

ALASKA LEGISLATURE

1012

HOUSE and SENATE FINANCE COMMITTEE FILES,

1993-1994

HB

230

SFIN

FILE

SENATE FINANCE COMMITTEE REPORT

F/W ✓

DATE: 4/28/94

FURTHER:

DATE TURNED INTO OFFICE: 5-1-94

The Finance Committee considered CS FOR HOUSE BILL NO. 230(FIN)

"An Act relating to fees for a commercial fishing vessel license."

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

PREVIOUS FISCAL NOTES

Department	Date	Zero	Fiscal
DFHG	2/1/94		16.6 opt. 871.5 rev.

Appropriation No Fiscal Note

DO PASS:

Bob May
Steve Kim
Tim Kelly
George Sikes

OTHER RECOMMENDATIONS:

1. Dr. Pass
Co-Chair: Signature/Recommendation

2. True license. 6 Pass
Co-Chair: Signature/Recommendation

FISCAL NOTE

No. 2
 Bill Version: CSHB 230 (FIN)
 (H) Publish Date: 2/4/94

STATE OF ALASKA
 1994 LEGISLATIVE SESSION

E

Revision Date: 2/1/94 Department Affected: Fish and Game
 Title: An act relating to fees for a commercial fishing vessel license BRU: Commercial Fisheries (Limited) Entry Commission
 Sponsor: Representative Moses Component: Limited Entry Program Administration
 Requestor: Representative Moses COMPONENT SERIAL NO. 0471

EXPENDITURES/REVENUES

(Thousands of Dollars)

OPERATING	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
PERSONAL SERVICES	16.6					
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	16.6	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()	871.5	871.5	871.5	871.5	871.5	871.5
------------------------	-------	-------	-------	-------	-------	-------

FUND SOURCE

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts	16.6	0.0	0.0	0.0	0.0	0.0
1006 GF/MHTIA						
Other						
TOTAL	16.6	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY(S) cost: \$ 0.0

POSITIONS

FULL-TIME						
PART-TIME						
TEMPORARY	1					

ANALYSIS: (Attach a separate page if necessary.) CFEC has simplified and automated the licensing process in response to continuing budget reductions and staff losses over the past several years. The current \$20 per vessel fee is automatically applied with minimal staff resources. The fiscal note is necessitated by the change in the licensing system which will require development of new annual licensing forms, collection and verification of data, response to public inquiry, and reprogramming of data processing. The existing skeletal staff will need to be supplemented for the first year until the new system becomes established. (See attachments)

Prepared By: Roger Kolden Phone: 789-6160
 Agency: Commercial Fisheries (Limited) Entry Commission Date: 2/1/94

Approved by Commissioner: [Signature]
 Agency: Commercial Fisheries (Limited) Entry Commission Date: 2/1/94

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HB 230 Proposed Fee Schedule
 1993 Vessel License File
 Commercial Fisheries Entry Commission

Length	Number of Vessels	Percentage	Proposed Licensing Fee	Revenue Generated
0 to 25 feet	6,245	38.4%	\$20	124,900
> 25 to 50 feet	8,507	52.3%	\$50	425,350
> 50 to 75 feet	737	4.5%	\$100	73,700
> 75 to 150 feet	606	3.7%	\$250	151,500
> 150 to 250 feet	162	1.0%	\$500	81,000
> 251 feet	20	0.1%	\$750	15,000
	16,277	100.0%		\$871,450

Source: Commercial Fisheries Entry Commission

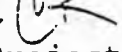
02/01/94

MEMORANDUM**STATE OF ALASKA**

TO: Commission

DATE: April 1, 1993

FILE NO:

FROM: Chris Kelly 
Licensing Project Leader
CFEC

TELEPHONE NO:

SUBJECT: Impacts of Change
in Vessel Fees

I, and the staff in licensing, feel that further explanation of the impacts of the proposed legislation on licensing procedures and workload may be helpful in support of the request for an additional temporary licensing clerk during the first seven months of this transition.

Each fall we mail pre-printed renewal forms to all entities that licensed vessels in the current year. If the vessel owner also held fishing permits, the permit renewal form is printed on the other side of the vessel form. In most cases, very minor changes, if any, are needed on these forms and the license holder simply signs the form and submits the indicated fee. This simplified renewal process was first implemented in 1992 to minimize paper-handling and streamline the process for the fishermen and maximize the efficiency of the small staff available for licensing.

One negative aspect of the process is that less explanatory information can be included on the form. (The assumption is that a simplified form works for straight renewals because the license holders are presumably already familiar with the basic regulations and requirements.) However, the staff has found that license holders tend not to read the preprinted forms closely, they frequently overlook changes in fees even though they may be printed in BOLD print right on the face of the form. Like most people, fishermen are creatures of habit and they tend to sign the form and send it in with the same fee they've paid for years.

For example, in 1992 when these forms were first used, several individuals wrote or called to say that they had received their preprinted permit renewal forms and they really liked having all the permits listed on one form, but they didn't receive their vessel license renewal form(s). They were usually quite embarrassed when we asked them to turn the permit form over, and they found their vessel renewal(s) printed right on the other side!

With a change in the fee schedule, many vessel license applications will have processing delayed until additional fees are received. This

will also delay issuance of permits, since the permit cards cannot be issued until the associated vessels are actually licensed. This requires the staff to send letters explaining the problem and requesting additional fees and these letters must be maintained in a "suspense" file until the fees are received.

As you know, the impact will become greater the closer it gets to the fishing seasons. When license holders find themselves without the necessary permits or vessel licenses as the fishery is about to start, they get on the phone to licensing staff to find out how their licenses may be expedited, and/or to demand that staff make arrangements with local ADF&G offices to somehow enable them to commence fishing even if the licenses haven't been received yet. Each such instance may take 20-30 minutes of phone calls back and forth, and it is not uncommon for you and/or legislators to be dragged into the process.

The renewal forms will have to be modified to explain the new fee schedule and how to determine the vessel length, and to emphasize that the applicant must certify under penalty of perjury that the length information provided is correct. To the extent that we may not be able to list all of the licenses on a single page, this may result in some loss of the efficiencies we gained by introducing the new forms. We know from experience that any such change results in a great deal of confusion and numerous telephone calls from persons complaining about the higher rates and demanding to know how they were established. A significant amount of licensing staff time is taken up in attempting to respond to these inquiries.

These impacts will primarily be felt during the first year of implementation. The additional temporary employee will help to keep licensing productivity at an acceptable level even though the staff will be burdened with a greater than normal volume of telephone calls and correspondence. During the first year, fishermen and vessel owners will be made aware of the changes and the validity of data contained on the vessel license file will be improved. By the second year, the transition should be pretty much accomplished and any lingering impacts can be absorbed with existing permanent and seasonal staff.

Thank you for supporting this request.

Alaska State Legislature

Representative Carl E. Moses

CHAIRMAN
HOUSE RULES COMMITTEE

CHAIRMAN
HOUSE SPECIAL COMMITTEE FISHERIES

MEMBER FINANCE SUBCOMMITTEES ON:
DEPT. OF FISH AND GAME
DEPT. OF PUBLIC SAFETY



SESSION:
CAPITAL BUILDING, ROOM 204
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PHONE: (907) 465-4451
FAX: (907) 455-3445

INTERIM
718 W. 4TH AVE. #630
ANCHORAGE, AK 99501-2133
PHONE: (907) 258-8167
FAX: (907) 258-8468

SPONSOR STATEMENT

CSHB 230 (FIN) COMMERCIAL FISHING VESSEL AND LICENSE FEES

The goal of CSHB 230 (FIN) is to make more equitable the annual commercial fishing vessel fee. This fee is currently a flat \$20 whether the boat is a skiff or a huge floater-processor. CSHB 230 (FIN) would change the flat fee to a sliding scale based on the length of the vessel. It is only fair that this fee be based on a vessel's ability to benefit from the public's resources, and that the larger boats be charged a higher fee. CSHB 230 (FIN) addresses only the vessel license fees and would generate over \$500,000 in additional revenue to the state.

The state's fisheries management programs are fast losing ground to inflation and through the decreases associated with budget cuts for agencies. We have a multi-billion dollar industry in this state and we need to be doing more to manage and protect our resources in order to maximize their use. For that reason, my legislation includes intent language that the additional funds generated by this legislation be used toward fisheries management and development programs. I know we can't dedicate these funds, but I would not submit this legislation if I did not fully believe that those funds would go toward these purposes. CSHB 230 (FIN) is supported by the United Fishermen of Alaska.

