

ALASKA LEGISLATURE COMMITTEE FILES, 1989-1990 8672  
6374 SENATE JUDICIARY

778

STATE OF ALASKA  
1990 LEGISLATIVE SESSION

BILL VERSION : CSHB 244  
PUBLISH DATE :

FISCAL NOTE

Sec. 4-7 *jk*

REQUEST:

Revision Date: 9-Feb-90  
Title: An Act relating to the frequency of certain state agency reports.  
Sponsor: House Finance  
Requestor: House Rules

Agency Affected: Natural Resources  
BRU: Petroleum Management  
Land & Water Management  
Components: Petroleum Management  
Land & Water Management

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 91	FY 92	FY 93	FY 94	FY 95	FY 96
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL	(1.8)	(8.8)	(1.8)	(8.8)	(1.8)	(8.8)
SUPPLIES						
EQUIPMENT						
LAND&STRUCTURES						
GRANTS,CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	(1.8)	(8.8)	(1.8)	(8.8)	(1.8)	(8.8)

CAPITAL						
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REVENUE						
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FUNDING: (Thousands of Dollars)

GENERAL FUND	(1.8)	(8.8)	(1.8)	(8.8)	(1.8)	(8.8)
FEDERAL FUNDS						
OTHER						
TOTAL	(1.8)	(8.8)	(1.8)	(8.8)	(1.8)	(8.8)

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

See Attached

Prepared by: Sharon Barton Phone: 465-2406  
Division: Management and Administration Date: 9-Feb-90  
Approved by Commissioner: *Lennie Gorsuch* Date: 9-Feb-90  
Agency: Department of Natural Resources

Distribution (by preparer) :  
Legislative Finance  
Legislative Sponsor  
Requestor  
Office of Management and Budget  
Impacted Agency(ies)

## Analysis CSHB 244 (Finance)

Section 4 would require the Department to report to the Legislature on the status of land in the land disposal bank every two years instead of every year, beginning in 1991. This information is currently provided to the Legislature in a report that also meets the requirements of AS 38.05.300 (b), which calls for a report each year showing the classifications of state land made during the previous year. If AS 38.05.300 (b) is amended so that a report to the Legislature is required every other year instead of every year, the combined savings for these two reports will total approximately \$250 for each year the reports are not provided to the Legislature.

Section 5 and Section 6 require the Department of Natural Resources to prepare and submit the state's proposed five-year oil and gas leasing program to the Legislature every two years instead of every year. This would result in a savings of approximately \$6,675 in publication costs every other year. During the year when the document is not published and submitted to the Legislature, an addendum to the five-year schedule would be prepared. This would allow us to continue the current program of adding oil and gas sales to the schedule each year. In general, a sale must be listed on the schedule for at least two years before it can be held.

Section 7 would permit the Department of Natural Resources to discontinue submitting a report concerning historical and projected oil and gas consumption to the Legislature. This would save approximately \$1,825 in publication costs every year. The Department would still be required to develop and make available to the public each year information concerning the specific findings and reasons on which royalty oil export determinations are made.

**FISCAL NOTE**

*Sec. 2*

**REQUEST:**

Revision Date: \_\_\_\_\_  
Title: An act relating to the frequency of certain state agency reports  
Sponsor: House Finance Committee  
Requestor: OMB

Agency Affected: AK Public Offices Commission  
BRU: \_\_\_\_\_  
Components: \_\_\_\_\_

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

OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL	(1.3)	1.0	(1.3)	1.0	(1.3)	1.0
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>(1.3)</b>	<b>1.0</b>	<b>(1.3)</b>	<b>1.0</b>	<b>(1.3)</b>	<b>1.0</b>

CAPITAL						
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REVENUE						
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**FUNDING:** (Thousands of Dollars)

GENERAL FUND	(1.3)	1.0	(1.3)	1.0	(1.3)	1.0
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>						

**POSITIONS:**

FULL-TIME						
PART-TIME						
TEMPORARY						

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

SEE ATTACHED

*note: 400 fiscal note increase - show biennial savings of .11 & biennial expenditures of .22*

Prepared by: Karla B. Forsythe, Executive Director  
Division: Alaska Public Offices Commission

Phone: 276-1176  
Date: 4/4/89

Approved by Commissioner: [Signature]  
Agency: Alaska Public Offices Commission

Date: 4/4/89

**Distribution (by preparer):**

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

This Fiscal Note reflects the savings which would result from publishing APOC's annual report every other year rather than every year.

Although it is assumed that staff would spend more time writing a biennial report, since it would include information from a longer period of time, this increase has not been factored into the attached cost figures.

It costs \$480.00 in postage to distribute the narrative portion of the FY 88 report, \$160.00 in postage to distribute the summary tables, and \$1,190.00 to print the report. It is assumed that if the report is published every other year, the report will be longer by half, resulting in an additional \$240.00 in postage for the narrative portion of the annual report. The tables which contain annual statistical information would double in size, resulting in \$160.00 in additional postage over the base year. Finally, if the report exceeds the size of an annual report by half, printing costs will increase by \$580.00. As a result, although every other year report preparation costs will exceed base costs by \$1,000.00, in the off years when a report is not published the state will save \$1,800.00, for an overall savings of \$800.00 over each two-year period.

FISCAL NOTE

See. 8

REQUEST:

Revision Date: 4/3/89  
Title: Frequency of State  
Agency Reports  
Sponsor: House Finance Committee  
Requestor: OMB

Agency Affected: Dept. of Administration  
BRU: Alaska Public Broadcasting  
Commission  
Components: APBC

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	(2.8)	2.8	(2.8)	2.8	(2.8)
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING	0	(2.8)	2.8	(2.8)	2.8	(2.8)

CAPITAL	0	0	0	0	0	0
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REVENUE	0	0	0	0	0	0
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FUNDING: (Thousands of Dollars)

GENERAL FUND	0	(2.8)	2.8	(2.8)	2.8	(2.8)
FEDERAL FUNDS	0	0	0	0	0	0
OTHER	0	0	0	0	0	0
TOTAL	0	(2.8)	2.8	(2.8)	2.8	(2.8)

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) The APBC has a current requirement for an annually updated Long Range Plan. If HB244 passes, the updating, printing and distribution would occur only every other year. The associated costs, therefore would drop in FY'90, reappear in '91 drop in '92, reappear in '93, etc. The APBC can provide accounting assistance to stations with the 2.8 in the years when the report would not be required.

Prepared by: Charles M. Northrip Phone: 465-2846  
Division: Alaska Public Broadcasting Commission Date: 4/3/89

Approved by Commissioner: \_\_\_\_\_ Date: 4/3/89  
Agency: Department of Administration

Distribution (by preparer):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

**FISCAL NOTE**

*See 9-11*

**REQUEST:**

Revision Date: \_\_\_\_\_  
Title: Act relating to frequency of certain state agency reports  
Sponsor: Finance Committee  
Requestor: Office of Management & Budget

Agency Affected: Administration  
BRU: Telecommunications  
Components: Operations

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

OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	(1.1)	1.1	(1.1)	1.1	(1.1)
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
<b>TOTAL OPERATING</b>	<b>0</b>	<b>(1.1)</b>	<b>1.1</b>	<b>(1.1)</b>	<b>1.1</b>	<b>(1.1)</b>

CAPITAL	0	0	0	0	0	0
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REVENUE	0	0	0	0	0	0
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**FUNDING: (Thousands of Dollars)**

GENERAL FUND	0	(1.1)	1.1	(1.1)	1.1	(1.1)
FEDERAL FUNDS	0	0	0	0	0	0
OTHER	0	0	0	0	0	0
<b>TOTAL</b>	<b>0</b>	<b>(1.1)</b>	<b>1.1</b>	<b>(1.1)</b>	<b>1.1</b>	<b>(1.1)</b>

**POSITIONS:**

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

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

Prepared by: Deborah Gazaway *Deborah Gazaway* Phone: 465-2041  
Division: Telecommunications Date: 4/3/89

Approved by Commissioner: John M. Andrews *John M. Andrews* Date: 4/3/89  
Agency: Administration

Distribution (by preparer) :  
Legislative Finance  
Legislative Sponsor  
Requestor  
Office of Management and Budget  
Impacted Agency(ies)

# CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. 244

Prepared by Division of Telecommunications  
Department of Administration

April 3, 1989

IV Analysis: If enacted, HB244 would reduce reporting requirements for various State publications from an annual to a biennial basis. Sections 9, 10 and 11 specifically affect telecommunications operations of the department. In 1988, the Division of Telecommunications combined the various statutorily required reports under one cover. Submitting the report every two years rather than every year, would decrease the Division of Telecommunication's annual contractual operating expenses in FY90, FY92 and FY94 by \$1,134. This decrease in contractual expenses would result from a reduction in publication (\$834) and mailing costs ( $\$2.40 \times 125 \text{ copies} = \$300$ .)

Section 9 amends AS 44.21.315(c) to biennially report to the governor and legislature on instructional telecommunications activities and long-term development plans. Section 10 amends AS 44.21.315(d) to biennially report to the governor on plans for teleconferencing facilities and services, while Section 11 amends AS 44.21.320(e) to biennially report on authorizations for independent development of telecommunications systems within specific agencies. Such activities are discussed in the annual report of the Division of Telecommunications.

*See 13*

**FISCAL NOTE**

**REQUEST:**

Revision Date: \_\_\_\_\_  
Title: Frequency of Certain State Agency Reports  
Sponsor: \_\_\_\_\_  
Requestor: House Finance

Agency Affected: Transportation  
BRU: \_\_\_\_\_  
Components: \_\_\_\_\_

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

OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
PERSONAL SERVICES	-0-	-0-	-0-	-0-	-0-	-0-
TRAVEL	-0-	-0-	-0-	-0-	-0-	-0-
CONTRACTUAL	-0-	-0-	-0-	-0-	-0-	-0-
SUPPLIES	-0-	-0-	-0-	-0-	-0-	-0-
EQUIPMENT	-0-	-0-	-0-	-0-	-0-	-0-
LAND & STRUCTURES	-0-	-0-	-0-	-0-	-0-	-0-
GRANTS, CLAIMS	-0-	-0-	-0-	-0-	-0-	-0-
MISCELLANEOUS	-0-	-0-	-0-	-0-	-0-	-0-
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
REVENUE	-0-	-0-	-0-	-0-	-0-	-0-

**FUNDING: (Thousands of Dollars)**

GENERAL FUND	-0-	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS	-0-	-0-	-0-	-0-	-0-	-0-
OTHER	-0-	-0-	-0-	-0-	-0-	-0-
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

**POSITIONS:**

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

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

See attached page

Prepared by: Carol Taylor  
Division: Plans, Programs & Budget

Phone: 465-4070  
Date: 4/3/89

Approved by Commissioner: *M. K. L. H. L.*  
Agency: \_\_\_\_\_

Date: 4/1/89

Distribution (by preparer):  
Legislative Finance  
Legislative Sponsor  
Requestor  
Office of Management and Budget  
Impacted Agency(ies)

## CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. HB244

The department will not realize a saving through amendment of AS44.42.055(a) and (b). The amendment proposes to publish the state public facilities plan biennially instead of annually as a saving measure. The last state public facilities plan was published in February, 1984. Funding decreases and position cuts have made updates to the plan impossible without a major redirection of resources away from federally required transportation planning and data collection efforts.

In the FY85 budget, the majority of the staffing to perform public facilities planning was deleted. The last public facilities planner positions were deleted in the FY86 budget. Since then the department's facilities' needs have been identified in the long range capital improvement program, "Six-Year CIP", however, the needs of other entities throughout the state have not been consistently addressed by this department. The life cycle cost analysis, and many of the other items covered by this statute are not performed.

FISCAL NOTE

REQUEST:

Revision Date: \_\_\_\_\_  
Title: "An Act relating to the frequency of certain state agency reports."

Agency Affected: Community & Regional Affairs  
BRU: Rural Development

Sponsor: House Finance Committee

Components: Municipal Lands Trustee

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

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 91	FY 92	FY 93	FY 94	FY 95	FY 96
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL	(1.6)		(1.6)		(1.6)	
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	(1.6)		(1.6)		(1.6)	

CAPITAL						
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REVENUE						
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FUNDING: (Thousands of Dollars)

GENERAL FUND	(1.6)		(1.6)		(1.6)	
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

There is no fiscal effect for FY 90.

Prepared by: Jim Plasman, Deputy Director

Phone: 465-4750

Division: Municipal & Regional Assistance

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

Approved by Commissioner: Mike Kalum OCRA  
Agency: Community & Regional Affairs

Date: 8 Feb 90

Distribution (by preparer):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

*Sec. 16*

**FISCAL NOTE**

**REQUEST:**

Revision Date: \_\_\_\_\_  
Title: An Act relating to..frequency of certain state agency reports."  
Sponsor: House Finance Committee  
Requestor: \_\_\_\_\_

Agency Affected: Community & Regional Affairs  
BRU: Housing Assistance  
Components: Housing Loan Administration

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

OPERATING	FY 91	FY 92	FY 93	FY 94	FY 95	FY 96
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL	(6.0)		(6.0)		(6.0)	
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	(6.0)		(6.0)		(6.0)	

CAPITAL						
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REVENUE						
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**FUNDING: (Thousands of Dollars)**

GENERAL FUND						
FEDERAL FUNDS						
OTHER	(6.0)		(6.0)		(6.0)	
TOTAL						

**POSITIONS:**

FULL-TIME						
PART-TIME						
TEMPORARY						

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

There is no fiscal effect for FY 90.

