

**ALASKA LEGISLATURE**

**1765**

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

# FISCAL NOTE

# 7  
SFC APR 9 1997

STATE OF ALASKA  
1997 LEGISLATIVE SESSION

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

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 ( )						
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**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/MHT/A						
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  
Division: Administrative Services Division  
Approved by Commissioner: Bruce M. Botelho, Attorney General  
Agency: Department of Law

Phone: 465-5370  
Date: 4/4/97  
Date: 4/4/97

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# FISCAL NOTE

SFC APR 9 1997

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

**BILL NO. CSSB 70 (JUD)**

Revision Date: 04/03/97

Dept. Affected: Alaska Court System

Title: Unlawful Discharge of a Firearm

BRU: Trial Courts

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

Sponsor: Sen. Donlay

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						
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>CHANGE 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						
<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			

*Replaces #6  
put w/ bill file (or)*  
*5 copies*

**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: G. S. Christensen III, General Counsel

Agency: Alaska Court System

Phone: 264-8228

Date: 04/03/97

Approved by: Stephanie J. Cola, Deputy Director R7

Agency: Alaska Court System

Date: 04/03/97

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# FISCAL NOTE

No. 6

Bill Version: SB70

BILL NO. (S) Publish Date: 2/21/97

## STATE OF ALASKA 1997 LEGISLATIVE SESSION

Revision Date: \_\_\_\_\_ Dept. Affected: Alaska Court System  
 Title: Unlawful Discharge of a Firearm BRU: Trial Courts  
 Component: \_\_\_\_\_  
 Sponsor: Sen. Donlay  
 Requestor: HES 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	**	**	**	**	**	**

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						
TOTAL	**	**	**	**	**	**

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. However, the waiver of juveniles into adult court for certain offenses will increase costs because the trial rate for adult offenses is substantially higher than the trial rate for juvenile offenses. Depending on the number of automatic waivers which are made, the court system may need to return to the Legislature for funding.

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

Approved by: Arthur H. Snowden, II, Administrative Director  
 Agency: Alaska Court System

Phone: 264-8228  
 Date: 02/20/97

Date: 02/20/97

STATE OF ALASKA  
1997 LEGISLATIVE SESSION

FISCAL NOTE  
REPORTED OUT OF  
SFC APR 9 1997

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						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGES 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 (please specify)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

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: 2/24/97  
Agency: Department of Health & Social Services

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# FISCAL NOTE

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

APR 9 1997 **BILL NO:**

4  
 Bill Version: 9B70  
 (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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# FISCAL NOTE

Bill Version: SB 70  
 (S) Publish Date: 2/21/97

STATE OF ALASKA  
 1997 LEGISLATIVE SESSION

Revision Date: \_\_\_\_\_ Dept. Affected: Department of Law  
 Title: "... defining the offenses of unlawful  
discharge of a firearm; and relating to commission ... by minors." BRU: Criminal Division  
 Sponsor: Senator Donley Component: Criminal Division  
 Requester: Senate HESS 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>

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

1002 Federal Receipts						
1003 GF Match						
1004 GF						
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**

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

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

SB 70 defines the offense of unlawful discharge of a firearm, includes a conviction of unlawful discharge of a weapon in the fourth degree as one of the misdemeanor offenses disqualifying an individual from receiving a concealed weapons permit, and includes the charge of unlawful discharge of a weapon in the first or second degree as one requiring automatic waiver of a juvenile to adult court.

Because this bill essentially redefines conduct that is already a crime, the department does not anticipate any fiscal impact. The waiver of juveniles into adult court for certain activities does constitute new cases for the Criminal Division, however, the department does not expect the caseload increase to be significant. We would note, however, than many other bills have been introduced that create automatic waivable offenses that, alone, are not expected to create a fiscal impact. However, depending on how many pass, they may have a cumulative impact. The department will need to assess this cumulative impact when it is known.

Prepared by: Joan M. Kasson Phone: 465-5370  
 Division: Administrative Services Division Date: 2/13/97  
 Approved by Commissioner: Bruce M. Botelho, Attorney General Date: 2/13/97  
 Agency: Department of Law

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# FISCAL NOTE

STATE OF ALASKA  
1997 LEGISLATIVE SESSION

BILL NO. CSSB 70 (JUD)

Revision Date: 3/26/97 Dept. Affected: Corrections  
 Title: Unlawful discharge of a firearm BRU: All  
 Component: All  
 Sponsor: Senator Donley  
 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						
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CHANGE IN REVENUES ( )						
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**FUND SOURCE**

(Thousands of Dollars)

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

*Replaces FN#1*

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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# SENATE FINANCE COMMITTEE REPORT

REPORTED OUT OF

DATE: 4/1/97

FURTHER SFC

4-9-97

DATE TURNED  
IN TO OFFICE:

4-10-97

Finance Committee considered

SENATE BILL NO. 70

"An Act defining the offenses of unlawful discharge of a firearm; and relating to the commission of those offenses by minors."

and recommends:

- be replaced with \_\_\_\_\_ CS \_\_\_\_\_ (\_\_\_\_\_)
- adopt previous \_\_\_\_\_ CS SB 70 ( 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
<i>Bill E. Kelly</i>	✓	<i>Bill L. Davis</i>	X		
<i>Frank Parrill</i>	✓				
<i>John Ryan</i>	✓				
<i>Wendy Sawyer</i>	✓				
Co-Chair: <i>Shane</i>	✓	Co-Chair:			
Co-Chair: <i>Bob Hayes</i>	✓	Co-Chair:			

**NEW FISCAL NOTE(S):**

Department                      Date    Zero    Fiscal

CORRECTIONS	3/26	✓	
ADMIN - PUB DEF.	4/9		48.1
COURTS	4/3	✓	
ATTORNEY - OPA	4/8	✓	

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

Department                      Date    Zero    Fiscal

#4 Public Safety	2/18	✓	
#5 DHSS	2/14	✓	
#7 LAW	4/4		70.0

APPROPRIATION -- no fiscal note

\*include fiscal notes accompanying Governor's bill

# FISCAL NOTE

**STATE OF ALASKA  
1997 LEGISLATIVE SESSION**

Bill Version: SB70  
(S) Publish Date: 2/21/97

Revision Date: \_\_\_\_\_ Dept. Affected: Corrections  
 Title: Unlawful discharge of a firearm BRU: All  
 Component: All  
 Sponsor: Senator Donley  
 Requester: Senate HES 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	311.3	388.1	465.0	541.8	618.7	656.9
<b>TOTAL OPERATING</b>	<b>311.3</b>	<b>388.1</b>	<b>465.0</b>	<b>541.8</b>	<b>618.7</b>	<b>656.9</b>

<b>CAPITAL EXPENDITURES</b>					663.0	3,757.0
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<b>CHANGE IN REVENUES ( )</b>						
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**FUND SOURCE (Thousands of Dollars)**

1002 Federal Receipts						
1003 GF Match						
1004 GF	311.3	388.1	465.0	541.8	1,281.7	4,413.9
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other						
<b>TOTAL</b>	<b>311.3</b>	<b>388.1</b>	<b>465.0</b>	<b>541.8</b>	<b>1,281.7</b>	<b>4,413.9</b>

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

**POSITIONS**

FULL-TIME						
PART-TIME						
TEMPORARY						

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

Please see attached explanation.

Prepared by: Bruce Richards Phone: 465-3307  
 Division: Commissioner's Office Date: 2/18/97  
 Approved by Commissioner: Margaret M. Pugh Date: 2/18/97  
 Agency: Department of Corrections

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Assumptions

1. According to DFYS the number of juveniles who would be automatically waived under proposed AS11.61.300 is approximately two per year. These juveniles would be convicted of class A felonies which carries a presumptive sentence of 7 years. This would result in actual incarceration of 4 years and 8 months (time subtracted for mandatory parole) per individual.
2. According to the Department of Law the number of juveniles who would be automatically waived under proposed AS11.61.310 is approximately six per year. These juveniles would be convicted of a class B felony, which carries a sentence of 0 to 10 years. The average sentence for a first class B felony is 1.5 years. This would result in actual incarceration time of 1 year (time subtracted for mandatory parole) per individual.
3. Each felony case will require a pre-sentence investigation (PSI) report for the court. Preparing a PSI report for class A felonies costs approximately \$630 each. Each class B felony PSI report costs approximately \$455.
4. The statewide average daily cost of incarceration is \$105.27. It is assumed that those convicted of AS 11.61.300 and AS 11.61.310 offenses will require incarceration in state correctional facilities, as opposed to lower-cost community residential centers.
5. The correctional system cannot safely or legally absorb additional prisoners without additional beds being added. The system has operated over emergency capacity for several years. In addition to posing safety hazards, operating over emergency capacity has resulted in contempt of court fines which will total approximately \$2.4 million by the end of FY97. Without constructing new beds, the addition of violent juvenile offenders serving lengthy sentences in the adult system will worsen crisis levels of overcrowding, increasing the risks of harm to staff, prisoners, and the public.
6. The average cost of construction for a correctional bed is approximately \$100,000. A maximum security bed costs approximately \$160,000. The cost used in these calculations should be considered very conservative, given the nature of offenses for automatically waived juveniles. The department has projected that expansion of an existing facility by 34 beds would address the projected number of inmates in Senate Bill 70, as well as the current juvenile population already in state correctional facilities.
7. These cost estimates are not adjusted for inflation, nor do they reflect the significant upward trend in rates of violent juvenile crime. It is hoped that any deterrent effect achieved by this measure will offset those factors. If deterrence does not sufficiently offset the escalating juvenile crime rate, the operating and capital expenses will be higher.

8. The department (when possible) houses waived juveniles in single cells, at least during the initial months of incarceration, to determine their level of vulnerability to adult predators in the prison population. It is generally assumed that juvenile inmates require closer security than the average adult. The department does try to place juveniles with other juveniles when possible. However, this is more difficult to do in smaller facilities.

**Operating Expenses**

FY98:           2 class A felony offenses X \$630 per PSI report= \$1.2  
                   6 class B felony offenses X \$455 per PSI report= \$2.7  
                   8 inmates X 365 days X \$105.27 per day = \$307.4  
**TOTAL = \$311.3**

YEAR	OLD- NEW	TOTAL	COST PER DAY	DAYS	INCARC COST PER YEAR	PSI COSTS	TOTAL
FY98	8	8	\$105.25	365	\$307.4	\$3.9	\$311.3
FY99	8 + 2	10**	\$105.25	365	\$384.2	\$3.9	\$388.1
FY00	10 + 2	12	\$105.25	365	\$461.1	\$3.9	\$465.0
FY01	12 + 2	14	\$105.25	365	\$537.9	\$3.9	\$541.8
FY02	14 + 2	16	\$105.25	365	\$614.8	\$3.9	\$618.7
FY03	16	16*	\$105.25	365	\$614.8	\$3.9	\$618.7 + \$38.2 \$656.9

\*\*Beginning in FY99 the first offenders (6) under proposed AS 11.61.310 would be released. This results in a net gain from this point forward since 6 would enter the system and 6 would be released.

\*Midway through FY 03 the first offenders (2) under proposed AS 11.61.300 will be released and therefore are not reflected in the total number of inmates. Their cost is reflected separately in the final total at \$38.2 for FY03.

**Capital Expenses**

34 inmates X \$130,000 per bed = \$4,420,000

Operating expenses for the expanded facility are not reflected in this fiscal note since expected completion of the facility would not occur until FY04. Fifteen percent of the of the estimated construction costs have been entered as capital costs in FY02 for architectural and engineering as well as other related costs. The balance is included in the FY03.

**FISCAL NOTE**

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

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

Revision Date: \_\_\_\_\_  
 Title: "An Act defining the offenses of unlawful discharge of a firearm..."  
 Sponsor: Senator Donley  
 Requestor: (S) HESS

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	***	***	***	***	***	***
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>***</b>	<b>***</b>	<b>***</b>	<b>***</b>	<b>***</b>	<b>***</b>

<b>CAPITAL EXPENDITURES</b>	<b>***</b>	<b>***</b>	<b>***</b>	<b>***</b>	<b>***</b>	<b>***</b>
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<b>CHANGE IN REVENUES ( )</b>	<b>***</b>	<b>***</b>	<b>***</b>	<b>***</b>	<b>***</b>	<b>***</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						
<b>TOTAL</b>	<b>***</b>	<b>***</b>	<b>***</b>	<b>***</b>	<b>***</b>	<b>***</b>

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

**POSITIONS:**

FULL-TIME	***	***	***	***	***	***
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 Boyer  
 Agency: Department of Administration

Date: 2/14/97

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FISCAL NOTE

STATE OF ALASKA  
1997 LEGISLATIVE SESSION

BILL NO. SB 70

ANALYSIS: (continued)

*This bill creates a new class B felony crime of unlawful discharge of a firearm in the second degree if a person discharges a firearm at or in the direction of a building with reckless disregard for a risk that the building is occupied. Unlawful discharge of a firearm in the third degree is created for other circumstances when a propelled vehicle is being operated. The first degree class A felony also becomes a most serious felony under the current three strikes law. Additionally a person's ability to get a concealed weapon permit is restricted if they have been convicted of such an offense within the last five years. Finally, a minor who is 16 or 17 who is arraigned on a charge of an unlawful discharge of a firearm in the first or second degree will be automatically waived to adult court. These statutory modifications will have enormous impact on the Alaska Public Defender Agency. It will result in the creation of more juveniles being charged in adult court with class A felony and class B felony charges. These types of charges are the most time intensive and labor consumptive of all the cases the Public Defender Agency handles. Without accurate predictions of the numbers of cases the fiscal impact, while definite, cannot be quantified.*

@

*Adams MOVED w/ ind/rec*

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

**BY THE SENATE JUDICIARY COMMITTEE**

**Offered: 4/1/97**  
**Referred: Finance**

**Sponsor(s): SENATOR DONLEY**

**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

1 AS 11.71.010 - 11.71.040; [OR]

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

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

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

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

11 (A) a building

12 (i) and the building is occupied; or

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

15 (B) a dwelling.

