

ALASKA LEGISLATURE

1763

HOUSE and SENATE FINANCE COMMITTEE FILES, 1997-1998

SB

63

SFIN

FILE

SENATE FINANCE COMMITTEE REPORT

REPORTED OUT OF

DATE: 3/27/97

FURTHER: SFC APR 9 1997

DATE TURNED
IN TO OFFICE: 4-10-97

Finance Committee considered SENATE BILL NO. 63

"An Act providing for _____ of minors as adults for certain violations **SB 63 DEADLY WEAPON OFFENSES BY JUVENILES** offenses that are crimes against a person, and relating to the sealing of the records of those minors."

and recommends:

- be replaced with _____ CS _____ (_____)
- 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 DO PASS	DP	OTHER RECOMMENDATIONS	NR	DNP	AM
<i>Roll & Pass</i>	✓	<i>W. C. ...</i>	X		
<i>Alan Paynell</i>	✓				
<i>John ...</i>	✓				
<i>W. ...</i>	✓				
Co-Chair: <i>Deane</i>	✓	Co-Chair:			
Co-Chair: <i>...</i>	✓	Co-Chair:			

NEW FISCAL NOTE(S):

Department Date Zero Fiscal

<i>New S. FINANCE</i>			
<i>Indeterminate</i>			
<i>FN to replace</i>			
<i>FN # 4</i>			

PREVIOUS FISCAL NOTE(S):*

Department Date Zero Fiscal

#1 ADMIN	3/21		***
#2 DPS	3/21	✓	
#3 Courts	3/21		5.5

APPROPRIATION -- no fiscal note

*include fiscal notes accompanying Governor's bill

FISCAL NOTE

REPORTED OUT OF
SFC APR 9 1997

STATE OF ALASKA
1997 LEGISLATIVE SESSION

BILL NO. SB 63

Revision Date: 4/10/97
Title: "An Act providing for automatic waiver of juvenile jurisdiction & prosecution of minors as adults for certain violations."
Sponsor: Sen. Donley
Requestor: Senate Finance Committee

Dept. Affected Corrections
BRU: All
Components: All
Serial # 694

EXPENDITURES/REVENUES: (THOUSANDS OF DOLLARS)

OPERATING	FY 98	FY 99	FY2000	FY2001	FY2002	FY2003
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants, Claims						
Miscellaneous						
TOTAL OPERATING	***	***	***	***	***	***

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

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

FUNDING: (THOUSANDS OF DOLLARS)

General Fund						
Federal Fund						
Other						
TOTAL	***	***	***	***	***	***

POSITIONS:

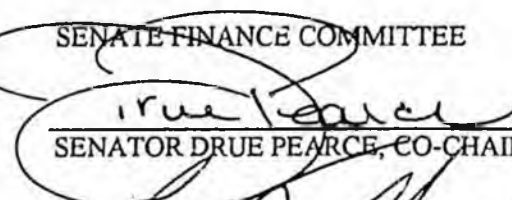
Full-Time						
Part-Time						
Temporary						

ANALYSIS: (ATTACH A SEPARATE PAGE IF NECESSARY)

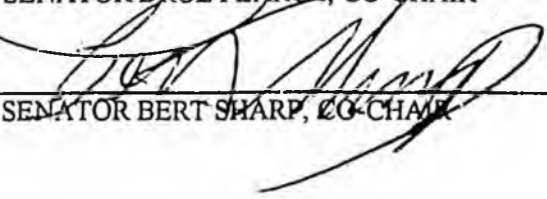
see attached analysis

Prepared by: SENATE FINANCE COMMITTEE

Date: 4/10/97


SENATOR DRUE PEARCE, CO-CHAIR

Phone: 465-4963


SENATOR BERT SHARP, CO-CHAIR

Phone: 465-3004

Senate Bill 63
Senate Finance Committee
Fiscal Note Analysis

The accompanying Department of Corrections fiscal note based its fiscal impact on the assumption that approximately eight juveniles a year would be waived to adult court, convicted of felonies and serve prison time under Senate Bill 63. Since Senate Bill 63 has no mandatory sentencing provisions the Department of Corrections assumptions are not justified.

Additionally, the Department of Health and Social Services did not provide an offsetting fiscal impact of those juveniles which would not be entering their juvenile system.

The Department of Corrections contention that an expansion of an existing correctional facility, costing \$9,000,000, would be needed is actually based on the additional 180 juvenile increase resulting from the current mandatory waiver law and not the projected increase from Senate Bill 63.

FISCAL NOTE

STATE OF ALASKA
1997 LEGISLATIVE SESSION

No. 4
Bill Version: SB 63
(S) Publish Date: 4-1-97

Revision Date: _____ Dept. Affected: Corrections
Title: "An Act providing for automatic waiver of juvenile BRU: All
jurisdiction and prosecution of minors as adults for certain violations.." Component: All
Sponsor: Senator Donley
Requester: Senate Judiciary COMPONENT SERIAL NO. #0694

Expenditures/Revenues

(Thousands of Dollars)

OPERATING EXPENDITURES	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS	311.0	618.4	925.8	1,931.0	1,931.0	1,931.0
TOTAL OPERATING	311.0	618.4	925.8	1,931.0	1,931.0	1,931.0

CAPITAL EXPENDITURES		1,350.0	7,650.0			
----------------------	--	---------	---------	--	--	--

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

FUND SOURCE

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	311.0	1,968.4	8,575.8	1,931.0	1,931.0	1,931.0
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other						
TOTAL	311.0	1,968.4	8,575.8	1,931.0	1,931.0	1,931.0

Estimate of any current year (FY97) cost: \$ 0.0

POSITIONS

FULL-TIME				25	25	25
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

Please see attached explanation.

Prepared by: Bruce Richards
Division: Commissioner's Office *Margaret M. Pugh*
Approved by Commissioner: Margaret M. Pugh
Agency: Department of Corrections

Phone: 465-3307
Date: 3/24/97
Date: 3/24/97

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Assumptions

1. According to DFYS the number of juveniles who would be automatically waived under the proposed change to AS 47.12.030(a) is approximately eight per year. These juveniles would be convicted of felonies which would average a sentence of three years.
2. Each felony case will require a pre-sentence investigation (PSI) report for the court. Preparing a PSI report for class A felonies costs approximately \$630 each. Each class B felony PSI report costs approximately \$455.
3. The statewide average daily cost of incarceration is \$105.27. It is assumed that those convicted of AS 47.12.030(a) offenses will require incarceration in state correctional facilities, as opposed to lower-cost community residential centers.
4. The correctional system cannot safely or legally absorb additional prisoners without additional beds being added. The system has operated over emergency capacity for several years. In addition to posing safety hazards, operating over emergency capacity has resulted in contempt of court fines which will total approximately \$2.4 million by the end of FY97. Without constructing new beds, the addition of violent juvenile offenders serving lengthy sentences in the adult system will worsen crisis levels of overcrowding, increasing the risks of harm to staff, prisoners, and the public.
5. The average cost of construction for a correctional bed is approximately \$100,000. A maximum security bed costs approximately \$160,000. The cost used in these calculations should be considered very conservative, given the nature of offenses for automatically waived juveniles. The department has projected that expansion of an existing facility by 64 beds would address the projected number of inmates in Senate Bill 63, as well as the current juvenile population already in state correctional facilities.
6. These cost estimates are not adjusted for inflation, nor do they reflect the significant upward trend in rates of violent juvenile crime. It is hoped that any deterrent effect achieved by this measure will offset those factors. If deterrence does not sufficiently offset the escalating juvenile crime rate, the operating and capital expenses will be higher.
7. The department (when possible) houses waived juveniles in single cells, at least during the initial months of incarceration, to determine their level of vulnerability to adult predators in the prison population. It is generally assumed that juvenile inmates require closer security than the average adult. The department does try to place juveniles with other juveniles when possible. However, this is more difficult to do in smaller facilities.

Operating Expenses

FY98: 8 class B felony offenses X \$455 per PSI report= \$3.6
8 inmates X 365 days X \$105.27 per day = \$307.4
TOTAL = \$311

YEAR	OLD+ NEW	TOTAL	COST PER DAY	DAYS	INCARC COST PER YEAR	PSI COSTS	TOTAL
FY98	8	8	\$105.25	365	\$307.4	\$3.6	\$311
FY99	8 + 8	16	\$105.25	365	\$614.8	\$3.6	\$618.4
FY00	16 + 8	24*	\$105.25	365	\$922.2	\$3.6	\$925.8

*Beginning in FY01 the first offenders (8) under proposed AS 47.12.030(a) would be released. This results in a net gain from this point forward since eight would enter the system and eight would be released.

Capital Expenses

64 bed expansion = \$9,000.0

Operating expenses for the expanded facility = \$1,931.0

SFC APR 9 1997

FISCAL NOTE

No. 3

Bill Version: SB 63

(S) Publish Date: 4-1-97

STATE OF ALASKA 1997 LEGISLATIVE SESSION

Revision Date:

Dept. Affected: Alaska Court System

Title: Juvenile Waiver/Deadly Weapons

BRU: Trial Courts

Component:

Sponsor: Sen. Donley

Requestor: Senate Judiciary

COMPONENT SERIAL NO. 768

Expenditures/Revenues

(Thousands of Dollars)

OPERATING EXPENDITURES	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
PERSONAL SERVICES	2.2	2.2	2.2	2.2	2.2	2.2
TRAVEL						
CONTRACTUAL	3.3	3.3	3.3	3.3	3.3	3.3
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS & CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	5.5	5.5	5.5	5.5	5.5	5.5

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

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

Fund Source

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	5.5	5.5	5.5	5.5	5.5	5.5
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other						
TOTAL	5.5	5.5	5.5	5.5	5.5	5.5

Estimate of any current year (FY 97) cost: None

Positions

Full-Time						
Part-Time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

See attached analysis.

Prepared by: C. S. Christensen III, Staff Counsel - Drug W/oliver
 Agency: Alaska Court System

Phone: 264-8228
 Date: 03/26/97

Approved by: Stephanie J. Colz, Acting Administrative Director
 Agency: Alaska Court System

Date: 03/26/97

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ALASKA COURT SYSTEM
FISCAL ANALYSIS
SB 63

SB 63 provides for the automatic waiver into adult court of certain minors who are at least 16 years of age. A minor will be waived if charged with a crime against a person punishable as a felony in which the minor is alleged to have used a deadly weapon and the minor has either been previously adjudicated a minor or convicted as an adult for a similar crime.

According to the Division of Family and Youth Services, had this law been in place for fiscal year 1996, it would have resulted in 8 cases being waived into adult court. This note is based on that figure and assumes that 2 of those cases would have resulted in felony jury trials; a 25% trial rate is low for juvenile waiver cases. Based on the typical length of trial for other juvenile waiver cases, it is assumed that the average trial will last 5 days with an additional 2 days for motions, hearings, and other judicial work.

The note is offset by the amount of judicial time that would have been spent on the waived cases in juvenile court.

Not reflected in this note is the anticipated increase in juvenile court workload that may result from this bill. Although minors in juvenile court have the same right to a jury trial as adults, very few trials actually occur because the consequences of being adjudicated a delinquent are not as severe as a criminal conviction. However, the consequences of being adjudicated a delinquent in a case covered under this bill will be perceived as more severe since it means a subsequent offense will lead directly to adult court. Because of this, it is expected that juveniles will be more aggressively defending their first offenses and more willing to go to trial. This increase in workload for the juvenile court has not been included in this note due to the difficulty in assessing the extent of its impact. However, if the impact is significant the court may return to the legislature seeking additional funds.

Alaska Court System
Fiscal Analysis
SB 63

Personal Services

	<u>Total</u>
Additional Pro tem Superior Court judge funding	\$4,578
Overtime for clerical staff in Clerk's Office	<u>1,250</u>
Subtotal Personal Services	5,828
Offset for loss of work for juvenile court, Standing Master, Range 24A, 1/2 month	<u>(3,592)</u>
Total Personal Services	2,236

Contractual

Jury fees - 2 additional 5-day trials with 13 jurors at \$25 a day for each juror	<u>3,250</u>
Total estimated costs	<u>\$5,486</u>

FISCAL NOTE

STATE OF ALASKA
1997 LEGISLATIVE SESSION

BILL NO. SB63

JWD, FIP

Revision Date: _____
 Title: Automatic Waiver of Juveniles
 Sponsor: Donley
 Requestor: Senate (JUE)

Dept. Affected: Health and Social Services
 BRU: Family and Youth Services
 Component: DFYS Central Office
 COMPONENT SERIAL NO. 259
 See also (SN#): _____

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING	FY98	FY99	FY00	FY01	FY02	FY03
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGES IN REVENUES	()					
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FUND SOURCE

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (please specify)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of any current year (FY97) cost: \$0.0

ANALYSIS: (Attach a separate page if necessary)

There would be no fiscal impact to the Division if this bill were to become law.

