

ALASKA LEGISLATURE COMMITTEE FILES 1997-1998 00/2

9567 SENATE JUDICIARY

204

# FISCAL NOTE

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

**BILL NO. CSSB 67 (JUD)**

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

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

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

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

**FUND SOURCE** (Thousands of Dollars)

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)

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

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

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

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

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# FISCAL NOTE

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

**BILL NO: CSSB 67 (JUD)**

Revision Date: 3/11/97 Dept. Affected: Public Safety  
 Title: Truth in Sentencing BRU: DPS Statewide Support  
 Component: Commissioner's Office  
 Sponsor: Senator Halford  
 Requestor: Senate Judiciary COMPONENT SERIAL NO. 0523

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

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

<b>CAPITAL EXPENDITURES</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
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CHANGE IN REVENUES ( ) Revenue Code						
----------------------------------------	--	--	--	--	--	--

**FUNDING: (Thousands of Dollars)**

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

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

**POSITIONS:**

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary.)

No fiscal impact is anticipated to the Department of Public Safety.

Prepared By: Sandy Perry-Provost, Special Assistant to the Commissioner Phone: \_\_\_\_\_  
 Division: Commissioner's Office Date: 3/11/97  
 Approved by Commissioner: *Ronald L. Otte* Date: 3/12/97  
 Agency: Ronald L. Otte, Dept. of Public Safety

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# FISCAL NOTE

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

**BILL NO: CSSB 67 (JUD)**

Revision Date: 3/11/97 Dept. Affected: Public Safety  
 Title: Truth in Sentencing BRU: Violant Crimes Compensation Board  
 Sponsor: Senator Halford Component: \_\_\_\_\_  
 Requestor: Senate Judiciary COMPONENT SERIAL NO. \_\_\_\_\_

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

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

<b>CAPITAL EXPENDITURES</b>	0	0	0	0	0	0
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CHANGE IN REVENUES ( ) Revenue Code						
----------------------------------------	--	--	--	--	--	--

**FUNDING: (Thousands of Dollars)**

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

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

**POSITIONS:**

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary.)

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

Prepared By: Sandy Perry-Provost, Special Assistant to the Commissioner Phone: \_\_\_\_\_  
 Division: Commissioner's Office Date: 3/11/97

Approved by Commissioner: *Ronald L. Otte* Date: 3/12/97  
 Agency: Ronald L. Otte, Dept. of Public Safety

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**CS FOR SENATE BILL NO. 67( )**

**IN THE LEGISLATURE OF THE STATE OF ALASKA**

**TWENTIETH LEGISLATURE - FIRST SESSION**

**BY**

**Offered:  
Referred:**

**Sponsor(s): SENATORS HALFORD, Green, Donley**

**A BILL**

**FOR AN ACT ENTITLED**

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

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

4 **\* Section 1.** This Act may be known as the "Truth in Sentencing Act of 1997."

5 **\* Sec. 2.** AS 12.55.015 is amended by adding a new subsection to read:

6 (h) Unless a defendant is ineligible for a deduction under AS 33.20, when a  
7 defendant is sentenced to a term of imprisonment of two years or more, the sentence  
8 consists of two parts: (1) a minimum term of imprisonment that is equal to not less  
9 than two-thirds of the total term of imprisonment; and (2) a maximum term of  
10 supervised release on mandatory parole that is equal to no? more than one-third of the  
11 total term of imprisonment; the amount of time that the inmate actually serves in  
12 imprisonment and on supervised release is subject to the provisions of AS 33.20.010 -  
13 33.20.060.

14 **\* Sec. 3.** AS 12.55.025(a) is amended to read:

1 (a) When imposing a sentence for conviction of a felony offense or a sentence  
2 of imprisonment exceeding 90 days or upon a conviction of a violation of AS 04, a  
3 regulation adopted under AS 04, or an ordinance adopted in conformity with  
4 AS 04.21.010, the court shall prepare, as a part of the record, a sentencing report that  
5 includes the following:

6 (1) a verbatim record of the sentencing hearing and any other in-court  
7 sentencing procedures;

8 (2) findings on material issues of fact and on factual questions required  
9 to be determined as a prerequisite to the selection of the sentence imposed;

10 (3) a clear statement of the terms of the sentence imposed; if a term  
11 of imprisonment is imposed, the statement must include

12 (A) the approximate minimum term the defendant is  
13 expected to serve before being released or placed on mandatory parole if  
14 the defendant is eligible for and does not forfeit good conduct deductions  
15 under AS 33.20.010; and

16 (B) if applicable, the approximate minimum term of  
17 imprisonment the defendant must serve before becoming eligible for  
18 release on discretionary parole;

19 (4) any recommendations as to the place of confinement or the manner  
20 of treatment; and

21 (5) in the case of a conviction for a felony offense, information  
22 assessing

23 (A) the financial, emotional, and medical effects of the offense  
24 on the victim;

25 (B) the need of the victim for restitution; and

26 (C) any other information required by the court.

27 \* Sec. 4. AS 12.55.025 is amended by adding a new subsection to read:

28 (j) The approximate minimum terms provided under (a)(3) of this section in  
29 the sentencing report are for information purposes only. The approximate minimum  
30 terms are not part of the sentence imposed and do not form a basis for review or  
31 appeal of the sentence imposed or provide a defendant with a right to any specific term

1 of imprisonment or supervised release on mandatory parole.

2 \* Sec. 5. Rule 32.2(e), Alaska Rules of Criminal Procedure, is amended to read:

3 (e) **Imposition of Sentence.** At the sentencing hearing, the judge shall impose  
4 sentence and shall clearly state the precise terms of the sentence imposed, the reasons  
5 for the selecting the particular sentence, and the purposes the sentence is intended to  
6 serve. If a term of imprisonment is imposed, the judge shall, for information  
7 purposes, identify the approximate term of imprisonment the defendant must  
8 serve if the defendant is eligible for and does not forfeit good conduct deductions  
9 under AS 33.20.010, and if applicable, the approximate minimum term of  
10 imprisonment the defendant must serve before becoming eligible for release on  
11 discretionary parole. The approximate terms of imprisonment provided for  
12 information purposes are not part of the sentence imposed and do not form a  
13 basis for review or appeal of the sentence imposed.

14 \* Sec. 6. The amendments of AS 12.55.025, made by secs. 3 - 4 of this Act, amend  
15 Rule 32.2, Alaska Rules of Criminal Procedure, by adding requirements for sentencing reports.

16 \* Sec. 7. This Act takes effect only if secs. 5 and 6 of this Act receive the two-thirds  
17 majority vote of each house required by art. IV, sec. 15, Constitution of the State of Alaska.

# SENATE COMMITTEE REPORT

DATE: 2/13/97

FURTHER: Finance

DATE TURNED  
IN TO OFFICE: 2/27/97

Judiciary Committee considered

SENATE BILL NO. 67

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

and recommends:

be replaced with CS SB 67 (JUD)

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>Mike Miller</i>	<input checked="" type="checkbox"/>	<i>Hyellus</i>	<input checked="" type="checkbox"/>		
<i>Alexis</i>	<input checked="" type="checkbox"/>				
<i>Sean Brannell</i>	<input checked="" type="checkbox"/>				
CHAIR: <i>Adrian Taylor</i>	<input checked="" type="checkbox"/>	CHAIR:			

**NEW FISCAL NOTE(S):**

*Jud CS  
Jud CS*

Department	Date	Zero	Fiscal
<i>DPS (0523)</i>	<i>2/21</i>	<input checked="" type="checkbox"/>	
<i>DPS Violent Crime</i>	<i>2/21</i>	<input checked="" type="checkbox"/>	

*Law = #2  
Forthcoming  
Jud CS*

fiscal note

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

*Jud CS*

Department	Date	Zero	Fiscal
<i>Ident System</i>	<i>2/4</i>	<input checked="" type="checkbox"/>	

\*Include fiscal notes accompanying Governor's bill

0-LS0137H  
Luckhaupt  
2/14/97

CS FOR SENATE BILL NO. 67( )  
IN THE LEGISLATURE OF THE STATE OF ALASKA  
TWENTIETH LEGISLATURE - FIRST SESSION

BY

Offered:  
Referred:

Sponsor(s): SENATORS HALFORD, Green, Donley

A BILL

FOR AN ACT ENTITLED

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

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

4 \* Section 1. This Act may be known as the "Truth in Sentencing Act of 1997."

5 \* Sec. 2. AS 12.55.025(a) is amended to read:

6 (a) When imposing a sentence for conviction of a felony offense or a sentence  
7 of imprisonment exceeding 90 days or upon a conviction of a violation of AS 04, a  
8 regulation adopted under AS 04, or an ordinance adopted in conformity with  
9 AS 04.21.010, the court shall prepare, as a part of the record, a sentencing report that  
10 includes the following:

11 (1) a verbatim record of the sentencing hearing and any other in-court  
12 sentencing procedures;

13 (2) findings on material issues of fact and on factual questions required  
14 to be determined as a prerequisite to the selection of the sentence imposed;

*NOT DISTRIBUTED - INCORPORATED INTO VERSION K AND ADOPTED AS JUL 25*

1 (3) a clear statement of the terms of the sentence imposed; if a term  
2 of imprisonment is imposed, the statement must include

3 (A) the approximate minimum term the defendant is  
4 expected to serve before being released or placed on mandatory parole if  
5 the defendant is eligible for and does not forfeit good conduct deductions  
6 under AS 33.20.010; and

7 (B) if applicable, the approximate minimum term of  
8 imprisonment the defendant must serve before becoming eligible for  
9 release on discretionary parole;

10 (4) any recommendations as to the place of confinement or the manner  
11 of treatment; and

12 (5) in the case of a conviction for a felony offense, information  
13 assessing

14 (A) the financial, emotional, and medical effects of the offense  
15 on the victim;

16 (B) the need of the victim for restitution; and

17 (C) any other information required by the court.

18 \* Sec. 3. AS 12.55.025 is amended by adding a new subsection to read:

19 (j) The approximate minimum terms provided under (a)(3) of this section in  
20 the sentencing report are for information purposes only. The approximate minimum  
21 terms are not part of the sentence imposed and do not form a basis for review or  
22 appeal of the sentence imposed.

23 \* Sec. 4. Rule 32.2(e), Alaska Rules of Criminal Procedure, is amended to read:

24 (e) **Imposition of Sentence.** At the sentencing hearing, the judge shall impose  
25 sentence and shall clearly state the precise terms of the sentence imposed, the reasons  
26 for the selecting the particular sentence, and the purposes the sentence is intended to  
27 serve. If a term of imprisonment is imposed, the judge shall, for information  
28 purposes, identify the approximate term of imprisonment the defendant must  
29 serve if the defendant is eligible for and does not forfeit good conduct deductions  
30 under AS 33.20.010, and if applicable, the approximate minimum term of  
31 imprisonment the defendant must serve before becoming eligible for release on

1        discretionary parole. The approximate terms of imprisonment provided for  
2        information purposes are not part of the sentence imposed and do not form a  
3        basis for review or appeal of the sentence imposed.

