

**ALASKA LEGISLATURE**

**1764**

**HOUSE and SENATE FINANCE COMMITTEE FILES, 1997-1998**

**SB**

**67**

**SFIN**

**FILE**

Revision Date: 3-13-97

Title: Truth in Sentencing

Dept. Affected: Corrections

BRU: ALL

Sponsor: Senator Halford

Requestor: Senate Finance Committee

Components: ALL

Serial # 594.0

EXPENDITURES/REVENUES: (THOUSANDS OF DOLLARS)

OPERATING	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants, Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

CAPITAL EXPENDITURES	***	***	***	0.0	0.0	0.0
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CHANGE IN REVENUES (1002)	650.0	650.0	650.0	0.0	0.0	0.0
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FUNDING: (THOUSANDS OF DOLLARS)

1002 Federal Receipts	650.0	650.0	650.0			
1003 GF Match	65.0	65.0	65.0			
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other						
<b>TOTAL</b>	<b>715.0</b>	<b>715.0</b>	<b>715.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>


POSITIONS:


Full-Time						
Part-Time						
Temporary						

ANALYSIS: (ATTACH A SEPARATE PAGE IF NECESSARY)

see attached analysis

Prepared by: SENATE FINANCE COMMITTEE

  
SENATOR DRUE PEARCE, COCHAIR

  
SENATOR BERT SHARP, COCHAIR

Date: 3-13-97

Phone: 465-4993

Date: 3-13-97

Phone: 465-3004

Analysis of CSSB 67 (JUD)

As amended, SB 67 should qualify the State of Alaska to apply for and receive federal Truth-in-Sentencing grants under the United States Department of Justice Violent Offender Incarceration and Truth-in-Sentencing Incentive Grants program. These funds are to be used for prison construction or renovations. Congress has authorized funds for the grants through FY 2000. The amount that the State of Alaska would be eligible to receive depends upon how many other states qualify, inasmuch as appropriated funds are divided between qualifying states on the basis of their number of violent offenders. Had Alaska qualified this past year, its share would have been \$650,000 plus a required 10% state match. The Department of Corrections assumes that Congress will appropriate similar sums each year, but that Alaska's share may receive a slight decrease each year as more states qualify.

\*\*\* Should these federal receipts materialize they will be available for appropriation by the Legislature for future capital expenditures on correctional facilities.

# SENATE FINANCE COMMITTEE REPORT

REPORTED OUT OF

DATE: 3/5/97

FURTHER: SFC 3-12-97

DATE TURNED  
IN TO OFFICE: 3-12-97

Finance Committee considered **SENATE BILL NO. 67**

"An Act relating to the imposition of criminal sentences; and amending Rule 32.2, Alaska Rules of Criminal Procedure."

and recommends:

be replaced with \_\_\_\_\_ CS \_\_\_\_\_ (\_\_\_\_\_)

adopt previous \_\_\_\_\_ CS SB 67 (JUD)

attached amendment(s)

adopt Letter of Intent by \_\_\_\_\_ Committee

further referral to the \_\_\_\_\_ Committee

**Senate Bill:**

same title

new title

**House Bill:**

same title

technical change

new: SCR# \_\_\_\_\_

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	NR	DNP	AM
<del>John E. Piro</del>	→				
John P. Russell	✓				
Michael Donley	✓				
<del>_____</del>	✓				
Co-Chair: <u>Deane</u>	✓	Co-Chair:			
Co-Chair: <u>Ben King</u>	✓	Co-Chair:			

**NEW FISCAL NOTE(S):**

Department                      Date      Zero      Fiscal

Forthcoming FN (POSITIVE REVENUE)  Rec'd 3/12    715.0 DOC Amended 3/13    715.0 S.FIN			
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**PREVIOUS FISCAL NOTE(S):\***

Department                      Date      Zero      Fiscal

5	Law	2/27	X	
4	DPS - VCCB	2/21	X	
3	DPS - Comm	2/21	X	
1	Court	2/4	X	

APPROPRIATION -- no fiscal note

\*include fiscal notes accompanying Governor's Bill

# FISCAL NOTE

STATE OF ALASKA  
1997 LEGISLATIVE SESSION

BILL NO. CSSB 67 (JUD)

Revision Date:

Dept. Affected: Alaska Court System

Title: Truth in Sentencing

BRU: Trial Courts

Component:

Sponsor: Sens. Halford, Green, Donley

Requestor: Senate State Affairs

COMPONENT SERIAL NO. 768

### Expenditures/Revenues

(Thousands of Dollars)

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

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ( )						
------------------------	--	--	--	--	--	--

### Fund Source

(Thousands of Dollars)

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

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

### Positions

Full-Time						
Part-Time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

No fiscal impact.

Prepared by: C. S. Christensen III, Staff Counsel

Agency: Alaska Court System

Phone: 264-8228

Date: 03/10/97

Approved by: Stephanie J. Cole, Acting Administrative Director

Agency: Alaska Court System

Date: 03/10/97

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REPORTED OUT OF  
 DEC 3-12-97

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02/04/97 18:22 1907 279 8884

ADMIN ACCOUNT

**FISCAL NOTE**

No. 1

Bill Version: CSSB67(STA)

(S) Publish Date: 2/6/97

STATE OF ALASKA  
 1997 LEGISLATIVE SESSION

Revision Date: \_\_\_\_\_ Dept. Affected: Alaska Court System  
 Title: Truth in Sentencing BRU: Trial Courts  
 Sponsor: Sen. Halford Component: \_\_\_\_\_  
 Requestor: Senate State Affairs COMPONENT SERIAL NO. 768

Expenditures/Revenues (Thousands of Dollars)

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

Fund Source (Thousands of Dollars)

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

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

Positions

Full-Time						
Part-Time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

No fiscal impact.

Prepared by: C. S. Christensen III, Staff Counsel *CMC* Phone: 264-8228  
 Agency: Alaska Court System Date: 02/04/97  
 Approved by: Arthur H. Snowden, II, Administrative Director *AS* *CMC* Date: 02/04/97  
 Agency: Alaska Court System

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# FISCAL NOTE

No. 5

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

REPORTED ON  
SFC 3-12-97

Bill Version: CSSB 67 (Jud)  
(S) Publish Date: 3-5-97

Revision Date: \_\_\_\_\_ Dept. Affected: Department of Law  
 Title: \*An Act relating to the imposition of criminal BRU: Criminal Division  
sentences; amending Rule 32.2, Ak Rules of Criminal Procedure Component: Criminal Division  
 Sponsor: Senator Halford  
 Requester: Senate Judiciary Committee COMPONENT SERIAL NO. 2085

**Expenditures/Revenues**

(Thousands of Dollars)

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

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ( )						
------------------------	--	--	--	--	--	--

**FUND SOURCE**

(Thousands of Dollars)

FUND SOURCE	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

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

**POSITIONS**

POSITIONS	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
FULL-TIME	0.0	0.0	0.0	0.0	0.0	0.0
PART-TIME						
TEMPORARY						

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

The Senate Judiciary Committee Substitute for SB 67 includes a new section stating that the required approximate minimum term statement in the sentencing report is for informational purposes only, and cannot be used as a basis for review or appeal of the sentence imposed.

With this change, the Department of Law no longer anticipates any fiscal impact from passage of this legislation.

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

Phone: 465-5370  
 Date: 2/27/97  
 Date: 2/27/97

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# FISCAL NOTE

No. 2

STATE OF ALASKA  
1997 LEGISLATIVE SESSION

Bill Version: CSSB 67 (STA)

(S) Publish Date: 2-10-97

Revision Date:	Dept. Affected: <u>Department of Law</u>
Title: <u>"An Act relating to the imposition of criminal sentences; amending Rule 32.2, Ak Rules of Criminal Procedure"</u>	BRU: <u>Criminal Division</u>
Sponsor: <u>Senator Halford</u>	Component: <u>Criminal Division</u>
Requester: <u>Senate State Affairs Committee</u>	COMPONENT SERIAL NO. <u>2085</u>

Expenditures/Revenues	(Thousands of Dollars)					
OPERATING EXPENDITURES	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
PERSONAL SERVICES	26.9	26.9	26.9	26.9	26.9	26.9
TRAVEL	0.4	0.4	0.4	0.4	0.4	0.4
CONTRACTUAL	4.0	4.0	4.0	4.0	4.0	4.0
SUPPLIES	0.5	0.5	0.5	0.5	0.5	0.5
EQUIPMENT	0.0	0.0	0.0	0.0	0.0	0.0
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>31.8</b>	<b>31.8</b>	<b>31.8</b>	<b>31.8</b>	<b>31.8</b>	<b>31.8</b>

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ( )						
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FUND SOURCE	(Thousands of Dollars)					
1002 Federal Receipts						
1003 GF Match						
1004 GF	31.8	31.8	31.8	31.8	31.8	31.8
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
<b>TOTAL</b>	<b>31.8</b>	<b>31.8</b>	<b>31.8</b>	<b>31.8</b>	<b>31.8</b>	<b>31.8</b>

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

POSITIONS	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
FULL-TIME	0.0	0.0	0.0	0.0	0.0	0.0
PART-TIME						
TEMPORARY						

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

To be known as the "Truth in Sentencing Act of 1997," this bill adds requirements for sentencing reports issued by the court at the time sentences are imposed. Specifically, CSSB 67 (STA) would require that sentencing reports include a statement of the sentence imposed, the term of imprisonment imposed, if any, including the approximate minimum term of imprisonment the defendant is expected to actually serve before being released, placed on mandatory parole, and the approximate minimum term the defendant must serve before becoming eligible for release on discretionary parole. Rule 32.2(e), Alaska Rules of Criminal Procedure, is amended to include the same requirements.

Passage of this legislation will increase the complexity of sentencing proceedings by requiring prosecutors to advise the court on when the defendant would be eligible for mandatory or discretionary parole. Those calculations are often difficult to do with precision and take time. Sentencing would be delayed while the calculations were performed by the Department of Corrections, and double checked by the prosecutors in order to advise the court. Even though the CS requires the court only to state the "approximate" minimum term, if

Prepared by: <u>Joan M. Kasson</u> <i>Joan M. Kasson</i>	Phone: <u>465-5370</u>
Division: <u>Administrative Services Division</u>	Date: <u>2/6/97</u>
Approved by Commissioner: <u>Bruce M. Botelho</u> <i>Bruce M. Botelho</i>	Date: <u>2/6/97</u>
Agency: <u>Department of Law</u>	

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ANALYSIS CONTINUATION:

incorrect, the sentencing imposed by the court would still be subject to challenge, creating additional appellate work for the Department of Law, unless the legislation were amended to specifically preclude an incorrect estimate as a grounds for sentence appeal.

The total impact of this legislation is difficult to assess, however, we can anticipate that the equivalent of one-fourth of an attorney's time in the Anchorage Office of Special Prosecutions and Appeals would be necessary to become expert on parole eligibility calculations and advise prosecutors in sentencing proceedings, and to handle the briefing of appeals. Using the standard attorney cost developed for the Civil Division of \$127,000, the fiscal impact from this legislation would be \$31,750 ( $\$127,000/4$ ). This cost includes clerical support, communications, space, supplies, data processing, and other normal overhead expenses.

# FISCAL NOTE

No. 4

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

REPORTED OUT OF  
SFC 3-12-97 **BILL N**

Bill Version: CSSB 67(TVD)  
(S) Publish Date: 3-5-97

Revision Date: \_\_\_\_\_ Dept. Affected: Public Safety  
Title: Truth in Sentencing BRU: Violent Crimes Compensation Board  
Sponsor: Sen. Halford Component: \_\_\_\_\_  
Requestor: S. Judiciary COMPONENT SERIAL NO. \_\_\_\_\_

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

OPERATING	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
PERSONAL SERVICES	0					
TRAVEL	0					
CONTRACTUAL	0					
SUPPLIES	0					
EQUIPMENT	0					
LAND & STRUCTURES	0					
GRANTS CLAIMS	0					
MISCELLANEOUS	0					
<b>TOTAL OPERATING</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ( ) Revenue Code						
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**FUNDING: (Thousands of Dollars)**

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

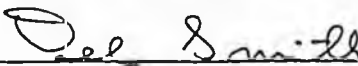
Estimate of current year (FY 97) impact: \$ \_\_\_\_\_

**POSITIONS:**

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary.)

The Violent Crimes Compensation Board approves of any vehicle which makes the victim more informed.

Prepared By: Noia K. Capp Phone: 465-3040  
Division: Violent Crimes Compensation Board Date: February 10, 1997  
Approved by Commissioner:  Date: 2/21/97  
Agency: Ronald L. Otte, Dept. of Public Safety

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**STATE OF ALASKA**

**FISCAL NOTE**

No. 3

**1997 LEGISLATIVE SESSION**

SFC REPORTED OUT NO: 3-12-97

Bill Version: CSSB 67 (Jud)

(S) Publish Date: 3-5-97

Revision Date: \_\_\_\_\_

Dept. Affected: Public Safety

Title: Truth in Sentencing

DPS Statewide Support

Component: Commissioner's Office

Sponsor: Rules Committee

Requestor: S. Judiciary

COMPONENT SERIAL NO. 0523

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

OPERATING	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
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-
Code Revenue						

**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 97) impact: \$ \_\_\_\_\_

**POSITIONS:**

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

ANALYSIS: (Attach a separate page if necessary.)  
 No fiscal impact is anticipated to the Department of Public Safety

Prepared By: Sandy Perry-Provost, Special Assistant to the Commissioner Phone: 465-4322  
 Division: Commissioner's Office Date: 2/20/97  
 Approved by Commissioner: Del Smith Date: 2/21/97  
 Agency: Ronald L. Otte, Dept. of Public Safety

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Official Business

# Alaska State Legislature

## Senate

**RICK  
HALFORD**

State Capitol  
Juneau, Alaska  
99801-1182  
Phone (907) 465-4958

P.O. Box 670190  
Chugiak, Alaska 99567  
Phone (907) 694-4958

600 E. Railroad Avenue  
Wasilla, Alaska 99654  
Phone (907) 376-4958

## *Sponsor Statement*

### *SB 67 "The Truth in Sentencing Act of 1997"*

When a felon is sentenced to a term of imprisonment the public often receives a false sense of security by believing the criminal will actually be incarcerated for the stated sentence. As a result of "good time", as well as mandatory and discretionary parole provisions, the actual sentence served is virtually guaranteed to be less than which is imposed by the judge.

