

LEG. FINANCE - BILLS 1979 - 1980 1064

HB 193 cont. thru HB 195 am

NOTE: Possibly should be added to any bill passed on this subject.

ADVISORY COMMITTEE

Currently there are 26 Committees which operate in rural areas that receive reimbursement for travel expenses, but no per diem. To make the process work better, a limited amount of per diem should be added to reduce the financial burden to the individual.

Assume

- 26 committees receive local travel
- 390 possible member (15 x 26 = 390)
- 1/3 would travel $390 \div 3 = 130$
- 4 meetings per year, 3 days each
- per diem at the rate of \$55 per day

Calculation

travel 130 x 4 x \$100	=	\$ 52,000	
per diem 130 x 4 x 3 x \$55	=	85,800	
		<u>\$137,800</u>	\$137,800
- miscellaneous expenses (\$100) for 58 committees			
58 x \$100	=	\$ 5,800	
		<u>\$ 5,800</u>	\$ 5,800
- less current committee support costs			<u>(\$ 95,500)</u>
		NET INCREASE	<u>\$ 48,100</u>

THE LEGISLATURE OF THE STATE OF ALASKA
ELEVENTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. SS HB 193
 Title An act relating to regional fish and game boards.
 Requested by House Resources Committee Date 3/13/79

II. FISCAL DETAIL

Agency Affected Department of Fish and Game
 Program Category Affected Natural Resources
 Budget Request Unit(s) Affected All

EXPENDITURES (Thousands of Dollars)

	FY 79	FY 80	FY 81	FY 82	FY 83	FY 84
100 PERSONAL SERVICES		476.5				
200 TRAVEL		837.4				
300 CONTRACTUAL		65.8				
400 COMMODITIES		6.0				
500 EQUIPMENT		12.0				
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
ESTIMATED LAW COSTS		250.0				
TOTAL		1,647.7	1,647.7	1,647.7	1,647.7	1,647.7

FUNDING (Thousands of Dollars)

GENERAL FUND		1,647.7	1,647.7	1,647.7	1,647.7	1,647.7
FEDERAL FUNDS						
OTHER (Specify)						

POSITIONS

FULL TIME		17	17	17	17	17
PART TIME						
TEMPORARY		6	6	6	6	6

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

Cost estimate attached to reflect total implementation.
 No inflation added.

IV. DATE 3/14/79 PREPARED BY Russell H. Clark
 AGENCY Department of Fish and Game
 PHONE 465-4120

Original: Legislative Finance
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)
 Keith Specking Office of the Governor

33-001 (Rev. 10/78)
 file

SPONSOR SUBSTITUTE HB 193

Included in this fiscal note are the Advisory Committee's associated costs, the Regional Board costs, Departmental costs and the reductions to the current Master Board system.

Advisory Committee

Currently there are 26 committees which operate in rural areas that receive reimbursement for travel expenses, but no per diem. To make the process work better a limited amount of per diem should be added to reduce the financial burden to the individual.

Assume

- 26 Committees receive local travel
- 390 possible members (15 x 26 = 390)
- 1/3 would travel 390 - 3 = 130
- \$100.00 average per ticket
- 4 meeting per year, 3 days each
- per diem at the rate of \$55.00 per day

Calculation

travel	130 x 4 x \$100 =	\$52,000	
	130 x 4 x 3 x \$55 =	85,800	
	Subtotal	\$137,800	\$137,800

- miscellaneous \$100.00 expenses for 58 Committees			
	58 x 100 =	5,800	
	Subtotal	5,800	\$ 5,800

- no additional costs for the Department to interface with Advisory Committees (note: current advisory costs backed out later)

Total \$143,600

Regional Boards

All cost detail listed for one region then multiplied by six to reflect total.

Assume

- 1 secretary R-10 for Board =	\$20,800	
9 m/m temporary support for meetings =	13,400	
	Subtotal	\$34,200

- average 9 Chairpersons or designees to Board meetings
- 3 meetings per year (2 required, 1 special)
- 14 days per meeting
- \$200.00 average per ticket
- per diem at the rate of \$55.00 per day

Calculation

travel	9 x 3 x 200 =	\$5,400	
per diem	9 x 3 x 14 x 55 =	20,790	
	Subtotal	\$26,190	\$ 26,190

Assume

- 7 Board members
- 3 meetings per year
- 14 days per board meeting
- \$200.00 per ticket
- \$100.00 each day per diem

Calculation

travel	7 x 3 x \$200 =	\$4,200	
per diem	7 x 3 x 14 x \$100 =	29,400	
	Subtotal	\$33,600	\$ 33,600

- contractual services: printing, leases, legal notices, rent, communications, etc...	\$10,000		
- commodities and supplies	1,000		
- equipment	2,000		
	Subtotal	\$13,000	\$ 13,000
		Subtotal	\$106,990
		extended for 6 regions	x 6
		Total	<u>\$641,940</u>

Departmental Costs

There will be added costs to have staff support at the Regional Board meeting. This will be full regulatory support and staff at all regional meetings.

Assume

- 27 people to each Regional Board meeting
- 3 meetings per year
- 14 days per meeting
- \$200.00 per ticket
- per diem at \$55.00 per day

Calculation

travel	27 x 3 x \$200 =	16,200	
per diem	27 x 3 x 14 x \$55 =	62,370	
	Subtotal	\$78,570	\$ 78,570
		extended for 6 regions	x 6
		Total	<u>\$471,420</u>

New Positions

New positions required to interface with six regulatory authorities in addition to master board. (All positions with benefits)

Assume

- 1 Fisheries Biologist IV	R-20	39,400	
- 1 Game Biologist III	R-18	34,200	
- 2 Biologist II's	R 16	60,400	
- 2 Administrative Asst.	R-12	45,200	
- 2 Clerk Typists III's	R-8	36,400	
- 2 Clerk II's	R-7	34,800	
- 1 Accounting Clerk III	R-10	20,900	
	Subtotal	\$271,300	\$ 271,300
- preliminary estimate of Department of Law costs (awaiting detail)			<u>250,000</u>
			<u>521,300</u>

Summary

Advisory Committee	\$ 143,600	
Regional Boards	641,940	
Departmental Costs	471,420	
New Positions	521,300	
Subtotal	\$1,778,260	\$1,778,260
Master Board would be less expensive		
- reduce Boards' cost	(35,100)	
- backout existing Committee	(95,500)	
Subtotal	(130,600)	(130,600)
Total		<u>\$1,647.660</u>

Introduced: 3/14/79
Referred: Resources and
Finance

1 IN THE HOUSE

BY GARDINER

2 SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 193
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 ELEVENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to regional fish and game boards; and
7 providing for an effective date."

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

9 * Section 1. AS 11.40.510 is amended to read:

10 Sec. 11.40.510. USE OF LIVE BIRDS AS TARGETS. A person who (1)
11 uses a live pigeon, fowl or other bird as a target, or to be shot at
12 either for amusement or as a test of skill in marksmanship; or (2)
13 shoots at a bird used as a target, for amusement or as a test of skill
14 in marksmanship, or is a party to a shooting; or (3) leases a building,
15 room, field or premises, or knowingly permits the use of them for a
16 shooting, is guilty of a misdemeanor, and upon conviction is punishable
17 by a fine of not more than \$50. This section does not apply to shooting
18 of game for food or prohibit recreational hunting of game birds on game
19 hunting preserves authorized by the appropriate regional board of fish
20 and game [FISH AND GAME BOARD] under AS 16.05.930(c).

21 * Sec. 2. AS 16.05 is amended by adding new sections to read:

22 ARTICLE 2. BOARDS OF FISH [FISHERIES] AND GAME.

23 Sec. 16.05.225. REGIONAL BOARDS OF FISH AND GAME. There is
24 established within the Department of Fish and Game a regional board of
25 fish and game for each of the following general areas:

26 (1) Southeast Alaska: The Southeast Alaska mainland and
27 islands northward and westward from Dixon Entrance to Cape Suckling, and
28 the adjacent coastal water seaward to the limit of the state's juris-
29 diction.

1 (2) Southcentral Alaska: The area drained by water flowing
2 into the Gulf of Alaska, Prince William Sound, Cook Inlet, and Shelikof
3 Strait from Cape Suckling westward to Portage Bay on the Alaska Penin-
4 sula, including Trinity Islands and all coastal islands north of Trinity
5 Islands and the adjacent coastal water to the limit of the state's
6 jurisdiction, and the area lying south of the rim of the Alaska Range
7 and Wrangell Mountains.

8 (3) Western Alaska: The Alaska Peninsula westward from
9 Portage Bay; Chirikof and Shumagin Islands, and all other adjacent
10 offshore islands; the Aleutian Islands and the Pribilof Islands; the
11 area northward and northwestward from the King Salmon River drainage,
12 including all land drained by water flowing into Bristol Bay and the
13 land within the boundaries of the Calista Regional Corporation; Nunivak
14 and St. Matthew Islands, and all other islands along the coast; and the
15 adjacent coastal water seaward to the limit of the state's jurisdiction.

16 (4) Northwestern Alaska: The area drained by all streams
17 flowing into the Arctic Ocean, Kotzebue Sound, Bering Strait, and Norton
18 Sound from Cape Lisburne to, but not including, the Pastolik River
19 drainage on the south; King, Little Diomedea, St. Lawrence, Sledge,
20 Stuart, and adjacent islands; and the adjacent coastal water seaward to
21 the limit of the state's jurisdiction.

22 (5) Arctic Alaska: The area drained by all streams and
23 rivers flowing into the Arctic Ocean between Cape Lisburne and the
24 Alaska-Canada boundary; the Firth River drainage lying within Alaska;
25 and the adjacent coastal water seaward to the limit of the state's
26 jurisdiction.

27 (6) Interior Alaska: The land encompassing the drainages of
28 the Yukon and Kuskokwim Rivers northward from the boundary of the South-
29 central Region, eastward from the boundary of the Western Region, east-

1 ward and southward from the boundaries of the Arctic Region and North-
2 western Region, and extending to the United States-Canada border.

3 Sec. 16.05.235. MASTER BOARD OF FISH AND GAME. There is estab-
4 lished within the Department of Fish and Game the Master Board of Fish
5 and Game.

6 Sec. 16.05.245. MEMBERSHIP. (a) Each regional board consists of
7 seven members appointed by the governor and confirmed by a majority of
8 the membership of the legislature meeting in joint session. Each
9 regional board member shall be well informed about the fish and game
10 resources of the region to which he is appointed.

11 (b) The governor shall designate the chairmen of the regional
12 boards.

13 (c) The master board consists of the chairmen of the regional
14 boards. The master board shall elect a chairman from its members.

15 (d) The advisory committees established under AS 16.05.260 and
16 other interested parties may submit lists of nominees for appointments
17 to regional boards.

18 Sec. 16.05.248. TERMS. (a) Members of regional boards serve for
19 four-year terms except that, of the initial appointments to each
20 regional board, two members shall serve for four years, two members
21 shall serve for three years, two members shall serve for two years, and
22 one member shall serve for one year.

23 (b) A member of the master board serves on the master board for
24 the duration of his tenure as chairman of a regional board.

25 Sec. 16.05.252. VACANCIES. Vacancies on a regional board shall be
26 filled in the same manner as original appointments. A member appointed
27 to fill a vacancy serves for the unexpired portion of the term of the
28 member he succeeds.

