

**ALASKA LEGISLATURE**

**1479**

**HOUSE and SENATE FINANCE COMMITTEE FILES, 1995-1996**

Post-It brand fax transmittal memo 7671 # of pages 1

To <u>House Finance</u>	From <u>Kevin</u>
Co <u>Chaim Slavov</u>	Co. <u>Arch-TC</u>
Dept.	Phone #
Fax # <u>165-2418</u>	Fax #

Kevin Cassidy  
 1217 F St  
 Anchorage, AK  
 99501

Please read into record of SB 52 on 5/3

May 2, 1996

To: House Finance Committee  
 State of Alaska.

Dear Committee,

Please kill Senate Bill 52. As a country, we are already responsible for the murder of thirty some innocent people (determined after the fact) via the death penalty. I don't want to be a party to state sponsored killing. I don't want to incur the tremendous expense of state sponsored killing. And I don't want institutions of government teaching violence as a solution to problems.

Life without parole is a fully adequate step towards dealing with violence without further promoting violence. Senate Bill 52 is a step in the wrong direction, fiscally and so many other ways.

Respectfully,  
 Kevin Cassidy



# Alaska State Legislature

Please enter into the record my testimony to the House FINANCE  
 committee name  
 committee on 52 <sup>Advisory</sup> ~~Vote~~ <sup>Procedure</sup> ~~Amendment~~ dated 5-3-96  
 bill/subject

My objections to this proposed Bill are as follows:

- 1) Your advisory question is so general it will fail to elicit any meaningful response
- 2) If legislative Judgment depends on an advisory vote on this question why not an advisory vote on every piece of legislation to be possibly enacted? Do your J-B and quit jockeying for political position through the advisory vote
- 3) The question is misleading in that it fails to provide alternatives to death such as a life sentence or life without imprisonment as the witness No. involved to the taxpayer
- 4) What are Federal procedures for imposing the death penalty? How could they differ from procedures implemented under our STATE constitution?

Signed: [Signature]  
 Testifier

Representing (Optional)  
P.O. Box 902 Kenai AK.  
 Address  
2F3 - 31201  
 Phone No.



# Alaska State Legislature

Please enter into the record my testimony to the House Finance Committee  
committee name

committee on SB 52, dated 5/3/96  
bill/subject

I would oppose an advisory vote on capital punishment for several reasons:

1) This is not a binding vote, merely advisory, why expend the funds for such a vote. How much will this cost and why an advisory vote on this issue, why not all issues before the legislature?

2) This bill elicits a vote from an uninformed public. You are asking me to make a decision, a recommendation if you will, without informing me of the ramifications of my vote?

3) What kind of Capital Punishment could be imposed? Injection? Electroution?

4) Murder in the First Degree, all convictions? all ages? Are there any mitigating factors? Aggravating factors?

5) Why are you using imposition of capital punishment consistent w/ the Federal Const. why not AK constitution? We have greater rights under AK constitution why weaken the std as such an important **issue**.

Signed: Renée WRIGHT  
Testifier

ALASKAN Registered Voter  
Representing (Optional)

Box 2672 KENAI, AK 99611  
Address

(907)  
Phone No.



# Alaska State Legislature

Please enter into the record my testimony to the HOUSE FINANCE  
 committee name  
 committee on SB 52, dated 5/3/96  
 bill/subject

I urge you to vote against the death penalty amendment, SB 52. Alaska does not need to be yet another state on the list of death penalty states. It is excessive punishment, it is not a deterrent, and it is not an efficient use of resources.

I have lived here for 2 years moving here after law school. And when I was making those decisions, I was relieved to find out that Alaska was not a death penalty state. It would be very difficult for me personally and philosophically to practice in a state with the death penalty. It is cruel & unusual punishment, excessive and a violation of Human Rights.

The death penalty is also not a deterrent. I believe studies have shown that death penalty states do not have a lower crime rate. Finally, the death penalty is not an efficient use of resources. It is an expensive law enforcement cost.

Signed: Jo Ann Chung  
 Testifier

Representing (Optional)

P.O. Box 3149 Kenai

Address

(907) 283-3556

Phone No.

go far beyond cost for life imprisonment.

~~Under a cost-benefit~~



# Alaska State Legislature

Please enter into the record my testimony to the House Finance  
 committee name  
 committee on SB 52, dated \_\_\_\_\_  
 bill/subject:

What use is this advisory vote? The public is not informed of the cost. It isn't informed regarding the limits. Why does the Alaska State legislature propose an advisory vote regarding legislation that would comport with the U.S. Constitution? Isn't it unnecessary to cite any constitution? Why would this issue be put to an advisory vote over any other proposed legislation? Is the legislature asking the public for a carte blanche? This type of advisory vote permits the legislature to abuse the political process. It permits the legislature to avoid its own responsibility for understanding the costs and consequences of its actions by using an advisory vote obtained from a completely uninformed public. It justifies its own actions. I oppose this bill because it is irresponsible, it is an unnecessary expense, because the advisory vote serves no legitimate purpose and because the general terms of the language in the vote itself is offensive to the intelligence and integrity of the individual voter.

Signed: Maxwell E. Moran  
 Testifier

Representing (Optional)  
PO Box 317 Kenai, Alaska 99611  
 Address  
262-4349  
 Phone No.



# Alaska State Legislature

#B 52

Please enter into the record my testimony to the House Finance Committee  
 committee name  
SB 52  
 committee on Capital Punishment dated 5/3/96  
 bill/subject

I think instituting an Alaskan capital punishment penalty is a destructive & ill advised move. Beyond its ineffectiveness as far as deterrence, and expensive - in terms of the necessary convoluted, appeals process, to insure as few innocents are executed as possible, the fact that there have been 24 executions of proven & re-acknowledged innocent people this century should horrify any right thinking person. I draw your attention to the cases of Mr. Hernandez & Mr. Jesse Banks in Texas last year. Both executed despite considerable proof of their innocence - existing because the Supreme Court decided the procedural aspects of the convictions were intact - notwithstanding the slow accumulation of new & exonerating evidence, running during the years of appeal. Even Justice Scalia, nobody's paradigm of a free jet, liberal, has called the ~~statute~~ documented cases applications of the death penalty "inexcusable & inarguable."

Signed: Barney Ryan  
 Testifier Barney Ryan

Representing (Optional)  
RDV 2753 HOMER 99603  
 Address  
(907) 235-6275  
 Phone No

I find it hard to conceive of an argument that could justify ~~it~~ in the people's ultimate quest for the inclusion in our state's judicial system of a just institution like Capital Punishment.

Filed 2/3/96

# Alaska State Legislature

Please enter into the record my testimony to the HOUSE FINANCE  
(committee name)  
committee on SB 52, dated 3 MAY 1996  
bill/subject

THE DEATH PENALTY IS THE PREMEDITATED  
TAKING OF A HUMAN LIFE. THIS DOES NOT  
BECOME RIGHT OR HONORABLE OR JUST  
SIMPLY BECAUSE IT IS SANCTIONED BY AND  
ADMINISTRATED BY THE GOVERNMENT.

I URGE YOU TO VOTE AGAINST SB 52.  
DON'T KILL FOR ME!

Signed: Theresa Newman Phone: 247-4229  
Treasurer

Representing (Optional)  
2523 Second Avenue  
Address



TELECOPY COVER SHEET  
Ketchikan Legislative Information Office  
Office - (907) 225-9675 Fax - (907) 225-8546

TO: House Finance Committee  
ATTN: \_\_\_\_\_ FAX: 465-2415 PHONE: 465-4939  
FROM: Phoebe Newman PHONE: \_\_\_\_\_  
INSTRUCTIONS: Written testimony for SB 52

SENT: Date 5/3/96 Time 3:35 pm  
DISPOSAL OF ORIGINAL: Discard \_\_\_\_\_ Hold for Pickup \_\_\_\_\_  
NUMBER OF PAGES: 1 (NOT counting cover sheet)  
TRANSMITTED BY: June

**SB**

**52**

**SFIN**

**FILE**

# FISCAL NOTE

STATE OF ALASKA  
1996 LEGISLATIVE SESSION

BILL NO. CS SSSB 52 (JUD)

Revision Date: 03/25/96  
Title: Capital Punishment for Murder  
Sponsor: Sens. Taylor, Pearce  
Requestor: Senate Judiciary

Dept. Affected: Alaska Court System  
BRU: Trial Courts  
Component: \_\_\_\_\_  
COMPONENT SERIAL NO. 768

**Expenditures/Revenues** (Thousands of Dollars)

OPERATING EXPENDITURES	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS & CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

<b>CAPITAL EXPENDITURES</b>						
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<b>CHANGE IN REVENUES ( )</b>						
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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
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY 96) cost: \$ None

**Positions**

Full-Time						
Part-Time						
Temporary						

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

No fiscal impact.

Prepared by: C. S. Christensen III, Staff Counsel  
Agency: Alaska Court System  
Approved by: Arthur H. Snowden, II, Administrative Director  
Agency: Alaska Court System

Phone: 264-8228  
Date: 03/25/96  
Date: 03/25/96

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# FISCAL NOTE

No. 1

Bill Version: CSSSR 52(TUD)

(S) Publish Date: 3/12/96

STATE OF ALASKA  
1996 LEGISLATIVE SESSION

Revision Date: 3/7/96 Dept. Affected: Office of the Governor  
 Title: An Act authorizing capital punishment... BRU: Elective Operations  
authorizing an advisory vote on instituting capital punishment. Component: General and Primary Elections  
 Sponsor: Senator Taylor  
 Requester: Senate Judiciary COMPONENT SERIAL NO. 22

### Expenditures/Revenues

(Thousands of Dollars)

OPERATING EXPENDITURES	FY 97	FY 98	FY 99	FY 100	FY 01	FY 02
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL	2.2					
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>2.2</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

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

### FUND SOURCE

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	2.2					
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other						
<b>TOTAL</b>	<b>2.2</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY96) cost: \$ 0.0

### POSITIONS

FULL-TIME	0					
PART-TIME	0					
TEMPORARY	0					

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

This figure includes the cost of providing information about this issue in the Official Election Pamphlet as required by AS 15.58, and the programming costs for counting votes cast on the question. However, only four measures can be printed on a single ballot card. If this measure requires an additional ballot card, the costs will increase by \$53.4.

Prepared by: Dana LaTour  
 Division: Division of Elections

Phone: 465-5347  
 Date: 3/7/96

Approved by  
 Commissioner: Lt. Governor Fran Ulmer  
 Agency: Office of the Lt. Governor

Date: 3/7/96

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# FISCAL NOTE

STATE OF ALASKA  
1996 LEGISLATIVE SESSION

BILL NO: CSSSSB 52 (JUD)

Revision Date: March 18, 1996 Dept. Affected: Public Safety  
 Title: Capital Punishment for Murder BRU: Alaska State Troopers  
 Sponsor: Senator Taylor Component: Detachments  
 Requestor: S. Finance COMPONENT SERIAL NO. 0799

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

OPERATING	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

<b>CAPTITAL EXPENDITURES</b>						
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<b>CHANGE IN REVENUES ( )</b>						
Revenue Code						

**FUNDING: (Thousands of Dollars)**

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

Estimate of current year (FY 96) impact: \$ \_\_\_\_\_

**POSITIONS:**

FULL - TIME						
PART - TIME						
TEMPORARY						

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

This bill will not have a fiscal impact on the Division of State Troopers. The impact of this bill on the division is the possibility of troopers having to attend court proceedings that they do not currently have to attend.

Prepared By: Lt. Dan Lowden Phone: 465-5505  
 Division: Alaska State Troopers Date: March 18, 1996  
 Approved by Commissioner: *Ronald L. Otte* Date: 3/19/96  
 Agency: Ronald L. Otte, Department of Public Safety

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# CORRECTION

THE FOLLOWING DOCUMENT(S)  
HAVE BEEN REFILMED TO  
ASSURE LEGIBILITY OR PAGINATION



Rev. 6/98

Central Microfilm Services  
Department of Education  
State of Alaska

# FISCAL NOTE

STATE OF ALASKA  
1996 LEGISLATIVE SESSION

BILL NO: CSSSSB 52 (JUD)

Revision Date: March 18, 1996 Dept. Affected: Public Safety  
 Title: Capital Punishment for Murder BRU: Alaska State Troopers  
 Component: Detachments  
 Sponsor: Senator Taylor  
 Requestor: S. Finance COMPONENT SERIAL NO. 0799

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

OPERATING	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	0.0	0.0	0.0	0.0	0.0	0.0

<b>CAPTITAL EXPENDITURES</b>						
------------------------------	--	--	--	--	--	--

<b>CHANGE IN REVENUES ( )</b>						
Revenue Code						

**FUNDING: (Thousands of Dollars)**

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

Estimate of current year (FY 96) impact: \$ \_\_\_\_\_

**POSITIONS:**

FULL - TIME						
PART - TIME						
TEMPORARY						

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

This bill will not have a fiscal impact on the Division of State Troopers. The impact of this bill on the division is the possibility of troopers having to attend court proceedings that they do not currently have to attend.

Prepared By: Lt. Dan Lowden Phone: 465-5505  
 Division: Alaska State Troopers Date: March 18, 1996  
 Approved by Commissioner: *Ronald L. Otte* Date: 3/19/96  
 Agency: Ronald L. Otte, Department of Public Safety

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## SB 52 -- Witnesses Before the Senate Judiciary Committee

Adams, Jerome	Fairbanks	2-7-96
Bashom, Charlotte	Central Alaska Friends Conference	2-7-96
Campbell, Charles	Division of Corrections	2-7-96
Carlson, Vic	4th Judicial District Superior Court	2-7-96
Couch, Arthur	Kenai	2-7-96
Crossman, Robert	Anch. Friends Meeting of the Quakers	2-7-96
Dodd, Liz	AK Chapter, American Civil Liberties Union	2-7-96
Gallant, John	Amnesty International, Soldotna	2-7-96
Hood, Barbara	Amnesty International, Anchorage	2-7-96
Kintzele, Bob	Kenai, Legal Investigator	2-7-96
McConus, Jim	Alaskans Against the Death Penalty	2-7-96
McCoy, Kevin	Anchorage	2-7-96
McGee, Brant	Anchorage	2-7-96
Reichman, Christine	Valdez	2-7-96
Rohrbacher, Charles	Amnesty International	2-7-96
Seid, David	Ketchikan, Public Defender	2-7-96
Shriner, Diane	Division of Elections	2-7-96
Smith, Frank	Barrow	2-7-96
Sterling, Scott	Attorney	2-7-96
Tabachki, Gina	Fairbanks	2-7-96

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STATE OF ALASKA

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FAX (907) 465-2029  
Mail Stop 3101

130 Seward Street, Suite 400  
Juneau, Alaska 99801-2105

Copies of minutes listed below were originally included in this file. The minutes are available on the legislative computer database. In order to save space copies of minutes have not been left in the files.

Mary Pagenkopf

Senate Judiciary Committee  
February 7, 1996  
1:30 p.m.

Senate Judiciary Committee  
March 6, 1996  
1:30 p.m.

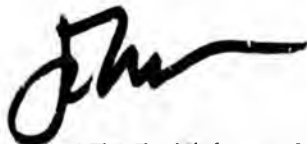
## TESTIMONY ON THE DEATH PENALTY

I have several reasons to oppose introduction of the death penalty. First, virtually all studies have shown that it does not deter violent criminals. Secondly, it is extremely costly to implement. Building a death row, staffing such a unit and paying the additional legal costs would drain millions of dollars from state coffers that should be used for crime prevention, rehabilitation and victim services.

The fact that it doesn't work and it costs more should end the debate. However, the debate is continued by politicians eager to advance their standings in the polls by showing the electorate that they are tough on crime. Conspicuously absent from the discussion is any consideration of the effect of state-sponsored killing on society. Death penalty sponsors also fail to note dis-proportionate numbers of people of color and poor people that receive capital sentences. Equally frightening is the fact that a mistake could be made and an innocent person could be executed. Several times in this century a person sentenced to death had the sentence reversed because of an error. There is a real likelihood that this could occur.

