

ALASKA LEGISLATURE COMMITTEE FILES 1993-1994 8672

8110 HOUSE STATE AFFAIRS

375

HB

37

Alaska State Legislature

COMMITTEES
RESOURCES
COMMUNITY AND REGIONAL AFFAIRS
LEGISLATIVE BUDGET AND AUDIT

FINANCE SUBCOMMITTEES
UNIVERSITY OF ALASKA
DEPARTMENT OF NATURAL RESOURCES



While in Fairbanks
119 N. Cushman Street
Suite 207
Fairbanks, Alaska 99701
(907) 456-8172

While in Juneau
State Capital
Juneau, Alaska 99801-1182
(907) 465-4457
(907) 465-3787-fax

Representative John Davies

TO: Representative Al Vezey, Chair
House State Affairs Committee

From: Representative John Davies

Date: March 10, 1992

Subject: Request for hearing

A handwritten signature in cursive script that reads "John Davies".

I wish to request a hearing of 2dSS HB 37, "An Act relating to open meetings of governmental bodies". I am submitting the following information for the bill file:

1. sponsor statement
2. fiscal note
3. sectional summary
4. letters and resolutions of support

Thank you for your consideration.

Alaska State Legislature

COMMITTEES
RESOURCES
COMMUNITY AND REGIONAL AFFAIRS
LEGISLATIVE BUDGET AND AUDIT

FINANCE SUBCOMMITTEES
UNIVERSITY OF ALASKA
DEPARTMENT OF NATURAL RESOURCES



While in Fairbanks
119 N. Cushman Street
Suite 207
Fairbanks, Alaska 99701
(907) 456-8172

While in Juneau
State Capitol
Juneau, Alaska 99801-1162
(907) 465-4457
(907) 465-3787-fax

Representative John Davies

2dSS HB 37 Sponsor Statement

I have proposed amendments to the Open Meetings Act (OMA) because the existing statutes are vague and need clarification. The present law does not define what is a meeting and omits critical information from the notice requirements. The result of these shortcomings has been a series of expensive and contradictory lawsuits that would have been avoided if the law were clear.

In the case of Cummings and Schecter vs. City of Fairbanks, Superior Court Judge Savell has taken the most extreme possible interpretation of the Open Meetings Act when he instructed the jury that if only two members of a governing body met without appropriate notice, they were in violation of the law. In every case in the United States where this question has been before a state's supreme court, the court has affirmed that a "meeting" only occurs when at least a quorum of the governing body is in attendance. Asserting that two members of a governing body cannot engage in informal discussions of issues before the body not only breaks new legal ground, it violates common sense.

The amendments to the Open Meeting Act that I have proposed in House Bill 37 strengthen the act by giving a clear definition of a meeting, making the notice requirement more complete, and providing for reasonable penalties when the law is violated. Departmental staff, currently subject to the law, would be allowed to discuss business without satisfying public notice requirements.

The definition of "meeting" proposed in HB 37 provides that a meeting occurs when a majority of a quorum of a governing body assembles and discusses issues before the body. Exemptions are provided for gatherings at social functions and regular meetings of public associations such as the Alaska Municipal League. Serial meetings are explicitly prohibited. For example, a member of a governing body would be prohibited from making a series of phone calls to a majority of a quorum of the body to arrange that a certain action would be taken at a future meeting.

For most governing bodies in Alaska this means that two members may engage in informal discussion of issues of the day without giving public notice. For larger bodies, such as the FNSB Assembly and Municipality of Anchorage, which have 11 members, three people could meet without notice. This definition of meeting is one of the most restrictive provisions in the United States. It is a responsible balance between the need for some informal discussion of issues by public officials and the public's right to know how officials are conducting the public's business.

The current Open Meetings Act requires only that "Reasonable public notice shall be given for all meetings.... The notice must include the date, time and place of the meeting...". HB 37 specifies that notice shall be given at least 72 hours in advance of the meeting and that it must include the subject.

As now written, the OMA requires that actions taken at a meeting, which is in violation of the Act are void. HB 37 gives the court the discretion to decide to allow the action to stand if it is in the public interest. The appropriate action that may be taken against a public official who knowingly violates the OMA would be an ethics complaint or a recall election. If the knowing violation resulted in personal gain, there are other statutes that provide for civil or criminal lawsuits.

No law can guarantee that the behavior it seeks to prevent will not occur. A good law sets a clear standard of acceptable behavior that reasonable people can understand and follow and it provides for certain consequences if it is proven that the law has been violated. The present Open Meetings Act does neither. With the amendments given in HB 37, the Open Meetings Act will be a better law: more clearly understood, workable and with more appropriate penalties. The end result will be a sunshine law that people can respect, understand and obey.

Alaska State Legislature

COMMITTEES
RESOURCES
COMMUNITY AND REGIONAL AFFAIRS
LEGISLATIVE BUDGET AND AUDIT

FINANCE SUBCOMMITTEES
UNIVERSITY OF ALASKA
DEPARTMENT OF NATURAL RESOURCES



While in Fairbanks
119 N. Cushman Street
Suite 207
Fairbanks, Alaska 99701
(907) 456-8172

While in Juneau
State Capitol
Juneau, Alaska 99801-1182
(907) 465-4457
(907) 465-3787-fax

Representative John Davies

2dSS HB 37

Sectional Summary

Section 1. Substitutes the term "governing body" for governmental entities listed in current law as subject to the Open Meetings Act. A definition of "governing body" appears elsewhere in the draft. Adds to the provision that meetings are open except as provided in the section being amended, which now exists, an exception for provisions in other law permitting closed meetings.

Section 2. Limits restriction on taking action at an executive session to session involving those matters which existing law identifies as appropriate for executive sessions.

Section 3. Requires notice of meetings to include subjects. Adds a provision that, except in certain cases, notice must be given at least 72 hours before a meeting. In an emergency shorter notice may be given.

Section 4. This is an entirely new provision identifying gatherings that are subject to the open meeting requirements.

Section 4. Permits an action to enforce the open meeting requirements to be brought within two years after the first day of a meeting held in violation of those requirements. Individual members of the governing body may not be named, but a knowing violation may be grounds for recall or for filing an ethics complaint. An action taken by the governing body at a meeting held in violation of the open meeting requirement is void unless the court finds that it is in the public interest that the action not be voided. The existing statute simply states that the action is void, but, through judicial interpretation, the public interest test has been added. Definitions of "entity of the state or of a political subdivision of the state" and of "governing body" have been added.

FISCAL NOTE

STATE OF ALASKA
1993 LEGISLATIVE SESSION

BILL NO: SSHB 37

Revision Date: _____
Title: "An Act relating to open meetings of governmental bodies."
Sponsor: Representative Davies
Requestor: Representative Davies

Department Affected: Legislative Affairs Agency
BRU: Legislative Operating Budget
Legislative Council
Component: All

COMPONENT SERIAL NO:

Expenditures/Revenues: (Thousands of Dollars)

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

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

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

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER FUND SOURCE						
TOTAL	0	0	0	0	0	0

POSITIONS:

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

Estimate of current year impact: _____

ANALYSIS: (Attach a separate page if necessary)

Zero fiscal impact.

Prepared By: Pamela A. Stoops, Director
Division: Administrative Services

Pamela A. Stoops

Phone: 465-3850
Date: 2/18/93

Approved By: Warren W. Endicott, Executive Director
Agency: Legislative Affairs Agency

Warren W. Endicott

Date: 2/18/93

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

NENANA CITY PUBLIC SCHOOLS

P.O. BOX 00010
NENANA, ALASKA 99760
907-832-5464
FAX 907-832-5625

RESOLUTION OF THE NENANA CITY PUBLIC SCHOOL DISTRICT

Resolution #93-08

Supporting Legislation to Clarify and amend the Alaska Open Meetings Act

WHEREAS, the Board of Education of the Nenana City Public School District and its members support the concept of openness in government, believing that the public should be informed about, and have an opportunity to participate in, the actions of local government, and

WHEREAS, the Board and its members believe that the Open Meetings Act serves an important public purpose, and

WHEREAS, many terms and concepts contained in the Open Meetings Act are not well defined, and

WHEREAS, this lack of definition has led to numerous lawsuits concerning alleged violations of the Open Meetings Act, and

WHEREAS, as a result of these lawsuits, millions of dollars in public funds have been expended on legal fees, and several courts have reached conflicting decisions concerning the meaning and requirements of the Open Meetings Act, and

WHEREAS, recently a superior court ruled that a conversation between two elected officials concerning public business, which occurs in an informal setting such as a social gathering or chance meeting at the post office, constitutes a violation of the Open Meetings Act, and

WHEREAS, this interpretation creates a trap for public officials who are attempting in good faith to comply with the Open Meetings Act, and

WHEREAS, action taken by a public body is void if the subject matter of the action was previously discussed at a meeting which violated the Open Meetings Act, and

WHEREAS, a good faith unintentional violation of the Open Meetings Act does not justify such a disproportionately severe result.

NOW, THEREFORE, BE IT RESOLVED, that the Nenana City Public School District shall use its best efforts to obtain a prompt introduction and passage of legislation to clarify and amend the Open Meetings Act to achieve the following goals:

1. Establish that a private conversation of public business among a quorum of the members of a public body is a violation of the Open Meetings Act, but that such a discussion among less than a quorum is not a violation.
2. Create an exception so that discussions among any number of elected officials at conferences such as the Alaska School Boards Association Conference do not violate the Open Meetings Act.
3. Provide that public officials may lobby another governmental entity, such as the State Legislature, without violating the Open Meetings Act.
4. Establish that a lawsuit alleging an Open Meetings Act violation may be filed against a school district or municipality, but not against individual public officials.
5. Authorize a city council or borough assembly or board of education to take action in executive session instructing its attorney on strategy to be pursued in litigation, arbitration, and labor or other similar negotiations, as long as the action does not finally resolve the matter.
6. Authorize a public body to meet without prior public notice if the meeting is necessary to address an emergency which threatens immediate harm to the public health and safety.
7. Provide that the sole remedy for an Open Meetings Act violation is to render the challenged action voidable, not void.
8. Impose a reasonable time limit within which an Open Meetings Act lawsuit must be filed.
9. Clarify the definition of public "body" so that the Open Meetings Act does not apply to administrative staff meetings and other similar gatherings.

Cheryl L. Brady
Board President

Donald E. Heckel
Superintendent

1-21-93

SPONSOR: ADMINISTRATOR

RESOLUTION NO. 93-522

A RESOLUTION OF THE ASSEMBLY OF THE CITY AND BOROUGH OF SITKA SUPPORTING
THE PASSAGE OF HOUSE BILL NO. 37

WHEREAS, several courts have interpreted the present Open Meetings Act to preclude even the discussions of two members of a public body; and

WHEREAS, eventhough Sitka does not believe that this is a correct interpretation of the Act, so long as the issue is not clarified, extensive and expensive legal actions will continue to hamper the operations of local government; and

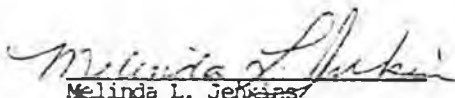
WHEREAS, a reasonable amount of communication between local government officials is necessary for good government.

NOW THEREFORE BE IT RESOLVED, by the Assembly of the City and Borough of Sitka, Alaska that the Alaska State Legislature is urged to enact House Bill No. 37, as originally introduced

PASSED, APPROVED, AND ADOPTED by the Assembly of the City and Borough of Sitka, Alaska on this 9th day of February, 1993.