ADAK • AKUTAN • AMCHITKA • ATKA • ATTU • BELKOFSKI • CHERNOFSKI • CHIGNIK • CHIGNIK LAGOON • CHIGNIK LAKE
COLD BAY • DUTCH HARBOR • EGEKIK • EKWCK • FALSE PASS • IVANOF BAY • KING COVE • KING SALMON • KULIGANEK • LEVELOCK • NAKNEK
NELSON LAGOON • NEW STUYAHOK • NIKOLSKI • PEDRO BAY • PERRYVILLE • PILOT POINT • PORT HEIDEN • PORT MOLLER • SAND POINT
SHEMYA • SCUAW HARBOR • SOUTH NAKNEK • ST. GEORGE ISLAND • ST. PAUL ISLAND • UGASHIK • UNALASKA • UNGA

HB 230 Proposed Fee Schedule
 1993 Vessel License File
 Commercial Fisheries Entry Commission

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> 251 feet	20	0.1%	\$750	15,000
	16,277	100.0%		\$871,450

Source: Commercial Fisheries Entry Commission

02/01/94

FISCAL NOTE

STATE OF ALASKA
1994 LEGISLATIVE SESSION

BILL NO. CS HB 230(RES)

Revision Date: 2/1/94 Department Affected: Fish and Game
 Title: An act relating to fees for a commercial fishing vessel license BRU: Commercial Fisheries (Limited) Entry Commission
 Sponsor: Representative Moses Component: Limited Entry Program Administration
 Requestor: Representative Moses COMPONENT SERIAL NO. 0471

EXPENDITURES/REVENUES

(Thousands of Dollars)

OPERATING	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
PERSONAL SERVICES	16.6					
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	16.6	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()	871.5	871.5	871.5	871.5	871.5	871.5
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FUND SOURCE

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts	16.6	0.0	0.0	0.0	0.0	0.0
1006 GF/MHTIA						
Other						
TOTAL	16.6	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY(\$)) cost: \$ 0.0

POSITIONS

FULL-TIME						
PART-TIME						
TEMPORARY	1					

ANALYSIS: (Attach a separate page if necessary.) CFEC has simplified and automated the licensing process in response to continuing budget reductions and staff losses over the past several years. The current \$20 per vessel fee is automatically applied with minimal staff resources. The fiscal note is necessitated by the change in the licensing system which will require development of new annual licensing forms, collection and verification of data, response to public inquiry, and reprogramming of data processing. The existing skeletal staff will need to be supplemented for the first year until the new system becomes established. (See attachments)

Prepared By: Roger Kolden Phone: 789-6160
 Agency: Commercial Fisheries (Limited) Entry Commission Date: 2/1/94

Approved by Commissioner:  Date: 2/1/94
 Agency: Commercial Fisheries (Limited) Entry Commission

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MEMORANDUM**STATE OF ALASKA**

TO: Commission

DATE: April 1, 1993

FILE NO:

FROM: Chris Kelly *CK*
Licensing Project Leader
CFEC

TELEPHONE NO:

SUBJECT: Impacts of Change
in Vessel Fees

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Thank you for supporting this request.

HB

231

HFIN

FILE

HOUSE COMMITTEE REPORT

(11) *

Date Referred: April 7, 1993

FURTHER REFERRALS:

Date of Committee Action: 2/4/94

The FINANCE Committee considered:

HB 231

HOUSE BILL NO. 231

AGGRAVATING/MITIGATING FACTORS: SEX CRIMES

"An Act relating to aggravating and mitigating factors at sentencing."

RECOMMENDATIONS:

be replaced with CS HB 231 (FIN) 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) _____

5 zero fiscal note LAW; AK COURT Sys; 2 Admin, DPS zero fiscal note(s) _____

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
<i>E.P. Maclean</i> Maclean	<input checked="" type="checkbox"/>	<i>Richard Foster</i> Foster		<input checked="" type="checkbox"/>	
<i>Ronald Larson</i> Larson	<input checked="" type="checkbox"/>				
<i>Tom Martin</i> Martin	<input checked="" type="checkbox"/>				
<i>Paul Parrott</i> Parrott	<input checked="" type="checkbox"/>				
<i>Zan Gressendorf</i> Gressendorf	<input checked="" type="checkbox"/>				
<i>Tom Hoffman</i> Hoffman	<input checked="" type="checkbox"/>				
<i>Mike Navarre</i> Navarre	<input checked="" type="checkbox"/>				
<i>Ray Brown</i> BROWN	<input checked="" type="checkbox"/>				
<i>Tom Thurnau</i> Thurnau	<input checked="" type="checkbox"/>				

Ronald Larson *E.P. Maclean*
CHAIRMAN'S SIGNATURE

FISCAL NOTE

STATE OF ALASKA
1994 LEGISLATIVE SESSION

BILL NO. CSHB 231 (JUD)

Revision Date: December 9, 1993
Title: "An Act relating to aggravating and mitigating factors at sentencing."
Sponsor: Representative Kott
Requestor: Governor's Office

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.) This bill makes miscellaneous amendments to the aggravating and mitigating factors used at sentencing. These sentencing provisions take place after a defendant has been convicted, and therefore they will not have a fiscal impact on the Department of Law.

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

Phone: 465-3672
Date: December 9, 1993

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

Date: December 9, 1993

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FISCAL NOTE

STATE OF ALASKA
1994 LEGISLATIVE SESSION

BILL NO. CS HB 231(JUD)

Revision Date: 01/28/94 Dept. Affected: Alaska Court System
 Title: Aggravating/mitigating factors for sex crimes BRU: Trial Courts
 Sponsor: Rep. Kott 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						
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CHANGE IN REVENUES ()						
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	0.0	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 Phone: 264-8228
 Agency: Alaska Court System Date: 01/28/94

Approved by: Arthur H. Snowden, II, Administrative Director
 Agency: Alaska Court System Date: 01/28/94

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FISCAL NOTE

STATE OF ALASKA
1994 LEGISLATIVE SESSION

BILL NO. CSHB 231 (Jud)

Revision Date: _____ Dept. Affected: Administration
 Title: "An Act relating to aggravating and mitigating factors at sentencing" BRU: Office of Public Advocacy
 Component: Office of Public Advocacy
 Sponsor: Rep. Kolt
 Requestor: (H) Fin 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
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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: 1/28/94
 Agency: Administration

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FISCAL NOTE

STATE OF ALASKA
1994 LEGISLATIVE SESSION

BILL NO. CSHB 231 (Jud)

Revision Date: _____ Dept. Affected: Administration
 Title: "An Act relating to aggravating and mitigating BRU: Public Defender Agency
factors at sentencing" Component: Public Defender Agency
 Sponsor: Rep. Kott
 Requestor: (H) Fin COMPONENT SERIAL NO. 1631

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 Phone: 264-4400
 Division: Public Defender Agency Date: _____
 Approved by Commissioner: Nancy Bear Usera Date: 1/28/94
 Agency: Administration

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FISCAL NOTE

STATE OF ALASKA
1994 LEGISLATIVE SESSION

BILL NO: CSHB 231(JUD)

Revision Date: _____ Dept. Affected: Public Safety
 Title: "An act relating to aggravating and mitigating factors at sentencing" BRU: Alaska State Troopers
 Sponsor: Rep Kott Component: Detachments
 Requestor: H. FIN 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 () <small>Revenue Code</small>	-0-	-0-	-0-	-0-	-0-	-0-

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-

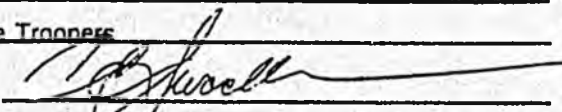
Estimate of current year (FY 94) impact: \$ _____

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 Statr. Troopers is anticipated.

Prepared By: Francis C. Allan Phone: 269-5691
 Division: Alaska State Troopers Date: 2/1/94
 Approved by Commissioner:  Date: 2/1/94
 Agency: Richard L. Burton, Dept. of Public Safety

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BY: Rep. Kay Brown

AMENDMENT |

TO: CSHB 231 (JUD)

Page 2, line 6, Insert after "offense"

" , unless the prior conviction and the present offense are violations of AS 11.41."