3/25/97 Prepared by: L. Diane Worley, Director
 Division: Family & Youth Services
 Approved by Commissioner: Karen Perdue, Commissioner
 Agency: Department of Health & Social Services

Phone: 465-3191
 Date: 03/24/97
 Date: 3/25/97

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FISCAL NOTE

STATE OF ALASKA
1997 LEGISLATIVE SESSION

REPORTED OUT OF
No. SFG APR 9 1997
Bill Verson: SB 63
(S) Publish Date: 3-27-97

Revision Date: _____
Title: "An Act providing for automatic waiver of juvenile jurisdiction and prosecution of minors as adults..."
Sponsor: Senator Donley
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 98	FY 99	FY 00	FY 01	FY 02	FY 03
PERSONAL SERVICES	***	***	***	***	***	***
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	***	***	***	***	***	***
CAPITAL EXPENDITURES	***	***	***	***	***	***
CHANGE IN REVENUES ()	***	***	***	***	***	***

FUND SOURCE: (Thousands of Dollars)

1002 Federal Receipts	***	***	***	***	***	***
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
OTHER						
TOTAL	***	***	***	***	***	***

Estimate of any current year (FY 97) cost: \$ -0-

POSITIONS:

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

ANALYSIS: (Attach a separate page if necessary.)

This bill expands the number of crimes for which a minor will automatically be treated as an adult to include any crime against a person punishable as a felony in which the minor is alleged to have used a deadly weapon and was previously adjudicated or convicted of a felony offense against a person that involved the use of a deadly weapon. This is a large category of cases, ranging down to class C felonies. In juvenile court less focus is placed on trial and more energy is expended to find the appropriate treatment. As felonies in adult court, this bill will cause an increase in the numbers of cases to go to trial with attendant expenditures. Without accurate predictions as to the numbers of cases, the increase is difficult to quantify.

Prepared by: Barbara K. Brink, Director Phone: (907) 264-4414
Division: Public Defender Agency Date: _____

Approved by Commissioner: Mark Boyer *Mark Boyer*
Agency: Department of Administration Date: 3/21/97

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FISCAL NOTE

REPORTED OUT OF
APR 9 1997

STATE OF ALASKA
1997 LEGISLATIVE SESSION

BILL NO. No. 2
Bill Version: SB 63
(S) Publish Date: 3-27-97

Revision Date: _____ Dept. Affected: Public Safety
Title: Minor felons using guns treated as adults. BRU: Alaska State Troopers
Component: Detachments
Sponsor: Sen. Donley
Requestor: S. Judiciary **COMPONENT SERIAL NO.** 0799

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

OPERATING	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
CHANGE IN REVENUES ()	-0-	-0-	-0-	-0-	-0-	-0-
Revenue Code						

FUNDING: (Thousands of Dollars)

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

Estimate of current year (FY 97) impact: \$ _____

POSITIONS:

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

ANALYSIS: (Attach a separate page if necessary.)

This bill would not have any significant fiscal impact on AST.

Prepared By: Capt. Ted M. Bachman Phone: 269-5650
Division: Alaska State Troopers Date: 03/21/97
Approved by Commissioner: Ronald Otte Date: 3/21/97
Agency: Department of Public Safety

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Donley M. E. w/ ind rec
Alaska object
MOTION CARRIED - 6/1 VOTE

0-LS0295A

SENATE BILL NO. 63

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - FIRST SESSION

BY SENATOR DONLEY

Introduced: 1/27/97

Referred: Judiciary, Finance

A BILL

FOR AN ACT ENTITLED

1 "An Act providing for automatic waiver of juvenile jurisdiction and prosecution
2 of minors as adults for certain violations of laws by minors who use deadly
3 weapons to commit offenses that are crimes against a person, and relating to the
4 sealing of the records of those minors."

5 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

6 * Section 1. AS 47.12.030(a) is amended to read:

7 (a) When a minor who was at least 16 years of age at the time of the offense
8 is arraigned on a charge for an offense specified in this subsection, this chapter and
9 the Alaska Delinquency Rules do not apply to the offense for which the minor is
10 arraigned or to any additional offenses joinable to it under the applicable rules of court
11 governing criminal procedure. The minor shall be charged, prosecuted, and sentenced
12 in the superior court in the same manner as an adult unless the minor is convicted of
13 some offense other than an offense specified in this subsection, in which event the
14 minor may attempt to prove, by a preponderance of the evidence, that the minor is

1 amenable to treatment under this chapter. If the court finds that the minor is amenable
2 to treatment under this chapter, the minor shall be treated as though the charges had
3 been heard under this chapter, and the court shall order disposition of the charges of
4 which the minor is convicted under AS 47.12.120(b). The provisions of this
5 subsection apply when the minor is arraigned on a charge

6 (1) that is an unclassified felony or a class A felony and the felony is
7 a crime against a person; [OR]

8 (2) of arson in the first degree; or

9 (3) that is a crime against a person punishable as a felony in which
10 the minor is alleged to have used a deadly weapon in the commission of the
11 offense and the minor was previously adjudicated as a delinquent or convicted as
12 an adult, in this or another jurisdiction, as a result of an offense that involved use
13 of a deadly weapon in the commission of a crime against a person or an offense
14 in another jurisdiction having elements substantially identical to those of a crime
15 against a person, and the offense was punishable as a felony; in this paragraph,
16 "deadly weapon" has the meaning given in AS 11.81.900.

17 * Sec. 2. APPLICABILITY. This Act applies to offenses committed on or after the
18 effective date of this Act. However, references to previous adjudications or convictions
19 include offenses committed on, before, or after the effective date of this Act.

CITY & BOROUGH OF JUNEAU

POLICE DEPARTMENT

210 ADMIRAL WAY • JUNEAU, ALASKA 99801

RICHARD W. GUMMOW
CHIEF OF POLICE

Alaska's Capital City

BUSINESS (907) 586-2780
FAX (907) 463-4808

February 3, 1997

Senator Dave Donley
State Capitol
Juneau, Alaska 99801

Dear Senator Donley:

I have reviewed SB 63 and concur with it's scope and content. Please accept this correspondence as my endorsement of SB 63.

It is important to provide the youth of this state with clear and significant consequences concerning the use of a deadly weapon. We are all aware of the increase in youth violence that has surfaced in our nation within the past few years. Hopefully this bill will pass and provide a deterrent for the young people of Alaska.

I appreciate having the opportunity to voice my feelings in this matter. If I can be of any additional assistance, please don't hesitate to contact me.

Sincerely,



C.W. Worth
Police Officer

CW/jn

ALASKA STATE FIREFIGHTERS ASSOCIATION



January 31, 1997

Senator Dave Donley
Alaska State Legislature
SB63 Sponsor

Dear Senator Donley,

I have reviewed Senate Bill 63 and would like to thank you for your sponsorship of it.

Strengthening prosecution of repeat violent juvenile offenders will offer Alaska citizens protection that is overdue.

To protect minors under juvenile jurisdiction is one thing, but to have repeated offenses committed involving deadly weapons is quite another.

I believe, as you have stated, that passage of SB 63 would create a strong deterrent to continued misuse of deadly weapons by young criminals.

Sincerely,

A handwritten signature in black ink, appearing to read 'Pat Eggers', with a long horizontal flourish extending to the right.

Patrick Eggers
President,
Alaska State Firefighters Association
Box 240282
Douglas, AK 99824



**ALASKA ASSOCIATION
FIRE AND ARSON INVESTIGATORS
A A F A I**

105 S. Willow • Kenai, Alaska 99611
(907) 283-4136 • FAX (907) 283-~~287~~ 6171

January 31, 1997

Senator Dave Donley
Alaska State Legislature
State Capitol
Juneau, Alaska 99801-1182

SUBJECT: SUPPORT FOR SENATE BILL 63

Senator Donley,

On behalf of the Alaska Association of Fire and Arson Investigators, please accept this letter of support for Senate Bill 63 that treats juvenile offenders with multiple convictions for violent offenses with deadly weapons as adults.

While SB63 provides an effective means to penalize offenders with multiple offenses as described in the Bill, it is hoped that the provisions for such a penalty will serve a dual purpose -- Prevention.

Respectfully Submitted,

Scott A. Walden,
Fire Marshal - City of Kenai
President - Alaska Association of Fire & Arson Investigators

STATE OF ALASKA
1997 LEGISLATIVE SESSION

BILL NO. SB63

Revision Date: _____
Title: Automatic Waiver of Juveniles
Sponsor: Donley
Requestor: Senate (JUD)

Dept. Affected: Health and Social Services
BRU: Family and Youth Services
Component: DFYS Central Office
COMPONENT SERIAL NO. 259
See also (SN#): _____

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING	FY98	FY99	FY00	FY01	FY02	FY03
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGES IN REVENUES ()						
-------------------------	--	--	--	--	--	--

FUND SOURCE

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (please specify)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of any current year (FY97) cost: \$0.0

ANALYSIS: (Attach a separate page if necessary)

There would be no fiscal impact to the Division if this bill were to become law.

3/25/97 Prepared by: L. Diane Worley, Director
Division: Family & Youth Services
Approved by Commissioner: Karen Perdue, Commissioner
Agency: Department of Health & Social Services

Phone: 465-3191
Date: 03/24/97
Date: 3/25/97

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STATE OF ALASKA

DEPARTMENT OF HEALTH AND
SOCIAL SERVICES

DIVISION OF FAMILY AND YOUTH SERVICES

TONY KNOWLES, GOVERNOR

P.O. BOX 110630

JUNEAU, ALASKA 99811-0630

PHONE: (907) 465-3170

FAX: (907) 465-3397

RECEIVED APR 4 1997

April 1, 1997

The Honorable Robin Taylor
Chair, Senate Judiciary Committee
Alaska State Senate
State Capitol
Juneau, AK 99801-1182

Dear Senator Taylor,

This letter is in response to Senator Pearce's request during the Senate Judiciary committee hearing on March 27, 1997 for case information related to SB 63. I have identified those cases in FY 95 and 96 which would have meet the automatic waiver criteria of the bill. Bob Buttcanne has contacted the specific district probation offices responsible for the respective cases and I have summarized the case circumstances below. The offense referral which would have initiated an automatic waiver response under SB 63 is listed first.

Case #1

A 16 year old boy was referred to Youth Corrections on September 7, 1995 for an Assault in the Third Degree for recklessly causing injury to another student with a set of brass knuckles during an argument over stolen stereo speakers. This boy had a prior delinquency adjudication for an Assault in the Third Degree on July 25, 1994. During the 1994 incident, the boy pointed a loaded hand gun at another youth. A third youth attempted to disarm the boy and during the struggle, a single shot was fired into the air. No one was injured during the incident.

Case #2

A 17 year old boy was referred to Youth Corrections on November 20, 1995 for an Assault in the Third Degree for using the vehicle he was driving in a manner which recklessly caused fear of imminent serious physical injury to the driver of another vehicle. After further investigation by the Youth Corrections probation officer and a review from the Department of Law, the arrest charge was reduced to an Assault in the Fourth Degree and adjusted with informal action. This boy had been previously adjudicated delinquent for an Assault in the Third Degree on August 30, 1993. In the 1993 incident, the boy cut another person in the neck with a knife during a fight on a downtown street.

Case #3

A 17 year old boy was referred to Youth Corrections on October 13, 1994 for an Assault in the Third Degree. This boy had instigated a series of events where another youth attacked and seriously injured a third young person. Investigation found sufficient evidence to hold this 17 year old fully accountable for the offense, even though he was not the one who had physical contact with the victim. Youth Corrections and the Department of Law considered a discretionary waiver petition, but felt the overall case circumstances were not sufficient to support this action. The case was adjudicated as a felony assault and the boy was placed in a youth corrections institution. The boy had previously been adjudicated for an Assault in the Third Degree on February 1, 1993. In that incident, the boy stabbed another boy in the hand with a knife after the other boy decided he could be returned home from a camping trip if he sustained some type of serious injury.

Case #4

A 17 year old girl was referred to Youth Corrections on October 9, 1995 for an Assault in the Second Degree. After the girl had sex with an adult male, a dispute arose over the amount of money he was to have given to her. During the ensuing argument, the girl stabbed the man. There were numerous inconsistencies in both the girl and man's rendition of the facts. After further investigation and negotiation between the girl's attorney and Department of Law, the girl admitted to an Assault in the Fourth Degree offense as part of an agreement to be institutionalized at a youth facility. The girl had previously been adjudicated delinquent for an Assault in the Third Degree on July 21, 1992. In the 1992 incident, the girl threatened and attempted to kill her older brother with a kitchen knife during a domestic violence disturbance in the family home.

