

LEG. FINANCE - BILLS 1979 - 1980 1065

HB 195am cont., thru HB 200

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)

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)

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: 582-6734 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
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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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CHIEF JUSTICE
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,

Teresa J. White

Teresa J. White
Project Supervisor

Enclosures



BY MEMBERS:
KENNETH L. STADY
JOHN C. LONGWORTH
ROBERT H. MOSES

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MICHAEL A. STROVICH
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Alaska Judicial Council

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EXECUTIVE DIRECTOR
MICHAEL L. RUGINSTEIN

September 5, 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 3. 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

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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.

Justice and Public Safety

Table VII-4. Class 3 Felonies¹ (Burglary, Larceny, and Receiving):
Estimated Effect on Prison Sentence Length² 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 Felonies¹ (Fraud, Forgery, Embezzlement):
Estimated Effect on Prison Sentence Length² 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		
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): 194</u>
If black	+452 *	<u>Proportion of total variance explained (R²): 58%</u>
If native 4	+441 *	
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.

Logarithmic LCA

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

Effect: Presence of Factor
Estimated to Increase (+) or
Reduce (-) Sentence Length by
Percentage Shown

Factor

1. Specific Offense of Conviction ³

Sale of narcotics to person age 21 or older +130%

2. Companion Felony Cases

For each companion felony case +51
For each companion conviction +76
For each companion conviction of a co-defendant +57

3. Defendant's Criminal Record

For each prior felony conviction +134
If on probation or parole at time of offense +183

Number of cases (N): 255

Proportion of total variance explained (R²): 49%

4. Defendant's Characteristics

If black +467 $\frac{1}{2}$

5. City Where Court Located

If Fairbanks (as compared with Anchorage and Juneau) -49

6. New Plea Bargaining Policy

(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 "KDS" 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" cases; 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)

	1 (Total Cases- 1001)	2. Actual Mean Sent.	3 Actual Median Sent.	4 Median Est. Sent.	Distribution of Sentence Length										
					Zero Sentence (Probation Only)	1 day- 3 mos.	3-6 mos.	6-12 mos.	12-18 mos.	18-24 mos.	24-36 mos.	36-60 mos.	60 mos. or More	High : 5.0000	
<u>Class 3*</u> (Burglary, Larceny, Receiving)															
BLACK - - - - -	(55)	9.4	3.0	0.3	31%	23%	9%	11%	9%	7%	2%	7%	0%		
NATIVE - - - - -	(106)	6.4	0.4	0.2	32%	48%	4%	0%	0%	2%	4%	2%	2%		
White - - - - -	(330)	4.4	0.0	---	57%	20%	3%	4%	2%	3%	2%	1%	1%		
<u>CLASS 4*</u> (Fraud, Forgery, Embezzlement)															
BLACK - - - - -	(34)	14.0	0.0	0.0	54%	4%	0%	0%	4%	0%	0%	21%	0%		
NATIVE - - - - -	(20)	14.0	14.0	0.6	7%	22%	0%	21%	4%	43%	4%	0%	0%		
White - - - - -	(143)	6.1	0.0	---	57%	16%	10%	4%	1%	3%	4%	4%	0%		
<u>CLASS 5*</u> (Drug Offenses)															
BLACK - - - - -	(42)	51.2	24.0	1.0	24%	4%	5%	0%	2%	17%	12%	12%	24%		
NATIVE - - - - -	(23)	6.1	1.0	0.2	39%	10%	13%	17%	0%	13%	0%	0%	0%		
White - - - - -	(190)	8.0	0.0	---	61%	15%	3%	2%	0%	6%	5%	7%	2%		

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	(158)
Judge "lenient"	3.0	(2)	12.0	(2)	0.0	(23)	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)	3.7	(65)

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(In Months) by race, within offense class, controlling for single factors Importance Re-

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

Class 3 (N=493)

	<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=155)

	<u>Black</u>	<u>(N)</u>	<u>Nat.</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)	27%	(28)	22%	(143)	.000

21

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)	F=.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	Coh(A)10) Commission 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	35

* No cases in this category.
 1 High seriousness includes burglary and felonious assault; low seriousness in-
 cludes receiving, malicious mischief, unauthorized entry, and misdemeanor lar-
 cein.
 2 Degree of high seriousness is category of felon; all others are considered low.
 3 Degree of high seriousness is category of felon; all others are considered low.
 4 Degree of high seriousness is category of felon; all others are considered low.

(23)

THE LEGISLATURE OF THE STATE OF ALASKA
ELEVENTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. House Bill 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)

FISCAL NOTE HB 195

CSHB 196 as reported out by the Senate Finance Committee includes funds for the employemnt of temporary statisticians and investigators by the Judicial Council ^{by} review and analyze judicial sentencing practices. ^{7/18/57} HB 195 which creates the advisory committee on judicial sentencing practices, was originally funded for \$5,000 worth of travel. In CSHB 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.



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.

Jamod O Smith
Signature of Camera Operator

3/20/90
Date

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

Funding Information
General Fund \$90,000
Other Funds -0-
\$90,000

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

1 IN THE HOUSE

2 HOUSE BILL NO. 196

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act making a special appropriation to the Judicial
7 Council; and providing for an effective date."

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

9 * Section 1. The sum of \$85,000 is appropriated from the general fund to
10 the Judicial Council to provide for the expenses of persons temporarily
11 employed as statisticians and investigators in conjunction with review and
12 analysis of judicial sentencing practices.

13 * Sec. 2. The sum of \$5,000 is appropriated from the general fund to the
14 Judicial Council for transportation of the members of the Advisory Committee
15 on Judicial Sentencing Practices.

16 * Sec. 3. The unexpended and unobligated portion of the appropriations
17 made in this Act lapses into the general fund March 31, 1980.

18 * Sec. 4. This Act takes effect immediately in accordance with AS 01.10.-
19 070(c).