29 Sec. 16.05.256. REGULATIONS. (a) The master board may adopt

1 regulations it considers advisable in accordance with the Administrative
2 Procedure Act (AS 44.62) for

3 (1) classifying fish and game as commercial fish, sport fish,
4 subsistence fish, game birds, song birds, big game animals, subsistence
5 animals, fur bearing animals, predators, vermin, or other categories
6 essential for regulatory purposes; the classifications may be made on a
7 regional basis, and fish or game may be classified in more than one
8 category;

9 (2) engaging in biological research, watershed and habitat
10 improvement, fish and game management, protection, propagation and
11 stocking;

12 (3) investigating and determining the extent and effect of
13 predation and competition among fish and game in the state, exercising
14 predation control measures considered necessary to the resources of the
15 state, and designating game management units or parts of game management
16 units in which bounties for predatory animals shall be paid;

17 (4) entering into cooperative agreements with educational
18 institutions and state, federal, or other agencies to promote fish and
19 game research, management, education and information, and to train
20 people for fish and game management;

21 (5) prohibiting the live capture, possession, transport or
22 release of native or exotic fish or game or their eggs;

23 (6) setting apart fish and game reserve areas, refuges and
24 sanctuaries in the water or land of the state over which it has juris-
25 diction, subject to the approval of the legislature;

26 (7) establishment of the times and dates during which the
27 issuance of fish and game licenses, permits and registrations, and the
28 transfer of permits and registrations between registration areas, game
29 management units or subunits is allowed; however, this paragraph does

1 not apply to permits issued or transferred under AS 16.43;

2 (8) the taking of game on state game refuges, sanctuaries,
3 and critical habitat areas;

4 (9) establishment of marking and identification requirements
5 for means used in pursuit, capture and transport of fish and game;

6 (10) other purposes provided by law.

7 (b) In addition to the authority to adopt regulations specified
8 in (a) of this section, the master board, or its own motion or upon
9 appeal by an interested person, may amend or veto regional board regula-
10 tions if

11 (1) compelling conservation reasons clearly establish the
12 necessity for amendment or veto;

13 (2) two or more regional boards are unable to agree on uni-
14 form regulations relating to a fish or game population which migrates
15 among the regions represented by the regional boards, in which case the
16 master board may amend or veto regulations of any of the regional boards
17 involved in order to establish uniformity in the regulations; or

18 (3) in the opinion of the master board, a regulation of a
19 regional board exceeds the authority of the regional board or is other-
20 wise not in accordance with (c) - (e) of this section.

21 (c) A regional board may adopt regulations it considers advisable
22 for the area it represents in accordance with the Administrative Pro-
23 cedure Act (AS 44.62) for

24 (1) establishment of open and closed seasons and areas for
25 the taking of fish and game;

26 (2) establishment of the means and methods employed in the
27 pursuit, capture, and transport of fish and game;

28 (3) setting quotas and bag limits on the taking of fish and
29 game;

1 (4) establishing seasons, areas, quotas, and methods of
2 harvest for aquatic plants;

3 (5) other purposes provided by law.

4 (d) A regional board may not adopt regulations governing the
5 taking of game on state game refuges, sanctuaries, or in critical habi-
6 tat areas.

7 (e) Each regional board shall adopt regulations in accordance with
8 the Administrative Procedure Act (AS 44.62) permitting the taking of
9 fish and game for subsistence uses unless a regional board determines,
10 in accordance with the Administrative Procedure Act, that adoption of
11 such regulations for the region it represents will jeopardize or inter-
12 fere with the maintenance of fish stocks or game resources on a
13 sustained-yield basis. Whenever it is necessary to restrict the taking
14 of fish or game to assure the maintenance of fish stocks or game
15 resources on a sustained-yield basis, or to assure the continuation of
16 subsistence uses of such resources or stocks, subsistence use shall be
17 the priority use. If further restriction is necessary, the regional
18 board shall establish restrictions and limitations on and priorities for
19 these consumptive uses on the basis of the following criteria:

20 (1) customary and direct dependence upon the resource as the
21 mainstay of one's livelihood;

22 (2) local residency; and

23 (3) availability of alternative resources.

24 (f) The master board shall provide written findings of fact and a
25 written statement of reasons for any action taken by the master board
26 under (b) of this section.

27 (g) A regional board shall, in consultation with the department,
28 its local advisory committees and appropriate federal agencies, develop
29 plans for the development, utilization and management of the fish and

1 game resources within its region; if the plans would affect fish and
2 game resources in more than one region, the regional boards represent-
3 ing each region shall participate jointly in the development of the
4 plans.

5 (h) Two or more regional boards may adopt joint and uniform regula-
6 tions relating to fish or game populations which migrate between or
7 among the regions represented by the regional boards.

8 Sec. 16.05.322. LEGAL ASSISTANCE. The Department of Law shall
9 provide all legal services for the master board and the regional boards,
10 unless otherwise provided by law.

11 * Sec. 3. AS 16.05.070 is amended to read:

12 Sec. 16.05.070. REGULATIONS AS EVIDENCE. Regulations of the
13 regional boards, of the master boards, [FISHERIES AND GAME] and of the
14 commissioner, including emergency openings and closures, are admissible
15 as evidence in the courts of the state in accordance with the Adminis-
16 trative Procedure Act (AS 44.62).

17 * Sec. 4. AS 16.05.080 is amended to read:

18 Sec. 16.05.080. LIMITATION OF POWER. Nothing in this chapter
19 authorizes the department or the master or regional boards [OF FISHERIES
20 AND GAME] to change the amount of fees or licenses.

21 * Sec. 5. AS 16.05.094(4) is amended to read:

22 (4) assist the department, the master board, and the re-
23 gional boards [BOARD OF FISHERIES, AND THE BOARD OF GAME] in determining
24 what uses of fish and game, as well as which users and what methods,
25 should be termed subsistence uses, users, and methods;

26 * Sec. 6. AS 16.05.094(6) is amended to read:

27 (6) make recommendations to the master board and the regional
28 boards [BOARD OF GAME AND THE BOARD OF FISHERIES] regarding adoption,
29 amendment and repeal of regulations affecting subsistence hunting and

1 fishing;

2 * Sec. 7. AS 16.05.257(a) is amended to read:

3 (a) Each regional board [THE BOARD OF GAME, AT ITS REGULARLY
4 SCHEDULED ANNUAL MEETING AND OTHER MEETINGS HELD UNDER AUTHORITY OF AS
5 16.05.300(a),] shall consider and may adopt regulations providing for
6 subsistence hunting in a game management unit or subunit or a portion of
7 a unit or subunit within the area the board represents upon

8 (1) recommendation of the department, based on biological
9 evidence;

10 (2) the recommendation of the active local advisory com-
11 mittees for that game management unit or subunit or a portion of a unit
12 or subunit;

13 (3) the written petition of not less than 100 interested
14 residents of that game management unit or subunit; or

15 (4) the written petition of not less than 25 interested
16 residents of an area which is requested for establishment as a sub-
17 sistence area within a game management unit or subunit.

18 * Sec. 8. AS 16.05.257(c) is amended to read:

19 (c) No regulations may be adopted by a regional board [THE BOARD
20 OF GAME] under (a), (b) or (f) of this section unless, in addition to
21 the requirements of AS 44.62.180 - 44.62.290, the department

22 (1) holds public hearings, after reasonable notice, at least
23 30 days before the meeting at which the regulation is to be adopted,
24 with at least one of the hearings being held in close proximity to the
25 area potentially affected;

26 (2) presents at the hearings the information provided for in
27 (e) of this section;

28 (3) makes the information provided for in (e) of this section
29 available to the appropriate advisory committees and to petitioners if

1 consideration of adoption of regulations was prompted by petitions under
2 (a)(3) or (4) of this section; comments shall be received by the board
3 until 10 days before any adoption of regulations.

4 * Sec. 9. AS 16.05.257(f) is amended to read:

5 (f) The regional board [BOARD OF GAME] at any time may review and
6 change the boundaries of a subsistence area established by regulation
7 of the board upon

8 (1) the recommendation of the department, based on biological
9 evidence;

10 (2) the written petition of not less than 25 interested
11 residents of that area; or

12 (3) the majority vote of the active local advisory committees
13 for that area.

14 * Sec. 10. AS 16.05.257(h)(1) is amended to read:

15 (1) "subsistence hunting" means the taking of game animals by
16 a state resident for subsistence uses by means defined by a regional
17 board of fish and game [THE BOARD OF GAME];

18 * Sec. 11. AS 16.05.257(i) is amended to read:

19 (i) A regional board [THE BOARD OF GAME] may make no decision
20 denying, creating or changing a subsistence hunting area unless based on
21 specific written findings of fact regarding all the information provided
22 in accordance with (e) of this section.

23 * Sec. 12. AS 16.05.260 is amended to read:

24 Sec. 16.05.260. ADVISORY COMMITTEES. A regional board [THE BOARD
25 OF FISHERIES AND THE BOARD OF GAME] may make regulations it considers
26 [THEY CONSIDER] advisable in accordance with the Administrative Proce-
27 dure Act (AS 44.62) establishing, within the region represented by the
28 board [AT PLACES IN THE STATE DESIGNATED BY THE INDIVIDUAL BOARDS],
29 advisory committees to be composed of persons well informed on the fish

1 or game resources of the locality. The regional boards shall set the
2 number and terms of each of the members of the advisory committees,
3 shall delegate one member of each committee as chairman, and shall give
4 him authority to hold public hearings on fish or game matters. Recom-
5 mendations from the advisory committees shall be forwarded to the
6 appropriate regional boards [BOARD] for their consideration but if
7 a regional board [THE BOARD OF FISHERIES OR THE BOARD OF GAME] chooses
8 not to follow the recommendations of a [THE] local advisory committee
9 the [APPROPRIATE] board shall inform the [APPROPRIATE] advisory commit-
10 tee of this action and state the reasons for not following the recom-
11 mendations. The commissioner shall delegate authority to advisory
12 committees for emergency closures during established seasons. The
13 commissioner is empowered to set aside and make null and void only
14 opening of seasons set by the advisory committees under this section.
15 The appropriate regional board shall promulgate the necessary regula-
16 tions governing these closures.

17 * Sec. 13. AS 16.05.270 is amended to read:

18 Sec. 16.05.270. DELEGATION OF AUTHORITY TO COMMISSIONER. For the
19 purpose of administering AS 16.05.256, the master board and each re-
20 gional board [AS 16.05.251 AND 16.05.255, EACH BOARD] may delegate
21 authority to the commissioner to act in its behalf. If there is a
22 conflict between the master board and the commissioner on [OF] proposed
23 regulations, public hearings shall be held concerning the issues in
24 question. If, after the public hearings, the master board and the
25 commissioner continue to disagree, the issue shall be certified in
26 writing by the master board and the commissioner to the governor who
27 shall make a decision. The decision of the governor is final.

28 * Sec. 14. AS 16.05.280 is amended to read:

29 Sec. 16.05.280. REMOVAL OF BOARD MEMBERS. The governor may remove

1 a master board member or a regional board member for inefficiency,
2 neglect of duty, or misconduct in office by delivering to him a written
3 copy of the charges and giving him an opportunity to be heard in person
4 or through counsel at a public hearing before the governor or his desig-
5 nee upon at least 10 days' notice by registered mail. The member has
6 the right to confrontation by and cross-examination of all witnesses
7 against him. Upon removal, the governor or his designee shall file a
8 complete statement of all charges made against the member and the find-
9 ings in the proper state office.