SPONSOR STATEMENT
CS FOR HOUSE BILL 231(JUD)

AS 12.55.155(c) establishes a series of aggravating factors relevant to presumptive sentencing. Subsection (18) of this statute addresses aggravating factors to be used in sentencing people convicted of sex crimes. As the law now reads, there is an aggravating factor when a defendant is convicted of a sex crime against a minor and has engaged in the same or similar conduct against a minor. Also, there is an aggravating factor when the defendant is convicted of sexual assault (or unlawful exploitation of a minor) and previously engaged in sexual assault (or unlawful exploitation of a minor). However, the law does not currently provide an aggravating factor pertaining to a potential situation whereby a defendant is subject to presumptive sentencing for sexual abuse of a minor and he previously committed sexual assault against an adult. Section 1 of this bill corrects this problem.

Pursuant to Section 1, in all cases where a defendant is subject to presumptive sentencing for a felony sex crime, any other conduct which violates AS 11.41.410 through AS 11.41.460 constitutes an aggravating factor.

It is the sponsor's intent that only conduct other than the specific act which is the basis for a conviction shall constitute an aggravating factor. That is to say, if event "A" is the basis for a given conviction, then event "A" can not be the basis for aggravating the sentence.

Section 1 of CS For HB 231 has a collateral effect of enlarging the class of cases which, pursuant to AS 12.55.165(b), may not be referred to the Three Judge Sentencing Panel.

Section 2 establishes a mitigating factor for purposes of presumptive sentencing. This mitigating factor operates when a prior felony conviction triggers the presumptive sentencing provisions and said prior conviction pertains to a less serious class of offenses than the offense before the court.

It respectfully is asserted that Sections 1 and 2 of this bill capture the essence of recommendations made by the Alaska Sentencing Commission. Additionally, Section 1 corrects an unfortunate gap now embodied in existing law. For these reasons, CS For House Bill 231 is commended to you for approval.

SECTIONAL ANALYSIS
CS FOR HOUSE BILL 231 (JUD)

Section 1, which amends AS 12.55.155(c)(18)(B) and deletes AS 12.55.155(c)(18)(C), expands the scope of other sex crimes as an aggravating factor in the presumptive sentencing of sex offenders. As amended, AS 12.55.155(c)(18)(B) establishes an aggravating factor when the defendant is subject to presumptive sentencing for a felony crime "...specified in AS 11.41.410 - 11.41.455 and the defendant has engaged in the same or other conduct prohibited by a provision of AS 11.41.410 -11.41.460 involving the same or another victim;". It may be noted that Section 1 of CS HB 231 does not require that the conduct utilized as an aggravating factor be reduced to a conviction. And, it does not require that said conduct have occurred prior to the crime for which the defendant is being sentenced.

It may be noted that Section 1 of this bill has the collateral effect, pursuant to AS 12.55.165(b), of expanding the class of cases which may not be referred to the Three Judge Sentencing Panel

Section 2 establishes a mitigating factor which operates when a prior felony conviction triggers presumptive sentencing and the prior felony conviction is in a less serious class than the offense for which the defendant is being sentenced.



Alaska Sentencing Commission

1029 W. Third Avenue, Suite 201, Anchorage, Alaska 99501 (907) 279-2526 FAX (907) 276-5046

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Philip R. Volland, Vice Chair

Jayne E. Andreen
Richard L. Burton

Charles E. Cole
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Sen. Steve Frank
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Hon. Warren W. Matthews

Gigi Pilcher
John Salem

Duane S. Udland
Rep. Fran Ulmer

March 25, 1993

Representative Pete Kott
Alaska House of Representatives
State Capitol
Juneau, AK 99811

RE: House Bill 231

Dear Representative Kott:

Thank you for sponsoring HB 231, "an act relating to aggravating and mitigating factors at sentencing." This bill enacts recommendations made by the Alaska Sentencing Commission in its 1991 annual report.

Section 1 of the bill is similar to the commission's recommendation that the list in AS 12.55.155(c) be expanded by adding an aggravating factor for sex offenders who have committed a prior sex offense. The commission found that repetitive sex offenders present such a high risk to the public that more prison time is necessary than current presumptive sentences would impose. The commission found that sex offenders usually offend multiple times and/or against multiple victims and are rarely caught the first time they offend. They often escape conviction or are allowed to plead to lesser conduct because sex offenses are difficult to prove, especially when the victims are children. With Class B offenses in particular, the commissioners felt that there was a need to impose sentences long enough to allow completion of a two-year sex offender treatment program.

In 1992, the legislature added an aggravator to be applied when the offense is one specified in AS 11.41.410-425 and .455, and the defendant has previously engaged in conduct covered by one of those sections involving the same or another victim. AS 12.55.155(c)(18)(c). For some reason, defendants convicted of sexual assault and unlawful exploitation of a minor are not covered if their prior conduct includes sexual abuse of a minor, and defendants convicted of sexual abuse of a minor are not covered if their prior conduct includes sexual assault of an adult. HB 231 closes the gap in coverage and is consistent with the recommendations of the Sentencing Commission.

Section 2 of HB 231 adds a mitigating factor when the defendant's prior offense was of a less serious class than the present offense. This mitigating factor was part of the original list adopted by the legislature, but was repealed in 1982. (There is a parallel aggravating factor for when defendant's prior conduct was of a more serious class of offense). The legislature's rationale for eliminating the mitigating factor was that it could reward criminals who in fact were developing an escalating pattern of seriousness in their criminal behavior. However, the commission felt that it should be reinstated, since there are times when it is necessary to remove rigidity from the system.

For example, a person might be convicted of a minor felony, such as theft of a snowmachine or bootlegging, as a young adult. If that person is convicted of first-degree assault ten years later, he or she will serve the same term as an offender with a recent manslaughter conviction. A large number of young adults commit low-level property offenses, and the commission felt that these offenses should not be treated as the equivalent of serious felonies committed by a more mature individual. To answer the concern expressed by the legislature in repealing this mitigating factor originally, the commission recommended that the legislative history reflect that this factor should not be applied if it would reward an escalating pattern of behavior or criminal career. Section 2 is consistent with the commission's recommendations.

Section 3 of HB 231 appears to maintain the status quo of the 1992 amendment which forbid referral of a case to the three-judge panel based on the defendant's potential for rehabilitation if the court finds certain aggravating factors, in this case prior sexual abuse of a minor. The commission took no position on this legislation last year, but your amendment appears to be consistent with last year's amendment.

We would urge the legislature to adopt HB 231. Please feel free to call if we can be of assistance.

Sincerely,



Marcia Vandercook
Staff Attorney

MV:pjs

HB

231

SFIN

FILE

SENATE FINANCE COMMITTEE REPORT

DATE: 4/27/94

FURTHER:

DATE TURNED INTO OFFICE: 5-1-94

The Finance Committee considered CS FOR HOUSE BILL NO. 231(FIN)

HB 231 AGGRAVATING AND MITIGATING FACTORS - SEX CRIMES

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

PREVIOUS FISCAL NOTES

Department	Date	Zero	Fiscal
DOLaw	12/9/93	<input checked="" type="checkbox"/>	
Courts	11/28/94	<input checked="" type="checkbox"/>	
DOA (PDA)	11/28/94	<input checked="" type="checkbox"/>	
DOA (ODA)	11/28/94	<input checked="" type="checkbox"/>	
DPS	2/1/94	<input checked="" type="checkbox"/>	

Appropriation No Fiscal Note

DO PASS:

Travis Kelly
Steve Kusi
Scott May

OTHER RECOMMENDATIONS:

1. *[Signature]*
 Co-Chair: Signature/Recommendation

2. *[Signature]*
 Co-Chair: Signature/Recommendation

SENATE FINANCE COMMITTEE REPORT

RETURNED TO FINANCE FROM RULES

DATE: 5/3/94

FURTHER:

5-5-94

DATE TURNED INTO OFFICE: _____

The Finance Committee considered CS FOR HOUSE BILL NO. 231(FIN)

"An Act relating to when previous conduct constituting a sexual offense may be used as an aggravating factor at sentencing."

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
DOC	4/29/94	0	500.0

PREVIOUS FISCAL NOTES

Department	Date	Zero	Fiscal
DI/Law	12/9/93	✓	
Courts	1/28/94	✓	
DOA (PDH)	1/28/94	✓	
DOA (OPA)	1/28/94	✓	
DPS	2/1/94	✓	

Appropriation No Fiscal Note

DO PASS:

OTHER RECOMMENDATIONS:

1. _____ DO Pass
 Co-Chair: Signature/Recommendation

2. _____
 Co-Chair: Signature/Recommendation

FISCAL NOTE

No. 7

Bill Version: CSLB 231 (FIN)

BILI (H) Publish Date: 2/7/94

STATE OF ALASKA
1994 LEGISLATIVE SESSION

Revision Date: December 9, 1993

Department Affected: Department of Law

Title: "An Act relating to aggravating and mitigating factors at sentencing."

