

ALASKA LEGISLATURE

HOUSE and SENATE FINANCE COMMITTEE FILES, 1993-1994

1007

OTHER STATE LAND TO BE DESIGNATED AS MENTAL HEALTH TRUST LAND

MINERAL ESTATE - HYDROCARBON ONLY

PARCEL	DESIGNATED				PARCEL DESCRIPTION			
	ESTATE	ACRES	MTRS	COMMUNITY	LOCALE	RESOURCE	SIZE	
S50341	H	9.890	S008N011W27	Kenai	Rural	Hydrocarbo	Small Tract	
S50342	H	5.820	S008N011W27	Kenai	Rural	Hydrocarbo	Small Tract	
S50343	H	5.610	S008N011W27	Kenai	Rural	Hydrocarbo	Small Tract	
S50344	H	5.690	S008N011W27	Kenai	Rural	Hydrocarbo	Small Tract	
S50345	H	7.330	S008N011W27	Kenai	Rural	Hydrocarbo	Small Tract	
S50346	H	7.090	S008N011W27	Kenai	Rural	Hydrocarbo	Small Tract	
S50347	H	6.030	S008N011W27	Kenai	Rural	Hydrocarbo	Small Tract	
S50348	H	4.760	S008N011W27	Kenai	Rural	Hydrocarbo	Small Tract	
S50349	H	6.010	S008N011W27	Kenai	Rural	Hydrocarbo	Small Tract	
S50350	H	3.910	S008N011W27	Kenai	Rural	Hydrocarbo	Small Tract	
S50351	H	3.520	S008N011W27	Kenai	Rural	Hydrocarbo	Small Tract	
S50352	H	3.900	S008N011W27	Kenai	Rural	Hydrocarbo	Small Tract	
S50353	H	5.030	S008N011W27	Kenai	Rural	Hydrocarbo	Small Tract	
S50354	H	5.620	S008N011W27	Kenai	Rural	Hydrocarbo	Small Tract	
S50355	H	5.620	S008N011W27	Kenai	Rural	Hydrocarbo	Small Tract	
S50356	H	5.630	S008N011W27	Kenai	Rural	Hydrocarbo	Small Tract	
S50357	H	6.000	S008N011W27	Kenai	Rural	Hydrocarbo	Small Tract	
S50358	H	4.530	S008N011W27	Kenai	Rural	Hydrocarbo	Small Tract	
S50359	H	6.200	S008N011W27	Kenai	Rural	Hydrocarbo	Small Tract	
S50360	H	3.470	S008N011W27	Kenai	Rural	Hydrocarbo	Small Tract	
S50361	H	6.100	S008N011W27	Kenai	Rural	Hydrocarbo	Small Tract	
S50362	H	5.000	S008N011W27	Kenai	Rural	Hydrocarbo	Small Tract	
S50363	H	5.000	S008N011W27	Kenai	Rural	Hydrocarbo	Small Tract	
S50364	H	10.000	S008N011W27	Kenai	Rural	Hydrocarbo	Small Tract	
S50365	H	80.000	S008N011W27	Kenai	Rural	Hydrocarbo	Small Tract	
S50366	H	160.000	S008N011W27	Kenai	Rural	Hydrocarbo	Small Tract	
S50367	H	20.000	S008N011W27	Kenai	Rural	Hydrocarbo	Small Tract	
S50368	H	40.000	S008N011W27	Kenai	Rural	Hydrocarbo	Small Tract	
S50369	H	10.000	S008N011W27	Kenai	Rural	Hydrocarbo	Small Tract	
S50370	H	10.000	S008N011W27	Kenai	Rural	Hydrocarbo	Small Tract	
S50371	H	6.650	S008N011W28	Kenai	Rural	Hydrocarbo	Small Tract	
S50372	H	6.320	S008N011W28	Kenai	Rural	Hydrocarbo	Small Tract	
S50373	H	5.000	S008N011W28	Kenai	Rural	Hydrocarbo	Small Tract	
S50374	H	5.290	S008N011W28	Kenai	Rural	Hydrocarbo	Small Tract	
S50375	H	6.430	S008N011W28	Kenai	Rural	Hydrocarbo	Small Tract	

04/28/94

Page

10

OTHER STATE LAND TO BE DESIGNATED AS MENTAL HEALTH TRUST LAND

MINERAL ESTATE - HYDROCARBON ONLY

PARCEL	DESIGNATED			PARCEL DESCRIPTION			
	ESTATE	ACRES	MTRS	COMMUNITY	LOCALE	RESOURCE	SIZE
S50376	H	4.830	S008N011W28	Kenai	Rural	Hydrocarbo	Small Tract
S50377	H	4.970	S008N011W28	Kenai	Rural	Hydrocarbo	Small Tract
S50378	H	20.000	S008N011W28	Kenai	Rural	Hydrocarbo	Small Tract
S50379	H	10.000	S008N011W28	Kenai	Rural	Hydrocarbo	Small Tract
S50380	H	160.000	S008N011W31	Kenai	Rural	Hydrocarbo	Small Tract
S50381	H	90.000	S008N011W31	Kenai	Rural	Hydrocarbo	Small Tract
S50382	H	90.000	S008N011W31	Kenai	Rural	Hydrocarbo	Small Tract
S50383	H	40.000	S008N011W31	Kenai	Rural	Hydrocarbo	Small Tract
S50384	H	160.000	S008N011W32	Kenai	Rural	Hydrocarbo	Small Tract
S50385	H	40.000	S008N011W32	Kenai	Rural	Hydrocarbo	Small Tract
S50386	H	90.000	S008N011W32	Kenai	Rural	Hydrocarbo	Small Tract
S50387	H	5.000	S008N011W33	Kenai	Rural	Hydrocarbo	Small Tract
S50388	H	5.710	S008N011W33	Kenai	Rural	Hydrocarbo	Small Tract
S50389	H	5.000	S008N011W33	Kenai	Rural	Hydrocarbo	Small Tract
S50390	H	4.240	S008N011W33	Kenai	Rural	Hydrocarbo	Small Tract
S50391	H	4.500	S008N011W33	Kenai	Rural	Hydrocarbo	Small Tract
S50392	H	3.220	S008N011W33	Kenai	Rural	Hydrocarbo	Small Tract
S50393	H	4.170	S008N011W33	Kenai	Rural	Hydrocarbo	Small Tract
S50394	H	4.430	S008N011W33	Kenai	Rural	Hydrocarbo	Small Tract
S50395	H	1.420	S008N011W33	Kenai	Rural	Hydrocarbo	Small Tract
S50396	H	0.670	S008N011W33	Kenai	Rural	Hydrocarbo	Small Tract
S50397	H	2.780	S008N011W33	Kenai	Rural	Hydrocarbo	Small Tract
S50398	H	2.580	S008N011W33	Kenai	Rural	Hydrocarbo	Small Tract
S50399	H	5.460	S008N011W33	Kenai	Rural	Hydrocarbo	Small Tract
S50400	H	2.500	S008N011W33	Kenai	Rural	Hydrocarbo	Small Tract
S50401	H	3.220	S008N011W33	Kenai	Rural	Hydrocarbo	Small Tract
S50402	H	4.360	S008N011W33	Kenai	Rural	Hydrocarbo	Small Tract
S50403	H	4.260	S008N011W33	Kenai	Rural	Hydrocarbo	Small Tract
S50404	H	5.000	S008N011W33	Kenai	Rural	Hydrocarbo	Small Tract
S50405	H	5.000	S008N011W33	Kenai	Rural	Hydrocarbo	Small Tract
S50406	H	20.000	S008N011W33	Kenai	Rural	Hydrocarbo	Small Tract
S50407	H	10.000	S008N011W33	Kenai	Rural	Hydrocarbo	Small Tract
S50408	H	20.000	S008N011W33	Kenai	Rural	Hydrocarbo	Small Tract
S50409	H	160.000	S008N011W33	Kenai	Rural	Hydrocarbo	Small Tract
S50410	H	50.000	S008N011W33	Kenai	Rural	Hydrocarbo	Small Tract

04/26/94

Page 11

OTHER STATE LAND TO BE DESIGNATED AS MENTAL HEALTH TRUST LAND

MINERAL ESTATE - HYDROCARBON ONLY

PARCEL	DESIGNATED				PARCEL DESCRIPTION		
	ESTATE	ACRES	MTRS	COMMUNITY	LOCALE	RESOURCE	SIZE
S50411	H	50.000	S008N011W33	Kenai	Rural	Hydrocarbo	Small Tract
S50412	H	4.630	S008N011W34	Kenai	Rural	Hydrocarbo	Small Tract
S50413	H	4.530	S008N011W34	Kenai	Rural	Hydrocarbo	Small Tract
S50414	H	2.410	S008N011W34	Kenai	Rural	Hydrocarbo	Small Tract
S50415	H	0.340	S008N011W34	Kenai	Rural	Hydrocarbo	Small Tract
S50416	H	4.500	S008N011W34	Kenai	Rural	Hydrocarbo	Small Tract
S50417	H	2.050	S008N011W34	Kenai	Rural	Hydrocarbo	Small Tract
S50418	H	4.440	S008N011W34	Kenai	Rural	Hydrocarbo	Small Tract
S50419	H	4.050	S008N011W34	Kenai	Rural	Hydrocarbo	Small Tract
S50420	H	2.910	S008N011W34	Kenai	Rural	Hydrocarbo	Small Tract
S50421	H	2.300	S008N011W34	Kenai	Rural	Hydrocarbo	Small Tract
S50422	H	5.570	S008N011W34	Kenai	Rural	Hydrocarbo	Small Tract
S50423	H	5.730	S008N011W34	Kenai	Rural	Hydrocarbo	Small Tract
S50424	H	4.830	S008N011W34	Kenai	Rural	Hydrocarbo	Small Tract
S50425	H	4.240	S008N011W34	Kenai	Rural	Hydrocarbo	Small Tract
S50426	H	4.970	S008N011W34	Kenai	Rural	Hydrocarbo	Small Tract
S50427	H	3.710	S008N011W34	Kenai	Rural	Hydrocarbo	Small Tract
S50428	H	5.190	S008N011W34	Kenai	Rural	Hydrocarbo	Small Tract
S50429	H	2.960	S008N011W34	Kenai	Rural	Hydrocarbo	Small Tract
S50430	H	3.010	S008N011W34	Kenai	Rural	Hydrocarbo	Small Tract
S50431	H	3.610	S008N011W34	Kenai	Rural	Hydrocarbo	Small Tract
S50432	H	3.360	S008N011W34	Kenai	Rural	Hydrocarbo	Small Tract
S50433	H	5.000	S008N011W34	Kenai	Rural	Hydrocarbo	Small Tract
S50434	H	5.000	S008N011W34	Kenai	Rural	Hydrocarbo	Small Tract
S50435	H	5.000	S008N011W34	Kenai	Rural	Hydrocarbo	Small Tract
S50436	H	5.000	S008N011W34	Kenai	Rural	Hydrocarbo	Small Tract
S50437	H	0.340	S008N011W35	Kenai	Rural	Hydrocarbo	Small Tract
S50438	H	3.710	S008N011W35	Kenai	Rural	Hydrocarbo	Small Tract
S50439	H	4.830	S008N011W35	Kenai	Rural	Hydrocarbo	Small Tract
S50440	H	5.000	S008N011W35	Kenai	Rural	Hydrocarbo	Small Tract
S50441	H	5.000	S008N011W35	Kenai	Rural	Hydrocarbo	Small Tract
S50442	H	7.170	S008N011W35	Kenai	Rural	Hydrocarbo	Small Tract
S50443	H	7.220	S008N011W35	Kenai	Rural	Hydrocarbo	Small Tract
S50444	H	3.830	S008N011W35	Kenai	Rural	Hydrocarbo	Small Tract
S50445	H	4.960	S008N011W35	Kenai	Rural	Hydrocarbo	Small Tract