10 * Sec. 15. AS 16.05.290 is amended to read:

11 Sec. 16.05.290. COMPENSATION OF BOARD MEMBERS. Members of the
12 master board and of the regional boards receive no salary; however, each
13 [EACH] member of a board is entitled to travel expenses and \$100 per
14 diem for each day going to and from and for each day in actual atten-
15 dance at board meetings and other meetings or conferences authorized by
16 a board.

17 * Sec. 16. AS 16.05.300 is repealed and re-enacted to read:

18 Sec. 16.05.300. BOARD MEETINGS. (a) The master board and each
19 regional board shall hold at least two meetings each year and as many
20 other meetings as it considers necessary. Meetings may be called by the
21 chairman or by a majority of the members of the board.

22 (b) The master board, after consulting with the regional boards,
23 shall establish a meeting schedule to insure that a maximum of coordi-
24 nation exists in the adoption of regional board regulations so that the
25 master board can fully and timely review all regional board regulations
26 under AS 16.05.256(b) before their publication under AS 44.62.190.

27 * Sec. 17. AS 16.05.305 is amended to read:

28 Sec. 16.05.305. CLERICAL ASSISTANCE FOR BOARDS. The master board
29 and each regional board [BOARD OF FISHERIES AND THE BOARD OF GAME] are

1 authorized to hire and set the compensation for one clerical assistant
2 for each board.

3 * Sec. 18. AS 16.05.315 is amended to read:

4 Sec. 16.05.315. JOINT BOARD MEETINGS. The master board and some
5 or all of the regional boards [OF FISHERIES AND GAME] may hold a joint
6 meeting upon the call of the commissioner or a board to resolve any
7 conflicts in regulations of the boards and to consider matters, as
8 determined by the commissioner or a board, which require the considera-
9 tion of more than one board [BOTH BOARDS].

10 * Sec. 19. AS 16.05.320 is amended to read:

11 Sec. 16.05.320. QUORUM. A majority of the members of a regional
12 board or of the master board constitutes a quorum for the transaction of
13 business, for the performance of any duty, and for the exercise of any
14 power. However, a majority of the full board membership is required to
15 carry all motions, regulations and resolutions. [A MAJORITY OF THE
16 MEMBERS OF THE BOARDS OF FISHERIES AND GAME CONSTITUTE A QUORUM FOR THE
17 TRANSACTION OF BUSINESS IN A JOINT BOARD MEETING. A MAJORITY OF THE
18 MEMBERSHIP OF THE BOARDS IS REQUIRED TO CARRY ALL JOINT MOTIONS, REGULA-
19 TIONS AND RESOLUTIONS OF THE BOARDS.]

20 * Sec. 20. AS 16.05.475(b) is amended to read:

21 (b) The term "employ", as used in this section, shall be defined
22 by the master board [BOARD OF FISHERIES] through the adoption of regu-
23 lations under the Administrative Procedure Act (AS 44.62). The defi-
24 nition may include any activities involving the use or navigation of
25 fishing vessels.

26 * Sec. 21. AS 16.05.475(c) is amended to read:

27 (c) The term "registered under the laws of the state", as used in
28 this section, shall be defined by the master board [BOARD OF FISHERIES]
29 through the adoption of regulations under the Administrative Procedure

1 Act (AS 44.62). The definition may include any existing requirements
2 regarding registration, licenses, permits, and similar matters imposed
3 by law or regulation together with modifications of them and with any
4 additional requirements the board finds necessary to maximize the
5 authority of the state to apply and enforce fisheries regulations under
6 the Fishery Conservation and Management Act of 1976 (P.L. 94-265, 90
7 Stat. 331, 16 U.S.C. 1801 et seq.).

8 * Sec. 22. AS 16.05.632(d)(1) is amended to read:

9 (1) "board" means the appropriate regional board of fish
10 and game [BOARD OF FISHERIES];

11 * Sec. 23. AS 16.05.685(c)(2) is amended to read:

12 (2) "registration area" means a specific king crab regis-
13 tration area as designated by regulation of the appropriate regional
14 board of fish and game [BOARD OF FISHERIES] and includes the Bering Sea
15 shellfish area and the western Aleutian Islands king crab area.

16 * Sec. 24. AS 16.05.780(b) is amended to read:

17 (b) Pursuant to (a) of this section the appropriate regional
18 board of game [BOARD], in a [ITS] regularly scheduled [ANNUAL GAME
19 BOARD] meeting may adopt regulations for the taking of antlerless moose
20 in any game management unit or subunit within its jurisdiction in any
21 year.

22 * Sec. 25. AS 16.05.800 is amended to read:

23 Sec. 16.05.800. PUBLIC NUISANCES. A net, seine, lantern, snare,
24 device, contrivance, and material while in use, had and maintained for
25 the purpose of catching, taking, killing, attracting, or decoying fish
26 or game, contrary to law or regulation of a regional board [OR THE COM-
27 MISSIONER], is a public nuisance and is subject to abatement.

28 * Sec. 26. AS 16.05.820 is amended to read:

29 Sec. 16.05.820. RESEARCH BY THE FEDERAL GOVERNMENT. The Secretary

1 of the Interior, the Secretary of Commerce or the Secretary of Agricul-
2 ture of the United States and their authorized agents or other appro-
3 priate federal agencies may conduct fish cultural operations and
4 scientific investigations in the state in the manner and at the times
5 jointly considered necessary or proper by the master board [BOARD OF
6 FISHERIES] and the secretary and their authorized agents.

7 * Sec. 27. AS 16.05.825(a) is amended to read:

8 (a) In addition to any other program for the stocking or propa-
9 gation of game birds that the department has as of July 23, 1974, the
10 department shall establish a special program for the raising, mainte-
11 nance, and release of upland game birds in the state. Birds raised
12 under this program may be released in an appropriate area of the state,
13 at any time, but may be harvested only during regular hunting seasons,
14 as specified by the regional boards [BOARD] under AS 16.05.256(c)(1) [AS
15 16.05.255(2)]. The regional boards [BOARD] shall promulgate regulations
16 necessary to implement this section.

17 * Sec. 28. AS 16.05.865 is amended to read:

18 Sec. 16.05.865. TRANSPLANTING OF MUSK OXEN. The master board
19 [BOARD] may transplant surplus musk oxen from Nunivak Island to appro-
20 priate areas on the mainland of the state, when good management prac-
21 tices dictate the action. The board shall determine which transplant
22 sites are appropriate and whether a surplus of animals exists.

23 * Sec. 29. AS 16.05.903(g) is amended to read:

24 (g) The commissioner may propose regulations for adoption by the
25 master board under the Administrative Procedure Act (AS 44.62) to im-
26 plement the provisions of this section.

27 * Sec. 30. AS 16.05.940(1) is amended to read:

28 (1) "master [A] board" means the Master Board of Fish and
29 Game [BOARD OF FISHERIES OR THE BOARD OF GAME];

1 * Sec. 31. AS 16.05.940(16) is amended to read:

2 (16) "sport fishing" means the taking of or attempting to take
3 for personal use, and not for sale or barter, any fresh water, marine,
4 or anadromous fish by hook and line held in the hand, or by hook and
5 line with the line attached to a pole or rod which is held in the hand
6 or closely attended, or by other means defined by the regional boards
7 [BOARD OF FISHERIES];

8 * Sec. 32. AS 16.05.940(17) is amended to read:

9 (17) "subsistence fishing" means the taking, fishing for, or
10 possession of fish, shellfish, or other fishery resources for subsis-
11 tence uses with gill net, seine, fish wheel, long line, or other means
12 defined by the regional boards [BOARD OF FISHERIES];

13 * Sec. 33. AS 16.05.940 is amended by adding a new paragraph to read:

14 (28) "regional board" means a regional board of fish and game.

15 * Sec. 34. AS 16.10.125 is amended to read:

16 Sec. 16.10.125. USE OF TERMINATION DEVICE ON SHELLFISH AND BOTTOM
17 FISH POT REQUIRED. The Master Board of Fish and Game [BOARD OF FISHER-
18 IES] shall, by regulation, prescribe a termination device or devices for
19 all shellfish and bottom fish pots. In this section "termination de-
20 vice" means a biodegradable seam or panel or other device which renders
21 the pot incapable of holding shellfish or bottom fish for more than six
22 months when it is continuously immersed in sea water.

23 * Sec. 35. AS 16.10.173(d) is amended to read:

24 (d) Each regional board of fish and game [THE BOARD OF FISHERIES]
25 may adopt regulations under the Administrative Procedure Act (AS 44.62)
26 it considers necessary for implementation of this section. The board
27 may delegate its authority under this section to the commissioner.

28 * Sec. 36. AS 16.10.190 is amended to read:

29 Sec. 16.10.190. REGULATIONS. The Master Board of Fish and Game

1 [BOARD OF FISHERIES] may promulgate regulations to carry out the pur-
2 poses of AS 16.10.180 - 16.10.230 defining the adjacent high sea areas,
3 migratory fish and migratory shellfish and to make coastal fishery
4 regulations governing the manner, means, conditions and time for the
5 taking of migratory fish and migratory shellfish applicable in desig-
6 nated adjacent high sea areas.

7 * Sec. 37. AS 16.10.200 is amended to read:

8 Sec. 16.10.200. UNLAWFUL TAKING PROHIBITED. It is unlawful for a
9 person taking migratory fish and migratory shellfish in high sea areas
10 designated by the Master Board of Fish and Game [BOARD OF FISHERIES] or
11 in violation of the regulations promulgated by the board [BOARD OF
12 FISHERIES] governing the taking of migratory fish and migratory shell-
13 fish in the designated areas to possess, sell, offer to sell, barter,
14 offer to barter, give or transport in the state, including the waters of
15 the state, migratory fish or migratory shellfish.

16 * Sec. 38. AS 16.10.210 is amended to read:

17 Sec. 16.10.210. UNLAWFUL SALE OR OFFER PROHIBITED. It is unlawful
18 for a person to possess, purchase, offer to purchase, sell, or offer to
19 sell in the state migratory fish or migratory shellfish taken on the
20 high seas knowing that they were taken in violation of a regulation
21 promulgated by the Master Board of Fish and Game [BOARD OF FISHERIES]
22 governing the taking of migratory fish or migratory shellfish in certain
23 areas designated by the board [BOARD OF FISHERIES] or the commissioner.

24 * Sec. 39. AS 16.10.440(b) is amended to read:

25 (b) The Master Board of Fish and Game [BOARD OF FISHERIES] may
26 promulgate regulations necessary to implement AS 16.10.400 - 16.10.470.

27 * Sec. 40. AS 16.20.080(1) is amended to read:

28 (1) "board" means the Master Board of Fish and Game [ANY
29 BOARD OF GAME];

1 * Sec. 41. AS 16.20.240 is amended to read:

2 Sec. 16.20.240. REGULATIONS. The Master Board of Fish and Game
3 [BOARD OF FISHERIES AND THE BOARD OF GAME], where appropriate, shall
4 promulgate regulations it considers [THEY CONSIDER] advisable for con-
5 servation and protection purposes governing the taking of fish and game
6 in state fish and game critical habitat areas.

7 * Sec. 42. AS 16.43.283(a) is amended to read:

8 (a) Use privileges granted under AS 16.43.275 - 16.43.285 are
9 subject to the regulations of the Master Board of Fish and Game and of
10 the regional boards of fish and game [BOARD OF FISHERIES] which may
11 adopt regulations exclusively applicable to the use of educational entry
12 permits.