Prepared by: Carol Carroll, Deputy Director  
Division: Administrative Services  
Approved by Commissioner: John P. ... DC, CRA  
Agency: Community & Regional Affairs

Phone: 465-4708  
Date: 2/9/90  
Date: \_\_\_\_\_

**Distribution (by preparer):**

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

<u>NO.</u>	<u>Amount</u>	<u>Agency</u>
1	5.05.030	Alaska Athletic Commission
2	5.15.083	Operators of Games of Chance / to Dept. of Revenue
3	6.05.055	Dept. of Commerce & Econ. Devel. / on Banks
4	6.30.625	Dept. of Commerce and Econ. Devel. / by Savings Associations
5	8.04.070	Board of Public Accountancy
6	8.08.085	Alaska Bar Association
7	8.10.050	Board of Barbers and Hairdressers
8	8.36.070	Board of Dental Examiners
9	8.48.101	Board of Registered Architects, Engineers, Land Surveyors
10	8.64.101	State Medical Board
11	8.84.010	Physical Therapy and Occupational Therapy Board
12	8.86.070	Board of Psychologists and Psychological Associate Examiners
13	8.95.030	Board of Clinical Social Work Examiners
14	8.98.050	Board of Veterinary Examiners
15	10.05.678	Foreign Corporations to DCED
16	10.06.433	Domestic Corporations to Shareholders
17	10.20.590	Non Profit Corporations to DCED
18	12.62.017	State and Municipal Law Enforcement Officers / to Commission on Criminal Justice
19	14.09.010	Dept. of Education / Pupil Transportation
20	14.25.170	Teachers Employment Retirement system
21	14.40.087	University of Alaska / Center for International Business
22	14.40.455	University of Alaska-Risk Management Fund / to OMB
23	14.43.095	Commission on Postsecondary Education/Financial Aid Committee
24	14.44.055	Commission on Postsecondary Education / Education Commission of the States
25	14.45.110	Private Schools / to Dept. of Education
26	15.13.030	Alaska Public Offices Commission / to Legislature
27	16.05.092	Fisheries Rehabilitation and Enhancement Division
28	16.10.470	Permitted Salmon Hatcheries / to Dept. of Fish and Game
29	16.43.980	Limited Entry Commission
30	16.51.100	Alaska Seafood Marketing Institute
31	16.52.050	UA/Fisheries Industrial Technology Center
32	18.05.020	Dept. of Health and Social Services
33	18.20.040	DHSS/Hospitals
34	18.55.270	Alaska State Building Authority
35	18.56.200	Alaska Housing Finance Corporation
36	18.65.260	Alaska Police Standards Council
37	18.66.050	Council on Domestic Violence and Sexual Assault
38	18.80.060	Human Rights Commission
39	18.85.160	Public Defender Agency
40	21.06.110	Dept. of Admin. / on Operations of Division of Insurance
41	23.15.320	Committee on Employment of Handicapped
42	23.30.155	Alaska Workmen's Compensation Board / to Dept. of labor
43	24.20.311	Legislative Budget and Audit / Summary of Audit Reports
44	24.45.031	Alaska Public Offices Commission / on Lobbying Activities
45	24.55.230	Ombudsman Office
46	27.05.060	Dept. of Natural Resources
47	29.60.420	Dept. of Commerce and Econ. Devel. / Municipal Assistance Grants
48	33.32.030	Dept. of Corrections / Correctional Industries Fund
49	34.55.018	Subdividers to Dept. of Natural Resources
50	35.10.015	Dept. of Transpo. and Public Facil. / on Handicapped Accessibility to Governor
51	36.10.130	Department of Labor / Resident Hire Report
52	37.05.035	Office of the Governor / State Agencies that Purchase Loans
53	37.12.010	Alaska Resource Corporation (Repealed 6/89)
54	37.17.090	Dept. of Revenue / Alaska Science and Technology Foundation
55	39.35.020	Public Employees Retirement System
56	41.08.030	DNR / Geological and Geophysical Survey
57	41.17.320	Dept. of Natural Resources / on State Land Reforestation Fund
58	41.37.080	Citizen's Advisory Commission of Federal Areas in Alaska
59	41.98.025	Alaska Mineral Resources Fund Board / to Legislature
60	42.05.211	Alaska Public Utilities Commission
61	42.06.220	Alaska Public Utilities Commission / Oil & Gas Pipeline Regulation Data
62	42.07.111	Alaska Transportation Commission
63	42.30.050	Annual Statements of Public Service Providers to APUC
64	42.40.260	Alaska Railroad Corporation
65	43.05.010	Dept. of Revenue
66	43.19.010	Multistate Tax Compact Commission / to Legislature
67	43.50.360	DOR / Tobacco Tax Collections / to Legislature

71	44.19.073	Office of the Governor / Alaska Foreign Offices
72	44.19.144	Office of the Governor / Office of Management and Budget
73	44.19.145	Office of the Governor / OMB / Long Range
74	44.19.180	Office of the Governor / Alaska Women's Commission
75	44.19.188	Office of the Governor / Yukon Talya Commission
76	44.19.263	Office of the Governor / Alaska Science & Engineering Advisory Commission
77	44.19.442	Office of the Governor / Office of Equal Employment Opportunity
78	44.19.504	Office of the Governor / Telecommunications Information Council
79	44.21.180	Dept. of Administration / Data Processing Fees Charged to Local Governments
80	44.33.720	Dept. of Commerce & Economic Development / ATMC
81	44.47.530	Dept. of Community and Regional Affairs / Housing Assistance Revolving Loan Fund
82	44.81.200	Alaska Commercial Fishing and Agricultural Bank
83	44.82.190	Alaska Gas Pipeline Finance Authority
84	44.83.200	Dept. of Commerce & Econ. Dev. / Alaska Power Authority
85	44.83.340	Dept. of Commerce & Econ. Devel. / APA / Susitna River
86	44.85.100	Dept. of Commerce & Econ. Devel. / Municipal Bond Bank Authority
87	44.88.210	Dept. of Commerce & Econ. Devel. / Alaska Industrial Development Authority
88	44.99.010	Dept. of Labor / Alaska Manpower Services Council / to Legislature
89	46.03.020	Dept. of Environmental Conservation / Permit Activities / to Legislature
90	46.03.032	Dept. of Environmental Conservation / Alaska Clean Water Fund
91	47.25.010	Dept. of Administration / Pioneer Homes
92	47.30.470	Dept. of Health and Social Services / State Office on Alcoholism and Drug Abuse
93	47.30.540	Dept. of Health and Social Services / Community Mental Health Grants
94	47.30.666	Alaska Mental Health Board

CSHB 244 (Fin)  
 -Frequency of State Agency Reports

February 12, 1990  
 Floor Session

Changes annual reports to biennial basis, unless otherwise noted.

	<u>Statute:</u>	<u>Report:</u>	<u>Fiscal Impact:</u> (FY97)
1	14.43.095(c)	Post Secondary Ed. Financial Aid Comm.	0
2	15.13.030	APOC report to Legislature	(1,800)
3	18.26.200	Ak. Med. Facility Authority	(Non-GF)
4	38.04.020(d)	Land Disposal Bank	( 250)
5	38.05.180(b)	Oil & Gas Leasing (5 year proposal) Annual addendum required	} } (6,675)
6	38.05.180(e)	Oil & Gas Leasing - (Amends from 1 yr. to 2 yr. lease sale report) Annual addendum now required	} }
7	38.05.183(d)	Oil & Gas In-kind share Comm. findings made on as-needed basis, rather than yearly.	(1,825)
8	44.21.266	Ak. Public Broadcasting Comm. Long-range plans	(2,800)
9	44.21.310(a) (2)	Administration Telecomm. Report	}
10	44.21.315(c)	Instructional Telecomm. Report re: long-term development	}
11	44.21.315(d)	Telecomm. Report findings after public hearings re: long-range goals	} (1,100)
12	44.21.320(e)	Telecomm. Report re: all agencies in required report under 44.21.310(a) (2)	}
13	44.42.055(a)	State Public Facilities Plan (DOT/PF) Last publication FY84 (6-yr. CIP now takes its place)	0
14	44.42.055.(b)	State Public Facilities Plan (DCT/PF)	0

15	44.47.150(d)	CRA-Rural Development Land conveyed in trust	(1,600)
16	44.47.530	CRA HAD loan portfolio w/yearly audit now required	(6,000)
17	44.83.320(c)	Susitna Hydro Project	
18	44.83.340(b)	Susitna Hydro Project	
19	44.83.224	Repeals Office of Energy (Discontinued in FY86)	0
<u>7140</u>	<u>44.83.960</u>	<u>Revised 1989</u>	
20		Periods to be covered by each amendment to bring to biennial basis	

TOTAL SAVINGS: \$22,050 EVERY OTHER YEAR

February 12, 1990

CSIB 244 (Finance)  
Sectional Overview

Sec. 1 AS 14.43.095(c)  
Post Secondary Education Financial Aid  
Costs shifted from GF to bond proceeds;  
cost overruns becomes increased subsidy  
appropriation.

NOTE: Fiscal note not submitted

Sec. 2: AS 15.13.030  
Changes the "Alaska Public Offices Commission Annual  
Report" to a biennial report.

NOTE: Fiscal impact = \$1,800 biennial savings

Sec. 3: AS 18.26.200  
Changes the "Alaska Medical Facility Authority Annual  
Report" to a biennial report and changes the due date  
from the 10th day of each regular session to the 10th  
day of the first regular session of each legislature.

NOTE: This is an administrative fee paid for by the  
hospitals to manage bonds for hospitals -  
currently 2 bonds for Fairbanks Memorial  
Hospital. Non-GF

Sec. 4: AS 38.04.020(d)  
Changes the "State Land Disposal Bank Annual Report"  
to a biennial report and changes the due date from  
January 15 of each year to January 15 of the first  
session of each legislature.

NOTE: Fiscal impact = \$250 biennial savings

Sec. 5: AS 38.05.180(b)  
Changes the "Annual Five-Year Oil and Gas Program

Report" to a biennial report and changes the due date from between the 1st and 15th day of each regular session to between the 1st and 15th day of the first regular session of each legislature.

Sec. 6: AS 38.05.180(e)

Changes the annual submittal of the "Oil and Gas Schedule of Lease Sales" to a biennial submittal. (tied in with Sec. 5 of this bill)

Sec. 7: AS 38.05.183(d)

Changes the "Historical and Projected Oil and Gas Consumption Annual Report" to a biennial report making it due within 10 days of the convening of the first regular session of each legislature.

NOTE: Fiscal impact for Sec. 5, 6 & 7 = \$6,675 biennially

Sec. 8: AS 44.21.266

Changes the "Long-Term Plan for Public Broadcasting Update" from an annual report to a biennial report.

NOTE: Fiscal impact = \$2,800 savings biennially

Sec. 9: AS 44.21.310(a)(2)

Changes the "Telecommunications Annual Report" to a biennial report.

Sec. 10: AS 44.21.315(c)

Changes the "Report on Instructional Telecommunications Services" from an annual report to a biennial report.

Sec. 11: AS 44.21.315(d)

Changes the "Long-term Development Plan for Teleconferencing Facilities and Services" from an annual report to a biennial report.

Sec. 12: AS 44.21.320(e)

Technical change to accommodate Section 11 of this bill.

NOTE: Fiscal impact for sections 9, 10, 11, 12 = \$1,100 biennial savings

Sec. 13: AS 44.42.055(a)

Changes the "Annual State Public Facilities Plan" to a biennial plan.

Sec. 14: AS 44.42.055(b)

Technical change to accommodate Section 13 of this bill.

NOTE: Fiscal impact = 0 Report discontinued FY84  
6-year CIP plan now in its place

Sec. 15: AS 44.47.150(d)  
Changes the "Municipal Lands Trustee Program Report"  
from an annual report to a biennial report.

NOTE: Fiscal impact = \$1,600 biennial savings

Sec. 16: AS 44.47.530  
Changes the "Housing Assistance Division Annual  
Report" to a biennial report.

NOTE: Fiscal impact = \$6,000 biennial savings.  
Yearly audit now required.

Sec. 17: AS 44.83.224  
Changes the "Annual Long-Term Energy Plan" to a  
biennial plan.

Sec. 18: 44.83.340(b)  
Relates to long-term energy plan re: Susitna Hydro  
project.

Sec. 19: AS 44.83.224  
Repeals Office of Energy - discontinued in FY86  
*NGW 44.83.760 (Revised in 1989)*

Sec. 20: Transitional Provisions  
Effective Dates

NOTE: Estimated biennial savings of approximately \$22,050+

# MEMORANDUM

State of Alaska

Office of the Governor  
Division of Policy

TO: The Honorable Steve Rieger      DATE: Jan. 25, 1989  
Representative  
Alaska State Legislature

FROM: Steve Cole *Steve*      PHONE: 465-3568  
Policy Analyst  
Division of Policy / OMB

SUBJECT: List of State Agencies Legally Required to Submit Annual Reports

Attached please find a list of boards, commissions, and other state agencies currently required to make annual reports. This list was compiled through the "STAIRS" database on ALECSYS using only two search queries, "annual (adj) report" and "report (adj) annually". These search queries most likely did not turn up all instances of statutory language requiring annual reports.

Please don't hesitate to call if you have questions regarding this list.

cc: M. Halloran, Director, DOP



ALASKA STATE LEGISLATURE  
HOUSE OF REPRESENTATIVES  
RESEARCH AGENCY

Pouch Y, State Capitol  
Juneau, Alaska 99811  
(907) 465-3991

May 16, 1985

MEMORANDUM

TO: Representative Mike Navarre

ATTN: Roger Poppe

FROM: Gretchen Keiser  
Legislative Analyst

RE: Costs of Annual Reports and Plans Produced by the State of Alaska  
Research Request 85-261

You requested this agency to conduct a review of all annual reports and plans produced by State agencies. We were asked to identify potential savings if these reports and plans were produced on a biennial basis. You asked us to distinguish among reports and plans required under Alaska Statute by the legislature, those required by the governor or the federal government, and those produced without an express statutory requirement.

In order to prepare this memorandum, we requested the following information from all State agencies on each annual report or plan they produce:

- 1) a breakdown of estimated costs to produce each report or plan (i.e., research and writing, printing, and distribution);
- 2) an estimate of savings if a report or plan were produced on a biennial basis;
- 3) a brief explanation of how staff time would be reallocated if a report or plan were produced on a biennial basis;
- 4) the statutory citation, if appropriate; and
- 5) a brief identification of problems which might arise if a report or plan were produced on a biennial basis.

The number of annual reports and plans and the cost information obtained from the State agencies is summarized in Table 1. The agencies identified 41 annual reports/plans which are required by the Legislature under Alaska Statute (excluding information pending from the Department of Labor). The estimated cost of preparing these annual documents is

Representative Navarre  
May 16, 1985  
Page Two

about \$515,000/year. If all reports or plans required by the legislature were prepared on a biennial basis, the agencies estimated that about \$234,000 (or 23 percent of the estimated biennial costs) would be saved every two years.