If enacted, SB 67 would require that a victim of a crime, their family, as well as the public, be provided with an accurate statement of the period of the *minimum* period of time which must be served before the criminal is released. *At the very least*, the victim and their families, as well the public, deserve an honest and accurate assessment of the amount of time a criminal will actually be incarcerated. SB 67 would require that the judge do this.

SB 67 would also allow the Department of Corrections to receive *up to* \$617,000 in federal funds which are available to states which meet federal truth in sentencing guidelines.

T.E. Brown  
LCDR, USCG (Ret)  
Palmer, AK 99645

September 30, 1996

Senator Rick Halford  
P.O. Box 670190  
Chugiak, AK 99567

RECEIVED  
OCT 11 1996  
Ans'd.....

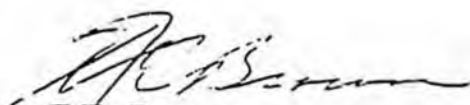
Dear Senator Halford,

The attached letter is pretty much self-explanatory. Perhaps it could have been better composed but it does express a Mothers' grief. To re-fresh your memory, this is about a man who took a girl out the Glenn Highway, stopped by the King Mountain Lodge, then proceeded on northbound, murdered the girl and dumped her body by the river.

This man should serve the entire 1,825 days of his 5 year sentence. To serve less would be an injustice to us all. After all, the crime was murder, although the Prosecution allowed him to plead down.

I am hopeful you will be able to forestall the early release of this convicted criminal.

Sincerely,

  
T.E. Brown

Dolores M. Johnston  
RD #11 Box 873  
Greensburg, PA 15601  
(412) 834-7823  
August 3, 1996

RE: Case 3 PAS.94-1013

To the Alaska Dept. Of Corrections and to Whom it May Concern (and Especially Those Victims of Murder):

This letter is written in total disgust of the Correctional System for asking to place Frank Osborn on furlough and placing him in the public workplace.

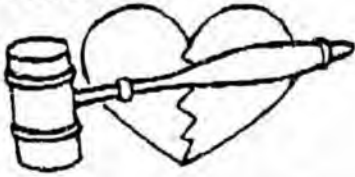
I feel he received a light sentence for MURDER, and this offering of work privileges is a real slap in the face to me as the mother of the victim. I was with the understanding at his sentencing in May that he was to serve five (5) years without parole -- WHAT DO YOU CALL THIS?! Maybe all of the intellectual people have forgotten the basics of conversation and statements. They seem to use "except", "if", "or" and "but" for all of their poor judgments in the court system. Excuses for CRIMINALS.

Concerning the five (5) year sentence, my heart was at ease for a while. How can you even recommend such a placement so soon after the sentence date, May 28, 1996? Doesn't the judge have the real say so?! Why bother having a judge if a lesser educated person is going to override his/her decisions. What a mockery! Go ahead, give Frank Osborn his request. It's your public surroundings, not mine. You can release him if I agree or not. I only hope that the next victim of his crime isn't your relative or daughter. You'll get to know the word "hurt". Do you know the mental anguish this has put me through, plus I've lost today's wages (8/2/96). I also understand a release date has been set for September 1997. This is not five (5) years! If pursuit of this furlough and release date is granted, I fear that a medical disability may occur due to the amount of stress I've endured, punishment more than the criminal Frank Osborn has to endure for murder. If work release is needed for finances, let him work in the facility cleaning the restrooms, etc., but he should remain behind bars! He already has three (3) balanced meals, housing, etc. -- better than most poor people -- more than a murderer deserves!!! I understand Frank didn't think I would have a problem with the furlough request. Well, "I DO"!!!

In my loving remembrance of Lorie.

Dolores M. Johnston

02703797 1870  
**VICTIMS**



**for Justice** 619 East Fifth Avenue • Anchorage, AK 99501  
(907) 278-0977 • Fax: (907) 258-0740

February 3, 1997

The Honorable Senator Rick Halford  
State Capitol Room 121  
Juneau, Alaska 99801-1182

Re: SB 67

Dear Senator Rick Halford,

Victims for Justice supports legislation that demands truth in sentencing. Victims of crime are overwhelmed by the criminal justice system as information is often withheld from families because it might affect the integrity of the case. The victim must struggle with continuances and is often traumatized as they begin to understand the laws protect the defendant's rights at the expense of the victims'. The victim's day in court finally arrives and the victims are permitted to give their victim impact statement as they anxiously await the sentencing. When the judge metes out the sentence a sigh of relief! Then the victim again becomes victimized when they realize that the defendant only serves a third of the sentence the judge imposes. Why does the court have to give the lay person misinformation? Why isn't the court required to tell the sentence as it is meant. "Truth in sentencing would eliminate another trauma from the victim.

Sincerely,

A handwritten signature in cursive script that reads "Janice Lienhart".

Janice Lienhart  
Executive Director

56 67 (+)  
D.20  
FEB 03 1997

Senator Rick Halford  
Alaska State Legislature  
State Capitol (MS 3100)  
Juneau, Alaska 99801-1182

30 January 1997

Re: Senate Bill 67

Dear Senator Halford,

Today, I received a Senate Majority Fax regarding your Truth in Sentencing Act of 1997. I heartily support your efforts in this regard. It has long been my belief that if the public realized just how little time convicted criminals were actually incarcerated for their crimes, that same public would be appalled. And being thus appalled, would then rise up in righteous indignation and demand the changes that would return us to some common sense and sanity in our criminal justice system.

While many believe that our criminal justice system is broke and needs fixing or replacing, I disagree. I say there is nothing wrong with our criminal justice system and the principal behind it. The problem lies in how it has been perverted, and in some of the people who apply it.

Our criminal justice system is based on the idea that sufficient punishment deters crime. But that will only work if punishment is, in actuality, sufficient. It must also be both swift and sure. These days, it is none of the above.

Your bill, if passed, will go a long way toward helping to insure that punishments are sufficient by shining the light of public scrutiny on the sentencing actions and decisions of judges. I suspect that they will be less likely to be lenient with the public looking over their shoulder.

Very Truly Yours,

  
Levi Gudde

P.O. Box 240487  
Anchorage, Alaska 99524-0487

**SB**

**68**

**HFIN**

**FILE**

# HOUSE COMMITTEE REPORT

(11)

Date Referred to Committee: April 23, 1997

FURTHER REFERRALS:

Date of Committee Action: 5/5/97

The FINANCE Committee considered:

CSSB 68(FIN)

CS FOR SENATE BILL NO. 68(FIN)

TASK FORCE ON PRIVATIZATION

"An Act relating to the Task Force on Privatization; and providing for an effective date."

recommends it be replaced with the following committee substitute HES CS SB 68 (STA)  the same title  a new title

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

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

ATTACHES NEW FISCAL NOTE(S): (Dept) \_\_\_\_\_ APPROVES PREVIOUS: (Dept/Date) \_\_\_\_\_  
 fiscal note(s) \_\_\_\_\_ 3 (7) fiscal note(s) Law (a) Gov  
3/26/97

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

SIGNING WITH RECOMMENDATIONS		DP	DNP	NR	AM
<i>Gene Theriault</i>	Theriault	✓			
<i>Gordon Mulder</i>	Mulder	✓			
<i>Terry Martin</i>	Martin	X			
<i>Jim Kohring</i>	Kohring	X			
<i>John Dabies</i>	Dabies	X			
<i>R. Kelly</i>	Kelly				
<i>John Foster</i>	Foster			X	

CHAIR'S SIGNATURE *Gene Theriault*

# FISCAL NOTE

STATE OF ALASKA  
1997 LEGISLATIVE SESSION

NO. \_\_\_\_\_  
BILL No. 1  
PUBLISHER: Bill Verson: CS SB 68 (FIN)  
(S) Publish Date: 3-26-97

Revision Date: \_\_\_\_\_  
Title: "An Act relating to the Task Force on Privatization: and providing for an effective date."  
Sponsor: Senator Ward  
Requestor: Senate Finance Committee

Department Affected: Legislative Affairs Agency  
BRU: All  
Component: All

COMPONENT SERIAL NO:

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

OPERATING	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	13.1	10.0	0	0	0	0
CONTRACTUAL	4.8	2.4	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>17.9</b>	<b>12.4</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

<b>CAPITAL</b>	0	0	0	0	0	0
----------------	---	---	---	---	---	---

<b>REVENUE FUND SOURCE</b>	0	0	0	0	0	0
----------------------------	---	---	---	---	---	---

**FUNDING: (Thousands of Dollars)**

GENERAL FUND	17.9	12.4	0	0	0	0
FEDERAL FUNDS						
OTHER FUND SOURCE						
<b>TOTAL</b>	<b>17.9</b>	<b>12.4</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

**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 impact: \_\_\_\_\_

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

CS SB68(FIN) establishes a 13 member Task Force on Privatization consisting of 3 members appointed by the Governor, 2 of whom are public members, 4 public members appointed by the presiding officers of the Alaska State Legislature and 6 Legislators. The task force will review and report to the Legislature and the Governor regarding the feasibility of privatization of some government functions.

Prepared By: Karla Schofield, Deputy Director *Karla Schofield* Phone: 465-3852  
Division: Administrative Services Date: 3/23/97

Approved By: Pamela A. Varni, Executive Director *Pamela A. Varni*  
Agency: Legislative Affairs Agency Date: 3/23/97

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

**Travel**

Travel costs for one Governor's appointee will be paid for by the Office of the Governor. FY 97 travel costs for the two public members appointed by the Governor, Legislators and public members appointed by the presiding officers will be absorbed within existing Legislative budgets. This Fiscal note contains FY98 and FY99 travel amounts for the public members.

If the task force begins work in FY97 it is expected to travel once in FY97, 4 times in FY98, and 3 times in FY99 to hold meetings. Any other meetings of the task force will be conducted by teleconference.

For the purposes of this fiscal note, 2 public members are assumed to be from Fairbanks, 3 from Anchorage, and 1 from Ketchikan. 2 days of per diem are calculated for each meeting.

	Per Diem	Travel	
<b><u>FY 98</u></b>			
<b>2 Anchorage Meetings</b>			
3 Anchorage members	0	0	
2 Fairbanks members	1,736	1,328	
1 Ketchikan member	868	1,240	
<b>1 Fairbanks Meeting</b>			
3 Anchorage members	1,026	996	
2 Fairbanks members	0	0	
1 Ketchikan member	342	690	
<b>1 Juneau Meeting</b>			
3 Anchorage members	1,026	1,398	
2 Fairbanks members	684	1,148	
1 Ketchikan member	342	268	
 <b>Total FY98 Travel</b>	 6,024	 7,068	 13,092

<b><u>FY99</u></b>			
<b>2 Anchorage Meetings</b>			
3 Anchorage members	0	0	
2 Fairbanks members	1,736	1,328	
1 Ketchikan member	868	1,240	
<b>1 Juneau Meeting</b>			
3 Anchorage members	1,026	1,398	
2 Fairbanks members	684	1,148	
1 Ketchikan member	342	268	
 <b>Total FY99 Travel</b>	 4,656	 5,382	 10,038

<b>Contractual</b>				
	Phones \$100/month	Postage \$50/mcnth	Advertisizing 750/meeting	TOTAL
FY98	1,200	600	3,000	4,800
FY99	700	350	1,500	2,550

Teleconference charges and expenses for printing the report will be absorbed by the Agency.

# FISCAL NOTE No. 2

STATE OF ALASKA  
1997 LEGISLATIVE SESSION

Bill Version: C95B 68 (FIN)

(S) Publish Date: 3-26-97

Revision Date: 2/24/97

Dept. Affected: See analysis below

Title: An Act relating to the Task Force on Privatization.

BRU: \_\_\_\_\_

Component: \_\_\_\_\_

Sponsor: Senator Ward

Requester: Senate State Affairs Committee

COMPONENT SERIAL NO. \_\_\_\_\_

### Expenditures/Revenues

(Thousands of Dollars)

OPERATING EXPENDITURES	FY 96	FY 99	FY 00	FY 01	FY 02	FY 03
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	*****	*****	*****	*****	*****	*****

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

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

### FUND SOURCE

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other						
<b>TOTAL</b>	*****	*****	*****	*****	*****	*****

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

### POSITIONS

FULL-TIME						
PART-TIME						
TEMPORARY						

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

This bill would establish a Task Force on Privatization, which would, among other tasks, "identify functions of our state government that could economically and appropriately be privatized, if any."

Most of the state's labor agreements include provisions which require the state to conduct feasibility studies determining potential costs and benefits before any decisions are made on contracting out work currently performed by state employees. Therefore, before any decisions are made on implementation of the Task Force's recommendations to privatize state functions covered by these labor agreements, the feasibility studies required by the labor agreements would need to be conducted.

Prior feasibility studies of this type have cost from approximately \$20,000 to \$50,000 per study. However, because the need for feasibility studies will depend on the recommendations of the Task Force, these costs, and the departments affected, cannot be estimated now. This is why asterisks are shown on this fiscal note.

In addition to feasibility studies, the labor agreements require other procedures to be followed before work can be contracted out.

Prepared by: Annalee McConnell, Director

Division: Office of Management and Budget

Phone: 465-4660

Date: 2/24/97

Approved by Commissioner: \_\_\_\_\_

Jim Ayers, Chief of Staff

Date: 2/24/97

Agency: \_\_\_\_\_

Office of the Governor

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For further distribution information, call the Governor's Legislative Office

# FISCAL NOTE

No. 3

**STATE OF ALASKA  
1997 LEGISLATIVE SESSION**

Bill Version: CSSB 68 (FIN)

(S) Publish Date: 3-26-97

Revision Date: \_\_\_\_\_ Dept. Affected: Office of the Governor  
 Title: \*An Act relating to the Task Force on BRU: Executive Operations  
 Privatization: ... \_\_\_\_\_ Component: Executive Office  
 Sponsor: Senators Ward, Wilken  
 Requester: Senate Finance Committee COMPONENT SERIAL NO. 6

**Expenditures/Revenues**

(Thousands of Dollars)

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

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

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

**FUND SOURCE**

(Thousands of Dollars)

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

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

**POSITIONS**

FULL-TIME						
PART-TIME						
TEMPORARY						

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

The composition of the task force envisioned by the bill involves both executive and legislative membership. This involves constitutional issues, for which the Administration may urge changes in this bill. However, as written the bill states that two of the three members appointed by the Governor will be public members. It is assumed that travel expenses will be incurred by members to attend meetings. Traditionally such costs are budgeted by the agency or branch housing the task force. This fiscal note assumes that the travel costs for all public members are included in the Legislative Affairs fiscal note.