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. 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)

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)	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	= <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

THE LEGISLATURE OF THE STATE OF ALASKA
ELEVENTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Page 1 of 2

Bill/Resolution No. 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)

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)	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	= 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



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

SENATE FINANCE COMMITTEE
BILL CHECKLIST

- 1. Original Bill Document ✓
- 2. History Cover Form ✓
- 3. Printed Copies:
 - Original Bill ✓
 - Committee Substitutes or
Amendments —
- 4. Committee Report Form ✓
- 5. Fiscal Note:
 - In File ✓
 - Requested Date
- 6. Backup:
 - Handouts
 - Letter from Governor
 - Letter from Sponsor
 - Other ✓

— Amendment form

— Notes - discussion with
CJPA and Judicial Council

— letter from CJPA

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

Funding Information
General Fund \$90,000
Other Funds -0-
\$90,000

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

1 IN THE HOUSE

2 HOUSE BILL NO. 196

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act making a special appropriation to the Judicial
7 Council; and providing for an effective date."

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

9 * Section 1. The sum of \$85,000 is appropriated from the general fund to
10 the Judicial Council to provide for the expenses of persons temporarily
11 employed as statisticians and investigators in conjunction with review and
12 analysis of judicial sentencing practices.

13 * Sec. 2. The sum of \$5,000 is appropriated from the general fund to the
14 Judicial Council for transportation of the members of the Advisory Committee
15 on Judicial Sentencing Practices.

16 * Sec. 3. The unexpended and unobligated portion of the appropriations
17 made in this Act lapses into the general fund March 31, 1980.

18 * Sec. 4. This Act takes effect immediately in accordance with AS 01.10.-
19 070(c).

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Original sponsors: Anderson, Fuller,
Hurlbert, et al

Funding Information
General Fund \$50,000
Other Funds -0-
\$50,000

1 IN THE HOUSE

BY THE FINANCE COMMITTEE

2 SENATE CS FOR HOUSE BILL NO. 196

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act making appropriations to the Judicial Council
7 and the Department of Health and Social Services, and
8 amending conditions on an appropriation made to the
9 Department of Education in ch. 6, SLA 1979; and pro-
10 viding for an effective date."

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

12 * Section 1. The sum of \$30,000 is appropriated from the general fund to
13 the Judicial Council to provide for the expenses of persons temporarily
14 employed as statisticians and investigators in conjunction with review and
15 analysis of judicial sentencing practices.

16 * Sec. 2. The sum of \$20,000 is appropriated from the general fund to the
17 Department of Health and Social Services, office of aging, to be paid as a
18 grant to the Upper Tanana aging program for use as matching funds.

19 * Sec. 3. Section 13, ch. 6 SLA 1979 is amended to read:

20 Sec. 13. The sum of \$120,000 is appropriated from the general fund
21 to the Department of Education to begin construction of school facili-
22 ties in Allakaket. Insurance proceeds received as a result of the
23 school fire on January 25, 1979, up to the amount appropriated by this
24 section, shall lapse into the general fund upon receipt.

25 * Sec. 4. The unexpended and unobligated portion of the appropriation
26 made in sec. 1 of this Act lapses into the general fund March 31, 1980.

27 * Sec. 5. This Act takes effect immediately in accordance with AS 01.10.-
28 070(c).

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Funding Information	
General Fund	\$55,000 50,000
Other Funds	-0-
	<u>50,000</u>

1 IN THE SENATE

BY THE FINANCE COMMITTEE

2

SCS FOR HOUSE BILL NO. 196

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

ELEVENTH LEGISLATURE - FIRST SESSION

5

A BILL

6

For an Act entitled: "An Act making appropriations to the Judicial Council and the Department of Health and Social Services; and providing for an effective date."

7

8

9

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

10

* Section 1. The sum of \$30,000 is appropriated from the general fund to the Judicial Council to provide for the expenses of persons temporarily employed as statisticians and investigators in conjunction with review and analysis of judicial sentencing practices.

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* Sec. 2. The sum of \$5,000 is appropriated from the general fund to the Judicial Council for transportation of the members of the Advisory Committee on Judicial Sentencing Practices.

Out

17

* Sec. 3. The sum of \$20,000 is appropriated from the general fund to the Department of Health and Social Services, Office of Aging, to be paid as a grant to the Upper Tanana Aging program for use as matching funds.

18

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20

* Sec. 4. Section 13, ch. 6 SLA 1979 is amended to read:

21

* Sec. 13. The sum of \$120,000 is appropriated from the general fund to the Department of Education to begin construction of school facilities in Allakaket. Insurance proceeds received as a result of the school fire on January 25, 1979, up to the amount appropriated by this section shall lapse into the general fund upon receipt.

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* Sec. 5. The unexpended and unobligated portion of the appropriations made in sections 1 and 2 of this Act lapse into the general fund March 31, 1980.

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* Sec. 6. The unexpended and unobligated portion of the appropriation

1 made in sec. 3 of this Act lapses into the general fund June 30, 1979.

2 * Sec. ⁶7. This Act takes effect immediately in accordance with AS 01.10.-
3 070(c).
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AMENDMENT #1

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"

AMENDMENT

OFFERED IN THE SENATE:

By: Rules Committee

To: _____ SENATE BILL No. _____

Senate CS for HOUSE BILL No. 196

PAGE: 1

LINE: 12

Delete "\$30,000" and insert "\$85,000."

Note: Change Funding Information to reflect
General Fund \$105,000
Other -0-
 \$105,000

Delivered to Marci
in Senate Rules 4/11/79
2:40 p.m.



