

LEGISLATIVE FINANCE-HOUSE/SENATE FINANCE COMM. FILES 8879

SB 15 cont. SB 17 583 174



Matanuska-Susitna Borough School District

125 WEST EVERGREEN — P.O. BOX 1688 — PALMER, ALASKA 99645-1688 — (907) 745-4822

Bruce P. DeMond, Superintendent

March 28, 1989

Representative Richard Foster
House of Representatives
P.O. Box V
Juneau, AK. 99811

Dear Representative Foster:

Re: -B198

I wanted to write and thank you for introducing House Bill 198. As President of the Matanuska-Susitna School Board, I can tell you that the passage of this bill is vital to the interest of our children. In order to insure that the quality of teachers we hire is high it is important to have a longer period of evaluation, before tenure is granted.

Thank you for your consideration and support of the kids we serve and for being a guardian of their education.

Sincerely,

Kenneth P. Fallon, Jr.
Kenneth P. Fallon, Jr., President
Matanuska-Susitna School Board

cf

ASSOCIATION OF ALASKA SCHOOL BOARDS

316 W. 11th St. • Juneau, Alaska 99801-1510 • (907) 586-1083

SENATOR ADAMS
JUNEAU AK.

AS PRESIDENT OF THE RAILBELT SCHOOL
DISTRICT AND REPRESENT 1400 PEOPLE
IN THE AREA.

I WANT TO THANK YOU FOR INTRODUCING
SB. 193 AND 194. YOUR INTEREST AND
SUPPORT FOR EDUCATION IN ALASKA
IS GREATLY APPRECIATED.

THANK YOU
A.R. Mobley
G.R. MOBLEY
BOX 53
CANTWELL, AK 99729

ASSOCIATION OF ALASKA SCHOOL BOARDS

316 W 1st St. • Juneau, Alaska 99801-1510 • (907) 586-1083

REPRESENTATIVE WALLIS
JUNEAU, ALASKA.

AS PRESIDENT OF THE FAIRBANKS SCHOOL
DISTRICT AND REPRESENT 1400 PEOPLE
IN THE AREA.

I WANT TO THANK YOU FOR INTRODUCING
H.B. 199 & 200. YOUR INTEREST IN
THE EDUCATION OF THE YOUNG PEOPLE
OF ALASKA IS GREATLY APPRECIATED.

THANK YOU
G. R. MOBBE
G. R. MOBBE
BOX 53
CANTWELL, AK 99729

REPRESENTATIVE FOSTER
JUNEAU, ALASKA.

I AM PRESIDENT OF THE RAILBELT
SCHOOL DISTRICT AND REPRESENT
1400 PEOPLE IN THE AREA.

I WANT TO EXPRESS MY APPRECIATION
FOR YOUR SUPPORT FOR THE EDUCATION
OF THE YOUNG PEOPLE OF ALASKA BY
INTRODUCING H.B. 198. WE SUPPORT
YOUR POSITION AND WILL CONTINUE
TO.

THANK YOU.

G. R. Moberg

G. R. MOBERG

BOX 53

CANTWELL, AK 99729

26 MAR. 1959

THE HONORABLE KAY WALLS
ALASKA STATE LEGISLATURE
PO BOX 11 (MS 3140)
JUNEAU AK 99801

REF. HB 199
HB 200

DEAR REPRESENTATIVE WALLS

MY NAME IS WILLIAM MILLER, I AM VICE CHAIRMAN OF
THE ALASKA STATE CITY SCHOOL DISTRICT SCHOOL BOARD. I
HAVE SERVED ON THIS BOARD FOR THREE YEARS. IN ADDITION,
I AM A MEMBER OF THE UPPER TENDERA / FORTY MILE FISH + GAME
ADVISORY COMMITTEE AND DIRECTOR OF UNITED CROW ISLAND INC.
IN THESE POSITIONS, I REPRESENT APPROXIMATELY 2000 INDIVIDUALS.

I WOULD LIKE TO TAKE THIS OPPORTUNITY TO THANK YOU
FOR INTRODUCING HB 199 + HB 200. THESE ARE THINGS THAT
I HAVE BEEN NEEDED FOR A LONG TIME. IF I CAN DO ANYTHING
TO HELP IN SUPPORT OF THESE BILLS, PLEASE LET ME KNOW.

Sincerely

William Miller

William Miller

Box 262

DOT LAKE, AK 99797

ASSOCIATION OF ALASKA SCHOOL BOARDS

316 W. 14th St. • Juneau, Alaska 99801-1510 • (907) 586-1083

March 21 1989

Representative Richard Foster

Juneau, Alaska

Dear Rep Foster,

Thanks for your support of HB198 and other
education issues. I have great respect for its teachers
of Kodiak, and we work closely and respectfully
together in educating our kids, but there are
certain issues of flexibility we need as elected
officials in these days of fiscal uncertainty.

Thanks again.

Dave Herrnoten

President

Kodiak Island Borough School Board

Representative Board

Dear Representative Board,

I want to thank you for
information about the
in our state, in being representative
decisions and revenue and these
agencies need the local control
to evaluate their programs and
make decisions that are responsive
to the educational needs of the
community of Soldotna. The
community of Soldotna and
approximately 3500 children will
will be affected by educational
decisions. Thank you for
your support of education
and retaining local control
Sincerely

David Johnson
Soldotna City School Board

ASSOCIATION OF ALASKA SCHOOL BOARDS

316 W. 4th St. • JUNEAU, ALASKA 99801-1510 • (907) 586-1083

March 21, 1989

Honorable Representative Foster

PO Box V

Juneau, AK 99811

Re: Representative Foster:

Thank you for sponsoring HB198, addressing the non-retention of teachers in times of decreased enrollment and a reduction in district funds. Such a move will enable districts to ensure quality education despite financial hardships. Reassigning tenured teachers, often out of their area of expertise, is a delicate juggling act at best and in the long run it is the students who suffer. In our district we are on the verge of having over the teachers themselves agree on this issue!

Please advise me as to anything I can do to aid in the passage of this bill!

Sincerely,

Forrest Tesch,

President

Chugach School District
Board of Education

ASSOCIATION OF ALASKA SCHOOL BOARDS

316 W. 11th St. • Juneau, Alaska 99801-1510 • (907) 586-1083

March 21, 1989

Honorable Representative Walker
P.O. Box V
Juneau, AK 99811

Dear Representative Walker:

I would like to take this opportunity to thank you for your heartwarming speech yesterday to the Alaska Association of School Boards. It is indeed refreshing to see a legislator so tuned in to education issues. Your constituency should certainly be proud of you.

Thank you, also, for sponsoring HB 199 and HB 200. Both areas of weaknesses have gone unaddressed for far too long. I agree strongly in the extension of tenure from two to five years. As a former teacher, I know the great amount of time needed to refine skills in the academic arena.

Please advise me as to anything I can do to help ensure passage of HBs 199 and 200, and good luck to you

Sincerely,

Janis Tesch, President
Chugach School District
Board of Education

March 27 1979

Representative Lou Willis

Dear Honorable Willis,

I would like to thank you for introducing HB 179 and HB 200. Keep up the good work.

I would like to say at this time that the Annette Island School District would like strong opposition on Senate Bill #15. We feel that this bill will take too much control away from the local districts. Our children are getting lost in the shuffle already, we don't need to confuse them anymore. The children will be the big loser if this bill is passed. We would also like to see your support on the Senate Bill #179.

Thank You,

Bruce W. Gathuni Sr.

P.O. Box 185

Metlakatla, Alaska 99926

(Annette Is. School Dist)

Alaska 1974

Representative Foster

Dear Mr. Foster,

I would like to thank you for introducing
SB 15. As a school board member
for about 11 years I live in a community
of about 1600 people. We strongly oppose
SB 15 concerning Binding Arbitration. This
Bill will tie local Districts hands and do a
slow death. Please do not support this,
Our children will be the loser. We
also would like support for SB 179

Thank you,

Bruce W. Guthrie Jr.

Box 185

Metlakatla, Alaska 99522

(Annette Is. School Dist.)

Representative Wallis
Funan Alasia

Dear Kay -

Will I guess the little field brothers have found
you by now, I know how you enjoy your old ST
Buddies.

Thank you for introducing 16199 and 14800
AS a Council woman for Multiracial Indian Community
I represent a total of 1672.

AS President of the Board of Education we

represent a total of 145 students.
you 2 Bills have the support of the Annate 3100
Board of Education.

Our concern is 5B15 Binding Arbitration, we
oppose this Bill, this will not hurt the teachers, the
Board of Education, it will hurt our children, they are
the main, single reason for education. This will take
the Board of Education ability to govern and throw it
out the window - who wins - not our children. But
it will take a stand of strong opposition to this Bill
Keep up the good work Kay

Rachael S. Askren, Council MIC

President, Annate Island School District

Representative [unclear]

Dear Representative [unclear]

Thank you for your support of education and continuing local control of education issues. Your bills 205, 179 and 200 are important and needed. I also appreciate your opposition of binding arbitration. School districts must be able to make decisions which are responsive to the educational needs of individual communities.

Sincerely,

James Johnson

Soldotna City Schools

Representative Foster
P.O. Box V
Juneau, Alaska 99811

Dear Representative Foster:

Thank you introducing HB 198 regarding non-retention of teachers during times of declining Revenues. This is an issue that needs to be discussed. It's vital to districts to be able to control costs - and Teachers Salaries are one of the largest District Costs.

I'm Board President of Skagway City School District representing 900 constituents of which approx 150 are school age children and I appreciate your sponsorship of this legislation on their behalf.

Sincerely,
Ralph Townsend
Box 523
Skagway, Alaska
99840

21-MAR-1989

THE HONORABLE RICHARD FOSTER

ALASKA STATE LEGISLATURE

REF: HB-198

P.O. Box V (MS 3100)

JUNEAU, ALASKA 99811

DEAR REPRESENTATIVE FOSTER

MY NAME IS WILLIAM MILLER, I AM VICE-CHAIR OF THE ALASKA GATEWAY SCHOOL DISTRICT SCHOOL BOARD I HAVE SERVED ON THIS BOARD FOR THREE YEARS. I AM ALSO PRESIDENT OF THE DOT LAKE VILAGE COUNCIL, A MEMBER OF THE UPPER-TANANA/FORTY MILE FISH & GAME ADVISORY COMMITTEE AND DIRECTOR OF UNITE CROW BAND SONGS IN ALASKA. IN THESE POSITIONS, I REPRESENT APPROXIMATELY 2,000 PEOPLE.

I WOULD LIKE TO TAKE THIS OPPORTUNITY TO THANK YOU FOR HAVING THE INSIGHT AND STRENGTH TO INTRODUCE HB-198. THIS HAS BEEN NEEDED FOR A LONG TIME AND ANY ASSISTANCE I CAN BE TO YOU IN SUPPORTING THIS BILL WILL BE FORTHCOMING. JUST LET ME KNOW

W. J. M.

WILLIAM J. MILLER

Box 262

DOT LAKE, AK 99737

21-MAR-1984

THE HONORABLE AL ADAMS
ALASKA STATE LEGISLATURE
P.O. BOX 7 (MS 3100)
JUNEAU AK 99811

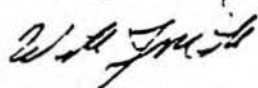
REF. SB 193
SB 194

DEAR SENATOR ADAMS,

MY NAME IS WILLIAM MILLER. I AM VICE-CHAIR OF THE
ALASKA GATEWAY SCHOOL DISTRICT SCHOOL BOARD. AND HAVE SERVED
ON THIS BOARD FOR THREE YEARS. IN ADDITION, I SERVE ON
THE UPPER TANANA / 40 MILE FISH & GAME ADVISORY COMMITTEE AND DIRECTOR
OF UNITED CLON SAND INC., TOK ALASKA. IN THESE POSITIONS, I
REPRESENT APPROXIMATELY 2000 PEOPLE.

I WOULD LIKE TO TAKE THIS OPPORTUNITY TO THANK
YOU FOR INTRODUCING SB 193 AND SB 194. THIS TYPE OF
LEGISLATION HAS BEEN NEEDED FOR FOR A LONG TIME. I AM
WILLING TO GIVE YOU ANY SUPPORT I CAN ON THESE
BILLS.