4        \* Sec. 5. The amendments of AS 12.55.025, made by secs. 2 - 3 of this Act, amend  
5 Rule 32.2, Alaska Rules of Criminal Procedure, by adding requirements for sentencing reports.

6        \* Sec. 6. This Act takes effect only if secs. 4 and 5 of this Act receive the two-thirds  
7 majority vote of each house required by art. IV, sec. 15, Constitution of the State of Alaska.

A M E N D M E N T

OFFERED IN THE SENATE

TO: CSSB 67( ) (Draft dated 2/14/97)

1 Page 1, following line 4:

2 Insert a new bill section to read:

3 "\* Sec. 2. AS 12.55.015 is amended by adding a new subsection to read:

4 (h) Unless a defendant is ineligible for a deduction under AS 33.20, when a  
5 defendant is sentenced to a term of imprisonment of two years or more, the sentence  
6 consists of two parts: (1) a minimum term of imprisonment that is equal to not less  
7 than two-thirds of the total term of imprisonment; and (2) a maximum term of  
8 supervised release on mandatory parole that is equal to not more than one-third of the  
9 total term of imprisonment; the amount of time that the inmate actually serves in  
10 imprisonment and on supervised release is subject to the provisions of AS 33.20.010 -  
11 33.20.060."

12 Renumber the following bill sections accordingly.

13 Page 2, line 22, following "imposed":

14 Insert "or provide a defendant with a right to any specific term of imprisonment or  
15 supervised release on mandatory parole"

16 Page 3, line 4:

17 Delete "secs. 2 - 3"

18 Insert "secs. 3 - 4"

19 Page 3, line 6:

20 Delete "secs. 4 - 5 "

21 Insert "secs. 5 - 6"

# FISCAL NOTE

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

**BILL NO: SB 67**

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

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

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

**FUNDING: (Thousands of Dollars)**

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

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

**POSITIONS:**

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary.)

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

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

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1997 LEGISLATIVE SESSION

Revision Date: \_\_\_\_\_ Dept. Affected: Public Safety  
 Title: Truth in Sentencing DPS Statewide Support  
 Component: Commissioner's Office  
 Sponsor: Rules Committee  
 Requestor: S. Judiciary COMPONENT SERIAL NO. 0523

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

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

FUNDING: (Thousands of Dollars)

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

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

POSITIONS.

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

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

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

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# FISCAL NOTE

No. 2

STATE OF ALASKA  
1997 LEGISLATIVE SESSION

Bill Version: CSSB 67 (STA)

(S) Publish Date: 2-10-97

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

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

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

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

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

**FUND SOURCE** (Thousands of Dollars)

FUND SOURCE	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
1002 Federal Receipts						
1003 GF Match						
1004 GF	31.8	31.8	31.8	31.8	31.8	31.8
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
<b>TOTAL</b>	<b>31.8</b>	<b>31.8</b>	<b>31.8</b>	<b>31.8</b>	<b>31.8</b>	<b>31.8</b>

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

**POSITIONS**

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

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

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

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

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

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ANALYSIS CONTINUATION:

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

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

RECEIVED

FEB 04 1997

02/04/97 18:22 1907 270 8884

ADMIN ACCOUNT

# FISCAL NOTE

No. 1

Bill Version: CSSB67(STA)

(S) Publish Date: 2/6/97

STATE OF ALASKA  
1997 LEGISLATIVE SESSION

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

Expenditures/Revenues (Thousands of Dollars)

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

CAPITAL EXPENDITURES						
CHANGE IN REVENUES (						

Fund Source (Thousands of Dollars)

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

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

Positions

Full-Time						
Part-Time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

No fiscal impact.

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

PREPARED TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE



Official Business

# Alaska State Legislature

## Senate

**RICK  
HALFORD**

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

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

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

## *Sponsor Statement*

### SB67 - the "Truth in Sentencing Act of 1997"

When a felon is sentenced to a term of imprisonment the public often receives a false sense of security that the individual will actually be incarcerated for the stated sentence. In fact, with "good time", as well as mandatory parole, the actual sentence is virtually guaranteed to be less than what is handed down by the judge during sentencing.

If enacted, SB 67 would require that the victims of a crime and their family, as well as the public, be provided with an *accurate* statement of the period of incarceration which must be served. With all the imposed requirements for reductions of time served, it is virtually guaranteed a full sentence will not ever be served. It is my goal to, at the very least, provide victims, their families and the public with an *honest* and accurate assessment of the time which must actually be served by a person convicted of a crime.



Official Business

# Alaska State Legislature

## Senate

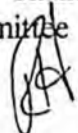
**RICK  
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Phone (907) 465-4958

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

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

TO: Senator Robin Taylor, Chairman  
Senate Judiciary Committee

FROM: Senator Rick Halford 

DATE: February 7, 1997

RE: Scheduling SB 67 - Truth in Sentencing

---

I request that you schedule SB 67 for a public hearing. There are a number of individuals and organizations interested in this legislation so I also request that you consider teleconferencing the hearing.

## Child Sex Abuser Released



Carlos "Chico" Rodriguez in 1981 outside the former Anchorage Superior Court building after his sentencing.

File/Channel 2 News



Maria Downey

Victims' advocates say they're appalled by the release Thursday of convicted child sex abuser Carlos "Chico" Rodriguez.

Back in 1981, Rodriguez was charged with 100 counts of sexual abuse that included child pornography. He was tried on 25 counts and sentenced to 133 years in prison.

Rodriguez's sentence was reduced three times by the state Appeals Court that ruled the sentences were excessive.

Now, after serving about 16 years, Rodriguez has been released. He was transported Thursday to Glenwood Community Resource Center, where he will stay until he finds his own place.

"People be aware because we are letting a sex offender out, someone who preys on children," Janice Lienhart of the Victims for Justice said. "He's in your midst and we better know where he is at all times."

Rodriguez refused to talk to Channel 2 News.

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MSNBC is optimized for



# SENATE COMMITTEE REPORT

## First Committee of Referral

DATE: 1/29/97

FURTHER: Judiciary

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

DATE TURNED IN TO OFFICE: 2-5-97

State Affairs Committee considered SENATE BILL NO. 67

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

and recommends:

be replaced with ~~CS 67~~ CS SB 67 ( STL )

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
Mik Miller	✓				
Walt Ward	✓				
<i>[Signature]</i>	✓				
CHAIR: Linda Brown	✓	CHAIR:			

**NEW FISCAL NOTE(S):**

Department                      Date      Zero      Fiscal

Court System	2/4/97	0	
FNs from OFG for SB & CS forthcoming			

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

Department                      Date      Zero      Fiscal


al note

\*include fiscal notes accompanying Governor's bill



OFFICIAL BUSINESS

Alaska State Legislature  
Senate  
Office of the Secretary

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

FOR YOUR IMMEDIATE ATTENTION

DATE: February 13, 1997  
TO: Judiciary Committee  
(Senator Taylor)  
FROM: Office of the Senate Secretary

The Senate President has added/changed the referral(s) on the following bill(s):

**SENATE BILL NO. 67**

**RETRIEVE**

Please give the bill file(s) to the page delivering this message. The bill file(s) will be returned to your Committee after the appropriate changes have been made.

Thank you.

# SENATE COMMITTEE REPORT

DATE: 2/6/97

FURTHER:

DATE TURNED  
IN TO OFFICE: \_\_\_\_\_

Judiciary Committee considered

SENATE BILL NO. 67

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

and recommends:

- be replaced with \_\_\_\_\_ CS \_\_\_\_\_
- adopt previous \_\_\_\_\_ CS \_\_\_\_\_
- 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# \_\_\_\_\_

FINANCE REFERRAL ADDED 2/13/97

<i>SIGNING DO PASS</i>	<i>DP</i>	<i>OTHER RECOMMENDATIONS</i>	<i>NR</i>	<i>DNP</i>	<i>AM</i>
<i>CHAIR:</i>		<i>CHAIR:</i>			

**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

**SB**

**70**

---

cc:Mail for: Laura Chase

---

Subject: Re[2]: cssb70 fiscal notes  
From: Sam Shepard at Gov\_Admin\_Svcs 4/8/97 8:52 AM  
To: Laura Chase at JNU\_CAPITOL  
To: Larry Stevens at LAA\_SSHA

---

yes  
sam -- please let s jud and s fin know previous zero note  
applies

\_\_\_\_\_ Reply Separator \_\_\_\_\_

Subject: RE: cssb70 fiscal notes  
Author: ELindstr@HEALTH.ALASKA (Lindstrom, Elmer A.) at CC2MHS1  
Date: 4/8/97 9:05 AM

Just spoke to our DFYS guys. Our previous zero fiscal note applies. The bill is already in Senate Finance and scheduled for a hearing.

Are we square?

elmo

-----  
From: 'Shari Kochman@Gov.Alaska'  
To: Lindstrom, Elmer A.; 'david koivuniemi@admin.alaska';  
'Bruce\_Richards@correct.state.ak.us'  
Cc: 'Sam Shepard@cchub.Alaska'  
Subject: cssb70 fiscal notes  
Date: Tuesday, April 08, 1997 7:36AM

still looking for these -- are they on their way?

also dave -- looking for cssb114 note

# ALASKA STATE LEGISLATURE



Sen. Robin Taylor, Chair  
Sen. Drue Pearce, Vice Chair  
Sen. Mike Miller  
Sen. Sean Parnell  
Sen. Johnny Ellis

State Capitol  
Juneau, AK 99801-1182  
(907) 465-3717  
Fax: (907) 465-3922

## Senate Judiciary Committee

### MEMORANDUM

TO: Senator Pearce, Vice Chairman  
FROM: Laura Chase, Committee Aide *Laura Chase*  
DATE: April 14, 1997  
RE: CSSB70(JUD)

---

Mary Gore requested floor information for CSSB70(JUD) on your behalf. The bill's sponsor, Senator Donley, provided Judiciary with a work draft CS that was adopted by the Committee without revision.

This CS differs from the original bill in the following ways:

- Changes the title to reflect narrower scope of revision
- Section 1: Incorporates an intent section to clarify that discharge of a firearm at a building is a felony whether the offender knew the building was occupied or not.
- Section 2: Establishes that a person commits a felony if he/she discharges a firearm in the direction of: an occupied building; an unoccupied building with reckless disregard for risk of physical injury or damage; or a dwelling.
- Section 3: Clarifies that the circumstances in Section 2 should be considered differently from circumstances under an existing law that makes it a misdemeanor to recklessly disregard risk of property damage or physical injury but does not involve buildings.