It should be noted that the agencies indicated that problems would occur if many of these reports or plans required by the legislature were prepared on a biennial basis. In many cases, the annual report provides an efficient summary of commonly requested information. In addition, some annual reports are used for planning and budgeting purposes. Nevertheless, agencies identified about \$139,000 in potential savings in cases where biennial reports or plans would pose no problem.

Table 1 also provides the above information for annual reports and plans: 1) required under Alaska Statute (by the governor, commissioner, etc.); 2) required by the federal government; and 3) not specifically required under Alaska Statute. State agencies identified about \$170,000 in potential savings in all categories of reports which could be prepared on a biennial basis without problems from the agency's perspective.<sup>1</sup> Tables 2, 3 and 4 provide detailed information on specific annual reports and plans prepared by each State agency.

In addition, all State agencies contribute to the Annual Performance Report prepared by the Office of Budget and Management (OMB), as required by AS 37.07.09. Based on cost figures from six agencies as well as the OMB, we estimate that this annual report costs approximately \$36,000 each year for the State to prepare.

In general, the State agencies indicated that if a report or plan were prepared on a biennial basis, staff resources would be reallocated to either program and plan implementation/management, data management, or different projects currently understaffed.

\* \* \* \* \*

We will forward the comments received from the Department of Labor once they are received by this office. We hope that this information is useful to you. Please contact us if you have any questions.

GK

Attachments

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<sup>1</sup>These savings include staff salaries and benefits which would likely be reassigned to other tasks without a true "saving" in State funds.

TABLE 1  
SUMMARY OF ANNUAL REPORTS AND PLANS PREPARED BY STATE AGENCIES<sup>a</sup>

Reports/Plans By Category	Number of Reports/Plans	Estimated Costs of Reports/Plans	Estimated Savings with All Biennial Reports/Plans	Estimated Savings Where No Problems with Biennial Reports/Plans
Required by the Legislature under Alaska Statute	41	\$ 514,735/year 1,029,470/two years	\$ 234,065/two years (23% of biennial costs)	\$ 139,215/two years (14% of biennial costs)
Required under Alaska Statute (by the Governor, Commis- sioner, etc.)	13	\$ 358,415/year 716,830/two years	\$ 221,020/two years (31% of biennial costs)	\$ 13,100/two years (2% of biennial costs)
Required by the Federal Government <sup>b</sup>	41 <sup>+</sup>	\$ 315,540/year <sup>c</sup> 631,080/year	\$ 83,700/two years (13% of biennial costs)	All agencies indicated there would be problems under federal requirements
Not Specifically Required under Alaska Statute	22	\$ 284,080/year 568,160/two years	\$ 135,510/two years (24% of biennial costs)	\$ 18,000/two years (3% of biennial costs)
TOTAL:	117	\$1,472,770/year 2,945,540/two years	\$ 674,295/two years (23% of biennial costs)	\$ 170,315/two years (6% of biennial costs)

<sup>a</sup>Summary does not include pending information from the Alaska Department of Labor.

<sup>b</sup>The Departments of Environmental Conservation and Fish and Game also produce several annual reports/plans which were not itemized but which are required by the federal government.

<sup>c</sup>Estimate does not include expenses which an agency identified as met with federal funds.

Prepared by the House Research Agency, May 1985.

TABLE 2  
STATE AGENCY ANNUAL REPORTS AND PLANS REQUIRED BY THE LEGISLATURE UNDER ALASKA STATUTE

Department	Annual Report or Plan	Statutory Citation	Estimated Costs of Annual Report/Plan	Estimated Savings with Biennial Report/Plan	Problems with Biennial Report
Administration	Annual Financial Report	AS 37.05.030	30-40 clerical months \$30,000 printing and distribution	No true savings since State needs data for prudent decisionmaking	Would cost State money if vital data unavailable
	Older Alaska Commission Report	AS 44.21.230*	Research/Writing: \$ 5,000 Printing: 2,000 Distribution: 100	Report has been produced biennially to date	Sunset audit indicated that it should be annual report
	Annual PERS and TRS Financial Report	AS 39.35.020* AS 14.25.030	Research/Writing: \$ 2,700 Printing: 1,950 Distribution: 600	\$ 2,550/two years	None; annual data collected and audit performed
— OK	Long-Term Plan for Public Broadcasting (Annual Update)	AS 44.21.266*	Research/Writing: \$20,700 Printing: 2,850 Distribution: 600	\$17,400/two years	None
- OK	Telecommunications Annual Report	AS 44.21.310*	Research/Writing: \$ 2,400 Printing 150 Distribution: 50	\$ 200/two years	None
OK	Annual Report of Teleconferencing	AS 44.21.310*	Research/Writing: \$ 2,400 Printing: 100 Distribution: 50	\$ 150/two years	None
— OK	Public Offices Commission Annual Report	AS 15.13.030	Research/Writing: \$14,500 Printing: 3,600 Distribution: 150	Last produced in 1982 on a biennial basis	None
	Public Defender Agency Annual Report	AS 18.85.160	Research/Writing: \$ 0 Printing: 150 Distribution: 25	None	Annual data required to dovetail w/other criminal justice agencies

\*Report or plan also required to be submitted to the Governor.

TABLE 2 (Continued)  
STATE AGENCY ANNUAL REPORTS AND PLANS REQUIRED BY THE LEGISLATURE UNDER ALASKA STATUTE

Department	Annual Report or Plan	Statutory Citation	Estimated Costs of Annual Report/Plan	Estimated Savings with Biennial Report/Plan	Problems with Biennial Report
OK Commerce and Economic Development	Annual Long-Term Energy Plan	AS 44.83.224	Research/Writing \$35,600 Printing: 12,000	\$12,000/two years	None
	Annual State Loan Report; Loans Closed by Fund	AS 37.05.035	Research/Writing \$ 950 Printing: 200	Minimal; loans tracked annually	None
	Division of Insurance Annual Report	AS 21.06.110	Research/Writing \$ 2,000 Printing: 1,500 Distribution: 200 Revenue from sales: 1,500 Net cost: 2,200	Minimal (staff would still respond to numerous requests)	Centralized source of annual data would be absent; inefficient, individual responses to handle responses
	Alaska Industrial Development Authority Annual Report	AS 44.88.210*	Research/Writing \$ 1,000 Printing: 3,200 Distribution: 300	\$ 2,250/two years	AIDA must prepare an annual report for bond trustee
	Alaska Power Authority Annual Report	AS 44.83.200*	Research/Writing \$ 5,750 Printing: 15,900	No savings indicated; could be up to \$21,650/two years	Inability to respond to many annual data requests
	Alaska Public Utilities Commission Annual Report	AS 42.05.211	Research/Writing \$15,520 Printing: 2,270 Distribution: 780	\$ 17,250	Would still be required to compile annual data; loss of printed source for staff and public
	Alaska Seafood Marketing Institute Annual Report	AS 16.51.100*	Research/Writing \$ 2,485 Printing: 2,230 Distribution: 170	\$ /two years	Biennial report would impair ASMI communication with public

\*Report or plan also required to be submitted to the Governor.

TABLE 2 (Continued)  
STATE AGENCY ANNUAL REPORTS AND PLANS REQUIRED BY THE LEGISLATURE UNDER ALASKA STATUTE

Department	Annual Report or Plan	Statutory Citation	Estimated Costs of Annual Report/Plan	Estimated Savings with Biennial Report/Plan	Problems with Biennial Report
ok Community and Regional Affairs	Housing Assistance Division Annual Report	AS 44.47.530	Research/Writing \$15,880 Printing: 14,625 Distribution: 900	\$29,525/two years	None
ok	Local Boundary Commission Annual Report	AS 44.47.567 AS 29.08.010	Research/Writing: \$ 750 Printing: 80 Distribution: 20	\$ 850/two years	None
	Alaska Taxable	HCR 14 (1961)	Research/Writing: \$ 3,240 Printing: 3,500 Distribution: 450	\$ 7,190/two years	Centralized data on community assessments mill rates, etc. would be inaccessible
Corrections	None cited				
ok Environmental Conservation	Litter Reduction Program Annual Report	AS 46.06.020*	Research/Writing: \$ 0 Printing: 2,900 Distribution: 100	\$ 3,000/two years	None
Fish and Game	Fisheries Rehabilitation and Enhancement Division Annual Reprt	AS 16.05.092	Research/Writing: \$15,000 Printing: 500 Distribution: 100	\$15,600/two years	None
Health and Social Services	State Office of Alcoholism & Drug Abuse Annual Report to the Legislature	AS 47.37.040	Research/Writing: \$ 3,075 Printing: 760 Distribution: 235	\$ 2,530/two years	Loss of centralized document to handle many requests for annual data
Labor	Information pending				
Law	None cited				

\*Report or plan also required to be submitted to the Governor.

TABLE 2 (Continued)  
STATE AGENCY ANNUAL REPORTS AND PLANS REQUIRED BY THE LEGISLATURE UNDER ALASKA STATUTE

Department	Annual Report or Plan	Statutory Citation	Estimated Costs of Annual Report/Plan	Estimated Savings with Biennial Report/Plan	Problems with Biennial Report
Military and Veteran Affairs	None Cited				
Natural Resources	Annual Report on Fire Suppression Fund	AS 41.15.240*	Research/Writing: \$ 140 Printing: 5 Distribution: 25	\$ 170/two years	None; data collected for annual accounting
	Annual Report on State Land Classifications	AS 38.05.300	Research/Writing: \$ 7,410 Printing: 1,500 Distribution: 80	\$ 8,990/two years	None; raw data still collected annually
— OK	State Land Disposal Bank Annual Report	AS 38.04.020	Research/Writing: \$ 3,125 Printing: 500 Distribution: 80	\$ 3,705/two years	None; raw data still collected annually
— OK	Annual Five-Year Oil and Gas Program Report	AS 38.05.180	Research/Writing: \$16,015 Printing: 9,000 Distribution: 4,970	\$14,275/two years	An annual summary would still be needed for many requests
— OK	Historical and Projected Oil and Gas Consumption Annual Report	AS 38.05.183	Research/Writing: \$24,580 Printing: 8,420 Distribution: 1,005	\$15,255/two years	Annual study needed to determine if State has royalty surplus to in-state needs for export; need some annual summary to handle many requests

\*Report or plan also required to be submitted to the Governor.

TABLE 2 (Continued)  
STATE AGENCY ANNUAL REPORTS AND PLANS REQUIRED BY THE LEGISLATURE UNDER ALASKA STATUTE

Department	Annual Report or Plan	Statutory Citation	Estimated Costs of Annual Report/Plan	Estimated Savings with Biennial Report/Plan	Problems with Biennial Report
Public Safety	Annual Drug Report	AS 18.65.085	Research/Writing: \$19,950 Printing: 2,710 Distribution: 2,900	\$25,560/two years	None
	Violent Crimes Compensation Board Annual Report	AS 18.67.170*	Research/Writing: \$ 2,090 Printing: 1,055 Distribution: 860	\$ 1,570/two years	None
	Council on Domestic Violence and Sexual Assault Annual Report	AS 18.66.050*	Research/Writing: \$ 2,225 Printing: 625 Distribution: 275	\$ 2,595/two years	Loss of annual reference to handle many requests; annual data still collected
Revenue	Interest on Revenue Anticipation Notes	AS 43.08.035	Minimal (part of annual accounting)	Minimal	None
	Annual State Loan Report	AS 37.05.035	Minimal	Minimal	None
	Alaska Resource Corporation Annual Report	AS 37.12.090*	Audit: \$12,000 (under contract)	\$12,000/two years	None
	Alaska Medical Facilities Authority Annual Report	AS 18.26.200*	Audit: \$ 1,200	\$ 1,200/two years	None
	Annual Report on Games of Chance and Skill	AS 05.15.090	Research/Writing: \$ 385 Printing: 5	\$ 390/two years	Loss of annual data comparison to validate Dept. action

\*Report or plan also required to be submitted to the Governor.

TABLE 2 (Continued)  
STATE AGENCY ANNUAL REPORTS AND PLANS REQUIRED BY THE LEGISLATURE UNDER ALASKA STATUTE

Department	Annual Report or Plan	Statutory Citation	Estimated Costs of Annual Report/Plan	Estimated Savings with Biennial Report/Plan	Problems with Biennial Report
Revenue	Alaska Housing Finance Corporation Annual Report	AS 18.56.200*	Research/Writing: \$ 4,765 Printing: 14,710 Distribution: 1,915	Minimal	Covenant in Bond Indentures require annual report to Trustee
	Alaska Municipal Bond Bank Authority Annual Report	AS 44.85.100*	Audit: \$17,000 Printing: 10,000 Distribution: minimal	Minimal	1976 General Bond Resolution requires annual report to Trustee
	Alaska Permanent Fund Corporation Annual Report	AS 37.13.170*	Research/Writing: \$ 5,500 Printing: 8,100 Distribution: 815	\$ 8,695/two years (annual financial accounting would still be conducted)	Loss of accessible data for public;
Transportation and Public Facilities	Annual Architectural Barrier Report	AS 35.10.015*	Research/Writing: \$ 4,735 Printing: 10	\$ 4,745/two years	None
Office of the Ombudsman	Office of the Ombudsman Annual Report	AS 24.55.230	Research/Writing: \$12,760 Printing: 8,860 Distribution: 2,100	Minimal; report is already biennial	None; raw data still available
University of Alaska	Annual Report to the Legislature and President's Report	AS 14.40.190	Research/Writing: \$29,780 Printing: 17,410 Distribution: 665	\$ 470/two years (some annual report would still be necessary)	Loss of centralized, annual report to handle many requests

TOTAL: 41 reports  
(Without Department of Labor)

\$ 514,735/year  
\$1,029,470/two years

\$ 234,065/two years (23% of biennial costs)  
\$ 139,215/two years (14 %; only reports where agency indicated that there would be no problems with biennial report)

\*Report or plan also required to be submitted to the Governor.

Prepared by the House Research Agency, May 1985.

