

ALASKA LEGISLATURE COMMITTEE FILES, 2003-2004 8672

11329 SENATE STATE AFFAIRS

MAR 22 2002

Cordova District Fishermen United

Celebrating 65 Years of Service to Commercial Fishermen in Cordova, Alaska
P.O. Box 939 Cordova, Alaska 99574 / phone (907) 424-3447 / fax (907) 424-3430 /
e-mail cdfu@ptialaska.net

March 13, 2003

Senate State Affairs Committee
C/o Senator Gary Stevens
Alaska State Legislature
State Capitol (MS 3100)
Juneau, AK 99801-1192

SENT VIA FACSIMILE TO 907.465.3517

RE: SB 69 - Board of Fisheries Conflict of Interest

Dear Members,

Cordova District Fishermen United, representing the hardworking fishing families of Area E - the Copper River and Prince William Sound - fully supports SB 69. The Alaska Board of Fisheries plays an extremely important role in the viability of our fisheries resources, the commercial fishing industry, sport, personal use and subsistence fisheries of our state. We believe that this Board should be governed by the same parameters as Legislators themselves and most local governments relative to participation in matters under their purview upon full disclosure of personal and financial interests. SB 69 accomplishes that. Another important fisheries regulatory body - the North Pacific Management Council - operates under these parameters, as well.

Given the diversity of resources and fisheries regulated by this relatively small board, it is imperative that all of the members be allowed to participate fully in both discussion and deliberation. After all, knowledge and experience is one key reason for any person's appointment to the Board and it only makes sense for them be allowed to fully utilize that expertise.

We urge your support of SB 69.

Sincerely,

Sue Aspelund

Sue Aspelund
Executive Director

MAR 18 2002



UNITED FISHERMEN OF ALASKA

211 Fourth Street, Suite 110
Juneau, Alaska 99801-1172
(907) 586-2820
(907) 463-2545 Fax
E-Mail: ufa@ufa-fish.org
www.ufa-fish.org

March 17, 2003

Senator Gary Stevens
Chair
Senate State Affairs Committee
Alaska State Legislature
State Capitol (MS 3100)
Juneau, AK 99801-1182

Dear Senator Stevens,

Re: SB 69 Board of Fisheries Conflict of Interests

United Fishermen of Alaska supports passage of this bill to provide for Board members to participate in matters before the Board if they declare their personal or financial interest in a fishery.

Members are on the Board for their expertise in some aspect of fishing. Due to the limited size of the board and the wide range of fisheries in the state, it is vital that all Board members be able to participate in the decision making process.

The thirty-four members groups of UFA would appreciate your support in passing this bill.

If you have any questions about our position or if you need additional information, please feel free to contact me.

Sincerely,

A handwritten signature in black ink that reads "Thomas M. Gemmell".

Thomas M. Gemmell
Executive Director

Copy: Senator Tom Wagoner
Senator John Cowdery
Senator Fred Dyson
Senator Gretchen Guess
Senator Lyman Hoffman

MEMBER ORGANIZATIONS

Alaska Crab Coalition • Alaska Druggers Association • Alaska Longline Fishermen's Association • Alaska Trollers Association • At-sea Processors Association • Bristol Bay Reserve
Chignik Regional Aquaculture Association • Chignik Seiners Association • Concerned Area "M" Fishermen • Cook Inlet Aquaculture Association • Cordova District Fishermen United
Crab Rationalization and Buyback Group • Douglas Island Pink and Chum • Groundfish Forum • Kenai Peninsula Fishermen's Association • Kodiak Regional Aquaculture Association
Kodiak Seiners Association • North Pacific Fisheries Association • Northern Southeast Regional Aquaculture Association • Old Harbor Fishermen's Association
Petersburg Vessel Owners Association • Prince William Sound Aquaculture Corporation • Purse Seine Vessel Owners Association • Seafood Producers Cooperative
Southeast Alaska Regional Dive Fisheries Association • Southeast Alaska Seiners Association • Southern Southeast Regional Aquaculture Association
United Cook Inlet Drift Association • United Salmon Association • United Southeast Alaska Gillnetters • Western Gulf of Alaska Fishermen

Southeast Alaska Fishermen's Alliance

9369 North Douglas Highway
Juneau, AK 99801



Phone 907-586-6652

Fax 907-586-5648

E-mail: seafa@gci.net

March 25, 2003

Senator Gary Stevens, Chair
Senate State Affairs Committee
Alaska State Legislature
State Capitol, Room 211
Juneau, AK 99801

RE: Support SB 69

The Southeast Alaska Fishermen's Alliance (SEAFa) strongly supports SB 69, which would allow a Board of Fish member to fully participate in the Board process. Currently, a Board of Fish member who has the most information and knowledge in a specific fishery because he participates in the fishery is unable to fully share his knowledge with the remainder of the committee. He must remain silent during deliberations because the Board member has been conflicted out of the discussion.

For example this year during the Southeast Board of Fish meeting in Ketchikan, one of the Board members was conflicted out and unable to participate in the deliberations of the net proposals for salmon because his son owned a seine permit and his brother owned a gillnet permit. This member had in the past participated in both fisheries and had a thorough understanding of the issues; he would not have personally benefited financially but was still barred from participating in the deliberations based on the advice of the Board's attorney. If a Board member states on the record his conflict and then provides the information on the region/fishery he has to other board members, the conflict just disclosed is current in the other board member's minds and they are able to listen to the information provided allowing for the bias contained in the information.

We hope with the passage of this legislation, that commercial fishermen will be more willing to serve on this important board. Fishermen are disinclined to go through the process of being appointed to the Board, if they are conflicted out of participating in the deliberations on the fisheries they most know and understand.

SEAFa believes in the importance of a lay board. This type of Board provides us with the best chance of having a diversity of interests and the knowledge and expertise of the different fisheries and regions around the State. It is also important that the Legislature and the Governor appoint Board of Fish members of a high caliber with sufficient interest in the fisheries and a commitment to do the work and then be allowed to do the work unhindered.

Thank you for considering our testimony and if we can be of any additional help on fishery issues please give us a call.

Sincerely,

Kathy Hansen,
Executive Director

THE
FOLLOWING
DOCUMENT(S)
ARE
POOR
ORIGINAL
COPIES

Petersburg Vessel Owners Association

P.O. Box 232
Petersburg, Alaska 99833
Phone (907) 772-9323 Fax (907) 772-4495

March 25, 2003

Senator Gary Stevens, Chairman
Senate State Affairs Committee
Alaska State Legislature
State Capitol (MS 3100)
Juneau, AK 99801-1182

Re: Support SB69 Board of Fisheries Conflict of Interest

Petersburg Vessel Owners Association is a group of commercial fishermen who participate in many fisheries statewide. We support passage of this bill that would allow members of the Board of Fisheries who have a conflict of interest in a matter before the board to declare the conflict, then participate in deliberations and vote on the matter.

Generally, members of the Board of Fisheries are appointed because they have expertise in fisheries issues. It is inevitable that some of this expertise must be gained from participation in a fisheries business of some sort. The current statute prohibits board members with a conflict of interest from participating in discussions or voting. At times, this has resulted in the board member with the greatest expertise in the particular area or fishery being prohibited from providing important information to the board.

Due to the small size of the board and the complex nature of fisheries in this state, it is crucial that all board members, especially those with specific knowledge of the issues being discussed, be allowed to participate in discussions. We would like to note that this affects commercial fishermen, sport fishermen, processors, and charter boat operators that sit on the board.

We appreciate your consideration of these comments and hope you will support this bill. If we can assist you in any way, please feel free to contact us.

Respectfully,



Cora Crome
Director

CC: Senator Wagoner

**United Southeast Alaska Gillnetters**

P.O. Box 23378, Ketchikan, AK 99901 (907) 247-2471 Fax (907) 225-0241 Email: usag@gci.net

March 25, 2003

The Honorable Gary Stevens
The State Senate
State Capitol -- Room 502
Juneau, Alaska 99801

Send Via Fax To: 465-3517

Dear Senator Stevens;

The United Southeast Alaska Gillnetters Association represents about 150 fishermen who make their living primarily by drift gillnetting for salmon in Southeast Alaska. Many of our members participate in numerous other fisheries such as crab, shrimp, longline, dive fisheries etc. We support SB 69 as it would allow a member of the Board of Fish to participate in deliberations and vote on issues on which that member has a personal economic interest. Work on the Board of Fish is a very contentious and difficult position to hold, and to not allow a member to participate in issues on which that member is most familiar deprives the board of much detailed local information. We also believe it prevents many qualified people from applying to serve, as they know that they will not be able to participate in issues they care the most about. We hope you and your committee will support this bill.