04/28/94

OTHER STATE LAND TO BE DESIGNATED AS MENTAL HEALTH TRUST LAND

MINERAL ESTATE - HYDROCARBON ONLY

PARCEL	DESIGNATED				PARCEL DESCRIPTION		
	ESTATE	ACRES	MTRS	COMMUNITY	LOCALE	RESOURCE	SIZE
S50446	H	3.060	S008N011W35	Kenai	Rural	Hydrocarbo	Small Tract
S50447	H	4.580	S008N011W35	Kenai	Rural	Hydrocarbo	Small Tract
S50448	H	2.970	S008N011W35	Kenai	Rural	Hydrocarbo	Small Tract
S50449	H	4.090	S008N011W35	Kenai	Rural	Hydrocarbo	Small Tract
S50450	H	3.490	S008N011W35	Kenai	Rural	Hydrocarbo	Small Tract
S50451	H	5.000	S008N011W35	Kenai	Rural	Hydrocarbo	Small Tract
S50452	H	5.770	S008N011W35	Kenai	Rural	Hydrocarbo	Small Tract
S50453	H	3.260	S008N011W35	Kenai	Rural	Hydrocarbo	Small Tract
S50454	H	4.990	S008N011W35	Kenai	Rural	Hydrocarbo	Small Tract
S50455	H	5.020	S008N011W35	Kenai	Rural	Hydrocarbo	Small Tract
S50456	H	2.410	S008N011W35	Kenai	Rural	Hydrocarbo	Small Tract
S50457	H	5.100	S008N011W35	Kenai	Rural	Hydrocarbo	Small Tract
S50458	H	5.110	S008N011W35	Kenai	Rural	Hydrocarbo	Small Tract
S50459	H	4.460	S008N011W35	Kenai	Rural	Hydrocarbo	Small Tract
S50460	H	4.200	S008N011W35	Kenai	Rural	Hydrocarbo	Small Tract
S50461	H	4.520	S008N011W35	Kenai	Rural	Hydrocarbo	Small Tract
S50462	H	5.350	S008N011W35	Kenai	Rural	Hydrocarbo	Small Tract
S50463	H	4.040	S008N011W35	Kenai	Rural	Hydrocarbo	Small Tract
S50464	H	3.780	S008N011W35	Kenai	Rural	Hydrocarbo	Small Tract
S50465	H	2.660	S008N011W35	Kenai	Rural	Hydrocarbo	Small Tract
S50466	H	3.750	S008N011W35	Kenai	Rural	Hydrocarbo	Small Tract
S50467	H	3.550	S008N011W35	Kenai	Rural	Hydrocarbo	Small Tract
S50468	H	3.510	S008N011W35	Kenai	Rural	Hydrocarbo	Small Tract
S50469	H	2.280	S008N011W35	Kenai	Rural	Hydrocarbo	Small Tract
S50470	H	2.990	S008N011W35	Kenai	Rural	Hydrocarbo	Small Tract
S50471	H	4.670	S008N011W35	Kenai	Rural	Hydrocarbo	Small Tract
S50472	H	6.170	S008N011W35	Kenai	Rural	Hydrocarbo	Small Tract
S50473	H	6.680	S008N011W35	Kenai	Rural	Hydrocarbo	Small Tract
S50474	H	5.430	S008N011W35	Kenai	Rural	Hydrocarbo	Small Tract
S50475	H	6.070	S008N011W35	Kenai	Rural	Hydrocarbo	Small Tract
S50476	H	5.930	S008N011W35	Kenai	Rural	Hydrocarbo	Small Tract
S50477	H	3.580	S008N011W35	Kenai	Rural	Hydrocarbo	Small Tract
S50478	H	4.030	S008N011W35	Kenai	Rural	Hydrocarbo	Small Tract
S50479	H	4.470	S008N011W35	Kenai	Rural	Hydrocarbo	Small Tract
S50480	H	5.000	S008N011W35	Kenai	Rural	Hydrocarbo	Small Tract

OTHER STATE LAND TO BE DESIGNATED AS MENTAL HEALTH TRUST LAND

MINERAL ESTATE - HYDROCARBON ONLY

PARCEL	DESIGNATED				PARCEL DESCRIPTION		
	ESTATE	ACRES	MTRS	COMMUNITY	LOCALE	RESOURCE	SIZE
S50481	H	5.000	S008N011W35	Kenai	Rural	Hydrocarbo	Small Tract
S50482	H	5.000	S008N011W35	Kenai	Rural	Hydrocarbo	Small Tract
S50483	H	10.000	S008N011W35	Kenai	Rural	Hydrocarbo	Small Tract
S50484	H	20.000	S008N011W35	Kenai	Rural	Hydrocarbo	Small Tract
S50485	H	20.000	S008N011W35	Kenai	Rural	Hydrocarbo	Small Tract
S50486	H	80.000	S014N004W32	Kenai	Rural	Hydrocarbo	Small Tract
S50487	H	80.000	S014N004W32	Kenai	Rural	Hydrocarbo	Small Tract
S50488	H	320.000	S014N004W33	Kenai	Rural	Hydrocarbo	Small Tract
S50489	H	80.000	S014N004W33	Kenai	Rural	Hydrocarbo	Small Tract
S50490	H	80.000	S014N004W34	Kenai	Rural	Hydrocarbo	Small Tract
S50491	H	40.000	S014N004W34	Kenai	Rural	Hydrocarbo	Small Tract
S50492	H	41.460	S015N004W01	Kenai	Rural	Hydrocarbo	Small Tract
S50493	H	42.110	S015N004W01	Kenai	Rural	Hydrocarbo	Small Tract
S50494	H	42.090	S015N004W01	Kenai	Rural	Hydrocarbo	Small Tract
S50495	H	42.070	S015N004W01	Kenai	Rural	Hydrocarbo	Small Tract
S50496	H	39.710	S015N004W01	Kenai	Rural	Hydrocarbo	Small Tract
S50497	H	37.400	S015N004W01	Kenai	Rural	Hydrocarbo	Small Tract
S50498	H	40.000	S015N004W01	Kenai	Rural	Hydrocarbo	Small Tract
S50499	H	40.000	S015N004W01	Kenai	Rural	Hydrocarbo	Small Tract
S50500	H	20.000	S015N004W01	Kenai	Rural	Hydrocarbo	Small Tract
S50501	H	80.000	S015N004W01	Kenai	Rural	Hydrocarbo	Small Tract
S50502	H	22.060	S015N004W02	Kenai	Rural	Hydrocarbo	Small Tract
S50503	H	20.000	S015N004W02	Kenai	Rural	Hydrocarbo	Small Tract
S50504	H	80.000	S015N004W02	Kenai	Rural	Hydrocarbo	Small Tract
S50505	H	20.000	S015N004W02	Kenai	Rural	Hydrocarbo	Small Tract
S50506	H	20.000	S015N004W02	Kenai	Rural	Hydrocarbo	Small Tract
S50507	H	40.000	S015N004W02	Kenai	Rural	Hydrocarbo	Small Tract
S50508	H	40.000	S015N004W02	Kenai	Rural	Hydrocarbo	Small Tract
S50509	H	20.000	S015N004W02	Kenai	Rural	Hydrocarbo	Small Tract
S50510	H	10.000	S015N004W02	Kenai	Rural	Hydrocarbo	Small Tract
S50511	H	10.000	S015N004W02	Kenai	Rural	Hydrocarbo	Small Tract
S50512	H	22.050	S015N004W03	Kenai	Rural	Hydrocarbo	Small Tract
S50513	H	22.030	S015N004W03	Kenai	Rural	Hydrocarbo	Small Tract
S50514	H	42.020	S015N004W03	Kenai	Rural	Hydrocarbo	Small Tract
S50515	H	42.010	S015N004W03	Kenai	Rural	Hydrocarbo	Small Tract

04/28/94

Page

14

OTHER STATE LAND TO BE DESIGNATED AS MENTAL HEALTH TRUST LAND

MINERAL ESTATE - HYDROCARBON ONLY

PARCEL	DESIGNATED				PARCEL DESCRIPTION		
	ESTATE	ACRES	MTRS	COMMUNITY	LOCALE	RESOURCE	SIZE
S50516	H	40.000	S015N004W03	Kenai	Rural	Hydrocarbo	Small Tract
S50517	H	10.000	S015N004W03	Kenai	Rural	Hydrocarbo	Small Tract
S50518	H	10.000	S015N004W03	Kenai	Rural	Hydrocarbo	Small Tract
S50519	H	40.000	S015N004W03	Kenai	Rural	Hydrocarbo	Small Tract
S50520	H	20.000	S015N004W03	Kenai	Rural	Hydrocarbo	Small Tract
S50521	H	42.000	S015N004W04	Kenai	Rural	Hydrocarbo	Small Tract
S50522	H	42.000	S015N004W04	Kenai	Rural	Hydrocarbo	Small Tract
S50523	H	33.800	S015N004W04	Kenai	Rural	Hydrocarbo	Small Tract
S50524	H	10.000	S015N004W10	Kenai	Rural	Hydrocarbo	Small Tract
S50525	H	20.000	S015N004W10	Kenai	Rural	Hydrocarbo	Small Tract
S50526	H	20.000	S015N004W11	Kenai	Rural	Hydrocarbo	Small Tract
S50527	H	10.000	S015N004W11	Kenai	Rural	Hydrocarbo	Small Tract
S50528	H	10.000	S015N004W11	Kenai	Rural	Hydrocarbo	Small Tract
S50529	H	40.000	S015N004W23	Kenai	Rural	Hydrocarbo	Small Tract
S50530	H	160.000	S015N004W23	Kenai	Rural	Hydrocarbo	Small Tract
S50531	H	320.000	S015N004W25	Kenai	Rural	Hydrocarbo	Small Tract
S50532	H	30.000	S015N004W25	Kenai	Rural	Hydrocarbo	Small Tract
S50533	H	40.000	S015N004W25	Kenai	Rural	Hydrocarbo	Small Tract
S50534	H	20.000	S015N004W25	Kenai	Rural	Hydrocarbo	Small Tract
S50535	H	32.800	S015N004W26	Kenai	Rural	Hydrocarbo	Small Tract
S50536	H	40.000	S015N004W26	Kenai	Rural	Hydrocarbo	Small Tract
S50537	H	30.000	S015N004W26	Kenai	Rural	Hydrocarbo	Small Tract
S50538	H	160.000	S015N004W26	Kenai	Rural	Hydrocarbo	Small Tract
S50542	H	40.240	S016N003W03	Kenai	Rural	Hydrocarbo	Small Tract
S50543	H	40.240	S016N003W03	Kenai	Rural	Hydrocarbo	Small Tract
S50544	H	40.240	S016N003W04	Kenai	Rural	Hydrocarbo	Small Tract
S50545	H	40.240	S016N003W04	Kenai	Rural	Hydrocarbo	Small Tract
S50546	H	40.240	S016N003W04	Kenai	Rural	Hydrocarbo	Small Tract
S50547	H	40.240	S016N003W04	Kenai	Rural	Hydrocarbo	Small Tract
S50548	H	30.000	S016N003W04	Kenai	Rural	Hydrocarbo	Small Tract
S50549	H	320.000	S016N003W04	Kenai	Rural	Hydrocarbo	Small Tract
S50550	H	40.240	S016N003W05	Kenai	Rural	Hydrocarbo	Small Tract
S50551	H	40.230	S016N003W05	Kenai	Rural	Hydrocarbo	Small Tract
S50552	H	40.000	S016N003W05	Kenai	Rural	Hydrocarbo	Small Tract
S50553	H	40.220	S016N003W06	Kenai	Rural	Hydrocarbo	Small Tract

04/28/94

Page 15

OTHER STATE LAND TO BE DESIGNATED AS MENTAL HEALTH TRUST LAND

MINERAL ESTATE - HYDROCARBON ONLY

PARCEL	DESIGNATED				PARCEL DESCRIPTION		
	ESTATE	ACRES	MTRS	COMMUNITY	LOCALE	RESOURCE	SIZE
S50554	H	40.220	S016N003W06	Kenai	Rural	Hydrocarbo	Small Tract
S50555	H	80.000	S016N003W06	Kenai	Rural	Hydrocarbo	Small Tract
S50556	H	160.000	S016N003W08	Kenai	Rural	Hydrocarbo	Small Tract
S50557	H	80.000	S016N003W08	Kenai	Rural	Hydrocarbo	Small Tract
S50558	H	40.000	S016N003W09	Kenai	Rural	Hydrocarbo	Small Tract
S50559	H	80.000	S016N003W09	Kenai	Rural	Hydrocarbo	Small Tract
S50560	H	80.000	S018N003W13	Kenai	Rural	Hydrocarbo	Small Tract
S50561	H	40.000	S018N003W13	Kenai	Rural	Hydrocarbo	Small Tract
S50562	H	80.000	S005N003W29	Kenai	Rural	Hydrocarbo	Small Tract
Total Acres	25720.800	Total Number of Parcels	534				

HB

201

(FILE 5-MAPS)

SFIN

FILE

THE MENTAL
HEALTH TRUST
LAND MAPS:

8/30/94

3/16/94

3/17/94

3/18/94

HAVE NOT BEEN
MICROFICHERD -
ARE AVAILABLE
IN STATE ARCHIVES

HEB

2017

HFIN

FILE

FISCAL NOTE

Revision Date:
Title: Establish Four DOT&PF Regions By Law

Department Affected: DOT&PF
BRU:

Sponsor: Foster
Requestor: Hoffman

Component:
Component Serial Number:

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY94	FY95	FY96	FY97	FY98	FY99
PERSONAL SERVICES	1564.5	1564.5	1564.5	1564.5	1564.5	1564.5
TRAVEL	13.8	13.8	13.8	13.8	13.8	13.8
CONTRACTUAL	259.2	259.2	259.2	259.2	259.2	259.2
SUPPLIES	30.0	30.0	30.0	30.0	30.0	30.0
EQUIPMENT	107.0	0	0	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
TOTAL OPERATING:	1974.5	1867.5	1867.5	1867.5	1867.5	1867.5

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

REVENUE FUND SOURCE	0	0	0	0	0	0
---------------------	---	---	---	---	---	---

FUNDING: (Thousands of Dollars)

1002 FEDERAL RECEIPTS	0	0	0	0	0	0
1003 GF MATCH	0	0	0	0	0	0
1004 GF	1569.7	1462.7	1462.7	1462.7	1462.7	1462.7
1005 GF/PROGRAM RECEIPTS	0	0	0	0	0	0
1006 GF/MHTIA	0	0	0	0	0	0
OTHER	404.8	404.8	404.8	404.8	404.8	404.8
TOTAL FUNDING:	1974.5	1867.5	1867.5	1867.5	1867.5	1867.5

POSITIONS

FULL-TIME	23	23	23	23	23	23
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

Estimate of current year (FY93) impact: \$0

ANALYSIS: (Attach a separate page if necessary)

Costs and position count are only for new employees which would be required by the establishment of a new region. These are mostly management-level positions. Additional employees would be transferred from Central and Northern Regions, which currently have responsibility for those areas which would come under the purview of the new region. These estimates do not include the cost of moving employees from Fairbanks to Anchorage. The assumption is that employees would transfer with funding for travel, telephones, etc., in addition to personal services funding.