The original bill addressed many areas of criminal law that might be impacted. The committee substitute only deals with what it takes to make it a felony to discharge a firearm in the direction of a building.

# SENATE COMMITTEE REPORT

DATE: 2/21/97

FURTHER: Finance

DATE TURNED  
IN TO OFFICE: 4/1/97

Judiciary 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 ~~SB~~ CS SB 70 (JUD)

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 DQ PASS	DP	OTHER RECOMMENDATIONS	NR	DNP	AM
Mike Miller	✓				
Peace	✓				
CHAIR: <i>Adrian L. Taylor</i>	✓	CHAIR:			

**NEW FISCAL NOTE(S):**

Department	Date	Zero	Fiscal
AK COURT SYSTEM	2/20/97	N/A	N/A
HSS / DFYS	2/21/97	Ø	
DPS / AST	2/21/97	Ø	
LAW & CRIMINAL	2/13/97	Ø	
ADMIN / PUBLIC DEFENSE	2/14/97	*	
CORRECTIONS	2/18/97		✓

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

Department	Date	Zero	Fiscal

APPROPRIATION -- no fiscal note

\*include fiscal notes accompanying Governor's bill

0-LS0272VT  
Luckhaupt  
3/26/97

**CS FOR SENATE BILL NO. 70( )**

**IN THE LEGISLATURE OF THE STATE OF ALASKA**

**TWENTIETH LEGISLATURE - FIRST SESSION**

**BY**

**Offered:  
Referred:**

**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):

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

**BY**

**Offered:**  
**Referred:**

**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."**

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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*,  
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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

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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);



**SENATOR DAVE DONLEY**  
**ALASKA STATE LEGISLATURE**

**SPONSOR STATEMENT  
FOR PROPOSED JUDICIARY COMMITTEE SUBSTITUTE  
FOR SENATE BILL 70  
"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

January-May: STATE CAPITOL • JUNEAU, AK • 99801-1182 • (907) 465-3892 • FAX: (907) 465-6595  
June-December: 716 W. 4TH AVE. • STE. 430 • ANCHORAGE, AK • 99501 • (907) 258-8181 • FAX: (907) 258-1648

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

Produced in House

0-LS0272AR  
Luckhaupt  
3/20/97

**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:**  
**Referred:**

**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:**

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

1  
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15

AS 11.71.010 - 11.71.040; [OR]

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

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

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

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

(A) a building

(i) and the building is occupied; or

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

(B) a dwelling.



# SENATOR DAVE DONLEY

---

## ALASKA STATE LEGISLATURE

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

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

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.

SB 70 creates a new felony offense for the unlawful discharge of firearms at or in the direction of a building. The legislation also creates a stiffer penalty for those individuals charged with discharging a firearm in the direction of a building with reckless disregard for a risk that the building is occupied. Senate Bill 70 also adds the "unlawful discharge of a firearm in the first or second degree" to the list of possible automatic waiver crimes for certain juveniles. Minors, at least 16 years of age at the time of offenses, would be charged, prosecuted and sentenced in superior court in the same manner as an adult.

SB 70 adds the crime of an unlawful discharge of a firearm in the first degree to the statutory definition of "most serious felony". Under this provision the crime of an unlawful discharge of a firearm would be on the same level as first degree offenses of arson and promoting prostitution and is added to the list of crimes applicable in the newly adopted "Three Strikes and You Are Out" law.

SB 70 also denies individuals a concealed gun handgun permit if that person has been found guilty of an unlawful discharge of a firearm in the fourth degree within the last five years. Unlawful discharges of a firearm in the first, second and third degree already disqualifies individuals from obtaining a conceal carry weapons permit.

Finally SB 70 makes the statutes easier to understand by grouping all offenses dealing with the unlawful discharge of firearms into one separate section of law.

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

January-May: STATE CAPITOL • JUNEAU, AK • 99801-1182 • (907) 465-3892 • FAX: (907) 465-6595  
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---

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

Produced in House



# SENATOR DAVE DONLEY

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ALASKA STATE LEGISLATURE

## Sectional Analysis for Senate Bill 70 "Unlawful Discharge of Firearms"

**Section #1** - restructures AS 11.61.200 (e) by deleting the offense of misconduct involving weapons in the third degree and reclassifies it as the unlawful discharge of firearms in the third degree.

**Rationale:** this reclassification groups this offense with other offenses of unlawful discharge of firearms created in section #2 of the bill. This restructuring makes the statutes easier to understand.

**Section #2** - Creates four separate levels of offenses for the unlawful discharge of firearms. Additionally, this section creates a new felony offense for the unlawful discharge of firearms at or in the direction of a building and stiffens the penalty for discharging a firearm in the direction of a building with reckless disregard for a risk that the building is occupied.

**Rationale:** Last year in Alaska, there was a sharp increase in the number of random reckless discharges of firearms by individuals at buildings. Under current state law, the unlawful discharge of a firearm at a building is only a misdemeanor. This section establishes tough new penalties on those individuals who unlawfully discharge firearms.

**Section #3** - classifies and adds the offense of unlawful discharge of a firearm in the first degree to the list of "most serious felonies" in state statutes.

**Rationale:** this section would add the unlawful discharge of firearm in the first degree to the list of crimes applicable in the newly adopted "Three Strikes and Your Out" law. Under that law specific offenders who have two separate prior class A or unclassified felony convictions are sentenced to a definite term of 40-99 years on their third conviction.

**Section #4** - adds the offense of unlawful discharge in the fourth degree to the list of offenses, which if convicted, deny individuals a concealed carry weapons permit.

January-May: STATE CAPITOL • JUNEAU, AK • 99801-1182 • (907) 465-3892 • FAX: (907) 465-6595  
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---

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

Sectional Analysis  
Senate Bill 70  
Page 2

**Rationale:** in current state law, the first, second, and third degree offenses of a discharging of firearms already disqualifies individuals from obtaining a concealed weapons permit. This provision would disqualify individuals who discharge a firearm

- 1) at or in the direction of a building, other than a dwelling
- 2) from, on, or across a highway; or
- 3) with reckless disregard for a risk of physical injury to a person or damage to a property.

**Section #5** - adds the "unlawful discharge of a firearm in the first or second degree to the list of possible automatic waiver crimes for certain juveniles. Minors, at least 16 years of age at the time of offenses, would be charged, prosecuted and sentenced in superior court in the same manner as an adult.

**Rationale:** unlawful discharges of firearms in the first or second degree are serious offenses and this provision would hold minors, 16 years or older, accountable for those offenses in superior court.

**Section #6** - adds the offense of "unlawful discharge of a firearm in the first or second degree to the charges of an unclassified felony or class A felony and that are crimes against a person. If a minor petitions the court to be declared a delinquent when being charged for this offense the minor

- 1) is rebuttably presumed not to be amenable to treatment
- 2) has the burden of proof of showing that the minor is amenable to treatment.

**Rationale:** Minors under determination to be waived to adult court may petition the court be declared a delinquent for the commission of the offense. The serious nature of these crimes necessitates that a minor, not the state, provide the burden of proof if such a petition is filed.

**Section #7** - restructures current state statutes by grouping all offenses dealing with the unlawful discharge of firearms into one separate section of law.

# Bullets puncture house

Muldoon shooting perplexes family

By STEVE RINEHART  
Daily News reporter

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

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

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

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

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

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

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

## BULLETS: Five shots hit Muldoon home

Continued from Page B-1

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

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

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

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

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

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

She 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.



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

Please see Page B-2, BULLETS

'The Voice of Alaska's Capital City'



OCT 30



## 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.

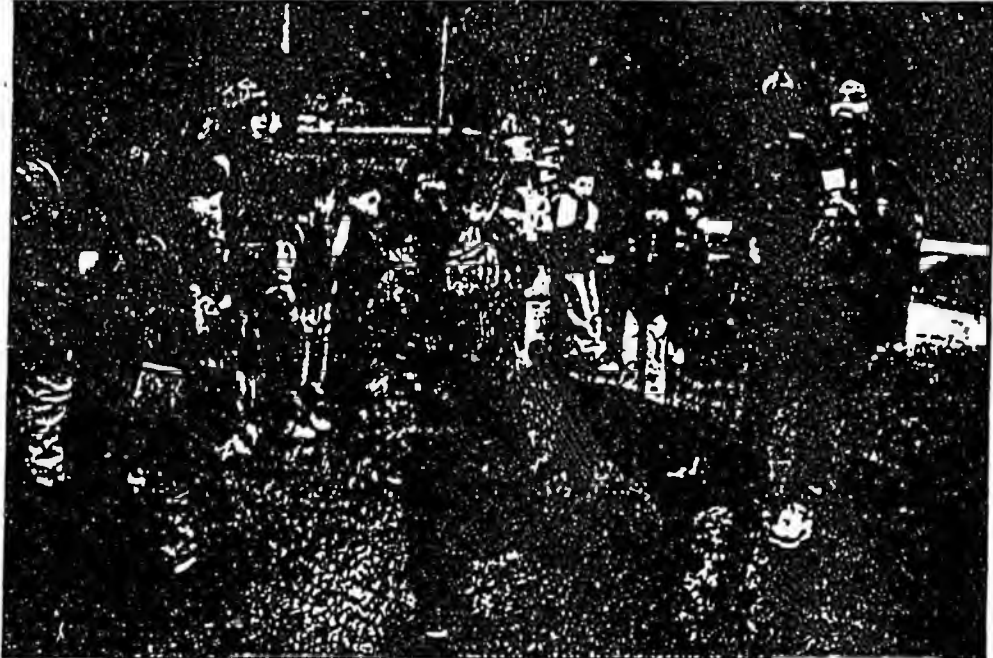
"We're early in the investigation," he said. "We have several leads at this point but we're still asking for the public's help."

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 gun  
Please see Drive-by, Page 8



**Icy spot:** Dolores 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 liven up the morning trip to the school bus stop.

But for parents such as Dolores 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 fell 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 \$2.4-billion budget is a moving target, since 80 percent of Alaska's revenue comes from oil. Officials have previously placed

Please see Oil, Page 8

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### Principal's

### Memorial

### Measure is really about oil

...of Juneau, had been closed to hunting since 1984. In the time since then, the state an... Forest Service created the Stan Price Su... 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

...and 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.

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### 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.

### Be

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

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

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

Her sister-in-law lives in the home hit by the bullets after they passed the other side of the park," she said. "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 pouch 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.



ENR / THE JUNEAU EMPIRE

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## 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.