Sincerely,

Kenneth Duckett
Executive Director

SB

77

SENATE COMMITTEE REPORT
First Committee of Referral

DATE: 2/19/03

FURTHER:

Date of 5-Day Notice: 2/27/03
 (in accordance with Uniform Rule 23)

DATE TURNED
 IN TO OFFICE: 3/7/03

State Affairs Committee considered SENATE BILL NO. 77

SB 77 WILLIAM RANSOM WOOD CENTENNIAL BRIDGE

"An Act naming the William Ransom Wood Centennial Bridge in Fairbanks."

and recommends:

- be replaced with _____ CS _____ (_____)
- adopt previous _____ CS _____ (_____)
- attached amendment(s)
- adopt Letter of Intent by _____ Committee
- further referral to _____ Committee

Senate Bill:

- same title
- new title

House Bill:

- same title
- technical title
- new: SCR # _____

NEW FISCAL NOTE(S):

Department	Date	Fiscal	Zero	FN#
DOT	3/5/03		✓	1

PREVIOUS FISCAL NOTE(S):

Department	Date	Fiscal	Zero	FN#

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	Do PASS	Do NOT PASS	No REC	AMEND
<i>John J. Condees</i>	✓			
<i>Paul Ryan</i>	✓			
<i>[Signature]</i>	✓			
CHAIR: <i>[Signature]</i>	✓			

FISCAL NOTE

STATE OF ALASKA
2003 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: SB77
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: DOT&PF
 Title An Act naming the William Ransom Wood BRU Highways & Aviation
Centennial Bridge in Fairbanks Component Northern Highways & Aviation
 Sponsor Wilken
 Requester SSTA Component No. 2058

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

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

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2003) cost: 0.0
 Mark this box (X) if funding for this bill is included in the Governor's FY 2004 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

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

Prepared by: Dennis R. Poshard Phone 465-3900
 Division Special Assistant to Commissioner Date/Time 3/5/03 2:45 PM
 Approved by: Commissioner Mike Barton Date 3/5/2003
 Agency Alaska Department of Transportation and Public Facilities

GARY WILKEN

SENATOR
West Fairbanks

Interim:
1851 Fox Ave.
Fairbanks, Alaska 99701
Tel: (907) 451-4347
Fax: (907) 456-8163

Alaska State Legislature

Senate

During Session
State Capitol Building
Juneau, Alaska 99801-1182
Tel: 451-5501 (from Fbks)
Tel: (907) 465-3709 (outside Fbks)
Fax: (907) 465-4714
Website: www.garywilken.com
E-Mail: Senator_Gary_Wilken@legis.state.ak.us

SPONSOR STATEMENT

Senate Bill 77 William Ransom Wood Centennial Bridge

Senate Bill 77 names the Fairbanks Riverwalk Centennial Bridge in honor of a true visionary and leader for Alaska, Dr. William Ransom Wood.

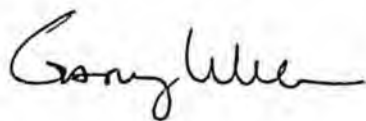
Dr. Bill Wood arrived in Fairbanks, Alaska in 1960 with his wife Dorothy Jane, son Mark and daughter Karen, to serve as the fourth president of our University of Alaska. After thirteen years of leading the University and shaping it into a world-class institution, he retired from University service and, with his family, decided to remain in Fairbanks.

Though he retired, he never stopped serving his community. Dr. Wood was committed to making the place where he lived a better place than when he found it. He fulfilled that belief everyday of his 94 years. Even on his final days, he was offering words of wisdom and urging national, state, and local leaders to begin or to finish community projects.

Over the years, Dr. Wood was a leader to many; he was the Mayor of Fairbanks, Chair of Fairbanks Area Community Hospital Foundation, founder of Festival Fairbanks, founder of Fairbanks Industrial Development Corporation, and 1985 Alaskan of the Year. He was very active in Rotary International, serving as President, District 5010 Governor, and receiving Rotary's highest honor - the Service Above Self Award.

At the age of 94 years old, Dr. Wood, as executive director of Festival Fairbanks, desired to commemorate the centennial of Fairbanks with a pedestrian bridge over the Chena River to remember and respect the builders of the twentieth century. As Fairbanks celebrates its centennial this year, it is fitting that this bridge be known statewide as the *William Ransom Wood Centennial Bridge* in honor of a truly remarkable leader.

Thank you for joining me in support of this legislation.



Home of the
University of Alaska

The Alaskan Life of William R. Wood

- ✓ University of Alaska President - 1960-1973
- ✓ Mayor of Fairbanks - 1978-1980
- ✓ Founder of Fairbanks Industrial Development Corporation
- ✓ First Chairman of the Greater Fairbanks Community Hospital Foundation - 1967
- ✓ Airport Community Council Charter Member
- ✓ Co-Founder Alaska Science and Technology Foundation
- ✓ Founder of Festival Fairbanks whose mission is to support community projects.
- ✓ Festival Fairbanks Executive Director (a non-monetary position) from its inception in 1981 - 2001.
- ✓ Visionary & Creator of Golden Heart Plaza - 1984
- ✓ Opinion columnist for Fairbanks Daily News-Miner - 1981-2001
- ✓ 1985 Alaskan of the Year
- ✓ Rotary District 5010 (Yukon, Alaska, Eastern Russia) Governor - 1985-1986
- ✓ Rotary Service Above Self International Award - 2000
- ✓ Established Wood Nanook Varsity Talent Search and Grant Endowment with the University of Alaska Fairbanks - 1998
- ✓ Published a trilogy of poetry - *Not From Stone* (1983), *Legacy of Dreams* (1993), and *Nanook* (2000)

Mrs. FEINSTEIN) and the Senator from Illinois (Mr. DURBIN) were added as co-sponsors of Senate Resolution 183, a resolution designating the week beginning on September 19, 1999, and ending on September 25, 1999, as National Home Education Week.

SENATE RESOLUTION 195—EX-PRESSING THE SENSE OF THE SENATE CONCERNING DR. WILLIAM RANSOM WOOD

Mr. STEVENS (for himself and Mr. MURKOWSKI) submitted the following resolution: which was considered and agreed to:

S. RES. 195

Whereas Dr. William Ransom Wood's tireless dedication and wisdom have earned him honorable distinction for his work in the city of Fairbanks, the State of Alaska, and the Nation;

Whereas Dr. Wood served his country with distinction in battle during World War II as a captain in the United States Navy;

Whereas Dr. Wood served the people of Alaska as president of the University of Alaska, chairman of the American Cancer Society, vice president of the Alaska Boy Scout Council, Member of the Alaska Business Advisory Council, chairman of the Alaska Heart Association, and numerous other organizations;

Whereas Dr. Wood served the people of Fairbanks as mayor, chairman of the Fairbanks Community Hospital Foundation, president of Fairbanks Rotary Club, and in many other capacities;

Whereas the city of Fairbanks, the State of Alaska, and the Nation continue to benefit from Dr. Wood's outstanding leadership and vision;

Whereas Dr. Wood is the executive director of Festival Fairbanks which desires to commemorate the centennial of Fairbanks, Alaska with a pedestrian bridge which shall serve as a reminder to remember and respect the builders of the twentieth century; and

Whereas it shall also be in Dr. Wood's words, "a memorial to the brave indigenous people, who came before and persisted through hardships, generation after generation. The Centennial Bridge is a tribute to their stamina and ability to cope with changing times." Now, therefore, be it

Resolved, That the United States Senate urges the Secretary of Transportation Rodney Slater to designate the Fairbanks, Alaska Riverwalk Centennial Bridge community connector project as the Dr. William Ransom Wood Centennial Bridge.

AMENDMENTS SUBMITTED

AIR TRANSPORTATION IMPROVEMENT ACT

MCCAIN (AND OTHERS) AMENDMENT NO. 1891

Mr. GORTON (for Mr. MCCAIN (for himself, Mr. GORTON, and Mr. ROCKEFELLER)) proposed an amendment to the bill (S. 82) to authorize appropriations for Federal Aviation Administration, and for other purposes; as follows: [The amendment was not available for printing. It will appear in a future issue of the RECORD.]