For these reasons I am against the death penalty, and I urge you as elected representatives to become thoroughly informed about the arguments against capital punishment before jumping on the bandwagon.

Sincerely,



John D. Lyle Box 83715 Fbks. AK 99708

3/28/96  
Received  
after CS  
SB 52 (Jud)  
was reported  
out.

a rope length (about 75 feet) tall. We ran through setting ice screws and rappel anchors, chopping rest steps in the ice, rappelling, and basic ice climbing stances. As we worked together in the bright sunlight, I was amazed by how much confidence this short, non-threatening set-up gave me after my five month hiatus from roped climbing. As I handled the hardware I grew eager to test myself on the real thing.

Later in the afternoon, the sun left us as we hiked toward the Brooks Glacier. Shortly after leaving our camp we confronted an enormous river in the ice bisecting our route. Unlike the braided McKinley, this river flowed fast and hard in its one channel, shooting down-glacier like the luge runners in the Olympic Games. The action of the water had worn a trough in the ice so deep that the canyon walls rose in a sheer sweep for hundreds of feet. We needed to find some kind of natural bridge to cross.

Perhaps one would present itself. This is what most often happens, isn't it? You fret and stew about glacier features you can't see, or the future you can't divine. These things have to be worked out as you go. But it isn't always easy.

An aerial view of the bridge we finally found might look like a white tonsil in the throat of the river, a stubborn chunk of ice that repulsed the river's surgical

# SENATE FINANCE COMMITTEE REPORT

DATE: 3/12/96      DATE TURNED INTO OFFICE: 3/27/96

The Finance Committee considered      SPONSOR SUBSTITUTE FOR SB 52

Relating to capital punishment for murder.

and recommends:

- be replaced with \_\_\_\_\_ CS \_\_\_\_\_ (\_\_\_\_\_)
- adopt previous \_\_\_\_\_ CS 355B52 (Jud)
- attached amendment(s)
- adopt Letter of Intent by \_\_\_\_\_ Committee
- further referral to the \_\_\_\_\_ Committee

- Senate Bill:**
- same title
  - new title
- House Bill:**
- same title
  - technical change
  - new: SCR# \_\_\_\_\_

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	NR	DNP	AM
<i>Reed E. J...</i>	✓	<i>Steve King</i>	✓		
<i>Barry Stapp</i>	✓	<i>Paul E. Shuff</i>	✓		
Co-Chair: <i>[Signature]</i>	✓	Co-Chair:			
Co-Chair: <i>Rick Halford</i>	✓	Co-Chair:			

**NEW FISCAL NOTE(S):**

Department	Date	Zero	Fiscal
DPS	3/19/96	0	
Courts	3/25/96	0	

**PREVIOUS FISCAL NOTE(S):\***

Department	Date	Zero	Fiscal
#1 Gov.	3/7/96		2.2

APPROPRIATION -- no fiscal note

\*include fiscal notes accompanying Governor's bill

# FISCAL NOTE

STATE OF ALASKA  
1996 LEGISLATIVE SESSION

BILL NO. SSSB 52

Revision Date: \_\_\_\_\_  
Title: "An Act authorizing capital punishment."  
Sponsor: Senator Taylor  
Requestor: (S) JUD

Department Affected: Administration  
BRU: Public Defender Agency  
Component: Public Defender Agency  
COMPONENT SERIAL NO. 1631

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

OPERATING EXPENDITURES	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
PERSONAL SERVICES		770.4	1032.0	1638.7	1638.7	2496.3
TRAVEL		50.0	150.0	250.0	350.0	450.0
CONTRACTUAL		184.8	468.2	896.6	1256.6	1699.6
SUPPLIES		25.0	24.0	33.0	33.0	48.0
EQUIPMENT		54.0	18.0	40.5	-0-	40.5
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>1084.2</b>	<b>1692.2</b>	<b>2858.8</b>	<b>3278.3</b>	<b>4734.4</b>

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

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

**FUND SOURCE:** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF		1084.2	1692.2	2858.8	3278.3	4734.4
1005 GF/Program Receipts						
1037 GF/Mental Health						
OTHER						
<b>TOTAL</b>	<b>0.0</b>	<b>1084.2</b>	<b>1692.2</b>	<b>2858.8</b>	<b>3278.3</b>	<b>4734.4</b>

Estimate of any current year (FY 96) cost: \$ -0-

**POSITIONS:**

FULL-TIME		12.0	16.0	25.0	25.0	38.0
PART-TIME						
TEMPORARY						

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

See attached.

*Have Quentin  
make additional  
file copies of  
these three  
notes if bill  
is scheduled.*

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

Phone: (907) 264-4412  
Date: \_\_\_\_\_

Approved by Commissioner: Mark Boyer  
Agency: Department of Administration

Date: 2/7/96

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## FISCAL NOTE

STATE OF ALASKA  
1996 LEGISLATIVE SESSION

BILL NO. SSSB 52

### ANALYSIS: (continued)

#### Introduction

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

The capital caseload of the Public Defender Agency will be a direct function of the number of murder cases prosecuted in the state combined with prosecutorial decisions to seek the death penalty. As such the Public Defender Agency's fiscal analysis is premised on projections made by the Department of Law in its fiscal analysis of HB 45. The Department of Law indicated it prosecuted 17 murder cases in 1994 where the death penalty could have been sought in that the requisite statutory aggravators were present. Of those 17, ten would likely result in death penalty trials. The Department of Law concluded that they would gain nine convictions from which the death penalty would be imposed in six cases.

Of the ten cases which are projected to go to trial as capital cases, the Public Defender anticipates being assigned to seven, with the other three either involving private lawyers or attorneys secured through the Office of Public Advocacy (where the PD is unable to undertake representation because of legal conflict of interest).

Because the number of murders can vary significantly from year to year, predicting actual numbers of cases is difficult. It is not difficult, however, to predict a profound fiscal impact for the PD once the death penalty becomes law. The concept of "super due process", established by the U.S. Supreme Court as the required standard of practice for defending death penalty cases, necessitates that highly capable lawyers and support staff (in sufficient numbers) be in place to handle any and all cases of this nature.

#### Fiscal Impact

Passage of this death penalty legislation will have an undeniably significant impact on the entire criminal justice system, including the courts, corrections, prosecution, public counsel services, and other related entities. Death penalty cases require greater due process safeguards than do non-capital cases. This is obviously a consequence of the severity and finality of a death sentence as well as the potential for killing an innocent person by mistake. It must be understood that the criminal justice system is an imperfect process based on the combination of law and human judgment. Some percentage of error is a consequence of the American jury system. In non-death cases the system stands ready to correct those mistakes when and where they become known. An execution following a death penalty case can never be corrected. It is for these reasons so much care must be taken to defend individuals accused in capital cases. Providing "super due process" translates into adequate attorney resources, support resources, expert and consultation monies, funds for appealing death penalty convictions and other attendant expenses. A commonly accepted estimate for expert witness fees alone in a death penalty case is \$60,000.

It is not unusual for a death penalty case to remain in the court system, litigated by the parties, for a period of up to ten years. This is a result of the extensive appellate work which is routinely done in each death penalty case following conviction. Following are the procedures which are typically utilized after a trial and sentencing:

1. Motion to modify the death sentence/reconsider before state trial judge;
2. Mandatory appeal of conviction and sentence to Alaska Supreme Court;
3. Writ of certiorari to the United States Supreme Court;
1. Post-conviction relief proceedings in state court;

## FISCAL NOTE

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5. Appeal of unsuccessful post-conviction relief proceedings to the Court of Appeals;
6. Petition for hearing of post-conviction relief proceeding denial to the Alaska Supreme Court;
7. Petition for writ of habeas corpus in Federal District Court;
8. Appeal to the United States Court of Appeals if writ unsuccessful;
9. Rehearing in the United States Court of Appeals;
10. Writ of certiorari to the United States Court of Appeals;
11. Request for clemency/commutation to Executive Branch of government;
12. Emergency stays to the United States Supreme Court prior to execution.

### Breakdown of Fiscal Impact

1. Personal Services. Given the complexity and intensity of effort involved in each death penalty trial and penalty hearing, many states require by statute that a minimum of two defense attorneys take up representation of the accused in death penalty matters. Both the state District Attorney and the Office of Public Advocacy contemplate such a policy for their respective agencies. The Public Defender will follow this prudent course, whether established by statute or internal policy.

Assuming that the Public Defender Agency handles six to seven capital cases per year, death penalty units will be established in its two largest offices; Anchorage and Fairbanks. A trial team in each of these offices will be established the first year. The second year an appellate team will be placed in Anchorage. (Please note that unlike the Department of Law, the Public Defender Agency has no equivalent to the Office of Special Prosecutions and Appeals.) The appellate team will not be needed until the second year following enactment of the death penalty because it is not expected that an appeal would be "ripe" until that time. Obviously adequate support staff, to include legal interns (designated as "Associate Attorneys" under state personnel classification) paralegals, investigators and secretaries, will be necessary. A second appellate team will be established in Fairbanks in the third year following enactment of capital punishment.

2. Travel and Contractual. Travel expenses will be necessarily high in that a team approach is being taken by this agency. These teams will have to travel to locations where the crime occurred and where trial is being held. Travel expenses are higher in Alaska because of the geography of the state, the lack of surface roads, and the high cost of air travel and lodging. Costs will be even higher for the considerable out-of-state travel associated with these cases. Once an individual is convicted of a capital offense, preparation begins for the penalty phase (sentencing hearing). Defense investigators will travel to locations where the defendant lived, went to school, etc., to interview people and develop facts for the purpose of vitiating a sentence of execution. If favorable witnesses are located, they will then have to be subpoenaed for travel to Alaska for the hearing.

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

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

4. Training. Training for lawyers engaged in death penalty work is a critical component for any death penalty defense unit. Both the prosecution and the defense will avail themselves of national training programs which are conducted on a yearly basis related to these kinds of cases.

Conclusion

Due to the accrual of cases from year to year, once implementation of the death penalty occurs expenses could greatly exceed that anticipated in this fiscal analysis. This agency has no control over the trend of homicide crimes nor the discretion which will be exercised by the prosecution in seeking the death penalty. There is the real likelihood that additional staff will have to be added to this agency beyond the third year of implementation of the capital crime law. Simply stated, this cost estimate very well might understate staff/contractual needs. Only several years of experience with the death penalty will permit adjustment of projections and fiscal analysis.

Fiscal Impact--FY 98

Personal Services (100 Line) \*

Anchorage - Trial Team

Attorney V	
Salary & Benefits	\$ 88.9
Attorney IV	
Salary & Benefits	63.6
Associate Attorney I	
Salary & Benefits	53.8
Paralegal Assistant II	
Salary & Benefits	52.1
Investigator II	
Salary & Benefits	52.1
Legal Secretary I	
Salary & Benefits	37.0

Fairbanks - Trial Team

Attorney V	
Salary & Benefits	100.9
Attorney IV	
Salary & Benefits	94.7
Associate Attorney I	
Salary & Benefits	61.2
Paralegal Assistant II	
Salary & Benefits	53.9
Investigator II	
Salary & Benefits	\$ 53.9
Legal Secretary I	
Salary & Benefits	<u>38.3</u>

SUBTOTAL

\$ 770.4

\* Using FY 96 salary schedule with no increases factored in.

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Travel (200 Line)

Death penalty teams will travel to appropriate venue for all relevant hearings. Travel includes that of staff, witnesses, expert witnesses, etc. This includes both in-state and out-of-state travel.

SUBTOTAL \$ 50.0

Contractual (300 Line)

Expert witness fees	\$120.0
Additional office space for death penalty staff in Anchorage and Fairbanks P.D. offices	30.8
Communications	15.0
Printing	4.0
Depositions	10.0
Westlaw	<u>5.0</u>

SUBTOTAL \$ 184.8

Supplies (400 Line)

Office consumables	\$ 5.0
Law library	10.0
New position supplies (one time)	<u>10.0</u>

SUBTOTAL \$ 25.0

Equipment (500 Line)

Office furniture and equipment, pc/word processing, etc. (one time)	SUBTOTAL	\$ <u>54.0</u>
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TOTAL FY 98 \$1084.2

Fiscal Impact--FY 99

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

Personal Services (100 Line)

Anchorage - Appellate Team

Attorney V	
Salary & Benefits	\$ 88.9
Attorney IV	
Salary & Benefits	83.6
Paralegal Assistant II	
Salary & Benefits	\$ 52.1
Legal Secretary I	
Salary & Benefits	<u>37.0</u>

SUBTOTAL \$261.6

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Travel (200 Line)

Staff travel, expert travel and per diem.	SUBTOTAL	\$100.0
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Contractual (300 Line)

Expert witness fees (based on accrual of FY 98 and 99 cases)	\$240.0
Office space for Anchorage appellate team	11.4
Training for Death Penalty Appellate Team	4.0
Communications	10.0
Depositions	5.0
Document production	5.0
Westlaw	<u>8.0</u>

SUBTOTAL	\$ 283.4
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Supplies (400 Line)

Office consumables	\$ 3.0
Law library	2.0
New position supplies (one time)	<u>4.0</u>

SUBTOTAL	\$ 9.0
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Equipment (500 Line)

New position equipment (one time)	SUBTOTAL	<u>\$ 18.0</u>
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SUBTOTAL FY 99	\$ 672.0
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FY 98 CONTINUING COSTS	<u>\$1020.2</u>
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TOTAL FY 99 EXPENDITURES	\$1692.2
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Fiscal Impact--FY 00

(These costs are in addition to FY 98-99 costs which will be carried over from year to year.)

Personal Services (100 Line)

Anchorage

Attorney V (Additional death penalty trial attorney)	
Salary & Benefits	\$ 88.9
Associate Attorney I	
Salary & Benefits	53.8
Legal Secretary I	
Salary & Benefits	37.0

FISCAL NOTE

STATE OF ALASKA  
1996 LEGISLATIVE SESSION

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Fairbanks

Attorney V (Additional death penalty trial attorney)	
Salary & Benefits	\$ 100.9
Legal Secretary I (Trial support)	
Salary & Benefits	38.3

Appellate Team (Fairbanks)

Attorney V (Additional lawyer for death penalty appellate work)	
Salary & Benefits	100.9
Attorney IV (Additional lawyer for death penalty appellate work)	
Salary & Benefits	94.7
Paralegal Assistant II	
Salary & Benefits	53.9
Legal Secretary I (Appellate support)	
Salary & Benefits	<u>38.3</u>

SUBTOTAL	\$606.7
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Travel (200 Line)

Staff travel, expert travel and per diem.	
SUBTOTAL	\$100.0

Contractual (300 Line)

Expert witness fees based on trial and appellate cases for FY 00	\$ 360.0
Additional office space for new staff	25.4
Communications	20.0
Depositions	10.0
Document production	5.0
Westlaw	<u>8.0</u>

SUBTOTAL	\$ 428.4
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Supplies (400 Line)

Office consumables	\$ 5.0
New position supplies (one time)	<u>8.0</u>

SUBTOTAL	\$ 13.0
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Equipment (500 Line)

New position equipment (one time)	SUBTOTAL	<u>\$ 40.5</u>
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SUBTOTAL FY 00	\$1188.6
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FY 99 CONTINUING COSTS	<u>\$1670.2</u>
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TOTAL FY 00 EXPENDITURES	\$2858.8
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BILL NO SSSB 52

Fiscal Impact--FY 01

(These costs are in addition to FY 98-99-00 costs which will be carried over from year to year.)