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

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

# Shooting jolts staff at Dimond

By DANIELLE STANTON  
Daily News reporter

SB 70

Dimond High School on Thursday offered counseling services to students rattled by a drive-by shooting outside the school this week, the school's principal said.

No one was injured in the incident Wednesday, in which a 16-year-old fired three shots into the air above a crowded school parking lot. A 16-year-old was arrested in connection with the shooting. He and two other students have been suspended and may be expelled, officials said.

Only a few students requested to talk to a staff counselor about the incident, principal Patricia McDowell said. The student body appeared to be handling the incident without serious problems, but school staffers are troubled, she said.

"It's shocking to hear gunshots on your campus," McDowell said. "We're pretty rattled by it."

The incident began about 2:30 p.m., a half-hour after school ended. Security guards and administrators ran out to the parking lot after a teacher alerted them of a fistfight. The 16-year-old Dimond High student had jumped

Continued from Page B-1

another 17-year-old student and the two wrestled on the ground, Anchorage police detective Bill Herrick said.

The 16-year-old and two other teenagers ran when they saw the guards, and drove off in a red and black pickup truck, McDowell said. As the truck sped past the east student parking lot, three shots were fired over about 80 students and school staff, she said.

Police officers stopped the pickup minutes later near Honeysuckle Drive, police said.

Officers recovered a 9mm semiautomatic handgun believed to be the one used in the shooting, Herrick said. He would not say where it was found.

The 16-year-old was charged with third-degree misconduct involving a weapon and third-degree assault, Herrick said. The boy was booked into McLaughlin Youth Center on Wednesday.

The boy and the other two youths in the pickup, one from Dimond and the other a SAVE High School student, were put on emergency suspension, McDowell said.

"I can assure you we take this very seriously," McDowell said. "We will do our utmost that the safety of the other students is not compromised."

Administrators respond immediately to rumors and tips about guns in school, she said. They rely heavily on students coming forward with reports, and try to foster a trusting relationship, she said. A telephone hot line is set up to allow students to remain anonymous.

Detective Herrick, who is part of the Anchorage Police Department's new juvenile crime unit, visited the shooting scene Wednesday as part of his new duties. Before the unit was formed, a detective would not have been assigned to the case so quickly, he said.

Youth crimes — even those that don't involve injuries — are starting to get immediate attention, he added.

"With juveniles, immediacy is really important in trying to get a message to the offender," Herrick said. "The sooner the action is taken the better."



# SENATOR DAVE DONLEY

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ALASKA STATE LEGISLATURE

## SPONSOR STATEMENT FOR SENATE BILL 70 (JUD) "UNLAWFUL DISCHARGES OF FIREARMS"

Senate Bill 70 provides strong new deterrents to individuals who unlawfully discharge firearms at buildings or dwellings.

Last year an Anchorage family was awoken in the middle of the night to a barrage of gunfire. The next day, the Anchorage Police Department found five bullets lodged in various locations of the family's home. Juneau has witnessed seven separate accounts of shootings at dwellings in the last year alone. Under current state law, the unlawful discharge of a firearm at a building is only a misdemeanor.

Senate Bill 70 creates a new class B felony offense for the unlawful discharge of firearms at or in the direction of a dwelling. The legislation also creates a class B felony offense for discharging a firearm in the direction of a building and it is occupied or with reckless disregard to property or a risk of physical injury to a person.

Senate Bill 70 addresses the problem of random reckless discharges of firearms by instituting tough new penalties on those individuals who not only endanger property but innocent lives as well.

DD/jja

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**MEMBER:** Senate Finance Committee • Legislative Budget & Audit Committee  
• Senate Community & Regional Affairs Committee

Produced in House

# FISCAL NOTE

STATE OF ALASKA  
1997 LEGISLATIVE SESSION

BILL NO. CSSB 70 (JUD)

Revision Date:	Dept. Affected: <u>Department of Law</u>
Title: <u>"An Act relating to the discharge of firearms at or in the direction of buildings and dwellings."</u>	BRU: <u>Criminal Division</u>
Sponsor: <u>Senator Donley</u>	Component: <u>Criminal Division</u>
Requester: <u>Senate Judiciary 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	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 ( )						
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**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  
 Division: Administrative Services Division  
 Approved by Commissioner: Bruce M. Botelho, Attorney General  
 Agency: Department of Law

Phone: 465-5370  
 Date: 4/4/97  
 Date: 4/4/97

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# FISCAL NOTE

STATE OF ALASKA  
1997 LEGISLATIVE SESSION

BILL NO. CSSB 70 (JUD)

Revision Date: 04/03/97  
Title: Unlawful Discharge of a Firearm  
Sponsor: Sen. Donley  
Requestor: \_\_\_\_\_

Dept. Affected: Alaska Court System  
BRU: Trial Courts  
Component: \_\_\_\_\_  
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						
<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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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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Craig  
Pres. Prince of Wales Chapter

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,

A handwritten signature in black ink, appearing to read 'Michael Corkill', written over a horizontal line.

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



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.

## 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 never 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.

Please see Page B-2, BULLETS



'The Voice of Alaska's Capital City'



## No one hurt in drive-by shooting

By SVEND HOLST

THE JUNEAU EMPIRE

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 gunshots, police also received reports of a fire. Please see Drive-by, Page 8.



MICHAEL PENN / JUNEAU EMPIRE

Key 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

THE JUNEAU EMPIRE

For 11-year-old David Jones, the ice on the steep sidewalk is something to live up to 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

THE JUNEAU EMPIRE

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 \$20 and \$20.50 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 \$7-billion budget is a moving target, since 80 percent of Alaska's revenue comes from oil. Officials have previously placed

Please see Budget, Page 8.

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...been closed to hunting since 1984. In the time since then, the state Forest Service created the Stan Price State Game Sanctuary, which has become an increasingly popular brown-bear viewing area on the beach of the canal and part way up Pack Creek. About 95 square miles around the area are closed to hunting.

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

...several people who testified at the meeting opposing the plan.

Trails include Perseverance, Mount Roberts, Moller, Point Bishop, Point Bridget, Eagle River 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, mink or 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 has 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 passed by the house, and it was a very close call.

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 German was also frightened by the early morning shots.

Her sister-in-law lives in the home hit by the bullets, and they passed by the house, and it was a very close call.

"This is too close to home." After waking 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 pooch is back guarding his owners' downtown coffee shop - legally. Moggie, a golden retriever, had been ousted from his longtime 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 shutting down the business.

## 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.



IN THE JUNEAU EMPIRE  
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ABBATINI

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ver, believe the bub- burst," he said dur- ation to the state e Committee today. of oil, which pro- ase 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 - redesigning 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.

...regardless of the decision 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

was among about 12 employees 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

NEWSPAPER DELIVERED TO YOUR HOME. CALL 586-3740

Juneau Empire

Thurs. 1/16/97 p. 1

COMPLIMENTS OF THE ALASKA STATE LIBRARY

COMPLIMENTS OF THE ALASKA STATE LIBRARY

# SWITZER ROULETTE

By SVEND HOLST

THE JUNEAU EMPIRE

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, hooligans, 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

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. The 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 roughest, 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.

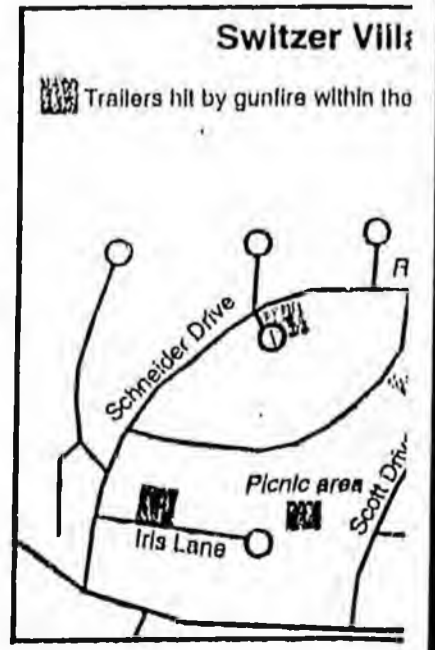
The neighborhood watch group forming at Switzer is one of three getting organized this winter. Gruening Park, neighboring Switzer, and a Douglas group are joining a dozen such neighborhood watches set up in Juneau.

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.



COMPLIMENTS OF THE ALASKA STATE LIBRARY

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



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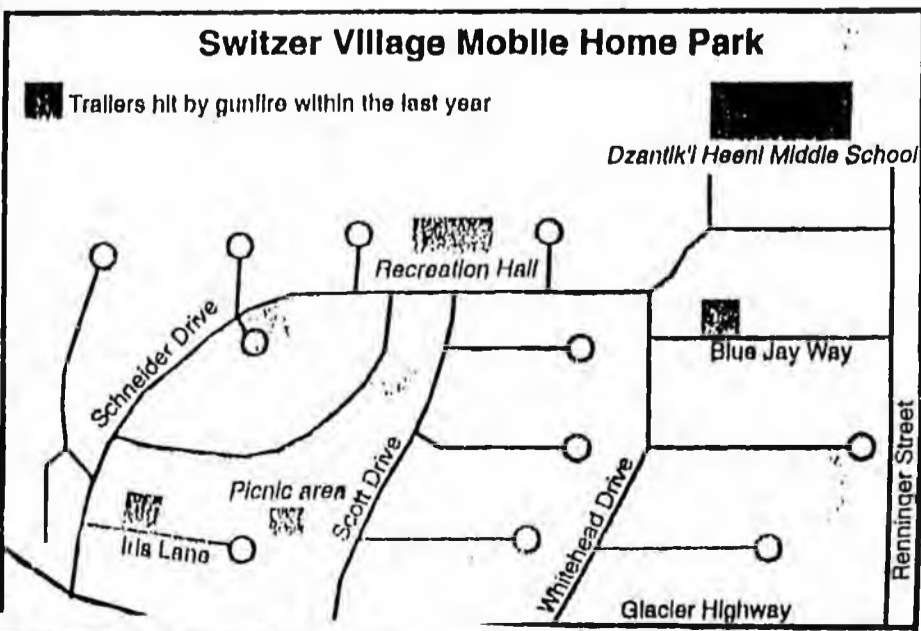
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MICHAEL PENN / JUNEAU EMPIRE

**Hitting home:** Bullet holes circle baby pictures hanging in the living room of a mobile home involved in a drive-by shooting last week at the Switzer Village Mobile Home Park.



# Switzer residents concerned

Continued from Page 9

"We're down twenty-five percent," DeCapua said. "We're using other personnel to cover patrol. We're robbing Peter to pay Paul."

Robert Fitch, the manager of the park, took over in December. He knew he had his work cut out for him, he said. Over the years, Switzer Village had started to get a bit run down, and he thinks the place's appearance may be a part of the problem.

Along with the neighborhood watch, he's fixing landscaping, covering the mailboxes and cutting down branches so police can see into wooded areas. He's also considering fencing off areas and is figuring out where the "hot spots," are, the places where problems seem to start.

One of the hot spots at Switzer is a covered picnic area between Scott and Schneider drives. There, empty vodka bottles sit next to empty beer cans, drained 40-ounce bottles of 8.2-percent-alcohol "ice" beer, fast food wrappers and square, white plastic frames torn from CDs stolen from Kmart across the road.

"I want to clean it up," Fitch said. "I want it back to the number one park in Juneau." He said he wants residents to be able to walk around at night without worrying about getting beat up or shot. It's not as if the whole trailer park is in ruin, he said, but there's definitely room for improvement.

He said there's a corps of about a dozen kids who seem to be the main problem, and he's trying to figure out who they are.

Fitch said he's encouraged by residents who are getting involved with the neighborhood watch. At the first meeting, about 18 people showed up. At the last one, last month, about 60 residents came. Some think the police aren't doing enough about Switzer because it's low-income housing, but Fitch said the police are doing what they can with what they've got.

"A lot of people were upset with the police force," he said. "They asked, 'How come there aren't

enough police officers to go around?' They don't get into the budgets."

With cellular phones and cameras, he said, the neighborhood watch patrols, once they get in full swing, could be a big help. Fitch said he thinks residents should be encouraged.

Down the street from the picnic area is a trailer that took gunfire at about 4 a.m. last Feb. 28. Residents called police after they heard four or five shots.

"To us it sounded like someone hitting the trailer with a baseball bat," said a man living at the trailer Monday. "We don't know who did it. I don't know why they picked us out."

He and his family call Switzer "Dodge City." He found bullet holes in his living room. A sturdy entertainment center slowed one slug down. He gave police the names of youths he thought may have been involved. He heard of kids bragging about it. Police haven't talked to him or his family for months, he said.

Down the street from the trailer that took bullets nearly a year ago is Buddy Tabor's trailer. He said the place is a deal, but the crime is getting to be too much.

Rent for a lot at Switzer runs from \$260 to \$285 per month. That's one draw to the area, which is one of the least expensive parts of town to live in.

"It's inexpensive," Tabor said. "I have my trailer paid for. It's a fantastic deal to live here." But he's been threatened, by adults, by teen-agers near his home. One of his boys was threatened by what he considers gang members. He thinks the schools could do more to keep tabs on kids causing problems.

"A lot of this could be stopped," Tabor said. "You could mark me down as scared."

He's scared by big bands of kids hanging out. He won't heal from a beating as fast as a teen-ager might. He drives around the park now rather than walking.

The drive-bys don't scare him as much as the bands of youths, he

said.

Bob Germain said the people causing the problems are new to town, kids who don't have their head on right. He said cars driving by late at night and backfires get his attention now in a way they never did before.

Above the entryway of his home, Germain tacked up some leftover crime scene tape. Two of the bullets that went through Castillo's mobile home made it into Germain's where he, his girlfriend, three boys, ages 4, 6 and 10, and a persnickety Yorkshire terrier called April live.