SINCERELY



WILLIAM MILLER

BY SEA

DOT LAKE AK 99737

3-21-89

Dear Sen. Adams,

I am a Board member from Southeast Island School District. I represent 500 children from 19 schools. I am also on the TASB Board of Directors.

Thank you for introducing SB 193 + 194. and Thank you for your support on Binding Arbitration. We've really needed your help and we appreciate the difficult job you've had.

Sincerely,

Mim Robinson

P.O. Box 8857

Port Alexander, AK 99836

568-2236

3-21-89

Dear Rep. Wallis -

I am a Board Member ~~on~~ from Southeast Island School District. I represent 500 children in 19 schools. I am also on the TASB Board of Directors.

Thank you for introducing HB 199, HB 200 + HB 35. I appreciate the interest you are taking in the welfare of our children's education.

Sincerely,

Mim Robinson

PO Box 8857

Port Alexander, AK 99836

568-2236

ASSOCIATION OF ALASKA SCHOOL BOARDS

316 W 4th St. • Juneau, Alaska 99801-1510 • (907) 586-1083

3-21-89

Dear Rep. Foster

I am on the School Board of Southeast Island School District. I represent approximately 500 children ^(in 19 schools). I am also on the ASB Board of Directors.

I would like to thank you for introducing HB 195. Non-Retention for financial reasons is not a popular issue & I really appreciate the position you've taken.

Sincerely,

Mim Robinson

Po Box 5857

Port Alexander, AK 99836

568-2236

Representative Kay Wallis
Juneau

March 21 1989

Dear Representative Wallis,

Thank you for your support of HB199 and
HB 300. I have great respect for the teachers of Kodiak,
but the issues of the bills need to be dealt with.
We demand excellence from our teachers, and the extra
years before granting tenure would help our kids.
It's usually the poor teachers who shouldn't
be there who are the focus of complaints by
students and parents alike.

Kodiak Island Borough has over 2,000 students
and an overall population of about 15,000.

Thanks again,

Dave Herrnstein

President

Kodiak Island Borough School Board

ASSOCIATION OF ALASKA SCHOOL BOARDS

316 W 4th St. • Juneau, Alaska 99801-1510 • (907) 586-1083

June 21, 1981

Dear Mr. [Name],

Thank you for your continued support
of education in the state.

Your introduction of legislation
and committee work and a very
valuable to the young people
of Alaska and the future of the
state.

I am a member of the Kotzebue
Island Borough School District Board. There
are 12,000 people in the Borough, have
four town schools, seven village schools,
and represent 3,300 students.

Sincerely,

Suzanne Hancock

ASSOCIATION OF ALASKA SCHOOL BOARDS

316 W. 11th St. • Juneau, Alaska 99801-1510 • (907) 586-1083

Mar 21, 1981

Dear Rep. Foster,

Thank you for your support of
education.

Your introduction of legislation
concerning education is commendable
and support in other education
legislation will also be appreciated.
However your opposition to legislation
detrimental to the kids and school
district is vital.

I am a member of the Kasaan
Elementary School District Board.
There are 12,000 people in the
District, we have five town-
ships, seven village schools,
and represent 2,300 students.

Sincerely,

Suzanne Hancock

ASSOCIATION OF ALASKA SCHOOL BOARDS

316 W. 11th St. • Juneau, Alaska 99801-1510 • (907) 586-1083

March 11, 1988

Dear Rep. Walker,

Thank you for your continued
support of education in the state.

Your introduction of legislation
and committee work is very valuable
to educational issues.

I am a member of the
Juneau Borough School Board.

There are 12,000 people in the
Borough which have five town
schools, seven village schools, and
represent 3,300 students.

Sincerely,
Suzanne Hancock

ASSOCIATION OF ALASKA SCHOOL BOARDS

316 W. 11th St. • Juneau, Alaska 99801-1510 • (907) 586-1083

Representative Kay Walker
House of Representatives
Juneau, Alaska 99801

March 2, 1989

Dear Kay,

On behalf of the school board members of St Mary's
City School District, I would like to thank you
for the support and work you are doing for us

House Bills 199 and 200.

We are also most grateful for your work on
House Bill 185.

Your efforts on our behalf are greatly appreciated.
We believe we have an excellent history of education
in St Mary's and your support of these bills and the
others you will find in the Western Coalition minutes
we gave to Pat, your aid, are very helpful in giving
us greater opportunity to provide better education for
our students.

Sincerely,
Sister Angie Pratt C.S.U.
St Mary's City School District

SITKA SCHOOL DISTRICT

ACCREDITED BY THE NORTHWEST ASSOCIATION OF SECONDARY SCHOOLS & COLLEGES



P. O. BOX 179 SITKA, ALASKA 99835

March 2, 1989

Senator Al Adams
Alaska State Legislature
P.O. Box 7
Juneau, Alaska 99811

Dear Senator Adams:

I want to thank you for your letter of February 23, 1989.

I reviewed the proposed legislation that you plan to introduce in connection with SB 15. You are to be applauded for the thoroughness of your program. Admittedly, I am very fearful of the long range consequences of binding arbitration, probably due to my Michigan background, but, if I have to live with binding arbitration, at least some of the sting would be taken out of it with your program.

Thank you for your efforts on behalf of the students of Alaska.

If I can be of any assistance to you, please let me know.

Sincerely,

SITKA SCHOOL DISTRICT

Art Woodhouse
Superintendent



RAILBELT SCHOOL DISTRICT

Drawer 280, Healy Alaska 99743 • (907) 683-2278
James W. Paul, Superintendent

January 26, 1989

The Honorable Johne Binkley
Alaska State Senate
P.O. Box 7
Juneau, AK 99811

Dear Senator Binkley:

I read in a letter to the editor in one of the Anchorage newspapers a couple of weeks ago your response to what was apparently an editorial criticizing the legislature for not "biting the bullet" and paring state government spending. In my opinion you provided a well reasoned response - something many of us have come to expect from you as we observe your work in the legislature. After reading the letter, I tried to realistically put myself in your shoes and think about where I would want to cut government spending - and then tried to come up with reasonable justification of same. In this process, I decided to stay away from areas in which I really didn't have in-depth knowledge and understanding.

The following thoughts, therefore, focus on education, and outline what I believe is a reasonable and appropriate direction the state should be heading.

My background incidentally involves having been an educator in this state since 1970 and an education administrator since 1973.

Philosophically, I believe local school boards should govern the schools in our state within relatively broad guidelines from the legislature and with assistance and direction from the Department of Education. From my perspective this is essentially what was occurring from the beginning of my tenure in the state until sometime in the early 1980's.



RAILBELT SCHOOL DISTRICT

Senator John Binkley
Page 2
January 26, 1989

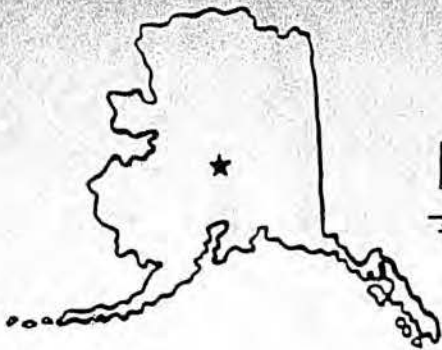
This was a relatively efficient form of government in that local board members, while paid relatively little, were heavily involved in their respective schools dealing with education at the local level in a timely fashion. While many newly created REAA's had unsophisticated and inexperienced board members, and concurrent problems associated with any fledgling government entity, their learning curve was steep and thus educational governance problems seemed to become fewer and smaller.

Prior to the early 80's local districts and various quasi and fully independent contractors were encouraged and assisted by the Department of Education in grant writing for state and federal grant monies.

In the early 80's, however, there was a change in state administration (a new governor), a complete change in the State Board of Education, and a new Commissioner of Education was brought aboard. With these changes seemed to come a shift in the philosophy of education governance.

From then until the present, it seems, the philosophy of the state administration with respect to education has been to compete with local Boards of Education. There has been an explosion of regulations, and the attitude of the Department of Education has seemed to shift from one of providing assistance to that of producing numerous regulations and demanding compliance.

This is fertile ground for special interest groups - because instead of having to deal with 55 different local boards to address their interests, they only need to deal with the State Board and the Department of Education. What then happens is a serious erosion of local control followed by a drastic increase in bureaucracy (both in number of state employees and in regulations) and a serious decrease in efficiency of the whole system. Local boards begin to view the State as eroding their decision-making responsibilities and as an adversary versus source of assistance.



RAILBELT SCHOOL DISTRICT

Senator John Binkley
Page 3
January 26, 1989

In this kind of a climate, much less state and federal money in the form of grants, etc. gets passed through to contractors and school districts. Instead it is utilized by the Department of Education to expand special interest programs, to consolidate empires by hiring new full-time state employees, and to break new ground in shifting the responsibility of education from the local to the state level. Under this situation, regulations are expanded, first to better justify the existence of the new personnel, and second to nail down in specifics what the Department of Education wants districts to do under the philosophy that they know better than we what is best for us. All of this drastically reduces efficiency and moves Alaskan education to a more centralized style of governance. There is now almost a worldwide recognition that this is not the direction to be going to provide for the efficiency and quick changes needed in the coming 21st century.

While the above may or may not be interesting, I haven't offered any specific recommendations that would help reduce state spending so please note the following:

Reduce the Department of Education budget by 20%! I have spoken with two previous deputy commissioners of the Alaska Department of Education and one former director of the Department of Education Management Law and Finance Division in the development of this recommendation. They all feel the 20% number is both reasonable and realistic.

It has been positive politically for the Department of Education to brief legislators on administrative excesses in a few local school districts in the state. I want to acknowledge these abuses have occurred - for a number of reasons - (i.e.- inexperienced boards, bad luck (or judgment) in hiring administrators etc.) - but since former Governor Sheffield's 10% cuts coupled with subsequent general cuts to the education budget, there aren't too many local boards that will stand still for a bloated local administration. I would hazard an estimate based on our own experience that most school districts budgets have been cut from 20 - 30% in actual dollars (more, in real dollars adjusted for inflation) since 1985.



RAILBELT SCHOOL DISTRICT

Senator John Binkley
Page 4
January 26, 1989

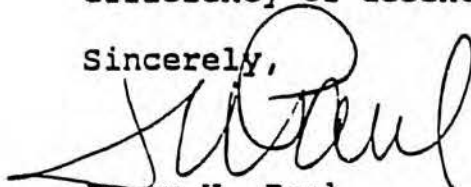
I don't see the Department of Education having had to reduce spending and/or personnel. In fact, I see just the opposite, with them certainly asking for more money (not unusual in the education community) to implement their new regulations.

It should be made clear here also that an increase in the Department of Education directly requires increasing administrative staff in the local districts to oversee local compliance with these new regulations and handle the increased correspondence and reporting that also goes with them. All this at a time when we are facing revenue shortfalls everywhere!

There are a number of specific areas within the department where I personally think the recommended 20% cut should (and needs to) come from - but debating specifics with an inside bureaucrat (anyone in the Department of Education) is a losing proposition. Therefore - my recommendation is a 20% cut and let them work out how to best accomplish the task - much like what happened to the districts as outlined above!

Following the above won't take a massive bite out of the looming deficit, but it would help some and it might start a trend in the direction of understanding the increased efficiency of decentralized government.

Sincerely,



James W. Paul

cc: Senator Jack Coghill
Senator Paul Fischer
Representative Dick Shultz
Carl Rose, Association of Alaska School Boards
Steve McPhetres, Alaska Council of School Administrators

Binding ARB Watch

Viewpoints on Binding Arbitration by Locally Elected Officials and Concerned Citizens

COMMITTEE ACTION APR 12 1989

Since the Senate HESS created a subcommittee, with Senator Jim Duncan, prime sponsor of the binding arbitration bill, as the sole member of the subcommittee, no public subcommittee meetings have been held. There has, however, been nearly daily communications between Senator Duncan, NEA-Alaska and AASB.

While negotiations have been occurring at breakneck speed, a compromise has yet to be reached. Senator Duncan and NEA-Alaska have accused AASB of stalling. AASB claims that substantive compromises aren't forthcoming.

At a April 10, 1989 Sen. HESS Committee meeting Senator Duncan gave an update of progress on the bill. Testimony was also heard by AFT's Nick Begich.