BRU: Prosecution

Sponsor: Representative Kort

Component: All

Requestor: Governor's Office

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) impt act: -0-

ANALYSIS: (Attach a separate page if necessary.) This bill makes miscellaneous amendments to the aggravating and mitigating factors used at sentencing. These sentencing provisions take place after a defendant has been convicted, and therefore they will not have a fiscal impact on the Department of Law.

Prepared by: Richard I. Peques, Director

Phone: 465-3672

Division: Administrative Services/Division 7

Date: December 9, 1993

Approved by Commissioner: Richard I. Peques/Kort
Charles E. Cole, Attorney General

Agency: Department of Law

Date: December 9, 1993

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FISCAL NOTE

No. 8

Bill Version: CSHB 231 (FIN)

(H) Publish Date: 2/7/94

STATE OF ALASKA
1994 LEGISLATIVE SESSION

BILL

Revision Date: 01/28/94

Dept. Affected: Alaska Court System

Title: Aggravating/mitigating factors for sex crimes

BRU: Trial Courts

Sponsor: Rep. Kott

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
Agency: Alaska Court System

Phone: 264-8228
Date: 01/28/94

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

Date: 01/28/94

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FISCAL NOTE

No. 9

Bill Version: CSHB 231 (FIN)

(H) Publish Date: 2/7/94

STATE OF ALASKA
1994 LEGISLATIVE SESSION

BILL NO.

Revision Date: _____ Dept. Affected: Administration
 Title: "An Act relating to aggravating and mitigating BRU: Public Defender Agency
factors at sentencing" Component: Public Defender Agency
 Sponsor: Rep. Kott
 Requestor: (H) Fin COMPONENT SERIAL NO. 1631

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
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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

Phone: 264-4400
 Date: _____

Approved by Commissioner: Nancy Bear Usara
 Agency: Administration

Date: 1/28/94

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FISCAL NOTE

No. 10

Bill Version: CSHB 231 (FIN)

BILL NO (H) Publish Date: 2/7/94

STATE OF ALASKA
1994 LEGISLATIVE SESSION

Revision Date: _____ Dept. Affected: Administration
 Title: "An Act relating to aggravating and mitigating ERL: Office of Public Advocacy
factors at sentencing" Component: Office of Public Advocacy
 Sponsor: Rep. Kott
 Requestor: (H) Fin 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
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CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0
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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: 1/28/94
 Agency: Administration

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COMMITTEE COPY

FISCAL NOTE

No. 11

P. 1

Bill Version: CSHB 231 (FIN)

(H) Publish Date: 2/7/94

STATE OF ALASKA
1994 LEGISLATIVE SESSION

Revision Date: _____ Dept. Affected: Public Safety
 Title: "An act relating to aggravating and BRU: Alaska State Troopers
mitigating factors at sentencing" Component: Detachments
 Sponsor: Ben Kort
 Requestor: H. FIN 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-

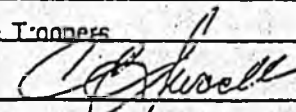
Estimate of current year (FY 94) impact: \$ _____

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.

Prepared By: Francis C. Allan Phone: 269-5691
 Division: Alaska State Troopers Date: 2/1/94
 Approved by Commissioner:  Date: 2/1/94
 Agency: Richard L. Burton, Dept. of Public Safety

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STATE OF ALASKA
1994 LEGISLATIVE SESSION

FISCAL NOTE

BILL NO.: CSHB 231(FIN)

Revision Date:	April 26, 1994	Dept. Affected:	Corrections
Title:	Sex Offense/Aggravating Factors	BRU:	All
Sponsor:	Rep. Kott	Component:	All
Requestor:	S. JUD	Component Serial #:	694-1884

Expenditures/Revenues (Thousands of Dollars)

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

CAPITAL EXP	500.0	*	*	*	*	*
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CHANGES IN REVENUES						
---------------------	--	--	--	--	--	--

FUND SOURCE

1002 Federal Receipts						
1003 GF Match						
1004 GF	500.0	*	*	*	*	*
1005 GF/Program Receipts						
1006 GF/MHTLA						
Other						
TOTAL	500.0	*	*	*	*	*

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

POSITIONS

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

ANALYSIS: There will be an indeterminate impact on the prison system, with a demand for at least 5 additional beds.

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: 4/26/94
 Date: 4/26/94
 Page 1 of 2

The bill expands the ability of the court to aggravate a presumptive sentence for a sex offense when the perpetrator has previously been convicted of a sex offense.

Assumptions

1. The department has been unable to locate any data to indicate the frequency of occurrence of the behaviors addressed in the bill. However, since the bill expands the circumstances under which a sentence can be aggravated, it is assumed that there will be some increase in sentence lengths for sex offenders as a result of the bill.
2. There are approximately 500 sex offenders incarcerated in state facilities, or 182,500 inmate-days being served per year for sex offenses. Since the actual sentence length could increase up to 100% due to aggravation, but the actual rate of occurrence of the aggravator is unknown, the department conservatively estimates an aggregate 1% increase in prisoner-days for sex offenders. That would result in an additional 1,825 days of incarceration per year. The system would need to add 5 beds to accommodate these prisoner-days (1,825 divided by 365.)
3. There would be no increased operating costs in FY95 since the bill aggravates sentences which would already occur. Indeterminate operating costs are reflected in the following years, since it is unknown when each sentence would have ended without the aggravation.
4. The correctional system has been operating over its emergency capacity for over a year. A motion to hold the department in contempt of court has been filed and may lead to \$1,000 per day fines if upheld. Crisis levels of overcrowding present safety hazards as well as legal problems and potential fines. The system cannot absorb additional prisoners without additional resources.
5. The cost for constructing an average state correctional bed is approximately \$100,000. Capital costs could be reduced or eliminated by contracting for beds, but contract beds available in Alaska are limited to minimum or community custody offenders and the state is unaware of any out-of-state beds for inmates with higher than medium custody. Capital costs might also be reduced by increasing staffing and programs, in combination with some facility reconfiguration, at existing facilities. Because there are a number of crime bills pending before the legislature, it is not possible for the department to identify where bedspace would be expanded until the total increased demand for beds is known.

Alaska State Legislature
House of Representatives

COMMITTEES:
HEALTH, EDUCATION
& SOCIAL SERVICES
JUDICIARY
STATE AFFAIRS

SPECIAL COMMITTEES:
MILITARY & VETERANS AFFAIRS
OIL & GAS



INTERIM:
EAGLE CENTER, SUITE 141
EAGLE RIVER, AK 99577
PHONE (907) 694-8944
FAX 694-8945

SESSION:
STATE CAPITOL
JUNEAU, AK 99811
PHONE (907) 465-3777

Representative Pete Kott

SECTIONAL ANALYSIS
CS FOR HOUSE BILL 231 (FIN)

Section 1, which amends AS 12.55.155(c)(18)(B) and deletes AS 12.55.155(c)(18)(C), expands the scope of other sex crimes as an aggravating factor in the presumptive sentencing of sex offenders. As amended, AS 12.55.155(c)(18)(B) establishes an aggravating factor when the defendant is subject to presumptive sentencing for a felony crime "...specified in AS 11.41.410 - 11.41.455 and the defendant has engaged in the same or other conduct prohibited by a provision of AS 11.41.410 -11.41.460 involving the same or another victim;". It may be noted that Section 1 of CS HB 231 does not require that the conduct utilized as an aggravating factor be reduced to a conviction. And, it does not require that said conduct have occurred prior to the crime for which the defendant is being sentenced.

It may be noted that Section 1 of this bill has the collateral effect, pursuant to AS 12.55.165(b), of expanding the class of cases which may not be referred to the Three Judge Sentencing Panel



Back-up

Alaska State Legislature
House of Representatives

HB 231

COMMITTEES:
HEALTH, EDUCATION
& SOCIAL SERVICES
JUDICIARY
STATE AFFAIRS

INTERIM:
EAGLE CENTER, SUITE 141
EAGLE RIVER, AK 99577
PHONE (907) 694-8944
FAX 694-8945

SPECIAL COMMITTEES:
MILITARY & VETERANS AFFAIRS
OIL & GAS

SESSION:
STATE CAPITOL
JUNEAU, AK 99811
PHONE (907) 465-3777

Representative Pete Kott

April 26, 1994

Senator Steve Frank
Co-Chair
Senate Finance Committee

Senator Drue Pearce
Co-Chair
Senate Finance Committee

Re: CS HB 231(FIN)

Dear Senators Frank and Pearce:

Please find CS HB 231(FIN) attached hereto, along with supporting materials.