"It's probably drug and alcohol related," Germain said. "Nobody in their right mind is going to go around shooting up trailers."

He said he'd like to see the street lights turned on, and can't wait for the new police station to be built in Lemon Creek. Maybe, he said, close-by cops would stop the drive-bys.

Not far from Germain's trailer police found another home, on Forget-Me-Not Drive, which took shotgun fire Thursday, DeCapua said. Police believe there may be a connection to the Blue Jay Way incident. The investigation continues.

Drena Austin called police when she found a bullet hole in her trailer, down the street from Germain's home. She's thinking about solutions.

Along with cameras at the entryways into the park, to record the coming and going of cars, Austin said, street lights, speed bumps, fences and other measures should be taken at Switzer to supplement the neighborhood watch.

"I think they could afford to make it safer," she said.

While the manager and the neighborhood watch begin their efforts, the watch's president said another home or a Switzer resident could take a bullet.

"It's going to be a little kid or a bystander who is going to die if this keeps up," he said. "I'm thinking about putting everybody in the bathtub at night. They're looking for another target. It's like a big game they're playing."

have been declared to inhabit followed that destroyed and killed a family.

Officials in the vicinity west of Switzer homes could be early as today, the equivalent of loads of mud, slammed into the school science. Herren, 43, his wife and their sons Cooper, 3 months scheduled today.

"We could pool slides to the north. Engineer Jeff said. "We are on of January, and months of wet weather."

A red tag bar home until soil engineering tests that \$2,000 are compared five homes were.

As many as will be marked a warning notice are strongly advised mandatory, said the top building officer.

The Herrens' family was rerouted the base of a bluff Bay. The family in the basement died in mud and debris.

Jensen said the City Administrator about barring people under the bluff when slides are:

"Originally, summer beach said. "They meant for full-time."

"This is such an area. It's not a only a matter of

The home on slide Sunday were red-tagged 200 feet away or tests were w Herrens never c for the large building built in what pre attempt to stabilize Skinner said.

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**SB**

**74**

**HFIN**

**FILE**

# HOUSE COMMITTEE REPORT

(11)

Date Referred to Committee: February 12, 1997

FURTHER REFERRALS:

Date of Committee Action: 2/12/97

The FINANCE Committee considered:

CSSB 74(FIN)

CS FOR SENATE BILL NO. 74(FIN)

APPROP: STATE'S CASE ON NATIVE SOVEREIGNTY

"An Act making appropriations concerning the state's position on the sovereign powers of Native tribal governments in the state; and providing for an effective date."

recommends it be replaced with the following committee substitute \_\_\_\_\_  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) \_\_\_\_\_

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

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

SIGNING WITH RECOMMENDATIONS		DP	DNP	NR	AM
<i>Gene Theriault</i>	Theriault	X			
<i>Mark G. Hanley</i>	Hanley	X			
<i>Geo. Mulder</i>	mulder	X			
<i>Terry Martin</i>	martin	X			
<i>Bob Davies</i>	Davies		X		
<i>Al Grussendorf</i>	Grussendorf		X		
<i>Frank Davis</i>	Davis			X	
<i>John Kohring</i>	Kohring	X			

CO-CHAIR'S SIGNATURE

*Mark G. Hanley*  
Hanley

*Gene Theriault*  
Theriault

handout 1  
2/12/97

Failed 2/7

IN THE HOUSE FINANCE COMMITTEE #1

AMENDMENT TO SB 74  
By Rep. Ben Grussendorf

\*Section 1. (a) The sum of \$650,000 [500,000] is appropriated from the general fund to the Department of Law for the purpose of advocating the state's legal position on the sovereign powers of Native tribal governments in the state, including representation and advocacy before federal and state courts and federal administrative agencies.

Delete subsection (b).

handout 2  
2/12/97

2

Failed 2/7

**IN THE HOUSE FINANCE COMMITTEE**

**AMENDMENT TO SB 74**

**By Rep. Ben Grussendorf**

Sec. 2

The appropriations made by section one of this Act lapse on the earlier date of June 30, 1998 or the date when the United States Supreme Court declines to hear the decision of the Ninth Circuit Court of Appeals in the case described in section one of this Act.

Attachment #3  
2/12/97

0-GS0053\B.4  
Cramer  
2/12/97

3

Failed 2-7  
AMENDMENT

OFFERED IN THE HOUSE

BY REPRESENTATIVE DAVIES

TO: CSSB 74(FIN)

1 Page 1, line 5:

2 Delete "The"

3 Insert "Subject to the condition in (c) of this section, the"

4 Page 1, lines 6 - 8:

5 Delete "advocating the state's legal position on the sovereign powers of Native tribal  
6 governments in the state, including representation and advocacy before federal and state  
7 courts and federal administrative agencies"

8 Insert "representation and advocacy before federal and state courts to appeal the  
9 decision of the federal Ninth Circuit Court of Appeals in State of Alaska v. Native Village  
10 of Venetie Tribal Government (9th Cir. Case No. 96-35042, decided November 20, 1996)"

11 Page 1, line 9:

12 Delete "The"

13 Insert "Subject to the condition in (d) of this section, the"

14 Page 1, following line 13:

15 Insert new subsections to read:

16 "(c) The appropriation made by (a) of this section is conditioned on the Department  
17 of Law agreeing to present to the legislature a detailed financial account of the expenditures  
18 made against the appropriation on the 10th day of the 1998 legislative session.

19 (d) The appropriation made by (b) of this section is conditioned on the Legislative  
20 Affairs Agency agreeing to present to the legislature a detailed financial account of the  
21 expenditures made against the appropriation on the 10th day of the 1998 legislative session."

Failed 2-7  
AMENDMENT

OFFERED IN THE HOUSE  
TO: CSSB 74(FIN)

BY REPRESENTATIVE DAVIES

1 Page 1, line 9:

2 Delete "\$500,000"

3 Insert "\$100,000"

4 Page 1, following line 13:

5 Insert new material to read:

6 "(c) The sum of \$400,000 is appropriated from the general fund to the legislative  
7 operating budget for the purpose of supporting the state's interest, including litigation, on the  
8 issue of sovereign powers of Native tribal governments in the state in light of the decision  
9 of the federal Ninth Circuit Court of Appeals in State of Alaska v. Native Village of Venetie  
10 Tribal Government (9th Cir. Case No. 96-35042, decided November 20, 1996).

11 \* Sec. 2. The appropriation made by sec. 1(a) ~~and~~ (c) of this Act take<sup>s</sup> effect only if the  
12 United States Supreme Court agrees to review the federal Ninth Circuit Court of Appeal's  
13 decision in the case referred to in sec. 1(c)."

14 Renumber the following bill sections accordingly.



IRA Council  
 P.O. Box 100  
 Shaktoolik, Alaska 99771-0100

Phone (907) 955-3701

Fax (907) 955-2352

This letter is in regards to Senate Bill 74 , of which we the Native Village of Shaktoolik are in oposition.

My question is , is this bill within the State constitutional guidelines of looking out for the greater good of the residents of the State of Alaska?

I and the residents of the Native Village of Shaktoolik are of the opinion that this bill does nothing to that effect , and in fact further divides the people of the state of Alaska in this issue.

Whereas we are a Federally recognized tribe and also residents of the State of Alaska, we as members of the State of Alaska are entitled to Equal representation by officials of the State of Alaska, or at least to be equally funded to represent ourselves by the state to present our views . as a people of the Native Village of Shaktoolik.

I therefore state my views in opposition of senate bill 74 unless matching funds are allocated to the tribes of Alaska to represent and present their views to the supreme court of the United States of America.

Thank you much for hearing my testimony.  
 Sincerely

Simon Bekoalok Jr.  
 President Native Village of Shaktoolik

*Simon E. Bekoalok Jr.*

SEARCHED  
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 SERIALIZED  
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**SB**

**74**

**SFIN**

**FILE**

# SENATE FINANCE COMMITTEE REPORT

First Committee of Referral

DATE: 2/3/97

FURTHER: REPORTED OUT OF  
SFC 2/10/97

Date of 5-Day Notice: \_\_\_\_\_  
(in accordance with Uniform Rule 23)

DATE TURNED  
IN TO OFFICE: 2/10/97

Finance Committee considered

SENATE BILL NO. 74

"An Act extending lapse dates for certain prior year appropriations; making supplemental, capital, and special appropriations; and providing for an effective date."

and recommends:

- be replaced with \_\_\_\_\_ CS SB 74 ( 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>Sean R. Duvell</i>	✓	<i>Ul Cados</i>		✓	
<i>John Ferguson</i>	✓				
<i>[Signature]</i>					
<i>[Signature]</i>					
Co-Chair: <i>[Signature]</i>	✓	Co-Chair:			
Co-Chair: <i>[Signature]</i>		Co-Chair:			

**NEW FISCAL NOTE(S):**

Department                      Date      Zero      Fiscal


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

Department                      Date      Zero      Fiscal


APPROPRIATION -- no fiscal note

\*include fiscal notes accompanying Governor's bill

Sharp moved working  
Sen. Adams object  
passed Pearce.  
Sharp,  
Torgerson  
Parnell  
0-GS0053E  
moved & adopted

CS FOR SENATE BILL NO. 74(FIN)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - FIRST SESSION

BY THE SENATE FINANCE COMMITTEE

Introduced:

Referred:

Funding Information:	General Fund	\$1,000,000
	Other Funds	<u>-0-</u>
		\$1,000,000

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

A BILL

FOR AN ACT ENTITLED

1 "An Act making appropriations concerning the state's position on the sovereign  
 2 powers of Native tribal governments in the state; and providing for an effective  
 3 date."

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

5 \* Section 1. (a) The sum of <sup>150,000</sup> \$500,000 is appropriated from the general fund to the  
 6 Department of Law for the purpose of advocating the state's legal position on the sovereign  
 7 powers of Native tribal governments in the state, including representation and advocacy before  
 8 federal and state courts, <sup>and</sup> federal administrative agencies; and the United States Congress.

9 (b) The sum of <sup>150,000</sup> \$500,000 is appropriated from the general fund to the legislative  
 10 operating budget for the purpose of supporting the state's interest, including litigation, on the  
 11 issue of the sovereign powers of Native tribal governments in the state in light of the decision  
 12 of the federal Ninth Circuit Court of Appeals in State of Alaska v. Native Village of Venetie  
 13 Tribal Government (9th Cir. Case No. 96-35042, decided November 20, 1996).

14 \* Sec. 2. The appropriations made by this Act lapse June 30, 1998.

Sen Adams  
amend # 3  
failed

Torgerson  
amend # 2

L

1 \* Sec. 3. This Act takes effect immediately under AS 01.10.070(c).

TONY KNOWLES  
GOVERNOR



P.O. Box 110001  
Juneau, Alaska 99811-0001  
(907) 465-3500  
Fax (907) 465-3532

STATE OF ALASKA  
OFFICE OF THE GOVERNOR  
JUNEAU

74  
February 3, 1997

The Honorable Mike Miller:  
President of the Senate  
Alaska State Legislature  
State Capitol  
Juneau, AK 99801-1182

*Mike*  
Dear President Miller:

Last February my transmittal letter for the FY96 supplemental budget bill began:

In the first two weeks of my administration, I made a public commitment not to play the supplemental game. The FY96 supplemental request I am submitting to you now makes good on that promise. It falls within the \$20 million level anticipated in the FY96 budget plan... This is the lowest supplemental request in nearly ten years, a far cry from the \$37 million to \$168 million requests of recent years.

I am pleased to report even further progress on budget discipline with this year's supplemental request of just under \$16 million in general funds. It is well under the amount set aside in the budget plan approved by the Legislature last June.

There are three major categories of supplemental needs. The first is for programs that were acknowledged in the last session to require supplemental appropriations in order to fulfill state responsibilities. Examples are disaster relief, fire suppression, leasing, and adult public assistance. These total just under \$8.6 million of the attached supplemental bill.

A second category is judgments and claims which have traditionally been handled in the supplemental budget. So far this year, these total \$2.8 million, of which \$2.3 million is the estimated cumulative total through the end of FY97 for court-ordered fines under the final order in *Cleary*. Rather than simply appropriate that

The Honorable Mike Miller

February 3, 1997

Page 2

amount from the operating budget to the general fund, I propose that it be held aside in a capital appropriation as part of the state's overall funding for the construction of new prison beds. Since the fines are for prison overcrowding, construction of new beds would directly address the underlying problem. We particularly need to provide space for women because there are inequities between facilities now available for men and women. As we all know, prisons are a critical part of the work ahead of us to repair and build essential state facilities.

The third category is unanticipated shortfalls or problems that have arisen since the budget was passed last June. Due to strong agency management of their budgets, only \$4.5 million is in this category. The needs range from emergency deferred maintenance to coping with severe overcrowding and security dangers at our juvenile detention facilities to statehood defense.

In cooperation with the legislative leadership, I am requesting an appropriation of \$485,000 to the Department of Law for the state's appeal to the United States Supreme Court in the *Venetie* Indian country case, including related advocacy before the federal courts, Congress, and federal agencies. We must ensure state authority over taxation, fish and game management, and environmental regulation. I suggest appropriating these funds with a lapse date of June 30, 1998, to make it very clear the state is committed to the entire process of appeal to the U.S. Supreme Court, not just to the preliminary phase taking place in the current fiscal year. (An alternative approach would be to make this a capital appropriation.)

Another request could immediately improve the earnings of the Constitutional Budget Reserve Fund (CBR). Revenue Commissioner Condon recently presented to the Senate Finance Committee a proposal to diversify the CBR investment allocation. Investment of the CBR for higher returns was encouraged last year in legislation authorizing the commissioner to determine if financial management by the Permanent Fund Corporation would be advantageous to the state. Although he has determined this would not be the most beneficial arrangement to the CBR or the Permanent Fund, he is recommending the state invest a portion of the CBR in equities. Since it would not be wise to change the allocation policy after only five months, this supplemental should be funded with the intention of annualizing the management fees in the FY98 budget.