TABLE 3  
STATE AGENCY ANNUAL REPORTS AND PLANS REQUIRED BY THE GOVERNOR UNDER ALASKA STATUTE OR BY THE FEDERAL GOVERNMENT

Department	Annual Report or Plan	Statutory Citation	Estimated Costs of Annual Report/Plan	Estimated Savings with Biennial Report/Plan	Problems with Biennial Report
Administration	State Affirmative Action Plan	Adm. Order 75	Research/Writing \$75,000 Printing: \$34,000 Distribution: 2,100	\$80,000/two years (\$38,000 DOA; \$41,000 other State agencies)	Required annually by federal agency; State difficulty in projecting two-year hiring/promotion objectives
	Annual CEO Report	Adm. Order 75	First report to be completed 1/86; cost estimate: \$17,000	Unknown	Unknown
	Inventory of Communication Facilities Serving Alaska Communities	AS 44.21.315	Research/Writing \$ 4,800 Printing: 0 Distribution: 200	\$ 100/two years	Biennial report would be outdated; raw data still collected annually and available
Commerce and Economic Development	Annual Certification of Truck Size and Weight Enforcement	23 CFR 657.13	Research/Writing \$ 1,120	Not applicable	Required annually by Federal Highway Administration for federal matching funds
	Annual Truck Size & Weight Enforcement Plan	23 CFR 657.9	Research/Writing \$ 1,120	Not applicable	Required annually by FHWA for federal matching funds
Community and Regional Affairs	Municipal Lands Trustee Program Report	AS 44.47.150*	Research/Writing \$ 4,415 Printing: 1,950 Distribution: 470	\$6,835/two years	None
	Community Development Block Grant State Plan and Report	PL 93-383	Federal HUD funds	Not applicable	Required annually by HUD

\*Report or plan required to be prepared annually but not submitted to specific party.

TABLE 3 (Continued)

## STATE AGENCY ANNUAL REPORTS AND PLANS REQUIRED BY THE GOVERNOR UNDER ALASKA STATUTE OR BY THE FEDERAL GOVERNMENT

Department	Annual Report or Plan	Statutory Citation	Estimated Costs of Annual Report/Plan	Estimated Savings with Biennial Report/Plan	Problems with Biennial Report
Community and Regional Affairs	Community Services Block Grant State Plan	PL 97-35	Federal HHS funds	Not applicable	Required annually by HHS
	Governor's Coordination & Special Services Plan/JPTA Annual Report	PL 97-300	Federal Job Partnership Training Act funds	Not applicable	Governor's plan is biennial; JPTA report required annually by the federal government
	Annual Report for Special Delivery Area	PL 97-300	Federal JPTA funds	Not applicable	Required annually by the federal government
	<u>State Energy Plans</u>				
	•DOE Plan	10 CFR 440	Federal Department of Energy funds	Not applicable	Required annually by the federal government
•Extension Service Plan	10 CFR 420	"			
•Conservation Program Plan	10 CFR 420	"			
•Institutional Bldg Conservation Program Plan	10 CFR 450-455	"			
Corrections	None cited				
Education	<u>Office of Adult and Vocational Education</u>	Federal law	Federal Department of Education funds	Not applicable	Required annually by the federal government; loss of \$1.3 million annually
	•VocEd Annual Plan	"	\$36,200		
	•ABE Annual Plan	"	12,700		
	•ABE Annual Report	"	9,025		
	•VocEd Accountability Report	"	21,300		
	•Civil Rights Rpt.	"	5,500		

\*Report or plan required to be prepared annually but not submitted to specific party.

TABLE 3 (Continued)  
STATE AGENCY ANNUAL REPORTS AND PLANS REQUIRED BY THE GOVERNOR UNDER ALASKA STATUTE OR BY THE FEDERAL GOVERNMENT

Department	Annual Report or Plan	Statutory Citation	Estimated Costs of Annual Report/Plan	Estimated Savings with Biennial Report/Plan	Problems with Biennial Report
Education	<u>Division of Management, Law and Finance</u>	Federal law		Not applicable	Required annually by the federal government
	• Tuition/Boarding Programs Report	"	Research/Writing: \$39,700 Distribution: 255		
	• Nutrition Ed and Training Report	"	Research/Writing: 150		
	• State Annual Nutrition Plan	"	Research/Writing: 150		
	• Food Preference Report		Research/Writing \$ 205 Distribution: 80		
	• Annual reports on school budgets, audits, debt retirement, and cigarette tax	4 AAC 09.110 AS 14.14.050 AS 14.11.010	Research/Writing \$50,045 Printing: 0 Distribution: 255	No savings because research would be done for Department's annual statistical report	Loss of annual information packet submitted to Legislature; annual data still collected
	<u>Division of Educational Support</u>	Federal law	Federal Department of Education funds	Not applicable	Required annually by the federal government
	• Chapter I	"	"		
	• Chapter II	"	"		
	• Title VI-B	PL 94-142	"		
• Sex Equity	Federal law	"			
• Science & Math	"	"			
Alaska State Council on the Arts Annual Report	Federal law	Research/Writing: \$ 4,200 Printing: 5,945 Distribution: 680	Minimal	Required to make annual accounting of federal funds	
Alaska Historical Commission	AS 44.27.072	Research/Writing: \$ 75 Printing: 10 Distribution: 5	\$ 90/two years	None	

\*Report or plan required to be prepared annually but not submitted to specific party.

TABLE 3 (Continued)  
STATE AGENCY ANNUAL REPORTS AND PLANS REQUIRED BY THE GOVERNOR UNDER ALASKA STATUTE OR BY THE FEDERAL GOVERNMENT

Department	Annual Report or Plan	Statutory Citation	Estimated Costs of Annual Report/Plan	Estimated Savings with Biennial Report/Plan	Problems with Biennial Report
Environmental Conservation	Annual Progress Reports for EPA Grants	Federal laws	Federal EPA funds	Not applicable	Required annually by the EPA
Fish and Game	Numerous Reports for federal fish and wildlife aid	Federal laws	Federal funds	Not applicable	Required annually by the federal government
Health and Social Services	Vital Statistics Annual Report	AS 18.50.040*	Research/Writing: \$41,800 Printing: 900 Distribution: 1,100	\$ 2,000 (annual data would still be collected and computerized)	Loss of annual summary to handle many requests; required annually by the federal government
	Village Health Clinic Survey	AS 18.20.150*	Research/Writing: \$ 7,500 Printing: 800 Distribution: 250	\$ 8,550/two years	Loss of annual data on condition of clinics statewide for budget decisions
	Certificate of Need Activity Report	Federal law 7 AAC 07.105	Total cost: \$ 300	Not applicable	Required annually by the federal government
Labor	Information pending				
Law	None cited				
Military and Veteran Affairs	None cited				

\*Report or plan required to be prepared annually but not submitted to specific party.

TABLE 3 (Continued)  
STATE AGENCY ANNUAL REPORTS AND PLANS REQUIRED BY THE GOVERNOR UNDER ALASKA STATUTE OR BY THE FEDERAL GOVERNMENT

Department	Annual Report or Plan	Statutory Citation	Estimated Costs of Annual Report/Plan	Estimated Savings with Biennial Report/Plan	Problems with Biennial Report/Plan
OK Natural Resources	Annual Land Demand Assessment Report	AS 38.04.020	Research/Writing: \$ 3,125 Printing: 500 Distribution: 50	\$ 3,675/two years	None; data collected annually but would not be compiled
Public Safety	Highway Safety Plan	NIISA/FHWA Joint Order 960-2A/7510.3A	Research/Writing: \$23,330 Printing: 3,000 Distribution: 200	Not applicable	Required annually by the Federal Highway Administration
	Alcohol Highway Safety Plan	23 CFR 408	Research/Writing \$18,920 Printing: 1,300 Distribution: 100	Not applicable	Required annually by the FHWA
	Annual Highway Safety Evaluation	960-2A/7510.3A	Research/Writing: \$ 6,105 Printing: 50 Distribution: 10	Not applicable	Required annually by the FHWA
Revenue	Child Support Program State Plan	45 CFR 232.2	Research/Writing: \$ 400 Printing: 50 Distribution: 50	Not applicable	Required annually by the federal government
	International Airports Revenue Bond Debt Service Report	AS 37.15.480	Minimal	Minimal	None
	General Obligation Bond Debt Service Report	AS 37.15.170*	Minimal	Minimal	None
OK Transportation and Public Facilities	Annual State Public Facilities Plan	AS 44.42.055*	Research/Writing: \$ 7,890 Printing: 2,500 Distribution: 0	\$ 2,500/two years	None

\*Report or plan required to be prepared annually but not submitted to specific party.

TABLE 3 (Continued)

## STATE AGENCY ANNUAL REPORTS AND PLANS REQUIRED BY THE GOVERNOR UNDER ALASKA STATUTE OR BY THE FEDERAL GOVERNMENT

Department	Annual Report or Plan	Statutory Citation	Estimated Costs of Annual Report/Plan	Estimated Savings with Biennial Report/Plan	Problems with Biennial Report/Plans
Transportation and Public Facilities	Multi-year State Transportation Plan and Capital Improvement Program	AS 19.10.140 AS 44.42.050	Research/Writing \$243,875 Printing: 10,900 Distribution: 1,800	\$199,270/two years	Would not be reliable up-to-date indicator of improvement plans by other governments; needed for annual budget process
	Annual Highway Travel Inventory	Federal law	Research/Writing \$ 8,300 Printing: 1,500 Distribution: 200	\$ 1,700/two years data would still be collected annually)	FHWA does not require annual reporting but annual traffic data in summary format are needed for DOT/PF planning and design
	Annual Work Program	Federal law	Research/Writing \$ 5,000 Printing: 100 Distribution: 50	Not applicable	Required annually by the FHWA
	FHWA 105 Program Annual Report	Federal law	Research/Writing \$ 4,650 Printing: 50 Distribution: 50	Minimal; would still require annual data maintenance	Required annually by the FHWA
	Standards & Technical Services Division: several (8) reports addressing highway safety, real property, advertising, junkyards, and bridge structures	23 CFR 131, 136, 630, 650, 659, and 924; FHWA Order 6540.1; FHWA Notice 5080.101; and Fedl aid HP manual 7-5-1-16	Total: \$ 33,320	Minimal	Required annually by the FHWA

TOTAL: \$ 673,955/year \$304,720/two years (25% of biennial costs)  
 (Without Department of Labor) 1,347,910/two years \$ 13,100/two years (1%; only State-required reports where agency indicated that there would be no problems with biennial report)

\*Report or plan required to be prepared annually but not submitted to specific party.

TABLE 4  
STATE AGENCY ANNUAL REPORTS AND PLANS NOT SPECIFICALLY REQUIRED BY ALASKA STATUTE

Department	Annual Report or Plan	Estimated Costs of Annual Report/Plan	Estimated Savings with Biennial Report/Plan	Problems with Biennial Report/Plan
Administration	Information Systems Committee Annual Report	Research/Writing: \$ 1,200 Printing: 150 Distribution: 1,350	\$ 950/two years	Lack of current data on technology may adversely affect interested State agencies
Commerce and Economic Development	Alaska's Mineral Industry (see also Dept. of Nat. Res.)	Research/Writing: \$ 2,390 Printing: 9,000 Distribution: 200	\$ 1,340/two years	Basic economic data would need to be collected each year; loss of convenient summary to handle many requests
	Comparative Statement of Assets, Liabilities, and Capital Accounts of Alaska Banks	Research/Writing: \$ 260 Printing: 25 Distribution: 50	Minimal; (quarterly reports filed with State by banks)	Loss of summary report used for supervision of banking industry in state
	Annual Corporate Directory	Research/Writing: \$ 20 Printing: 3,000 Distribution: 230	\$ 3,220/two years (Revenue collected on the sale of individual copies)	Data compiled anyway (required to be updated every six months: AS 10.05.048); the public & agencies would have to use microfiche copies
	Alaska Real Estate Commission Annual Report	Research/Writing: \$ 165 Printing: 25 Distribution: 25	\$ 200/two years	None
Community and Regional Affairs	Municipal Officials Directory	Research/Writing: \$ 5,800 Printing: 4,000 Distribution: 200	\$ 5,400/two years	Centralized data on local officials would be outdated because of yearly turnover
	Child Care Programs Summary	60 hours professional staff; 30 hours clerical staff	Report is biennial	None

TABLE 4 (Continued)  
STATE AGENCY ANNUAL REPORTS AND PLANS NOT SPECIFICALLY REQUIRED BY ALASKA STATUTE

Department	Annual Report or Plan	Estimated Costs of Annual Report/Plan	Estimated Savings with Biennial Report/Plan	Problems with Biennial Report/Plan
OK Corrections	Department Annual Report	Research/Writing: \$ 23,775 Printing: 4,525 Distribution: 445	\$20,050/two years	Loss of centralized data would increase individual responses by staff; loss of usable form of annual data for internal use
OK Education	Annual Report to the People	Research/Writing: \$ 3,000 Printing: 1,100 Distribution: 205	No savings since staff used to respond to many individual requests	Loss of centralized, updated information on Alaska
	Annual Status Report to Board of Education (Adult & Vocational Education)	Research/Writing: \$ 5,500 Printing: 0 Distribution: 0	\$ 5,500/two years	Failure to meet new requirement instituted by State Board of Education
	Annual Report of Grant Awards for Construction	Research/Writing: \$ 135 Printing: 0 Distribution: 150	\$ 285/two years	Loss of annual data in summary form
	Bilingual/Multi-cultural Education Annual Report	Research/Writing: \$ 700 Printing: 6,000 Distribution: 600	\$ 7,300/two years	None
	Professional Teaching Practices Commission Annual Rpt.	Research/Writing: \$ 1,250 Printing: 90 Distribution: 90	No savings since staff used to respond to many individual requests	Inability of Commission to efficiently respond to requests for annual information
Environmental Conservation	None cited			
Fish and Game	None cited			
Health and Social Services	Division of Mental Health and Developmental Disabilities Annual Report	Research/Writing: \$ 25,000 Printing: 4,000 Distribution: 3,000	\$18,700/two years (rough estimate)	Loss of annual data used heavily by 26 mental health centers statewide; annual report meets requirements under AS 47.30.520-540

