99	FY00
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 EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0

FUND SOURCE (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	0.0	0.0	0.0	0.0	0.0	0.0
1006 GF/MHTIA	0.0	0.0	0.0	0.0	0.0	0.0
Other	0.0	0.0	0.0	0.0	0.0	0.0
Total	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of current year (FY94) cost: none

POSITIONS:

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

ANALYSIS: (Attach a separate page if necessary)

Prepared by: Brant McGee, Public Advocate Phone: 274-1684
 Division: Office of Public Advocacy Date: _____

Approved by Commissioner: Nancy Bear Usara Date: 7/12/94
 Agency: Administration

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FISCAL NOTE

STATE OF ALASKA
1994 LEGISLATIVE SESSION

BILL NO. _____

ANALYSIS CONTINUATION:

This bill amends AS 12.30 to allow police officers to act quickly to arrest, without warrant or order, defendants who are released on bail, when those peace officers have reasonable cause to believe that the defendant has confronted the victim or has otherwise violated conditions of release. Currently, if a person accused of stalking, domestic violence, assault, or sexual assault confronts the victim while the person is released on bail, or violates another condition of release, peace officers are limited in their ability to protect the victim or the public in general because they cannot make an immediate arrest. Generally, the peace officer must first meet with a prosecutor, go into court to make a motion to remand, and obtain a court order before they can act to put the defendant back in jail. Because a substantial number of these incidents involve repeat offenders who often are impaired by alcohol or drugs, this lengthy procedure is particularly dangerous for the public, especially those already victimized by the defendant. The Department of Law does not anticipate a fiscal impact because, in most cases, the bill will speed up the process of arrest, and it will not increase the number of arrests.

SB

350

SFIN

FILE

SENATE FINANCE COMMITTEE REPORT

DATE: 4/12/94

FURTHER:

DATE TURNED INTO OFFICE: 4-19-94

The Finance Committee considered **SENATE BILL NO. 350**

"An Act relating to a defendant's violation of conditions of release; and providing for an effective date."

and recommends:

- replace with _____ CS _____ (FINANCE)
- or adopt previous _____ CS _____ (_____)
- attaches amendment(s)

- same title
- new title
- technical title change (HB only)

- adopts _____ Letter of Intent
- further referral to the _____

- do pass
- do not pass
- no recommendation
- individual recommendations

NEW FISCAL NOTES

Department	Date	Zero	Fiscal

PREVIOUS FISCAL NOTES

Department	Date	Zero	Fiscal
DDA (PDA)	2/17/94	0	
DDC	2/25/94		11.3
DDLaw	2/15/94	0	
DDPS	2/16/94	0	
DDA (OPA)	2/16/94	0	

Appropriation No Fiscal Note

DO PASS:

Tom Kelly

Steve...

[Signature]

[Signature]

 1. *[Signature]*
 Co-Chair: Signature/Recommendation

OTHER RECOMMENDATIONS:

 2. *[Signature]*
 Co-Chair: Signature/Recommendation

FISCAL NOT

No. 1

STATE OF ALASKA
1994 LEGISLATIVE SESSION

Bill Version: SB 350

(S) Publish Date: 3-9-94

Revision Date: _____ Dept. Affected: Administration
 Title: "An Act Relating to Defendant's Conditions of BRU: Public Defender Agency
Release..." Component: Public Defender Agency
 Sponsor: _____
 Requestor: Governor COMPONENT SERIAL NO. 1631

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY95	FY96	FY97	FY98	FY99	FY00
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 EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0

FUND SOURCE (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	0.0	0.0	0.0	0.0	0.0	0.0
1006 GF/MHTIA	0.0	0.0	0.0	0.0	0.0	0.0
Other	0.0	0.0	0.0	0.0	0.0	0.0
Total	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of current year (FY94) cost: none

POSITIONS:

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

ANALYSIS: (Attach a separate page if necessary)

Prepared by: John Salemi, Public Defender Phone: 264-4400
 Division: Public Defender Agency Date: _____
 Approved by Commissioner: Nancy Bear Usura Date: 2/17/94
 Agency: Administration

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(Rev. 10/93) RI 2/17/94

FISCAL NOTE

No. 2

Bill Version: SB 350

(S) Publish Date: 3-9-94

STATE OF ALASKA
1994 LEGISLATIVE SESSION

Revision Date: _____ Dept. Affected: Corrections
 Title: An Act relating to a derendant's vi- BRU: Statewide Operations
olation of conditions of release Component: Institutions
 Sponsor: Rules Committee
 Requestor: Governor COMPONENT SERIAL NO. 707-726