The Honorable Mike Miller  
February 3, 1997  
Page 3

Some costs of providing a few basic state services have been much higher than anticipated last spring. More youths have been sent to detention facilities than predicted last year and there have been drive-by shootings and other security breaches. We must increase staffing immediately to handle the overcrowding safely. We do not think it wise to wait until passage of the FY98 budget to begin the procurement process for fences and other security protections. I urge you to appropriate \$2 million in operating and capital supplementals to deal with these critical juvenile crime problems.

Other emergency maintenance items are replacing the Fairbanks correctional facility boiler which is no longer safe, demolishing the Old Eagle school so contaminated soils can be cleaned up with Oil and Hazardous Response Funds (this will help resolve pending litigation), and replacing badly outdated emergency communications equipment. Finally, a young man died tragically this winter on the Perseverance Trail, one of the state's most heavily used by Alaskans and visitors alike. Heavy rains washed out portions of the trail beside a deadly ravine. Since it is virtually impossible to blockade the trail, repairs must be done within the next few months, before the heavy spring/summer use begins again. These emergency maintenance needs total \$1.2 million.

Budget discipline includes taking action on supplemental budget requests early in the session so agencies know up front whether they have the necessary expenditure authority. I urge you to take action as soon as possible.

Sincerely,



Tony Knowles  
Governor

# **Facsimile Transmittal**

## **Alaska Court System**

820 West 4th Avenue, Anchorage, AK 99501  
Phone: (907) 264-8228 FAX: (907) 264-8291

---

**TO:** Senate Finance Secretary

**DATE:** February 9, 1997

**FROM:** C. S. Christensen III  
Staff Counsel

2 Pages (including this sheet)

(If you do not receive all of the pages,  
please call Bobbie at 907/264-8232)

**NOTES:** Attached you will find backup detailing a revised supplemental request for the court system. Please provide this to the committee for the Monday meeting. Thanks.

The information contained in this facsimile transmittal is confidential, may be subject to the attorney-client privilege and is intended only for the use of the recipient named above. If the reader of this information is not the intended recipient, or the employee or agent responsible for delivery of this information to the intended recipient, you are hereby notified that this is not a waiver of privilege and any dissemination, distribution or copying of this information is strictly prohibited. If you have received this information in error, please notify the sender immediately by telephone and return the original information to the sender, by U.S. mail, at the above address.

**Alaska Court System**  
**Supplemental Budget Request**  
**Impact of SB 98 - License Revocation if Delinquent in Child Support Payments**  
**Fiscal Year 1997**

**Background Information**

This supplemental budget request for \$32,200 addresses the unfunded impact of Senate Bill 98 on the Trial Courts during fiscal year 1997. The court system is requesting four months funding of personal services costs and certain one-time contractual and equipment costs. The trial courts are expecting significant impact from this legislation.

During the last session, legislation was passed which requires license revocation in the event that an individual is not in "substantial compliance with orders, judgments, or payment schedules for child support". The Court System's funding needs were not considered when this legislation passed. The law applies to individuals who apply for a new license or a renewal of certain occupational licenses and to all holders of a driver's license. The Child Support Enforcement Agency (CSED) will notify each licensing entity of those persons with arrearages greater than 4 months. The licensing entity will issue a temporary license for 150 days and a notice of intent to withhold a permanent license until CSED issues a release. The licensee or potential licensee (obligor) has 30 days from the date of the notice in which to request a review by CSED. CSED has 30 days from the receipt of the request to issue findings or a release. The obligor has 30 days from the receipt of the findings in which to request a judicial review. The courts must hold an evidentiary hearing within 20 days after the filing of service on the opposing party. In 1995, CSED estimated that it had over 43,000 active cases of which 50% involved some arrearage. In its 1995 fiscal note, the court system assumed that 15,000 persons may not be in substantial compliance and that all of these individuals possessed a driver's license or one of the targeted occupational licenses. The court system further assumed that 10% of these persons will request a judicial review. The courts anticipate a significant impact. The Trial Courts are requesting three permanent part-time positions: (1) a Standing Master, (2) an In-court Clerk, and (3) a Court Clerk II. This request mirrors the fiscal note request for staffing, except the adjustment for 4 months funding. For budgetary purposes all of the positions are assigned to the Anchorage Trial Courts, but may be utilized elsewhere as the need arises.

The court system's FY 98 operating budget submission requests full year funding for personal services costs for future fiscal years.

**Budget Request**

	<u>Amount</u>
<b><u>Personal Services</u></b> <i>4 months funding: 3/1 through 6/30/97 only</i>	
Standing Master, 24A, PPT, Anchorage, (2-1/2 months of full-time equivalent)	\$12,267
In-Court Clerk, 12A, PPT, Anchorage, (2-1/2 months of full-time equivalent)	5,967
Court Clerk II, 10A, PPT, Anchorage, (3 months of full-time equivalent)	<u>6,267</u>
Total	<u>24,500</u>
 <b><u>Contractual Services</u></b> <i>One-time cost</i>	
Modification of case management computer programs to accommodate the processing of these cases	5,000
 <b><u>Equipment</u></b> <i>One-time cost</i>	
Desk, chair and filing cabinet for new positions	<u>2,700</u>
Estimated Total Costs	<u><u>\$32,200</u></u>

TONY KNOWLES  
GOVERNOR



P.O. Box 110001  
Juneau, Alaska 99811-0001  
(907) 465-3500  
Fax (907) 465-3500

STATE OF ALASKA  
OFFICE OF THE GOVERNOR  
JUNEAU

February 7, 1997

RECEIVED  
FEB 10 1997

The Honorable Drue Pearce  
The Honorable Bert Sharp  
Senate Finance Co-Chairs  
State Capitol  
Juneau, Alaska 99811

The Honorable Mark Hanley  
The Honorable Gene Therriault  
House Finance Co-Chairs  
State Capitol  
Juneau, Alaska 99811

Dear Finance Committee Co-chairs:

I understand that the legislature plans to expedite approval of the appeal costs in *Venetie* which was an item in the governor's FY97 supplemental bills you received last Friday (SB 74 and HB 113). I also understand that you would like to use one of our bills as the vehicle for *Venetie* rather than initiate another bill. Since we introduced bills in both the House and Senate, I assume that one bill can serve for *Venetie* and the other can serve as the vehicle for the remaining items.

As you review the expedited bill in committee, please consider the following amendment to the language for the *Venetie* appeal. By deleting the second sentence, we should prevent any concerns or views that funds will be used to seek an inappropriate legislative solution that would undercut the state's position on the issue of Indian country before the US Supreme Court.

*Amend the language now listed as Section 6(c) as follows:*

The sum of \$485,000 is appropriated from the general fund to the Department of Law for the purpose of advocating the state's legal position on the sovereign powers of Native tribal governments in the state. [AMOUNTS FROM THIS APPROPRIATION MAY BE EXPENDED BY THE DEPARTMENT OF LAW FOR THE COST OF REPRESENTATION AND ADVOCACY BEFORE FEDERAL AND STATE COURTS, FEDERAL ADMINISTRATIVE AGENCIES, AND THE UNITED STATES CONGRESS].

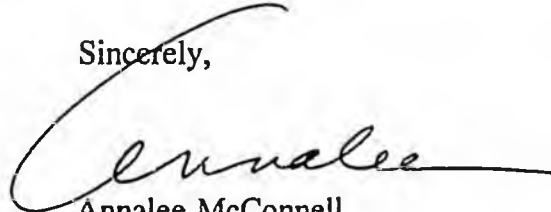
February 7, 1997

Page 2

As I indicated to Senator Pearce and Representative Hanley last Friday, I will bring to your attention any additional judgments or other supplemental needs as we learn of them. Once such item is Power Cost Equalization. Due to higher oil prices, the amount appropriated from the PCE fund last year may cover only about 67% of the cost of the program for February through June instead of the 85% anticipated when the \$17 million PCE appropriation was made last spring. We are already looking into the nature of these price increases and alternative solutions to address the problem. However, a supplemental of \$1.5 million appears necessary to avoid severe financial hardships for those who depend on PCE to bring their rural electric rates closer to the level paid by urban residents. We will bring detailed information to you as soon as possible.

Thank you for your immediate consideration of the *Venetie* amendment. Please call me if you have any questions.

Sincerely,

A handwritten signature in cursive script, appearing to read "Annalee", with a long horizontal flourish extending to the right.

Annalee McConnell  
Director

**SB**

**76**

**HFIN**

**FILE**

# HOUSE COMMITTEE REPORT

(11)

Date Referred to Committee: March 26, 1998

FURTHER REFERRALS:

Date of Committee Action: 3 4/3/98

The FINANCE Committee considered:

CSSB 76(RLS)

CS FOR SENATE BILL NO. 76(RLS)

STATE LONG-TERM PLANNING

"An Act relating to results-based government and the state budget; relating to state agency program and financial plans; relating to the withholding or reduction of appropriations to a state agency; and relating to state agency performance and other reports."

recommends it be replaced with the following committee substitute HCS CSSB 76 (Fin) <sup>At the same title</sup> ] a new title

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

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

ATTACHES NEW FISCAL NOTE(S): (Dept) \_\_\_\_\_

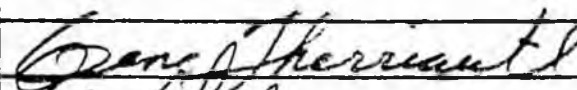
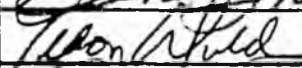
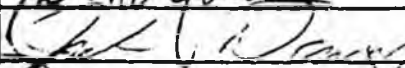
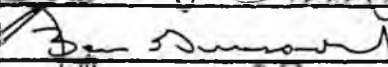
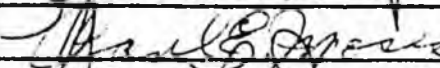
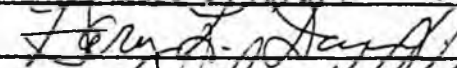
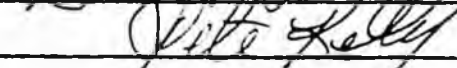

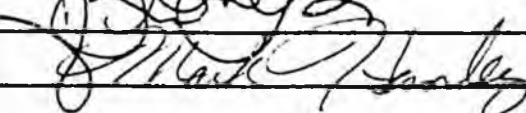
APPROVES PREVIOUS: (Dept/Date) \_\_\_\_\_

[ ] fiscal note(s) \_\_\_\_\_

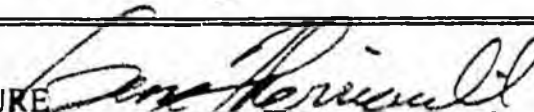
[ ] fiscal note(s) \_\_\_\_\_

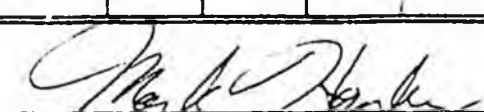
[ ] zero fiscal note(s) \_\_\_\_\_

[x] zero fiscal note(s) SFC for All  
3/20/98 depts

SIGNING WITH RECOMMENDATIONS		DP	DNP	NR	AM
	Thernault	X			
	MUDER	X			
	J. Davies				X
	Grussindert				X
	Moses			X	
	G. Davis			X	
	Kelly	✓			
	Foster	X			
	Hanley			X	

CO-CHAIR'S SIGNATURE

  
 Thernault

  
 Hanley

FISCAL NOTE

No. 4

STATE OF ALASKA  
1998 LEGISLATIVE SESSION

Bill Version: CSSB 76(FIN)

(S) Publish Date: 3-20-98

Revision Date: \_\_\_\_\_  
Title: An Act relating to results-based government and the State budget.  
Sponsor: Sens. Parnell, Wilken and Donley  
Requester: Senate Finance Committee

Dept. Affected: All Departments  
BRU: AI  
Component: All Components  
Component Serial No.: AI

Expenditures/Revenues

(Thousands of Dollars)

OPERATING EXPENDITURES	FY 98	FY 00	FY 01	FY 02	FY 03	FY 04
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)

FUND SOURCE	FY 98	FY 00	FY 01	FY 02	FY 03	FY 04
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
1091 Designated Program Receipts						
<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)

CSSB 76(FIN) will not add any additional budget demands, instead it supplants a portion of the current budget process with results based budgeting and codifies existing results based budgeting performed by the Legislature and Executive. Additionally, the deletion of five year operating budget fiscal plans from SB 76 removed the Department of Health and Social Services' primary fiscal concern.

Prepared By: SENATE FINANCE COMMITTEE

  
SENATOR DRUE PEARCE, CO-CHAIR

Date: 3/20/98  
Phone: 465-4993

  
SENATOR BERT SHARP, CO-CHAIR

Date: 3/20/98  
Phone: 465-3004

: Adopted Amendments 3 + 4  
: iAdopted Amendments 6 + 7

- Pg 2  
Pg 1  
DRAFT: 4/3/98

SB 76

"An Act relating to results-based government..."

### DRAFT AMENDMENTS

~~Page 1, Line 9:~~

~~Change: "issue"~~

~~To: "adopt"~~

~~Page 1, Line 11:~~

~~Change: "issue"~~

~~To: "adopt"~~

Am 6

Adopted noloby

Page 1, Line 12:

Delete: "should represent the priorities of the majority of state residents and"

~~Page 3, Line 12:~~

~~Change: "issued"~~

~~To: "adopted"~~

Page 3, Line 12:

Change: "the guide"

To: "a guide"

Am 7

Adopted noloby

Page 3, Line 13:

After the word "law", insert:

"unless contrary to law "

Page 3, Lines 13 - 14:

Am 5 failed

Delete:

"The governor shall assure that each agency complies with the mission statement and achieves the desired results identified by the legislature."

