

ALASKA LEGISLATURE

979

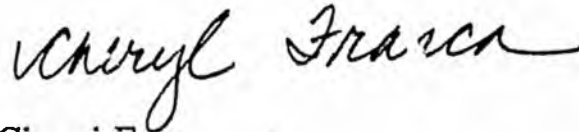
HOUSE and SENATE FINANCE COMMITTEE FILES, 1993-1994

A survey of the departments found there were fewer LTC members that had to get a commercial driver's license as a condition of employment than originally estimated.

If the committee has any questions or if I may provide additional information, please just let me know. The committee's consideration of these amendments is appreciated.

Thank you.

Sincerely,

A handwritten signature in cursive script that reads "Cheryl Frasca". The signature is written in dark ink and is positioned above the printed name and title.

Cheryl Frasca  
Director

cc: Nancy Bear Usera, Commissioner  
Department of Administration

**OFFICE OF THE GOVERNOR**  
OFFICE OF MANAGEMENT AND BUDGET

P.O. BOX AM  
JUNEAU, ALASKA 99811-0199  
PHONE: (907) 465-3568

March 4, 1993

The Honorable Bill Hudson  
Chair  
House Labor and Commerce Committee  
State Capitol  
Juneau, AK 99801-1182

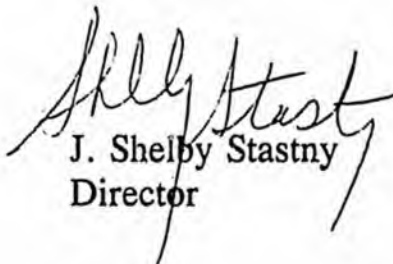
Dear Representative Hudson:

House Bill 158, which appropriates funding to meet the monetary terms of the Labor, Trades and Crafts contract, is scheduled for consideration by the committee this afternoon. Yesterday the Office of Management and Budget received the attached appropriation request from the University of Alaska to meet the monetary terms of the collective bargaining agreement it reached with the Alaska Community College Federation of Teachers bargaining unit.

On behalf of the University, the Governor would appreciate your consideration of including this contract's monetary terms as part of the Labor and Commerce Committee's discussion of House Bill 158.

Brian Rogers, Vice President for Finance for the University can provide you with additional details regarding the agreement and its terms. Should the committee need any other information, please let me know.

Sincerely,

  
J. Shelby Stastny  
Director

Enclosures

cc: Nancy Bear Usera, Commissioner  
Department of Administration

Kris Lethin, Legislative Liaison  
Office of the Governor

Brian Rogers, Vice President for Finance  
University of Alaska

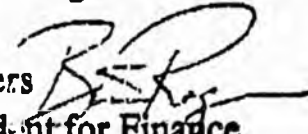


University of Alaska  
Fairbanks, Alaska 99776-5280

Brian Rogers  
Vice President for Finance  
(907) 474-7448  
FAX (907) 474-8140

February 15, 1993

TO: J. Shelby Stastny, Director  
Office of Management and Budget

FROM: Brian Rogers   
Vice President for Finance

RE: University of Alaska FY93 Supplemental and FY94 Budget  
Amendment Request

Enclosed is a University of Alaska request for an FY93 supplemental appropriation. The request totals \$507.0 and represents a requirement for funds which cannot be provided internally.

In order to carry forward the \$507.0 in the FY94 Operating Budget a Budget Amendment for \$522.2 is requested.

If you should have any further questions or are in need of additional information, please contact Marsha Hubbard, Director, Statewide Budget Office at 474-7593.

Enclosure

Post-It™ brand fax transmittal memo 7871 # of pages 4

To	Marsha Hubbard	From	Brian Rogers
Co.	OMB	Co.	
Dept.	Div. of Budget	Phone #	474-7593
Fax #	465-2090	Fax #	

3698

## University of Alaska-Systemwide Budget Reductions and Additions

The University of Alaska concluded its negotiations with the Alaska Community College Federation of Teachers (ACCFT) Bargaining Unit, and the Board of Regents and bargaining unit members have ratified the new Collective Bargaining Agreement (CBA). This process was completed in May 1992. Article 7.1.B. of the CBA requires the University to request a supplemental appropriation to fund a salary increase for CBA covered faculty at the same level as the increase granted to other University employees.

The amount requested was calculated as follows:

### FY93 Supplemental

Total Salaries	\$12,742,511
Total Staff Benefits	<u>\$ 4,157,881</u>
Total Salaries & Benefits	\$16,900,392
3% Increase	\$ 507,012

### FY94 Amendment

Total Salaries	\$13,124,786
Total Staff Benefits	<u>\$ 4,282,617</u>
Total Salaries & Benefits	\$17,407,403
3% Increase	\$ 522,222

  
\_\_\_\_\_  
Approved by Shelby Stastny

\_\_\_\_\_  
Disapproved by Shelby Stastny

Date: 3/4/93

## ARTICLE 7

### Salaries and Benefits

#### 7.1 Salaries

- A. Faculty Members shall be compensated in a manner consistent with the provisions of Regents Policy and University Regulation 04.05.01 - 03 in effect as of the date of this Agreement, except that any compensation increases shall be subject to legislative appropriation in accordance with the provisions of AS 23.40.215 and shall be requested separately from compensation increases requested for other employees of the University.
  
- B. The University agrees to request the same level of salary increase for Faculty Members as is requested of the Legislature for other University employees. If the University grants other University employees salary increases but does not receive an appropriation to fund salary increases for Faculty Members at the same level, the University agrees to submit to the Legislature at the beginning of the next regular session following the increase for University employees an amount necessary to permit Faculty Members to receive a salary increase of the same level received by University employees.

WALTER J. HICKEL  
GOVERNOR



P. O. Box 110001  
Juneau, Alaska 99811-0001  
(907) 465-3500

STATE OF ALASKA  
OFFICE OF THE GOVERNOR  
JUNEAU

415 158

February 15, 1993

The Honorable Ramona L. Barnes  
Speaker of the House  
Alaska State Legislature  
State Capitol  
Juneau, AK 99801-1182

Dear Speaker Barnes:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill that makes appropriations for contract settlement costs and cost-of-living adjustments for eligible public employees who are members of the Labor, Trades, and Crafts bargaining unit.

Section 1 of the bill makes an appropriation of \$2,909,370 to the Office of the Governor, office of management and budget, to pay the 3.6 percent cost-of-living adjustment for fiscal year 1993, as required by the terms of the contract settlement with eligible public employees who are members of the Labor, Trades, and Crafts bargaining unit.

Section 2 of the bill makes an appropriation of \$4,921,271 to the Office of the Governor, office of management and budget, to pay the 3.6 percent cost-of-living adjustment and the increased costs of health insurance benefits for fiscal year 1994, as required by the terms of the contract settlement with eligible public employees who are members of that bargaining unit.

Section 3 of the bill makes an appropriation of \$70,350 to the Office of the Governor, office of management and budget, to pay the contract signing bonus to eligible employees of that collective bargaining unit.

Section 4 of the bill makes an appropriation of \$74,200 to the Office of the Governor, office of management and budget, to reimburse employees in that collective bargaining unit for costs of obtaining commercial drivers' licenses necessary for continued employment.

**COMMITTEE COPY**

The Honorable Ramona L. Barnes  
February 15, 1993  
Page 2

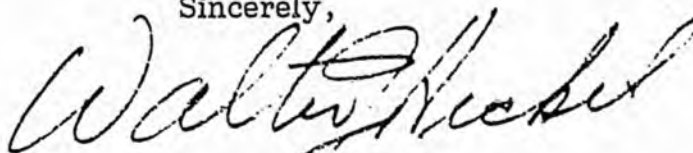
HB 158 p2

Sections 5 and 6 of the bill contain lapse provisions to ensure that the unexpended and unobligated balances of appropriations lapses into the respective funds at set time limits.

Section 7 of the bill provides for an immediate effective date.

I urge your support of this bill to meet the state's obligations.

Sincerely,

A handwritten signature in cursive script, reading "Walter J. Hickel".

Walter J. Hickel  
Governor

**HEB**

**158**

**SFIN**

**FILE**

# SENATE FINANCE COMMITTEE REPORT

DATE: 4/28/93

FURTHER:

DATE TURNED INTO OFFICE: 5-1-93

The Finance Committee considered **CS FOR HOUSE BILL NO. 158(L&C)**

"An Act making appropriations for contract settlement costs and cost-of-living adjustments for public employees who are members of certain collective bargaining units; and providing for an effective date."

and recommends:

- replace with \_\_\_\_\_ CS \_\_\_\_\_ (FINANCE)
- or  adopt previous 5 CS CS HB 158 (L&C)
- attaches amendment(s)

- same title
- new title
- technical title change (H<sup>2</sup> only)

- adopts \_\_\_\_\_ Letter of Intent
- further referral to the \_\_\_\_\_

- do pass
- do not pass
- no recommendation
- individual recommendations

**NEW FISCAL NOTES**

Department	Date	Zero	Fiscal

**PREVIOUS FISCAL NOTES**

Department	Date	Zero	Fiscal

Appropriation No Fiscal Note

DO PASS: Tim Keeg  
Steve King  
Ben Sharp

OTHER RECOMMENDATIONS:  
"Hold until 204 moves"  
Hold until 204 moves  
Hold No Pass

1. Do not Do Pass  
 Co-Chair: Signature/Recommendation

2. Finance notes  
 Co-Chair: Signature/Recommendation

**HB**

**162**

**HFIN**

**FILE**



FISCAL NOTE

BILL NO.

STATE OF ALASKA

1994 LEGISLATIVE SESSION

Revision Date: \_\_\_\_\_

Department Affected: Office of the Governor

Title: Amendment to the Constitution RE:

BRU: Division of Elections

Capital punishment for murder.

Component: General and Primary Elections

Sponsor: Reps. Sanders, Olberg, Bunde, Kott, Vezey & James

Requestor: \_\_\_\_\_

COMPONENT SERIAL NO. 22

EXPENDITURES/REVENUES:

OPERATING	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
PERSONAL	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	2.2*	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND &	0	0	0	0	0	0
GRANTS,	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL	2.2*	0	0	0	0	0

CAPITAL	0	0	0	0	0	0
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REVENUE						
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FUNDING:

1002 Federal	0	0	0	0	0	0
1003 GF Match	0	0	0	0	0	0
1004 GF	2.2*	0	0	0	0	0
1005 GF/Program	0	0	0	0	0	0
1006 GF/MHTIA	0	0	0	0	0	0
OTHER	0	0	0	0	0	0
TOTAL	2.2*	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

Estimate of current year (FY94) impact: 0

ANALYSIS: (Attach a separate page if necessary.)\*This figure covers cost of inclusion of information about this issue in the Official Elections Pamphlet as required by AS 15.58, and programming for DataVote counting of votes cast on the measure. However, only 4 measures can be printed on a single ballot card. Should this measure require printing an additional ballot card, the fiscal impact would be 53.4.

Prepared by: Joseph B. Swanson, Director  
 Division: Division of Elections

Phone: 465-4611

Date: 2/3/94

Approved by Commissioner: Lt. Governor John B. Coghill

Agency: Office of the Lt. Governor

Date: 2/3/94

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# FISCAL NOTE

STATE OF ALASKA  
1994 LEGISLATIVE SESSION

BILL NO. SS HB 162

Revision Date: 03/09/94

Dept. Affected: Alaska Court System

Title: An Act authorizing capital punishment,  
classifying murder in the 1st degree as a capital felony

BRU: Trial Courts/Appellate Courts

Sponsor: Sanders

Components: \_\_\_\_\_

Requestor: \_\_\_\_\_

COMPONENT SERIAL NO. 768/767

**EXPENDITURES/REVENUES** (Thousands of Dollars)

OPERATING EXPENDITURES	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
PERSONAL SERVICES		224.9	224.9	224.9	224.9	224.9
TRAVEL		75.6	75.6	75.6	75.6	75.6
CONTRACTUAL		303.8	303.8	303.8	303.8	303.8
SUPPLIES						
EQUIPMENT		55.0				
LAND & STRUCTURES						
GRANTS & CLAIMS						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>659.4</b>	<b>604.3</b>	<b>604.3</b>	<b>604.3</b>	<b>604.3</b>

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

1002 Federal Receipts						
1003 GF Match						
1004 GF	0.0	659.4	604.3	604.3	604.3	604.3
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
<b>TOTAL</b>	<b>0.0</b>	<b>659.4</b>	<b>604.3</b>	<b>604.3</b>	<b>604.3</b>	<b>604.3</b>

**POSITIONS**

FULL-TIME		3.0	3.0	3.0	3.0	3.0
PART-TIME		2.0	2.0	2.0	2.0	2.0
TEMPORARY		1.0	1.0	1.0	1.0	1.0

Estimate of current year (FY 94) cost: \$ None

**ANALYSIS:** (Attach a separate page if necessary)  
See attached analysis.

Prepared by: C. S. Christensen III, Staff Counsel  
Agency: Alaska Court System

Phone: 264-8228  
Date: 03/09/94

Approved by: Arthur H. Snowden, II, Administrative Director  
Agency: Alaska Court System

Date: 03/09/94

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Alaska Court SystemFiscal AnalysisSS HB 162Personal Services

	<u>Salary</u>	<u>Benefits</u>	<u>Total</u>
Pro Tem Judge, Anchorage Trial Courts, fully vested, PPT, 12 months	\$24,150	\$16,841	\$40,991
Pro Tem Judge, Fairbanks Trial Courts, fully vested, PPT, 6 months	12,777	8,497	21,274
Law Clerk I, Anchorage Trial Courts, range 13D, PFT	31,824	13,062	44,886
Law Clerk I, Fairbanks Trial Courts, range 13D, PFT	36,684	14,346	51,030
Law Clerk I, Anchorage Appellate Courts, range 15D, PFT	36,684	14,346	51,030
Bailiff, Statewide, range 6A, NPP, 9 months	14,318	1,417	15,735
			<u>224,946</u>