CS HB 231(FIN), which expands a previously existing aggravating factor applicable to sex offenses, unanimously passed the House on February 9, 1994. It was voted out of Senate Judiciary Committee this date.

I am hereby requesting that CS HB 231(FIN) be scheduled for a hearing before the Senate Finance Committee as soon as possible.

Thank you in advance for your kind assistance in this matter. Should you have any questions, do not hesitate to contact me.

Sincerely,

Pete Kott
District 24





Alaska Sentencing Commission

1029 W. Third Avenue, Suite 201, Anchorage, Alaska 99501 (907) 279-2526 FAX (907) 276-5046

James V. Gould, Chair
Philip R. Volland, Vice Chair

Jayne E. Andreen
Richard L. Burton

Charles E. Cole
Hon. Beverly W. Outler

Sen. Steve Frank
Lloyd G. Rupp

John Holmes
Hon. Warren W. Matthews

Gigi Filcher
John Salemi

Duane S. Udland
Rep. Fran Ulmer

March 25, 1993

Representative Pete Kott
Alaska House of Representatives
State Capitol
Juneau, AK 99811

RE: House Bill 231

Dear Representative Kott:

Thank you for sponsoring HB 231, "an act relating to aggravating and mitigating factors at sentencing." This bill enacts recommendations made by the Alaska Sentencing Commission in its 1991 annual report.

Section 1 of the bill is similar to the commission's recommendation that the list in AS 12.55.155(c) be expanded by adding an aggravating factor for sex offenders who have committed a prior sex offense. The commission found that repetitive sex offenders present such a high risk to the public that more prison time is necessary than current presumptive sentences would impose. The commission found that sex offenders usually offend multiple times and/or against multiple victims and are rarely caught the first time they offend. They often escape conviction or are allowed to plead to lesser conduct because sex offenses are difficult to prove, especially when the victims are children. With Class B offenses in particular, the commissioners felt that there was a need to impose sentences long enough to allow completion of a two-year sex offender treatment program.

In 1992, the legislature added an aggravator to be applied when the offense is one specified in AS 11.41.410-425 and .455, and the defendant has previously engaged in conduct covered by one of those sections involving the same or another victim. AS 12.55.155(c)(18)(c). For some reason, defendants convicted of sexual assault and unlawful exploitation of a minor are not covered if their prior conduct includes sexual abuse of a minor, and defendants convicted of sexual abuse of a minor are not covered if their prior conduct includes sexual assault of an adult. HB 231 closes the gap in coverage and is consistent with the recommendations of the Sentencing Commission.

Representative Pete Kott
March 25, 1993
Page 2

Section 2 of HB 231 adds a mitigating factor when the defendant's prior offense was of a less serious class than the present offense. This mitigating factor was part of the original list adopted by the legislature, but was repealed in 1982. (There is a parallel aggravating factor for when defendant's prior conduct was of a more serious class of offense). The legislature's rationale for eliminating the mitigating factor was that it could reward criminals who in fact were developing an escalating pattern of seriousness in their criminal behavior. However, the commission felt that it should be reinstated, since there are times when it is necessary to remove rigidity from the system.

For example, a person might be convicted of a minor felony, such as theft of a snowmachine or bootlegging, as a young adult. If that person is convicted of first-degree assault ten years later, he or she will serve the same term as an offender with a recent manslaughter conviction. A large number of young adults commit low-level property offenses, and the commission felt that these offenses should not be treated as the equivalent of serious felonies committed by a more mature individual. To answer the concern expressed by the legislature in repealing this mitigating factor originally, the commission recommended that the legislative history reflect that this factor should not be applied if it would reward an escalating pattern of behavior or criminal career. Section 2 is consistent with the commission's recommendations.

Section 3 of HB 231 appears to maintain the status quo of the 1992 amendment which forbid referral of a case to the three-judge panel based on the defendant's potential for rehabilitation if the court finds certain aggravating factors, in this case prior sexual abuse of a minor. The commission took no position on this legislation last year, but your amendment appears to be consistent with last year's amendment.

We would urge the legislature to adopt HB 231. Please feel free to call if we can be of assistance.

Sincerely,



Marcia Vandercook
Staff Attorney

MV:pjs

H B

2 3 2

HFIN

FILE

HOUSE COMMITTEE REPORT

(11)

Date Referred: March 26, 1993

FURTHER REFERRALS:

Date of Committee Action: 4/7/93

The FINANCE Committee considered:

HB 232

HOUSE BILL NO. 232

BOW HUNTING STAMP & BOW HUNTING SAFETY

"An Act relating to a bow hunting tag and bow hunting safety; and providing for an effective date."

RECOMMENDATIONS: [] the same title

be replaced with _____ [] 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) F+G 3/24/93

[] zero fiscal note _____

[] zero fiscal note(s) _____

SIGNING <u>DO</u> PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
<i>Ronald J. Hansen</i>	X				
<i>Mark Hanker</i>	X				
<i>Terry Martin</i>	X				
<i>John Parnell</i>		<i>John Parnell</i>		X	
<i>Ben Cisszendorf</i>	X				
<i>Lyne Hoff</i>	X				
<i>Mike Ravame</i>	✓				
<i>Tan Brown</i>	✓				
<i>Jim Therriault</i>	X				
<i>Richard J. Foster</i>	X				

Ronald J. Hansen
CHAIRMAN'S SIGNATURE

FISCAL NOTE

STATE OF ALASKA
1993 LEGISLATIVE SESSION

BILL NO. HB 232

Revision Date: _____

Department Affected: Fish and Game

Title: An Act relating to a bow hunting tag and
bow hunting safety

BRU: Wildlife Conservation, Administration

Sponsor: Representative Bunde

Component: Wildlife Conservation

Requestor: House Resources

COMPONENT SERIAL NO. 0473, 0479

EXPENDITURES/REVENUES:

(Thousands of Dollars)

OPERATING	FY 94	FY 95	FY 96	FY 97	FY 98	FY 99
PERSONAL SERVICES	2.0	2.0	2.0	2.0	2.0	2.0
TRAVEL						
CONTRACTUAL	9.1	9.1	9.1	9.1	9.1	9.1
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	11.1	11.1	11.1	11.1	11.1	11.1

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

REVENUE FUND SOURCE: 1024	35.0	35.0	35.0	35.0	35.0	35.0
---------------------------	------	------	------	------	------	------

FUNDING:

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	5.0	5.0	5.0	5.0	5.0	5.0
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other (1024 Fish & Game Fund)	6.1	6.1	6.1	6.1	6.1	6.1
TOTAL	11.1	11.1	11.1	11.1	11.1	11.1

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY	1	1	1	1	1	1

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

ANALYSIS: (Attach a separate page if necessary.)

See attached page.

Prepared By: Phil Koehl and Kristin Wright

Phone: 465-4190

Division: Wildlife Conservation Administration

Date: 3/22/93

Approved by Commissioner: [Signature]

Agency: Department of Fish and Game

Date: 3/23/93

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

Assumptions:

1. Approximately 5,000 bow hunting tags will be sold per annum. This estimate is based on the number of individuals who have been certified through the state bow hunter education program. The number is not expected to change unless more hunters are encouraged to hunt with bows as a result of regulatory changes by the Board of Game (e.g., establishment of more archery only hunting areas or exclusive bow hunting seasons).
2. \$2.0 in personal services for a non-permanent Data Processing Clerk I (range 8) for 1 month to assist in mailouts of supplies and data entry of stamps issued, sold, and returned.
3. Contractual costs include cost of printing, postage, and compensation to vendors. Compensation to vendors is in two components: 5.0 (\$1/stamp sold) from the General Fund and 1.8 (5% of tag fee) from the Fish and Game Fund.



House of Representatives

SPONSOR STATEMENT
House Bill 232

HB 232 creates a bow hunting tag that will be sold with a hunting license for a \$7.00 additional fee. The proceeds from the sale of the bow hunting tag would become part of the fish and game fund.