A public work session has been scheduled for Friday, April 14.

THIS ISSUE . . .

Governor introduces package arb for state employee groups

Alaska woman's club fears "taxation without representation"

A.F.T. wants in on binding arb negotiations

Fairbanks Daily News Miner "Guest Opinion"

Administrators lobby against binding arb

GOVERNOR COWPER INTRODUCES PACKAGE BINDING ARB BILL FOR P.E.R.A. EMPLOYEE GROUPS

Governor Steve Cowper has introduced legislation on the Senate side requiring last-best-offer package compulsory binding arbitration legislation for other state employee groups under P.E.R.A., similar to the last-best-offer package binding arbitration legislation presently being considered for Alaska teachers in CS (HESS) SB 15, sponsored originally by Juneau's Senator Duncan. David Ramseur, from the Governor's Office, said one of the reasons Governor Cowper has decided not to run for reelection was to pursue controversial legislation that he feels is in the best interest of Alaska. The newly proposed legislation would also make it clear that contracts end when they expire.

A.F.T. UNION WANTS IN ON BINDING ARB NEGOTIATIONS

At the April 10 subcommittee report to Senate HESS Committee, teleconference testimony was taken from the American Federation of Teachers Alaska Chapter's Nick Begich, in which he publicly stated his union's support of last-best-offer package compulsory binding arbitration and placement of teachers in Class 2 of PERA (Public Employee Relations Act). This position is the same taken by the Senate HESS Committee. Begich said that his organization would like to be involved in the shaping of this legislation, as he represents 600 Alaska educators.

ALASKA WOMAN'S CLUB FEARS "TAXATION WITHOUT REPRESENTATION"

Reaffirming a position taken two years ago, the Anchorage Woman's Club, a committee of the G.F.W.C. Anchorage Woman's Club F.R.E.E.-- Federation's Role in our Enterprise Economy--recently sent letters to Alaska legislators opposing binding arbitration.

(more)

Darlene Holt, Anchorage Woman's Club F.R.E.E., said that public input into the educational process would be reduced. Reaffirming a position taken in 1986, Holt said the Woman's Club stills stands behind the position paper that states, "In asking that a third party be empowered to set terms of a contract, the union is in effect demanding that taxes be set by that party. To do so is tantamount to taxation without represation."

The position paper goes on to say, "On the surface, binding arbitration seems rational and reasonable. Third party arbitration has frequently been used in settling private enterprise disputes. Public sector bargaining, however, is different from the private sector. As an example, in the private sector, management can reduce the work force. This option is not available in the public sector."

ADMINISTRATORS DENOUNCE BINDING ARB

At their annual Legislative Fly-In Alaska's school administrators this week took to the hill to reassert the widely held opinion that binding arbitration is not good for Alaskan education.

Jim Paul, Superintendent for the Railbelt School District, made a personal plea to administrators to stand tall, noting that funding levels will go up and down, but binding arbitration will never be reversed and will ultimately result in the erosion of public policy.

"Regardless of the amount [of funding] you have, if you have binding arbitration it won't matter because you won't have the ability to manage it anyway," he said.

TO LEGISLATORS . . .

Concern was voiced recently by NEA that information contained within this publication is taken out of context. AASB would be happy to provide the complete backup documents of any publication or letter presented at your request.

FAIRBANKS DAILY NEWS MINER

"GUEST OPINION"

'IF THE PUBLIC DOES NOT TELL THE LEGISLATURE NO, BINDING ARB IS, AS THEY SAY, A 'DONE DEAL'

by Andy Warwick

Excerpts from the April 2, 1989 Guest Opinion, Fairbanks Daily News Miner, "Look Out--Binding Arbitration Bill Coming"

"In my varied years of public service, I have been generally regarded as being tight with the purse strings. However, I can say without equivocation that the amount of time your present school board (including me) would stand up to a strike could be measured in minutes, not hours, days, weeks or months. There is no way any school board in the state can withstand the pressure from parents and kids to keep the schools open. The overwhelming pressure will be to give the wage impasse to an arbiter."

"So you say an arbiter will be reasonable? Arbiters give out money. Their job isn't to hold the line or take away. Their job is to resolve wage disputes. If the Legislature gives us binding arbitration the mechanics will be in place for substantial wage increases. And once we have binding arbitration, we will never go back."

"If the Legislature gives us binding arbitration, in my opinion the cost of education will increase dramatically."

"Unfortunately, if the public does not tell the Legislature no, binding arbitration is, as they say, 'a done deal.' I hope those of you who are concerned about the effect this will have on the cost of education will contact your legislators. I know from personal experience that if enough people respond, the Legislature will listen. Right now the only message the legislators are getting is from the teachers."

Andy Warwick, a CPA, served four years in the Legislature, was commissioner of administration under Gov. Jay Hammond and is currently a member of the Fair-



SOUTHEAST
ISLAND
SCHOOL
DISTRICT

1621 TONGASS AVENUE SUITE 301
POST OFFICE BOX 8340
KETCHIKAN, ALASKA 99901
19071 225-9658 OR 225-9659

Robert Weinstein
SUPERINTENDENT

MAR 6 1989

February 23, 1989

Representative Johnny Ellis
Alaska House of Representatives
P. O. Box V
Juneau, Alaska 99811

Dear Representative Ellis:

This is to comment upon SB 15, the proposed binding arbitration legislation.

There is a venerable legal maxim that particularly applies to current discussions about binding arbitration for public school employees: "If it ain't broke, don't fix it." I am firmly convinced that, if there is a problem with collective bargaining in the public schools in Alaska, it is not with the law, but with the attitude of a few school and union officials towards the law.

In my experience, most school district negotiators throughout the State, elected and appointed, are mindful that they are doing the public's business, and conduct themselves in good faith. There are rarely problems when the approach of public officials is to willingly accept their obligations under the law, and to show leadership in implementing both the letter and spirit of the law. Citizens and the press usually respond to occasional lapses in the process.

Those who want to invent problems, because they are not comfortable in assuring that the public through their elected officials has the final say on public business, can readily do so. In part, I believe that this is why such legislation is being promoted by the teachers' union. It is no accident that accurate statistical information regarding the success/failure rate of the current statutory scheme in achieving collective bargaining agreements is not being offered in support of binding arbitration legislation. If one carefully examines the historical record of collective bargaining in Alaska for the past ten or more years, I believe that available data will show that:

- A. In over 95% of collective bargaining processes, a final settlement has been achieved in Alaska school districts through good faith negotiations under the current statutory scheme. If true, the system "ain't broke."
- B. There is a decrease in settlements whenever the union is making a major push for binding arbitration. It has been my understanding

that, in past years as well as at the present time, NEA-Alaska carefully orchestrates the non-settlement of contracts in order to "show the Legislature" that a different version of "finality" is needed.

In an era of declining revenues, negotiations are obviously not as smooth as when budgets are increasing significantly on an annual basis. This is particularly exacerbated when a state-wide union does not review fiscal reality with, nor recommend fiscal restraint to, its local chapters. It should come as no surprise to legislators that school boards are not jumping at the chance to accept proposals for 10% salary increases, for perpetuation of increasingly expensive "free" medical insurance programs, for boards to delegate their policy making functions to the unions, and so on.

A little common sense, mutual respect, and cooperation seems more helpful now, not a major change to our collective bargaining statutes that would bring one party to the table blindfolded and with hands tied behind its back.

Even when considering it in the context of binding arbitration, the proposal contains numerous sections which, when taken as a whole, would result in a grossly imbalanced relationship between the parties involved in school district labor relations. Virtually every feature of previous binding arbitration bills introduced in recent years which would afford a measure of fairness to school boards and, more importantly, a measure of protection to the public is absent from the current proposal. Some proponents of the proposal would lead us to believe that binding arbitration is a form of wizardry, and that an arbitrator is a combination of Merlin and Solomon. Unfortunately, the truth is that arbitrators are mortal human beings, and that even good arbitrators make mistakes and bad decisions. School districts need to be protected from human error and/or poor judgment of such persons. I would therefore like to suggest that certain changes occur in the event that the bill moves forward.

Specific comments to the proposed legislation are as follows.

1. Section 2: The proposed amendment to AS 14.20.550 does not include appropriate guidance on what constitutes "good faith negotiations" in a manner similar to parallel Alaska statutes which exclude public school employees (AS 23.40.250).

Recommendation: Add, as Section 14.20.550(b), the following:

In this section, "negotiate in good faith" means the performance of mutual obligations of the parties to meet at reasonable times and to participate actively, indicating a present intention to reach agreement, or to negotiate an agreement or a question arising under the agreement, and at the request of either party to execute a written contract incorporating any agreement reached. However, the requirement to negotiate in good faith may not be interpreted to compel either party to agree to a proposal or to make a concession.

2. Section 4: To the best of my knowledge, the existing language in AS 14.20.560, with respect to the recognition of bargaining agents for employees, has worked well in most, if not all, instances. If there is a need to change the language to involve a labor relations agency in this process, I would suggest that such involvement only occur if there is a failure under existing statutes by a school board to recognize a properly designated bargaining agent for school district employees.

Recommendation: Delete Section 4, retaining current statute.

3. Most of my concerns with the proposed legislation relate to the sections on the arbitration process itself, particularly as it relates to the scope of bargaining.

As you are aware, in 1977 the Alaska Supreme Court made a ruling in combined cases involving the Anchorage, Kenai, and Matanuska-Susitna School Districts and their respective teacher organizations. The Court was confronted with conflicting views as to the scope of good-faith collective bargaining under existing Alaska statutes and the Alaska Constitution. By applying a balancing test which weighed an item proposed for negotiations on its relative impact on education policy versus working conditions or economic interests of teachers, the Court determined, as have courts and employee relations boards in other states, that the more an item tended to be related to educational policy, the more a school board could legitimately refuse to negotiate. Likewise, the more an item was related to economic interests or working conditions of teachers, the more bargainable that item became. Recognizing a large gray area, the Court did specify, with respect to the case before it, which items were negotiable and which items were not negotiable under existing statutes (see enclosed appendix to ruling).

In addition, the Court stated that, under existing statutes, "the legislature has not spoken with clarity" and, furthermore, that "it would be helpful if the legislature, through future enactments, provided more specific guidance on a number of the items which the unions seek to negotiate".

In general, an item proposed for negotiation falls into one of three categories:

- A. It is a mandatory subject for bargaining, i.e. the item must be discussed in good faith by the school board and bargaining unit.
- B. It is a permissive subject for bargaining, i.e. a school board may or may not discuss the items with the bargaining unit.
- C. It is a prohibited item, i.e. it is not allowed under the Constitution or existing statutes and could not be enforced even if written into the contract.

In line with the above, I would suggest a further amendment with respect to the scope of arbitration itself. Rather than have arbitration apply to every item in dispute, the decisions of an arbitrator should be limited to economic interests and working conditions of employees. This would prevent an arbitrator from establishing educational policy. It would also prevent the unrestrained introduction of items at the bargaining table in the hopes of getting those to, and through, arbitration.

Recommendation: If the Legislature declines to be as specific as the Court suggested, minimally the following should be added as AS 14.20.550(c):

"Terms and conditions of employment and the fulfillment of professional duties" means the hours of employment, the compensation and fringe benefits, and the school board's personnel policies affecting the working conditions of the employees; but does not mean the general policies of the school board not predominately related to economic interests and working conditions of the employees.

4. Section 7: I question the rationale for eliminating the existing requirement in AS 14.20.580 for the mediator to issue a report. It appears that, as written, the proposal is designed to reduce the potential effectiveness of the mediation process.

Also, as proposed, AS 14.20.580(b) requires arbitration to occur if no agreement is reached by August 1. This proposal does not address a situation wherein one party has not been willing or available to engage in good faith bargaining, nor does it allow an extension by mutual consent. Put differently, an employee organization could engage in delay tactics solely for the purpose of avoiding good faith negotiations and thereby reaching arbitration.

Recommendation: Amend AS 14.20.580 as proposed to:

1. Require that the parties have bargaining sessions in each of the two immediate 30-day periods prior to August 1. If this did not happen, neither would arbitration. This would prevent arbitration by default.
 2. Permit the August 1 deadline to be extended by mutual consent.
5. Section 8:

No guidance is given for the arbitrator to use when making the decision or for appropriate judicial review of the arbitrator's decision.