Total personal services

*Based on the fiscal note submitted by the Department of Law, the court system anticipates needing additional judicial staff to carry the workload of active judges assigned to capital offense cases. The court will use fully-vested pro tem judges, which are the least-costly judicial positions available. Additional law clerks are required for extensive legal research of motions and other legal questions. Funding is requested for a non-permanent bailiff, which will serve in the designated trial site.*

Travel

Jury sequestration costs - transportation, meals and lodging	<u>75,800</u>
6 Innocence/guilt trials with 18 jurors, 7 days in deliberation each, @ \$100 a day	

*Death penalty cases are often subject to intense media exposure, which may initiate changes in venue. High jury sequestration costs are anticipated due to lengthy deliberations.*

Contractual

Jury fees 6 Innocence/guilt trial @ 66 days each (3 months), 18 jurors @ \$25 a day	217,800
4 sentencing trials @ 22 day each (1 month), 18 jurors @\$25 a day	
Contractual security guard to staff metal detectors	10,000
Transcription fees 10 transcripts, 5,000 pages each at \$1.50 page	75,000
Freight for high security equipment kit	<u>1,000</u>
	<u>303,800</u>

Total contractual services

*The Department of Law expects to prosecute 6 capital offences each year. Capital offense trials will be split into 2 separate trials with each lasting 2 to 6 months. The court anticipates extraordinary jury costs from calling additional jurors, extended juror selection questioning, the need for alternate jurors and lengthy trials. The court anticipates high transcription costs resulting from preparation of the voluminous record for capital offense trials.*

Equipment

Standard office equipment and reference materials for law clerks	5,040
Portable high security equipment kit, consisting of a walk-through metal detector, temporary building card key system and video monitoring system. Will be shipped to trial site.	<u>50,000</u>
	<u>55,040</u>
	<u>\$659,388</u>

Total estimated costs

While the Department of Law expects prosecute only six (out of 24 possible) first degree murder cases as capital cases each year, on its face the sponsor substitute for HB 162 eliminates the department's discretion to prosecute any murder case as a non-capital case. If at some time in the future all murder cases are treated as capital cases, the costs associated with this note can be expected to quadruple.

FISCAL NOTE

BILL NO. SSHB 162

STATE OF ALASKA  
1994 LEGISLATIVE SESSION

Revision Date: January 20, 1994  
Title: "An Act authorizing capital punishment, classifying murder in the first degree as a capital felony..."  
Sponsor: Representative Sanders  
Requestor: Representative Sanders

Department Affected: Department of Law  
BRU: Prosecution  
Component: Criminal Appeals and Special Prosecution  
COMPONENT SERIAL NO. 0090

EXPENDITURES/REVENUES:

OPERATING	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
PERSONAL		427.5	780.1	1,119.1	1,119.1	1,119.1
TRAVEL		138.5	260.0	379.0	379.0	379.0
CONTRACTUAL		224.2	547.4	804.8	804.8	804.8
SUPPLIES		27.9	40.8	55.2	46.2	46.2
EQUIPMENT		49.5	43.0	43.0		
LAND &						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	867.6	1,671.3	2,401.1	2,349.1	2,349.1

CAPITAL						
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REVENUE						
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FUNDING:

1002 Federal						
1003 GF Match						
1004 GF	-0-	867.6	1,671.3	2,401.1	2,349.1	2,349.1
1005 GF/Program						
1006 GF/MHTIA						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME	-0-	7	13	19	19	19
PART-TIME						
TEMPORARY						

Estimate of current year (FY94) impact: -0-

ANALYSIS: (Attach a separate page if necessary.)  
Please see the attached analysis.

Prepared by: Richard I. Peques, Director Phone: 465-3672  
Division: Administrative Services Division Date: January 20, 1994  
Approved by Commissioner: Bruce M. Botelho, Attorney General  
Agency: Department of Law Date: January 20, 1994

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FISCAL NOTE

STATE OF ALASKA  
1994 LEGISLATIVE SESSION

BILL NO. SSHB 162

ANALYSIS CONTINUATION:

The Sponsor Substitute for HB 162 deletes the legislative findings in former Section 1; deletes former Section 11, relating to the prosecution's discretion whether to seek the death penalty; deletes hanging as a method of execution; and in other ways changes the bill so that it is nearly the same as the Senate's capital punishment bill. Execution by hanging is included in SB 127. The Department of Law's analysis of both bills concluded that the cost to the department would be substantial. The changes in the sponsor substitute do not effect the reasons for that cost, which are the additional work required to obtain a capital offense death sentence, and the work required to uphold a death sentence through a considerable appeals process. The Department of Law's last fiscal note for HB 162, dated December 21, 1993, is therefore incorporated by reference.

**FISCAL NOTE**

**STATE OF ALASKA**  
**1994 LEGISLATIVE SESSION**

**BILL NO. SSHB 162**

Revision Date: \_\_\_\_\_  
 Title: "An Act authorizing capital punishment, classifying murder..."  
 Sponsor: Representative Sanders  
 Requestor: House Judiciary

Department Affected: Administration  
 BRU: Office of Public Advocacy  
 Component: Office of Public Advocacy  
 COMPONENT SERIAL NO. 43

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
PERSONAL SERVICES	0	277.3	456.3	541.8	718.7	804.2
TRAVEL	0	35.0	72.1	74.3	76.5	78.8
CONTRACTUAL	0	533.6	649.4	813.2	931.6	1064.9
SUPPLIES	0	4.1	7.2	8.2	11.3	12.4
EQUIPMENT	0	18.8	15.0	3.7	15.0	3.7
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>868.8</b>	<b>1,200.0</b>	<b>1,441.2</b>	<b>1,753.1</b>	<b>1,964.0</b>

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

1002 Federal Receipts	0	0	0	0	0	0
1003 GF Match	0	0	0	0	0	0
1004 GF	0	868.8	1200.0	1441.2	1753.1	1964.0
1005 GF/Program Receipts	0	0	0	0	0	0
1006 GF/MHTIA	0	0	0	0	0	0
OTHER	0	0	0	0	0	0
<b>TOTAL</b>	<b>0.0</b>	<b>868.8</b>	<b>1,200.0</b>	<b>1,441.2</b>	<b>1,753.1</b>	<b>1,964.0</b>

Estimate of any current year (FY 94) cost: \$ 0

POSITIONS:

FULL-TIME	0	4	7	8	11	12
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

ANALYSIS: (Attach a separate page if necessary.)  
 See Attached.

Prepared by: Brant McGee, Public Advocate  
 Division: Office of Public Advocacy

Phone: 274-1684  
 Date: \_\_\_\_\_

Approved by Commissioner: Nancy Bear Usery  
 Agency: Department of Administration

Date: 1/25/94

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## FISCAL NOTE

BILL NO. SSHB 162

STATE OF ALASKA  
1994 LEGISLATIVE SESSION

### ANALYSIS: (continued)

Passage of death penalty legislation would have a dramatic fiscal impact on the Office of Public Advocacy (OPA). The Office of Public Advocacy as a purely reactive agency, must provide legal representation when appointed by the court. OPA is responsible for providing representation to indigent criminal defendants in cases where the Alaska Public Defender Agency has a conflict of interest.

The Department of Law has estimated it would seek the death penalty in approximately six cases annually. Therefore OPA anticipates it would be responsible for two capital cases in FY 96 and two more in each of the following years. Because almost no one in Alaska could afford the cost of defending a capital cases, it is assumed the Public Defender Agency and the OPA would represent all capital defendants.

The agency would assign at least two experienced attorneys to each capital case in accordance with the policy--and legal requirement--of most states in which the death penalty has become law. Each case will necessitate an exhaustive pre-trial investigation, contracts with numerous expert witnesses, and extensive litigation of legal issues during pre-trial proceedings, trial and the many appellate stages.

The New York Defender Association has estimated expert witness fees as \$60,000 per case. Further, travel costs would be extraordinarily high because this Anchorage-based death penalty team must provide statewide representation.

It is anticipated that OPA would have to contract for representation of at least one death penalty case per year. Such a case would arise where OPA has a conflict of interest. The New York Defender Association has estimated the cost of defense services in each case to be \$350,000 in 1988. The cost in Alaska would probably be significantly higher.

Death penalty cases will accumulate in the agency each year. It is highly likely that each case that comes into the office will remain its responsibility for at least 8-10 years.

In FY 97, the first year in which actual death penalty trials will probably occur, OPA costs rise because of the addition of an appellate attorney, and support personnel including an associate attorney (nonlawyer) position, a paralegal, and a legal secretary. In FY 98, an additional trial attorney position would be needed to support the initial two-trial positions created in FY 96.

In FY 99, the death penalty defense staff would need to be enlarged by at least one attorney, to supplement the efforts of the appellate lawyer added in FY 97, together with an additional paralegal and legal secretary. In FY 00, the defense would be enlarged by an additional trial attorney position whose workload hopefully would be absorbed by the existing support staff.

OPA assumes that it will have only one or less conflict case per year. For this reason, the accumulating appellate costs are conservatively estimated as an additional \$100.0 per year.

Finally, even though OPA assumes the addition of only two cases per year, the costs associated with the accumulation of cases can be expected to more than double at least every three years. There is little doubt that, within ten years of the adoption of the death penalty in Alaska, OPA costs for the defense of these relatively few cases would surpass its FY 94 budget of \$6,468 for nearly 10,000 cases.

FISCAL NOTE

STATE OF ALASKA  
1994 LEGISLATIVE SESSION

BILL NO. SSHB 162

FISCAL ANALYSIS--FY 96

Personal Services

Anchorage

Attorney V Salary and Benefits + 3%	\$ 90.9
Attorney IV Salary and Benefits + 3%	85.5
Associate Attorney II Salary and Benefits + 3%	62.9
Legal Secretary I Salary and Benefits + 3%	<u>38.0</u>

Subtotal Personal Services \$277.3

Travel

Necessary travel for court hearings, investigation, expert witnesses, etc. 35.0

Contractual

Additional office space for four positions in Anchorage.	13.4
Expert witness fees based on two cases per year at \$61,800 per case.	123.6
Contract representation for one case per year where OPA has a conflict of interest at \$385,000 per case + 3%.	<u>396.6</u>

Subtotal Contractual \$533.6

Supplies

Stationary, library and office supplies for four new positions at \$1,000 per position + 3%. 4.1

Equipment

Office furniture and equipment for three professional positions at \$3,635 each and one legal secretary at \$7,369 + 3%. 18.8

Total FY 96 \$868.8

**FISCAL NOTE**

**STATE OF ALASKA  
1994 LEGISLATIVE SESSION**

BILL NO. SSHB 162

**FISCAL ANALYSIS--FY 97**

**Personal Services**

Anchorage

Salary and Benefits for 4 current positions \$ 277.3

Attorney IV

Salary and Benefits + 3% 85.5

Paralegal Assistant II

Salary and Benefits + 3% 53.4

Legal Secretary II

Salary and Benefits + 3% 40.1

**Subtotal Personal Services \$ 456.3**

**Travel**

Necessary travel for court hearings, investigation, expert witnesses, etc. 72.1

**Contractual**

Office space for four current positions and three new positions. 22.5

Expert witness fees based on two cases per year at \$61,800 per case + 3%. 127.3

Contract representation for one case where OPA has a conflict of interest. 499.6

**Subtotal Contractual Services \$ 649.4**

**Supplies**

Stationary, library and office supplies for seven positions. 7.2

**Equipment**

Office furniture and equipment for two professional positions and one legal secretary. 15.0

**Total FY 97 \$1,200.0**

FISCAL NOTE

STATE OF ALASKA  
1994 LEGISLATIVE SESSION

BILL NO. SSHB 162

FISCAL ANALYSIS--FY 97

Personal Services

Anchorage

Salary and Benefits for 4 current positions \$ 277.3

Attorney IV  
Salary and Benefits + 3% 85.5

Paralegal Assistant II  
Salary and Benefits + 3% 53.4

Legal Secretary II  
Salary and Benefits + 3% 40.1

Subtotal Personal Services \$ 456.3

Travel

Necessary travel for court hearings, investigation, expert witnesses, etc. 72.1

Contractual

Office space for four current positions and three new positions. 22.5

Expert witness fees based on two cases per year at \$61,800 per case + 3%. 127.3

Contract representation for one case where OPA has a conflict of interest. 499.6

Subtotal Contractual Services \$ 649.4

Supplies

Stationary, library and office supplies for seven positions. 7.2

Equipment

Office furniture and equipment for two professional positions and one legal secretary. 15.0

Total FY 97 \$1,200.0

FISCAL NOTE

STATE OF ALASKA  
1994 LEGISLATIVE SESSION

BILL NO. SSHB 162

FISCAL ANALYSIS--FY 98

Personal Services

Anchorage

Salary and Benefits for 7 current positions \$ 456.3

Attorney IV  
Salary and Benefits + 3% 85.5

Subtotal Personal Services \$ 541.8

Travel

Necessary travel for court hearings, investigation, expert witnesses, etc. 74.3

Contractual

Office space for seven current positions and one new position in Anchorage. 25.2

Expert witness fees based on three cases per year. 185.4

Contract representation for one case where OPA has a conflict of interest  
and appeal work on previous cases. 602.6