TABLE 4 (Continued)  
STATE AGENCY ANNUAL REPORTS AND PLANS NOT SPECIFICALLY REQUIRED BY ALASKA STATUTE

Department	Annual Report or Plan	Estimated Costs of Annual Report/Plan	Estimated Savings with Biennial Report/Plan	Problems with Biennial Report/Plan
Labor	Information pending			
Law	None cited			
Military and Veteran Affairs	None cited			
Natural Resources	Alaska's Mineral Industry	Research/Writing \$59,685 Printing: 4,555 Distribution: 3,040	\$ 22,205/two years	Would still need annual summary to handle many requests
Public Safety	Crime in Alaska	Research/Writing \$ 4,690 Printing: 4,270 Distribution: 325	Minimal; annual data would be collected and analyzed anyway.	loss of efficient, annual summary to handle many individual requests
Revenue	Alaska Public Debt	Research/Writing \$ 5,000 Printing: 5,000 Distribution: 500	\$10,500/two years	None
	General Fund Audit	Research/Writing \$ 5,000 External Audit: 20,000 Printing: minimal Distribution: minimal	\$25,000/two years	Annual audits necessary to reconcile Treasury investment to the State accounting system
	PERS and TRS Audit	Research/Writing \$ 5,000 Printing: minimal Distribution: minimal	\$ 5,000/two years	Annual audits necessary to reconcile Treasury investments to annual actuarial report; basis for determining employer contribution rate
Transportation and Public Facilities	Capital Budget Project Status, Central Region	Research/Writing \$ 6,000 Printing: 1,000 Distribution: 0	\$ 3,500/two years	Loss of useful source document for annual budgeting process; loss of summary form to handle many requests

TABLE 4 (Continued)  
STATE AGENCY ANNUAL REPORTS AND PLANS NOT SPECIFICALLY REQUIRED BY ALASKA STATUTE

Department	Annual Report or Plan	Estimated Costs of Annual Report/Plan	Estimated Savings with Biennial Report/Plan	Problems with Biennial Report/Plan
DK Transportation and Public Facilities	Annual Research Report	Research/Writing \$ 3,520 Printing: 1,940 Distribution: 250	\$ 5,710/two years	Two-year report cycle would result in out-dated information
	Annual Marine Highway Traffic Volume Report	Research/Writing \$ 3,000 Printing: 600 Distribution: 50	\$ 650/two years	Loss of current marine traffic data used by several agencies for planning
	Shore Facility Inventory and Condition Survey	Research/Writing \$44,800 Printing: 100 Distribution: 100	Report is biennial	None; helps fulfill Department requirement under AS 35.10.170

TOTAL:	\$ 284,080/year	\$135,510/two years (24% of total biennial costs)
(Without Department of Labor)	568,160/two years	18,000/two years (3%; only reports where agency indicated that there would be no problems with biennial report)

Prepared by the House Research Agency, May 1985.



ALASKA STATE LEGISLATURE  
HOUSE OF REPRESENTATIVES  
RESEARCH AGENCY

Pouch Y, State Capitol  
Juneau, Alaska 99811  
(907) 465-3991

May 23, 1985

MEMORANDUM

TO: Representative Mike Navarre

ATTN: Roger Poppe

FROM: Gretchen Keiser *G. Keiser*  
Legislative Analyst

RE: Costs of Annual Reports and Plans Produced by the State of Alaska  
Research Request 85-261 (Supplemental Information)

This memorandum, which supplements our May 16, 1985 memorandum, provides information on reports and plans prepared by the Alaska Department of Labor. The department's cost estimates are summarized below. In addition, we have revised Table 1 from our earlier memorandum in order to include the Department of Labor's costs in the summary of annual reports and plans prepared by all State agencies.

The Department of Labor is not required to submit any annual reports or plans to the Alaska Legislature. The department publishes the report entitled Annual Planning Information, which reflects annual data collection and reporting responsibilities under numerous federal contracts with the Bureau of Labor Statistics. The department has not segregated staff time spent on research and writing of this report from its routine production of labor statistics for the federal contracts. According to the department, it is impossible to estimate the research and writing costs for this report at this time. Printing costs average about \$6,500 and distribution costs about \$3,000 each year. The department indicates that a biennial report would be inadvisable because of the heavy demand for current Alaska labor market data.

The department is required by AS 23.20.022 to submit to the Governor a biennial Unemployment Insurance Actuarial report. The federal government also requires this biennial report. The biennial costs are estimated to be: \$10,755 (research and writing); \$1,400 (printing); and \$100 (distribution).

Table 1 summarizes the number of reports and plans and cost information obtained from the State agencies. It has been revised to include the Annual Planning Information report prepared by the Department of Labor in the category of reports not specifically required by Alaska Statute.

\* \* \* \* \*

Please contact us if you have any questions about this information.

GK

Attachment

TABLE 1  
SUMMARY OF ANNUAL REPORTS AND PLANS PREPARED BY STATE AGENCIES<sup>a</sup>

Reports/Plans By Category	Number of Reports/Plans	Estimated Costs of Reports/Plans	Estimated Savings with All Biennial Reports/Plans	Estimated Savings Where No Problems with Biennial Reports/Plans
Required by the Legislature under Alaska Statute	41	\$ 514,735/year 1,029,470/two years	\$ 234,065/two years (23% of biennial costs)	\$ 139,215/two years (14% of biennial costs)
Required under Alaska Statute (by the Governor, Commis- sioner, etc.)	13	\$ 358,415/year 716,830/two years	\$ 221,020/two years (31% of biennial costs)	\$ 13,100/two years (2% of biennial costs)
Required by the Federal Government <sup>b</sup>	41 <sup>+</sup>	\$ 315,540/year <sup>c</sup> 631,080/year	\$ 83,700/two years (13% of biennial costs)	All agencies indicated there would be problems under federal requirements
Not Specifically Required under Alaska Statute	23	\$ 293,580/year 587,160/two years	\$ 135,510/two years (23% of biennial costs)	\$ 18,000/two years (3% of biennial costs)
TOTAL:	118	\$1,482,270/year 2,964,540/two years	\$ 674,295/two years (23% of biennial costs)	\$ 170,315/two years (6% of biennial costs)

<sup>a</sup>Revised May 24, 1985 to include information from the Alaska Department of Labor.

<sup>b</sup>The Departments of Environmental Conservation and Fish and Game also produce several annual reports/plans which were not itemized but which are required by the federal government.

<sup>c</sup>Estimate does not include expenses which an agency identified as met with federal funds.

Prepared by the House Research Agency, May 1985.



ALASKA STATE LEGISLATURE  
HOUSE OF REPRESENTATIVES  
RESEARCH AGENCY

Pouch Y, State Capitol  
Juneau, Alaska 99811  
(907) 465-3991

March 29, 1985

MEMORANDUM

TO: Representative Mike Navarre

ATTN: Roger Poppe

FROM: Gretchen Keiser *Gretchen Keiser*  
Legislative Analyst

RE: Potential State Savings by Producing Annual Reports and Plans  
on a Biennial Basis  
Research Request 85-261

You requested this agency to determine how much money could be saved by the State if the annual Energy Plan for Alaska were prepared on a bi-ennial basis. This memorandum is a followup to our conversation on March 26, 1985.

According to Mark Miller, Development Specialist responsible for preparing the annual Energy Plan in the Office of Energy (Department of Commerce and Economic Development), they could save about \$10,000 in editing, printing and distribution expenses if the plan were not produced in 1986. He indicated that about 50 percent of his time is allocated to the energy plan--both the written document and the interagency planning and implementation process. If he were not spending time producing a written plan in FY 86, he would likely devote that time to implementing the 1985 energy plan so that there would likely be no savings in staff salary under the biennial plan approach.

Mr. Miller also mentioned several other points regarding the costs of preparing the 1985 Energy Plan for Alaska:

- 1) The other agencies involved (Alaska Power Authority, DC&RA, DOT/PF, DNR, DHSS and the Office of the Governor) were not reimbursed by the Office of Energy for their staff time and travel expenses.
- 2) The teleconferencing services used during the preparation of the energy plan were not charged to the Office of Energy.
- 3) Forty percent of the Office of Energy's FY 85 budget is federal receipts; no federal funds were spent on preparing the energy plan.

Representative Navarre  
March 29, 1985  
Page 2

You also requested this agency to determine the amount of money being spent annually by the State to produce all its annual reports and plans. We were also asked to estimate the amount of money the State could save by preparing these reports and plans on a biennial rather than annual basis. A letter requesting this information is being sent to all commissioners and the Administrative Director of the Court System. For your information, a copy of the letter and distribution list is attached. We anticipate a research completion date of May 1, 1985 provided all agencies respond in a timely manner.

GK

Attachments

**HB**

**276**

STEVE COWPER  
GOVERNOR



cc  
74B 276

STATE OF ALASKA  
OFFICE OF THE GOVERNOR  
JUNEAU

April 7, 1989

The Honorable Sam Cotten  
Speaker of the House  
Alaska State Legislature  
P.O. Box V  
Juneau, AK 99811

Dear Mr. Speaker:

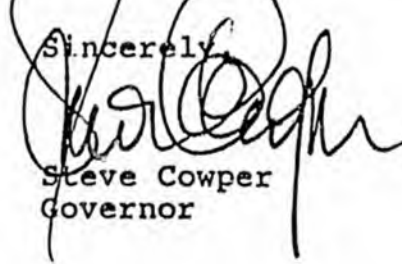
Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill that amends AS 43.-23.045 by excluding potential revenue from the State v. Amerada Hess case from the permanent fund earnings available for distribution as dividends.

Under current law, the commissioner of revenue must transfer to the dividend fund 50 percent of the income of the Alaska permanent fund which is determined to be available for distribution. Normally this would include income derived from litigation involving the state's royalties. However, in November 1987 three defendants in the State v. Amerada Hess royalty litigation filed suit in federal court to prevent that case from being tried in any court in Alaska. Standard Alaska Petroleum, Exxon, and Chevron USA claim that no judge or jury in Alaska can provide them with a fair trial since all judges and jurors have a financial stake in the outcome and are, therefore, unconstitutionally biased. In particular, the companies assert that these judges and jurors qualify for permanent fund dividends and would financially benefit if the state prevailed in the Amerada Hess case because any money awarded the state would increase the amount available for distribution.

The state Department of Law is vigorously contesting this claim and was successful in having the federal case dismissed in the United States District Court. However, the matter has been appealed to, and is pending before, the Court of Appeals for the Ninth Circuit. Were we to lose this case, the state would be faced with having a non-Alaska court interpreting the meaning of an Alaska lease form and deciding fundamental state policies regarding oil and gas leasing in this state. If the case is still on appeal at the time of trial, now scheduled for April 4, 1990, there would be a cloud hanging over the lengthy proceedings, perhaps compelling enough to lead to further postponements.

This bill would eliminate the due process arguments advanced by the companies, thus making it possible for the trial to stay on schedule in an Alaska court where it belongs. This result is achieved by preventing income earned from any judgment favorable to the state from entering the permanent fund dividend stream. This sacrifice is a small price to pay for assuring that Alaska courts will be the final arbiters of Alaska royalty law.

Sincerely,

A handwritten signature in black ink, appearing to read "Steve Cowper", written over the typed name below.

Steve Cowper  
Governor

# MEMORANDUM

State of Alaska

Department of Law

TO Members of the Legislature

DATE April 24, 1989


FILE NO

TEL NO 465-3600

SUBJECT

HB 276 and the recent  
court decision in  
Standard v. Schaible

FROM

  
Douglas B. Baily  
Attorney General

The recent Ninth Circuit Court of Appeals decision in Standard v. Schaible did not resolve the bias issue -- it only delayed its resolution. Basically, the court ruled that the issue was not "ripe", and that the federal courts would rule on the issue only after the Alaska courts had the initial chance to decide whether there was unconstitutional bias because of the potential impact of the Amerada Hess case on the amount of Permanent Fund dividends. The matter was dismissed "without prejudice" and with the express invitation to the Producers to come back to the federal courts if the State did not provide a fair and unbiased forum for the resolution of the dispute. The Ninth Circuit Court of Appeals stated:

In dismissing this matter without prejudice, the district court issued a challenge to the State of Alaska to provide a forum which will ensure a fair trial before an unbiased judge and unbiased jurors within a reasonable time. The district court invited the Producers "to reopen this federal case" if the State Officials fail to provide an unbiased forum within a reasonable time. We applaud the district court's wise resolution of a very delicate test of the joint responsibility of state and federal courts to provide every person with due process.

The burden, therefore, is still on the State to guarantee a fair tribunal. Without passage of legislation, the State would have to convince both the state courts and the federal courts that the effect on Permanent Fund dividends does not raise constitutional problems. Failure to convince either tribunal would result in losing the state forum. In essence, the Ninth Circuit Court of Appeals merely passed on the issue for the time being, reserving its look at the issue until after the state Superior Court and Supreme Court has a chance to make the initial judgment.

DBB:jf



**Alaska Permanent Fund Corporation**

P.O. Box 4-1000 Juneau, Alaska 99802-4100

(907) 465-2047 Telecopy (907) 586-2057

M E M O R A N D U M

DATE: April 26, 1989

TO: Senator Pat Pourchot  
Chairman, Senate State Affairs Committee

FROM: Jim Kelly *JK*  
Research & Liaison Officer

SUBJECT: Analysis of Senate Bill No. 295/HB 276

Attached is one chart prepared by the Alaska Permanent Fund Corporation at your request. The chart compares the impact on future per capita dividend payments of three scenarios:

1) SB 295 would exclude from all future dividend calculations all income earned on money which is deposited in the Permanent Fund as a result of State v. Amerada Hess. This is shown on the chart as the series of solid bars entitled "Excluded/SB 295," and is the same as continuation of the status quo.

2) "\$100M Included" refers to the series of cross-hatched bars which depict the impact on future per capita dividends of the Permanent Fund receiving \$100 million as a result of State v. Amerada Hess and including the net income earned on that deposit in all future dividend calculations.

Compared to the status quo and SB 295, the increase in per capita dividends under this scenario would range from \$1.00 in 1991 to \$13.00 in 2005.

3) "\$650M Included" refers to the series of dotted bars which depict the impact on future per capita dividends of the Permanent Fund receiving \$650 million as a result of State v. Amerada Hess and including the net income earned on that deposit in all future dividend calculations.

Compared to the status quo and SB 295, the increase in per capita dividends under this scenario would range from \$6.00 in 1991 to \$82.00 in 2005.

Senator Pat Pourchot  
April 26, 1989  
Page 2

The \$100 and \$650 million figures used above represent the range of potential payments to the Permanent Fund as a result of the State v. Amerada Hess case. In both cases, it is assumed that the deposits to the principal of the Permanent Fund deriving from this litigation would occur in fiscal 1991.