Case #5

A 17 year old boy was referred to Youth Corrections on November 28, 1994 for an Assault in the Third Degree. This boy had been arguing and fighting with a group of other young people when he produced a pistol and fired two shots into the air. The boy had previously been adjudicated delinquent on an Assault in the Third Degree charge on April 22, 1993. The 1993 incident involved a domestic violence dispute with a sibling. The boy discharged two rounds from a handgun during an argument. There were no injuries, however the boy stipulated to an institutional placement at a youth facility for the incident.

Senator Robin Taylor
April 1, 1997

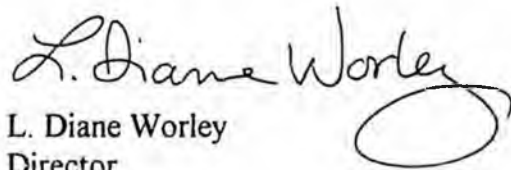
page 3

Case #6

A 17 year old boy was referred to Youth Corrections on February 8, 1995 for Assault in the Second Degree. Together with a co-defendant, this boy pulled another youth out of a vehicle and beat him in the head with a glass juice bottle because the victim had been pressuring the 17 year olds sister to engage in sexual intercourse. After review by Youth Corrections and the district attorney, the offense was reduced to Assault in the Third Degree. The boy had a prior adjudication for Assault in the Third Degree on April 20, 1993. During the 1993 incident, the boy, who was certified learning disabled by the school, became agitated in class. A teacher assistant directed him into a time out area. When the boy returned to the class room, he became agitated again and was asked to leave. As he walked out of the class room, he produced a pocket knife, opened it and waived the open blade in front of the teacher assistant's face. He inflicted no injury but did place her in fear of serious injury.

These are the total number of cases meeting the specific criteria of SB 63 during both fiscal years 1995 and 1996. I hope this provides you with the understanding of the specifics of these cases and assists you in your action regarding this bill. Please do not hesitate to contact me if you have additional questions.

Sincerely,



L. Diane Worley
Director

SB

64

HFIN

FILE

HOUSE COMMITTEE REPORT

(11)

Date Referred to Committee: April 7, 1997

FURTHER REFERRALS:

Date of Committee Action: 4/16/97 am

The FINANCE Committee considered:

CSSB 64(FIN)

CS FOR SENATE BILL NO. 64(FIN)

SHUYAK ISLAND STATE PARK

"An Act relating to the Shuyak Island State Park."

recommends it be replaced with the following committee substitute _____ the same title a new title

additional referral to _____ Committee
 attached amendment(s)

ADOPTS: _____ Letter of Intent

ATTACHES NEW FISCAL NOTE(S): _____ (Dept)

APPROVES PREVIOUS: _____ (Dept/Date)

fiscal note(s) _____

fiscal note(s) DNR 2/4/97

zero fiscal note(s) _____

zero fiscal note(s) DPS 2/4/97

SIGNING WITH RECOMMENDATIONS		DP	DNP	NR	AM
<i>Gene Thernault</i>	Thernault			X	
<i>Edouard Mulder</i>	Mulder			X	
<i>Terry Martin</i>	Martin	X			
<i>Arussindaf</i>	Arussindaf	X			
<i>James Moses</i>	Moses	X			
<i>Paul Kelly</i>	Kelly			✓	

20

CHAIR'S SIGNATURE

Gene Thernault
Thernault

FISCAL NOTE

No. 2

STATE OF ALASKA
1997 LEGISLATIVE SESSION

REPORTED OUT OF

Bill Version: CSSB 64 (CRA)

Revision Date: _____

HFC 4/16/97 am Dept Affected: _____

(S) Publish Date: 2-4-97

Title: An Act relating to Shuyak Island State Park

BRU: Fish and Wildlife Protection

Component: Detachments

Sponsor: Rules Committee

Requester: S. CRA

COMPONENT SERIAL NO. 0490

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

OPERATING	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

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

CHANGE IN REVENUES () Revenue Code	-0-	-0-	-0-	-0-	-0-	-0-
--	-----	-----	-----	-----	-----	-----

FUNDING: (Thousands of Dollars)

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

Estimate of current year (FY 97) impact: \$ -0-

POSITIONS:

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

ANALYSIS: (Attach a separate page if necessary.)

This Bill will have no impact on this Department's programs or budget.

Prepared By: Lt. Joel L. Hard

Phone: 269-5409

Division: Fish and Wildlife Protection

Date: January 31, 1997

Approved by Commissioner: _____

Date: 1/31/97

Agency: _____

Ronald L. Otte, Department of Public Safety

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STATE OF ALASKA
1997 LEGISLATIVE SESSION

FISCAL NOTE
REPORTED OUT OF
HFC 4/16/97an

No. 1

Bill Version: CS SB 64 (CRA)

(S) Publish Date: 2-4-97

Revision Date: _____ Dept Affected: Natural Resources
 Title: An Act relating to the Shuyak Island BRU: Parks & Recreation Management
State Park Component: Parks Management
 Sponsor: Mackie
 Requestor: (S)CRA Component Serial No. 452

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY98	FY99	FY00	FY01	FY02	FY03
PERSONAL SERVICES	5.0	7.0				
TRAVEL	5.0	3.0				
CONTRACTUAL						
SUPPLIES	5.0	3.0	4.0	5.0	5.0	6.0
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	15.0	13.0	4.0	5.0	5.0	6.0
CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts	15.0	13.0	4.0	5.0	5.0	6.0
1037 GF/Mental Health						
Other						
TOTAL	15.0	13.0	4.0	5.0	5.0	6.0

Estimate of any current year (FY97) cost: \$ 0.0

POSITIONS

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

ANALYSIS: (Attach a separate page if necessary)

Day-to-day management of the expanded park can be handled by existing staff and volunteer levels with some additional supply monies to pay for boat gas and other supplies. These costs are necessary for expanded patrol areas. A new park brochure would need to be designed and printed in FY98.

\$10.0 is needed in FY98 and FY99 to revise the Shuyak Island State Park Master Plan. The first year is \$5.0 each for personnel and travel to gather baseline information on use patterns in the new park area. Second year is \$7.0 for personnel and \$3.0 for travel to prepare the written update and hold the requisite public meetings and public comment period leading to adoption of a revised park plan.

Prepared by: Jim Stratton, Director Phone: 269-8700
 Division: Parks Date: 29-Jan-97
 Approved by Commissioner: [Signature] Date: 1-29-97
 Agency: Natural Resources

SENATOR JERRY MACKIE

ALASKA STATE LEGISLATURE

SPONSOR STATEMENT

SB 64, Shuyak Island State Park

I introduced SB 64 at the request of Mayor Jerome Selby and the Kodiak Island Borough Assembly. It presents one of the final actions of a long and complex effort by state and federal authorities and locally affected municipalities to compensate for the effects of the Valdez oil spill. The bill adds specific land and water areas to the Shuyak Island State Park. Shuyak Island was the first part of the borough that was heavily impacted by the westward streaming oil patches and tar balls from the 1989 accident.

The two large land owners on Shuyak Island are the state and the Kodiak Island Borough. Previous litigation had imposed management restrictions that required the state to maintain wildlife habitat and public recreation values while the borough was partially prohibited from commercial or industrial uses on its lands. In 1984 the Shuyak State Park was established from part of the state's holdings to protect the area's fish and wildlife habitat and public recreation opportunities, while maintaining customary hunting and fishing uses.

One of the provisions of the spill settlement was the establishment of a joint federal and state council to manage remediation and recovery efforts. These responsibilities include the replacement of lost fish and wildlife habitat with the acquisition and protection of other high value habitat. It is for this purpose that the Oil Spill Trustee Council selected the borough's Shuyak Island lands and purchased them in 1996. The final part of this effort is the consolidation of all public lands under the management of the Shuyak Island State Park. The responsibilities for fish and wildlife management, however, is retained in the department of fish and game.

SB ⁶⁴~~62~~ completes the transaction by formally incorporating all state lands on the island into the Shuyak Island State Park. The expanded park retains the management goals, purposes, and allowed uses of the original park.

SENATOR JERRY MACKIE

ALASKA STATE LEGISLATURE

SECTIONAL

CS SB 64 (FIN), Shuyak Island State Park

Section 1. The purpose section for the park, AS 41.21.170, is amended to broaden the description of lands and waters that constitute the park. It also acknowledges the covenant and deed restrictions of former Kodiak Island Borough lands being added to the park which protect traditional access and usage of the lands and waters. Sport, commercial, and subsistence fishing are specifically identified as traditional activities that are protected.

Section 2. The current description of park lands and waters is replaced with a new description that adds new lands, waters, and tidelands to the existing park lands and waters, including land previously owned by the Kodiak Island Borough.

Section 3. Section 1 conforming amendments.

Section 4. The commissioner of fish and game, the Board of Fisheries, and the Board of Game are prohibited from permanently closing hunting, fishing, or trapping activities unless it is necessitated by a biological emergency. The closure can only be maintained as long as the biological emergency exists.

Section 5. The Department of Fish and Game's ability to rehabilitate, enhance, and develop habitat within the park is broadened.

Section 6. Possession and use of weapons in the park is protected and use of weapons can only be restricted in areas where public safety is threatened. In addition, the commissioner of natural resources is prohibited from restricting lawful hunting, fishing, and trapping activities in the park

Section 7. Adds new subsections to the existing statute on incompatible uses which protects public access to park lands and private land in-holdings. The commissioner of natural resources is further required to specifically state and justify any incompatibility determinations.

Section 8. The water estate is included in the prohibition of eminent domain acquisitions.

SENATE DISTRICT C
KODIAK ISLAND
SOUTHEAST ISLANDS



handout 4/16/97 am

STATE CAPITOL
JUNEAU ALASKA 99801-1132
907 465-4025
MAIL ROOMS: TOLL FREE
907 465-3517 FAX

SENATOR JERRY MACKIE

ALASKA STATE LEGISLATURE

March 13, 1997

Mr. John Shively, Commissioner
Department of Natural Resources
400 Willoughby Ave.
Juneau, Ak 99801-1724

Re: SB 64, Shuyak Island State Park.

Dear Commissioner Shively,

I have had several questions from other senators regarding the proposed additions to Shuyak Island State Park as presented in SB 64. Basically, the bill adds three large blocks of land to the existing state park. They are the Kodiak Island Borough's holdings on the island that were purchased with EVOS funds, approximately 9,000 acres of unreserved state land on the island's east side, and the surrounding state tide lands. The questions concern the subsurface mineral estate of these lands. What is their status if SB 64 is enacted?

Secondly, I believe there are two mining claims in the area. One was grandfathered into the existing park and the other is on the state land that will be added to the park. What is the status of these claims and what is the department's intentions for their future.

Thank you for your prompt response.

Sincerely,

A handwritten signature in black ink, appearing to read "Jerry Mackie".

Jerry Mackie

TONY KNOWLES, GOVERNOR

DEPARTMENT OF NATURAL RESOURCES

OFFICE OF THE COMMISSIONER

400 WILLOUGHBY AVENUE
JUNEAU, ALASKA 99801-1796
PHONE: (907) 485-2400
FAX: (907) 485-3808

3601 C STREET, SUITE 1210
ANCHORAGE, ALASKA 99503-6821
PHONE: (907) 782-2483
FAX: (907) 582-4871

March 17, 1997

The Honorable Jerry Mackie
Alaska State Senate
State Capitol, Rm #427
Juneau, AK 99801

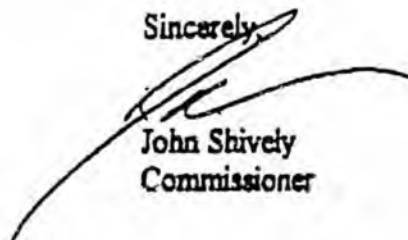
Dear ~~Senator Mackie,~~ 

I am in receipt of your letter with questions about the status of the subsurface mineral estate within the proposed Shuyak Island State Park. All subsurface rights are and will be owned by the Department of Natural Resources for the citizens of the State of Alaska. If the proposed park bill passes, the mineral rights will continue to be held by DNR.

The two existing mining claims will remain in effect as long as the permittees maintain valid and current permits for their activities. The proposed park will have no adverse impact on these claims.

If you have any additional questions, please do not hesitate to contact me.