The Department of Fish and game shall use the funds from the fish and game fund to :

- 1) assist in developing and coordinating activities involving private organizations relating to shooting and firearms;
- 2) develop a hunting safety program, including bow hunting safety, for the people of the state;
- 3) establish a program to assist in the planning, construction, and operation of public shooting ranges;
- 4) make grants for education and training in the safe use of hunting bows.

This bill will take effect January 1, 1994

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 22, 1993

SUBJECT: Sectional Summary of HB 232; An Act relating to a bow hunting tag and bow hunting safety.

TO: Representative Con Bunde

FROM: George Utermohle *GU*
Legislative Counsel

You have requested a sectional summary of HB 232; An Act relating to a bow hunting tag and bow hunting safety.

A sectional summary of a bill is not an authoritative interpretation of the bill. The bill itself is the best statement of its contents.

Section 1 of the bill amends AS 16.05.110 to provide that the proceeds from the sale of bow hunting tags are deposited into the fish and game fund.

Section 2 of the bill amends AS 16.05.340(a) to establish the bow hunting tag fee and to provide exemptions from the requirement to possess a bow hunting tag.

Section 3 of the bill amends AS 16.55.010 to require that the Department of Fish and Game include bow hunting safety in its hunting safety program.

Section 4 of the bill amends AS 16.55.020 to provide that the Department of Fish and Game may make grants for education and training in the safe use of hunting bows.

Section 5 of the bill provides that the bill takes effect January 1, 1994.

If I may be of further assistance, please advise.

GU:mi
93-047.mai

DEPARTMENT OF FISH AND GAME
POSITION PAPER

Bill No: HB 232 (3/16/93)

Sponsor: Representative Bunde

Division: Wildlife Conservation

Bill Title: An Act relating to a bow hunting tag and bow hunting safety; and providing for an effective date.

Department Position: Support

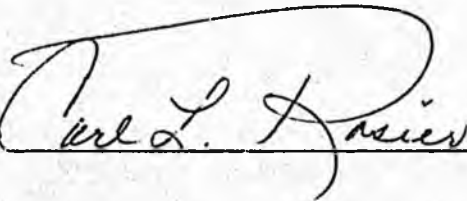
Background/Legislative Intent: This bill would establish a new license fee for bow hunters, over and above the current hunting license fee. The legislation apparently is designed to raise revenue for the purpose of providing additional funding for bow hunting education/safety courses.

Analysis of Bill/Program Effects: This bill apparently has wide support among Alaskan bowhunters, and the sales of bow hunting tags would produce a modest revenue stream to the Fish and Game Fund. At estimated sales of 5000 tags/annum, approximately 1/3 of total revenues will be needed to cover program operating costs.

If estimates are correct, this bill could provide additional revenue to the department for bow hunter education/safety programs. Bowhunters, as a result of paying an additional license fee, may be able to justify regulatory proposals to the Board of Game for the establishment of additional "bow only" hunting areas or special "bow only" seasons, distinct from general firearm seasons. Depending on the board response to such proposals, there could be an impact on hunting opportunities for non-bow hunters.

Amendments Proposed: None.

Commissioner's Signature



Date

3/23/93



GOLDEN NORTH ARCHERY ASSOCIATION

Box 70254
Fairbanks, Alaska
99707

CHARTERED BY: NATIONAL FIELD ARCHERY ASSOCIATION AND ALASKA STATE ARCHERY ASSOCIATION

March 22, 1993

Representative Con Bunde
Room 112
Alaska Capitol Building
Juneau, Alaska 99801-1182

RE: House Bill 232.

Dear Representative Bunde:

The Golden North Archery Association, made up of over 300 members, is in strong support of Bill 232. We have been in favor of such a bill for many years and certainly welcome its introduction.

We see Bill 232 having a very positive effect on hunting and wildlife conservation in general. We also feel it will be equally beneficial in regards to archery related issues.

We encourage the legislature to look favorably on this bill and promote its timely passage.

Sincerely,

A handwritten signature in dark ink, appearing to read "Ken Vorisek".

Ken Vorisek
Legislative Action Committee,
Chairman

March 22, 1993

Representative Con Bunde
Room 112
Alaska Capitol Building
Juneau, Alaska 99801-1182

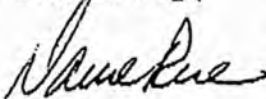
Dear Representative Bunde:

I have been hunting with a bow for a number of years. I would like to see Bill 232 passed. It may cost me an extra \$7.00 a year but it should encourage Fish and Game to better provide for this low impact use of the resource.

Since archery success rate is very low I would like to see additional opportunity for bowhunting. It would provide for more recreational and subsistence use.

Thanks for you consideration in this matter.

Sincerely,



Dave Rue
Box 7
Ambler, Alaska 99786

Rick Schikora
1416 Gilliam Way
Fairbanks, Alaska 99701
456-1566 work, 488-1724 home

March 22, 1993

Representative Con Bunde
Room 112
Alaska Capital Building
Juneau, Alaska 99801-1182

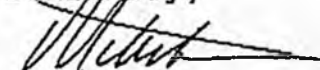
RE: House Bill 232

Dear Representative ^{Con} Bunde:

I appreciate your introducing a bill to implement an archery stamp in the state. I believe that paying the extra fee will allow ADF&G to gather numbers which will show the extent of bowhunting in Alaska. Further, all archers and hunters in general will benefit because additional monies will be available for archery education. I believe we need to use education to reinforce what all hunters know now, that is the wise use of our resources. We need to impress upon them that image is just about everything. Hunters in Alaska have a good image and we need to keep it that way. Especially for bowhunting.

Thanks for your work on this matter. Count on me for support, should you need it.

Sincerely,


Rick Schikora

March 22, 1993

Mr. Con Bunde
Alaska Capitol Building
Juneau, Alaska 99801-1182

Dear Mr. Bunde:

I like House Bill 232. It is a good bill long overdue. I hope it does not get bogged down in the political process.

Thanks for its introduction, if I can be of any help please let me know.

Gratefully,

Garry Thoms
P.O. BOX 72544
FAIRBANKS, AK.
99707
GARRY THOMS

THE ALASKAN BOWHUNTERS ASSOCIATION, INC.
P.O. Box 770189 • Eagle River, Alaska 99577-0189

3/22/93
Post-It™ brand fax transmittal memo 7671

of pages > 5

To <i>Rep. Con Bunde</i>	From <i>ABA, et al</i>
Co.	Co.
Dept.	Phone # <i>456-1569</i>
Fax # <i>465-3871</i>	Fax # <i>456-1569</i>

March 22, 1993

Representative Con Bunde
Room 112
Alaska Capitol Building
Juneau, Alaska 99801-1182

RE: House Bill 232.

Dear Representative Bunde:

At our recent general membership meeting the membership voted overwhelmingly to support a requirement for a statewide bowhunting tag. This issue was also brought before our board of directors the following day. They also voted overwhelmingly to support this issue. The results of these actions have been recorded in the meeting minutes.

We strongly support Bill 232 because it will:

- 1) Generate additional funds that may be appropriated to Fish and Game.
- 2) Mandate bowhunting safety programs while providing a source for funding.
- 3) Allow for an accurate statewide count of bowhunting participants.
- 4) Provide information that will better facilitate Fish and Game in its management efforts in regards to bowhunting issues.

Thank you for your support on Bill 232, and we look forward to its passage.

Sincerely,



Ken Vorisek
LAC Committee, ABA
Northern Representative
427 Crestmont Dr.
Fairbanks, Alaska 99709
PH# 479-3075
FAX 479-5605



PRESIDENT

Don Poole
P.O. Box 2200
Soldotna, AK 99669
282-7541/282-7542

VICE-PRESIDENT

Rick Schikora
1416 Giffam
Fairbanks, AK 99701
488-1724

LEGISLATIVE

VICE-PRESIDENT
Sam Weatherford
HC 78 2468
Chugiak, AK 99567
888-9528

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880 N. St. Suite 220
Anchorage, AK 99501
277-4551

Maxallen D. Jackson
356 E. 48th Ave.
Anchorage, AK 99503
561-7129

Gary Wall
P.O. Box 5-373
Pt. Richardson, AK 99505
428-2042

REGIONAL DIRECTORS

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Pat Campanella
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Fairbanks, AK 99709
479-6503

Southcentral

Dave Widby
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Southeastern

Marvin Walker
1340 Fitz Cove Rd.
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789-0942

Kodiak/Kenai Peninsula

Daniel Huskins
P.O. Box 107
Anchor Point, AK 99666
235-2502

Mar-SU

Pat McCabe
SRA 6757 A
Palmer, AK 99645
745-8385

PAST PRESIDENT

Dennis Smythe
4310 Dorothy Dr.
Anchorage, AK 99504
333-4310

SECRETARY/TREASURER

Janet Toenes
1580 Eagle River Rd.
Eagle River, AK 99577
694-3931

Frank & Lorraine Campbell
P.O. Box 80525
Fairbanks, AK 99707

March 23, 1993

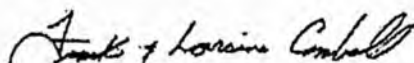
Representative Con Bunde
Room 112
Alaska Capitol Building
Juneau, AK 99801-1182

Honorable Con Bunde:

We wish to express our support for House Bill 232. We don't feel the modest fee for an archery stamp would be a deterrent to anyone wishing to hunt with a bow. In fact, the benefits derived from accurate information about participation should outweigh any detractions.

