

ALASKA LEGISLATURE COMMITTEE FILES 2001-2002 8672

10603 SENATE JUDICIARY

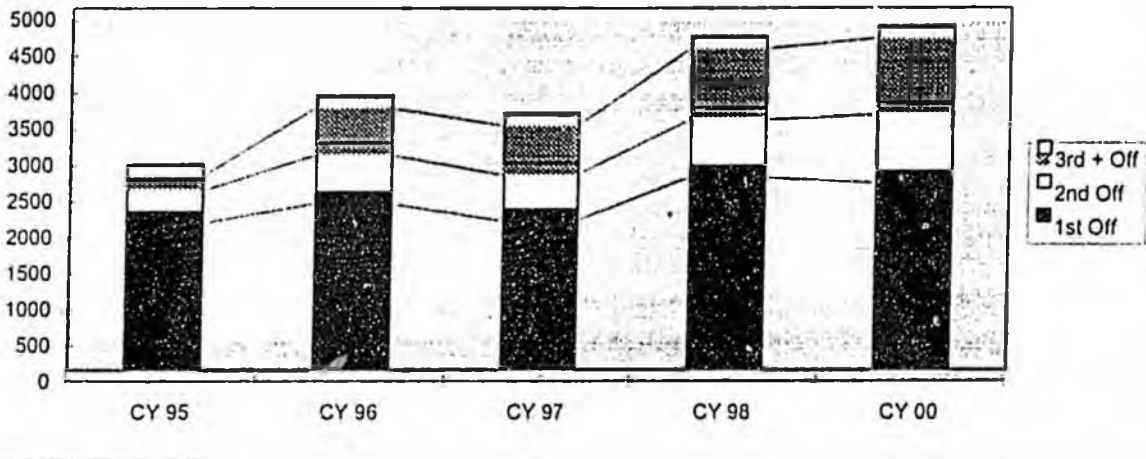
ANALYSIS: (continued)

AS 47.37.045 established the Community Action Against Substance Abuse program. Under this program 47.37.045(7) allows for the funding of "youth assessment and referral programs that provide substance abuse screening services to and monitor compliance with a minor required to participate in..." alcohol or drug education or treatment. As such these funds are requested under that grant component.

The Division of Motor Vehicles has been keeping records of the number of youth who lose their driver's license under existing statutes since CY 95. As review of this data indicates that in CY 2000 1,048 youth lost their driver's license due to having had their third minor consuming or minor in possession offense. Since the number of youth with a third offense has grown each year since CY 95 we would project that under this crime we could expect to see that many youth being sent to ASAP under this bill.

As can be seen by the data from the Division of Motor Vehicles (shown in the chart below), it indicates that over the past years the number of youth losing their driving licenses for minor consuming has been increasing. The number that have lost their license for second and third or more offenses has also risen. The chart below is from this data and clearly shows that the number of youth that could be determined to be guilty of "habitual minor consuming" would be high.

Comparison of the number of youth who have lost their driver's license due to 1st, 2nd, or 3rd MC/MIP offense in CY 1995, 1996, 1997, 1998 and 2000



FISCAL NOTE

STATE OF ALASKA
2001 LEGISLATIVE SESSION

Fiscal Note Number: 5
Bill Version: CSHB 179(JUD)
(H) Publish Date: 4/20/01

Revision Date/Time (Note if correction): _____ Dept. Affected: Health & Social Services
Title: An Act relating to underage drinking and BRU: Alcohol & Drug Abuse Svcs
drug offenses Component: Alcohol Safety Action Program
Sponsor: House (JUC)
Requester: House (JUD) Component Number: 305

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
Personal Services	63.5	63.5	63.5	63.5	63.5	63.5
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	63.5	63.5	63.5	63.5	63.5	63.5

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

1002 Federal Receipts						
1003 GF Match						
1004 GF	63.5	63.5	63.5	63.5	63.5	63.5
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
TOTAL	63.5	63.5	63.5	63.5	63.5	63.5

Estimate of any current year (FY2001) cost: 0.0

Check this box (X) if funding for this bill is included in the Governor's FY 2002 budget proposal:

POSITIONS

Full-time	1	1	1	1	1	1
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)
HB 179 creates an class B misdemeanor crime of "habitual minor consuming." Upon conviction the court is to require the individual to receive treatment specified under AS 28.35.030(h). AS 28.35.030(h) is geared toward the sentencing of adult DWI offenders. The existing Alcohol Safety Action Program (ASAP) program does not serve minors (persons under 18). ASAP functions not as treatment but as the monitor of compliance with conditions of the court as part of the sentence. The ASAP office in Anchorage provides the ASAP services in Anchorage as well as providing oversight and technical assistance to other grantee ASAP statewide. This position will work on establishing new standards for dealing with youth under this program for both Anchorage and other programs statewide. These standards would establish how the ASAP programs will make certain that the screening and referral process is appropriate for these person convicted under this new crime.

Prepared by: Ernie Turner, Phone 465-2071
Division: Alcohol and Drug Abuse Date/Time 3/26/01 1:08 PM
Approved by: Elmer A. Lindstrom, Special Assistant Date 3/26/01 1:08 PM
Agency: Department of Health & Social Services

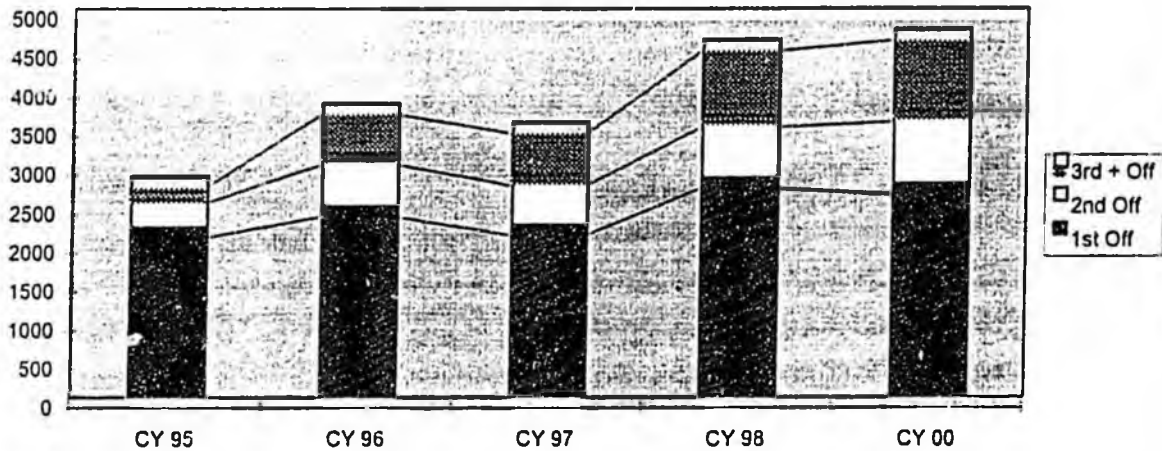
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ANALYSIS: (continued)

The Division of Motor Vehicles has been keeping records of the number of youth who lose their driver's license under existing statutes since CY 95. As review of this data indicates that in CY 2000 1,048 youth lost their driver's license due to having had their third minor consuming or minor in possession offense. Since the number of youth with a third offense has grown each year since CY 95 we would project that under this crime we could expect to see that many youth being sent to ASAP under this bill.

As can be seen by the data from the Division of Motor Vehicles (shown in the chart below), it indicates that over the past years the number of youth losing their driving licenses for minor consuming has been increasing. The number that have lost their license for second and third or more offenses has also risen. The chart below is from this data and clearly shows that the number of youth that could be determined to be guilty of "habitual minor consuming" would be high.

Comparison of the number of youth who have lost their driver's license due to 1st, 2nd, or 3rd MC/MIP offense in CY 1995, 1996, 1997, 1998 and 2000



FISCAL NOTE

STATE OF ALASKA
2001 LEGISLATIVE SESSION

Fiscal Note Number: 2
 Bill Version: CSHB 179(JUD)
 (H) Publish Date: 4/20/01

Revision Date/Time(Note if Correction): _____ Dept. Affected: Corrections
 Title: An Act relating to underage drinking and drug offenses; and providing for an effective date. BRU: Administration & Operations
 Sponsor: House Judiciary Committee Component: Institutions
 Requester: House Judiciary Committee Component Number: 1381

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	***	***	***	***	***

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

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
TOTAL	0.0	***	***	***	***	***

Estimate of any current year (FY2001) cost: 0.0

Check this box (X) if funding for this bill is included in the Governor's FY 2002 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This bill would make a 3rd time conviction for minor consuming or in possession or control a class B Misdemeanor. It also provides graduated sanctions for 1st and 2nd time offenders and requires treatment for 3rd time offenders. It is anticipated that the first year, the Department of Corrections would be able to absorb any incarceration associated with this legislation since the bill will not encompass those with convictions prior to the effective date of the legislation.

It is the Department of Corrections' position that providing JSAP and making it a requirement of probation, in concert with graduated sanctions, will lessen the ultimate fiscal impact on the Department. Early intervention is believed to aid in prevention of further drinking and concomitant dependence. If the treatment component is not required/available, it is likely that Corrections will be taxed in subsequent years and may require additional funding. It is unclear at this time what that impact would be but court records indicate that there were 1,744 unduplicated individuals who were 18 or older as of 1/1/01 and had 2 convictions for MCA and 1,427 who had 3 or more convictions. Depending on what sanctions the court

Prepared by: Candace Brower Phone 465-4652
 Division: Commissioner's Office Date/Time 3/29/01/4:30 pm
 Approved by: Margaret Pugh Date 3/29/01
 Agency: Department of Corrections

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22nd Legislative Session

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3/29/01
Page 2, FN #2

would impose for these B misdemeanants, there could become a serious influx of these offenders who were previously dealt with by violations/citations. It is hoped that graduated sanctions and education/treatment will provide the deterrence necessary to prevent incarceration in the future.

ALASKA STATE LEGISLATURE

HOUSE JUDICIARY COMMITTEE

Representative Norman Rokeberg, Chairman
Representative Scott Ogan, Vice-Chairman
Representative John Coghill
Representative Jeannette James
Representative Kevin Meyer
Representative Ethan Berkowitz
Representative Albert Kookesh



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Heather M. Nobrega
Counsel to Committee

Sponsor Statement for HB 179 (FIN)

In 1994, the Legislature enacted the "Use It, Lose It" law (AS 28.15.183) for minors who are caught possessing or using alcohol. If a minor is caught using alcohol, his/her driver's license would be administratively revoked for a period of time.

In December, in a case called *State v. Niedermeyer*, the Alaska Supreme Court found that taking away a minor's driver's license for possession or consumption of alcohol or a controlled substance, without giving them a trial, was in violation of a minor's constitutional right to due process.

If a minor is caught using alcohol or drugs, they are sent a letter from the DMV stating that the DMV will not revoke their license until there has been a court conviction for the offense. At present, the district attorney's office is not prosecuting minors caught for consumption of alcohol, because the court system is not prepared to handle jury trials for this type of case.

The effect of the *Niedermeyer* decision is that minors now go virtually unpunished for possessing or consuming alcohol. The maximum penalty that may currently be enforced on minors who are caught consuming or possessing alcohol is a \$100 fine.

This law will impose appropriate punishments on minors who use alcohol, and will be a deterrent to minors when they consider drinking. Statistics show that the earlier a person begins drinking, the more likely they are to have problems with alcohol later in life. By sending a message early to minors that their actions will not go unpunished, we hope to deter alcohol problems in the future.

This bill will establish a graduated system of punishment for minors who are caught consuming, possessing or controlling alcohol. On a minor's first offense, he/she would be subject to a fine of between \$200-600, must attend alcohol information school, and will be placed on probation. On a minor's second offense, the minor would be guilty of repeat minor consuming and would be subject to a fine of \$1000, at least 48 hours of community work service, a three-month license revocation, and probation. A minor's third offense would cause them to be guilty of habitual minor consuming. This is a class B misdemeanor, which results in up to a \$1000 fine and 90 days in jail. In addition, the minor will lose his/her license for a period of six months, will be required to complete at least 96 hours of community work service, and will be placed on probation.

The committee urges your support of this bill.

ED3: 04/24/01

ALASKA STATE LEGISLATURE

HOUSE JUDICIARY COMMITTEE

Representative Norman Rokeberg, Chairman
Representative Scott Ogan, Vice-Chairman
Representative John Coghill
Representative Jeannette James
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Heather M. Nobrega
Counsel to Committee

Sectional Analysis for HB 179 (JUD)

Section 1: Establishes penalty for first-time minors caught consuming, possessing or controlling alcohol. Penalty: \$200-600 fine, alcohol information school and probation. Allows court to divert minor into a community diversion panel.

Section 2: *Subsection (c):* Establishes penalty for minors caught consuming, possessing or controlling alcohol for a second time. Penalty: \$1000 fine (\$500 of which is suspended), 48 hours community work service, revocation of driver's license for three months, and probation.

Subsection (d): Establishes penalty for minors caught consuming, possessing or controlling alcohol three or more times. Penalty: class B misdemeanor, 96 community work service, revocation of driver's license for six months, and probation.

Subsection (e): Probation last for one year, or until the person is 21 years of age, whichever is later. The defendant cannot refuse probation. The court may order the defendant to pay for and enroll in a juvenile alcohol safety action program (JSAP). Conditions of probation are then listed.

Subsection (f): Requires that any community work service imposed be performed within 120 days of the entry of judgment for a conviction. Requires defendant to prove completion of work service.

Subsection (g): Treatment recommended by JSAP may include inpatient treatment.

Subsection (h): Failure to complete any JSAP evaluation or requirements, treatment, education, or community work service may lead to a reinstatement of any suspended fines or

incarceration. In addition, a minor who has had his/her license revoked shall continue to do so for an additional six months.

Subsection (i): Requires the court to also look to the financial resources of the parent in determining eligibility for court-appointed counsel.

Subsection (j): Sets forth when a license revocation is consecutive vs. concurrent.

Subsection (k): Definition section

- Section 3:** Conforms statute reference.
- Section 4:** Conforms statute references.
- Section 5:** Creates a statute, AS 28.15.176, that allows for administrative revocation of licenses for minors who consume or possess alcohol or drugs.
- Section 6:** Requires the court convicting a minor of repeat or habitual consuming to revoke the minor's license.
- Section 7:** Removes possession or use of a controlled substance, and possession or consumption of alcohol from the current administrative revocation of license statute, AS 28.15.183.
- Section 8:** Same as Section 6.
- Section 9:** Once a license has been revoked under AS 28.15.183(g), the license may not be reinstated unless, if required to do so, the minor has successfully completed any education or treatment required by JSAP.
- Section 10:** Deletes the requirement of immediate renewal of a license if there is no prosecution, the prosecution results in a dismissal, or the person is found not guilty.
- Section 11:** Removes possession or use of a controlled substance, and possession or consumption of alcohol from the administrative hearing process for revocations under AS 28.15.183.