Due to the nature of the subject in this bill, it is likely that the Administration's third appointee would be a state official in the Executive Branch. Historically, agencies involved pay the costs of Executive Branch state official participation. Should this be the case, fiscal impact in travel funding for FY98 would be 2.0, and .6 in FY99.

Prepared by: Michael Nizich, Administrative Director  
 Division: Administrative Services  
 Approved by Commissioner: Jim Ayers, Chief of Staff  
 Agency: Office of the Governor

Phone: 465-3876  
 Date: 3/24/97  
 Date: \_\_\_\_\_

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Fiscal note assumes one of the Governor's appointees will be from the Executive Branch and a resident of Juneau. After discussion with Legislative Affairs, the note further assumes travel costs for this appointee to attend task force meetings as follows:

**FY98****2.0**

4 meetings total:

2 Anchorage:

airfare -	\$444 x 2 trips =	\$ 888
per diem, lodging, grd. trans.	\$194 x 2 =	\$ 388

1 Fairbanks:

airfare -	\$574 x 1 trip =	\$ 574
per diem, lodging, grd. trans.	=	\$ 194

1 Juneau: no cost

**FY99****0.6**

1 Anchorage:

airfare -	\$444 x 1 trip =	\$ 444
per diem, lodging, grd. trans.	=	\$ 194

1 Juneau: no cost

failed 1-5

#1

AMENDMENT

OFFERED IN THE HOUSE

BY REPRESENTATIVE DAVIES

TO: HCS CSSB 68 (STA)

Page 2, line 3:

Delete "three"

Insert "four"

Page 2, line 5:

Delete "and"

Page 2, line 7, following "trades"

Delete ";

Insert ", and the commissioner of the department of commerce and economic development or the commissioner's designee;"

Page 2, line 12:

Delete "two"

Insert "one"

Page 2, line 13:

Delete "two"

Insert "one"

Page 2, lines 14 - 18:

Delete all material

Insert "The task force shall select a member to serve as chair of the task force and a member to serve as vice chair."

# LEGAL SERVICES

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

(907) 465-3867 or 465-2450  
FAX (907) 465-2029  
Mail Stop 3101

130 Seward Street, Suite 409  
Juneau, Alaska 99801-2105

## MEMORANDUM

April 17, 1997

**SUBJECT:** Task Force on Privatization (CSSB 68(FIN))

**TO:** Senator Jerry Ward  
Attn: Craig Johnson

**FROM:** Tamara B. Cook  
Director TBC

The Task Force on Privatization is established in the legislative branch and consists of members appointed by the president of the senate, speaker of the house, and governor. You have asked whether the appointment authority granted to the governor violates the separation of powers doctrine. While the question is not entirely free from doubt, I do not believe that a court is likely to find a violation of the separation of powers doctrine.

The court has recognized that the separation of powers doctrine applies in Alaska and that appointment of executive officers is an executive function. (Bradner v. Hammond, 553 P.2d 1 (Alaska 1976)) However, the power to appoint to office is not exclusively an executive function, at least not so exclusively an executive function that it may not be exercised by the legislature or by the courts as an incident to the discharge of functions properly within their respective spheres. (16 C.J.S. 216) Furthermore, the ordinary constitutional distributive clause providing for the complete separation of governmental powers has generally been held insufficient to vest the appointing power solely in the executive. Creation of a commission with some members appointed by the legislature and some by the governor has been held in other states not to violate the separation of powers doctrine when the commission is performing legislative and executive functions as a cooperative venture. (16 C.J.S. 135)

The Task Force on Privatization is charged with studying the issue of privatizing governmental functions, a topic of interest to both the legislative and executive branches. The Task Force is strictly advisory. It cannot exercise any legislative power, despite its location in the legislative branch of government. Generally, in order to rise to the level of a constitutional question, a conflict between the executive and legislative branches must be clear. (16 C.J.S. 217) Because the Task Force is advisory only and because it is involved in studying a matter of concern to both branches of government, I do not see the clear conflict between the branches necessary to create a separation of powers violation.

TBC:lmb  
97-060.lmb

# Alaska State Legislature

## Senate

**JERRY WARD**

State Capitol  
Juneau, AK 99801-1182  
Phone (907) 455-4940  
Fax (907) 463-3766

716 W 4th Ave., Ste. 450  
Anchorage, AK 99501-2133  
Phone (907) 258-8133  
Fax (907) 258-0820

145 Main Street Loop  
Kenai, AK 99611  
Phone (907) 283-7996  
Fax (907) 283-3075

### Sponsor Statement CS for Senate Bill 68

**"An Act relating to the Task Force on Privatization;  
and providing for an effective date"**

Privatization is the fundamental political and economic reassessment of the role of government and the private sector in the modern state. It is a variety of management techniques and activities encouraging more involvement of the private sector in providing government services. Markets are efficient only when they are competitive, however efficiency should not be government's only goal. Government must balance the pursuit of efficiency with effectiveness, while maintaining the confidence of the people it represents.

CSSB 68 was introduced to establish a task force that will review functions of state government that could easily be transferred to the private sector. The task force will have members from the public, legislative and executive branches of government.

This will be the first all encompassing look at privatizing governmental services in Alaska. Forty-eight other states, including Alaska, have privatized some governmental services. When enacted, this bill will evaluate which services could be provided more efficiently by the private sector as well as highlight those services that are better provided by the government. The report should provide a road map for reducing the size and cost of state government, without reducing service, while providing options for the future.

CSSB 68 will also look into the State's contracting procedures to make sure Alaskans are getting the most out of every contracting dollar spent.

This bill has been endorsed by the Alaska Trucking Association, Gold Belt Inc., Local 71 and several others. Privatization of governmental services is one of the top priorities of the Alaska State Chamber of Commerce.

Board keeps controversial  
book in schools

PAGE 3

Ever plan all dried up

PAGE 3

Cougars  
slide to  
the top

PAGES 17

State eyes privatization

PAGE 3

Elect the attorney general?

PAGE 4

Legislators report in

PAGE 20



PUBLISHED  
WEEKLY

# Alaska Star

Serving Anchorage, Eagle River and the Valley

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VOLUME XXVII, Number 7

24 pages plus inserts Successor to Chugiak-Eagle River Alaska Star

February 20, 1997

## Privatization movement gains momentum in Juneau

By DEANNA THOMAS  
Alaska Star Reporter

Pledging to make state government "smarter and smaller", Sen. Jerry Ward has introduced a bill that would require the state to start looking at privatizing all departments of state government.

If the bill is passed, the Legislature will form a task force that will be charged with analyzing the possibility of privatization in state government. To ensure all areas of government and the private sector are fairly represented, the composition of the task force would have to be approved by the governor.

"The public's interest is foremost. With budget deficits facing Alaska in recent years, privatization would force government to examine various types of cost-saving ideas," Ward said. "This will help deter the need for new taxes while making government more effective."

Ward said the task force will only recommend privatization if the service can be "done cheaper and as well as or better than private businesses."

While Ward said he doesn't expect entire departments to be turned over to private businesses, he said jobs within the departments would probably be better done through contracting.

For example, Ward said the state could contract out catering services for Alaskan prisons or snow plowing services for state highways. This, he said, could save the state money in maintenance fees and employee overhead.

Although Ward said he expects some state employees to be upset with his plan, he said the Alaska State Employees Association has been supportive of the bill and has only requested that a representative of the union be on the task force.

"They have no fear whatsoever of matching themselves against private enterprise," he said.

Ward said he has made it clear to the union that the bill's goal is "not to eliminate state employees." Instead, Ward said he only wants the task force to "get the hard dollars and take a look at them."

The task force would split its work into two years. This year, the task force would look at privatization in the departments of corrections, transportation, health and human services and public facilities. All totalled, the state spends \$1.4 billion on these four departments, Ward explained.

The second year, the committee would analyze the remaining state departments. Once the task force has come up with its results, Ward said "the report will be a road map for the future."

If approved, Alaska would be the 42nd state to create a privatization task force. Meanwhile, debates have been brewing over whether prisons and the Alaska Railroad should remain in state hands or be turned over to private enterprise.

# ALASKA TRUCKING ASSOCIATION, INC.

3443 Minnesota Drive • Anchorage, Alaska 99503 • PHONE (907) 276-1149 • FAX (907) 274-1946

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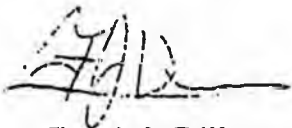
February 12, 1997

Madam Chair and Members of the Committee:

My name is Frank Dillon. I am the Executive Director of Alaska Trucking Association, a 38 year old trade association, representing Alaska's truck users. We are testifying today in support of Senate Bill No. 68.

We would like to thank the sponsor for his introduction of this bill and are hopeful that it will quickly pass through the legislative process and be enacted. Over the past 30 to 40 years government has taken on many roles that rightfully belong in the private sector. We believe that in certain areas privatization will provide efficiencies, cost savings, and improved service to the citizens of Alaska. We are aware of a number of examples throughout the United States where privatization has worked and we are also enthused by examples here in the state where privatization is working. One example of this is in the area of commercial driver's licensing. The division of motor vehicles has entered into agreement with some private companies to provide licensing services to commercial vehicle drivers. Currently ATA is also working with the division of motor vehicles to privatize the issuance of truck and trailer registration through the association. We believe there are many examples where privatization makes sense and again would ask that you pass this bill. Thank you very much for your consideration and we would be happy to answer any questions.

Sincerely,



Frank J. Dillon  
Executive Director



**PUBLIC  
EMPLOYEES**



February 11, 1997

**DON VALESKO**  
Business Manager

**VALERIE K. BAFFONE**  
Secretary/Treasurer

**HEADQUARTERS**  
2510 Arctic Blvd.  
Anchorage, Alaska 99503  
FAX (907) 279-7171  
(907) 276-7211

2122 Airport Way  
Fairbanks, Alaska 99701  
FAX (907) 456-1771  
(907) 452-5024

710 West 9th Street  
Juneau, Alaska 99801  
FAX (907) 586-5757  
(907) 586-6993

**Senator Jerry Ward**  
**State Capital**  
**Juneau, Alaska**

Dear Senator Ward:

Public Employees Local 71 has looked at your proposed legislation for a Privatization Task Force, SB 68. We are willing to support SB68 but would like to see language to seat representatives from the affected labor organizations on the task force.

Local 71 believes that with fair representation from all concerned with privatization on the Task Force, the issue should be resolved.

Local 71 looks forward to working with the Task Force if SB68 is enacted.

Sincerely,

Don Etheridge, Business Representative

ALASKA STATE

**HOSPITAL & NURSING HOME**

ASSOCIATION

February 13, 1997

Senator Jerry Ward  
Alaska State Senate  
State Capitol  
Juneau, AK 99801-1182

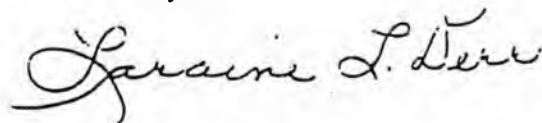
Re: Support, SB68, Task Force on  
Privatization

Dear Senator Ward:

Members of the Alaska State Hospital & Nursing Home Association support SB 68, relating to the task force on privatization. We want to thank you for bringing this matter to the attention of the Legislature and Governor.

The challenge that the annual cost of state government is exceeding the annual revenue of the state is as true in the area of health care as in any other area. Because health care is such a big part of the state government cost's, the members of the Association would like to have one of their members sit on the Task Force. They are willing to spend the necessary time it will take to investigate the possibilities. We all need to work together in this time of declining resources.

Sincerely,



Laraine L. Derr  
President/CEO

A L A S K A



**NFIB**

National Federation of  
Independent Business

---

**April 22, 1997**

**Senator Jerry Ward  
State Capitol  
Juneau, Ak 99801-1182**

**Subject: Support for SB 68 - Task Force on Privatization**

---

The Alaska Chapter of the National Federation of Independent Business has 4,500 members, making it the largest small-business advocacy group in the state. NFIB/Alaska supports efforts to make government more efficient and less costly and opposes unwarranted government competition with the private sector. The privatization task force proposed in SB68 will evaluate these issues in Alaska.

The state should encourage private business initiative whenever possible. When feasible, the state should contract with businesses instead of providing services through state agencies. Full transfer of services to the private sector is warranted when the private sector can deliver equal or better service at less cost.

Senator Ward, your pledge to make state government "smarter and smaller" is a good one. Your efforts are greatly appreciated. Please add NFIB/Alaska to your list of supporters of SB 68.

Sincerely,

Thyges J. Shaub  
on behalf of NFIB/Alaska

**SB**

**68**

SFIN

FILE

# SENATE FINANCE COMMITTEE REPORT

REPORTED OUT OF

SFC 3-25-97

DATE: 3/25/97

FURTHER:

DATE TURNED

IN TO OFFICE: 3-25-97

Finance Committee considered

SENATE BILL NO. 68

"An Act relating to the Task Force on Privatization; and providing for an effective date."

and recommends:

be replaced with CS SB 68 ( FIN )

adopt previous CS ( )

attached amendment(s)

adopt Letter of Intent by \_\_\_\_\_ Committee

further referral to the \_\_\_\_\_ Committee

**Senate Bill:**

same title

new title

**House Bill:**

same title

technical change

new: SCR# \_\_\_\_\_

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	NR	DNP	AM
<i>David Donley</i>	✓	<i>Roll &amp; Gill</i>	✓		
		<i>Geoff Davis</i>	✓		
		<i>John Johnson</i>	✓		
		<i>Dean Farnell</i>	✓		
Co-Chair: _____		Co-Chair: <i>Peace</i>	✓		
Co-Chair: <i>Bob Sharp</i>	✓	Co-Chair: _____			

**NEW FISCAL NOTE(S):**

Department                      Date      Zero      Fiscal

LAA	3/23		17.9
OMB	2/24		***
Gov			

Updated  
Indeterminate  
FN - forthcoming  
from Gov-Adm.Sus.