Subtotal Contractual Services \$ 813.2

Supplies

Stationary, library and office supplies for eight positions. 8.2

Equipment

Office furniture and equipment for one new professional position. 3.7

Total FY 98 \$1,441.2

FISCAL NOTE

STATE OF ALASKA  
1994 LEGISLATIVE SESSION

BILL NO. SSHB 162

FISCAL ANALYSIS--FY 99

Personal Services

Anchorage

Salary and Benefits for 8 current positions \$ 541.8

Attorney IV  
Salary and Benefits + 3% 85.5

Paralegal Assistant II  
Salary and Benefits + 3% 53.4

Legal Secretary I  
Salary and Benefits + 3% 38.0

Subtotal Personal Services \$ 718.7

Travel

Necessary travel for court hearings, investigation, expert witnesses, etc. 76.5

Contractual

Office space for eight current position and three new positions. 35.0

Expert witness fees based on three cases per year. 191.0

Contract representation for one case where OPA has a conflict of interest  
and appeal work on previous cases. 705.6

Subtotal Contractual Services \$ 931.6

Supplies

Stationary, library and office supplies for eleven positions. 11.3

Equipment

Office furniture and equipment for two new professional positions and  
one new clerical position. 15.0

Total FY 99 \$1,753.1

FISCAL NOTE

STATE OF ALASKA  
1994 LEGISLATIVE SESSION

BILL NO. SSHB 162

FISCAL ANALYSIS--FY 00

Personal Services

Anchorage

Salary and Benefits for 11 current positions \$ 718.7

Attorney IV

Salary and Benefits + 3% 85.5

Subtotal Personal Services \$ 804.2

Travel

Necessary travel for court hearings, investigation, expert witnesses, etc. 78.8

Contractual

Office space for eleven current positions and one new position. 38.4

Expert witness fees based on three cases per year. 196.7

Contract representation for one case where OPA has a conflict of interest  
and appeal work on previous cases. 829.8

Subtotal Contractual Services \$1,064.9

Supplies

Stationary, library and office supplies for twelve positions. 12.4

Equipment

Office furniture and equipment for one new professional position. 3.7

Total FY 00 \$1,964.0

Position Title Attorney V		No. of Positions 1	Range / Step 25/A	Barg. Unit PX
Time Status PFT	Staff Months 12	Location EBA-Anchorage		Election District 8
TYPE OF EXPENDITURE		AMOUNT		
Salary		67.3		
Benefits		23.6		
Premium Pay				
Other				
Total Personal Services		90.9	90.9	
Travel				
Contractual				
Commodities				
Equipment				
Other				
Total Cost			90.9	
FUNDING SOURCE FOR TOTAL COST				
Federal Receipts	1002			
G.F. Match	1003			
General Fund	1004		90.9	
I-A Receipts	1007			
CIP Receipts	1061			
Other				
Justification				
<p>This position would be the lead attorney of the death penalty team consisting of an additional lawyer, an associate attorney and a legal secretary. The position is required to supplement the current attorney staff which falls short of LEAA national caseload standards.</p> <p>This position would be responsible for supervising the attorney and associate attorney, the preparation of all pretrial and trial motions, and the filing of appeals in State and federal court. The requirement of extensive court hearings and a lengthy trial in each case will necessitate that this position be assigned exclusively to death penalty cases.</p>				

8/leg94/13/hb162p8.kp

## Request For New Position

AGENCY ADMINISTRATION

BRU OFFICE OF PUBLIC ADVOCACY

COMPONENT OFFICE OF PUBLIC ADVOCACY

FY 95

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Revised Date: \_\_\_\_\_

Position Title Attorney IV		No. of Positions 1	Range / Step 24/A	Barg. Unit PX
Time Status PFT	Staff Months 12	Location EBA-Anchorage		Election District 8
TYPE OF EXPENDITURE		AMOUNT		
Salary	62.8			
Benefits	22.7			
Premium Pay				
Other				
Total Personal Services	85.5	85.5		
Travel				
Contractual				
Commodities				
Equipment				
Other				
Total Cost		85.5		
FUNDING SOURCE FOR TOTAL COST				
Federal Receipts	1002			
G.F. Match	1003			
General Fund	1004	85.5		
I-A Receipts	1007			
CIP Receipts	1061			
Other				
Justification This position will act as co-counsel to the Attorney V position in all death penalty cases. As part of the death penalty team, this position will prepare motions, interview witnesses, write appellate briefs and assist the lead attorney in conducting the guilt and penalty phases of all death penalty cases. Two attorneys are required for each case in order to share the enormous workload and to assure effective representation of the accused.				

8/leg94/13/hb162p9.kp

## Request For New Position

AGENCY ADMINISTRATION  
 BRU OFFICE OF PUBLIC ADVOCACY  
 COMPONENT OFFICE OF PUBLIC ADVOCACY

FY 95

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 Revised Date: \_\_\_\_\_

Position Title Associate Attorney II		No. of Positions 1	Range / Step 19/A	Barg. Unit PX
Time Status PFT	Staff Months 12	Location EBA-Anchorage		Election District 8
TYPE OF EXPENDITURE		AMOUNT		
Salary	45.0	<b>Justification</b> This position will perform all investigative duties in death penalty cases. Extensive experience in all areas of criminal investigation will be required to assure that defendants facing execution receive a thorough and effective investigation. This position will interview witnesses, examine the crime scene and all physical evidence, arrange transportation, serve subpoenas, follow-up and review the prosecution investigation and coordinate witness testimony.  The Office of Public Advocacy contracts out investigation work. It is anticipated that this position will work full-time on death penalty cases.		
Benefits	17.9			
Premium Pay				
Other				
Total Personal Services	62.9			
Travel				
Contractual				
Commodities				
Equipment				
Other				
Total Cost	62.9			
FUNDING SOURCE FOR TOTAL COST				
Federal Receipts	1002			
G.F. Match	1003			
General Fund	1004	62.9		
I-A Receipts	1007			
CIP Receipts	1061			
Other				

8/leg94/13/hb162p10.kp

# Request For New Position

AGENCY ADMINISTRATION  
BRU OFFICE OF PUBLIC ADVOCACY  
COMPONENT OFFICE OF PUBLIC ADVOCACY

FY 95

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Revised Date: \_\_\_\_\_

Position Title Legal Secretary I		No. of Positions 1	Range / Step 10/A	Barg. Unit G	
Time Status PFT	Staff Months 12	Location EBA-Anchorage		Election District 8	
TYPE OF EXPENDITURE		AMOUNT			
Salary	25.5	<b>Justification</b> The Anchorage office of Office of Public Advocacy (OPA) is presently staffed with three legal secretaries who provide clerical support to 12 professional positions. The addition of two attorneys and one associate attorney will increase the Anchorage clerical workload dramatically. The complex issues involved in death penalty cases and the length of each case through sentencing and appeal necessitates the addition of a legal secretary to handle the increased workload.			
Benefits	12.5				
Premium Pay					
Other					
<b>Total Personal Services</b>	<b>38.0</b>				<b>38.0</b>
Travel					
Contractual					
Commodities					
Equipment					
Other					
<b>Total Cost</b>		<b>38.0</b>			
<b>FUNDING SOURCE FOR TOTAL COST</b>					
Federal Receipts	1002				
G.F. Match	1003				
General Fund	1004	38.0			
I-A Receipts	1007				
CIP Receipts	1061				
Other					

8/leg94/13/hb162p11.kp

# Request For New Position

AGENCY ADMINISTRATION  
BRU OFFICE OF PUBLIC ADVOCACY  
COMPONENT OFFICE OF PUBLIC ADVOCACY

FY 95

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Revised Date: \_\_\_\_\_

Position Title Attorney IV		No. of Positions 1	Range / Step 24/A	Barg. Unit PX	
Time Status PFT	Staff Months 12	Location EBA-Anchorage		Election District 8	
TYPE OF EXPENDITURE		AMOUNT			
Salary	62.8	<b>Justification</b> This position will act as appellate attorney exclusively for death penalty appeals. As part of the death penalty team, this position will review all transcripts, testimony and evidence presented during trial and sentencing. This attorney will be responsible for formulating and researching appeal points, briefing and arguing appeals on death penalty cases in both State and federal courts.			
Benefits	22.7				
Premium Pay					
Other					
<b>Total Personal Services</b>	<b>85.5</b>				<b>85.5</b>
Travel					
Contractual					
Commodities					
Equipment					
Other					
<b>Total Cost</b>		<b>85.5</b>			
<b>FUNDING SOURCE FOR TOTAL COST</b>					
Federal Receipts	1002				
G.F. Match	1003				
General Fund	1004	85.5			
I-A Receipts	1007				
CIP Receipts	1061				
Other					

8/leg94/13/hb162p12.kp

## Request For New Position

AGENCY ADMINISTRATION  
BRU OFFICE OF PUBLIC ADVOCACY  
COMPONENT OFFICE OF PUBLIC ADVOCACY

FY 95

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Position Title Paralegal Assistant II		No. of Positions 1	Range / Step 16/A	Barg. Unit G
Time Status PFT	Staff Months 12	Location EBA-Anchorage		Election District 8
TYPE OF EXPENDITURE		AMOUNT		
Salary		37.5		
Benefits		15.9		
Premium Pay				
Other				
Total Personal Services		53.4	53.4	
Travel				
Contractual				
Commodities				
Equipment				
Other				
Total Cost			53.4	
FUNDING SOURCE FOR TOTAL COST				
Federal Receipts	1002			
G.F. Match	1003			
General Fund	1004		53.4	
I-A Receipts	1007			
CIP Receipts	1061			
Other				
Justification This paralegal assistant position will be assigned exclusively to the death penalty team. This position will be responsible for assisting the appellate attorney in research, writing and coordinating death penalty appeals in both State and federal courts.				

8/leg94/13/hb162p13.kp

# Request For New Position

AGENCY ADMINISTRATION  
 BRU OFFICE OF PUBLIC ADVOCACY  
 COMPONENT OFFICE OF PUBLIC ADVOCACY

FY 95

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Position Title Legal Secretary II		No. of Positions 1	Range / Step 11/A	Barg. Unit G	
Time Status PFT	Staff Months 12	Location EBA-Anchorage		Election District 8	
TYPE OF EXPENDITURE		AMOUNT			
Salary	27.2	Justification The addition of an appeal attorney and paralegal assistant to the death penalty team necessitates the addition of a legal secretary. This Legal Secretary II position will directly supervise the Legal Secretary I in addition to providing clerical support to the five professional positions working on death penalty cases.			
Benefits	12.9				
Premium Pay					
Other					
Total Personal Services	40.1				40.1
Travel					
Contractual					
Commodities					
Equipment					
Other					
Total Cost		40.1			
FUNDING SOURCE FOR TOTAL COST					
Federal Receipts	1002				
G.F. Match	1003				
General Fund	1004		40.1		
I-A Receipts	1007				
CIP Receipts	1061				
Other					

8/leg94/13/hb162p14.kp

## Request For New Position

AGENCY ADMINISTRATION  
 BRU OFFICE OF PUBLIC ADVOCACY  
 COMPONENT OFFICE OF PUBLIC ADVOCACY

FY 95

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 Revised Date: \_\_\_\_\_

Position Title Attorney IV		No. of Positions 1	Range / Step 24/A	Barg. Unit PX
Time Status PFT	Staff Months 12	Location EBA-Anchorage		Election District 8
TYPE OF EXPENDITURE		AMOUNT		
Salary		62.8		
Benefits		22.7		
Premium Pay				
Other				
Total Personal Services		85.5	85.5	
Travel				
Contractual				
Commodities				
Equipment				
Other				
Total Cost			85.5	
FUNDING SOURCE FOR TOTAL COST				
Federal Receipts	1002			
G.F. Match	1003			
General Fund	1004		85.5	
I-A Receipts	1007			
CIP Receipts	1061			
Other				
Justification The accumulation of pending trials for death penalty cases and new cases filed necessitates the addition of another trial lawyer to the death penalty team. This position will act as co-counsel to the other two attorneys assigned death penalty cases. This position will prepare motions, interview witnesses, and assist the lead attorney in conducting the guilt and penalty phases of death penalty cases.				

8/leg94/13/hb162p15.kp

# Request For New Position

AGENCY ADMINISTRATION  
 BRU OFFICE OF PUBLIC ADVOCACY  
 COMPONENT OFFICE OF PUBLIC ADVOCACY

FY 95

Page 15 of 19  
 Revised Date: \_\_\_\_\_

Position Title Attorney IV		No. of Positions 1	Range / Step 24/A	Barg. Unit PX	
Time Status PFT	Staff Months 12	Location EBA-Anchorage		Election District 8	
TYPE OF EXPENDITURE		AMOUNT			
Salary	62.8	<b>Justification</b> The accumulation of pending appeals and new appeals filed in death penalty cases necessitates the addition of another lawyer to handle appeals exclusively in death penalty cases. This position will be responsible for reviewing all trial and sentencing transcripts, formulating appeal points, research, writing and arguing appeals on death penalty cases in both State and federal courts.			
Benefits	22.7				
Premium Pay					
Other					
Total Personal Services	85.5				85.5
Travel					
Contractual					
Commodities					
Equipment					
Other					
Total Cost		85.5			
FUNDING SOURCE FOR TOTAL COST					
Federal Receipts	1002				
G.F. Match	1003				
General Fund	1004	85.5			
I-A Receipts	1007				
CIP Receipts	1061				
Other					

8/leg94/13/hb162p16.kp

# Request For New Position

AGENCY ADMINISTRATION  
 BRU OFFICE OF PUBLIC ADVOCACY  
 COMPONENT OFFICE OF PUBLIC ADVOCACY

FY 95

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 Revised Date: \_\_\_\_\_

Position Title Paralegal Assistant II		No. of Positions 1	Range / Step 16/A	Barg. Unit G
Time Status PFT	Staff Months 12	Location EBA-Anchorage		Election District 8
TYPE OF EXPENDITURE		AMOUNT		
Salary		37.5		
Benefits		15.9		
Premium Pay				
Other				
Total Personal Services		53.4	53.4	
Travel				
Contractual				
Commodities				
Equipment				
Other				
Total Cost			53.4	
FUNDING SOURCE FOR TOTAL COST				
Federal Receipts	1002			
G.F. Match	1003			
General Fund	1004		53.4	
I-A Receipts	1007			
CIP Receipts	1061			
Other				
Justification The addition of a trial attorney in FY 98 and an appeal attorney in FY 99 necessitates the addition of another paralegal assistant position. This position would be responsible for assisting both the trial attorneys and appeal attorneys in research and writing legal motions and briefs in death penalty cases. In addition, this position may also handle witness coordination for death penalty trials and sentencing.				