*Part in
files*

LAY MEMBERS
KENNETH L. BRADY
JOHN E. LONGWORTH
ROBERT H. MOSS

LAW MEMBERS
MARCUS R. CLAPP
MICHAEL M. HOLMES
JOSEPH L. YOUNG

CHAIRMAN, EX OFFICIO
JAY A. RABINOWITZ
CHIEF JUSTICE
SUPREME COURT

Alaska Judicial Council

303 H STREET
ANCHORAGE, ALASKA
99501

EXECUTIVE DIRECTOR
MICHAEL L. RUBINSTEIN

March 29, 1979

MEMORANDUM

To: Members of House Finance Committee
From: Alaska Judicial Council Staff
Re: FY'80 Budget Request and H.B. 196

At its March 26, 1979 meeting, members of the House Finance Committee requested that Judicial Council staff provide a memorandum clarifying the relationships between research on sentencing disparities proposed under H.B. 196 and research on sentencing disparities proposed in its FY'80 budget request. This memorandum details each research project, its cost, and the source of funding in answer to questions posed by Committee members.

A. Summary of Proposals

1. A one-time analysis of felony sentences imposed between August, 1976 and July, 1979. (H.B. 196)
2. An operational, on-going annual monitoring of felony sentences starting with sentences imposed after July 1, 1979. (FY'80 budget)
3. An operational, on-going annual monitoring of misdemeanor sentences, starting with sentences imposed after July 1, 1979. (FY'80 budget)
4. Detailed analysis of all available data on sentencing for the Sentencing Guidelines Commission. (FY'80 budget)

B. Grant Funds

Criminal Justice Planning Agency has notified the Senate Finance Committee that \$55,000 in federal funds may be available to defray a portion of the costs of the one-time analysis of felony sentences proposed under H.B. 196 (these funds were not available at the time that the House Finance Committee passed H.B. 196, or their availability had

not been made known). Therefore, it may only be necessary for the legislature to provide \$35,000 from the State general funds. The possible availability of these funds will be taken into account in the following analysis of expenditures.

C. Project Details

Project #1: One-time Analysis of Felony Sentences

Total amount required: \$90,000. Time: May 1, 1979 - Feb. 29, 1980.
Funding sources: H.B. 196 (possible funds from CJPA)

Breakdown of Costs

	<u>CJPA</u>	<u>H.B. 196</u>	<u>Total</u>
A. <u>Personnel</u> (all temporary)			
1. <u>Evaluation Methodologist</u>		\$ 8,356	\$ 8,356
2. <u>Coding Supervisor</u>	\$ 4,500		4,500
3. <u>Coders</u> (11 at \$937.50 per month for 3 months)	30,937		30,937
Employee Benefits, at 9%	<u>3,189</u>	<u>752</u>	<u>3,941</u>
Subtotal:	\$38,626	\$ 9,108	\$47,734

B. Travel and Per Diem

1. Coder travel and per diem to Barrow, Bethel, Nome, Fairbanks, Kenai, Kodiak, Juneau, Sitka, and Ketchikan	15,117		15,117
2. Advisory Committee travel	<u> </u>	<u>5,000</u>	<u>5,000</u>
Subtotal:	\$15,117	\$ 5,000	\$20,117

C. Contractual

1. Statistical Advisor		844	844
2. Computer Programmer		9,000	9,000
3. Key punching	1,000		1,000
4. Computer Time	<u> </u>	<u>10,000</u>	<u>10,000</u>
Subtotal:	\$ 1,000	\$19,844	\$22,844

	<u>CJPA</u>	<u>H.B. 196</u>	<u>Total</u>
<u>D. Supplies</u>			
1. Supplies	\$ 257	\$ 88	\$ 345
2. Printing, Coding Forms		960	960
Subtotal:	\$ 257	\$ 1,048	\$ 1,305
Total, All Expenses:	\$ 55,000	\$ 35,000	\$ 90,000

Additional Costs

In addition to the \$90,000 required to do a one-time analysis of felony sentences as proposed under H.B. 196, the Council expects that its own staff will spend about 25% of its time administering this project, preparing reports, and working with the Advisory Committee. Telephone costs, and other Council expenses will represent a total expenditure of about \$38,284 from its FY'80 general funds budget request.

Travel vs. Xeroxing of Case Files

One Committee member requested that the Council's staff consider the possibility of xeroxing all of the court files to be studied in areas outside of Anchorage, and estimate the cost of this. Typically, a court case file (convicted felony) would contain about 100 pages of documents to be xeroxed, and we expect to study about 1,000 cases outside of Anchorage for this one-time felony study. The court system estimates that the costs for xeroxing, mailing, and other expenses would be between \$12.00 and \$17.00 for each case, giving a total expense of \$12,000 to \$17,000. Our estimated travel expenses come to \$15,117, or \$15.00 per case. Thus, the costs are comparable. In addition, examination of the original documents in the location where they are filed is preferable to insure the accuracy of the research. Finally, Judicial Council staff would have no way of verifying whether the case files received were in fact complete, and whether all files were actually copied and mailed out.

Travel Costs

A detailed breakdown of travel costs for coders is attached. It is impossible to break down the \$5,000 set aside for travel expenses for Advisory Committee members, since these members have not been appointed, and travel costs will depend both on their home locations and the sites chosen for Committee meetings.

Project #2: On-going, Operational Monitoring of Felony Sentences

Total amount: \$43,541 Time: Jan. 1 - June 30, 1980.
Funding source: FY'80 Budget

This project starts at the point at which H.B. 196 leaves off. Data collection under H.B. 196 would include all sentences imposed up to July 1, 1979. On-going monitoring of felony sentences would include all sentences imposed after July 1, 1979 (continuing through June 30, 1980).

These two projects do not overlap. On-going monitoring of felony sentences must be done to show whether actions taken to correct racial disparities have had the desired effects.

Breakdown of Costs

1. <u>Coding</u> (4 coders and supervision, 3 months)	\$ 8,993
2. <u>Travel</u>	6,647
3. <u>Computer and Key punch</u>	3,000
4. <u>Evaluation Methodologist</u>	<u>7,500</u>
Total:	\$26,140

Additional Costs

Approximately 10% of the Council staff's time must also be allocated to supervision of on-going monitoring of felony sentences and preparation of reports. 10% of the requested FY'80 personal services funds equals \$17,401, giving a total project cost of \$43,541.