Prepared by: Ron B. Lind, Director

Phone: 465-4070

Division: Plans, Programs and Budget

Date: March 23, 1993

Approved by Commissioner: Frank G. Turpin

Phone: 465-3900

Agency: Department of Transportation and Public Facilities

Date: March 23, 1993

PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE
For further distribution information call the Governor's Legislative Office

HB207
NO. 1
Pg 2 of 3

Add Region (Rural) in Anchorage

	Range	Step	GF	TOTAL
<u>Administrative Services</u>				
Asst Commissioner	27	A	96.3	96.3
Secretary	11	B	40.3	40.3
Accountant IV	20	A	68.6	68.6
Personnel Officer II	20	A	68.6	68.6
Supply Officer IV	19	A	64.0	64.0
Budget Analyst III	19	A	64.0	64.0
Accounting Clerk II	9	B	36.5	36.5
Clerk IV (supply)	9	B	36.5	36.5
			<u>474.8</u>	<u>474.8</u>
<u>Planning</u>				
Transportation Planner III	24	A	70.2	87.8
Secretary	10	B	23.1	38.4
			<u>93.3</u>	<u>126.2</u>
<u>Design & Construction</u>				
Director	26	A	93.4	93.4
Secretary	10	B	38.4	38.4
Engineer V (Chief Design)	25	A	56.0	93.3
Engineer IV (Aviation design chief)	24	A	26.3	87.8
Engineer IV (Highway design chief)	24	A	8.8	87.8
Engineer III (Traffic/Safety/Utilities Chief)	22	A	38.9	77.7
Clerk V	11	B	29.5	40.3
ROW Agent VI	23	A	82.7	82.7
Tech Engineer I (Project control chief)	21	A	73.0	73.0
Engineer III (Chief contracts)	22	A	10.9	77.7
Engineer III (Chief prof svcs/claims)	22	A	0.0	77.7
			<u>457.9</u>	<u>829.8</u>
<u>Maintenance & Operations</u>				
Director	26	A	93.4	93.4
Clerk V	11	B	40.3	40.3
			<u>133.7</u>	<u>133.7</u>
TOTAL Personal Services			<u><u>1,159.7</u></u>	<u><u>1,564.5</u></u>

A vacancy assessment has not been taken under the assumption that some of the positions will be filled with people eligible for more than the minimum step.

TRAVEL

Five trips Anchorage - Bethel and return @ \$436.00 ea.	\$2.2
Per Diem Three trips/two 3 days, one 4 days/\$100/day	\$1.0
Two trips/one each 3 days and 4 days/\$90/day	\$0.6
	<u>\$1.6</u>
Total	\$3.8
Five trips Anchorage - Nome and return @ \$580.00 ea.	\$2.9
Per Diem Three trips/two 3 days, one 4 days/\$100/day	\$1.0
Two trips/one each 3 days and 4 days/\$90/day	\$0.6
	<u>\$1.6</u>
Total	\$4.5
Five trips Anchorage - Cold Bay and return @ \$774.00 ea.	\$3.9
Per Diem Three trips/two 3 days, one 4 days/\$100/day	\$1.0
Two trips/one each 3 days and 4 days/\$90/day	\$0.6
	<u>\$1.6</u>
Total	\$5.5

CONTRACTUAL

	\$259.2
Space lease costs	\$165.6
Copier - Lease Xerox 1075 copier with sorter & duplex features \$1000.00/month	\$12.0
Telephones - Lease 20 telephones (est. \$330/yr/ea)	\$6.6
Other Misc. contractual items (postage, long distance charges, etc.)	\$75.0

COMMODITIES

Office supplies	\$30.0
-----------------	--------

EQUIPMENT

Office furniture	\$57.0
Computer equipment	\$50.0

TOTAL	\$410.0
-------	---------

HB

209

SFIN

FILE

SENATE FINANCE COMMITTEE REPORT

DATE: 4/23/93

FURTHER:

DATE TURNED INTO OFFICE: 5-1-93

The Finance Committee considered HOUSE BILL NO. 209

"An Act relating to community health aide grants."

and recommends:

- replace with _____ CS _____ (FINANCE)
- or adopt previous _____ CS _____
- attaches amendment(s)

- same title
- new title
- technical title change (HB 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
DH&SS	7/1/93	0	

PREVIOUS FISCAL NOTES

Department	Date	Zero	Fiscal

Appropriation No Fiscal Note

DO PASS:

Tom Kelly

John Reis

OTHER RECOMMENDATIONS:

Sheryl No Pen
Bob May AB Rec

1. _____
David AD Pass
 Co-Chair: Signature/Recommendation

2. _____
True Deane - 10 Pass
 Co-Chair: Signature/Recommendation

FISCAL NOTE

No.
 Bill Version: HB 209
 (H) Publish Date: 4/7/93

STATE OF ALASKA
 1993 LEGISLATIVE SESSION

Revision Date: April 1, 1993 Dept. Affected: Health and Social Services
 Title: Relating to Community Health Aide BRU: State Health Services
Grants Component: Community Health Grants
 Sponsor: House HES
 Recipient: House Community & Regional Affairs COMPONENT SERIAL NO. 299

Expenditures/Revenues:	(Thousands of Dollars)					
OPERATING	FY94	FY95	FY96	FY97	FY98	FY99
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS	0.0	0.0	0.0	0.0	0.0	0.0
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0
CAPITAL						
REVENUE FUND SOURCE						

FUNDING:	(Thousands of Dollars)					
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:						
FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year (FY93) impact: None

ANALYSIS: (Attach a separate page if necessary)

AS 13.28.010 (d) caps the total funding level for the grant program. The impact of HB 209 allows the department to award grants to new agencies without increasing or decreasing the total amount of funds in the component.

Prepared by: Peter M. Nakamura, MD, MPH Phone: (907) 465-3090
 Division: Division of Public Health Date: 4/1/93
 Approved by Commissioner: Theodore A. Maia, MD, MPH Date: 4/1/93
 Agency: Department of Health & Social Services

PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE
 For further distribution information call the Governor's Legislative Office

ANALYSIS (cont.):

ASSISTANCE TO COMMUNITY HEALTH AIDE PROGRAMS
FORMULA FUNDING AS 18.28.010

Grantees	Full Formula	Full Formula	FY94 Gov	FY94 Gov
	Funding Level W/O HB 209	Funding Level With HB 209	Budget W/O HB 209	Budget With HB 209
Aleutian Pribilof Island Assn.	\$78,000	\$54,000	\$70,080	\$46,699
Bristol Bay Area Health Corp.	\$326,000	\$326,000	\$222,900	\$281,921
Copper River Native Assn.	\$78,000	\$78,000	\$70,080	\$67,453
Kodiak Area Native Assn.	\$86,000	\$86,000	\$77,200	\$74,372
North Pacific Rim	\$62,000	\$62,000	\$55,700	\$53,617
North Slope Borough	\$126,000	\$126,000	\$113,200	\$108,963
St. George	\$8,000	\$8,000	\$7,200	\$6,918
Yakutat	\$8,000	\$8,000	\$7,200	\$6,918
Eastern Aleutian Tribes	\$0	\$54,000	\$0	\$46,699
Total	\$772,000	\$802,000	\$693,560	\$693,560

Formula funding for the community health aide grants is determined by AS 18.28.010 based upon the number of health aides recognized by the department on July 1, 1984. To be eligible to receive state funding, an agency must also have been providing health aide services under contract to the Alaska Area Native Health Services on July 1, 1984. The statute allows the department to distribute available funds on a pro rata basis to eligible organizations. The available funding for this program has been reduced to 90% of full formula level as a result of state wide budget reductions. HB 209 will amend the statute to allow new contractors to become eligible for funding. The available funding will continue to be distributed pro rata to all eligible organizations. The impact of this bill will be a redistribution of funds resulting in a reduction to 87% of full formula for each agency in this component in FY94.

Those organizations funded through the designated Budget Request Units (Tanana Chiefs Conference, Yukon Kuskokwim Health Corporation, Norton Sound Health Corporation, Maniilaq Association, and Southeast Alaska Regional Health Corporation) will not be impacted by HB 209.

POSITION PAPER

HOUSE BILL NO. 209

A Bill for an Act entitled: An Act relating to community health aide grants.

BACKGROUND

Since 1985, DHSS has been authorized to provide grants to help support training and supervision costs for community health aides (CHAs) employed by regional health organizations. CHAs are the only resident source of primary medical care for many small, rural Alaska villages.

Existing legislation provides a funding formula for these grants. Annual grants are based on total authorized funding prorated to participating regional health organizations on the basis of the formula.

DISCUSSION

In recent years there have been changes in the organizations sponsoring CHA programs with a trend toward organizations serving somewhat smaller regions and a greater amount of local control of programs. Under the existing statute, grants could be given only to organizations who employed health aides on July 1, 1984. The new language allows grants to be made to successor organizations which have taken over the provision of CHA services in specific communities. The bill does not change the funding limitations found in the current legislation nor does it alter the formula for distribution of funds actually appropriated.

POSITION

The Department supports enactment of HB 209. It would not be fair to restrict funding only to organizations which provided service in 1984 and to ignore developments and changes in the patterns of service provision in rural areas since that time. It is the department's understanding that current grantees also support HB 209.

Recommended By:

Peter M. Nakamura, MD; MPH; Director
Division of Public Health

3/15/93
Date

Approved By:

Theodore A. Mala, MD, MPH, Commissioner
Department of Health & Social Services

3/18/93
Date

Back-up

HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE

ALASKA STATE LEGISLATURE
HOUSE OF REPRESENTATIVES

STATE CAPITOL, JUNEAU 99801
(907) 465-3759



MEMORANDUM

TO: Senator Drue Pearce
Senator Steve Frank
Senate Finance Committee Co-Chairs

FR: Representative Cynthia Toohy ^{CT}
Representative Con Bunde ^{CB}
House HESS Committee Co-Chairs

DA: April 23, 1993

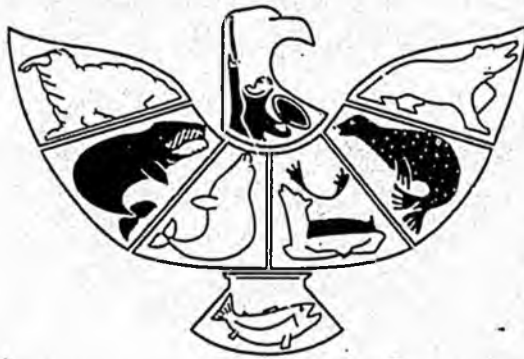
RE: Scheduling of HB 209 - An Act relating to community
health aide grants

Yesterday the House passed HB 209 with a vote of 30 yeas and 0 nays. We would like to request that you schedule HB 209 at your earliest possible convenience.

The House HESS Committee introduced this bill at the request of the Alaska Native Health Board to solve a technical problem that developed in the Community Health Aide Grants program with the establishment of Eastern Aleutians Tribes, a new, more locally controlled health organization in the Aleutian/Pribilof Islands Association service area.

Enclosed you will find a zero fiscal note and a position paper from the Department of Health and Social Services, letters from the Alaska Native Health Board explaining the necessity for this bill, an article on the Community Health Aide Program, a copy of Alaska Statute 18.28, and the House votes on this bill.

Thank you for your consideration.



Alaska Native Health Board

1345 Rudakof Circle, Suite 206
Anchorage, Alaska 99508

Phone: (907) 337-0028
FAX: (907) 333-2001

March 17, 1993

The Honorable Harley Olberg
Alaska State Legislature
State Capitol, Room 110
Juneau, AK 99801-1182

RE: House Bill 209

Dear Representative Olberg:

We would like to request that you schedule HB 209 for hearing by the Community and Regional Affairs Committee at the earliest possible date. House Bill 209 was introduced by the House Health, Education, and Social Services (HESS) Committee at the request of the Alaska Native Health Board (ANHB) to solve a very technical problem that has developed in the Community Health Aide Grants program, AS 18.28, which is administered by the Department of Health and Social Services (DHSS). The bill does not change the nature of the program or its cost to the State. It is supported by DHSS which helped us develop it. DHSS will be submitting a "zero" fiscal note, if they have not already.

The Community Health Aide Program is a critical component of the mostly federally funded rural health care system in Alaska. The Alaska Community Health Aide Grants program was enacted into statute in 1984. It provides grant funds for training and supervision of the community health aides who are for the most part the only health care providers in most of the villages throughout Alaska.

An enclosed one page article about the Community Health Aide Program describes it very well, although it fails to note that the health aides also serve non-Native rural residents who would otherwise not have access to primary and emergency health care when they live in rural and remote villages in the State. The program is almost entirely funded by federal dollars. Alaska contributes only by its limited support of training and supervision. The amount of the State's contribution is controlled by the ordinary budget process and is not affected by this bill.