8/leg94/13/hb162p17.kp

# Request For New Position

AGENCY ADMINISTRATION  
 BRU OFFICE OF PUBLIC ADVOCACY  
 COMPONENT OFFICE OF PUBLIC ADVOCACY

FY 95

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Position Title Legal Secretary I		No. of Positions 1	Range / Step 10/A	Barg. Unit G	
Time Status PFT	Staff Months 12	Location EBA-Anchorage		Election District 8	
TYPE OF EXPENDITURE		AMOUNT			
Salary	25.5	<b>Justification</b> The addition of a trial attorney in FY 98 and an appeal attorney and paralegal assistant in FY 99 necessitates the addition of another legal secretary to handle the clerical workload of these professional positions. The death penalty team now consists of eight professional positions working exclusively on death penalty cases. The complex nature of these cases and length through the appeal process in both State and federal court warrants the addition of another clerical position.			
Benefits	12.5				
Premium Pay					
Other					
<b>Total Personal Services</b>	<b>38.0</b>				<b>38.0</b>
Travel					
Contractual					
Commodities					
Equipment					
Other					
<b>Total Cost</b>					
<b>FUNDING SOURCE FOR TOTAL COST</b>		<b>38.0</b>			
Federal Receipts	1002				
G.F. Match	1003				
General Fund	1004	38.0			
I-A Receipts	1007				
CIP Receipts	1061				
Other					

8/leg94/13/hb162p18.kp

# Request For New Position

AGENCY: ADMINISTRATION  
BRU: OFFICE OF PUBLIC ADVOCACY  
COMPONENT: OFFICE OF PUBLIC ADVOCACY

FY 95

Page 18 of 19  
Revised Date: \_\_\_\_\_

Position Title Attorney IV		No. of Positions 1	Range / Step 24/A	Barg. Unit PX	
Time Status PFT	Staff Months 12	Location EBA-Anchorage		Election District 8	
TYPE OF EXPENDITURE		AMOUNT			
Salary	62.8	<b>Justification</b> The accumulation of pending trials for death penalty cases and new cases filed necessitates the addition of another trial lawyer to the death penalty team. This position will act as co-counsel to the other two attorneys assigned death penalty cases. This position will prepare motions, interview witnesses, and assist the lead attorney in conducting the guilt and penalty phases of death penalty cases.			
Benefits	22.7				
Premium Pay					
Other					
<b>Total Personal Services</b>	<b>85.5</b>				<b>85.5</b>
Travel					
Contractual					
Commodities					
Equipment					
Other					
<b>Total Cost</b>		<b>85.5</b>			
FUNDING SOURCE FOR TOTAL COST					
Federal Receipts	1002				
G.F. Match	1003				
General Fund	1004	85.5			
I-A Receipts	1007				
CIP Receipts	1061				
Other					

8/leg94/13/hb162p19.kp

# Request For New Position

AGENCY ADMINISTRATION  
 BRU OFFICE OF PUBLIC ADVOCACY  
 COMPONENT OFFICE OF PUBLIC ADVOCACY

FY 95

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 Revised Date: \_\_\_\_\_

**FISCAL NOTE**

**STATE OF ALASKA**  
**1994 LEGISLATIVE SESSION**

**BILL NO. SSHB 162**

Revision Date: \_\_\_\_\_

Department Affected: Administration

Title: "An Act authorizing capital punishment . . ."

BRU: Public Defender Agency

Sponsor: Sanders

Component: Public Defender Agency

Requestor: House Judiciary

COMPONENT SERIAL NO. 1631

**EXPENDITURES/REVENUES:**

(Thousands of Dollars)

OPERATING	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
PERSONAL SERVICES	0	654.1	916.7	1314.8	1314.8	1314.8
TRAVEL	0	50.0	70.0	80.0	90.0	90.0
CONTRACTUAL	0	170.0	328.5	499.1	599.1	599.1
SUPPLIES	0	25.0	40.0	48.0	56.0	56.0
EQUIPMENT	0	30.0	15.0	15.0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
<b>TOTAL OPERATING</b>	<b>0</b>	<b>929.1</b>	<b>1,370.2</b>	<b>1,956.9</b>	<b>2,059.9</b>	<b>2,059.9</b>

CAPITAL EXPENDITURES	0	0	0	0	0	0
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CHANGE IN REVENUES ( )	0	0	0	0	0	0
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**FUNDING SOURCE:**

(Thousands of Dollars)

1002 Federal Receipts	0	0	0	0	0	0
1003 GF Match	0	0	0	0	0	0
1004 GF	0	929.1	1370.2	1956.9	2059.9	2059.9
1005 GF/Program Receipts	0	0	0	0	0	0
1006 GF/MHTIA	0	0	0	0	0	0
OTHER	0	0	0	0	0	0
<b>TOTAL</b>	<b>0</b>	<b>929.1</b>	<b>1370.2</b>	<b>1956.9</b>	<b>2059.9</b>	<b>2059.9</b>

Estimate of any current year (FY 94) cost: \$ -0-

**POSITIONS:**

FULL-TIME	0	10.0	14.0	20.0	20.0	20.0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

ANALYSIS: (Attach a separate page if necessary.)

See attached.

\* Using FY 95 salary schedule with no increases factored in.

Prepared by: John B. Salemi, Public Defender  
 Division: Public Defender Agency

Phone: 264-4400  
 Date: \_\_\_\_\_

Approved by Commissioner: Nancy Bear Usera, Commissioner  
 Agency: Department of Administration

Date: 1/25/94

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## FISCAL NOTE

STATE OF ALASKA  
1994 LEGISLATIVE SESSION

BILL NO. SSHB 162

ANALYSIS: (continued)

### Introduction

This bill authorizes capital punishment for the crime of Murder in the First Degree if certain attendant aggravating factors are found to exist and are established by competent evidence. Prosecution is given discretion whether to seek the death penalty in a given case.

The capital caseload of the Public Defender Agency will be a direct function of the number of murder cases prosecuted in the state combined with prosecutorial decisions to seek the death penalty. As such the Public Defender Agency's fiscal analysis is premised on projections made by the Department of Law in its fiscal analysis of SSHB 162. In 1993 the Department of Law indicated it had 15 murder cases where the death penalty could have been sought. Because the number of murders can vary significantly from year to year predicting actual number of cases is difficult. It is not difficult, however, to predict fiscal impact for this agency in that once the death penalty becomes law the concept of "super due process", established by the U.S. Supreme Court, necessitates that highly capable lawyers and support staff be in place to handle any and all cases of this nature.

### Fiscal Impact

Passage of this death penalty legislation will have an undeniably significant impact on the entire criminal justice system, including but not limited to the courts, corrections, prosecution, public counsel services and other related entities. Death penalty cases require greater due process safeguards than do non-capital cases. This is obviously a consequence of the severity and finality of a death sentence as well as the potential for killing an innocent person by mistake. It must be understood that the criminal justice system is an imperfect process based on the combination of law and human judgment. Some percentage of error is built into this system. In non-death cases the system stands ready to correct those mistakes when and where they become known. An execution following a death penalty case can never be corrected. It is for these reasons so much care must be taken to defend individuals accused in capital cases. Providing "super due process" translates into adequate attorney resources, support resources, expert and consultation monies, funds for appealing death penalty convictions and other attendant expenses. A commonly accepted estimate for expert witness fees alone in a death penalty case is \$60,000. It is not unusual for a death penalty case to remain in the court system, litigated by the parties, for a period of up to ten years. This is a result of the extensive appellate work which is routinely done in each death penalty case following conviction. Following are the procedures which are typically followed by defense counsel after a trial and sentencing:

1. Motion to modify/reconsider before state trial judge;
2. Mandatory appeal of conviction and sentence to Alaska Supreme Court;
3. Writ of certiorari to the United States Supreme Court;
4. Post-conviction relief proceedings in state court;
5. Appeal of unsuccessful post-conviction relief proceedings to the Court of Appeals;
6. Petition for hearing of post-conviction relief proceeding denial to the Alaska Supreme Court;
7. Petition for writ of habeas corpus in Federal District Court;
8. Appeal to the United States Court of Appeals if writ unsuccessful;
9. Rehearing in the United States Court of Appeals;
10. Writ of certiorari to the United States Court of Appeals;
11. Request for clemency/commutation to Executive Branch of government;
12. Emergency stays to the United States Supreme Court prior to execution.

## FISCAL NOTE

STATE OF ALASKA  
1994 LEGISLATIVE SESSION

BILL NO. SSHB 162

### Breakdown of Fiscal Impact

1. Personal Services. Given the complexity and intensity of effort involved in each death penalty trial and penalty hearing, many states require by statute that a minimum of two defense attorneys take up representation of the accused in death penalty matters. Both the state District Attorney and the Office of Public Advocacy contemplate such a policy for their respective agencies. The Public Defender will follow this prudent course, whether established by statute or internal policy. Assuming that the Public Defender Agency handles between four and six capital cases per year, death penalty teams will be established in its two largest offices; Anchorage and Fairbanks. A trial team in each of these offices will be established the first year. The second year an appellate team will be placed in Anchorage. (Please note that unlike the Department of Law, the Public Defender Agency has no equivalent to the Office of Special Prosecutions and Appeals). The appellate team will not be needed until the second year following enactment of the death penalty because it is not expected that an appeal would be 'ripe' until that time. Obviously adequate support staff, to include paralegals, investigators and secretaries, will be necessary.

2. Travel and Contractual. Travel expenses will be necessarily high in that a team approach is being taken by this agency. These teams will have to travel to locations where the crime occurred and trial is being held. Travel expenses are higher in Alaska because of the geography of the state, the lack of surface roads and the high cost of air travel.

Contractual expenditures for expert witnesses will be significant. As the Department of Law points out in their 1993 fiscal note 'recent costs studies of capital trials in other states indicate that expert witnesses for both the trial and sentencing proceedings cost about \$60,000, on the average'. This estimate is consistent with the research by the Public Defender Agency on this issue. In addition there will be expert witness costs for the appellate work done following trial, conviction and sentence to death. These costs can be as high as the expert witness fees incurred during trial.

3. Supplies and Equipment. These expenses naturally accrue when additional staff are required. Estimates which follow are conservative projections without consideration of inflationary factors.

### Conclusion

Due to the accrual of cases from year to year once implementation of the death penalty occurs, expenses could greatly exceed that anticipated in this fiscal analysis. This agency has no control over the trend of homicide crimes nor the discretion which will be exercised by the prosecution in seeking the death penalty. There is the real likelihood that additional staff will have to be added to this agency beyond the third year of implementation of the capital crime law.

FISCAL NOTE

STATE OF ALASKA  
1994 LEGISLATIVE SESSION

BILL NO. SSHB 162

Fiscal Impact--FY 96

Personal Services (100 Line) \*

Anchorage

Attorney V  
Salary & Benefits \$ 90.8

Attorney IV  
Salary & Benefits \$ 83.1

Paralegal Assistant II  
Salary & Benefits \$ 51.8

Investigator II  
Salary & Benefits \$ 51.8

Legal Secretary I  
Salary & Benefits \$ 36.9

Fairbanks

Attorney V  
Salary & Benefits \$100.2

Attorney IV  
Salary & Benefits \$ 94.0

Paralegal Assistant II  
Salary & Benefits \$ 53.7

Investigator II  
Salary & Benefits \$ 53.7

Legal Secretary I  
Salary & Benefits \$ 38.1

SUBTOTAL \$654.1

Travel (200 Line)

Death penalty teams will travel to appropriate venue for all relevant hearings. Travel includes that of staff, witnesses, expert witnesses, etc.

SUBTOTAL \$ 50.0

\* Using FY 95 salary schedule with no increases factored in.

FISCAL NOTE

STATE OF ALASKA  
1994 LEGISLATIVE SESSION

BILL NO. SSHB 162

Contractual (300 Line)

Expert witness fees based on two cases for FY 95 at 60.0 per case	\$120.0	
Additional office space for death penalty staff in Anchorage and Fairbanks P.D. offices	\$ 21.0	
Communications	\$ 10.0	
Printing	\$ 4.0	
Depositions	\$ 10.0	
Westlaw	<u>\$ 5.0</u>	
	SUBTOTAL	\$ 170.0

Supplies (400 Line)

Office consumables	\$ 5.0	
Law library	\$ 10.0	
New position supplies	<u>\$ 10.0</u>	
	SUBTOTAL	\$ 25.0

Equipment (500 Line)

Office furniture and equipment, pc/word processing, etc. (one time)		<u>\$ 30.0</u>
	TOTAL FY 96	\$ 929.1

## FISCAL NOTE

STATE OF ALASKA  
1994 LEGISLATIVE SESSION

BILL NO. SSHB 162

### Fiscal Impact--FY 97

(These costs are in addition to FY 96 costs which will be carried over from year to year.)