Recommendation:

A. Amend paragraph (c) of proposed AS 14.20.585 so that it mandates the following factors to be taken into consideration by the arbitrator:

1. The lawful authority of school district.
2. The public interest and financial abilities of the school district. An award which exceeds the financial ability of the school district, or which would require an additional legislative and/or municipal appropriation, is prohibited.
3. The interest and welfare of the employee group.
4. Changes in the cost of living.
5. Comparison of the wages, hours, and conditions of employment with other employees performing similar services and with other employees generally.
6. The overall compensation presently received by the employees, including direct wage compensation, vacations, holidays, and other excused time, insurance and pensions, medical benefits, the continuity and stability of employment, and all other benefits received.

B. In paragraph (c), the arbitrator should be allowed to select the recommendation of the mediator (from the process in Section 6 - 14.20.570) as a third choice, i.e. in addition to the last best offer of each party.

C. Add a new paragraph (e) as follows:

Within 30 days after receipt of a final decision in an arbitration, a party to the arbitration may file a motion in the superior court for the judicial district in which the school district is located to vacate or modify the decision. The court, after a hearing, may vacate or modify the decision if the substantial rights of a party of been prejudiced because:

1. The decision violates constitutional or statutory law;
2. The decision exceeds the statutory authority of the arbitrator;
3. The procedure in the arbitration is unlawful;
4. The proceeding is affected by other error of law;
5. The decision is clearly erroneous in view of the reliable, probative, and substantial evidence on the whole record; or

6. The decision is arbitrary, capricious, or characterized by abuse of discretion or clearly unwarranted exercise of discretion.
6. Sections 9 and 10: Paragraph 3 of the proposed AS 14.20.590 and the entire proposed AS 14.20.590(b) provide for resolution of unfair labor practices through the grievance procedure (including binding arbitration), and would also require a contract to be extended indefinitely until a new agreement is reached.

One prevailing standard in labor relations is that both parties, i.e. employer and employee organizations, should not engage in certain practices which are considered unfair labor practices.

The proposed legislation, by providing for resolution of unfair labor practices by the grievance procedures, makes it appear that employer-committed acts shall be dealt with through an expedited process, but that nothing shall result when an employee organization engages in similarly prohibited actions. Is the employer now to begin to file grievances against the employee group, in contravention of most current definitions of grievance and grievance procedures?

The indefinite extension of an agreement until replaced by a new agreement runs counter to principles clearly established at the federal level by the National Labor Relations Board, and upheld by various federal courts. In essence, the Legislature is attempting to mandate contracts of "indeterminate duration," which is defined as a contract which may not be altered except by mutual consent. At the federal level, contracts of indeterminate duration are allowed to terminate by unilateral action of either party after reasonable notice and a reasonable lapse of time.

In effect, under a contract of indeterminate duration, each party could stand entrenched knowing that the contract would continue as it was. The side desiring to alter the terms of the contract would never have a prayer of success. Furthermore, the Alaska Supreme Court has noted that it looks to such federal decisions, including those of the National Labor Relations Board, for guidance. In other words, the proposal clearly is not in compliance with principles established at the federal level, and apparently would also require other changes in Alaska contract law.

Finally, the terms of duration of a negotiated agreement, including terms for extension, are subject to collective bargaining. This is exactly where it should remain.

Recommendation: Eliminate paragraphs (2) and (3) from the proposed 14.20.590, and the entire section 10 (AS 14.20.590[b]) until such time as unfair labor practices are defined for the public school collective bargaining, and balanced treatment of infractions is provided.

7. Section 12: The proposed legislation is clearly designed to erode the legal responsibilities and duties of the school board, especially including the right to make final educational policy decisions, by assigning such responsibilities to a third party.

The Alaska Supreme Court noted that, "if teachers' unions are permitted to bargain on matters of educational policy, it is conceivable that through successive contracts the autonomy of the school boards could be severely eroded, and the effective control of educational policy shifted from the school boards to the teachers' unions (my emphasis). Such a result could threaten the ability of elective government officials, and appointive officers subject to their authority, in this case the school boards and administrators, to perform their functions in the broad public interest."

Recommendation: Delete Section 12, retaining current statute.

8. The proposed legislation should also contain a mandatory sunset provision whereby the legislation expires in three years unless the Legislature takes affirmative action to continue its provisions.

This would prevent abuse of the arbitration process, which likely would happen in the absence of such a provision.

In summary, the proposed legislation would not only alter the relationship between school boards and employees by greatly reducing a board's ability to make educational policy decisions, but would do so in a manner which can best be described as imbalanced and unfair to one of the parties - school boards. I sincerely believe that the public interest will best be served if parties to collective bargaining in our public schools adopt a new attitude, not if the Legislature adopts a new law.

Sincerely,



Robert Weinstein
Superintendent

RW:CM

c: Carl Rose, AASB
Steve McPhetres, AASA
Bob Manners, NEA-Alaska

APPENDIX

LIST OF NEGOTIABLE AND NON-NEGOTIABLE ITEMS

Those items which are non-negotiable are as follows:

1. Relief from Non-Professional Chores ^{11/}
2. Class Size and Teacher Load
3. Ombudsman
4. Evaluation of Administrators
5. Teacher Aides
6. Para-Professionals
7. PTR Formula
8. Specialists
9. Calendar

11/ In the Kenai case this item was described in the negotiating document as follows:

"RELIEF FROM NON-PROFESSIONAL CHORES

The Board and Association acknowledge that a teacher's primary responsibility is to teach and that his energies should be utilized to this end, therefore, they agree as follows:

Teachers shall not be required to perform the following duties:

- A. Non-instructional assignments, including but not limited to, supervising of cafeterias, sidewalks, bus loading, or unloading, or playgrounds of more than fifteen (15) minutes daily.
- B. Collecting money from students.
- C. Cumulative record cards and other clerical and/or custodial functions."

These matters seem so closely related to school board policy as to be non-negotiable. We do not pass upon other conceivable non-professional functions. We also do not know what is specifically meant by "custodial" functions, and do not, therefore, pass upon that aspect of this item.

Those items which are negotiable are:

1. Recognition
2. Negotiation Procedures
3. Grievance Procedures
4. Salary Schedule Conditions
5. Salary Schedule
6. Automatic Cost of Living
7. Extra Curricular and Extra Duty
8. Extended Contract
9. Additional Educational Employment
10. Life Insurance
11. Health Insurance
12. Liability Insurance
13. Automobile Allowance
14. Tuition/In-Service Workshops
15. Reimbursement for Physical Examinations
16. Sabbatical Leave
17. Career Development
18. Administrative Leave
19. Personal Leave
20. Sick Leave and Bereavement
21. Personal and Sick Leave for Half-Time Employees
22. Unpaid Leave of Absence
23. Maternity Leave
24. Political Leave
25. Duty-Free Lunch
26. Teacher Preparation Periods
27. Monthly Planning Time
28. In-Service Days
29. Discretionary Materials
30. Personnel Files
31. Teacher Transfer
32. Teacher Retention
33. Job Openings
34. Reduction of Staff
35. Teacher Contracts
36. Association Rights and Privileges
 - (a) Information
 - (b) Release Time for Meetings
 - (c) Use of School Buildings
 - (d) Use of School Equipment
 - (e) Supplies
 - (f) Mail Facilities
 - (g) Subcontracting
 - (h) Non-jeopardy
 - (i) Exclusive Rights
 - (j) KPEA Professional Leave
 - (k) Dues Deduction/Continuing Membership

- (l) Other Deductions
- (m) Conformity to Law
- (n) School Board Agenda
- (o) Preliminary Draft of Budget
37. Agreement Print-up and Dissemination
38. Duration of Contract

March 15, 1989

MAR 29 1989

Representative Lyman Hoffman
P. O. Box V
Juneau, AK 99811

Dear Representative Hoffman:

As a five year veteran of school boarding in the Copper River School District and being experienced with current teachers' contract negotiations in Alaska, I am writing to express my objections to SB 15. Including teachers in Public Employment Relations Act (PERA) and granting them the right to binding arbitration and/or strike are issues which this bill presents as teacher contract issues without acknowledging the detrimental impact these processes would have on public education in Alaska. Furthermore, I believe the inclusion of teachers in the PERA would violate Alaska State Law and the Alaska State Constitution.

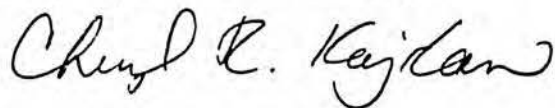
Binding arbitration is neither a necessary nor money saving process. Alaska's teachers currently receive the highest average salary in the country. States in which binding arbitration is legal for teachers report an increase in contract costs. This additional anticipated financial burden is alarming in light of the shrinking educational dollar in Alaska. Any additional costs incurred by this process would ultimately be paid by the students in my school district in the form of decreased programs available and the lay-off of non-tenured teachers.

The control of education in Alaska is at stake in negotiating with the teachers' unions, including NEA/Alaska. They reportedly have included managerial items in negotiations which would erode the management authority of the locally elected boards and the school administrators. The idea that an arbitrator could come in and accept a package of negotiation proposals presented by a special interest group, a teachers' union, is morally reprehensible and I believe, prohibited by the Alaska State Law Sec. 14.20.610, which insures the legal responsibilities and authority of locally elected boards. Furthermore, the Alaska

State Constitution, Article VII Section I states, concerning public education, "... schools and institutions so established shall be free from sectarian control ..."
NEA/Alaska constitutes a sect, which is, according to Webster's Dictionary, "any group of people having a common leadership, set of opinions, philosophical doctrine, political principals, etc., specifically a faction of a larger group."
Senator Jack Coghill, one of the signers of the Alaska State Constitution, concurred with my understanding of the constitution. He stated that it was the intent of the Alaska State Constitution that public education be free from the control of special interest groups and subject to the authority of locally elected officials. SB 15 would violate this constitutional intent.

Please take into consideration the items of this letter. My primary duty as a school board member is to protect and provide for the education of those who cannot do it for themselves, the students of the Copper River Basin. It is in the interest of their education, as well as that of all of Alaska's children, that I ask you to reject SB 15.

Serving Alaska's children,



Cheryl R. Kajdan
Vice-Chair
Copper River School District

Recent Legislative History on Arbitration

1987-88	15th Legislature	HB 130 - Died in House Finance SB 40 - Died in Senate State Affairs HB 170 - Passed for Non-certified > See original version which was changed in House Finance
1986	14th Legislature	Second Session; CSHB 130 - Died in Senate State Affairs
1985	14th Legislature	First Session, CSHB 130, passed House (29-10)
1984	13th Legislature	Second Session, CSSB 78, passed Senate (15-4)
1983	13th Legislature	First Session,
1982	12th Legislature	Second Session, CSSHB174, passed Senate (14-6) CSSB 668, passed Senate (14-6) HCSCSSB 668, died in House Finance
1981	12th Legislature	First Session, SB 126, in Senate Rules HB 163, failed on reconsideration in the House (20-20) after passing (21-17-2)

Governor Hammonds' Blue Ribbon Commission recommends the concept of Arbitration.

1980	11th Legislature	Second Session, HB 487, died in the House SB 376, died in the Senate
1979	11th Legislature	First Session
1977	<i>Teachers Union</i>	

Bill No. Senate Bill 15
Title "An Act relating to public school employees collective bargaining agreements; and providing for an effective date."

Date February 14, 1989
Contact: Eileen Plate
465-2700

This legislation extends to noncertificated school employees the right to bargain collectively. Presently only certified employees have this right.

Under this bill, the Department of Labor would become the labor relations agency for 55 separate school districts (including REAA's) involving approximately 4,600 noncertificated employees and 7,500 certificated employees. The department would be responsible for:

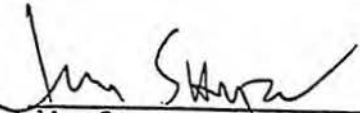
- investigating representation petitions;
- determining appropriate units for the purpose of collective bargaining;
- conducting elections;
- monitoring the resolution of unfair labor practices;
- conducting preliminary hearings; and
- monitoring the mediation and arbitration of disputed issues subsequent to impasse during collective bargaining negotiations.

Four school districts are presently organized or have a collective bargaining agreement with a union or an association. These are Fairbanks, Kenai, Juneau and Anchorage.