GORTON (AND OTHERS) AMENDMENT NO. 1892

Mr. GORTON (for himself, Mr. ROCKEFELLER, Mr. GRASSLEY, Mr. HARKIN, and Mr. ASHCROFT) proposed an amendment to the bill, S. 82, supra; as follows:

Strike sections 506, 507, and 508 and insert the following:
SEC. 506. CHANGES IN, AND PHASE-OUT OF, SLOT RULES.

(a) RULES THAT APPLY TO ALL SLOT EXEMPTION REQUESTS.—

(1) PROMPT CONSIDERATION OF REQUESTS.—Section 41714(l) is amended to read as follows:

“(1) 45-DAY APPLICATION PROCESS.—

“(1) REQUEST FOR SLOT EXEMPTIONS.—Any slot exemption request filed with the Secretary under this section, section 41717, or 41719 shall include—

“(A) the names of the airports to be served;

“(B) the times requested; and

“(C) such additional information as the Secretary may require.

“(2) ACTION ON REQUEST: FAILURE TO ACT.—Within 45 days after a slot exemption request under this section, section 41717, or section 41719 is received by the Secretary, the Secretary shall—

“(A) approve the request if the Secretary determines that the requirements of the section under which the request is made are met;

“(B) return the request to the applicant for additional information; or

“(C) deny the request and state the reasons for its denial.

“(3) 45-DAY PERIOD TOLLED FOR TIMELY REQUEST FOR MORE INFORMATION.—If the Secretary returns the request for additional information during the first 10 days after the request is filed, then the 45-day period shall be tolled until the date on which the additional information is filed with the Secretary.

“(4) FAILURE TO DETERMINE DEEMED APPROVAL.—If the Secretary neither approves the request under paragraph (2)(A) nor denies the request under subparagraph (2)(C) within the 45-day period beginning on the date it is received, excepting any days during which the 45-day period is tolled under paragraph (3), then the request is deemed to have been approved on the 46th day after it was filed with the Secretary.”

(2) EXEMPTIONS MAY NOT BE BOUGHT OR SOLD.—Section 41714 is further amended by adding at the end the following:

“(j) EXEMPTIONS MAY NOT BE BOUGHT OR SOLD.—No exemption from the requirements of subparts K and S of part 93 of title 14, Code of Federal Regulations, granted under this section, section 41717, or section 41719 may be bought or sold by the carrier to which it is granted.”

(3) EQUAL TREATMENT OF AFFILIATED CARRIERS.—Section 41714, as amended by paragraph (2), is further amended by adding at the end thereof the following:

“(k) AFFILIATED CARRIERS.—For purposes of this section, section 41717, 41718, and 41719, the Secretary shall treat all commuter air carriers that have cooperative agreements, including code-share agreements, with other air carriers equally for determining eligibility for the application of any provision of those sections regardless of the form of the corporate relationship between the commuter air carrier and the other air carrier.”

(4) NEW ENTRANT SLOTS.—Section 41714(c) is amended—

(A) by striking “(1) IN GENERAL.—”;

(B) by striking “and the circumstances to be exceptional.”; and

(C) by striking paragraph (2).

(5) LIMITED INCUMBENT: REGIONAL JET.—Section 40102 is amended by—

(A) inserting after paragraph (28) the following:

“(28A) The term ‘limited incumbent air carrier’ has the meaning given that term in subpart S of part 93 of title 14, Code of Federal Regulations, except that ‘20’ shall be substituted for ‘12’ in sections 93.213(a)(5), 93.223(c)(3), and 93.225(h) as such sections were in effect on August 1, 1998.”; and

(B) inserting after paragraph (37) the following:

“(37A) The term ‘regional jet’ means a passenger, turbofan-powered aircraft carrying not fewer than 30 and not more than 50 passengers.”.

(b) PHASE-OUT OF SLOT RULES.—Chapter 417 is amended—

(1) by redesignating sections 41715 and 41716 as sections 41720 and 41721; and

(2) by inserting after section 41714 the following:

“§41716. Phase-out of slot rules at certain airports

“(a) TERMINATION.—The rules contained in subparts S and K of part 93, title 14, Code of Federal Regulations, shall not apply—

“(1) after March 31, 2003, at Chicago O'Hare International Airport; and

“(2) after December 31, 2006, at LaGuardia Airport or John F. Kennedy International Airport.

“(b) FAA SAFETY AUTHORITY NOT COMPROMISED.—Nothing in subsection (a) affects the Federal Aviation Administration's authority for safety and the movement of air traffic.

(c) PRESERVATION OF EXISTING SERVICE.—Chapter 417, as amended by subsection (b), is amended by inserting after section 41715 the following:

“§41716. Preservation of certain existing slot-related air service

“An air carrier that provides air transportation of passenger from a high density airport (other than Ronald Reagan Washington National Airport) to a small hub airport or non-hub airport, or to an airport that is smaller than a small hub or non-hub airport, on or before the date of enactment of the Air Transportation Improvement Act pursuant to an exemption from the requirements under subparts K and S of part 93 of title 14, Code of Federal Regulations (pertaining to slots at high density airports), or where slots were issued to an airline conditioned on a specific airport being served, may not terminate air transportation service for that route for a period of 2 years (with respect to service from LaGuardia Airport or John F. Kennedy International Airport), or 4 years (with respect to service from Chicago O'Hare International Airport), after the date on which those requirements cease to apply to that high density airport unless—

“(1) before October 1, 1999, the Secretary received a written air service termination notice for that route; or

“(2) after September 30, 1999, the air carrier submits an air service termination notice under section 41720 for that route and the Secretary determines that the carrier suffered excessive losses, including substantial losses on operations on that route during the calendar quarters immediately preceding submission of the notice.”.

(d) SPECIAL RULES AFFECTING LAGUARDIA AIRPORT AND JOHN F. KENNEDY INTERNATIONAL AIRPORT.—Chapter 417, as amended by subsection (c), is amended by inserting after section 41716 the following:

“§41717. Interim slot rules at New York airports

“(a) IN GENERAL.—The Secretary of Transportation may, by order, grant exemptions

THE
FOLLOWING
DOCUMENT(S)
ARE
POOR
ORIGINAL
COPIES

By: Rhonda Boyles, Mayor
Victoria Foote
Tim Beck
Introduced: 02/13/03
Adopted: 02/13/03

FAIRBANKS NORT STAR BOROUGH

RESOLUTION NO. 2003 - 11

A RESOLUTION IN SUPPORT OF NAMING THE FAIRBANKS RIVERWALK
CENTENNIAL BRIDGE AS
THE WILLIAM RANSOM WOOD CENTENNIAL BRIDGE

WHEREAS, Dr. William Ransom Wood's tireless dedication and wisdom earned him honorable distinction for his work in the city of Fairbanks, the State of Alaska and the Nation; and

WHEREAS, Dr. Wood dedicated his life to better the lives of the citizens of the Fairbanks North Star Borough; and

WHEREAS, Dr. Wood served the people of Fairbanks and the state as president of the University of Alaska and as the Mayor of the City of Fairbanks with honor and distinction; and

WHEREAS, Dr. Wood's vision was to celebrate the rich heritage of Fairbanks through the establishment of Golden Heart Plaza, Barnette Landing Beautification, and the community-wide celebrations of Fairbanks' centennial; and

WHEREAS, Dr. Wood desired to commemorate the centennial of Fairbanks with a pedestrian bridge, serving as a reminder to remember and respect the builders of the twentieth century, and the stamina and ability to cope with changing times; and

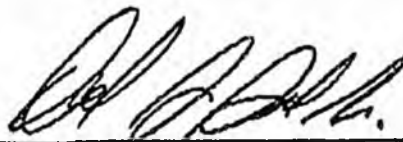
WHEREAS, as the Executive Director of Festival Fairbanks, Dr. Wood brought his vision into reality:

NOW, THEREFORE, BE IT RESOLVED that Rhonda Boyles, Borough Mayor, and the Fairbanks North Star Borough Assembly support the naming of the Fairbanks Riverwalk Centennial Bridge as the William Ransom Wood Centennial Bridge.

BE IT FURTHER RESOLVED that copies of this resolution shall be sent to:

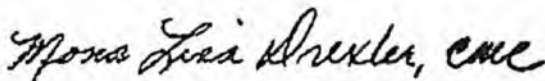
Governor Frank Murkowski
Senator Ted Stevens
Senator Lisa Murkowski
Congressman Don Young
Interior Delegation
Mayor Steve Thompson, City of Fairbanks
Fairbanks City Council
Mayor Jeff Jacobson, City of North Pole
North Pole City Council

PASSED AND APPROVED THIS 13th DAY OF FEBRUARY 2003.