APPI

**PREVIOUS FISCAL NOTE(S):\***

Department                      Date      Zero      Fiscal


\*include fiscal notes accompanying Governor's bill

# FISCAL NOTE

REPORTED OUT OF  
3-25-97

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

**BILL NO. CS SB 68 (FIN)**

Revision Date: _____	Dept. Affected: <u>Office of the Governor</u>
Title: <u>"An Act relating to the Task Force on</u>	BRU: <u>Executive Operations</u>
Privatization: ..."	Component: <u>Executive Office</u>
Sponsor: <u>Senators Ward, Wilken</u>	
Requester: <u>Senate Finance Committee</u>	COMPONENT SERIAL NO. <u>6</u>

**Expenditures/Revenues**

(Thousands of Dollars)

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

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

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

**FUND SOURCE**

(Thousands of Dollars)

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

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

**POSITIONS**

FULL-TIME						
PART-TIME						
TEMPORARY						

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

The composition of the task force envisioned by the bill involves both executive and legislative membership. This involves constitutional issues, for which the Administration may urge changes in this bill. However, as written the bill states that two of the three members appointed by the Governor will be public members. It is assumed that travel expenses will be incurred by members to attend meetings. Traditionally such costs are budgeted by the agency or branch housing the task force. **This fiscal note assumes that the travel costs for all public members are included in the Legislative Affairs fiscal note.**

Due to the nature of the subject in this bill, it is likely that the Administration's third appointee would be a state official in the Executive Branch. Historically, agencies involved pay the costs of Executive Branch state official participation. Should this be the case, fiscal impact in travel funding for FY98 would be 2.0, and .6 in FY99.

Prepared by: <u>Michael Nizich, Administrative Director</u>	Phone: <u>465-3876</u>
Division: <u>Administrative Services</u>	Date: <u>3/24/97</u>
Approved by Commissioner: <u>Jim Ayers, Chief of Staff</u>	Date: _____
Agency: <u>Office of the Governor</u>	

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Fiscal note assumes one of the Governor's appointees will be from the Executive Branch and a resident of Juneau. After discussion with Legislative Affairs, the note further assumes travel costs for this appointee to attend task force meetings as follows:

**FY98****2.0**

4 meetings total:

2 Anchorage:

airfare -	\$444 x 2 trips =	\$ 888
per diem, lodging, grd. trans.	\$194 x 2 =	\$ 388

1 Fairbanks:

airfare -	\$574 x 1 trip =	\$ 574
per diem, lodging, grd. trans.	=	\$ 194

1 Juneau: no cost

**FY99****0.6**

1 Anchorage:

airfare -	\$444 x 1 trip =	\$ 444
per diem, lodging, grd. trans.	=	\$ 194

1 Juneau: no cost

# FISCAL NOTE

REPORTED OUT OF  
SFC 3-25-97

STATE OF ALASKA  
1997 LEGISLATIVE SESSION

NO. \_\_\_\_\_  
BILL VERSION: CS SB 68(FIN)  
PUBLISH DATE: \_\_\_\_\_

Revision Date: \_\_\_\_\_  
Title: "An Act relating to the Task Force on Privatization; and providing for an effective date."  
Sponsor: Senator Ward  
Requestor: Senate Finance Committee

Department Affected: Legislative Affairs Agency  
BRU: All  
Component: All

COMPONENT SERIAL NO:

Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	13.1	10.0	0	0	0	0
CONTRACTUAL	4.8	2.4	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>17.9</b>	<b>12.4</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

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

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

FUNDING: (Thousands of Dollars)

GENERAL FUND	17.9	12.4	0	0	0	0
FEDERAL FUNDS						
OTHER FUND SOURCE						
<b>TOTAL</b>	<b>17.9</b>	<b>12.4</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

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 impact: \_\_\_\_\_

ANALYSIS: (Attach a separate page if necessary)

CS SB68(FIN) establishes a 13 member Task Force on Privatization consisting of 3 members appointed by the Governor, 2 of whom are public members, 4 public members appointed by the presiding officers of the Alaska State Legislature and 6 Legislators. This task force will review and report to the Legislature and the Governor regarding the feasibility of privatization of some government functions.

Prepared By: Karla Schofield, Deputy Director *Karla Schofield* Phone: 465-3852  
Division: Administrative Services Date: 3/23/97

Approved By: Pamela A. Varni, Executive Director *Pamela A. Varni*  
Agency: Legislative Affairs Agency Date: 3/23/97

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

**CONTINUATION OF FISCAL NOTE: CSSB 68 (FIN)**

**Travel**

Travel costs for one Governor's appointee will be paid for by the Office of the Governor. FY 97 travel costs for the two public members appointed by the Governor, Legislators and public members appointed by the presiding officers will be absorbed within existing Legislative budgets. This Fiscal note contains FY98 and FY99 travel amounts for the public members.

If the task force begins work in FY97 it is expected to travel once in FY97, 4 times in FY98, and 3 times in FY99 to hold meetings. Any other meetings of the task force will be conducted by teleconference.

For the purposes of this fiscal note, 2 public members are assumed to be from Fairbanks, 3 from Anchorage, and 1 from Ketchikan. 2 days of per diem are calculated for each meeting.

	Per Diem	Travel	
<u>FY 98</u>			
2 Anchorage Meetings			
3 Anchorage members	0	0	
2 Fairbanks members	1,736	1,328	
1 Ketchikan member	868	1,240	
1 Fairbanks Meeting			
3 Anchorage members	1,026	996	
2 Fairbanks members	0	0	
1 Ketchikan member	342	690	
1 Juneau Meeting			
3 Anchorage members	1,026	1,398	
2 Fairbanks members	684	1,148	
1 Ketchikan member	342	268	
<b>Total FY98 Travel</b>	<b>6,024</b>	<b>7,068</b>	<b>13,092</b>

<u>FY99</u>			
2 Anchorage Meetings			
3 Anchorage members	0	0	
2 Fairbanks members	1,736	1,328	
1 Ketchikan member	868	1,240	
1 Juneau Meeting			
3 Anchorage members	1,026	1,398	
2 Fairbanks members	684	1,148	
1 Ketchikan member	342	268	
<b>Total FY99 Travel</b>	<b>4,656</b>	<b>5,382</b>	<b>10,038</b>

**Contractual**

	Phones \$100/month	Postage \$50/month	Advertisizing 750/meeting	TOTAL
FY98	1,200	600	3,000	4,800
FY99	700	350	1,500	2,550

Teleconference charges and expenses for printing the report will be absorbed by the Agency.

# FISCAL NOTE

REPORTED OUT OF  
SFC 3-25-97

STATE OF ALASKA  
1997 LEGISLATIVE SESSION

BILL NO. CSSB 68 (STA)

Revision Date: 2/24/97  
Title: An Act relating to the Task Force on Privatization.

Dept. Affected: See analysis below

Sponsor: Senator Ward  
Requester: Senate State Affairs Committee

BRU: \_\_\_\_\_  
Component: \_\_\_\_\_

COMPONENT SERIAL NO. \_\_\_\_\_

**Expenditures/Revenues**

(Thousands of Dollars)

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

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

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

**FUND SOURCE**

(Thousands of Dollars)

FUND SOURCE	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other						
<b>TOTAL</b>	*****	*****	*****	*****	*****	*****

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

**POSITIONS**

POSITIONS	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
FULL-TIME						
PART-TIME						
TEMPORARY						

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

This bill would establish a Task Force on Privatization, which would, among other tasks, "identify functions of our state government that could economically and appropriately be privatized, if any."

Most of the state's labor agreements include provisions which require the state to conduct feasibility studies determining potential costs and benefits before any decisions are made on contracting out work currently performed by state employees. Therefore, before any decisions are made on implementation of the Task Force's recommendations to privatize state functions covered by these labor agreements, the feasibility studies required by the labor agreements would need to be conducted.

Prior feasibility studies of this type have cost from approximately \$20,000 to \$50,000 per study. However, because the need for feasibility studies will depend on the recommendations of the Task Force, these costs, and the departments affected, cannot be estimated now. This is why asterisks are shown on this fiscal note.

In addition to feasibility studies, the labor agreements require other procedures to be followed before work can be contracted out.

Prepared by: Annalee McConnell, Director Phone: 465-4660  
Division: Office of Management and Budget Date: 2/24/97

Approved by Commissioner: Jim Ayers, Chief of Staff Date: 2/24/97  
Agency: Office of the Governor

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SENATE FINANCE  
COMMITTEE

Amendment Number: 4  
Bill Number: CSSB 68 (FIN)  
Sponsor: Donley Date: 3-25-97  
Logged In By: [Signature]

Moved by Donley  
Adopted w/ obj.

0-LS0386/H.1  
Cook  
3/24/97

A M E N D M E N T

OFFERED IN THE SENATE

BY SENATOR DONLEY

TO: CSSB 68(FIN)

1 Page 2, line 14:

2 Delete all material and insert:

3 "(b) The president of the senate shall select a member from among those appointed  
4 to the task force by the president of the senate to serve as co-chair of the task force. The  
5 speaker of the house of representatives shall select a member from among those appointed  
6 to the task force by the speaker of the house of representatives to serve as co-chair of the task  
7 force."

8 Page 2, line 22:

9 Delete "The chair"

10 Insert "A co-chair"

# A FAX

## Alaska State Legislature

Date: 3-25-97 TIME: 11:30 am

To: LEGAL SERVICES

Fax #: 2029 Phone #: 2450

From: S. FINANCE - PEGGY S.

Phone #: 4935

Re: Please incorporate Amd: #4 (0-LS0386(H.1)) into  
CS.S.68(FIN) (0-LS0386(H)) for FINAL - REPORTED OUT  
↳ ASAP

Following this page, please find 1 pages(s). If this does not reach you in full, please inform us ASAP.



# THANK YOU

Moved by Donley  
Obj. by Torres, Adams

SENATE FINANCE *FALS 5/10/98*  
COMMITTEE

Amendment Number: 3  
Bill Number: CS SB 68 (FIN)  
Sponsor: \_\_\_\_\_ Date: 3/25  
Logged In By: Soltani

Motion to Reconsider by Donley  
Vote

Please object

**AMENDMENT**

Offered in the Senate Finance Committee  
To: CS SB 68 (FIN)

BY: SENATOR DONLEY

This fiscal note funds one full-time staff to carry out the duties of The Task Force on Privatization from the July 1, 1997 to December 1, 1998. The fiscal note also funds the travel, per diem and contractual costs for the 6 public members that CS SB 68 (FIN) provides for the Privatization Task Force. The general fund expenditure totals \$88,000 in FY'98 and \$41,600 in FY'99.

DD/jja

STATE OF ALASKA  
1997 LEGISLATIVE SESSION

BILL NO. CS SB 68 (fin)

Revision Date: 3/24/97

Title: Privitization Task Force

Sponsor: Senator Ward

Requestor: Senator Donley

Dept. Affected: Legislative Affairs

BRU: All

Components: All

Serial# \_\_\_\_\_

EXPENDITURES/REVENUES: (THOUSANDS OF DOLLARS)

OPERATING	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
Personal Services	70.1	29.2				
Travel	13.1	10.0				
Contractual	4.8	2.4				
Supplies						
Equipment						
Land & Structures						
Grants, Claims						
Miscellaneous						
<b>TOTAL</b>	<b>88.0</b>	<b>41.6</b>				

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

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

FUNDING: (THOUSANDS OF DOLLARS)

General Fund	88.0	41.6				
Federal Fund						
Other						
<b>TOTAL</b>	<b>88.0</b>	<b>41.6</b>				

POSITIONS:

Full-Time	1	1				
Part-Time						
Temporary						

ANALYSIS: (ATTACH A SEPARATE PAGE IF NECESSARY)

see attached analysis

Prepared by: SENATE FINANCE COMMITTEE

\_\_\_\_\_  
SENATOR DRUE PEARCE, COCHAIR

\_\_\_\_\_  
SENATOR BERT SHARP, COCHAIR

Date: \_\_\_\_\_  
Phone: 465-4993

Date: \_\_\_\_\_  
Phone: 465-3004

SUBJECT: Am #3 3568  
DATE: 3-25-97

	YEA	NAY
SENATOR TORGERSON		✓
SENATOR DONLEY	✓	
SENATOR PHILLIPS		✓
SENATOR PARNELL	—	—
SENATOR ADAMS		✓
SENATOR PEARCE		✓
SENATOR SHARP		✓
TOTAL:	—	—

1/5

SUBJECT: \_\_\_\_\_  
DATE: \_\_\_\_\_

	YEA	NAY
SENATOR PARNELL		
SENATOR DONLEY		
SENATOR ADAMS		
SENATOR PHILLIPS		
SENATOR TORGERSON		
SENATOR SHARP		
SENATOR PEARCE		
TOTAL:	—	—

SUBJECT: \_\_\_\_\_  
DATE: \_\_\_\_\_

	YEA	NAY
SENATOR PHILLIPS		
SENATOR PARNELL		
SENATOR ADAMS		
SENATOR TORGERSON		
SENATOR DONLEY		
SENATOR PEARCE		
SENATOR SHARP		
TOTAL:	—	—

SUBJECT: \_\_\_\_\_  
DATE: \_\_\_\_\_

	YEA	NAY
SENATOR TORGERSON		
SENATOR PARNELL		
SENATOR ADAMS		
SENATOR PHILLIPS		
SENATOR DONLEY		
SENATOR SHAPR		
SENATOR PEARCE		
TOTAL:	—	—

SENATE FINANCE  
COMMITTEE

Amendment Number: 2  
Bill Number: CSSB 68(STA)  
Sponsor: Donley Date: 3-21-97

Moved by Donley  
Sharp obj for disc. / wd. obj.  
0-LS0386F.2

Adopted. Cook  
3/13/97

AMENDMENT  
Logged In By: PJ Spahr

OFFERED IN THE SENATE  
TO: CSSB 68(STA)

BY SENATOR DONLEY

1 Page 2, line 3:

2 Delete "two" —

3 Insert "three" —

4 Delete "one" —

5 Insert "two" —

6 Delete "a"

7 Page 2, line 4:

8 Delete "inember"

9 Insert "members"

10 Page 2, line 5, following "employees":

11 Insert "primarily engaged in building or other trades, and one of whom shall be a  
12 public member selected from a list of nominees submitted by labor organizations that  
13 represent state employees that are not primarily engaged in building or other trades;"

14 Page 2, line 6:

15 Delete "two"

16 Insert "three"

17 Delete "one"

18 Insert "two"

19 Page 2, line 7:

20 Delete "member shall be a member of the majority and one member"

21 Insert "shall be members of the majority and one"

1 Page 2, line 9:

2 Delete "two"

3 Insert "three"

4 Page 2, line 10:

5 Delete "one member shall be a member of the majority and one member"

6 Insert "two shall be members of the majority and one"

Moved by Donley  
Torrison obj for discussion  
Donley withdraw

**SENATE FINANCE  
COMMITTEE**

Amendment Number: 1  
Bill Number: SB 68  
Sponsor: Donley Date: 3-21-97  
Logged In By: Pg Symbel

**AMENDMENT**

Offered in the Senate Finance Committee  
To: SB 68

BY: SENATOR DONLEY

This fiscal note funds one full-time staff to carry out the duties of The Task Force on Privatization from the July 1, 1997 to December 1, 1998. The general fund expenditure totals \$65,079 in FY'98 and \$27,386 in FY'99.