Project #3: On-going Monitoring of Misdemeanor Sentences

This project is similar to monitoring of felony sentences, except that the Council has no pre-existing data bases which can be added to. Approximately 3,000 misdemeanor sentences will be reviewed and analysed for the period July 1, 1979 through June 30, 1980. This project will begin with the design of a new pre-sentence form to be used by all district court judges during misdemeanor sentencings (which will have the additional benefit of making more information available to the sentencing judge). Data collected and analysed will be used to determine a) continuing existence of racial disparities, and b) effects of actions taken to correct these disparities. Data will probably be collected from the same ten courts studied for felonies to allow comparisons of disparities in felony and misdemeanor sentences. The project is similar in size to the one-time data collection effort for felony sentences (H.B. 196); therefore costs are similar.

Breakdown of Costs

1. <u>Evaluation Methodologist</u>	\$ 7,500
2. <u>Coding</u> (10 coders for 3 months and supervision)	34,471
3. <u>Computer resources and Key punch</u>	3,000
4. <u>Travel</u> (9 locations, same breakdown as one-time felony sentencing, H.B. 196)	<u>15,117</u>
Total:	\$60,088

Additional Costs

Council staff must supervise the operational monitoring of misdemeanor sentences. This project is estimated to require about 10% of the requested FY'80 funds budgeted for personal services (excluding the Data Analyst's time), or \$13,554. The total project cost is \$73,642.

Project #4: Sentencing Guidelines Commission

Total amount: \$56,506 Time: FY'80.
 Funding source: FY'80 budget request

In July, 1978, the Chief Justice of the Supreme Court of Alaska created a Sentencing Guidelines Commission to study sentencing practices in Alaska's courts and to develop guidelines which would apply to all sentences not covered under the presumptive sentencing provisions of the new criminal code. The Chief Justice appointed the Director of the Judicial Council as consultant to the Commission, requesting that he and his staff provide members of the Commission with all necessary data and analysis. Since the purpose of sentencing guidelines is to reduce or eliminate all illegitimate disparities in sentencing, there is a relationship between this project and the preceding projects which are devoted exclusively to the reduction and elimination of racial disparities. However, the Commission's mandate is much broader, and requires much additional analysis of data. Because data collection will be accomplished by the other projects described, it will be necessary to allocate only sufficient funds for the extra analysis of data required and to costs associated with the consultancy in general.

Breakdown of Costs

1. <u>Data Analyst</u> , 65% of time, salary and benefits	\$25,123
2. <u>Evaluation Methodologist</u>	3,000
3. <u>Computer Resources</u>	6,000
4. <u>Temporary Secretarial</u>	6,000
5. <u>Travel (staff) to</u> <u>Commission meetings not in</u> <u>Anchorage (2 Juneau, 1 Bethel,</u> <u>1 Nome)</u>	<u>2,829</u>
Total:	\$42,952

Additional Costs

Approximately 10% of staff time must also be allocated to supervision of the needs of the Sentencing Guidelines Commission. Ten percent of requested staff resources (excluding the Data Analyst's time) equals \$13,554. The total project cost is \$56,506.

D. Project Costs in Relation to Council's Total FY'80 Budget Request

Clearly, the projects described here do not account for the entire amount requested in the Council's FY'80 budget. Rent, supplies, and other operating expenses have not been separately described for projects entirely funded under the Council's FY'80 budget (some of these costs have been included in the estimated contribution made by the Council to H.B. 196). However, all contractual expenses (coders, evaluation methodologist, computer time, etc.) associated with these projects have been outlined for the Finance Committee, as well as travel monies directly related to these projects. The Council's additional responsibilities have been outlined in the FY'80 budget request, and members of the Committee who wish to have additional information on these other needs may refer to that document. Council staff will provide other information needed by Committee members if necessary.

E. Research Supervisor

As noted in the budget request, the new position of Research Supervisor has been added, at a total cost of \$44,244. For the past 4 1/2 years, the Council has supported this position through federal grants or through state contractual funds. The position has been filled by Teresa J. White throughout the past 4 1/2 years. Thus, the position is one that has been demonstrated to be necessary. In Fy'79, the Legislature added \$40,000 to the Council's contractual funds, primarily for this position. The FY'80 request for a permanent position should therefore be considered as a request for recognition of a pre-existing position.



T.J.W.

TRAVEL BREAKDOWN

(One-time Felony Study)

	<u>CJPA</u>	<u>H.B. 196</u>	<u>Total</u>
1. <u>Bethel, 3 coders:</u> 5 days p.d. at \$65.00/ day = \$975.00. 3 R.T. at \$79.40 = \$238.00.	\$ 1,213.00		\$ 1,213.00
2. <u>Barrow/Nome/Fairbanks</u> <u>3 coders:</u> <u>Barrow, 5 days p.d. at</u> <u>\$96.00/day = \$1440.00.</u> <u>Nome, 5 days p.d. at</u> <u>\$82.00/day = \$1230.00.</u> <u>Fairbanks, 25 days p.d.</u> <u>at long-term rate of</u> <u>\$35.00/day = \$2625.00.</u> 3 R.T. from Anchorage to Fairbanks/Nome/ Fairbanks/Barrow/ Fairbanks/Anchorage at \$439 each = \$1317.00.	6,612.00		6,612.00
3. <u>Kenai, 3 coders:</u> 5 days p.d. at \$54.00/ day = \$810.00. 3 R.T. at \$36.00 = \$108.00.	918.00		918.00
4. <u>Kodiak, 3 coders:</u> 5 days p.d. at \$54.00/ day = \$810.00. 3 R.T. at \$101.80 = \$305.00.	1,115.00		1,115.00
5. <u>Southeast, 3 coders:</u> <u>Juneau, 12 days p.d. at</u> <u>\$50/day = \$1800.00.</u> <u>Ketchikan, 12 days p.d.</u> <u>at \$50/day = \$1800.00.</u> <u>Sitka, 5 days p.d. at</u> <u>\$52/day = \$780.00.</u> 3 R.T., Anchorage/ Ketchikan/Sitka/Juneau/ Anchorage at \$293.00 each = \$879.00.	5,259.00		5,259.00
6. <u>Advisory Committee</u> <u>Travel (cannot be broken</u> <u>out until Committee</u> <u>members and meeting</u> <u>locations are known).</u> Estimated at:		<u>\$5,000</u>	<u>5,000.00</u>
Subtotal, Travel:	\$15,117.00	\$5,000	\$20,117.00