- Section 12:** Amends the ages when a court can revoke a minor's license for misconduct involving a controlled substance, or for an offense involving illegal use or possession of a firearm.
- Section 13:** Adds repeat and habitual minor consuming, possessing or control to the list of offenses that require the court to revoke a minor's license.
- Section 14:** Prohibits the DMV from issuing or renewing a minor's revoked driver's license, unless, if required to do so, the minor has successfully completed any education or treatment required by JSAP.
- Section 15:** Exempts minor consuming, possessing or controlling alcohol from the juvenile justice system. Habitual minor consumers are excluded from this exemption, however, and are to be placed in the juvenile justice system on their third or subsequent offense.
- Section 16:** Requires that when making an informal adjustment of a delinquent minor, the informal adjustment:
- (1) must be made with the agreement and consent of the minor and minor's parents
 - (2) must give the minor's foster parents an opportunity to be heard
 - (3) must include notice that restitution will be necessary
 - (4) for a violation of habitual consuming, possession or control, must include an agreement that the minor perform 96 hours of community work service, and have this/her license revoked for six months
 - (5) for an offense described in AS 28.15.185 (a)(1), must include an agreement that the minor's license be revoked as if the minor has been adjudicated delinquent.
- Section 17:** Requires the court adjudicating a delinquent minor for repeat or habitual possession, consumption or control of alcohol, for an offense involving a controlled substance, or involving a firearm to revoke the minor's license.
- Section 18:** Requires the Dept. of Health & Social Services to develop and implement a juvenile alcohol safety action program.

Section 19: Makes this act applicable to offenses committed on or after the effective date, except that references to previous convictions includes convictions occurring before, on or after the effective date.

Section 20: Effective date is July 1, 2001.



Volunteers of America
Alaska

My name is Laura Goss and I am the Community Outreach Coordinator for Volunteers of America Alaska's Adolescent Alcohol and other Drug Treatment Programs. Volunteers of America Alaska offers a Youth Intervention Program for first time offenders aged 13-21, Outpatient and Intensive Outpatient Treatment Programs in Anchorage for youths aged 12 - 18, and a Residential Treatment Center serving adolescents aged 12 - 18 from statewide.

Thank you for allowing me this opportunity to convey our opinions on House Bill 179.

House Bill 179 does not go far enough. It is attempting to get tougher on underage drinking, but it fails to address the underlying issues that lead to that behavior. Youths who are misusing alcohol and other substances need to be screened for dependency and educated about the choices they are making early on, before they develop into problem drinkers, before they escalate and become a danger to those around them on the roads and in their homes.

It is imperative for the well being of each individual in the community to intervene on youth that are engaging in high-risk behaviors. To allow a known substance abuser to continue in life without the benefit of learning just how consequential his or her behavior can be is nothing but irresponsible. Not only is it irresponsible toward that youth, but it is irresponsible toward the entire community.

We would like to see a provision added to the Act that would allow the courts to offer first and second time violators an incentive for participating in alcohol screening and any education or treatment recommendations indicated. Incentives would include fine reduction or offset screening costs and citation dismissal, if appropriate. Such a provision would allow the courts to respond to the problem of underage drinking in a more flexible manner, and would help to ensure that the youth appearing before them received appropriate intervention at an earlier, more treatable stage.

For youth charges with driving under the influence or driving while intoxicated, it is further proposed that the individual's driving privileges not be reinstated until the youth complies with the assessment process and follows through on the subsequent recommendation.

In addition, we would ask that you consider the impact of the community work service component upon the first and second time offenders. As written, it is an unenforceable consequence. There is little or no recourse in those instances where the youth fail to comply. That sends the wrong message to youth that have already shown a disregard for the law. Should it be left in the act, we encourage you to consider the creation of a

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**INFORMATION
STATEMENT**

juvenile monitoring program, similar to the adult monitoring program, to track compliance and report back to the court.

The importance of consistent imposition of sanctions and adequate monitoring cannot be emphasized enough. We as a community have the responsibility to clearly and consistently convey the message that substance abuse is a high-risk behavior that has potentially deadly consequences and will not be tolerated as simply a matter of "kids will be kids". We want our kids to be kids, and we want them to grow up to be happy, functional, and productive adults. We certainly do not want our children's behavior to be the factor in the loss of life in our community.

In summary, we believe that intervention and education are of paramount importance in combating the problem of underage drinking and should be included at an earlier stage. We also urge you to include a diversion provision into the act.

Thank you.

* Mr. Chairman, you asked me some statistical and financial information about our programs after my testifying. I'd like to accurately address that information:

- Volunteers of America Alaska is a non-profit organization funded by grants from the State of AK Division of Alcoholism and Drug Abuse, and by private donations. Assessments for all of our programs are FREE of charge.
- ARCII, our residential treatment program, served 46 youths in fiscal year 2000. It is a 16-bed facility, with 12 male beds and 4 female beds. The length of stay ranges from 4 - 6 months. Monthly cost varies from \$5,500 to \$6,500 depending on activities client and parents participate in. We bill insurance, Medicaid/Denali Kid Care, offer a sliding fee scale, and do not turn anyone away for the inability to pay for services.
- Assist, our Outpatient and Intensive Outpatient programs, served 152 clients in fiscal year 2000. The average length of treatment for Outpatient is 12 weeks and for Intensive Outpatient it is 24 weeks (6 months). Average cost of Outpatient treatment per month is about \$650 and average cost of Intensive Outpatient per month is about \$2,400, depending on activities the client and parents participate in. We bill insurance, Medicaid/Denali Kid Care, offer a sliding fee scale, and do not turn anyone away for the inability to pay for services.
- Youth Intervention Program is a 10-hour reality and experiential-based substance abuse education class and served 256 youth in fiscal year 2000. It costs \$125.00. Scholarships are available to those who cannot afford the course fee.



Mothers Against Drunk Driving • Juneau Chapter

211 Fourth St. Suite 102 • Juneau, AK 99801

April 18, 2001

MADD thanks the Judiciary committee for sponsoring HB 179 and we wish to speak in support of it.

MADD believes there should be more effective and stringent enforcement of the minimum drinking age law, by means of administrative, civil and criminal measures, to further limit illegal underage access to alcohol and thus reduce youthful involvement in alcohol and other drug-related traffic crashes.

MADD advocates that it be illegal for those under 21 to drive with any measurable level of blood alcohol. Zero tolerance shall establish as a maximum legal limit, a blood alcohol level of .02 BAC.

MADD advocates that each state adopt and implement laws which provide driver's license sanctions for underage persons convicted of purchasing or possession of alcoholic beverages.

MADD advocates that each state adopt laws providing that persons under 21 receive driver's licenses which are more restrictive than full licenses, under which violations would result in driver improvement actions and license revocation and civil sanctions in addition to any criminal sanctions and penalties. MADD advocates that each state adopt laws providing for graduated licensing privileges to persons under 21. Early driving experiences must be acquired in lower risk environment through extended restriction of no alcohol use, primary belt enforcement, limitation on night time driving and teenage passengers. Appropriate restriction should be lifted in stages, base in clean driving records.

MADD feels HB 179 addresses some of the above statements and therefore would make a difference in preventing underage drinking as well as drinking & driving in the #2 state in the nation for drunk driving fatalities.

FASAP MISDEMEANOR SERVICES

811 CUSHMAN, Suite 205

FAIRBANKS, AK. 99701

Phone 907-452-6144
Fax 907-452-7845**Minor Consuming/Possession Pilot Program****Static's for FY 2000 and to date for FY 2001**

	*FY2000	**FY2001
New Cases Open	317	319
Cases Completed	192	225
No Priors	82%	78%
One Prior	13%	13%
Two Priors	3%	6%
Three or more Priors	2%	3%
Caucasian	73%	72%
Black	5%	7%
Indian	10%	11%
Eskimo	6%	3%
Other	6%	2%
Male	72%	53%
Female	28%	47%
Type of Treatment Completed		
AIS	78%	78%
Outpatient	21%	20%
Residential	1%	2%

* FY2000 - September 1999 - June 2000

** FY2001 - July 2000 - February 2001

- 66% - 70% have completed some form of treatment
- Out of 417 completion 4 have re-offended for Minor Consuming
- Out of 417 completions 2 have re-offended with the charge of DWI

Without funding, it makes a program like this difficult if not impossible to operate.

HB

180

FISCAL NOTE

**STATE OF ALASKA
2002 LEGISLATIVE SESSION**

Fiscal Note Number: 1
 Bill Version: CSHB 180(HES)
 (H) Publish Date: 4/22/02

Revision Date/Time (Note if correction): _____ Dept. Affected: Health & Social Services
 Title: BACKGROUND CHECKS FOR CHILD SERVICE PROVIDERS BRU: Family and Youth Services
 Component: Front Line Social Workers

Sponsor: MCGUIRE
 Requestor: HOUSE (HES) Component Number: 2305

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES (0)						
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Othe (Specify Type--do not abbrevia						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2002) cost: _____

Check this box (X) if funding for this bill is included in the Governor's FY 2003 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

For the Department of Health and Social Services, the intent of this proposed legislation is to amend AS 47.35, which governs the licensing of foster homes, residential child care facilities, child placement agencies, child treatment facilities and maternity homes.

This proposed legislation also is intended to bring the current statute into compliance with federal licensing requirements in the areas of prohibited crimes and provides standards for mandatory denial of licenses and guidelines that allow for the discretion of the department in making some licensing decisions.

Should this bill become law, the department does not anticipate any fiscal impact.

Prepared by: Theresa Tanoury, Director Phone 465-3191
 Division Family & Youth Services Date/Time 04/12/2002
 Approved by: Elmer A. Lindstrom, Deputy Commissioner Date 04/16/2002
 Agency Department of Health & Social Services

For distribution information, call the Governor's Legislative Office

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Chair, House Special Committee
on Economic Development, Trade
and Tourism

Chair, Joint House and Senate
Administrative Regulation and
Review Committee

Member
Resources Committee
Rules Committee

Representative Lesil McGuire

House District 17

SPONSOR STATEMENT

HB 180

"An Act relating to persons who provide services related to children; establishing a legislative task force on child services."

In order to continually seek ways to better protect Alaska's children in certain child care facilities, precautions must be taken in order to ensure that they are being supervised by individuals who are qualified, professional, and committed to their professional growth.

HB 180 conforms to the Adoption & Safe Families Act (ASFA) passed by Congress in 1997, which takes further steps to promote safety and permanence of children.

HB 180 brings current statutes into compliance with federal licensing requirements in the areas of prohibited crimes and provides standards for mandatory denial of licenses to foster homes, residential childcare facilities, residential psychiatric treatment centers, child placement agencies and maternity homes. HB 180 limits the State from approving or licensing any person that has been convicted of a felony involving child abuse or neglect, spousal abuse, a crime against a child, a crime involving violence and other offenses. HB 180 also requires licensed providers to notify the department if they discover that an administrator, member of their household, foster parent, volunteer or staff person has been convicted of any serious offense.

HB 180 also creates a "Task Force" to research the topic of criminal background checks for other entities that provide services to children.

HB 180 seeks to shield children from those who have past records of misconduct. HB 180 not only protects children, but also deters those individuals who have a history of misconduct from pursuing similar behavior in the future.

Summary for CS for HB 180

This bill makes amendments to AS 47.35, the department's licensing statutes and provides for a legislative task force on child services.

This proposed legislation is intended to bring the current statute into compliance with federal licensing requirements in the areas of prohibited crimes and provides standards for mandatory denial of licenses and guidelines that allow for the discretion of the department in making some licensing decisions.

Section 1 – The proposed amendment in this section of the bill would allow the department to recognize licenses issued by other entities that have state or federal licensing authority.

Examples of this are municipalities, tribes and child placement agencies. Child placement agencies currently perform all the same licensing functions as the department. The intent of this amendment is to be able to increase the number of foster homes available for children.

Section 2 – This section clarifies the requirement that school district and other educational entities that provide residential type programs for students where there is 24-hour care, are subject to licensure by the department.

Section 3 – The purpose of this new section is to bring the current statute into compliance with federal licensing requirements in the areas of prohibited crimes and provides standards for mandatory denial of licenses.

Federal law states that the state may not approve or license any prospective foster or adoptive parent, the prospective foster or adoptive parent has been convicted of a felony involving: (1) Child abuse or neglect; (2) Spousal abuse; (3) A crime against a child or children (including child pornography); or, (4) A crime involving violence, including rape, sexual assault, or homicide, but not including other physical assault or battery.

In addition, the state may not approve or license any prospective foster or adoptive parent if foster or adoptive parent has, within the last five years, been convicted of a felony involving: (1) Physical assault; (2) Battery; or, (3) A drug-related offense.

Section 4 –adds a new section to AS 47.35, which discusses additional offenses, not listed in the federal requirements, under which the state would have the discretion to deny or not issue a license.

Sections 5 and 6 – These sections repeal and reenact AS 47.35.022 regarding foster care placement. It essentially incorporates the proposed new sections into existing statutes.

Section 7 – This section incorporates the new AS 47.35.19 regarding denials into the guidelines for making emergency placements. In addition, the department may revoke an emergency license if background checks indicate the existence of any discretionary offenses identified in the new AS 47.35.021.

Section 8 – clarifies that before issuing a biennial license, the department needs to make sure that no situation exists that would result in a revocation or suspension of a license.

Section 9 –the department may not issue a variance if a background check indicates a conviction for a criminal offense listed in new AS. 47.35.19.

Section 10 – clarifies that before renewing a biennial license, the department needs to make sure that no situation exists that would result in a revocation or suspension of a license.

Section 11 – This section amends AS 47.35.047(b) which requires licensed providers to notify the department if they discover that an administrator, member of their household, foster parent, volunteer or staff person has been convicted of, charged with or is under investigation for any serious offense. The amendment incorporates the newly added sections AS 47.35 019 and 47.35.021.

Section 12 –covers grounds for the revocation or nonrenewal of an existing license. It restructures the existing statute by incorporating the new sections to AS 47.35 and adds suspension to the actions the department may take.

Section 13 adds a subsection to allow licensed providers to continue operating if an employee discloses a serious offense, provided the employer takes immediate

action , including notice to the department to ensure the health and safety of the children.

Section 14 – implements a legislative task force on children’s services

Section 15 - allows the department to develop and adopt any regulations necessary to implement the new statutes and allows for the new statute to take effect July 1, 2002.

Bill History/Action Display



BILL: HB 180

SHORT TITLE: YOUTH SERVICES:
REGULATION & TASK FORCE

BILL VERSION: CSHB 180(JUD)

SPONSOR(S): REPRESENTATIVE(S)MCGUIRE, Murkowski, Dyson, Croft,
Stevens, Hayes, Chenault, Crawford, Meyer, Cissna

CURRENT STATUS: (S) JUD

STATUS DATE: 04/30/02

HEARING: (S) JUD May 08 1:30 PM BELTZ 211 TELECONFERENCE

TITLE: "An Act relating to persons who provide services related to children; establishing a legislative task force on child services; and providing for an effective date."