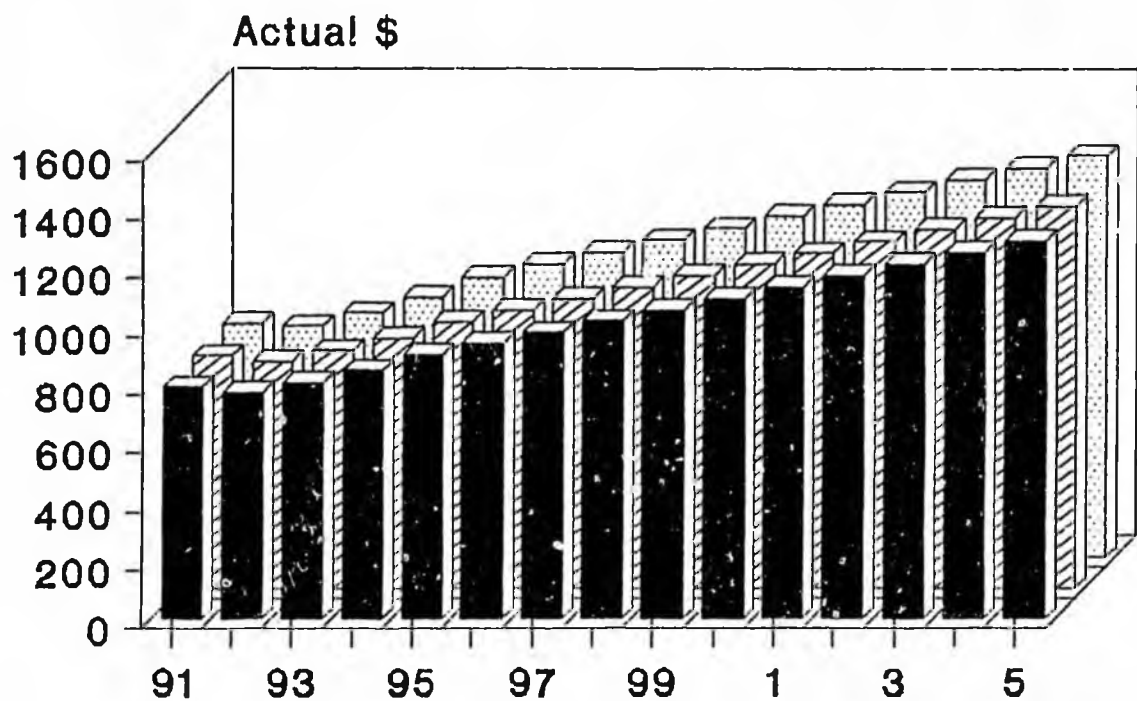
**For Your Information:** These projections are based on a certain set of basic assumptions; the numbers shown on the attached chart would change if different assumptions were used. The assumptions used in the preparation of the chart are listed and explained herein.

It is the Corporation's policy to use conservative assumptions wherever possible. Thus, the Fund's long-term rate of return is projected to average 3% per year after inflation; long-term inflation is projected to average 6% per year; and the assumptions for numbers of future dividend recipients and amounts of future dedicated State oil revenues are taken from the Department of Revenue's most recent "low case" forecast.

PLEASE NOTE THAT THE CORPORATION NEITHER SUPPORTS NOR OPPOSES ANY PROPOSED CHANGES TO THE CURRENT USE OF FUND EARNINGS, EXCEPT AS THEY MAY RELATE TO THE PROPER EXERCISE OF THE TRUSTEES' FIDUCIARY RESPONSIBILITIES AS REQUIRED UNDER THE PRUDENT INVESTOR RULE.

# IMPACT ON PER CAPITA DIVIDENDS

## Amerada Hess \$ to PF Included/Excluded From Annual Dividend Calculations



\$650M Included	800	837	957	1044	1127	1209	1292	1376
\$100M Included	795	813	912	990	1069	1147	1227	1307
Excluded/SB 295	794	809	904	981	1058	1136	1215	1294

Fiscal Years

**FISCAL NOTE**

**REQUEST:**

Revision Date: \_\_\_\_\_ Agency Affected: Revenue-APFC  
 Title: Amending the PF dividend fund  
statutes to permit litigation of State v. Amerada Hess  
 Sponsor: Rules-Request of Governor  
 Requestor: Governor  
 BRU: \_\_\_\_\_  
 Components: \_\_\_\_\_

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

OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	-0-	-0-	-0-	-0-	-0-	-0-

<b>CAPITAL</b>						
----------------	--	--	--	--	--	--

<b>REVENUE</b>						
----------------	--	--	--	--	--	--

**FUNDING: (Thousands of Dollars)**

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>	-0-	-0-	-0-	-0-	-0-	-0-

**POSITIONS:**

FULL-TIME						
PART-TIME						
TEMPORARY						

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

No fiscal impact - see attached

Prepared by: David A. Rose Phone: 465-2047  
 Division: David A. Rose, Exec. Director Date: April 6, 1989  
Alaska Permanent Fund Corporation  
 Approved by Commissioner: [Signature] Date: 4/6/89  
 Agency: \_\_\_\_\_

Distribution (by preparer):  
 Legislative Finance  
 Legislative Sponsor  
 Requestor  
 Office of Management and Budget  
 Impacted Agency(ies)

## Continuation of Fiscal Note/Bill Analysis

Permanent Fund Dividend Fund Statute Amendment to Permit  
Litigation of State v. Amerada Hess in Alaska

This bill would eliminate certain due process arguments currently advanced by the defendants in State v. Amerada Hess, by neutralizing the impact upon Permanent Fund dividends of a decision favorable to the State. The Alaska Permanent Fund's legally mandated share of all funds received in a settlement of the litigation, including associated interest, would be credited to the principal of the Fund at the time of receipt. It is expected that the settlement could range from \$400 million to \$2.6 billion, the latter number estimated by the defendants.

All future earnings on this portion of Fund principal would be forever excluded from Permanent Fund dividend calculations. In this manner, the bill prevents all income earned from a judgment favorable to the State from entering the Permanent Fund dividend stream, and makes it possible to continue the trial in an Alaska court on schedule.

STATE OF ALASKA  
1989 LEGISLATIVE SESSION

BILL VERSION: HB 276  
PUBLISH DATE: HOUSE 4/7/89

FISCAL NOTE

REQUEST

Revision Date: \_\_\_\_\_  
Title: An Act amending the PFD statutes  
Sponsor: Rules/Governor  
Requestor: Rules

Agency Affected: Revenue  
BRU: Permanent Fund Dividend Division  
Components: Permanent Fund Dividend Division

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
<b>OPERATING</b>						
PERSONAL SERVICES	-0-	-0-	-0-	-0-	-0-	-0-
TRAVEL	-0-	-0-	-0-	-0-	-0-	-0-
CONTRACTUAL	-0-	-0-	-0-	-0-	-0-	-0-
SUPPLIES	-0-	-0-	-0-	-0-	-0-	-0-
EQUIPMENT	-0-	-0-	-0-	-0-	-0-	-0-
LANDS & STRUCTURES	-0-	-0-	-0-	-0-	-0-	-0-
GRANTS, CLAIMS	-0-	-0-	-0-	-0-	-0-	-0-
MISCELLANEOUS	-0-	-0-	-0-	-0-	-0-	-0-
<b>TOTAL OPERATING</b>	-0-	-0-	-0-	-0-	-0-	-0-
<b>CAPITAL</b>	-0-	-0-	-0-	-0-	-0-	-0-
<b>REVENUE</b>	-0-	-0-	-0-	-0-	-0-	-0-

FUNDING: (Thousands of Dollars)

GENERAL FUND	-0-	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS	-0-	-0-	-0-	-0-	-0-	-0-
OTHER	-0-	-0-	-0-	-0-	-0-	-0-
<b>TOTAL</b>	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS:

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

ANALYSIS: This bill would have no affect on the administration of the dividend program.

Prepared By: Ervin Jones  
Division: Permanent Fund Dividend Division

Phone: 465-2323  
Date: April 6, 1989

Approved by Commissioner: [Signature]  
Agency: Revenue

Date: 4/5/89

Distribution (by preparer):  
Legislative Finance  
Legislative Sponsor  
Requestor  
Office of Management and Budget  
Impacted Agency(ies)

**HB**

**316**

STEVE COWPER  
GOVERNOR



STATE OF ALASKA  
OFFICE OF THE GOVERNOR  
JUNEAU

9/10 3/16

April 26, 1989

The Honorable Sam Cotten  
Speaker of the House  
Alaska State Legislature  
P.O. Box V  
Juneau, AK 99811

Dear Mr. Speaker:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill relating to fines imposed in criminal cases against organizations.

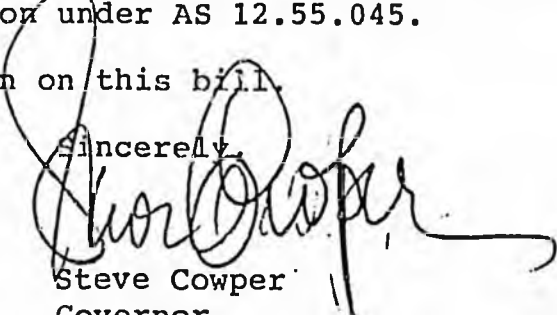
This bill is intended to increase the maximum fine that a court may impose against a corporate defendant convicted of violating a criminal law of the State of Alaska. The need for this legislation arises from our review of criminal statutes in light of the Prince William Sound oil spill.

Under current law, when a defendant that is an organization is convicted of a criminal offense, the court may impose a fine not exceeding the greater of \$100,000, or three times the pecuniary gain realized by a defendant as a result of an offense. In other words, in cases where a defendant has not realized pecuniary gain, the maximum possible fine is \$100,000. I believe that a fine of \$100,000 is insufficient to deter organizations from engaging in criminal activity that poses a significant risk of damage to persons or property, yet does not involve pecuniary gain.

This bill allows a court to assess a fine equal to two times the damage or loss caused by the defendant to another, or to the property of another, as a result of a criminal offense. Since it is unlikely, in most situations, that an organization could be sentenced to serve time in jail, the intent of the bill is to provide a significant financial penalty for organizations that violate the criminal laws of this state and in so doing cause damage to Alaskans. A fine imposed under this section would not limit a victim's ability to obtain restitution under AS 12.55.045.

I urge your favorable action on this bill.

Sincerely,

  
Steve Cowper  
Governor

FISCAL NOTE

REQUEST:

Revision Date: January 11, 1990  
Title: "An Act relating to fines imposed in criminal cases against organizations."  
Sponsor: House Rules/Governor  
Requestor: House Judiciary

Agency Affected: Department of Law  
BRU: Prosecution  
Components: All

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 91	FY 92	FY 93	FY 94	FY 95	FY 96
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND	-0-	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

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

ANALYSIS : (Attach a separate page if necessary)

Please see attached analysis.

Prepared by: Richard I. Pegues, Director Phone: 465-3672  
Division: Administrative Services Date: January 11, 1990  
Approved by Commissioner: Douglas B. Bailly, Attorney General Date: January 11, 1990  
Agency: Department of Law

Distribution (by preparer):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

# STATE OF ALASKA

## DEPARTMENT OF LAW

### CRIMINAL DIVISION

STEVE COOPER, GOVERNOR

REPLY TO

CRIMINAL DIVISION CENTRAL OFFICE  
P.O. BOX KC  
JUNEAU, ALASKA 99811-0310  
PHONE: (907) 465-3428

OFFICE OF SPECIAL PROSECUTIONS  
AND APPEALS  
1031 WEST 4TH AVENUE, SUITE 318  
ANCHORAGE, ALASKA 99501-5993  
PHONE: (907) 279-7424

April 5, 1990

The Honorable Jan Faiks  
Alaska State Senator  
P.O. Box V  
Juneau, Alaska 99811

Re: HB 316 - Criminal Fines

Dear Senator Faiks:

When an organization is convicted of a crime, the only penalty that can be imposed is a fine. In cases where the defendant has not profited from the criminal act, the maximum penalty that can be imposed under state law is \$100,000. In contrast, federal law allows a fine of up to two times the amount of damage suffered as a result of the crime. Because the available state penalty is so small in comparison to the cost of prosecution, the state has turned over responsibility for the investigation and prosecution of major crimes committed in Alaska to the federal government.

Following the Exxon Valdez oil spill, Attorney General Baily realized that the practice of allowing the federal government to control the investigation and prosecution of major Alaskan criminal cases could have potentially serious consequences for the state and individual Alaskans. As a result, he requested that the Governor introduce HB 316 to bring state criminal penalties into conformity with the penalties available under federal law. Events of the past few months have shown that the Attorney General's prediction of adverse consequences was correct.

I am writing to request that you schedule HB316 for a hearing in Senate Judiciary at the earliest possible opportunity. If you have any questions about the bill, or if you would like additional information before scheduling a hearing on HB 316, I would be more than glad to meet with you in any time to discuss this important piece of legislation.

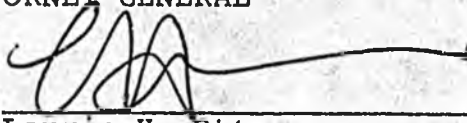
The Honorable Jan Faiks

April 5, 1990  
Page 2

Thank you in advance for your cooperation.

Very truly yours,

DOUGLAS B. BAILY  
ATTORNEY GENERAL

By:   
\_\_\_\_\_  
Laurie H. Otto  
Assistant Attorney General

LHO:me-193

# **CORRECTION**

**THIS DOCUMENT  
HAS BEEN REPHOTOGRAPHED  
TO ASSURE LEGIBILITY**

# FISCAL NOTE

**REQUEST:**

Revision Date: January 11, 1990  
 Title: "An Act relating to fines imposed in criminal cases against organizations."  
 Sponsor: House Rules/Governor  
 Requestor: House Judiciary

Agency Affected: Department of Law  
 BRU: Prosecution  
 Components: All

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

OPERATING	FY 91	FY 92	FY 93	FY 94	FY 95	FY 96
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL						
REVENUE						

**FUNDING: (Thousands of Dollars)**

GENERAL FUND	-0-	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER						
TOTAL						

**POSITIONS:**

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

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

Please see attached analysis.