Expenditures/Revenues	(Thousands of Dollars)					
OPERATING EXPENDITURES	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS	11.3	11.6	12.0	12.3	12.7	13.1
TOTAL OPERATING	11.3	11.6	12.0	12.3	12.7	13.1

CAPITAL EXPENDITURES	0	0	0	0	0	0
----------------------	---	---	---	---	---	---

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

FUND SOURCE	(Thousands of Dollars)					
1002 Federal Receipts						
1003 GF Match						
1004-GF	11.3	11.6	12.0	12.3	12.7	13.1
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	11.3	11.6	12.0	12.3	12.7	13.1

Estimate of any current year (FY94) cost \$ _____ *

POSITIONS						
FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)
 Please see the attached fiscal analysis.

Prepared by: Diane Schenker, Special Assistant Phone: 465-4643/786-2141
 Division: Office of the Commissioner Date: 3/10/94
 Approved by Commissioner: J. Frank Prewitt, Jr. Date: 3/10/94
 Agency: Department of Corrections

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The bill would authorize warrantless arrests of certain defendants who violated conditions of bail in certain assault, sexual assault, stalking, and domestic violence cases. According to the District Attorney's office and information from the Anchorage Police Department, getting warrants under current law generally involves a one-day delay.

Assumptions

1. The Anchorage District Attorney's office estimates 100 cases per year, statewide, and estimates that each case will result in one additional day of incarceration.
2. The average cost of incarceration, statewide, in a state correctional center is approximately \$113 per day.
3. It is not possible to estimate any current year (FY94) costs until the department knows when the bill will actually go into effect.
4. Because the bill will impact all correctional institutions, and the average daily cost of incarceration reflects a combination of costs including overhead, the estimated expenses are shown under "miscellaneous."
5. An inflation factor of 3% is assumed after FY95.

Operating Expenses

100 cases per year X 1 day per case X \$113 per day = \$ 11,300 per year.

FISCAL NOTE

No. 3

Bill Version: SB.350

(S) Publish Date: 3-9-94

STATE OF ALASKA
1994 LEGISLATIVE SESSION

Revision Date: February 15, 1994
Title: "An Act relating to a defendant's violation of conditions of release;..."
Sponsor: Rules/Bv Request of Governor
Requestor: Governor's Office

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

EXPENDITURES/REVENUES:

OPERATING	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
PERSONAL						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND &						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

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

REVENUE						
---------	--	--	--	--	--	--

FUNDING:

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

POSITIONS:

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

Estimate of current year (FY94) impact: -0-

ANALYSIS: (Attach a separate page if necessary.)
Please see the attached analysis.

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

Phone: 465-3672
Date: February 15, 1994

Approved by Commissioner: Bruce M. Botelho, Attorney General
Agency: Department of Law

Date: February 15, 1994

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FISCAL NOTE

STATE OF ALASKA
1994 LEGISLATIVE SESSION

BILL NO. _____

ANALYSIS CONTINUATION:

This bill amends AS 12.30 to allow police officers to act quickly to arrest, without warrant or order, defendants who are released on bail, when those peace officers have reasonable cause to believe that the defendant has confronted the victim or has otherwise violated conditions of release. Currently, if a person accused of stalking, domestic violence, assault, or sexual assault confronts the victim while the person is released on bail, or violates another condition of release, peace officers are limited in their ability to protect the victim or the public in general because they cannot make an immediate arrest. Generally, the peace officer must first meet with a prosecutor, go into court to make a motion to remand, and obtain a court order before they can act to put the defendant back in jail. Because a substantial number of these incidents involve repeat offenders who often are impaired by alcohol or drugs, this lengthy procedure is particularly dangerous for the public, especially those already victimized by the defendant. The Department of Law does not anticipate a fiscal impact because, in most cases, the bill will speed up the process of arrest, and it will not increase the number of arrests.