Thank you for your support of archery.

Sincerely,



Frank & Lorraine Campbell

MILTON ADJUSTMENT

THE ALASKAN BOWHUNTERS ASSOCIATION, INC.
P.O. Box 770189 • Eagle River, Alaska 99577-0189

**PRESIDENT**

Don Poole
P.O. Box 2200
Soldotna, AK 99669
262-7541/282-7542

VICE-PRESIDENT

Rick Schikora
1418 Gilliam
Fairbanks, AK 99701
488-1724

LEGISLATIVE**VICE-PRESIDENT**

Sam Weatherford
HC 7B 2458
Chugiak, AK 99587
688-9528

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551-7129

Gary Wall
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Fl. Richardson, AK 99505
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Southcentral

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Juneau, AK 99801
789-0942

Kodiak/Kanai Peninsula

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P.O. Box 157
Anchor Point, AK 99556
235-2502

Mt. Su

Pat McCabe
SRA 8757 A
Palmer, AK 99645
745-8355

PAST PRESIDENT

Dennis Smythe
4310 Dorothy Dr.
Anchorage, AK 99504
333-4310

SECRETARY/TREASURER

Janet Toone
1580 Eagle River Rd.
Eagle River, AK 99577
894-3931

March 23, 1993

Representative Con Bunde
Room 112
Alaska Capitol Building
Juneau, AK 99801-1182

RE: House Bill #232

Dear Representative Bunde:

Per our prior discussion during the Alaskan Bowhunters banquet in February of this year I want to re-confirm my request that everything possible be done to pass this bill.

This will provide the means for funding for various projects and will provide myself and others the accurate number of hunters that use archery equipment in Alaska for taking game.

The Alaskan Bowhunters Association congratulates you on the excellent job done on this proposal and hopes that it will pass. If this proposal does not pass this legislature year as worded, I would like to discuss with you any revisions necessary to make it pass next legislative session.

Sincerely

Sam Weatherford
Alaskan Bowhunters Association
Legislative Vice President

HB

232

SFIN

FILE

SENATE FINANCE COMMITTEE REPORT

FN ✓

DATE: 5/2/94

FURTHER:

DATE TURNED INTO OFFICE: 5-3-94

The Finance Committee considered HOUSE BILL NO. 232

"An Act relating to a bow hunting tag and bow hunting safety; and providing for an effective date."

and recommends:

- replace with _____ CS _____ (FINANCE)
- or adopt previous 5 CS HB 232 (Res)
- 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

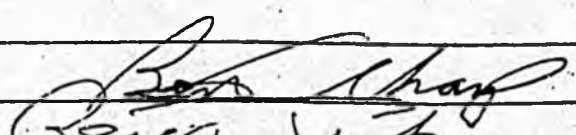
PREVIOUS FISCAL NOTES

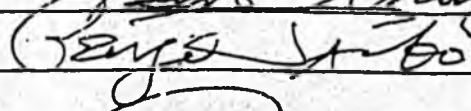
Department	Date	Zero	Fiscal
DFLG	2/23/94		5.0
			9.1

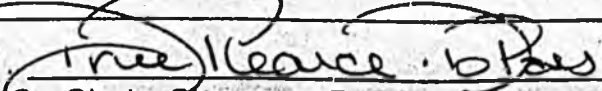
opt. rev.

Appropriation No Fiscal Note

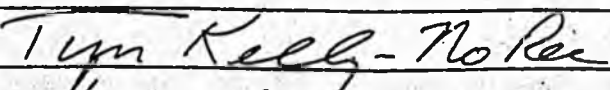
DO PASS:





 1. 
 Co-Chair: Signature/Recommendation

OTHER RECOMMENDATIONS:



 2. _____
 Co-Chair: Signature/Recommendation

FISCAL NOTE

STATE OF ALASKA
1994 LEGISLATIVE SESSION

BILL NO

No. 2

Bill Version: SCS HB 232 (RES)

(S) Publish Date: 5-2-94

Revision Date: 2/28/94
 Title: An Act relating to a bow hunting tag and bow hunting safety
 Sponsor: Representative Bunde
 Requestor: House Resources

Dept. Affected: Fish and Game
 BRU: Wildlife Conservation
 Component: Wildlife Conservation

COMPONENT SERIAL NO. 0473, 0479

Expenditures/Revenues

(Thousands of Dollars)

OPERATING EXPENDITURES	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
PERSONAL SERVICES	1.0	1.0	1.0	1.0	1.0	1.0
TRAVEL						
CONTRACTUAL	4.0	4.0	4.0	4.0	4.0	4.0
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	5.0	5.0	5.0	5.0	5.0	5.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES (1024)	9.1	9.1	9.1	9.1	9.1	9.1
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FUND SOURCE

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other (1024 Fish & Game Fund)	5.0	5.0	5.0	5.0	5.0	5.0
TOTAL	5.0	5.0	5.0	5.0	5.0	5.0

Estimate of any current year (FY 94) cost: \$ 0.0

POSITIONS

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

Assumptions for committee substitute: (1) annual sales of 1300 tags based on number of archers who participate in archery only hunts; (2) contractual costs include printing, postage and compensation to vendors; (3) personal services costs for non-permanent Data Processing Clerk 1 (range 8) for 2 weeks to assist in mailouts of supplies and data entry of stamps issued, sold and returned. Net revenue to Fish & Game Fund not expected to exceed \$4.1/annum.

Prepared By: Phil Koehl and Kristin Wright
 Division: Wildlife Conservation, Administration
 Approved by Commissioner: _____
 Agency: Alaska Department of Fish and Game

Phone: 465-4190 and 465-6091
 Date: 2/28/94
 Date: _____

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Back-up

House of Representatives

MEMORANDUM

DATE: January 20, 1994

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

FROM: Representative Con Bunde
Co-Chair House Health Education & Social Services Committee

RE: HB 232; An Act relating to a bow hunting tag and bow hunting safety

HB 232; An Act relating to a bow hunting tag and bow hunting safety is currently in the Senate Finance Committee. This memo is a request for a committee hearing at your earliest possible convenience.

HB 232 would create a bow hunting tag to be sold with a hunting license for a \$7.00 additional fee. The proceeds from the sale of the bow hunting tag would become part of the Dept. of Fish and Game general fund.

The revenue generated by the bow hunting tag would be used to develop and coordinate bow hunting education and safety programs throughout the state.

If you have questions or concerns please do not hesitate to contact my office. Thank you for your cooperation with this proposed legislation.

House of Representatives

SPONSOR STATEMENT
House Bill 232

HB 232 creates a bow hunting tag that will be sold with a hunting license for a \$7.00 additional fee. The proceeds from the sale of the bow hunting tag would become part of the fish and game fund.

The Department of Fish and game shall use the funds from the fish and game fund to :

- 1) assist in developing and coordinating activities involving private organizations relating to shooting and firearms;
- 2) develop a hunting safety program, including bow hunting safety, for the people of the state;
- 3) establish a program to assist in the planning, construction, and operation of public shooting ranges;
- 4) make grants for education and training in the safe use of hunting bows.

I urge the committees positive support for this proposed legislation.

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 22, 1993

SUBJECT: Sectional Summary of HB 232; An Act relating to a bow hunting tag and bow hunting safety.

TO: Representative Con Bunde

FROM: George Utermohle *GU*
Legislative Counsel

You have requested a sectional summary of HB 232; An Act relating to a bow hunting tag and bow hunting safety.