The department supports the concept of extending collective bargaining to this group of public employees.

The department's fiscal note is attached.

APPROVED:


Jim Sampson, Commissioner
Department of Labor

POSITION PAPER/Department of Labor

SB 15: Labor Relations Under PERA

UNFAIR LABOR PRACTICES (ULP)

Sec. 23.40.110. Unfair labor practices. (a) A public employer or an agent of a public employer may not

(1) interfere, restrain or coerce an employee in the exercise of the employee's rights guaranteed in AS 23.40.080;

(2) dominate or interfere with the formation, existence or administration of an organization;

(3) discriminate in regard to hire or tenure of employment or a term or condition of employment to encourage or discourage membership in an organization;

(4) discharge or discriminate against an employee because the employee has signed or filed an affidavit, petition or complaint or given testimony under AS 23.40.070—23.40.260;

(5) refuse to bargain collectively in good faith with an organization which is the exclusive representative of employees in an appropriate unit, including but not limited to the discussing of grievances with the exclusive representative.

(b) Nothing in this chapter prohibits a public employer from making an agreement with an organization to require as a condition of employment

(1) membership in the organization which represents the unit on or after the 30th day following the beginning of employment or on the effective date of the agreement, whichever is later; or

(2) payment by the employee to the exclusive bargaining agent of a service fee to reimburse the exclusive bargaining agency for the expense of representing the members of the bargaining unit.

(c) A labor or employee organization or its agents may not

(1) restrain or coerce

(A) an employee in the exercise of the rights guaranteed in AS 23.40.080, or

(B) a public employer in the selection of the employer's representative for the purposes of collective bargaining or the adjustment of grievances;

(2) refuse to bargain collectively in good faith with a public employer, if it has been designated in accordance with the provisions of AS 23.40.070—23.40.260 as the exclusive representative of employees in an appropriate unit.

(2 ch 113 SLA 1972)

Applied in Hoffing v. Inlandboatman's Union. Sup. Ct. Op. No. 1743 (File No. 3438), 585 P. 2d 870 (1978).

AASB

1990
LEGISLATIVE
POSITIONS



Association of
Alaska School Boards

GENERAL SUBJECT: GOVERNANCE

ISSUE: RIGHT-TO-STRIKE (SB 15)

RESOLUTION INTENT:

AASB would reluctantly submit to granting educational employees the right to strike.

STATEMENT OF REASONS:

The Senate Finance Committee (1989) in CSSB15(Fin) provided two options for handling labor relations in school districts: granting employees the right to strike or binding arbitration.

AASB vehemently opposes the intrusion of a third person deciding policy for locally elected officials, and thereby continues to adamantly oppose the concept of binding arbitration.

The Senate Finance Committee also concluded that binding arbitration is not good public policy, and decided to address the issue of "finality" by granting the right to strike to school district employees. Due to that decision AASB reluctantly submits to the right to strike as a means of putting the finality issue to rest.

GENERAL SUBJECT: GOVERNANCE

ISSUE: BINDING ARBITRATION

RESOLUTION INTENT:

AASB opposes any legislation that would include binding arbitration as a final step in collective bargaining.

STATEMENT OF REASONS:

Binding arbitration allows a third party to determine salaries of district employees (the largest component of district budgets) and essentially removes the basic element of local control from this critical management prerogative. Because an arbitrator's focus is only on salaries and conditions of employment, an arbitration decision will not take into consideration the financial impact on the total educational program. Consequently, a decision made with a narrow scope of focus may have far reaching negative effects for students.

The current process used in collective bargaining has resulted in substantially improved employment conditions and salaries for Alaska teachers without harmful disruptions caused by strikes or unrealistic financial constraints on the educational program imposed by arbitrary third party decisions. Collective bargaining history in Alaskan education has been successful and supports maintaining the status quo.

PRIORITY SCHOOL BOARD ISSUES FOR 1990

Association of Alaska School Boards

RIGHT TO STRIKE/BINDING ARBITRATION

AASB opposes any legislation that would include binding arbitration as a final step in collective bargaining. However, if the Legislature feels it is necessary to pass either binding arbitration or the right to strike, AASB would reluctantly submit to granting educational employees the right to strike as the less objectionable of the two options.

EDUCATION ENDOWMENT

AASB gives its full support to the concept of a constitutional amendment which would create an educational endowment fund to be used for public elementary and secondary education. AASB supports efforts in the Senate that would place the endowment on the 1990 general election ballot.

INCREASED FOUNDATION FUNDING

AASB supports legislation increasing the foundation formula aimed at restoring the 10% reduction districts suffered in FY87. The lack of an increase in the foundation formula in 4 years, plus inflation, increasing depreciation and the expanding role of schools has resulted in a dangerously low maintenance of funding standard.

AT-RISK YOUTH

AASB supports funding by the State of Alaska to allow development and testing of early detection methods and student evaluation strategies that will lead to effective programs and services for at-risk youth.

EARLY CHILDHOOD EDUCATION

AASB encourages an optional early childhood education program be developed by the Department of Education, and that DOE develop certification requirements that would result in qualified educators with a firm foundation of knowledge in early childhood education.

SCHOOL FUNDING

(Single/Dual Sites & Area Cost Differential)

AASB supports efforts to appropriately revise the elementary and secondary funding formula in an effort to mitigate the negative impact of the formula on many school districts.

SCHOOL CONSTRUCTION DEBT RETIREMENT

AASB calls upon the Legislature to fully honor all past commitments for bonded indebtedness reimbursement. AASB calls upon the Legislature to pass a school construction debt retirement bill for future programs that insures fairness and equity to all regions of Alaska.

TEACHER TENURE

AASB encourages the Legislature to amend AS 14.20.150 (a) and (b) by increasing the probationary requirement for tenure from two years to four years.

TENURED STAFF REDUCTION WHEN REVENUES DECLINE

AASB promotes legislation which would allow districts to reduce tenured certificated personnel due to reductions in funding.

STAFF REDUCTION DUE TO CHANGING PROGRAM NEEDS

AASB supports necessary legislation to allow districts to change staffing levels based on the district's program needs.

ACCESS TO CRIMINAL RECORDS

AASB supports a proposed amendment to House Bill 52 making it a requirement of the Department of Education to request and receive records on all convictions involving violence or sexual abuse crimes, a felony or a crime, or other violation involving controlled substances for any person who has supervisory or disciplining authority over minors.

SEXUAL ABUSE OF A STUDENT

AASB supports legislation making sexual contact with a student 16 years of age or older by a school district employee or volunteer a felony offense.

SEXUAL MISCONDUCT BY EDUCATORS (Certification)

AASB supports legislation which would require the Department of Education to request all records on convictions involving any sex crimes for a person initially seeking certification in the State of Alaska.

SUPPORT FOR RECRIMINALIZATION OF MARIJUANA

AASB encourages and supports legislative action to make possession of marijuana at least a misdemeanor.

JOINT COMMITTEE ON SCHOOL PERFORMANCE

AASB welcomes the increased attention to education by the Joint Committee on School Performance, and requests to participate actively in their deliberations as the designated educational leaders of Alaska.

STUDENT STATEWIDE TESTING

AASB calls upon the Department of Education to modify the existing regulation to mandate compliance with "Standards for Educational and Psychological Tests" which assure appropriate testing and reporting procedures.

MANDATORY BOROUGH FORMATION

AASB opposes mandatory formation of boroughs, especially as it pertains to House Bill 1-borough incorporation and annexation.

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SENATE COMMITTEE REPORT

FURTHER

3/8/89

DATE TURNED INTO OFFICE

4/27/89

Mr. President:

Finance

Committee considered

SB 16

crime of conspiracy as it relates to the delivery of a controlled substance and recommended

- replace with _____ CS _____) same title
- or adopt _____ CS SB 16 (Jud)) new title
- attached amendment(s) and technical title change (HB only)
- _____ letter of intent adopted

do pass

do not pass

no recommendation

individual recommendations

further referral to _____

FISCAL NOTE(S) ^{DOLaw: Courts} zero fiscal impact appropriation no FN

new updated previous

same as previous fiscal note(s) published 3/8/89

MEMBERS SIGNING DO PASS

OTHER RECOMMENDATIONS

Howe

Paul

[Signature]

1 rue

[Signature]

Chairman signature and recommendation

Committee Backup attached

R/O JFC 4-27-89

STATE OF ALASKA 1989 LEGISLATIVE SESSION
FISCAL NOTE

REQUEST: Bill Version: CS SB 16 (JUD) (a)
 Publish Date: 3/10/89

Revision Date: 3/9/89 Agency Affected: Alaska Court System
 Title: An act defining the crime of BRU: Trial Courts
 conspiracy ... controlled substance
 Sponsor: Faiks, Kelly, Sturgulewski, ... Components:
 Requestor:

EXPENDITURES/REVENUES:	(Thousands of Dollars)					
OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
Personal Services
Travel
Contractual
Supplies
Equipment
Land & Structures
Grants & Claims
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL

REVENUE

FUNDING:	(Thousands of Dollars)					
General Funds	0.0	0.0	0.0	0.0	0.0	0.0
Federal Funds	.	.	.	.	.	.
Other	.	.	.	.	.	.
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS: (Thousands of Dollars)

Full-time	.	.	.	.	.	.
Part-time	.	.	.	.	.	.
Temporary	.	.	.	.	.	.

ANALYSIS: (Attach a separate page if necessary)

No fiscal impact.

Prepared by: *Jan Strandberg*
 Jan Strandberg, General Counsel Phone: 264-8228
 Division: Alaska Court System Date: 03/10/89

Approved by: *Arthur H. Snowden, II*
 Arthur H. Snowden, II, Administrative Director Date: 03/10/89
 Agency: Alaska Court System

- Distribution (by preparer):
- Legislative Finance
 - Legislative Sponsor
 - Requestor
 - Office of Management & Budget
 - Impacted Agency(ies)
 - Senate Secretary

R/O 5# 4-27-89
(c) JB

FISCAL NOTE

REQUEST:

Revision Date: March 6, 1989
Title: "An Act creating the crime of conspiracy to commit murder."
Sponsor: Senate Judiciary
Requestor: Senate Judiciary

Agency Affected: Department of Law
BRU: Prosecution
Components: All

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND	-0-	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

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

ANALYSIS : (Attach a separate page if necessary)

Please see the attached analysis.

Prepared by: Richard I. Pegues, Director Phone: 465-3672
Division: Administrative Services Date: March 6, 1989
Approved by Commissioner: Douglas B. Baily, Attorney Gen. Date: March 6, 1989
Agency: Department of Law

Distribution (by preparer):
Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies)

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. CSSB 16 (Jud)

The committee substitute for SB 16 has been totally revamped to establish a new crime of conspiracy to commit murder. Formerly, the bill would have established the crime of conspiracy to violate state laws regarding drugs, which has now been dropped from the bill.

The number of murders and attempted murders average about 40, each year. The number of murders involving two or more perpetrators; however, can probably be counted on one hand. Consequently, the number of new prosecutions, which occur as result of the enactment of this bill, will be quite small. Conversely, the potential for drug conspiracy violations is nearly limitless, and it would be expensive to pursue conspiracy prosecutions against drug offenders not being prosecuted under existing law. Because the committee substitute no longer includes drug conspiracy, the costs shown in the department's original fiscal note of January 26, 1989, are no longer appropriate. The new version of the bill should not have a fiscal impact on the Department of Law.

Original sponsors: Faiks, Kelly,
Sturgulewski, and Rodey

1 IN THE SENATE BY THE JUDICIARY COMMITTEE

2 CS FOR SENATE BILL NO. 16 (Judiciary)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act creating the crime of conspiracy to commit
7 murder."

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

9 * Section 1. AS 11.41 is amended by adding new sections to read:

10 Sec. 11.41.122. CONSPIRACY TO COMMIT MURDER. (a) An offender
11 commits the crime of conspiracy to commit murder if, with the intent
12 to promote or facilitate a crime under AS 11.41.100(a)(1) or 11.41.-
13 110(a)(1), the offender agrees with one or more persons to engage in
14 or cause the performance of that offense and the offender or one of
15 the persons does an overt act in furtherance of the conspiracy.