Delena - 2/9/93

ATTEST:


Melinda L. Jenkins
Municipal Clerk

Requested by: Manager
Ayes: _____
Nays: _____

CITY OF UNALASKA
UNALASKA, ALASKA

RESOLUTION NO. 93-16

A RESOLUTION OF THE UNALASKA CITY COUNCIL SUPPORTING HOUSE BILL 37,
AN ACT RELATING TO OPEN MEETINGS OF GOVERNMENTAL BODIES

WHEREAS, Unalaska City Council supports the concept of openness in government, believing that the public should be informed about, and have an opportunity to participate in, the actions of local government; and

WHEREAS, the Unalaska City Council believes that the Open Meetings Act serves an important public purpose; and

WHEREAS, unfortunately many terms and concepts contained in the Open Meetings Act are not well defined; and

WHEREAS, this lack of definition has led to numerous lawsuits throughout Alaska concerning alleged violations of the Open Meetings Act; and

WHEREAS, as a result of these lawsuits, millions of dollars in public funds have been expended on legal fees, and several courts have reached conflicting decisions concerning the meaning and requirements of the Open Meetings Act; and

WHEREAS, recently a superior court ruled that a conversation between two elected officials concerning public business, which occurs in an informal setting such as a social gathering or chance meeting at the post office, constitutes a violation of the Open Meetings Act; and

WHEREAS, this interpretation creates a trap for public officials who are attempting in good faith to comply with the Open Meetings Act; and

WHEREAS, action taken by a public body is void if the subject matter of the action was previously discussed at a meeting which violated the Open Meetings Act; and

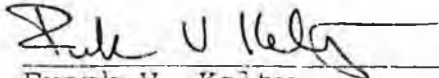
WHEREAS, a good faith unintentional violation of the Open Meetings Act does not justify such a disproportionately severe result; and

WHEREAS, House Bill 37 clarifies and amends the Open Meetings Act in a manner that allows informal discussions among limited numbers of elected officials, while preserving the principle of conducting the public's business in public.

THEREFORE, BE IT RESOLVED that the Unalaska City Council supports passage of House Bill 37, an Act relating to open meetings of governmental bodies; and


BE IT FURTHER RESOLVED that copies of this resolution be submitted to the Honorable Walter J. Hickel, Governor and all members of the Alaska State Legislature.

PASSED AND APPROVED THE 9 DAY OF February, 1993 BY
THE CITY COUNCIL OF THE CITY OF UNALASKA, ALASKA.



Frank V. Kelty
Mayor, City of Unalaska

ATTEST:



Debra Dushkin, City Clerk

RESOLUTION NO. 93-522

A RESOLUTION OF THE ASSEMBLY OF THE CITY AND BOROUGH OF SITKA SUPPORTING
THE PASSAGE OF HOUSE BILL NO. 37

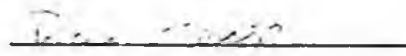
WHEREAS, several courts have interpreted the present Open Meetings Act to preclude even the discussions of two members of a public body; and

WHEREAS, eventhough Sitka does not believe that this is a correct interpretation of the Act, so long as the issue is not clarified, extensive and expensive legal actions will continue to hamper the operations of local government; and

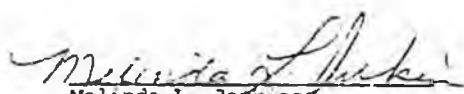
WHEREAS, a reasonable amount of communication between local government officials is necessary for good government.

NOW THEREFORE BE IT RESOLVED, by the Assembly of the City and Borough of Sitka, Alaska that the Alaska State Legislature is urged to enact House Bill No. 37, as originally introduced

PASSED, APPROVED, AND ADOPTED by the Assembly of the City and Borough of Sitka, Alaska on this 9th day of February, 1993.



ATTEST:


Melinda L. Jenkins
Municipal Clerk

The Anchorage Times

"Believing in Alaskans, putting Alaska first"

Publisher **BILL J. ALLEN**

Editors **DENNIS FRADLEY, PAUL JENKINS, WILLIAM J. TOBIN**

The Anchorage Times Commentary in this segment of the Anchorage Daily News does not represent the views of the Daily News. It is written and published under an agreement with former owners of The Times, in the interests of preserving a diversity of viewpoints in the community.

Goodbye, common sense

A FAIRBANKS JUDGE reached a new height in judicial goofiness by ruling it unlawful for two members of a public body to meet privately and discuss public business.

The ruling focused on school board affairs, but every elected and appointed group is affected — to the point it may deny members the opportunity for simple conversations, let alone debate and discourse, with their peers.

No one condones secret meetings and back-room deals.

Such behind-the-door activities clearly are barred by law. Moreover, they are scorned not only by the public but by a huge majority of public officials who know and appreciate the need to conduct public business in the open.

BUT TO STRETCH Alaska's open meeting law to cover talks between two school board members over lunch is ludicrous — no matter the subject of their conversation.

This is, after all, Alaska — a state of small towns and small communities.

People who serve in the Legislature, on borough assemblies, city councils, on school boards and on appointed commissions are friends and neighbors. They attend social functions together, belong to the same churches, attend the same Chamber of Commerce and Rotary Club luncheons, and, yes, even have lunch together sometimes.

Is every time they get together a public meeting? Are they barred from even discussing mutual matters of public interest when they are together?

ON THE contrary, it is the public's interest to have members of the Legislature or the school board or any other public body take the opportunity to exchange views with anybody and everybody, including those with whom they serve.

Such conversations do not and should not be construed as illegal, unlawful and immoral, or blessed only if they are announced in advance, with a published agenda.

Would this judge rule illegal conversations between legislators in the legislative lounges at Juneau or over lunch at the Baranof Hotel? Would he declare it unlawful for members of the Permanent Fund board of directors to have lunch together after one of their public meetings? Does a member of our Assembly commit a crime by telephoning another member to discuss an item of city business?

Has common sense been declared illegal in Alaska?



CITY OF BARROW

"farthest north incorporated city"

March 1, 1993

The Honorable John Davies
Alaska State Representative
State Capitol
Juneau, AK 99801

Re: Open Meetings Act amendments

Dear Representative Davies:

Enclosed is a copy of City of Barrow Resolution 01-93. This resolution supports the efforts of the Alaska Municipal League to clarify the Open Meetings Act.

While the City Council supports the intent of the Open Meetings Act, the recent rulings by a Fairbanks court have led to a great deal of confusion. No one is sure of what is and is not permissible. For example, our ordinances say that a special meeting may be called by the mayor or by two council members. Yet under the interpretation of the Fairbanks court, no two council members would be able to discuss the need for the calling of a special meeting!

I have had to advise the members that until the Act is clarified, they should not discuss anything with another council member outside of the City Council meetings.

Clarification of the Act is needed. Your efforts towards this end will be greatly appreciated.

Sincerely,

Karen R. Hegyi

Karen R. Hegyi
City Attorney



CITY OF BARROW

"farthest north incorporated city"

RESOLUTION 01-93

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BARROW, ALASKA, SUPPORTING THE INTRODUCTION AND PASSAGE OF LEGISLATION TO CLARIFY AND AMEND THE ALASKA OPEN MEETINGS ACT

WHEREAS, the City Council of the City of Barrow, Alaska supports the concept of openness in government, believing that the public should be informed about, and have an opportunity to participate in, the actions of local government; and

WHEREAS, the City Council believes that the Open Meetings Act serves an important public purpose; and

WHEREAS, unfortunately many terms and concepts contained in the Open Meetings Act are not well defined; and

WHEREAS, this lack of definition has led to numerous lawsuits concerning alleged violations of the Open Meetings Act; and

WHEREAS, as a result of these lawsuits, millions of dollars in public funds have been expended on legal fees, and several courts have reached conflicting decisions concerning the meaning and requirements of the Open Meetings Act; and

WHEREAS, recently a superior court ruled that a conversation between two elected officials concerning public business, which occurs in an informal setting such as a social gathering or chance meeting at the post office, constitutes a violation of the Open Meetings Act; and

WHEREAS, this interpretation creates a trap for public officials who are attempting in good faith to comply with the Open Meetings Act; and

WHEREAS, action taken by a public body is void if the subject matter of the action was previously discussed at a meeting which violated the Open Meetings Act; and

WHEREAS, a good faith unintentional violation of the Open Meetings Act does not justify such a disproportionately severe result.

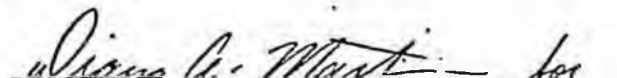
NOW THEREFORE BE IT RESOLVED that the City Council of the City of Barrow, Alaska supports the actions of the Alaska Municipal League in its efforts to obtain a prompt introduction and passage of legislation to clarify and amend the Open Meetings Act to achieve the following goals:

1. Establish that a private conversation of public business among a quorum of members of a public body is a violation of the Open Meetings Act, but such a discussion among less than a quorum is not a violation.
2. Create an exception so that discussions among any number of elected officials at conferences such as the Alaska Municipal League Conference do not violate the Open Meetings Act.
3. Provide that public officials may lobby another governmental entity, such as the State Legislature, without violating the Open Meetings Act.
4. Establish that a lawsuit alleging an Open Meetings Act violation may be filed against a municipality, but not against individual public officials.
5. Authorize a city council or borough assembly to take action in executive session instructing its attorney on strategy to be pursued in litigation, arbitration, and labor or other similar negotiations, as long as the action does not finally resolve the matter.
6. Authorize a public body to meet without prior public notice if the meeting is necessary to address an emergency which threatens immediate harm to the public health and safety.
7. Provide that the sole remedy for an Open Meetings Act violation is to render the challenged action voidable, not void.
8. Impose a reasonable time limit within which an Open Meetings Act lawsuit must be filed.
9. Clarify the definition of public "body" so that the Open Meetings Act does not apply to administrative staff meetings and other similar gatherings.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF BARROW, ALASKA ON THIS 28 day of January, 1993.


Donald Long, Mayor

ATTEST:


Mildred A. Akpik, City Clerk



CITY OF PALMER



231 W. EVERGREEN AVE
PALMER, ALASKA 99645

Phone (907) 745-3271

A HOME RULE CITY

March 22, 1993

The Honorable Al Vezey
Chair, House State Affairs
State Capitol
Juneau, Alaska 99801-1182

MAR 21 1993

RE: SS for HB 37 "An Act Relating to Open Meetings of Governmental Bodies"

Dear Representative Vezey,

The Open Meetings Act interpretations of late has left local government in a quandary whenever more than one person is at a function and business is inadvertently discussed.

The potential of frivolous lawsuits as a result of this type of meeting makes it more difficult to have good public minded people willing to serve on commissions, committees, or as an elected official as a result of the recent court rulings.

There is a need to clarify the true intent and meaning of the Open Meetings Act. The City of Palmer believes that SS for HB 37 goes a long way in clarifying the Open Meetings Act and what constitutes a quorum.

The City of Palmer would ask that you give favorable consideration to SS for HB 37 when it comes to the floor for a vote.

Should you have any questions, please feel free to contact me.

Yours truly,

David L. Soulak
City Manager
City of Palmer

DLS/cac

cc: Mayor Carte' & Councilmembers
Alaska Municipal League

RESOLUTION 93 - 05
CITY OF COFFMAN COVE

A RESOLUTION REQUESTING THE LEGISLATURE TO CLARIFY THE ALASKA OPEN MEETINGS ACT.