Sincerely,


John Shively
Commissioner

handout 4/16/97a



Kodiak Island Borough

710 MILL BAY ROAD
KODIAK, ALASKA 99615-6398
(907) 486-9300

March 14, 1997

Senator Bert Sharp
Alaska State Legislature
Mailstop 3100 State Capital
Juneau, AK 99801-1182

Post-it brand fax transmittal memo 7671		# of pages
To	From	
Co.	Co.	
Dept.	Phone #	
Fax #	Fax #	

Dear Senator Sharp:

I understand you have some concerns with the Shuyak Island State Park bill, Senate Bill No. 64. I want to provide you with some additional information which I hope will address your concerns and win your support for this bill.

I understand you are concerned about the Kodiak Island Borough holding mineral rights to the 26,000 acre area that was sold to the Exxon Valdez Oil Spill Trustee Council for the State of Alaska. The Kodiak Island Borough has never held mineral rights to this land, as we were only granted surface estate in the municipal land selection program. The state has always retained the mineral rights under all municipal lands. Therefore, the mineral rights remain with the State of Alaska and would be administered as all other mineral rights, by the State of Alaska.

With regard to the existing mining claims, access is assured through Section 7 of the bill, containing an additional section under d stating that..."The Commissioner shall allow additional access to (2) private land within the Park." Private mining claims are, therefore, assured of continued access in the park.

I also understand you are concerned about putting the state lands on the East side of the island into the park, which were not part of the land sold by the Kodiak Island Borough. The Kodiak Island Borough is requesting that this land be included in the park bill. In addition, you need to be aware that the State of Alaska, in a court settlement Agreement and Consent Decree, agreed in Section 8 (attached) that this particular parcel of land "shall be at all times classified and managed by the state in a manner maintaining and enhancing such lands for wildlife habitat and public recreation purposes". This court order was entered into the record on August 12, 1981 and signed by Anchorage Superior Court Judge, Daniel Moore. The rest of that section was a commitment by the State of Alaska to place these lands into a state game refuge or the proposed Shuyak Island State Park.

The area you question happens to be some of the most important habitat on the island, and is, therefore very critical to the entire ecosystem of this small island. The different species

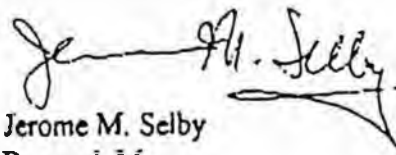
Senator Bert Sharp
March 14, 1997
Page 2

that use this particular east area of the island very heavily are beaver, land otter, red squirrels, brown bear, blacktail deer, bald eagles, raptors including peregrine falcons, willow ptarmigan, and sea birds. There are at least 23 colonies of sea birds found on Shuyak. Common goldeneyes, mallards, American mergansers, pintails, scooters, harlequins, and other ducks are either year round residents or winter on Shuyak. Sea otter are also abundant in the area. Harbor seals and sea lions are generally present and several species of whales have been reported in the nearshore waters. This eastern area also prime deer winter range. The importance of beach front timber to deer has been well documented in research from Southeastern Alaska. Deer are dependent on these beaches for travel and foraging, particularly in heavy snow conditions. Brown bear and bald eagles feed extensively on Eastern Shuyak beaches. The heavy rows of beach drift contain dead birds, marine mammals, fish and invertebrates, which are prime attractions for bears and eagles. Several intertidal lagoons are heavily used by waterfowl, land otters, brown bears and eagles. These lagoons contain major components of the habitat for these species and should properly be included in the park. Two of the largest lagoons are nearly enclosed by land with only narrow entrances to saltwater, and thus, very rich estuaries. These same tidelands are also very important access routes for hunters, trappers, beach combers, fishermen, and other park visitors. It is only logical that these access routes should be included in the park to assure that well managed utilization by folks can be maintained. To not include these access areas into the park, with all of the provisions that we have for use in this park bill would mean that in the future, some commissioner would be able to preclude access from the east side of the island into some of the very best hunting and fishing areas on the island. The language you folks have crafted into the park bill is far superior to the language in the court order in restricting departmental regulation and allowing maximum use for hunting, fishing, trapping and other uses. If this area is left out of the bill, then the land can be regulated as "wildlife habitat and public recreation purposes" on the whim of the departments. We are, therefore, requesting that you leave this area in the park bill, so that the entire island can be managed as one ecosystem with access from around the entire island assured for people to be able to hunt, fish, and use this land recreationally for everyone's benefit.

I appreciate your interest in this bill, and if you have any other questions, please feel free to give me a call at 486-9300. I'll be glad to provide you with any additional information that we have. Thank you for your consideration.

Sincerely,

KODIAK ISLAND BOROUGH



Jerome M. Selby
Borough Mayor

and
CONSENT DECREE

The parties to this agreement are the State of Alaska, Department of Natural Resources, through its Division of Forest Land and Water Management ("the State") and the Kodiak Island Borough ("KIB").

Whereas, pursuant to AS 29.18.201-.213 KIB is entitled to select 56,500 acres from state general grant land within its boundaries, and has filed such selections in the manner provided by statute; and

Whereas, a considerable portion of the land selection filed by KIB were rejected by the State on the grounds that the lands selected had been previously classified by the State for a use or purpose which disqualified those lands for conveyance KIB pursuant to AS 29.18.201 et seq., or had been designated a state interest lands pursuant to AS 38.05.047; and

Whereas, by reason of said selections by KIB and rejections by the State, the parties are currently involved in three separate judicial appeals from administrative decisions which are now pending in the Superior Court, Third Judicial District under case numbers JAN-80-3070 (Woody Island), JAN-80-6710 (Land Classification); and JAN-81-1385 (Shuyak Island); and

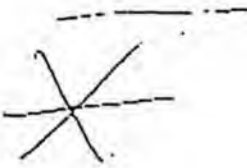
Whereas, both parties desire to settle finally the question of those lands which will be conveyed to KIB in satisfaction of its statutory land entitlement, and further desire to resolve this question in the near future without extended litigation, and to resolve pending litigation.

Now, therefore, the parties agree as follows.

MAR 1957 03:30 P.M. KIB-111

ould create a state game refuge denominated the "Aleksandr Baranov State Game Refuge" consisting of the lands described in Exhibit E. KIB agrees to support introduction of such legislation beginning with the 1981 legislative session, and to support early passage of such legislation, provided that KIB is not obligated to support inclusion of tide or submerged lands except upon mutual agreement with the state with respect to the regulatory implications of such inclusion. The State agrees to support such legislation in good faith, by such oral and written testimony as may be appropriate.

7. KIB agrees to attempt to obtain introduction and passage of legislation in the Alaska State Legislature creating state park denominated the "Shuyak Island State Park" and consisting of all lands described in Exhibit F. KIB agrees to support introduction of such legislation beginning with the 1981 legislative session, and to support early passage of such legislation, provided that KIB is not obligated to support inclusion of tide or submerged lands except upon mutual agreement with the state with respect to the regulatory implications of such inclusion. The State agrees to support such legislation in good faith, by such oral and written testimony as may be appropriate.



8. In the event that lands to be included in the proposed "Aleksandr Baranov State Game Refuge" or the proposed "Shuyak Island State Park", referred to in Paragraph 6 and 7 respectively, are not finally included by legislation in the proposed game refuge or park, such lands shall be at all times classified and managed by the State in a manner maintaining and enhancing such lands for wildlife habitat and public recreation purposes. Otherwise KIB shall be entitled to select those lands not so classified and managed, and the State shall thereupon promptly transfer the selected lands to KIB. Upon transfer of such lands to KIB, KIB shall reconvey equivalent acreage to the State from Shuyak Island in the manner provided in Paragraph 4 and thereafter in the manner provided in Paragraph 5.

12. The State and K.I. agree that this Agreement, together with its Exhibits A through H, embodies all of the terms and conditions of the Agreement for settlement of pending litigation and for conveyance of all lands due to KIB pursuant to AS 29.14.201-.211, and that no additional enforceable agreement or commitments exist between them with regard to this subject which are not contained in the text of this Agreement and its Exhibits. The parties reserve the right, by mutual consultation and agreement, to correct if necessary any technical errors or omissions in the specific land descriptions comprising Exhibits through H herein, so as to more nearly conform to the mutual intentions of the parties with regard to implementation of this Agreement

DATED this 19th day of June, 1981.

DEPARTMENT OF NATURAL RESOURCES

KODIAK ISLAND BOROUGH

[Signature]
Commissioner

[Signature]
Borough Mayor

STATE OF ALASKA

Attest: [Signature]
Borough Clerk

[Signature]
Director, Division of Forest,
Land & Water Management

Attest: [Signature]
Municipal Land
Selections Officer

APPROVED AS TO FORM:

[Signature]
Thomas E. Overman
Assistant Attorney General
State of Alaska

[Signature]
Richard W. Garnett III
Attorney, Kodiak Island
Borough

ORDER

IT IS ORDERED, that the foregoing Agreement of Settlement and Consent Decree is hereby adopted and approved

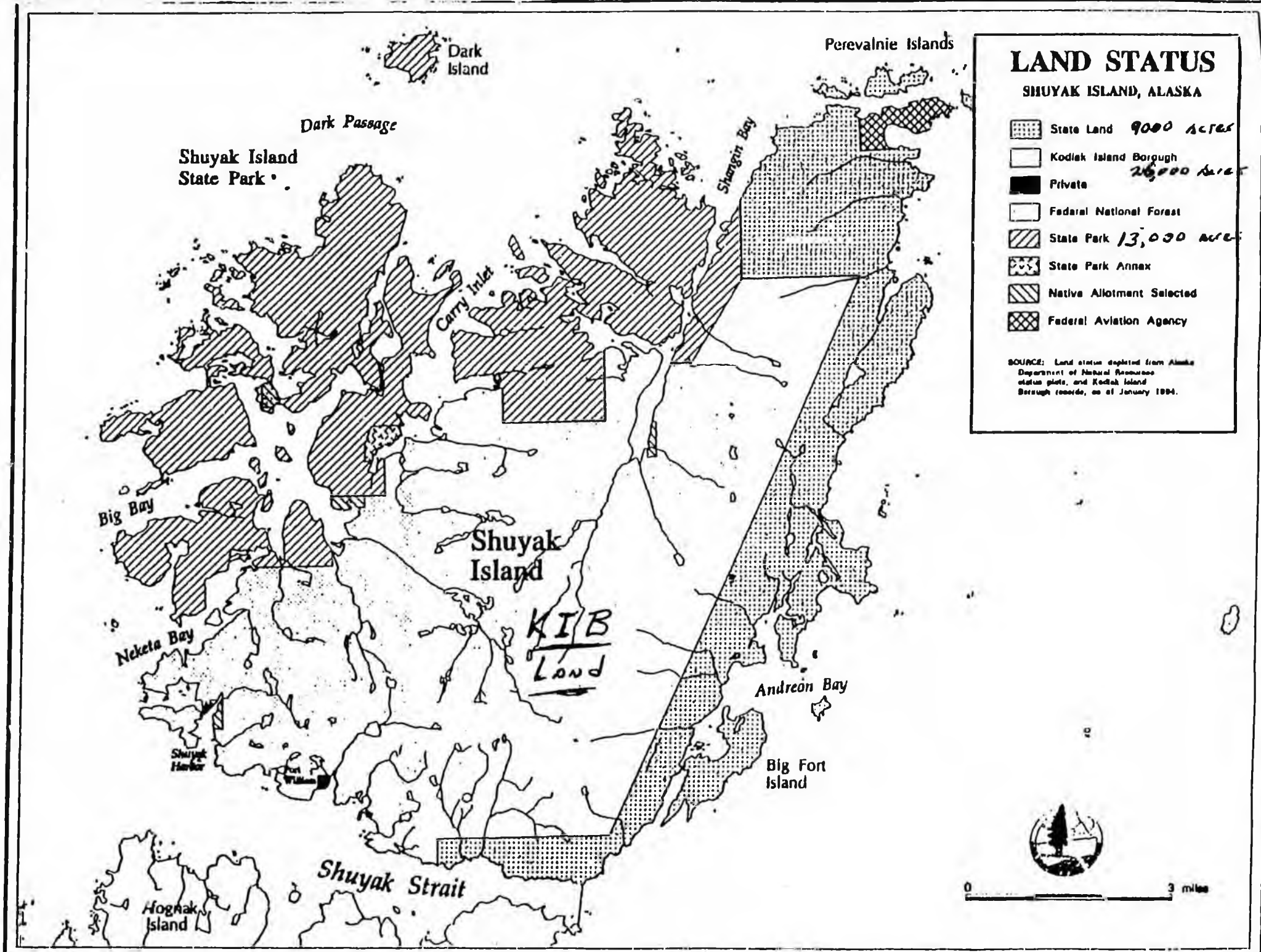


Handwritten signature
 JUDGE OF THE SUPERIOR COURT
 1981

Handwritten signature
 JUDGE OF THE SUPERIOR COURT
 1981


MADE THIS 12 day of August, 1981
 shall be enforceable as a judgment of the court.