ALEUTIAN/PRIKILCF ISLANDS ASSOCIATION
BRISTOL BAY AREA HEALTH CORPORATION
CHUGACHMIUT
COPPER RIVER NATIVE ASSOCIATION

KODIAK AREA NATIVE ASSOCIATION
MANILAO ASSOCIATION
METLAKATLA INDIAN COMMUNITY
NORTH SLOPE BOROUGH HEALTH DEPARTMENT
NORTO'I SOUND HEALTH CORPORATION

SOUTHCENTRAL FOUNDATION
SOUTHEAST ALASKA REGIONAL HEALTH CORPORATION
TANANA CHIEFS CONFERENCE
YUKON-KUSKOKWIM HEALTH CORPORATION

The Honorable Harley Olberg
Page 2
March 17, 1993

When the program was established in 1984, eligibility for grants was limited to the regional and local Alaska Native health providers who were then providing services, and the level of grants was tied to the number of health aides in the system in 1984. In 1992, some of the villages in the Aleutian/Pribilof Islands Association (A/PIA) service area, which is immense and mostly impossible to reach except by travel through Anchorage, decided to form a new, more locally controlled health organization, Eastern Aleutians Tribes (EAT). EAT assumed responsibility for operating the federally supported health aide program for its villages after a very cooperative transfer from A/PIA, however it found itself unable to access the State DHSS grant funds because it was not in existence in 1984.

All of the Alaska Native regional health providers belong to ANHB. They asked us to take a leadership role in trying to amend this grant program to allow new providers to be eligible to receive grants. HB 209 accomplishes this without in any other way changing the program. The number of health aides upon which the grant amounts are awarded is still limited to the number providing services in 1984 and all other requirements of the program remain in place.

The Community Health Aide Program grants, in any given year, are restricted by the level of appropriation. That does not change in the bill. As a result, there is NO fiscal impact from the bill. All the grantees understand that each grantee may receive a slightly smaller grant than they have in previous years because a new grantee is added to the program, but they understand that this is the equitable thing to do.

House Bill 209 has received many committee referrals. It is critical that it pass this session to avoid disruptions in services provision and serious administrative problems for DHSS. Thus, an early hearing in the CRA Committee is crucial. ANHB's legal counsel, Myra Munson, is located in Juneau. She or her paralegal, Nancy Burns, will be contacting your staff soon to find out if you have any questions or need further information and to discuss scheduling the bill for hearing. If you have any questions in the meantime, Ms. Munson's address and phone number are 229 Fourth Street, Juneau, 586-5880. She will be available to provide whatever information or assistance may be needed throughout the session. Please contact her.

The Honorable Harley Olberg
Page 3
March 17, 1993

Thank you for consideration of our request. If we can be of help with other work of the CRA Committee, please be sure to contact us.

Cordially,

ALASKA NATIVE HEALTH BOARD

Ann Walker

Anne M. Walker *C.L.*
Executive Director

Enclosure

c: Representative Toohey
Representative Nicholia
Representative Williams

Community Health Aide Program

Winnie Reeve
Academic Coordinator, Community Health Aide Program

The Community Health Aide Program is a unique system of health care designed to provide village health care in Alaska's remote villages. The community health aides provide medical care under the supervision of referral physicians in each region of the state. They are taught to do a patient history, physical exam, assessment, and treatment plan using the *Community Health Aide Practitioner (CHAP) Manual*, published by the Alaska Area Native Health Service in 1987.

Community health aides manage the treatment and referral of common medical problems, medevac emergencies to the nearest referral hospital, provide monthly exams for pregnant women, provide well-child exams and immunizations, and follow up with patients with chronic illnesses. Using the *Community Health Aide Practitioner Manual*, they assess and treat patients according to medical standing orders and refer patients on a daily basis to a referral physician over the telephone. CHAP administrators, CHAP field instructors, traveling field physicians, public health nurses, maternal and child health nurses, dentists, eye doctors, and other health care providers create a support system by on-going telephone contact and field trips.

Currently, there are approximately 440 community health aides serving a population of 42,722 Alaska Natives in 171 villages. They are employed by the regional Native corporations and in some cases by independent village contractors, funded by Indian Self-determination Act contracts with the federal government.

Five CHAP training centers provide the basic training courses leading to community health practitioner certification. These training centers are located at the Alaska Native Medical Center in Anchorage; the Norton Sound Health Corporation in Nome; the Kuskokwim Campus, College of Rural Alaska in Bethel; the North Pacific Rim Native Corporation in Seward; and the Southeast Alaska Regional Health Corporation in Sitka.

Community health aides attend three training sessions in one of the training centers. Each session is three to five weeks in length. Students practice the knowledge and skills learned during a 200-hour fieldwork experience in a village clinic after each session and complete a two-week preceptorship in a referral hospital or large village clinic. After the completion of community health practitioner certification, the title community health aide changes to community health practitioner.

The Community Health Aide Program is a collaborative program with the College of Rural Alaska of the University of Alaska Fairbanks. It is a multi-agency program including the Alaska Area Native Health Service, the Alaska Department of Health and Human Services, the five CHAP Training Centers, 11 Native corporations, and several independent village contracting agencies. Because the community health aides and practitioners are employed in rural communities, a CHAP academic coordinator is employed to serve the needs of the students, to represent the program within the university, and to coordinate

with the many agencies involved in CHAP training around the state.

Three statewide committees meet to discuss village health care needs, to revise the CHAP curriculum, and to address the concerns of the community health aides and practitioners. These committees are the Association of CHAP Directors, the Academic Review Committee, and the Statewide Community Health Aide Association. Current projects that are underway include the revision of the statewide basic training curriculum, the development of a new emergency care course, a review of the community health practitioner certification process, a revision of the certification examination, and planning for the eighth annual statewide CHAP Program Forum.

The statewide Community Health Aide Program's mission to provide primary health care in Alaska's remote villages is exciting, challenging, and demanding, due to the continual need to teach and certify community health practitioners who can work safely and effectively in their home villages. It is also a challenge to provide the support needed for the students who work in the stressful situation of being a responsible health care provider in a setting that requires that they often care for their own families and friends.

The Alaska community health aides and practitioners are a wonderful loving community of individuals dedicated to serving their own people by stretching human physical, mental, emotional, and spiritual potential to the limit. Their work performance, strength of character, and love for the Alaska Native people can be an inspiration for us all. ▮

the day-to-day operation and maintenance of a medical facility and over the development and implementation of long-range goals and objectives for the medical facility; it includes any person acting as an agent or representative of an operator;

(8) "property" means any real, personal, or mixed property, or any interest in it, including without limitation any real estate, appurtenances, buildings, easements, equipment, furnishings, furniture, improvements, machinery, rights-of-way, and structures, or any interest in any of these items;

(9) "revenue" means, with respect to any medical facility, the rent, fees, charges, interest, principal repayments, and other income or profit received or to be received, either directly or indirectly, by the authority from any source on account of the facility. (§ 1 ch 141 SLA 1978)

Revisor's notes. — Reorganized in 1986 to alphabetize the defined terms.

Chapter 28. State Assistance for Community Health Aide Programs.

<p>Section 10. Community health aide grants 20. Qualifications 30. Community health aide grant account</p>	<p>Section 40. Liability limitation 50. Regulations 100. Definitions</p>
------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------

Cross references. — For duty of health aides to report certain injuries, see AS 08.64.369.

Sec. 18.28.010. Community health aide grants. (a) A qualified regional health organization is entitled to a grant of \$30,000 each fiscal year for the training and supervision of at least three primary community health aides.

(b) During each fiscal year a qualified regional health organization or local health organization is entitled to a grant of \$8,000 multiplied by the number of primary community health aides who each week during the previous fiscal year averaged at least 20 hours of service paid for by the health organization, but not to exceed the number of primary community health aides who were employed by the health organization on July 1, 1984.

(c) A grant under (b) of this section may be used only for

(1) training of primary community health aides, including tuition and travel to training programs;

(2) supervision of primary community health aides, including travel for supervisors;

(3) alternate community health aides.

(d) The department shall compute and pay a grant under this section within the limits of appropriations made for the purpose. (§ 1 ch 44 SLA 1985)

Sec. 18.28.020. Qualifications. To qualify for a community health aide grant a regional or local health organization must

(1) have received money from the federal government for a community health aide program during the fiscal year for which the grant is sought;

(2) provide the services of community health aides on a nondiscriminatory basis for the benefit of the public;

(3) apply for the grant in accordance with application requirements of the department or negotiate a contract with the department in lieu of a grant if the regional or local health organization provides other contract services for the state; and

(4) supply information requested by the department. (§ 1 ch 44 SLA 1985)

Sec. 18.28.030. Community health aide grant account. (a) The community health aide grant account is established in the department. Money to carry out the provisions of this chapter shall be appropriated to the account and distributed as community health aide grants or to fund contracts entered into by the department under AS 18.28.020(3).

(b) Each fiscal year the department shall determine the amount of money needed to fund all grants under AS 18.28.010 and contracts under AS 18.28.020(3) during the next fiscal year and shall report that amount to the legislature. If the amount appropriated to the account is not sufficient to finance all grants and contracts, the money shall be distributed pro rata among qualified regional and local health organizations. (§ 1 ch 44 SLA 1985)

Sec. 18.28.040. Liability limitation. The state is not liable for any injury that may result from the use of money awarded by the state as a community health aide grant or paid by the state under a contract under this chapter. (§ 1 ch 44 SLA 1985)

Sec. 18.28.050. Regulations. The department may adopt regulations necessary to carry out the provisions of this chapter. (§ 1 ch 44 SLA 1985)

Sec. 18.28.100. Definitions. In this chapter

(1) "alternate community health aide" means a person who assists the primary community health aide when necessary and acts in the absence of the primary community health aide;

(2) "community health aide" includes a primary community health aide and an alternate health aide;

(3) "department" means the Department of Health and Social Services;

(4) "local health organization" means a nonprofit corporation or other entity that provides health services in a rural area that is less than 4,000 square miles;

(5) "primary community health aide" means a person who has completed the first of three levels of community health aide training offered by the Norton Sound Health Corporation at the Nome Hospital, the Kuskokwim Community College in Bethel, the Alaska Area Native Health Service in Anchorage, or another accredited training center;

(6) "regional health organization" means a nonprofit corporation or home rule borough that provided health aide services

(A) under a contract with the Alaska Native Health Service that was in effect on July 1, 1984; and

(B) in a rural area that is at least 4,000 square miles. (§ 1 ch 44 SLA 1985)

Chapter 31. Asbestos.

Article

1. Asbestos Health Hazard Abatement Program (§§ 18.31.010 — 18.31.050)
2. Certification of Asbestos Workers (§ 18.31.200)
3. Miscellaneous Provisions (§ 18.31.500)

Editor's notes. — Section 3, ch. 71, the abatement of asbestos health hazards SLA 1985 provides that this chapter "does not apply to work involving asbestos or underway on October 1, 1985."

Article 1. Asbestos Health Hazard Abatement Program.

Section

10. Program established
20. Duties of the Department of Labor
30. Duties of the Department of Education

Section

40. Duties of school officials
50. Repayment of grant funds

§ 1
 §
 arc
 coc
 he:
 in
 ()
 tio
 t
 wi
 I
 18.
 ab
 ve
 ha
 ul
 th
 th
 co
 SF
 ti
 as
 pe
 sc
 sc
 rr
 g.
 ti
 c:
 p
 t:
 b
 a
 c

HIB

212

HFIN

FILE

HOUSE COMMITTEE REPORT

(11)

Date Referred: April 5, 1993

FURTHER REFERRALS:

Date of Committee Action: 4/13/93

The FINANCE Committee considered:

HB 212

HOUSE BILL NO. 212

SENTENCING: AGGRAVATING FACTORS

"An Act relating to a factor in aggravation of the presumptive term of a criminal sentence, and prohibiting the referral of a sentence based on application of that factor to a three-judge sentencing panel as an extraordinary circumstance."

RECOMMENDATIONS:

be replaced with CS HB 212 (Jud) the same title a new title

have attached amendments(s)

do pass

do not pass

no recommendations

individual recommendations

additional referral to the _____ Committee

ADOPTS: _____ letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept)

APPROVES PREVIOUS: (Dept/Date)

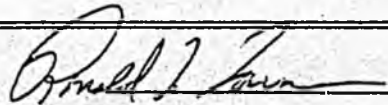
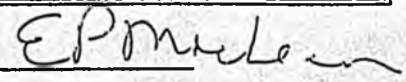
fiscal impact _____

fiscal note(s) court, corrections 4/5/93

zero fiscal note _____

5 zero fiscal note(s) (2) Admin, Law

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
<u>Edson P. Wilson</u> Wilson	✓				
<u>Ronald J. Larson</u> Larson	X				
<u>Mark Hanley</u> Hanley	X				
<u>Terry Martin</u> Martin	✓				
<u>Sean Parnell</u> Parnell	X				
<u>Ben Gussenda</u> Gussenda	X				
<u>Ray Brown</u> Brown	✓				



 CHAIRMAN'S SIGNATURE

FISCAL NOTE

10. 2
 Bill Version: CSHB 212 (JUD)
 (H) Publish Date: 4/5/93

STATE OF ALASKA
 1993 LEGISLATIVE SESSION

Revision Date: _____ Dept. Affected: Administration
 Title: "An Act relating to a factor in aggravation of the
presumptive..." BRU: Public Defender
 Component: Public Defender
 Sponsor: Representative MacLean
 Requestor: House Judiciary COMPONENT SERIAL NO. 1631

Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 94	FY 95	FY 96	FY 97	FY 98	FY 99
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	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
TOTAL OPERATING	0	0	0	0	0	0

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

REVENUE FUND SOURCE:	0	0	0	0	0	0
----------------------	---	---	---	---	---	---

FUNDING:

1002 Federal Receipts	0	0	0	0	0	0
1003 GF Match	0	0	0	0	0	0
1004 GF	0	0	0	0	0	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
TOTAL	0	0	0	0	0	0

POSITIONS

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

Estimate of current year (FY93) impact: \$ none

ANALYSIS: (attach a separate page if necessary.)