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

THE LEGISLATURE OF THE STATE OF ALASKA
ELEVENTH LEGISLATURE

FISCAL NOTE

Page 1 of 2

REQUEST
Bill/Resolution No. 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)

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 Rybenstein
AGENCY Judicial Council
PHONE 214-8942
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)	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	= <u>195</u>
	Subtotal, Contractual	= \$12,195

	Total, Investigative Expenses	= \$85,000
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Advisory Board Travel

	Transportation of members of the Advisory Committee on Judicial Sentencing Practices to meetings:	= \$ 5,000
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	Total, State General Funds	= \$90,000
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GOVERNOR'S COMMISSION ON THE
ADMINISTRATION OF JUSTICE

POUCH AJ

JUNEAU, ALASKA 99811

Senator John Sackett
Alaska State Legislature
Pouch V
Juneau, Alaska 99811

STATE OF ALASKA

OFFICE OF THE GOVERNOR

CRIMINAL JUSTICE PLANNING AGENCY

JAY S. HAMMOND, GOVERNOR

POUCH AJ - JUNEAU 99811
PHONE 465-3530

HB 196

March 20, 1979

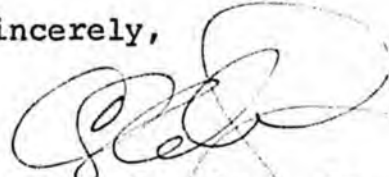
Senator John Sackett
Alaska State Legislature
Pouch V
Juneau, Alaska 99811

Dear Senator Sackett:

A member of your staff recently requested information concerning available funds for a project submitted by the Alaska Judicial Council to examine racial bias and discrimination in the justice system. The Governor's Commission on the Administration of Justice has tentatively allocated \$55,000 from supplemental funds to such a project. It will be necessary, however, for the Judicial Council to present the application in the proper form before it can be considered.

It is my understanding from the proposal submitted to our agency that more than \$55,000 would be necessary in order to carry out the project. If the Governor's Commission were to make additional monies available for the Judicial Council Study, such funds would have to come from other projects and programs which have been identified for funding.

Sincerely,



Charles G. Adams, Jr.
Executive Director

Ganey:
Mike Rubenstein is
working on the CSPA
application. He is
concerned because the
maximum available from
CSPA is \$50-55,000 and he
needs \$90,000. He will
make sure a letter is
forthcoming from
Adams ASAP concerning
the availability or
nonavailability of
funds

Janet.

Garvey:

Terry White of Judicial Council would like to know when the Finance Committee hearing on their budget is scheduled. (274-8611)

She also said to call her ^{or} Mike if we have further questions about the spec. appropriation (HB196).
Janet.

CJPA - Discussion with Charlie
Adams on 3/16/79

The Judicial Council submitted a concept paper (not a formal application) to CJPA to study (further analysis) racial bias in sentencing. CJPA had some questions about the data base to be used (not current: 1974-1976) and the areas to be studied.

The council notified CJPA (apparently before discussion of questions per Mr Adams) to hold up on grant until they saw what was going to happen with the special appropriation.

Janet: Call Mon. & tell them that we will not consider the bill until Adams sends me a memo saying he is satisfied that J.D. could not use the R.S.A. that CJPA can offer.

O.K.

Janet

3/16/79

Judicial Council: Discussion with Terry White
& Mike Rubenstein

The proposed study grew out of concern expressed by the Anchorage Native Council to the O.G. about the treatment of disadvantaged persons in the entire court process (intake to release.)

The Judicial Council decided that as the 1st phase of a review it would need \$100,000. to bring its previous data base up to date and to do a preliminary study on the courts. Discussions with CSFA led them to believe that \$100,000 would be available for this type of project, if not more if they could dig up more in DC. After introduction of the spec. appropriation JC was informed that only ~~\$100,000~~ \$50,000 was available. More recently the J.C. heard that CSFA was talking about using the \$50,000 to study the system outside the courts

274-8611

given plans

*Janet:
Call C J P J -- did they offer Mike Rubenstein of the
Judicial Council \$60,000 interagency or grant money that
he refused? If so, get details*

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

Funding Information	
General Fund	\$90,000
Other Funds	-0-
	<u>\$90,000</u>

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

1 IN THE HOUSE

2 HOUSE BILL NO. 196

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act making a special appropriation to the Judicial
7 Council; and providing for an effective date."

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

9 * Section 1. The sum of \$85,000 is appropriated from the general fund to
10 the Judicial Council to provide for the expenses of persons temporarily
11 employed as statisticians and investigators in conjunction with review and
12 analysis of judicial sentencing practices.

13 * Sec. 2. The sum of \$5,000 is appropriated from the general fund to the
14 Judicial Council for transportation of the members of the Advisory Committee
15 on Judicial Sentencing Practices.

16 * Sec. 3. The unexpended and unobligated portion of the appropriations
17 made in this Act lapses into the general fund March 31, 1980.

18 * Sec. 4. This Act takes effect immediately in accordance with AS 01.10.-
19 070(c).