13 * Sec. 43. AS 16.43.350 is amended to read:

14 Sec. 16.43.350. APPLICATIONS OF REGULATIONS OF BOARDS OF FISH AND
15 GAME [BOARD OF FISHERIES]. Nothing in this chapter limits the powers of
16 the Master Board of Fish and Game or of the regional boards of fish
17 and game [BOARD OF FISHERIES], including the power to determine legal
18 types of gear and the power to establish size limitations or other uni-
19 form restrictions applying to a certain type of gear. Holders of
20 interim-use permits or entry permits issued under this chapter are
21 subject to all regulations adopted by the master board or by the re-
22 gional boards [BOARD OF FISHERIES].

23 * Sec. 44. AS 39.05.060(a)(10) is amended to read:

24 (10) Master Board of Fish and Game and the regional boards of
25 fish and game.

26 * Sec. 45. AS 39.50.200(9)(J) is amended to read:

27 (J) Master Board of Fish and Game (AS 16.05.235) and
28 the regional boards of fish and game (AS 16.05.225) [(AS 16.05.-
29 220)];

1 * Sec. 46. AS 41.99.010 is amended to read:

2 Sec. 41.99.010. GAME MANAGEMENT AND ENFORCEMENT. Nothing in this
3 title denies the Department of Fish and Game or the Master Board of Fish
4 and Game or the regional boards of fish and game their management and
5 enforcement responsibilities related to the fish and game of this state.

6 * Sec. 47. AS 44.39.030 is amended to read:

7 Sec. 44.39.030. APPOINTMENT AND TERM OF OFFICE OF COMMISSIONER.

8 The governor shall appoint the commissioner of fish and game from a list
9 of qualified persons nominated by the Master Board of Fish and Game
10 [BOARD OF FISHERIES AND THE BOARD OF GAME MEETING IN JOINT SESSION],
11 subject to the right of the governor to request additional nominations.
12 The appointment shall be confirmed by a majority of the members of the
13 legislature in joint session. The commissioner of fish and game serves
14 for a term of five years.

15 * Sec. 48. AS 44.39.050 is amended to read:

16 Sec. 44.39.050. REMOVAL OF COMMISSIONER. The Master Board of
17 Fish and Game [BOARD OF FISHERIES OR THE BOARD OF GAME] may submit a
18 resolution to the governor requesting the removal of the commissioner.
19 The resolution shall set out the grounds for the request and the
20 governor shall give the commissioner and the board [BOTH BOARDS] an
21 opportunity to be heard. The final decision to remove or retain the
22 commissioner shall be made by the governor.

23 * Sec. 49. AS 44.62.330(40) and (41) are amended to read:

24 (40) Master Board of Fish and Game [BOARD OF FISHERIES]

25 (41) regional boards of fish and game established under

26 AS 16.05.225 [BOARD OF GAME]

27 * Sec. 50. The governor shall make initial appointments to the regional
28 boards established in AS 16.05.225 and shall designate the chairmen of the
29 regional boards within 90 days after the effective date of this Act.

1 * Sec. 51. The Master Board of Fish and Game shall adopt regulations in
2 accordance with the Administrative Procedure Act (AS 44.62) establishing
3 specific boundaries for the areas described in AS 16.05.225 within six months
4 after the completion of initial appointments to the regional boards in
5 accordance with sec. 50 of this Act.

6 * Sec. 52. Regulations of the Board of Fisheries and of the Board of Game
7 in effect on the effective date of this Act remain in effect until amendment
8 or repeal by a regional board of fish and game established in AS 16.05.225 or
9 by the Master Board of Fish and Game established in AS 16.05.235.

10 * Sec. 53. The following laws are repealed: AS 16.05.221, 16.05.251,
11 16.05.255, and AS 39.05.060(a)(5).

12 * Sec. 54. This Act takes effect immediately in accordance with AS 01.10.-
13 070(c).

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Original sponsors: Gardiner, Branson,
Duncan, et al

Offered: 3/15/79
Referred: Finance

1 IN THE HOUSE

BY THE RESOURCES COMMITTEE

2 CS FOR SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 193

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to regional fish and game councils;
7 and providing for an effective date."

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

9 * Section 1. AS 16.05 is amended by adding new sections to read:

10 Sec. 16.05.222. FISH AND GAME RESOURCE MANAGEMENT REGIONS. For
11 the purposes of conservation and management of the fish and wildlife
12 resources of the state, there are created six fish and game resource
13 management regions, the exact boundaries of which shall be established
14 by the Board of Fisheries and the Board of Game, acting jointly, no
15 later than December 31, 1979. The regions shall encompass the following
16 general areas:

17 (1) Southeast Alaska: The Southeast Alaska mainland and
18 islands northward and westward from Dixon Entrance to Cape Suckling, and
19 the adjacent coastal water seaward to the limit of the state's juris-
20 diction.

21 (2) Southcentral Alaska: The area drained by water flowing
22 into the Gulf of Alaska, Prince William Sound, and Cook Inlet from Cape
23 Suckling westward to Cape Douglas at the base of the Alaska Peninsula,
24 including all coastal islands north of Shuyak Island and the adjacent
25 coastal water to the limit of the state's jurisdiction, and the area
26 lying south of the rim of the Alaska Range and Wrangell Mountains.

27 (3) Southwest Alaska: The part of the Alaska Peninsula and
28 adjacent mainland which drains into the Pacific Ocean and west side of
29 Shelikof Strait from Cape Douglas to False Pass and into Bristol Bay

1 from the King Salmon River drainage to False Pass; Shuyak, Afognak,
2 Kodiak, Trinity, Chirikof, and Shumagin Islands, and all other adjacent
3 offshore islands; the Aleutian Islands and the Pribilof Islands; and the
4 adjacent coastal water seaward to the limit of the state's jurisdiction.

5 (4) Western Alaska: The area northward and northwestward
6 from the King Salmon River drainage, including all land drained by water
7 flowing into Bristol Bay, the land within the boundaries of the Calista
8 Regional Corporation, Nunivak and St. Matthew Islands, all other islands
9 along the coast, and the adjacent coastal water seaward to the limit of
10 the state's jurisdiction.

11 (5) Arctic Alaska: The land included within the boundaries
12 of the Bering Straits and the Northwest Alaska Native Association
13 Regional Corporations, the North Slope Borough, the islands of Little
14 Diomedede and St. Lawrence, other coastal islands, and the adjacent
15 coastal water seaward to the limit of the state's jurisdiction.

16 (6) Interior Alaska: The land encompassing the drainages of
17 the Yukon and Kuskokwim Rivers northward from the boundary of the South-
18 central Region, eastward from the boundary of the Western Region, east-
19 ward and southward from the boundary of the Arctic Region, and extending
20 to the United States-Canada border.

21 Sec. 16.05.224. REGIONAL FISH AND GAME COUNCILS. (a) The Board
22 of Fisheries and the Board of Game, acting jointly, shall establish a
23 regional fish and game council within each fish and game resource
24 management region. Each regional fish and game council shall be com-
25 posed of the chairmen, or their designees, of the local fish and game
26 advisory committees established within its region.

27 (b) The Board of Fisheries and the Board of Game, acting jointly,
28 shall assign a coordinator to each region to distribute relevant support
29 data and to coordinate the activities of the local fish and game

1 advisory committees and the regional fish and game council. The coordi-
2 nator shall accompany the chairman of the regional fish and game
3 council, or his designee, at all hearings of the Board of Fisheries and
4 the Board of Game.

5 (c) Each regional fish and game council may

6 (1) hold public meetings on fish and wildlife matters;

7 (2) elect a chairman;

8 (3) review, make recommendations, and assist the department,
9 in consultation with its local fish and game advisory committees and
10 appropriate federal agencies, in developing plans for the conservation,
11 regulation, management, and use of the fish and wildlife resources
12 within its region;

13 (4) perform other duties which may be specified by the Board
14 of Fisheries and the Board of Game by regulation.

15 (d) Regional fish and game councils shall provide a forum for, and
16 assist their local advisory committees in obtaining, the opinions and
17 recommendations of persons interested in fish and wildlife matters in a
18 manner which maximizes local participation in the decision-making pro-
19 cess. If differences of opinion exist between the local advisory com-
20 mittees, the regional fish and game council shall attempt to develop
21 areas of compromise and to reach a regional consensus on matters of
22 controversy.

23 (e) The regional fish and game councils may present recommenda-
24 tions concerning the conservation, regulation, management and use of
25 fish and wildlife resources within their respective regions, along with
26 the evidence upon which the recommendations are based, to the Board of
27 Fisheries or the Board of Game.

28 * Sec. 2. AS 16.05.260 is amended to read:

29 Sec. 16.05.260. ADVISORY COMMITTEES. (a) The Board of Fisheries

1 and the Board of Game may make regulations they consider advisable in
2 accordance with the Administrative Procedure Act (AS 44.62) establish-
3 ing, at places in the state designated by the individual boards,
4 advisory committees to be composed of persons well informed on the fish
5 or game resources of the locality. [THE BOARDS SHALL SET THE NUMBER AND
6 TERMS OF EACH OF THE MEMBERS OF THE ADVISORY COMMITTEES, SHALL DELEGATE
7 [ONE MEMBER OF EACH COMMITTEE AS CHAIRMAN, AND SHALL GIVE HIM AUTHORITY
8 TO HOLD PUBLIC HEARINGS ON FISH OR GAME MATTERS.] Recommendations from
9 the advisory committees shall be forwarded to the appropriate board for
10 their consideration but if the Board of Fisheries or the Board of Game
11 chooses not to follow the recommendations of the local advisory com-
12 mittee the appropriate board shall inform the appropriate advisory
13 committee of this action and state the reasons for not following the
14 recommendations. The commissioner shall delegate authority to advisory
15 committees for emergency closures during established seasons. [THE
16 COMMISSIONER IS EMPOWERED TO SET ASIDE AND MAKE NULL AND VOID ONLY
17 OPENING OF SEASONS SET BY THE ADVISORY COMMITTEES UNDER THIS SECTION.]
18 The appropriate board shall promulgate the necessary regulations govern-
19 ing these closures.

20 (b) In addition to the procedure for establishing advisory com-
21 mittees set out in (a) of this section, an advisory committee may be
22 established as provided in this subsection. Twenty-five persons from a
23 specifically defined local area may, with the concurrence of the
24 regional fish and game council for their region, petition the Board of
25 Fisheries and the Board of Game jointly for the establishment of an
26 advisory committee under regulations adopted jointly by the Board of
27 Fisheries and the Board of Game. Upon receipt of the petition, the
28 Board of Fisheries and the Board of Game jointly shall establish the
29 advisory committee. An advisory committee formed under this subsection

1 has the same powers and responsibilities as an advisory committee
2 formed under (a) of this section.

3 (c) The advisory committees, including advisory committees estab-
4 lished before July 1, 1979, shall provide the primary source in obtain-
5 ing the opinions and recommendations of local persons concerning fish
6 and wildlife management. The regional councils shall provide assistance
7 to the advisory committees for this purpose.