12
 9



LAND STATUS

SHUYAK ISLAND, ALASKA

-  State Land 9000 ACRES
-  KODIAK ISLAND BOROUGH 26,000 ACRES
-  Private
-  Federal National Forest
-  State Park 13,000 ACRES
-  State Park Annex
-  Native Allotment Selected
-  Federal Aviation Agency

SOURCE: Land status depicted from Alaska Department of Natural Resources status plots, and Kodiak Island Borough records, as of January 1984.



0 3 miles

S.M.; then east along the N 1/2 line of Sections 32 and 33 approximately 0.3 miles to the NW 1/4 corner of Section 33, T18S, R19W, S.M.; then northeasterly approximately 1.5 miles to the section corner common to Sections 22, 27, 28, and 21, T18S, R19W, S.M.; then north along the west boundary of Sections 22 and 15, T18S, R19W, S.M., to the point of mean high tide in Shangin Bay. (§ 1 ch 167 SLA 1984)

Sec. 41.21.174. Designation of management responsibility. (a) The state uplands and freshwater bodies described in AS 41.21.172 are assigned to the department for control, maintenance, and development consistent with the purposes and provisions of AS 41.21.170 — 41.21.178.

(b) The Department of Fish and Game is responsible for the management of fish and game resources in the Shuyak Island State Park, consistent with the sustained yield principle and the purposes and provisions of this chapter. The Board of Fisheries, the Board of Game and the commissioner of fish and game are responsible for adopting regulations governing uses of fish and game in accordance with AS 16. The fish and game habitat and breeding areas shall be managed to ensure that the fish and game resources of the park continue on a sustained yield basis.

(c) The department shall consult with the Department of Fish and Game before adoption of regulations governing public use of the Shuyak Island State Park.

(d) The Department of Fish and Game shall consult with the department before adoption of regulations governing fish and game management in Shuyak Island State Park.

(e) The regulations established under this section shall be adopted in accordance with AS 44.62 (Administrative Procedure Act).

(f) The commissioner shall permit reasonable camping within the Shuyak Island State Park on an extended basis on request.

(g) Nothing in AS 41.21.170 — 41.21.178 prohibits the Department of Fish and Game from engaging in stream rehabilitation enhancement and development under AS 16.05.092 on land within the Shuyak Island State Park.

(h) The Department of Public Safety and the Department of Fish and Game shall have necessary access for fish and game management, research, and enforcement purposes. (§ 1 ch 167 SLA 1984)

Editor's notes. — Section 3, ch. 167, SLA 1984, provides: "Subject to the availability of funds, the Department of Natural Resources shall construct public use cabins within the Shuyak Island State Park."

Section 4, ch. 167, SLA 1984, provides: "The commissioner of natural resources shall identify the

boundaries of the Shuyak Island State Park by posting each inland boundary described in AS 41.21.172 as enacted in sec. 1 of this Act or as added under sec. 2 of this Act at its beginning and its end and not less often than each one-eighth of a mile."

Sec. 41.21.176. Incompatible uses. (a) The commissioner may designate by regulation incompatible uses within the park uplands and freshwater bodies.

(b) Use of a weapon in the Shuyak Island State Park shall be allowed except in unique areas that may be closed for purposes of public safety by regulation by the commissioner.

(c) The regulations governing public use of the Shuyak Island State Park shall provide ample access for legal sport and subsistence hunting and fishing, trapping, and recreational uses. Except to protect public safety the commissioner may not restrict the exercise of sport or subsistence fishing or hunting, or trapping permitted under law or under a regulation of the Board of Fisheries or the Board of Game within the Shuyak Island State Park. (§ 1 ch 167 SLA 1984)

Sec. 41.21.178. Additions to park. Land may be added to the Shuyak Island State Park only by an act of the legislature. The commissioner may not acquire land within the boundaries of the Shuyak Island State Park by eminent domain. (§ 1 ch 167 SLA 1984)

Revisor's no: 1984, the follow Island State Par — 36: T18S, R1.

Sec. 41.21.180 — acquired lan purposes of ational and . for hunting :

(b) The le the Point Br further reco to the reside private land land to seek

Legislative letter of intent (Res)), see 198-

Sec. 41.21.182 a water withi

All state Township Section 1 Section 1 Section 1:

A-061005 Section 1 408 Section : Section ! Section 2 Section right-of-wa

Revisor's : numbered in

Sec. 41. land, the c purchase o or otherwi. acquired b State Park

Revisor's Renumbered

Sec. 41. land and maintena- 41.21.180

Exxon Valdez Oil Spill Trustee Council

Restoration Office

645 G Street, Suite 401, Anchorage, Alaska 99501-3451

Phone: (907) 278-8012 Fax: (907) 278-7178



MEMORANDUM

L.B.A. Request

TO: Nancy Slagle
Director
Division of Budget Review
Office of Management and Budget

FROM: Molly McCannan
Executive Director

DATE: December 20, 1995

RE: Exxon Valdez Oil Spill RPL ¹⁰⁻⁶⁻⁴⁰¹¹ ~~11-6-8883~~

In accordance with Chapter 1, FSSLA 1992, the Department of Natural Resources requests authority to receive and expend \$42,000,000 from Exxon Valdez oil spill settlement trust funds to purchase 26,665.62 acres of surface estate on Shuyak Island from the Kodiak Island Borough.

This parcel of land was evaluated as part of the Trustee Council's Comprehensive Habitat Protection Process - Large Parcel Evaluation and Ranking (November, 1993) and found to be among the highest ranked parcels in the spill area.

This land provides important habitat for several species of fish and wildlife for which significant injury has been documented. These include harlequin ducks, black oystercatchers, marbled murrelets, pigeon guillemots, river and sea otters, harbor seals, Pacific herring, pink salmon, and Dolly Varden. Restoration of these injured species will benefit from acquisition of this important habitat through protection from activities and disturbances which may adversely affect their recovery. The area has exceptional scenic qualities and supports wilderness-based recreation activities including sport hunting and fishing. The area also possesses significant cultural resource values with fifteen documented historical/archaeological sites.

These lands will be managed by the Alaska Department of Natural Resources, with protection of fish and wildlife habitat and populations as the highest management

Trustee Agencies

State of Alaska: Departments of Fish & Game, Law, and Environmental Conservation
United States: National Oceanic and Atmospheric Administration, Departments of Agriculture and Interior

priority. Under the terms of the agreement, public use of these lands must be allowed and must include sport, personal use, and subsistence hunting, fishing, trapping and recreational uses, consistent with public safety and permitted under law or regulations of the Board of Fisheries and Board of Game. Limited commercial use may be allowed if consistent with state and federal laws and the goals of restoration.

As reflected in the Trustee Council resolution, the Trustee Council's appraisal process resulted in a finding that the Shuyak parcel has a fair market value in the range of \$27 million to \$33.32 million. Taking into account the basis for the various appraisal numbers, the position of the landowner as to its minimum selling price, and given the exceptional restoration values of the Shuyak lands, the Council felt an offer at the upper end of that range was appropriate. The appraised value is based upon a single cash payment of \$33.32 million. Because the payments will be over a period of eight years, in lieu of interest, the purchase price has been adjusted to a total purchase price of \$42 million. It should be noted here that the Kodiak Island Borough commissioned three separate appraisals on their own, and these ranged in value from \$36 million to \$54 million.

There has been widespread support for this acquisition. The Kodiak Island Borough has committed \$6 million to be received through this sale to expand the existing Fisheries Technology Center. This expansion, referred to as the Near Island Research Facility, will provide for the consolidation of federal and state fisheries agencies in Kodiak, which will greatly increase their ability to respond to fisheries management and research needs. Borough Mayor Jerome Selby has provided additional information on this facility in his enclosed letter of endorsement.

Additional documentation supporting this request is also being provided:

- Trustee Council Resolution dated December 11, 1995
- Restoration Benefits Report
- Map
- Appraisal Information (selections)
- Endorsement from Kodiak Island Borough
- Photos
- Letters of support

Since this is a capital project, authority to receive and expend subject to AS 37.25.020 is requested. If you have any questions about this RPL, please do not hesitate to contact me at 278-8012.

Department of Natural Resources

RPL # 10-6-4011

CIP

**Exxon Valdez Trustee Council Projects
\$42,000,000 Exxon Valdez Oil Spill Settlement Trust Funds**

Statutory Authority: AS 37.14.405

OK -- NO OBJECTION

The Department of Natural Resources requests authority to receive and expend \$42,000,000 in EVOSS trust funds for purchase of approximately 26,665.6 acres of surface estate on Shuyak Island from the Kodiak Island Borough.

The Exxon Valdez Trustee Council adopted a resolution in December, 1995 finding that purchase of the Shuyak Island land is consistent with its final restoration plan for natural resources injured by the Exxon Valdez oil spill. The land was found to include habitat for injured species that will benefit from protection from activities that might adversely impact habitat and water quality. In addition, the Trustee Council found that the land has significant scenic, cultural resource, and recreational values.

An appraisal of the land prepared for the Trustee Council determined that the present fair market value was from \$27,000,000 to \$33,320,000. Appraisals prepared for the Kodiak Island Borough determined the fair market value to range from \$36,000,000 to \$54,000,000. The lowest price the Borough will accept is \$33,320,000, based on a single cash payment. A purchase price of \$42,000,000 has been agreed upon which is to be paid over a seven year period, as follows: \$8,000,000 at closing; \$2,194,266 on October 1, 1996; \$4,000,000 on October 1, 1997; \$4,000,000 on October 1, 1998; \$4,000,000 on October 1, 1999; \$4,000,000 on October 1, 2000; \$4,000,000 on October 1, 2001; and \$11,805,734 on October 1, 2002. This payment schedule is predicated on a rate of approximately 6.45% on the unpaid balance due, assuming a closing date of October 1, 1995. The payment schedule will conform with the cash flow requirements of the EVOSS trust fund, which cannot provide a single cash payment of \$33,320,000.

If the sale is completed, the Kodiak Island Borough will use at least \$6,000,000 of the sale proceeds for construction of its proposed Near Island Research Facility. Remaining sale proceeds will be deposited in the Borough's facilities fund, the earnings on which will provide funding for maintenance of Borough facilities.

✓
Legislative Fiscal Analyst's recommendation: Approval of the request.

Transmittal Memo (or) # of pages: 7

To: <i>Develeray</i>	From: <i>Larley</i>
Co.:	Co. <i>Leg. Budget</i>
Dept.:	Phone #:
Fax # <i>3577</i>	Fax #:

ke.
ca.

The meeting
that evening

at 5:00 p.m.

Chairman Terry Martin RECONVENED the January 8, 1996 meeting of the Legislative Budget and Audit Committee at approximately 5:02 p.m.

REVISED PROGRAMS

10-6-4011 Natural Resources Requesting \$42,000,000 of EVOS Trust Funds to Purchase Shuyak Island. Approved

Sen. Adams MOVED to approve the action and discussion ensued.

Sen. Zharoff explained that the project would entail one month and that the EVOS Trustee Counsel had completed a number of appraisals and approved of the investment for the State. Sen. Zharoff described the area as rich in fish and wildlife. Chairman Martin requested clarification regarding the agreement with the Trustee Counsel, in view that a number of special interest groups in the past have requested State monies to purchase land, and then have subsequently resold the land to another special interest group. Sen. Zharoff expressed his concern that the agreement would also allow for public use to continue.

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ac.

JEROME SELBY, Mayor of the Kodiak Island Borough, expressed his view that the land acquisition is the best land purchase that the Exxon Valdez Trustee Counsel will consider, and the best investment that the State of Alaska could make with the \$900 million settlement. He further explained that the State of Alaska owns the rest of Shuyiak Island, with the exception of the parcel in question; with the acquisition of the parcel, the State of Alaska will own the entire island, enabling the implementation of a comprehensive land management plan.

In terms of land restoration, Mr. Selby described the parcel as a prime habitat in terms of impact on species damaged by the Exxon Valdez oil spill, thereby maximizing the opportunity for recovery. The parcel is also a heavily used recreational property for the State of Alaska, with a great deal of hunting and fishing activity on Shuyiak Island from residents of Anchorage, the Kenai Peninsula, and Kodiak. Therefore, the acquisition presented a unique opportunity whereby the State may forward the recovery of fish and wildlife species, while encouraging public activities, and implement land management. One third of the island is a state park; one quarter of the island is a state wildlife refuge. The parcel is situated to the southwest of those two parcels and completes the island.