#### Personal Services (100 Line)

##### Anchorage

##### Appellate Team

Attorney V Salary & Benefits	\$ 90.8	
Attorney IV Salary & Benefits	\$ 83.1	
Paralegal Assistant II Salary & Benefits	\$ 51.8	
Legal Secretary I Salary & Benefits	<u>\$ 36.9</u>	
	SUBTOTAL	\$262.6

#### Travel (200 Line)

Staff travel, expert travel and per diem.	\$ 20.0	
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#### Contractual (300 Line)

Expert witness fees based on two cases for FY 96	\$120.0	
Office space for Anchorage appellate team (See above)	\$ 10.0	
Communications	\$ 10.0	
Depositions	\$ 5.0	
Document production	\$ 5.0	
Westlaw	<u>\$ 8.0</u>	
	SUBTOTAL	\$ 158.5

FISCAL NOTE

STATE OF ALASKA  
1994 LEGISLATIVE SESSION

BILL NO. SSHB 162

Supplies (400 Line)

Office consumables	\$ 3.0	
Law library	\$ 2.0	
New position supplies	<u>\$ 10.0</u>	
		SUBTOTAL \$ 15.0

Equipment (500 Line)

New position equipment (one time)		\$ 15.0
	SUBTOTAL FY 97	\$ 471.1

FY 96 CONTINUING COSTS	<u>\$ 899.1</u>
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TOTAL FY 97 EXPENDITURES	\$1370.2
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FISCAL NOTE

STATE OF ALASKA  
1994 LEGISLATIVE SESSION

BILL NO. SSHB 162

Fiscal Impact--FY 98

(These costs are in addition to FY 96-97 costs which will be carried over from year to year.)

Personal Services (100 Line)

Anchorage

Attorney V (Additional death penalty trial attorney)  
Salary & Benefits \$ 90.8

Legal Secretary I  
Salary & Benefits \$ 36.9

Fairbanks

Attorney V (Additional death penalty trial attorney)  
Salary & Benefits \$100.2

Attorney IV (Additional lawyer for death penalty appellate work)  
Salary & Benefits \$ 94.0

Legal Secretary I (Trial support)  
Salary & Benefits \$ 38.1

Legal Secretary I (Appellate support)  
Salary & Benefits \$ 38.1

SUBTOTAL \$398.1

Travel (200 Line)

Staff travel, expert travel and per diem. \$ 10.0

Contractual (300 Line)

Expert witness fees based on trial and  
appellate cases for FY 97 \$120.0

Additional office space for new staff \$ 17.6

Communications \$ 10.0

Depositions \$ 10.0

Document production \$ 5.0

Westlaw \$ 8.0

SUBTOTAL \$ 170.6

FISCAL NOTE

STATE OF ALASKA  
1994 LEGISLATIVE SESSION

BILL NO. SSHB 162

Supplies (400 Line)

Office consumables	\$ 3.0	
New position supplies	<u>\$ 5.0</u>	
	SUBTOTAL	\$ 8.0

Equipment (500 Line)

New position equipment (one time)	\$ 15.0	<u>\$ 15.0</u>
	SUBTOTAL FY 98	\$ 601.7

	FY 97 CONTINUING COSTS	<u>\$1355.2</u>
	TOTAL FY 98 EXPENDITURES	\$1956.9

Fiscal Impact--FY 99

(These costs are in addition to FY 96-97-98 costs which will be carried over from year to year.)

<u>Personal Services (100 Line)</u>	-0-
-------------------------------------	-----

Travel (200 Line)

Death penalty teams will travel to appropriate venue for all relevant hearings. Travel includes that of staff, witnesses, expert witnesses, etc.	\$ 10.0
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Contractual (300 Line)

Expert witness fees, office space, communications, Westlaw, etc	\$100.0
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Supplies (400 Line)

Office, law library	<u>\$ 8.0</u>	
	SUBTOTAL FY 99	\$ 118.0

	FY 98 CONTINUING COSTS	<u>\$1941.9</u>
	TOTAL FY 99 EXPENDITURES	\$2059.9

Position Title Attorney V		No. of Positions 2	Range / Step 25/A	Barg. Unit PX
Time Status PFT	Staff Months 24.0	Location EBA - JBA		Election District 7 - 20
TYPE OF EXPENDITURE		AMOUNT	Justification  Two death penalty teams will be established, one at Anchorage and the other at Fairbanks. Each will be headed by an Attorney V with broad experience in trying major felony cases. Both guilt and penalty phases of capital cases will be handled by these teams which will also defend cases from other parts of the state. The teams will consist of an Attorney V, an Attorney IV, a Paralegal Assistant II, an Investigator II, and a Legal Secretary. Extensive travel will be required of the entire team along with major expenditures for expert witnesses. Capital trials are generally quite lengthy and the courts usually attempt to try the cases in the same area in which the alleged crime took place. Massive resources are required of all components of the justice system in order to hold a major trial in a remote village.  FY 96	
Salary	142,512			
Benefits	48,453			
Premium Pay				
Other				
Total Personal Services	190,965	190,965		
Travel		20,000		
Contractual		85,000		
Commodities		5,000		
Equipment		6,000		
Other				
Total Cost		306,965		
FUNDING SOURCE FOR TOTAL COST				
Federal Receipts	1002			
G.F. Match	1003			
General Fund	1004	306,965		
I-A Receipts	1007			
CIP Receipts	1061			
Other				

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# Request For New Position

AGENCY ADMINISTRATION

BRU Public Defender Agency

COMPONENT Public Defender Agency

FY 95

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Position Title Attorney IV		No. of Positions 2	Range / Step 24/A	Barg. Unit PX
Time Status PFT	Staff Months 24.0	Location EBA - JBA		Election District 7 - 20
TYPE OF EXPENDITURE		AMOUNT		
Salary	131,100	Justification  Two death penalty teams will be established, one at Anchorage and the other at Fairbanks. Each will be headed by an Attorney V with broad experience in trying major felony cases. Both guilt and penalty phases of capital cases will be handled by these teams which will also defend cases from other parts of the state. The teams will consist of an Attorney V, an Attorney IV, a Paralegal Assistant II, an Investigator II, and a Legal Secretary. Extensive travel will be required of the entire team along with major expenditures for expert witnesses. Capital trials are generally quite lengthy and the courts usually attempt to try the cases in the same area in which the alleged crime took place. Massive resources are required of all components of the justice system in order to hold a major trial in a remote village.  FY 96		
Benefits	46,002			
Premium Pay				
Other				
Total Personal Services	177,102			
Travel	15,000			
Contractual	85,000			
Commodities	5,000			
Equipment	6,000			
Other				
Total Cost	288,102			
FUNDING SOURCE FOR TOTAL COST				
Federal Receipts	1002			
G.F. Match	1003			
General Fund	1004	288,102		
I-A Receipts	1007			
CIP Receipts	1061			
Other				

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# Request For New Position

AGENCY ADMINISTRATION

BRU Public Defender Agency

COMPONENT Public Defender Agency

FY 95

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Revised Date: \_\_\_\_\_

Position Title Paralegal Assistant II		No. of Positions 2	Range / Step 16/A	Barg. Unit GGU
Time Status PFT	Staff Months 24.0	Location EBA - JBA		Election District 7 - 20
TYPE OF EXPENDITURE		AMOUNT	Justification  Two death penalty teams will be established, one at Anchorage and the other at Fairbanks. Each will be headed by an Attorney V with broad experience in trying major felony cases. Both guilt and penalty phases of capital cases will be handled by these teams which will also defend cases from other parts of the state. The teams will consist of an Attorney V, an Attorney IV, a Paralegal Assistant II, an Investigator II, and a Legal Secretary. Extensive travel will be required of the entire team along with major expenditures for expert witnesses. Capital trials are generally quite lengthy and the courts usually attempt to try the cases in the same area in which the alleged crime took place. Massive resources are required of all components of the justice system in order to hold a major trial in a remote village.  FY 96	
Salary	74,340			
Benefits	31,185			
Premium Pay				
Other				
Total Personal Services	105,525	105,525		
Travel		7,500		
Contractual		0		
Commodities		5,000		
Equipment		6,000		
Other				
Total Cost		124,025		
FUNDING SOURCE FOR TOTAL COST				
Federal Receipts 1002				
G.F. Match 1003				
General Fund 1004		124,025		
I-A Receipts 1007				
CIP Receipts 1061				
Other				

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## Request For New Position

AGENCY ADMINISTRATION

BRU Public Defender Agency

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FY 95

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Revised Date: \_\_\_\_\_

Position Title Investigator II		No. of Positions 2	Range / Step 16/A	Barg. Unit GGU
Time Status PFT	Staff Months 24.0	Location EBA - JBA		Election District 7 - 20
TYPE OF EXPENDITURE		AMOUNT		
Salary	74,340	Justification  Two death penalty teams will be established, one at Anchorage and the other at Fairbanks. Each will be headed by an Attorney V with broad experience in trying major felony cases. Both guilt and penalty phases of capital cases will be handled by these teams which will also defend cases from other parts of the state. The teams will consist of an Attorney V, an Attorney IV, a Paralegal Assistant II, an Investigator II, and a Legal Secretary. Extensive travel will be required of the entire team along with major expenditures for expert witnesses. Capital trials are generally quite lengthy and the courts usually attempt to try the cases in the same area in which the alleged crime took place. Massive resources are required of all components of the justice system in order to hold a major trial in a remote village.  FY 96		
Benefits	31,185			
Premium Pay				
Other				
<b>Total Personal Services</b>	<b>105,525</b>			
Travel	7,500			
Contractual	0			
Commodities	5,000			
Equipment	6,000			
Other				
<b>Total Cost</b>	<b>124,025</b>			
FUNDING SOURCE FOR TOTAL COST				
Federal Receipts	1002			
G.F. Match	1003			
General Fund	1004	124,025		
I-A Receipts	1007			
CIP Receipts	1061			
Other				

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# Request For New Position

AGENCY ADMINISTRATION  
BRU Public Defender Agency  
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FY 95

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Position Title Legal Secretary I		No. of Positions 2	Range / Step 10/A	Barg. Unit CGU
Time Status PFT	Staff Months 24.0	Location EBA - JBA		Election District 7 - 20
TYPE OF EXPENDITURE		AMOUNT	Justification  Two death penalty teams will be established, one at Anchorage and the other at Fairbanks. Each will be headed by an Attorney V with broad experience in trying major felony cases. Both guilt and penalty phases of capital cases will be handled by these teams which will also defend cases from other parts of the state. The teams will consist of an Attorney V, an Attorney IV, a Paralegal Assistant II, an Investigator II, and a Legal Secretary. Extensive travel will be required of the entire team along with major expenditures for expert witnesses. Capital trials are generally quite lengthy and the courts usually attempt to try the cases in the same area in which the alleged crime took place. Massive resources are required of all components of the justice system in order to hold a major trial in a remote village.  FY 96	
Salary	50,508			
Benefits	24,500			
Premium Pay				
Other				
Total Personal Services	75,008	75,008		
Travel		0		
Contractual		0		
Commodities		5,000		
Equipment		6,000		
Other				
Total Cost		86,008		
FUNDING SOURCE FOR TOTAL COST				
Federal Receipts 1002				
G.F. Match 1003				
General Fund 1004		86,008		
I-A Receipts 1007				
CIP Receipts 1061				
Other				

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# Request For New Position

AGENCY ADMINISTRATION  
 BRU Public Defender Agency  
 COMPONENT Public Defender Agency

FY 95

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Position Title Attorney V		No. of Positions 1	Range / Step 25/A	Barg. Unit PX
Time Status PFT	Staff Months 12.0	Location Anchorage		Election District 7
TYPE OF EXPENDITURE		AMOUNT		
Salary		67,368		
Benefits		23,445		
Premium Pay				
Other				
Total Personal Services		90,813		
Travel		10,000		
Contractual		80,000		
Commodities		4,000		
Equipment		3,500		
Other				
Total Cost		188,313		
FUNDING SOURCE FOR TOTAL COST				
Federal Receipts 1002				
G.F. Match 1003				
General Fund 1004		188,313		
I-A Receipts 1007				
CIP Receipts 1061				
Other				
Justification				
<p>Under this bill death penalty teams will be established at Anchorage and Fairbanks in FY 97 to handle both the guilt and penalty phases of capital cases. By FY 97 it is anticipated that enough cases will have reached the next step to justify an appellate team in Anchorage which will cover the entire state. The team leader will be an Attorney V, assisted by an Attorney IV, a Paralegal Assistant II and a Legal Secretary I. Again, expert witnesses will be utilized and some travel will also be required as concerns staff, expert consultants and training.</p>				
FY 97				

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## Request For New Position

AGENCY ADMINISTRATION

BRU Public Defender Agency

COMPONENT Public Defender Agency

FY 95

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Revised Date: \_\_\_\_\_



Position Title Paralegal Assistant II		No. of Positions 1	Range / Step 16/A	Barg. Unit GGU	
Time Status PFT	Staff Months 12.0	Location Anchorage		Election District 7	
TYPE OF EXPENDITURE		AMOUNT			
Salary	36,444	Justification  Under this bill death penalty teams will be established at Anchorage and Fairbanks in FY 96 to handle both the guilt and penalty phases of capital cases. By FY 97 it is anticipated that enough cases will have reached the next step to justify an appellate team in Anchorage which will cover the entire state. The team leader will be an Attorney V, assisted by an Attorney IV, a Paralegal Assistant II and a Legal Secretary I. Again, expert witnesses will be utilized and some travel will also be required as concerns staff, expert consultants and training.  FY 97			
Benefits	15,389				
Premium Pay					
Other					
Total Personal Services	51,833				51,833
Travel					0
Contractual					0
Commodities					3,500
Equipment					4,000
Other					
Total Cost		59,333			
FUNDING SOURCE FOR TOTAL COST					
Federal Receipts	1002				
G.F. Match	1003				
General Fund	1004	59,333			
I-A Receipts	1007				
CIP Receipts	1061				
Other					