Prepared by: Richard I. Pegues, Director Phone: 465-3672  
 Division: Administrative Services Date: January 11, 1990  
 Approved by Commissioner: Douglas B. Bailly, Attorney General Date: January 11, 1990  
 Agency: Department of Law

Distribution (by preparer):  
 Legislative Finance  
 Legislative Sponsor  
 Requestor  
 Office of Management and Budget  
 Impacted Agency(ies)

## CONTINUATION of FISCAL NOTE ANALYSIS

HB 316  
HOUSE 1/29/90For Bill/Resolution No. HB 316

This bill amends AS 12.55.035(c) by adding a new paragraph, which provides that upon a criminal conviction that includes a fine, a defendant that is an organization may be sentenced to pay a fine in an amount which is two times the damage or loss caused by the defendant to another or to the property of another as a result of the offense. This is a change in a sentencing provision, which occurs after a conviction, and it should not have a direct fiscal impact on the Department of Law.

# STATE OF ALASKA

## DEPARTMENT OF LAW

### CRIMINAL DIVISION

STEVE COWPER, GOVERNOR

REPLY TO

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Following the Exxon Valdez oil spill, Attorney General Baily realized that the practice of allowing the federal government to control the investigation and prosecution of major Alaskan criminal cases could have potentially serious consequences for the state and individual Alaskans. As a result, he requested that the Governor introduce HB 316 to bring state criminal penalties into conformity with the penalties available under federal law. Events of the past few months have shown that the Attorney General's prediction of adverse consequences was correct.

I am writing to request that you schedule HB316 for a hearing in Senate Judiciary at the earliest possible opportunity. If you have any questions about the bill, or if you would like additional information before scheduling a hearing on HB 316, I would be more than glad to meet with you in any time to discuss this important piece of legislation.

The Honorable Jan Faiks

April 5, 1990  
Page 2

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Very truly yours,

DOUGLAS B. BAILY  
ATTORNEY GENERAL

By: 

\_\_\_\_\_  
Laurie H. Otto  
Assistant Attorney General

LHO:me-193

Dodd v. State, 686 P.2d 737 (Alaska Ct. App. 1984).

Under subsection (e), a sentence which is imposed on a new offense must be consecutive to a sentence that is reimposed upon a revocation of probation. Betzner v. State, 768 P.2d 1150 (Alaska Ct. App. 1989).

**Credit where consecutive sentences imposed.** — When consecutive sentences are imposed for two or more offenses, periods of presentence incarceration may be credited only against the aggregate of all terms imposed. An offender who receives consecutive sentences is entitled to credit against only the first sentence imposed, while an offender sentenced to concurrent terms in effect receives credit against

each sentence. Endell v. Johnson, 738 P.2d 769 (Alaska Ct. App. 1987).

#### IV. CONCURRENT SENTENCES.

**Trial courts have discretion under this section to impose concurrent sentences.** Drumbarger v. State, 716 P.2d 6 (Alaska Ct. App. 1986).

**When concurrent sentences may be imposed.**

Concurrent sentences may be given if any of the six paragraphs of subsection (g) are met. State v. Andrews, 723 P.2d 85 (Alaska 1986).

**Correction of judgment unlawfully imposing concurrent sentences.** — See Joseph v. State, 712 P.2d 904 (Alaska Ct. App. 1986).

**Sec. 12.55.035. Fines.** (a) Upon conviction of an offense, a defendant may be sentenced to pay a fine as authorized in this section or as otherwise authorized by law. In determining the amount and method of payment of a fine, the court shall take into account the financial resources of the defendant and the nature of the burden its payment will impose. No defendant may be imprisoned solely because of inability to pay a fine.

(b) Upon conviction of an offense, a defendant who is not an organization may be sentenced to pay, unless otherwise specified in the provision of law defining the offense, a fine of no more than

(1) \$75,000 for murder in the first or second degree, attempted murder in the first degree, sexual assault in the first degree, sexual abuse of a minor in the first degree, kidnapping, or misconduct involving a controlled substance in the first degree;

(2) \$50,000 for a class A, B, or C felony;

(3) \$5,000 for a class A misdemeanor;

(4) \$1,000 for a class B misdemeanor;

(5) \$300 for a violation.

(c) Upon conviction of an offense, a defendant that is an organization may be sentenced to pay a fine not exceeding the greater of

(1) \$100,000; or

(2) an amount which is three times the pecuniary gain realized by the defendant as a result of the offense.

(d) If a defendant is sentenced to pay a fine, the court may grant permission for the payment to be made within a specified period of time or in specified installments. (§ 12 ch 166 SLA 1978; am § 17 ch 45 SLA 1982; am § 26 ch 143 SLA 1982; am § 4 ch 59 SLA 1988; am § 18 ch 85 SLA 1988)

**Section**  
 86. Imprisonment as a condition of suspended imposition of sentence  
 88. Modification of sentence  
 90. Granting of probation  
 100. Conditions of probation  
 110. Notice and grounds for revocation of suspension  
 120. Appeal of sentence  
 125. Sentences of imprisonment for felonies

**Section**  
 135. Sentences of imprisonment for misdemeanors  
 145. Prior convictions  
 147. Fingerprints at time of sentencing  
 155. Factors in aggravation and mitigation  
 165. Extraordinary circumstances  
 175. Three-judge sentencing panel  
 185. Definitions

**Cross references.** — For applicability of ch. 166 SLA 1978 to offenses committed before or after January 1, 1980, see § 23, ch. 166, SLA 1978 in the Temporary and Special Acts.

**Legislative history reports.** — For report on ch. 166, SLA 1978 (HB 661), see 1978 Senate Journal Supplement No. 47 (June 12, 1978).

**NOTES TO DECISIONS**

**Constitutionality of presumptive sentencing provisions.** — The presumptive sentencing provisions, AS 12.55.125 — 12.55.175, do not conflict with Alas. Const., art. I, § 12 because the legislature has the authority to reasonably restrict judicial discretion in order to accomplish the goal of eliminating unjustified sentencing disparity. *Nell v. State*, Ct. App. Op. No. 77 (File No. 5565), 642 P.2d 1361 (1982).

The presumptive sentencing provisions contained in AS 12.55.125 — 12.55.175 are not an unconstitutional violation of the separation of powers doctrine or of Alas.

Const., art. IV, § 1 as a legislative infringement on the power of the judiciary to sentence on the basis of the particular facts of the case and the nature of a particular offender because although the presumptive sentencing statutes do limit the discretion of a judge in imposing a sentence, they do not foreclose sentences of less than the presumptive sentence or the possibility of placing a person on probation. *Nell v. State*, Ct. App. Op. No. 77 (File No. 5565), 642 P.2d 1361 (1982).

Applied in *Hornaday v. Rowland*, Sup. Ct. Op. No. 2761 (File No. 7810), 674 P.2d 1333 (1983).

**Collateral references.** — 21 Am. Jur. 2d, Criminal Law, §§ 567 to 579, 588 to

631; 21A Am. Jur. 2d, Criminal Law, §§ 1051 to 1058.

**Sec. 12.55.005. Declaration of purpose.** The purpose of this chapter is to provide the means for determining the appropriate sentence to be imposed upon conviction of an offense. The legislature finds that the elimination of unjustified disparity in sentences and the attainment of reasonable uniformity in sentences can best be achieved through a sentencing framework fixed by statute as provided in this chapter. In imposing sentence, the court shall consider

- (1) the seriousness of the defendant's present offense in relation to other offenses;
- (2) the prior criminal history of the defendant and the likelihood of rehabilitation;

(3) the need to confine the defendant to prevent further harm to the public;

(4) the circumstances of the offense and the extent to which the offense harmed the victim or endangered the public safety or order;

(5) the effect of the sentence to be imposed in deterring the defendant or other members of society from future criminal conduct; and

(6) the effect of the sentence to be imposed as a community condemnation of the criminal act and as a reaffirmation of societal norms.

(§ 12 ch 166 SLA 1978)

#### NOTES TO DECISIONS

**Chaney criteria incorporated in section.** — The criteria of *State v. Chaney*, Sup. Ct. Op. No. 653 (File No. 1249), 477 P.2d 441 (1970) have essentially been incorporated into the criminal code as this section. *Nell v. State*, Ct. App. Op. No. 77 (File No. 5565), 642 P.2d 1361 (1982).

**Legislative intent reflected.** — The presumptive sentencing provisions contained in AS 12.55.125 and 12.55.155 reflect the legislature's intent to assure predictability and uniformity in sentencing by the use of fixed and relatively inflexible sentences, statutorily prescribed, for persons convicted of second or subsequent felony offenses. *Juneby v. State*, Ct. App. Op. No. 72 (File No. 5606), 641 P.2d 823 (1982), modified on other grounds and aff'd on rehearing, Ct. App. Op. No. 259 (File No. 5606), 665 P.2d 30 (1983).

The comprehensive and highly regimented provisions of the presumptive sentencing statute were enacted to assure that sentencing would become a predictable process and that disparity in sentencing between similarly situated offenders would be eliminated. *Lacquement v. State*, Ct. App. Op. No. 85 (File No. 5741), 644 P.2d 856 (1982).

**Criteria enumerated in this section must be given primary significance in the sentencing of first offenders under the Alaska Revised Criminal Code.** *Kimbrell v. State*, Ct. App. Op. No. 101 (File No. 5944), 647 P.2d 610 (1982).

**Adjustment of presumptive sentence.** — When applied to the adjustment of a presumptive sentence, the *State v. Chaney*, Sup. Ct. Op. 653 (File No. 1249), 477 P.2d 441 (1970), analysis, as stated in AS 12.55.005, should not be broadened into a consideration of all circumstances of the offense, as if the sentence were being imposed anew, without regard for the

presumptive term. Instead, consideration of the Chaney criteria should focus specifically on the aggravating and mitigating conduct in the particular case. The presumptive term should remain as the starting point of the analysis and the Chaney criteria should be employed for the limited purpose of determining the extent to which the totality of the aggravating and mitigating factors will justify deviation from the presumptive term. *Juneby v. State*, Ct. App. Op. No. 72 (File No. 5606), 641 P.2d 823 (1982), modified on other grounds and aff'd on rehearing, Ct. App. Op. No. 259 (File No. 5606), 665 P.2d 30 (1983).

**Nature of offense is relevant factor in sentencing.** — Throughout the supreme court's review of sentences, the degree of physical or psychological violence involved in the offense has been an important factor. *Kelly v. State*, Sup. Ct. Op. No. 2268 (File Nos. 4097, 4529), 622 P.2d 432 (1981).

In attempting to eliminate consideration of the nature of the offense from its consideration of relevant factors at sentencing, the superior court was clearly mistaken and the sentences in the case had to be reversed. *Kelly v. State*, Sup. Ct. Op. No. 2268 (File Nos. 4097, 4529), 622 P.2d 432 (1981).

**Tailoring the sentence to fit the crime committed in the specific case is a central tenet of the sentencing provisions contained in the Revised Alaska Criminal Code.** *Maal v. State*, Ct. App. Op. No. 295 (File No. 7076), 670 P.2d 708 (1983).

**Applied in** *Hartley v. State*, Ct. App. Op. No. 153 (File No. 5737), 653 P.2d 1052 (1982); *Peetook v. State*, Ct. App. Op. No. 178 (File No. 6630), 655 P.2d 1308 (1982); *Weston v. State*, Ct. App. Op. No. 183 (File No. 5734), 656 P.2d 1186 (1982); *Tazruk v. State*, Ct. App. Op. No. 195 (File No. 6954),



ECTIVES

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(5) for a Class A misdemeanor that does not result in death, not more than \$200,000;

(6) for a Class B or C misdemeanor that does not result in death, not more than \$10,000; and

(7) for an infraction, not more than \$10,000.

(d) **Alternative fine based on gain or loss.** If any person derives pecuniary gain from the offense, or if the offense results in pecuniary loss to a person other than the defendant, the defendant may be fined not more than the greater of twice the gross gain or twice the gross loss, unless imposition of a fine under this subsection would unduly complicate or prolong the sentencing process.

(e) **Special rule for lower fine specified in substantive provision.** If a law setting forth an offense specifies no fine or a fine that is lower than the fine otherwise applicable under this section and such law, by specific reference, exempts the offense from the applicability of the fine otherwise applicable under this section, the defendant may not be fined more than the amount specified in the law setting forth the offense.

(Added Oct. 12, 1984, P. L. 98-473, Title II, Ch II, § 212(a)(2), 98 Stat. 1995; Dec. 11, 1987, P. L. 100-185, § 6, 101 Stat. 1280.)

HISTORY; ANCILLARY LAWS AND DIRECTIVES

Explanatory notes:

A prior § 3571 (Act June 25, 1948, ch 645, § 1, 62 Stat. 839) was repealed by Act Oct. 12, 1984, P. L. 98-473, Title II, Ch II, § 212(a)(1), 98 Stat. 1987, effective on the first day of the first calendar month beginning 36 months after enactment, as provided by § 235(a)(1) of such Act, as amended, which appears as 18 USCS § 3551 note, and applicable as provided by such § 235, which appears as 18 USCS § 3551 note. Such section provided for rule as to correction of clerical mistakes.

Effective date of section:

Act Oct. 12, 1984, P. L. 98-473, Title II, Ch II, § 235(a)(1), 98 Stat. 2031, as amended, which appears as 18 USCS § 3551 note, provides that this section is effective on the first day of the first calendar month beginning 36 months after enactment.

Amendments:

1987. Act Dec. 11, 1987 substituted this section for one which read:

"(a) In general. A defendant who has been found guilty of an offense may be sentenced to pay a fine.

"(b) Authorized fines. Except as otherwise provided in this chapter, the authorized fines are—

"(1) if the defendant is an individual—

"(A) for a felony, or for a misdemeanor resulting in the loss of human life, not more than \$250,000;

"(B) for any other misdemeanor, not more than \$25,000; and

"(C) for an infraction, not more than \$1,000; and

Original sponsor(s): Rules/Governor

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

2 SENATE CS FOR HOUSE BILL NO. 316 (Judiciary)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to fines imposed in criminal cases  
7 against organizations."

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

9 \* Section 1. AS 12.55.035(c) is repealed and reenacted to read:

10 (c) Upon conviction of an offense, a defendant that is an orga-  
11 nization may be sentenced to pay a fine not exceeding the greater of

12 (1) an amount that is

13 (A) \$500,000 for a felony offense or for a misdemeanor  
14 offense that results in death;

15 (B) \$200,000 for a class A misdemeanor offense that  
16 does not result in death;

17 (C) \$25,000 for a class B misdemeanor offense that  
18 does not result in death;

19 (D) \$10,000 for a violation;

20 (2) two times the pecuniary gain realized by the defendant  
21 as a result of the offense; or

22 (3) two times the pecuniary damage or loss caused by the  
23 defendant to another, or to the property of another, as a result of  
24 the offense.