*Find out why
Rubenstein turned down
60,000 of Crim. Justice funds?
If he did, release this
Call C.J.P.A.*



RECORDS CERTIFICATION



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James O. Smith
Signature of Camera Operator

3/20/90
Date

Funding Information
General Fund \$200,000
Other Funds -0-
\$200,000

Introduced: 2/14/79
Referred: State Affairs and
Finance

1 IN THE HOUSE

BY ZHAROFF

2 HOUSE BILL NO. 197

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act making a special appropriation to the Depart-
7 ment of Transportation and Public Facilities to repay
8 the City of Kodiak for the costs incurred in rebuilding
9 the Monashka dam; and providing for an effective date."

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

11 * Section 1. The sum of \$200,000 is appropriated from the general fund to
12 the Department of Transportation and Public Facilities for payment as a grant
13 to the City of Kodiak to repay the city for costs incurred in rebuilding the
14 Monashka dam.

15 * Sec. 2. The unexpended and unobligated portion of this appropriation
16 lapses into the general fund June 30, 1980.

17 * Sec. 3. This Act takes effect immediately in accordance with AS 01.10.-
18 070(c).

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COMMITTEE REPORT

HOUSE

FURTHER:

February 20, 1979

Date: _____

Mr. Speaker:

The Committee on FINANCE has had HB 197

"An Act making a special appropriation to the Department of Transportation and Public Facilities to repay the City of Kodiak for the costs incurred in rebuilding the Monashka dam; 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)
- replace with CS for _____ same title
 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:

CHAIRMAN

6354
Guthrie

<u>Funding Information</u>	
General Fund	\$200,000
Other Funds	-0-
	<u>\$200,000</u>

Introduced: 2/14/79
Referred: State Affairs and
Finance

1 IN THE HOUSE

BY ZHAROFF

2 HOUSE BILL NO. 197

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act making a special appropriation to the Depart-
7 ment of Transportation and Public Facilities to repay
8 the City of Kodiak for the costs incurred in rebuilding
9 the Monashka dam; and providing for an effective date."

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

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14 Monashka dam.

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ALASKA STATE LEGISLATURE

ELEVENTH Legislature FIRST Session

HOUSE BILL NO. 197

By ZHAROFF

"An Act making a special appropriation to the Department of Transportation and Public Facilities to repay the City of Kodiak for the costs incurred in rebuilding the Monashka dam; and providing for an effective date."

Monashka dam

Introduced in the House 2-14, 19.79

HISTORY IN THE HOUSE

19 79
Feb. 14

Read first time and referred to Committee on State Affairs and Finance
Reported back with recommendation that

Read second time and

Read third time and

PASS	Effective Date
Yeas	Yeas
Nays	Nays
Absent	Absent
Excused	Excused

Reconsideration

PASS	Effective Date
Yeas	Yeas
Nays	Nays
Absent	Absent
Excused	Excused
Reported correctly engrossed	
Signed by Speaker	
Sent to Senate	

CHIEF CLERK OF THE HOUSE

HISTORY IN THE SENATE

19

Read first time and referred to Committee on

Reported back with recommendation that

Read second time and

Read third time and

PASS	Effective Date
Yeas	Yeas
Nays	Nays
Absent	Absent
Excused	Excused

Reconsideration

PASS	Effective Date
Yeas	Yeas
Nays	Nays
Absent	Absent
Excused	Excused
Reported correctly engrossed	
Signed by President	
Returned to House	

SECRETARY OF THE SENATE

HISTORY IN THE HOUSE

19

Received from Senate

Concurred in Senate amendment thus adopting:
VOTE

Failed to concur in Senate amendment; asked Senate to recede
VOTE

Senate receded from amendment
VOTE

Senate failed to recede from amendment
VOTE

CC appointed by House

CC appointed by Senate

CC adopted by House
VOTE

CC adopted by Senate
VOTE

To enrolling
Reported correctly enrolled
Sent to Governor

..... by Governor

Filed with Lt. Governor

Chapter No.

THE LEGISLATURE OF THE STATE OF ALASKA
ELEVENTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. HB 197
 Title Appropriation to City of Kodiak for rebuilding Monashka Dam.
 Requested by J. Hogan Date _____

II. FISCAL DETAIL

Agency Affected DOT/PF
 Program Category Affected Transportation-Public Facilities
 Budget Request Unit(s) Affected _____

EXPENDITURES (Thousands of Dollars)

	FY 79	FY 80	FY 81	FY 82	FY 83	FY 84
100 PERSONAL SERVICES	2					
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.	198.					
TOTAL	200.					

FUNDING (Thousands of Dollars)

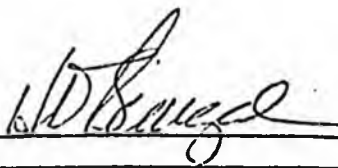
	FY 79	FY 80	FY 81	FY 82	FY 83	FY 84
GENERAL FUND	200					
FEDERAL FUNDS	-					
OTHER (Specify)	-					

POSITIONS

	FY 79	FY 80	FY 81	FY 82	FY 83	FY 84
FULL TIME						
PART TIME						
TEMPORARY						

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

This is a reimbursement bill. All work is presumed to be done by the City of Kodiak, or their contractor, and administered by them. The \$2,000 shown as personal services is to cover possible admin. costs incurred by the state for contract audit, approvals, and possible on-site inspections of the work.

IV. DATE 2/22/79 PREPARED BY James Brayton 
 AGENCY DOT/PF
 Original: Legislative Finance PHONE 364-2121
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)

THE LEGISLATURE OF THE STATE OF ALASKA
ELEVENTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. HB 197
 Title Appropriation to City of Kodiak for rebuilding Monashka Dam.
 Requested by J. Hogan Date _____

II. FISCAL DETAIL

Agency Affected DOT/PF
 Program Category Affected Transportation-Public Facilities
 Budget Request Unit(s) Affected _____

EXPENDITURES (Thousands of Dollars)

	FY 79	FY 80	FY 81	FY 82	FY 83	FY 84
100 PERSONAL SERVICES	2					
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.	198.					
TOTAL	200.					