Prepared By: John Salemi, Public Defender Phone: 274-1684
 Division: Public Defender Agency Date: _____

Approved by Commissioner: Nancy Bear Usara *NBCU* Date: 3/17/93
 Agency: Department of Administration *4*

PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE

For further distribution information call the Governor's Legislative Office

FISCAL NOTE

No. 3
 Bill Version: CSHR 212 (JUD)
 (H) Publish Date: 4/5/93

**STATE OF ALASKA
 1993 LEGISLATIVE SESSION**

Revision Date:	Dept. Affected: <u>Corrections</u>
Title: <u>"An Act relating to a factor in</u>	BRU: <u>Institutions</u>
<u>aggravation of a presumptive term..</u>	Component: <u>Institutions</u>
Sponsor: <u>Representative MacLean</u>	<u>1860</u>
Requestor: <u>House Judiciary</u>	COMPONENT SERIAL NO. <u>1860</u>

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING	FY94	FY95	FY96	FY97	FY98	FY99
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

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

REVENUE FUND SOURCE:						
----------------------	--	--	--	--	--	--

FUNDING:

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	-0-	-0-	-0-	-0-	-0-	-0-
1005 GF/Program Receipts						
1006 GF/MHTA						
Other						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year (FY93) impact: 0

ANALYSIS: (Attach a separate page if necessary)

Please see the attached page.

Prepared by: Dana LaTour
 Division: Commissioner's Office

Approved by Commissioner: Lloyd G. Rudd
 Agency: Corrections

Phone: 465-3376
 Date: 3-31-93

Date: 3-31-93

PREPARED TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE

COMMITTEE COPY

For further distribution information call the Governor's Legislative Office

HB 212

"An Act relating to a factor in aggravation of the presumptive term of a criminal sentence, and prohibiting the referral of a sentence based on application of that factor to a three-judge panel as an extraordinary circumstance.

Fiscal Note Analysis

This legislation adds as an aggravating factor to be considered by the sentencing court if the offense was sexual abuse of a minor, and the offender was residing in the same household as the victim, or if the offender occupied a position of authority in relation to the victim.

After reviewing the sentence lengths given to offenders of these crimes and discussing it with representatives of the Department of Law, it appears that judges generally give longer sentences to offenders convicted of these crimes than are given to offenders committing crimes in similar felony groups.

For example, the average sentence length for a first time offender of a class B felony is one year. By comparison, a first time offender convicted of sexual abuse of a minor in the 2nd degree is about 2 years.

Since it appears that offenders may already receive longer than average sentences for sex crimes against minors, and since consideration of an aggravating factor may not necessarily result in a longer sentence, the Department of Corrections has prepared a zero fiscal note.

FISCAL NOTE

No. 4

Bill Version: CSHB 212 (JUD)

(H) Publish Date: 4/5/93

STATE OF ALASKA
1993 LEGISLATIVE SESSION

Revision Date: March 22, 1993
Title: 'An Act relating to a factor in aggravation of the presumptive term of a criminal sentence...'
Sponsor: Representative MacLean
Requestor: Representative MacLean

Department Affected: Department of Law
BRU: Prosecution
Component: All
COMPONENT SERIAL NO. 0085 through 0090

EXPENDITURES/REVENUES:

OPERATING	FY 94	FY 95	FY 96	FY 97	FY 98	FY 99
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

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

REVENUE						
FUND SOURCE:						

FUNDING:

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
OTHER						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

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

Estimate of current year (FY93) impact: -0-

ANALYSIS: (Attach a separate page if necessary.)

Please see the attached analysis.

Richard I. Peques

Prepared by: Richard I. Peques, Director
Division: Administrative Services Division

Phone: 465-3672
Date: March 22, 1993

Approved by Commissioner: Charles E. Cole, Attorney General
Agency: Department of Law

Date: March 22, 1993

COMMITTEE COPY

PREPARED TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE
For further distribution information call the Governor's Legislative Office

STATE OF ALASKA
1993 LEGISLATIVE SESSION

BILL NO. ^{CS} HB 212 (Jud)

pg. 2

ANALYSIS (Continued):

This bill amends AS 12.55.155(c) to provide that when the offense was sexual abuse of a minor in any degree and the victim at the time of the offense resided in the same household as the offender, or when the offender occupied a position of authority in relation to the victim, the sentencing court shall consider these factors and may aggravate the presumptive term set out in AS 12.55.125. The bill also amends AS 12.55.165(b) to provide that a court may not refer a case to a three judge panel based on the defendant's potential for rehabilitation if the court finds that either of these same factors is present. These sentencing provisions occur after the conviction of a defendant and, therefore, there should not be a fiscal impact for the Department of Law.

No. 5

FISCAL NOTE

Bill Version: CSHB 212 (JUD)

(H) Publish Date: 4/5/93

STATE OF ALASKA
1993 LEGISLATIVE SESSION

Revision Date: _____ Department Affected: Alaska Court System
 Title: Sentencing: Aggravating Factors BRU: Trial Courts
 Components: _____
 Sponsor: MacLean
 Requestor: _____ COMPONENT SERIAL NO. 768

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 94	FY 95	FY 96	FY 97	FY 98	FY 99
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS & CLAIMS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

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

REVENUE						
FUND SOURCE						

FUNDING: (Thousands of Dollars)

1002 FEDERAL RECEIPTS						
1003 GF MATCH						
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/PROGRAM RECEIPTS						
1006 GF/MHTA						
OTHER						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year (FY 93) impact: None

ANALYSIS: (Attach a separate page if necessary)
 No fiscal impact.

Prepared by: C. S. Christensen III, Staff Counsel *CHC* Phone: 254-3229
 Division: Alaska Court System Date: 04/01/93

Approved by: Arthur H. Snowden, II, Administrative Director *CHC*
 Agency: Alaska Court System Date: 04/01/93

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, CMB, & Impacted Agency(ies).

COMMITTEE COPY

DIVISION OF LEGAL SERVICES

**LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA**

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

130 Seward Street, Suite 409
Juneau, Alaska 99801-2105

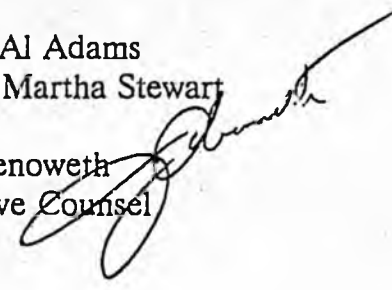
MEMORANDUM

April 2, 1993

SUBJECT: Questions concerning House Bill 212
(Work Order No. 8-LS0780\A)

TO: Senator Al Adams
ATTN: Martha Stewart

FROM: Jack Chenoweth
Legislative Counsel



Since we're eighty days along in the session, you'll appreciate, I trust, that my responses set out below are necessarily brief.

Your questions concerned provisions of House Bill 212:

1. On page 3, line 16, should the reference to AS 11.41.440, the offense of "sexual abuse of a minor in the fourth degree," defined as a class A misdemeanor, be removed from the bill?

That is probably a good idea. AS 12.55.155(a) declares that, by its terms, the provisions of the section apply "[i]f a defendant is convicted of an offense and is subject to sentencing under AS 12.55.125(c), (d)(1), (d)(2), (e)(1), (e)(2), or (i)" All of the cross-referenced provisions address felony convictions. The misdemeanor sentencing statute, AS 12.55.135, has no comparable mechanism for imposition of presumptive sentences for prior misdemeanor convictions. Thus, the reference to AS 11.41.440, a misdemeanor provision, is out of place in a list that applies to felony convictions.

2. On page 3, lines 17 and 18, is paragraph (18)(D)(i) duplicative or redundant of (18)(A)?

Though there is substantial overlap of these phrases, I don't read these provisions as being necessarily congruent. There is, in my view, a difference between "member of the social unit comprised of those living together in the same dwelling as the defendant" and the victim's "resid[ing] in the same household as the offender." The

difference, it seems to me, turns on the way a temporary household resident is treated. Under (a), one must be a social unit "member," that is, there need to be some evidence of a regular relationship of the victim to the offender within the dwelling unit. Under (d)(1), with its reference to "resid[ing] in the same household," implies, at least to my mind, a slightly broader application, so that it would include, within the category of a victim, someone occupying the dwelling temporarily--a visitor or foster care placement, for example. I don't think the legislature should use different terms if it means the same group, but the legislature is free to draw a description and, to the extent there are differences in the groups described, the use of the different phrases is defensible.

3. May an aggravating factor be applied to enhance a presumptive sentence when an element of the factor is also the necessary element of the offense for which the sentence is imposed.

First: AS 12.55.155(e) provides, in part, that "[i]f a factor in aggravation is a necessary element of the present offense, or requires the imposition of a presumptive term under AS 12.55.125(c)(2), (d)(3) or (e)(3), that factor may not be used to aggravate the presumptive term. . . ."

However, despite that, Alaska's Court of Appeals has treated AS 12.55.125, requiring imposition of presumptive sentences for certain repeat offenders, and AS 12.55.155(e) as independently operating statutes. The appellate court does not read AS 12.55.155(e)

. . . as indicating a legislative intent to preclude enhancement of sentences under AS 12.55.125 when the conduct relied upon to subject a defendant to an enhanced presumptive term was itself an element of the underlying offense.

Burks v. State, 706 P.2d 1190 (Alaska App. 1985), at 1192, citing earlier decisions in Bell v. State, 658 P.2d 787 (Alaska App. 1983) and Fry v. State, 655 P.2d 789 (Alaska App. 1983). In other words, a prior felony conviction may be used to enhance a second felony conviction even if the first conviction was an essential element of the second conviction.

In its earliest decision, Fry v. State, the defendant contended that he should not be subjected to presumptive sentencing as a second felony offender because his prior felony conviction was an essential element of the crime for which he was convicted and sentenced in the case. Noting the split in authority among the jurisdictions, the appellate court determined:

Given the fundamental difference in purpose between the general framework of presumptive sentencing [AS 12.55.125], with its

focus on uniformity and predictability of sentencing for repeat offenders, and the system of aggravating factors specified in AS 12.55.155, with its narrow focus on sentence enhancement, the legislature could well have had a substantial and legitimate interest in declining to extend the type of restriction contained in AS 12.55.155(e) to the presumptive sentencing provisions in AS 12.55.125. Certainly, if the legislature had intended to prohibit the use of a prior conviction as a basis for applying presumptive sentencing when the conviction is a necessary element of the present offense, it could easily have expressed its intent by including in AS 12.55.125 language paralleling the provisions of AS 12.55.155(e). In the absence of a specific provision of this nature, however, we find no ambiguity in AS 12.55.125(e)(1), as defined by AS 12.55.145(a)(1) and AS 12.55.185(7). We therefore hold that Fry was properly subjected to presumptive sentencing, despite the fact that his prior felony conviction, upon which the presumptive sentence in this case was based, constituted a necessary element of his present offense.

655 P.2d 789, at 792 (footnote omitted).

As you observed, there is overlap between the elements that define various felonies and the content of aggravating factors that apply to modify a presumptive sentence. Fry's claim, for example, arose in the context of a second felony conviction--misconduct involving weapons in the first degree (AS 11.61.200(a)(1)), a class C felony--and application of at least one of the aggravating factors--the opinion does not identify it--involving the use of a weapon in the commission of the offense. The situation in Burks, mentioned earlier, involved conviction for first degree robbery (AS 11.41.500(a)(1)), a class A felony, an element of which involved possession of a deadly weapon, and application of an aggravating factor involving the use of firearms while committing the offense. The court decisions make clear that AS 12.55.155(e) should not be read to operate as a limitation on the applicability of presumptive sentencing, but only to preclude the use of one or more aggravating factors to enhance presumptive sentences in cases in which the factors are also necessary elements of the offense for which the sentence is to be imposed. The court has thus construed the provisions so as to give the opportunity for the two sections in question to operate independently.

JBC:lmb

93-101.lmb

Back-up

DIVISION OF LEGAL SERVICES

**LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA**

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

130 Seward Street, Suite 409
Juneau, Alaska 99801-2105

MEMORANDUM

March 9, 1993

SUBJECT: House Bill 212 -- sectional analysis (Work Order No. 8-LS0780\A)

TO: Representative Eileen MacLean

FROM: Jack Chenoweth
Legislative Counsel

You have introduced House Bill 212 and, through staff, have asked me to prepare a sectional analysis of the measure.