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ABBATINI

high oil prices will about a \$100-million scal year. ng projects should revenues relatively several more years, said today. ling is still expected come after this year, tinuing a trend that ers seeking budget

is expected to re- \$2.5 billion in unre- al fund revenue for ar ending June 30, ogsdon, chief petro- ist for the state De- venue. He said oil o average \$21.63 a e year, well above forecast of about

ver, believe the bub- burst," he said dur- ation to the state e Committee today. of oil, which pro- Please see Oil, Page 6

We've got some real talent here."

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

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

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

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

awfully, 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

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Juneau Empire

Trans. 1/10/97 p. 1

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 mobile home park, according to police. Several residents of the park said the bullets and other problems, such as vandalism, harassment and drugs, stem from unsupervised teenagers, 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 on crack," caught.

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

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

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

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

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

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

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

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

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

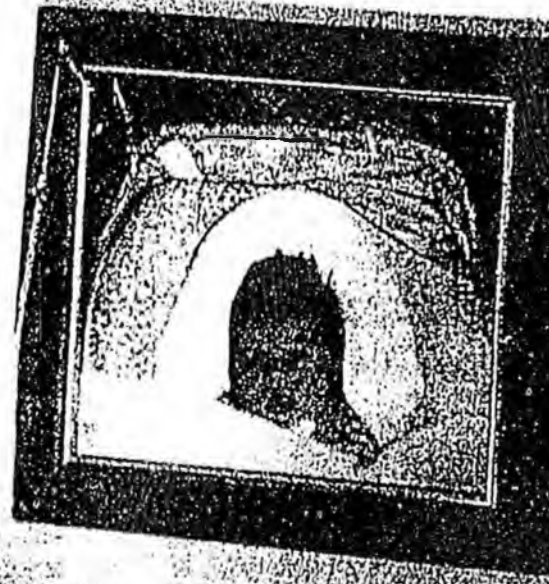
Police are working with the neighborhood watch group, and continue to investigate the shootings, which are the loudest, but not the only crimes being perpetrated at the mobile home park and the surrounding area.

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

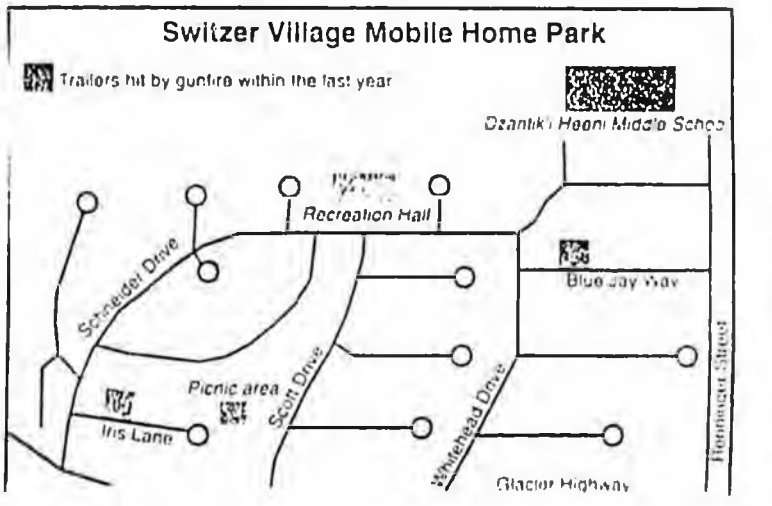
Where there's juvenile crime he said parents have to be a part of the solution.

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

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



**Hitting home:** Bullet holes circle baby pictures hanging in the living room of 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 eight 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.

E b 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."

**SB**

**101**

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**cc:Mail for: Laura Chase**

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**Subject:** Fiscal Note Request: SB 101  
**From:** Laura Chase 4/5/97 2:14 PM  
**To:** Shari\_Kochman@gov.state.ak.us at CC2MHS1  
**cc:** Sam\_Shepard@gov.state.ak.us at CC2MHS1

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The Senate Judiciary Committee will be hearing SB 101 "Regulations: Adoption & Judicial Review" on Wednesday, April 9, 1997.

BASIS indicates that AS 22.05.101(b), 22.15.030(a), 24.20, 44.62, 44.62.200(a), 44.62.200(b), 44.62.230, 44.62.250, 44.62.250, 44.62.260 and 44.62.300 will be modified by this bill. Please forward fiscal note(s) from any department(s) you believe will be modified by passage of this legislation, including the following:

Department of Law/Civil  
Department of Administration  
Office of the Lieutenant Governor

If the Department(s)/Division(s) indicate that there will be no impact, fiscally or in any other way, please sign and return this statement below. Otherwise, please forward zero or fiscal note(s) as soon as possible.

As always, I appreciate your effort and thank you for your assistance.

\*\*\*\*\*

This is to advise you that no fiscal note is necessary from \_\_\_\_\_  
\_\_\_\_\_ because the statutes cited in the bill do not relate  
to any departmental functions.

\_\_\_\_\_  
Shari Kochman, Deputy Legislative Director

\_\_\_\_\_  
Date

---

cc:Mail for: Laura Chase

---

Subject: Fiscal Note Request: SB 101

▶ Forwarded: Laura Chase 4/5/97 2:24 PM

To: Pam Varni at LAA\_JNU

---

The Senate Judiciary Committee will be hearing SB 101 "Regulations: Adoption & Judicial Review" on Wednesday, April 9, 1997.

BASIS indicates 24.20 will be modified by this bill. Please forward fiscal note(s) from any LAA department(s) you believe will be modified by passage of this legislation, including the following:

The Legislative Council

If the Department(s)/Division(s) indicate that there will be no impact, fiscally or in any other way, please sign and return this statement below. Otherwise, please forward zero or fiscal note(s) as soon as possible.

As always, I appreciate your effort and thank you for your assistance.

\*\*\*\*\*

This is to advise you that no fiscal note is necessary from \_\_\_\_\_  
\_\_\_\_\_ because the statutes cited in the bill do not relate  
to any departmental functions.

\_\_\_\_\_  
Pamela Varni, Executive Director

\_\_\_\_\_  
Date

# ALASKA STATE LEGISLATURE

**FAXED**  
4/5/97 2:40 PM



Sen. Robin Taylor, Chair  
Sen. Drue Pearce, Vice Chair  
Sen. Mike Miller  
Sen. Sean Parnell  
Sen. Johnny Ellis

State Capitol  
Juneau, AK 99801-1182  
(907) 465-3717  
Fax: (907) 465-3922

## Senate Judiciary Committee

### MEMORANDUM

**TO:** Chris Christensen, Staff Counsel, Alaska Court System  
**FROM:** Laura Chase, Senate Judiciary Committee Aide *Laura Chase*  
**DATE:** April 5, 1997  
**RE:** Request for Fiscal Notes: SB 101

---

The Senate Judiciary Committee will be hearing SB 101 "Regulations: Adoption & Judicial Review" on Wednesday, April 9, 1997.

BASIS indicates that AS 22.05.010(b) will be modified by passage of this legislation. Please forward a fiscal note or zero fiscal note for SB 101. If there will be no impact, fiscal or other, to the Court System, please sign and return this statement below.

As always, I appreciate your effort and thank you for your assistance.

\*\*\*\*\*

This is to advise you that no fiscal note is necessary from the Alaska Court System because the bill does not impact any departmental functions.

\_\_\_\_\_  
Chris Christensen, Staff Counsel

\_\_\_\_\_  
Date

# FISCAL NOTE

Revision Date: \_\_\_\_\_ Dept. Affected: Community & Regional Affairs  
 Title: An Act relating to the adoption, BRU: \_\_\_\_\_  
amendment, repeal, legislative review... Component: \_\_\_\_\_  
 Sponsor: SENATOR DONLEY  
 Requestor: Senate Judiciary Committee COMPONENT SERIAL NO. \_\_\_\_\_

Expenditures/Revenues: (Thousands of Dollars)

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

REVENUE FUND SOURCE:						
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FUNDING: (Thousands of Dollars)

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

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current (FY97) impact \$ none

ANALYSIS: (Attach a separate page if necessary)

This department's operational activities are not generally those of a "regulatory" agency. The occasional regulations promulgated by the department generally involve clarification of the day-to-day process of implementing statutorily created or amended programs. Consequently, the implementation of these regulations would involve minimal cost-benefit analysis, if any, and are not likely to lead to court actions. The department believes this legislation would not have significant fiscal impact on the department.

Prepared by: Remond Henderson, Director *Remond Henderson* Phone: 465-4709  
 Division: Division of Administrative Services Date: 4/10/97  
 Approved by Commissioner: *Remond Henderson for* Date: 4/10/97  
 Agency: Community & Regional Affairs

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# FISCAL NOTE

N- 1  
Bill Version: SB 101  
(S) Publish Date: \_\_\_\_\_

Revision Date: \_\_\_\_\_ Dept. Affected: Community & Regional Affairs  
Title: An Act relating to the adoption, BRU: \_\_\_\_\_  
amendment, repeal, legislative review... Component: \_\_\_\_\_  
Sponsor: SENATOR DONLEY  
Requestor: Senate Judiciary Committee COMPONENT SERIAL NO. \_\_\_\_\_

Expenditures/Revenues: (Thousands of Dollars)

	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
<b>OPERATING</b>						
PERSONAL SERVICES						
TRAVEL						
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LAND & STRUCTURES						
GRANTS, CLAIMS						
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<b>CAPITAL</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>

REVENUE FUND SOURCE:

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PART-TIME						
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Prepared by: Remond Henderson, Director *Remond Henderson* Phone: 465-4709  
Division: Division of Administrative Services Date: 4/10/97  
Approved by Commissioner: *Remond Henderson for* Date: 4/10/97  
Agency: Community & Regional Affairs

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# FISCAL NOTE

N- 1  
B... Version: SB 101  
(S) Publish Date: 4-23-97

Revision Date: \_\_\_\_\_ Dept. Affected: Community & Regional Affairs  
 Title: An Act relating to the adoption, BRU: \_\_\_\_\_  
amendment, repeal, legislative review... Component: \_\_\_\_\_  
 Sponsor: SENATOR DONLEY  
 Requestor: Senate Judiciary Committee COMPONENT SERIAL NO. \_\_\_\_\_

Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>
<b>CAPITAL</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>
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Prepared by: Remond Henderson, Director *Remond Henderson* Phone: 465-4709  
 Division: Division of Administrative Services Date: 4/10/97  
 Approved by Commissioner: *Remond Henderson for* Date: 4/10/97  
 Agency: Community & Regional Affairs

# ALASKA STATE LEGISLATURE



Sen. Robin Taylor, Chair  
Sen. Drue Pearce, Vice Chair  
Sen. Mike Miller  
Sen. Sean Parnell  
Sen. Johnny Ellis

State Capitol  
Juneau, AK 99801-1182  
(907) 465-3717  
Fax: (907) 465-3922

## Senate Judiciary Committee

*INFORMATION RELATED TO: SB 101*

Distributed to Senate Judiciary Committee Members  
at the Request of:

John Lindback, Chief of Staff  
Office of the Lieutenant Governor

465-4081

STATE OF ALASKA  
OFFICE OF THE GOVERNOR  
JUNEAU

April 9, 1997

The Honorable Jeannette James, Chair  
The Honorable Jerry Mackie, Vice-Chair  
Administrative Regulation Review Committee  
Alaska State Legislature  
State Capitol  
Juneau, AK 99801-1182

Dear Representative James and Senator Mackie:

On June 5, 1995, the Governor issued Administrative Order (AO) No.157 directing a number of actions be taken in the formulation, promulgation and implementation of regulations, (copy enclosed). This AO called for straightforward, "plain English" descriptions of proposed actions, comprehensive and flexible public notification designed to maximize public input, cost considerations to the public and affected parties, training of regulation writers and other reforms.