FISCAL NOTE

STATE OF ALASKA
1994 LEGISLATIVE SESSION

No. 4
 BILL () Bill Version: SB 350
 (S) Publish Date: 3-9-94

Revision Date: _____ Dept. Affected: Public Safety
 Title: Defendant's Conditions of Release BRU: Statewide
 Component: _____
 Sponsor: Rules by Request
 Requestor: Governor COMPONENT SERIAL NO. _____

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

OPERATING	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL EXPENDITURES	-0-	-0-	-0-	-0-	-0-	-0-
CHANGE IN REVENUES ()	-0-	-0-	-0-	-0-	-0-	-0-
<small>Revenue Code</small>						

FUNDING: (Thousands of Dollars)

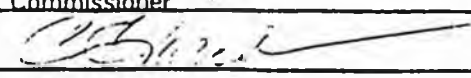
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

Estimate of current year (FY 94) impact: \$ _____

POSITIONS:

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

ANALYSIS: (Attach a separate page if necessary.)

Prepared By: Lee Ann Lucas Phone: 465-4322
 Division: Office of the Commissioner Date: 2/16/94
 Approved by Commissioner:  Date: _____
 Agency: Richard L. Burton, Dept. of Public Safety

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FISCAL NOT

No. (5)

STATE OF ALASKA
1994 LEGISLATIVE SESSION

Bill Version: SB350

(S) Publish Date: 3-9-94

Revision Date: _____ Dept. Affected: Administration
 Title: "An Act Relating to Delendant's Conditions of BRU: Office of Public Advocacy
Release..." Component: Office of Public Advocacy
 Sponsor: _____
 Requestor: Governor COMPONENT SERIAL NO. 43

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY95	FY96	FY97	FY98	FY99	FY00
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 EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
----------------------	-----	-----	-----	-----	-----	-----

CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0
------------------------	-----	-----	-----	-----	-----	-----

FUND SOURCE (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	0.0	0.0	0.0	0.0	0.0	0.0
1006 GF/MHTIA	0.0	0.0	0.0	0.0	0.0	0.0
Other	0.0	0.0	0.0	0.0	0.0	0.0
Total	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of current year (FY94) cost: none

POSITIONS:

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

ANALYSIS: (Attach a separate page if necessary)

Prepared by: Brant McGee, Public Advocate Phone: 274-1684
 Division: Office of Public Advocacy Date: _____
 Approved by Commissioner: Nancy Bear Usura Date: 2/12/94
 Agency: Administration

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**GOVERNOR HICKEL'S
BILL TO ARREST STALKERS AND WIFE
BEATERS
(SB 350 & HB 524)**

As the new anti-stalking law has proved, it's simply not enough to put laws on the books that only allow police to come in and mop up after a woman has already been victimized. Protecting Alaska's women from stalkers and domestic violence means that police have to have the ability to act--to intervene--and to do so immediately.

Here's the problem: When an attacker is out on bail, the victim is often at risk. Tragically, inevitably, what often happens is this:

Despite the order by the Court that he have no contact with the victim, the defendant returns to the home of the wife or girlfriend he's accused of attacking. Often it is late at night. Often, both alcohol and anger are involved.

There's a knock or a shout or a broken window. Words are exchanged. Terrified, the abused woman desperately calls 911. The police race to respond. Sirens blare. But by the time they arrive, predictably, the defendant has fled the scene. And since the police didn't see him violate bail with their own eyes, they can only make an arrest if, in the middle of the night, they are able to reach a prosecutor and a judge to issue the appropriate warrant.

This can take hours. And in the meantime, an accused criminal, angry and often drunk, remains at large. And one frightened woman will have a terrifying night as she is told, once again, that there is little that the police can do.

That's not good enough. Alaska's police need the ability to act.

The Governor's proposal would permit police to promptly arrest accused stalkers and other offenders who return to confront their victims. The draft amendment to AS 12.25.030 would authorize the warrantless arrest of persons who have violated conditions of release in domestic violence and rape cases, to the same extent that warrantless arrests are already authorized under existing Alaska law for the initial commission of these same offenses.



OFFICIAL BUSINESS

Alaska State Legislature
Senate
Office of the Secretary

STATE CAPITOL
JUNEAU, ALASKA 99801-1182
(907) 465-3701
FAX: 465-2832

March 14, 1994

MEMO TO FILE

TO: Judiciary Committee

BILL/RES. NO.: SENATE BILL NO. 350
"An Act relating to a defendant's violation of conditions of release; and providing for an effective date."

ATTENTION: Nancy, Joyce, Heidi
Senate Secretary's Office

This bill/resolution may need an **additional** referral to the **Finance Committee**.

Leave this note in the file.

Thank you.