WHEREAS, the City Council of Coffman Cove wants clarification on what constitutes a meeting, and

WHEREAS, the council needs assurance that they have the ability to act in an emergency and consult with legal counsel in private, and

WHEREAS, the council needs it clarified that more than one member can discuss issues with state or public officials at the same time, and

WHEREAS, the body needs specification in the provisions of the Act it does not apply to administrative staff members, and

WHEREAS, the authority of the courts to determine remedies for the violations of the act needs expansion, and

WHEREAS, there must be provisions for suits against municipalities, not individuals, in cases of alleged violation,

NOW THEREFORE BE IT RESOLVED, that the Coffman Cove City Council asks our Legislatures to support and assist the passage of HB 37

Passed the 12th day of March, 1993

Pat Rowland
Pat Rowland, Mayor

ATTEST: Michelle Page
Michelle Page, City Clerk

A

T

M

C

**A RESOLUTION OF THE
ALASKA TOURISM MARKETING COUNCIL
SUPPORTING HOUSE BILL NO. 37,
AN ACT RELATING TO OPEN MEETINGS OF GOVERNMENTAL BODIES**

WHEREAS, the Alaska Tourism Marketing Council consists of public officials who are appointed by the governor of the State of Alaska and the Alaska Visitors Association and who are broadly representative of the different regions of the state and the various sectors of the visitor industry;

WHEREAS, the Alaska Tourism Marketing Council, as allowed by law, is jointly managed by the State of Alaska and the Alaska Visitors Association, an active state-wide trade organization consisting of 750 businesses and individuals with mutual interests, activities and objectives;

WHEREAS, the Alaska Tourism Marketing Council, in fiscal year 1993, will continue to administer a 7.56 million dollar domestic tourism advertising and marketing campaign in support of Alaska's annual billion dollar visitor industry;

WHEREAS, a state superior court has ruled that any discussion of business or exchange of information by as few as two members of a city council, and by inference and application, of a state board, commission, council or other public body, including the Alaska Tourism Marketing Council, is a violation of Alaska's Open Meeting Act;

WHEREAS, a minority of the Alaska Tourism Marketing Council membership, based on mutual interests, activities and objectives and not to circumvent the Open Meetings Act, could, from time to time, unintentionally violate the Open Meetings Act by discussing matters related to council business prior to public hearings and, therefore, make voidable certain actions and expenditures that may later be approved by the majority of the council;

WHEREAS, prohibiting two council members from discussing matters that may be related to council business prior to a public hearing may hamstring the operation of the Alaska Tourism Marketing Council, impose intolerable public and private burdens on its members and be tantamount to a gag order;

WHEREAS, members of the Alaska Tourism Marketing Council and all public officials who meet in numbers less than quorum should be able to exercise their right of free speech, provided their activities do not have the effect of circumventing Alaska's Open Meeting Act and violating the public trust;

THREFORE, BE IT SO RESOLVED that the Alaska Tourism Marketing Council strongly urges the Alaska State Legislature to enact House Bill No. 37.

Passed March 12, 1993

ALASKA TOURISM MARKETING COUNCIL
Frontier Building
3601 C Street, Suite 700
Anchorage, Alaska 99503
(907) 563-2289
(907) 563-3575 (FAX)

HB

42



Alaska State Legislature

HOUSE OF REPRESENTATIVES

Official Business

State Capitol
Juneau, AK 99801-1182

HOUSE STATE AFFAIRS COMMITTEE 1/28/93

SPONSOR STATEMENT: Representative Bill Hudson

LEGISLATION: HB 42- "An Act relating to retirement incentive programs...and providing for an effective date."

THE BILL BEFORE YOU WOULD ESTABLISH A RETIREMENT INCENTIVE PROGRAM- BETTER KNOWN AS RIP. THE PROGRAM'S OVERRIDING PURPOSE IS TO SAVE PUBLIC DOLLARS (FOR THE STATE AND OTHER PUBLIC EMPLOYEES). WITH STATE REVENUES PROJECTED TO DECLINE OVER TIME, THIS PROGRAM IS NEEDED NOW MORE THAN EVER.

AS IN THE PRIVATE SECTOR, PUBLIC MANAGERS NEED AS MANY TOOLS AS POSSIBLE TO HOLD DOWN OPERATING COSTS. ONE MAJOR COST AREA IS PERSONNEL. CURRENTLY, UNLIKE THE PRIVATE SECTOR, PUBLIC MANAGERS DO NOT HAVE THE AUTHORITY TO PROVIDE RETIREMENT INCENTIVES. (HIGH-COST EMPLOYEES CANNOT BE ENTICED TO MAKE ROOM FOR NEW LOWER-COST

EMPLOYEES.) THIS BILL WILL PROVIDE PUBLIC MANAGERS WITH THAT AUTHORITY.

PROGRAM HIGHLIGHTS:

-THIS BILL ESTABLISHES A COMPREHENSIVE RIP PROGRAM-
COVERING STATE AGENCY, UNIVERSITY, TEACHERS,
ADMINISTRATIVE DIRECTOR OF THE COURT AND LOCAL
GOVERNMENT EMPLOYEES.

-THE PROPOSED RIP PROGRAM IS ENTIRELY VOLUNTARY.

(NEITHER THE EMPLOYEE NOR THE EMPLOYER MAY BE FORCED TO
PARTICIPATE)

-PARTICIPATION REQUIRES A DEMONSTRATION IN SAVINGS.

(A RIP PLAN MUST MAXIMIZE THESE SAVINGS, IN PERSONAL
SERVICES, WITHIN FIVE YEARS OF ADOPTION)

-OMB HOLDS ABSOLUTE AUTHORITY OVER THE APPROVAL OF
ANY RIP PLAN SUBMITTED BY A STATE AGENCY. (IN FACT, OMB CAN
ONLY APPROVE PLANS THAT MEET THE COST SAVINGS
REQUIREMENTS. FURTHERMORE, OMB MAY ISSUE INSTRUCTIONS
REGARDING ASSUMPTIONS, PROCEDURES AND METHODS TO BE USED

TO DETERMINE PARTICIPANT ELIGIBILITY AND CALCULATE SAVINGS).

-THE RIP PROGRAM IS DESIGNED TO MAXIMIZE LOCAL CONTROL. THE DECISION TO PARTICIPATE IS MADE AT THE LOCAL LEVEL, AS IS ESTABLISHING PROGRAM RULES AND CRITERIA.

-OMB SHALL DOCUMENT, IN THE BUDGET, SAVINGS REALIZED BY AGENCY ADOPTED RIP PLANS. FURTHERMORE, OMB SHALL SUBMIT TO THE LEGISLATURE ANNUAL REPORTS DETAILING COSTS PER PARTICIPANT, COST TO THE STATE, COST TO THE EMPLOYEE AND THE PROJECTED OR ACTUAL NET SAVINGS OVER THE FIVE-YEAR PERIOD. (THIS PROVISION WAS INCORPORATED AT THE SUGGESTION OF LEGISLATIVE AUDIT)

-THIS ACT IS TEMPORARY. (THE PROGRAM WOULD TAKE EFFECT IMMEDIATELY/ REPEALED JULY 1, 1995)

ITS IMPORTANT TO REMEMBER THAT RIP PROGRAMS ARE NOT SOMETHING NEW TO ALASKA. THE LEGISLATURE ADOPTED TWO SUCH PROGRAMS IN THE PAST (1986 AND 1989). IN BOTH CASES COST SAVINGS TO THE STATE ARE WELL DOCUMENTED (LEGISLATIVE AUDIT REPORTS HAVE BEEN PROVIDED TO THE

COMMITTEE). ACCORDING TO THESE AUDITS, THE 1986 PROGRAM PRODUCED A NET SAVINGS TO THE STATE OF \$14,449,000 WHILE THE 1989 PROGRAM PRODUCED A SAVINGS OF \$22,900,000.

PROGRAM MECHANICS:

OMB IS RESPONSIBLE FOR ISSUING DETAILED GUIDELINES FOR STATE AGENCIES TO FOLLOW IN IMPLEMENTING RIP. EMPLOYEES WISHING TO PARTICIPATE HAVE TO MEET, AT A MINIMUM, THREE REQUIREMENT LEVELS IN ORDER TO QUALIFY-

1. PERSONAL ELIGIBILITY- BASIC REQUIREMENTS OF AGE, LENGTH OF SERVICE AND STATUS WITH REGARD TO PERS OR TRS;
2. DESIGNATED ORGANIZATIONAL UNITS- THE INDIVIDUAL HAS TO BE EMPLOYED IN A POSITION FALLING WITHIN AN AGENCY ASSIGNED JOB CLASSIFICATION, AND AUTHORIZED IN AND PAID FROM A DESIGNATED ORGANIZATIONAL UNIT. AGENCIES HAVE, IN PAST PROGRAMS, BEEN GIVEN COMPLETE FREEDOM TO SELECT JOB CLASSIFICATIONS AND ORGANIZATIONAL UNITS OF THE GREATEST OR LEAST DETAIL;
3. CERTIFICATION OF SAVINGS- AGENCIES ARE REQUIRED TO FORWARD EVIDENCE OF COST SAVINGS TO OMB. OMB MUST CERTIFY THE COST SAVINGS CALCULATION.

AFTER AN INDIVIDUAL IS CERTIFIED ELIGIBLE, THEY ARE AWARDED 3 YEARS OF CREDITED SERVICE; FUNDS MAY THEN BE ENCUMBERED TO PAY THE COST OF RIP (RETIREMENT BENEFIT CONTRIBUTIONS AND, AS NECESSARY, ADMINISTRATIVE COSTS).

SAVINGS, UNDER THE RIP PROGRAM, CAN BE ACHIEVED IN ONE OF THREE WAYS:

1. A POSITION HELD BY A PERSON RETIRING UNDER THE PROGRAM COULD BE FILLED BY SOMEONE AT A LOWER STEP OR RANGE;
2. THE POSITION COULD BE RECLASSIFIED DOWNWARD;
3. THE POSITION COULD BE HELD VACANT.

SUPPLEMENTARY

*ON THE NEXT PAGE YOU WILL FIND A TABLE, PRODUCED BY LEGISLATIVE AUDIT, THAT DEMONSTRATES HOW RIP SAVINGS ARE CALCULATED.

CONCLUSION:

THE GREATEST CHALLENGE ALASKA FACES TODAY IS LEARNING TO LIVE WITH LESS. HOW CAN WE CUT COSTS, YET STILL PROVIDE BASIC SERVICES DESIRED BY THE PUBLIC? IN SHORT, HOW CAN WE MAKE GOVERNMENT MORE EFFICIENT? I BELIEVE A RIP PROGRAM OFFERS PART OF THE ANSWER. ITS COST SAVINGS ARE WELL DOCUMENTED BY LEGISLATIVE AUDIT.

PLEASE GIVE THIS LEGISLATION CAREFUL CONSIDERATION. I WELCOME YOUR SUPPORT.

Factors typically involved in the calculation of RIP savings are illustrated by the following example:

An individual otherwise eligible for participating in RIP has an annual salary of \$40,000. The individual has fixed benefit costs of \$2,000 and other benefit costs that represent 10% of his salary. It is assumed that the employee would receive salary increases of 5% a year over the next two years, if he continued working. The employer contribution costs required to provide the three additional years of service under RIP is \$20,000. The projected costs of the RIP participant would be calculated as follows:

	Salary	Fixed Benefits	Other Benefits	Total Projected Costs
Year 1	\$40,000	\$2,000	\$4,000	\$ 46,000
Year 2 (Year 1 salary + 5%)	42,000	2,000	4,200	48,200
Year 3 (Year 2 salary + 5%)	44,100	2,000	4,410	50,510
Projected Salary and Benefit Costs of RIP Participant				\$144,710

If the replacement for the RIP participant is paid \$32,000 with the same assumptions, then the projected salary and benefit costs would be calculated as below:

	Salary	Fixed Benefits	Other Benefits	Total Projected Costs
Year 1	\$32,000	\$2,000	\$3,200	\$ 37,200
Year 2 (Year 1 salary + 5%)	33,600	2,000	3,360	38,960
Year 3 (Year 2 salary + 5%)	35,280	2,000	3,528	40,808
Projected Salary and Benefit Costs of the replacement employee				\$116,968

The difference of \$27,742 in the projected costs (\$144,710 - \$116,968) represents gross savings attributable to RIP. This total is reduced further by the \$20,000 employer's contribution costs and the \$140 administrative fee charged by the Division of Retirement Benefits.