[Full Text](#)

[Fiscal Notes](#)

[Committee Action with Bill History](#)

Jrn-Date	Jrn-Page	Action
03/13/01	<u>0560</u>	(H) READ THE FIRST TIME - REFERRALS
03/13/01	<u>0560</u>	(H) HES, JUD
03/16/01	<u>0604</u>	(H) COSPONSOR(S) DYSON
02/04/02	<u>2152</u>	(H) COSPONSOR(S): CROFT
04/19/02	<u>3048</u>	(H) COSPONSOR(S): STEVENS
04/22/02	<u>3059</u>	(H) HES RPT CS(HES) NT 4DP 3NR
04/22/02	<u>3059</u>	(H) DP: WILSON, CISSNA, STEVENS, DYSON;
04/22/02	<u>3059</u>	(H) NR: COGHILL, KOHRING, JOULE
04/22/02	<u>3059</u>	(H) FN1: ZERO(HSS)
04/25/02	<u>3124</u>	(H) JUD RPT CS(JUD) NT 1DP 5NR
04/25/02	<u>3124</u>	(H) DP: MEYER; NR: BERKOWITZ, COGHILL,
04/25/02	<u>3124</u>	(H) JAMES, KOOKESH, ROKEBERG
04/25/02	<u>3124</u>	(H) FN1: ZERO(HSS)
04/29/02	<u>3213</u>	(H) RULES TO CALENDAR 4/29/02
04/29/02	<u>3213</u>	(H) READ THE SECOND TIME
04/29/02	<u>3213</u>	(H) JUD CS ADOPTED UNAN CONSENT
04/29/02	<u>3214</u>	(H) ADVANCED TO THIRD READING UNAN CONSENT
04/29/02	<u>3214</u>	(H) READ THE THIRD TIME CSHB 180(JUD)
04/29/02	<u>3214</u>	(H) PASSED Y39 E1
04/29/02	<u>3214</u>	(H) EFFECTIVE DATE(S) SAME AS PASSAGE
04/29/02	<u>3225</u>	(H) COSPONSOR(S): HAYES, CHENAULT,
04/29/02	<u>3225</u>	(H) CRAWFORD, MEYER, CISSNA
04/29/02	<u>3225</u>	(H) TRANSMITTED TO (S)
04/29/02	<u>3225</u>	(H) VERSION: CSHB 180(JUD)
04/30/02	<u>3036</u>	(S) READ THE FIRST TIME - REFERRALS
04/30/02	<u>3036</u>	(S) JUD

**BILL HISTORY
ACTION DISPLAY**

04/30/02 3036 (S) REFERRED TO JUDICIARY

Similar Subject Match or Exact Subject Match

CRIMES

CRIMINAL PROCEDURE

EDUCATION

EMPLOYMENT

FOSTER CARE

HEALTH & SOCIAL SERVICES

LEGISLATIVE COMMITTEES

MINORS

NONPROFIT ORGANIZATIONS

SCHOOL DISTRICTS

Bill Root:

Display Bill Root

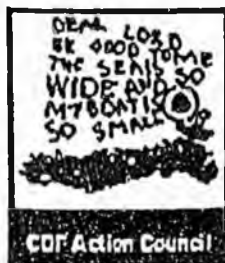


TO REPORT PROBLEMS WITH BASIS INQUIRY

LIVE KTOO STREAMS 

Return to Basis Main Menu (22 Legislature)

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Children's Defense Fund

America's Strongest Voice For Children

Action Council

Learn About the Act
to Leave No Child
Behind!

Click here!

Issue Basics

Adoption and Safe Families Act (ASFA)

What is the Adoption and Safe Families Act?

The Adoption and Safe Families Act (ASFA), Public Law 105-89, was enacted in November 1997 with bipartisan support. ASFA amends the 1980 Adoption Assistance and Child Welfare Act by taking further steps to promote safety and permanence for children who have been alleged or determined to be abused and/or neglected. Congress and the Administration were especially concerned about reports that children were being left in, or returned from foster care to, unsafe family situations and that an estimated 100,000 children were in foster care waiting for adoptive families. ASFA includes a number of specific provisions that require or provide incentives for states to change policies and practices to better promote children's safety and adoption or other permanency options. ASFA also requires the Department of Health and Human Services (HHS) and the U.S. General Accounting Office (GAO) to prepare several reports to assist Congress in making future decisions on behalf of children in the child welfare system. ASFA provides a unique opportunity to begin to move children who have been lingering in foster care without permanent plans into permanent homes. By clearing the system of these cases, the child welfare system should better be able to respond to children just entering care so they and their families can get the help they need and prompt permanency decisions can be made.

What does ASFA do to help keep children safe?

ASFA enhances children's safety by:

- Specifying that a child's health and safety must be paramount when decisions are made about the initial removal of a child from his or her home, the return home, and the care a child receives while in foster care or in an adoptive family.
- Clarifying that there is nothing in federal law requiring that a child remain in or be returned to an unsafe home. Federal law requires that state child welfare agencies make reasonable efforts to prevent the unnecessary placement of children in foster care and to reunify children in foster care with their families. ASFA includes specific examples where it would not be reasonable to require services to reunify children with their families and invites states to establish others in state law, if they have not already. The situations specified in ASFA where reasonable efforts are not required include where a court determines that a parent has committed murder or voluntary manslaughter of another of his/her children or a felony assault that results in serious bodily injury to his/her child; a parent has subjected the child to aggravated circumstances as defined in state law; or the parental rights to a sibling of the child have been involuntarily terminated.

What are the primary ways that ASFA promotes adoption and other permanency options for children?

ASFA intends to promote adoption and other permanency options by:

- Establishing expedited timeliness for deterr

INFORMATION
STATEMENT

enter foster care can be moved into

STATE OFFICE
ALASKA PEACE OFFICERS ASSOCIATION

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



January 31, 2002

Representative Lesli McGuire
State Capitol
Juneau, AK 99801-1182

Dear Representative McGuire:

On behalf of the Alaska Peace Officers Association (APOA), I would like to thank you for introducing House Bill 180 (22-LS0642\O) requiring child service providers to obtain criminal background checks for child service workers.

The APOA State Board of Directors recently met and after discussing proposed legislation, decided to unanimously support this bill.

We believe that this legislation will provide additional protection for children who are supervised, trained or treated by a child services worker, while at the same time protecting the disclosure rights of the child services applicant.

Please contact the APOA office in Anchorage at 277-0515 if there is anything our organization can do to assist in the passage of this bill.

Sincerely,

Leo Brandlen
State President

cc: Rep. Lisa Murkowski
Rep. Fred Dyson

Business Manager

Steph Young
Anchorage

Board of Directors

Leo Brandlen, President
Anchorage

Mark Kopp, Vice President
Fairbanks

Israel Corkill, Past President
Flagstaff, AZ

Wannamaker, Member
Fairbanks

Tommy Games, Member
Anchorage

... Anchorage Chapter

Debra Long, Member
Fairbanks

... Mat-Su Chapter

Marie Halman, Member
Fairbanks

... Farthest North Chapter

John Nankervis, Member
Juneau

... Capital City Chapter

Debra Jacobson, Member
Fairbanks

... First City Chapter

Leslie See, Member
Fairbanks

... Prince of Wales Chapter

John Lucking, Jr., Member
Fairbanks

... Aleutian Islands Chapter

Debra LaLonde, Member
Fairbanks

... Wrangell Chapter

FEB 07 2002

ALASKA ASSOCIATION OF HOMES FOR CHILDREN

February 1, 2001

The Honorable Lesil McGuire
Alaska House of Representatives
State Capitol
Juneau, Alaska 99801-1182

Dear Representative McGuire:

At the annual meeting of the Alaska Association of Homes for Children held in Juneau on January 28-30, the Association voted to endorse and support House Bill 180, which you introduced.

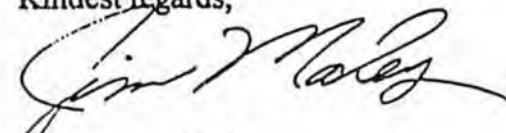
The Association is very supportive of any efforts which will increase the protection of children against predators. Your legislation, which increases and expands the requirements for criminal background checks will serve to do this.

I understand that you are currently reviewing the scope and language of the bill as currently written in order to further clarify the intent of the legislation. All of the member providers of the Alaska Association of Homes for Children currently conduct criminal background checks on all employees and volunteers in our respective agencies. We would like to offer our technical resources and expertise to your staff in this review and modification of the bill.

If we can be of assistance please do not hesitate to contact me at Alaska Children's Services. I may be reached by E-mail at <akchild@ak.net> or by phone at 346-2101.

Thank you very much for your interest and concern for Alaska's children.

Kindest regards,



Jim Maley, Chair
AAHC Legislative Committee

Alaska Association of Homes for Children
4600 Abbott Road
Anchorage, AK 99507

The Bethel Group Home
Bethel, Alaska

Residential Youth Care
Ketchikan, Alaska

Presbyterian Hospitality House
Fairbanks, Alaska

The Salvation Army
Booth Memorial Home
Anchorage, Alaska

Youth Advocates of Sitka
Sitka, Alaska

Maniilaq Association Group Home
Kotzebue, Alaska

Alaska Youth & Parent Foundation
Anchorage, Alaska

Nome Receiving Home
Nome, Alaska

Northwest Network for Youth
Seattle, Washington

Assoc. Of Village Council
Presidents Receiving Home
Bethel, Alaska

Kenai Peninsula Community
Care Center
Kenai, Alaska

Covenant House of Alaska
Anchorage, Alaska

Juneau Youth Services
Juneau, Alaska

Alaska Children's Services
Anchorage, Alaska

Life Quest
Wasilla, Alaska

North Slope Borough Home
Barrow, Alaska

Southcentral Foundation
Anchorage, Alaska

Anchorage Center for Families
Anchorage, Alaska

Alaska Baptist Family Services
Anchorage, Alaska

Residential Child Care Agencies Serving the Needs of Alaska's Youth

Subject: Re: Fw: HB 180

Date: Sun, 20 Jan 2002 12:32:23 -0900

From: "Lorrie Lundquist" <llundquist@gci.net>

To: "Representative Lesil McGuire" <Representative_Lesil_McGuire@legis.state.ak.us>

Your question I think maybe should be restated to say, why shouldn't we require the entire state of Alaska be submitted to background checks if there is a possibility to be working with children alone.....it is a law for getting liscensing for day care centers, teaching, we should include any service where children are being taken care of....obviously it is going to be taken to the extreme in order to try and counter the logic of this bill, but, it is a very inexpensive insurance policy to have to pay vs. the extreme emotional and financial expenses of dealing with a child abuse victim for the family, the community, and the state. I would push this bill big time...what can I do to help?

----- Original Message -----

From: Representative Lesil McGuire

To: Lorrie Lundquist

Cc: Representative Andrew Halcro ; Sue Stancliff@legis.state.ak.us ; David Brewster ; jfb1@alaska.net

Sent: Friday, January 18, 2002 12:18 PM

Subject: Re: Fw: HB 180

Dear Lorrie,

Thank you so much for taking the time to offer your support on HB 180. I want to let you know that we are hard at work on this bill here in my office to clear up the constitutional issues that were in question.

The basic problem is how to require background checks for child care providers and those who have the opportunity to be in a position of authority alone with children, coaches, etc., without making the entire State of Alaska be submitted to background checks. In its current form, I am confident the courts would throw this bill out on grounds of being overly broad. So, what we are trying to do is find ways to narrowly tailor it in such a way that it would be held up and our children would be afforded this additional protection.

The fact is, we know that convicted child molesters frequently re-seek opportunities to place themselves in positions of authority and control over children. Requiring background checks is a small inconvenience and cost to pay to protect our children from known predators.

Thank you so much for your interest and we will keep you in the loop!

-Warm regards, Lesil McGuire

Lorrie Lundquist wrote:

Dear Rep McGuire:I wanted to make contact with you and inquire about any further information you could add about HB 180 that you introduced last session. Thank you so much for introducing it and I want to be part of any further support that I could offer to assist in its passing. Please refer to enclosed correspondence already written regarding my interest in this bill. Thanks so much for your time and energy in bringing this bill to the legislature! Hope to make contact with you. Lorrie Lundquist MEd

----- Original Message -----

From: Lorrie Lundquist

ackground Checks]

"Representative_Joe_Hayes" <Representative_Joe_Hayes@legis.state.ak.us>,
"Representative_Jeannette_James" <Representative_Jeannette_James@legis.state.ak.us>,
"Representative_Reggie_Joule" <Representative_Reggie_Joule@legis.state.ak.us>,
"Representative_Mary_Kapsner" <Representative_Mary_Kapsner@legis.state.ak.us>,
"Representative_Vic_Kohring" <Representative_Vic_Kohring@legis.state.ak.us>,
"Representative_Ken_Lancaster" <Representative_Ken_Lancaster@legis.state.ak.us>,
"Representative_Scott_Ogan" <Representative_Scott_Ogan@legis.state.ak.us>,
"Representative_Jim_Whitaker" <Representative_Jim_Whitake@legis.state.ak.us>,
"Representative_Peggy_Wilson" <Representative_Peggy_Wilson@legis.state.ak.us>,
"Representative_Joe_Green" <Representative_Joe_Green@legis.state.ka.us>,
"Representative_Kevin_Meyer" <Representative_Kevin_Meyer@legis.state.ak.us>

CC: <james.brown@ktuu.com>

To All,

I highly support what Jack Bowen is trying to accomplish here. As a coach and father of two active girls involved in multiple sports, this is easy legislation to enact for their protection. The cost of required background checks is nothing compared to that paid by victims of these preventable crimes.

Sincerely,

Kevin Smiley
10846 Goodpaster Circle
Eagle River, AK 99577

Original by Jack Bowen sent 19 February:

To All Alaska State Legislators:

I don't know if you have noticed but in the past weeks there have been several TV news broadcasts and articles in the Anchorage Daily News that relate to:

SEXUAL CONTACT, DRUG CHARGES or HOMICIDE by an Adult to a Minor.

Is this unusual? No!

If you look at the last several years many of the youth of our community (The State of Alaska) have been assaulted by or became the victims of predators.

Who did this?

Anchorage - Teacher / Hockey Coach, Sexual contact.

Anchorage - Teacher / Band Instructor, Bartlett High School, Sexual contact.

Homer - Fire Chief, Sexual contact.

Wasilla - Teacher - 3rd degree Sexual Abuse of a minor (2-9-01).