<u>Personal Services (100 Line)</u>	SUBTOTAL	.0
<u>Travel (200 Line)</u>		
Death penalty teams will travel to appropriate venue for all relevant hearings. Travel includes that of staff, witnesses, expert witnesses, etc.	SUBTOTAL	\$100.0
<u>Contractual (300 Line)</u>		
Expert witness fees, office space, communications, Westlaw, etc.	SUBTOTAL	360.0
<u>Supplies (400 Line)</u>		
Office, law library	SUBTOTAL	<u>8.0</u>
	SUBTOTAL FY 01	\$ 468.0
	FY 00 CONTINUING COSTS	<u>\$2810.3</u>
	TOTAL FY 01 EXPENDITURES	\$3278.3

Fiscal Impact--FY 02

(These costs are in addition to FY 98-99 costs which will be carried over from year to year.)

Personal Services (100 Line)

Anchorage - Trial Team

Attorney V	
Salary & Benefits	\$ 88.9
Attorney IV	
Salary & Benefits	83.6
Associate Attorney I	
Salary & Benefits	53.8
Paralegal Assistant II	
Salary & Benefits	52.1
Investigator III	
Salary & Benefits	59.2
Legal Secretary II	
Salary & Benefits	39.1

FISCAL NOTE

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1996 LEGISLATIVE SESSION

BILL NO. SSSB 52

Fairbanks

Attorney V (Additional death penalty trial attorney)	
Salary & Benefits	100.9
Investigator II	
Salary & Benefits	53.9
Legal Secretary I (Trial support)	
Salary & Benefits	38.3
Attorney V (Additional lawyer for death penalty appellate work)	
Salary & Benefits	100.9
Attorney IV (Additional lawyer for death penalty appellate work)	
Salary & Benefits	94.7
Paralegal Assistant II	
Salary & Benefits	53.9
Legal Secretary I (Appellate support)	
Salary & Benefits	<u>\$ 38.3</u>

SUBTOTAL \$ 857.6

Travel (200 Line)

Staff travel, expert travel and per diem.	
SUBTOTAL	\$ 100.0

Contractual (300 Line)

Expert witness fees based on trial and appellate cases for FY 00	360.0
Additional office space for new staff	30.0
Training for staff	10.0
Communications	20.0
Depositions	10.0
Document production	5.0
Westlaw/CD Rom	<u>8.0</u>
SUBTOTAL	\$ 443.0

Supplies (400 Line)

Office consumables	\$ 5.0
New position supplies (one time)	<u>10.0</u>
SUBTOTAL	\$ 15.0

Equipment (500 Line)

New position equipment (one time)	SUBTOTAL	<u>\$ 40.5</u>
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SUBTOTAL FY 02 \$1456.1

FY 01 CONTINUING COSTS \$3278.3

TOTAL FY 02 EXPENDITURES \$4734.4

FISCAL NOTE

STATE OF ALASKA  
1996 LEGISLATIVE SESSION

BILL NO. SSSB 52

BUDGET BACKGROUND

TRAVEL EXPENDITURES:

Round trip fares between the following locations are used as the basis for computing estimated travel by attorneys, support staff, witnesses and experts: (per diem expenses additional)

Anchorage -	Dillingham	\$ 466	Fairbanks -	Fort Yukon	\$156
	Unalaska	1014		Barrow	650
	St. Paul	1106		Galena	216
	Kodiak	386		Wain vright	530
	Cordova	224		Pt. Hope	600
	Valdez	200			
	Bethel	694			
	Nome	580			
	Kotzebue	580			
	Fairbanks	406			
	Juneau	444			
	Sitka	470			
	Ketchikan	588			
	Seattle	986			
	Washington, DC	1678			
	Kenai	130			

OFFICE SPACE FOR ADDITIONAL EMPLOYEES:

Attorney V	175 sq. ft.	@ \$1.75	= \$306/mo. x 12	= \$3672/yr.
Attorney IV	175 sq. ft.	@ \$1.75	= \$306/mo. x 12	= \$3672/yr.
Assoc. Attorney I	122 sq. ft.	@ \$1.75	= \$213/mo. x 12	= \$2,556/yr.
Paralegal II	98 sq. ft.	@ \$1.75	= \$171/mo. x 12	= \$2052/yr.
Investigator II	68 sq. ft.	@ \$1.75	= \$119/mo. x 12	= \$1428/yr.
Legal Secretary I	98 sq. ft.	@ \$1.75	= \$171/mo. x 12	= \$2052/yr.

OFFICE EQUIPMENT FOR ADDITIONAL EMPLOYEES: (one time)

Desk, chairs, table, bookshelves, PC/word processing - \$4500 each.

2/12/96

# FISCAL NOTE

STATE OF ALASKA  
1996 LEGISLATIVE SESSION

BILL NO. SSSB 52

Revision Date: \_\_\_\_\_ Dept. Affected: Alaska Court System  
 Title: Capital Punishment for Murder BRU: Trial Courts  
 Component: \_\_\_\_\_  
 Sponsor: Sens. Taylor, Pearce  
 Requestor: \_\_\_\_\_ COMPONENT SERIAL NO. 768

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
PERSONAL SERVICES		375.9	375.9	375.9	375.9	375.9
TRAVEL		142.2	142.2	142.2	142.2	142.2
CONTRACTUAL		511.8	511.8	511.8	511.8	511.8
SUPPLIES		7.0	7.0	7.0	7.0	7.0
EQUIPMENT		31.7				
LAND & STRUCTURES						
GRANTS & CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	1,068.6	1,036.9	1,036.9	1,036.9	1,036.9
CAPITAL EXPENDITURES						
CHANGE IN REVENUES ( )						

Fund Source (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF		1,068.6	1,036.9	1,036.9	1,036.9	1,036.9
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other						
TOTAL		1,068.6	1,036.9	1,036.9	1,036.9	1,036.9

Estimate of any current year (FY 96) cost: \$ None

Positions

Full-Time		4.0	4.0	4.0	4.0	4.0
Part-Time		3.0	3.0	3.0	3.0	3.0
Temporary		1.0	1.0	1.0	1.0	1.0

ANALYSIS: (Attach a separate page if necessary)

See attached analysis.

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

Phone: 264-8228  
 Date: 02/06/96

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

Date: 02/06/96

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# Alaska Court System

## Fiscal Analysis

### SSSB 52

#### Personal Services

<u>Position</u>	<u>Salary</u>	<u>Benefits</u>	<u>Total</u>
Pro Tem Judge, Anchorage Trial Courts, 50% vested, PPT, 12 months	\$48,300	\$29,779	\$78,079
Pro Tem Judge, Anchorage Trial Courts, 50% vested, PPT, 12 months	48,300	29,779	78,079
Pro Tem Judge, Fairbanks Trial Courts, 50% vested, PPT, 6 months	24,501	14,933	39,434
Law Clerk I, Anchorage Trial Courts, range 13D, PFT, 12 months	31,824	13,549	45,373
Law Clerk I, Anchorage Trial Courts, range 13D, PFT, 12 months	31,824	13,549	45,373
Law Clerk I, Fairbanks Trial Courts, range 13D, PFT, 12 months	36,672	14,835	51,507
Law Clerk I, Anchorage Appellate Courts, range 15D, PFT, 12 months	36,672	14,835	51,507
Bailiff, Statewide, range 6A, NPP, 24 months	38,184	3,647	41,831
			<u>431,183</u>

#### Offset cost of existing caseload -

Currently, first degree murder cases experience a 50% trial rate and last approximately one month. Using this experience, the court could expect five trials and to incur approximately 5 months of trial. The proposed legislation will result in approximately 39 months of trial activity (see jury fees in the contractual section below). Therefore, the cost offset is computed at 5/39 of the expected personnel costs.

Net personal services (55,300)  
375,883

Based on the fiscal note submitted by the Department of Law, the court system anticipates needing additional judicial staff to carry the workload of active judges assigned to capital offense cases. The court will use 50% vested pro tem judges, which are among the least-costly judicial positions available. Additional law clerks are required for extensive legal research of motions and other legal questions. Funding is requested for two non-permanent bailiffs, which will serve in the designated trial site.

#### Travel

Jury sequestration costs - transportation, meals and lodging 126,000  
10 innocence/guilt trials with 18 jurors, 7 days in deliberation each, @ \$100 a day

#### Offset cost of existing caseload -

See offset note in personal services.

Net travel (16,200)  
142,200

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

#### Contractual

Jury fees - 10 innocence/guilt trial @ 66 days each (3 months), 18 jurors @ \$25 a day 386,100  
and 9 sentencing trials @ 22 day each (1 month), 18 jurors @ \$25 a day

Contractual security guard to staff metal detectors 10,000

Transcription fees - 19 transcripts, 5,000 pages each at \$2.00 a page 190,000

Freight for high security equipment kit 1,000

Total contractual service 587,100

#### Offset cost of existing caseload -

See offset note in personal services.

Net contractual services (75,300)  
511,800

See additional note on contractual costs on the next page.

Alaska Court System  
Fiscal Analysis (continued)  
SSSB 52

*The Department of Law expects to prosecute 10 capital offences each year. Capital offense trials will be split into 2 separate trials with each lasting 2 to 6 months. The court anticipates extraordinary jury costs from calling additional jurors, extended juror selection questioning, the need for alternate jurors and lengthy trials. The court anticipates high transcription costs resulting from preparation of the voluminous record for capital offense trials.*

Supplies

Office and courtroom supplies for new positions and trials. 7,000

Equipment (one-time cost)

Standard office equipment and reference materials for law clerks 6,720

Portable high security equipment kit, consisting of a walk-through metal detector, temporary building card key system and video monitoring system. Will be shipped to trial site. 25,000

31,720

Total estimated costs \$1,068,603

2-8-96  
51.50

# FISCAL NOTE

STATE OF ALASKA  
1996 LEGISLATIVE SESSION

BILL NO. SSSB 52

Revision Date: \_\_\_\_\_ Dept. Affected: Department of Law  
 Title: "An Act authorizing capital punishment, classifying murder in the first degree as a capital felony..." BRU: Criminal Division  
 Component: Criminal Division  
 Sponsor: Senator Taylor  
 Requester: Governor's Office COMPONENT SERIAL NO. 2085

**Expenditures/Revenues** (Thousands of Dollars)

OPERATING EXPENDITURES	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
PERSONAL SERVICES		481.0	1,005.5	1,462.9	1,462.9	1,462.9
TRAVEL		243.5	480.5	605.5	605.5	605.5
CONTRACTUAL		430.8	1,089.7	1,529.7	1,464.7	1,464.7
SUPPLIES		32.4	55.5	72.6	60.6	60.6
EQUIPMENT		56.0	64.5	58.0	0.0	0.0
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>1,243.7</b>	<b>2,695.7</b>	<b>3,728.7</b>	<b>3,593.7</b>	<b>3,593.7</b>

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

FUND SOURCE	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
1002 Federal Receipts						
1003 GF Match						
1004 GF		1,243.7	2,695.7	3,728.7	3,593.7	3,593.7
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
<b>TOTAL</b>	<b>0.0</b>	<b>1,243.7</b>	<b>2,695.7</b>	<b>3,728.7</b>	<b>3,593.7</b>	<b>3,593.7</b>

Estimate of any current year (FY96) cost: \$ 0.0

**POSITIONS**

POSITIONS	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
FULL-TIME		8.0	17.0	25.0	25.0	25.0
PART-TIME						
TEMPORARY						

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

This bill would authorize capital punishment, classify murder in the first degree as a capital felony, and establish sentencing procedures for capital felonies. The death sentence would not be imposed unless at least one of several specified aggravating factors was found to exist and the aggravating factor, or factors, was not outweighed by mitigating factors.

In 1994, the department's criminal division had 17 first degree murder cases (that could have been accepted for prosecution at this level) where aggravating factors were present that would justify the death penalty, had the bill already been the law. The number of murders committed in Alaska varies somewhat from year-to-year and, therefore, the assumptions made in this fiscal note are as conservative as possible.

Prepared by: Richard I. Peques, Director Phone: 465-3672  
 Division: Administrative Services Division Date: 2/6/96  
 Approved by Commissioner: Bruce M. Botelho, Attorney General Date: 2/6/96  
 Agency: Department of Law

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## FISCAL NOTE

STATE OF ALASKA  
1996 LEGISLATIVE SESSION

BILL NO. SSSB 52

### ANALYSIS CONTINUATION:

#### Overview

Capital felony trials would be bifurcated, or held in two parts. The first part would determine innocence or guilt; the second part would determine whether aggravating factors exist sufficient to justify the death penalty; whether mitigating factors exist that outweigh the aggravating factors; and whether the defendant should be sentenced to a term of imprisonment or to death. Based on 1994's data, where 17 murders having death penalty aggravators occurred, the department would probably seek the death penalty in ten cases. In the remaining seven cases, prosecutors would elect to try the cases as noncapital first degree murders for discretionary reasons, primarily due to the difficulty of obtaining a conviction if the death penalty was included. As a result of this preliminary screening, between capital and noncapital charging, the department expects that nine capital offense convictions will occur each year. Of this latter number, we believe that the death penalty will be imposed six times each year.

Thus, the department must be prepared to prosecute capital felonies on ten occasions each year, and it must also be prepared to handle a multi-year appellate review process that will grow at an accumulating rate of six cases per year. The experience in other states is that capital trials require far more in the way of prosecution and investigative resources than first degree murder cases that do not include the death penalty.

In its several reviews of capital penalty laws, the United States Supreme Court has repeatedly stated, "death is different." Consequently, the Supreme Court has required that states accord capital defendants procedural and substantive protections that go far beyond those required for noncapital defendants. The Court has, in effect, mandated that capital defendants be accorded "super" due process. The federal courts have consistently held that capital cases demand special consideration, both at trial and on appellate review, because of the exceptional and irrevocable nature of the penalty involved.

In order to meet this heightened level of due process, it will be necessary for the state to employ far greater prosecution resources. Many of the thirty-seven states having a death penalty, for instance, provide two defense attorneys to capital defendants to insure that the due process safeguards required by the courts are met. Likewise, the state's prosecution case must also be properly represented. During and prior to the trial phase, crime scene evidence will have to be examined and presented by highly qualified forensic experts. Psychiatric experts will also be required during the trial phase, during sentencing proceedings, and during the appellate review, to rebut and overcome competency and psychiatric defenses to both the substantive-charge and the capital sentence. Recent cost studies of capital trials in other states indicate that expert witness expenses for both the trial and sentencing proceedings cost about \$60,000, on the average. A lesser, but still significant, cost for experts is also required for appellate reviews.

A sentencing proceeding, or the penalty phase of a capital trial, is categorically different in character, procedure, and magnitude from any counter part in a noncapital trial, and it accounts for a large part of the increase in costs. The heightened due process requirements, and the right to effective assistance of counsel, apply equally to the sentencing phase as they do to the trial phase. At this stage of the proceeding, the defense may be expected to use many of the socio-psychiatric witnesses employed during the trial phase. Additionally, the defense may also use the defendant's family, friends, neighbors, co-workers, school personnel, and social workers as witnesses. The defense's sentencing phase investigations will involve a complete retrospective analysis of every positive aspect of the defendant's life from the day of birth to the

## FISCAL NOTE

STATE OF ALASKA  
1996 LEGISLATIVE SESSION

BILL NO. SSSB 52

### ANALYSIS CONTINUATION:

date of sentence. The prosecution, on the other hand, must interview each of the defendant's witnesses to rebut mitigation evidence, and present its own witnesses to prove its aggravating factors. For example, in a California case, 240 persons were investigated and interviewed as potential witnesses and 120 were eventually called as witnesses in a single sentencing proceeding. In view of the foregoing, it appears likely that the same level of state resources, needed for the state's most expensive criminal trials, will also be needed for many of the capital murder trials. For example, a five-fold increase in pretrial motion practice, often involving a state's supreme court, has occurred in other states between capital and noncapital first degree murder cases.