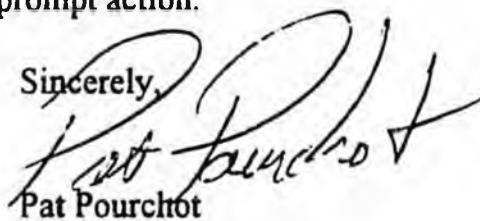
We recently received reports back from the various departments summarizing their actions over the past year and an half pursuant to the AO which I have enclosed for your interest and consideration. Several departments have reviewed and revised many of their current regulations in accordance with the AO; others, with a substantial body of regulation, have scheduled a rotation of their regulations so that all will be reviewed and revised over a short number of years. A number of innovations were part of this review and new rulemaking, including public notification methods (such as internet "home pages"), new staff training programs, centralized regulation information, streamlining application required processes, more readable language and many more.

I hope you will find these reports helpful to your efforts. Rest assured this Administration will continue to look for ways of making our regulatory process more efficient and more

The Honorable Jeannette James, Chair  
The Honorable Jerry Mackie, Vice-Chair  
April 9, 1997  
Page 2

responsive to the needs of Alaskans. In this regard the Governor has recently introduced HB221/SB155 which would also improve several aspects of state rule-making and on which we hope the legislature will take prompt action.

Sincerely,

A handwritten signature in black ink, appearing to read "Pat Pourchot", written over a large, stylized initial "P".

Pat Pourchot  
Legislative Director

**Enclosures**

cc: The Honorable Gail Phillips, Speaker of the House  
The Honorable Mike Miller, Senate President  
The Honorable Jim Duncan, Senate Minority Leader  
The Honorable Gene Kubina, House Minority Leader

# MEMORANDUM

STATE OF ALASKA  
DEPARTMENT OF ADMINISTRATION

To: Jim Ayers  
Chief of Staff  
Office of the Governor

Date: February 26, 1997

File No:

Phone: (907) 465-2277

From: Sharon Barton *Tom Chevron*  
*FW* Director  
Division of Administrative Services  
Department of Administration

Attached is our report requested in your December 23, 1996, memo concerning Administrative Order No. 157. Our apologies for being late.

SB/nc

cc: Mark Boyer  
Commissioner  
Department of Administration

**Department of Administration  
Regulation Review Schedule  
1997 Update**

The Department of Administration's regulations are found primarily in the Administrative Code Title 2. In developing a review schedule the following factors were taken into account: 1). the date of initial adoption or last major rewrite, and 2). anticipated legislation that would necessitate regulation rewrite. It is proposed that all regulations be placed upon a review cycle that would require review at least once every 5 years. Date for initial review is indicated with assumption that continued review would occur at least once every five years following initial review date.

**2AAC 05.100-120: State Internal Auditor**

Proposed action:

May wish to repeal regulations. OMB-Audit and Management should review.

Date: September, 1995

**1997 UPDATE:** *No comment.*

**2AAC 06.005-020: Adjustments to Judicial Salaries**

Proposed action:

Review for compliance with directive No. 10

Date: September 1995.

**UPDATE:** *No comment.*

**2AAC 07.005-999: Personnel Rules**

Proposed action:

The Personnel Rules regulations were most recently amended in September, 1994. Place on-going review cycle.

Date: Modify as necessary due to contract changes, etc. Schedule for complete review on five year review cycle to be complete by September 1999.

**UPDATE:** *A comprehensive revision package was completed in March 1996 and subsequent specific revision was filed to cover the personnel systems reengineering pilot project.*

**2AAC 08.010-999: Leave Rules**

Proposed action:

Two prospective legislative changes would necessitate amendment to regulation, i.e. worker's compensation payments and leave usage (08.050) and terminal leave payments (08.110).

Date: Review June 1996.

**1997 UPDATE:** *Revisions were filed resulting from 1996 legislative changes to leave statutes.*

**2AAC 12.010-990: Procurement**

**2AAC 15.115: Purchasing**

**2AAC 20.010-020: Sale of Surplus Property**

Proposed action:

Title 2, Chapter 12,15, and 20 will be reviewed as a part of the Department's initiative to streamline state procurement, commencing in September, 1995. This initiative is also anticipated to result in necessary statutory change.

Date: Review commencing in September, 1995. Recommendations for change developed by December 15, 1995. Complete necessary modification August 1996.

**1997 UPDATE:** *The Procurement Advisory Council has completed a comprehensive review of the state's procurement regulations and a final revision package is in the Department of Law for review.*

**2AAC 21.100: Division of Information Services**

Proposed action:

Regulations relate specifically to the bid and allocation process of the Kenai microwave television distribution system. Contracts just negotiated with broadcasters are for two years.

Date: Review in December 1996.

***1997 UPDATE: Issue still under review.***

**2AAC 25.010-080: Claims**

Proposed action:

Review regulations for necessary update and compliance with directive No. 10.

Date: September 1995.

***1997 UPDATE: Changes are proposed in procurement streamlining package now in Department of Law for review.***

**2AAC 35.010-900: Public Employees Retirement System**

Proposed action:

Pending legislation amending the PERS system to incorporate a Tier III and implementing a retirement incentive program would necessitate modification of regulations. Review following legislative session.

Date: Review June 1996.

***1997 UPDATE: 1996 legislation did not require regulation changes. The PERS appeal regulations are currently under review by the PERS Board.***

**2AAC 36.010-890: Teachers Retirement System**

Proposed action:

Pending legislation amending the TRS system to incorporate a Tier III and implementing a retirement incentive program would necessitate modification of regulations. Review following legislative session.

Date: Review June 1996.

***1997 UPDATE: No changes were necessary.***

**2AAC 37.010-090: Judicial Retirement System**  
**2AAC 37.100-120: Elected Public Officers Retirement System**  
**2AAC 37.200-255: Deferred Compensation Plan**  
**2AAC 37.260-270: National Guard/Naval Militia Retirement System**

Proposed action:  
Review for purposes of directive No. 10

Date: September 1995.

*1997 UPDATE: No changes were necessary.*

**2AAC 37.125-190: Supplemental Benefits System**

Proposed action:  
Review for possible amendment to conform to plan changes.

Date: February 1996

*1997 UPDATE: Currently under review.*

**2AAC 39.010-905: Group Health and Life Insurance**

Proposed action:  
Review for purposes of directive No. 10

Date: September 1995

*1997 UPDATE: No changes to date.*

**2AAC 40.010-300: Longevity Bonus Program**

Proposed action:  
No review is proposed at this time pending outcome of class action lawsuit against the Alaska Longevity Bonus Program phase-out.

Date: Review following resolution of lawsuit. Estimated review 2/98.

*1997 UPDATE: No change necessary.*

**2AAC 41.010-100: Pioneers' Homes**

Proposed action:

Amend, as necessary, rate schedule contained in 41.015 in fall of 1995. Review of entire regulations will be undertaken in spring of 1996 after recommendations have been developed through the long-term care study currently being undertaken.

Date: June 1996

*1997 UPDATE: Regulation changes were made to effect the 1996 rate change. Regulations for financial review will be completed within 60 days and submitted to the Department of Law for review. Adoption is anticipated prior to June 30, 1997.*

**2AAC 42.010: Assisted Living Homes**

Proposed action:

Regulations were adopted effective 7/1/95.

Date: No review necessary at this time. Place on five year review cycle for review in 1999

**2AAC 45-010: Grant Administration**

Proposed action:

Regulations should be reviewed by OMB, Audit and Management Services

Date: N/A

**2AAC 47.010-170: Municipal Capital Project Matching Grant Program**

Proposed action:

Existing regulations were issued on an emergency basis. Final regulations are currently pending final review in the Dept. of Law.

Date: No review necessary at this time. Place on five year review cycle for review in January, 2000.

*1997 UPDATE: Regulations still pending final review in the Department of Law.*

**2AAC 50.010-200: Conflict of Interest**  
**2AAC 50.505-545: Regulation of Lobbying**  
**2AAC 50.705-890: Legislative Financial Disclosure**  
**2AAC 50.450-470: Complaints and Investigations**  
**2AAC 50.905-920: General Provisions**

Proposed action:

The Alaska Public Offices Commission has just completed a three year regulation review project resulting in the modification of the above regulations. Place on five year review cycle.

Date: January, 2000

**2AAC 50.310-470: Campaign Disclosure**

Proposed action:

An initiative drive is underway that, if successful, would necessitate a major rewrite of these regulations. In addition, legislation under consideration could also require regulation modification.

Date: Review December, 1996

*1997 UPDATE: Regulations are now under review and changes will be drafted resulting from the 1996 Campaign Reform legislation.*

**2AAC 55.010-080: Public Broadcasting Commission**

Proposed action:

Commission regulations have not undergone any major review since 1983. The Alaska Public Broadcasting Commission is being requested to undertake a complete regulation review project.

Date: Review to begin in fall, 1995. Anticipated completion, summer of 1996.

*1997 UPDATE: Review delayed due to staffing reductions. No new timelines have been established.*

**2AAC 60.010-060: OPA-Compensation for court appointed attorneys and guardians ad litem**

**Proposed action:**

No action or review is proposed at this time. Significant pressure would be placed upon the administration to increase the prices set through regulation were this to be opened up for review.

Date: Review on five year cycle, beginning in 2000.

**2AAC 60.070-120: OPA fees for guardian and conservator services.**

**Proposed action:**

Regulations were adopted in spring of 1995. Place on five year review schedule.

Date: Review on five year cycle, year 2000.

**Other regulations impacting the Department of Administration-**

**7AAC 79.010-900: Older Alaskans Pilot Project Grants**

**Proposed action:** Repeal major portion of regulation. Rewrite remaining regulations to comply with 1994 re-write of the Alaska Commission on Aging statute. The Alaska Commission on Aging is presently undergoing a sunset review by Legislative Audit.

Date: Review after completion of sunset audit. April, 1996.