8 * Sec. 3. AS 16.05.290 is amended to read:

9 Sec. 16.05.290. COMPENSATION OF BOARD AND COUNCIL MEMBERS. Each
10 member of a board and of a regional council is entitled to travel ex-
11 penses and \$100 per diem for each day going to and from and for each day
12 in actual attendance at board meetings and other meetings or conferences
13 authorized by a board or by a regional council.

14 * Sec. 4. AS 16.05.320 is amended by adding a new subsection to read:

15 (b) A majority of the members of a regional council constitutes a
16 quorum for the transaction of business, for the performance of any duty,
17 and for the exercise of any power.

18 * Sec. 5. This Act takes effect July 1, 1979.



RECORDS CERTIFICATION



I, the undersigned, an employee of the State of Alaska, do hereby certify that the microfilm images on this microform are accurate reproductions of the original records of the State of Alaska as accumulated during the regular course of business, and that it is the established policy and practice of this State to microfilm its records and to dispose of the original records after microfilm reproductions have been made.

James O Smith
Signature of Camera Operator

3/20/90
Date

COMMITTEE REPORT HOUSE

FURTHER:

February 27, 1979

Date: 3/2/79

Mr. Speaker:

The Committee on FINANCE has had HB 195

"An Act providing for an advisory committee on judicial sentencing practices; eff. date."

under consideration and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass do not pass
- do pass with attached amendments(s) same title
- replace with CS for _____ new title
- and recommends _____
- AND attaches a "Letter of Intent" New Fiscal Note
- reports it back without recommendation
- referred to the _____ Committee

MEMBERS SIGNING DO PASS

MEMBERS HAVING OTHER RECOMMENDATIONS:

McKusick
Freeman
Montgomery
Haberman
Roberts
R. W.
Rose
McKinnon

McKusick
CHAIRMAN

A M E N D M E N T

OFFERED IN THE HOUSE:

BY: FINANCE COMMITTEE

To: _____ HOUSE BILL No. 195

SENATE BILL No. _____

PAGE: _____

LINE: _____

PAGE 2, LINE 29: Delete March 1, 1980 and INSERT February 1, 1980.

PAGE 3, LINE 2: Delete March 13, 1980, and INSERT February 29, 1980.

Introduced: 2/14/79
Referred: Judiciary and
Finance

BY ANDERSON, FULLER, HURLBERT,
MARTIN, MILLER, MUNSON, OSTERBACK,
PARR AND SCHAEFFER

1 IN THE HOUSE

2 HOUSE BILL NO. 195

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act providing for an advisory committee on judicial
7 sentencing practices; and providing for an effective
8 date."

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

10 * Section 1. ADVISORY COMMITTEE ON JUDICIAL SENTENCING PRACTICES. There
11 is established the Advisory Committee on Judicial Sentencing Practices as a
12 temporary committee to assist the Judicial Council in its review, investiga-
13 tion, and formulation of responses to problems and concerns arising out of
14 the Judicial Council's findings of apparent discrimination in the sentencing
15 of minority persons convicted of crimes in the courts of the state.

16 * Sec. 2. MEMBERSHIP. (a) The Advisory Committee on Judicial Sentencing
17 Practices is composed of nine members, selected as follows:

18 (1) four members, appointed by the Judicial Council, who shall be
19 broadly representative of criminal justice agencies;

20 (2) three Alaska Natives, one appointed by the governor, and one
21 by the presiding officer of each house of the legislature; and

22 (3) two Blacks, one appointed by the presiding officer of each
23 house of the legislature.

24 (b) Appointments shall be made with due consideration to the
25 availability and willingness of an appointee to devote the time and
26 efforts necessary to permit the committee to function effectively, and
27 with regard to the degree of commitment of an appointee to the principle
28 of equal justice under law for all people. Appointments shall be with-
29 out regard to political affiliation, and shall be made, if possible,

1 within 20 days of the effective date of this Act, or of the effective
2 date of any vacancy in the membership of the committee.

3 (c) Vacancies in office shall be appointed in the manner provided in
4 (a) of this section.

5 * Sec. 3. COMPENSATION. The members of the Advisory Committee on Judi-
6 cial Sentencing Practices do not receive compensation for their services, but
7 they are entitled to the same travel pay and per diem as state officials and
8 employees.

9 * Sec. 4. CHAIRMAN AND VICE-CHAIRMAN. The members of the Advisory Com-
10 mittee on Judicial Sentencing Practices shall elect a chairman and vice-
11 chairman from the members of the committee.

12 * Sec. 5. MEETINGS. The Advisory Committee on Judicial Sentencing Prac-
13 tices shall meet at least once every two months to carry out its duties under
14 this Act. The first meeting of the committee shall be convened at the call
15 of the chairman of the Alaska Judicial Council not later than 20 days
16 following appointment of the nine members of the committee.

17 * Sec. 6. DUTIES. The Advisory Committee on Judicial Sentencing Prac-
18 tices shall

19 (1) receive and review reports concerning sentencing, correction,
20 probation, and parole practices and procedures, with particular regard to the
21 treatment of individuals who are members of racial or cultural minorities;

22 (2) hold public hearings and meetings to determine whether racial
23 or cultural minorities are being unfairly disadvantaged in their involvement
24 with the criminal justice system; and

25 (3) complete a report with recommendations for the correction of
26 abuses and violations of the civil rights of racial or cultural minorities
27 that may be found to exist in the criminal justice system, furnishing copies
28 to the Judicial Council, the governor and the presiding officer of each house
29 of the legislature not later than ~~March 1, 1980.~~

February

1 * Sec. 7. TERMINATION. The Advisory Committee on Judicial Sentencing
2 Practices terminates March ~~31, 1980.~~

3 * Sec. 8. EFFECTIVE DATE. This Act takes effect immediately in accor-
4 dance with AS 01.10.070(c).

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14B 195

BUDGET: Alaska Judicial Council, Investigation of Judicial Sentencing Practices

February 13, 1979

I. Investigators

- a) Coders: 5, at \$937.50/month + 9% benefits,
x 6.4 months = \$32,700
 - b) Evaluation Methodologist, part-time,
\$958.40/mo. x 9 months + benefits = 9,108
 - c) Statistical Advisor, 50 hours at \$16.88/hr. = 844
 - d) Computer Programmer, \$500/month x 8 months = 4,000
 - e) Data Analyst, 5.5 months = 8,053
- Subtotal, Investigators = \$56,955

II. Staff Travel

5 Coders, coding supervisor and evaluation methodologist based in Anchorage. Travel costs and per diem to Barrow, Bethel, Fairbanks, Juneau, Kenai, Ketchikan, Kodiak, Nome, and Sitka. = \$15,850

III. Contractual and Other

- a) Key punch charges, estimated, for 1700 defendants,
3-4 cards per defendant = \$ 1,500
 - b) Computer charges, average per month, \$1166.67 = 10,500
 - c) Supplies = 195
- Subtotal, Contractual = \$12,195

Total, Investigative Expenses = \$85,000

Advisory Board Travel

Transportation of members of the Advisory Committee on Judicial Sentencing Practices to meetings: = \$ 5,000

Total, State General Funds = \$90,000

THE LEGISLATURE OF THE STATE OF ALASKA
ELEVENTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. HB 196 - HB 196
 Title Special Appropriation to the Judicial Council
 Requested by House Judiciary Committee Date 2/23/79

II. FISCAL DETAIL

Agency Affected Judicial Council
 Program Category Affected Administration of Justice
 BRU, Program, or Subprogram(s) Affected Judicial Council
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 79	FY 80	FY 81	FY 82	FY 83	FY 84
100 PERSONAL SERVICES	57					
200 TRAVEL	21					
300 CONTRACTUAL	12					
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL	90,000					

FUNDING (Thousands of Dollars)

	FY 79	FY 80	FY 81	FY 82	FY 83	FY 84
GENERAL FUND	90,000					
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

	FY 79	FY 80	FY 81	FY 82	FY 83	FY 84
FULL TIME	-0-					
PART TIME	-0-					
TEMPORARY	9					

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

IV. DATE 2/23/79 PREPARED BY Michael Rubenstein
 AGENCY Judicial Council
 PHONE 274-8942
 Original: Legislative Finance
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)

LA11.2161 14.09 JA01 0035 14.09 02/26/79

TO REP. NELS ANDERSON

FROM: BERTRAND C. CAMPBELL, 3204 LATOUCHE, ANCHORAGE 99504 264-7730

AS PAST PRESIDENT OF THE ALASKA NATIVE CAUCUS AND TSIMSHIAN TRIBAL ASSOCIATION, I FEEL THAT HB 195 AND HB 196, ALONG WITH HCR 5, ARE ABSOLUTELY NECESSARY IN ORDER TO CORRECT THE OBVIOUS INEQUITIES IN THE JUDICIAL SYSTEM. THE STUDIES OF THE JUDICIAL COUNCIL AND THE ALASKA COURT SYSTEM HAVE CORROBORATED MY LIFE-LONG FEELING THAT ALASKAN NATIVES DO NOT RECEIVE EQUAL OR JUST CONSIDERATIONS IN THE COURTS OF ALASKA.

THESE BILLS AND RESOLUTION ARE A FIRST STEP IN IDENTIFYING THE PROBLEMS AND CORRECTING THESE PROBLEMS.

CD EOM/

HB 195 - 196 - HCR 5

STATE OF ALASKA

HUMAN RIGHTS COMMISSION

JAY S. HAMMOND, GOVERNOR

POUCH AH - JUNEAU 99811
PHONE: 582-8734 465-3560

Statement of Niel Thomas
Executive Director
Alaska State Commission for Human Rights
before
House Judiciary Committee
Monday, February 26, 1979
On Racial Issues in Sentencing

The Human Rights Commission supports legislative efforts designed to address the question of what role race plays in the sentencing process in Alaska. Statistical studies by the Judicial Council over a two year period indicate that race is a significant factor which influences the sentences which individuals of different races receive.

These data may indicate that bias can enter into the process in a number of ways. Although subjective bias in the judge himself can be part of the problem, the Commission does not believe that judicial discretion is the only factor. Bias in the criminal justice system can enter at any stage. What the arresting officer views as "suspicious," given two people of different races who are doing the same thing, may be tainted by the officer's racism. Who the prosecutor chooses to prosecute may reflect the prosecutor's bias. The dynamics of trial and the mechanism of jury determinations can be similarly infected.

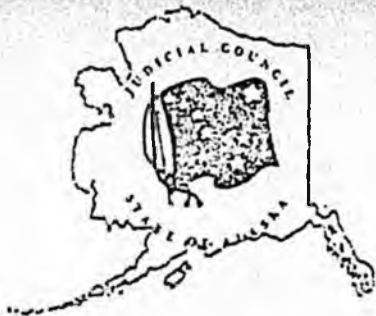
At sentencing, the judge must make his decision based upon information that is put before him, both by testimony and by sentencing reports. How the convicted individual behaves and expresses himself, his living conditions and lifestyle, may be related to cultural factors which can work for or against him in the judge's mind. How any given individual is described in a sentencing report may reflect the racial bias of the author of the report. For example, two individuals, one white and one minority, with identical working records may be described differently. The white person may be described as having an ability to obtain regular employment by virtue of his having held a succession of jobs. With the same work record, a minority individual's work history may be described as "irregular and spotty".

A judge who has been trained to assess facts and evidence impartially may not fully recognize the bias inherent in what he sees. Therefore, the ultimate sentence may reflect this collective bias. The proof has come out inferentially in the statistical averages compiled by the Judicial Council. Pinpointing prejudicial actions in individual cases is difficult if not impossible.