Last, post-conviction appellate reviews of death sentences will also require a substantial expenditure of state resources. Initially, challenges to the law itself can be expected to be taken to the Alaska Supreme Court on the basis of both state and federal constitutional due process, equal protection, and cruel and unusual punishment doctrines. Such challenges should be expected during the first two or three years after the provisions of the bill go into effect. Otherwise, the bill provides for a straightforward appeals process to the Alaska Supreme Court, but death sentences will nonetheless result in lengthy and complicated appellate litigation. This is because of the substantial appellate avenues available to capital defendants in the federal court system, primarily on claims of due process, competency, and newly discovered evidence. Typically, these cases move up and down throughout the state and federal court systems, and involve the state superior and supreme courts, the U.S. Supreme Court, and the U.S. Circuit Court of Appeals, and the U.S. District Court. As a result, as has been the experience in every other capital punishment state, it should be expected that many years will pass before a death sentence can be carried out. Current information indicates that nationally an average of 9.6 years elapses from the time a death penalty sentence is imposed and the time the sentence is carried out.

### Implementation

The Department of Law anticipates that the time from when an offense is committed until a capital felony trial takes place will be between one and two years after the bill takes effect, although up to four bifurcated trials may begin during the first year. Likewise, the post-conviction appellate review process will not commence until sometime during the second year. For these reasons, the department has developed a multi-year implementation plan for this fiscal note.

During the first year, it will be necessary to add three attorneys, three paraprofessionals, and two legal secretaries to handle capital felony prosecutions. Although only four bifurcated trials may actually get underway during the first year, substantial time will be required preparing for trial. This includes advising police investigators, examining evidence, interviewing witnesses, consulting with psychiatric and forensic experts, and initiating, responding to, and arguing pretrial motions. Also, preparation work on all 17 capital felonies expected to occur during the first year must begin as soon as possible after an offense is committed.

The "super" due process required by the courts in death penalty cases, and the requirement for a separate sentencing proceeding, will more than triple the work of the department's staff who handle these cases, compared with noncapital first degree murder cases. Extraordinary amounts of attorney and paraprofessional time will be needed to satisfy these minimum, mandatory requirements. As a consequence, capital felony prosecutions could not readily be undertaken in any of the department's offices, except for Anchorage and Fairbanks, without providing special prosecution staff on a case-by-case basis. And, even for Anchorage and Fairbanks, the existing staff would have to be substantially augmented each time a capital

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### ANALYSIS CONTINUATION:

felony is handled. All of the positions to be added to handle capital trials and post-conviction death sentence appeals would be located in the department's Office of Special Prosecutions and Appeals, in Anchorage.

During the second year, eight or more additional capital felonies are expected to go to trial, and 17 new capital felony offenses will occur. At this point, it will be necessary to add two attorneys, two paraprofessionals, and two legal secretaries to help handle the increasing capital felony trial caseload. It will also be necessary to establish a capital felony appeals staff during the second year, when appeals from the first four trials are expected to begin the appellate review process. Initially, one attorney, one paraprofessional, and one legal secretary will be needed to handle capital felony appeals.

During the third year, the number of bifurcated trials (10) should equal the number of new capital offenses (after screening), although some compression and overlapping of the caseload will likely occur. Consequently, it will be necessary to increase the trial staff during the third year, in order to handle the total annual workload, and to insure against speedy trial problems. Post-conviction capital felony appeals will have reached eight by year three, and they will continue to increase at the rate of six new cases each year, thereafter. It will, therefore, be necessary to increase the appeals staff in the third year.

It is not possible to accurately predict the eventual annual costs of a capital felony law beyond its first three or four years. There are simply too many unknowns. However, the costs that have been predicted are conservative. The following factors have been considered in arriving at these costs.

- 1) Capital felony due process and bifurcated trial requirements will more than triple the cost and time spent in prosecuting 10 first degree murder offenses, at a minimum.
- 2) The time required for a bifurcated trial will probably vary between two months and six months, although time lines are completely uncertain, and extremes will most likely be the rule. Serious overlapping and scheduling conflicts between investigations, trials, and available staff time will undoubtedly occur.
- 3) Pretrial motion practice will increase dramatically, resulting in additional scheduling problems.
- 4) Logistics problems will occur at most locations, except Anchorage and Fairbanks, and these problems will become more severe the smaller and more remote the location.
- 5) Witness travel and subsistence will be expensive because of the large number of witnesses that will be required for both the trial and the sentencing phases of capital felony prosecutions, and in many cases this includes out-of-state travel.
- 6) Staff travel and per diem will likewise be expensive for trials held outside of Anchorage. Extensive staff travel expense will also be necessary, for trials held at all locations, to interview both prosecution and defense witnesses who will appear at sentencing proceedings.
- 7) One of the most complex murder prosecutions ever held in Alaska was the John Kenneth Peel trial. Because this case involved extraordinary evidence problems, it probably represents costs that are outside the norm. Due to this and other complications, Peel case costs included two grand jury proceedings and two trials. But there can be no question that the state will have to provide a nearly comparable effort if it is to prevail in death penalty cases. By comparison, capital felony trials will be held in two parts, necessitate

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### ANALYSIS CONTINUATION:

considerable expert testimony and depositions, involve two separate sets of witnesses, and require extensive staff travel. For this reason, the average prosecution costs of a bifurcated capital felony case has been projected to be nearly \$266,000 or less than one-half of the \$597,000 cost for the first Peel trial.

8) The cost for appeals is shown only through the fourth year; however, this cost will ultimately grow enormously. The average length of time between a death sentence conviction and an execution in the United States is nearly ten years. Consequently, the state will have to provide enough resources to respond to the appeals of 60 or more capital felony defendants annually, within 10 years. The eventual costs for this extended timeframe are not within the scope of this fiscal note analysis.

9) Therefore, the following per trial expense estimates have been used to calculate the costs of this fiscal note.

#### Capital Felony Trials

- Witness travel and subsistence, \$50,000 per case.
- Staff travel and per diem, \$7,500 per attorney, \$5,000 per paraprofessional, \$3,000 per secretary per annum.
- Expert witness fees, \$60,000 per case.
- Witness fees paid to others, \$6,000 per case.
- Deposition/court reporter charges, \$20,000 per case.

#### Death Sentence Appellate Review

- Staff travel, \$3,500 per attorney, \$2,500 per paraprofessional, per annum.
- Expert witness fees, legal scholars for years two and three only, \$30,000 per year.
- Socio-psychiatric experts, \$25,000 in years two and three.
- Socio-psychiatric experts, \$50,000 by year four.
- Transcription/court reporter costs, \$30,000 per case.

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ANALYSIS CONTINUATION:

Fiscal Analysis SSSB 52  
Cost Summary (First Year - FY 98 - Capital Trials)

OBJECT	Atty V	(2) Atty IV	(2) Assoc	P/A II	Sec I	Sec I	TOTAL
			Atty I				
100 - Salaries & Benefits	<u>87.3</u> 87.3	<u>164.0</u> 164.0	<u>105.8</u> 105.8	<u>51.1</u> 51.1	<u>36.4</u> 36.4	<u>36.4</u> 36.4	<u>481.0</u> 481.0
200- Travel							
Staff Travel & Per Diem	<u>7.5</u> 7.5	<u>15.0</u> 15.0	<u>10.0</u> 10.0	<u>5.0</u> 5.0	<u>3.0</u> 3.0	<u>3.0</u> 3.0	<u>43.5</u> 43.5
300 - Contractual							
Communications, Copy	3.6	7.2	4.8	2.4	2.4	2.4	22.8
Office Space Leases	5.6	11.2	11.2	5.6	5.6	5.6	44.8
PC Network Maintenance	1.5	3.0	3.0	1.5	1.5	1.5	12.0
Westlaw	<u>1.2</u> 11.9	<u>2.4</u> 23.8	<u>2.0</u> 21.4	<u>1.2</u> 10.7	<u>0.0</u> 9.5	<u>0.0</u> 9.5	<u>7.2</u> 86.8
400 - Supplies							
Office Consumables	1.8	3.6	3.6	1.8	1.2	1.2	13.2
Law Library	1.2	2.4	2.4	1.2	0.0	0.0	7.2
New Position Supplies	<u>1.5</u> 4.5	<u>3.0</u> 9.0	<u>3.0</u> 9.0	<u>1.5</u> 4.5	<u>1.5</u> 2.7	<u>1.5</u> 2.7	<u>12.0</u> 32.4
500 - Equipment							
New Position Equipment	2.5	5.0	5.0	2.5	2.0	2.0	19.0
PC/Word Processing	<u>4.0</u> 6.5	<u>8.0</u> 13.0	<u>8.0</u> 13.0	<u>4.0</u> 6.5	<u>6.5</u> 8.5	<u>6.5</u> 8.5	<u>37.0</u> 56.7
TOTAL	117.7	224.8	159.2	77.8	60.1	60.1	699.7

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ANALYSIS CONTINUATION:

Fiscal Analysis SSSB 52  
Cost Summary (Second and Third Years Additions -  
FY 99 and 00 - Capital Trials)

OBJECT	<u>Second Year</u>					<u>Third Year</u>			
	<u>Atty V</u>	<u>Atty IV</u>	(2) <u>Assoc</u> <u>Atty I</u>	2 <u>Legal</u> <u>Sec. I</u>	<u>TOTAL</u>	<u>Atty IV</u>	<u>P/A II</u>	<u>Legal</u> <u>Sec I</u>	<u>TOTAL</u>
100 - Salaries & Benefits	<u>87.3</u>	<u>82.0</u>	<u>105.8</u>	<u>72.8</u>	<u>347.9</u>	<u>82.0</u>	<u>51.1</u>	<u>36.4</u>	<u>169.5</u>
	87.3	82.0	105.8	72.8	347.9	82.0	51.1	36.4	169.5
200- Travel									
Staff Travel & Per Diem	<u>7.5</u>	<u>7.5</u>	<u>10.0</u>	<u>6.0</u>	<u>31.0</u>	<u>7.5</u>	<u>5.0</u>	<u>3.0</u>	<u>15.5</u>
	7.5	7.5	10.0	6.0	31.0	7.5	5.0	3.0	15.5
300 - Contractual									
Communications, Copy	<u>3.6</u>	<u>3.6</u>	<u>7.2</u>	<u>4.8</u>	<u>19.2</u>	<u>3.6</u>	<u>3.6</u>	<u>2.4</u>	<u>9.6</u>
Office Space Leases	<u>5.6</u>	<u>5.6</u>	<u>11.2</u>	<u>11.2</u>	<u>33.6</u>	<u>5.6</u>	<u>5.6</u>	<u>5.6</u>	<u>16.8</u>
PC Network Maintenance	<u>1.5</u>	<u>1.5</u>	<u>3.0</u>	<u>3.0</u>	<u>9.0</u>	<u>1.5</u>	<u>1.5</u>	<u>1.5</u>	<u>4.5</u>
Westlaw	<u>1.2</u>	<u>1.2</u>	<u>2.4</u>	<u>0.0</u>	<u>4.8</u>	<u>1.2</u>	<u>1.2</u>	<u>0.0</u>	<u>2.4</u>
	11.9	11.9	23.8	19.0	66.6	11.9	11.9	9.5	33.3
400 - Supplies									
Office Consumables	<u>1.8</u>	<u>1.8</u>	<u>3.6</u>	<u>2.4</u>	<u>9.6</u>	<u>1.8</u>	<u>1.8</u>	<u>1.2</u>	<u>4.8</u>
Law Library	<u>1.2</u>	<u>1.2</u>	<u>2.4</u>	<u>0.0</u>	<u>4.8</u>	<u>1.2</u>	<u>1.2</u>	<u>0.0</u>	<u>2.4</u>
New Position Supplies	<u>1.5</u>	<u>1.5</u>	<u>3.0</u>	<u>3.0</u>	<u>9.0</u>	<u>1.5</u>	<u>1.5</u>	<u>1.5</u>	<u>4.5</u>
	4.5	9.0	9.0	5.4	23.4	4.5	4.5	2.7	11.7
500 - Equipment									
New Position Equipment	<u>2.5</u>	<u>2.5</u>	<u>5.0</u>	<u>4.0</u>	<u>14.0</u>	<u>2.5</u>	<u>2.5</u>	<u>2.0</u>	<u>7.0</u>
PC/Word Processing	<u>4.0</u>	<u>4.0</u>	<u>8.0</u>	<u>13.0</u>	<u>29.0</u>	<u>4.0</u>	<u>4.0</u>	<u>6.5</u>	<u>14.5</u>
	6.5	6.5	13.0	17.0	43.0	5.5	6.5	8.5	21.5
TOTAL	117.7	112.4	161.6	120.2	511.9	112.4	79.0	60.1	251.5

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ANALYSIS CONTINUATION:

Fiscal Analysis SSSB 52  
Cost Summary (Second and Third Years Additions -  
FY 99 and 00 - Appellate Review Process)

OBJECT	<u>Second Year</u>				<u>Third Year</u>			
	<u>Atty V</u>	<u>Assoc Atty I</u>	<u>Legal Sec. I</u>	<u>TOTAL</u>	<u>(2.0) Atty IV</u>	<u>P/A II</u>	<u>(2) Legal Sec. I</u>	<u>TOTAL</u>
100 - Salaries & Benefits	<u>87.3</u> 87.3	<u>52.9</u> 52.9	<u>36.4</u> 36.4	<u>176.6</u> 176.6	<u>164.0</u> 164.0	<u>51.1</u> 51.1	<u>72.8</u> 72.8	<u>287.9</u> 287.9
200- Travel								
Staff Travel & Per Diem	<u>3.5</u> 3.5	<u>2.5</u> 2.5	<u>0.0</u> 0.0	<u>6.0</u> 6.0	<u>7.0</u> 7.0	<u>2.5</u> 2.5	<u>0.0</u> 0.0	<u>9.5</u> 9.5
300 - Contractual								
Communications, Copy	22.4	22.4	2.4	47.2	44.8	22.4	4.8	72.0
Office Space Leases	5.6	5.6	5.6	16.8	11.2	5.6	11.2	28.0
PC Network Maintenance	1.5	1.5	1.5	4.5	3.0	1.5	3.0	7.5
Westlaw	<u>2.4</u>	<u>2.4</u>	<u>0.0</u>	<u>4.8</u>	<u>4.8</u>	<u>2.4</u>	<u>0.0</u>	<u>7.2</u>
	31.9	31.9	9.5	73.3	63.8	31.9	19.0	114.7
400 - Supplies								
Office Consumables	1.8	1.8	1.2	4.8	3.6	1.8	2.4	7.8
Law Library	1.2	1.2	0.0	2.4	2.4	1.2	0.0	3.6
New Position Supplies	<u>1.5</u> 4.5	<u>1.5</u> 4.5	<u>1.5</u> 2.7	<u>4.5</u> 11.7	<u>3.0</u> 9.0	<u>1.5</u> 4.5	<u>3.0</u> 5.4	<u>7.5</u> 18.9
500 - Equipment								
New Position Equipment	2.5	2.5	2.0	7.0	5.0	2.5	4.0	11.5
PC/Word Processing	<u>4.0</u> 6.5	<u>4.0</u> 6.5	<u>6.5</u> 8.5	<u>14.5</u> 21.5	<u>8.0</u> 13.0	<u>4.0</u> 6.5	<u>13.0</u> 17.0	<u>25.0</u> 36.5
<b>TOTAL</b>	<b>133.7</b>	<b>98.3</b>	<b>57.1</b>	<b>289.1</b>	<b>256.8</b>	<b>96.5</b>	<b>114.2</b>	<b>467.5</b>

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BILL NO. SSSB 52

ANALYSIS CONTINUATION:

Fiscal Analysis SSSB 52  
Cumulative Implementation Cost by Year

<u>OBJECT</u>	<u>Criminal Felony Trial</u>				<u>Appellate Review</u>			
	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>	<u>Year 4+</u>	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>	<u>Year 4+</u>
100 - Personal Services	481.0	828.9	998.4	998.4	0.0	176.6	464.5	464.5
200- Travel - Staff	43.5	74.5	90.0	90.0	0.0	6.0	15.5	15.5
Travel - Witness	200.0	400.0	500.0	500.0	0.0	0.0	0.0	0.0
300 - Contractual	86.8	153.4	186.7	186.7	0.0	73.3	188.0	188.0
Contractual - Outside Svc	344.0	688.0	860.0	860.0	0.0	175.0	295.0	230.0
400 - Supplies	32.4	43.8	46.5	42.0	0.0	11.7	26.1	18.6
500 - Equipment	<u>56.0</u>	<u>43.0</u>	<u>21.5</u>	<u>0.0</u>	<u>0.0</u>	<u>21.5</u>	<u>36.5</u>	<u>0.0</u>
<b>TOTAL</b>	1,243.7	2,231.6	2,703.1	2,677.1	0.0	464.1	1,025.6	916.6

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ANALYSIS CONTINUATION:

Out-of-Pocket Costs - Capital Felony Trials

Year One (4 cases underway) (FY 98)

Witness travel and subsistence \$50,000 per case Xs 4 cases =	\$200,000
Expert witness fees \$60,000 per case Xs 4 cases =	\$240,000
Witness fees (witnesses of fact) \$6,000 per case Xs 4 cases =	\$24,000
Deposition/court reporter charges \$20,000 per case Xs 4 cases =	\$80,000

Year Two (8 cases underway) (FY 99)

Witness travel and subsistence \$50,000 per case Xs 8 cases =	\$400,000
Expert witness fees \$60,000 per case Xs 8 cases =	\$480,000
Witness fees (witnesses of fact) \$6,000 per case Xs 8 cases =	\$48,000
Deposition/court reporter charges \$20,000 per case Xs 8 cases =	\$160,000

Third Year (10 cases underway) (FY 00)

Witness travel and subsistence \$50,000 per case Xs 10 cases =	\$500,000
Expert witness fees \$60,000 per case Xs 10 cases =	\$600,000
Witness fees (witness of fact) \$6,000 per case Xs 10 cases =	\$60,000
Deposition/court reporter charges \$20,000 per case Xs 10 cases =	\$200,000

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ANALYSIS CONTINUATION:

Capital Felony Appeals

Year Two (4 cases underway) (FY 98)

Expert witness/legal scholars to uphold death penalty law (year two and three only) \$30,000 per year Xs 1 =	\$30,000
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Expert witness Socio-psychiatric experts \$25,000 per year Xs 1 =	\$25,000
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Deposition/court report charges \$30,000 per case Xs 4 cases =	\$120,000
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Year Three (8 cases underway) (FY 00)

Expert witness/legal scholars to uphold death penalty law (year two and three only) \$30,000 per year Xs 1 =	\$30,000
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Expert witness Socio-psychiatric experts \$25,000 per year Xs 1 =	\$25,000
---	----------

Deposition/court report charges \$30,000 per case Xs 8 cases =	\$240,000
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Year Four (14 cases underway) (FY 01)

Expert witness Socio-psychiatric experts \$50,000 per year Xs 1 =	\$50,000
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Deposition/court report charges \$30,000 per case Xs 6 cases =	\$180,000
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PERSONAL SERVICES EXPENDITURES NEW POSITION DETAIL REPORT

PAGE:

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DEPARTMENT OF LAW

SCENARIO: 1

COMPONENT #: 6501020600 NAME: CRIMINAL APPEALS &amp; SPECIAL PROSECUTIONS BRU NAME: CRIMINAL DIVISION

PCN	UNAUTII PCN	JOB CLASS TITLE	T S	LOCATION NAME	R C	D U	S R&S	MOS BUDG	SALARY	PREM PAY	BENES	PER.SERV. COSTS	G. F. AMOUNT
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03#011		ATTORNEY V	F	ANCHORAGE	A	XE	AA	25A	12	66332	0	20933	87265.67
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## \*\*\*\* JUSTIFICATION:

This senior level Attorney V position will be needed to oversee and head capital felony prosecutions, during the first year that capital felony law goes into effect. The substantial due process protections accorded to defendants by the U.S. Supreme Court, will require a three-fold increase in prosecution effort in order to obtain death penalty convictions. Legal expertise at the highest level will be required to handle these prosecutions, allocations to the Attorney V level is therefore recommended. This position will be required in FY 1998.

TRAVEL COSTS	7500.00	
CONTRACTUAL COSTS	11900.00	
SUPPLIES COSTS	4500.00	
EQUIPMENT COSTS	6500.00	
OTHER COSTS	0.00	
TOTAL COSTS	117665.67	87265.67

## \*\*\* FUNDING DETAIL:

100% GENERAL FUND RECEIPTS	87265.67
TOTAL FUNDING	87265.67

03#012		ATTORNEY IV	F	ANCHORAGE	A	XE	AA	24A	12	61923	0	20100	82023.52
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## \*\*\*\* JUSTIFICATION:

This Attorney IV position will be required to handle capital felony trials, during the first year after the law goes into effect. "Super" due process trial consideration and sentencing proceedings are expected to more than triple the time now required for murder trials. First degree murder trials require highly skilled prosecutors and for this reason the department is requesting the full working level prosecutor classification of Attorney IV. This attorney will be needed for the bifurcated capital trials, beginning in FY 1998.

TRAVEL COSTS	7500.00	
CONTRACTUAL COSTS	11900.00	
SUPPLIES COSTS	4500.00	
EQUIPMENT COSTS	6500.00	
OTHER COSTS	0.00	
TOTAL COSTS	112423.52	82023.52

## \*\*\* FUNDING DETAIL:

100% GENERAL FUND RECEIPTS	82023.52
TOTAL FUNDING	82023.52

03#013		ATTORNEY IV	F	ANCHORAGE	A	XE	AA	24A	12	61923	0	20100	82023.52
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## \*\*\*\* JUSTIFICATION:

This Attorney IV position will be required to handle capital felony trials, during the first year after the law goes into effect. "Super" due process trial consideration and sentencing proceedings are expected to more than triple the time now required for murder trials. First degree murder trials require highly skilled prosecutors and for this reason the department is requesting the full working level prosecutor classification of Attorney IV. This attorney will be needed for the bifurcated capital trials, beginning in FY 1998.

TRAVEL COSTS	7500.00	
CONTRACTUAL COSTS	11900.00	
SUPPLIES COSTS	4500.00	
EQUIPMENT COSTS	6500.00	
OTHER COSTS	0.00	
TOTAL COSTS	112423.52	82023.52

## \*\*\* FUNDING DETAIL:

100% GENERAL FUND RECEIPTS	82023.52
TOTAL FUNDING	82023.52

DEPARTMENT OF LAW

SCENARIO: 1

COMPONENT #: 6501020600 NAME: CRIMINAL APPEALS &amp; SPECIAL PROSECUTIONS DRU NAME: CRIMINAL DIVISION

PCN	UNAUTII PCN	JOB CLASS TITLE	T S	LOCATION NAME	R B S C U	R&S MOS BUDG	SALARY	PREM PAY	BENES	PER.SERV. COSTS	G. F. AMOUNT
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03#014		ASSOC ATTORNEY I		F ANCHORAGE	A XE AA	17A 12	38440	0	14412	52852.89	
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## \*\*\*\* JUSTIFICATION:

This advanced paraprofessional position will be required during the first year that the capital felony law goes into effect, to handle evidence preparation and assist in legal research that is necessary to try capital cases. The heightened due process protection accorded defendants, in those cases, causes a far more severe burden of proof standard for prosecution. Allocation to the Associate Attorney I paraprofessional level is therefore recommended. This position will be required in FY 1998.

TRAVEL COSTS	5000.00	
CONTRACTUAL COSTS	10700.00	
SUPPLIES COSTS	4500.00	
EQUIPMENT COSTS	6500.00	
OTHER COSTS	0.00	
=====		
TOTAL COSTS	79552.89	52852.89

## \*\*\* FUNDING DETAIL:

100% GENERAL FUND RECEIPTS	52852.89	
=====		
TOTAL FUNDING	52852.89	

03#015		PARALEGAL ASST II		F ANCHORAGE	A GG 2A	16A 12	36990	0	14157	51148.42	
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## \*\*\*\* JUSTIFICATION:

This paralegal assistant position will be needed during the first year after the capital felony law goes into effect to assist the attorneys assigned to prosecuting defendants in capital crimes, where the state is seeking the death penalty. The position will be responsible for witness assistance and coordination, and assist with trial logistics. Allocation to the full working paraprofessional level of Paralegal Assistant II is recommended. This position will be required in FY 1998.

TRAVEL COSTS	5000.00	
CONTRACTUAL COSTS	10700.00	
SUPPLIES COSTS	4500.00	
EQUIPMENT COSTS	6500.00	
OTHER COSTS	0.00	
=====		
TOTAL COSTS	77848.42	51148.42

## \*\*\* FUNDING DETAIL:

100% GENERAL FUND RECEIPTS	51148.42	
=====		
TOTAL FUNDING	51148.42	

03#016		LEGAL SECRETARY I		F ANCHORAGE	A GG 2A	10A 12	25127	0	11284	36411.80	
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## \*\*\*\* JUSTIFICATION:

This is one of two legal secretaries needed to provide office services support for three attorneys and three paraprofessionals who will be required to handle capital felony trials, during the first year the law goes into effect. The work of the attorneys is expected to generate considerable legal documentation, in the form of motions and briefs, requiring full-time secretarial support. This position will be required in FY 1998.

TRAVEL COSTS	3000.00	
CONTRACTUAL COSTS	9500.00	
SUPPLIES COSTS	2700.00	
EQUIPMENT COSTS	8500.00	
OTHER COSTS	0.00	
=====		
TOTAL COSTS	60111.80	36411.80

## \*\*\* FUNDING DETAIL:

100% GENERAL FUND RECEIPTS	36411.80	
=====		
TOTAL FUNDING	36411.80	

02/01/96

15:49:05.5

## PERSONAL SERVICES EXPENDITURES NEW POSITION DETAIL REPORT

PAGE: 4

DEPARTMENT OF LAW

SCENARIO: 1

COMPONENT #: 6501020600 NAME: CRIMINAL APPEALS &amp; SPECIAL PROSECUTIONS DRU NAME: CRIMINAL DIVISION

PCN	UNAUTH PCN	JOB CLASS TITLE	T S	LOCATION NAME	R C	D U	S	R&S BUDG	MOS	SALARY	PREM PAY	BENES	PER.SERV. COSTS	G. F. AMOUNT	
03#017		LEGAL SECRETARY I	F	ANCHORAGE	A	CG	2A	10A	12	25127	0	11204	36411.80		
**** JUSTIFICATION:															
This is one of two legal secretaries needed to provide office services support for the three attorneys and three paraprofessionals who will be required to handle capital felony trials, during the first year the law goes into effect. The work of the attorneys is expected to generate considerable legal documentation, in the form of motions and briefs, requiring full-time secretarial support. This position is required in FY 1998.													TRAVEL COSTS	3000.00	
													CONTRACTUAL COSTS	9500.00	
													SUPPLIES COSTS	2700.00	
													EQUIPMENT COSTS	8500.00	
													OTHER COSTS	0.00	
													TOTAL COSTS	60111.80	36411.80
*** FUNDING DETAIL:															
													100% GENERAL FUND RECEIPTS	36411.80	
													TOTAL FUNDING	36411.80	
03#018		ATTORNEY V	F	ANCHORAGE	A	XE	AA	25A	12	66332	0	20933	87265.67		
**** JUSTIFICATION:															
This senior level Attorney V position will be needed during the second year the capital felony law goes into effect, to handle the growing number of capital trials. During the second year eight additional trials should be underway and ten additional capital felonies will have been committed. The extraordinary due process standards required of prosecution, in capital cases, necessitate the highest level of legal expertise. Allocation to the Attorney V level is therefore recommended. This position will be required in FY 1999.													TRAVEL COSTS	7500.00	
													CONTRACTUAL COSTS	11900.00	
													SUPPLIES COSTS	4500.00	
													EQUIPMENT COSTS	6500.00	
													OTHER COSTS	0.00	
													TOTAL COSTS	117665.67	87265.67
*** FUNDING DETAIL:															
													100% GENERAL FUND RECEIPTS	87265.67	
													TOTAL FUNDING	87265.67	
03#019		ASSOC ATTORNEY I	F	ANCHORAGE	A	XE	AA	17A	12	39440	0	14412	52852.89		
**** JUSTIFICATION:															
This advanced paraprofessional position will be required, during the second year the capital felony law is in effect, to handle the growing number of capital trials. Eight new trials are expected to commence during the second year, and ten new offenses will have been committed. This position will help organize and examine evidence, and assist attorneys with legal research. Allocation to the Associate Attorney I level is therefore recommended. This position is required in FY 1999.													TRAVEL COSTS	5000.00	
													CONTRACTUAL COSTS	11900.00	
													SUPPLIES COSTS	4500.00	
													EQUIPMENT COSTS	6500.00	
													OTHER COSTS	0.00	
													TOTAL COSTS	80752.89	52852.89
*** FUNDING DETAIL:															
													100% GENERAL FUND RECEIPTS	52852.89	
													TOTAL FUNDING	52852.89	

02/01/96

15:49:05.6

PERSONAL SERVICES EXPENDITURES NEW POSITION DETAIL REPORT

PAGE:

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DEPARTMENT OF LAW

SCENARIO: 1

COMPONENT #: 6501020600 NAME: CRIMINAL APPEALS &amp; SPECIAL PROSECUTIONS DRU NAME: CRIMINAL DIVISION

PCN	UNAUTH PCN	JOB CLASS TITLE	T S	LOCATION NAME	R B S C U	R&S MOS BUDG	SALARY	PREM PAY	BENES	PER.SERV. COSTS	G. F. AMOUNT
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03#020		LEGAL SECRETARY I	F	ANCHORAGE	A GG 2A 10A	12	25127	0	11284	36411.80	
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## \*\*\*\* JUSTIFICATION:

This Legal Secretary I position will be required, during the second year the capital felony law is in effect, to handle the growing caseload. Eight new capital felony trials are expected to commence, and ten new offenses will be committed during the year. Legal documentation for these trials will be intense. Allocation to the Legal Secretary I level is therefore recommended. This position will be needed in FY 1999.

TRAVEL COSTS	3000.00	
CONTRACTUAL COSTS	9500.00	
SUPPLIES COSTS	2700.00	
EQUIPMENT COSTS	8500.00	
OTHER COSTS	0.00	
TOTAL COSTS	60111.80	36411.80

## \*\*\* FUNDING DETAIL:

100% GENERAL FUND RECEIPTS	36411.80
TOTAL FUNDING	36411.80

03#021		ATTORNEY V	F	ANCHORAGE	A XE AA 25A	12	66332	0	20933	87265.67	
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## \*\*\*\* JUSTIFICATION:

This Attorney V position will be required, during the second year the capital felony law is in effect, to handle the post-conviction appellate review process. It is anticipated that six defendants' convictions will be on appeal during the second year. Up to ten years or more may pass before these appeals are finally resolved. Initially, legal attacks on the law itself will go to the Alaska Supreme Court. If upheld, appeals will go to the federal court system, including the U.S. District Court. The highest level of legal expertise will be required to handle these appeals. Allocation to the Attorney V level is therefore recommended. This position will be needed in FY 1999.

TRAVEL COSTS	3500.00	
CONTRACTUAL COSTS	31900.00	
SUPPLIES COSTS	4500.00	
EQUIPMENT COSTS	6500.00	
OTHER COSTS	0.00	
TOTAL COSTS	133665.67	87265.67

## \*\*\* FUNDING DETAIL:

100% GENERAL FUND RECEIPTS	87265.67
TOTAL FUNDING	87265.67

03#022		ASSOC ATTORNEY I	F	ANCHORAGE	A XE AA 17A	12	38440	0	14412	52852.89	
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## \*\*\*\* JUSTIFICATION:

This Associate Attorney paraprofessional position will be required, during the second year the capital felony law is in effect, to assist handling legal research for post-conviction appellate review process. It is anticipated that six defendants' convictions will be on appeal during the second year. Legal attacks on the law itself will be before the Alaska Supreme Court, as will appeals of convictions. Further appeals to the federal court system will commence, if the law is upheld. An enormous amount of research will be required. Allocation to the Associate Attorney I level is therefore recommended.