16 (b) If an offender commits the crime of conspiracy to commit
17 murder and knows that a person with whom the offender conspires to
18 commit a crime has conspired or will conspire with another person or
19 persons to commit the same crime, the offender is guilty of conspiring
20 with that other person or persons to commit that crime, whether or not
21 the offender knows their identities.

22 (c) In a prosecution under this section, it is not a defense
23 that

24 (1) the defendant belongs to a class of persons who by
25 definition are legally incapable in an individual capacity of com-
26 mitting a crime that is an object of the conspiracy; or

27 (2) a person with whom the defendant conspires could not be
28 guilty of a crime that is an object of the conspiracy because of

29 (A) lack of criminal responsibility or other legal

1 (b) For purposes of (a)(2) of this section, abandonment of an
2 agreement is rebuttably presumed if neither the defendant nor anyone
3 with whom the defendant conspired does an overt act in furtherance of
4 the conspiracy during the applicable period of limitations.

5 * Sec. 2. AS 11.31.140 is amended to read:

6 Sec. 11.31.140. MULTIPLE CONVICTIONS BARRED. (a) It is not a
7 defense to a prosecution under AS 11.31.100, [OR AS] 11.31.110, or
8 AS 11.41.122 that the crime that is the object of the attempt, con-
9 spiracy to commit murder, or solicitation was actually committed
10 pursuant to the attempt, conspiracy to commit murder, or solicitation.

11 (b) A person may not be convicted of more than one crime defined
12 by AS 11.31.100, [OR AS] 11.31.110, or AS 11.41.122 for conduct de-
13 signed to commit or culminate in commission of the same crime.

14 (c) A person may not be convicted on the basis of the same
15 course of conduct of both (1) a crime defined by AS 11.31.100, [OR
16 AS] 11.31.110, or AS 11.41.122 [;] and (2) a crime that is an object
17 of the attempt, conspiracy to commit murder, or solicitation.

18 (d) This section does not bar inclusion of multiple counts in a
19 single indictment or information charging commission of a crime de-
20 fined by AS 11.31.100, [OR AS] 11.31.110, or AS 11.41.122 and commis-
21 sion of the crime that is the object of the attempt, conspiracy to
22 commit murder, or solicitation.

23 * Sec. 3. AS 11.31.140 is amended by adding a new subsection to read:

24 (e) If a person conspires to commit more than one crime under
25 AS 11.41.122, the person commits only one crime of conspiracy to
26 commit murder if the multiple crimes are the object of the same agree-
27 ment.

CORRECTION

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

Original sponsors: Faiks, Kelly,
Sturgulewski, and Rodey

1 IN THE SENATE BY THE JUDICIARY COMMITTEE

2 CS FOR SENATE BILL NO. 16 (Judiciary)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTEENTH LEGISLATURE - FIRST SESSION

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14 or cause the performance of that offense and the offender or one of
15 the persons does an overt act in furtherance of the conspiracy.

16 (b) If an offender commits the crime of conspiracy to commit
17 murder and knows that a person with whom the offender conspires to
18 commit a crime has conspired or will conspire with another person or
19 persons to commit the same crime, the offender is guilty of conspiring
20 with that other person or persons to commit that crime, whether or not
21 the offender knows their identities.

22 (c) In a prosecution under this section, it is not a defense
23 that

24 (1) the defendant belongs to a class of persons who by
25 definition are legally incapable in an individual capacity of com-
26 mitting a crime that is an object of the conspiracy; or

27 (2) a person with whom the defendant conspires could not be
28 guilty of a crime that is an object of the conspiracy because of

29 (A) lack of criminal responsibility or other legal

98-05-4 070 015

1 incapacity or exemption;

2 (B) unawareness of the criminal nature of the conduct
3 in question or of the criminal purpose of the defendant; or

4 (C) any other factor precluding the culpable mental
5 state required for the commission of the crime.

6 (d) The liability of a conspirator for offenses committed in
7 furtherance of the conspiracy, including a crime that is the object of
8 the conspiracy, shall be determined under AS 11.16.

9 (e) In a prosecution under this section it is an affirmative
10 defense that the defendant, under circumstances manifesting a volun-
11 tary and complete renunciation of the defendant's criminal intent,
12 gave timely warning to law enforcement authorities or otherwise made
13 proper effort to prevent the commission of the crime that was the
14 object of the conspiracy. Renunciation by one conspirator does not
15 affect the liability of another conspirator who does not join in the
16 renunciation.

17 (f) Conspiracy to commit murder is a class A felony.

18 Sec. 11.41.124. DURATION OF CONSPIRACY FOR PURPOSES OF LIMITA-
19 TIONS OF ACTIONS. (a) For purposes of applying AS 12.10 governing
20 limitations of actions, in a prosecution under AS 11.41.122, con-
21 spiracy is a continuing course of conduct that terminates

22 (1) when the murder is completed;

23 (2) when the agreement is abandoned by the defendant and by
24 the person with whom the defendant agreed; or

25 (3) as to an individual defendant, when the defendant
26 abandons the agreement by advising the person with whom the defendant
27 agreed of the defendant's abandonment or when the defendant informs
28 law enforcement authorities of the existence of the conspiracy and of
29 the defendant's participation in it.

1 (b) For purposes of (a)(2) of this section, abandonment of an
2 agreement is rebuttably presumed if neither the defendant nor anyone
3 with whom the defendant conspired does an overt act in furtherance of
4 the conspiracy during the applicable period of limitations.

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25 AS 11.41.122, the person commits only one crime of conspiracy to
26 commit murder if the multiple crimes are the object of the same agree-
27 ment.

Alaska State Legislature

Chairman
(907) 465-4523



Jan Faiks
Post Office Box V
Juneau, Alaska 99811

Senate Judiciary Committee

March 10, 1989

MEMORANDUM

TO: Senator Rick Uehling, Co-Chairman
Senator John Binkley, Co-Chairman
Senate Finance Committee

FROM: Senator Jan Faiks, Chairman
Senate Judiciary Committee

SUBJECT: CSSB 16 (Jud) "An Act creating the crime of
conspiracy to commit murder."

Attached you will find a copy of CSSB 16 (Jud). This bill creates the crime of conspiracy to commit murder.

At the present time, Alaska is the only state which has no conspiracy statute. Until ten years ago, Alaska had two conspiracy laws on the books: conspiracy to kidnap and conspiracy against rights. Both laws were repealed in 1978 when the criminal code was revised. During the revision process, there was a significant effort made to enact conspiracy laws for five crimes: murder, arson in the first degree, kidnapping, extortion and scheming to defraud in the first degree. For various reasons, the revised criminal code did not include any of these proposals.

CSSB 16 (Jud) is modelled on the American Law Institute's Model Penal Code conspiracy provisions. The Model Penal Code is a source of much of our criminal code. Of the 49 states with conspiracy laws, approximately 20 have laws based upon this Model Penal Code version.

In its simplest terms, conspiracy is a combination of persons for the purpose of committing a crime. Since no criminal act

Members

Mike Szymanski, Vice-Chairman • Rick Halford • Drue Pearce • Pat Rodey

Out of Session

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has necessarily been completed, conspiracy permits punishment on the basis not of what a person did, but upon what he would have done had he not been stopped. Because they deal with group activity, conspiracy statutes are generally considered important tools for law enforcement in the fight against organized crime.

While Alaska might benefit from a general conspiracy statute, the definition of the crime of conspiracy contained in CSSB 16 (Jud) is limited to conspiracies to commit first or second degree murder. The bill requires a finding that the offender agreed with at least one other person to engage in or to perform the offense. This agreement must be communicated to the other person or persons, and at least one of the parties must have performed an overt act in furtherance of the offense. You will find attached a memorandum from the drafter of CSSB 16 (Jud), discussing its provisions in detail.

Prosecutors of the Criminal Division of the Department of Law have advised the Judiciary Committee that they would find a murder conspiracy statute very useful, particularly in light of several major murder trials conducted in the past few years involving contract murders. Cases in which one person attempts to hire others are easier to prosecute with a murder conspiracy statute, as are cases involving gangs that plan murders. The Attorney General has provided a zero fiscal note.

CSSB 16 (Jud) will provide the state with an important new tool in its efforts to punish those who combine efforts to murder. It is a strictly drafted piece of legislation, and as such, it provides excellent protection for constitutionally protected rights. I urge your support for this bill.

STATE OF ALASKA
1990 LEGISLATIVE SESSION

Bill Version: CS SB 16

Publish Date: 3/8/89

2/12/90
(H)JLD

FISCAL NOTE

REQUEST:

Revision Date 2/6/90 Agency Affected: Alaska Court System
 Title: An Act creating the crime of conspiracy to commit murder BRU: Trial Courts
 Sponsor: Faiks, Kelly, Sturgulewski & Rodey Components: _____
 Requestor: House Judiciary

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 90	FY 91	FY 92	FY 93	FY 94	FY 95
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL						
---------	--	--	--	--	--	--

REVENUE						
---------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

General Funds	0.0	0.0	0.0	0.0	0.0	0.0
Federal Funds						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

No fiscal impact.

Prepared by: Jan Strandberg, General Counsel
 Division: Alaska Court System
 Approved by: Arthur H. Snowden, II, Administrative Director FOR
 Agency: Alaska Court System

Phone: 264-8228
 Date: 02/06/90
 Date: 02/06/90

Distribution (by preparer):
 Legislative Finance
 Legislative Sponsor
 Requestor
 Office of Management & Budget
 Impacted Agency(ies)

2/8/90
(H) JUD

STATE OF ALASKA
1990 LEGISLATIVE SESSION

BILL VERSION: CSSB 16 (Jud)
PUBLISH DATE: _____

FISCAL NOTE

REQUEST:

Revision Date: _____ Agency Affected: Public Safety
Title: Conspiracy to commit murder BRU: Alaska State Troopers
Sponsor: Senator Falks, et al. Component: _____
Requestor: House Judiciary

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

OPERATING	FY 91	FY 92	FY 93	FY 94	FY 95	FY 96
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
---------	-----	-----	-----	-----	-----	-----

REVENUE	-0-	-0-	-0-	-0-	-0-	-0-
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FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER/PROG RCPT						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS:

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

ANALYSIS: (Attach a separate page if necessary)

Although there may be some increase in law enforcement investigations and prosecutions as a result of this bill, it is anticipated that this impact could be absorbed within the existing workforce.

Handwritten:
2/6/90

Prepared by: Gayle A. Horetski, Deputy Commissioner Phone: 465-4322
Division: Office of the Commissioner Date: 2/6/90
Approved by Commissioner: G.A.H. Arthur English Date: 2-6-90
Agency: Department of Public Safety Page 1 of 1

1/19/90
14 (Jud)

FISCAL NOTE

REQUEST:

Revision Date: January 17, 1990
Title: "An Act creating the crime of
conspiracy to commit murder."
Sponsor: Senate Judiciary
Requestor: House Judiciary

Agency Affected: Department of Law
BRU: Prosecution
Components: All

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 91	FY 92	FY 93	FY 94	FY 95	FY 96
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL						
---------	--	--	--	--	--	--

REVENUE						
---------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

GENERAL FUND	-0-	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

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

ANALYSIS : (Attach a separate page if necessary)

Please see the attached analysis.

Prepared by: Richard I. Pegues, Director Phone: 465-3672
Division: Administrative Services Date: January 17, 1990
Approved by Commissioner: Richard I. Pegues / FOR / Date: January 17, 1990
Agency: Department of Law

Distribution (by preparer) :
Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies)

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. CSSB 16 (JUD)

The committee substitute for SB 16 has been totally revamped to establish a new crime of conspiracy to commit murder. Formerly, the bill would have established the crime of conspiracy to violate state laws regarding drugs, which has now been dropped from the bill.

The number of murders and attempted murders average about 40, each year. The number of murders involving two or more perpetrators; however, can probably be counted on one hand. Consequently, the number of new prosecutions, which occur as a result of the enactment of this bill, will be quite small. Conversely, the potential for drug conspiracy violations is nearly limitless, and it would be expensive to pursue conspiracy prosecutions against drug offenders not being prosecuted under existing law. Because the committee substitute no longer includes drug conspiracy, the costs shown in the department's original fiscal note of January 26, 1989, are no longer appropriate. The new version of the bill should not have a fiscal impact on the Department of Law.