Page 4, Line 14:

Amendment 3 adopted as amended

Replace: "each agency shall, on a quarterly basis, identify"

With: "each agency shall report periodically on"

↑  
Semi Annually

Page 4, Line 16:

Change: "issued"

To: "adopted"

Page 4, Line 19:

Amendment 4 Adopted

Replace: "...legislative finance division. The information must"

With: "...legislative finance division; this information must"

Page 4, Line 29:

Change: "issued"

To: "adopted"

Page 5, Line 3:

Change: "issued"

To: "adopted"

Page 5, Lines 23 - 25:

Delete: All of subsection (12); i.e., lines 23 - 25, inclusive.

Page 6, Line 16:

Change: "issued"

To: "adopted"

Page 6, Line 24:

Change: "issued"

To: "adopted"

Page 6:

Insert new section, to read as follows:

\* Sec. 10

**Transition.** (a) To provide for an orderly implementation of the process envisioned in sections 1-9, sections 1-9 shall apply to:

(1) two departments of the executive branch, to be selected jointly by the legislature and the governor, in the preparation of their fiscal year 2000 operating budgets, and

failed Amendment 1A

(2) all departments and agencies of the executive branch in the preparation of their operating budgets for fiscal year 2001 and afterwards.

(b) Mission statements, desired results, performance measures, and the frequency of performance reporting for departments under (a)(1) shall be issued by the legislature through a concurrent resolution.

(c) The finance committees of the legislature and the office of management and budget shall jointly formulate procedures and timetables for applying the provisions of sections 1-9 under (a)(1) and under (a)(2). Procedures shall address, at a minimum, how agency missions may be issued or established, and modified; how aspects of agency performance should be selected for measurement; how performance-related information should be collected and reported, including the frequency of reporting; how performance assessment activity should be incorporated into the executive branch and legislative branch budget processes; and how costs associated with the adoption of performance assessment should be identified.

(d) The finance committees of the legislature and the office of management and budget shall publish the results of their efforts and their recommendations under (c) no later than October 1, 1998. Recommendations shall include the identification of issues or problems which have not been resolved and options for resolving them.

(e) In its fiscal year 2000 operating budget instructions to departments, after consultation with the legislature, the office of management and budget shall include as much or as many of the procedures and timetables published under (d) as it deems practicable. Upon issuance of the instructions, the office of management and budget shall identify in writing to the finance committees the procedures or timetables published under (d) which it has chosen not to include, and its reasons for not including them.

(f) No later than January 15, 1999, the office of management and budget shall submit to the finance committees in writing:

(1) its findings regarding the adequacy of the procedures and timetables adopted under (e),

(2) its findings regarding cost impacts experienced by departments under (a)(1),

(3) its recommendations regarding application of the provisions of sections 1-9 under (a)(2), and

(4) any proposals for clarifying amendments or legislation which it may consider appropriate.

# Alaska State Legislature

## SENATE DISTRICT 1

Bayshore	Abbott Loop
Campbell	Bear Valley
Dimond	Girdwood
Independence Park	Glen Alps
Klatt	Hillside
Old Seward	Huffman O'Malley
Southport	Indian
Taku	Portage
	Rabbit Creek



716 WEST 4TH AVENUE, SUITE 530  
ANCHORAGE, ALASKA 99501  
(907) 258-8194

*While in Session:*  
STATE CAPITOL  
JUNEAU, ALASKA 99801-1182  
(907) 465-2995 1-800-365-2995

**SENATOR SEAN PARNELL**

## SPONSOR STATEMENT

### SENATE BILL 76

**"An Act relating to results-based government and the state budget"**

SB 76 will enact results based government, to better serve Alaskans. SB 76 revises the Executive Budget Act to require the Legislative and Executive Branches to more clearly focus on results for Alaskans through policies established by the legislature and executed by the governor.

Specifically, the legislature will establish policy by issuing mission statements and desired results for each state agency to achieve. To accomplish this, the legislature will identify desired results, set priorities for each agency, assign accountability, and require methods for measuring, reporting and evaluating results. These results will be reported quarterly to the legislature for continuity and effective oversight.

The governor, through the Office of Management and Budget, executes, coordinates and manages each agency's efforts to achieve the legislature's mission and desired results. The governor shall also through discussion with the public, its employees and management teams make recommendations for future mission statements and desired results for consideration by the legislature.

If passed, SB 76 will enable government to be more responsive to the needs and priorities of Alaskans. I respectfully request your support for SB 76 which will begin "Results Based Government" in Alaska.

# STATE OF ALASKA

## DEPARTMENT OF LAW

OFFICE OF THE ATTORNEY GENERAL

April 2, 1998

Honorable Gene Therriault, Co-Chair  
House Finance Committee  
State Capitol  
Juneau, Alaska 99811-1182

Re: CSSB 76 (RLS) - Result-based  
Budget

Dear Representative Therriault:

In support of my testimony concerning CSSB 76 (RLS) currently pending before the House Finance Committee, I offer the following comments for the record:

1. Proposed section 37.07.014(a), set out in section 1 of the bill, provides that it is the responsibility of the legislature to "issue" a mission statement for each agency. This description of legislative activity is ambiguous and needs further clarification. The power of the legislature is to set policy through exercise of its law-making power. This power is exercised by enacting bills into law. It is not clear from the bill how the legislature will establish a mission statement for an agency. I foresee disputes arising between the executive and legislative branches of state government if the legislature attempts to establish mission statements as a rider to a general appropriation bill. According to the Alaska Constitution, "[b]ills for appropriations shall be confined to appropriations." Alaska Const. art. II, sec. 13. Provisions inserted in appropriation bills to establish mission statements would violate the confinement provision.

To a certain extent, the enabling act for each agency determines its mission. The legislature has plenary power to change enabling acts to direct the activity of agencies. This is the manner in which the legislature sets policy. However, the legislature departs from its law-making role when it attempts to execute the law. The establishment of a mission statement represents an executive responsibility. To the extent that the legislature does not agree with a mission statement the legislature would amend the enabling act to either authorize or prohibit the conduct associated with the performance of a mission. If general law does not authorize a mission, the agency's enabling act cannot be supplemented by something included in an appropriation bill. To the extent that the legislature is directing the manner in which an agency

4/2/98 reference

TONY KNOWLES, GOVERNOR

PLEASE REPLY TO:

1031 WEST 4TH AVENUE, SUITE 200  
ANCHORAGE, ALASKA 99501-1994  
PHONE: (907) 269-5100  
FAX: (907) 276-3697

KEY BANK BUILDING  
100 CUSHMAN ST., SUITE 400  
FAIRBANKS, ALASKA 99701-4679  
PHONE: (907) 451-2811  
FAX: (907) 451-2846

P.O. BOX 110300-DIMOND COURT HOUSE  
JUNEAU, ALASKA 99811-0300  
PHONE: (907) 465-3600  
FAX: (907) 465-6735

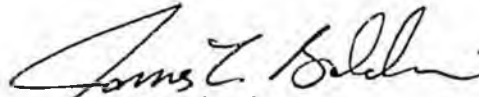
will carry out existing law, it is left open to a claim that it is attempting to execute existing law which would be a breach of the doctrine of separation of powers between the branches of state government.

2. Proposed section 37.07.016 implies that the mission statement will "guide" the governor in his execution of law. As mentioned above, the binding nature of this guidance would be questionable if the mission statements are not enacted in general law. The governor is guided first by the Alaska Constitution and second by statute in the exercise of his executive powers.

3. The repeal of AS 37.07.080(g)(2) set out in section 9 of the bill appears consistent with State v. Fairbanks N. Star Borough, 736 P.2d 1140 (Alaska 1987).

Sincerely,

BRUCE M. BOTELHO  
ATTORNEY GENERAL



By: James L. Baldwin  
Assistant Attorney General

JLB:jn

cc: Senator Sean Parnell  
Sponsor

Pat Pourchot, Legislative Director  
Office of the Governor

Chrystal Smith, Legal Administrator  
Deborah Behr, Assistant Attorney General  
Department of Law

MAR 12 1998



Anchorage - Star of the North  
Chamber of Commerce

**Anchorage Chamber of Commerce Resolution 97/98-11  
In Support of Results-Based Government**

**WHEREAS**, the Anchorage Chamber of Commerce Board of Directors supports the Legislature's efforts to close the gap between annual expenditures and recurring revenues; and

**WHEREAS**, a basic tool being used to close this gap is to reduce the level of annual spending; and

**WHEREAS**, the Legislature is implementing year three of its long range strategy to close the fiscal gap by further reducing state spending by \$50 million, bringing total reductions to \$130 million; and

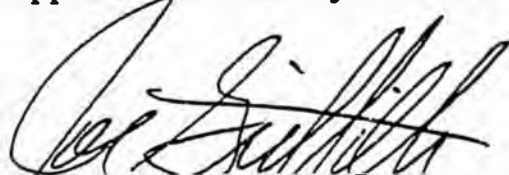
**WHEREAS**, the current budget decision-making process primarily focuses on "inputs," or how much money a program gets and does not evaluate what a program is accomplishing with the money it receives; and


**WHEREAS**, the budget decisions facing the Legislature as it works to further reduce spending will get more difficult, thereby necessitating a new framework by which to evaluate the state's "return on investment" in programs and services; and

**WHEREAS**, a results-based framework for decision-making can ensure a program's activities are aligned with its mission and provide information by which all Alaskans can better evaluate whether a program is an appropriate "business" for the state, whether a program is achieving its intended results, and information by which a program's costs can be compared with its benefits;

**NOW THEREFORE BE IT RESOLVED** that the Anchorage Chamber of Commerce Board of Directors supports the Legislature's work to implement a "results-based government" framework which will provide a policy basis within which future budget decisions can be made.

Approved this 6th day of March 1998.

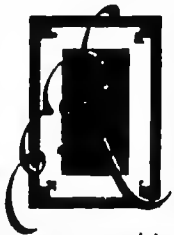
  
\_\_\_\_\_  
Joe Griffith, 1997-98 Chairman

  
\_\_\_\_\_  
April Jensen, President

# Reinventing Government—Not Easy, But Possible

Changing the process of government is a slow, painful chore.

By Ronald K. Snell



*Reinventing Government* is a book that has become a cause since David Osborne and Ted Gaebler published their bestseller in 1992. The book tries to show ways to make government responsive, effective and credible. *Reinventing Government* preaches a gospel of strategic planning, entrepreneurship, and results-oriented and customer-driven government.

State governments have responded enthusiastically, some with sweeping initiatives that have won national attention like Minnesota Milestones or Oregon Benchmarks. Almost every state has set new requirements for strategic planning, performance measurement and performance budgeting. It's too early to decide whether reinventing government can be called a success—not for lack of signs of success but because of the enormous size of the task. Senator Tom Rossin of Florida, a strategic planning consultant in private life and a leading advocate of strategic budgeting for the state, says: "When we do this in the private sector, we ask for a commitment to change corporate culture over five to 10 years." But if it's too soon to expect revolution in state government, there is a lot happening. And not least in state legislatures.



Senator  
Tom Rossin  
Florida

Some state legislatures are recreating their budget process as the foundation of the reinvention of government. Budgeting is the foundation because the budget document is state government's overall plan of activities, and budget administration guides the day-to-day, everyday work of every government employee. States that have embarked on budget reform hope to refocus state government on service, effectiveness and accountability through the adoption of a kind of budget called a performance budget.

Performance budgeting requires radical changes in how state budgets look and how they operate. Why it's desirable to do that, and what's being done, requires a brief excursion into the dismal science of public budgeting.

Budgets are both a document and a process. There's the documen-

tation that shows what agencies are directed to do and how much money they can spend to do it. The process has two parts—legislative enactment and executive administration. The operative theory here is that if you change the document, you change the processes. As *Reinventing Government* says, "What gets measured gets done." If you measure the number of hours nurses spend at maternal and child health clinics, you get the maximum number of hours for your money. If you want to make sure those hours are well used, you measure their outcome—something like the state rate of infant mortality. That's the theory of performance budgeting—changing the structure of activities changes the nature of activities.

State budgets traditionally have listed amounts of money for objects of expenditure. Some specific amount was to be spent for a children's program or providing guards at a penitentiary or staffing a historical monument. The purpose of such budgets is to prevent the diversion of public money from designated purposes. They are one element in an accounting process. That's important, but it doesn't emphasize results. Legislators might well ask: Is the children's program run well? Is it meeting its objectives? But they equally well might not ask, and the form of the traditional state budget did not force questions of satisfactory performance or outcomes on agencies or on legislators.

Performance-based budgeting is intended to put performance and outcomes at the center of the budget process. The legislatures that are moving toward PBB usually have focused on agency performance reporting, which means that the budget itself sets performance goals for an agency and stresses accountability and reporting.

A performance budget has these characteristics:

- ◆ It sets an agency mission, goals (ways to put the mission in effect) and specific, measurable objectives.
- ◆ It reports on past performance in specific ways with the goal of providing comparable data over a period of years.
- ◆ It provides managers with the flexibility to allocate resources in ways that will meet objectives.
- ◆ It provides incentives for good performance and penalties for failing to meet objectives.

The written budget takes a new form, emphasizing the outcomes

Ronald K. Snell is a fiscal expert at NCSL.



Representative  
Henry Cuellar  
Texas

that agencies are expected to produce, not just their activities. Performance budgets make specific demands on state agencies. They provide administrators more discretion to spend lump-sum appropriations to meet the performance standards. A performance budget may even offer rewards for success and penalties for failure.

### NOT AN EASY TASK

It's not easy to reinvent government. "It feels like moving a battleship uphill on dry land," says Senator Rossin. For performance budgeting to work, legislators have to be willing to look at budgets in a different way. They have less control. They have to focus on agency activities and outcomes, not on categories of expenditure or, as Representative Henry Cuellar of Texas says, "whether or not they like an agency." It can be a difficult adjustment.