Richard J. Solle, Jr.
Presiding Officer

ATTEST:



Mona Lisa Drexler, CMC
Municipal Borough Clerk

Ayes: Romans, Hutchison, Sattley, Williams, Beck, Frank, Foote, Henry, Solle
Noes: None

RECEIVED

Introduced by: Mayor Thompson
Date: February 10, 2003

RESOLUTION NO. 4047

**A RESOLUTION IN SUPPORT OF NAMING THE FAIRBANKS
RIVERWALK CENTENNIAL BRIDGE AS THE DR. WILLIAM RANSOM
WOOD CENTENNIAL BRIDGE**

WHEREAS, Dr. William Ransom Wood's contributions earned him honorable distinction for his work in the City of Fairbanks; and

WHEREAS, not only did Dr. Wood serve as President of the University of Alaska, Mayor of Fairbanks, but his tireless work on countless worthy community projects up to the end of his life is an example to all of us; and

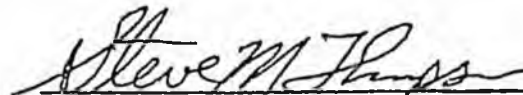
WHEREAS, thanks to Dr. Wood's vision, Golden Heart Plaza and the Barnette Landing Beautification Project now exist, celebrating Fairbanks' one hundred-year history; and

WHEREAS, Dr. Wood envisioned a pedestrian bridge to commemorate the centennial of Fairbanks.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAIRBANKS that the City of Fairbanks supports the naming of the Fairbanks Riverwalk Centennial Bridge as the Dr. William Ransom Wood Centennial Bridge.

BE IT FURTHER RESOLVED that copies of this resolution shall be sent to the Governor of Alaska, the Congressional Delegation and the Interior Delegation.

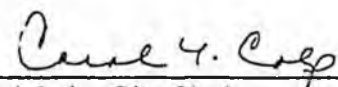
PASSED AND APPROVED this 10th day of February, 2003.


Steve M. Thompson, Mayor

AYES: 6
NAYS: 0
ABSTAIN:
ABSENT:

ATTEST:

APPROVED AS TO FORM:


Carol Colp, City Clerk


Herbert P. Kuss, City Attorney

TED STEVENS, ALASKA, CHAIRMAN

THAD COCHRAN, MISSISSIPPI
ARLEN SPECTER, PENNSYLVANIA
PETE V. DOMENICI, NEW MEXICO
CHRISTOPHER S. BOND, MISSOURI
SLADE GORTON, WASHINGTON
MITCH MCCONNELL, KENTUCKY
CONRAD BURNS, MONTANA
RICHARD C. SHELBY, ALABAMA
JUDG OREGG, NEW HAMPSHIRE
ROBERT F. BENNETT, UTAH
BEN NICHOLSON, COLORADO
LARRY CRAIG, IDAHO
KAY BAILEY HUTCHISON, TEXAS
JON KYL, ARIZONA

ROBERT C. BYRD, WEST VIRGINIA
DANIEL K. INOUE, HAWAII
ERNEST F. HOLLINGS, SOUTH CAROLINA
PATRICK J. LEAHY, VERMONT
FRANK R. LAUTENBERG, NEW JERSEY
TOM HARKIN, IOWA
BARBARA A. MIKULSKI, MARYLAND
HARRY REID, NEVADA
HERB KOHL, WISCONSIN
PATTY MURRAY, WASHINGTON
EVRON L. DORGAN, NORTH DAKOTA
DIANNE FEINSTEIN, CALIFORNIA
RICHARD J. DURBIN, ILLINOIS

STEVEN J. CORTESE, STAFF DIRECTOR
JAMES H. ENGLISH, MINORITY STAFF DIRECTOR

United States Senate

COMMITTEE ON APPROPRIATIONS

WASHINGTON, DC 20510-6025

February 28, 2003

The Honorable Gary Wilken
Alaska State Senator
State Capitol, Room 514
Juneau, Alaska 99801-1182

Dear Senator *Wilken*:

Thank you for contacting me regarding my support of legislation to name the Riverwalk Centennial Bridge in honor of Dr. William Ransom Wood. I am pleased that the Alaska Legislature will make this well deserved effort a reality.

Dr. Wood believed that a pedestrian bridge in downtown Fairbanks was a suitable structure to commemorate the centennial of Fairbanks. At the request of Dr. Wood, I sought funding for a pedestrian bridge to span the Chena River. Per my request, funding was included in the fiscal year 1999 Transportation Appropriations bill (PL 105-277) to construct the Riverwalk Centennial Bridge project. Shortly before final passage of this legislation, I offered Senate Resolution 195 to rename this structure as the Dr. William Ransom Wood Centennial Bridge. A copy of that resolution is attached to this letter.

Dr. Wood expected the Centennial Bridge to serve as a reminder to remember and respect the builders of the Twentieth Century. Dr. Wood is well deserving of this honor because he was a builder of the Twentieth and Twenty-First Century. Dr. Wood's commitment to Fairbanks, the State of Alaska, and the nation will always be remembered. The naming of a bridge in his honor is only a small gesture to recognize a man that has done so much for so many.

I commend the Alaska Legislature for its recognition of a good friend and deserving Alaskan.

With best wishes,

Cordially,

Ted Stevens
TED STEVENS

*Bill Wood
was probably
the builder of
Fairbanks in
the 20th century!*

GREATER * FAIRBANKS
CHAMBER
OF COMMERCE

250 Cushman St., Suite 2D, Fairbanks, AK 99701-4663
phone: (907) 452-1105, fax: (907) 456-6968

e-mail: staff@fairbankschamber.org
website: www.fairbankschamber.org

March 4, 2003

Senator Gary Wilken
State Capitol Building
Juneau, AK 99801

Dear Senator Wilken:

On behalf of the Greater Fairbanks Chamber of Commerce Board of Directors, I am delighted to write a letter of support for Senate Bill 77, the William Ransom Wood Centennial Bridge.

Dr. Wood was an effective leader in the Fairbanks community and was loved by many. Through his work as President of the University of Alaska, Fairbanks City Mayor, founder of Festival Fairbanks, and active in the Greater Fairbanks Chamber of Commerce, Dr. Wood left a legacy; making Fairbanks a better place to live and work.

Dr. Wood's passion and dedication for Fairbanks is sorely missed by all. This bill, which would appropriately rename the pedestrian bridge across the Chena River for Dr. Wood, is a fitting tribute to a man who did so much for our community.

The Greater Fairbanks Chamber of Commerce enthusiastically supports this bill and encourages its swift passage. If you have any questions about this letter, please call me or Ms. Kara Moriarty at 452-1105.