Mr. Selby expressed his view that the acquisition is in full keeping with the Municipal Lands Act as a means to convert a capital asset. He further explained that \$6 million of the funds will be used to develop the Near Island Research Facility, which is a part of a \$16 million dollar facility planned to provide fisheries research in the Gulf of Alaska. Scientists from Federal National Fisheries, Alaska Fish and Game, and the University of Alaska will be co-located into the facility, where they will share research efforts to produce "world class" fisheries data to be used to managed fisheries in the Gulf of Alaska. Mr. Selby expressed his concern that if a research project was not implemented, fisheries in Alaska would face long-term jeopardy. The Near Island facility would be completed at no additional cost to the State. The balance of the funds would then be placed in a Facilities Fund by the Kodiak Island Borough, in order to maintain school facilities, thereby preventing future appropriation requests for the purpose. Mr. Selby reiterated that the acquisition would convert a capital asset, an island parcel worth \$42 million, into programs which would benefit the State in many areas.

Sen. Frank recalled an earlier purchase of property of the Exxon Valdez Trustee Counsel that required its conversion into a State Park, and questioned if there were any such restrictions placed on the State in the current acquisition agreement.

MOLLY MC CAMMON, Executive Director of the Exxon Valdez Oil Spill Trustee Counsel, explained that the current acquisition proposal contained no such language as was put forth in the Seal Bay Acquisition, to which Sen. Frank referred. Ms. McCammon explained the intent of the Department of Natural Resources to manage the Shuyak Island parcel as State land for recreation and wildlife habitat, with no "blackmail clause" stating that if is not placed in a State Park that it will be reverted to the Nature Conservancy or the Federal Government. In response to a question by Sen. Phillips, Ms. McCammon explained that the current acquisition proposal takes into account the legislature's response to language in the prior agreement.

Sen. Davis requested clarification as to whether there was written agreement guaranteeing that the balance of the funds, minus \$6 million for fisheries research, will be placed in a facilities fund, and whether annual earnings on the fund will be known to the public. Mr. Selby explained that the fund has already been established to manage the \$36 million, and that an ordinance restricted spending to interest only for the following uses: maintaining existing facilities, renovating existing facilities, and repaying bonded debt on existing facilities. In addition, he explained that 15% of the interest would return to the principal each year to keep the fund up with inflation. Responding to a question by Sen. Phillips, Mr. Selby explained that the ordinance required a public bill in order to be changed.

In response to a question by Sen. Phillips, Ms. McCammon pointed out that the Counsel was currently committed to spend approximately \$450 million, roughly half of the total settlement. Of that expenditure, close to \$200 million was spent on land acquisition. She further noted that in September, during her presentation on the Counsel's overall work plan, it was discovered that many people desired to spend the entire \$900 million on land acquisition, while others wanted to spend the entire amount on research projects. The Counsel adopted a plan three years ago committing approximately one third of the funds toward habitat protection. Following the commitment, they met with Federal counterparts to determine the priorities for Federal and State acquisitions. She explained that the Counsel continues to proceed according to the restoration plan.

Providing further clarification for Sen. Phillips, Ms. McCammon explained that approximately 60% of the settlement funds would be placed in research efforts. The Counsel has adopted a restoration reserve, in anticipation of further development over the next 15 to 20 years; currently \$36 million are placed in the restoration reserve earning interest, with a commitment of to place \$12 million in the reserve. By the year 2000, this amount would reach a total of \$150 million, and, if inflation-proofed, could provide \$5 to \$6 million a year of revenue for the Counsel.

Addressing Sen. Phillips' concern that the Counsel would once again approach the Legislature to request funding for land acquisition, Ms. McCammon confirmed the Counsel's intention to request a state, joint venture acquisition of a large parcel on Frog Neck Island. In addition, she explained that there are smaller, discreet areas which the Department of Natural Resources would like to use for marine parks and recreation. She also referenced the small parcel program for lands under one thousand acres, through which the Counsel has authorized agencies to make offers on approximately \$16 million's worth of small properties, in areas such as Seward, Palmer, and other locations along the Kenai River, which are key habitat areas. As the transaction progress, the Counsel intends to approach the Legislature for approval.

In response to a question by Sen. Bunde, Ms. McCammon explained the restrictions on the use of the land acquisition. Since the main purpose for the acquisition was to ensure protection of habitation, commercial timber harvest is restricted. Other activities on State Lands, such as hunting and fishing, would still be allowed.

CRAIG TILLERY, Assistant Attorney General, Civil Division, Environmental Section, Alaska Department of Law, responded to Sen. Halford's question about the language of these restrictions by referring to the Conservation Easement, on page 9 of Exhibit B. He also referenced the Warranty Deeds themselves, containing a covenant which states that "public use of land shall

be so guaranteed: hunting, fishing, trapping' etc. Mr. Tillery explained that all the language was subject to existing rights.

In response to a concern voiced by Sen. Phillips regarding restriction of motorized vehicles, Ms. McCammon clarified the use of motorized boats or planes was not prohibited. Mr. Tillery explained that the tide lands are not part of the acquisition, and therefore airplanes or boats would not be able to reach the acquired parcel. All access to the island is salt water borne; no ATV's or snow machines have ever gained access to the area.

Sen. Rieger raised a question as to how heavily the Near Island fisheries research project figured into the Trustees justification for the \$42 million acquisition. Mr. Tillery confirmed that the \$6 million for fisheries technology was a consideration in deciding to proceed with the current acquisition, since the State trustees viewed the research as a valid restoration benefit. Regarding the Federal Trustees, Ms. McCammon explained that they considered the fisheries facility as an added benefit, and not a driving factor in the acquisition. Mr. Tiller noted that the resolution adopted by all EVOS Trustees contains a statement that the Near Island Research Facility will have a positive benefit on natural resources injured by the Exxon Valdez oil spill.

Rep. Bunde expressed his concern regarding inflated appraisals which occurred in the past, and their reflection on future land acquisitions proposals. Rep. Bunde questioned whether the Conservation Easements applied to other state land already in the state park, and Mr. Tiller explained that it the defined terms applied only to the land transferred from the Kodiak Islands.

Chairman Martin raised a concern regarding the cost of managing these lands, and requested a list of long range and immediate cost to the State of land management. Ms. McCammon explained that the majority of current land acquisitions exist within Federal or State land holdings, thereby facilitating better quality and ease of land management. State Trustees believe that the proposed acquisition should be managed by personnel currently managing adjacent state lands, and would not increase management costs.

In response to Chairman Martin's suggestion that a portion of settlement funds be set aside for land management costs, it was pointed out that during 1995 such a motion was made regarding Seal Bay State Park, and was defeated; Federal Trustees did not agree to allocating such funds. The Department of Natural Resources do not believe that there will be any additional management costs with the proposed acquisition. Mr. Tiller agreed to inquire about language which would guarantee that, in the case that management costs did increase in the future, these monies would come from the settlement fund and not from the state.

In response to a question by Sen. Frank, Jerome Selby clarified that it was a unanimous decision by the Kodiak Island Assembly to approve the acquisition plan. He went on to explain that they did not consider a local designation of the land, because Shuyak is

not located near enough to Kodiak Island in order to adequately manage the land, making it more effective to delegate the management to state park personnel. Sen. Adams questioned whether current cash flow necessitated the payment plan proposed in the RPL, and it was explained that it was difficult to ascertain cash flow demands over the next eight years, and payment over time appears to be a more conservative course. Funds are currently earning interest, and there are plans to move them to a higher interest bearing account.

Rep. Kohring expressed concern over the intent behind the proposed acquisition, whether that be to assist programs for Kodiak Island or for the benefit of the entire State, and questioned whether there was an impending threat to the land or resources of the island that necessitated the proposed purchase. Mayor Selby pointed out that some of the greatest bird losses resulting from the oil spill occurred on the Barons Island to the north of Shuyak Island, making it critical habitat for these bird species, as well as for sea mammals in that area which were hard hit by the spill. From the standpoint of restoration of species damage, the area is a priority.

Regarding the fishing industry, it was pointed out that the area contains excellent salmon streams for preservation. Mayor Selby conceded that while Kodiak Island stood to benefit from the acquisition, the benefits clearly impact the entire state of Alaska. He also pointed out the opportunity for tourism development in the Kodiak archepeglio, which would benefit the economy of Kodiak and the State. In addition, Mayor Selby reiterated the benefit of adequate facilities to fisheries researchers in the State and University. Molly McCammon pointed out that the Seward research facility would be used predominantly for marine mammals, sea bird and fisheries genetics, while the facility in Kodiak is oriented toward commercial fisheries technology, byproducts, processing techniques, etc. Rep. Zharoff pointed out that the research facility in Kodiak is one of only five of its kind in the nation.

Molly McCammon explained that the Trustees have examined the expenditure of funds in order not only to address restoration needs, but to leave lasting benefit to communities within the spill area. Therefore, any major acquisitions and research projects implement not only restoration benefits, but also community benefits.

CARL ROSIER, retired Trustee Member and member of the Alaska Outdoor Council, explained that the Council believes there to be many benefits from the land acquisition. The benefits include state management of lands, hunting and fishing resources, restoration of wildlife species, and conservation of habitat. The Council believes that the benefits will be clarified during the years to come and strongly supports passage of the RPL.

Sen. Adam's MOTION on RPL 10-6-4011 to approve appropriation of \$42 million for the purchase of Shuyak Island was continued. No

objections being raised, the motion was APPROVED by unanimous consent.

Discussion Regarding Anchorage Data Center

Motion to Conduct Special Audit of Department of Information Systems, Amended to include Statewide Analysis of customer service.
Approved.

MARK BOYER, Commissioner, Department of Administration, supported by KAREN MORGAN, Deputy Director of Division of Information Services, and RON HENSLING, addressed concern over the decision to realign data processing in the State of Alaska. He explained that the realignment was a business decision, based on economics, and referenced two studies conducted relating to state data processing, pointing to the direction of consolidating into one center that utilized a client/server format for accessing data.

Mr. Boyer referred to a study reportedly done by an earlier administration, which indicated that a shift away from Anchorage to Juneau would cost millions of dollars; he and his staff have been unable to locate such a study in their research. Rep. Bunde requested that the search for the study be continued and offered the assistance of an outside auditor, questioning the long term operating expense involved in the realignment.

Mr. Boyer pointed out cost savings in the near term, stating that the long term situation was difficult to determine due to the nature of change in the computer industry. In the next fiscal year, the Department of Administration (DOE) anticipates cost savings of nearly \$1 million, manifested through a combination of factors -- not purchasing duplicate licenses, nor additional software caused by redundant operations in Anchorage, in addition to reducing four vacant PCNs in the 1997 budget. A total \$925,000 in anticipated savings would be reflected in the budget introduced by the Governor.

In addition to direct savings, Mr. Boyer noted costs avoided by a change in business methods, such as adding additional disc drive space which would cost \$250,000, and adding uninterrupted power supply to the Anchorage facility which would cost \$150,000, as well as ongoing hardware maintenance costs of \$21,000 per month, and \$48,000 per month of software expenses.

Rep. Bunde expressed concern over the Governor's increase in the budget of \$5.8 million for telecommunications. Chairman Martin clarified that the figure refers to the Department of Administration's increase of software and enhancement of telecommunication.

SB

64

SFIN

FILE

SENATE FINANCE COMMITTEE REPORT

DATE: 3/12/97

REPORTED OUT OF
FURTHER: SFC 3-19-97

DATE TURNED
IN TO OFFICE: 3-19-97

Finance Committee considered SENATE BILL NO. 64

"An Act relating to the Shuyak Island State Park."

and recommends:

be replaced with CS SB 64 (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 DO PASS	DP	OTHER RECOMMENDATIONS	NR	DNP	AM
<i>[Signature]</i>	✓	<i>[Signature]</i>	✓		
		<i>[Signature]</i>	✓		
		<i>[Signature]</i>	✓		✓
		<i>[Signature]</i>	✓		
Co-Chair:		Co-Chair:			
Co-Chair:		Co-Chair: <i>[Signature]</i>			✓

NEW FISCAL NOTE(S):

Department Date Zero Fiscal

PREVIOUS FISCAL NOTE(S):*

Department Date Zero Fiscal

#1 DNR	4/29		15.0
#2 DPS	7/31	e	

APPROPRIATION -- no fiscal note

*include fiscal notes accompanying Governor's bill

FISCAL NOTE

REPORTED OUT OF

REC 3-19-97 No. 2

STATE OF ALASKA
1997 LEGISLATIVE SESSION

BILL NO: Bill Version: CSSB 64 (CRA)

(S) Publish Date: 2-4-97

Revision Date: _____ Dept. Affected: Public Safety

Title: An Act relating to Shuyak Island State Park BRU: Fish and Wildlife Protection

Component: Detachments

Sponsor: Rules Committee

Requester: S. CRA COMPONENT SERIAL NO. 0490

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

	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
OPERATING						
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

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

CHANGE IN REVENUES () Revenue Code	-0-	-0-	-0-	-0-	-0-	-0-
---	-----	-----	-----	-----	-----	-----

FUNDING: (Thousands of Dollars)

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

Estimate of current year (FY 97) impact: \$ -0-

POSITIONS:

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

ANALYSIS: (Attach a separate page if necessary.)
This Bill will have no impact on this Department's programs or budget.