Representative_Jeannette_James <Representative_Jeannette_James@legis.state.ak.us>,
Representative_Reggie_Joule <Representative_Reggie_Joule@legis.state.ak.us>,
Representative_Mary_Kapsner <Representative_Mary_Kapsner@legis.state.ak.us>,
Representative_Beth_Kerttula <Representative_Beth_Kerttula@legis.state.ak.us>,
Representative_Vic_Kohring <Representative_Vic_Kohring@legis.state.ak.us>,
Representative_Albert_Kookesh <Representative_Albert_Kookesh@legis.state.ak.us>,
Representative_Ken_Lancaster <Representative_Ken_Lancaster@legis.state.ak.us>,
Representative_Beverly_Masek <Representative_Beverly_Masek@legis.state.ak.us>,
Representative_Carl_Morgan <Representative_Carl_Morgan@legis.state.ak.us>,
Representative_Carl_Moses <Representative_Carl_Moses@legis.state.ak.us>,
Representative_Scott_Ogan <Representative_Scott_Ogan@legis.state.ak.us>,
Representative_Drew_Scalzi <Representative_Drew_Scalzi@legis.state.ak.us>,
Representative_Gary_Stevens <Representative_Gary_Stevens@legis.state.ak.us>,
Representative_Jim_Whitaker <Representative_Jim_Whitaker@legis.state.ak.us>,
Representative_Bill_Williams <Representative_Bill_Williams@legis.state.ak.us>,
Representative_Peggy_Wilson <Representative_Peggy_Wilson@legis.state.ak.us>,
Representative_Eric_Croft <Representative_Eric_Croft@legis.state.ak.us>,
Representative_Joe_Green <Representative_Joe_Green@legis.state.ak.us>,
Representative_Eldon_Mulder <Representative_Eldon_Mulder@legis.state.ak.us>,
Representative_Kevin_Meyer <Representative_Kevin_Meyer@legis.state.ak.us>,
James Brown <jbrown@ktuu.com>, Stancliff Sue <sue_stancliff@legis.state.ak.us>,
"Lyons, John Marcy" <lyons@mtaonline.net>, Tonya Brown <brownfil@aol.com>,
Robin Johnson <robinr@mtaonline.net>, "Steffens, Garry" <aktrivra@alaska.net>,
Smiley Family <ksmiley@PTIALASKA.NET>,
"Marlow, Lael & Mark" <LaeMar@aol.com>,
"Paramount Supply Co." <paramountsupply@gci.net>,
"Troy & LouAnne T." <larz@gci.net>, "Simulski, Mike" <akbluesman@yahoo.com>,
"Grimes, James" <james.grimes@AKANCH.ANG.AF.MIL>,
Tim Twohy <tdot2e@mtaonline.net>, Lisa Allegrucci <stfblgirl24@hotmail.com>,
Rob Shipley <shipleys@alaska.net>, AORCoachA@aol.com,
"Augdahl, Roger & Gail" <raugdahl@arctic.net>,
"Augdahl-Boehmer, Pat" <tatertot00@gci.net>, "Bookey, Sherril" <sjbookey@aol.com>,
"Boullion, Anne" <ABAK02@aol.com>, "Cooke, Greg & Sandie" <secluded4@aol.com>,
"Cuaresma, Ben [home]" <cuaresma1@acsalaska.net>, "Cushman, Karen" <idc@alaska.net>,
"Hibbert, Sarah" <hibbert@gci.net>, "Higbie, Angie" <Angiecalicocritters@gci.net>,
"Knecht, Dan" <Dan_Knecht@chugachelectric.com>,
"Sheehan, Winter" <winterlynn@yahoo.com>, "Shelley, Kathy" <hobbit61@aol.com>,
"Valentine, Dennis" <valen@PTIALASKA.NET>,
"Valentine, Robin" <Rvalentine3@netscape.net>, "Clem, Patty" <toleratesrob@aol.com>,
"Peck, Wanda" <lespeck@arctic.net>, "KERN, Kevin" <Kkern10031@aol.com>,
Kea Cuaresma <kea@hotmail.com>, Lindsay Cuaresma <lindsaycuaresma@hotmail.com>,
Shafer Dave <dshafer1@ppco.com>, "Roller, Melanie A." <Melanie.Roller@veco.com>,
"Woodard, Scott" <Scott.Woodard@veco.com>, "Olds, Beverly" <bolds@gci.net>,
"Olson, Bob" <rto@gci.net>, "Terwilliger, David" <DLHTerwill@aol.com>,
"McCaslin, Tammy" <alaskantam@aol.com>

I agree and support this legislation. Jack has a point...this is a no BRAINER!

Thank you.

Representative_Jeannette_James@legis.state.ak.us (Representative_Jeannette_James),
 Representative_Reggie_Joule@legis.state.ak.us (Representative_Reggie_Joule),
 Representative_Mary_Kapsner@legis.state.ak.us (Representative_Mary_Kapsner),
 Representative_Beth_Kerttula@legis.state.ak.us (Representative_Beth_Kerttula),
 Representative_Vic_Kohring@legis.state.ak.us (Representative_Vic_Kohring),
 Representative_Albert_Kookesh@legis.state.ak.us (Representative_Albert_Kookesh),
 Representative_Ken_Lancaster@legis.state.ak.us (Representative_Ken_Lancaster),
 Representative_Beverly_Masek@legis.state.ak.us (Representative_Beverly_Masek),
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 Representative_Peggy_Wilson@legis.state.ak.us (Representative_Peggy_Wilson),
 Representative_Eric_Croft@legis.state.ak.us (Representative_Eric_Croft),
 Representative_Joe_Green@legis.state.ak.us (Representative_Joe_Green),
 Representative_Eldon_Mulder@legis.state.ak.us (Representative_Eldon_Mulder),
 Representative_Kevin_Meyer@legis.state.ak.us (Representative_Kevin_Meyer),
 jbrown@ktuu.com (James Brown), Sue_Stancliff@legis.state.ak.us (Stancliff Sue),
 browntf@aol.com (tonya brown), robinr@mtaonline.net (Robin Johnson),
 aktrivia@alaska.net ("Steffens, Garry"), ksmiley@PTIALASKA.NET (Smiley Family),
 LaeMar@aol.com ("Marlow, Lael & Mark"),
 paramountsupply@gci.net ("Paramount Supply Co."), larz@gci.net ("Troy & LouAnne T."),
 akbluesman@yahoo.com ("Smulski, Mike"),
 james.grimes@AKANCH.ANG.AF.MIL ("Grimes, James"),
 tdot2e@mtaonline.net (Tim Twohy), sfb1girl24@hotmail.com (Lisa Allegrucci),
 shipleys@alaska.net (Rob Shipley), raugdahl@arctic.net ("Augdahl, Roger & Gail"),
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 cuaresma1@alaska.net ("Cuaresma, Ben [home]"), idc@alaska.net ("Cushman, Karen"),
 hibbert@gci.net ("Hibbert, Sarah"), Angiecalicocritters@gci.net ("Higbie, Angie"),
 Dan_Knecht@chugachelectric.com ("Knecht, Dan"),
 winterlynn@yahoo.com ("Sheehan, Winter"),
 valen@PTIALASKA.NET ("Valentine, Dennis"),
 Rvalentine3@netscape.net ("Valentine, Robin"), toleratesrob@aol.com ("Clem, Patty"),
 lespeck@arctic.net ("Peck, Wanda"), Kkern10031@aol.com ("KERN, Kevin"),
 kea@hotmail.com (Kea Cuaresma), lindsaycuaresma@hotmail.com (Lindsay Cuaresma),
 dshafer1@ppco.com (Shafer Dave), Melanie.Roller@veco.com ("Roller, Melanie A."),
 Scott.Woodard@veco.com ("Woodard, Scott"), bolds@gci.net ("Olds, Beverly"),
 rto@gci.net ("Olson, Bob"), DLHTerwill@aol.com ("Terwilliger, David"),
 alaskantam@aol.com ("McCaslin, Tammy")

As a father of two, I fully support this bill. Please press forward and do the right thing,

Keith E. Axelson
 800 Lighthouse Court
 Anchorage, Alaska 99515

In a message dated Tue, 23 Apr 2002 2:27:26 AM Eastern Daylight Time, Jack Bowen

Representative_Reggie_Joule <Representative_Reggie_Joule@legis.state.ak.us>,
Representative_Mary_Kapsner <Representative_Mary_Kapsner@legis.state.ak.us>,
Representative_Beth_Kerttula <Representative_Beth_Kerttula@legis.state.ak.us>,
Representative_Vic_Kohring <Representative_Vic_Kohring@legis.state.ak.us>,
Representative_Albert_Kookesh <Representative_Albert_Kookesh@legis.state.ak.us>,
Representative_Ken_Lancaster <Representative_Ken_Lancaster@legis.state.ak.us>,
Representative_Beverly_Masek <Representative_Beverly_Masek@legis.state.ak.us>,
Representative_Carl_Morgan <Representative_Carl_Morgan@legis.state.ak.us>,
Representative_Carl_Moses <Representative_Carl_Moses@legis.state.ak.us>,
Representative_Scott_Ogan <Representative_Scott_Ogan@legis.state.ak.us>,
Representative_Drew_Scalzi <Representative_Drew_Scalzi@legis.state.ak.us>,
Representative_Gary_Stevens <Representative_Gary_Stevens@legis.state.ak.us>,
Representative_Jim_Whitaker <Representative_Jim_Whitaker@legis.state.ak.us>,
Representative_Bill_Williams <Representative_Bill_Williams@legis.state.ak.us>,
Representative_Peggy_Wilson <Representative_Peggy_Wilson@legis.state.ak.us>,
Representative_Eric_Croft <Representative_Eric_Croft@legis.state.ak.us>,
Representative_Joe_Green <Representative_Joe_Green@legis.state.ak.us>,
Representative_Eldon_Mulder <Representative_Eldon_Mulder@legis.state.ak.us>,
Representative_Kevin_Meyer <Representative_Kevin_Meyer@legis.state.ak.us>,
James Brown <jbrown@ktuu.com>, Stancliff Sue <Sue_Stancliff@legis.state.ak.us>

Last year Lesil McGuire introduced a bill (HR 180) that would require Criminal History Background Checks on all individuals that work with youth groups.

I urge you to support this legislation.

This is a no brainer.

It is a Non Partisan issue.

All of you have a child that you care for. Help protect them.

I would be willing to attend any hearing and testify. If you need any additional information please contact me.

Please respond to this email as I will forward your positive support response to your constituents.

Thanking you for your support in advance.

Jack F. Bowen
jfb1@alaska.net
(907)349-7487 HM
(907)762-1546 WK
(907)227-7053 Cell

ckground Checks IA]

Representative_Mary_Kapsner <Representative_Mary_Kapsner@legis.state.ak.us>,
Representative_Vic_Kohring <Representative_Vic_Kohring@legis.state.ak.us>,
Representative_Ken_Lancaster <Representative_Ken_Lancaster@legis.state.ak.us>,
Representative_Scott_Ogan <Representative_Scott_Ogan@legis.state.ak.us>,
Representative_Jim_Whitaker <Representative_Jim_Whitaker@legis.state.ak.us>,
Representative_Peggy_Wilson <Representative_Peggy_Wilson@legis.state.ak.us>,
Representative_Joe_Green <Representative_Joe_Green@legis.state.ak.us>,
Representative_Kevin_Meyer <Representative_Kevin_Meyer@legis.state.ak.us>

CC: "Marlow, Lael & Mark" <LaeMar@aol.com>,
"Paramount Supply Co." <paramountsupply@gci.net>, "Pate, Ken L." <Ken.Pate@veco.com>,
AK Bluesman <akbluesman@yahoo.com>, Anderson Stewart <meridian@ak.net>,
"Axelson, Keith" <Keith.Axelson@veco.com>, Billy & Marie <wcbmcb@gci.net>,
"Connors-David, Sheri" <Sheri.Connors-David@veco.com>,
"Gome, Sheri L." <Sheri.Gome@veco.com>,
"james.grimes@AKANCH.ANG.AF.MIL" <james.grimes@AKANCH.ANG.AF.MIL>,
Jessee Boullion <good_ol_snarf@hotmail.com>, Jim Newell <jim.newell@wsfp-ak.com>,
Katherine Martin <katemartin13@home.com>, Lisa Allegrucci <sftblgirl24@hotmail.com>,
"Steffens, Garry" <aktrivia@alaska.net>, tonya brown <browntf1@aol.com>,
Tim Twohy <tdot2e@mtaonline.net>, "Troy & LouAnne T." <larz@gci.net>

It appears that legislation will be introduced within the next week to require background checks for individuals who work with the youth of our

please email your friends and neighbors to email the Alaska State Legislature to support this proposed law. It is very important that the legislature receive notification of your support and our unity to require background checks.

I will forward copies of this legislate am soon as I receive it.

Thank You,
Jack Bowen

PS: The email list of the Legislature is now correct. I think!

Representative_Reggie_Joule <Representative_Reggie_Joule@legis.state.ak.us>,
Representative_Mary_Kapsner <Representative_Mary_Kapsner@legis.state.ak.us>,
Representative_Beth_Kerttula <Representative_Beth_Kerttula@legis.state.ak.us>,
Representative_Vic_Kohring <Representative_Vic_Kohring@legis.state.ak.us>,
Representative_Albert_Kookesh <Representative_Albert_Kookesh@legis.state.ak.us>,
Representative_Ken_Lancaster <Representative_Ken_Lancaster@legis.state.ak.us>,
Representative_Beverly_Masek <Representative_Beverly_Masek@legis.state.ak.us>,
Representative_Carl_Morgan <Representative_Carl_Morgan@legis.state.ak.us>,
Representative_Carl_Moses <Representative_Carl_Moses@legis.state.ak.us>,
Representative_Scott_Ogan <Representative_Scott_Ogan@legis.state.ak.us>,
Representative_Drew_Scalzi <Representative_Drew_Scalzi@legis.state.ak.us>,
Representative_Gary_Stevens <Representative_Gary_Stevens@legis.state.ak.us>,
Representative_Jim_Whitaker <Representative_Jim_Whitaker@legis.state.ak.us>,
Representative_Bill_Williams <Representative_Bill_Williams@legis.state.ak.us>,
Representative_Peggy_Wilson <Representative_Peggy_Wilson@legis.state.ak.us>,
Representative_Eric_Croft <Representative_Eric_Croft@legis.state.ak.us>,
Representative_Joe_Green <Representative_Joe_Green@legis.state.ak.us>,
Representative_Eldon_Mulder <Representative_Eldon_Mulder@legis.state.ak.us>,
Representative_Kevin_Meyer <Representative_Kevin_Meyer@legis.state.ak.us>,
James Brown <jbrown@ktuu.com>, 'Stancliff Sue <Sue_Stancliff@legis.state.ak.us>

Last year Lesil Meguire introduced a bill (HB 180) that would require Criminal History Background Checks on all individuals that work with youth groups.

I urge you to support this legislation.

This is a no brainer.

It is a Non Partisan issue.

All of you have a child that you care for. Help protect them.

I would be willing to attend any hearing and testify. If you need any additional information please contact me.

Please respond to this email as I will forward your positive support response to your constituents.

Thanking you for your support in advance.

Jack F. Bowen
jfb1@alaska.net
(907)349-7487 HM
(907)762-1546 WK
(907)227-7053 Cell

ckground checks]

Representative_Reggie_Joule@legis.state.ak.us (Representative_Reggie_Joule),
Representative_Richard_Foster@legis.state.ak.us (Representative_Richard_Foster),
Representative_Scott_Ogan@legis.state.ak.us (Representative_Scott_Ogan),
Representative_Sharon_Cissna@legis.state.ak.us (Representative_Sharon_Cissna),
Representative_Vic_Kohring@legis.state.ak.us (Representative_Vic_Kohring)

Dear Senators and Representatives:

It is my understanding that legislation will be introduced next week addressing the issue of background checks for those who work with the youth of our communities. I am writing to request your support for background checks for individuals who work with our children. There have been many instances in past years which give evidence that people who are drawn to work with children are not always drawn by right motives. A background check would possibly be a deterrent to those with wrong intentions, and give parents a bit more peace of mind about who is working with their children. As the saying goes, more is "caught" than "taught" when it comes to children. The benefit of good role models cannot be overstated. Please support legislation that protects the children of our community.

Thank you!