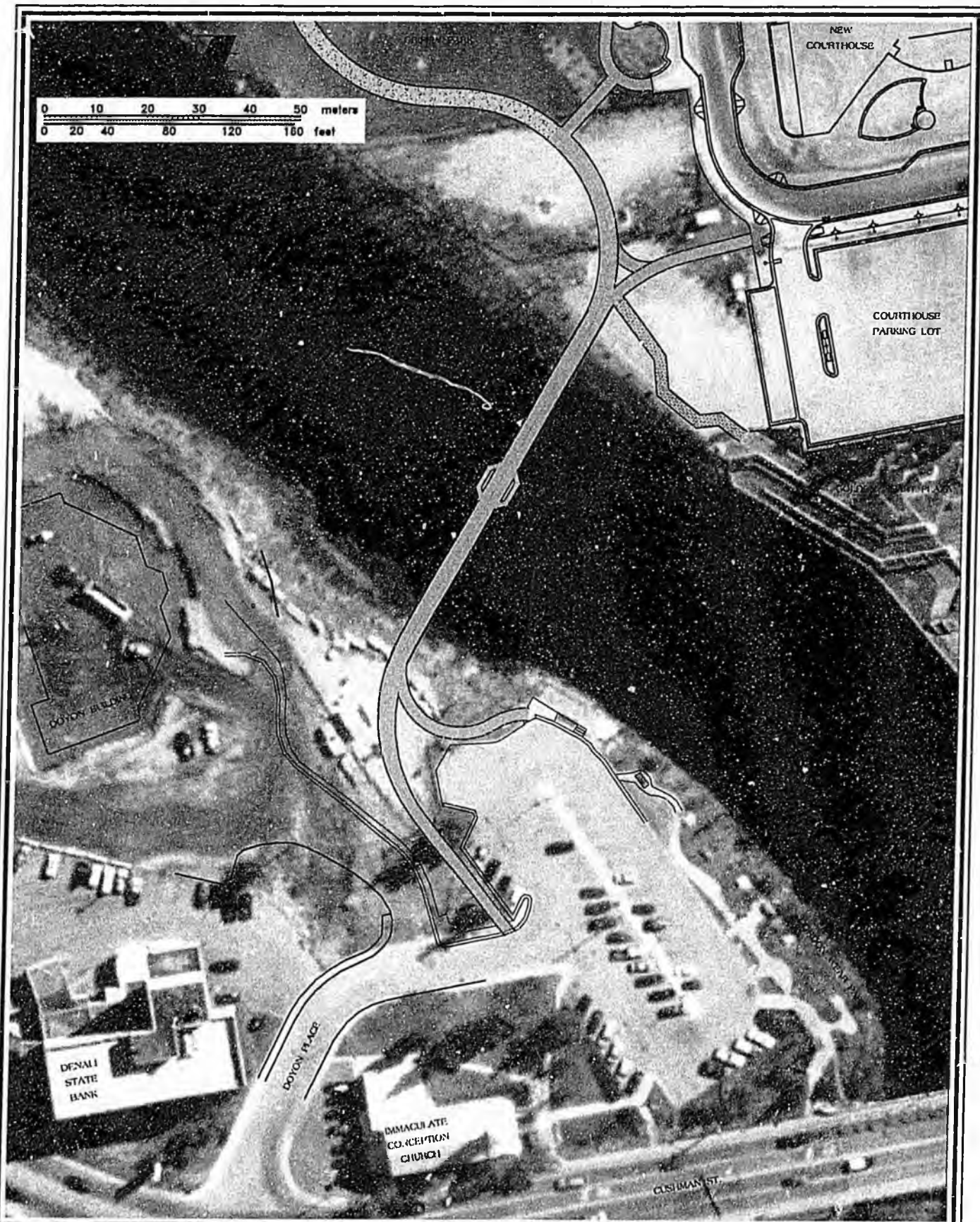
Sincerely,



Terry Aldridge
Board Chairman



Image created by PDC, Inc. Consulting Engineers 11/00



P:\F0010102\CV\F01001\F0010101.dwg bridge

03/03/03 4:10PM



Planning Design Construction

INC.

 1124 Aurora Drive, Fairbanks, Alaska 99709-5529

CENTENNIAL BRIDGE

DESIGN	KAR/RLC
DRAWING	RJP/GDS
CHECKS	RLC

PROJ. No.	F0010102
FIGURE	1

S B

8 3

SENATE COMMITTEE REPORT

DATE: 3/5/03

FURTHER:

DATE TURNED
IN TO OFFICE: 3/14/03

State Affairs Committee considered SENATE BILL NO. 83

SB 83 SVEN HAAKANSON AIRPORT AT OLD HARBOR

"An Act naming the Sven Haakanson, Sr. Airport at Old Harbor."

and recommends:

- be replaced with _____ CS _____ (_____)
- adopt previous _____ CS _____ (_____)
- attached amendment(s)
- adopt Letter of Intent by _____ Committee
- further referral to _____ Committee

Senate Bill:

- same title
- new title

House Bill:

- same title
- technical title
- new: SCR # _____

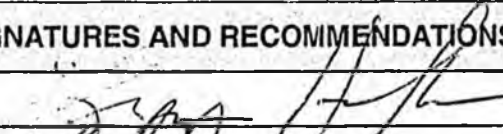
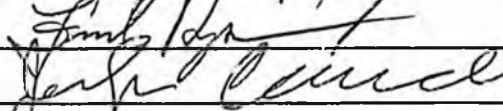
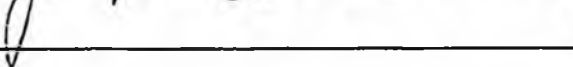
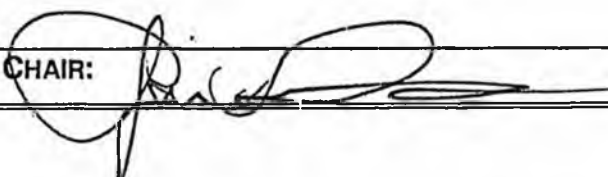
NEW FISCAL NOTE(S):

Department	Date	Fiscal	Zero	FN#

PREVIOUS FISCAL NOTE(S):

Department	Date	Fiscal	Zero	FN#
DCT & PF	3/4/03		✓	1

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	DO PASS	DO NOT PASS	NO REC	AMEND
	✓			
	✓			
	✓			
CHAIR: 	✓			

FISCAL NOTE

STATE OF ALASKA
2003 LEGISLATIVE SESSION

Fiscal Note Number: 1
 Bill Version: SB 83
 (S) Publish Date: 3/5/03

Revision Date/Time (Note if correction): _____ Dept. Affected: DOT&PF
 Title An Act naming the Sven Haakanson, Sr. BRU Highways & Aviation
Airport at Old Harbor Component Central Region Highways & Aviation
 Sponsor G Stevens
 Requester STRA Component No. 564

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

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

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

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2003) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2004 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

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

Prepared by: Dennis R. Poshard Phone 465-3900
 Division Special Assistant to Commissioner Date/Time 3/4/03 9:39 AM
 Approved by: Commissioner Mike Barton Date 3/4/2003
 Agency Alaska Department of Transportation and Public Facilities

SESSION ADDRESS:
Alaska State Capitol
Juneau, Alaska 99801-1182
(907) 465-4925
Fax: (907) 465-3517
Toll Free: 1-800-821-4925

Senator Gary Stevens
Alaska State Legislature

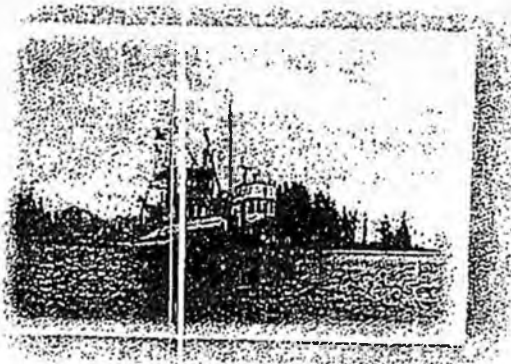
INTERIM ADDRESS:
112 Mill Bay Road
Kodiak, Alaska 99615
(907) 486-4925
Fax: (907) 486-5264

SPONSOR STATEMENT-SB 83

SB 83, "An Act naming the Sven Haakanson, Sr. Airport at Old Harbor." will name the state airport in the City of Old Harbor in memory of Sven Haakanson, Sr., who passed away on November 23, 2002.

A lifelong resident of Old Harbor, and community mayor for 27 years, Sven Haakason was well known in Alaska. Sven also played a vital role in establishing corporations and associations that have become a familiar and important part of Alaska's corporate and nonprofit world. He was one of the founders of the Kodiak Area Native Association (KANA), Koniag Inc., and served on the boards of several corporations and organizations on Kodiak Island. In 2002, Sven was named the Elder of the Year by the Koniag Native Corporation.

SB 83, which is supported by the people of Old Harbor, will recognize a man who gave so much of his time and energy to the community. Passage of this bill will ensure that Sven Haakanson Sr.'s memory will live on for generations to come. I urge your support.



City of Old Harbor

P.O. Box 109
Old Harbor, Alaska
99643
(907) 286-2203 OR 286-2204
Fax (907) 286-2278

City of Three Saints

March 12, 2003

The Honorable Gary Stevens
Alaska State Senate
State Capitol
Juneau, Alaska 99801

Dear Senator Stevens;

I was very delighted to hear you have sponsored SB83 that will re-name the Old Harbor Airport the "Sven Haakansan Sr., Airport. With all that Sven did for our community and his people we will be honored to have our airport named in memory of him.

Sven served as the Old Harbor Mayor for 27 years; throughout those years he accomplished many successful projects not only for our community but Island wide. The Airport project was just one of many.

Again, we will be honored to have our local airport re-named the Sven Haakansan Sr., Airport.

Sincerely,

James A. Nestic, Mayor

MAR 10 2003



KONIAG
INCORPORATED

March 4, 2003

The Honorable Gary Stevens
Alaska State Senate
State Capitol
Juneau, AK 99801

Dear Senator Stevens:

I was very pleased to learn that you have sponsored SB 83 that would re-name the airport in Old Harbor the Sven Haakanson, Sr. Airport. I believe this is entirely appropriate given Sven's long history of service to his community of Old Harbor and all the people of Kodiak Island.