Statement of Niel Thomas
before House Judiciary Committee
Monday, February 26, 1979
Racial Issues in Sentencing
Page 2

The Human Rights Commission has been requested by the Alaska Court System to join with the U.S. Department of Justice, Community Relations Service, to prepare training on these issues for Alaska's judges. A session of approximately one and a half days is now being planned for the annual Judicial Conference in Sitka this June. The training will familiarize judges with the ways in which prejudice can enter into the sentencing process so that judges may be more alert to it. The goal is to reduce sentencing disparities through increased judicial awareness.

The Commission supports any efforts of the legislature which would increase the body of information about sentencing disparities contained in studies which are now over two years old. Updating this information, possibly with statistics which identify the performance of individual judges over a longer time span, would deepen our understanding of the nature of the problem and what can be done about it.



Alaska Judicial Council

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SUPREME COURT

January 26, 1979

Ms. Peggy Berck
House Judiciary Committee
Pouch "V"
Juneau, Alaska 99811

Dear Ms. Berck:

Enclosed are copies of our 1977 study, and of two memos describing follow-up work we did on our July, 1978 findings of racial disparity.

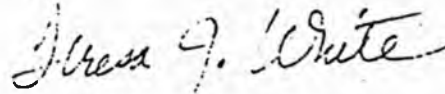
We plan to continue follow-up work in several ways. 1) It appears that decisions made at earlier points in case processing may affect the sentencing decision; we will analyse the plea bargaining data in more detail to determine whether this is the case. 2) We will analyse data collected earlier on 1700 misdemeanor convictions to find whether similar patterns of racial disparity appear there. 3) We will collect three years worth of new data on convicted felony cases, which will include all superior court locations in the state as well as several important variables (such as alcohol use and more precise information about type of prior convictions) which we could not obtain in the plea bargaining study. We are also exploring other means of both pinpointing and correcting any disparities in criminal case processing which might be related to race. Finally, as consultants to the Sentencing Guidelines Committee, we will be working with judges and representatives of minority groups to determine racially "neutral" guidelines for offenders not covered by presumptive sentencing provisions of the new criminal code.

Mike Rubinstein and I will be in Juneau on Tuesday, January 30 and Wednesday, January 31. If you'd like to talk

Ms. Peggy Berck
January 26, 1979
Page Two

with us further, please let us know.

Sincerely,

A handwritten signature in cursive script that reads "Teresa J. White".

Teresa J. White
Project Supervisor

Enclosures



Alaska Judicial Council

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CHIEF JUSTICE
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September 6, 1978

JUDICIAL COUNCIL FINDINGS REGARDING POSSIBLE RACIAL IMPACT IN SENTENCING

In the process of studying the effects of the abolition of plea bargaining on Alaska's criminal courts in Anchorage, Fairbanks, and Juneau, using data on 3500 felony cases filed from August 15, 1974 until August 14, 1976, an analysis of sentencing was done. The plea bargaining ban's effects were analyzed in the context of a number of other factors that could have affected sentencing; one of these (which we all felt should not be ignored) was the defendant's race.

The sentencing analysis, as described in Tables VII-4, -5, -6, and -7 of the preliminary draft report on the plea bargaining study, showed that in three categories of offenses race was significantly associated with sentence length when other factors were taken into account. More specifically, the study indicated that blacks and natives tended to have longer sentences, other things being equal, than whites. They were also more likely than whites to receive a jail sentence of 30 days or more (rather than probation, or a very short active sentence).

It should be stated that this study does not prove that the Alaskan judges in Anchorage, Fairbanks and Juneau in 1974-1976 were conscious racists. It does show, however, that there was a pattern in which blacks and natives apparently received longer sentences and were denied probation under circumstances in which whites received more lenient treatment.

To review the findings, we found that blacks and natives had significantly longer sentences than whites in Class 3 (burglary, larceny, receiving) and Class 4 (fraud,

forgery, embezzlement) offenses, and blacks had much longer sentences than whites in Class 5 (drug offenses). [All offenses were originally charged as felonies, although some were later reduced to misdemeanors at conviction.] We found the same kinds of racial differences with respect to the probability of receiving an active (jail) sentence of at least 30 days rather than a lesser sentence.

The findings with respect to sentence length were arrived at after taking into account statistically, a variety of other factors, including the specific offense of which the defendant was convicted, whether he had other companion cases pending against him or any co-defendants, the extent of his criminal record, whether the case arose under the old or the new plea bargaining policy, the extent of injury, damage, and property loss caused by the crime, the defendant's income, sex, and age, the defendant's relationship to the victim, the type of counsel the defendant had, and whether the sentencing judge was "strict" (i.e. had a sentence average at least twice that of the average of all judges) or "lenient" (i.e. had a sentence average one-half or less of the overall average). The findings with respect to likelihood of active time of at least 30 days were obtained after controlling for the defendant's criminal record, whether he had companion felony cases (i.e. more than one felony charge), and the specific offense of which he was convicted.

In our analysis of factors associated with variation in sentence length, and in our calculation of the probability of receiving active jail time of at least 30 days, very different statistical methods were used. Yet both methods identified approximately the same factors--including race--as having an important association with sentencing. This congruence makes us more confident of our results. Also, an earlier study using some of the same data as in the present study and some data not included in the present study, but limited to defendants convicted of felonies, showed that blacks received significantly longer sentences in Class 3 (theft-type) and Class 5 (drug) offenses. Thus, we have three different studies using different methods, or partially different data, or both, that indicate that non-whites were sentenced more severely.

It must be noted that although our calculation of the association between race and sentencing took account of a number of characteristics in which natives, blacks, and whites may differ, there still may well have been characteristics other than race as such--characteristics we were unable to measure in our study--that could explain away the apparent effect of race. This is why it should be said that

the study's findings on race raise a question of discriminatory treatment rather than proving it beyond a reasonable doubt. In "legalese," one might style these findings a "prima facie" case.

In the rest of this memo the race-sentencing relationship is presented in more detail. The Judicial Council will use these findings as a basis for further, more intensive investigation, and we expect to have additional results within the coming months. The Alaska Court System is making an independent inquiry into our findings and is prepared to take strong corrective measures if such are found to be warranted.

1. Sentence Distributions

Table A (column 1) shows that a respectable number of blacks and natives showed up as defendants in the convicted cases (charges resulting in conviction) in our study; the numbers range from 23 (natives, in Class 5 cases) to 106 (natives, in Class 3 cases). The mean sentence lengths (column 2) suggest the racial differences found in later analysis, without any adjustment for other factors; the means for blacks and natives are higher than those of whites in Classes 3 and 4, and blacks' mean is much higher than whites' in Class 5. The proportion of "zero sentences" (probation with no active imprisonment) was about half as large for blacks and natives as for whites in Class 3, one-eighth as large for natives as for whites in Class 4, and one-third to two-thirds as large in Class 5. Generally, the sentence length distribution (column 5 of Table A) was heavier to the right in non-whites' cases than in whites'. There was an especially high concentration of longer sentences for blacks in Classes 4 and 5, and a small number of blacks received extremely high sentences in Class 5.

2. Comparing Characteristics of the Three Racial Groups

Blacks, natives, and whites differed in terms of certain characteristics and factors we found to be strongly related to sentence length, as shown in Table B. In Class 3 cases, non-whites were more likely to have felony companion cases (multiple counts) than whites, and blacks were more likely to have a felony conviction record. In Class 4, blacks and natives were less likely than whites to have "lenient" judges and blacks more likely to have "strict" judges (as defined earlier); blacks were more likely than

whites to be on probation or parole at the time of their offense. Black defendants in Class 5 cases were more likely to have companion felony charges and a felony record than white defendants.

As the rest of Table B indicates, when the mean sentences of the three racial groups are compared within each category of the factors importantly related to sentence, it can be seen that non-whites generally had longer mean sentences than whites. This difference is not completely consistent--in a few comparisons whites' sentences are longer--but the overall pattern shows the race difference. (The apparent pattern of race differences that we can see by inspection of the figures in Table B was confirmed by loglinear multiple regression analysis.)

Table C shows a similar pattern of differences with respect to the proportion of cases in which the defendant received at least 30 days of active jail time. (The race effect was confirmed with a cluster analysis using the Mantel-Haenszel statistic.)

3. Non-whites' Estimated Sentences If They Had Been White

Another way of describing race differences in sentences is to compare the actual median sentences of blacks and natives with the median estimated sentences if they had been white. The estimated sentences were computed from the multiple regression equations, including all the correct information on each non-white defendant except that he was considered white. In other words, taking all the relevant characteristics of each non-white defendant's case into account, we estimated what sentence he would have received if he had been white.

The actual median sentence is shown in column 3 of Table A, and the median sentence estimated if white is shown in column 4. In Class 3 cases, blacks' median (3.0 months) was ten times higher than that estimated if they had been white (0.3 months), while natives' was twice as high (0.4 months compared with 0.2 months). In Class 4 cases, natives' median (14.0 months) was 23 times higher than the estimated median if white (0.6 months); the actual and estimated medians for blacks were the same (0.0 months).¹ The most

¹ If this last is true, how could the multiple regression analysis show that being black was associated with longer

striking difference occurred in Class 5 (drug) cases, where blacks' actual median sentence was 24.0 months, as compared with the median estimated if white of 1.0 months.²

mlr

M. L. R.

sentences? This is because multiple regression is based on means, rather than medians, and black defendants in Class 4 cases had a high mean sentence and a rather high concentration (21 per cent) of sentences in the 36 to 60-month range.

In Class 5 cases, natives' estimated median was also lower than their true median, but probably because their mean sentence was low, the multiple regression analysis found no effect on the sentence of being a native.

Table VII-4. Class 3 Felonies ¹ (Burglary, Larceny, and Receiving):
Estimated Effect on Prison Sentence Length ² of Various
Factors

<u>Factor</u>	<u>Effect: Presence of Factor Estimated to Increase (+) or Reduce (-) Sentence Length by Percentage Shown</u>	
1. <u>Specific Offense of Conviction</u> ³		
Burglary in occupied dwelling	+523%	
Unauthorized entry (misd.)	-52	
2. <u>Companion Felony Case</u>		
For each companion case	+34	
3. <u>Defendant's Criminal Record</u>		
For each prior felony conviction	+57	
If on probation or parole at time of offense	+169	
4. <u>Defendant's Characteristics</u>		<u>Number of cases (N): 499</u>
If unemployed	+58	<u>Proportion of total variance explained (R²): 27%</u>
If black	+277 *	
If native ⁴	+94 *	
5. <u>Type of Counsel</u>		
If private or pre-paid	-44	
6. <u>Sentencing Judge</u>		
If "lenient"	-59	
7. <u>New Plea Bargaining Policy</u>		
(1974-75 compared with 1975-76)	(None)	

-
1. Cases in which defendant initially charged with Class 3 felony; offense of conviction may have been misdemeanor.
 2. Probation treated as zero if no active imprisonment imposed.
 3. Increase or decrease is in comparison with sentence for other Class 3 offenses not listed, including other burglary, larceny, receiving stolen property, and malicious mischief, whose combined mean sentence was 5.7 months.
 4. Effects are as compared with "white" (non-native, non-black) defendants.