Lael Marlow

background check requirement support]

Subject: [Fwd: Background check requirement support]

Date: Wed, 21 Feb 2001 15:50:12 -0900

From: Representative Lesil McGuire <Representative_Lesil_McGuire@legis.state.ak.us>

Organization: Alaska State Legislature

To: Sue_Stanciff@legis.state.ak.us

Subject: Background check requirement support

Date: Wed, 21 Feb 2001 12:10:56 EST

From: KEAxelson@aol.com

**To: <Representative_Fred_Dyson@legis.state.ak.us>,
<Representative_Gail_Phillips@legis.state.ak.us>, <tundraperson@worldnet.att.net>,
<Representative_Andrew_Halcro@legis.state.ak.us>,
<Representative_Lesil_McGuire@legis.state.ak.us>,
<Representative_Lisa_Murkowski@legis.state.ak.us>,
<Representative_Brian_Porter@legis.state.ak.us>,
<Representative_Norman_Rokeberg@legis.state.ak.us>,
<Senator_John_Cowdery@legis.state.ak.us>, <Senator_Dave_Donley@legis.state.ak.us>,
<Senator_Johnny_Ellis@legis.state.ak.us>, <Senator_Bettye_Davis@legis.state.ak.us>,
<Senator_Rick_Halford@legis.state.ak.us>, <Senator_Loren_Leman@legis.state.ak.us>,
<Senator_Drue_Pearce@legis.state.ak.us>, <Senator_Randy_Phillips@legis.state.ak.us>,
<Senator_Jerry_Ward@legis.state.ak.us> .
<Representative_Ethan_Berkowitz@legis.state.ak.us>**

CC: <KEAxelson@aol.com>

To All Alaska State Legislators,

Background check requirement:

As a parent, a coach, a concerned citizen, a taxpayer, and a voter in every election:
Please work this through to completion in a short time frame. The youth of Alaska need

Keith E. Axelson
800 Lighthouse Ct.
Anchorage, Alaska 99515
907-345-4473

Background Checks]

"Representative_Joe_Hayes" <Representative_Joe_Hayes@legis.state.ak.us>,
"Representative_Jeannette_James" <Representative_Jeannette_James@legis.state.ak.us>,
"Representative_Reggie_Joule" <Representative_Reggie_Joule@legis.state.ak.us>,
"Representative_Mary_Kapsner" <Representative_Mary_Kapsner@legis.state.ak.us>,
"Representative_Vic_Kohring" <Representative_Vic_Kohring@legis.state.ak.us>,
"Representative_Ken_Lancaster" <Representative_Ken_Lancaster@legis.state.ak.us>,
"Representative_Scott_Ogan" <Representative_Scott_Ogan@legis.state.ak.us>,
"Representative_Jim_Whitaker" <Representative_Jim_Whitake@legis.state.ak.us>,
"Representative_Peggy_Wilson" <Representative_Peggy_Wilson@legis.state.ak.us>,
"Representative_Joe_Green" <Representative_Joe_Green@legis.state.ka.us>,
"Representative_Kevin_Meyer" <Representative_Kevin_Meyer@legis.state.ak.us>
CC: <james.brown@ktuu.com>

Dear Jack,

Thank you so much for all your hard work and dedication in this matter. I along with many other Alaskans greatly appreciate your efforts. I know that this is a subject very close to your heart, and that is what will make all the difference in the world. I only wish there would have been someone like you out there on my side when I was a youngster. As a victim of sexual abuse at the age of 9 while at YMCA summer camp, I know all too well about the scares that stay with us our entire lives. I won't get into the gory details at this time, but if you need me to testify, just let me know. Change will only come about if those who have been hurt are willing to speak

Dear Senators and Representatives,

Please help!

You have the power to make the changes necessary!

Why wouldn't you?

It's up to you now, do something!

I'm available any time.

Jay N. Goold
Anchorage
907 349-0280 work
907 345-7202 home

----- Original Message -----

From: "Jack Bowen" <jfb1@alaska.net>

To: "Representative Fred Dyson"

<Representative_Fred_Dyson@legis.state.ak.us>; "Representative Gail Phillips" <Representative_Gail_Phillips@legis.state.ak.us>; "Russell Watts" <tundraperson@worldnet.att.net>; "Representative Andrew Halcro"

<Representative_Andrew_Halcro@legis.state.ak.us>;
"Representative Lesil McGuire"

<Representative_Lesil_McGuire@legis.state.ak.us>;
"Representative Lisa Murkowski"

<Representative_Lisa_Murkowski@legis.state.ak.us>;
"Representative Brian Porter"

<Representative_Brian_Porter@legis.state.ak.us>;
"Representative Norman Rokeberg"

<Representative_Norman_Rokeberg@legis.state.ak.us>; "Senator John Cowdery"

<Senator_John_Cowdery@legis.state.ak.us>; "Senator Dave Donley"

<Senator_Dave_Donley@legis.state.ak.us>; "Senator Johnny Ellis"

<Senator_Johnny_Ellis@Legis.state.ak.us>; "Senator Bettye Davis"

Background Checks]

"Representative_Joe_Hayes" <Representative_Joe_Hayes@legis.state.ak.us>,
"Representative_Jeannette_James" <Representative_Jeannette_James@legis.state.ak.us>,
"Representative_Reggie_Joule" <Representative_Reggie_Joule@legis.state.ak.us>,
"Representative_Mary_Kapsner" <Representative_Mary_Kapsner@legis.state.ak.us>,
"Representative_Vic_Kohring" <Representative_Vic_Kohring@legis.state.ak.us>,
"Representative_Ken_Lancaster" <Representative_Ken_Lancaster@legis.state.ak.us>,
"Representative_Scott_Ogan" <Representative_Scott_Ogan@legis.state.ak.us>,
"Representative_Jim_Whitaker" <Representative_Jim_Whitake@legis.state.ak.us>,
"Representative_Peggy_Wilson" <Representative_Peggy_Wilson@legis.state.ak.us>,
"Representative_Joe_Green" <Representative_Joe_Green@legis.state.ka.us>,
"Representative_Kevin_Meyer" <Representative_Kevin_Meyer@legis.state.ak.us>

CC: <james.brown@ktuu.com>

----- Original Message -----

From: Marcey Lyons <lyons@atuonline.net>
To: <jfbl@alaska.net>; Representative Fred Dyson
<Representative_Fred_Dyson@legis.state.ak.us>; Representative Gail Phillips
<Representative_Gail_Phillips@legis.state.ak.us>; Russell Watts
<tundraperson@worldnet.att.net>; Representative Andrew Halcro
<Representative_Andrew_Halcro@legis.state.ak.us>;
Representative Lesil McGuire
<Representative_Lesil_McGuire@legis.state.ak.us>;
Representative Lisa Murkowski
<Representative_Lisa_Murkowski@legis.state.ak.us>;
Representative Brian Porter <Representative_Brian_Porter@legis.state.ak.us>;
Representative Norman Rokeberg
<Representative_Norman_Rokeberg@legis.state.ak.us>; Senator John Cowdery
<Senator_John_Cowdery@legis.state.ak.us>; Senator Dave Donley
<Senator_Dave_Donley@legis.state.ak.us>; Senator Johnny Ellis
<Senator_Johnny_Ellis@legis.state.ak.us>; Senator Bettye Davis
<Senator_Bettye_Davis@legis.state.ak.us>; Senator Rick Halford
<Senator_Rick_Halford@legis.state.ak.us>
Cc: <james.brown@ktuu.com>
Sent: Tuesday, February 20, 2001 11:14 AM
Subject: Re: Background Checks

> This should be a REQUIREMENT!! Please consider enacting this as law.

>

> Thank you,

> Marcey Lyons

> Youth sports coach and parent of 2 minor daughters

> ----- Original Message -----

> From: "Jack Bowen" <jfbl@alaska.net>

> To: "Representative Fred Dyson"

> <Representative_Fred_Dyson@legis.state.ak.us>; "Representative Gail

> Phillips" <Representative_Gail_Phillips@legis.state.ak.us>; "Russell
Watts"

> <tundraperson@worldnet.att.net>; "Representative Andrew Halcro",

> <Representative_Andrew_Halcro@legis.state.ak.us>;

> "Representative Lesil McGuire"

> <Representative_Lesil_McGuire@legis.state.ak.us>;

> "Representative Lisa Murkowski"

> <Representative_Lisa_Murkowski@legis.state.ak.us>;

> "Representative Brian Porter"

> <Representative_Brian_Porter@legis.state.ak.us>;

> "Representative Norman Rokeberg"

> <Representative_Norman_Rokeberg@legis.state.ak.us>; "Senator John Cowdery"

> <Senator_John_Cowdery@legis.state.ak.us>; "Senator Dave Donley"

> <Senator_Dave_Donley@legis.state.ak.us>; "Senator Johnny Ellis"

Background Checks]

PLEASE, if your going to support any bills, support this one.

Thank you,

Tim Twohy

>
>
> >
> >
>
>

ALASKA SENATORS and REPRESENTATIVES

While in the US Post Office I was looking through some papers hanging on the wall. I thought you might like to learn more about what I saw.

DO YOU KNOW THIS PERSON

WANTED BY THE FBI

William Dan Yater

DOB: 7/20/67 Eyes: Hazel Height: 6'-4"
Place of Birth: Rochelle, Illinois Weight: 175

SSN Used: 332-74-0149 Driver's License Used: Illinois # Y360-9246-7206

Occupation: Clerk, Janitor, Factory Worker

Criminal Convictions: Aggravated Sexual Assault

Remarks: Yater has been arrested and convicted of child molestation. Yater portrays himself as a religious person. He may use church activities to gain trust with potential victims' parents. Yater has said he likes boys under 10 because they are easier to scare not to tell.

Very soon there will be a bill introduced into the Alaska State Legislature to require Background Checks on all people who work or are volunteers for youth groups. This bill, if enacted into law, will help keep predators and child molesters like William Dan Yater from having access to our children.

Please show your support and vote to enact needed legislation to protect our children.

The child you protect may be yours.

Thank you for your time,
Jack Bowen

<Representative_Scott_Ogan@legis.state.ak.us>,
<Representative_Drew_Scalzi@legis.state.ak.us>,
<Representative_Gary_Stevens@legis.state.ak.us>,
<Representative_Jim_Whitaker@legis.state.ak.us>,
<Representative_Bill_Williams@legis.state.ak.us>,
<Representative_Peggy_Wilson@legis.state.ak.us>,
<Representative_Eric_Croft@legis.state.ak.us>,
<Representative_Joe_Green@legis.state.ak.us>,
<Representative_Eldon_Mulder@legis.state.ak.us>,
<Representative_Kevin_Meyer@legis.state.ak.us>, <jbrown@ktuu.com>,
<sue_stancliff@legis.state.ak.us>, <lyons@atuonline.net>, <Browntf1@aol.com>,
<robinr@mtaonline.net>, <aktrivia@alaska.net>, <ksmiley@PTIALASKA.NET>,
<LaeMar@aol.com>, <larz@gci.net>, <akbluesman@yahoo.com>,
<james.grimes@AKANCH.ANG.AF.MIL>, <tdot2e@mtaonline.net>,
<sftblgirl24@hotmail.com>, <shipleys@alaska.net>, <AORCoachA@aol.com>,
<raugdahl@arctic.net>, <tatertot00@gci.net>, <Sjbookey@aol.com>,
<cuaresma1@acsalaska.net>, <idc@alaska.net>, <hibbert@gci.net>,
<Angiecalicocritters@gci.net>, <Dan_Knecht@chugachelectric.com>,
<winterlynn@yahoo.com>, <valen@PTIALASKA.NET>, <Rvalentine3@netscape.net>,
<Toleratesrob@aol.com>, <lespeck@arctic.net>, <KKem10031@aol.com>,
<kea@hotmail.com>, <lindsaycuaresma@hotmail.com>, <dshafer1@ppco.com>,
<Melanie.Roller@veco.com>. <Scott.Woodard@veco.com>, <holds@gci.net>,
<rtot@gci.net>, <DLFFerwill@aol.com>

I support this bill.

Jay Goold
Anchorage, AK
Registered Voter.

— Original Message —

From: AlaskanTam@aol.com

To: ifb1@alaska.net; [Representative Fred Dyson@legis.state.ak.us](mailto:Representative_Fred_Dyson@legis.state.ak.us);

[Representative Andrew Halcro@legis.state.ak.us](mailto:Representative_Andrew_Halcro@legis.state.ak.us);

[Representative Leslie McGuire@legis.state.ak.us](mailto:Representative_Leslie_McGuire@legis.state.ak.us);

[Representative Lisa Murkowski@legis.state.ak.us](mailto:Representative_Lisa_Murkowski@legis.state.ak.us);

[Representative Brian Porter@legis.state.ak.us](mailto:Representative_Brian_Porter@legis.state.ak.us);

[Representative Norman Rokeberg@legis.state.ak.us](mailto:Representative_Norman_Rokeberg@legis.state.ak.us); [Senator John Cowdery@legis.state.ak.us](mailto:Senator_John_Cowdery@legis.state.ak.us)

; [Senator Dave Donley@legis.state.ak.us](mailto:Senator_Dave_Donley@legis.state.ak.us); [Senator Johnny Ellis@legis.state.ak.us](mailto:Senator_Johnny_Ellis@legis.state.ak.us);

[Senator Bettye Davis@legis.state.ak.us](mailto:Senator_Bettye_Davis@legis.state.ak.us); [Senator Rick Halford@legis.state.ak.us](mailto:Senator_Rick_Halford@legis.state.ak.us);

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[Representative Con Bunde@legis.state.ak.us](mailto:Representative_Con_Bunde@legis.state.ak.us);

[Representative Sharon Cissna@legis.state.ak.us](mailto:Representative_Sharon_Cissna@legis.state.ak.us);

[Representative Harry Crawford@legis.state.ak.us](mailto:Representative_Harry_Crawford@legis.state.ak.us);

[Representative Gretchen Guess@legis.state.ak.us](mailto:Representative_Gretchen_Guess@legis.state.ak.us); [Representative Pete Kott@legis.state.ak.us](mailto:Representative_Pete_Kott@legis.state.ak.us)

; [Senator Alan Austerman@legis.state.ak.us](mailto:Senator_Alán_Austerman@legis.state.ak.us); [Senator Kim Elton@legis.state.ak.us](mailto:Senator_Kim_Elton@legis.state.ak.us);

[Senator Lyda Green@legis.state.ak.us](mailto:Senator_Lyda_Green@legis.state.ak.us); [Senator Lyman Hoffman@legis.state.ak.us](mailto:Senator_Lyman_Hoffman@legis.state.ak.us);

[Senator Pete Kelly@legis.state.ak.us](mailto:Senator_Pete_Kelly@legis.state.ak.us); [Senator Georgianna Lincoln@legis.state.ak.us](mailto:Senator_Georgianna_Lincoln@legis.state.ak.us);

[Senator Robin Taylor@legis.state.ak.us](mailto:Senator_Robin_Taylor@legis.state.ak.us); [Senator Gene Therriault@legis.state.ak.us](mailto:Senator_Gene_Therriault@legis.state.ak.us);

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Representative_Bill_Williams@legis.state.ak.us,
Representative_Peggy_Wilson@legis.state.ak.us,
Representative_Eric_Croft@legis.state.ak.us, Representative_Joe_Green@legis.state.ak.us,
Representative_Eldon_Mulder@legis.state.ak.us,
Representative_Kevin_Meyer@legis.state.ak.us, jbrown@ktuu.com,
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robinr@mtaonline.net, aktrivia@alaska.net, ksmiley@PTIALASKA.NET, LaeMar@aol.com,
paramountsupply@gci.net, larz@gci.net, akbluesman@yahoo.com,
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lindsaycuaresma@hotmail.com, dshafer1@ppco.com, Melanie.Roller@veco.com,
Scott.Woodard@veco.com, bolds@gci.net, rto@gci.net, DLHTerwill@aol.com

Our children are our greatest resource. They are innocent. We have a responsibility as adults to protect our children best as we can. By passing this bill, we will have come 1 step closer to making sure our children are safe from predators. Please help protect our children.