Sven was mayor of Old Harbor for over twenty years. He was one of the original members of the board of directors of Koniag, Inc. in the early 1970's. He has also served on the board of directors of KANA and as a member of the Old Harbor Tribal Council. Sven is also one of only a few residents of Kodiak Island's villages to have served on the Kodiak Island Borough Assembly.

Sven's legacy and spirit will live on in the memories and hearts of the people of Old Harbor and Kodiak Island. I look forward to landing at the Sven Haakanson, Sr. Airport on my next visit to Old Harbor.

Sincerely,

Dennis Metrokin
President

cc: KANA
Koniag Region Tribal Councils
Koniag Region Village Corporations:

4300 B Street, Suite 407
Anchorage, Alaska 99503
(907) 561-2668
FAX (907) 562-5258



Old Harbor Tribal Council

P. O. Box 62, Old Harbor, Alaska 99643
Phone: (907) 286-2215 Fax: (907) 286-2277

Honorable Gary Stevens
Alaska State Senate
State Capitol
Juneau, AK 99801

March 6th, 2003

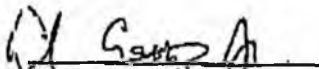
Dear Senator Stevens,

I am writing on behalf of the Old Harbor Tribal Council in full support of the Old Harbor airport being re-named the Seven Haakanson, Sr., Airport.

Although Sven's spirit is felt around us his presence will be missed for generations to come. Sven sat on the Old Harbor Tribal Council for many years, with his history of community service to his people and all on Kodiak Island, I can't think of a more appropriate name for our airport.

The profound character of Seven Haakanson will stay in the memories and hearts of the people of our village for along time to come.

Very Respectfully,


Al Cratty Jr., President

SB

85

THE
FOLLOWING
DOCUMENT(S)
ARE
POOR
ORIGINAL
COPIES

FISCAL NOTE

STATE OF ALASKA
2003 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: CSSB85(STA)
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Department of Corrections
 Title Good Time Deductions for Sexual Offenses BRU Administration & Operations
 Component _____
 Sponsor Senator French
 Requester _____ Component No. _____

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009
Personal Services	0.0	0.0	0.0	*	*	*
Travel	0.0	0.0	0.0	*	*	*
Contractual	0.0	0.0	0.0	*	*	*
Supplies	0.0	0.0	0.0	*	*	*
Equipment	0.0	0.0	0.0	*	*	*
Land & Structures	0.0	0.0	0.0	*	*	*
Grants & Claims	0.0	0.0	0.0	*	*	*
Miscellaneous	0.0	0.0	0.0	*	*	*
TOTAL OPERATING	0.0	0.0	0.0	*	*	*
CAPITAL EXPENDITURES	0.0	0.0	0.0	*	*	*
CHANGE IN REVENUES ()	0.0	0.0	0.0	*	*	*

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts	0.0	0.0	0.0	*	*	*
1003 GF Match	0.0	0.0	0.0	*	*	*
1004 GF	0.0	0.0	0.0	*	*	*
1005 GF/Program Receipts	0.0	0.0	0.0	*	*	*
1037 GF/Mental Health	0.0	0.0	0.0	*	*	*
Other (Specify Type--Do not abbreviate)	0.0	0.0	0.0	*	*	*
TOTAL	0.0	0.0	0.0	*	*	*

Estimate of any current year (FY2003) cost: 0.0
 Check this box (X) if funding for this bill is included in the Governor's FY 2004 budget proposal:

POSITIONS

Full-time	0	0	0	0	0	0
Part-time	0	0	0	0	0	0
Temporary	0	0	0	0	0	0

ANALYSIS: (Attach a separate page if necessary)

The Department of Corrections does not expect additional costs as a result of changes to sentencing in SB 85 in the first three years after enactment. For years beyond FY 07, there may be a cost to the department due to the increase in the length of sentences and the elimination of good time deductions for repeat sexual offenders, but it cannot be determined with any precision. Please see attached.

Prepared by: Jerry D. Burnett, Director Phone 465-3339
 Division: Administrative Services Date/Time 4/29/03 11:41 AM
 Approved by: Portia C.K. Parker, Deputy Commissioner Date 4/29/2003
 Agency: Department of Corrections

FISCAL NOTE

STATE OF ALASKA
2003 LEGISLATIVE SESSION

BILL NO. CSSB 85(STA)

ANALYSIS CONTINUATION

In an attempt to determine the potential impact on the Department of Corrections (DOC), the DOC Research Section researched the re-offend rate of sex offenders in the department's custody. The research section reported that there were 727 sex offenders in the department's custody on April 2, 2003.

Number of the 727 sex offenders who are repeat offenders (in the department's custody for any reason previously):

- In DOC custody on a sex offense	727	100%
- In DOC previously and released at some point	581	80%
- Average number of times sex offender admitted to DOC (up to 11/11/2001)	6.24 times	
- Percent admitted to DOC 10 or more times (581= 100%)	302	52%

Major offenses committed when admitted to DOC (by the 727 sex offenders in custody on 04/02/03):

- Parole/Probation/Court violations, etc.	25%
- All sex offenses (sex assault/abuse/etc.)	15%
- All alcohol (DUI/Minor Consuming/etc.)	13%
- All Assaults	16%
- Theft/Burglary/Larceny/Robbery	11%
- All traffic	5%
- All Other	15%

Given the high level of recidivism for all offenses among this group of sex offenders, it is likely that many of the inmates who would receive a longer sentence under the provisions of SB 85 already would spend a significant portion of that time in prison for some charge regardless of passage of this legislation. Keeping this group of sex offenders in prison for longer periods for a single crime, and thus incarcerated in lower cost, long-term facilities, may reduce or contain costs for booking/intake, inmate transportation and may help contain increasing demands for pre-trial bed space.

SENATE COMMITTEE REPORT
First Committee of Referral

DATE: 2/26/03

FURTHER: Judiciary

Date of 5-Day Notice: 4/2/03
 (in accordance with Uniform Rule 23)

DATE TURNED IN TO OFFICE: 4/11/03

State Affairs Committee considered SENATE BILL NO. 85

SB 85 REPEAT SERIOUS SEX OFFENSES

"An Act relating to sentencing and to the earning of good time deductions for certain sexual offenses."

and recommends:

- be replaced with _____ CS SB85 (STA)
- adopt previous _____ CS _____ (_____)
- attached amendment(s)
- adopt Letter of Intent by _____ Committee
- further referral to _____ Committee

- Senate Bill:**
 same title
 new title
- House Bill:**
 same title
 technical title
 new: SCR # _____

NEW FISCAL NOTE(S):

Department	Date	Fiscal	Zero	FN#
DOC	4/1/03		✓	1
DOL	4/2/03		✓	2

PREVIOUS FISCAL NOTE(S):

Department	Date	Fiscal	Zero	FN#

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	Do PASS	Do NOT PASS	NO REC	AMEND
<i>[Signature]</i>	✓			
<i>[Signature]</i>	✓			
<i>[Signature]</i>	✓			
<i>[Signature]</i>	✓			
CHAIR: <i>[Signature]</i>	✓			

FISCAL NOTE

STATE OF ALASKA
2003 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: SB85
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Department of Corrections
 Title Good Time Deductions BRU Administration & Operations
for Sexual Offenses Component _____
 Sponsor Senator French Component No. _____
 Requester _____

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009
Personal Services	0.0	0.0	0.0	0.0	0.0	0.0
Travel	0.0	0.0	0.0	0.0	0.0	0.0
Contractual	0.0	0.0	0.0	0.0	0.0	0.0
Supplies	0.0	0.0	0.0	0.0	0.0	0.0
Equipment	0.0	0.0	0.0	0.0	0.0	0.0
Land & Structures	0.0	0.0	0.0	0.0	0.0	0.0
Grants & Claims	0.0	0.0	0.0	0.0	0.0	0.0
Miscellaneous	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
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CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1003 GF Match	0.0	0.0	0.0	0.0	0.0	0.0
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1007 GF/Mental Health	0.0	0.0	0.0	0.0	0.0	0.0
Other (Specify Type--Do not abbreviate)	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2003) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2004 budget proposal:

POSITIONS

Full-time	0	0	0	0	0	0
Part-time	0	0	0	0	0	0
Temporary	0	0	0	0	0	0

ANALYSIS: (Attach a separate page if necessary)

While this legislation has the potential to result in additional incarceration of inmates, it is not possible for the Department to quantify the number of additional inmates in the first five years. We believe that the number would be small. The longer term sentences contained in SB 85 may result in the need for additional bed space in the correctional system 5-20 years in the future and beyond. Again, it is not possible for the Department to define the numbers of additional beds required in the future as this legislation may result in changes in law enforcement, judicial or offender behavior in the long run.