***1997 UPDATE: Regulations currently under review.***

**20AAC 25.005-570: Alaska Oil and Gas Conservation Commission**

**Proposed action:**

The AOGCC is currently undertaking a regulation review project to primarily update regulations to address changing technology and new requirements for oil field operations.

Date: Ongoing, with completion scheduled for summer, 1996.


***1997 UPDATE: Regulation changes have been through the public review process and***

*final changes have been approved by the Commission. The package is about to be submitted to the Department of Law for review.*

# MEMORANDUM

STATE OF ALASKA  
DEPARTMENT OF REVENUE  
OFFICE OF THE COMMISSIONER

TO: Pat Pourchot  
Legislative Director  
Governor's Office

FROM: Deborah Vogt   
Deputy Commissioner

DATE: February 14, 1997

FILE:

TELEPHONE: (907) 465-2302

SUBJECT: Department of Revenue  
Compliance  
Administrative Order #157

Chief of Staff Ayers asked that we report to you directly on this department's progress in compliance with Administrative Order #157.

Probably the most useful thing that this department is doing -- in part in response to the order -- is to involve affected groups and members of the public in the **drafting** of new regulations, rather than to develop them in-house and put them out for comment. Of course, we still engage in the formal comment period, but we find that the direct contact with folks as a project develops leads to better regulations. In some cases, like gaming and oil and gas taxes, it is possible to deal directly with the entire population of affected parties. In other cases, like CSED and PFD, we can deal with a sampling of affected parties who may generally represent the perspective of the population at large. This technique not only helps the public understand why we do what we do, but helps our divisions understand the concerns of the public before they have committed to a particular approach in draft regulations.

Governor Knowles showed his recognition of the value of this approach when he appointed the Charitable Gaming Task Force. That group's charter included a review of the agency regulations. At that time, gaming regulations were enjoined, and the relationship between the agency and the industry was far from amicable.

We now have a set of gaming regulations on the books that are generally accepted by the people in the industry, be they operators or charities. The Task Force process created a dialogue that led all parties to respect and understand each others' position, and created consensus where history foretold that none could be had. Unfortunately, the Task Force did not have the power to change statutes, or improvements would have been made there, as well.

Department-wide, the department has established a central contact point for regulations projects, and is in the process of adopting a policy and procedure incorporating the heart of Administrative Order #157.

In addition, the divisions report their progress as follows:

### Oil and Gas Audit

The division is in the process of its "Reg II" project with the oil industry. Here, the emphasis is on regulations that all parties can agree upon the meaning of. Since all taxpayers are at the table, the regulations will be clear to all -- even if the highly technical tax language might prove mysterious to the person on the street. Here, precision is more important than "plain language." But what is most important is communication with the affected population.

### Income and Excise Audit

This division has begun a regulations project with oil and gas corporate income tax payers. The project is similar to the one described above, and, indeed, the same players are involved. This division also expects shortly to amend the fisheries business tax to use terms in the same way as DEC, so that Marketing Alaska objectives can be accomplished.

### Charitable Gaming

See discussion above.

### Permanent Fund Dividend Division

This division has adopted two small sets of regulations addressing issues that applicants had brought to our attention that were either because regulations could not be understood or because the regulations were inequitable. The division also empaneled a group comprised of agency members, legislative staff, ombudsman's office staff and interested public to begin the process of a thorough review of the PFD regulations for both readability and equity.

### Child Support Enforcement Agency

The CSED will empanel a regulation review committee after the end of this legislative session. That agency has not adopted regulations recently. It believes that -- more than just "plain" English, its regulations should read at a 6th-8th grade level. It also has been working toward adopting many of its policies and procedures as regulations.

### Alaska State Pension Investment Board

ASPIB amended its regulations to provide for procurement procedures. Although ASPIB is not subject to the Administrative Procedures Act, it, in coordination with the Attorney General's office, did comply with the spirit and letter of Administrative Order #157.

In sum, the department is pleased to comply with the Order, and extremely supportive of its content. Please let me know if there is any other information that we can provide.

# MEMORANDUM

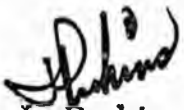
# State of Alaska

Department of Transportation & Public Facilities  
Office of the Commissioner

TO: Patrick Pourchot  
Legislative Director  
Governor's Legislative Office

DATE: February 15, 1997

TELEPHONE NO: 465-3901  
TEXT TELEPHONE: 465-3652  
FAX NUMBER: 586-8365

  
FROM: Joseph L. Perkins, P.E.  
Commissioner

SUBJECT: Administrative Order  
No. 157

Regulations adopted by the Department of Transportation and Public Facilities (DOT&PF) are contained in Title 17 - Transportation and Public Facilities of the Alaska Administrative Code. The regulations adopted by the DOT&PF under Title 17 represent a small portion, roughly two percent, of the total volume of the code. Due to the Department's construction procurement authorities under AS.36.30 - State Procurement Code, we also maintain an involvement in the adoption of regulations under 2 AAC 12 - Procurement. The following summarizes the regulatory reviews undertaken by the DOT&PF since Administrative Order No. 157 was issued.

## Aviation Regulations - 17 AAC 40

Aviation regulations have remained largely unchanged since 1973, with only a few minor amendments. In June of 1994, the DOT&PF gave public notice that it proposed to adopt new regulations under Title 17 of the Alaska Administrative Code (17 AAC 40) dealing with rural airports. The new regulations would cover all aspects of airport operations including aircraft operations, fuel handling, aircraft tie-down rental, vehicle permits, environmental pollution, airport closure and airport property leasing. New regulations for the Anchorage and Fairbanks International Airports would follow later. Notices were published in newspapers, posted at all airport locations, and mailed to all air carriers and airport tenants of record, and to all legislators. Public hearing were held in nine locations across the state. Extensive changes were proposed in the regulations text in response to the testimony and comments received.

In July of 1995, the DOT&PF determined that after considering, AO 157, the public comments and extent of the proposed changes that it would be best to submit the revised regulations to another public review. In response to airport user requests, the DOT&PF allowed the public comment period to extend for three months, 54 letters were received. Revised regulations were again proposed which incorporated the public comments. However, this revision was held in abeyance during the 1996 legislative session pending the final disposition of HB 543. Governor Knowles signed HB 543 into law on June 25, 1996, the effective date being September 23, 1996.

On June 26, 1996, the DOT&PF began working with the Department of Law to draft the regulations needed to implement HB 543. The DOT&PF also determined that updating the very obsolete regulations would require such extensive revisions that it would be more effective to proceed with a total update of the airport regulations. The plan called for separate, but parallel regulations for the rural and international airport systems to be adopted simultaneously. On November 7, 1996, public notices were issued proposing separate comprehensive regulations for the Anchorage International Airport (ANC) and the Fairbanks International Airport (FIA) (17 AAC 40), and the rural airports (17 AAC 45).

Again, in response to airport user requests, the DOT&PF extended the public comment period, this time to January 24, 1997. During this time the department received a total of 36 letters and faxes offering comments on the proposed rural airport regulations and 240 comments regarding the proposed international airport regulations. Of the 240, approximately 200 were single page form letters that focused primarily on the Lake Hood/Lake Spenard float plane tie-down permit issues at ANC. In addition to written comments, the DOT&PF received verbal testimony on the regulation proposals at seven public hearings.

A technical committee within DOT&PF has reviewed the public comments and is preparing revision recommendations for consideration by a policy committee. In late February 1997, "semi-final drafts" of the regulation proposals will be made available for public review and comment. There may also be hearings by the House/Senate Administrative Regulation Review Committees. The final regulations will be delivered to the Department of Law for a final legal review by summer with a filing of the new regulations by the Lt. Governor anticipated for the fall of 1997.

#### Procurement Regulations - 2 AAC 12

Four representatives of the DOT&PF participated in a Procurement Advisory Council subcommittee tasked with rewriting elements of the regulations for procurement. This cooperative effort with the Department of Administration used the AO 157 as a guide in developing the regulation changes. Changes to the regulations were required to conform to the recent changes in AS.36.30 - State Procurement Code. The limit on small procurement was raised from \$25,000 to \$50,000 for supplies, services, or professional services and to \$100,000 for construction. The procedures for small procurements are simpler, quicker and more cost effective for both the State and private industry. These statute and regulatory changes extend the benefits of small procurements to a broader range of State contracts. At this time, the proposed regulation changes are through the public notice stage and at the Department of Law for review.

The DOT&PF has also developed an Internet site to post all Request For Proposals on Professional Services Agreements. The development of the Internet site is completed and the site will be implemented following the adoption of the regulation changes. The results of this innovative work could be extended to other contract advertisements in the future.

### Klondike Industrial Use Highway - 17 AAC 35.200

The DOT&PF is in the final stages of updating the regulations regarding the Klondike Industrial Use Highway. The primary issue being the use fees charged for Industrial Use Highway Permits. The permit fees are calculated to offset the costs to the State to keep the roadway surface and other structures, including bridges, in a condition to accommodate long or heavy loads and to offset administrative costs in issuing permits. The proposed revision was sent to the Department of Law for review. On February 11, 1997 the Department of Law returned the final draft to the DOT&PF for additional public comment as requested.

### Highway Signs

A ten member task force established by DOT&PF recently completed a review of the department's policies on highway signs. The task force consisted of representatives of the tourism industry, various visitor associations, the Federal Highway Administration and the DOT&PF. They recommended that DOT&PF develop comprehensive sign regulations to cover existing and proposed tourist and business related sign programs. Those programs include: Tourist Oriented Directional Signing (TODS), Recreational and Cultural Interest Area Signs, Specific Service Signs (Logo), General Service Signs, and Informational Plazas (Kiosks). The task force also recommended that the department seek funding for a sign review, replacement and removal program for the National Highway System and those highways designated as State Scenic Highways.

Following the report and recommendations, the DOT&PF has established a small working group of professionals within DOT&PF and the Department of Law to create draft comprehensive highway sign regulations. The department's existing policies are being converted to regulation format and new regulations are being drafted for areas where there is no existing policy. The first rough draft of these new regulations should be completed by late February. Following an in-house review of the regulations, public notices will be issued and comments solicited in accordance with the Drafting Manual for Administrative Regulations and AO 157.

### Oversized/Overweight Trucking Regulations - 17 AAC 25

The previous Administration and the Trucking Industry had spent about two and one half years and drafted some 17 proposed regulations to resolve important trucking issues without success.

In April 1995, a technical committee headed by DOT&PF and composed of the Trucking Industry, DOT&PF, DCED and DPS began a review of the regulations. In August 1995, (within five months) new regulations were adopted and in place regarding the operation of oversized/overweight vehicles on our State highway system.