TRAVEL COSTS	2500.00	
CONTRACTUAL COSTS	31900.00	
SUPPLIES COSTS	4500.00	
EQUIPMENT COSTS	6500.00	
OTHER COSTS	0.00	
TOTAL COSTS	90252.89	52852.89

## \*\*\* FUNDING DETAIL:

02/01/96

15:49:05.6

PERSONAL SERVICES EXPENDITURES NEW POSITION DETAIL REPORT

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DEPARTMENT OF LAW

SCENARIO: 1

COMPONENT #: 6501020600 NAME: CRIMINAL APPEALS &amp; SPECIAL PROSECUTIONS DRU NAME: CRIMINAL DIVISION

PCN	UNAUTH PCN	JOB CLASS TITLE	T S	LOCATION NAME	R C	B U	S	R&S MOS BUDG	SALARY	PREM PAY	DENES	PER.SERV. COSTS	G. F. AMOUNT
-----													
1004 GENERAL FUND RECEIPTS													
=====													
TOTAL FUNDING													
52852.89													
=====													
TOTAL FUNDING													
52852.89													
03#023		LEGAL SECRETARY I		F ANCHORAGE	A	GG	2A	10A 12	25127	0	11284	36411.80	
**** JUSTIFICATION:													
This Legal Secretary I position will be required, during the second year the capital felony law is in effect, to handle the post-conviction appellant review process. This process is expected to begin during the second year, when the first six convictions should be on appeal. This process is document intensive and full-spectrum secretarial services will be required. Allocation to the Legal Secretary I level is therefore recommended. This position is needed in FY 1999.													
TRAVEL COSTS													
0.00													
CONTRACTUAL COSTS													
9500.00													
SUPPLIES COSTS													
2700.00													
EQUIPMENT COSTS													
8500.00													
OTHER COSTS													
0.00													
=====													
TOTAL COSTS													
57111.80													
36411.80													
*** FUNDING DETAIL:													
1004 GENERAL FUND RECEIPTS													
36411.80													
=====													
TOTAL FUNDING													
36411.80													
03#025		ATTORNEY IV		F ANCHORAGE	A	XE	AA	24A 12	61923	0	20100	82023.52	
**** JUSTIFICATION:													
This Attorney IV position will be required, during the third year the capital felony law is in effect, to handle the growing number of capital felony trials. It is anticipated that ten of these trials will be underway in the third year, and ten new offenses will have been committed. An enormous amount of attorney time is required to handle these because of the heightened due process standards that are mandated for capital prosecutions. These trials require highly skilled prosecutors. Allocation to the full-working level of Attorney IV, is therefore recommended. This position will be needed in FY 2000.													
TRAVEL COSTS													
7500.00													
CONTRACTUAL COSTS													
11900.00													
SUPPLIES COSTS													
4500.00													
EQUIPMENT COSTS													
6500.00													
OTHER COSTS													
0.00													
=====													
TOTAL COSTS													
112423.52													
82023.52													
*** FUNDING DETAIL:													
1004 GENERAL FUND RECEIPTS													
82023.52													
=====													
TOTAL FUNDING													
82023.52													
03#026		PARALEGAL ASST II		F ANCHORAGE	A	GG	2A	16A 12	36990	0	14157	51148.42	
**** JUSTIFICATION:													
This Paralegal Assistant position will be required, during the third year the capital felony law is in effect, to handle the growing number of capital felony trials. It is anticipated that ten trials will be underway at this point, and ten new offenses will have been committed. This position will assist witnesses and coordinate witness schedules and trial logistics. Allocation to the Paralegal Assistant II level is therefore recommended. This position will be required in FY 2000.													
TRAVEL COSTS													
5000.00													
CONTRACTUAL COSTS													
11900.00													
SUPPLIES COSTS													
4500.00													
EQUIPMENT COSTS													
6500.00													
OTHER COSTS													
0.00													
=====													
TOTAL COSTS													
79048.42													
51148.42													

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PERSONAL SERVICES EXPENDITURES NEW POSITION DETAIL REPORT

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DEPARTMENT OF LAW

SCENARIO: 1

COMPONENT #: 6501020600 NAME: CRIMINAL APPEALS & SPECIAL PROSECUTIONS BRU NAME: CRIMINAL DIVISION

PCN	UNAUTII PCN	JOB CLASS TITLE	T S	LOCATION NAME	R H S C U	R&S MOS BUDG	SALARY	PREM PAY	BENES	PER.SERV. COSTS	G. F. AMOUNT
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\*\*\* FUNDING DETAIL:

100% GENERAL FUND RECEIPTS 51148.42

TOTAL FUNDING 51148.42

03#027 LEGAL SECRETARY I F ANCHORAGE A GG 2A 10A 12 25127 0 11234 36411.80

\*\*\*\* JUSTIFICATION:

This Legal Secretary position will be required, during the third year the capital felony law is in effect, to handle the growing number of capital felonies. It is anticipated that ten capital trials will be underway at this point, and ten new offenses will have been committed. The work generated by attorneys will require substantial secretarial assistance. Allocation to the Legal Secretary I level is therefore recommended. This position will be needed in FY 2000.

TRAVEL COSTS	3000.00
CONTRACTUAL COSTS	9500.00
SUPPLIES COSTS	2700.00
EQUIPMENT COSTS	8500.00
OTHER COSTS	0.00
TOTAL COSTS	60111.80

\*\*\* FUNDING DETAIL:

100% GENERAL FUND RECEIPTS 36411.80

TOTAL FUNDING 36411.80

03#028 ATTORNEY IV F ANCHORAGE A XE AA 24A 12 61923 0 20100 82023.52

\*\*\*\* JUSTIFICATION:

This Attorney IV position will be required, during the third year the capital felony law is in effect, to handle post-conviction appeals. It is anticipated that six new convictions will be on appeal by the third year, bringing the total cases on appeal to 12. Capital penalty appeals have an average span of ten years. These appeals are heard in the Alaska Supreme Court, the U.S. District Court, the U.S. Circuit Court of Appeals and the U.S. Supreme Court. These appeals often move up and down, through the system, as each separate issue is argued. Full-working level legal expertise is necessary to handle this work, and allocation to Attorney IV is therefore recommended. This position will be needed in FY 2000.

TRAVEL COSTS	3500.00
CONTRACTUAL COSTS	31900.00
SUPPLIES COSTS	4500.00
EQUIPMENT COSTS	6500.00
OTHER COSTS	0.00
TOTAL COSTS	128423.52

\*\*\* FUNDING DETAIL:

100% GENERAL FUND RECEIPTS 82023.52

TOTAL FUNDING 82023.52

03#029 PARALEGAL ASST II F ANCHORAGE A GG 2A 16A 12 36990 0 14157 51148.42

\*\*\*\* JUSTIFICATION:

This Paralegal Assistant II position will be required, during the third year of the capital felony law, to assist the preparation of appellate documentation and research. Six new appeals are expected in the third year, bringing the total to be handled to 12. These appeals have an average time span of ten years.

TRAVEL COSTS	2500.00
CONTRACTUAL COSTS	31900.00
SUPPLIES COSTS	4500.00
EQUIPMENT COSTS	6500.00
OTHER COSTS	0.00

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PERSONAL SERVICES EXPENDITURES NEW POSITION DETAIL REPORT

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DEPARTMENT OF LAW

SCENARIO: 1

COMPONENT #: 6501020600 NAME: CRIMINAL APPEALS &amp; SPECIAL PROSECUTIONS BRU NAME: CRIMINAL DIVISION

PCN	UNAUTH PCN	JOB CLASS TITLE	T S	LOCATION NAME	R B S C U	R&S MOS BUDD	SALARY	PREM PAY	BENES	PER.SERV. COSTS	G. F. AMOUNT	
Enormous amounts of time must be spent researching the law, examining trial records, and preparing legal arguments, and briefs. A substantial documents and research effort will be required. Allocation to the										TOTAL COSTS	96548.42	51148.42
										*** FUNDING DETAIL:		
										1004 GENERAL FUND RECEIPTS	51148.42	
										TOTAL FUNDING	51148.42	
03#030		LEGAL SECRETARY I	F	ANCHORAGE	A	GG 2A 10A 12	25127	0	11284	36411.80		
**** JUSTIFICATION:												
This Legal Secretary I will be required, during the third year the capital felony law is in effect, to handle a growing number of post-conviction appellate reviews. It is anticipated that a total of six reviews will be underway at this time, and this number will grow by six reviews, each year, thereafter. Each review lasts about ten years and involves numerous courts, and many court proceedings. Substantial secretarial assistance will be needed to handle this work. Allocation to the Legal Secretary I level is therefore recommended. This position will be needed in FY 2000.										TRAVEL COSTS	0.00	
										CONTRACTUAL COSTS	9500.00	
										SUPPLIES COSTS	2700.00	
										EQUIPMENT COSTS	8500.00	
										OTHER COSTS	0.00	
										TOTAL COSTS	57111.80	36411.80
										*** FUNDING DETAIL:		
										1004 GENERAL FUND RECEIPTS	36411.80	
										TOTAL FUNDING	36411.80	
03#031		ASSOC ATTORNEY I	F	ANCHORAGE	A	XE AA 17A 12	38440	0	14412	52852.89		
**** JUSTIFICATION:												
This advanced paraprofessional position will be required, during the first year that the capital felony law goes into effect, to handle evidence preparation and assist in legal research that is necessary to try capital cases. The heightened due process protection accorded defendants, in these cases, causes a far more severe burden of proof standard for prosecution. Allocation to the Associate Attorney I paraprofessional level is therefore recommended. This position will be required in FY 1998.										TRAVEL COSTS	5000.00	
										CONTRACTUAL COSTS	10700.00	
										SUPPLIES COSTS	4500.00	
										EQUIPMENT COSTS	6500.00	
										OTHER COSTS	0.00	
										TOTAL COSTS	79552.89	52852.89
										*** FUNDING DETAIL:		
										1004 GENERAL FUND RECEIPTS	52852.89	
										TOTAL FUNDING	52852.89	
03#032		ASSOC ATTORNEY I	F	ANCHORAGE	A	XE AA 17A 12	38440	0	14412	52852.89		
**** JUSTIFICATION:												
This advanced paraprofessional position will be required, during the second year that the capital felony law is in effect, to handle evidence preparation and assist in legal research that is necessary to try capital cases. The										TRAVEL COSTS	5000.00	
										CONTRACTUAL COSTS	11900.00	
										SUPPLIES COSTS	4500.00	
										EQUIPMENT COSTS	6500.00	

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PERSONAL SERVICES EXPENDITURES NEW POSITION DETAIL REPORT

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DEPARTMENT OF LAW

SCENARIO: 1

COMPONENT #: 6501020600 NAME: CRIMINAL APPEALS &amp; SPECIAL PROSECUTIONS BRU NAME: CRIMINAL DIVISION

PCN	UNAUTH PCN	JOB CLASS TITLE	T S	LOCATION NAME	R B C U	S	R&S BUDG	MOS	SALARY	PREM PAY	BENES	PER.SERV. COSTS	G. F. AMOUNT
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Heightened due process protection accorded defendants, in these cases, causes a far more severe burden of proof standard for prosecution. Allocation to the Associate Attorney I paraprofessional level is therefore recommended. This position will be required in FY 1999.

OTHER COSTS	0.00	
TOTAL COSTS	80752.89	52852.89

## \*\*\* FUNDING DETAIL:

100% GENERAL FUND RECEIPTS 52852.89

TOTAL FUNDING 52852.89

03#033	ATTORNEY IV	F ANCHORAGE		A XE AA 24A	12	61923	0	20100	82023.52
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## \*\*\*\* JUSTIFICATION:

This Attorney IV position will be required, during the third year the capital felony law is in effect, to handle post-conviction appeals. It is anticipated that six new convictions will be on appeal by the third year, bringing the total cases on appeal to 12. Capital penalty appeals have an average span of ten years. These appeals are heard in the Alaska Supreme Court, the U.S. District Court, the U.S. Circuit Court of Appeals, and the U.S. Supreme Court. These appeals often move up and down, through the system, as each separate issue is argued. Full-working level legal expertise is necessary to handle this work, and allocation to Attorney IV is therefore recommended. This position will be needed in FY 2000.

TRAVEL COSTS	3500.00	
CONTRACTUAL COSTS	31900.00	
SUPPLIES COSTS	4500.00	
EQUIPMENT COSTS	6500.00	
OTHER COSTS	0.00	
TOTAL COSTS	128423.52	82023.52

## \*\*\* FUNDING DETAIL:

100% GENERAL FUND RECEIPTS 82023.52

TOTAL FUNDING 82023.52

03#034	LEGAL SECRETARY I	F ANCHORAGE		A GG 2A 10A	12	25127	0	11284	36411.80
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## \*\*\*\* JUSTIFICATION:

This Legal Secretary I will be required, during the third year the capital felony law is in effect, to handle a growing number of post-conviction appellate reviews. It is anticipated that a total of six reviews will be underway at this time, and this number will grow by six reviews, each year, thereafter. Each review lasts about ten years and involves numerous courts, and many court proceedings. Substantial secretarial assistance will be needed to handle that work. Allocation to the Legal Secretary I is therefore recommended. This position will be needed in FY 2000.

TRAVEL COSTS	0.00	
CONTRACTUAL COSTS	9500.00	
SUPPLIES COSTS	2700.00	
EQUIPMENT COSTS	8500.00	
OTHER COSTS	0.00	
TOTAL COSTS	57111.80	36411.80

## \*\*\* FUNDING DETAIL:

100% GENERAL FUND RECEIPTS 36411.80

TOTAL FUNDING 36411.80

02/01/96

15:49:05.9

PERSONAL SERVICES EXPENDITURES NEW POSITION DETAIL REPORT

PAGE: 10

DEPARTMENT OF LAW

SCENARIO: 1

COMPONENT #: 6501020600 NAME: CRIMINAL APPEALS &amp; SPECIAL PROSECUTIONS DRU NAME: CRIMINAL DIVISION

PCN	UNAUTH PCN	JOB CLASS TITLE	T S	LOCATION NAME	R C	B U	S	R&S	MOS BUDG	SALARY	PREM PAY	BENES	PER.SERV. COSTS	G. F. AMOUNT
03#035		ATTORNEY IV	F	ANCHORAGE	A	XE	AA	24A	12	61923	0	20100	82023.52	

## \*\*\*\* JUSTIFICATION:

This Attorney IV position will be needed during the second year the capital felony law goes into effect, to handle the growing number of capital trials. During the second year eight additional trials should be underway and ten additional capital felonies will have been committed. The extraordinary due process standards required of prosecution, in capital cases necessitate the full working level of legal expertise. Allocation to the Attorney IV level is therefore recommended. This position will be required in FY 1999.

TRAVEL COSTS	7500.00	
CONTRACTUAL COSTS	11900.00	
SUPPLIES COSTS	4500.00	
EQUIPMENT COSTS	6500.00	
OTHER COSTS	0.00	
TOTAL COSTS	112423.52	82023.52

## \*\*\* FUNDING DETAIL:

100% GENERAL FUND RECEIPTS 82023.52

TOTAL FUNDING 82023.52

03#036		LEGAL SECRETARY I	F	ANCHORAGE	A	GC	2A	10A	12	25127	0	11284	36411.80	
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## \*\*\*\* JUSTIFICATION:

This Legal Secretary I position will be required, during the second year the capital felony law is in effect, to handle the growing caseload. Eight new capital felony trials are expected to commence, and ten new offenses will be committed during the year. Legal documentation for these trials will be intense. Allocation to the Legal Secretary I level is therefore recommended. This position will be needed in FY 1999.