DD/jja

STATE OF ALASKA  
1997 LEGISLATIVE SESSION

BILL NO. CSSB68 (FIN)

Revision Date: 3/21/97

Title: Privitization Task Force

Sponsor: Sen. Ward

Requestor: Sen. Donley

Dept. Affected: Legislature

BRU: ALL

Components: ALL

Serial # \_\_\_\_\_

EXPENDITURES/REVENUES: (THOUSANDS OF DOLLARS)

OPERATING	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
Personal Services	65,079	27,386				
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants, Claims						
Miscellaneous						
<b>TOTAL</b>	<b>65,079</b>	<b>27,386</b>				

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

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

FUNDING: (THOUSANDS OF DOLLARS)

General Fund	65,079	27,386				
Federal Fund						
Other						
<b>TOTAL</b>	<b>65,079</b>	<b>27,386</b>				

POSITIONS:

Full-Time	1	1				
Part-Time						
Temporary						

ANALYSIS: (ATTACH A SEPARATE PAGE IF NECESSARY)

see attached analysis

Prepared by: SENATE FINANCE COMMITTEE

\_\_\_\_\_  
SENATOR DRUE PEARCE, COCHAIR

Date: \_\_\_\_\_  
Phone: 465-4993

\_\_\_\_\_  
SENATOR BERT SHARP, COCHAIR

Date: \_\_\_\_\_  
Phone: 465-3004

**SB**

**70**

**HFIN**

**FILE**

# HOUSE COMMITTEE REPORT

(11)

Date Referred to Committee: May 5, 1997

FURTHER REFERRALS:

Date of Committee Action: 5/6/97

The FINANCE Committee considered:

CSSB 70(JUD)

CS FOR SENATE BILL NO. 70(JUD)

DISCHARGE OF A FIREARM AT BLDGS.

"An Act relating to the discharge of firearms at or in the direction of buildings and dwellings."

recommends it be replaced with the following committee substitute HCS CSSB 70 (FIN)  the same title  a new title

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

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

ATTACHES NEW FISCAL NOTE(S): (Dept)

APPROVES PREVIOUS: (Dept/Date)

fiscal note(s) AK CRT SYSTEM

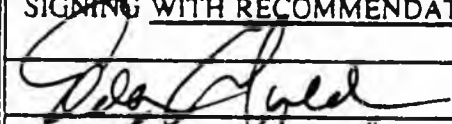
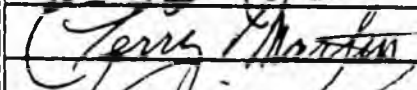

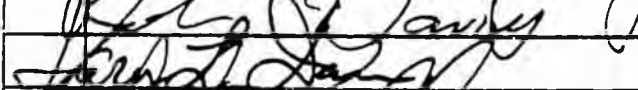



fiscal note(s) DOA 4/10/97

Law 4/9/97

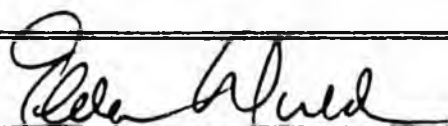
zero fiscal note(s)

zero fiscal note(s) DOA 4/10/97 DOC 4/10/97

DP3 2/21/97  
DHSS 2/21/97

SIGNING WITH RECOMMENDATIONS		DP	DNP	NR	AM
	MULDER	<input checked="" type="checkbox"/>			
	MARTIN	<input checked="" type="checkbox"/>			
	Kohns	<input checked="" type="checkbox"/>			
	J. DAVIS			<input checked="" type="checkbox"/>	
	G. DAVIS	<input checked="" type="checkbox"/>			
	Kelly			<input checked="" type="checkbox"/>	
	FOSTER			<input checked="" type="checkbox"/>	

ACTIVE CHAIR'S SIGNATURE

  
 MULDER

# FISCAL NOTE

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

No. 11  
 Bill Version: CS98 70 (JUD)  
 (S) Publish Date: 4-10-97

Revision Date: \_\_\_\_\_  
 Title: 'An Act relating to the discharge of firearms at or in the direction of buildings and dwellings'  
 Sponsor: Sen. Donley  
 Requestor: (S) FIN

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

**EXPENDITURES/REVENUES:**

(Thousands of Dollars)

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

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

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

**FUND SOURCE:**

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
OTHER						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY 97) cost: \$ 0

**POSITIONS:**

FULL-TIME						
PART-TIME						
TEMPORARY						

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

There is no fiscal impact to the Office of Public Advocacy.

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

Phone: 274-1684  
 Date: \_\_\_\_\_

Approved by Commissioner: Mark Boyer  
 Agency: Department of Administration

Date: 4/8/97

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# FISCAL NOTE

STATE OF ALASKA  
1997 LEGISLATIVE SESSION

No. 9  
Bill Version: CSSB 70 (JUD)  
(S) Publish Date: 4-10-97

Revision Date: 3/26/97 Dept. Affected: Corrections  
Title: Unlawful discharge of a firearm BRU: All  
Component: All  
Sponsor: Senator Donlev  
Requester: Senate Judiciary COMPONENT SERIAL NO. #0694

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

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

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

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

**FUND SOURCE** (Thousands of Dollars)

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

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

**POSITIONS**

FULL-TIME						
PART-TIME						
TEMPORARY						

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

Prepared by: Bruce Richards  
Division: Commissioner's Office  
Approved by Commissioner: Margaret M. Pugh Margaret M. Pugh  
Agency: Department of Corrections

Phone: 465-3307  
Date: 3/26/97  
Date: 3/26/97

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5875

# FISCAL NOTE

STATE OF ALASKA  
1997 LEGISLATIVE SESSION

No. 8  
Bill Version: CSSB 70 (JUD)  
(S) Publish Date: 4-10-97

Revision Date: \_\_\_\_\_  
Title: "An Act relating to the discharge of firearms..."

Department Affected: Administration  
BRU: Public Defender Agency  
Component: Public Defender Agency

Sponsor: Senator Donley  
Requestor: S (FIN)

COMPONENT SERIAL NO. 1631

**EXPENDITURES/REVENUES:**

(Thousands of Dollars)

OPERATING EXPENDITURES	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
PERSONAL SERVICES	37.5	37.5	37.5	37.5	37.5	37.5
TRAVEL	1.5	1.5	1.5	1.5	1.5	1.5
CONTRACTUAL	6.0	6.0	6.0	6.0	6.0	6.0
SUPPLIES	0.6	.6	0.6	.6	0.6	.6
EQUIPMENT	2.5	2.5	2.5	2.5	2.5	2.5
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>48.1</b>	<b>48.1</b>	<b>48.1</b>	<b>48.1</b>	<b>48.1</b>	<b>48.1</b>

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ( )						
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**FUND SOURCE:**

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	48.1	48.1	48.1	48.1	48.1	48.1
1005 GF/Program Receipts						
1037 GF/Mental Health						
OTHER						
<b>TOTAL</b>	<b>48.1</b>	<b>48.1</b>	<b>48.1</b>	<b>48.1</b>	<b>48.1</b>	<b>48.1</b>

Estimate of any current year (FY 97) cost: \$ -0-

**POSITIONS:**

FULL-TIME	0.5	0.5	0.5	0.5	0.5	0.5
PART-TIME						
TEMPORARY						

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

See attached sheet.

Prepared by: Barbara K. Brink, Director  
Division: Public Defender Agency

Phone: (907) 264-4414  
Date: \_\_\_\_\_

Approved by Commissioner: Mark Bover  
Agency: Department of Administration

Date: 4/9/97

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FISCAL NOTE

STATE OF ALASKA  
1997 LEGISLATIVE SESSION

BILL NO. CSSB 70 ✕

**ANALYSIS.** (continued)

This sponsor substitute makes it a strict liability offense to discharge a firearm at or in the direction of an occupied building, punishable by up to 10 years in jail and a \$50,000 fine. It creates an anomaly in the Alaska Statutes, which normally punish conduct by considering the perpetrator's mental state (intentional crimes are punished more severely than reckless or negligent crimes) as well as the result (the seriousness of the injury or damage).

The Department of Law has estimated an increase in the numbers of serious felony offenses due to this legislative change. Currently such an offense would not be charged or would be charged as a much less serious crime of reckless endangerment (a misdemeanor) and often prosecuted by the local municipality. The Public Defender concurs in this analysis, and predicts a serious increase in these felonies, particularly in Anchorage. Therefore, a part-time felony attorney position is requested for Anchorage.

Of note: It is questionable whether the Due Process clause of the Alaska Constitution, Art. I, Section 7 permits imposing criminal sanctions for an offense in the absence of a minimally adequate level of mens rea. (Beran v. State, 705 P.2d 1280, Alaska App. 1985)).

# FISCAL NOTE

No. 7  
 Bill Version: CSSB 70 (JUD)  
 (S) Publish Date: 4-9-97

STATE OF ALASKA  
 1997 LEGISLATIVE SESSION

Revision Date: \_\_\_\_\_ Dept. Affected: Department of Law  
 Title: "An Act relating to the discharge of firearms  
at or in the direction of buildings and dwellings." BRU: Criminal Division  
 Sponsor: Senator Donley Component: Criminal Division  
 Requester: Senate Judiciary Committee COMPONENT SERIAL NO. 2085

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

OPERATING EXPENDITURES	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
PERSONAL SERVICES	53.8	53.8	53.8	53.8	53.8	53.8
TRAVEL	0.7	0.7	0.7	0.7	0.7	0.7
CONTRACTUAL	8.0	8.0	8.0	8.0	8.0	8.0
SUPPLIES	1.1	1.1	1.1	1.1	1.1	1.1
EQUIPMENT	6.5					
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>70.0</b>	<b>63.5</b>	<b>63.5</b>	<b>63.5</b>	<b>63.5</b>	<b>63.5</b>

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ( )						
------------------------	--	--	--	--	--	--

**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	70.0	63.5	63.5	63.5	63.5	63.5
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
<b>TOTAL</b>	<b>70.0</b>	<b>63.5</b>	<b>63.5</b>	<b>63.5</b>	<b>63.5</b>	<b>63.5</b>

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

**POSITIONS**

FULL-TIME	0.0	0.0	0.0	0.0	0.0	0.0
PART-TIME	1.0	1.0	1.0	1.0	1.0	1.0
TEMPORARY						

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

CSSB 70 (JUD) elevates the crime of discharging a firearm at or in the direction of a building, or a dwelling, from misdemeanor conduct to a class B felony. The Department of Law anticipates the greatest impact from the proposed committee substitute would be in the Anchorage area as many of these misdemeanor weapons and property crimes are most likely handed as municipal offenses under current law. CSSB 70 (JUD) would make these offenses felonies under state jurisdiction.

The department anticipates the need for one-half an attorney position in the Anchorage District Attorney's Office to respond to the increased caseload from this bill. Using the Civil Division's standard attorney cost schedule (\$127,000 per year), the fiscal impact would be \$63,500, including clerical support, communications, space, supplies, data processing and other normal overhead expenses. The standard cost does not include one-time new equipment purchases, and \$6,500 is added for this purpose in FY 98. (Proportionate support position funding is included in the standard attorney cost schedule to reduce clerical support vacancy so that the new attorney's clerical burden can be handled.)

Prepared by: Joan M. Kasson *Joan M. Kasson* Phone: 465-5370  
 Division: Administrative Services Division Date: 4/4/97  
 Approved by Commissioner: Bruce M. Botelho *Bruce M. Botelho* Date: 4/4/97  
 Agency: Department of Law

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# FISCAL NOTE

## STATE OF ALASKA 1997 LEGISLATIVE SESSION

**BILL NO. HCS CSSB 70 (JUD)**
Revision Date: 05/06/97Dept. Affected: Alaska Court SystemTitle: Unlawful Discharge of a FirearmBRU: Trial Courts

Component: \_\_\_\_\_

Sponsor: Sen. Donley

Requestor: \_\_\_\_\_

COMPONENT SERIAL NO. 768

## Expenditures/Revenues

(Thousands of Dollars)

OPERATING EXPENDITURES	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
PERSONAL SERVICES	5.9	5.9	5.9	5.9	5.9	5.9
TRAVEL						
CONTRACTUAL	14.0	14.0	14.0	14.0	14.0	14.0
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS & CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>19.9</b>	<b>19.9</b>	<b>19.9</b>	<b>19.9</b>	<b>19.9</b>	<b>19.9</b>

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ( )						
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## Fund Source

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	19.9	19.9	19.9	19.9	19.9	19.9
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other						
<b>TOTAL</b>	<b>19.9</b>	<b>19.9</b>	<b>19.9</b>	<b>19.9</b>	<b>19.9</b>	<b>19.9</b>

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

## Positions

Full-Time						
Part-Time	1.0	1.0	1.0	1.0	1.0	1.0
Temporary						

ANALYSIS: (Attach a separate page if necessary)

See attached analysis.

Prepared by: C. S. Christensen III, Staff CounselAgency: Alaska Court SystemPhone: 284-8228Date: 05/08/97Approved by: Arthur H. Snowden, II, Administrative DirectorAgency: Alaska Court SystemDate: 05/06/97

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**ALASKA COURT SYSTEM**  
**FISCAL ANALYSIS**  
**HCS CSSB 70 (JUD)**

HCS CSSB 70 (JUD) elevates the crime of discharging a firearm at or in the direction of a building from a misdemeanor to a felony. The Department of Law has estimated the need for one-half an attorney position in the Anchorage District Attorney's Office to handle the increased caseload.