To reduce or eliminate disparity in criminal sentences, the criminal procedure code, AS 12, subjects offenders convicted of certain specified crimes to presumptive sentences. Presumptive sentences may be extended or reduced if the sentencing judge, by a decision based on clear and convincing evidence, identifies factors in aggravation or factors in mitigation of the sentence. AS 12.55.155(c) identifies a series of factors to be considered by the court in aggravation or extension of a presumptive sentence. **Bill section 1** amends AS 12.55.155(c)(18) by adding a new subparagraph under which the court may consider, as a factor in aggravation of a criminal sentence based on a conviction for sexual abuse of a minor in any degree (AS 11.41.434 - 11.41.440), evidence that the victim of the offense resided in the same household as the offender or evidence that the offender occupied a position of authority over the victim. The bill section offers a definition of the phrase "position of authority" by cross-reference to a definition of that term in the criminal code.

The criminal procedure code also provides for referral of certain criminal sentences by the sentencing judge to a three-judge sentencing panel. Under AS 12.55.165(a)

(a) If the defendant is subject to sentencing under [a presumptive sentencing provision] and the court finds by clear and convincing evidence that manifest injustice would result from . . . imposition of the presumptive term, whether or not adjusted for aggravating or mitigating factors, the court shall enter findings and conclusions and cause a record of the proceedings to be transmitted to a three-judge panel for sentencing under AS 12.55.175.

Representative Eileen MacLean
March 9, 1993
Page 2

However, subsection (b) of that section, added in 1992, limits the ability of the sentencing court to make a referral of a sentencing decision to a three-judge review panel in cases involving the application of certain aggravating factors. The amendment to AS 12.55.165(b) made by **bill section 2** places the aggravating factor added in the previous bill section to the list of aggravating factors whose application would not allow a sentencing judge to make a referral to a sentencing panel.

JBC:pl
93-176.plm

ALASKA STATE LEGISLATURE

Representative Eileen Panigeo MacLean
Co-Chair House Finance Committee
P.O. Box 830
Barrow, Alaska 99723
(907) 852-7111

WHILE IN JUNEAU
State Capitol, Room 507
Juneau, Alaska 99801-1182
465-4833
465-4525
463-3241 FAX

HOUSE OF REPRESENTATIVES

District 37

North Slope
Borough

Anaktuvuk Pass
Atkasuk
Barrow
Kaktovik
Nulqsut
Point Hope
Point Lay
Wainwright

Northwest Arctic
Borough

Ambler
Buckland
Deering
Kiana
Kivalina
Kobuk
Kolzebue
Noatak
Noorvik
Selawik
Shungnak

Seward Peninsula

Brevig Mission
Diomedes
Shishmaref
Teller
Wales

TO: Representative Brian Porter, Chair
House Judiciary Committee

FROM: Representative Eileen MacLean *Eileen*

DATE: April 1, 1993

RE: House Bill 212

This memo requests a hearing for House Bill 212 in the House Judiciary Committee.

This bill accomplishes two ends. It adds an element of the crime of sexual abuse against a minor to the list of aggravating factors in our statutes. It also prevents this kind of crime from being referred to the three judge panel for consideration of an altered sentence.

The crime being addressed in this legislation is found in Alaska Statutes 11.41.434, 11.41.436, 11.41.438 and 11.41.440. These are the sexual abuse of a minor statutes, first through fourth degree. The bill addresses a particular element of these crimes-when the offender resides in the same household or occupies a position of authority in relation to the victim. Of note, as a drafting matter, it is not appropriate to have AS 11.41.440 included in this legislation as it is a misdemeanor offense not subject to presumptive terms. I recommend the bill be amended to omit reference to this crime.

The following scale demonstrates the presumptive terms for the first through third degree offenses:

	<u>Sex Abuse of Minor statutory sentence (in years)</u>		
	1°	2°	3°
1st offense	8	1-4 (benchmark)	none
2nd offense	15	4	2
3rd offense	25	6	3

Sexual abuse of a minor is an offensive societal crime in itself, but more so when the adult is in a position of authority to the child. In my view, the importance of condemning this kind of behavior by way of limiting statutory direction to the judicial branch is important. The strictest of sentencing circumstances should be applied here.

The bill also prevents referral of these cases to the three judge sentencing panel. This removes the possibility of the court giving more lenient sentences to those accused of these crimes.

Enclosed with this memorandum are statutes that cover this kind of crime, the list of aggravators and mitigators, statutes that refer to the three judge panel and a copy of the State v Jackson case. Also enclosed is a resolution from the North Slope Borough School District. Although that resolution requests making this kind of crime a first degree felony, I felt a better way to meet the request was to add the crime to the aggravating factors.

Fiscal notes have been requested from the Departments of Law, Administration (Public Defender Agency and Office of Public Advocacy) Corrections and the Alaska Court System.

Thank you for your consideration.

DIVISION OF LEGAL SERVICES

LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

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

130 Seward Street, Suite 409
Juneau, Alaska 99801-2105

MEMORANDUM

March 30, 1993

SUBJECT: Purpose and use of three-judge criminal sentencing panels

TO: Representative Eileen MacLean
ATTN: Rena Bukovich

FROM: Jack Chenoweth
Legislative Counsel

This memo is by way of response to your request of last week for a brief explanation of the purpose and use to be made of the three-judge criminal sentencing panel. Use of the panel is authorized by AS 12.55.175.

~~As I understand, under the former criminal code in place in this state until 1980,~~ sentencing authority was vested principally in the trial judge who would impose a criminal sentence generally within very broad statutory limits. The revised criminal code put into place a more detailed sentencing framework that set down tougher, more regular guidelines for imposing criminal sentences. Under the revised code, with the exception of particularly serious crimes, the sentencing judge continues to enjoy considerable discretion in sentencing first felony offenders. However, as to subsequent or repeat felony offenders, the statutes establish a series of presumptive sentences that the sentencing judge must follow, within constraints.

One set of constraints applicable to presumptive sentences goes to the finding and application of certain factors. The sentencing judge may increase a presumptive sentence because of the presence of so-called aggravating factors or reduce a presumptive sentence because of the presence of mitigating factors.

The second set of constraints under the revised Criminal Code is the referral of a sentence to a three-judge sentencing panel. That referral may be made if, under AS 12.55.165, the judge determines that manifest injustice would result from following the strict presumptive sentencing scheme.^{1/} The sentencing panel apparently has

^{1/} AS 12.55.165(a), captioned "Extraordinary Circumstances," provides:

(continued...)

two choices. If, after consideration of the record and opportunity for argument, the three-judge panel agrees with the sentencing court that a departure from strict application of the adjusted presumptive sentence is necessary, the panel may impose a different sentence. If the three-judge sentencing panel does not agree that a departure is necessary, it is to return the matter to the sentencing judge so that he or she may carry through and impose a sentence. So, in Heathcock v. State, 670 P.2d 1155 (Alaska App. 1983), the Court of Appeals observed:

. . . [A] departure from the presumptive sentencing scheme will not turn on the evaluation of one judge. Rather, a departure from the presumptive sentencing scheme under the provisions of AS 12.55.165 and AS 12.55.175 will involve the decision of four judges. First, the original trial judge makes the decision to refer the matter to the three-judge panel. Then the three-judge panel, if it agrees with the evaluation of the trial judge, imposes sentence.

670 P.2d at 1158.

In 1992, the Seventeenth Legislature started to take away from the authority of the trial court judge to make referrals to the three-judge panel. Those limitations have been set out in AS 12.55.165(b) and are in the nature of cross-references to aggravating factors that do not warrant referral of a criminal sentence to a three-judge panel.^{2/} By my reading of this new provision, if these aggravating factors are present, then the sentencing judge must determine, among other factors, the defendant's prospects for rehabilitation and enter a sentence. The judge may not find that "manifest injustice" will occur, so that the "extraordinary" remedy of referral of the matter to the sentencing panel is not available.

JBC:gc:mi
93-288.glc

^{1/}(...continued)

(a) If the defendant is subject to sentencing under AS 12.55.125(c), (d), (e), or (i) [, the presumptive sentencing subsections,] and the court finds by clear and convincing evidence that manifest injustice would result from failure to consider relevant aggravating or mitigating factors not specifically included in AS 12.55.155 or from imposition of the presumptive term, whether or not adjusted for aggravating or mitigating factors, the court shall enter findings and conclusions and cause a record of the proceedings to be transmitted to a three-judge panel for sentencing under AS 12.55.175.

^{2/} Under AS 12.55.165(b):

(b) In making a determination under (a) of this section, the court may not refer a case to a three-judge panel based on the defendant's potential for rehabilitation if the court finds that a factor in aggravation set out in AS 12.55.155(c)(2), (8), (10), (12), (15), (17), (18)(2), (20), (21), or (28) is present.

NORTH SLOPE BOROUGH SCHOOL DISTRICT

Box 169 • Barrow, Alaska 99723 • (907) 852-5311 • FAX (907) 852-5984

Patsy Aamodt, Superintendent



March 30, 1993

Nunamlt Wolves

Nunamlt School
Box 21029
Anaktuvuk Pass,
Alaska 99721
(907) 661-3226
FAX (907) 661-3402

Atkasuk Eagles

Meade River School
Atkasuk, Alaska 99791
(907) 633-6315
FAX (907) 633-6215

Barrow Whalers

Barrow High School
Pouch 8950
Barrow, Alaska 99723
(907) 852-8950
FAX (907) 852-8969

BMS Wolves

Barrow Middle School
Pouch 8950
Barrow, Alaska 99723
(907) 852-8950

Arctic Fox

Fred Ipalook
Elementary School
Box 450
Barrow, Alaska 99723
(907) 852-4711
FAX (907) 852-4713

Kaveolook Rams

Harold Kaveolook School
Box 10
Kaktovik, Alaska 99747
(907) 640-6626
FAX (907) 640-6718

Nulqsut Trappers

Trapper School
Nulqsut, Alaska 99789
(907) 480-6712
FAX (907) 480-6621

Tikigaq Harpooners

Tikigaq School
Box 148
Point Hope, Alaska 99766 **PAA/cms**
(907) 368-2662 or 2663
FAX (907) 368-2770

Cully Qavviks

Cully School
Point Lay, Alaska 99759
(907) 833-2311
FAX (907) 833-2315

Alak Huskies

Alak School
Box 10
Wainwright, Alaska 99782
(907) 763-2541
FAX (907) 763-2550

**The Honorable Brian Porter, Chairman
Judiciary Committee
Alaska State House of Representatives
Juneau, Alaska 99811**

Dear Representative Porter:

I support House Bill 212 which amends the Alaska Statutes.

It is very important that people in positions of authority over minor children not be allowed to abuse that authority.

Thank you. If I can do anything to assist you in passing this legislation, please contact me.

Sincerely,

**Patsy Aamodt
Superintendent**

cc: [Redacted]
cc: [Redacted]

North Slope Borough School District



RESOLUTION 93-12 AMENDMENT TO TITLE ELEVEN OF THE ALASKA STATUTES

WHEREAS the North Slope Borough School District is strongly committed to the education and safety of its students; and

WHEREAS the NSBSD and the people of Alaska entrust the education and safety of their students to the teachers of the State; and

WHEREAS a breach of that trust involving the sexual contact of a student by a teacher causes irreparable harm to the student and society and, further, undermines the educational mission of the NSBSD and the State of Alaska; and

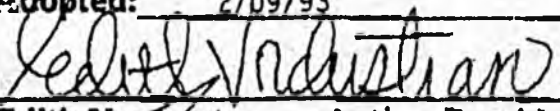
WHEREAS the NSBSD does not believe the criminal code sufficiently addresses sexual contact between a teacher and a student and, further, that likely punishments for teachers who have sexual contact with students who have been entrusted to them by the State and their families neither sufficiently reflects the trauma suffered by the student and society nor the intolerance which the people of the State of Alaska have for such conduct.

NOW, THEREFORE, BE IT RESOLVED that the NSBSD Board of Education strongly urges the Legislature of the State of Alaska to amend the criminal code (Title 11) so as to designate sexual contact of a student by a teacher as sexual abuse of a minor in the first degree; and

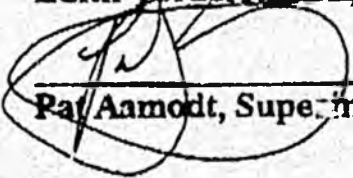
BE IT FURTHER RESOLVED that the Superintendent shall take such action as is necessary to make known and urge the immediate adoption of this position of the NSBSD to the Legislature and the Association of Alaska School Boards and the Alaska Association of School Administrators

Introduced: 2/09/93

Adopted: 2/09/93



Edith Vorderstrasse, Acting President, Board of Education



Pat Aamodt, Superintendent

HB

212

SFIN

FILE

SENATE FINANCE COMMITTEE REPORT

DATE: 2/9/94

FURTHER:

DATE TURNED INTO OFFICE: 5-894

The Finance Committee considered CS FOR HOUSE BILL NO. 212(JUD)

"An Act relating to a factor in aggravation of the presumptive term of a criminal sentence, and prohibiting the referral of a sentence based on application of that factor to a three-judge sentencing panel as an extraordinary circumstance."

and recommends:

- replace with _____ CS _____ (FINANCE)
- or adopt previous S CS CS HB 212 (JUD)
- attaches amendment(s)

- same title
- new title
- technical title change (HB 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
DOC	3/22/94	0	600.0 app.