FUNDING (Thousands of Dollars)

	FY 79	FY 80	FY 81	FY 82	FY 83	FY 84
GENERAL FUND	200					
FEDERAL FUNDS	-					
OTHER (Specify)	-					

POSITIONS

	FY 79	FY 80	FY 81	FY 82	FY 83	FY 84
FULL TIME						
PART TIME						
TEMPORARY						

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

This is a reimbursement bill. All work is presumed to be done by the City of Kodiak, or their contractor, and administered by them. The \$2,000 shown as personal services is to cover possible admin. costs incurred by the state for contract audit, approvals, and possible on-site inspections of the work.

IV. DATE 2/22/79 PREPARED BY James Brayton *W.D. Savage*
 AGENCY DOT/PF
 PHONE 364-2121
 Original: Legislative Finance
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)



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James O. Smith
Signature of Camera Operator

3/20/90
Date

Introduced: 2/14/79
Referred: Special Subsistence,
Resources and Finance

1 IN THE HOUSE

BY THE SPECIAL
SUBSISTENCE COMMITTEE

2 HOUSE BILL NO. 199

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act establishing a division of subsistence hunting
7 and fishing."

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

9 * Section 1. AS 16.05.090(c) is amended to read:

10 (c) There is established in the Department of Fish and Game a
11 division [SECTION] of subsistence hunting and fishing.

12 * Sec. 2. AS 16.05.094 is amended to read:

13 Sec. 16.05.094. DUTIES OF DIVISION [SECTION] OF SUBSISTENCE HUNT-
14 ING AND FISHING. The division [SECTION] of subsistence hunting and
15 fishing shall

16 (1) compile existing data and conduct studies to gather in-
17 formation, including data from subsistence users, on all aspects of the
18 role of subsistence hunting and fishing in the lives of the residents of
19 the state;

20 (2) quantify the amount, nutritional value, and extent of
21 dependence on food acquired through subsistence hunting and fishing;

22 (3) make information gathered available to the public, appro-
23 priate agencies, and other organized bodies;

24 (4) assist the department, the Board of Fisheries, and the
25 Board of Game in determining what uses of fish and game, as well as
26 which users and what methods, should be termed subsistence uses, users,
27 and methods;

28 (5) evaluate the impact of state and federal laws and regula-
29 tions on subsistence hunting and fishing and, when corrective action is

1 indicated, make recommendations to the department;

2 (make recommendations to the Board of Game and the Board
3 of Fisheries regarding adoption, amendment and repeal of regulations
4 affecting subsistence hunting and fishing;

5 (7) participate with other divisions in the preparation of
6 statewide and regional management plans so that those plans reorganize
7 and incorporate the needs of subsistence users of fish and game.
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THE LEGISLATURE OF THE STATE OF ALASKA
ELEVENTH LEGISLATURE

FISCAL NOTE

I. REQUEST
 Bill/Resolution No. HB 199
 Title An Act establishing a Division of Subsistence hunting and fishing
 Requested by House Resources Committee Date 2/21/79

II. FISCAL DETAIL Department of Fish & Game
 Agency Affected
 Program Category Affected Natural Resources
 Budget Request Unit(s) Affected Subsistence Section

EXPENDITURES (Thousands of Dollars)

	FY 79	FY 80	FY 81	FY 82	FY 83	FY 84
100 PERSONAL SERVICES	-0-	9.1	9.6	10.2	10.6	11.5
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL	-0-	9.1	9.6	10.2	10.8	11.5

FUNDING (Thousands of Dollars)

	FY 79	FY 80	FY 81	FY 82	FY 83	FY 84
GENERAL FUND	-0-	9.1	9.6	10.2	10.8	11.5
FEDERAL FUNDS						
OTHER (Specify)						

POSITIONS

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

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

The impact of this change would raise the pay range of the Section Chief from range 24 to range 26, Division Director and increase the range of the Assistant Chief from range 22 to range 23, Deputy Director.

Range 26 with benefits =	\$54.7	Range 23 with benefits =	\$45.5
Range 24 with benefits =	48.9	Range 22 with benefits =	42.2
Difference =	\$ 5.8	Difference =	\$ 3.3

TOTAL change 5.8 + 3.3 = 9.1

IV. DATE March 1, 1979 PREPARED BY *Russell H. Clark* Russell H. Clark
 AGENCY Department of Fish & Game
 PHONE 465-4120
 Original: Legislative Finance
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)
 Keith Speckins, Office of the Governor
 33-001 (Rev. 10/78)



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

(11)

COMMITTEE REPORT

HOUSE

3/16/79

FURTHER:

Date: _____

Mr. Speaker:

The Committee on FINANCE has had HB 200

"An Act making a special appropriation to the Department of Transportation and Public Facilities for school construction in Akhiok and Ouzinkie; 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)
- replace with CS for _____ same title
 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:

CHAIRMAN

COMMITTEE REPORT HOUSE

FURTHER: FINANCE

February 14, 1979

Date: March 15, 1979

Mr. Speaker:

The Committee on HESS has had HB 200

"An Act making a special appropriation to the Department of Transportation and Public Facilities for school construction in Akhiok and Ouzinkie; 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)
- replace with CS for HR-200 same title
 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**

Vern Furlber
John Johnson
Bob Hubs
T Buchholdt

**MEMBERS HAVING
OTHER RECOMMENDATIONS:**

Thomas B. ... No Rec
Cliff ... - No Rec

T Buchholdt
CHAIRMAN

6353
Guthrie

Original sponsors: Zharoff and Osterback

Offered: 3/15/79
Referred: Rules

<u>Funding Information</u>	
General Fund	\$2,100,000
Other Funds	-0-
	<u>\$2,100,000</u>

1 IN THE HOUSE

BY THE HEALTH, EDUCATION AND
SOCIAL SERVICES COMMITTEE

2 CS FOR HOUSE BILL NO. 200

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act making special appropriations to the Department
7 of Transportation and Public Facilities for school
8 construction in Akhiok and Ouzinkie; and providing for
9 an effective date."