A handwritten signature in cursive script, appearing to be "JH".



OFFICIAL BUSINESS

Alaska State Legislature
Senate
Office of the Secretary

STATE CAPITOL
JUNEAU, ALASKA 99801-1182
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Senate Secretary's Office

This bill/resolution may need an **additional** referral to the **Finance Committee**.

Leave this note in the file.

Thank you.

A handwritten signature in cursive script, appearing to be "JH".



STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

March 9, 1994

350

*The Honorable Rick Halford
President of the Senate
Alaska State Legislature
State Capitol
Juneau, AK 99801-1182*

Dear Mr. President:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill that would allow peace officers to make warrantless arrests when they have reasonable cause to believe that a defendant is violating the conditions of release imposed by a court in certain types of cases, including stalking, assault, sexual assault, and domestic violence cases. The bill would allow peace officers to take immediate action to protect the public, rather than requiring that they contact a prosecutor and a judge before arresting the defendant.

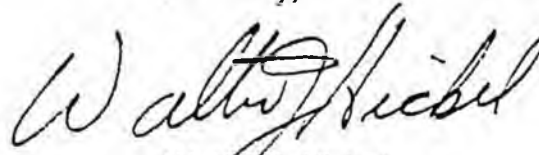
For example, if a person accused of stalking, domestic violence, assault, or sexual assault confronts the victim while the person is released on bail, or violates another condition of release, peace officers are rarely able to protect the victim or the public in general by making an immediate arrest. Typically, the peace officer must first meet with a prosecutor, go into court to file a motion, and obtain a court order before they can act to put the defendant back in jail. Since a large percentage of these incidents occur late at night and often involve alcohol or drug use by the defendant, these situations are particularly dangerous for victims -- and challenging for peace officers, prosecutors, and judges.

The bill authorizes the warrantless arrest of defendants who have violated conditions of release imposed by the court for certain offenses to the same extent that warrantless arrests are already authorized under existing law for the initial commission of these same offenses. The bill would permit peace officers to promptly arrest accused stalkers and other offenders who confront their victims, or otherwise violate conditions of release, while on bail.

The Honorable Rick Halford
March 9, 1994
Page 2

Protecting Alaskans from stalkers and domestic violence requires giving peace officers the tools to act -- to intervene -- and to do so immediately. I urge your favorable action on this bill.

Sincerely,

A handwritten signature in cursive script, reading "Walter J. Hickel". The signature is written in dark ink and is positioned above the printed name and title.

Walter J. Hickel
Governor

SENATE COMMITTEE REPORT
FIRST COMMITTEE OF REFERRAL

June

DATE: 3/9/94

FURTHER: Judiciary

Date of 5-Day Notice: 3/10/94
(in accordance with Uniform Rule 23)

DATE TURNED INTO OFFICE: 3-14-94

State Affairs Committee considered SB 350

"~~An Act~~ relating to a defendant's violation of conditions of release; and providing for an effective date."

and recommends:

and report it back as follows

replace with _____ CS _____

- same title
- new title
- technical title change (HB only)

attaches amendment(s)

adopts _____ Letter of Intent

further referral to the _____

do pass

do not pass

no recommendation

individual recommendations

*40
1 FY*

FISCAL NOTE INFORMATION

Department	Date	Zero	Fiscal
DOA - SPA	3.9.94	<input checked="" type="checkbox"/>	—
DPS	3.9.94	<input checked="" type="checkbox"/>	—
DOL	3.9.94	<input checked="" type="checkbox"/>	—
DCC	3.9.94	—	11.3
DOA - PIDA	3.9.94	<input checked="" type="checkbox"/>	—

Department	Date	Zero	Fiscal

Appropriation No Fiscal Note

Governor's Bill with Previous Fiscal Notes (enter information above)

DO PASS:

OTHER RECOMMENDATIONS:

Hike Miller

Stephen L. Taylor NC Rec

Arwen A. Arwen *DO PASS*

Chair: Signature and Recommendation

LEGISLATIVE COMMITTEE REPORT *has no funds*

DATE: 3/14/94

FURTHER: *SM*

DATE TURNED INTO OFFICE: 4/12/94

Judiciary Committee considered SENATE BILL NO. 350

"An Act relating to a defendant's violation of conditions of release; and providing for an effective date."

and recommends: *and a majority of the committee recommends do pass*

- replace with _____ CS _____ ()
- or adopt previous _____ CS _____ ()
- attaches amendment(s)