25 \* Sec. 2. AS 12.55.035 is amended by adding a new subsection to read:

26 (e) In imposing a fine under (c) of this section, in addition to  
27 any other relevant factors, the court shall consider

28 (1) measures taken by the organization to discipline an  
29 officer, director, employee, or agent of the organization;

1 (2) measures taken by the organization to prevent a recur-  
2 rence of the offense;

3 (3) the organization's obligation to make restitution to a  
4 victim of the offense, and the extent to which imposition of a fine  
5 will impair the ability of the organization to make restitution; and

6 (4) the extent to which the organization will pass on to  
7 consumers the expense of the fine.  
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**HB**

**366**

# Alaska State Legislature

## HOUSE OF REPRESENTATIVES



### REPRESENTATIVE FRAN ULMER

#### MEMORANDUM

April 23, 1990

TO: Senator Jan Faiks, Chair  
Senate Judiciary Committee

FROM: Rep. Fran Ulmer

RE: CSSSHB 366, relating to offender treatment

-----

In 1987, the Court of Appeals ruled in Benboe v State, 738 P.2d 356 (Alaska App. 1987), that a sentencing court cannot order an inmate to participate in a sex offender (or any other) treatment program while in prison because the statutes do not give the courts the authority to enter such an order. In addition, as a result of the combined effect of two other court decisions, Hester v. State, 777 p.2d 217 (Alaska App. 1989), and Boyne v. State, 586 p.2d 1250 (Alaska 1978), a court probably cannot order in-patient treatment as part of probation. Offenders who might otherwise be ordered to in-patient treatment in lieu of jail, will now simply receive jail time.

CSSSHB 366 addresses these limitations relating to sentencing courts. In brief, it does the following:

- (1) Authorizes a sentencing court to require a convicted defendant to participate in "an appropriate rehabilitation or treatment program" while incarcerated;
- (2) Requires a defendant to comply with the treatment plan of a rehabilitation or treatment program as a condition of probation; and
- (3) Makes the defendant's failure to comply with the treatment plan of a rehabilitation program (a) grounds for revocation of probation, or (b) reason to revoke a suspended sentence.

District 4B — Juneau

P.O. Box V • Juneau, Alaska 99811-3100 • (907) 465-4947

Senator Jan Faiks  
April 23, 1990  
Page 2

- (4) Authorizes the Parole Board to revoke parole if the defendant fails to comply with the treatment plan of a rehabilitation program ordered by the court.
- (5) Requires the Commissioner of Corrections to establish minimum standards for sex offender treatment programs offered to offenders.

Most offenders, regardless of offense, suffer from a variety of problems which require treatment in order for rehabilitation to occur. These problems include sexual disorders, alcohol and drug addictions, anger disorders, and others. If we are to reduce the offender recidivism rate, we must ensure that appropriate treatment does occur, either while a person is in custody or while he or she is on probation. This bill provides a mechanism for requiring offenders to receive necessary treatment, and a mechanism for enforcing court treatment orders.

CSSSHB 366 is supported by:

Department of Corrections  
Parole Board  
Department of Law  
Court System  
SOADA, Dept. of Health & Social Services  
Department of Public Safety

FU/dl

REP. ULMER  
2/21/90

SECTIONAL ANALYSIS OF CSSH 366, RELATING TO OFFENDER TREATMENT

SECTION 1: Authorizes the court to order the offender, while incarcerated, to participate in and comply with the treatment plan of a rehabilitation program that is related to the defendant's offense. This order would apply only to those programs made available by the Department of Corrections.

SECTION 2: Authorizes the court to revoke and terminate probation if the person on probation fails to participate in or comply with the treatment plan of a rehabilitation program.

SECTION 3: Authorizes the court to require an offender on probation to participate/comply with inpatient treatment or to satisfy the screening, evaluation, referral, program, and fee requirements of a referral agency (e.g. Alcohol Safety Action Programs) for rehabilitative treatment.

SECTION 4: Requires that referrals for in-patient treatment first be authorized by the court; treatment may not exceed the maximum term of inpatient treatment specified in the judgment. A person referred for inpatient treatment may challenge the referral by requesting review within 7 days of the agency's referral. Court may order a hearing on the referral.

SECTION 5: A suspended imposition of sentence may be revoked if the defendant does not comply with the treatment plan of a rehabilitation program ordered by the court.

SECTION 6: Amends DWI statutes to delete requirement regarding alcohol education or rehabilitation. This is a technical amendment necessitated by bill section 7.

SECTION 7: Amends the drunk driving statutes: Authorizes the court to require the offender to satisfy the screening, evaluation, referral, program and fee requirements of a referral agency for rehabilitative treatment. Requires that referrals for in-patient treatment first be authorized by the court; treatment may not exceed the maximum term of inpatient treatment specified in the judgment. A person referred for inpatient treatment may challenge

the referral by requesting review within 7 days of the agency's referral. Court may order a hearing on the referral. If a person fails to satisfy the requirements of the referral agency, the court:

- may impose any portion of a suspended sentence;
- may punish the failure as contempt of court or as a violation of a condition of probation;
- shall order revocation or suspension of driver's license until the requirements are satisfied.

SECTION 8: Amends DWI statutes to delete requirement regarding alcohol education or treatment. This is a technical amendment necessitated by bill section 9.

SECTION 9: Amends the drunk driving statutes: Authorizes the court to require the offender to satisfy the screening, evaluation, referral, program and fee requirements of a referral agency for rehabilitative treatment. Requires that referrals for in-patient treatment first be authorized by the court; treatment may not exceed the maximum term of inpatient treatment specified in the judgment. A person referred for inpatient treatment may challenge the referral by requesting review within 7 days of the agency's referral. Court may order a hearing on the referral. If a person fails to satisfy the requirements of the referral agency, the court:

- may impose any portion of a suspended sentence;
- may punish the failure as contempt of court or as a violation of a condition of probation;
- shall order revocation or suspension of driver's license until the requirements are satisfied.

SECTION 10: The Parole Board is given the discretion to revoke parole if the parolee does not participate in or comply with the treatment plan of a rehabilitation program ordered by the court. This authority applies ONLY to situations where an offender has received a presumptive sentence and is released on mandatory parole as a result of the accumulation of good time.

SECTION 11: Requires the Commissioner of Corrections to establish minimum standards for sex offender treatment programs offered by the state to offenders in custody.

# STATE OF ALASKA

STEVE COWPER, GOVERNOR

## DEPT. OF HEALTH AND SOCIAL SERVICES

P.O. BOX H-05F  
JUNEAU, ALASKA 99811-0607  
PHONE: (907) 586-6201

### OFFICE OF ALCOHOLISM AND DRUG ABUSE

January 23, 1990

Fran Ulmer  
Rm. 421, Capitol  
P. O. Box "V"  
Juneau, AK. 99811

Dear Fran:

The State Office of Alcoholism & Drug Abuse strongly supports House Bill 366. As you know, the Hester Decision in July, 1989 created problems in referring court cases to alcohol/drug abuse treatment centers. We feel that this bill will solve the difficulties presented by Hester.

Authorizing the court to designate an agency to conduct the screening, evaluation and referral will allow the ASAP office to continue to function as a bridge and link between the court and the health care delivery system.

We are particularly pleased with having consequences or treatment noncompliance in the form of driver's license revocation. This legislation would not increase the period of license revocation unless the defendant failed to complete requirements. This will greatly enhance the motivation to enter treatment and complete in a timely manner. Research has shown that to be most effective treatment must begin as soon after a crisis event as possible. This bill will create a strong impetus to do that.

This change in statute would seem to take care of the problems brought about by the Hester decision. It goes on to give the court control over the requirement of residential treatment, and gives the defendant a path back to the court when residential treatment is recommended.

This access to the sentencing judge is already done on any ASAP case where the defendant disagrees with the referral requirement, whether the referral is residential or outpatient. This reinforces the court's final authority in every case decision.

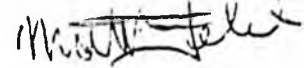
In addition, under present statute there is no way to enforce treatment or rehabilitation if a defendant is incarcerated. Treatment can be available in the facility of incarceration and the defendant can refuse with no consequences.

Matthew Felix letter continued...

pg. 2

We feel that this legislation is excellent and would like to provide our enthusiastic support to this bill.

Sincerely,

A handwritten signature in cursive script, appearing to read "Matthew Felix".

Matthew Felix

cc: Jay Livey

STEVE COWPER, GOVERNOR

**DEPARTMENT OF CORRECTIONS**

BOARD OF PAROLE

ALASKA BOARD OF PAROLE  
P.O. BOX 7  
JUNEAU, ALASKA 99811-2000  
PHONE: (907) 465-3384

February 28, 1990

Honorable Fran Ulmer  
Alaska House of Representatives  
Room 421, Capitol Building  
P.O. Box V  
Juneau, Alaska 99811

RE: SS HB 366

Dear Representative Ulmer:

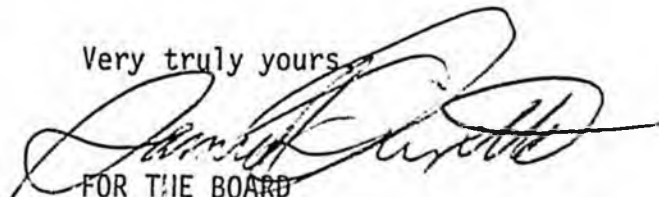
Your recent letter regarding SS HB 366 arrived too late to have the Board members review it during our hearings in January. I did put it on the agenda for our next meeting, which took place by teleconference about a week ago.

To the extent the bill will give the Judiciary the authority to enforce treatment in relevant cases, the Board strongly supports this issue. And it appears the bill will have that impact. The Board believes that relevant treatment to many offenders can reduce their risk to commit new crimes upon release. So it is this reduced risk to the public that we see as the "bottom line".

As a side note, the Board still believes that many offenders that are presumptively sentenced could be motivated into treatment if they were made eligible for parole. As you know, many offenders don't see the value in treatment until they have been exposed to it for awhile. The Board believes such legislation in the long run would help reduce prison overcrowding, reduce the risk of some offenders upon release, & result in better public protection. This might be an issue for discussion for next year.

Thank you again for soliciting the Board's comments and input on criminal justice legislation. The Board members take their responsibilities very seriously and are pleased to offer their experience and judgment on criminal justice issues.

Very truly yours,



FOR THE BOARD  
Samuel H. Trivette  
Executive Director

SHT/rs

City of Fairbanks  
**Police Department**  
656 7th Avenue Fairbanks, Alaska 99701  
(907) 459-6500

November 24, 1989

Representative Fran Ulmer  
Alaska State Legislature  
1700 Angus Way  
Juneau, Ak 99801

Re: Offender treatment

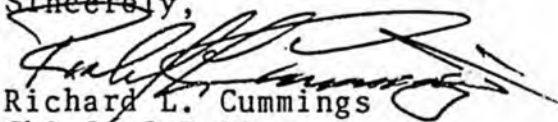
Dear Representative Ulmer:

Please accept my support for the bill you plan to introduce pertaining to an offender's mandatory participation and successful completion of treatment programs.

I hope you will find funding within Corrections budget to support treatment programs, that increase the defendant's possibilities of rehabilitation.

Please keep me informed on the progress of this bill and any assistance you need. Thank you very much for seeking Law Enforcement's opinion.

Sincerely,

  
Richard L. Cummings  
Chief of Police



# Reducing sex offenses

by Keon S. Chi

**S**tates are taking the lead in treating and rehabilitating incarcerated sex offenders. The departments of corrections in Missouri and Vermont credit their treatment programs with lowering the number of inmates who become repeat offenders.

## Missouri reduces new crimes

Missouri inmates who participated in the state's sex offender treatment program committed fewer repeat sex offenses compared to those who did not. According to a recent study by the Missouri Department of Corrections, only 17 percent of the participants of the 7-year-old program returned to prison, compared to 32 percent of offenders who did not receive treatment. Those who did not participate were three times more likely to commit a new sex offense. The study was based on a sample of 261 sex offenders who were released from prison between 1984 and 1985.

State law requires people imprisoned for sexual assault to participate in the treatment program but many refuse treatment. Currently, about 200 of 1,500 incarcerated sex offenders are in the program. The offender receives mental health treatment provided by a team of eight psychologists, who specialize in the treatment of sex offenders, and two corrections case workers.

The program consists of two phases. In the initial two-week phase, participants receive extensive psychological testing and attend classes on therapy and human behavior.

The second phase lasts approximately a year. Group therapy sessions are held four times a week. The therapy helps sex offenders

learn social, problem-solving, assertiveness and empathy skills. Overall, the program requires participants to take responsibility for their own attitudes, beliefs, behaviors, emotions and actions. For more information contact: Randee M. Kaiser, Director, Missouri Sexual Offender Program, Missouri Department of Corrections and Human Resources, (314) 751-2389.

## Vermont diminishes sex crimes

Vermont has reduced repeat crimes dramatically by treating sex offenders. According to a 1988 study of the Vermont Treatment Program for Sexual Aggressors (VTPSA) by the state Department of Corrections, the overall recidivist rate for sex offenders treated in the program is 4 percent, while the rate for untreated offenders is 60 percent.

The program has about 200 sex offenders in three residential and 28 outpatient treatment groups. The program has been operational since 1982 and is based on the notion that sex offenders cannot be cured but can learn to control their abusive attitudes. Treatment includes individual, marital and group therapy, substance abuse counseling, vocational training and behavior modification.

Vermont officials also attribute the program's success to close supervision of offenders on probation by therapists and probation officers. The program requires collaboration of mental health, corrections and child protective services. State officials are studying the feasibility of a halfway house for more effective treatment of sex offenders newly released from prison.

Contact: William D. Pithers, Center for Prevention and Treatment of Sexual Abuse, Vermont Department of Corrections, (802) 244-6902. □

*Walt Majoran rec'd  
Training of Pithers.*

*Dr Chi is a senior policy analyst for The Council of State Governments' headquarters office*