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

11 * Section 1. The sum of \$2,000,000 is appropriated from the general fund
12 to the Department of Transportation and Public Facilities for payment as a
13 grant to the Kodiak Borough School District to be used to pay 80 per cent of
14 the costs of replacing the Akhiok school building, if funds other than state
15 funds make up the other 20 per cent.

16 * Sec. 2. The sum of \$100,000 is appropriated from the general fund to
17 the Department of Transportation and Public Facilities for payment as a grant
18 to the Kodiak Borough School District to be used to pay 80 per cent of the
19 costs of completing the high school gymnasium and classrooms under construc-
20 tion, if funds other than state funds make up the other 20 per cent.

21 * Sec. 3. The unexpended and unobligated portions of the appropriations
22 made by this Act lapse into the general fund June 30, 1982.

23 * Sec. 4. This Act takes effect immediately in accordance with AS 01.10.-
24 070(c).

6353
Duthrie
2-9-79

6353
Duthrie

Introduced: 2/14/79
Referred: Health, Education &
Social Services and Finance

Funding Information	
General Fund	\$3,500,000
Other Funds	-0-
	<u>\$3,500,000</u>

BY ZHAROFF AND OSTERBACK

1 IN THE HOUSE

2 HOUSE BILL NO. 200

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act making a special appropriation to the Depart-
7 ment of Education for school construction in Akhiok and
8 Ouzinkie; and providing for an effective date."

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

10 * Section 1. The sum of \$3,000,000 is appropriated from the general fund
11 to the Department of Education for payment as a grant to the Kodiak Borough
12 School District to cover costs of replacing the Akhiok school building.

13 * Sec. 2. The sum of \$500,000 is appropriated from the general fund to
14 the Department of Education for payment as a grant to the Kodiak Borough
15 School District to cover the costs of completing the high school gymnasium
16 and classrooms under construction.

17 * Sec. 3. The appropriations made by this Act are for capital projects
18 and are subject to the provisions of AS 37.25.020.

19 * Sec. 4. This Act takes effect immediately in accordance with AS 01.10.-
20 070(c).

ALASKA STATE LEGISLATURE

ELEVENTH Legislature FIRST Session

HOUSE BILL NO. 200

By ZHAROFF AND OSTERBACK

"An Act making a special appropriation to the Department of Transportation and Public Facilities for school construction in Akhiok and Ouzinkie; and providing for an effective date."

School construction in Akhiok and Ouzinkie

Introduced in the House 2-14, 1979

HISTORY IN THE HOUSE

19	79	Read first time and referred to Committee on HESS and Finance												
Feb. 14		Reported back with recommendation that												
		Read second time and												
		Read third time and												
		<table border="0"> <tr> <td>PASS</td> <td>Effective Date</td> </tr> <tr> <td>Yeas</td> <td>Yeas</td> </tr> <tr> <td>Nays</td> <td>Nays</td> </tr> <tr> <td>Absent</td> <td>Absent</td> </tr> <tr> <td>Excused</td> <td>Excused</td> </tr> </table>	PASS	Effective Date	Yeas	Yeas	Nays	Nays	Absent	Absent	Excused	Excused		
PASS	Effective Date													
Yeas	Yeas													
Nays	Nays													
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		Reported correctly engrossed												
		Signed by Speaker												
		Sent to Senate												
CHIEF CLERK OF THE HOUSE														

HISTORY IN THE SENATE

19		Read first time and referred to Committee on												
		Reported back with recommendation that												
		Read second time and												
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		<table border="0"> <tr> <td>PASS</td> <td>Effective Date</td> </tr> <tr> <td>Yeas</td> <td>Yeas</td> </tr> <tr> <td>Nays</td> <td>Nays</td> </tr> <tr> <td>Absent</td> <td>Absent</td> </tr> <tr> <td>Excused</td> <td>Excused</td> </tr> </table>	PASS	Effective Date	Yeas	Yeas	Nays	Nays	Absent	Absent	Excused	Excused		
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		Signed by President												
		Returned to House												
SECRETARY OF THE SENATE														

HISTORY IN THE HOUSE

19		Received from Senate
		Concurred in Senate amendment thus adopting: VOTE
		Failed to concur in Senate amendment; asked Senate to recede VOTE
		Senate receded from amendment VOTE
		Senate failed to recede from amendment VOTE
		CC appointed by House
		CC appointed by Senate
		CC adopted by House VOTE
		CC adopted by Senate VOTE
		To enrolling
		Reported correctly enrolled
		Sent to Governor
	 by Governor
		Filed with Lt. Governor
		Chapter No.

Funding Information
General Fund \$3,500,000
Other Funds -0-
\$3,500,000

Introduced: 2/14/79
Referred: Health, Education &
Social Services and Finance

1 IN THE HOUSE

BY ZHAROFF AND ODTERBACK

2 HOUSE BILL NO. 200

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - FIRST SESSION

5 A BILL

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7 ment of Transportation and Public Facilities for school
8 construction in Akhiok and Ouzinkie; and providing for
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13 grant to the Kodiak Borough School District to cover costs of replacing the
14 Akhiok school building.

15 * Sec. 2. The sum of \$500,000 is appropriated from the general fund to
16 the Department of Transportation and Public Facilities for payment as a grant
17 to the Kodiak Borough School District to cover the costs of completing the
18 high school gymnasium and classrooms under construction.

19 * Sec. 3. This Act takes effect immediately in accordance with AS 01.10.-
20 070(c).

Original sponsors: Zharoff and Osterback

Offered: 3/15/79

Referred: Rules

Funding Information

General Fund	\$2,100,000
Other Funds	-0-
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