In this situation, the net RIP savings are estimated as \$7,602. This savings is generated from the incremental difference between the projected salary and benefits of the RIP participant and the replacement (\$27,742), reduced by cost to the employer of providing the retirement incentive of the incentive (\$20,000 the employer must pay), and the administrative fee paid to the Division of Retirement and Benefits (\$140). If the RIP participant's position had been eliminated, the estimated savings to the employer would have jumped to \$124,568 (\$144,710 - \$20,000 - \$140).

Example of how RIP Savings are estimated

HB

43

DIVISION OF LEGAL SERVICES

LEGISLATIVE AFFAIRS AGENCY STATE OF ALASKA

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

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

MEMORANDUM

January 22, 1993

SUBJECT: Sectional Summary of HB 43 (Work Order No. 8-LS0352A)

TO: Representative Brian Porter
Attn: Gail

FROM: Jerry Luckhaupt *JL*
Legislative Counsel

You have requested a sectional summary of the above-described bill. As a preliminary matter, note that a sectional analysis or summary of a bill should not be considered an authoritative interpretation of the bill - the bill itself is the best statement of its contents.

Section 1 of the bill creates AS 11.31.120, the crime of conspiracy. That section would make it a crime for a person

- (1) with the intent to promote or facilitate a serious felony offense;
- (2) to agree with one or more other persons to engage in or cause that serious felony offense; and
- (3) an overt act in furtherance of the conspiracy is performed by one of the persons involved in the conspiracy.

This section clarifies criminal liability for certain situations, provides affirmative defenses that may be raised by the defendant, and defines "serious felony offense." Conspiracy is punishable as an unclassified, class A, class B or class C felony depending on the classification of the crime that was the object of the conspiracy.

Section 2 of the bill amends AS 11.31.140(a) to provide that it is not a defense to prosecution for conspiracy that the crime the defendant conspired to commit was actually committed.

Section 3 of the bill amends AS 11.31.140(b) to provide only one conviction for conspiracy, attempt, or solicitation is permitted for conduct that was designed to commit the same crime.

Section 4 of the bill amends AS 11.31.140(d) permits a prosecutor to charge both conspiracy to commit an offense and commission of the underlying offense.

Representative Brian Porter
January 22, 1993
Page 2

Section 5 of the bill amends AS 12.25.125(b) to provide that a person convicted of conspiracy to commit murder in the first degree shall be sentenced to a definite term of imprisonment of not less than five years and not more than 99 years.

GPL:gc
93-041.glc

FISCAL NOTE

STATE OF ALASKA
1993 LEGISLATIVE SESSION

BILL NO. H.B. 43

Revision Date: _____ Dept. Affected: Corrections
 Title: "An Act relating to crime of BRU: Statewide Programs
conspiracy." Component: _____
 Sponsor: Representative Porter
 Requestor: _____ COMPONENT SERIAL NO. 700

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING	FY94	FY95	FY96	FY97	FY98	FY99
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL	365.0	365.0	365.0	365.0	365.0	365.0
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES		—				
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	365.0	365.0	365.0	365.0	365.0	365.0

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

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

FUNDING:

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	365.0	365.0	365.0	365.0	365.0	365.0
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	365.0	365.0	365.0	365.0	365.0	365.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

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

ANALYSIS: (Attach a separate page if necessary)

See attached Analysis.

Prepared by: Dana LaTour, Special Assistant *Dana LaTour*
 Division: Office of the Commissioner
 Approved by Commissioner: Lloyd G. Rupp, Commissioner *Lloyd G. Rupp*
 Agency: Department of Corrections

Phone: 465-3376
 Date: 01/28/93
 Date: 01/28/93

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

For further distribution information call the Governor's Legislative Office

FISCAL NOTE

House Bill 43 "An Act relating to the crime of conspiracy."

Page 2

ANALYSIS (cont.)

The bill would make it illegal to conspire to commit certain heinous crimes. Heinous crimes are defined as unclassified and class A felonies against the person under AS 11.41, or crimes involving controlled substances under AS 11.71 which are punishable as unclassified, class A, or class B felonies. Conspiracy would be the same class of offense as the most serious offense that was an object of the conspiracy.

Data on the number of cases and average sentences for conspiracy convictions is not available to the Department of Corrections since this has not been a crime in Alaska in the past. However, based on information obtained last session from the Department of Law, Criminal Division, it appears likely that the conspiracy statute would enable more effective prosecution of drug crimes in particular. Since conspiracies to commit murder, kidnapping, or other serious violent crimes rarely occur, the impact on the Department is unpredictable.

The Department of Law predicts that the conspiracy law will facilitate more effective prosecution of cases involving multiple defendants and may encourage defendants to cooperate with the state to get reduced charges. The result will be more offenders sentenced for drug charges, rather than increasing sentence length.

According to 1992 booking statistics, there were 203 offenders incarcerated whose most serious charge was an unclassified (10), class A (10), or class B (183) Misconduct Involving a Controlled Substance (MICS) offense.

If this bill results in a ten percent increase in convictions for drug offenses, about 20 additional cases will be added each year. Since 90% of the relevant MICS offenses are class B felonies, the mean sentence length for a MICS B felony is used to calculate additional bed-days. Mean sentence length is 20.1 months. Subtracting one-third of the sentence for statutory good time results in time served of slightly over one year. Twenty additional offenders serving one additional year would result in 7300 additional bed days per year.

Because populations within correctional facilities are already exceeding emergency caps, it is assumed that these offenders will either be placed in Community Residential Center (CRC) beds, or that other offenders in the correctional centers will be displaced and moved to CRC beds. The daily cost of CRC placement is \$50.

The calculation used in computing the cost is:

$$7300 \text{ bed days per year} \times \$50 \text{ per CRC bed} = \$365,000$$

FISCAL NOTE

House Bill 43 "An Act relating to the crime of conspiracy."

Page 3

ANALYSIS (cont.)

The estimated costs are based on CRC beds since it is not possible to predict when the increases in incarceration would actually require adding new prison beds to the system. Cost of placement in a correctional center is approximately \$100 a day.

The current prison beds are full. The Department's master plan indicates a need to build between 500 - 700 additional beds by 1996 if other measures to reduce inmate population are not addressed.

If this bill results in any substantial increase in convictions and prison sentences for offenses other than the 10% increase in drug offenses described above, or if sufficient prisoners cannot be diverted to community residential centers contract beds, then the effect of this bill may be to add additional pressure on the already overcrowded correctional facilities.

FISCAL NOTE

STATE OF ALASKA
1993 LEGISLATIVE SESSION

BILL NO: HB 43

Revision Date: _____ Dept. Affected: Public Safety
 Title: An Act relating to the crime of BRU: Alaska State Troopers
conspiracy. Component: Criminal Investigation Bureau
 Sponsor: Representative Porter
 Requestor: Representative Porter COMPONENT SERIAL NO. 830

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

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

FUNDING: (Thousands of Dollars)

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

POSITIONS:

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

Estimate of current year (FY 93) impact: \$ _____

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

Prepared By: F/Sgt. Howard Burger Phone: 269-5976
 Division: Alaska State Troopers Date: 1/25/93
 Approved by Commissioner: *Richard L. Burton* Date: 1/25/93
 Agency: Richard L. Burton, Dept. of Public Safety

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

For further distribution information call the Governor's Legislative Office

FISCAL NOTE

STATE OF ALASKA
1993 LEGISLATIVE SESSION

BILL NO. HB43

Revision Date: _____

Department Affected: Administration

Title: "An Act relating to the crime of conspiracy."

BRU: Office of Public Advocacy

Sponsor: Representatives Porter and Phillips

Component: Office of Public Advocacy

Requestor: House Judiciary

COMPONENT SERIAL NO. 43

EXPENDITURES/REVENUES:

OPERATING	FY 94	FY 95	FY 96	FY 97	FY 98	FY 99
PERSONAL SERVICES	118.9	122.5	126.2	130.0	133.9	137.9
TRAVEL						
CONTRACTUAL	381.1	392.5	404.3	416.4	428.9	441.8
SUPPLIES	2.0	2.1	2.2	2.3	2.4	2.5
EQUIPMENT	11.0	0	0	0	0	0
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	513.0	517.1	532.7	548.7	565.2	582.2

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

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

FUNDING:

1002 Federal Receipts						
1003 GF Match						
1004 GF	513.0	517.1	532.7	548.7	565.2	582.2
1005 GF/Program Receipts						
1006 GF/MHTIA						
OTHER						
TOTAL	513.0	517.1	532.7	548.7	565.2	582.2

POSITIONS:

FULL-TIME	2.0	2.0	2.0	2.0	2.0	2.0
PART-TIME						
TEMPORARY						

Estimate of current year (FY93) impact: None.

ANALYSIS: (Attach a separate page if necessary.)
See attached.

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

Phone: 274-1684
Date: January 21, 1993

Approved by Commissioner: Nancy Bear Usura
Agency: Administration

Date: 1/29/93

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

FISCAL NOTE

STATE OF ALASKA
1993 LEGISLATIVE SESSION

BILL NO. HB43

ANALYSIS: (continued)

The bill creates the new offense of conspiracy whose prosecution will have a dramatic fiscal impact on the Office of Public Advocacy (OPA). The following analysis will deal solely with the fiscal ramifications of the adoption of the individual sections of the proposed bill.

The creation of a new crime of "conspiracy" will make two or more people involved in a homicide, kidnapping, or felony drug offense prosecutable for this separate crime. The purpose of the bill is to create another crime under which persons supposedly not currently prosecutable can be prosecuted. Further, and most importantly from the fiscal perspective of this agency, these new defendants will be tried together in a single trial. Such charges will inevitably give rise to conflicts of interest among defendants which mandate the legal representation of each defendant by a separate attorney or agency.

The Office of Public Advocacy is responsible for providing representation for those with whom the Alaska Public Defender Agency has a conflict of interest. The great majority of defendants prosecuted under conspiracy laws will be found by the court to be indigent and qualified for Public Defender and OPA services. By definition, because the statute is designed to prosecute two or more people, the Office of Public Advocacy will be responsible for providing representation to one or more alleged co-conspirators in the great majority of the cases prosecuted under this new section. For example, if the Alaska Public Defender Agency is appointed to represent defendant number one in a conspiracy case, OPA will be appointed to provide representation, probably by a staff attorney, to defendant number two, and through contract counsel, to all other co-defendants in a particular case.

Cases filed under conspiracy statutes on the federal level and in other states routinely involve substantial attorney time, particularly for the preparation of pretrial motions. Due to the fact that the Department of Law investigation activity will probably focus on urban areas, the Office of Public Advocacy is requesting one experienced attorney and a legal secretary in Anchorage to handle representation of clients charged under the bill. Because the staff attorney can represent but one co-defendant in a given case, the Office of Public Advocacy must contract with private counsel for the representation of all other co-defendants determined to be indigent by the court.

It is anticipated that the complexity of this litigation will dictate high contract costs, which are estimated at \$15,000 per defendant. The Department of Law has not estimated the number of prosecutions it will initiate during FY 94 or subsequent years under the new conspiracy statute. The projected \$375,000 in contract costs is thus based on the assumption that the Office of Public Advocacy will only be responsible for 25 co-defendants charged under these statutes for which it cannot provide staff representation during the coming fiscal year.

It should be noted that conspiracy prosecutions are far more expensive to defend than to prosecute. The nature of the allegation means that two, and usually more, defendants--each represented by separate counsel--will be prosecuted by one or two Assistant District Attorneys. For example, in a typical conspiracy prosecution, the Department of Law and the Public Defender Agency will each be paying for one attorney, while the Office of Public Advocacy will be responsible for providing counsel to all of the remaining co-defendants.