Currently, most of these offenses are being prosecuted by the Municipality of Anchorage. Because these cases are misdemeanors, they use a district court judge and a six-person jury. When prosecuted as felonies, these offenses will require a more expensive superior court judge and a twelve-person jury; there will also be grand jury costs associated with felony indictments. Because of the greater consequences of a felony conviction, defendants can be expected to go to trial at a higher rate, and trials will be longer. This fiscal note reflects additional judicial, clerical, and jury costs.

# FISCAL NOTE

STATE OF ALASKA  
1997 LEGISLATIVE SESSION

No. 5  
Bill Version: SB70  
(S) Publish Date: 2/21/97

Revision Date: \_\_\_\_\_  
Title: Discharge of a Firearm and Relating to the  
Commission of those Offenses by Minors  
Sponsor: Senator Donley  
Requestor: Senate (HES)

Dept. Affected: Health and Social Services  
BRU: Family and Youth Services  
Component: DFYS Central Office  
COMPONENT SERIAL NO. 259  
See also (SN#): \_\_\_\_\_

**Expenditures/Revenues:**

(Thousands of Dollars)

OPERATING	FY98	FY99	FY00	FY01	FY02	FY03
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

<b>CAPITAL EXPENDITURES</b>						
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<b>CHANGES IN REVENUES ( )</b>						
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**FUND SOURCE**

(Thousands of Dollars)

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

**POSITIONS:**

FULL-TIME						
PART-TIME						
TEMPORARY						

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

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

There will be no fiscal impact on the department if this bill becomes law. While there will be no increase if this class of offenses is established, there will be no decrease in the funds required to operate DFYS if youth who commit these offenses are waived to the adult system. The department will still be faced with overcrowding in juvenile facilities and a waiting list of youth with incarceration orders even if a few more youth are waived under this bill.

Prepared by: L. Diane Worley, Director Phone: 465-3191  
Division: Family & Youth Services Date: 02/14/97  
Approved by Commissioner: Karen Perdue, Commissioner Date: 2/16/97  
Agency: Department of Health & Social Services

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# FISCAL NOTE

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

**BILL NO:**

r 4  
 Bill Version: 9870  
 (S) Publish Date: 2/21/97

Revision Date: 02/17/97 Dept. Affected: Public Safety  
 Title: Create Unlawful Discharge of a Firearm BRU: Alaska State Troopers  
       Crimes Component: Detachments  
 Sponsor: Sen. Donley  
 Requestor: Senate HESS COMPONENT SERIAL NO. 0799

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

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

**FUNDING: (Thousands of Dollars)**

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

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

**POSITIONS:**

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

ANALYSIS: (Attach a separate page if necessary.)

This bill would not have any significant impact on AST.

Prepared By: Capt. Ted M. Bachman Phone: 269-5650  
 Division: Alaska State Troopers Date: 02/17/97  
 Approved by Commissioner: Ronald L. Otte Date: 2/18/97  
 Agency: Department of Public Safety

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Luckhaupt  
5/5/97

R/D NO OBJ 5/6/97

HOUSE CS FOR CS FOR SENATE BILL NO. 70( )  
IN THE LEGISLATURE OF THE STATE OF ALASKA  
TWENTIETH LEGISLATURE - FIRST SESSION

BY

Offered:  
Referred:

Sponsor(s): SENATORS DONLEY, Pearce, Leman, Green, Wilken, Mackie, Phillips, Ellis, Ward,  
Duncan, Kelly

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the discharge of firearms at or in the direction of buildings  
2 and dwellings."

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

4 \* Section 1. INTENT. It is the legislature's intent that the offense of misconduct involving  
5 weapons in the second degree under AS 11.61.195(a)(3)(A)(i), enacted in sec. 2 of this Act,  
6 does not require that a defendant act intentionally, knowingly, recklessly, or with criminal or  
7 civil negligence as to the element of the offense that the building was occupied at the time  
8 of the discharge of the firearm. The legislature intends to dispense with the requirement of  
9 a culpable mental state and to apply strict liability as to that element. See, Noblit v. State,  
10 808 P.2d 280 (Alaska App. 1991).

11 \* Sec. 2. AS 11.61.195(a) is amended to read:

12 (a) A person commits the crime of misconduct involving weapons in the  
13 second degree if the person knowingly

14 (1) possesses a firearm during the commission of an offense under

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19

AS 11.71.010 - 11.71.040; [OR]

(2) violates AS 11.61.200(a)(1) and is within the grounds of or on a parking lot immediately adjacent to

(A) a public or private preschool, elementary, junior high, or secondary school without the permission of the chief administrative officer of the school or district or the designee of the chief administrative officer; or

(B) a center, other than a private residence, licensed under AS 47.33 or AS 47.35 or recognized by the federal government for the care of children; or

(3) discharges a firearm at or in the direction of

(A) a building

(i) and the building is occupied; or

(ii) with reckless disregard for a risk of physical injury to a person; or

(B) a dwelling.

\* Sec. 3. AS 11.61.210(a)(3) is amended to read:

(3) discharges a firearm with reckless disregard for a risk of damage to property or a risk of physical injury to a person under circumstances other than those described in AS 11.61.195(a)(3)(A)(ii);

# FISCAL NOTE

No. 10

Bill Version: CSB 70 (Jud)

(S) Publish Date: 4-10-97

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

Revision Date: 04/03/97

Dept. Affected: Alaska Court System

Title: Unlawful Discharge of a Firearm

BRU: Trial Courts

Sponsor: Sen. Donley

Component: \_\_\_\_\_

Requestor: \_\_\_\_\_

COMPONENT SERIAL NO. 768

**Expenditures/Revenues**

(Thousands of Dollars)

OPERATING EXPENDITURES	FY 96	FY 98	FY 00	FY 01	FY 02	FY 03
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS & CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES (						
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**Fund Source**

(Thousands of Dollars)

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


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

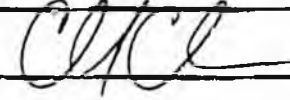
**Positions**

Full-Time						
Part-Time						
Temporary						

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

SB 70 redefines certain conduct that is already a crime, which should not result in a fiscal impact.

Prepared by: C. S. Christensen III, General Counsel   
 Agency: Alaska Court System

Approved by: Stephanie J. Cole, Deputy Director  R7  
 Agency: Alaska Court System

Phone: 264-8228  
 Date: 04/03/97  
 Date: 04/03/97

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# Alaska State Legislature



Official Business

House Majority Leader

State Capitol  
Juneau, AK 99801-1182  
(907) 465-3718

## MEMORANDUM

DATE: May 5, 1997  
TO: Rep. Gene Theriault *Gene*  
FROM: Rep. Brian Porter *Brian*  
SUBJECT: HCS CSSB 70 (JUD)

\*\*\*\*\*  
Sect. 2 of this bill was amended by my motion to add the phrase "without legal justification". Since that time I've been convinced that 11.81.320 and 11.81.420 provide adequate protection for law enforcement officers and others who are otherwise justified in discharging a firearm.

Correspondingly, I would request that the Finance Committee remove this phrase from the bill. The sponsor concurs with this request.

encl.

# LEGAL SERVICES

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130 Seward Street, Suite 409  
Juneau, Alaska 99801-2105

### MEMORANDUM

May 2, 1997

**SUBJECT:** HCS CSSB 70(JUD) (W.O.20-LS0272\Z)

**TO:** Representative Joe Green  
Attn: Lisa Kirsch

**FROM:** Gerald P. Luckhaupt *GL*  
Legislative Counsel

Enclosed is the HCS(JUD) you requested. I am concerned with the committee's insertion of the words "without legal justification" in sec. 2 of the bill. My concern has two bases.

First, the inclusion of "without legal justification" in sec. 2 of the bill without a corresponding inclusion in sec. 3 of the bill (sec. 3 proscribes conduct committed under circumstances other than in sec. 2) means that someone who recklessly discharges a firearm under sec. 2, with legal justification, is still subject to prosecution under sec. 3, because that reckless discharge of a firearm is under circumstances other than as described in sec. 2. If someone is legally justified in discharging a firearm, that justification should apply equally to both of these offenses. It could be interpreted not to apply equally to both offenses here due to the committee's action I have described.

Second, the placement of this justification is unnecessary as justification is already dealt with in AS 11, see AS 11.81.300 - 11.81.450, and these provisions concerning justification are fully applicable to these offenses. AS 11.81.310 provides that "[e]xcept as otherwise specified in this title, justification as provided in AS 11.81.320 - 11.81.430 is a defense."<sup>1</sup> Inserting "without legal justification" here, while not including that same language with regard to other offenses, could lead to the conclusion that the legislature does not intend for the justification to operate as a defense to other offenses where the legislature has not specifically said that legal justification is available. In my opinion, the inclusion of "without legal justification" here is unnecessary and could potentially cause problems in the implementation and enforcement of our criminal laws.

GPL:jdr  
97-324.jdr

---

<sup>1</sup>My review of AS 11 has disclosed only one instance where the legislature has used the term "legal justification" when defining a crime. In AS 11.61.110(a)(6), the crime of disorderly conduct is committed when a person "recklessly creates a hazardous condition for others by an act which has no legal justification or excuse."

TONY KNOWLES, GOVERNOR

PLEASE REPLY TO:

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OFFICE  
P.O. BOX 110300  
JUNEAU, ALASKA 99811-0300  
PHONE: (907) 465-3428  
FAX: (907) 465-4043

DEPARTMENT OF LAW

CRIMINAL DIVISION

May 6, 1997

OFFICE OF SPECIAL PROSECUTIONS  
AND APPEALS  
310 K STREET, SUITE 308  
ANCHORAGE, ALASKA 99501-2064  
PHONE: (907) 269-6250  
FAX: (907) 269-6270

The Honorable Mark Hanley  
Co-Chair, House Finance  
State Capitol, Room 507  
Juneau, Alaska 99801-1182

The Honorable Gene Therriault  
Co-Chair, House Finance  
State Capitol, Room 511  
Juneau, Alaska 99801-1182

Re: CSSB 70 (JUD)

Dear Chairmen Hanley and Therriault:

This office has been requested by Senator Donley to explain the rationale for section one of CSSB 70 (JUD), that provides that the legislature, in making it a class B felony to discharge a firearm in the direction of a building that is occupied, intends that the defendant be held strictly liable for the fact that the building was occupied at the time of the offense. In other words, the legislature does not intend that the state must prove that the defendant knew or should have known that the building was occupied in order to be convicted of the crime.

The purpose of CSSB 70 (JUD) is to elevate the conduct of discharging firearms in the direction of buildings to a more serious offense, in an effort to reduce shootings that result in harm to a person inside the building. For that reason, shooting at or in the direction of a dwelling would be a crime whether or not the dwelling is occupied. If a person discharges a firearm at a building that is not a dwelling, the safety of persons inside will be increased by making the defendant strictly liable for whether or not the building is occupied. An example may be helpful. If a person shoots into a store in a commercial area after the store has closed for the night, it would be difficult to prove beyond a reasonable doubt, absent unusual circumstances, that the person knew or should have known that a person was inside the building. Even if the culpable mental state is criminal negligence, the easiest to prove culpable mental state defined in Title 11, the state would have to prove that there was a substantial and unjustifiable risk that a person was in the building, and the risk was a gross deviation from the standard a reasonable person would observe. It would be difficult to prove that there was such a risk of a person being in a building under these circumstances.

Although our criminal code generally requires the state to prove that a defendant act with a culpable mental state in order to prove its case, our courts have considered and approved cases where, as to a particular element of a crime, the legislature has clearly expressed the intent that no culpable mental state is required. *Noblit v. State*, 808 P.2d 280 (Alaska App. 1991). Thus, section

The Honorable Mark Hanley  
The Honorable Gene Therriault  
Co-Chair, House Finance

May 6, 1997  
Page 2

one of CSSB 70 (JUD) was drafted to make clear the legislative intent that dispenses with a culpable mental state and to apply strict liability as to whether a building was occupied when the defendant shot in its direction.

Sincerely,

BRUCE M. BOTELHO  
ATTORNEY GENERAL

By:



Dean J. Guaneli  
Chief Assistant Attorney General

DJG:ADC:tg

cc: House Finance Committee  
Senator Dave Donley

STATE OFFICE  
**ALASKA PEACE OFFICERS ASSOCIATION**

P.O. Box 240106 Anchorage, Alaska 99524-0106 Phone (907) 277-0515 Fax (907) 272-5355

March 8, 1997

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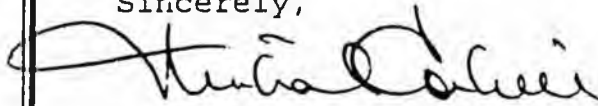
Senator Dave Donley  
Alaska State Legislature  
State Capitol (MS 3100)  
Juneau, Alaska 99801-1182

Dear Senator Donley,

On behalf of the Alaska Peace Officers Association, I would like to thank you for introducing Senate Bill 70 relating to the unlawful discharge of firearms at buildings. At a recent meeting of the APOA State Board Legislative Subcommittee, we decided to unanimously support this bill. We believe that this legislation will help provide stronger prosecution for offenses of this nature and will send out a clear message of deterrence.

We encourage you to call on us when there are hearings on this bill, so that we may testify about the need for this legislation. If you need assistance as you shepherd this bill through the legislative process, please call me at 451-5316, or our business manager, Joseph Young at 277-0515.

Sincerely,



Michael Corkill  
APOA State President

# Bullets puncture house

Muldoon shooting perplexes family

By STEVE RINEHART  
Daily News reporter

Ronald Harper paced the walkway in front of his home in Muldoon on Sunday afternoon, pointing out the bullet holes punched through the gray aluminum siding. They were big enough to wedge a finger in; they had opened the metal siding like a can opener.

"That's the one that went through (Theresa's) bedroom," he said. "That one went over my computer."

Another went through the living room window, missing the big-screen television but gouging a trough through the woodwork. A fourth round plowed into a corner near the front door; a fifth drilled through at the right height to lodge between the upper and lower floors of the split level house on Dickerson Street, just off Turpin Street.

"The police found five (cartridge) casings in the street," he said. "I thought I heard six shots."

The Harpers — Ronald, Evangeline and their daughter, Theresa — were sleeping about 4 a.m. Sunday when they heard, and felt, the barrage. "It was like a shockwave," Ronald Harper said.

Sunday afternoon they were trying to figure out what it meant.

Evangeline Harper said she hoped the shooting was random, that no one was angry enough with them to

## BULLETS: Five shots hit Muldoon home

Continued from Page B-1

try to get even with a pistol in the dark of night.