Prepared by: Jerry D. Burnett, Director
 Division: Administrative Services
 Approved by: Portia C.K. Parker, Deputy Commissioner
 Agency: Department of Corrections

Phone 465-3339
 Date/Time 4/1/03 2:27 PM
 Date 4/1/2003

SPONSOR STATEMENT – CS SB 85 ()

An Act relating to sentencing and to the earning of good time deductions for certain sexual offenders

SB 85 – “An Act relating to sentencing and the earning of good time deductions for certain sexual offenders” addresses a pressing public safety issue in Alaska. Our state has long had one of the highest rates of reported rapes per capita in the nation, ranking first among all states for 19 of the last 26 years, including 2001. It is time to do something about this undistinguished -- and shameful -- rating and to provide additional protection for Alaska’s women and children, the most frequent victims of sexual crimes. SB 85 addresses this issue by focusing on the worst of the worst – repeat sexual offenders, those who have been convicted of a sex offense and subsequently commit another sexual crime.

CS SB 85 () has two purposes: first, to increase the penalties for repeat sex offenders and, second, to add repeat sexual offenders to the list of those who are not eligible to earn a “good time” reduction of their terms.

SB 85 is designed to treat repeat sex offenders differently from other repeat felons. Research has shown that sexual offenders are not like other offenders. As noted in a National Institute of Justice (NIJ) research report on managing adult sex offenders, sex crimes flourish in secrecy. Many offenders are otherwise highly functioning and use their social skills to commit their crimes and to manipulate both victims and criminal justice officials. Offenders are often very accomplished at presenting a facade designed to hide the truth about themselves. Many sex offenders commit a wide range and large number of sexually deviant acts during their lives and show a continued propensity to offend. The NIJ study concludes that adult offenders who commit sex crimes should be managed, treated, and supervised differently from other criminals.

Current statutory guidelines in Alaska, however, treat all two-time felons as though they were the same, that is, all prior felony convictions are given equal weight when an individual is sentenced on a new offense. For example, a judge sentencing a person convicted of a second forgery or a second sexual offense has to operate under the same sentencing guidelines. SB 85 establishes a separate, and more stringent, set of sentencing guidelines for those who commit second or

subsequent sexual offenses or commit a sexual felony after a prior felony conviction.

The other proposed change in the law in CS SB 85 () is to add repeat sexual offenders to the list of those who are not eligible to earn “good time” or a reduction in their prison terms for good behavior. Under current law, most prisoners, including sexual offenders, can earn a one-third reduction of their sentences for good behavior. CS SB 85 () would require repeat sexual offenders to serve the full length of their sentences; they would not be eligible for parole.

By increasing sentences for repeat sexual offenses and actual time served for these offenses, SB 85 will help to protect Alaska’s women and children from some of the most heinous crimes against them, sexual felonies.

I urge your support of this legislation.

Senator Hollis French
April 6, 2003

SECTIONAL ANALYSIS -- CS SB 85 ()

An Act relating to sentencing and to the earning of good time deductions for certain sexual offenses

- Section 1** Amends AS 12.55.12(c) to bring it into conformance with the new AS 12.55.125(i) enacted by this bill.
- Section 2** Amends AS 12.55.12(d) to bring it into conformance with the new AS 12.55.125(i) enacted by this bill.
- Section 3** Amends AS 12.55.12(e) to bring it into conformance with the new AS 12.55.125(i) enacted by this bill.
- Section 4** Corrects a reference to a subsection repealed in earlier legislation.
- Section 5** Establishes a separate, and more stringent, sentencing schedule for individuals convicted of "sexual felonies" (see below, Section 9). Increases maximum term for first offenses. Establishes new maximum and presumptive sentences (see Attachment A) for conviction of a second or subsequent sexual felony. Under current law, sentencing for a second felony, whether it is sexual felony or another type of felony, is controlled by the same statutory requirements for maximum and presumptive sentences.
- Section 6** Provides guidelines on how to consider prior convictions in Alaska or other jurisdictions when imposing sentences.
- Section 7** Corrects a reference to a subsection repealed in earlier legislation.
- Section 8** Corrects a reference to a subsection repealed in earlier legislation.
- Section 9** Provides a definition for "sexual felony."
- Section 10** Adds repeat sexual felons to the list of those not eligible for a "good time" reduction in their term of imprisonment.
- Section 11** Establishes that the provisions of the bill are applicable to sentencings and calculation of "good time" for offenses committed on or after the effective date of the Act.

Sentencing Guidelines for Repeat Sexual Offenders

Current Law and CS SB 85 () Proposal

CRIME	UNCLASSIFIED FELONIES	CLASS A FELONIES	CLASS B FELONIES	CLASS C FELONIES
	Sexual Assault 1 Sexual Abuse of Minor 1	Attempted Sexual Assault 1 Attempted Sexual Abuse of Minor 1	Sexual Assault 2 Sexual Abuse of Minor 2	Sexual Assault 2 Sexual Abuse of Minor 3
CURRENT LAW PRESUMPTIVE SENTENCES				
First felony offense	8	5	1 to 4	0
One prior felony	15	10	4	2
Two prior felonies	25	15	6	3
MAXIMUM SENTENCE	30	20	10	5
PROPOSAL PRESUMPTIVE SENTENCES				
First felony offense	8	5	1 to 4	0
One prior felony	15	10	5	2
One prior sex felony	20	15	10	3
Two prior felonies	25	15	10	3
Two prior sex felonies	30	20	15	6
MAXIMUM SENTENCE	40	30	20	10

SITKANS AGAINST FAMILY VIOLENCE

P.O. Box 6136 • Sitka, Alaska 99835
(907) 747-3370 • Fax 747-3450 • Crisis Line 1-800-478-6511



April 10, 2003

Senator French
Room 504
State Capitol Building
Juneau AK 99801

Dear Senator French:

I am writing to support SB85. We have learned that repeat sex offenders are very likely to continue to offend. I applaud your efforts to increase jail time for repeat sex offenders. Being raped causes so many scares and is such a trauma. It takes years of healing and never is forgotten. I support this bill in hopes that there will be fewer victims.

In Sitka SAFV is part of the Sexual Assault Response Team. We know only too well the trauma that victims experience and the struggle they have in reclaiming their lives. These crimes need to be responded to in a very serious manner and this bill address that.
Thank you

Sincerely,

A handwritten signature in cursive script that reads "Grace Brooks". The signature is written in black ink and is positioned above the printed name.

Grace Brooks
Executive Director

cc: Senator Gary Stevens ✓
Senator Cowdry
Senator Dyson
Senator Guess
Senator Hoffman



Member of the Alaska Network on Domestic Violence and Sexual Assault
United Way Member Agency

FISCAL NOTE

STATE OF ALASKA
2003 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: SB 85
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Law
 Title "An Act relating to sentencing and to the earning BRU Criminal Division
of good time deductions for certain sexual offenses." Component All
 Sponsor Senator French
 Requester Senate State Affairs Committee Component No. _____

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

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

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2003) cost: 0.0
 Check this box (X) if funding for this bill is included in the Governor's FY 2004 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)
 This bill increases the presumptive sentences and decreases the amount of good time that may be earned during imprisonment for persons convicted of certain felony sexual offenses.

Passage of this legislation is not anticipated to have a fiscal impact on the Department of Law.

Prepared by: Joan M. Kasson Phone (907) 465-5370
 Division: Attorney General's Office Date/Time 4/2/03 1:07 PM
 Approved by: Kathryn Daughetee for Gregg D. Renkes, Attorney General Date 4/2/2003
 Agency: Department of Law

23-LS0512AS
Luckhaupt
4/8/03

CS FOR SENATE BILL NO. 85()
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-THIRD LEGISLATURE - FIRST SESSION

BY

Offered:
Referred:

Sponsor(s): SENATORS FRENCH, Ben Stevens, Dyson, Bunde, Guess, Ellis, Elton, Lincoln, Davis

A BILL
FOR AN ACT ENTITLED

1 **"An Act relating to sentencing and to the earning of good time deductions for certain**
2 **sexual offenses."**

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

4 *** Section 1.** AS 12.55.125(c) is amended to read:

5 (c) Except as provided in (i) of this section, a [A] defendant convicted of a
6 class A felony may be sentenced to a definite term of imprisonment of not more than
7 20 years, and shall be sentenced to the following presumptive terms, subject to
8 adjustment as provided in AS 12.55.155 - 12.55.175:

9 (1) if the offense is a first felony conviction and does not involve
10 circumstances described in (2) of this subsection, five years;

11 (2) if the offense is a first felony conviction

12 (A) other than for manslaughter and the defendant possessed a
13 firearm, used a dangerous instrument, or caused serious physical injury during
14 the commission of the offense, or knowingly directed the conduct constituting

1 the offense at a uniformed or otherwise clearly identified peace officer, fire
2 fighter, correctional employee, emergency medical technician, paramedic,
3 ambulance attendant, or other emergency responder who was engaged in the
4 performance of official duties at the time of the offense, seven years;

5 (B) for manslaughter and the conduct resulting in the
6 conviction was knowingly directed towards a child under the age of 16, seven
7 years;

8 (C) for manslaughter and the conduct resulting in the
9 conviction involved driving while under the influence of an alcoholic
10 beverage, inhalant, or controlled substance, seven years;

11 (3) if the offense is a second felony conviction, 10 years;

12 (4) if the offense is a third felony conviction and the defendant is not
13 subject to sentencing under (l) of this section, 15 years.