Position Title Attorney IV		No. of Positions 1	Range / Step 24A	Barg. Unit PX
Time Status PFT	Staff Months 12.0	Location Anchorage/EBA		Election District 8
TYPE OF EXPENDITURE		AMOUNT		
Salary		61.0		
Benefits		21.5		
Premium Pay				
Other				
Total Personal Services		82.5		
Travel				
Contractual		3.4		
Commodities		1.0		
Equipment		3.6		
Other				
Total Cost		90.5		
FUNDING SOURCE FOR TOTAL COST				
Federal Receipts 1002				
G.F. Match 1003				
General Fund 1004		90.5		
I-A Receipts 1007				
CIP Receipts 1061				
Other				
Justification The Anchorage Office of Public Advocacy presently has three attorney positions devoted to criminal defense. These attorneys are also handling several major cases outside of the Anchorage area as staff coverage and travel is more cost-effective than contracting major cases to private attorneys in rural areas. Current caseloads indicate that these three attorneys cannot absorb the additional cases which would result from this legislation. It is necessary that an additional attorney be added to the Anchorage staff to cover the resultant increased caseload.				

6/fy94/13/02214.a

Request For New Position

AGENCY ADMINISTRATION
 BRU OFFICE OF PUBLIC ADVOCACY
 COMPONENT OFFICE OF PUBLIC ADVOCACY

FY 94

Page 1 of 1
Revised Date: _____

Position Title Legal Secretary I		No. of Positions 1	Range / Step 10A	Barg. Unit GG
Time Status PFT	Staff Months 12.0	Location Anchorage/EBA		Election District 8
TYPE OF EXPENDITURE		AMOUNT		
Salary		24.8		
Benefits		11.6		
Premium Pay				
Other				
Total Personal Services		36.4		
Travel				
Contractual		2.7		
Commodities		1.0		
Equipment		7.4		
Other				
Total Cost		47.5		
FUNDING SOURCE FOR TOTAL COST				
Federal Receipts 1002				
G.F. Match 1003				
General Fund 1004		47.5		
I-A Receipts 1007				
CIP Receipts 1061				
Other				
Justification The Anchorage Office of Public Advocacy has three legal secretary positions providing clerical support to 14 professional positions and the Volunteer Guardian Ad Litem Program. The addition of an attorney with a full caseload necessitates the addition of another secretary. The clerical workload generated by an additional attorney cannot be absorbed by the current clerical staff.				

6/fy94/13/02214.b

Request For New Position

AGENCY ADMINISTRATION
 BRU OFFICE OF PUBLIC ADVOCACY
 COMPONENT OFFICE OF PUBLIC ADVOCACY

FY 94

Page 1 of 1
Revised Date: _____

FISCAL NOTE

STATE OF ALASKA
1993 LEGISLATIVE SESSION

BILL NO. HB 43

Revision Date: _____
Title: 'An Act relating to the crime of conspiracy.'
Sponsor: Representative Porter
Requestor: House Judiciary

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

EXPENDITURES/REVENUES:

OPERATING	FY 94	FY 95	FY 96	FY 97	FY 98	FY 99
PERSONAL SERVICES	347.6	358.0	368.7	379.8	391.2	402.9
TRAVEL	15.0	15.5	16.0	16.5	17.0	17.5
CONTRACTUAL	30.0	31.0	32.0	33.0	34.0	35.0
SUPPLIES	4.0	4.1	4.2	4.3	4.4	4.5
EQUIPMENT	6.0					
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	402.6	408.6	420.9	433.6	446.6	459.9

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

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

FUNDING:

1002 Federal Receipts						
1003 GF Match						
1004 GF	402.6	408.6	420.9	433.6	446.6	459.9
1005 GF/Program Receipts						
1006 GF/MHTIA						
OTHER						
TOTAL	402.6	408.6	420.9	433.6	446.6	459.9

POSITIONS:

FULL-TIME	6.0	6.0	6.0	6.0	6.0	6.0
PART-TIME						
TEMPORARY						

Estimate of current year (FY93) impact: _____

ANALYSIS: (Attach a separate page if necessary.)

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

Phone: 279-7541
Date: _____

Approved by Commissioner: Nancy Bear Usura
Agency: Administration

Date: 1/29/93

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

Position Title Attorney IV		No. of Positions 2	Range / Step 24/A	Barg. Unit PX	
Time Status PFT	Staff Months 24.0	Location EBA - Fairbanks		Election District 20-7	
TYPE OF EXPENDITURE		AMOUNT		Justification These senior felony attorneys will be stationed, one in Anchorage and one in Fairbanks. The Anchorage attorney will represent clients in the First and Third Judicial Districts while the Fairbanks attorney will cover the Second and Fourth Judicial Districts.	
Salary	131,092.0				
Benefits	43,985.0				
Premium Pay					
Other					
Total Personal Services	175,077.0	175,077.0			
Travel		10,000.0			
Contractual		19,000.0			
Commodities		2,000.0			
Equipment		3,000.0			
Other		209,077.0			
Total Cost		0.0			
FUNDING SOURCE FOR TOTAL COST					
Federal Receipts	1002				
G.F. Match	1003				
General Fund	1004	209,077.0			
I-A Receipts	1007				
CIP Receipts	1061				
Other					

8/LEG93/17/028.kp/2

Request For New Position

AGENCY ADMINISTRATION

BRU PUBLIC DEFENDER AGENCY

COMPONENT PUBLIC DEFENDER AGENCY

FY 94

Page 2 of 4
Revised Date: _____

Position Title Investigator II		No. of Positions 2	Range / Step 16/A	Barg. Unit GGU	
Time Status PFT	Staff Months 24/0	Location EBA - Fairbanks		Election District 20-7	
TYPE OF EXPENDITURE		AMOUNT		Justification These investigators will be based in Anchorage and Fairbanks but will provide services throughout the entire state.	
Salary	74,340.0				
Benefits	30,218.0				
Premium Pay					
Other					
Total Personal Services	104,558.0	104,558.0			
Travel		5,000.0			
Contractual		7,000.0			
Commodities		1,000.0			
Equipment		1,500.0			
Other					
Total Cost		119,058.0			
FUNDING SOURCE FOR TOTAL COST					
Federal Receipts	1002				
G.F. Match	1003				
General Fund	1004	119,058.0			
I-A Receipts	1007				
CIP Receipts	1061				
Other					

8/LEG93/17/028.kp/3

Request For New Position

AGENCY ADMINISTRATION
 BRU PUBLIC DEFENDER AGENCY
 COMPONENT PUBLIC DEFENDER AGENCY

FY 94

Page 3 of 4
 Revised Date: _____

Position Title Clerk/Typist III		No. of Positions 2	Range / Step 8/A	Barg. Unit GGU	
Time Status PFT	Staff Months 24.0	Location EBA - Fairbanks		Election District 7-20	
TYPE OF EXPENDITURE		AMOUNT			
Salary	44,868.0	Justification These two support staff positions will be based in Anchorage and Fairbanks.			
Benefits	21,977.0				
Premium Pay					
Other					
Total Personal Services	66,845.0				66,845.0
Travel					0.0
Contractual					4,000.0
Commodities					1,000.0
Equipment					1,500.0
Other					
Total Cost		73,345.0			
FUNDING SOURCE FOR TOTAL COST					
Federal Receipts	1002				
G.F. Match	1003				
General Fund	1004	73,345.0			
I-A Receipts	1007				
CIP Receipts	1061				
Other					

8/LEG93/17/028.kp/4

Request For New Position

AGENCY ADMINISTRATION

BRU PUBLIC DEFENDER AGENCY

COMPONENT PUBLIC DEFENDER AGENCY

FY 94

Page 4 of 4
Revised Date: _____

FISCAL NOTE

STATE OF ALASKA
1993 LEGISLATIVE SESSION

Bill No. HB 43

Revision Date: _____ Department Affected: Alaska Court System
 Title: An Act relating to the crime of BRU: Trial Courts
conspiracy Components: _____
 Sponsor: Porter
 Requestor: House State Affairs COMPONENT SERIAL NO.

000 000	000 768
-----------	-----------

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 94	FY 95	FY 96	FY 97	FY 98	FY 99
PERSONAL SERVICES	121.1	121.1	121.1	121.1	121.1	121.1
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS & CLAIMS						
TOTAL OPERATING	121.1	121.1	121.1	121.1	121.1	121.1
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUNDS	121.1	121.1	121.1	121.1	121.1	121.1
FEDERAL FUNDS						
OTHER						
TOTAL	121.1	121.1	121.1	121.1	121.1	121.1

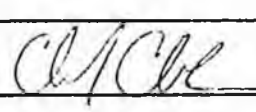
POSITIONS:

FULL-TIME	1.0	1.0	1.0	1.0	1.0	1.0
PART-TIME	3.0	3.0	3.0	3.0	3.0	3.0
TEMPORARY						

Estimate of current year impact: None

ANALYSIS: (Attach a separate page if necessary)

See attached analysis.

Prepared by: C. S. Christensen III, Staff Counsel  Phone: 264-8228
 Division: Alaska Court System Date: 12/04/92

Approved by: Arthur H. Snowden, II, Administrative Director  Date: 12/04/92
 Agency: Alaska Court System

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

Alaska Court System

Fiscal Analysis

HB 43

This bill creates a new crime of conspiracy to promote or facilitate a heinous offense. Its purpose is to create a crime under which persons not presently prosecutable can be prosecuted.

The Department of Law has not estimated the number of prosecutions which will result from this legislation. When similar legislation was considered in 1987, the department projected a need for two additional attorneys, a paralegal, and a secretary, indicating a potentially large caseload. OPA has estimated that it will defend 25 co-defendants charged as a result of this legislation, in addition to those co-defendants represented by the Public Defender. Most of these co-defendants will be entitled to separate trials. Experience in other states and at the federal level demonstrates that conspiracy cases generally require extensive pre-trial motion work, and are more likely to go to trial than other felony cases.

Alaska Court System

Fiscal Analysis

HB 43

Personal Services

	<u>Salary</u>	<u>Benefits</u>	<u>Total</u>
Pro Tem Superior Court Judge Anchorage, 12 months	\$24,150	\$16,841	\$40,991
Pro Tem Superior Court Judge Fairbanks, 6 months	12,251	8,439	20,690
Pro Tem Superior Court Judge Juneau, 6 months	12,075	8,420	20,495
In-Court Clerk, Anchorage	27,108	11,816	<u>38,924</u>
			<u>\$121,100</u>

DIVISION OF LEGAL SERVICES

LEGISLATIVE AFFAIRS AGENCY STATE OF ALASKA

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

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

MEMORANDUM

January 22, 1993

SUBJECT: Sectional Summary of HB 43 (Work Order No. 8-LS0352\A)

TO: Representative Brian Porter
Attn: Gail

FROM: Jerry Luckhaupt *JEL*
Legislative Counsel

You have requested a sectional summary of the above-described bill. As a preliminary matter, note that a sectional analysis or summary of a bill should not be considered an authoritative interpretation of the bill - the bill itself is the best statement of its contents.

Section 1 of the bill creates AS 11.31.120, the crime of conspiracy. That section would make it a crime for a person

- (1) with the intent to promote or facilitate a serious felony offense;
- (2) to agree with one or more other persons to engage in or cause that serious felony offense; and
- (3) an overt act in furtherance of the conspiracy is performed by one of the persons involved in the conspiracy.

This section clarifies criminal liability for certain situations, provides affirmative defenses that may be raised by the defendant, and defines "serious felony offense." Conspiracy is punishable as an unclassified, class A, class B or class C felony depending on the classification of the crime that was the object of the conspiracy.

Section 2 of the bill amends AS 11.31.140(a) to provide that it is not a defense to prosecution for conspiracy that the crime the defendant conspired to commit was actually committed.

Section 3 of the bill amends AS 11.31.140(b) to provide only one conviction for conspiracy, attempt, or solicitation is permitted for conduct that was designed to commit the same crime.

Section 4 of the bill amends AS 11.31.140(d) permits a prosecutor to charge both conspiracy to commit an offense and commission of the underlying offense.