- same title
- new title
- technical title change (HB only)

- adopts _____ Letter of Intent
- further referral to the _____

- do pass
- do not pass
- no recommendation
- individual recommendations

*40000
Fol*

NEW FISCAL NOTES

Department	Date	Zerc	Fiscal

PREVIOUS FISCAL NOTES

Department	Date	Zerc	Fiscal
<i>Admin - Public Aff</i>	<i>3/9/94</i>	<input checked="" type="checkbox"/>	
<i>Public Affairs</i>	<i>3/9/94</i>	<input checked="" type="checkbox"/>	
<i>Law</i>	<i>2/15/94</i>	<input checked="" type="checkbox"/>	
<i>Corrections</i>	<i>2/25/94</i>		<i>11.3</i>
<i>Admin - Public Aff</i>	<i>2/17/94</i>	<input checked="" type="checkbox"/>	

Appropriation No Fiscal Note

DO PASS:

Richard Feldman
David Douglas
William H. Little

OTHER RECOMMENDATIONS:

George Taylor Jackson

Chris Taylor
 Chair: Signature and Recommendation

SENATE COMMITTEE REPORT
FIRST COMMITTEE OF REFERRAL

Jump

DATE: 3/9/94

FURTHER: Judiciary

Date of 5-Day Notice: 3/10/94
(in accordance with Uniform Rule 23)

DATE TURNED INTO OFFICE: 3-14-94

State Affairs Committee considered SB 350

"~~An Act~~ relating to a defendant's violation of conditions of release; and providing for an effective date."

and recommends:

and report it back as follows

replace with _____ CS _____

attaches amendment(s)

- same title
- new title
- technical title change (HB only)

adopts _____ Letter of Intent

further referral to the _____

do pass

do not pass

no recommendation

individual recommendations

*40
1 FN*

FISCAL NOTE INFORMATION

Department	Date	Zero	Fiscal
LCA - DLA	3.9.94	✓	—
DPS	3.9.94	✓	—
DOL	3.9.94	✓	—
DOC	3.9.94	—	11.3
DOA - DDA	3.9.94	✓	—

Department	Date	Zero	Fiscal

Appropriation No Fiscal Note

Governor's Bill with Previous Fiscal Notes (enter information above)

DO PASS:

OTHER RECOMMENDATIONS:

Mike Miller

Stephen L. Taylor NO REC

[Signature]
Chair: Signature and Recommendation

SENATE COMMITTEE REPORT
FIRST COMMITTEE OF REFERRAL

Jump

DATE: 3/9/94

FURTHER: Judiciary

Date of 5-Day Notice: 3/10/94
(in accordance with Uniform Rule 23)

DATE TURNED INTO OFFICE: 3-14-94

State Affairs Committee considered SB 350

"~~Am-Act~~ relating to a defendant's violation of conditions of release; and providing for an effective date."

and recommends:

and report it back as follows

replace with _____ CS _____

attaches amendment(s)

adopts _____ Letter of Intent

further referral to the _____

do pass

do not pass

no recommendation

individual recommendations

*40
1 FY*

- same title
- new title
- technical title change (HB only)

FISCAL NOTE INFORMATION

Department	Date	Zero	Fiscal
DOA - OLA	3.9.94	✓	—
DPS	3.9.94	✓	—
DOL	3.9.94	✓	—
DOC	3.9.94	—	11.3
DOA - PIDA	3.9.94	✓	—

Department	Date	Zero	Fiscal

Appropriation No Fiscal Note

Governor's Bill with Previous Fiscal Notes (enter information above)

DO PASS:

OTHER RECOMMENDATIONS:

Mike Miller

Robin L. Taylor NCRC

Chair: Signature and Recommendation

SB

351

HFIN

FILE

(11)

Date Referred: April 22, 1994

HOUSE COMMITTEE REPORT
FURTHER REFERRALS:

Date of Committee Action: 4/25/94

The FINANCE Committee considered:

SB 351

SENATE BILL NO. 351

CHARACTER EVIDENCE IN CRIMINAL TRIALS

"An Act amending Alaska Rule of Evidence 404, relating to the admissibility of certain character evidence in court proceedings."