PREVIOUS FISCAL NOTES

Department	Date	Zero	Fiscal
#7 Courts	2/7/94	0	
#8 DPS	2/1/94	0	
#9 DOLA	2/7/94	0	
#10 DOR (PDR)	2/7/94	0	
#11 DOA (OPA)	2/7/94	0	

Appropriation No Fiscal Note

DO PASS:

Greg ...
T. Kelly

 1. *True Pearce*
 Co-Chair: Signature/Recommendation

OTHER RECOMMENDATIONS:

Alan ... No Rec
John ... No Rec
Bob ... No Rec

 2. *Alan ...* No Rec
 Co-Chair: Signature/Recommendation

FISCAL NOTE

STATE OF ALASKA
1994 LEGISLATIVE SESSION

BD (S) Publish Date: 2-9-94

Revision Date: 02/07/94 Dept. Affected: Alaska Court System
 Title: Sentencing: aggravating factors BRU: Trial Courts
 Sponsor: Reps. Maclean, Ulmer Components: _____
 Requestor: _____ COMPONENT SERIAL NO. 768

EXPENDITURES/REVENUES (Thousands of Dollars)

OPERATING EXPENDITURES	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS & CLAIMS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

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

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

FUND SOURCE (Thousands of Dollars)

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

POSITIONS

FULL-TIME						
PART-TIME						
TEMPORARY						

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

ANALYSIS: (Attach a separate page if necessary)
No fiscal impact.

Prepared by: C. S. Christensen III, Staff Counsel *CSC* Phone: 264-8228
 Agency: Alaska Court System Date: 02/07/94
 Approved by: Arthur H. Snowden, II, Administrative Director *AS* *CSC*
 Agency: Alaska Court System Date: 02/07/94

PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE

FISCAL NOTE

STATE OF ALASKA
1994 LEGISLATIVE SESSION

No. 8
 Bill Version: CS HB 212 (JUD)
 (S) Publish Date: 2-9-94

Revision Date: _____ Dept. Affected: Public Safety
 Title: "An Act relating to a factor in criminal sentence." BRU: Alaska State Troopers
 Sponsor: H. JUD Component: Detachments
 Requestor: S. JUD 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						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL EXPENDITURES	-0-	-0-	-0-	-0-	-0-	-0-
CHANGE IN REVENUES ()	-0-	-0-	-0-	-0-	-0-	-0-
<small>Revenue Code</small>						

FUNDING: (Thousands of Dollars)

1002-Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

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

POSITIONS:

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

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

Changes in CS HB 212 (JUD) have no fiscal impact. This fiscal note is appropriate.
2-8-94 date [Signature] Comte Aide (initial)

Prepared By: Lee Ann Lucas Phone: 465-4322
 Division: Commissioner's Office Date: 2/1/94
 Approved by Commissioner: [Signature] Date: 2/1/94
 Agency: Richard L. Burton, Dept. of Public Safety

PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE

For further distribution information call the Governor's Legislative Office

FISCAL NOTE

STATE OF ALASKA
1994 LEGISLATIVE SESSION

B 29
Bill Version: SCSCSHB 212 (Jud) -
(S) Publish Date: 2-9-94

Revision Date: February 7, 1994
Title: "An Act relating to a factor in aggravation of the presumptive term of a criminal sentence."
Sponsor: Representative MacLean
Requestor: Senate Judiciary Committee

Department Affected: Department of Law
BRU: Prosecution
Component: All
COMPONENT SERIAL NO. 0085 through 0090

EXPENDITURES/REVENUES:

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

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

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

FUNDING:

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

POSITIONS:

FULL-TIME	-0-	-0-	-0-	-0-	-0-	-0-
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. Pegues, Director Phone: 465-3672
Division: Administrative Services Division Date: February 7, 1994
Approved by Commissioner: Bruce M. Botelho, Attorney General
Agency: Department of Law Date: February 7, 1994

PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE
For further distribution information call the Governor's Legislative Office

FISCAL NOTE

STATE OF ALASKA
1994 LEGISLATIVE SESSION

BILL NO. SCSCSHB 212 (JUD)

ANALYSIS CONTINUATION:

The Senate Judiciary Committee Substitute for HB 212 amends AS 12.55.155(c) to provide that when the offense was felony sexual abuse of a minor in the first and second degrees, and when the offender occupied a position of authority in relation to the victim, the sentencing court shall consider these factors and may aggravate the presumptive term set out in AS 12.55.125. The bill also amends AS 12.55.165(L) to provide that a court may not refer a case to a three judge panel based on the defendant's potential for rehabilitation if the court finds that either of these same factors is present. These sentencing provisions occur after the conviction of a defendant and, therefore, there should not be a fiscal impact for the Department of Law.

FISCAL NOTE

.o. 10

P-II Version: SCS CSHB 212 (Jud)

(S) Publish Date: 2-9-94

**STATE OF ALASKA
1994 LEGISLATIVE SESSION**

Revision Date: _____	Dept. Affected: <u>Administration</u>
Title: <u>"An Act relating to a factor in aggravation</u>	BRJ: <u>Public Defender Agency</u>
<u>of the presumptive</u>	Component: <u>Public Defender Agency</u>
Sponsor: <u>Rep. MacLean</u>	
Requestor: <u>(S) Jud</u>	COMPONENT SERIAL NO. <u>1631</u>

Expenditures/Revenues

(Thousands of Dollars)

OPERATING EXPENDITURES	FY95	FY96	FY97	FY98	FY99	FY00
PERSONAL SERVICES	0.0	0.0	0.0	0.0	0.0	0.0
TRAVEL	0.0	0.0	0.0	0.0	0.0	0.0
CONTRACTUAL	0.0	0.0	0.0	0.0	0.0	0.0
SUPPLIES	0.0	0.0	0.0	0.0	0.0	0.0
EQUIPMENT	0.0	0.0	0.0	0.0	0.0	0.0
LAND & STRUCTURES	0.0	0.0	0.0	0.0	0.0	0.0
GRANTS, CLAIMS	0.0	0.0	0.0	0.0	0.0	0.0
MISCELLANEOUS	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
----------------------	-----	-----	-----	-----	-----	-----

CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0
------------------------	-----	-----	-----	-----	-----	-----

FUND SOURCE

(Thousands of Dollars)

1002 Federal Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1003 GF Match	0.0	0.0	0.0	0.0	0.0	0.0
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1006 GF/MHTIA	0.0	0.0	0.0	0.0	0.0	0.0
Other	0.0	0.0	0.0	0.0	0.0	0.0
Total	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of current year (FY94) cost: none

POSITIONS:

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

ANALYSIS: (Attach a separate page if necessary)

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

Approved by Commissioner: Nancy Bear Usery
 Agency: Administration

Phone: 264-4400
 Date: _____
 Date: 2/7/94

PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE
 For further distribution information call the Governor's Legislative Office

FISCAL NOTE

No. 11

Bill Version: SCS HR 212 (Jud)

STATE OF ALASKA
1994 LEGISLATIVE SESSION

BILL

(S) Publish Date: 2-9-94

Revision Date: _____ Dept. Affected: Administration
 Title: "An Act relating to a factor in aggravation
of the presumptive" BRU: Office of Public Advocacy
 Component: Office of Public Advocacy
 Sponsor: Rep. MacLean
 Requestor: (S) Jud COMPONENT SERIAL NO. 43

Expenditures/Revenues

(Thousands of Dollars)

OPERATING EXPENDITURES	FY95	FY96	FY97	FY98	FY99	FY00
PERSONAL SERVICES	0.0	0.0	0.0	0.0	0.0	0.0
TRAVEL	0.0	0.0	0.0	0.0	0.0	0.0
CONTRACTUAL	0.0	0.0	0.0	0.0	0.0	0.0
SUPPLIES	0.0	0.0	0.0	0.0	0.0	0.0
EQUIPMENT	0.0	0.0	0.0	0.0	0.0	0.0
LAND & STRUCTURES	0.0	0.0	0.0	0.0	0.0	0.0
GRANTS, CLAIMS	0.0	0.0	0.0	0.0	0.0	0.0
MISCELLANEOUS	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0
CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0

FUND SOURCE

(Thousands of Dollars)

1002 Federal Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1003 GF Match	0.0	0.0	0.0	0.0	0.0	0.0
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1006 GF/MHTIA	0.0	0.0	0.0	0.0	0.0	0.0
Other	0.0	0.0	0.0	0.0	0.0	0.0
Total	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of current year (FY94) cost: none

POSITIONS:

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

ANALYSIS: (Attach a separate page if necessary)

Prepared by: Brant McGee, Public Advocate Phone: 274-1684
 Division: Office of Public Advocacy Date: _____
 Approved by Commissioner: Nancy Bear Usura Date: 2/7/94
 Agency: Administration

PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE
 For further distribution information call the Governor's Legislative Office

STATE OF ALASKA
1994 LEGISLATIVE SESSION

FISCAL NOTE

BILL NO.: SCS CSHB 212(JUD)

Revision Date: <u>March 18, 1994</u>	Dept. Affected: <u>Corrections</u>
Title: <u>Aggravating Factor in Sex Offenses</u>	BRU: <u>Statewide Operations</u>
Sponsor: <u>Rep. MacLean</u>	Component: <u>Institutions</u>
Requestor: <u>Senate Finance</u>	Component Serial #: <u>707-726</u>

Expenditures/Revenue (Thousands of Dollars)

OPERATING EXP.	FY95	FY96	FY97	FY98	FY99	FY00
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS	0	0	233.0	233.0	233.0	233.0
TOTAL OPERATING	0	0	233.0	233.0	233.0	233.0

CAPITAL EXP	600.0	0.0	0.0	0.0	0.0	0.0
-------------	-------	-----	-----	-----	-----	-----

CHANGES IN REVENUES						
---------------------	--	--	--	--	--	--

FUND SOURCE

1002 Federal Receipts						
1003 GF Match						
1004 GF	600.0	0	233.0	233.0	233.0	233.0
1005 GF/Program Receipts						
1006 GF/INITIA						
Other						
TOTAL	600.0	0	233.0	233.0	233.0	233.0

Estimate of any current year (FY94) cost \$ 0.0

POSITIONS

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

ANALYSIS: Please refer to the attached explanation.

Prepared by: Diane Schenker, Special Assistant
 Division: Office of the Commissioner
 Approved by: J. Frank Prewitt, Jr., Commissioner
 Agency: Department of Corrections

Phone: 465-4643/786-2147
 Date: 3/22/94
 Date: 3/22/94
 Page 1 of 3

The bill would add an aggravator to Sexual Abuse of a Minor I and II if the perpetrator were in a position of authority over the victim. Being in a position of authority over the victim is already an element of certain SAM offenses. This aggravator would only apply to offenses in which the element of authority has not already been factored into the type of crime charged. The bill would prohibit SAM cases involving this aggravator from being referred to a three-judge panel based upon the defendant's potential for rehabilitation.

Assumptions

1. The department's 3/31/93 fiscal note assumed that because these types of sex offenses often result in longer-than-average sentences, the impact of adding this aggravator would be minimal. The department's 2/7/94 revised fiscal note assumed that: (a) the availability of a new aggravator will simply further lengthen already longer-than-average sentences, and (b) even a minimal increase in sex offender sentence lengths will have a fiscal impact on the department due to the density of SAM offenders in the prison population.
2. Criminal records available for research (OBSCIS) include only the offense (e.g., SAM I, SAM II, etc.). The actual elements of individual offenses are unknown unless individual file reviews are done. The department does not have sufficient resources to conduct individual file reviews within the time limits necessary to assess this legislation. The Department of Law has estimated that this element will "very rarely" be a factor in aggravation.
3. An unclassified SAM I could be aggravated from the presumptive eight year sentence up to 30 years. According to the Department of Law, it would not be unrealistic to predict aggravation up to a 15 year sentence, which is almost a 100% increase in sentence length. A Class B SAM II could be aggravated from a probable 2 year sentence up to a probable 4 year sentence; again a 100% increase in sentence length.
4. Since the actual sentence length could be expected to increase by up to 100%, but the actual rate of occurrence of cases is unknown and occurs "very rarely", the department conservatively estimates only a 5% aggregate increase in the SAM II population as a result of this proposed sentence enhancement, beginning in FY97 when probable two-year sentences would be aggravated up to probable four-year sentences. The fiscal note does not measure the aggravating effect on a percentage of SAM I cases because the impact would not occur until after six years due to the current length of sentence.

5. On June 30, 1993, there were 113 prisoners incarcerated for Sexual Abuse of a Minor II, or 41,245 prisoner-days per year being served for these offenses under current sentencing laws.

6. The average statewide operating cost of a prison bed is \$113 per day. Operating expenses are reflected under "miscellaneous" on page 1 of the fiscal note since the total operating cost involves multiple categories of expenses. It is not possible to identify specific positions or locations of new positions necessary to absorb additional prisoner-days using this formula.

7. The cost of constructing an average prison bed in Alaska is approximately \$100,000. Capital expenses might be reduced if additional beds were purchased under contract, however there are no contract beds currently available in Alaska for prisoners with higher than minimum custody.

8. The prison system cannot absorb any additional prisoners without additional resources. The system has been operating over emergency capacity throughout the past year. Even when all aspects of the department's current population management plan are achieved, only the current overcrowding is likely to be addressed, not including any additional numbers caused by new legislation. In addition to posing safety hazards, operating over emergency capacity for prolonged periods of time may result in fines of up to \$1,000 per day if the department is found in contempt of court for violating population caps.

Operating Expenses

A 5% increase in the 41,245 SAM II prisoner-days = 2,062 additional prisoner-days

2,062 prisoner-days X \$113 per day = \$ 233,006 per year beginning in FY97

Capital Expenses

In order to absorb the increase in SAM II population of 2,062 prisoner-days per year, 6 additional prison beds will be needed.