Representative Brian Porter
January 22, 1993
Page 2

Section 5 of the bill amends AS 12.25.125(b) to provide that a person convicted of conspiracy to commit murder in the first degree shall be sentenced to a definite term of imprisonment of not less than five years and not more than 99 years.

GPL:gc
93-041.glc

BILL NO: HB 43

DATE: January 29, 1993

TITLE: "An Act Relating to the
Crime of Conspiracy

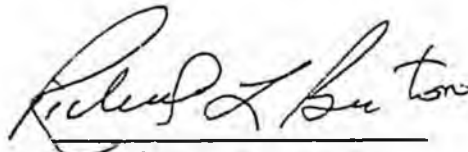
CONTACT: C.E. Swackhammer
Deputy Commissioner
465-4322

This bill would amend AS 11.31 Attempt and Solicitation, by adding a section concerning CONSPIRACY. A person commits the crime of "conspiracy" if,

1. with the intent to commit a felony crime,
2. the offender agrees with one or more persons to commit the crime,
and
3. the offender or one of the others performs an over act in furtherance
of the conspiracy

The crimes for which a conspiracy prosecution could be brought are listed in section 11.31.120(g), page 2, line 31, and page 3, lines 1-4. The classification level of the crime (A felony, B felony, etc.) depends upon the seriousness of the underlying offense--see page 2, lines 3-30.

Adoption of this bill will provide Alaska law enforcement officers and prosecutors with a valuable tool which is available to law enforcement in the federal system and in most other states. If sufficient evidence of the conspiracy is obtained, charges may be filed and arrests made before the conspirators actually commit the underlying planned serious felony offense.



Richard L. Burton
Commissioner

FISCAL NOTE

FEB 8 1993

STATE OF ALASKA
1993 LEGISLATIVE SESSION

Bill No. HB 43

Revision Date: _____ Department Affected: Alaska Court System
 Title: An Act relating to the crime of BRU: Trial Courts
conspiracy Components: _____
 Sponsor: Porter
 Requestor: House State Affairs COMPONENT SERIAL NO.

000	000	000	768
-----	-----	-----	-----

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 94	FY 95	FY 96	FY 97	FY 98	FY 99
PERSONAL SERVICES	121.1	121.1	121.1	121.1	121.1	121.1
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS & CLAIMS						
TOTAL OPERATING	121.1	121.1	121.1	121.1	121.1	121.1

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

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

FUNDING: (Thousands of Dollars)

GENERAL FUNDS	121.1	121.1	121.1	121.1	121.1	121.1
FEDERAL FUNDS						
OTHER						
TOTAL	121.1	121.1	121.1	121.1	121.1	121.1

POSITIONS:

FULL-TIME	1.0	1.0	1.0	1.0	1.0	1.0
PART-TIME	3.0	3.0	3.0	3.0	3.0	3.0
TEMPORARY						

Estimate of current year impact: None

ANALYSIS: (Attach a separate page if necessary)

See attached analysis.

Prepared by: C. S. Christensen III, Staff Counsel *CSC* Phone: 264-8228
 Division: Alaska Court System Date: 12/04/92

Approved by: Arthur H. Snowden, II, Administrative Director *AS* Date: 12/04/92
 Agency: Alaska Court System

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

Alaska Court System

Fiscal Analysis

HB 43

This bill creates a new crime of conspiracy to promote or facilitate a heinous offense. Its purpose is to create a crime under which persons not presently prosecutable can be prosecuted.

The Department of Law has not estimated the number of prosecutions which will result from this legislation. When similar legislation was considered in 1987, the department projected a need for two additional attorneys, a paralegal, and a secretary, indicating a potentially large caseload. OPA has estimated that it will defend 25 co-defendants charged as a result of this legislation, in addition to those co-defendants represented by the Public Defender. Most of these co-defendants will be entitled to separate trials. Experience in other states and at the federal level demonstrates that conspiracy cases generally require extensive pre-trial motion work, and are more likely to go to trial than other felony cases.

Alaska Court System

Fiscal Analysis

HB 43

Personal Services

	<u>Salary</u>	<u>Benefits</u>	<u>Total</u>
Pro Tem Superior Court Judge Anchorage, 12 months	\$24,150	\$16,841	\$40,991
Pro Tem Superior Court Judge Fairbanks, 6 months	12,251	8,439	20,690
Pro Tem Superior Court Judge Juneau, 6 months	12,075	8,420	20,495
In-Court Clerk, Anchorage	27,108	11,816	<u>38,924</u>
			<u><u>\$121,100</u></u>

STATE OF ALASKA
1993 LEGISLATIVE SESSION

BILL NO: HB 43

Revision Date: _____ Dept. Affected: Public Safety
 Title: An Act relating to the crime of BRU: Alaska State Troopers
conspiracy. Component: Criminal Investigation Bureau
 Sponsor: Representative Porter
 Requestor: Representative Porter COMPONENT SERIAL NO. 830

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

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

FUNDING: (Thousands of Dollars)

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

POSITIONS:

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

Estimate of current year (FY 93) impact: \$ _____

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

Prepared By: F/Sgt. Howard Burger Phone: 269-5976
 Division: Alaska State Troopers Date: 1/25/93
 Approved by Commissioner: *Richard L. Burton* Date: 1/25/93
 Agency: Richard L. Burton, Dept. of Public Safety

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

For further distribution information call the Governor's Legislative Office



Official Business

Alaska State Legislature

HOUSE OF REPRESENTATIVES

Representative Brian Porter

SPONSOR STATEMENT

State Capitol
Juneau, AK 99801-1182

RE: HB 43, An Act Relating to the Crime of Conspiracy

I have introduced HB 43, which creates a new crime of "conspiracy" in state law. An offender commits this crime if:

1. with intent to commit a "serious felony offense,"
2. the offender agrees with one or more others to commit the offense, and
3. the offender or one of the others performs an overt act in furtherance of the conspiracy.

The offenses for which a conspiracy prosecution could be brought are listed in section 1, proposed AS 11.31.120(g), page 2, lines 1-4, and include unclassified or class A felonies against a person and unclassified, class A, or class B felonies involving controlled substances.

I believe that adoption of this bill will provide Alaska law enforcement officers and prosecutors with a valuable tool which is available to law enforcement authorities in the federal system and in most other states. If sufficient evidence of a conspiracy is obtained, charges may be filed and arrests made before the conspirators actually commit the underlying planned serious felony offense.

In addition to allowing the apprehension of offenders at an earlier stage of the planned crime, the adoption of a conspiracy law would permit the introduction of additional evidence in a trial. Thus the jury would be permitted to hear, for example, more evidence about the overall drug operation, rather than being limited to evidence about specific drug sales on specific dates. The jury therefore would not view the sales in isolation, but would see the "big picture." In cases where the underlying offense was actually committed, defendants charged both with conspiracy and another crime may be more likely to cooperate with the prosecution in an effort to obtain a reduced charge; this may reduce the number of trials. Another potential cost-savings is that multiple defendants charged with conspiracy will be able to be tried jointly, rather than in separate trials as is generally required now.

Alaska may be the only state in the nation that does not have a general conspiracy law. It's time that we give law enforcement officials in Alaska the same crime-fighting tools available in other states.

A handwritten signature in cursive script that reads "Brian Porter".

Representative Brian Porter

STATE OF ALASKA

DEPARTMENT OF LAW

CRIMINAL DIVISION

WALTER J. HICKEL, GOVERNOR

PLEASE REPLY TO:

- CRIMINAL DIVISION CENTRAL OFFICE
P. O. BOX 110300 - STATE CAPITOL
JUNEAU, ALASKA 99811-0300
PHONE: (907) 465-3428
- OFFICE OF SPECIAL PROSECUTIONS
AND APPEALS
1031 W. 4TH AVENUE, SUITE 318
ANCHORAGE, ALASKA 99501-5993
PHONE: (907) 279-7424

February 1, 1993

The Honorable Al Vezey, Chairman
House State Affairs Committee
Alaska State Legislature
P.O. Box V
Juneau, Alaska 99811

Re: HB 43 ("An Act relating to the crime of conspiracy")

Dear Chairman Vezey:

This administration supports the enactment of a conspiracy law. Indeed, the Governor's Office is considering introducing a conspiracy bill in the near future.

The United States Supreme Court has noted that "a conspiracy poses distinct dangers quite apart from those of the substantive" offense. Iannelli v. United States, 420 U.S. 770 (1975). As it explained elsewhere, "Concerted action both increases the likelihood that the criminal object will be successfully attained and decreases the probability that the individuals involved will depart from their path of criminality." Callanan v. United States, 364 U.S. 587, 593-94 (1961).

Conspiracy laws can take many forms and the crime of conspiracy involves various technical legal issues. We may therefore request the opportunity to address some of these issues. In view of the legal nature of our comments, however, it seems perhaps most appropriate to reserve them for consideration by the House Judiciary Committee.

The Honorable Al Vezey

February 1, 1993
Page 2

Nonetheless, if you have any questions that we may be able to answer, please do not hesitate to call upon us.

Very truly yours,

CHARLES E. COLE
ATTORNEY GENERAL

By: Margot O. Knuth
Margot O. Knuth
Assistant Attorney General

MOK/sf

Alaska Association Chiefs of Police



Received

JAN 28 1993

REP BRIAN PORTER

January 25, 1993

Representative Brian Porter
House of Representatives
State Capitol
Juneau, Alaska 99811

Brian
Dear Representative Porter:

On behalf of the Alaska Association of Chiefs of Police I would like to express our support for House Bill 43. For several years Alaskan law enforcement has been united in its request to the legislature for a Statute dealing with the Crime of Conspiracy.

There have been many serious felony crimes committed over the years that may well not have occurred if law enforcement had been able to pursue the offenders utilizing a Conspiracy Statute. Limiting conspiracy to serious felony offenses only is a sensible approach that should alleviate some past concerns.

If we can be of any assistance in the passage of your bill please let me know.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Ron", is written over the closing phrase.

Ronald L. Otte
President

RLO/lp



Official Business

Alaska State Legislature

HOUSE OF REPRESENTATIVES

Representative Brian Porter

SPONSOR STATEMENT

State Capitol
Juneau, AK 99801-1182

RE: HB 43, An Act Relating to the Crime of Conspiracy

I have introduced HB 43, which creates a new crime of "conspiracy" in state law. An offender commits this crime if:

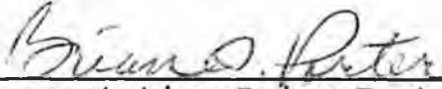
1. with intent to commit a "serious felony offense,"
2. the offender agrees with one or more others to commit the offense, and
3. the offender or one of the others performs an overt act in furtherance of the conspiracy.

The offenses for which a conspiracy prosecution could be brought are listed in section 1, proposed AS 11.31.120(g), page 2, lines 1-4, and include unclassified or class A felonies against a person and unclassified, class A, or class B felonies involving controlled substances.

I believe that adoption of this bill will provide Alaska law enforcement officers and prosecutors with a valuable tool which is available to law enforcement authorities in the federal system and in most other states. If sufficient evidence of a conspiracy is obtained, charges may be filed and arrests made before the conspirators actually commit the underlying planned serious felony offense.

In addition to allowing the apprehension of offenders at an earlier stage of the planned crime, the adoption of a conspiracy law would permit the introduction of additional evidence in a trial. Thus the jury would be permitted to hear, for example, more evidence about the overall drug operation, rather than being limited to evidence about specific drug sales on specific dates. The jury therefore would not view the sales in isolation, but would see the "big picture." In cases where the underlying offense was actually committed, defendants charged both with conspiracy and another crime may be more likely to cooperate with the prosecution in an effort to obtain a reduced charge; this may reduce the number of trials. Another potential cost-savings is that multiple defendants charged with conspiracy will be able to be tried jointly, rather than in separate trials as is generally required now.