HB

181

FISCAL NOTE

**STATE OF ALASKA
2001 LEGISLATIVE SESSION**

Fiscal Note Number: 1
 Bill Version: HB 181
 (H) Publish Date: 4/21/01

Revision Date/Time (Note if correction): _____ Dept. Affected: Law
 Title "An Act relating to the obligations of spouses, to BRU Civil Division
the insurance policies of spouses, to the nonprobate transfer ..." Component Fair Business Practices
 Sponsor Representative Murkowski
 Requester House Judiciary Component No. 2206

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
CHANGE IN REVENUES ()						

FUND SOURCE (Thousands of Dollars)

FUND SOURCE	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2001) cost: 0.0

Check this box (X) if funding for this bill is included in the Governor's FY 2002 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

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

HB 181 repeals four sections of the Alaska Community Property Act and replaces them with a general rule that an obligation incurred by a spouse can only be satisfied from that spouse's non-community property and that spouse's interest in the community property, no matter when the obligation was incurred. In addition, the bill provides for how community property is to be divided upon the death of a spouse, and how it is to be distributed; allows for transfers of community property to a community property trust; and makes changes to how community property relates to life insurance purchases.

Passage of HB 181 will have no fiscal impact on the Department of Law.

Prepared by: Joan M. Kasson Phone 465-5370
 Division: Attorney General's Office Date/Time 4/19/01 3:42 PM
 Approved by: Kathryn Daughhelee for Bruce M. Botelho, Attorney General Date 4/19/01
 Agency: Department of Law

For distribution information, call the Governor's Legislative Office

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LABOR AND COMMERCE

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COMMUNITY AND REGIONAL AFFAIRS
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JOINT ARMED SERVICES



REPRESENTATIVE LISA MURKOWSKI
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Representative_Lisa_Murkowski@legis.state.ak.us

Interim:
716 WEST 4TH AVENUE
ANCHORAGE, AK 99501-2133
PHONE: (907) 269-0174
FAX: (907) 269-0177

Sponsor Statement HB 181 Community Property

In 1998, the legislature passed Alaska's community property act, which allows married couples to characterize some or all of their assets as community property. Since the enactment of Alaska's community property act, experts, through experience and application of community property and trust planning, have identified certain statutes requiring improvement and adjustment. House Bill 181 makes these improvements and adjusts Alaska's community property statutes in four ways:

The extent to which a creditor can reach a couple's community property. Section 1 provides that a creditor of a debtor spouse may only reach the separate property of that spouse and that spouse's half of the jointly held property. If only one spouse is the debtor, then the creditor can reach half of the community property. If both spouses are debtors, then the creditor can reach all of the community property.

Transfers of property to a community property trust by beneficiary designation. This new provision allows property such as life insurance policies and IRAs to be transferred to a community property trust by designating the trust as the beneficiary of the property. This will assist nonresidents of Alaska in using Alaska community property trusts.

Clarification of sources of funds used to purchase life insurance. Community property funds may be used by a couple to purchase life insurance, and where the primary beneficiaries are family members, then it is presumed that both spouses consented to the choice of such beneficiaries. The existing statute already creates the presumption for the parent or child of either spouse. This amendment expands the category of family members to include ancestors or descendants of either spouse, or a trust for the benefit of those persons. In order to minimize estate taxes, it is presumed that a spouse who buys life insurance has used his or her own property to purchase the life insurance.

Division of community property at death. Section 4 clarifies that on the death of a spouse, half of the community property reflects the share of the decedent and the other half reflects the share of the surviving spouse. However, each item of the community property does not have to be divided equally. Rather, different items can be allocated to the spouse's shares, as long as each spouse's share receives half of the total aggregate value of the community property. This added flexibility will allow for better income and estate tax planning for couples using Alaska community property.

Last Updated March 30, 2001
Staff Contact: Amy Erickson 465-4954

LEGAL SERVICES

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

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


State Capitol
Juneau, Alaska 99801-1182
Deliveries to: 129 6th St., Rm. 329

MEMORANDUM

April 24, 2001

SUBJECT: Sectional Summary of CSHB 181(JUD) relating to the property and obligations of spouses (Work Order No. 22-LS0567\O)

TO: Representative Lisa Murkowski
Attn: Amy

FROM: 
Theresa L. Bannister
Legislative Counsel

You have requested a sectional summary of the above-described bill. As a preliminary matter, note that a sectional summary of a bill should not be considered an authoritative interpretation of the bill and the bill itself is the best statement of its contents.

Section 1. AS 34.77.070(j) and (k). Establishes from what property an obligation incurred by only one spouse can be satisfied. Establishes from what property an obligation incurred during marriage by both spouses may be satisfied.

Section 2. AS 34.77.100. Establishes that nonprobate transfers on death of property under AS 13.33.101 can be transferred to a community property trust.

Section 3. AS 34.77.120(b). In (b)(5), establishes a presumption that a designation of certain persons or a certain trust, to the extent the trust's beneficiaries consist of certain persons, as the beneficiaries of an insurance policy has been made with the consent of the other spouse. Adds under (b)(7) a presumption relating to the community property interests of spouses in an insurance policy on the life of one of the spouses and owned by an irrevocable trust, to the extent the trust's beneficiaries consist of certain persons. In (b)(8), makes a spouse's testimony sufficient to rebut a presumption under (b)(5) or (b)(7).

Section 4. AS 34.77.120(e). Adds a reference to a trust described under new AS 34.77.120(b)(7).

Section 5. AS 34.77.155. Adds a new section establishing rules to govern the division of community property upon the death of a spouse.

Section 6. Repeals certain sections.

Representative Lisa Murkowski
April 24, 2001
Page 2

Section 7. Describes how AS 34.77.120(b)(8) changes a court rule of evidence.

Section 8. Gives the Act an immediate effective date.

If I may be of further assistance, please advise.

TLB:jhb
01-088.jhb

STEPHEN E. GREER
ATTORNEY AT LAW

P.O. BOX 24-2903
ANCHORAGE, ALASKA 99524-2903

4041 "B" STREET, STE. 205
ANCHORAGE, AK 99503

TEL: (907) 561-5520
FAX: (907) 563-5020

April 23, 2001

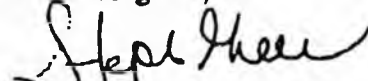
To: Rep. Lisa Murkowski
Faxed: (907) 465-2293

HB 181
(The Community Property Bill)

Dear Representative Murkowski:

I am presently the chairman of the Estate Planning and Probate Section of the Alaska Bar Association. I am not writing in that capacity but as a private practitioner. I also want to mention I have no connection or allegiance to any trust company. The interests which I represent are those of my clients, all of whom are Alaskan citizens. I am writing to express support for HB 181 (the community property bill). This bill is an important adjunct to our existing community property law and corrects many of the provisions which presently create legal ambiguities for our clients. Every provision contained in this bill has been well thought out and scrupulously articulated. This bill would be a good thing for all Alaskans and I strongly recommend this bill. I will available to explain its provisions to anyone who has a question.

Kindest regards,



Stephen E. Greer

LAW OFFICES OF
DAVID G. SHAFTEL

A PROFESSIONAL CORPORATION
550 West Seventh Avenue, Suite 705
Anchorage, Alaska 99501

.....
(907) 276-6015

FAX (907) 278-6015

E-MAIL: info@shaftcllaw.com

Legal Assistants:

Leanna D. Dreher, J.D. ●
Linda J. Durr, PLS

Attorneys:

David G. Shaftel, J.D., LL.M. (Taxation) ♦ ●
Caroline P. Wanamaker, J.D. ♦ ♦
Donna Marie, J.D. ♦ ●
Michael D. Shaffer, J.D. ♦ ●
Bhree Koumagoux, J.D. ♦

♦ Admitted in AK
● Admitted in CA
+ Admitted in WA
● Admitted in MA

March 26, 2001

SENT VIA FACSIMILE TO (907) 465-2293

Representative Lisa Murkowski
Alaska State Legislature
State Capitol, Room 406
Juneau, AK 99801-1182

Re: House Bill 181, Alaska Community Property Act Amendments

Dear Representative Murkowski:

Thank you very much for introducing House Bill 181. Our firm emphasizes estate planning and estate and trust administration. This bill adds important amendments to the Alaska Community Property Act. These provisions will enable Alaskans, and nonresidents using Alaska's Act, to take advantage of estate planning approaches now used by residents of other community property states.

Sincerely,



David G. Shaftel

DGS/cf



**HUGHES THORSNESS POWELL
HUDDLESTON & BAUMAN LLC**
ATTORNEYS AT LAW

March 29, 2001

VIA FACSIMILE
(907) 465-2293

Representative Lisa Murkowski
State of Alaska
Juneau, Alaska

Re: HB 181

Dear Lisa:

As you know I am in estate planning attorney in Anchorage and am a member of the estate planning section of the Alaska Bar Association. I want to express my support for passage of HB 181. This bill would accomplish important amendments to our Alaska Community Property Act and will benefit the residents of Alaska.

Very truly yours,

A handwritten signature in black ink, appearing to read "Robert L. Manley", with a long horizontal flourish extending to the right.

Robert L. Manley

RLM/mjm

HB

182

FISCAL NOTE

STATE OF ALASKA
2002 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: CSHB 182 (L&C)
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Law
 Title "An Act relating to certain vehicles, . . . to BRU Civil Division
registration and bonding of motor vehicle dealers; . . ." Component Fair Business Practices
 Sponsor Rep. Murkowski
 Requester House Labor and Commerce Committee Component No. 2206

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

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

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

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2002) cost: 0.0

Check this box (X) if funding for this bill is included in the Governor's FY 2003 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

CSHB 182 (L&C) establishes a framework that will govern the relationship between automobile manufacturers and their franchised dealers. The bill deals with issues surrounding the issuance and termination of new motor vehicle franchise agreements, such as procedures for selling assets and equipment in the event a franchise is sold or transferred, the processing and payment of warranty claims, and establishing boundaries for the establishment of new franchises, among other things. In addition, CSHB 182 (L&C) contains provisions that regulate automobile dealer trade practices in the sale and advertisement of new and used motor vehicles.

Passage of this legislation is not anticipated to have a fiscal impact on the Department of Law.

Prepared by: Joan M. Kasson
 Division: Attorney General's Office
 Approved by: Kathryn Daughettee for Bruce M. Botelho, Attorney General
 Agency: Department of Law

Phone (907) 465-5370
 Date/Time 3/26/02 4:44 PM
 Date 3/26/2002

FISCAL NOTE

STATE OF ALASKA
2002 LEGISLATIVE SESSION

Fiscal Note Number: 2
 Bill Version: CSHB 182(FIN)
 (H) Publish Date: 4/11/02

Revision Date/Time (Note if correction): _____ Dept. Affected: Administration
 Title An Act relating to motor vehicles BRU Motor Vehicles
and providing for an effective date Component _____
 Sponsor Representative Murkowski, Represent
 Requester H (FIN) Component No. 2348

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
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CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2002) cost: 0.0

Check this box (X) if funding for this bill is included in the Governor's FY 2003 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This bill will delete from dealer registration businesses that sell only trailers or semi-trailers and do not also sell motor vehicles. There are 3 of these businesses that currently must register as dealers. The loss of revenue from these businesses will be \$150 annually.

Prepared by: Mary Marshburn, Director Phone 269-5559
 Division: Motor Vehicles Date/Time 4/1/02 9:55 AM
 Approved by: Jim Duncan, Commissioner Date 4/1/2002
 Agency: Department of Administration

CORRECTION

THE FOLLOWING DOCUMENT(S)
HAVE BEEN REFILMED TO
ASSURE LEGIBILITY OR PAGINATION



Central Microfilm Services
Department of Education & Early Development
State of Alaska

FISCAL NOTE

STATE OF ALASKA
2002 LEGISLATIVE SESSION

Fiscal Note Number: 2
 Bill Version: CSHB 182(FIN)
 (H) Publish Date: 4/11/02

Revision Date/Time (Note if correction): _____ Dept. Affected: Administration
 Title An Act relating to motor vehicles BRU Motor Vehicles
and providing for an effective date Component _____
 Sponsor Representative Murkowski, Represent
 Requester H (FIN) Component No. 2348

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
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CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0
-------------------------------	------------	------------	------------	------------	------------	------------

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2002) cost: 0.0

Check this box (X) if funding for this bill is included in the Governor's FY 2003 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This bill will delete from dealer registration businesses that sell only trailers or semi-trailers and do not also sell motor vehicles. There are 3 of these businesses that currently must register as dealers. The loss of revenue from these businesses will be \$150 annually.

Prepared by: Mary Marshburn, Director
 Division: Motor Vehicles
 Approved by: Jim Duncan, Commissioner
 Agency: Department of Administration

Phone 269-5559
 Date/Time 4/1/02 9:55 AM
 Date 4/1/2002

ALASKA STATE LEGISLATURE

Representative Lisa Murkowski Chair
Representative Andrew Halcro Vice-Chair
Representative Pete Kott
Representative Kevin Meyer
Representative Norman Rokeberg
Representative Harry Crawford
Representative Joe Hayes



Alaska State Capitol
Juneau, AK 99801-1182
Telephone: (907) 465-4954
Fax: (907) 465-2293
Representative_Lisa_Murkowski@legis.state.ak.us

HOUSE LABOR AND COMMERCE COMMITTEE

Memorandum

Date: April 29, 2002
To: Senator Robin Taylor
Judiciary Chair
From: Representative Lisa Murkowski
Subject: Hearing Request

House Bill 182, Motor Vehicle Sales and Dealers, is a comprehensive motor vehicle franchise protection act that addresses the relationship between motor vehicle dealers and manufacturers, and prospective auto buyers, and provides guidelines to protect dealers and consumers from abuses within the automobile industry.

Attached you will find the most current version of House Bill 182, sponsor statement, sectional analysis, and two zero fiscal notes. Incidentally, the Department of Law's new zero fiscal note, which replaces the previous \$77,000 note, has not been transmitted to the chief clerk's office nor to the Senate secretary's office. Although both the House Finance and Senate Labor and Commerce Committees adopted the zero fiscal note from Department of Law, neither committee actually transmitted the note, nor did they list it in the committee report as a *new* fiscal note. Please help us resolve this oversight by adopting and transmitting the zero fiscal note from the Department of Law.

There is no known controversy surrounding House Bill 182. Please schedule the measure the earliest your schedule will allow. Thank you for your accommodation.

**REQUEST FOR
HEARING**

ALASKA STATE LEGISLATURE

Representative Lisa Murkowski Chair
Representative Andrew Halcro Vice-Chair
Representative Pete Kott
Representative Kevin Meyer
Representative Norman Rokeberg
Representative Harry Crawford
Representative Joe Hayes



Alaska State Capitol
Juneau, AK 99801-1182
Telephone: (907) 465-4954
Fax: (907) 465-2293
Representative_Lisa_Murkowski@legis.state.ak.us

HOUSE LABOR AND COMMERCE COMMITTEE

Sponsor Statement House Bill 182 Motor Vehicle Sales and Dealers

Alaska is the only state in the nation without comprehensive motor vehicle franchise protection. House Bill 182, as requested by the Alaska Automobile Dealers Association (AADA), addresses the relationship between motor vehicle dealers and manufacturers, and prospective auto buyers, and provides guidelines to protect dealers and consumers from abuses within the automobile industry.

Dealers are generally dependent on manufacturers as their sole-source supplier. Such dependence gives rise to policies that are otherwise of no value to the dealer, or that may place onerous burdens upon a local dealer. House Bill 182 creates a platform for dispute resolution between manufacturers and motor vehicle dealers with regard to franchise disagreements. Presently, legal disputes between manufacturers and dealers are governed by, interpreted, and adjudicated by out-of-state courts. This can often be an uncertain and expensive proposition for Alaska dealers. House Bill 182 brings agreements made between manufacturers and dealers under jurisdiction of Alaska courts.