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# Request For New Position

AGENCY ADMINISTRATION

BRU Public Defender Agency

COMPONENT Public Defender Agency

FY 95

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Revised Date: \_\_\_\_\_

Position Title Legal Secretary I		No. of Positions 1	Range / Step 10/A	Barg. Unit GGU
Time Status PFT	Staff Months 12.0	Location Anchorage		Election District 7
TYPE OF EXPENDITURE		AMOUNT		
Salary	24,756	Justification  Under this bill death penalty teams will be established at Anchorage and Fairbanks in FY 96 to handle both the guilt and penalty phases of capital cases. By FY 97 it is anticipated that enough cases will have reached the next step to justify an appellate team in Anchorage which will cover the entire state. The team leader will be an Attorney V, assisted by an Attorney IV, a Paralegal Assistant II and a Legal Secretary I. Again, expert witnesses will be utilized and some travel will also be required as concerns staff, expert consultants and training.  FY 97		
Benefits	12,110			
Premium Pay				
Other				
Total Personal Services	36,866			
Travel	0			
Contractual	0			
Commodities	3,500			
Equipment	4,000			
Other				
Total Cost	43,366			
FUNDING SOURCE FOR TOTAL COST				
Federal Receipts 1002				
G.F. Match 1003				
General Fund 1004	43,366			
I-A Receipts 1007				
CIP Receipts 1061				
Other				

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# Request For New Position

AGENCY ADMINISTRATION  
 BRU Public Defender Agency  
 COMPONENT Public Defender Agency

FY 95

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Position Title Attorney, V			No. of Positions 2	Range / Step 25/A	Barg. Unit PX
Time Status PFT	Staff Months 24.0		Location EBA - JBA	Election District 7 - 20	
TYPE OF EXPENDITURE		AMOUNT	Justification  It is anticipated that the caseload under this death penalty bill will have grown by FY 98 so that additional lawyers for the guilt and penalty teams will have to be added in both Anchorage and Fairbanks along with another appellate attorney and legal secretaries.  FY 98		
Salary	142,512				
Benefits	48,453				
Premium Pay					
Other					
Total Personal Services	190,965	190,965			
Travel		5,000			
Contractual		85,300			
Commodities		3,000			
Equipment		3,000			
Other					
Total Cost		286,965			
FUNDING SOURCE FOR TOTAL COST					
Federal Receipts	1002				
G.F. Match	1003				
General Fund	1004	286,965			
I-A Receipts	1007				
CIP Receipts	1061				
Other					

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# Request For New Position

AGENCY ADMINISTRATION

BRU Public Defender Agency

COMPONENT Public Defender Agency

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Revised Date: \_\_\_\_\_

Position Title Attorney IV		No. of Positions 1	Range / Step 24/A	Barg. Unit PX
Time Status PFT	Staff Months 12.0	Location Fairbanks		Election District 20
TYPE OF EXPENDITURE		AMOUNT		
Salary	70,092	Justification  It is anticipated that the caseload under this death penalty bill will have grown by FY 98 so that additional lawyers for the guilt and penalty teams will have to be added in both Anchorage and Fairbanks along with another appellate attorney and legal secretaries.  FY 98		
Benefits	23,951			
Premium Pay				
Other				
Total Personal Services	94,043			
Travel	5,000			
Contractual	85,300			
Commodities	3,000			
Equipment	3,000			
Other				
Total Cost	190,343			
FUNDING SOURCE FOR TOTAL COST				
Federal Receipts	1002			
G.F. Match	1003			
General Fund	1004	190,343		
I-A Receipts	1007			
CIP Receipts	1061			
Other				

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# Request For New Position

AGENCY ADMINISTRATION

BRU Public Defender Agency

COMPONENT Public Defender Agency

FY 95

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Revised Date: \_\_\_\_\_

Position Title Legal Secretary I		No. of Positions 3	Range / Step 10/A	Barg. Unit GGU	
Time Status PFT	Staff Months 36.0	Location EBA - JBA		Election District 7 - 20	
TYPE OF EXPENDITURE		AMOUNT			
Salary	76,260	Justification  It is anticipated that the caseload under this death penalty bill will have grown by FY 98 so that additional lawyers for the guilt and penalty teams will have to be added in both Anchorage and Fairbanks along with another appellate attorney and legal secretaries, one in Anchorage and two in Fairbanks.  FY 98			
Benefits	36,890				
Premium Pay					
Other					
Total Personal Services	113,150				113,150
Travel					0
Contractual					0
Commodities					2,000
Equipment					9,000
Other					
Total Cost		124,150			
FUNDING SOURCE FOR TOTAL COST					
Federal Receipts	1002				
G.F. Match	1003				
General Fund	1004	124,150			
I-A Receipts	1007				
CIP Receipts	1061				
Other					

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# Request For New Position

AGENCY ADMINISTRATION  
BRU Public Defender Agency  
COMPONENT Public Defender Agency

FY 95

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# FISCAL NOTE

STATE OF ALASKA  
1994 LEGISLATIVE SESSION

BILL NO. SS HB 162

Revision Date: 1/25/94 Dept. Affected: Corrections  
 Title: An Act authorizing capital punishment BRU: Administration and Support  
 Sponsor: Representative Sanders Component: Office of the Commissioner  
 Requestor: House Judiciary COMPONENT SERIAL NO. 694

Expenditures/Revenues	(Thousands of Dollars)					
OPERATING EXPENDITURES	FY 95	FY 96	FY 97	FY 88	FY 99	FY 00
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL	50.0	0	0	0	0	0
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>50.0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>CAPITAL EXPENDITURES</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>CHANGE IN REVENUES ( )</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

FUND SOURCE	(Thousands of Dollars)					
1002 Federal Receipts						
1003 GF Match						
1004 GF	50.0	0	0	0	0	0
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
<b>TOTAL</b>	<b>50.0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

Estimate of any current year (FY94) cost: \$ 0

POSITIONS						
FULL-TIME						
PART-TIME						
TEMPORARY						

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

Please see the attached analysis.

Prepared by: Diane Schenker Phone: 786-2141/465-4643  
 Division: Office of the Commissioner Date: 1/25/94  
 Approved by Commissioner: J. Frank Frewitt, Jr. Date: 1/25/94  
 Agency: Department of Corrections

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HE 162

The bill would provide for the death penalty for certain Murder I convictions. The bill would require the commissioner to establish procedures for carrying out executions.

Assumptions

1. Offenders who would be sentenced to death under this bill would be incarcerated for life (99 years or more) under current law.
2. Based on estimates from the Department of Law, it is assumed that approximately four prisoners per year would be sentenced to death, and that execution would be delayed for 10 years due to appeals. Therefore, ten years after the first death sentences were given, the population of prisoners sentenced to death would reach 40. After the tenth year, executions would begin and the population would remain fairly static, at 40, as four additional prisoners are sentenced to death and four prisoners sentenced earlier are executed each year. The first death sentences would be expected to occur in FY96 and the first executions would be expected to occur in FY06.
3. The department's correctional facilities are currently filled to over emergency capacity. There is no space available to incarcerate four additional life-sentenced murderers, nor four additional death-sentenced prisoners in the system. It is assumed that additional maximum security housing will be needed, in the near future, to accommodate incoming murderers, regardless of this bill, and therefore the cost of constructing and operating the additional space is not attributed to this bill in the fiscal note. It is assumed that the Spring Creek facility would be expanded to handle this additional population.
4. The department does not have a position available to develop new procedures for executions. This will entail revision of numerous policies and procedures related to classification and some revision of the data management system. It is assumed that these one-time duties will be completed by contract.
5. It is assumed that the execution would be carried out by a contract agent. The Spring Creek facility is equipped with an infirmary area where the lethal injection could be administered. The State of Washington has provided information that Physicians Assistants are available to perform the execution by this method for approximately \$200 plus travel, room, and board.
6. The average age of Alaskan male inmates sentenced for Murder in the First Degree is 31 years. According to the Statistical Abstract of the United States (Department of Commerce), the average life expectancy of the American male by the year 2000 is expected to be 73.5 years. Without the death penalty, it is assumed that each First Degree Murderer sentenced to 99 years would be incarcerated for 42.5 years. Subtracting the ten years that a prisoner

sentenced to death would be incarcerated pending appeals, a prisoner sentenced to 99 years would be incarcerated for 32.5 years longer than a death-sentenced prisoner.

7. The cost of incarceration at Spring Creek is \$106 per day, or \$38,690 per year.
8. The cost of constructing a maximum security prison bed in Alaska is approximately \$160,000 per bed.
9. It is assumed that prisoners sentenced to death would be housed in both single and double cells, according to individual cases and behaviors. The following states were contacted to determine what type of special housing is generally used for prisoners sentenced to death:

STATE	DEATH ROW HOUSING STATUS
California	Single cells only
Washington	Some single, some double, some in open population
Pennsylvania	145 eligible for general population housing and work assignments at a maximum security facility; 1 segregated in single cell. Status depends upon whether death warrant has been signed by Governor and proximity to execution date.
Texas	Some single and some double cells
Idaho	Single cells only due to statutory requirement
Illinois	All in single cells currently but planning to double cell later this year
Nevada	Single cells only
Florida	Single cells only

Operating Expenses, Current Year through FY00

The department estimates a cost of \$50,000 for a contractor to research and write any necessary regulations, policies, and procedures to comply with the bill. The work would begin in FY95.

Operating Expenses Effective After FY00

Each execution would entail the following expenses:

Executioner's fee:	\$ 200
Travel, room, board:	\$1,000
Supplies:	\$ 300
Total	\$1,500

Additional security during the 12-hour shift of each execution would require five officers on overtime status to strengthen perimeter and institutional security. Overtime expenses are estimated at \$1,500 per execution.

The total operating expenses for each execution would be \$3,000, or \$12,000 per year beginning in FY06.

Capital Savings/Cost Avoidance After FY00

Assuming a 40-bed unit were constructed to accommodate the next 40 offenders sentenced to either death, under this bill, or to 99 years, under current law, the unit would be filled in ten years. Without passage of this bill, additional 40-bed units would have to be constructed every ten years to accommodate the next 40 offenders sentenced to life terms. This would continue until approximately FY39, when those offenders sentenced to life imprisonment in FY95 would be expected to reach the ends of their expected lifespans.

FY06:	40 beds X \$160,000 per bed = \$ 6,400,000
FY16:	40 beds X \$160,000 per bed = \$ 6,400,000
FY26:	40 beds X \$160,000 per bed = \$ 6,400,000
FY36:	40 beds X \$160,000 per bed = \$ 6,400,000
<b>TOTAL</b>	<b>= \$ 25,600,000 CAPITAL EXPENSE AVOIDANCE</b>

Operating Savings/Cost Avoidance After FY00

For each prisoner sentenced to death instead of 99 years, the department would avoid operating costs of incarcerating the prisoner for 32.5 years:

$\$38,690 \times 32.5 = \$ 1,257,425$  cost savings per prisoner

Fiscal Note/DOC  
SSHB 162  
Revised January 25, 1994  
Page 5 of 5

Execution of the first 40 offenders would result in eventual cost savings over their otherwise-expected lifetimes of:

**40 X \$1,257,425 = \$50,297,000 TOTAL COST AVOIDANCE FOR 40 PRISONERS**

Alternatively, total cost avoidance for the five year period between FY06 and FY10 could be estimated as follows:

FY06	\$6,400,000	capital expenses for 40 maximum beds
	\$ 154,760	for 4 additional prisoner-years (operating expenses)
FY07	\$ 309,520	for 8 additional prisoner-years
FY08	\$ 464,280	for 12 additional prisoner-years
FY09	\$ 619,040	for 16 additional prisoner-years
FY10	\$ 773,800	for 20 additional prisoner-years
<b>TOTAL</b>	<b>\$ 8,721,400</b>	<b>CAPITAL/OPERATING COST AVOIDANCE, FY06-10</b>

#### Impact on Local Governments

Assuming Spring Creek Correctional Center would be the site of execution, the City of Seward would experience a large influx of media, death penalty opponents and supporters, and other interested parties on the occasion of each execution.

# FISCAL NOTE

STATE OF ALASKA  
1994 LEGISLATIVE SESSION

No. 8  
Bill Version: SSHB 162  
(H) Publish Date: 3/4/94

Revision Date: \_\_\_\_\_ Dept. Affected: Public Safety  
Title: "An act authorizing capital punishment  
classifying murder one as a capital felony" BRU: Alaska State Troopers  
Sponsor: Representative Sanders Component: Detachments  
Requestor: House Judiciary COMPONENT SERIAL NO. 799

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

OPERATING	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	0.0	0.0	0.0	0.0	0.0	0.0
<b>CAPITAL</b>	0.0	0.0	0.0	0.0	0.0	0.0
REVENUE FUND SOURCE:						

FUNDING: (Thousands of Dollars)

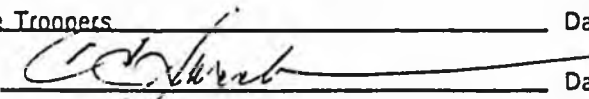
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
<b>TOTAL</b>	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of current year (FY 94) impact: \$ 0.00 \_\_\_\_\_

POSITIONS:

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

ANALYSIS: (Attach a separate page if necessary.)  
No fiscal impact upon the Alaska State Troopers is anticipated.