Representative  
Jerry LeBlanc  
Louisiana

It's difficult for agencies, as well, says Louisiana Representative Jerry LeBlanc who chairs the House Appropriations Committee. "We force agencies to ask: Why does this program exist? Who are we trying to

serve?" Legislators have to be involved in setting these performance standards.

"We had 12 agencies start with performance budgeting four years ago," says Representative Rick Berg of North Dakota. "They set priorities and measures. But the process is at a standstill because agencies, not legislators, set the measures, and legislators don't have confidence in them."



Representative  
Rick Berg  
North Dakota

In Texas, Representative Cuellar says, "If agencies say: 'These measures are crude,' we demand they set better ones." As all this implies, legislators' sustained interaction with agencies on the design of performance measures is key to performance budgeting.

Adopting performance budgeting can be a gigantic task. But as LeBlanc says, "There are elements and elements. You don't need everything. Choose what works for you. Figure out what's broken, and fix it."

### ASKING HARD QUESTIONS

LeBlanc became a convert to performance budgeting to solve a problem. "Legislators would get together every year," he says, "to try to hammer out a consensus on policy priorities on behalf of their constituents, and then hand over money to state agencies to carry out the priorities the Legislature had set. The bureaucrats would go to work and set their own priorities, and what came out of the process was not what legislators expected."

The solution he saw was to require agencies to create strategic plans, and to ask themselves: Why does this agency exist? Who are we trying to serve and how? And simultaneously, the Legislature had to tie performance indicators to every appropriation and require agencies to provide data to gauge how well they complied. "This is common sense," says Representative LeBlanc. "It lets legislators set priorities. Agencies know what's expected. You can measure whether outcomes are real."

North Dakota's Representative Berg also shares this view of the uses of performance budgeting. Berg was a member of the legislature's 1997 Interim Budget Committee on Government Finance, which reviewed

the state's performance budgeting process. "The legislative budget ought to be the bridge between public priorities and agency actions," he says. "We give agencies direction. But the problem is, we don't give overall direction. The burden is on us to say to agencies, these are the priorities, and then work with them to set performance measures."

While LeBlanc and Berg focus on communicating policy to and working with agencies to ensure that state government carries out the policies the voters want, Representative Cuellar of Texas emphasizes a slightly different role for performance reporting—the quality of information that goes into the legislative policymaking process. "The information we get is important in setting policies," he says. "We can act on the strengths and deficiencies we spot in state agency outcomes."

Representative Phyllis Kahn of Minnesota agrees that the information performance budgets can produce should have a direct effect on legislative policymaking. "It should help legislators ask better questions," she says. "The questions get away from asking why did you buy this to thinking about agency performance. Did we get better tax compliance? Better environmental compliance? Did the river get any cleaner?"



Representative  
Phyllis Kahn  
Minnesota



Lawmakers identify three big issues in making performance budgeting work:

- ◆ Involvement by legislators
- ◆ The choice of performance indicators.
- ◆ Incentives and disincentives.

Without legislative involvement in setting performance objectives, for example, lawmakers are likely to find the objectives irrelevant to their concerns. It takes a will to get it done, says Senator Rossin—which is a lot more than wishing it was done. It takes intimate involvement in a whole department—hard, demanding, unpublicized work. Rossin is concerned whether legislatures are structurally able to maintain the necessary commitment. The commitment it requires is a lot to ask from legislators, what with increasing rates of turnover, the arrival of term limits and the demands of other responsibilities. "But it's not a partisan issue," Rossin points out. "In Florida the legislation was passed when the Legislature was Democratic. Republicans favor it. Everybody wants this information."

How do you build legislative involvement?

Some legislators point out that their colleagues will be drawn into the process as it proves itself. "It's an iterative process, both to build the performance reporting process and to convince legislators of its value," says Kahn, who chairs the Minnesota House Committee on Governmental Operations. She thinks that as the process demonstrates it can provide a better legislative and agency focus on performance, trust will grow, and that will in turn improve the procedure.

"It's an educational process," says Representative Cuellar who serves on the House Appropriations Committee and is working on a Ph.D. dissertation on how performance budgeting has worked in Texas. "You start over every session. We have meetings at the beginning of the session that policy committee members are invited to. Last session we had policy committee chairs and vice chairs sit in with the corresponding fiscal subcommittees when agency budgets were being reviewed. We're planning to do a video on how it works."

There are institutional changes that can encourage legislators to take note of and participate in the performance budgeting process. Governors in a number of states have submitted their proposed budgets in a program (or performance budget) format, one of the most work-intensive recent examples being the budget submitted to the North Carolina General Assembly in 1997 for the 1997-1999 biennium. The governor proposed a program budget presenting mission statements, primary goals, program and subprogram statements, and measurable performance objectives for each agency in addition to a full budget in the traditional line-item format (which legislators preferred). In Texas the past three biennial budgets from the Legislative Budget Board have included detailed performance expectations and reporting for all state agencies. Florida is phasing in a similar process.

#### GETTING EVERYONE INVOLVED

Some legislatures have developed stronger institutional means to encourage more legislators to get involved in program budgeting. Utah's long-term Utah Tomorrow Strategic Planning Committee is a joint legislative-executive body with participation from local governments and state agencies. Its purpose has been to develop a state strategic plan and to work from that level down to performance measures for state agencies. Its next step will be to divide the committee's report into sections to be reviewed by the appropriate standing committees. All lawmakers will have the opportunity through their com-

mittees to comment on agency mission statements and performance measures early this session. Representative Afton Bradshaw, co-chair of the strategic planning committee, says, "We hope to make the Legislature more concerned with strategic planning. We want the Legislature to be anticipatory rather than reactive."

The Louisiana House has made other institutional changes to facilitate legislators' involvement in performance budgeting. "We opened up the appropriations committee process," says Representative LeBlanc, the committee's chair. "I did away with the chairman's control of budget amendments—every committee member can get amendments heard. So they can directly express their concerns about agency performance. Plus we opened the budget bill to amendment on the House floor to do the same thing. This has built trust in the process. We also built links between policy committees and Appropriations. We let policy committee chairs and vice chairs vote in the pre-session budget subcommittees. And we'll have fiscal staff present at policy committee sessions from 1998 on." The Louisiana Legislature also has required the governor's budget submission to be 45 days (instead of 30 days) before session and allows full hearings to begin when the budget is received rather than when the legislative session formally begins.

#### PESKY MEASUREMENTS

The toughest part of performance budgeting is setting agency performance indicators. They have to correspond to what's important in the agency mission; they have to be measurable; and they have to propose outcomes (success in meeting policy goals), not outputs (how many hours the agency staff worked). The Florida Legislature's Office of Program Policy Analysis made the point succinctly in its review of executive efforts: "Agencies have struggled to develop adequate measurement systems. Many agencies generally lack historical data and measurement expertise to assess program outcomes and instead maintain data on outputs."

Florida Senator Rossin puts it even more strongly: "Measures and measurement ability don't exist. Ability to do measurements is rare. And without good measurement, you're always open to the argument that there's something wrong with the measurement technique. It's especially difficult in the social services area."

LeBlanc says, "We force the agencies to ask, 'Why does this program exist?' We force them to see the importance of the data. We look at the indicators as well as the results, and we say, 'Are these reliable? Are they the right choices?'"

State agencies' responses to these questions are critical. When governors support performance budgeting, agencies tend to follow. But there can be unexpected reactions. In Florida, agency response to the state law calling for establishment of performance indicators has varied, Senator Rossin reports, depending on the agency's traditional reputation among legislators. Well-funded and highly regarded agencies have been reluctant to adopt performance standards on the if-it-ain't-broke principle.

In Minnesota, state agency personnel saw a threat in the requirement for performance reporting—staff feared that if their particular jobs weren't mentioned in the performance reporting standards, they'd be dispensable. So performance measures came in great detail and accounted for individuals' activities, not program outputs.

"There was too much detail for legislators to absorb," says Bill Marx of the House Ways and Means Committee staff. "It was a roadblock to

getting to outcomes. And there was no way to link the information to the budget." State Department of Finance staff have been directed to work with legislative fiscal staff to improve performance measures.

Another difficult area has been putting the idea of agency rewards and penalties into practice. The underlying notion is simple and promising: rewards (called "incentives") to encourage agency personnel to meet or exceed their performance goals, and penalties (called "disincentives") for those who fail to. The idea is to bring market forces to bear on public bureaucracies in order to encourage creativity, responsiveness and less rote behavior. Workable incentives and penalties are hard to design. The business world has more flexibility in compensation and structural issues than the government, where it may not be feasible to increase an official's salary for good performance or to close down a division where work is not up to snuff. In state government, as a recent Florida report summarizes, "understanding how to apply incentives and disincentives to change performance in desired ways has been difficult."

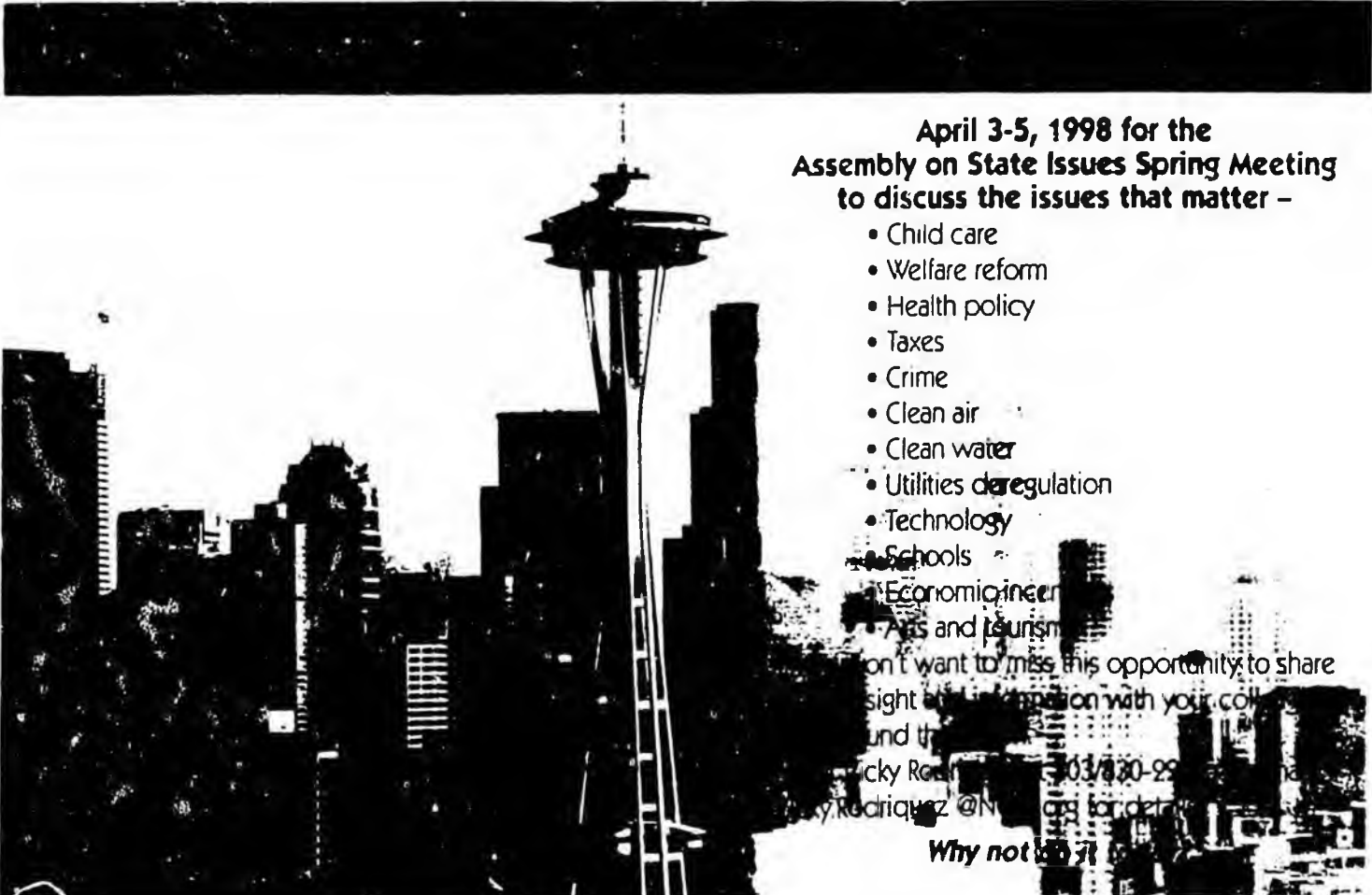
What legislatures have come up with is not that far from traditional practice. In Louisiana, the Legislative Fiscal Office has the job of reporting quarterly on agency performance to the Joint Legislative Committee on the Budget. The joint committee can reward or "scrutinize" the agency as its performance indicates is merited. Success in meeting performance standards can mean greater agency flexibility. Inability to meet standards can bring more legislative oversight, and if it's bad enough, can mean greater scrutiny in the following session's appropriations process.

In Texas, successful performance may mean that an agency keeps

funds left at the end of the fiscal year or may mean more funding in the future. Failure to meet goals, as in Louisiana, may mean more restrictions on the agency. Florida's potential incentives are greater agency flexibility in budget and personnel management and retention of up to 50 percent of unencumbered balances; disincentives, including greater oversight, more restrictions and reduction of managerial salaries are the other side of the coin.

Although these structures are not much different from traditional mechanisms of legislative oversight, they may be sufficient. As Louisiana Representative LeBlanc points out, state agencies value autonomy; the greatest penalty for them is more legislative control. A structure of penalties and rewards may be superfluous, since in states where performance budgeting is coming into being, legislators see advantages already. "This clears communication links," he says. "It's very positive for the Legislature and for agencies. They know what's expected."

So what's the outlook for performance-based budgeting? Several legislatures' experiences show that it can bring legislators much improved information to strengthen the policymaking process, but at the cost of a lot of commitment and hard work. It requires strong, consistent backing over a long time from legislators and governors. It shouldn't be a system copied from a book, but needs to be adapted to the specific conditions and problems of a given state. It requires legislators and agency personnel to think about their budget responsibilities in new ways. But, with those commitments, this is a budget reform that promises to carry state governments into a new century.