# MEMORANDUM

# STATE OF ALASKA

TO: Pat Pourchot, Director  
Governor's Legislative Office

DATE: February 20, 1997

THRU: Ronald Otte  
Commissioner  
Department of Public Safety

TELEPHONE NO: 465-4322

SUBJECT: Administrative  
Order No. 157

FROM: Sandy Perry-Provost  
Special Assistant to  
the Commissioner  
Department of Public Safety

This is in response to your memorandum of December 23, 1996 requesting a brief summary of the Department of Public Safety's review of regulatory procedures pursuant to Administrative Order 157.

In September of 1995 a "Regulations Review Plan" was developed per Directive No. 10 of the Executive Order. Beginning September 1995 meetings were held with each of the divisions within the department to identify those regulations that applied to the specific division.

The following actions have been taken:

**Administrative Services** - Regulations were adopted for AS 12.62 which constitutes a wholesale replacement of regulations affecting Administrative Services. These were jointly authored by the Department of Public Safety and the Department of Law. They were subsequently reviewed by Deborah Behr for compliance with AO 157.

**Fish & Wildlife Protection** - This division does not independently promulgate regulations; rather it enforces regulations declared and implemented by the Department of Fish & Game and other divisions within the Department of Public Safety.

The division did, however, participate in the regulation-adoption process by assisting the Department of Commerce & Economic Development in the promulgation of regulations relating to the "Guide Bill".

Pursuant to Administrative Order, F&WP assisted in:

- Regulation language drafts in accordance with the AO 157;
- Maintained a designated expert available for comment to the Department of Commerce and constituent organizations affected by the regulations;

- Continue to regularly attend the Boards of Fish and Game meetings to offer information helpful to the development or amendment of current regulations;
- Additionally, the division has actively solicited input for its commercial fishing policies and programs through written questionnaires and attendance of regional industry meetings. Often during these meetings F&WP is able to clarify regulation language and avert unintentional noncompliance.

**CRIME LAB** - Review of the "Forensic Alcohol Testing Regulations (13 AAC 63.010 - 900) to put them into "plain English" per Administrative Order 157 has been done. These regulations are in the final review process with the Department of Law.

**VIOLENT CRIMES COMPENSATION BOARD** - The VCCB has not changed their regulations in many years and does not believe there is any need to do so in the immediate future. Their regulations are in plain English and easy for the public to understand.

**ALASKA STATE TROOPERS** - Initial review of regulations was to verify the validity of the statutes cited as authority for the regulations. 13 AAC 60, Licensing of Security Guards and Security Guard Agencies were incorrect due to the renumbering of statutes in the criminal code revision.

Subsequently, the division's review dealt with cost to the public, burden placed on the public, plain English and ADA requirements. This review was completed in November of 1996. All of the division's regulations comply with the standards of AO 157 with the exception of some traffic regulations that were exempted from the "plain English" provision by the Department of Law.

The Security Guards and Security Guard Agencies regulations will be addressed following the 1997 legislation session.

**FIRE PREVENTION** - The division is responsible for 13 AAC 50 - 55. 13 AAC 50 deals specifically with the Uniform Building Code, Uniform Mechanical Code and the Uniform Fire Code. These codes, in most situations, are performance standards. These codes, as written, allow the most cost effective methods to be used while preserving a minimum acceptable level of fire and life safety. They are written in plain English to the greatest extent possible. They are technical in nature.

13 AAC 51 Fireworks - This chapter has been proposed for repeal. The provisions currently contained therein will be incorporated into Article 78 of the Uniform Fire Code. The purpose is to make the codes more user friendly by consolidating all fireworks regulations into a single cohesive location.

**DIVISION OF MOTOR VEHICLES** - The division's initial review of 13 AAC was to verify the validity of the statutes cited as authority for the regulations. All of the Chapters of Title 13 need revision to be consistent with Administrative Order 157. Some sections are obsolete, are not consistent with current licensing practices or do not conform with ADA. Several need to be revised to be gender neutral.

The DMV recently submitted a regulations packet to the Department of Law for final review. Changes were made to make it easier to impose a 24 hour parking restriction in a city; address the issue of handlebar height on motorcycles; add new section to allow local municipalities, i.e., police chiefs, fire chiefs and emergency medical services provider chiefs to authorize emergency vehicles and private vehicles with flashing blue lights within their jurisdiction; alteration of speed limits by state and municipalities and amend when headlights and taillights are required. A new subsection to extend drivers license renewal for active duty military personnel has also been added.

**Council on Domestic Violence & Sexual Assault** - The Council last revised 13 AAC 090 and 13 AAC 095 in July of 1995. There are no references to obsolete statutes or regulations.

Throughout this review process it was evident that the regulatory process is cumbersome, involves a great deal of time and is costly. The department has a substantial file on Administrative Order 157 should you require more detailed information.

**MEMORANDUM****State of Alaska  
Department of Law**

to: Pat Pourchot  
Legislative Director  
Office of the Governor

DATE: January 27, 1997

FILE NO.:

TELEPHONE NO.: 465-3600

*Bmf*  
FROM: Bruce M. Botefno  
Attorney General

SUBJECT: Report on Department  
of Law's Accomplishments  
to Implement Administrative  
Order No. 157 on Regulatory  
Reform

The Department of Law has prepared this report on our progress to implement Administrative Order No. 157 as requested in the chief of staff's memorandum of December 23, 1996.

As you know, Administrative Order No. 157 directs departments to take a number of actions concerning the formulation, adoption, and implementation of regulations. We are pleased to report that the Department of Law has taken a number of steps under that Order.

First, I convened a working group of Administration officials to look at ways to streamline the regulations process to make the process more "user friendly" to the public. Representatives of the Office of the Lieutenant Governor and of the departments of Environmental Conservation, Fish and Game, Health and Social Services, Public Safety, Natural Resources, and Law participated. The group has produced a draft bill for the governor's consideration to make public notices for regulations easier to read and more accessible to the public. The bill recognizes new technological improvements in communications, such as the Internet, to provide notices and to receive requests for draft regulations. The bill also allows departments to more readily use certain information that is uniformly accepted (i.e. consumer price index updates) or has previously been adopted in a public process.

Second, implicit in the directives of Administrative Order 157, is the notion that agencies should work to improve the process of creating and amending regulations so that changes are made in a cost effective and timely manner. In the course of its participation in the regulation working group, the Department of Law took a hard look at its own internal procedures for approval of proposed regulations and is evaluating whether those procedures could be improved by making the intensity of legal review dependent on the nature and complexity of the regulatory change being proposed.

Third, the Department of Law has conducted training classes in Anchorage and Juneau regarding agency responsibilities under the Order. The department has also provided training to the regulations contacts in each department, the staff of the Office of the Lieutenant Governor, and to the assistant attorneys general regarding the Order. Additionally, the Department of Law revised the Drafting Manual for Administrative Regulations to reflect the directives of Administrative Order No. 157.

Fourth, the Department of Law has established a listing of state agency contacts regarding regulations, as required by the Order. Attached please find a copy of that listing. The persons listed have been appointed by their departments to be the central source to answer questions from the public and to refer callers to department personnel assigned to the particular regulations project. See Attachment 1.

Fifth, the Department of Law has prepared and submitted to the chief of staff its plans to review regulations adopted by the Department of Law. See Attachment 2. We have already completed the review of 9 AAC 05 (retail advertising) and 9 AAC 10 (civil liability for shoplifting) and concluded that no changes were required to comply with the Order. We have begun our review of 9 AAC 12 (charitable solicitation) and 9 AAC 14 (telephonic sellers). Both of these regulation chapters are new, being adopted in 1994. We believe that some refinement is appropriate in both chapters to address questions raised during the first years of implementation. In order to reduce costs, we intend to combine the regulations projects with any other regulatory change that may be necessary as a result of legislation enacted this session. We are hopeful that the legislature will pass our consumer protection bill and that will likely necessitate some changes in regulations in the telephonic sellers area. We believe that we are well on our way to implementing changes under our plan.

We welcome the opportunity to provide this report. If you need more information, please let me know.

DEB:lm

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cc: Jim Ayers  
Chief of Staff

**Alaska Department of Law  
1996 Agency Contacts  
as of January 21, 1997**

<b>Department/Agency</b>	<b>Contact on file with Lt. Governor's Office</b>	<b>Contact for Purposes of Administrative Order No. 157</b>
Administration M/S 0200	Sharon Barton 2277	Sharon Barton, Director Administrative Services Fax: 2135
Commerce & Econ. Dev. M/S 0800	Jeff Bush 2500	Jeff Bush Deputy Commissioner Fax: 5442
Community & Reg. Affairs M/S 2100	Lamar Cotten CaroleAnn Webster 2700	Lamar Cotten Deputy Commissioner Fax: 2948
Corrections M/S 2000	Jerry Shriner 4640	Jerry Shriner Special Assistant Fax: 2390
Education M/S 0500	Richard Cross 8678	Richard Cross Deputy Commissioner Fax: 4156
Environmental Conservation M/S 1800	Billie Wilson 5061	Billie Wilson Legal Assistant Fax: 5070
Fish and Game M/S 1100	David Benton 6136	Robert Bosworth Deputy Commissioner Fax: 2332
Health & Social Services M/S 0600	Elmer Lindstrom 3030	Elmer Lindstrom Special Assistant Fax: 3068
Labor M/S 0700	Dwight Perkins 2700	Dwight Perkins Special Assistant Fax: 2784
Law M/S 0300	Deborah Behr 2122	Deborah Behr Assistant Attorney General Fax: 2520

**Alaska Department of Law  
1996 Agency Contacts  
as of January 21, 1997**

<b>Military &amp; Vet. Affairs M/S 0900</b>	<b>Anita Porter Carol Carroll 6010</b>	<b>Anita Porter Special Assistant Fax: 907-428-6019</b>
<b>Natural Resources M/S 1000</b>	<b>Patty Bielawski 762-2483</b>	<b>Patty Bielawski Special Assistant Fax: 907-562-4871</b>
<b>Public Safety M/S 1200</b>	<b>Del Smith 4322</b>	<b>Sandy Perry-Provost Special Assistant Fax: 4362</b>
<b>Revenue M/S 0400</b>	<b>Ila Hammond 2303</b>	<b>Ila Hammond Paralegal Assistant Fax: 2389</b>
<b>Transportation &amp; Pub. Fac. M/S 2500</b>	<b>Boyd Brownfield 6973</b>	<b>Clyde Stoltzfus Special Assistant Fax: 586-8365</b>
<b>Post-secondary Education &amp; Alaska Student Loan Corp. M/S 0505</b>	<b>Carleen Mitchell 6740</b>	<b>Carleen Mitchell Customer Service Specialist Fax: 5316</b>
<b>Governmental Coordination M/S 0101</b>		<b>Kerry Howard Fax: 3562</b>
<b>Elections M/S 0105</b>	<b>Virginia Breeze 3051</b>	<b>Virginia Breeze Special Projects Fax: 3203</b>
<b>Commercial Fisheries Entry Commission M/S 1100</b>	<b>Susan Haymes 789-6160</b>	<b>Susan Haymes Law Specialist Fax: 789-6170</b>

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# MEMORANDUM

State of Alaska  
Department of Law

TO: Jim Ayers  
Chief of Staff  
Office of the Governor

DATE: August 25, 1995

FILE NO.:

TELEPHONE NO.: 465-3600

*Deborah E. Behr*  
FROM: Deborah E. Behr  
Assistant Attorney General  
Legislation & Regulations Section

SUBJECT: Administrative Order  
No. 157 - Department  
of Law's Plan to  
Review its  
regulations

Attorney General Botelho requested that I respond directly to Acting Chief of Staff David Ramseur's memorandum of July 27, 1995 to the cabinet asking for the Department of Law's plan to review its own regulations in response to Administrative Order No. 157.