FISCAL NOTE

REQUEST:

Revision Date: _____
Title: "An Act relating to the crime of conspiracy... controlled substance."
Sponsor: Sen. Faiks
Requestor: Senate Judiciary

Agency Affected: Department of Law
BRU: Prosecution
Components: Third Judicial District

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
PERSONAL SERVICES		150.7	155.2	160.0	164.8	169.7
TRAVEL		10.8	11.1	11.4	11.7	12.1
CONTRACTUAL		17.4	17.9	18.4	19.0	19.6
SUPPLIES		11.4	11.7	12.1	12.5	12.9
EQUIPMENT		17.0	-0-	-0-	-0-	-0-
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		207.8	195.9	201.9	208.0	214.3

CAPITAL						
---------	--	--	--	--	--	--

REVENUE						
---------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

GENERAL FUND		207.8	195.9	201.9	208.0	214.3
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME		3.0	3.0	3.0	3.0	3.0
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

Please see the attached analysis.

Prepared by: Richard L. Pegues, Director
Division: Administrative Services
Approved by Commissioner: Grace Berg Schaible, Atty. Gen.
Agency: Department of Law

Phone: 465-3672
Date: January 26, 1989
Date: January 26, 1989

Distribution (by preparer):
Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies)

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. SB 16

This bill makes it a crime for two or more persons to "conspire" together to violate state laws regarding drugs. The bill allows persons to be prosecuted for conspiracy, even though the crime that was the object of a conspiracy was neither attempted nor completed.

Given the limits set by the bill, and the broad authority provided by existing law for the prosecution of persons involved in drug trafficking, enforcement activities undertaken as a result of this bill will be complicated and expensive. The focus of enforcement actions taken under this bill will be on major narcotics rings.

Investigation and prosecution of large-scale drug cases is extremely time-consuming and labor intensive. Major narcotics rings are carefully planned and organized, and it requires at least the same degree of planning and organization to detect, investigate, infiltrate, and ultimately break the rings. A conspiracy law will not decrease the amount of work involved in pursuing drug traffickers, rather conspiracy prosecutions will require the investment of significant time and effort on the part of state prosecutors. In addition, a conspiracy law will not cure the problematic and expensive practice of granting separate trials to co-defendants.

A good example of the complexities involved in prosecuting drug traffickers in the single big drug case that the state was able to pursue in FY85 -- the "Black Gold" heroin ring in Anchorage. The case involved 29 separate individuals (most charged with selling heroin), almost all of whom were granted separate trials, thus creating 29 cases out of a single operation. The "Black Gold" investigation required the "full-time" (12 hours a day, 6 or 7 days a week) direction and legal assistance of two experienced prosecutors for over two months. In addition to obtaining over 25 search warrants, the prosecutors, on a daily (and sometimes hourly) basis, consulted with and guided the efforts of three teams of officers: a "surveillance" team varying from 10-20 officers who kept track of the members of the ring; a "buy" team of 4-8 officers working closely with informants to purchase narcotics; and an "investigation" team of 2-6 officers who compiled telephone records and other evidence in order to discover links between individuals and organizations.

→ Under a conspiracy law, the scope of enforcement authority would be expanded to include more persons involved in the ring, leading to larger and more complicated investigations and prosecutions. Considering the sophistication of narcotics traffickers, and the efforts that would be necessary to implement a conspiracy law, the Department of Law believes that it will need the dedicated services of at least a full-time attorney, a paralegal, and a secretary in the Anchorage District Attorney's Office.

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. SB 16

	<u>Atty IV</u>	<u>P/A II</u>	<u>Leg. Sec. I</u>	<u>Total</u>
71000	73.4	45.0	32.3	150.7
72000	5.4	5.4	-0-	10.8
73000	6.6	6.6	4.2	17.4
74000	4.2	4.2	3.0	11.4
75000	6.5	2.5	8.5	17.5
	<hr style="width: 50px; margin: 0 auto;"/>	<hr style="width: 50px; margin: 0 auto;"/>	<hr style="width: 50px; margin: 0 auto;"/>	<hr style="width: 50px; margin: 0 auto;"/>
Total	96.1	63.7	48.0	207.8

Costs beyond FY 90 include a 3% annual inflation factor, less one-time equipment costs.

Position Title Attorney IV		No. of Positions 1	Range/Step 24A	Barg. Unit PX	
Time Status PFT	Staff Months 12	Location EBA - Anchorage		Election District 8	
Type of Expenditure		Justification This is the first of three positions that will be needed to provide prosecution services of defendants who conspire to violate state laws regarding drugs. Investigation and prosecution of large-scale drug trafficking rings is extremely time consuming and labor intensive and will require a minimum of one new attorney in addition to the drug prosecutor already provided through the federal anti-drug enforcement program. Allocation to the full-working level of Attorney IV for this position is recommended because of the seriousness of the crimes being prosecuted.			
1	2				3
Salary	56,244				
Benefits	17,188				
Premium Pay					
Other					
Total Personal Services					73,432
Travel					5,400
Contractual					6,600
Commodities					4,200
Equipment		6,500			
Other					
Total Cost		96,132			
Funding Source for Total Cost					
Federal Receipts	1002				
G. F. Match	1003				
General Fund	1004	96,132			
I-A Receipts	1006				
CIP Receipts	1061				
Other					

**Request For
New Position**

Agency Department of Law
BRU Prosecution
Component Third Judicial District

Page 1 of 3
Revised Date

FY 90

Position Title Paralegal Assistant II		No. of Positions 1	Range/Step 16A	Barg. Unit GGU
Time Status PFT	Staff Months 12	Location EBA - Anchorage		Election District 8
Justification				
This is the second of three positions that will be needed to provide prosecution services of defendants who conspire to violate state laws regarding drugs. Investigation and prosecution of large-scale drug trafficking rings is extremely time consuming and labor intensive and will require the services of a skilled paraprofessional in the preparation of evidence. Allocation to the Paralegal Assistant II, full working level is recommended.				
Type of Expenditure		Amount		
1	2	3		
Salary	32,424			
Benefits	12,562			
Premium Pay				
Other				
Total Personal Services		44,986		
Travel		5,400		
Contractual		6,600		
Commodities		4,200		
Equipment		2,500		
Other				
Total Cost		63,686		
Funding Source for Total Cost				
Federal Receipts 1002				
G. F. Match 1003				
General Fund 1004		63,686		
I-A Receipts 1006				
CIP Receipts 1061				
Other				

**Request For
New Position**

Agency Department of Law
 BRU Prosecution
 Component Third Judicial District

Page 2 of 3
 Revised Date

FY 90

Position Title Legal Secretary I		No. of Positions 1	Range/Step 10A	Barg. Unit GGU
Time Status PFT	Staff Months 12	Location EBA - Anchorage		Election District 8
Justification				
This is the third of three positions that will be needed to provide prosecution services of defendants who conspire to violate state laws regarding drugs. Investigation and prosecution of large-scale drug trafficking rings is extremely time consuming and labor intensive and generates substantial legal documentation, including: search warrants, subpoenas, motions, affidavits, and legal memoranda. Consequently, full-time secretarial services will be required. Allocation to the Legal Secretary I level is recommended in view of the heavy documentation load.				
Type of Expenditure		Amount		
1	2	3		
Salary	22,020			
Benefits	10,256			
Premium Pay				
Other				
Total Personal Services		32,276		
Travel		-0-		
Contractual		4,200		
Commodities		3,000		
Equipment		8,500		
Other				
Total Cost		47,976		
Funding Source for Total Cost				
Federal Receipts	1002			
G. F. Match	1003			
General Fund	1004	47,976		
I-A Receipts	1006			
CIP Receipts	1061			
Other				

**Request For
New Position**

Agency Department of Law
 BRU Prosecution
 Component Third Judicial District

Page 3 of 3
 Revised Date

FY 90

1/27/89
S(Jud)
Lock of JFC
H. K. ...
Noted

FISCAL NOTE

REQUEST:

Revision Date: _____
Title: "An Act relating to the crime of conspiracy... controlled substance."
Sponsor: Sen. Faiks
Requestor: Senate Judiciary

Agency Affected: Department of Law
BRU: Prosecution
Components: Third Judicial District

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
PERSONAL SERVICES		150.7	155.2	160.0	164.8	169.7
TRAVEL		10.8	11.1	11.4	11.7	12.1
CONTRACTUAL		17.4	17.9	18.4	19.0	19.6
SUPPLIES		11.4	11.7	12.1	12.5	12.9
EQUIPMENT		17.0	-0-	-0-	-0-	-0-
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		207.8	195.9	201.9	208.0	214.3

CAPITAL						
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REVENUE						
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FUNDING: (Thousands of Dollars)

GENERAL FUND		207.8	195.9	201.9	208.0	214.3
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME		3.0	3.0	3.0	3.0	3.0
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

Please see the attached analysis.

Prepared by: Richard I. Pegues, Director
Division: Administrative Services
Approved by Commissioner: Grace Berg Schauble, Atty. Gen.
Agency: Department of Law

Phone: 465-3672
Date: January 26, 1989
Date: January 26, 1989

Distribution (by preparer):
Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies)

received.
1-27-89

5/15/16

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. SB 16

This bill makes it a crime for two or more persons to "conspire" together to violate state laws regarding drugs. The bill allows persons to be prosecuted for conspiracy, even though the crime that was the object of a conspiracy was neither attempted nor completed.

Given the limits set by the bill, and the broad authority provided by existing law for the prosecution of persons involved in drug trafficking, enforcement activities undertaken as a result of this bill will be complicated and expensive. The focus of enforcement actions taken under this bill will be on major narcotics rings.

Investigation and prosecution of large-scale drug cases is extremely time-consuming and labor intensive. Major narcotics rings are carefully planned and organized, and it requires at least the same degree of planning and organization to detect, investigate, infiltrate, and ultimately break the rings. A conspiracy law will not decrease the amount of work involved in pursuing drug traffickers, rather conspiracy prosecutions will require the investment of significant time and effort on the part of state prosecutors. In addition, a conspiracy law will not cure the problematic and expensive practice of granting separate trials to co-defendants.

A good example of the complexities involved in prosecuting drug traffickers in the single big drug case that the state was able to pursue in FY85 -- the "Black Gold" heroin ring in Anchorage. The case involved 29 separate individuals (most charged with selling heroin), almost all of whom were granted separate trials, thus creating 29 cases out of a single operation. The "Black Gold" investigation required the "full-time" (12 hours a day, 6 or 7 days a week) direction and legal assistance of two experienced prosecutors for over two months. In addition to obtaining over 25 search warrants, the prosecutors, on a daily (and sometimes hourly) basis, consulted with and guided the efforts of three teams of officers: a "surveillance" team varying from 10-20 officers who kept track of the members of the ring; a "buy" team of 4-8 officers working closely with informants to purchase narcotics; and an "investigation" team of 2-6 officers who compiled telephone records and other evidence in order to discover links between individuals and organizations.

Under a conspiracy law, the scope of enforcement authority would be expanded to include more persons involved in the ring, leading to larger and more complicated investigations and prosecutions. Considering the sophistication of narcotics traffickers, and the efforts that would be necessary to implement a conspiracy law, the Department of Law believes that it will need the dedicated services of at least a full-time attorney, a paralegal, and a secretary in the Anchorage District Attorney's Office.

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. SB 16

	<u>Atty IV</u>	<u>P/A II</u>	<u>Leg. Sec. I</u>	<u>Total</u>
71000	73.4	45.0	32.3	150.7
72000	5.4	5.4	-0-	10.8
73000	6.6	6.6	4.2	17.4
74000	4.2	4.2	3.0	11.4
75000	6.5	2.5	8.5	17.5
	<hr style="width: 50%; margin: 0 auto;"/>	<hr style="width: 50%; margin: 0 auto;"/>	<hr style="width: 50%; margin: 0 auto;"/>	<hr style="width: 50%; margin: 0 auto;"/>
Total	96.1	63.7	48.0	207.8

Costs beyond FY 90 include a 3% annual inflation factor, less one-time equipment costs.