Prepared By: Francis C. Allan Phone: 269-5691  
Division: Alaska State Troopers Date: 12/13/93  
Approved by Commissioner:  Date: 01/05/94  
Agency: Richard L. Burton, Dept. of Public Safety

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ANCHORAGE, ALASKA  
99501

ARTHUR H. SNOWDEN II  
Administrative Director

## Alaska Court System

(907) 264-0547  
FAX (907) 276-6985

November 12, 1993

The Honorable Robin L. Taylor, Chair  
Senate Judiciary Committee  
The Honorable Brian Porter, Chair  
House Judiciary Committee  
P. O. Box V  
Juneau, Alaska 99811

Dear Senator Taylor and Representative Porter:

Thank you for your invitation to present the views of the supreme court on Senate Bill 127 and House Bill 162, relating to capital punishment.

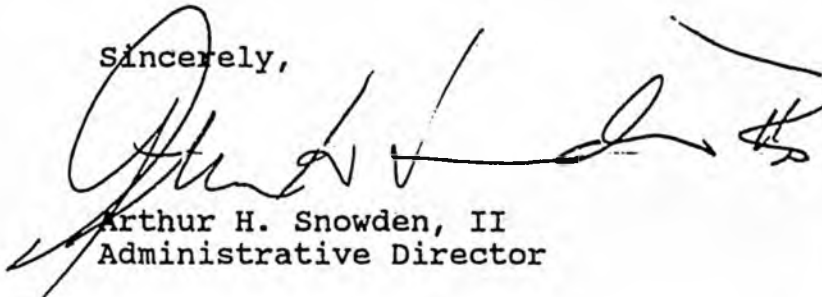
I brought your request to the attention of the supreme court. Because our constitution leaves matters of public policy such as this to the judgment of the legislature, the court believes that it would not be proper for it to express an opinion regarding the enactment of capital punishment legislation. This is in keeping with the court's general policy of neither supporting nor opposing legislation which does not directly affect the internal operation of the judicial branch; comments are normally limited to a bill's impact on the court system's budget and workload.

The court system has previously submitted fiscal notes for both SB 27 and HB 162. These represent our best estimate of the impact these bills will have, based upon the number of capital cases which the Department of Law expects to try. We would be happy to address any questions or comments you may have concerning these notes. We will also advise you if our review of the legislation reveals any

The Honorable Robin L. Taylor  
The Honorable Brian Porter  
November 12, 1993  
Page 2

purely technical changes which might be made to reduce the court system's workload.

Sincerely,

A handwritten signature in black ink, appearing to read "Arthur H. Snowden, II". The signature is fluid and cursive, with a large initial "A" and "S".

Arthur H. Snowden, II  
Administrative Director

cc: The Honorable Jerry Sanders

---

---

COOK INLET REGION, INC.

March 11, 1994

Eileen MacLean, Co-Chairperson  
House Finance Committee  
Alaska State Legislature  
State Capitol (MS 3100)  
Juneau, AK 99801-1182

Dear Representative MacLean:

I am writing to you as President of Cook Inlet Region, Inc. (CIRI). The intent of this letter is to convey CIRI's adamant opposition to reinstatement of the death penalty in Alaska.

As you may be aware, I also serve as Chairman of the Board of the Alaska Native Justice Center, Inc. (ANJCI). The ANJCI is a strong advocate for Alaska Natives' civil rights and fair and equitable treatment in civil and criminal justice systems. The death penalty is foremost on the list of criminal justice issues confronting Alaska as a state and Native people as a minority, ethnic group. I have spent considerable time individually and with colleagues researching and discussing the various pros and cons of reinstating a death penalty law in Alaska. Quite honestly, there appears to be no pros to the issue unless revenge is a characteristic we opt to cultivate in our society.

CIRI's first and foremost reason for opposing reinstatement of the death penalty is that it is racially biased. There is no lack of evidence of racial bias in the administration of the death penalty in other jurisdictions. There is no reason to believe that Alaska's justice system is capable of avoiding racial bias in the administration of the death penalty. I will remind you that early in Alaska's history there existed a death penalty law. Under that law, 75 percent of all persons executed were minorities with a disproportionate number being Alaska Natives.

The flames of racial bias in the justice system are fanned by the lack of knowledge Alaska Natives have of the justice system, combined with the inability of economically disadvantaged members of an ethnic minority to acquire adequate legal counsel in the trial process. Economically disadvantaged people who must depend on court appointed counsel during the trial process are more likely to receive the death penalty and be executed than are economically advantaged defendants who can afford more capable counsel.

Representative MacLean

March 11, 1994

Page 2

Another reason CIRI opposes reinstatement of the death penalty in Alaska relates to cost. The U.S. Supreme Court established stringent guidelines that result in the prosecution of capital cases being extremely expensive. The process is layered with appeals that require several years to finalize. States that administer the death penalty have recorded the cost of bringing a defendant to execution at over \$2 million.

Extensive costs necessary to administer the death penalty would likely create a severe drain on resources traditionally applied to other elements of law enforcement, including crime prevention programs. Thus it is reasonable to assume, given the state's anticipated revenue shortfalls for the coming years, that death penalty administrative costs will adversely impact non-capital cases and law enforcement capabilities in general.

I believe that other arguments against the death penalty are valid. For example, administration of the death penalty takes years and does not allow the families of victims closure to their grief; the death penalty is cruel and unusual punishment; the death penalty does not serve as a deterrent to violent behavior; the death penalty is irreversible thus providing no opportunity to correct mistakes made by the system.

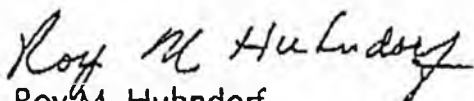
It is beyond me as to why supposedly civilized people would want to embrace the death penalty as a solution to punishing individuals convicted of a capital crime. I suspect, since all other arguments fall short of reason, it is simply revenge.

Alaska currently has the judicial machinery, the laws and the tendency to put individuals convicted of capital crime in prison for most, and often all, of their remaining life. That seems to me to be the answer. Above all, it allows the opportunity to correct a mistake, if one is made. The death penalty is irreversible.

Thank you for the opportunity to comment on this extremely important issue. I respectfully request that members of your committee receive these comments.

Sincerely,

COOK INLET REGION, INC.



Roy M. Huhndorf  
President

RMH/pk/02/050

Adopted by JUDICIARY

8-LS0414E.4  
Luckhaupt  
3/1/94

AMENDMENT #2

OFFERED IN THE HOUSE

BY THE HOUSE JUDICIARY COMMITTEE

TO: SSHB 162

Page 1, line 3:

Delete "authorizing an advisory vote on instituting capital punishment;"

Page 10, line 27, through page 11, line 4:

Delete all material.

Re-number the following bill section accordingly.

Page 11, line 5:

Delete "Except for sec. 13 of this Act, this"

Insert "This"

I3C06 \* Copy requested by LHSCBOK .

KROGSENG, BOB

SEARCH - QUERY  
00301 HB ADJ 162

HJUD94013113 DOCUMENT= 4 OF 5

CHAMBER = H  
SOURCE = HJUD  
DATE = 940131  
YEAR = 94  
TIME = 1315

DOCUMENT TEXT

HOUSE JUDICIARY STANDING COMMITTEE  
January 31, 1994  
1:15 p.m.

MEMBERS PRESENT

Rep. Brian Porter, Chairman  
Rep. Jeannette James, Vice-Chair  
Rep. Pete Kotu  
Rep. Gail Phillips (arrived at 1:35 p.m.)  
Rep. Joe Green  
Rep. Cliff Davidson  
Rep. Jim Nordlund  
MEMBERS ABSENT

None

COMMITTEE CALENDAR

HB 162: "An Act authorizing capital punishment, classifying murder in the first degree as a capital felony, and establishing sentencing procedures for capital felonies; authorizing an advisory vote on instituting capital punishment; and providing for an effective date."

FAILED TO MOVE OUT OF COMMITTEE BY A VOTE OF 4-3

HB 49: "An Act relating to facsimile absentee ballot application and facsimile absentee voting."

CSHB 49(JUD) PASSED OUT OF COMMITTEE WITH INDIVIDUAL RECOMMENDATIONS AND A FISCAL NOTE

HB 315: "An Act relating to the unauthorized use of or unauthorized interference with transmission and delivery of subscription cable services; and amending the definition of the offense of theft of services and the penalties for its violation."

CSHB 315(JUD) PASSED OUT OF COMMITTEE WITH NO

OBJECTIONS

HB 313: "An Act relating to suspended imposition of criminal sentences and to the period in which suspension of the imposition of sentence for conviction of the crime of disorderly conduct may be authorized."

CSHB 313(JUD) PASSED OUT OF COMMITTEE WITH INDIVIDUAL RECOMMENDATIONS

WITNESS REGISTER

REP. JERRY SANDERS  
Alaska State Legislature  
Capitol, Room 13  
Juneau, Alaska 99801-1182  
Phone: 465-4945  
POSITION STATEMENT: Prime Sponsor of HB 162.

JERRY LAUKPAUT  
Legal Services  
Legislative Affairs Agency  
130 Seward Street  
Juneau, Alaska 99801  
Phone: 465-2450  
POSITION STATEMENT: Drafter of HB 162 and Rep. Nordlund's amendment.

TOM ANDERSON  
Legislative Aide  
Rep. Terry Martin  
Alaska State Legislature  
Capital Building, Room 411  
Phone: 465-3783  
POSITION STATEMENT: Testified on behalf of Rep. Martin, Prime Sponsor of HB 49.

JOHN GAGUINE  
Assistant Attorney General  
Department of Law  
P.O. Box 110300  
Juneau, Alaska 99811  
Phone: 465-2127  
POSITION STATEMENT: Available to answer questions on HB 49.

ERIC MUSSER  
Legislative Aide  
Rep. Brian Porter  
Alaska State Legislature  
Capitol Building, Room 118  
Juneau, Alaska 99811  
Phone: 465-4930  
POSITION STATEMENT: Testified on behalf of Rep. Porter, Prime Sponsor of HB 315.

REP. PETE KOTT  
Alaska State Legislature  
Capitol Building, Room 409

Juneau, Alaska 99811

Phone: 465-3743

POSITION STATEMENT: Prime Sponsor of HB 313.

MARGO KNUTH

Criminal Division

Department of Law

P.O. Box 110300

Juneau, Alaska 99811

Phone: 465-3428

POSITION STATEMENT: Answered questions regarding HB 315.

PREVIOUS ACTION

BILL: HB 162

SHORT TITLE: CAPITAL PUNISHMENT FOR MURDER

BILL VERSION: SSHB 162

SPONSOR(S): REPRESENTATIVE(S) SANDERS, Olberg, Bunde, Kott,  
Vezey, James

JRN-DATE	JRN-PG		ACTION
02/18/93	380	(H)	READ THE FIRST TIME/REFERRAL(S)
02/18/93	380	(H)	JUDICIARY, FINANCE
02/22/93	421	(H)	COSPONSOR(S): BUNDE
02/24/93	445	(H)	COSPONSOR(S): KOTT
03/01/93	495	(H)	COSPONSOR(S): VEZEY
03/02/93	510	(H)	COSPONSOR(S): JAMES
11/16/93		(H)	MINUTE (JUD)
11/16/93		(S)	MINUTE (JUD)
01/19/94	2109	(H)	SPONSOR SUBSTITUTE INTRODUCED-REFERRALS
01/19/94	2109	(H)	JUDICIARY, FINANCE
01/26/94		(H)	JUD AT 01:15 PM CAPITOL 120
01/26/94		(H)	MINUTE (JUD)
01/28/94		(H)	JUD AT 01:15 PM CAPITOL 120

BILL: HB 49

SHORT TITLE: ABSENTEE BALLOTING BY FAX

BILL VERSION:

SPONSOR(S): REPRESENTATIVE(S) MARTIN, Brice

JRN-DATE	JRN-PG		ACTION
01/13/93	52	(H)	READ THE FIRST TIME/REFERRAL(S)
01/13/93	53	(H)	STATE AFFAIRS, JUDICIARY, FINANCE
01/20/93	117	(H)	COSPONSOR(S): BRICE
01/28/93		(H)	STA AT 08:00 AM CAPITOL 102
01/28/93		(H)	MINUTE (STA)
01/30/93		(H)	STA AT 08:00 AM CAPITOL 102
01/30/93		(H)	MINUTE (STA)
02/09/93		(H)	STA AT 08:00 AM CAPITOL 102
02/11/93		(H)	STA AT 08:00 AM CAPITOL 102
02/11/93		(H)	MINUTE (STA)
02/13/93		(H)	STA AT 08:00 AM CAPITOL 102
02/18/93		(H)	STA AT 08:00 AM CAPITOL 102
02/18/93		(H)	MINUTE (STA)
03/02/93		(H)	STA AT 08:00 AM CAPITOL 102
03/02/93		(H)	MINUTE (STA)
03/04/93		(H)	STA AT 08:00 AM CAPITOL 102
03/04/93		(H)	MINUTE (STA)

03/05/93	541	(H)	STA RPT CS(STA) NEW TITLE LDP LDNP 5NR
03/05/93	541	(H)	DP: VEZEY
03/05/93	541	(H)	DNP: ULMER
03/05/93	541	(H)	NR: B.DAVIS,OLBERG, G.DAVIS, SANDERS,KOTT
03/05/93	541	(H)	-FISCAL NOTE (GOV) 3/5/93
04/21/93		(H)	JUD AT 01:00 PM CAPITOL 120
01/19/94		(H)	JUD AT 01:15 PM CAPITOL 120
01/19/94		(H)	MINUTE(JUD)
01/21/94		(H)	MINUTE(JUD)
01/31/94		(H)	JUD AT 01:15 PM CAPITOL 120

BILL: HB 315

SHORT TITLE: THEFT OF SUBSCRIPTION TV SERVICES

SPONSOR(S): REPRESENTATIVE(S) PORTER, Green, Toohey

JRN-DATE	JRN-PG		ACTION
01/03/94	2009	(H)	PREFILE RELEASED
01/10/94	2009	(H)	READ THE FIRST TIME/REFERRAL(S)
01/10/94	2009	(H)	JUDICIARY, FINANCE
01/24/94	2139	(H)	COSPONSOR(S): GREEN, TOOHEY
01/24/94		(H)	JUD AT 01:15 PM CAPITOL 120
01/24/94		(H)	MINUTE(JUD)
01/31/94		(H)	JUD AT 01:15 PM CAPITOL 120

BILL: HB 313

SHORT TITLE: SUSPENDED SENTENCES:DISORDERLY CONDUCT

SPONSOR(S): REPRESENTATIVE(S) KOTT

JRN-DATE	JRN-PG		ACTION
01/03/94	2009	(H)	PREFILE RELEASED
01/10/94	2009	(H)	READ THE FIRST TIME/REFERRAL(S)
01/10/94	2009	(H)	JUDICIARY, FINANCE
01/31/94		(H)	JUD AT 01:15 PM CAPITOL 120

ACTION NARRATIVE

TAPE 94-13, SIDE A  
Number 000

The House Judiciary Standing Committee was called to order at 1:30 p.m. on January 31, 1994. A quorum was present. Chairman Porter announced that the first order of business was H3 162, and that the prime sponsor, Rep. Jerry Sanders, was on teleconference from Anchorage.