**April 3-5, 1998 for the  
Assembly on State Issues Spring Meeting  
to discuss the issues that matter -**

- Child care
- Welfare reform
- Health policy
- Taxes
- Crime
- Clean air
- Clean water
- Utilities deregulation
- Technology
- Schools
- Economic incentives
- Arts and tourism

Don't want to miss this opportunity to share  
insight and information with your colleagues  
and the public?  
Nicky Rodriguez 303/830-9900  
nicky.rodriguez@NCS.org for details

**Why not do it?**

**Seventy-fifth Legislature, Regular Session**

**Text of Conference Committee Report  
House Bill No. 1  
(General Appropriations Act)  
as modified by House Bill 4, Senate Bill 1898, and House Bill 2272**

**and**

**Governor's Veto Proclamation**



**STATE OF TEXAS  
1997**

**Editor's Note: Notations are provided beside certain items to indicate vetoes or other modifications incorporated into House Bill No. 1, Seventy-fifth Legislature, Regular Session.**

**ARTICLE VI**

**NATURAL RESOURCES**

Section 1. The several sums of money herein specified, or so much thereby as may be necessary, are appropriated out of any funds in the State Treasury not otherwise appropriated, or out of special funds as indicated, for the support, maintenance, or improvement of the designated natural resources agencies.

**DEPARTMENT OF AGRICULTURE**

	For the Years Ending	
	August 31, 1998	August 31, 1999
<b>A. Goal: MARKETS &amp; PUBLIC HEALTH</b>		
To enable Texas farmers, ranchers and agribusinesses to expand profitable markets for their agricultural products while protecting public health and our state's natural resources.		
<b>Outcomes:</b>		
Percent Increase from the 1996 Level in the Number of Marketing Opportunities for Texas Farmers, Ranchers and Agribusinesses	15%	22%
Percent Reduction from the 1994 Level in the Number of Pesticide-Related Violations	7%	7%
<b>A.1.1. Strategy: GENERATE MARKETS</b>	<b>\$ 6,775,971</b>	<b>\$ 6,775,971</b>
Generate marketing opportunities for Texas farmers, ranchers and agribusinesses.		
<b>Outputs:</b>		
Number of Companies Enrolled in TDA Marketing Program	1,310	1,310
Number of Acres Inspected	190,000	190,000
<b>A.1.2. Strategy: REGULATE PESTICIDE USE</b>	<b>\$ 4,956,604</b>	<b>\$ 4,956,604</b>
Regulate pesticide use through registration, certification, education and enforcement.		
<b>Outputs:</b>		
Number of Licenses and Certificates Issued to Pesticide Applicators	14,350	14,350
Number of Pesticide Complaint Investigations Conducted	250	250
<b>Efficiencies:</b>		
Average Cost per Pesticide Applicator Licensed	41.1	38.8
<b>A.1.3. Strategy: INTEGRATED PEST MANAGEMENT</b>	<b>\$ 2,012,281</b>	<b>\$ 2,012,281</b>
Assist farmers with integrated pest management practices to reduce pesticide use.		
<b>Outputs:</b>		
Hours Spent Informing Producers and Surveying Cotton for Compliance with Cotton Stalk Destruction Deadlines	14,000	14,000
Number of Inspections to Verify Compliance for Organic or Other Crop Production Certification Programs	839	864
<b>A.1.4. Strategy: CERTIFY PRODUCE</b>	<b>\$ 289,467</b>	<b>\$ 289,467</b>
Certify fruits, vegetables and peanuts to enhance their marketability.		

**DEPARTMENT OF AGRICULTURE**  
(Continued)

<b>Outputs:</b>		
Number of Pounds of Fruits, Vegetables, Peanuts and Nuts Inspected (in billions)	2.3	2.3
<b>Total, Goal A: MARKETS &amp; PUBLIC HEALTH</b>	\$ <u>14,034,323</u>	\$ <u>14,034,323</u>
<b>B. Goal: ENFORCE STANDARDS</b>		
To protect consumers by establishing and enforcing standards for agricultural commodities		
<b>Outcomes:</b>		
Percent of Seed Samples Found to be in Full Compliance With State and Federal Standards	97%	98%
<b>B.1.1. Strategy: NURSERY/FLOREAL REGULATION</b>	\$ 1,971,466	\$ 1,971,466
Inspect and register nursery and floral production and retail outlets.		
<b>Outputs:</b>		
Number of Nursery and Floral Establishment Inspections Conducted	10,000	10,000
Number of Stop Sales and Notices of Noncompliance Issued	350	350
<b>B.1.2. Strategy: VERIFY SEED QUALITY</b>	\$ 1,751,216	\$ 1,751,216
Verify that farmers, ranchers and home gardeners receive the quality and type of seeds desired.		
<b>Outputs:</b>		
Number of Seed Samples Analyzed	23,000	23,000
Number of Enforcement Actions Taken	150	125
<b>B.1.3. Strategy: VERIFY EGG QUALITY</b>	\$ 426,177	\$ 426,175
Inspect chicken egg producer, dealer-wholesaler and retail establishments to verify and enforce compliance with state and federal standards for quality. License egg packers, wholesalers, and distributors.		
<b>Outputs:</b>		
Number of Egg Producer, Dealer, Wholesaler, and Retailer Samples Taken or Inspections Conducted	15,000	15,000
<b>B.1.4. Strategy: COMMODITY WAREHOUSES</b>	\$ <u>657,519</u>	\$ <u>657,519</u>
Verify that commodity warehouses are capable of properly storing and handling commodities. Assist producers and sellers of Texas grown citrus and vegetables recover monies owed to them.		
<b>Outputs:</b>		
Number of Agricultural Commodity Warehouse Inspections, Re-Inspections and Audits Conducted	700	700
Number of Licenses, Permits and Registrations Issued to Agricultural Commodity Warehouses	500	500
<b>Efficiencies:</b>		
Average Cost per Inspection/Reinspection of Agricultural Commodity Warehouses	426	426
<b>Total, Goal B: ENFORCE STANDARDS</b>	\$ <u>4,806,378</u>	\$ <u>4,806,376</u>
<b>C. Goal: ENSURE PROPER MEASUREMENT</b>		
To increase the likelihood that goods offered for sale to Texas consumers are properly measured, priced and marketed.		

**DEPARTMENT OF AGRICULTURE**  
(Continued)

<b>Outcomes:</b>		
Percent of Total Weights and Measures Inspections Conducted Resulting in Finding of Full Compliance with State and Federal Standards	98%	98%
<b>C.1.1 Strategy: INSPECT MEASURING SERVICES</b>	\$ <u>2,652,485</u>	\$ <u>2,652,485</u>
Inspect weighing and measuring device, remove inaccurately measured, priced or marketed goods from sale.		
<b>Outputs:</b>		
Number of Weights and Measures Inspections Conducted	105,500	105,500
Number of Stop Sales and Notices of Noncompliance Issued	7,700	7,400
<b>Grand Total, DEPARTMENT OF AGRICULTURE</b>	\$ <u>21,493,186</u>	\$ <u>21,493,184</u>
<b>Method of Financing:</b>		
General Revenue Fund	\$ 19,853,548	\$ 19,853,546
Earned Federal Funds	184,147	184,147
<b>General Revenue - Dedicated</b>		
Young Farmer Loan Guarantee Account No. 5002	100,000	100,000
Federal Funds	818,094	818,094
<b>Other Funds</b>		
Farm and Ranch Finance Program Fund Account No. 575	112,221	112,221
Appropriated Receipts	174,399	174,399
Texas Agricultural Fund No. 683	240,777	240,777
Interagency Contracts	<u>10,000</u>	<u>10,000</u>
<b>Subtotal, Other Funds</b>	\$ <u>537,397</u>	\$ <u>537,397</u>
<b>Total, Method of Financing</b>	\$ <u>21,493,186</u>	\$ <u>21,493,184</u>
<b>Number of Full-time Equivalent Positions (FTE)</b>	502.5	502.5
<b>Schedule of Exempt Positions</b>		
Commissioner of Agriculture, Group 4	\$92,217	\$92,217
Deputy Commissioner	78,007	78,007
<b>1. Capital Budget. Funds appropriated above may be expended for capital budget items as listed below. The amounts identified for each item may be adjusted or expended on other capital expenditures, subject to the aggregate dollar restrictions on capital budget expenditures provided in the General Provisions of this Act.</b>		
	<u>1998</u>	<u>1999</u>
<b>Out of the General Revenue Fund:</b>		
<b>a. Acquisition of Information Resource Technologies</b>		
(1) Computer Equipment/Software	\$ 100,000	\$ 100,000

DEPARTMENT OF AGRICULTURE  
(Continued)

b. Transportation Items		
(1) Fleet Vehicles	\$ 200,000	\$ 300,000
Total, Capital Budget	\$ 300,000	\$ 400,000

2. **Appropriation of Receipts: Yardage Fees.** Fifty percent of the total amount of yardage fee revenue collected by the Texas Department of Agriculture in each fiscal year pursuant to the Agriculture Code, Sec. 146.021, is hereby appropriated to the department for the biennium beginning September 1, 1997, for the purpose of paying livestock export facility lease and maintenance expenses. The remainder, fifty percent of the total yardage fee revenue collected in each fiscal year shall be transferred to the unobligated portion of the General Revenue Fund and is not subject to appropriation by this provision or by Article IX of this Act. Amounts appropriated pursuant to this provision are included above in Strategy Item A.1.1., General Markets, and are identified above in the method of finance as Appropriated Receipts in an estimated amount of \$97,552 for each fiscal year.

Any unexpended and unobligated balances remaining as of August 31, 1997 in the appropriation made by rider provision 2, House Bill 1, Seventy-fourth Legislature, Regular Session, on page VI-4, are hereby reappropriated for the biennium beginning September 1, 1997 for the identical purposes.

3. **Appropriation: Land Donations.** The Department of Agriculture is hereby authorized to lease, and/or accept the donation of land or the use of land from either governmental agencies, private firms, corporations, or individuals to be used in connection with the performance of its various responsibilities and programs.
4. **Appropriation: Publication Fees.** The department is hereby appropriated any subscription fees, royalties, advertising revenues, or charges collected for publications, services or products produced by the department, subject to any restrictions on publications fee appropriations contained elsewhere in this Act.
5. **Fee Increase Authority and Limitation.** For the purpose of implementing the intent of the Legislature, that the department collect fee amounts which offset, when feasible, the direct and indirect costs of administering its regulatory activities, the department is hereby authorized to and shall increase the fees by a percentage sufficient to offset costs associated with its regulatory activities. It is the intent of the Legislature that the cost offset percentage shall be 100 percent. The following activities are exempt from this requirement: Seed Testing, Quarantine Enforcement/Education; Piece Rate Crop Survey; Pest Management Program; Agriculture Hazard Communication Act; Boll Weevil Control Act; Predatory Management Program.
6. **Pay for Regular Compensatory Time: Livestock Export Pen Operations.** It is expressly provided that the Department of Agriculture, to the extent permitted by law, may pay FLSA nonexempt employees in classified positions who are stationed at Department of Agriculture livestock export pens for compensatory time hours on a straight-time basis when the taking of compensatory time off would be disruptive to normal working activities and other critical functions relating to livestock export pen operations.
7. **Transfer Authority.** Notwithstanding limitations on appropriation transfers contained in the General Provisions of this Act, the Department of Agriculture is hereby authorized to direct agency resources, and transfer such amounts appropriated above between strategy line items.
8. **Appropriation: Young Farmer Loan Guarantee Program.** Out of the Young Farmer Loan Guarantee Fund, the Texas Agriculture Finance Authority is hereby appropriated for the biennium beginning September 1, 1997, all necessary amounts required to cover any defaults on loans provided under Chapter 253, Texas Agriculture Code.

DEPARTMENT OF AGRICULTURE  
(Continued)

9. **Appropriation: Fair Park Structure Restoration.** The Texas Department of Agriculture is hereby appropriated \$1,974,600 from the General Revenue Fund for the biennium beginning September 1, 1997 to be used solely for restoration of historically significant structures within the National Historic District at Fair Park.
10. **Appropriation: Earned Federal Funds.** The Department of Agriculture is hereby appropriated all earned federal funds received during the biennium beginning with the effective date of this Act that are in addition to those earned federal funds specified in the method of financing above.
11. **Unexpended Balances.** Any unexpended balances as of August 31, 1998 in the appropriations made herein to the Department of Agriculture are hereby reappropriated for the same purpose for the fiscal year beginning September 1, 1998.
12. **Appropriation: Texas-Israel Exchange Program.** Any unexpended balances remaining as of August 31, 1997 in appropriations made to the Department of Agriculture, are hereby reappropriated to the department for fiscal year 1998 to fund the Texas-Israel Exchange program in an amount not to exceed \$250,000.
13. **Contingency Appropriation for Senate Bill 665.** Contingent upon the enactment of Senate Bill 665 or similar legislation relating to regulation of motor fuels containing ethanol or methanol by the Seventy-fifth Legislature, Regular Session, the Department of Agriculture is hereby appropriated \$412,733 for fiscal year 1998 and \$355,137 for fiscal year 1999 out of additional revenues collected pursuant to Senate Bill 665 for the purpose of implementing that Act. The department is authorized to transfer the appropriation made pursuant to this provision to the appropriate strategy items listed above.
14. **Contingency Appropriation for Senate Bill 1355.** Contingent upon the enactment of Senate Bill 1355 or similar legislation relating to regulation of retail stores by the Seventy-fifth Legislature, Regular Session, the Department of Agriculture is hereby appropriated \$418,333 for fiscal year 1998 and \$227,561 for fiscal year 1999 out of additional revenues collected pursuant to Senate Bill 1355 for the purpose of implementing that Act. The department is authorized to transfer the appropriation made pursuant to this provision to the appropriate strategy items listed above.
15. **Contingency Appropriation Reduction for Senate Bill 1124.** Contingent upon the enactment of Senate Bill 1124 or similar legislation relating to the regulation of aquaculture by the Seventy-fifth Legislature, Regular Session, appropriations out of the General Revenue Fund to the Department of Agriculture in Strategy item A.1.1., General Markets, are hereby reduced \$6,500 for fiscal year 1998 and \$6,500 for fiscal year 1999.