Prepared By: Lt. Joel L. Hard Phone: 266-5409

Division: Fish and Wildlife Protection Date: January 31, 1997

Approved by Commissioner: *Dee Smith* Date: 1/31/97

Agency: Ronald L. Otte, Department of Public Safety

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FISCAL NOTE

REPORTED OUT OF

379-97

No: 1

STATE OF ALASKA 1997 LEGISLATIVE SESSION

Bill Version: CS SB 64 (CRA)

(S) Publish Date: 2-4-97

Revision Date: _____ Dept Affected: Natural Resources
 Title: An Act relating to the Shuyak Island BRU: Parks & Recreation Management
State Park Component: Parks Management
 Sponsor: Mackie
 Requestor: (S)CRA Component Serial No. 452

Expenditures/Revenues		(Thousands of Dollars)					
	FY98	FY99	FY00	FY01	FY02	FY03	
OPERATING EXPENDITURES							
PERSONAL SERVICES	5.0	7.0					
TRAVEL	5.0	3.0					
CONTRACTUAL							
SUPPLIES	5.0	3.0	4.0	5.0	5.0	6.0	
EQUIPMENT							
LAND & STRUCTURES							
GRANTS, CLAIMS							
MISCELLANEOUS							
TOTAL OPERATING	15.0	13.0	4.0	5.0	5.0	6.0	
CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0	
CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0	

FUND SOURCE		(Thousands of Dollars)					
	FY98	FY99	FY00	FY01	FY02	FY03	
1002 Federal Receipts							
1003 GF Match							
1004 GF							
1005 GF/Program Receipts	15.0	13.0	4.0	5.0	5.0	6.0	
1037 GF/Mental Health							
Other							
TOTAL	15.0	13.0	4.0	5.0	5.0	6.0	

Estimate of any current year (FY97) cost: \$ 0.0

POSITIONS

	FY98	FY99	FY00	FY01	FY02	FY03
FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

ANALYSIS:

(Attach a separate page if necessary)

Day-to-day management of the expanded park can be handled by existing staff and volunteer levels with some additional supply monies to pay for boat gas and other supplies. These costs are necessary for expanded patrol areas. A new park brochure would need to be designed and printed in FY98.

\$10.0 is needed in FY98 and FY99 to revise the Shuyak Island State Park Master Plan. The first year is \$5.0 each for personnel and travel to gather baseline information on use patterns in the new park area. Second year is \$7.0 for personnel and \$3.0 for travel to prepare the written update and hold the requisite public meetings and public comment period leading to adoption of a revised park plan.

Prepared by: Jim Stratton, Director *Jim Stratton* Phone: 269-8700
 Division: Parks Date: 29-Jan-97
 Approved by Commissioner: *Jim Stratton* Date: 1-29-97
 Agency: Natural Resources

SENATE FINANCE
COMMITTEE

REPORTED ON *Moved by Pearce*
Adopted w/o obj.

Amendment Number: 1
Bill Number: CSSB 64(RES)
Sponsor: Sharp Date:
Logged In By: P. Sigurdson

0-LS0417F.1
Luckhaupt
3/13/97

A M E N D M E N T 1

OFFERED IN THE SENATE
TO: CSSB 64(RES)

BY SENATOR SHARP

- 1 Page 4, line 7, following "emergency":
- 2 Insert "A closure implemented because of a biological emergency (1) may continue
- 3 in effect only as long as the biological emergency continues to exist, and (2) must be
- 4 reevaluated on a regular basis, not less than annually, to justify that the closure
- 5 continues to be necessary."

AMENDMENT #2

OFFERED IN THE SENATE

BY SENATOR SHARP

TO: CSSB 64(RES)

- 1 Page 1, line 1, following "Park":
- 2 Insert "and to the McNeil River State Game Refuge"

- 3 Page 5, following line 15:
- 4 Insert a new bill section to read:
- 5 "* Sec. 9. AS 16.20.041 is repealed."

Not Offered
SENATE FINANCE
COMMITTEE

Amendment Number: 3
Bill Number: CSSB 64(RES)
Sponsor: Sharp Date: 3/19/97
Logged In By: P. J. Jensen

AMENDMENT

OFFERED IN THE SENATE

BY SENATOR SHARP

TO: CSSB 64(RES)

Page 4, line 7 following "emergency."

INSERT new language to read:

Insert: " A closure implemented because of a biological emergency (1) may continue in effect only so long as the biological emergency continues to exist, and (2) is submitted to the legislature for approval at the next regular session of the legislature. In no case may the closure be repeated in subsequent years unless the closure is approved by the legislature under (2) of this subsection. If the legislature fails to approve a closure under (2) of this subsection by the last day of that regular session, the closure ends and cannot be enforced after the last day of that regular session.

SB

67

HFIN

FILE

HOUSE COMMITTEE REPORT

(11)

Date Referred to Committee: April 17, 1997

FURTHER REFERRALS:

Date of Committee Action: 4/28/97

The FINANCE Committee considered:

CSSB 67(JUD)

CS FOR SENATE BILL NO. 67(JUD)

TRUTH IN SENTENCING

“An Act relating to the imposition of criminal sentences; and amending Rule 32.2, Alaska Rules of Criminal Procedure.”

recommends it be replaced with the following committee substitute CS SB 67 (Jud) the same title a new title

additional referral to _____ Committee
 attached amendment(s)

ADOPTS: _____ Letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept)

APPROVES PREVIOUS: (Dept/Date)

fiscal note(s) _____

fiscal note(s) SEC 3/13/97

zero fiscal note(s) AK Court Sys

zero fiscal note(s) (2) DPS 3/5/97
(1) LAW 3/5/97

SIGNING WITH RECOMMENDATIONS		DP	DNP	NR	AM
<i>Tom Therriault</i>	Therriault	X			
<i>Alan Nield</i>	MULDER	X			
<i>Henry Martin</i>	martin	X			
<i>John M. Danks</i>	J. DAVIS			X	
<i>Walter M. Moses</i>	MOSES			X	
<i>Tom Danks</i>	G. DAVIS	X			
<i>Tom Kelly</i>	Kelly	✓			
<i>Tom Kelly</i>	FASTER	☉			

CHAIR'S SIGNATURE *Tom Therriault*
 Therriault

1997 LEGISLATIVE SESSION

NO:

Bill Version: CSSB 67 (Jud)

(S) Publish Date: 3-5-97

Revision Date: _____

Dept. Affected: Public Safety

Title: Truth in Sentencing

DPS Statewide Support

Component: Commissioner's Office

Sponsor: Rules Committee

Requestor: S. Judiciary

COMPONENT SERIAL NO. 0523

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

OPERATING	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL EXPENDITURES	-0-	-0-	-0-	-0-	-0-	-0-
CHANGE IN REVENUES ()	-0-	-0-	-0-	-0-	-0-	-0-
Code Revenue						

FUNDING: (Thousands of Dollars)

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

Estimate of current year (FY 97) impact: \$ _____

POSITIONS.

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

ANALYSIS. (Attach a separate page if necessary.)

No fiscal impact is anticipated to the Department of Public Safety

Prepared By: Sandy Perry-Provost, Special Assistant to the Commissioner

Phone: 465-4322

Division: Commissioner's Office

Date: 2/20/97

Approved by Commissioner: *Ronald L. Otte*

Date: 2/21/97

Agency: Ronald L. Otte, Dept. of Public Safety

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FISCAL NOTE

No. 4

STATE OF ALASKA
1997 LEGISLATIVE SESSION

BILL N

Bill Version: CSSB 67 (TJD)

(S) Publish Date: 3-5-97

Revision Date: _____
Title: Truth in Sentencing
Sponsor: Sen. Halford
Requestor: S. Judiciary

Dept. Affected: Public Safety
BRU: Violent Crimes Compensation Board
Component: _____
COMPONENT SERIAL NO. _____

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

OPERATING	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
PERSONAL SERVICES	0					
TRAVEL	0					
CONTRACTUAL	0					
SUPPLIES	0					
EQUIPMENT	0					
LAND & STRUCTURES	0					
GRANTS CLAIMS	0					
MISCELLANEOUS	0					
TOTAL OPERATING	0	0	0	0	0	0
CAPITAL EXPENDITURES						
CHANGE IN REVENUES ()						
Revenue Code						

FUNDING: (Thousands of Dollars)

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

Estimate of current year (FY 97) impact: \$ _____

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS (Attach a separate page if necessary.)

The Violent Crimes Compensation Board approves of any vehicle which makes the victim more informed.

Prepared By: Nola K. Capp Phone: 465-3040
Division: Violent Crimes Compensation Board Date: February 10, 1997
Approved by Commissioner: *Ronald L. Otte* Date: 2/2/97
Agency: Ronald L. Otte, Dept. of Public Safety

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FISCAL NOTE

No. 5

STATE OF ALASKA
1997 LEGISLATIVE SESSION

Bill Version: CSSB 67 (Jud)

(S) Publish Date: 3-5-97

Revision Date: _____	Dept. Affected: <u>Department of Law</u>
Title: <u>*An Act relating to the imposition of criminal</u>	BRU: <u>Criminal Division</u>
<u>sentences; amending Rule 32.2, Ak Rules of Criminal Procedure</u>	Component: <u>Criminal Division</u>
Sponsor: <u>Senator Halford</u>	
Requester: <u>Senate Judiciary Committee</u>	COMPONENT SERIAL NO. <u>2085</u>

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

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

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

FUND SOURCE (Thousands of Dollars)

FUND SOURCE	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY97) cost: \$ 0.0

POSITIONS

POSITIONS	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
FULL-TIME	0.0	0.0	0.0	0.0	0.0	0.0
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

The Senate Judiciary Committee Substitute for SB 67 includes a new section stating that the required approximate minimum term statement in the sentencing report is for informational purposes only, and cannot be used as a basis for review or appeal of the sentence imposed.

With this change, the Department of Law no longer anticipates any fiscal impact from passage of this legislation.

Prepared by: <u>Joan M. Kasson</u> <i>Joan M. Kasson</i>	Phone: <u>465-5370</u>
Division: <u>Administrative Services Division</u>	Date: <u>2/27/97</u>
Approved by Commissioner: <u>Bruce M. Botelho, Attorney General</u> <i>Bruce Botelho for</i>	Date: <u>2/27/97</u>
Agency: <u>Department of Law</u>	

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1997 LEGISLATIVE SESSION

Revision Date: _____

Dept. Affected:

Public Safety

Title: Truth in Sentencing

DPS Statewide Support

Component:

Commissioner's Office

Sponsor: Rules Committee

Requestor: S Judiciary

COMPONENT SERIAL NO. 0523

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

OPERATING	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL EXPENDITURES	-0-	-0-	-0-	-0-	-0-	-0-
CHANGE IN REVENUES ()	-0-	-0-	-0-	-0-	-0-	-0-
Code Revenue						

FUNDING: (Thousands of Dollars)

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

Estimate of current year (FY 97) impact: \$ _____

POSITIONS

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

ANALYSIS. (Attach a separate page if necessary)

No fiscal impact is anticipated to the Department of Public Safety

Prepared By: Sandy Perry-Provost, Special Assistant to the Commissioner

Phone: 465-4322

Division: Commissioner's Office

Date: 2/20/97

Approved by Commissioner: Ronald L. Otte

Date: 2/21/97

Agency: Ronald L. Otte, Dept. of Public Safety

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FISCAL NOTE

No. 4

STATE OF ALASKA
1997 LEGISLATIVE SESSION

BILL N

Bill Version: CSSB 67 (Jun)

(S) Publish Date: 3-5-97

Revision Date: _____

Dept. Affected: Public Safety

Title: Truth in Sentencing

BRU: Violent Crimes Compensation Board

Component: _____

Sponsor: Sen. Halford

Requestor: S. Judiciary

COMPONENT SERIAL NO. _____

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

OPERATING	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
PERSONAL SERVICES	0					
TRAVEL	0					
CONTRACTUAL	0					
SUPPLIES	0					
EQUIPMENT	0					
LAND & STRUCTURES	0					
GRANTS CLAIMS	0					
MISCELLANEOUS	0					
TOTAL OPERATING	0	0	0	0	0	0

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

CHANGE IN REVENUES ()						
Revenue Code						

FUNDING: (Thousands of Dollars)

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

Estimate of current year (FY 97) impact. \$ _____

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS (Attach a separate page if necessary)

The Violent Crimes Compensation Board approves of any vehicle which makes the victim more informed.