HB 162 - CAPITAL PUNISHMENT FOR MURDER

Number 025

REP. PORTER said that the public hearing on HB 162 had been concluded after a hearing in Anchorage during the interim and two teleconferences in Juneau, and requested amendments.

Number 046

REP. NORDLUND said he had an amendment that would basically

strip the entire bill and substitute life without parole in lieu of the death penalty, and moved the amendment.

Number 090

REP. KOTT objected for the purpose of discussion.

Number 114

JERRY LAUKPAUT, Legal Services, Legislative Affairs Agency, drafter of HB 162, the Sponsor Substitute, and the Nordlund amendment (E3), explained the amendment to the committee. Mr. Laukpaut explained that Rep. Nordlund had him take the basic aggravating factors in the bill and change the penalty from death to life without possibility of parole.

Number 183

The committee discussed the amendment, including the possibility of furlough, good time, escape, threat to correctional officials, and whether it was constitutional. The committee also discussed if there would be a need for additional facilities to house life-time offenders.

Number 741

REP. PORTER called for a roll call vote on the amendment:

Rep. Kott	no	Rep. Nordlund	yes
Rep. Phillips	no	Rep. Davidson	yes
Rep. Green	yes	Rep. James	no
Rep. Porter	no		

THE MOTION TO AMEND FAILED.

Number 750

REP. PORTER said the committee had in front of it HB 162 as originally presented. He reminded the committee of the concern of Jack Chenoweth of the Attorney General's Office, which is the crime of first degree murder, with a range of sentence from 20 years to 99 years. Rep. Porter indicated there is a concern that this range would give rise to an equal protection constitutional challenge, and there is no doubt that should HB 162 become law, everything in it would be challenged in some form, but this is something the committee might want to consider.

Number 766

REP. JAMES indicated she would feel a lot more comfortable with HB 162 if the committee had an overall view of the bill, and even though she supports in concept capital punishment, she would like to also have the possibility of mandatory incarceration without parole. Rep. James suggested a working group to look at the whole range of sentencing options and come up with something for the committee to look at.

Number 782

REP. PORTER said that if there were, for example, 100 challenges to this bill, he was sure that 99 of them would meet the challenge, albeit years from now after hundreds of thousands of dollars have been spent, but they would meet the challenge, from his understanding of the U.S. Supreme Court's position on capital punishment and the cases they have decided and guidelines they have written. He added that he thought HB 162 meets all the requirements with the one exception of possibility of sentencing disparity, and he thought it was worth thinking about.

Number 796

REP. PHILLIPS told the committee she had a lot of thoughts on this bill and was not anywhere near ready to pass the bill out. She said she thought the testimony was stacked with attorneys and did not reflect current public opinion favoring the death penalty.

Number 808

REP. PORTER responded that the committee had three public hearings, one in Anchorage with the Joint Judiciary Committees, and to his knowledge the companion bill was not moving in the Senate, so this was just the first of potentially three or four committee hearings on the legislation. Rep. Porter said he was being told by those who favor it to move it out of committee, and he was being told by those who don't want it to sit on it. He added that he didn't particularly want it, but he didn't particularly want to sit on it either.

Number 820

REP. PHILLIPS reiterated that she felt very uncomfortable that the committee hadn't done its work on the legislation, and that the committee hadn't taken enough public testimony. Rep. Phillips added that she felt the testimony had been totally slanted, and that she knows there's another side out there.

Number 830

The committee discussed Rep. Phillips' concerns, with a number of members indicating they shared her concerns.

TAPE 94-13, SIDE B

Number 012

REP. PORTER said it was his intention to vote HB 162 up or down.

Number 018

REP. JAMES supported Rep. Porter's intention to vote to move the bill out of committee, and suggested it would probably die in House Finance because of the cost, and that it was time to let another committee deal with it.

Number 020

REP. PORTER asked if the committee's comments about not hearing enough public testimony was an indication that members didn't believe that public support for HB 162 was as vehement as thought.

Discussion on Rep. Porter's comments and Rep. Phillips' concerns ensued.

Number 091

REP. PORTER told the committee he felt holding chairmanship of the Judiciary Committee had two roles: one, the general public policy, "represent my district" kind of role that each legislator shares; and second, he would not let the committee pass a bill that he had any concern about being constitutionally flawed. Rep. Porter said that is the committee's professional requirement, and added that his vote to move HB 162 out of committee was going to be a reflection of the professional requirement of this committee, making it a lawful piece of legislature should it pass. He added, however, that he did not support the bill and would not vote for it if it came to the floor of the House, but if a piece of legislation came across reflecting Rep. Nordlund's amendment, he would probably support it.

Number 130

REP. KOTT pointed out that this latest round of testimony dealt with a different bill in that the committee was no longer dealing with court rules, so it could pass with a simple majority. He said the committee should have perhaps dug into that a little deeper, but if Rep. Porter was satisfied with the constitutionality of the bill, then he would go along with the recommendation to move HB 162 out, and would in fact support HB 162, having had a mandate of almost 82 percent of his constituents supporting it.

Number 161

REP. NORDLUND offered another amendment stripping Section 13 out of the bill, which was the section pertaining to putting the issue on the ballot for a public vote. He moved Amendment No. 2. 4

Number 188

Discussion ensued on Amendment No. 2.

Number 256

REP. PORTER called for a vote on Amendment No. 2: 4

Rep. Phillips	yes	Rep. Davidson	yes 1
Rep. Green	yes	Rep. Kott	no 3
Rep. Nordlund	yes	Rep. James	no 1
Rep. Porter	yes 6		

AMENDMENT NO. 2 PASSED AND HB 162 WAS BEFORE THE COMMITTEE. 5

Number 264

A discussion on HB 162 ensued.

Number 633

REP. JAMES MADE A MOTION TO MOVE HB 162 OUT OF COMMITTEE WITH INDIVIDUAL RECOMMENDATIONS.

REP. PORTER called for a roll call vote:

Rep. Davidson	no	Rep. Green	no
Rep. Kott	yes	Rep. Nordlund	no
Rep. Phillips	no	Rep. James	yes
Rep. Phillips	yes.		

THE MOTION TO MOVE HB 162 OUT OF COMMITTEE WITH INDIVIDUAL RECOMMENDATIONS FAILED.

Number 651

REP. PORTER said the next order of business was HB 49.

CSHB 49(JUD) - "An Act relating to absentee voting, to electronic transmission of absentee ballot applications, and to delivery of ballots to absentee ballot applicants by electronic transmission."

Number 660

TOM ANDERSON, Legislative Aide to Rep. Terry Martin, Prime Sponsor of HB 49, testified that he followed up on the question relating to postmarks and also of how HB 49 would affect municipal clerks. Mr. Anderson said Rep. Martin had no problem with changing the wording of the bill to say that an application requesting delivery of an absentee ballot to the applicant must be addressed to the Division of Elections and received in not less than seven days. On the second question, Mr. Anderson referred to a letter from Patty Ann Polly, the Juneau City Clerk, and asked the committee to note that HB 49 only addressed Section 15 of the Statutes, not Section 29, which had to do with municipal elections, so it wouldn't really affect city elections.

Number 703

JOHN GAGUINE, Governmental Affairs Section, Attorney General's Office, testified that they saw no problem with secrecy and the right to privacy. Mr. Gaguine said he was confident that the Division of Elections could come up with procedures to deal with the issue of secrecy. He added that the state was not forcing anyone to vote this way; it was a matter of choice.

REP. PORTER asked Mr. Gaguine if he was saying you can waive the right to secrecy.

Number 733

MR. GAGUINE said no, you cannot waive your right to secrecy.

Number 738

REP. PORTER commented that the Division of Elections could not guarantee secrecy.

Number 743

MR. GAGUINE concurred.

Number 764

REP. PORTER said he would entertain a motion to amend page 3, line 19, change the first two words "and postmarked" to "and received."

AMENDMENT NO. 1 WAS MOVED WITHOUT OBJECTION.

Number 770

REP. GREEN moved the amended bill out of committee with individual recommendations, with a fiscal note.

HEARING NO OBJECTIONS, CSHB 49 (JUD) WAS MOVED OUT OF COMMITTEE WITH INDIVIDUAL RECOMMENDATIONS AND A FISCAL NOTE.

HB 315 - THEFT OF SUBSCRIPTION TV SERVICES

Number 790

REP. PORTER brought the next bill before the committee, HB 315.

ERIC MUSSER, Legislative Aide to Rep. Brian Porter, described a draft committee substitute, which simply makes more clear the intent of the legislation. He said during the previous hearing two questions were raised, and on page 3, line 13, of the original bill the question came up to just what "inductively" meant. Mr. Musser also said a question came up as to whether there was a redundancy between the language on page 3, line 13 and line 19.

MR. MUSSER said the committee substitute restructures the language to eliminate any redundancy, and included a definition of an unauthorized device.

Number 840

REP. PHILLIPS MOVED the JUDICIARY SUBSTITUTE for HB 315. Hearing no objection, it was so moved.

CSHB 315 (JUD) MOVED OUT OF COMMITTEE.

TAPE 94-14, SIDE A  
Number 000

CSHB 313 (JUD) - "An Act relating to suspended imposition of

criminal sentences and to the imposition of sentence when a suspended imposition of sentence is revoked."

REP. PORTER said the next order of business was HB 313.

Number 010

REP. PETE KOTT, Prime Sponsor of HB 313, presented the committee with a committee substitute and testified that the legislation's original intent extended to judges the opportunity to impose the suspended imposition of sentencing to 90 days, but as it currently stands, you can only suspend imposition of sentence up to the amount of time a person would actually be serving. The Committee Substitute (CS) allows for probation to go up to one year.

Number 127

REP. PORTER said he intends to support the bill because it provides some options not currently available to the system, and the only correction he would make is changing 5th degree to 3rd degree on weapons misconduct.

Number 130

MARGO KNUTH, Criminal Division, Department of Law, explained to the committee that there is now a 5th degree weapons offense and it is a misdemeanor offense and it starts off with higher offenses than the state used to have.

Number 160

REP. NORDLUND asked if HB 315 would allow for an SIS to go beyond what an original sentence was.

Number 173

REP. KOTT replied yes; under a Class B misdemeanor an individual would get 90 days in jail, so this allows a judge to extend that period of probation up to one year, and it is up to judicial discretion.

Number 192

REP. PORTER said it has been pointed out that Anchorage and other urban communities that have problems with criminal behavior is really a result of an inebriate problem, and this would allow a court to sentence an SIS for a lengthy period of treatment as opposed to just disorderly conduct, which often is a drinking problem.

Number 199

REP. GREEN asked if the additional extension of probation (inaudible).

Number 192

REP. PORTER replied that the judge will issue a suspended imposition of sentence for a certain length of time, and HB 313 allows that time to go up in the judge's opinion if there is a reason for it.

Number 252

MS. KNUTH said because it will be applied to new offenses that are committed as long as it is a reasonable time period, and the legislature can set whatever time period it wants, and what is happening is the original sentencing is still there, but it stays at risk for a longer time period.

MS. KNUTH continued, saying judges have asked for this amendment because right now they are not granting SIS's for these minor offenses because they don't feel they can trust a person to know if it's taken in 10 or 90 days, so they will impose the sentence which gives them a much longer time period and in effect they feel that they have been harsher than they should be. She said judges would like to be able to grant an SIS, which is a liberal and useful thing to do, but only if there is enough security build into it.

Number 324

REP. PHILLIPS MOVED CSHB 313(JUD). Hearing no objection, it was so moved.

CSHB 313(JUD) WAS MOVED OUT OF COMMITTEE WITH INDIVIDUAL RECOMMENDATIONS.

ADJOURNMENT

Chairman Porter adjourned the meeting at 3:30 p.m.

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