Some franchise agreements are only offered for short durations and require periodic renewal, even though dealers may be required to invest millions of dollars to obtain or expand their franchises. Many auto dealers are reluctant to make such substantial investments without some assurance of protection from manufacturer abuses. House Bill 182 sets forth uniform processes to transfer, terminate, or convey franchise agreements. Included are protections requiring compensation for dealer facilities and reimbursement for purchased parts and equipment due to an unelected termination. Protections are also provided against the placement by manufacturers of new competing dealerships within too close a proximity to a current dealer's market area. Additionally, House Bill 182 provides uniform guidelines and protections when designating successors in case of death or incapacity of franchisees.

House Bill 182 also provides proactive and meaningful protection for the auto buying public. Safeguards are created regarding deceptive advertising, price comparisons, availability of advertised items, and condition and accident history of vehicles for prospective used car buyers.

House Bill 182 restores some balance to the relationship between Alaska's automobile dealers and Outside manufacturers, and also provides much needed protections for consumers in the state. The bill establishes guidelines to protect dealers and consumers alike from abuses within the automobile industry and gives Alaska up-to-date motor vehicle franchise protections.

Last Updated: April 23, 2002
Staff Contact: Amy Erickson 465-4954

Sponsor Statement

Sectional Analysis
House Bill 182
Motor Vehicle Sales and Dealers

Section 1 makes changes to conform to the definition of certain terms provided by section 8 of the bill.

Section 2 makes changes to conform to the definitions provided by section 8 of the bill and the repealer in section 13 and makes some stylistic changes.

Section 3 makes a change to conform to the addition of a definition of "department" in Section 8.

Section 4 makes a change to conform to the repealer in Section 13 of the bill.

Section 5 rewrites AS 08.66.080 relating to the bond to be filed by a dealer, conditions on the bond, cancellation of the bond, liability on the bond, and application of the bond to dealer registration renewals.

Section 6 expands the types of violations that give a person a right of action against a dealer and the dealer's bond surety. Makes a change to conform the statutory reference to the repealer in Section 13 of the bill and makes some stylistic changes.

Section 7 makes changes to conform to the repealer in Section 13 of the bill.

Section 8 defines certain terms used in AS 08.66.

Section 9 adds a new chapter, AS 45.25, relating to motor vehicle transactions.

Section 45.25.010 indicates the applicability of sections 45.25.020 – 45.25.320 of the new chapter.

Section 45.25.020 states that the courts of this state have jurisdiction over, and the law of this state governs, a legal dispute between manufacturers, whether in this state or outside this state, and new motor vehicle dealers located in this state.

Section 45.25.030 prohibits a manufacturer from using other entities and persons to do what is prohibited to the manufacturer under this chapter. States that this section does not limit the rights of certain persons to engage in reasonable and appropriate business practices that are consistent with an existing trade practice not prohibited by this chapter.

Section 45.25.100 states that the terms in an agreement between a manufacturer and a new motor vehicle dealer in this state that are inconsistent with this state's law do not have any force or effect in this state.

Section 45.25.110 prohibits a manufacturer from terminating a franchise unless certain requirements are met. Prohibits a manufacturer from terminating a franchise agreement because of the death or incapacity of certain owner.

Section 45.25.120 requires a manufacturer terminating a franchise to provide a notice of termination meeting certain requirements to the new motor vehicle dealer.

Section 45.25.130 prohibits a manufacturer or a manufacturer's representative from coercing a new motor vehicle dealer to enter into an agreement or to do another act unfair to the dealer by threatening to terminate a franchise agreement.

Section 45.25.140 establishes the manufacturer's and distributor's repurchase obligations when a franchise agreement is terminated by the manufacturer or distributor.

Section 45.25.150 establishes the compensation to be paid to a new motor vehicle dealer for dealer facilities when a manufacturer or distributor terminates a franchise. Exempts certain terminations.

Section 45.25.160 prohibits a manufacturer from unreasonably preventing or refusing to honor a transfer of ownership of a new motor vehicle dealership.

Section 45.25.170 prohibits a manufacturer from unreasonably preventing or refusing to honor the succession to a franchise of certain persons. Establishes certain conditions and exceptions to this prohibition. Gives a proposed successor a right to superior court review on whether approval has been unreasonably withheld.

Section 45.25.180 requires a manufacturer or distributor to give notice before establishing new or relocated dealers within a relevant market area where the same line make is represented. Permits a dealer to bring a declaratory judgment action in the superior court to determine whether good cause exists for the establishment or relocation. Prohibits the establishment or relocation until the court decision is made. Lists certain activities that are not prohibited by the section. Lists certain factors that the court is to consider when determining whether good cause exists.

Section 45.25.190 states that neither the manufacturer nor the new motor vehicle dealer is required to submit a controversy to arbitration. If the parties do agree to arbitration, states that arbitration is to be conducted under the state's Uniform Arbitration Act and establishes how the arbitrators are to be selected.

Section 45.25.300 prohibits a manufacturer from requiring or coercing a new motor vehicle dealer to change the location of the dealership or to make substantial alteration to the dealership premises or facilities under certain circumstances.

Section 45.25.310 prohibits a manufacturer from unfairly discriminating among new motor vehicle dealers regarding warranty reimbursements and warranty adjustment authority.

Section 45.25.320 prohibits a manufacturer or distributor from taking certain actions relating to a claim after 18 months from submission of the claim by the new motor vehicle dealer.

Section 45.25.400 prohibits a dealer from using certain terms in advertisements. Allows a dealer to use certain terms in advertisements under certain conditions.

Section 45.25.410 prohibits dealers from advertising vehicles and related goods and services at specified dealer prices without intending to supply reasonably expected demand, unless the advertisement discloses the number of vehicles in stock at the advertised price.

Section 45.25.420 requires a dealer to display all advertised vehicles during the sale period in a conspicuous and clearly visible location on the dealer's premises. Requires that the advertised sale price be clearly marked on the vehicle.

Section 45.25.430 prohibits a dealer from refusing to sell a vehicle on the advertised terms and conditions, except in certain circumstances.

Section 45.25.440 prohibits a dealer selling a motor vehicle from charging certain fees and costs unless the fees and costs are included in the advertised price.

Section 45.25.450 prohibits a dealer from making price comparisons, price reductions, or price discounts in an advertisement unless they comply with this section.

Section 45.25.460 lists certain advertising and selling practices that a dealer may not engage in. Requires a dealer to disclose beginning and ending dates in all motor vehicle sale advertisements.

Section 45.25.465 requires dealers, when obtaining a used motor vehicle from an individual, to make reasonable inquiry into the condition of the vehicle. Also requires the information to be provided to prospective buyers.

Section 45.25.470 requires a dealer to disclose in writing before sale whether a vehicle was originally manufactured for sale in a foreign country.

Section 45.25.480 prohibits a dealer from knowingly buying or selling a vehicle with an altered or removed identification number plate or to alter or remove a vehicle identification number plate.

Section 45.25.490 prohibits a dealer from selling or offering to sell a vehicle unless the dealer holds a manufacturer's statement of origin, a title, or another properly executed document reasonably necessary to obtain the statement of origin or title for transfer of the vehicle to the buyer.

Section 45.25.500 prohibits a dealer from transferring the title of or performing repairs or reconditioning on a trade-in vehicle before the sales transaction is completed.

Section 45.25.510 requires a new motor vehicle dealer, before entering into a new motor vehicle sale contract, to make a written disclosure to the buyer of any known damage and repair to the vehicle that exceed a specific amount. Provides that if disclosure is not required under this section, a buyer may not revoke or rescind a sale due to damage or repair of the vehicle before completion of the sale.

Section 45.25.520 establishes the form for advertisement disclosures required by this chapter.

Section 45.25.590 defines certain terms for sections 45.25.400 – 45.25.590.

Section 45.25.600 prohibits a dealer from transferring a vehicle title to a buyer before all of the sale documents, including any finance contract arranged by the seller, are complete and signed.

Section 45.25610 establishes certain requirements that a motor vehicle sales contract must satisfy. Requires the contract to be completed as to all essential provisions before the buyer signs and before the vehicle is delivered to the buyer. Prohibits a dealer from obtaining a signed sales contract until any financing terms reflected in the installment contract are final and complete. Allows a dealer who arranges financing to deliver the vehicle before final approval by the financing entity if certain conditions are met. Requires the dealer to return the entire down payment and any trade-in if the sales transaction is not completed because the financing is not approved within seven business days of the separate agreement.

Section 45.25.620 establishes certain requirements for vehicle service contracts. Prohibits a dealer from disclaiming or limiting implied warranties for a vehicle for which the dealer is a maker of a service contract sold for that vehicle. Allows disclaimers or limiting implied warranties under certain conditions if the dealer is merely the seller of the service contract.

Section 45.25.900 states that if a provision of this chapter conflicts with another provision of AS 45, this chapter controls.

Section 45.25.910 states that this chapter is remedial.

Section 45.25.990 defines certain terms for the chapter.

Section 10 adds a violation of AS 08.66 to the list of prohibited practices under the state's unfair trade practices act.

Section 11 adds a violation of AS 45.25.400 – 45.25.590 to the list of prohibited practices unfair trade practices act.

Section 12 states that the state's monopoly and restraint of trade provisions do not apply to actions that a person takes or refrains from taking in order to comply with the new chapter.

Section 13 repeals certain statutes.

Section 14 states an indirect court rule change by establishing a different rule for legal dispute in Section 45.25.020.

Section 15 states that Sections 9, 11, and 12 of this Act apply to a franchise entered into on or after the effective date of this Act.

Section 16 states the conditional effect of two-thirds majority vote for court rule change.

Section 17 gives the Act an effective date of July 1, 2002.

HB

187



April 17, 2001

The Honorable Jim Whittaker
M/S 3100
Room 411
Juneau, AK 99801

Dear Representative Whittaker:

I want to compliment you for the introduction House Bill 187. Sealaska Corporation is a Regional Native Corporation representing over 16,000 Alaska Native shareholders. Sealaska manages numerous historic and cemetery sites that occur on its land and works very closely with the United States Forest Service on the management and protection of cemeteries, grave sites and other cultural resources through out the region.

Our experience is that there is a dearth of public awareness of these sites, their value and that they should be protected knowledge where ever they exist. Throughout the region cemetery and grave sites are replete with examples of vandalism and other disregard for the importance of these sites. We believe that this legislation performs a most important function of highlighting for the public the need to protect cemeteries and graves sites and to ensure that there is a consequence for abuse of these types sites .

We encourage your consideration of this legislation.

Sincerely,

SEALASKA CORPORATION

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

Richard P. Harris
Senior Vice President Natural Resources

cc: Chris McNeil
Ross Soboleff



CENTRAL COUNCIL
tlingit and haida indian TRIBES of alaska
ANDREW P. HOPE BUILDING
320 West Willoughby Avenue • Suite 300
Juneau, Alaska 99801-9983

April 10, 2001

The Honorable Jim Whitaker
Alaska State Representative
State Capitol, Room 411
Juneau, AK 99801-1182

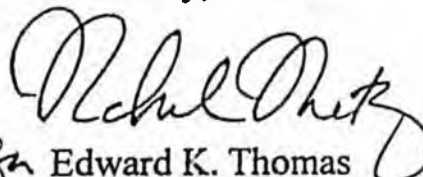
Dear Representative Whitaker:

The Central Council of Tlingit and Haida Indian Tribes of Alaska supports HB 187, "An Act relating to the destruction, desecration, and vandalism of cemeteries and graves."

As Native people, our ancestors and their burial sites are sacred to us. Any malicious destruction or vandalism to our graves, whether in a western cemetery or not, is emotionally painful. We appreciate your effort to strengthen the penalty for violating AS 41.35.200 from a class A misdemeanor to a class C felony, and hope the passage of this bill discourages future acts of desecration to cemeteries and other burial sites.

Thank you for introducing this legislation. Please feel free to contact me if you wish to discuss HB 187 or any other issues.

Sincerely,


for Edward K. Thomas
President



S C I A L A S K A / C A N A D A R E G I O N

April 8, 2001

The Honorable Jim Whitaker
Alaska State Legislature
Room 411
Juneau, Alaska 99801

Dear Representative Whitaker:

I wanted to personally write to let you know that our company is in support of the amended language contained in House Bill 187. If passed, this legislation would benefit our memorial parks in Fairbanks and Juneau.

Our business is owned and operated by Service Corporation International (SCI), a multinational funeral and cemetery firm. Currently, SCI owns and manages Nine (9) funeral homes and cemeteries in the State of Alaska.

Our industry and the State of Alaska are fortunate to have people like you serving in office.

Again, thank you for your support in the passage of House Bill 187.

Very truly yours,

James D. Heber
Area Vice-President

Municipality
of
Anchorage



P.O. Box 196650
Anchorage, Alaska 99519-6650
Telephone: (907) 343-6814

George P. Wuerch, Mayor

MEMORIAL PARK CEMETERY
(535 East 9th Avenue)
<http://www.ci.anchorage.ak.us/cemetery>

April 2, 2001

Representative Jim Whitaker
State Capitol, Room 411
Juneau, AK 99801-1182

The Honorable Jim Whitaker,

Subject: Letter of Support, House Bill No. 187

The Municipality of Anchorage and more specifically the staff of the Anchorage Memorial Park Cemetery offer our support to House Bill Number 187, "An Act relating to the destruction, desecration, and vandalism of cemeteries and graves".

Many of the major acts of destruction, desecration, and vandalism that permeated our cemetery in the past have been mitigated by the 1992 installation of our fence. Still today, the families and friends of our loved ones occasionally suffer the indignity of stolen statues and pushed over headstones. Also, minor acts of vandalism and desecration of graves continue at an alarming rate. Since this is a public cemetery and access is uncontrolled during the day, these acts generally take the form of stealing decorations or moving decorations from one grave to another. Additionally, in the summer we are continually persuading the inebriates who traverse our cemetery not to drink alcoholic beverages or perform "personal" acts on and around the graves.

Purposeful cemetery damage in any form is a disgraceful, cowardly act. We support any action to increase the penalty for these despicable acts perpetrated against the loved ones of our community and hold those responsible at bay.

If I can be of any further assistance in this matter, please don't hesitate to call me at 907-343-6814.

Respectfully,

Donald B. Warden
Cemetery Director

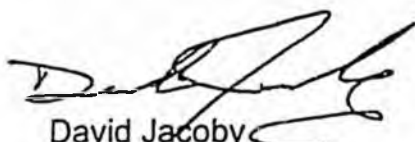
cc: Tim Rogers, MOA Legislative Team

desecrated. It is appalling that these misguided people who have desecrated burial sites are only charged with a misdemeanor. That is why I urge your colleagues to support House Bill 187 to change the law from a misdemeanor, to committing a crime of criminal mischief in the second degree for deplorable behavior relating to the destruction, desecration, and vandalism of cemeteries and graves.

Thank you for your continued support of the City of Fairbanks and the great State of Alaska.

Respectfully,

CITY OF FAIRBANKS



David Jacoby
Public Works Director
2121 Peger Road
Fairbanks, AK 99709
(907) 459-6896

Letters 01\Jacoby\HB 187.wpd\ga

Facsimile Transmittal

REP. JIM WHITAKER

Alaska State Capitol, Room 411

Juneau, AK 99801

Phone (907) 465-3004

Fax (907) 465-2070

Date: April 3, 2001

Attention: Bob Sam, Sitka Tribe of Alaska

From: Lori Backes, Aide to Rep. Whitaker

Number of pages (including this cover): 3

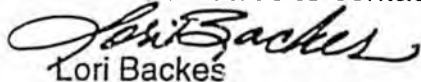
RE: HB187

Comment(s): Mr. Sam, I very much enjoyed your phone call this morning and appreciate your comments to House Bill 187. It would be helpful if you are interested in sending a letter to Rep. Whitaker pointing out some of the vandalism and theft problems that you must deal with in your position as caretaker of the cemeteries and burial sites, as well as the rise in grave-robbing due to the high prices persons may get for burial artifacts and grave markers.