Class 4 Felonies

Table VII-5. Class 4 Felonies ¹ (Fraud, Forgery, Embezzlement):
Estimated Effect on Prison Sentence Length ² of
Various Factors

<u>Factor</u>	Effect: Presence of Factor Estimated to Increase (+) or Reduce (-) Sentence Length by <u>Percentage Shown</u>	
1. <u>Specific Offense of Conviction</u> ³		
Felonious bad check	-65%	
2. <u>Companion Conviction</u>		
For each companion conviction	-11	
3. <u>Defendant's Criminal Record</u>		
For each prior felony conviction	+27	
If on probation or parole at time of offense	+232	
4. <u>Defendant's Characteristics</u>		
If female	-78	
If age 21 to 26 (as compared with older and younger)	+158	<u>Number of cases (N):</u> 194
If black	+452 *	<u>Proportion of total</u>
If native ⁴	+441 *	<u>variance explained (R²):</u> 58%
5. <u>Type of Counsel</u>		
If appointed	+683	
6. <u>Sentencing Judge</u>		
If "lenient"	-90	
If "strict"	+1836	
7. <u>New Plea Bargaining Policy</u>		
(1974-75 compared with 1975-76)	+117	

-
1. Cases in which defendant initially charged with Class 4 felony; offense of conviction may have been misdemeanor.
 2. Probation treated as zero if no active imprisonment imposed.
 3. Increase or decrease is in comparison with sentence for other Class 4 offenses not listed, including forgery, false pretenses, embezzlement, credit card fraud, and related misdemeanors, whose combined mean sentence was 9.3 months.
 4. Effects are as compared with "white" defendants.

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Table VII-6. Class 5 Felonies ¹ (Drug Offenses): Estimated Effect on Prison Sentence Length ² of Various Factors

<u>Factor</u>	<u>Effect: Presence of Factor Estimated to Increase (+) or Reduce (-) Sentence Length by Percentage Shown</u>	
1. <u>Specific Offense of Conviction</u> ³		
Sale of narcotics to person age 21 or older	+130%	
2. <u>Companion Felony Cases</u>		
For each companion felony <u>case</u>	+51	
For each companion <u>conviction</u>	+76	
For each companion conviction of a <u>co-defendant</u>	+57	
3. <u>Defendant's Criminal Record</u>		
For each prior felony conviction	+134	<u>Number of cases (N):</u> 255
If on probation or parole at time of offense	+183	<u>Proportion of total variance explained (R²):</u> 49%
4. <u>Defendant's Characteristics</u>		
If black	+467 $\frac{1}{2}$	
5. <u>City Where Court Located</u>		
If Fairbanks (as compared with Anchorage and Juneau)	-49	
6. <u>New Plea Bargaining Policy</u>		
(1974-75 compared with 1975-76)	+233	

-
1. Cases in which defendant initially charged with Class 5 felony; offense of conviction may have been misdemeanor.
 2. Probation treated as zero if no active imprisonment imposed.
 3. Increase is in comparison with sentence for other Class 5 offenses not listed, including possession of narcotics, sale and possession of "HDS" drugs, and related misdemeanors, whose combined mean sentence was 2.9 months.

Table VII-7. Factors Having Significant ¹ Association ² with Likelihood of Active Sentence of Thirty Days or More, in Offense Classes 2, 3, 4, and 5.

A. Class 2 Cases (Violent Felonies Other Than Murder and Kidnapping)

1. Companion felony case (+)
2. Specific offense of conviction was Rape, Robbery, Assault with Intent to Kill, Assault with Dangerous Weapon, or Felonious Escape (+)
3. Prior convictions (+)
Controlling for Factors 1, 2, and 3:
4. Companion convictions (+)
5. Defendant unemployed (+)
6. Defendant and victim had family, acquaintance, or employment relationship (-)
7. Defendant's counsel was appointed (+) or privately paid (-)

B. Class 3 Cases (Burglary, Larceny, and Receiving)

1. Companion felony case (+)
2. Specific offense of conviction was burglary or felonious larceny (+)
3. Prior convictions (+)
Controlling for Factors 1, 2, and 3:
4. Defendant was on probation or parole (+)
- * 5. Defendant was black or native (+) *
6. Defendant was unemployed (+)
7. Defendant's counsel was appointed (+), public defender (+), or private (-); defendant had no counsel (-)
8. Sentencing judge was "strict" (+) or "lenient" (-)
- [9. New plea bargaining policy (+) - only in "low risk" ; see text of report]

C. Class 4 Cases (Fraud, Forgery, Embezzlement, Bad Checks)

1. Prior convictions (+)
2. Specific offense was forgery of debt (+)
Controlling for Factors 1 and 2:
- * 3. Defendant was black or native (+)
4. Defendant was female (-)
5. Defendant had no counsel (-)
6. Sentencing judge was "strict" (+) or "lenient" (-)
7. New plea bargaining policy (+)

-
1. All factors shown have association significant at .05 or less, unless otherwise indicated.
 2. If factor is associated with increased likelihood of active sentence, it is marked (+); association with decreased likelihood is shown by (-).

D. Class 5 Cases (Drug Offenses)

1. Companion felony case (+)
2. Specific offense was sale or possession of narcotics (+)
3. Prior convictions (+)
4. Controlling for Factors 1, 2, and 3:
4. Defendant was on probation or parole (+)
5. Defendant was black or native (+) [Significant at .07]
6. New plea bargaining policy (+) [Significant at .12]

TABLE A

SENTENCE DISTRIBUTIONS BY RACE IN OFFENSE CLASSES 3, 4, AND 5 (CONVICTED CASES ONLY--SENTENCE LENGTH IN MONTHS)

Class 3*

BLACK

NATIVE

White

CLASS 4*

BLACK

NATIVE

White

CLASS 5*

BLACK

NATIVE

White

	1 (Total Cases- 100%)	2 Actual Mean Sent.	3 Actual Median Sent.	4 Median Est. Sent.	Zero Sentence (Probation Only)	Distribution of Sentence Length								60 mos. or More	Highest Sentence
						1 day- 3 mos.	3-6 mos.	6-12 mos.	12-18 mos.	18-24 mos.	24-36 mos.	36-60 mos.			
* (Burglary, Larceny, Receiving)															
	(55)	9.4	3.0	0.3	31%	23%	9%	11%	9%	7%	2%	7%	0%	30.0 mos.	
	(106)	6.4	0.4	0.2	32%	48%	4%	8%	0%	2%	4%	2%	2%	48.0 mos.	
	(338)	4.4	0.0	---	57%	28%	3%	4%	2%	3%	2%	1%	1%	60.0 mos.	
* (Fraud, Forgery, Embezzlement)															
	(24)	14.0	0.0	0.0	54%	4%	8%	8%	4%	0%	0%	21%	0%	42.0 mos.	
	(20)	14.9	14.0	0.6	7%	22%	0%	21%	4%	43%	4%	0%	0%	40.0 mos.	
	(143)	6.1	0.0	---	57%	16%	10%	4%	1%	3%	4%	4%	0%	60.0 mos.	
* (Drug Offenses)															
	(42)	51.2	24.0	1.0	24%	4%	5%	0%	2%	17%	12%	12%	24%	60.0 mos.	
	(23)	6.1	1.0	0.2	39%	18%	13%	17%	0%	13%	0%	0%	0%	42.0 mos.	
	(190)	8.8	0.0	---	61%	15%	3%	2%	0%	6%	5%	7%	2%	60.0 mos.	

Offense originally charged in each case was felony of class (type) shown.

Table B Comparison of Sentence Length Means
(In Months) By Race, Within Offense Class, Controlling
for Single Factors Importantly Re-

LATED TO SENTENCE LENGTH (CLASSES 3, 4, AND 5; CONVICTED CASES ONLY)

Class 3 (N=499)

	<u>Black</u>	<u>(N)</u>	<u>Native</u>	<u>(N)</u>	<u>Other</u>	<u>(N)</u>	<u>P</u>
Percent of cases having one or more felony companions	64%	(55)	43%	(106)	36%	(338)	.000
Percent of cases where defendant has prior felony conviction	20%	(55)	27%	(106)	18%	(338)	.000

Sentence Means

	<u>Black</u>	<u>(N)</u>	<u>Native</u>	<u>(N)</u>	<u>Other</u>	<u>(N)</u>	<u>Total</u>	<u>(N)</u>
No felony comp. cases	5.2	(20)	2.8	(61)	2.3	(218)	2.6	(299)
One or more fel. comp. cases	11.9	(35)	11.2	(45)	8.2	(120)	9.5	(200)
No prior conv. or unknown	10.8	(35)	2.5	(25)	2.9	(205)	3.9	(265)
Misd. but no felonies	3.5	(9)	3.6	(52)	2.6	(74)	3.0	(135)
One prior felony	12.4	(5)	26.9	(13)	5.6	(30)	12.0	(48)
Two or more prior felonies	8.0	(6)	4.9	(16)	18.6	(29)	13.1	(51)

Class 4 (N=195)

	<u>Black</u>	<u>(N)</u>	<u>Native</u>	<u>(N)</u>	<u>Other</u>	<u>(N)</u>	<u>P</u>
Percent of cases where judge "lenient"	8%	(24)	7%	(28)	23%	(143)	.05
Percent of cases where def. has prior felony conv.	25%	(24)	64%	(28)	36%	(143)	.001
Percent of cases where judge "strict"	0%	(24)	32%	(28)	6%	(143)	.000
Percent of cases where def. on probation or parole	21%	(24)	32%	(28)	22%	(143)	.508

Sentence Means

	<u>Black</u>	<u>(N)</u>	<u>Native</u>	<u>(N)</u>	<u>Other</u>	<u>(N)</u>	<u>Total</u>	<u>(N)</u>
Judge not "lenient"	15.0	(22)	15.1	(26)	7.9	(110)	10.1	(159)
Judge "lenient"	3.0	(2)	12.0	(2)	0.0	(33)	0.8	(37)
Judge not "strict"	14.0	(24)	10.2	(19)	5.7	(134)	7.3	(177)
Judge "strict"	----	(0)	24.7	(9)	12.3	(9)	18.5	(18)

No prior conv. or unknown

13.2 (5) 1.2 (4) 3.1 (55)

Sentence Means (cont'd)

	<u>Black</u>	<u>(N)</u>	<u>Native</u>	<u>(N)</u>	<u>Other</u>	<u>(N)</u>	<u>Total</u>	<u>(N)</u>
One prior fel.	60.0	(4)	19.7	(15)	4.3	(32)	13.2	(51)
Two or more prior felonies	12.0	(2)	12.0	(3)	22.6	(19)	20.4	(24)
Not on prob. or parole	4.2	(19)	13.5	(19)	6.9	(111)	7.4	(149)
On prob. or parole	51.6	(5)	17.7	(9)	3.2	(32)	11.3	(46)
<u>Class 5 (N=255)</u>								
Percent of cases having one or more fel. comp.	93%	(42)	57%	(23)	57%	(190)	P=.0001	
Percent of cases where def. has prior felony conviction	31%	(42)	17%	(23)	17%	(190)	P=.12	
<u>Sentence Means</u>								
No fel. comp. case	20.0	(3)	0.8	(10)	2.9	(81)	3.3	(94)
One or more	53.6	(39)	10.2	(13)	13.2	(109)	22.8	(161)
No prior conv.	16.8	(19)	1.8	(11)	7.2	(113)	8.1	(143)
Misd. but no felony	39.4	(10)	15.0	(8)	4.3	(44)	11.3	(62)
One felony	47.0	(6)	0.0	(2)	17.4	(24)	21.8	(32)
Two or more felonies	164.6	(7)	0.6	(2)	28.9	(9)	78.5	(18)