TRAVEL COSTS	3000.00	
CONTRACTUAL COSTS	9500.00	
SUPPLIES COSTS	2700.00	
EQUIPMENT COSTS	8500.00	
OTHER COSTS	0.00	
TOTAL COSTS	60111.80	36411.80

## \*\*\* FUNDING DETAIL:

100% GENERAL FUND RECEIPTS 36411.80

TOTAL FUNDING 36411.80

## \*\*\*\* COMPONENT TOTALS:

FULL TIME NEW POSITIONS	25	TOTAL PERSONAL SERVICES	1462942.24
PART TIME/SEASONAL NEW POSITIONS	0		
NON PERMANENT NEW POSITIONS	0	TOTAL COSTS INC. ASSOC COSTS	2219742.24
OTHER.....	0		

NUMBER OF NEW POSITIONS IN COMPONENT: 25

FUNDING DATA: G.F. & G.F. MATCH:	1462942.24
OTHER FUNDS:	0.00

TOTAL FUNDING: 1462942.24

**SENATE COMMITTEE REPORT**  
**First Committee of Referral**

DATE: 1/25/95  
 SS intro: 2/9

FURTHER: Finance

Date of 5-Day Notice: 2-7-96  
 (in accordance with Uniform Rule 23)

DATE TURNED INTO OFFICE: 3/11/96

Judiciary Committee considered SPONSOR SUBSTITUTE FOR SENATE BILL NO. 52

*Relating to*  
~~Capital punishment, classifying murder in the first degree as a capital felony, and establishing sentencing procedures for capital felonies, authorizing an advisory vote on instituting capital punishment; efd.~~

FN

and recommends:

- be replaced with \_\_\_\_\_ CS for SS for SB 52 (JUD)
- adopt previous \_\_\_\_\_ CS \_\_\_\_\_
- attached amendment(s)
- adopt Letter of Intent by \_\_\_\_\_ Committee
- further referral to the \_\_\_\_\_ Committee

- Senate Bill:
  - same title
  - new title
- House Bill:
  - technical change
  - new: SCR# \_\_\_\_\_

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	NR	DNP	AM
<i>Lydia Miller</i>	<input checked="" type="checkbox"/>	<i>See below</i>		<input checked="" type="checkbox"/>	
<i>Lydia Green</i>	<input checked="" type="checkbox"/>				
CHAIR: <i>John L. Taylor</i>	<input checked="" type="checkbox"/>				

**NEW FISCAL NOTE(S):**

CS

Department	Date	Zero	Fiscal
<i>Elective Operating</i>	<i>3/7</i>		<i>2.2</i>

**PREVIOUS FISCAL NOTE(S):\***

Department	Date	Zero	Fiscal

APPROPRIATION -- no fiscal note

\*include fiscal notes accompanying Governor's bill

**SB**

**54**

**SFIN**

**FILE**

orig FN transferred to  
House Finance 1/31/96

# FISCAL NOTE

STATE OF ALASKA  
1996 LEGISLATIVE SESSION

BILL NO. CSSB 54 (Rules)

Revision Date 1/25/96  
Title: Exclusive Service Territories for Certificated  
Electric Utilities  
Sponsor: Senate Labor and Commerce Committee  
Requestor: Senate Rules

Department: Commerce and Economic Development  
BRU: Alaska Public Utilities Commission  
Component: Alaska Public Utilities Commission

COMPONENT SERIAL NO. 364

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 97	FY 98	FY 99	FY00	FY 01	FY 02
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	0.0	0.0	0.0	0.0	0.0	0.0
<b>CAPITAL EXPENDITURES</b>	0.0	0.0	0.0	0.0	0.0	0.0
<b>CHANGE IN REVENUES</b>	0.0	0.0	0.0	0.0	0.0	0.0

FUND SOURCE (Thousands of Dollars)

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

Estimate of any current year (FY 96) cost: \$ 0.0

### POSITIONS

FULL-TIME	
PART-TIME	
TEMPORARY	

ANALYSIS: (Attach a separate page if necessary)

See attached analysis.

Prepared by: Don Schroer, Chairman  
Division: Alaska Public Utilities Commission  
Approved by Commissioner: William L. Hensley  
Agency: Commerce and Economic Development

Phone: 276-6222  
Date: January 25, 1996  
Date: 1/25/96

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POSITION OF THE ALASKA PUBLIC UTILITIES COMMISSION  
ON SENATE BILL 54

The Commission does not support adoption of sections 1, 4 and 5 of Senate Bill 54; the sections that make all existing certificated electric utility service areas exclusive.

The Alaska Supreme Court concluded that certificates issued under the current statute do not confer an exclusive right to serve customers within the defined area. Chugach Electric Association v. City of Anchorage, 426 P.2d 1001 (Alaska 1967). This bill is an attempt to change that precedent.

Since the Chugach case was decided, the Commission has not authorized direct competition between electric utilities. Each time the question has been presented to the Commission, the Commission has evaluated the potential impact of allowing competition on rates and service and decided to not allow competition. If the legislature adopts this bill, the Commission would lose the ability to analyze each case presented to it on an individual basis.

Adoption of this legislation would set Alaska on a policy course that is directly opposed to the nationwide trend. Alaska is unique, and the adoption of nationwide trends here should be done only after thoughtful analysis; but the reasons for the change elsewhere in the country are equally applicable here. A

recent survey by the National Association of Regulatory Utility Commissioners indicates that in more than half of the states, competition between electric utilities is either already allowed or is under consideration. As technology changes, the traditional reasons for allowing utility service to be provided by monopolies may no longer apply. Other states have found that consumers reap the benefit of reduced electric rates and improved service when competition is introduced into the market structure and utilities must make investment decisions to increase customer satisfaction and make their operations more cost efficient.

In Alaska, the Power Cost Equalization program subsidizes the cost of power for residents of rural Alaska where the cost of generating power is much higher than in urban areas. Any legislation that is more likely to increase the amount of that subsidy in the future by creating a disincentive to the more efficient generation of power should be rejected by the legislature.

Conferring the exclusive right on electric utilities to serve customers in their certificated areas also creates new issues for the Commission to address. What impact will this legislation have on a utility's obligation to extend service to all customers within their certificated areas? If customers who live far from an existing line are left without the option of collaborating with a group of neighbors to produce their own power, will the utility be required to pay more of the cost of line extensions to remote areas?

In summary, the Commission is opposed to this bill because it eliminates the opportunity for the Commission to analyze the potential benefits of competition and eliminates a potential for choice of service options by consumers.

Section 2 of SB 54 adds "two commission special assistants" to the list of partially exempt positions at the Commission. The Commission supports the addition of special assistants to this statute, but opposes the inclusion of "two." Defining the number of special assistants is inconsistent with the treatment of the other positions named in this section (hearing officers, administrative law judges). The Commission's needs may change over a period of years, and its budget, as approved by the legislature, is the appropriate place to determine the number of positions necessary to meet the current need.

The Commission supports the adoption of section 6 because it would eliminate the issues created by "lame duck" appointments to the Commission.

The Commission attached a zero fiscal note to this bill. The adoption of this legislation may create more work for the Commission, but the Commission cannot now adequately define that impact. If this legislation passes, there are likely to be more proceedings to modify service areas boundaries, and proceedings where utilities are required to show cause why their service areas boundaries should not be modified because they have failed to offer service. The Commission may also receive more consumer



# SENATE FINANCE COMMITTEE REPORT

DATE: 3/22/95

FURTHER:

DATE TURNED INTO OFFICE: 4-13-95

The Finance Committee considered SENATE BILL NO. 54

"An Act relating to exclusive service areas for utilities certificated to provide electric utility service and to the definition of 'general public' for utilities furnishing electric service."

and recommends:

- be replaced with \_\_\_\_\_ CS SB54 (FIN)
- adopt previous \_\_\_\_\_ CS \_\_\_\_\_
- attached amendment(s)
- adopt Letter of Intent by \_\_\_\_\_ Committee
- further referral to the \_\_\_\_\_ Committee

Senate Bill:

- same title
- new title
- House Bill:
- same title
- technical change
- new: SCR# \_\_\_\_\_

SIGNING <u>DO</u> PASS	DP	OTHER RECOMMENDATIONS	NR	DNP	AM
		<i>Steve Pini</i>	✓		
		<i>Bill &amp; JCCC</i>	✓		
		<i>Chad G. Hancock</i>	✓		
<i>Bob Noy</i>	✓				
Co-Chair: <i>Rick Halford</i>	✓	<i>DO NOT PASS without amendments</i>			

**NEW FISCAL NOTE(S):**

Department                      Date      Zero      Fiscal


**PREVIOUS FISCAL NOTE(S):\***

Department                      Date      Zero      Fiscal

#1	DOVED (APLIC)	3/10/95	0	

APPROPRIATION -- no fiscal note

\*include fiscal notes accompanying Governor's bill

# FISCAL NOTE

**STATE OF ALASKA**  
**1995 LEGISLATIVE SESSION**

No. 1  
 Bill Version: SB 54  
 (S) Publish Date: 3-10-95

Revision Date: \_\_\_\_\_  
 Title: Exclusive Service Territories for  
Certificated Electric Utilities  
 Sponsor: Senate Labor & Commerce Committee  
 Requestor: \_\_\_\_\_

Department Affected: Commerce and Economic Development  
 BRU: Alaska Public Utilities Commission  
 Component: \_\_\_\_\_

COMPONENT SERIAL NO. 364

**Expenditures/Revenues:** (Thousands of Dollars)

OPERATING EXPENDITURES	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES	0	33.1	66.2	33.1	33.1	0
TRAVEL	0	0.7	1.4	0.7	0.7	0
CONTRACTUAL	0	12.0	24.0	12.0	12.0	0
SUPPLIES	0	0.8	1.5	0.8	0.8	0
EQUIPMENT	0	0.7	1.3	0.7	0.7	0
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>0</b>	<b>47.3</b>	<b>94.4</b>	<b>47.3</b>	<b>47.3</b>	<b>0</b>

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

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

**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA	0	47.3	94.4	47.3	47.3	0
Other						
<b>TOTAL</b>	<b>0</b>	<b>47.3</b>	<b>94.4</b>	<b>47.3</b>	<b>47.3</b>	<b>0</b>

Estimate of current year (FY 95) cost: \$ \_\_\_\_\_

**POSITIONS**

FULL-TIME	0	.5	1.0	.5	.5	0
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary.)

SB 54 could require a Utilities Engineering Analyst III to analyze the additional electric utility certification filings. This position would be \$0 for FY 96, half-time in FY 97, full-time in FY 98, half-time for FY 99 and FY 00, \$0 for FY 01.

(CONTINUED NEXT PAGE)

Prepared by: Robert A. Lohr  
 Division: Alaska Public Utilities Commission

Phone: 276-6222  
 Date: 2/14/95

Approved by Commissioner: William L. Hensley  
 Agency: Commerce and Economic Development

Date: 3/10/95

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FISCAL NOTE

SB 54

ANALYSIS (CONTINUED):

Legal expenses would occur when exclusive boundaries were challenged in court. They are not included because it is unclear when they would occur. This would need to be addressed later.

This fiscal note assumes that the \$50,000 referred to in Section 2, (3)B, refers to customers who purchase \$50,000 or more.

*Adopted*

9-LS0542\M.1 ✓  
Cramer  
3/31/95

A M E N D M E N T

OFFERED IN THE SENATE  
TO: CSSB 54(L&C)

BY SENATOR SHARP

1 Page 1, line 3, after ";":  
2 Insert "**relating to employees of the Alaska Public Utilities Commission;**"

3 Page 1, after line 7:  
4 Insert a new bill section to read:  
5 **\*\* Sec. 2.** AS 39.25.120(c)(6) is amended to read:  
6 (6) the executive director, deputy director, hearing officers, [AND]  
7 administrative law judges, and two special assistants of the Alaska Public Utilities  
8 Commission;"

9 Renumber the following bill sections accordingly.

SENATE FINANCE  
COMMITTEE  
Amendment Number: 1  
Bill Number: SB 54  
Sponsor: Sharp Date: 4/1/95  
Logged In By: [Signature]

*Adopted*

9-LS0542M.2 v

Cramer

3/31/95

A M E N D M E N T

OFFERED IN THE SENATE

BY SENATOR SHARP

TO: CSSB 54(L&C)

1 Page 1, line 3, after ";":

2 Insert "relating to the terms of members of the Alaska Public Utilities  
3 Commission;"

4 Page 1, after line 7:

5 Insert a new bill section to read:

6 **\*\* Sec. 2.** AS 42.05.030(a) is amended to read:

7 (a) The term of office of each member is six years and expires on  
8 February 1. A commissioner, upon the expiration of a term, shall continue to hold  
9 office until a successor is appointed and qualified."

10 Renumber the following bill sections accordingly.

11 Page 2, after line 16:

12 Insert a new bill section to read:

13 **\*\* Sec. 6.** Notwithstanding AS 42.05.030(a), amended by sec. 2 of this Act, the terms of  
14 members of the Alaska Public Utilities Commission who are currently serving will expire on  
15 the first February 1 that occurs at least six year after the member's appointment to the  
16 commission. For a member who is appointed to fill a vacancy, the term expires on the  
17 February 1 that occurs at least six years after the vacating member's appointment."

SENATE FINANCE  
COMMITTEE

Amendment Number: 2

Bill Number: \_\_\_\_\_

Sponsor: Sharp Date: 4/1/95

Logged In By: HK

*Fin*  
CS FOR SENATE BILL NO. 54(L&C)

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - FIRST SESSION

BY THE SENATE LABOR AND COMMERCE COMMITTEE

Offered: 3/22/95  
Referred: Finance

Sponsor(s): SENATE LABOR AND COMMERCE COMMITTEE BY REQUEST

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to exclusive service areas for utilities certificated to provide  
2 electric utility service and to the definition of 'general public' for utilities  
3 furnishing electric service; and prohibiting certain exemptions from regulation."

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

5 \* Section 1. INTENT. It is the intent of secs. 2 and 4 of this Act to state the policy only  
6 concerning service areas for electric utilities and, in sec. 3 of this Act, to affect only refuse  
7 collection utilities. The amendments made by this Act do not apply to other utility services.

8 \* Sec. 2. AS 42.05.221 is amended by adding a new subsection to read:

9 (g) A certificate issued under this section to a public utility providing electric  
service establishes an exclusive service area for the provision of electric service.

\* Sec. 3. AS 42.05.711(d) is amended to read:

(d) Except for refuse collection utilities and service, the [THE] commission  
may exempt a utility, a class of utilities, or a utility service from all or a portion of  
this chapter if the commission finds that the exemption is in the public interest.

*3F  
1P  
7/11/95  
10  
11  
12  
13  
14  
2-4*

1 \* Sec. 4. AS 42.05.990(3) is amended to read:

2 (3) "public" or "general public" means

3 (A) a group of 10 or more customers that purchase the service  
4 or commodity furnished by a public utility;

5 (B) one or more customers that purchase electrical service for  
6 use within an area that is certificated to [AND PRESENTLY OR FORMERLY  
7 SERVED BY] an electric utility if the total annual compensation paid by  
8 customers located within that certificated area to entities that provide  
9 electrical service other than the certificated utility [THAT THE  
10 ELECTRICAL UTILITY RECEIVES FOR SALES OF ELECTRICITY]  
11 exceeds \$50,000; and

12 (C) a utility purchasing the product or service or paying for the  
13 transmission of electric energy, natural or manufactured gas, or petroleum  
14 products that are re-sold to a person or group included in (A) or (B) of this  
15 paragraph or that are used to produce the service or commodity sold to the  
16 public by the utility;

4-13-95  
BS-3  
Failed

Letter to Honorable Pete Kott  
March 22, 1995  
Page 2

executive department are classified as partially exempt. The Commission expects to assign comparable duties to its Special Assistants.

2) Create an Exemption to the Procurement Act for Commission hiring of expert witnesses.