- RECOMMENDATIONS: the same title
 be replaced with _____ 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: (Dep/Date) _____

fiscal impact _____

fiscal note(s) LAW, 3/19/94 DPS, 3/19/94

zero fiscal note _____

zero fiscal note(s) (2) DOA, 3/19/94

SIGNING <u>DO PASS</u>	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
<i>Eileen P. Macheen</i> Macheen	✓	<i>Tom Hoffman</i> Hoffman		x	
<i>Ronald L. Larson</i> Larson	x				
<i>Mark Hanley</i> Hanley	x				
<i>Terry Martin</i> Martin	x				
<i>Alan Parrish</i> Parrish	x				
<i>Ben Grussendorf</i> Grussendorf	x				
<i>Mike Navarre</i> Navarre	✓				
<i>Lay Brown</i> Brown	✓				
<i>Gene Therriault</i> Therriault	x				

Ronald L. Larson E.P. Macheen
CHAIRMAN'S SIGNATURE

FISCAL NOTE

No. 2

STATE OF ALASKA
1994 LEGISLATIVE SESSION

Bill Version: SB 351

(3) Publish Date: 3-9-94

Revision Date: February 15, 1994
Title: "...amending Alaska Rule of Evidence 404...
admissibility of certain character evidence..."
Sponsor: Rules/Request of Governor
Requestor: Governor's Office.

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

EXPENDITURES/REVENUES:

OPERATING	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
PERSONAL						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND &						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

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

REVENUE						
---------	--	--	--	--	--	--

FUNDING:

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

POSITIONS:

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

Estimate of current year (FY94) impact: -0-

ANALYSIS: (Attach a separate page if necessary.)
Please see the attached analysis.

Prepared by: Richard T. Pegues, Director
Division: Administrative Services Division

Phone: 465-3672
Date: February 15, 1994

Approved by Commissioner: Bruce M. Botelho, Attorney General
Agency: Department of Law

Date: February 15, 1994

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FISCAL NOTE

STATE OF ALASKA
1994 LEGISLATIVE SESSION

BILL NO. _____

ANALYSIS CONTINUATION:

This bill amends Alaska Rule of Evidence 404 in several important respects. First, the bill would help reduce the number of times a rape victim is "put on trial" by authorizing the admission into evidence of other sexual assaults by the defendant against the same or another person when the defendant relies on the defense of consent. A defendant who argues that the victim consented should not be able to hide behind Rule of Evidence 404(b) to keep the jury from learning that the defendant has assaulted other victims.

Second, with respect to sexual abuses or assaults against a minor, this bill removes from Rule of Evidence 404(b) confusing language -- "to show a common scheme or plan" -- that has been misinterpreted by several courts to exclude evidence meant to be allowed under the rule. The bill also specifies a 10-year time period as being not too remote for the admissibility of evidence of prior similar assaults or sexual abuse offenses committed by the defendant against minors.

Finally, this bill amends Rule of Evidence 404(a) to allow evidence of a defendant's reputation for aggression or violence when the defendant places the victim's character for violence in issue by claiming self-defense. A defendant who claims that the victim was the aggressor should not be able to hide behind Rule 404 to keep a jury from learning that the defendant has an even greater reputation for violence in the community.

Because the bill modifies the rules of evidence in a manner that will help level the playing field for state prosecutors, and does not add to or otherwise increase our workload, there will not be a fiscal impact.

FISCAL NOT

No. 1

STATE OF ALASKA
1994 LEGISLATIVE SESSION

Bill Version: SB 351

(S) Publish Date: 3-9-94

Revision Date: _____ Dept. Affected: Administration
 Title: *An Act Relating to Evidence in Sexual BRU: Public Defender Agency
Assault Cases... Component: Public Defender Agency
 Sponsor: _____
 Requestor: Governor COMPONENT SERIAL NO. 1631

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY95	FY96	FY97	FY98	FY99	FY00
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 EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
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CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0
------------------------	-----	-----	-----	-----	-----	-----

FUND SOURCE (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	0.0	0.0	0.0	0.0	0.0	0.0
1006 GF/MHTIA	0.0	0.0	0.0	0.0	0.0	0.0
Other	0.0	0.0	0.0	0.0	0.0	0.0
Total	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of current year (FY94) cost: none

POSITIONS:

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

ANALYSIS: (Attach a separate page if necessary)

Prepared by: John Salemi, Public Defender Phone: 264-4400
 Division: Public Defender Agency Date: _____

Approved by Commissioner: Nancy Bear Usura Date: 2/17/94
 Agency: Administration

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