Alaska may be the only state in the nation that does not have a general conspiracy law. It's time that we give law enforcement officials in Alaska the same crime-fighting tools available in other states.



Representative Brian Porter

FISCAL NOTE

STATE OF ALASKA
1993 LEGISLATIVE SESSION

BILL NO. HB 43

Revision Date: February 1, 1993

Title: "An Act relating to the crime of Conspiracy."

Department Affected: Department of Law

BRU: Prosecution

Component: All

Sponsor: Representative Porter

Requestor: Representative Porter

COMPONENT SERIAL NO. 0085 through 0090

EXPENDITURES/REVENUES:

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

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

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

FUNDING:

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

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

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

ANALYSIS: (Attach a separate page if necessary.)

Please see the attached analysis.

Richard I. Peques

Prepared by: Richard I. Peques, Director

Division: Administrative Services Division

Phone: 465-3672

Date: February 1, 1993

Richard I. Peques / HORT

Approved by Commissioner: Charles E. Cole, Attorney General

Agency: Department of Law

Date: February 1, 1993

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

FISCAL NOTE

BILL NO. HB 43

STATE OF ALASKA
1993 LEGISLATIVE SESSION

ANALYSIS (Continued):

This bill creates a crime of conspiracy when two or more people agree to commit a criminal offense and one of them does some act in furtherance of the agreement. The bill extends the application of the conspiracy law to offenses against a person under AS 11.41, punishable as unclassified or class A felonies, and to offenses involving controlled substance, under AS 11.71, punishable as unclassified, class A, or class B felonies.

The Department of Law believes there will not be a significant increase in the number of cases due to the conspiracy law. Current law permits prosecution of those who directly commit crimes, as well as those who are accomplices (AS 11.16). Because our present accomplice law allows us to prosecute people who aid and abet a criminal, it is unlikely that the conspiracy law (which requires proof of an agreement to commit the crime) will result in significantly more cases being prosecuted. Instead, the crime of conspiracy will be added as another count in a case that would have been prosecuted anyway.

In those cases that cannot be charged under current law, the crime of conspiracy will permit some additional cases to be prosecuted and some fiscal impact could result, although there may be offsetting cost savings.

The major effect of the conspiracy law is to permit the introduction of additional evidence in a trial. Thus the jury is permitted to hear, for example, more evidence about the overall drug operation, rather than being limited to evidence about specific drug sales on specific dates. The jury does not therefore view those sales in isolation, but is allowed to see the "big picture", and the state's case is made stronger. We believe that defendants charged under the conspiracy law will cooperate with the state to try to get a reduced charge, and therefore fewer trials will occur. Another potential cost-savings is that multiple defendants charged with conspiracy will be able to be tried in a joint trial, rather than separate trials as is usually the practice now. Naturally the effects of any new law cannot be predicted with precise certainty. However, conspiracy laws and stiff drug penalties are nothing new in the rest of the country.



Official Business

Alaska State Legislature

HOUSE OF REPRESENTATIVES

Representative Brian Porter

SPONSOR STATEMENT

State Capitol
Juneau, AK 99801-1182

RE: HB 43, An Act Relating to the Crime of Conspiracy

I have introduced HB 43, which creates a new crime of "conspiracy" in state law. An offender commits this crime if:

1. with intent to commit a "serious felony offense,"
2. the offender agrees with one or more others to commit the offense, and
3. the offender or one of the others performs an overt act in furtherance of the conspiracy.

The offenses for which a conspiracy prosecution could be brought are listed in section 1, proposed AS 11.31.120(g), page 2, lines 1-4, and include unclassified or class A felonies against a person and unclassified, class A, or class B felonies involving controlled substances.

I believe that adoption of this bill will provide Alaska law enforcement officers and prosecutors with a valuable tool which is available to law enforcement authorities in the federal system and in most other states. If sufficient evidence of a conspiracy is obtained, charges may be filed and arrests made before the conspirators actually commit the underlying planned serious felony offense.

In addition to allowing the apprehension of offenders at an earlier stage of the planned crime, the adoption of a conspiracy law would permit the introduction of additional evidence in a trial. Thus the jury would be permitted to hear, for example, more evidence about the overall drug operation, rather than being limited to evidence about specific drug sales on specific dates. The jury therefore would not view the sales in isolation, but would see the "big picture." In cases where the underlying offense was actually committed, defendants charged both with conspiracy and another crime may be more likely to cooperate with the prosecution in an effort to obtain a reduced charge; this may reduce the number of trials. Another potential cost-savings is that multiple defendants charged with conspiracy will be able to be tried jointly, rather than in separate trials as is generally required now.

Alaska may be the only state in the nation that does not have a general conspiracy law. It's time that we give law enforcement officials in Alaska the same crime-fighting tools available in other states.

A handwritten signature in cursive script that reads "Brian Porter".

Representative Brian Porter



Official Business

Alaska State Legislature

HOUSE OF REPRESENTATIVES

Representative Brian Porter

State Capitol
Juneau, AK 99801-1182

To: Representative Al Vezey, Chairman
House State Affairs Committee

From: Representative Brian Porter *BP*

Date: January 27, 1993

Subject: Request to schedule HB 43

I would like to request that you schedule HB 43, an Act relating to the crime of conspiracy, for a hearing before the House State Affairs Committee.

As you requested in your memorandum of January 14, 1993, attached to this memorandum are:

- 1) a copy of HB 43;
- 2) a "sectional summary" of the bill;
- 3) a fiscal note from the Department of Public Safety; and
- 4) a sponsor statement.

Those agencies and organizations believed to support the adoption of a conspiracy law in Alaska include: the Alaska Department of Public Safety, the Alaska Department of Law, the Alaska Peace Officers Association, the Alaska Association of Chiefs of Police, the Alaska Chapter of the FBI National Academy Associates, the Anchorage Police Department, local police departments, the Anchorage Crime Commission, and the United States Attorney's Office. Opposition may be expected from the defense bar.

At the present time, I have no proposed amendments to HB 43.

My staff have requested fiscal notes and position papers from several state agencies, and we expect to receive that material soon. We will forward additional information regarding HB 43 to you as soon as it is received.

The adoption of a conspiracy law in Alaska is a matter that has been debated in the state Legislature for many years now. I respectfully request you schedule a hearing on HB 43 at the committee's earliest convenience. Thank you.

Attachments: As specified

FISCAL NOTE

STATE OF ALASKA
1993 LEGISLATIVE SESSION

BILL NO. H.B. 43

Revision Date: _____ Dept. Affected: Corrections
 Title: "An Act relating to crime of conspiracy." BRU: Statewide Programs
 Component: _____
 Sponsor: Representative Porter
 Requestor: _____ COMPONENT SERIAL NO. 700

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING	FY94	FY95	FY96	FY97	FY98	FY99
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL	365.0	365.0	365.0	365.0	365.0	365.0
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	365.0	365.0	365.0	365.0	365.0	365.0

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

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

FUNDING:

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	365.0	365.0	365.0	365.0	365.0	365.0
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	365.0	365.0	365.0	365.0	365.0	365.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

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

ANALYSIS: (Attach a separate page if necessary)

See attached Analysis.

Prepared by: Dana LaTour, Special Assistant *Dana LaTour* Phone: 465-3376
 Division: Office of the Commissioner Date: 01/28/93
 Approved by Commissioner: Lloyd G. Rupp, Commissioner *Lloyd G. Rupp* Date: 01/28/93
 Agency: Department of Corrections

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

For further distribution information call the Governor's Legislative Office

FISCAL NOTE

House Bill 43 "An Act relating to the crime of conspiracy."

Page 2

ANALYSIS (cont.)

The bill would make it illegal to conspire to commit certain heinous crimes. Heinous crimes are defined as unclassified and class A felonies against the person under AS 11.41, or crimes involving controlled substances under AS 11.71 which are punishable as unclassified, class A, or class B felonies. Conspiracy would be the same class of offense as the most serious offense that was an object of the conspiracy.

Data on the number of cases and average sentences for conspiracy convictions is not available to the Department of Corrections since this has not been a crime in Alaska in the past. However, based on information obtained last session from the Department of Law, Criminal Division, it appears likely that the conspiracy statute would enable more effective prosecution of drug crimes in particular. Since conspiracies to commit murder, kidnapping, or other serious violent crimes rarely occur, the impact on the Department is unpredictable.

The Department of Law predicts that the conspiracy law will facilitate more effective prosecution of cases involving multiple defendants and may encourage defendants to cooperate with the state to get reduced charges. The result will be more offenders sentenced for drug charges, rather than increasing sentence length.

According to 1992 booking statistics, there were 203 offenders incarcerated whose most serious charge was an unclassified (10), class A (10), or class B (183) Misconduct Involving a Controlled Substance (MICS) offense.

If this bill results in a ten percent increase in convictions for drug offenses, about 20 additional cases will be added each year. Since 90% of the relevant MICS offenses are class B felonies, the mean sentence length for a MICS B felony is used to calculate additional bed-days. Mean sentence length is 20.1 months. Subtracting one-third of the sentence for statutory good time results in time served of slightly over one year. Twenty additional offenders serving one additional year would result in 7300 additional bed days per year.

Because populations within correctional facilities are already exceeding emergency caps, it is assumed that these offenders will either be placed in Community Residential Center (CRC) beds, or that other offenders in the correctional centers will be displaced and moved to CRC beds. The daily cost of CRC placement is \$50.

The calculation used in computing the cost is:

$$7300 \text{ bed days per year} \times \$50 \text{ per CRC bed} = \$365,000$$

FISCAL NOTE

House Bill 43 "An Act relating to the crime of conspiracy."

Page 3

ANALYSIS (cont.)

The estimated costs are based on CRC beds since it is not possible to predict when the increases in incarceration would actually require adding new prison beds to the system. Cost of placement in a correctional center is approximately \$100 a day.

The current prison beds are full. The Department's master plan indicates a need to build between 500 - 700 additional beds by 1996 if other measures to reduce inmate population are not addressed.

If this bill results in any substantial increase in convictions and prison sentences for offenses other than the 10% increase in drug offenses described above, or if sufficient prisoners cannot be diverted to community residential centers contract beds, then the effect of this bill may be to add additional pressure on the already overcrowded correctional facilities.

HB

44

ELECTIVE DISTRICT 14
ELMENDORF A.F.B.
EAST ANCHORAGE
GOVERNMENT HILL

REP. TERRY MARTIN

HOME
355 DONNA DR., #11
ANCHORAGE, AK 99504
PHONE: 333-6990

DURING SESSION
P.O. BOX V
STATE CAPITOL BUILDING
JUNEAU, AK 99811
PHONE: 465-3783

Alaska House of Representatives

MEMORANDUM

TO: Representative Al Vezey, Chairman
House State Affairs Committee

FROM: Representative Terry Martin *THM*

DATE: January 20, 1993

SUBJECT: HB 44; "An Act making a special appropriation to the principle
of the permanent fund; and providing for an effective date."

I respectfully request that you schedule HB 44 in the State Affairs Committee
at your earliest convenience.

My aide, Mary Vollendorf, will follow up with the supporting documentation
and summary. If you have any questions, please contact her at 3783.

ELECTIVE DISTRICT 14
ELMENDORF A.F.B.
EAST ANCHORAGE
GOVERNMENT HILL

REP. TERRY MARTIN

HOME
355 DONNA DR., #11
ANCHORAGE, AK 99504
PHONE: 333-6990

Alaska House of Representatives

DURING SESSION
P.O. BOX V
STATE CAPITOL BUILDING
JUNEAU, AK 99811
PHONE: 465-3783

SPONSOR STATEMENT

HB 44

"An Act making a special appropriation to the principle of the permanent fund; and providing for an effective date."