The Department of Law's regulations are contained in Title 9. The chapters contained in Title 9 by most recent effective date are:

CHAPTER	TOPIC	EFFECTIVE DATE
05	Retail Advertising	07/26/80
10	Civil Liability for Shoplifting	12/30/82
12	Charitable Solicitation	03/19/94
14	Telephonic Sellers	03/19/94
52	Executive Branch Code of Ethics	04/24/94

Since most of our regulations are less than two years old, we propose to review the older regulations first. Next, we proposed to review the Executive Branch Code of Ethics due to its significant impact on the state. Finally, we propose to review the consumer protection regulations concerning charitable solicitation and telephonic sellers.

We believe that the following plan will work well with our existing staffing levels in the Department of Law.

FY96 We will review Retail Advertising and Civil Liability for Shoplifting regulations. Staff intends to do a preliminary review and report to the Attorney General by mid to late October, 1995. If regulation changes are

ATTACHMENT 2

Jim Ayers  
Chief of Staff  
Office of the Governor

August 25, 1995  
Page 2

needed, we intend to publicly notice any proposed changes by December 1995. After evaluating public comments, we anticipate adoption of any necessary regulation changes by March 1996.

FY97 We plan to review the Executive Branch Code of Ethics regulations. Due to the complexity of these regulations, we need to confer with many state officials and employee groups to make sure that concerns are addressed and solutions proposed are workable. We expect that it will take many months to complete the process.

FY98 We propose to review the Consumer Protection regulations of charitable solicitation and telephonic sellers. We plan to solicit comments from the public and organizations located in and outside of Alaska during our review process.

If you need more information on our plans to review these regulations or wish a different direction be taken, please contact us. We look forward to working with the other departments to improve and update Alaska's regulations.

DEB/bap

cc: Bruce M. Botelho  
Attorney General

Barbara Ritchie  
Deputy Attorney General  
Civil Division

Laurie Otto  
Deputy Attorney General  
Criminal Division

Nancy Gordon  
Assistant Attorney General

Becky Snow  
Assistant Attorney General

Daveed Schwartz  
Assistant Attorney General

Neil Slotnick  
Assistant Attorney General

Vince Usera  
Assistant Attorney General

# MEMORANDUM


# STATE OF ALASKA DEPARTMENT OF LABOR Office of the Commissioner

TO: Jim Ayers  
Chief of Staff  
Office of the Governor

DATE: February 20, 1997

FILE: AO157.rpt

PHONE: 465-2700

  
FROM: Tom Cashen  
Commissioner

SUBJECT: Administrative  
Order 157

Upon receipt of Administrative Order 157, the Department of Labor took immediate action to update our regulation promulgation procedures to conform to the directions in the AO, as well as those required by HB 130. Notices were rewritten to include information regarding special accommodations for persons with a disability, and requesting input regarding the costs to private persons. We incorporated the use of the Additional Notice Information form, and established procedures to maintain documentation of all public comments received.

All regulations packages have undergone extensive review by the Commissioner's Office to assure that our regulations packages are in compliance. Also, staff attended the training sessions given by the Department of Law regarding the promulgation process.

Specifically, the following regulations packages have been promulgated since the issuance of the Administrative order:

Completed a comprehensive revision of occupational safety and health standards to the Federal standards. These regulations became effective in December, 1995.

Comprehensive review of workers' compensation regulations. Extensive changes were made to clarify the language of the regulations and assure that they were written in "plain English". Additional time was allotted for the public comment period due to the size and complexity of the regulations project. The package is currently under final review by the Department of Law.

Amended the occupational safety and health standards to provide 50 square feet of floor space (reduced from 60 square feet) for each occupant in temporary labor camps which are occupied for no more than 60 consecutive days per year. The change resulted from discussions with the seafood processing industry and was intended to address short-term "peak season" situations encountered wherein the alternative to providing less than 60 square feet would be to provide no housing at all. These regulations became effective October 19, 1996.

The unemployment insurance regulations are currently in the promulgation process. Some of the changes involve extending the time for filing of appeals from 15 days to 30 days; allowing for telephone filing of claims; clarifying procedures for waiving benefit overpayments and provide for additional waiver standards.

The drafting period of these regulations involved extensive rewriting and reorganizing to simplify and make the regulations easier for the public to understand and follow the claim filing requirements.

The regulations are undergoing final review in the Commissioner's Office before adoption.

One portion of these regulations was separated from the package and received "fast-track" handling. At the request of mill workers in Ketchikan, the Governor asked that the proposed section dealing with severance pay be broken out and reviewed as soon as possible. This was accomplished, and that portion became effective January 18, 1997.

# STATE OF ALASKA

## DEPT. OF HEALTH AND SOCIAL SERVICES

OFFICE OF THE COMMISSIONER

4250  
TONY KNOWLES, GOVERNOR


P.O. BOX 110601  
JUNEAU, ALASKA 99811-0601  
PHONE: (907) 465-3030  
FAX: (907) 465-3068

### MEMORANDUM

**DATE:** February 20, 1997

**TO:** Jim Ayers  
Chief of Staff  
Office of the Governor

**THRU:** Pat Pourchot  
Legislative Director  
Office of the Governor

**FROM:** Elmer A. Lindstrom   
Special Assistant to the Commissioner

**SUBJ:** Status of review of regulatory procedures in accordance with AO 157

The Department of Health and Social Services has complied, to the greatest extent possible, with the objectives of Administrative Order 157. Specific steps to further these objectives have included:

- Designation of Elmer Lindstrom as the lead staff person in the Department to serve as the general regulation contact.
- Designation of regulation liaisons in each Division of the Department to coordinate regulation flow with the Commissioner's Office and Department of Law.
- Additional Department staff have received regulations training from the Department of Law to improve technical regulation writing proficiency including specific requirements included in Administrative Order 157
- The Commissioner of the Department of Health and Social Services and the Attorney General convened an inter-agency meeting of senior staff to improve communications and coordination between the two agencies.

- The Department of Health and Social Services actively participated in an inter-agency work group to review the regulations process and offered a number of suggestions which will be included in the Governor's regulation reform legislation.
- A detailed list of all regulations in process is updated quarterly and provided to the Department of Law, Office of the Lieutenant Governor and senior Department staff to better coordinate regulation project flow and to assist the Commissioner in setting regulation project priorities.

A copy of the most current list of regulations in process is attached. The Department of Health and Social Services is committed to working with the Department of Law, Office of the Lieutenant Governor, other agencies and the public to improve the regulations process.

Attachment

DEPARTMENT OF HEALTH AND SOCIAL SERVICES  
1997 REGULATION PROJECTS

PROJECT DESCRIPTION AND AAC	LEAD DIVISION	LEAD STAFF	DEPT. OF LAW FILE NO. AND ATTORNEY	DIVISION PRIORITY	STATUS	COMMENTS	DATE OF PUBLIC NOTICE	ORAL HEARING DATE	CLOSE OF PUBLIC COMMENT PERIOD	ACTUAL DATE OF ADOPTION	DATE TO LAW FOR FINAL REVIEW	DATE TO LT. GOVERNOR	EFFECTIVE DATE	REGISTER
PROVIDER PAYMENT includes RBRVS, Physical Therapy and cash discount regulations	Medical Assist	Waller Keklak Wilson	993-96-0048 O'Fallon	High	Completed	New payment methodology for physicians, podiatrists, optometrists, and chiropractors. Will insure Medicaid pays no more than any other payor. Adds regulations for PT Services which have never been done.	11/13/1995 9/11/96	12/19/1995 10/21/96	12/27/1995 10/21/96	12/24/96	12/24/96	12/26/96	2/1/97	Register 141 April 1997
HOME HEALTH AGENCY LICENSING	Medical Assist	Waller Mertz/Larsen	993-95-0140 Bomengen	High	Adopted in Law for final review since November 1995	Update regs to meet current industry standards. Rate setting coordinated with home care association.	8/13/95	n/a	9/22/95	11/13/95				
GRM: IHS as a Prior Resources	Medical Assist	Sherwood	993-97-0011 Bomengen	High	Adopted. In Dept. of Law for final review since September 1996	The Office of Civil Rights has determined that potential treatment by IHS facilities may not consider a prior resource to the GRM program. Housekeeping changes clarify GRM does not pay for inpatient psych treatment.	7/18/96	None	8/30/96	9/11/96	9/11/96			
RURAL PRIMARY CARE HOSPITALS	Medical Assist	Waller	993-97-0001 Bomengen	High	Adopted. In Dept. of Law for final review since September 1996	Create two types of acute care hospitals. One type, a Rural Primary Care Hospital, will not be required to provide all the services that a General Acute Care Hospital must provide	6/28/96	7.24/96	8/15/96	9/4/96	9/5/96			
INPATIENT PSYCHIATRIC added to TEFRA	Medical Assist	Sherwood Lee/Masarc		High	ON HOLD. Looking at more comprehensive child mental health solutions	Adds inpatient psychiatric services to those services available to TEFRA recipients								
AUDITS, RECOUPMENT OF OVERPAYMENT and PROVIDER APPEALS	Medical Assist	Waller Cook		High	Waiting Commissioner signing of public notice since October 1996	Establishes procedures for recoupment of overpayment to a provider. Limited to specific types of overpayment. Establishes internal and external procedures for ALL provider appeals								
MEDICAL TRANSPORTATION	Medical Assist	Waller Masarc		Medium	DRAFTED	Updates and clarifies existing medical transportation policy.								
ESTATE RECOVERY	Medical Assist	Busch Wagner		Medium	NO DRAFT	Estate Recovery policy regarding liens and other estate recovery issues. Will be meeting with TPL staff in December								
COST SHARING Phase 2	Medical Assist	Waller Lee/Masarc	Bomengen 993-95-0019	Low	On Hold Pending federal definition of nominal	Implements cost sharing (SB 386) for all remaining services not included in other phases.								