The Commission recommends adding an exemption to the Procurement Act, 36.30.350 to allow it to hire its expert witnesses for cases in a timely manner. A new subsection could be added to read:

contracts for professional services or testimony related to proceedings before the Alaska Public Utilities Commission, including procurement pursuant to AS 42.05.111(b);

This is modelled after an existing exemption provided to the Department of Law.

The Commission has been unable to procure the professional services of expert witnesses in a timely fashion. The deadlines established in proceedings do not permit the procurement process to operate to produce a successful bidder in time for the contractor to properly prepare the case. Other parties to the proceedings utilizing private sector procurement procedures are able to hire their expert witnesses on a timely basis, the Commission is not. This either delays the processing of cases, or forces the Commission's witness to rush through the preparation of a case, thus affecting the accuracy and credibility of the work, as well as costing the state more for overtime.

3) Change the appointment date for Commissioners from November 1 to February 1.

This change would eliminate the issue of "lame duck" appointments to the Alaska Public Utilities Commission and the associated uncertainty and controversy. This issue has the potential to arise every four years and it has led to legislative/executive branch battles each of the last two times the governorship has changed hands. The Commission suggests that the appointment date for Commissioners be moved from November 1 to February 1.

STATE OF ALASKA  
DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT  
Tony Knowles, Governor

**ALASKA PUBLIC UTILITIES COMMISSION**

1016 West 6th Avenue Suite 400  
Anchorage Alaska 99501

Phone (907) 276-6222

Fax (907) 276-0160

FAX COVER SHEET

Number of pages (including cover sheet) 36

Date: April 12, 1995

Time: 11:00 a.m.

Transmittal Fax Number: Auto 465 4928

To: Senate Finance Committee ( Re: SB 54)

From: Bob Lohr

Comments: Conditions recommended by staff. Four of these (#8, 12 14 & 16) were included in the Commission's Bench Order of March 31, but they were largely procedural. None of the conditions in the bench order focus on network modernisation. The other conditions will be considered in a new docket to be opened.

Bench order of March 31 is also included.

Testimony of Don Schröer, Chairman of the  
Alaska Public Utilities Commission on SB 54

On behalf of the APUC I appreciate the opportunity to testify on SB 54. The Commission opposes this bill because it is contrary to the public interest and would take the state backwards.

The Alaska Supreme Court has concluded that under current law a certificate issued by the Alaska Public Utilities Commission does not confer an exclusive service area on a public utility.

Chugach Electric Association v. City of Anchorage, 426 P2d 1001 (1967). This has been the law in Alaska for 28 years.

This bill would overturn that decision for electric utilities. They already have de facto monopoly status, because the APUC has not authorized more than one provider in a given area. This makes sense in the vast majority of cases.

But conditions change and technology evolves. What if, in the future, competition makes sense to the legislature, benefits the customer and is in the public interest? By the way, these decisions are best left to the legislature, because inevitably they involve political as well as regulatory questions.

How would exclusionary jurisdiction be reversed to allow the customer these benefits? It may very well require significant

compensation to the electric utilities for their loss of monopoly rights. To my knowledge there has been no legal or economic analysis of this potentially massive transfer of wealth. However, if despite these concerns, you do decide to move the bill, the Commission supports Senator Sharp's two proposed amendments, one to Classify two vacant Commission positions as partially exempt; and the other to Change the appointment date for Commissioners from November 1 to February 1. We ask that you consider one other amendment: to Create an Exemption to the Procurement Act for Commission hiring of expert witnesses.

The Commission recommends adding an exemption to the Procurement Act, 36.30.850 to allow it to hire its expert witnesses for cases in a timely manner. A new subsection could be added to read:

contracts for professional services or testimony related to proceedings before the Alaska Public Utilities Commission, including procurement pursuant to AS 42.05.111(b);

This is modelled after an existing exemption provided to the Department of Law.

The Commission has been unable to procure the professional services of expert witnesses in a timely fashion. The deadlines established in proceedings do not permit the procurement process

to operate to produce a successful bidder in time for the contractor to properly prepare the case. Other parties to the proceedings utilizing private sector procurement procedures are able to hire their expert witnesses on a timely basis, the Commission is not. This either delays the processing of cases, or forces the Commission's witness to rush through the preparation of a case, thus affecting the accuracy and credibility of the work, as well as costing the state more for overtime.

I would like to thank Senator Sharp for moving two amendments this morning, which the Commission strongly supports. Mr. Hutchens in his testimony on this bill mentioned the drafting changes to AS 42.05.990(3)(B). There are still language problems with this section, and I will fax down suggested changes to this section. (Attached).

R<sub>2</sub>: SB 54

At the Senate Labor and Commerce Committee's hearing on March 21, the Alaska Public Utilities Commission pointed out that the proposed amendment to AS 42.05.990(3)(B) contained in SB 54 (as well as the provision that is now the existing law!) does not in fact accomplish the purpose expressed by its advocates. The Committee made an effort to correct the problem by a change now incorporated in CSSB 54 (L&C). Unfortunately, this new proposal still misses the mark.

The fundamental problem is that this subsection, in order to make sense, has to be clear about whose revenues of \$50,000 make the provision applicable. In the existing AS 42.05.990(3)(B), adopted in 1990, the \$50,000 in revenues refers to revenues of the certificated utility in the area, not the alternative power supplier, as apparently intended. In the amendment proposed by CSSB 54 (L&C), the \$50,000 refers to the total revenues of all alternative suppliers in a utility's certificated area. As proposed, the \$50,000 would include all the revenues of every tiny supplier who may provide his neighbor with power from a generator during an outage. But no one has any way of identifying all "entities that provide electrical service other than the certificated utility" because they are not required to report their activities or revenues. Therefore, as revised in CSSC 54 (L&C), this provision introduces a standard which is impossible to apply.

It seems most probable that in the 1990 amendment the \$50,000 was intended to refer either to payments made by a single sizeable customer, or to the total revenues of any alternative power supplier operating within the service area of a certificated electric utility. With either of these meanings, AS 42.05.990(3)(B) would require a power supplier to be certificated if it served a single customer that purchased \$50,000 worth of power in a year within the service area of a certificated electric utility. But in combination with SB 54's exclusive certificate language which would allow only one certificate to be issued in any given area, this provision would make it illegal under any circumstances for an alternative supplier to serve a customer purchasing more than \$50,000 worth of electricity anywhere within the service area of a certificated electric utility.

Furthermore, if the provision is rewritten so that the \$50,000 refers to the total revenues of the alternative supplier, rather than to the payments of a single customer, then it would also become illegal for an alternative supplier to serve from two to nine customers if its total revenues exceeded \$50,000 in a year. With the removal of the "presently or formerly served" language, this would be true even if these customers are located in a place where the certificated utility in the area is unwilling to extend its lines. In contrast, the AS 42.05.990(3)(A) rule that applies to utilities other than electric utilities is that an alternative supplier may serve up

to nine customers, with no limit on revenues, without being required to obtain a certificate.

# SENATE COMMITTEE REPORT

DATE: 3/10/95

FURTHER: Finance

DATE TURNED INTO OFFICE: 3-22-95

*gmk*

Labor and Commerce Committee considered SENATE BILL NO. 54

"An Act relating to exclusive service areas for utilities certified to provide electric utility service and to the definition of 'general public' for utilities furnishing electric service."

and recommends:

- be replaced with CS SB 54 (L & C)
- adopt previous CS \_\_\_\_\_
- attached amendment(s)
- adopt Letter of Intent by \_\_\_\_\_ Committee
- further referral to the \_\_\_\_\_ Committee

*EV*

Senate Bill:

- same title
- new title
- House Bill:
- same title
- technical change
- new: SCR# \_\_\_\_\_

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	NR	DNP	AM
<i>[Signature]</i>	✓	<i>Mike Miller</i>	✓		
		<i>John Torgerson</i>	✓		
		<i>Dud. &amp; G. Sales</i>	✓		
CHAIR: <i>Tom Kelly</i>	✓				

**NEW FISCAL NOTE(S):**

Department                      Date    Zero    Fiscal


**PREVIOUS FISCAL NOTE(S):\***

Department                      Date    Zero    Fiscal

CS	DOED	3/10/95	X

APPROPRIATION -- no fiscal note

\*include fiscal notes accompanying Governor's bill





2/14/95  
(S) STA, LBC, FIN

# FISCAL NOTE

STATE OF ALASKA  
1995 LEGISLATIVE SESSION

BILL NO. SB 54

Revision Date: \_\_\_\_\_  
Title: Exclusive Service Territory for Certificated Service Utilities  
Sponsor: \_\_\_\_\_  
Requestor: \_\_\_\_\_

Department Affected: Commerce and Economic Development  
BRU: Alaska Public Utilities Commission  
Component: \_\_\_\_\_  
COMPONENT SERIAL NO. 364

**Expenditures/Revenues:** (Thousands of Dollars)

OPERATING EXPENDITURES	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES	66.2	66.2	66.2	66.2	66.2	66.2
TRAVEL	1.4	1.4	1.4	1.4	1.4	1.4
CONTRACTUAL	24.0	24.0	24.0	24.0	24.0	24.0
SUPPLIES	1.5	1.5	1.5	1.5	1.5	1.5
EQUIPMENT	1.3	1.3	1.3	1.3	1.3	1.3
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>94.4</b>	<b>94.4</b>	<b>94.4</b>	<b>94.4</b>	<b>94.4</b>	<b>94.4</b>

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

**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts	94.4	94.4	94.4	94.4	94.4	94.4
1006 GF/MHTIA						
Other						
<b>TOTAL</b>	<b>94.4</b>	<b>94.4</b>	<b>94.4</b>	<b>94.4</b>	<b>94.4</b>	<b>94.4</b>

Estimate of current year (FY 95) cost: \$ \_\_\_\_\_

**POSITIONS**

FULL-TIME	1.0	1.0	1.0	1.0	1.0	1
PART-TIME						
TEMPORARY						

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

SB 54 would require a full-time Utilities Engineering Analyst III to analyze the additional electric utility certification filings and to apply the new legal standard of exclusive territory.

Legal expenses would occur when exclusive boundaries were challenged in court. They are not included because it is unclear when they would occur. This would need to be addressed later.

Prepared by: Robert A. Lohr, Executive Director  
Division: Alaska Public Utilities Commission  
Approved by Commissioner: William L. Hensley  
Agency: Commerce and Economic Development

Phone: 276-6222  
Date: \_\_\_\_\_  
Date: 2/14/95

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SB 54

2/14/95  
(S) STA, L&C, FIN

# FISCAL NOTE

STATE OF ALASKA  
1995 LEGISLATIVE SESSION

BILL NO. SB 54

Revision Date: \_\_\_\_\_  
Title: Exclusive Service Territory for Certificated Service Utilities  
Sponsor: \_\_\_\_\_  
Requestor: \_\_\_\_\_

Department Affected: Commerce and Economic Development  
BRU: Alaska Public Utilities Commission  
Component: \_\_\_\_\_  
COMPONENT SERIAL NO. 364

**Expenditures/Revenues:** (Thousands of Dollars)

OPERATING EXPENDITURES	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES	66.2	66.2	66.2	66.2	66.2	66.2
TRAVEL	1.4	1.4	1.4	1.4	1.4	1.4
CONTRACTUAL	24.0	24.0	24.0	24.0	24.0	24.0
SUPPLIES	1.5	1.5	1.5	1.5	1.5	1.5
EQUIPMENT	1.3	1.3	1.3	1.3	1.3	1.3
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>94.4</b>	<b>94.4</b>	<b>94.4</b>	<b>94.4</b>	<b>94.4</b>	<b>94.4</b>

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

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

**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts	94.4	94.4	94.4	94.4	94.4	94.4
1006 GF/MHTIA						
Other						
<b>TOTAL</b>	<b>94.4</b>	<b>94.4</b>	<b>94.4</b>	<b>94.4</b>	<b>94.4</b>	<b>94.4</b>

Estimate of current year (FY 95) cost: \$ \_\_\_\_\_

**POSITIONS**

FULL-TIME	1.0	1.0	1.0	1.0	1.0	1
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary.)

SB 54 would require a full-time Utilities Engineering Analyst III to analyze the additional electric utility certification filings and to apply the new legal standard of exclusive territory.

Legal expenses would occur when exclusive boundaries were challenged in court. They are not included because it is unclear when they would occur. This would need to be addressed later.

Prepared by: Robert A. Lohr, Executive Director  
Division: Alaska Public Utilities Commission

Phone: 276-6222  
Date: \_\_\_\_\_

Approved by Commissioner: William L. Hensley  
Agency: Commerce and Economic Development

Date: 2/13/95

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CS FOR SENATE BILL NO. 54(FIN)

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - FIRST SESSION

BY THE SENATE FINANCE COMMITTEE

Offered:  
Referred:

Sponsor(s): SENATE LABOR AND COMMERCE COMMITTEE BY REQUEST

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to exclusive service areas for utilities certificated to provide  
2 electric utility service and to the definition of 'general public' for utilities  
3 furnishing electric service; relating to employees and terms of members of the  
4 Alaska Public Utilities Commission; and prohibiting certain exemptions from  
5 regulation."

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

7 \* Section 1. INTENT. It is the intent of secs. 4 and 6 of this Act to state the policy only  
8 concerning service areas for electric utilities and, in sec. 5 of this Act, to affect only refuse  
9 collection utilities. The amendments made by those sections of this Act do not apply to other  
10 utility services.

11 \* Sec. 2. AS 39.25.120(c)(6) is amended to read:

12 (6) the executive director, deputy director, hearing officers, [AND]  
13 administrative law judges, and two special assistants of the Alaska Public Utilities

*OK*

CSSB 45(FIN)  
4-18-95  
*OKayed by Cam*

1 Commission;

2 \* Sec. 3. AS 42.05.030(a) is amended to read:

3 (a) The term of office of each member is six years and expires on February 1. ok  
4 A commissioner, upon the expiration of a term, shall continue to hold office until a  
5 successor is appointed and qualified.

6 \* Sec. 4. AS 42.05.221 is amended by adding a new subsection to read:

7 (g) A certificate issued under this section to a public utility providing electric  
8 service establishes an exclusive service area for the provision of electric service.

9 \* Sec. 5. AS 42.05.711(d) is amended to read:

10 (d) Except for refuse collection utilities and service, the [THE] commission  
11 may exempt a utility, a class of utilities, or a utility service from all or a portion of  
12 this chapter if the commission finds that the exemption is in the public interest.

13 \* Sec. 6. AS 42.05.990(3) is amended to read:

14 (3) "public" or "general public" means

15 (A) a group of 10 or more customers that purchase the service  
16 or commodity furnished by a public utility;

17 (B) one or more customers that purchase electrical service for  
18 use within an area that is certificated to [AND PRESENTLY OR FORMERLY  
19 SERVED BY] an electric utility if the total annual compensation paid by  
20 customers located within that certificated area to entities that provide  
21 electrical service other than the certificated utility [THAT THE  
22 ELECTRICAL UTILITY RECEIVES FOR SALES OF ELECTRICITY]  
23 exceeds \$50,000; and

24 (C) a utility purchasing the product or service or paying for the  
25 transmission of electric energy, natural or manufactured gas, or petroleum  
26 products that are re-sold to a person or group included in (A) or (B) of this  
27 paragraph or that are used to produce the service or commodity sold to the  
28 public by the utility;

29 \* Sec. 7. Notwithstanding AS 42.05.030(a), amended by sec. 3 of this Act, the terms of  
30 members of the Alaska Public Utilities Commission who are currently serving will expire on  
31 the first February 1 that occurs at least six year after the member's appointment to the ok

- 1 commission. For a member who is appointed to fill a vacancy, the term expires on the
- 2 February 1 that occurs at least six years after the vacating member's appointment.

4-18-95

Cam-

Please review the  
final on C55B54 (Fin)  
for inclusion of Sen.  
Sharp's amendments  
and advise if it  
appears to be correct.

Thank You,  
Kathy  
2618