If the shooter is ever caught — something they don't expect — she said she'd first ask "Why did you do it?"

"They could have killed someone," Ronald Harper said. "It's like they didn't care."

As it happened, the main casualty besides peace of mind were two stuffed animals, a whale and a dolphin, in Theresa's room. The toys were on the bookshelf above her bed, Theresa said, a few feet away from where she was sleeping. The bullet blasted their stuffing out.

"It's scary," Theresa said. The 15-year old Bartlett High School sophomore said she thought she heard the last two shots. It sounded like someone trying to break the window.

"I woke straight up. I was petrified," she said.

She over imagined such a thing could happen she said. "There's no reason for it. I don't have any enemies, and I don't think my parents do either."

Her parents said the same thing.

Ronald Harper said he called the police, who arrived a few minutes later. The police officers said it looked like the shooter was on foot, he said. Other than that, the police didn't say much.

He said he wanted other people, especially other parents, to know what had happened. Maybe if people talk about it, some clue will emerge, he said.

No further details were available from the police department on Sunday.



Theresa Harper, 15, holds her stuffed Shamu, which now sports bullet holes. Shamu and Flipper were on the top bookshelf, background, when they were hit.

Please see Page B-2, BULLETS

*The Voice of Alaska's Capital City*

## HITS

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## No one hurt in drive-by shooting

By SVEND HOLST

Gunfire rattled through a trailer at the Switzer Creek Mobile Home Park early this morning.

Capt. Michael DeCapua, spokesman for the Juneau Police Department, said the beginning stages of the investigation unveiled no rhyme or reason for why someone fired four bullets into a trailer off one of the main drives into the park at about 4:30 a.m.

"We're early in the investigation," he said. "We have several leads at this point but we're still asking for the public's help."

Police believe it was a drive-by shooting, DeCapua said.

None of the five occupants of the brown-and-beige trailer were injured by the flying bullets, some of which went completely through the mobile home and into another one behind it, said Sgt. Walter Bowman.

He said the shots most likely came from a street leading from the road that enters the mobile home park next to the Department of Transportation building off Glacier Highway.

Along with reports of five gun  
Please see Drive-by, Page 8



MICHAEL PENN / JUNEAU EMPIRE

Icy spot: Delores Wheaton, right, counts heads this morning at a bus stop on Cordova Street at Douglas Highway, where children have been falling on steep, icy sidewalks.

## Slip sliding to school

By MARK SABBATINI

For 11-year-old David Jones, the ice on the steep sidewalk is something to live up the morning trip to the school bus stop.

But for parents such as Delores Wheaton, it's a nightmare waiting to happen.

A wide sidewalk in West Juneau at the intersection of Cordova Street and Douglas Highway is

the problem. Water from a hillside drains onto the sidewalk, where it is trapped by retaining walls on either side.

When it gets cold, the water freezes into a slanted slate of ice that students and other residents must cross to get to the bottom of the hill. Residents have complained to the city, but an official said responsibility lies with the homeowners beside the sidewalk.

Jones and several other students waiting at the bus stop this morning said they didn't mind the ice, stating they walked close to the edges of the sidewalk to avoid the worst of it - or intentionally slid down for fun.

"I know if I fall it was my fault because I was sliding," said Jones, a fifth-grade student at Gastineau Elementary School.

Please see Slippery, Page 8

## State coffers swell

High oil prices could balance the budget

By MARK SABBATINI

Continuing high oil prices are expected to earn Alaska about \$400 million extra this year, which could be enough to balance the state's budget.

The average price of Alaska North Slope crude is expected to be between \$28 and \$30.50 a barrel for the current fiscal year, which began July 1, said Chuck Logsdon, chief petroleum economist for the state Department of Revenue.

The initial projected price was \$16.67 a barrel.

"That's a significantly higher price than I think most analysts, including ourselves, thought was possible when we were assessing the situation last year," he said today from Anchorage.

Logsdon said an increase of \$1 a barrel results in an additional \$100 million for the state. On Tuesday, prices were nearly \$23 a barrel.

Fluctuating oil prices mean the projected spending gap in the state's \$2.4-billion budget is a moving target, since 80 percent of Alaska's revenue comes from oil. Officials have previously placed

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miles southwest of Juneau, had been closed to hunting since 1984. In the time since then, the state...

Dinneford said public testimony at the Sitka meeting leaned in favor of keeping the area closed.

Murray, who traveled to Sitka to speak in favor of his proposal, said he wasn't surprised by the vote, "but you always hope."

He said state wildlife officials offered no biological reason to keep the area closed, so the vote by board members was in response to anti-hunting lobbying.

Murray's proposal was opposed by Fish and Game's Wildlife Conservation Division.

Murray said he is looking at other options to try

Trail Mix and several people who testified at the meeting opposing the plan.

Trails include Perseverance, Mount Rob-... Moller, Point Blabop, Point Bridget, Eagle... and Herbert River. The Game Board voted in 1988 to prohibit trapping within one-quarter mile of those trails.

In Juneau, trappers are usually after marten, fisher and river otters.

Fish and Game's Wildlife Conservation Division proposed allowing trapping, if traps were set at least 100 feet away from a trail. Under its plan, traps between 100 feet and one-quarter mile from the trail would be set at least four feet above the ground.

The provision was to ensure pets and small children wouldn't accidentally get caught.

A number of trails don't have the quarter-mile restriction, including Montana Creek, East and West Glacier trails, Salmon Creek, Treadwell Ditch, Mount Juneau and Mount Jumbo.

## Slippery sidewalk...

Continued from Page 1

That's little consolation for Wheaton, a member of the Gastineau Site Council who supervises an estimated 30 elementary kids at the bus stop each morning.

"Three kids fell yesterday," Wheaton said. "I'm surprised they didn't get hurt. (The city) is going to hear about it if somebody gets hurt."

Wheaton said many seniors live at the Cedar Park apartment complex nearby and have to descend the hill to reach the city bus stop. She said several have asked for help in getting past the ice.

The problem appears to stem from the rebuilding of the house

adjacent to the sidewalk about two years ago, said Kerry Finley, assistant street superintendent for the city. He said drainage from the foundation and gravel driveway runs onto the sidewalk, and the property owners need to build a catch basin to divert the water to the bottom of the hill.

A city engineer is working with the homeowners to try to resolve the problem, Finley said.

"It's one of those areas where we've fought the ice over there," he said. "We haven't realized where it's coming from until now."

Jeanne Farrell said there is nothing that can be done with the home or the driveway she and her husband, T.J., purchased a year

ago to solve the problem. She said the drainage comes from the hill next to her house and the city's rebuilding of the sidewalk is at fault.

"I don't know what happened when the city put in the retaining walls, why they didn't put in a better drainage system," she said.

Residents in the neighborhood said the problems began after the sidewalk reconstruction occurred a few years ago.

Finley said the city is putting sand and chemicals on the sidewalk to make it safer. Wheaton said she has not noticed any such efforts until this morning, when temperatures were above freezing and ice was not a threat.

## Drive-by shooting...

Continued from Page 1  
shots, mobile home park residents said, police a speeding vehicle was seen leaving the area.

The number of bullets fired was yet to be confirmed, Bowman said.

"Bullets are hard to see sometimes," he said.

Police numbered the four bullet holes in the trailer they've found so far with orange paint. They were spaced along the length of the trailer about four feet from the ground.

Inside the house, Bowman

said, some clothes and a refrigerator were hit by the bullets. It was a strong weapon," he said. "It's scary."

Rafael Flores, 30, moved into a trailer with his wife and two children near the bullet-riddled home this month. He'd been told, he said, it was a quiet neighborhood.

"It was a strong weapon," he said. "It's scary."

Walking with two children she was baby-sitting this morning, Cindy Germain was also frightened by the early morning shots.

Her sister-in-law lives in the home hit by the bullets after they passed the trailer.

"I don't know what happened in the park," she said. "This is too close to home." After walking to the sound of gunfire, she heard of another shot fired while listening to a police scanner.

That shot was near Vanderbilt Hill, on the other side of Lemon Creek, said DeCapua. Police, however, are not sure if the two shootings are related. Police have yet to determine the caliber of the bullets recovered this morning.

## Moggie is back at Ketchikan cafe

THE ASSOCIATED PRESS

KETCHIKAN - A familiar petch is back guarding his owners' downtown coffee shop - legally. Moggie, a golden retriever, had been ousted from his long-time post after animal control authorities decided to enforce the local leash laws.

But the dog got a dispensation under a new law exempting canines that prove they can obey voice commands and aren't aggressive.

So now he's back lounging at the familiar spot in front of Moggie's Mochas, Mugs and

More.

"He went out and he took his test on Thursday and he earned license number 0001," said Joyce Hazelquist, who with her husband Don owns the dog and the coffee shop. "He's just as happy as can be."

SEASON'S EATINGS  
Holiday Dining Guide

ALASKA

**The Paper publishes final edition**

**■ Without some major investors, editor says weekly cannot survive**

By LORI THOMSON

THE JUNEAU EMPIRE

As subscribers to The Paper read today's final edition, the weekly newspaper's staff will begin shutting down its office on Third and Franklin streets.

The weekly announced earlier this month it was seeking \$100,000 to keep the newspaper open. Ten different small investors committed a total of \$12,000 to \$15,000 to the publication since then, but no major investors came forward, said editor Larry Persily.

"I don't see anyone coming in to carry us through a second year," Persily said Thursday afternoon. "It's silly to run another month or two to spend all the money we have just to prove we can go 15½ months instead of 14."

Advertising revenue for the weekly fell short of expectations. Persily has attributed that to advertisers being cautious because The Paper was the new publication on the block.

Launched on Nov. 22, 1995, The Paper faced competition from the daily Juneau Empire and the free Capital City Weekly, as well as radio stations.

Empire Publisher John Winters said he did not think a town of 30,000 people could support two newspapers, when even big cities often cannot.

"We're sorry when any newspaper folds, but I did not think from day one this size market could support two weeklies and a daily," Winters said.

Having started with six full-time staff members, The Paper's staff was cut to two full-time and three "very part-time" employees, Persily said.

Persily and his staff will probably spend the next month

**Around Juneau**

**Tank leaks oil into Gastineau Channel**

**JUNEAU** - A leaking oil tank at a home above Aurora Harbor sent diesel fuel into Gastineau Channel on Thursday morning.

A large sheen was seen at Aurora Harbor at about 8 a.m., and the U.S. Coast Guard's Marine Safety Office, the city and the state Department of Environmental Conservation launched an investigation, said Ensign Vivianne Louie of the Marine Safety Office.

They traced the diesel up through a storm drain to a leaking home heating tank on Judy Lane, four blocks up-slope from Juneau-Douglas High School.

"Even a pin-hole leak will empty a whole tank," Louie said. "Not all four hundred gallons got in the water. Most of it, I would say, is in the storm drain system."

Thursday, the Coast Guard estimated less than five gallons of diesel made it into the channel, but no more specific estimate was available today.

The cost of the 400 gallons of diesel is about \$430. But, Louie said, the homeowner may end up paying thousands of dollars to clean up the spill.

**Second trailer was hit by shots**

**JUNEAU** - Police investigators have determined the second trailer hit by gunfire Thursday morning at the Switzer Village Mobile Home Park was struck by shotgun shot.

A third trailer may also have been hit by a projectile fired at a neighboring mobile home, police said today.

After responding to a report of a mobile home being shot up on Blue Jay Way, another report came in from the residents of a trailer close to the center of the park. Police found five holes, believed to have come from a shotgun blast, in the window of the trailer, said police spokesman Michael DeCapua.

At about 8:30 a.m., a resident next door to the second trailer hit by gunfire said his home had been hit as well, said Lt. Ron Forneris, an investigator for the Juneau Police department.

"The resident feels the event just occurred and was contemporaneous with the other event," he said. The bullet, which did not appear to be from a shotgun shell, was of a large caliber, but didn't penetrate into the trailer very far, he said.

Forneris said police have not been able to determine whether the bullet that was lodged in the trailer was related to the other shooting, or whether it was a recently fired shot or not. It's possible, he said, that the bullet hit the trailer at some point before Thursday, but was only noticed by the home's owner then.

The trailer on Blue Jay Way sustained a dozen holes in a window that faced the road.

**Landslide expert in Juneau**

**JUNEAU** - A Colorado consultant is assessing the slide danger for homes in the White Subdivision today.

The city flew Arthur Mears, co-author of a 1992 study on Juneau landslide and avalanche hazards, here to evaluate how tree cutting above the White Subdivision might have impacted their risk, said city engineer Ben Pollard.

Mears will meet with White Subdivision residents at 5 this evening in Juneau Assembly chambers to give his report and answer questions.



THE JUNEAU EMPIRE  
Police display confiscated Thursday students were at lunch break.

**case**

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see Oil, Page 6

we've got some real talent here.

Echo Bay Mines Ltd.'s board of directors decided this week to write off the Alaska-Juneau gold mine near downtown Juneau because feasibility studies showed it would be unprofitable to reopen.

No one has been laid off yet, and company officials say they are still evaluating what to do next - redesign the project, sell it or close it. However, Bill

Goodhard, project manager for Echo Bay Alaska Inc., said because the board is writing the project off, the local office is "prepared to move toward closure."

Jill Paukert, a spokeswoman for Echo Bay corporate offices in Englewood, Colo., said there is no timeline for when a definite decision will be made.

the company eventually makes, because even if the mine closes, there will be work associated with the closure for some time.

But he doesn't want to lose touch with co-workers he's grown close to, whom he fears will have to leave town to find work.

"They go someplace else and you never see them again," Farrell said.

It's also difficult to watch

laid off from Echo Bay last year, said she had hoped to go back to work there, but she was not shocked at the news.

"I think the writing was on the wall months ago," she said. "The feasibility studies weren't coming back really well. I didn't know for a fact, but I wasn't holding my breath."

Gallagher and Farrell said  
Please see Echo Bay, Page 6

## A taste of racial injustice brings message home

By CATHY BROWN

THE JUNEAU EMPIRE

It was a small injustice - some kids got a Hershey's kiss and others didn't - but it was enough to get Chris Ruiz's attention.

"It wasn't fair," the second-grader protested. "... I felt like a prisoner."

The only reason he didn't get candy right away was because he had the bad luck to get a green piece of paper taped under his chair, instead of a red one.

John Cashen also got green paper. "I was sad. I felt left out,"



the little boy said.