TABLE C PERCENT OF CONVICTED CASES IN WHICH
 DEFENDANT RECEIVED ACTIVE SENTENCE OF
 30 DAYS OR MORE, BY RACE (CLASS 3, 4, AND 5)

Offense Class	Comparison Felonies	Seriousness of Specific Offense	Prior Convictions	Per Cent Receiving 30 Days or More		
				Black	Native	Other
<u>Class 3</u>						
0		Low ¹	0	33%	20%	20%
0		Low	1+	0	36	13
0		High	0	91	67	59
0		High	1+	100	71	82
1+		Low	0	0	33	14
1+		Low	1+	75	0	42
1+		High	0	44	80	80
1+		High	1+	83	81	88
			TOTAL	60	45	28
<u>Class 4</u>						
---	3	Low ²	0	0	33	17
--		High	0	100	100	24
---		Low	Misd. only	8	100	39
--		High	Misd. only	---	60	57
--		Low	Felony (1+)	100	100	31
--		High	Felony (1+)	100	93	81
			TOTAL	46	82	36
<u>Class 5</u>						
0		Low ⁴	0	0	0	5
0		Low	1+	---	100	13
0		High	0	---	50	19
0		High	1+	100	0	33
1+		Low	0	38	67	47
1+		Low	1+	0	100	52
1+		High	0	89	0	60
1+		High	1+	95	100	65
			TOTAL	76	52	36

(23)

* No cases in this category.
¹ High seriousness includes burglary and felonious larceny; low seriousness includes receiving, malicious mischief, unauthorized entry, and misdemeanor larceny.
² Offense of high seriousness is forgery of debt; all others are considered low.
³ Offense of high seriousness is forgery of debt; all others are considered low.
⁴ Offense of high seriousness is forgery of debt; all others are considered low.

Introduced: 2/14/79
Referred: Judiciary and
Finance

BY ANDERSON, FULLER, HURLBERT,
MARTIN, MILLER, MUNSON, OSTERBACK,
PARR AND SCHAEFFER

1 IN THE HOUSE

2 HOUSE BILL NO. 195

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act providing for an advisory committee on judicial
7 sentencing practices; and providing for an effective
8 date."

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

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11 is established the Advisory Committee on Judicial Sentencing Practices as a
12 temporary committee to assist the Judicial Council in its review, investiga-
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15 of minority persons convicted of crimes in the courts of the state.

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27 with regard to the degree of commitment of an appointee to the principle
28 of equal justice under law for all people. Appointments shall be with-
29 out regard to political affiliation, and shall be made, if possible,

1 within 20 days of the effective date of this Act, or of the effective
2 date of any vacancy in the membership of the committee.

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4 (a) of this section.

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HCR 5, HB 195 & HB 196 are
all related.

THE LEGISLATURE OF THE STATE OF ALASKA
ELEVENTH LEGISLATURE

FISCAL NOTE

REQUEST

Page 1 of 2

Bill/Resolution No. HR 106

Title Special Appropriation to the Judicial Council

Requested by House Judiciary Committee

Date 2/23/79

II. FISCAL DETAIL

Agency Affected Judicial Council

Program Category Affected Administration of Justice

BRU, Program, or Subprogram(s) Affected Judicial Council

(Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 79	FY 80	FY 81	FY 82	FY 83	FY 84
100 PERSONAL SERVICES	57					
200 TRAVEL	21					
300 CONTRACTUAL	12					
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL	90,000					

FUNDING (Thousands of Dollars)

GENERAL FUND	90,000					
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

FULL TIME	-0-					
PART TIME	-0-					
TEMPORARY	9					

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

IV. DATE 2/23/79

PREPARED BY Michael Rubenstein

AGENCY Judicial Council

PHONE 274-8942

Original: Legislative Finance

cc: Budget and Management

Prime Sponsor (First Legislator Named)

BUDGET: Alaska Judicial Council, Investigation of Judicial Sentencing Practices

February 13, 1979

I. Investigators

a)	Coders: 5, at \$937.50/month + 9% benefits, x 6.4 months	= \$32,700
b)	Evaluation Methodologist, part-time, \$958.40/mo. x 9 months + benefits	= 9,108
c)	Statistical Advisor, 50 hours at \$16.88/hr.	= 844
d)	Computer Programmer, \$500/month x 8 months	= 4,000
e)	Data Analyst, 5.5 months	= <u>8,053</u>
	Subtotal, Investigators	= \$56,955

II. Staff Travel

5 Coders, coding supervisor and evaluation methodologist based in Anchorage. Travel costs and per diem to Barrow, Bethel, Fairbanks, Juneau, Kenai, Ketchikan, Kodiak, Nome, and Sitka.

= \$15,850

III. Contractual and Other

a)	Keypunch charges, estimated, for 1700 defendants, 3-4 cards per defendant	= \$ 1,500
b)	Computer charges, average per month, \$1166.67	= 10,500
c)	Supplies	= <u>195</u>
	Subtotal, Contractual	= \$12,195

Total, Investigative Expenses = \$85,000

Advisory Board Travel

Transportation of members of the Advisory Committee on Judicial Sentencing Practices to meetings: = \$ 5,000

Total, State General Funds = \$90,000



RECORDS CERTIFICATION



I, the undersigned, an employee of the State of Alaska, do hereby certify that the microfilm images on this microform are accurate reproductions of the original records of the State of Alaska as accumulated during the regular course of business, and that it is the established policy and practice of this State to microfilm its records and to dispose of the original records after microfilm reproductions have been made.

James O Smith
Signature of Camera Operator

3/20/90
Date

HB 195 am

SENATE FINANCE COMMITTEE
BILL CHECKLIST

1. Committee Copy-Current Bill
2. History Cover Form
3. Printed Copies:
 - Original Bill
 - Committee Substitutes or Amendments
4. SFC Committee Report Form

5. Fiscal Information:
 - Note in File
 - Note Requested Date _____
 - Other Financial Backup (See Below) _____
6. Backup:
 - Handouts _____
 - Letter from Governor _____
 - Letter from Sponsor _____
 - Completed Committee Reports _____
 - Committee State Affairs
 - Other _____

Backup for HB 196 included

THE LEGISLATURE OF THE STATE OF ALASKA
ELEVENTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. House Bil. 195
 Title Act providing for an advisory committee on judicial sentencing
 Requested by Senate Finance Committee Date March 29, 1979

II. FISCAL DETAIL

Agency Affected Judicial Council
 Program Category Affected Administration of Justice
 BRU, Program, or Subprogram(s) Affected _____
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 79	FY 80	FY 81	FY 82	FY 83	FY 84
100 PERSONAL SERVICES						
200 TRAVEL		\$5,000				
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL		\$5,000				

FUNDING (Thousands of Dollars)

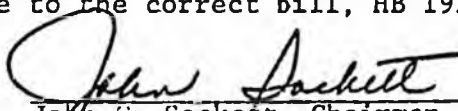
GENERAL FUND		\$5,000				
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

FULL TIME						
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

CSHB 196 as reported out by the Senate Finance Committee includes funds for the employment of temporary statisticians and investigators by the Judicial Council to review and analyze judicial sentencing practices. This bill, HB 195, which creates the advisory committee on judicial sentencing practices, was originally funded for \$5,000 worth of travel in HB 196. The Senate Finance Committee has removed that travel appropriation from HB 196 and attached the funds via Fiscal Note to the correct bill, HB 195.


 John C. Sackett, Chairman
 Senate Finance Committee

IV. DATE _____ PREPARED BY _____
 AGENCY _____
 PHONE _____

Original: Legislative Finance
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)

A M E N D M E N T

OFFERED IN THE SENATE:

By: FINANCE COMMITTEE

To: _____ SENATE BILL No. _____

HOUSE BILL No. 195 am

PAGE: _____

LINE: _____

In each instance it appears, delete the wording
"advisory committee on judicial sentencing practices"
and insert in its place "advisory committee on minority
judicial sentencing practices"

it appears

in each instance delete the ~~wording~~
"advising center on just. sent. practices"

and insert in its place

"advising center on managing juvenile
sentencing practices"

Correct amendment language
provided by Dave Walker
(Legislative Affairs) this date
4/12/79

Introduced: 2/14/79
Referred: Judiciary and
Finance

BY ANDERSON, FULLER,
HURLBERT, MARTIN, MILLER,
MUNSON, OSTERBACK, PARR
AND SCHAEFFER

1 IN THE HOUSE

2 HOUSE BILL NO. 195 am

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - FIRST SESSION

5 A BILL

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23 house of the legislature; and

24 (4) one member from another minority, appointed by the governor.

25 (b) Appointments shall be made with due consideration to the availa-
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27 abuses and violations of the civil rights of racial or cultural minorities
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*John:
Nels wants to see
the amendment made.
See attached*

Introduced: 2/14/79
Referred: Judiciary and
Finance

BY ANDERSON, FULLER,
HURLBERT, MARTIN, MILLER,
MUNSON, OSTERBACK, PARR
AND SCHAEFFER

1 IN THE HOUSE

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*Chief Justice
of the Supreme
Court*

*Chief Justice of the
Supreme Court*

A M E N D M E N T

OFFERED IN THE SENATE:

By: SENATE FINANCE

To: _____ SENATE BILL No. _____

HOUSE BILL No. 195 am

PAGE: 1

LINE: 20 and 24

At Lines 20 and 24 delete the word "governor" and
insert "Chief Justice of the Supreme Court"

Introduced: 2/14/79
Referred: Judiciary and
Finance

BY ANDERSON, FULLER,
HURLBERT, MARTIN, MILLER,
MUNSON, OSTERBACK, PARR
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Introduced: 2/14/79
Referred: Judiciary and
Finance

BY ANDERSON, FULLER, HURLBERT,
MARTIN, MILLER, MUNSON, OSTERBACK,
PARR AND SCHAEFFER

1 IN THE HOUSE

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CORRECTION

**THIS DOCUMENT
HAS BEEN REPHOTOGRAPHED
TO ASSURE LEGIBILITY**

Introduced: 2/14/79
Referred: Judiciary and
Finance

BY ANDERSON, FULLER, HURLBERT,
MARTIN, MILLER, MUNSON, OSTERBACK,
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1 IN THE HOUSE

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14B 195

BUDGET: Alaska Judicial Council, Investigation of Judicial Sentencing Practices

February 13, 1979

I. Investigators

- a) Coders: 5, at \$937.50/month + 9% benefits,
x 6.4 months = \$32,700
 - b) Evaluation Methodologist, part-time,
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 - c) Statistical Advisor, 50 hours at \$16.88/hr. = 844
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- Subtotal, Investigators = \$56,955

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5 Coders, coding supervisor and evaluation methodologist based in Anchorage. Travel costs and per diem to Barrow, Bethel, Fairbanks, Juneau, Kenai, Ketchikan, Kodiak, Nome, and Sitka.

= \$15,850

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- a) Key punch charges, estimated, for 1700 defendants,
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 - b) Computer charges, average per month, \$1166.67 = 10,500
 - c) Supplies = 195
- Subtotal, Contractual = \$12,195

Total, Investigative Expenses = \$85,000

Advisory Board Travel

Transportation of members of the Advisory Committee on Judicial Sentencing Practices to meetings: = \$ 5,000

Total, State General Funds = \$90,000