Prepared By: Nola K. Capp

Phone: 465-3040

Division: Violent Crimes Compensation Board

Date: February 10, 1997

Approved by Commissioner: *Ronald L. Otte*

Date: 2/2/97

Agency: Ronald L. Otte, Dept. of Public Safety

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FISCAL NOTE

No. 5

STATE OF ALASKA
1997 LEGISLATIVE SESSION

Bill Version: CSSB 67 (Jud)

(S) Publish Date: 3-5-97

Revision Date: _____ Dept. Affected: Department of Law
 Title: "An Act relating to the imposition of criminal
sentences; amending Rule 32.2, Ak Rules of Criminal Procedure BRU: Criminal Division
 Sponsor: Senator Halford Component: Criminal Division
 Requester: Senate Judiciary Committee COMPONENT SERIAL NO. 2085

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

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

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

FUND SOURCE (Thousands of Dollars)

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

Estimate of any current year (FY97) cost: \$ 0.0

POSITIONS

FULL-TIME	0.0	0.0	0.0	0.0	0.0	0.0
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

The Senate Judiciary Committee Substitute for SB 67 includes a new section stating that the required approximate minimum term statement in the sentencing report is for informational purposes only, and cannot be used as a basis for review or appeal of the sentence imposed.

With this change, the Department of Law no longer anticipates any fiscal impact from passage of this legislation.

Prepared by: Joan M. Kasson *Joan M. Kasson* Phone: 465-5370
 Division: Administrative Services Division Date: 2/27/97
 Approved by Commissioner: Bruce M. Botelho *Bruce M. Botelho* Date: 2/27/97
 Agency: Department of Law

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Revision Date: 3-13-97

Dept. Affected: Corrections

Title: Truth in Sentencing

BRU: ALL

Sponsor: Senator Halford

Components: ALL

Requestor: Senate Finance Committee

Serial # 694.0

EXPENDITURES/REVENUES: (THOUSANDS OF DOLLARS)

OPERATING	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants, Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES	***	***	***	0.0	0.0	0.0
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CHANGE IN REVENUES (1002)	650.0	650.0	650.0	0.0	0.0	0.0
---------------------------	-------	-------	-------	-----	-----	-----

FUNDING: (THOUSANDS OF DOLLARS)

1002 Federal Receipts	650.0	650.0	650.0			
1003 GF Match	65.0	65.0	65.0			
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other						
TOTAL	715.0	715.0	715.0	0.0	0.0	0.0


POSITIONS:

Full-Time						
Part-Time						
Temporary						

ANALYSIS: (ATTACH A SEPARATE PAGE IF NECESSARY)

see attached analysis

Prepared by: SENATE FINANCE COMMITTEE


SENATOR DRUE PEARCE, COCHAIR


SENATOR BERT SHARP, COCHAIR

Date: 3-13-97

Phone: 455-4993

Date: 3-13-97

Phone: 465-3004

Analysis of CSSB 67(JUD)

As amended, SB 67 should qualify the State of Alaska to apply for and receive federal Truth-in-Sentencing grants under the United States Department of Justice Violent Offender Incarceration and Truth-in-Sentencing Incentive Grants program. These funds are to be used for prison construction or renovations. Congress has authorized funds for the grants through FY 2000. The amount that the State of Alaska would be eligible to receive depends upon how many other states qualify, inasmuch as appropriated funds are divided between qualifying states on the basis of their number of violent offenders. Had Alaska qualified this past year, its share would have been \$650,000 plus a required 10% state match. The Department of Corrections assumes that Congress will appropriate similar sums each year, but that Alaska's share may receive a slight decrease each year as more states qualify.

*** Should these federal receipts materialize they will be available for appropriation by the Legislature for future capital expenditures on correctional facilities.

FISCAL NOTE

STATE OF ALASKA
1997 LEGISLATIVE SESSION

BILL NO. CSSB 67 (JUD)

Revision Date: _____
Title: Truth in Sentencing

Dept. Affected: Alaska Court System
BRU: Trial Courts
Component: _____

Sponsor: Sens. Hafford, Green, Donley
Requestor: Senate State Affairs

COMPONENT SERIAL NO. 768

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS & CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

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

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

Fund Source (Thousands of Dollars)

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

Estimate of any current year (FY 97) 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: Stephanie J. Cole, Acting Administrative Director 87
 Agency: Alaska Court System

Phone: 264-8228
 Date: 03/10/97
 Date: 03/10/97

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Senate

**RICK
HALFORD**

State Capitol
Juneau, Alaska
99801-1182
Phone (907) 465-4958

P.O. Box 670190
Chugiak, Alaska 99567
Phone (907) 694-4958

600 E. Railroad Avenue
Wasilla, Alaska 99654
Phone (907) 376-4958

Brett Huber

Sponsor Statement

SB 67 "The Truth in Sentencing Act of 1997"

When a felon is sentenced to a term of imprisonment the public often receives a false sense of security by believing the criminal will actually be incarcerated for the stated sentence. As a result of "good time", as well as mandatory and discretionary parole provisions, the actual sentence served is virtually guaranteed to be less than which is imposed by the judge.

If enacted, SB 67 would require that a victim of a crime, their family, as well as the public, be provided with an accurate statement of the period of the *minimum* period of time which must be served before the criminal is released. *At the very least*, the victim and their families, as well the public, deserve an honest and accurate assessment of the amount of time a criminal will actually be incarcerated. SB 67 would require that the judge do this.

The enactment of SB 67 would also allow the Department of Corrections to receive *up to* \$650,000 in federal funds which are available to states which meet federal truth in sentencing guidelines.

LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

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


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

MEMORANDUM

April 14, 1997

SUBJECT: Sectional Summary of CSSB 67(JUD)
(Work Order No. 20-LS0137\L)

TO: Senator Rick Halford
Attn: Brett Huber

FROM: Gerald P. Luckhaupt 
Legislative Counsel

You have requested a sectional summary of the above-described bill.

As a preliminary matter, please note that a sectional summary of a bill should not be considered an authoritative interpretation of the bill - the bill itself is the best statement of its contents.

Section 1 of the bill provides a short title.

Section 2 of the bill provides language requested by the Department of Corrections concerning authorized sentences.

Section 3 of the bill requires the approximate minimum term a defendant is expected to serve before being released, becoming eligible for mandatory, or becoming eligible for discretionary parole be included in the sentencing report that is required to be prepared under AS 12.55.025(a).

Section 4 of the bill clarifies that the identification of minimum terms in the sentencing report, as required under sec. 3, is for informational purposes only and does not give rise to any right of the defendant to any particular minimum term.

Section 5 of the bill amends Rule 32.2(e), Alaska Rules of Criminal Procedure, and requires judges at sentencing hearings to state the approximate minimum term a defendant must serve before being eligible for discretionary parole and mandatory parole.

Section 6 of the bill provides notice that secs. 3 - 4 amend a court rule.

Senator Rick Halford

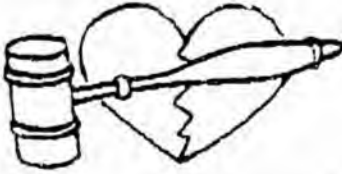
April 14, 1997

Page 2

Section 7 of the bill provides that the bill only takes effect if secs. 5 and 6 receive the two-thirds majority vote of each house as required under the Constitution for amendments to court rules.

GPL:jdr

97-268.jdr

VICTIMS

for Justice 619 East Fifth Avenue • Anchorage, AK 99501
(907) 278-0977 • Fax: (907) 258-0740

February 3, 1997

The Honorable Senator Rick Halford
State Capitol Room 121
Juneau, Alaska 99801-1182

Re: SB 67

Dear Senator Rick Halford,

Victims for Justice supports legislation that demands truth in sentencing. Victims of crime are overwhelmed by the criminal justice system as information is often withheld from families because it might affect the integrity of the case. The victim must struggle with continuances and is often traumatized as they begin to understand the laws protect the defendant's rights at the expense of the victims'. The victim's day in court finally arrives and the victims are permitted to give their victim impact statement as they anxiously await the sentencing. When the judge metes out the sentence, a sigh of relief! Then the victim again becomes victimized when they realize that the defendant only serves a third of the sentence the judge imposes. Why does the court have to give the lay person misinformation? Why isn't the court required to tell the sentence as it is meant. "Truth in sentencing would eliminate another trauma from the victim.

Sincerely,

A handwritten signature in cursive script that reads "Janice Lienhart".

Janice Lienhart
Executive Director

T.E. Brown
LCDR, USCG (Ret)
Palmer, AK 99645

September 30, 1996

Senator Rick Halford
P.O. Box 670190
Chugiak, AK 99567

RECEIVED

OCT 11 1996

ins'd.....

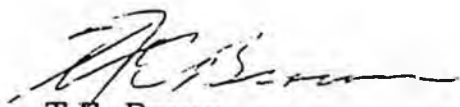
Dear Senator Halford,

The attached letter is pretty much self-explanatory. Perhaps it could have been better composed but it does express a Mothers' grief. To re-fresh your memory, this is about a man who took a girl out the Glenn Highway, stopped by the King Mountain Lodge, then proceeded on northbound. murdered the girl and dumped her body by the river.

This man should serve the entire 1,825 days of his 5 year sentence. To serve less would be an injustice to us all. After all, the crime was murder, although the Prosecution allowed him to plead down.

I am hopeful you will be able to forestall the early release of this convicted criminal.

Sincerely,



T.E. Brown

Dolores M. Johnston
RD #11 Box 873
Greensburg, PA 15601
(412) 834-7823
August 3, 1996

RE: Case 3 PAS.94-1013

To the Alaska Dept. Of Corrections and to Whom it May Concern (and Especially Those Victims of Murder):

This letter is written in total disgust of the Correctional System for asking to place Frank Osborn on furlough and placing him in the public workplace.

I feel he received a light sentence for **Murder**, and this offering of work privileges is a real slap in the face to me as the mother of the victim. I was with the understanding at his sentencing in May that he was to serve five (5) years without parole -- WHAT DO YOU CALL THIS?! Maybe all of the intellectual people have forgotten the basics of conversation and statements. They seem to use "except", "if", "or" and "but" for all of their poor judgments in the court system. Excuses for CRIMINALS.

Concerning the five (5) year sentence, my heart was at ease for a while. How can you even recommend such a placement so soon after the sentence date, May 28, 1996? Doesn't the judge have the real say so?! Why bother having a judge if a lesser educated person is going to override his/her decisions. What a mockery! Go ahead, give Frank Osborn his request. It's your public surroundings, not mine. You can release him if I agree or not. I only hope that the next victim of his crime isn't your relative or daughter. You'll get to know the word "hurt". Do you know the mental anguish this has put me through, plus I've lost today's wages (8/2/96). I also understand a release date has been set for September 1997. This is not five (5) years! If pursuit of this furlough and release date is granted, I fear that a medical disability may occur due to the amount of stress I've endured, punishment more than the criminal Frank Osborn has to endure for **murder**. If work release is needed for finances, let him work in the facility cleaning the restrooms, etc., but he should remain behind bars! He already has three (3) balanced meals, housing, etc. -- better than most poor people -- more than a **murderer** deserves!!! I understand Frank didn't think I would have a problem with the furlough request. Well, "I DO"!!!

In my loving remembrance of Lorie.

Dolores M. Johnston

FEB 03 1997

Senator Rick Halford
Alaska State Legislature
State Capitol (MS 3100)
Juneau, Alaska 99801-1182

30 January 1997

Re: Senate Bill 67

Dear Senator Halford,

Today, I received a Senate Majority Fax regarding your Truth in Sentencing Act of 1997. I heartily support your efforts in this regard. It has long been my belief that if the public realized just how little time convicted criminals were actually incarcerated for their crimes, that same public would be appalled. And being thus appalled, would then rise up in righteous indignation and demand the changes that would return us to some common sense and sanity in our criminal justice system.

While many believe that our criminal justice system is broke and needs fixing or replacing, I disagree. I say there is nothing wrong with our criminal justice system and the principal behind it. The problem lies in how it has been perverted, and in some of the people who apply it.

Our criminal justice system is based on the idea that sufficient punishment deters crime. But that will only work if punishment is, in actuality, sufficient. It must also be both swift and sure. These days, it is none of the above.

Your bill, if passed, will go a long way toward helping to insure that punishments are sufficient by shining the light of public scrutiny on the sentencing actions and decisions of judges. I suspect that they will be less likely to be lenient with the public looking over their shoulder.

Very Truly Yours,



P.O. Box 240487

Anchorage, Alaska 99524-0487