Second-grade Harborview Elementary School teacher Twyla Alexander set up the exercise to show her students what discrimination feels like and to teach them why Americans celebrate the birthday of civil rights leader Martin Luther King Jr.

Several teachers in the Juneau School District have spent time this week talking to their students about King, the non-violent protests he advocated and the reasons behind the civil

Please see Lesson, Page 6

## Shots fired at Switzer

Police say two trailers were hit in mobile home park

By SVEND HOLST

THE JUNEAU EMPIRE

A shotgun was apparently used to blow holes in two trailers at the Switzer Village Mobile Home Park early this morning.

Reports of the first shooting came into police at about 1:45 a.m. from a woman living in a mobile home in the Blue Jay Way area of the park, which is close to Dzantik'i Heeni Middle School, according to Capt. Michael DeCapua, spokesman for the Juneau Police Department.

She said someone had fired a gun at her trailer.

Residents of another mobile

home in the same area called police later in the morning to report finding bullet holes in their trailer as well.

Details on the second incident were sketchy this morning as police, in patrol cars and on foot, combed the neighborhood. However, a shotgun seems to have been used in both shootings.

"We are working on a number of leads at this point," DeCapua said. As always, police are asking for anyone who may know anything about the shootings to call them.

He said investigators aren't sure if the shootings were drive-bys, and have not determined if the incidents were related to previous Switzer shootings or to gang activity.

Please see Shots, Page 6

Juneau Empire

Trans. 1/15/77 p. 1

COMPLIMENTS OF THE  
ALASKA STATE LIBRARY

COMPLIMENTS OF THE ALASKA STATE LIBRARY

# SWITZER ROULETTE

By SVEND HOLST

THE JUNEAU EMPEROR

Shots in the dark. Bands of unruly teenagers. Children harassed by bullies on their way to and from school.

For some, life at the Switzer Village Mobile Home Park is becoming tense. For some, the sound of a car driving by is frightening.

Since last February, gunfire has put holes - bullet holes - in six trailers at the 300-lot trailer park, according to police. Several residents of the park said the bullets and other problems, such as vandalism, harassment and drugs, stem from unsupervised teen-agers, hoodlums, who liken themselves to gangsters.

The president of the mobile home park's newly formed neighborhood watch group is worried that if his name or face were in the newspaper, a bullet could find its way into his trailer, which nine people call home.

"If they shot through my trailer, they aren't going to miss," he said. "This is scary."

When he sees the glare of headlights shine through his kitchen window, he said he gets jumpy. Since the last shooting, last week, the neighborhood watch patrols have stopped, he said. People don't want to put themselves at risk.

It's just a matter of time, he said, before someone gets hit by one of the bullets flying around Switzer. It's just a matter of time, he said, before someone gets killed.

Inside the Blue Jay Way trailer, the trail of shot from a shotgun blast runs through the front window, the kitchen, the living room and the bathroom. The frame of a picture of a baby granddaughter hangs crooked on the wall. It's been shattered by shot.

The gunshot came at about 2 a.m. Thursday. A boy was asleep on a couch just below the path of the pellets. Neighbors saw a vehicle leaving the scene, but police haven't found out who the gunman was.

A woman with a large family lives there. She spent her first night back at the home Saturday, but said she couldn't sleep until the sun came up. She has no idea why anyone would target her home, or would fire on the photograph of her granddaughter.

She lived at Switzer in the 1980s, and moved back recently.

"Switzer has changed significantly," she said. "We liked living in Switzer. I always thought that the people here were, basically, good people. I'm thinking now of selling the place."

The shooting left a scar on her mind in much the same way it left holes in her ceiling and window. She said she spends a lot of her time since the shooting in the part of the trailer furthest from the road.

"Psychologically, it leaves an imprint," she said.

She wants people to call the police, and tell them what's going on. She wants the perpetrators, who she said may be "kids on crack," caught.

Matt Castillo, 19, said he's talked to law enforcement officials from a plethora of agencies, such as the Juneau police and the FBI, about the drive-by shooting of his trailer in October.

He thinks the shooters are wannabes - youths who call themselves gang members, but are still trying to figure out how to do it. He gave police, who he said are probably embarrassed by the violence, the names of the kids he thought might be involved.

"They're probably just bored," he said of the shooters. "They're just doing it for fun."

He said one kid was bragging about shooting the gun. He wants people in Juneau to know what's happening in Switzer because it could start happening elsewhere.

"This town isn't that big," Castillo said. "People should know about it."

He, and three friends, were playing video games when the shots rang out.

They heard a car drive by on the road next to the trailer at about 4:30 a.m., he said. The car stopped, idled for a few seconds, then peeled out, Castillo said. Then bullets, four or five of them, slammed into the trailer. One of the slugs missed his head by about a foot, he said. Another hit his refrigerator. Others passed through the trailer and into one behind it.

A side effect of being the target of a drive-by, he said, is people start talking, start making assumptions and spread dark rumors. He's heard, much to his surprise, that he's a drug dealer.

Castillo said he's noticed more police patrolling Switzer, though not all residents interviewed had seen more blue-and-whites.

Police are working with the neighborhood watch group, and continue to investigate the shootings, which are the loudest, but not the only crimes being perpetrated at the mobile home park and the surrounding area.

"In the Gruening Park-Switzer area we have noticed an increase in vandalism," said Capt. Michael DeCapua. "We're concerned with an increase in gang activity and juvenile delinquent activity, some of which may be drug or gang related."

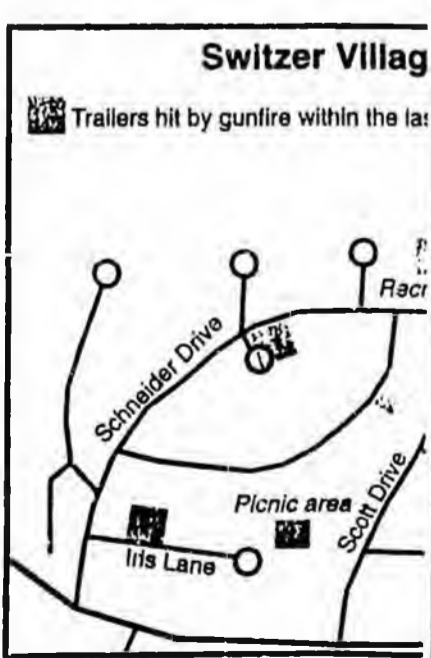
Where there's juvenile crime he said, parents have to be a part of the solution.

The neighborhood watch group forming at Switzer is one of three getting organized this winter. Gruening Park, neighboring Switzer, and a Douglas group are joining a dozen such neighborhood watches set up in Juneau.

The watch groups are important, DeCapua said, because police are spread thin. Usually, there are four police on patrol and one supervisor on duty. Lately, with a string of injuries and retirements sapping the Juneau Police Department of a quarter of its complement, police are being taken off investigations and out of Juneau schools to fill patrol cars.



Hitting home: Bullet holes circled in trailer home involved in a drive-by at Switzer Home Park.



rs...

## University has policy on viewing on-line sex sites

University of Alaska Southeast's library, computers with access display a warning: "Viewing sexually explicit inconsistent with the University's sexual harassment poli-

library does not, however, expressly prohibit using its com-

puter monitors fitted with an software program to limit the range from which computer monitors' contents could be viewed.

University has had computers with graphic Internet access last summer, according to Moran, and she's not aware of any where patrons used them to view pornographic Internet

she said.

state libraries do not offer public Internet access.

Library tried 'privacy screens,'  
computer monitors fitted with an  
software program to limit the range from which  
computer monitors' contents could be viewed.

clear, according to whether viewing adult any where it can be seen is a crime, but he believes library would be within prohibit patrons from computer monitors to view

near future," said City Attorney John Corso.

"How can we protect our children from information and exposure while protection people's and families' right to access?" asks Carol McCabe. "It's a balancing

## Shots fired...

Continued from Page 1

The trailer hit in the first shooting police responded to had a dozen holes in a window that faced the road. After slamming through the window, the shot made its way through an exhaust hood in the trailer's kitchen, through walls, over a person sleeping on a couch and into the bathroom at the other end of the home, DeCapua said.

A car parked in front of the home was also hit, he said. A white Dodge Daytona marked off as a part of the crime scene in front of the home this morning had pellet holes in its rear tail-light covers.

A man who said he was scared and lives near the trailer didn't want his name revealed. He said he was in his bathroom when he heard two shots. He ran outside

and saw the rear end of a car or truck, he wasn't sure which, driving away from the scene and into the night.

He said the residents of the shot-up trailer were "nice people." The family living in the home are a couple with two older boys, he said.

Robert Finch, the manager of the mobile home park, is frustrated. He took over oversight of the 300-lot park in December.

"It's got to stop," Finch said of the shootings. "I know that much."

The apparent drive-by shootings and other less dramatic incidents have lead him to believe that there's a method behind the violence that's struck Switzer. However, he's having some trouble, as are police, figuring out who the people causing the trou-

## New ferry...

Continued from Page 1

today. "It wasn't something we were aware of, this is a different spelling and we've never had this sort of problem with any of our ferries. I think she'll be a sound ship."

The news briefly startled Alaska Marine Highway Director Gary Hayden, who quickly phoned a port captain to see if any maritime folklore surrounded such situations.

"I don't think there's any problem there," he said. "It's just quite a coincidence."

The ferry is named after a

in another shipwreck years earlier. While traveling aboard a tugboat to Victoria following a failed rescue effort of the Kennecott, the depressed captain leaped overboard to his death.

Meanwhile, one of the marine highway officials helping with design and inspection specifications of the new vessel is Capt. Doug Johnson. Hayden said the captain could well end

ble are.

"It's a bunch of young gang members trying to take over territory," Finch said. "I can't put my finger on it yet, but I'm trying."

This is the third confirmed report of shots fired at Switzer since last summer.

In July, shots were fired at the opposite end of the park from this morning's incident. Nobody was injured in that incident, which police believe may have been part of a gang initiation, DeCapua said.

Orange paint still marks where the bullets entered the trailers hit in what DeCapua characterized as a drive-by shooting in October. Then, five bullets were fired into a trailer early in the morning. Some of the bullets traveled through the targeted trailer and into another in a lot behind it.

No one was injured in any of the shootings.

up piloting the ship when it begins service in 1998, since he is one of the few captains licensed for both Southeast and Southwest Alaska ferry routes.

Johnson said he isn't fazed by the prospect, despite the history of the older ship and captain.

"I think if you look at your maritime records you'll find a lot of Captain Johnsons have sailed in Alaska," he said.

## Kobe anniversary

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FISCAL NOTE

REPORTED OUT OF  
SFC APR 9 1997

BILL NO. CSSB 70 (JUD)

STATE OF ALASKA  
1997 LEGISLATIVE SESSION

Revision Date: \_\_\_\_\_  
Title: "An Act relating to the discharge of firearms at or in the direction of buildings and dwellings"  
Sponsor: Sen. Donley  
Requestor: (S) FIN

Department Affected: Administration  
BRIJ: Office of Public Advocacy  
Component: Office of Public Advocacy

COMPONENT SERIAL NO. 43

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING EXPENDITURES	FY 98	FY 99	FY 00	FY 01	FY 02	FY 0?
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

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

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
OTHER						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY 97) cost: \$ 0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary.)

There is no fiscal impact to the Office of Public Advocacy.

*NEW*

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

Phone: 274-1684  
Date: \_\_\_\_\_

Approved by Commissioner: Mark Bover  
Agency: Department of Administration

Date: 4/8/97

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FISCAL NOTE

REPORTED OUT OF  
SFC APR 9 1997  
BILL NO. CSSB 70 (JUD)

STATE OF ALASKA  
1997 LEGISLATIVE SESSION

Revision Date: \_\_\_\_\_  
Title: "An Act relating to the discharge of firearms..."  
Sponsor: Senator Donley  
Requisior: S (FIN)

Department Affected: Administration  
BRU: Public Defender Agency  
Component: Public Defender Agency  
COMPONENT SERIAL NO. 1631

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING EXPENDITURES	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
PERSONAL SERVICES	37.5	37.5	37.5	37.5	37.5	37.5
TRAVEL	1.5	1.5	1.5	1.5	1.5	1.5
CONTRACTUAL	6.0	6.0	6.0	6.0	6.0	6.0
SUPPLIES	0.6	.6	0.6	.6	0.6	.6
EQUIPMENT	2.5	2.5	2.5	2.5	2.5	2.5
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	48.1	48.1	48.1	48.1	48.1	48.1

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ( )						
------------------------	--	--	--	--	--	--

FUND SOURCE: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	48.1	48.1	48.1	48.1	48.1	48.1
1005 GF/Program Receipts						
1037 GF/Mental Health						
OTHER						
TOTAL	48.1	48.1	48.1	48.1	48.1	48.1

Estimate of any current year (FY 97) cost: \$ -0-

POSITIONS:

FULL-TIME	0.5	0.5	0.5	0.5	0.5	0.5
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary.)

See attached sheet.

*Replaces # 2*

Prepared by: Barbara K. Brink, Director  
Division: Public Defender Agency

Phone: (907) 264-4414  
Date: \_\_\_\_\_

Approved by Commissioner: Mark Boyer  
Agency: Department of Administration

*Alison M. Egan*

Date: 4/9/97

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FISCAL NOTE

STATE OF ALASKA  
1997 LEGISLATIVE SESSION

BILL NO. CSSB 70

ANALYSIS: (continued)

This sponsor substitute makes it a strict liability offense to discharge a firearm at or in the direction of an occupied building, punishable by up to 10 years in jail and a \$50,000 fine. It creates an anomaly in the Alaska Statutes, which normally punish conduct by considering the perpetrator's mental state (intentional crimes are punished more severely than reckless or negligent crimes) as well as the result (the seriousness of the injury or damage).

The Department of Law has estimated an increase in the numbers of serious felony offenses due to this legislative change. Currently such an offense would not be charged or would be charged as a much less serious crime of reckless endangerment (a misdemeanor) and often prosecuted by the local municipality. The Public Defender concurs in this analysis, and predicts a serious increase in these felonies, particularly in Anchorage. Therefore, a part-time felony attorney position is requested for Anchorage.

Of note: It is questionable whether the Due Process clause of the Alaska Constitution, Art. I, Section 7 permits imposing criminal sanctions for an offense in the absence of a minimally adequate level of mens rea. (Beran v. State, 705 P.2d 1280 (Alaska App. 1985)).