1 See Veto Proclamation.



# House Finance Committee

DATE April 2, 98

PLACE: Cap 519

SUBJECT OF MEETING:  
HB 364  
HB 400  
SB 76

NAME	REPRESENTING	BUSINESS/PERSONAL MAILING ADDRESS	ZIP	(H) PHONE	(W) PHONE	DO YOU WANT TO TESTIFY?	WHAT SUBJECT/ WHICH BILL?
<u>Ken Taylor</u>	<u>ADF&amp;G</u>					<input checked="" type="checkbox"/> Y <input type="checkbox"/> N	<u>HB 364</u>
<u>① Jim Baldwin</u>	<u>Dept of Law</u>					<input checked="" type="checkbox"/> Y <input type="checkbox"/> N	<u>SB 76</u>
<u>② Jack Fagnoli</u>	<u>Gov. OMB</u>					<input checked="" type="checkbox"/> Y <input type="checkbox"/> N	<u>SB 76</u>
						<input type="checkbox"/> Y <input type="checkbox"/> N	
						<input type="checkbox"/> Y <input type="checkbox"/> N	
<u>HB364</u>	<u>Ted K Rieg</u>	<u>DLG</u>				<input type="checkbox"/> Y <input type="checkbox"/> N	
<u>HB364</u>	<u>① Virgil Umphenour</u>	<u>FBX</u>				<input type="checkbox"/> Y <input type="checkbox"/> N	
						<input type="checkbox"/> Y <input type="checkbox"/> N	
						<input type="checkbox"/> Y <input type="checkbox"/> N	
						<input type="checkbox"/> Y <input type="checkbox"/> N	
						<input type="checkbox"/> Y <input type="checkbox"/> N	

**TELECONFERENCE  
HOUSE FINANCE**

**APRIL 2**

**HB 364: GUIDES FOR NONRESIDENT MOOSE HUNTERS**

**OFFNETS**

②	COL. JOHN GLASS	ANCHORAGE	DIV OF WILDLIFE 269-5584
③	<del>HERMAN MORGAN</del>	<del>ANIAK</del>	<del>CITY MANAGER 675-4481</del>
	<del>GILBERT HUNTINGTON</del>	<del>GALENA</del>	<del>656-1435</del>

**SB**

**76**

**SFIN**

**FILE**

# SENATE FINANCE COMMITTEE REPORT

DATE: 2/26/98

FURTHER: \_\_\_\_\_

DATE TURNED  
IN TO OFFICE: 3/20/98

Finance Committee considered

SENATE BILL NO. 76

"An Act relating to long-term plans of certain state agencies and recommendations regarding elimination of duplication in state agency functions."

and recommends:

- be replaced with \_\_\_\_\_ CS SB 76 ( 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 title
  - new: SCR# \_\_\_\_\_

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	NR	DNP	AM
<i>Sam Franklin</i>	X	<i>Kate E. Kelly</i>	✓		
<i>M. Marie Bouley</i>	X	<i>Al Adams</i>		✓	
Co-Chair:		Co-Chair:			
Co-Chair:		Co-Chair: <i>Bob Sharp</i>	✓		

**NEW FISCAL NOTE(S):**

Department                      Date      Zero      Fiscal

All depts. / SFC	3/20/98	Ø	

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

Department                      Date      Zero      Fiscal


APPROPRIATION -- no fiscal note

\*include fiscal notes accompanying Governor's bill

FISCAL NOTE

REPORTED OUT OF

3/18/98

BILL NO. CSSB 76 (FIN)

STATE OF ALASKA  
1998 LEGISLATIVE SESSION

Revision Date: \_\_\_\_\_  
 Title: An Act relating to results-based government  
and the State budget.  
 Sponsor: Sens. Parnell, Wilken and Donley  
 Requester: Senate Finance Committee

Dept. Affected All Departments  
 BRU All  
 Component All Components  
 Component Serial No. All

Expenditures/Revenues

(Thousands of Dollars)

OPERATING EXPENDITURES	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
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						
1091 Designated Program Receipts						
<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)

CSSB 76(FIN) will not add any additional budget demands, instead it supplants a portion of the current budget process with results based budgeting and codifies existing results based budgeting performed by the Legislature and Executive. Additionally, the deletion of five year operating budget fiscal plans from SB 76 removed the Department of Health and Social Services' primary fiscal concern.

Prepared By: SENATE FINANCE COMMITTEE

  
 SENATOR DRUE PEARCE, CO-CHAIR

Date: 3/20/98  
 Phone: 465-4993

  
 SENATOR BERT SHARP, CO-CHAIR

Date: 3/20/98  
 Phone: 465-3004

# FISCAL NOTE

No. 3  
 Bill Version: CSSB 76 (STA)  
 (S) Publish Date: 3/4/98

**STATE OF ALASKA**  
**1998 LEGISLATIVE SESSION**

Revision Date (Note if correction) 3/3/98 Dept. Affected All departments  
 Title An Act relating to results-based government BRU \_\_\_\_\_  
and the state budget. Component \_\_\_\_\_  
 Sponsor Sens. Pamell, Wilken, Donley  
 Requester Senate State Affairs Committee Component Serial No. \_\_\_\_\_

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

OPERATING EXPENDITURES	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	*****	*****	*****	*****	*****	*****

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

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

Estimate of any current year (FY98) cost: 0.0

**POSITIONS**

Full-time						
Part-time						
Temporary						

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

This legislation would, among other things, require all state agencies to prepare quarterly reports for the legislature regarding results-based measures of agency performance. The fiscal impact of this legislation is difficult to project; however, it would require a significant reallocation of agency resources to provide all of the information required by the bill. The collection of data to measure results could be a substantial cost, but this cost would depend on the specific measures developed, and therefore cannot be projected.

While the executive branch is incorporating some elements of this legislation in the budget process using a phased approach, this bill would require all agencies to meet the requirements of the bill during the next budget cycle.

Prepared by Annalee McConnell *Annalee McConnell* Phone 465-4660  
 Division Office of Management and Budget Date 3/3/98  
 Approved by Commissioner Jim Ayers, Chief of Staff *J. Ayers* Date \_\_\_\_\_  
 Agency Office of the Governor

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# FISCAL NOTE

STATE OF ALASKA  
1998 LEGISLATIVE SESSION

No. 2  
BILL NO. 1 Bill Version: SB76  
(S) Publish Date: 2/26/98

Revision Date: \_\_\_\_\_ ept. Affected: Health and Social Services  
Title: Long-term plans of state agencies BRU: Administrative Services  
Sponsor: Parnell Component: Administrative Support Services  
Requestor: Senate STA COMPONENT SERIAL NO. 320  
Sec also (SN#): \_\_\_\_\_

Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY99	FY00	FY01	FY02	FY03	FY04
PERSONAL SERVICES	132.7	134.7	136.7	138.8	140.8	143.0
TRAVEL	10.0	10.0	10.0	10.0	10.0	10.0
CONTRACTUAL	23.5	23.5	23.5	23.5	23.5	23.5
SUPPLIES	2.0	2.0	2.0	2.0	2.0	2.0
EQUIPMENT	10.0	0.0	0.0	0.0	0.0	0.0
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>178.2</b>	<b>170.2</b>	<b>172.2</b>	<b>174.3</b>	<b>176.3</b>	<b>178.5</b>

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

1002 Federal Receipts						
1003 GF Match						
1004 GF	178.2	170.2	172.2	174.3	176.3	178.5
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (please specify)						
<b>TOTAL</b>	<b>178.2</b>	<b>170.2</b>	<b>172.2</b>	<b>174.3</b>	<b>176.3</b>	<b>178.5</b>

POSITIONS:

FULL-TIME	2	2	2	2	2	2
PART-TIME						
TEMPORARY						

Estimate of any current year (FY98) cost: \$0.0

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

The Department of Health and Social Services, because of its size and complexity, will need additional staff in order to accomplish the requirements of this legislation. Two analyst/planner positions (Range 19) would be located in the Administrative Services Division. The tasks assigned to these positions would be to consult with and assist the Department's other divisions with development of long-term plans, to coordinate the production of plans, to further develop, and maintain the Department's performance measurement systems, and to train and assist others with performance measurement, evaluation, and long-term financial planning.

Cost estimates include the first year acquisition of equipment for the new positions, a small amount for additional supplies, and an increase for contractual services--training, programming, and consulting services that cannot be handled by the additional staff.

Prepared by: Janet Clark, Director Phone: 465-3082  
 Division: Administrative Services Date: 01/20/98  
 Approved by Commissioner: Karen Perdue, Commissioner Date: 1/23/98  
 Agency: Department of Health & Social Services

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## ANALYSIS (cont.):

Description	FY99	FY00	FY01	FY02	FY03	FY04
Line 100 -- Personal Services 2 Range 19 positions	132.7	134.7	136.7	138.8	140.8	143.0
Line 200 -- Travel	10.0	10.0	10.0	10.0	10.0	10.0
Line 300 -- Contractual Services						
Professional Services	5.0	5.0	5.0	5.0	5.0	5.0
Training	5.0	5.0	5.0	5.0	5.0	5.0
Miscellaneous	3.5	3.5	3.5	3.5	3.5	3.5
Printing	<u>10.0</u>	<u>10.0</u>	<u>10.0</u>	<u>10.0</u>	<u>10.0</u>	<u>10.0</u>
	23.5	23.5	23.5	23.5	23.5	23.5
Line 400 -- Supplies	2.0	2.0	2.0	2.0	2.0	2.0
Line 500 -- Equipment	<u>10.0</u>	<u>0.0</u>	<u>0.0</u>	<u>0.0</u>	<u>0.0</u>	<u>0.0</u>
Computers, software, furniture, etc.						
Total	178.2	170.2	172.2	174.3	176.3	178.5

# FISCAL NOTE

**STATE OF ALASKA**  
**1998 LEGISLATIVE SESSION**

No. 2  
 BILL NO. 1 Bill Version: SB76  
 (S) Publish Date: 2/26/98

Revision Date: \_\_\_\_\_  
 Title: Long-term plans of state agencies  
 Sponsor: Parnell  
 Requestor: Senate STA

Dept. Affected: Health and Social Services  
 BRU: Administrative Services  
 Component: Administrative Support Services  
 COMPONENT SERIAL NO. 320  
 See also (SN#): \_\_\_\_\_

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

OPERATING	FY99	FY00	FY01	FY02	FY03	FY04
PERSONAL SERVICES	132.7	134.7	136.7	138.8	140.8	143.0
TRAVEL	10.0	10.0	10.0	10.0	10.0	10.0
CONTRACTUAL	23.5	23.5	23.5	23.5	23.5	23.5
SUPPLIES	2.0	2.0	2.0	2.0	2.0	2.0
EQUIPMENT	10.0	0.0	0.0	0.0	0.0	0.0
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>178.2</b>	<b>170.2</b>	<b>172.2</b>	<b>174.3</b>	<b>176.3</b>	<b>178.5</b>

CAPITAL EXPENDITURES						
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CHANGES IN REVENUES ( )						
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**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	178.2	170.2	172.2	174.3	176.3	178.5
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (please specify)						
<b>TOTAL</b>	<b>178.2</b>	<b>170.2</b>	<b>172.2</b>	<b>174.3</b>	<b>176.3</b>	<b>178.5</b>

**POSITIONS:**

FULL-TIME	2	2	2	2	2	2
PART-TIME						
TEMPORARY						

Estimate of any current year (FY98) cost: \$0.0

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

The Department of Health and Social Services, because of its size and complexity, will need additional staff in order to accomplish the requirements of this legislation. Two analyst/planner positions (Range 19) would be located in the Administrative Services Division. The tasks assigned to these positions would be to consult with and assist the Department's other divisions with development of long-term plans, to coordinate the production of plans, to further develop, and maintain the Department's performance measurement systems, and to train and assist others with performance measurement, evaluation, and long-term financial planning.

Cost estimates include the first year acquisition of equipment for the new positions, a small amount for additional supplies, and an increase for contractual services--training, programming, and consulting services that cannot be handled by the additional staff.

Prepared by: Janet Clarke, Director  
 Division: Administrative Services  
 Approved by Commissioner: Karen Perdue, Commissioner  
 Agency: Department of Health & Social Services

Phone: 465-3082  
 Date: 01/20/98  
 Date: 11/23/95

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## ANALYSIS (cont.):

Description	FY99	FY00	FY01	FY02	FY03	FY04
Line 100 -- Personal Services 2 Range 19 positions	132.7	134.7	136.7	138.8	140.8	143.0
Line 200 -- Travel	10.0	10.0	10.0	10.0	10.0	10.0
Line 300 -- Contractual Services						
Professional Services	5.0	5.0	5.0	5.0	5.0	5.0
Training	5.0	5.0	5.0	5.0	5.0	5.0
Miscellaneous	3.5	3.5	3.5	3.5	3.5	3.5
Printing	<u>10.0</u>	<u>10.0</u>	<u>10.0</u>	<u>10.0</u>	<u>10.0</u>	<u>10.0</u>
	23.5	23.5	23.5	23.5	23.5	23.5
Line 400 -- Supplies	2.0	2.0	2.0	2.0	2.0	2.0
Line 500 -- Equipment Computers, software, furniture, etc.	<u>10.0</u>	<u>0.0</u>	<u>0.0</u>	<u>0.0</u>	<u>0.0</u>	<u>0.0</u>
Total	178.2	170.2	172.2	174.3	176.3	178.5