Position Title Attorney IV		No. of Positions 1	Range/Step 24A	Barg. Unit PX
Time Status PFT	Staff Months 12	Location EBA - Anchorage		Election District 8
Type of Expenditure		Justification		
		This is the first of three positions that will be needed to provide prosecution services of defendants who conspire to violate state laws regarding drugs. Investigation and prosecution of large-scale drug trafficking rings is extremely time consuming and labor intensive and will require a minimum of one new attorney in addition to the drug prosecutor already provided through the federal anti-drug enforcement program. Allocation to the full-working level of Attorney IV for this position is recommended because of the seriousness of the crimes being prosecuted.		
1	2	3		
Salary	56,244			
Benefits	17,188			
Premium Pay				
Other				
Total Personal Services		73,432		
Travel		5,400		
Contractual		6,600		
Commodities		4,200		
Equipment		6,500		
Other				
Total Cost		96,132		
Funding Source for Total Cost				
Federal Receipts	1002			
G. F. Match	1003			
General Fund	1004	96,132		
I-A Receipts	1006			
CIP Receipts	1061			
Other				

**Request For
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Agency Department of Law
 BRU Prosecution
 Component Third Judicial District

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Position Title Paralegal Assistant II		No. of Positions 1	Range/Step 16A	Barg. Unit GGU	
Time Status PFT	Staff Months 12	Location EBA - Anchorage		Election District 8	
Type of Expenditure		Justification			
		<p>This is the second of three positions that will be needed to provide prosecution services of defendants who conspire to violate state laws regarding drugs. Investigation and prosecution of large-scale drug trafficking rings is extremely time consuming and labor intensive and will require the services of a skilled paraprofessional in the preparation of evidence. Allocation to the Paralegal Assistant II, full working level is recommended.</p>			
Amount					
1	2				3
Salary	32,424				
Benefits	12,562				
Premium Pay					
Other					
Total Personal Services					44,986
Travel					5,400
Contractual					6,600
Commodities					4,200
Equipment					2,500
Other					
Total Cost		63,686			
Funding Source for Total Cost					
Federal Receipts	1002				
G. F. Match	1003				
General Fund	1004	63,686			
I-A Receipts	1006				
CIP Receipts	1061				
Other					

**Request For
New Position**

Agency Department of Law
 BRU Prosecution
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Position Title Legal Secretary I		No. of Positions 1	Range/Step 10A	Barg. Unit GGU
Time Status PFT	Staff Months 12	Location EBA - Anchorage		Election District 8
Justification				
This is the third of three positions that will be needed to provide prosecution services of defendants who conspire to violate state laws regarding drugs. Investigation and prosecution of large-scale drug trafficking rings is extremely time consuming and labor intensive and generates substantial legal documentation, including: search warrants, subpoenas, motions, affidavits, and legal memoranda. Consequently, full-time secretarial services will be required. Allocation to the Legal Secretary I level is recommended in view of the heavy documentation load.				
Type of Expenditure		Amount		
1	2	3		
Salary	22,020			
Benefits	10,256			
Premium Pay				
Other				
Total Personal Services		32,276		
Travel		-0-		
Contractual		4,200		
Commodities		3,000		
Equipment		8,500		
Other				
Total Cost		47,976		
Funding Source for Total Cost				
Federal Receipts	1002			
G. F. Match	1003			
General Fund	1004	47,976		
I-A Receipts	1006			
CIP Receipts	1061			
Other				

**Request For
New Position**

Agency Department of Law
 BRU Prosecution
 Component Third Judicial District

Page 3 of 3
 Revised Date

FY 90

B

STATE OF ALASKA 1989 LEGISLATIVE SESSION
FISCAL NOTE

REQUEST: Bill Version: SB 16 (a)
Publish Date: 3/8/89

Revision Date: Agency Affected: Alaska Court System
Title: An act defining the crime of BRU: Trial Courts
conspiracy ... controlled substance
Sponsor: Faiks, Kelly, Sturgulewski, ... Components:
Requestor:

EXPENDITURES/REVENUES:	(Thousands of Dollars)					
OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
Personal Services	••••	••••	••••	••••	••••	••••
Travel	••••	••••	••••	••••	••••	••••
Contractual	••••	••••	••••	••••	••••	••••
Supplies	••••	••••	••••	••••	••••	••••
Equipment	••••	••••	••••	••••	••••	••••
Land & Structures	••••	••••	••••	••••	••••	••••
Grants & Claims	••••	••••	••••	••••	••••	••••
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL •••• •••• •••• •••• •••• ••••

REVENUE •••• •••• •••• •••• •••• ••••

FUNDING:	(Thousands of Dollars)					
General Funds	0.0	0.0	0.0	0.0	0.0	0.0
Federal Funds	••••	••••	••••	••••	••••	••••
Other	••••	••••	••••	••••	••••	••••
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:						
Full-time	••••	••••	••••	••••	••••	••••
Part-time	••••	••••	••••	••••	••••	••••
Temporary	••••	••••	••••	••••	••••	••••

ANALYSIS: (Attach a separate page if necessary)

No fiscal impact.

Prepared by: *Jan Strandberg* Jan Strandberg, General Counsel Phone: 264-8228
Division: Alaska Court System Date: 01/25/89

Approved by: *Stephanie Cole, for* Arthur H. Snowden, II, Administrative Director Date: 01/25/89
Agency: Alaska Court System

- Distribution (by preparer):
- Legislative Finance
 - Legislative Sponsor
 - Requestor
 - Office of Management & Budget
 - Impacted Agency(ies)
 - Senate Secretary

S

B

I

7

SENATE COMMITTEE REPORT

FURTHER

2/27/89

DATE TURNED INTO OFFICE 3/13/90

Mr. President:

FINANCE

Committee considered SB 17

authorizing capital punishment, classifying murder in the first degree as a capital felony, and establishing sentencing procedures for capital felonies; directing an advisory vot on whether the capital punishment and recommended law should take effect; efd

- replace with _____ CS _____) same title
- or adopt _____ CS SB 17 (Jud)) new title
- attached amendment(s) and _____) technical title change (HB only)
- _____ letter of intent adopted

- do pass
- do not pass
- no recommendation
- individual recommendations
- further referral to _____

Fiscal Notes: Elections - \$2.2 3/5/90
 Corrections - \$ F491 3/12/90
 300.0 Cap. F492
 Courts - \$ F491 3/8/90
 380.5 F492
 Law - \$ F491 3/12/90
 817.0 F492
 DOA - Advocacy 3/12/90
 \$ F491
 782.7 F492
 Pub. Defender
 \$ F491 3/12/90
 410.1 F492

- FISCAL NOTE(S) zero fiscal impact appropriation no FN
 new updated previous
 same as previous fiscal note(s) published _____

MEMBERS SIGNING DO PASS

OTHER RECOMMENDATIONS

[Signature]
[Signature]
Paul Gruber

J. Duncan - Do not Pass
[Signature] No Rec
[Signature] No Rec

[Signature]

Chairman signature and recommendation

- Committee Backup attached
- Do NOT PASS - THE ONLY THING THAT SHOULD BE KILLED IS THIS BILL!**

R/0 JFC 3-13-90

STATE OF ALASKA
1990 LEGISLATIVE SESSION

BILL VERSION: CSSB 17 (Jud)
PUBLISH DATE: 2/27/89

FISCAL NOTE

REQUEST:

Revision Date: 3/5/90
Title: Relating to Capital Punishment

Agency Affected: Office of the Governor
BRU: Elections

Sponsor: Fischer
Requestor: Fischer

Components: II- Primary & General
Elections

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 91	FY 92	FY 93	FY 94	FY 95	FY 96
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL	2.2*	-0-	-0-	-0-	-0-	-0-
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	2.2*	-0-	-0-	-0-	-0-	-0-

CAPITAL						
---------	--	--	--	--	--	--

REVENUE						
---------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

GENERAL FUND	2.2*	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER						
TOTAL	2.2*	-0-	-0-	-0-	-0-	-0-

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

- The fiscal impact for FY 90 is -0-
- * Costs included cover 2 to 3 pages in each Official Election Pamphlet, for printing and typesetting, and costs estimated to cover computer programming requirements for vote counting purposes.

Prepared by: Linda Edgeworth
Division: Division of Elections

Phone: 465-4611
Date: 2/5/90

Approved by Commissioner: [Signature]
Agency: Division of Elections

Date: 3.5.90

Distribution (by preparer):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

CONTINUATION OF FISCAL NOTE ANALYSIS

For Bill/Resolution No. CSSB 17 (Jud)

However, these costs are based on the assumption that all candidates and issues will fit on three ballot cards, which is the norm. It should be noted, however that should the inclusion of this issue require a 4th ballot to be printed, the cost increase would have to be calculated at 16 cents per ballot x approximately 320,000 voters. The total cost of printing the additional ballot card would be \$51.2

Under these circumstances the fiscal note would be:

53.4

72/0

FISCAL NOTE

REQUEST:

Revision Date: _____
Title: "An Act relating to capital
punishment."
Sponsor: Senator Fischer
Requestor: _____

Agency Affected: Department of Corrections
BRU: Statewide Operations
Components: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 91	FY 92	FY 93	FY 94	FY 95	FY 96
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL	-0-	300.0	-0-	-0-	-0-	-0-
REVENUE	-0-	-0-	-0-	-0-	-0-	-0-

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	-0-	300.0	-0-	-0-	-0-	-0-

POSITIONS:

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

ANALYSIS : (Attach a separate page if necessary)

Capital construction cost for execution area and attendee waiting area.
Total of 1,000 square feet at \$300 per square foot.

Susan E. Knighton

Prepared by: Susan E. Knighton, Director
Division: Administrative Services

Phone: 465-3376
Date: 03/12/90

Approved by: *Dorothy Humphrey-Barnett*
Agency: Department of Corrections

Date: 03/12/90

Distribution (by preparer):

Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies)

R/SFC **3-13-90**

**STATE OF ALASKA
1990 LEGISLATIVE SESSION**

Bill Version: CSSB 17 (Judiciary)
Publish Date: 2/27/89

FISCAL NOTE

REQUEST:

Revision Date 3/8/90 Agency Affected: Alaska Court System
Title: An act related capital punishment BRU: Trial Courts
Sponsor: Fischer, Kelly, Pearce... Components: _____
Requestor: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 90	FY 91	FY 92	FY 93	FY 94	FY 95
Personal Services			88.3	88.3	88.3	88.3
Travel			112.5	112.5	112.5	112.5
Contractual			166.0	166.0	166.0	166.0
Supplies						
Equipment			15.7			
Land & Structures						
Grants & Claims						
TOTAL OPERATING	0.0	0.0	380.5	384.8	384.8	384.8

CAPITAL						
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REVENUE						
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FUNDING: (Thousands of Dollars)

General Funds	0.0	0.0	380.5	384.8	384.8	384.8
Federal Funds						
Other						
TOTAL	0.0	0.0	380.5	384.8	384.8	384.8

POSITIONS:

Full-time			2.0	2.0	2.0	2.0
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

See attached analysis.

Prepared by: Jan Strandberg, General Counsel
Division: Alaska Court System
Approved by: Arthur H. Snowden, II, Administrative Director
Agency: Alaska Court System

Phone: 264-8228
Date: 03/08/90
Date: 03/08/90

Distribution (by preparer):
Legislative Finance
Legislative Sponsor
Requestor
Office of Management & Budget
Impacted Agency(ies)

ALASKA COURT SYSTEM
CSSB 17 (Judiciary) - Capital Punishment
FISCAL IMPACT

Voter approval of capital punishment will result in an estimated 10 capital punishment trials each year. These trials will result in additional costs for the following reasons:

1. Personnel Costs and Related Costs. Extensive legal research is required for capital offenses. Additional law clerks will be needed to research motions and other judicial questions. Courtroom security will have to be strengthened for these cases. Contractual funds for security services in other courts will be needed.

2. Travel Costs. Since death penalty cases are often subject to intense media exposure, expenses associated with jury sequestration and with change of venue can be expected.

3. Juror Selection. Jurors must be questioned individually in capital cases and some courts have required questioning in private. More jurors must be called and the process takes longer, with more challenges for cause, all of which results in higher jury fee expenditures. Similarly, additional bailiff costs can be expected.

4. Transcription Costs. Preparation of the voluminous record which accompanies a death penalty case will result in additional transcribing costs.

5. Equipment. Courtroom security requirements will necessitate the installation metal detectors in major court locations and the use of hand-held detectors in smaller courts to screen trial spectators.

The estimated annual costs associated with these items are summarized in the attached schedule.