A sectional summary of a bill is not an authoritative interpretation of the bill. The bill itself is the best statement of its contents.

Section 1 of the bill amends AS 16.05.110 to provide that the proceeds from the sale of bow hunting tags are deposited into the fish and game fund.

Section 2 of the bill amends AS 16.05.340(a) to establish the bow hunting tag fee and to provide exemptions from the requirement to possess a bow hunting tag.

Section 3 of the bill amends AS 16.55.010 to require that the Department of Fish and Game include bow hunting safety in its hunting safety program.

Section 4 of the bill amends AS 16.55.020 to provide that the Department of Fish and Game may make grants for education and training in the safe use of hunting bows.

Section 5 of the bill provides that the bill takes effect January 1, 1994.

If I may be of further assistance, please advise.

GU:mi
93-047.mai



THE ALASKAN BOWHUNTERS ASSOCIATION, INC.

P.O. Box 770189 • Eagle River, Alaska 99577-0189

March 22, 1993

Representative Con Bunde
Room 112
Alaska Capitol Building
Juneau, Alaska 99801-1182

RE: House Bill 232.

Dear Representative Bunde:

At our recent general membership meeting the membership voted overwhelmingly to support a requirement for a statewide bowhunting tag. This issue was also brought before our board of directors the following day. They also voted overwhelmingly to support this issue. The results of these actions have been recorded in the meeting minutes.

We strongly support Bill 232 because it will:

- 1) Generate additional funds that may be appropriated to Fish and Game.
- 2) Mandate bowhunting safety programs while providing a source for funding.
- 3) Allow for an accurate statewide count of bowhunting participants.
- 4) Provide information that will better facilitate Fish and Game in its management efforts in regards to bowhunting issues.

Thank you for your support on Bill 232, and we look forward to its passage.

Sincerely,

Ken Vorisek
LAC Committee, ABA
Northern Representative
427 Crestmont Dr.
Fairbanks, Alaska 99709
PH# 479-30754
FAX 479-5605

PRESIDENT

Don Poole
Box 2200
Soldotna, AK 99669
262-7541/262-7542

VICE-PRESIDENT

Rick Schikora
1416 Gilliam
Fairbanks, AK 99701
488-1724

LEGISLATIVE

VICE-PRESIDENT
Sam Weatherford
HC 78 245F
Chugiak, AK 99567
688-9528

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561-7129

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428-2042

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Juneau, AK 99801
789-0942

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Anchor Point, AK 99556
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333-4310

SECRETARY/TREASURER

Janet Toenes
1500 Eagle River Rd.
Eagle River, AK 99577
694-3931



GOLDEN NORTH ARCHERY ASSOCIATION

Box 70254
Fairbanks, Alaska
99707

CHARTERED BY: NATIONAL FIELD ARCHERY ASSOCIATION AND ALASKA STATE ARCHERY ASSOCIATION

March 22, 1993

Representative Con Bunde
Room 112
Alaska Capitol Building
Juneau, Alaska 99801-1182

RE: House Bill 232.

Dear Representative Bunde:

The Golden North Archery Association, made up of over 300 members, is in strong support of Bill 232. We have been in favor of such a bill for many years and certainly welcome its introduction.

We see Bill 232 having a very positive effect on hunting and wildlife conservation in general. We also feel it will be equally beneficial in regards to archery related issues.

We encourage the legislature to look favorably on this bill and promote its timely passage.

Sincerely,

Ken Vorisek
Legislative Action Committee,
Chairman

"ARCHERY-the sport of man since time began"

Rick Schikora
1416 Gilliam Way
Fairbanks, Alaska 99701
456-1566 work, 488-1724 home

March 22, 1993

Representative Con Bunde
Room 112
Alaska Capital Building
Juneau, Alaska 99801-1182

RE: House Bill 232

Dear Representative ^{Con}Bunde:

I appreciate your introducing a bill to implement an archery stamp in the state. I believe that paying the extra fee will allow ADF&G to gather numbers which will show the extent of bowhunting in Alaska. Further, all archers and hunters in general will benefit because additional monies will be available for archery education. I believe we need to use education to reinforce what all hunters know now, that is the wise use of our resources. We need to impress upon them that image is just about everything. Hunters in Alaska have a good image and we need to keep it that way. Especially for bowhunting.

Thanks for your work on this matter. Count on me for support, should you need it.

Sincerely,


Rick Schikora

March 22, 1993

Representative Con Bunde
Room 112
Alaska Capitol Building
Juneau, Alaska 99801-1182

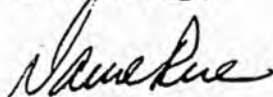
Dear Representative Bunde:

I have been hunting with a bow for a number of years. I would like to see Bill 232 passed. It may cost me an extra \$7.00 a year but it should encourage Fish and Game to better provide for this low impact use of the resource.

Since archery success rate is very low I would like to see additional opportunity for bowhunting. It would provide for more recreational and subsistence use.

Thanks for you consideration in this matter.

Sincerely,



Dave Rue
Box 7
Ambler, Alaska 99786

March 22, 1993

Mr. Con Bunde
Alaska Capitol Building
Juneau, Alaska 99801-1182

Dear Mr. Bunde:

I like House Bill 232. It is a good bill long overdue. I hope it does not get bogged down in the political process.

Thanks for its introduction, if I can be of any help please let me know.

Gratefully,

Garry Thoms
P.O. BOX 72544
FAIRBANKS, A.K.
99707

GARRY THOMS

Frank & Lorraine Campbell
P.O. Box 80525
Fairbanks, AK 99707

March 23, 1993

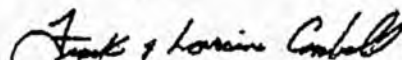
Representative Con Bunde
Room 112
Alaska Capitol Building
Juneau, AK 99801-1182

Honorable Con Bunde:

We wish to express our support for House Bill 232. We don't feel the modest fee for an archery stamp would be a deterrent to anyone wishing to hunt with a bow. In fact, the benefits derived from accurate information about participation should outweigh any detractions.

Thank you for your support of archery.

Sincerely,



Frank & Lorraine Campbell

FISCAL NOTE

Bill Version: HB 232
 (H) Publish Date: 3/26/93

STATE OF ALASKA
 1993 LEGISLATIVE SESSION

Revision Date: _____

Department Affected: Fish and Game

Title: An Act relating to a bow hunting tag and bow hunting safety

BRU: Wildlife Conservation Administration

Sponsor: Representative Bunde

Component: Wildlife Conservation

Requestor: House Resources

COMPONENT SERIAL NO. 0473, 0479

EXPENDITURES/REVENUES:

(Thousands of Dollars)

OPERATING	FY 94	FY 95	FY 96	FY 97	FY 98	FY 99
PERSONAL SERVICES	2.0	2.0	2.0	2.0	2.0	2.0
TRAVEL						
CONTRACTUAL	9.1	9.1	9.1	9.1	9.1	9.1
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	11.1	11.1	11.1	11.1	11.1	11.1

CAPITAL						
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REVENUE FUND SOURCE: 1024	35.0	35.0	35.0	35.0	35.0	35.0
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FUNDING:

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	5.0	5.0	5.0	5.0	5.0	5.0
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other (1024 Fish & Game Fund)	6.1	6.1	6.1	6.1	6.1	6.1
TOTAL	11.1	11.1	11.1	11.1	11.1	11.1

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY	1	1	1	1	1	1

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

ANALYSIS: (Attach a separate page if necessary.)

See attached page.

Prepared By: Phil Koehl and Kristin Wright

Phone: 485-4190

Division: Wildlife Conservation Administration

Date: 3/22/93

Approved by Commissioner: Carl J. Francis

Agency: Department of Fish and Game

Date: 3/23/93

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Assumptions:

1. Approximately 5,000 bow hunting tags will be sold per annum. This estimate is based on the number of individuals who have been certified through the state bow hunter education program. The number is not expected to change unless more hunters are encouraged to hunt with bows as a result of regulatory changes by the Board of Game (e.g., establishment of more archery only hunting areas or exclusive bow hunting seasons).
2. \$2.0 in personal services for a non-permanent Data Processing Clerk I (range 8) for 1 month to assist in mailouts of supplies and data entry of stamps issued, sold, and returned.
3. Contractual costs include cost of printing, postage, and compensation to vendors. Compensation to vendors is in two components: 5.0 (\$1/stamp sold) from the General Fund and 1.8 (5% of tag fee) from the Fish and Game Fund.