2,062 prisoner-days divided by 365 days = 5.6 beds

6 beds X \$100,000 = \$ 600,000

FISCAL NOTE

No. 1
 Bill Version: CSHB 212 (JUD)
 H) Publish Date: 4/5/93

STATE OF ALASKA
 1993 LEGISLATIVE SESSION

Revision Date: _____
 Title: 'An Act relating to a factor in aggravation
of the presumptive . . .
 Sponsor: Representative MacLean
 Requestor: House Judiciary

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

EXPENDITURES/REVENUES:

OPERATING	FY 94	FY 95	FY 96	FY 97	FY 98	FY 99
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	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
TOTAL OPERATING	0	0	0	0	0	0

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

REVENUE FUND SOURCE:	0	0	0	0	0	0
----------------------	---	---	---	---	---	---

FUNDING:

1002 Federal Receipts	0	0	0	0	0	0
1003 GF Match	0	0	0	0	0	0
1004 GF	0	0	0	0	0	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
TOTAL	0	0	0	0	0	0

POSITIONS:

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

Estimate of current year (FY93) impact: None

ANALYSIS: (Attach a separate page if necessary.)

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

Phone: 274-1684
 Date: _____

Approved by Commissioner: Nancy Bear Usura
 Agency: Administration

Date: 3/19/93

PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE
 For further distribution information call the Governor's Legislative Office

FISCAL NOTE

Bill Version: CSHB 212 (JUD)
 (H) Publish Date: 4/5/93

STATE OF ALASKA
 1993 LEGISLATIVE SESSION

Revision Date: _____ Dept. Affected: Administration
 Title: "An Act relating to a factor in aggravation of the BRU: Public Defender
presumptive..." Component: Public Defender
 Sponsor: Representative MacLean
 Requestor: House Judiciary COMPONENT SERIAL NO. 1631

Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 94	FY 95	FY 96	FY 97	FY 98	FY 99
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	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
TOTAL OPERATING	0	0	0	0	0	0

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

REVENUE FUND SOURCE:	0	0	0	0	0	0
----------------------	---	---	---	---	---	---

FUNDING:

1002 Federal Receipts	0	0	0	0	0	0
1003 GF Match	0	0	0	0	0	0
1004 GF	0	0	0	0	0	0
1005 GF/Program Receipts	0	0	0	0	0	0
1006 GF/MHTA	0	0	0	0	0	0
Other	0	0	0	0	0	0
TOTAL	0	0	0	0	0	0

POSITIONS

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

Estimate of current year (FY93) impact: \$ none

ANALYSIS: (attach a separate page if necessary.)

Prepared By: John Salemi, Public Defender Phone: 274-1684
 Division: Public Defender Agency Date: _____

Approved by Commissioner: Nancy Bear Usery Date: 3/19/93
 Agency: Department of Administration

PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE

For further distribution information call the Governor's Legislative Office

FISCAL NOTE

No. 3

Bill Version: CSHR 212 (TID)

(H) Publish Date: 4/5/93

**STATE OF ALASKA
1993 LEGISLATIVE SESSION**

Revision Date:	Dept. Affected: <u>Corrections</u>
Title: <u>"An Act relating to a factor in</u>	BRU: <u>Institutions</u>
<u>aggravation of a presumptive term..</u>	Component: <u>Institutions</u>
Sponsor: <u>Representative MacLean</u>	<u>1860</u>
Requestor: <u>House Judiciary</u>	COMPONENT SERIAL NO. <u>1860</u>

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING	FY94	FY95	FY96	FY97	FY98	FY99
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

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

REVENUE FUND SOURCE:						
----------------------	--	--	--	--	--	--

FUNDING:

(Thousands of Dollars)

FUNDING	FY94	FY95	FY96	FY97	FY98	FY99
1002 Federal Receipts						
1003 GF Match						
1004 GF	-0-	-0-	-0-	-0-	-0-	-0-
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS:

POSITIONS	FY94	FY95	FY96	FY97	FY98	FY99
FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year (FY93) impact: 0

ANALYSIS: (Attach a separate page if necessary)

Please see the attached page.

Prepared by: Dana LaTour
 Division: Commissioner's Office
 Approved by Commissioner: Lloyd G. Rupp
 Agency: Corrections

Phone: 465-3376
 Date: 3-31-93
 Date: 3-31-93

PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE

For further distribution information call the Governor's Legislative Office

NO. 3
CS HS 212 (Fiv)
192

HB 212

"An Act relating to a factor in aggravation of the presumptive term of a criminal sentence, and prohibiting the referral of a sentence based on application of that factor to a three-judge panel as an extraordinary circumstance.

Fiscal Note Analysis

This legislation adds as an aggravating factor to be considered by the sentencing court if the offense was sexual abuse of a minor, and the offender was residing in the same household as the victim, or if the offender occupied a position of authority in relation to the victim.

After reviewing the sentence lengths given to offenders of these crimes and discussing it with representatives of the Department of Law, it appears that judges generally give longer sentences to offenders convicted of these crimes than are given to offenders committing crimes in similar felony groups.

For example, the average sentence length for a first time offender of a class B felony is one year. By comparison, a first time offender convicted of sexual abuse of a minor in the 2nd degree is about 2 years.

Since it appears that offenders may already receive longer than average sentences for sex crimes against minors, and since consideration of an aggravating factor may not necessarily result in a longer sentence, the Department of Corrections has prepared a zero fiscal note.

FISCAL NOTE

No. 4
 Bill Version: CSHB 212 (JUD)
 (H) Publish Date: 4/5/93

STATE OF ALASKA
 1993 LEGISLATIVE SESSION

Revision Date: March 22, 1993
 Title: "An Act relating to a factor in aggravation of the presumptive term of a criminal sentence..."
 Sponsor: Representative MacLean
 Requestor: Representative MacLean

Department Affected: Department of Law
 BRU: Prosecution
 Component: All
 COMPONENT SERIAL NO. 0085 through 0090

EXPENDITURES/REVENUES:

OPERATING	FY 94	FY 95	FY 96	FY 97	FY 98	FY 99
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

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

REVENUE FUND SOURCE:						
----------------------	--	--	--	--	--	--

FUNDING:

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
OTHER						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

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

Estimate of current year (FY93) impact: -0-

ANALYSIS: (Attach a separate page if necessary.)

Please see the attached analysis.

Prepared by: Richard I. Peques, Director
 Division: Administrative Services Division

Phone: 465-3672
 Date: March 22, 1993

Approved by Commissioner: Charles E. Cole, Attorney General
 Agency: Department of Law

Date: March 22, 1993

PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE
 For further distribution information call the Governor's Legislative Office

FISCAL NOTE

NO. 4

BILL NO. ^{CS} HB 212 (Jud)

19-2

STATE OF ALASKA
1993 LEGISLATIVE SESSION

ANALYSIS (Continued):

This bill amends AS 12.55.155(c) to provide that when the offense was sexual abuse of a minor in any degree and the victim at the time of the offense resided in the same household as the offender, or when the offender occupied a position of authority in relation to the victim, the sentencing court shall consider these factors and may aggravate the presumptive term set out in AS 12.55.125. The bill also amends AS 12.55.165(b) to provide that a court may not refer a case to a three judge panel based on the defendant's potential for rehabilitation if the court finds that either of these same factors is present. These sentencing provisions occur after the conviction of a defendant and, therefore, there should not be a fiscal impact for the Department of Law.

FISCAL NOTE

N^o 5
 Bill version: CSHB 212 (JUD)
 (H) Publish Date: 4/5/93

STATE OF ALASKA
 1993 LEGISLATIVE SESSION

Revision Date: _____ Department Affected: Alaska Court System
 Title: Sentencing: Aggravating Factors BRU: Trial Courts
 Sponsor: MacLean Components: _____
 Requestor: _____ COMPONENT SERIAL NO. 768

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 94	FY 95	FY 96	FY 97	FY 98	FY 99
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS & CLAIMS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0
CAPITAL						
REVENUE						
FUND SOURCE						

FUNDING: (Thousands of Dollars)

1002 FEDERAL RECEIPTS						
1003 GF MATCH						
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/PROGRAM RECEIPTS						
1006 GF/MHTIA						
OTHER						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year (FY 93) impact: None

ANALYSIS: (Attach a separate page if necessary)

No fiscal impact.

Prepared by: C. S. Christensen III, Staff Counsel *CS* Phone: 264-8228
 Division: Alaska Court System Date: 04/01/93
 Approved by: Arthur H. Snowden, II, Administrative Director *AS* Date: 04/01/93
 Agency: Alaska Court System

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB, & Impacted Agency(ies).

FISCAL NOTE

No. 6

Bill Version: CSHB 212 (JUD)

(S) Publish Date: 2-9-94

STATE OF ALASKA
1994 LEGISLATIVE SESSION

Revision Date: 2/1/94 Dept. Affected: Corrections
 Title: An Act re: Aggravation of Presumptive Sentence BRU: All
 Component: All
 Sponsor: Representative MacLean
 Requester: Senate Judiciary COMPONENT SERIAL NO. 694 - 1884

Expenditures/Revenues	(Thousands of Dollars)					
OPERATING EXPENDITURES	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS	569.2	569.2	569.2	569.2	569.2	569.2
TOTAL OPERATING	569.2	569.2	569.2	569.2	569.2	569.2

CAPITAL EXPENDITURES	11,400.0	0	0	0	0	0
----------------------	----------	---	---	---	---	---

CHANGE IN REVENUES ()	0	0	0	0	0	0
------------------------	---	---	---	---	---	---

FUND SOURCE	(Thousands of Dollars)					
1002 Federal Receipts						
1003 GF Match						
1004 GF	1,969.2	569.2	569.2	569.2	569.2	569.2
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	1,969.2	569.2	569.2	569.2	569.2	569.2

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, Special Assistant *D. Schenker* Phone: 786-2147/465-466
 Division: Office of the Commissioner Date: 2/1/94
 Approved by Commissioner: J. Frank Prewitt, Jr. *JFP* Date: 2/2/94
 Agency: Department of Corrections

The bill would add an aggravator to certain Sexual Abuse of a Minor (SAM) felonies if the perpetrator were in a position of authority over the victim. Being in a position of authority over the victim is already an element of certain SAM offenses. This aggravator would only apply to offenses in which the element of authority has not already been factored into the type of crime charged. The bill would prohibit SAM cases involving this aggravator from being referred to a three-judge panel based upon the defendant's potential for rehabilitation.

Assumptions

1. The department's prior fiscal note assumed that because these types of sex offenses often result in longer-than-average sentences, the impact of adding this aggravator would be minimal. This revised fiscal note assumes that: (a) the availability of a new aggravator will simply further lengthen the already longer-than-average sentences, and (b) even a minimal increase in sex offender sentence lengths will have a fiscal impact on the department due to the density of SAM offenders in the prison population.
2. Criminal records available for research (OBSCIS) include only the offense (e.g., SAM I, SAM II, etc.). The actual elements of individual offenses are unknown unless individual file reviews are done. The department does not have sufficient resources to conduct individual file reviews within the time limits necessary to assess this legislation. The Department of Law advises that there is a "fairly narrow window" of offenses to which this aggravator would likely be applied, but cannot estimate an actual number either.
3. An unclassified SAM I could be aggravated from the presumptive eight year sentence up to 30 years. According to the department of law, it would not be unrealistic to predict aggravation up to a 15 year sentence, which is almost a 100% increase in sentence length. A Class B SAM II could be aggravated from a probable 2 year sentence up to a probable 4 year sentence; again a 100% increase in sentence length.
4. Since the actual sentence length could be expected to increase by 100%, but the actual rate of occurrence of cases is unknown and probably includes a "narrow window" of cases, the department conservatively estimates only a 5% actual increase in the felony SAM population as a result of this proposed sentence enhancement.
5. On June 30, 1993, there were 276 prisoners incarcerated for Sexual Abuse of a Minor felonies, or 100,740 prisoner-days per year for these offenses under current sentencing laws.
6. The average statewide operating cost of a prison bed is \$113 per day. Operating expenses are reflected under "miscellaneous" on page 1 of the fiscal note since the total operating cost involves multiple categories of expenses. It is not possible to identify specific positions or locations of new positions necessary to absorb additional prisoner-days using this formula.

7. The cost of constructing an average prison bed in Alaska is approximately \$100,000. Capital expenses might be reduced if additional beds were purchased under contract, however there are no contract beds currently available in Alaska for prisoners with higher than minimum custody.

8. The prison system cannot absorb any additional prisoners without additional resources. The system has been operating over emergency capacity throughout the past year. Even when all aspects of the department's current population management plan are achieved, only the current overcrowding is likely to be addressed, not including any additional numbers caused by new legislation. In addition to posing safety hazards, operating over emergency capacity for prolonged periods of time may result in fines of up to \$1,000 per day if the department is found in contempt of court for violating population caps.

Operating Expenses

A 5% increase in the 100,740 felony SAM prisoner-days = 5,037 additional prisoner-days

5,037 prisoner-days X \$113 per day = \$ 569,181 per year

Capital Expenses

In order to absorb the increase in felony SAM population of 5,037 prisoner-days per year, 14 additional prison beds will be needed.

5,037 prisoner-days = 13.8 prisoners, rounded up to 14 prisoners

14 beds X \$100,000 = \$1,400,000