If you choose to send a letter, would you please fax a copy to us so that we may include it in the file regardless of whether the USPS delivers it in time?

I will contact you when this bill is scheduled for hearing. In the meantime, thank you again for your interest.

Please feel free to contact me anytime.



Lori Backes

Legislative Aide to Rep. Whitaker

email: Lori_Backes@legis.state.ak.us

CORRECTION

THE FOLLOWING DOCUMENT(S)
HAVE BEEN REFILMED TO
ASSURE LEGIBILITY OR PAGINATION



Central Microfilm Services
Department of Education & Early Development
State of Alaska

Facsimile Transmittal

REP. JIM WHITAKER

Alaska State Capitol, Room 411

Juneau, AK 99801

Phone (907) 465-3004

Fax (907) 465-2070

Date: April 3, 2001

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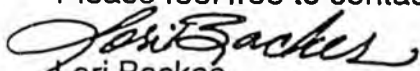
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I will contact you when this bill is scheduled for hearing. In the meantime, thank you again for your interest.

Please feel free to contact me anytime.


Lori Backes

Legislative Aide to Rep. Whitaker

email: Lori_Backes@legis.state.ak.us

To: Rep. Jim Whitaker
Alaska State Capitol Room 411
Juneau, Alaska 99801

Re: HB 187

Dear Sir:

I am very interested in going on record in support of HB 187. "An act relating to the destruction, desecration, and vandalism of cemeteries and graves."

I am involved with the restoration, preservation, and protection of cemeteries and gravesites in Alaska. Since 1986 I have restored over 15 historical cemeteries and received the 1988 volunteer of year award from the State of Alaska for this service. I have also received recognition locally, statewide, nationally and internationally for my work in this area. Therefore I feel that I have many years of first hand experience in cemetery preservation and maintenance.

Sir, for many years, vandalism, desecration, and cemetery destruction has taken its toll on cemeteries and gravesites all across Alaska. On a daily basis cemeteries and gravesites are disappearing due to neglect and destruction. When a community neglects its historical gravesites and ignores their duty to preserve, protect, and honor their ancestors a grave concern occurs as some community members begin to feel that it is ok to vandalize and destroy our sacred cultural heritage sites.

Another grave concern is theft of grave artifacts associated with cemetery desecration and neglect. Currently there is a lucrative market of Alaska Native artifacts and headstones with Alaska Native symbols on them. As a caretaker of cemeteries and sacred sites often I have to tell family members that their ancestors were desecrated and/or destroyed from vandals. The families of the deceased are victims of this abuse and often times their pleas go unnoticed as there are few laws in Alaska that relates to the desecration, destruction, and vandalism of cemeteries and graves.

Rep. Whitaker, thank you for sponsoring HB 187 this bill will help to preserve, protect and honor our ancestors for many years to come. I fully support HB 187 on grave concerns.

Respectfully



Robert Sam
Cemetery Caretaker
Sitka Alaska

Introduced By: Mayor Hayes
Date: April 9, 2001

RESOLUTION NO. 3912

A RESOLUTION SUPPORTING HOUSE BILL 187, RELATING TO STATE PENALTIES FOR CRIMES INVOLVING GRAVES, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City experiences occasional criminal activities at both the Clay Street and Birch Hill Cemeteries; and

WHEREAS, House Bill 187 provides for overall improvement to state laws regarding vandalism and desecration of graveyards, including increasing criminal penalties for certain crimes, and

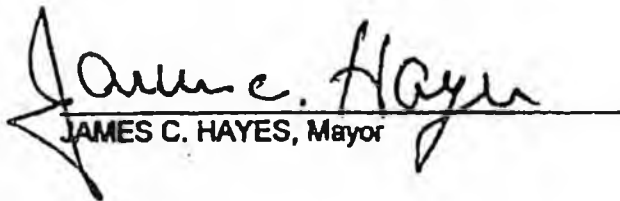
WHEREAS, passage of House Bill 187 would have no fiscal impact on the City, but may have the effect of deterring criminal behavior in our cemeteries

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAIRBANKS, ALASKA as follows:

Section 1. The City Council supports House Bill 187 and urges its adoption by the legislature.

Section 2. That a copy of this Resolution be provided to our Interior Delegation and Governor Knowles.

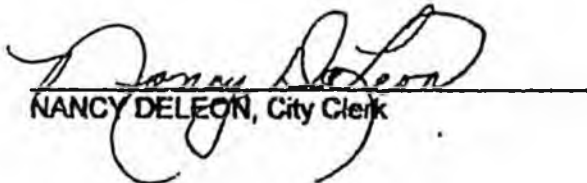
Section 3. That the effective date of this Resolution shall be the 9th day of April, 2001.


JAMES C. HAYES, Mayor

AYES: 5
NAYS: 0
ABSTAIN: 0
ABSENT: 1
ADOPTED: *April 9, 2001*

ATTEST:

APPROVED AS TO FORM:


NANCY DELEON, City Clerk

HERBERT P. KUSS, City Attorney

Subject: [Fwd: FW: cemetery legislation]
Date: Fri, 13 Apr 2001 16:19:18 -0800
From: Representative Jim Whitaker <Representative_Jim_Whitaker@legis.state.ak.us>
Organization: Alaska State Legislature
To: Lori_Backes@legis.state.ak.us

Subject: FW: cemetery legislation
Date: Wed, 11 Apr 2001 11:59:33 -0800
From: "Ann Ringstad" <ann.ringstad@alaska.edu>
To: "Jim Whitaker" <Representative_Jim_Whitaker@legis.state.ak.us>,
"Janet Seitz" <janet.seitz@legis.state.ak.us>

-----Original Message-----

From: Maribeth Murray [mailto:ffmsm@uaf.edu]
Sent: Monday, April 09, 2001 1:28 PM
To: Ann Ringstad
Subject: cemetery legislation

Dear Ms. Ringstad

I have reviewed the legislation regarding the changes to the cemetery portion. There is no need for concern here as these proposals are already covered by Federal NAGPRA legislation and the Historic Preservation Act.

Maribeth Murray
Assistant Professor, Anthropology, UAF

Representative Jim Whitaker <Representative_Jim_Whitaker@legis.state.ak.us>



CITY OF

FAIRBANKS

March 27, 2001

Representative Jim Whitaker
Alaska State Capital
Room 411
Juneau, AK 99801-1182

Re: House Bill 187

Dear Honorable Representative Whitaker:

I am writing you in support of your sponsorship of House Bill 187. Your proposed bill will be a deterrent and a protector for the City of Fairbanks' cemeteries, and for all cemeteries throughout Alaska.

As you are well aware, the City of Fairbanks is responsible for Clay Street Cemetery and for Birch Hill Cemetery. In the past, there have been numerous occasions where graves and monuments of the deceased, as well as, personal items belonging to families of the deceased have been vandalized, stolen, or desecrated. Clay Street Cemetery, a historical site where many "old timers" have been laid to rest, has unfortunately been vandalized repeatedly. For example, Mary Pedro, Felix Pedro's wife has had her headstone broken, painted, and removed many times by vandals. Birch Hill, the city's current and active cemetery has also experienced numerous vandal attacks. Deterring this destructive behavior has been difficult with the current laws. Also, our budgetary situation eliminates any possibility of placing a 24-hour guard at these locations.

As the "Cemetery Desecration Laws in Other States" report explains, there are currently Federal laws protecting certain sections of cemeteries, i.e., the Archaeological Resources Protection Act of 1979, the Native American Graves Protection and Repatriation Regulations Act of 1990, and the Veterans' Cemeteries Protection Act of 1997. However, your House Bill 187 will be a deterrent to all vandals, in all sections, of Alaskan cemeteries. Once enacted, your bill will change the law for those people obtaining perverse enjoyment by desecrating a cemetery, from a misdemeanor to committing a crime of criminal mischief in the second degree.

Representative Whitaker, since Alaska is a multi-cultural state, I trust you will share with your fellow representatives the importance of individuals expressing their cultural heritage through their various ways of grieving and burying their deceased. Additionally, I urge your colleagues, in the House of Representatives, to understand the monetary value associated with the loss of a family member is nil, when compared to the emotional loss a family suffers when a loved one passes and later discovers the grave site has been

the GOLDEN HEART CITY ... "extremely Alaska"

800 Cushman Street • Fairbanks, Alaska 99701-4615

Summary: HB 187 Vandalism of Cemeteries and Graves

Under current Alaska Statutes, there are no provisions relating specifically to the vandalism or desecration of modern cemeteries and memorials. One legal opinion is that they are protected under the "Historic Preservation Act", however, persons charged with the maintenance and care of cemeteries are unconvinced that AS 41.35.200 provides for the penalties necessary to protect the safety and dignity of Alaska's cemeteries and memorials from theft, vandalism, and other forms of desecration.

Acts of vandalism are currently punishable under statutes that relate to criminal mischief, however the degree of crime centers around monetary value of the damage and do not recognize the personal insult and emotional injury to a family, community or tribe that is suffered when cemeteries, burial sites or memorials are vandalized.

House Bill 187 clearly states that it is a crime of criminal mischief in the second degree if a person "defaces, damages, or desecrates a cemetery or the contents of a cemetery or a tomb, grave, or memorial regardless of whether the tomb, grave, or memorial is in a cemetery or.....appears to be abandoned, lost or neglected.

The bill also inserts language into statute making it a crime of criminal mischief in the second degree if a person, "removes human remains or associated burial artifacts from a cemetery, tomb, grave or memorial".

Recognizing that there may be circumstances where memorials, tombs or gravesites must be altered, moved or removed, HB 187 places into statute an affirmative defense if the defendant is an employee of the cemetery acting on behalf of the cemetery or; is otherwise authorized by law to engage in the conduct.

Finally, HB 187 defines "contents of a cemetery", "memorial", and "tomb".

Currently, a violation of AS 41.35.200 is a "class A misdemeanor", and if convicted, the person faces a penalty of up to \$5,000.00 fine and one year in prison. With the passage of HB 187, these crimes may be prosecuted as a "class C felony" punishable by a fine of \$50,000.00 and up to 5 years in prison.

Alaska State Legislature

Representative Jim Whitaker
House of Representatives
District 31



Session
Capitol Building, Room 411
Juneau, Alaska 99801
Phone: (907) 465-3004
Fax: (907) 465-2070

Interim
119 N. Cushman St. Suite 213
Fairbanks, AK 99701
Phone: (907) 452-1088
Fax: (907) 452-1146

SPONSOR STATEMENT House Bill 187

House Bill 187 is an act relating to the destruction, desecration, and vandalism of cemeteries and graves.

From Southeast Alaska to the Arctic Coast, Alaskans from many different regions have ways of celebrating the lives of loved ones lost. Currently under statute, there are few protections of cemeteries and memorials of past and present generations.

Implementing HB 187 will make the knowing vandalism or theft of items from a cemetery, tomb, or memorial, a Class C Felony punishable by up to five years and Fifty Thousand Dollars.

FISCAL NOTE

STATE OF ALASKA
2001 LEGISLATIVE SESSION

Fiscal Note Number: 3
 Bill Version: CSHB 187(JUD)
 (H) Publish Date: 4/10/01

Revision Date/Time (Note if correction): _____ Dept. Affected: Administration
 Title: "An Act relating to vandalism of cemeteries
and graves..." BRU: Legal & Advocacy Svc.
 Component: Public Defender Agency
 Sponsor: Representative Whitaker
 Requester: (H) Judiciary Component Number: 1631

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING

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

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

FUND SOURCE (Thousands of Dollars)

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

Estimate of any current year (FY2001) cost: 0.0

Check this box (X) if funding for this bill is included in the Governor's FY 2002 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

See Page 2 for Analysis.

Prepared by: Barbara Brink, Director Phone (907) 334-4414
 Division: Public Defender Agency Date/Time April 6, 2001
 Approved by: Jim Duncan, Commissioner Date 4/6/01
 Agency: Department of Administration

For distribution information, call the Governor's Legislative Office

HB 187 Vandalism of Cemeteries and Graves – Fiscal Note Analysis

This bill would make it a felony-level offense to deface, damage, or desecrate a cemetery, tomb, grave, or memorial. The offense would apply even if the cemetery appears to be abandoned. Removing human remains or artifacts would also be illegal.

This bill would have some fiscal impact on the Public Defender Agency. Because this bill covers a broad range of activity and is a felony-level offense, the impact may be substantial. However, there is no way to know how many cases would be brought. Therefore, the Public Defender Agency's is submitting an indeterminate fiscal note.

FISCAL NOTE

STATE OF ALASKA
2001 LEGISLATIVE SESSION

Fiscal Note Number: 2
 Bill Version: CSHB 187(JUD)
 (II) Publish Date: 4/10/01

Revision Date/Time (Note if correction) _____ Dept. Affected _____
 Title Vandalism of Cemeteries and Graves BRU Alaska Court System
 Component Trial Courts
 Sponsor Representative Whitakar
 Requester House Judiciary Component No. 768

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

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

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

FUND SOURCE (Thousands of Dollars)

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

Estimate of any current year (FY2001) cost: 0.0

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)
 The court system does not anticipate any fiscal impact from the passage of HB 187.

Prepared by: Douglas Wooliver Phone 463-4750
 Division Alaska Court System Date/Time 4/06/01 2:30 p.m.
 Approved by: Stephanie Cole Date _____
 Agency Alaska Court System

For distribution information, call the Governor's Legislative Office

FISCAL NOTE

STATE OF ALASKA
2001 LEGISLATIVE SESSION

Fiscal Note Number: 1
Bill Version: CSHB 187(JUD)
(H) Publish Date: 4/10/01

Revision Date/Time (Note if correction): _____ Dept. Affected: Law
Title "An Act relating to the destruction, desecration, BRU Criminal Division
and vandalism of cemeteries and graves." Component 1st-4th Judicial Districts
Sponsor Representative Whitaker
Requester House Judiciary Committee Component No. 2198-99;2201;61;79

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

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

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

FUND SOURCE (Thousands of Dollars)

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

Estimate of any current year (FY2001) cost: 0.0

Check this box (X) if funding for this bill is included in the Governor's FY 2002 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

HB 187 raises to a class C felony the crimes of defacing, damaging, or desecrating a cemetery or its contents, a tomb, grave, or memorial, or for removing human remains or associated burial artifacts, whether or not the cemetery, tomb, grave, or memorial appears to be abandoned, lost, or neglected. Under current law, these actions are a class A misdemeanor.

The Department of Law does not anticipate a fiscal impact from passage of this legislation. While the prosecution of felonies is much more time and resource intensive than the prosecution of misdemeanors, this crime is relatively uncommon and the department believes it can handle the volume of new felony prosecutions this bill might generate with existing staff.

Prepared by: Joan M. Kasson Phone 465-5370
Division Attorney General's Office Date/Time 4/6/01 4:36 PM
Approved by: Bob Meiners for Bruce M. Botelho, Attorney General Date 4/6/01
Agency Department of Law

For distribution information, call the Governor's Legislative Office

COMMITTEE COPY