The purpose of this bill is to appropriate the sum of \$750,000,000 from the earnings reserve account to the principle of the permanent fund.

This would ensure growth in the principle of the permanent fund accounts so that future generations may prosper from the wealth that our generation is currently experiencing.

ELECTIVE DISTRICT 14
ELMENDORF A.F.B.
EAST ANCHORAGE
GOVERNMENT HILL

REP. TERRY MARTIN

HOME
355 DONNA DR., #11
ANCHORAGE, AK 99504
PHONE: 333-6990

Alaska House of Representatives

DURING SESSION
P.O. BOX V
STATE CAPITOL BUILDING
JUNEAU, AK 99811
PHONE: 465-3783

SECTIONAL ANALYSIS

HB 44

"An Act making a special appropriation to the principal of the permanent fund; and providing for an effective date."

Section 1: This section states that \$750,000,000 would be appropriated from the earnings reserve account and transferred into the principal of the permanent fund.

Section 2: This section states that the Act will have an immediate effective date as per AS 01.10.070(c).

HB44

1-25-93 Terry Martin

STATE CASH RESERVES AND FUND EQUITIES

<u>FUND</u>	<u>DATE</u>	<u>AMOUNT</u>	<u>SOURCE</u>
		(in millions)	
1) Permanent Fund Reserves unencumbered balance	6/30/93	\$904	PF Corp. Leg Fin Div
2) Permanent Fund Reserves for FY 94 Dividend & Inflation proofing	6/30/93	\$882	PF Corp.
3) AK Science & Technology Endowment Fund	6/30/93	\$120	AK Budg Rep
4) Statutory Budget Reserve	6/30/93	\$357	CMB
5) Const. Budget Reserve	Jan 1993	\$682	DOA Div of Fin.
6) AHFC	June 1993	\$1,745	AHFC
7) Railbelt Energy Fund	Jan. 93	\$119	DOA; Div. of Finance
8) Investment Loss Trust	Dec. 1992	\$147	Leg. Fin Div
9) AIDEA	June 1992	\$693	State equity

	TOTAL	\$5,649	Billion
ADD TO TOTAL:			
Unpaid Tax Assessmants (going back to 1979 cases)	Aug 1992	\$4,690	Billion
Royalty pricing dispute (Mapco, Cheveron, Tesoro Petroleum)		\$378	

HB

46

ELECTIVE DISTRICT 14
ELMENDORF A.F.B.
EAST ANCHORAGE
GOVERNMENT HILL

REP. TERRY MARTIN

HOME
355 DONNA DR., #11
ANCHORAGE, AK 99504
PHONE: 333-6990

Alaska House of Representatives

DURING SESSION
P.O. BOX V
STATE CAPITOL BUILDING
JUNEAU, AK 99811
PHONE: 465-3783

MEMORANDUM

TO: Representative Al Vezey, Chairman
House State Affairs Committee

FROM: Representative Terry Martin *TMM*

DATE: March 11, 1993

SUBJECT: HB 46; Frequent Flyer Credit

I respectfully request that you schedule HB 46, "An Act relating to frequent flyer traveler credit for state-paid travel." at your earliest convenience.

My aide, Mary Vollendorf, will be following up with appropriate summaries and documentation. If you have any questions please call her at 6619.

ELECTIVE DISTRICT 14
ELMENDORF A.F.B.
EAST ANCHORAGE
GOVERNMENT HILL

REP. TERRY MARTIN

HOME
355 DONNA DR., #11
ANCHORAGE, AK 99504
PHONE: 333-6990

DURING SESSION
P.O. BOX V
STATE CAPITOL BUILDING
JUNEAU, AK 99811
PHONE: 465-3783

Alaska House of Representatives
SPONSOR STATEMENT

HB 46

" An Act relating to frequent traveler credit for state-paid travel."

In an effort to reduce the budget, I see travel expenses as an excellent cost saving measure. In the Governor's proposed FY 94 budget, more than \$46 million was allotted for travel expenses. In days of declining revenue, it is necessary to "trim the fat" cushioning our agencies budgets.

I believe any frequent flyer mileage awarded to a state employee while conducting state business, at state expense, is the property of the state rather than personal property of the employee. All frequent flyer award certificates must be applied to future travel expenses incurred by the department.

The purpose of this legislation is to require state agencies to establish practices for travel that are consistent with the agencies resources and to develop telecommunication systems to be used in lieu of travel. Thus this will require agencies to develop information sharing for reporting and other aspects that have benefits to more than one agency and it will limit the number of employees who may attend the same meeting, thereby enhancing efficiency.

At present, fourteen states have a frequent flyer policy. All fourteen describe the mileage as "property of the state" and the enforcement by each individual agency or by a specific travel agency who handles all ticket transactions for the state. In some instances, for the best resolution of the problem, states whose employees travel extensively have two frequent flyer mileage numbers, one for personal travel and one for state business.

In an effort to curb travel expenses, I deem it necessary the agencies maintain a permanent, cumulative file of all travel by agency personnel. The file shall include at a minimum the total current airline frequent flyer mileage accrued by the individual state employee for those employees who frequently travel at state expense. Tracking and recording funds spent on travel will help reduce waste in each departmental budget.

ELECTIVE DISTRICT 14
ELMENDORF A.F.B.
EAST ANCHORAGE
GOVERNMENT HILL

REP. TERRY MARTIN

HOME
355 DONNA DR., #11
ANCHORAGE, AK 99504
PHONE: 333-6990

DURING SESSION
P.O. BOX V
STATE CAPITOL BUILDING
JUNEAU, AK 99811
PHONE: 465-3783

Alaska House of Representatives

SECTIONAL ANALYSIS

HB 46

" An Act relating to frequent traveler credit for state-paid travel."

Section 1: This section would amend AS 39.20 by adding a new section titled MILEAGE CREDIT (AS 39.20.155). It states that an employee may not accept any credit to their personal traveler mileage account if the state pays for the travel or advances the travel charge to the employee or if the employee is reimbursed for the travel charge.

Section 2: This section would amend AS 45.45 by adding a new section titled MILEAGE CREDIT (AS 45.45.920). It states that a person who provides transportation for a charge and who also provides additional benefits based on mileage earned by the customer shall credit the account of the state agency instead of the personal mileage account of the traveler, as long as the state agency pays for the transportation. Subsection (b) states that a person who violates (a) of this section is guilty of a class B misdemeanor. Subsection (c) defines "state agency".

FISCAL NOTE

**STATE OF ALASKA
1993 LEGISLATIVE SESSION**

BILL NO. HB 46

Revision Date:
Title: "An Act Relating to Frequent Traveler Credit for State-Paid Travel"

Department Affected: University of Alaska
BRU: ALL
Component: ALL

Sponsor: Rep. Martin
Requestor: Rep. Martin

COMPONENT SERIAL NO.

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY94	FY95	FY96	FY97	FY98	FY99
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

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

REVENUE FD SOURCE						
-------------------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL FUNDING	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:						
FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year impact: None

ANALYSIS: (Attach a separate page if necessary.)

Prepared by: Marsha Hubbard, Director
Division: Statewide Budget Office

Phone: 474-7593
Date: 3/15/93

Approved by: Brian Rogers, Vice President for Finance
Agency: University of Alaska

Date: 3/15/93

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

Revision Date: _____ Dept. Affected: Community & Regional Affairs
 Title: An Act Relating to Frequent Traveler Credit BRU: Administration & Support
for State-Paid Travel Component: Administrative Services
 Sponsor: Rep. Martin
 Requestor: _____ COMPONENT SERIAL NO. 684

Expenditures/Revenues: (Thousands of Dollars)

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

CAPITAL						
REVENUE FUND SOURCE:						

FUNDING: (Thousands of Dollars)

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

POSITIONS:

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

Estimate of current (FY93) impact \$ none

ANALYSIS: (Attach a separate page if necessary)

Accounting for frequent flyer mileage program can be handled with current staff.

Prepared by: Kimond Henderson Phone: 465-4708
 Division: Administrative Services Date: 3/12/93
 Approved by Commissioner: Brian R. Stewart Deputy Commissioner Date: 3/12/93
 Agency: Community & Regional Affairs

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

**PROPOSED AGENCY TRAVEL BUDGETS
FY94**

AGENCY	FY 93	FY 94
GOVERNOR	636.4	704.2
ADMINISTRATION	1103.9	1132.6
LAW	1041.1	1117.1
REVENUE	1600.4	1508.2
EDUCATION	1554.3	1836.9
HEALTH & SOCIAL SERVICES	3832.4	4205
LABOR	1208.7	1201.3
COMMERCE & ECON DEVEL	2072	2142.9
MILITARY & VET AFFAIRS	588.6	630.3
NATURAL RESOURCES	1726.5	1766.6
FISH AND GAME	4166	4259.9
PUBLIC SAFETY	3225.3	3478.4
TRANS/PUBLIC FACILITIES	5618.1	5645.4
ENVIRON. CONSERVATION	3002.1	3080.2
COMM & REGIONAL AFFAIRS	741.5	909.7
CORRECTIONS	855.6	935.5
UNIVERSITY OF ALASKA	6935.3	8634.8
ALASKA COURT SYSTEM	924.3	911.8
LEGISLATURE	2268.5	2167.8
DEBT SERVICE & MISC PROG	0	0
TOTAL	43101	46268.6

3/15/92

ATTACHMENT C

FREQUENT FLIER PROGRAMS						
STATE	POLICY	DESCRIBE	TRACK/ ENFORCE	WORTH EFFORT	IF NO POLICY, CONSIDERING ONE	COMMENTS
Alabama						travel agency keeps track
Alaska						
Arizona	X	property of state	no			
Arkansas						
California						
Colorado					X	
Connecticut						
Delaware						economic times dictate
Florida						encouraged to use for state business
Georgia						individual agencies require to give back
Hawaii						checking into ethics & attorney general "return it to state"
Idaho						
Illinois						can't capture
Indiana	X	"on honor"				
Iowa					would like to	have tried to set up, but airlines won't let them use one FF#
Kansas					X	benefit goes to employees
Kentucky						benefit goes to employees
Louisiana						benefit goes to employees; can't keep track
Maine						
Maryland	X		no			suppose to use for state business

ATTACHMENT C

FREQUENT FLEET PROGRAMS						
STATE	POLICY	DESCRIBE	TRACK/ ENFORCE	WORTH EFFORT	IF NO POLICY, CONSIDERING ONE	COMMENTS
Massachusetts					X	
Michigan					X	looking a contract airfare that excludes mileage benefits
Minnesota	X	state property	impossible			"honor system"
Mississippi	X	state property	impossible			honor tried dup accts. did not work
Missouri					possibly	
Montana	X	state property	no	no		
Nebraska						
* Nevada	X	state property	by each agency	?		
New Hampshire						considered a plan, but travel became so restricted they dropped it
New Jersey	X	not allowed				"no one wants to touch it"
New Mexico					X	benefit goes to employee
New York						benefit goes to employee; too difficult to track
North Carolina	X					benefit goes to employee
* North Dakota	X	each individual has 2 FF #'s	yes	yes		one travel agency, so easy to track
Ohio						individual agencies may have one
Oklahoma					X	travel agency must monitor reports
* Oregon	X	state property	agency	?		
Pennsylvania	X	state property	?	?		underdeveloped
Rhode Island					X	
South Carolina						under study

ATTACHMENT C

FREQUENT FLYER PROGRAMS						
STATE	POLICY	DESCRIBE	TRACK/ ENFORCE	WORTH EFFORT	IF NO POLICY, CONSIDERING ONE	COMMENTS
South Dakota		honor system				
Tennessee	X		not cost efficient	no		benefit goes to employee
Texas						too much trouble, airline says. belongs to traveler
Utah					X	
Vermont						too many problems
Virginia	X	honor system	no			
Washington						
West Virginia						
Wisconsin						
Wyoming						