14 * Sec. 2. AS 12.55.125(d) is amended to read:

15 (d) Except as provided in (i) of this section, a [A] defendant convicted of a
16 class B felony may be sentenced to a definite term of imprisonment of not more than
17 10 years, and shall be sentenced to the following presumptive terms, subject to
18 adjustment as provided in AS 12.55.155 - 12.55.175:

19 (1) if the offense is a second felony conviction, four years;

20 (2) if the offense is a third felony conviction, six years.

21 [(3) REPEALED]

22 * Sec. 3. AS 12.55.125(e) is amended to read:

23 (e) Except as provided in (i) of this section, a [A] defendant convicted of a
24 class C felony may be sentenced to a definite term of imprisonment of not more than
25 five years, and shall be sentenced to the following presumptive terms, subject to
26 adjustment as provided in AS 12.55.155 - 12.55.175:

27 (1) if the offense is a second felony conviction, two years;

28 (2) if the offense is a third felony conviction, three years; [.]

29 (3) [REPEALED]

30 (4) if the offense is a first felony conviction, and the defendant
31 violated AS 08.54.720(a)(15), one year.

1 * Sec. 4. AS 12.55.125(g) is amended to read:

2 (g) If a defendant is sentenced under (c), (d)(1), (d)(2), (e)(1), (e)(2), (e)(3)
3 [(e)(4)], or (i) of this section, except to the extent permitted under AS 12.55.155 -
4 12.55.175,

5 (1) imprisonment may not be suspended under AS 12.55.080;

6 (2) imposition of sentence may not be suspended under AS 12.55.085;

7 (3) terms of imprisonment may not be otherwise reduced.

8 * Sec. 5. AS 12.55.125(i) is amended to read:

9 (i) A defendant convicted of

10 (1) sexual assault in the first degree or sexual abuse of a minor in the
11 first degree may be sentenced to a definite term of imprisonment of not more than 40
12 [30] years [,] and shall be sentenced to the following presumptive terms, subject to
13 adjustment as provided in AS 12.55.155 - 12.55.175:

14 (A) [(1)] if the offense is a first felony conviction and does not
15 involve circumstances described in (B) [(2)] of this paragraph
16 [SUBSECTION], eight years;

17 (B) [(2)] if the offense is a first felony conviction [,] and the
18 defendant possessed a firearm, used a dangerous instrument, or caused serious
19 physical injury during the commission of the offense, 10 years;

20 (C) [(3)] if the offense is a second felony conviction and does
21 not involve circumstances described in (D) of this paragraph, 15 years;

22 (D) if the offense is a second felony conviction and the
23 defendant has a prior conviction for a sexual felony, 20 years;

24 (E) [(4)] if the offense is a third felony conviction and the
25 defendant is not subject to sentencing under (F) of this paragraph or (l) of
26 this section, 25 years;

27 (F) if the offense is a third felony conviction, the defendant
28 is not subject to sentencing under (l) of this section, and the defendant has
29 two prior convictions for sexual felonies, 30 years;

30 (2) attempt, conspiracy, or solicitation to commit sexual assault in
31 the first degree or sexual abuse of a minor in the first degree may be sentenced to

1 a definite term of imprisonment of not more than 30 years and shall be sentenced
2 to the following presumptive terms, subject to adjustment as provided in
3 AS 12.55.155 - 12.55.175:

4 (A) if the offense is a first felony conviction and does not
5 involve circumstances described in (B) of this paragraph, five years;

6 (B) if the offense is a first felony conviction, and the
7 defendant possessed a firearm, used a dangerous instrument, or caused
8 serious physical injury during the commission of the offense, 10 years;

9 (C) if the offense is a second felony conviction and does not
10 involve circumstances described in (D) of this paragraph, 10 years;

11 (D) if the offense is a second felony conviction and the
12 defendant has a prior conviction for a sexual felony, 15 years;

13 (E) if the offense is a third felony conviction, does not
14 involve circumstances described in (F) of this paragraph, and the
15 defendant is not subject to sentencing under (I) of this section, 15 years;

16 (F) if the offense is a third felony conviction, the defendant
17 is not subject to sentencing under (I) of this section, and the defendant has
18 two prior convictions for sexual felonies, 20 years;

19 (3) sexual assault in the second degree, sexual abuse of a minor in
20 the second degree, unlawful exploitation of a minor, or distribution of child
21 pornography may be sentenced to a definite term of imprisonment of not more
22 than 20 years and shall be sentenced to the following presumptive terms, subject
23 to adjustment as provided in AS 12.55.155 - 12.55.175:

24 (A) if the offense is a second felony conviction and does not
25 involve circumstances described in (B) of this paragraph, five years;

26 (B) if the offense is a second felony conviction and the
27 defendant has a prior conviction for a sexual felony, 10 years;

28 (C) if the offense is a third felony conviction, does not
29 involve circumstances described in (D) of this paragraph, 10 years;

30 (D) if the offense is a third felony conviction, and the
31 defendant has two prior convictions for sexual felonies, 15 years;

1 (4) sexual assault in the third degree, incest, indecent exposure in
2 the first degree, possession of child pornography, or attempt, conspiracy, or
3 solicitation to commit sexual assault in the second degree, sexual abuse of a minor
4 in the second degree, unlawful exploitation of a minor, or distribution of child
5 pornography, may be sentenced to a definite term of imprisonment of not more
6 than 10 years and shall be sentenced to the following presumptive terms, subject
7 to adjustment as provided in AS 12.55.155 - 12.55.175:

8 (A) if the offense is a second felony conviction and does not
9 involve circumstances described in (B) of this paragraph, two years;

10 (B) if the offense is a second felony conviction and the
11 defendant has a prior conviction for a sexual felony, three years;

12 (C) if the offense is a third felony conviction and does not
13 involve circumstances described in (D) of this paragraph, three years;

14 (D) if the offense is a third felony conviction and the
15 defendant has two prior convictions for sexual felonies, six years.

16 * Sec. 6. AS 12.55.145(a) is amended to read:

17 (a) For purposes of considering prior convictions in imposing sentence under

18 (1) AS 12.55.125(c), (d)(1), (d)(2), (e)(1), or (e)(2)[, OR (i).]

19 (A) a prior conviction may not be considered if a period of 10
20 or more years has elapsed between the date of the defendant's unconditional
21 discharge on the immediately preceding offense and commission of the present
22 offense unless the prior conviction was for an unclassified or class A felony;

23 (B) a conviction in this or another jurisdiction of an offense
24 having elements similar to those of a felony defined as such under Alaska law
25 at the time the offense was committed is considered a prior felony conviction;

26 (C) two or more convictions arising out of a single, continuous
27 criminal episode during which there was no substantial change in the nature of
28 the criminal objective are considered a single conviction unless the defendant
29 was sentenced to consecutive sentences for the crimes; offenses committed
30 while attempting to escape or avoid detection or apprehension after the
31 commission of another offense are not part of the same criminal episode or

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objective;

(2) AS 12.55.125(l),

(A) a conviction in this or another jurisdiction of an offense having elements similar to those of a most serious felony is considered a prior most serious felony conviction;

(B) commission of and conviction for offenses relied on as prior most serious felony offenses must occur in the following order: conviction for the first offense must occur before commission of the second offense, and conviction for the second offense must occur before commission of the offense for which the defendant is being sentenced;

(3) AS 12.55.135(g),

(A) a prior conviction may not be considered if a period of five or more years has elapsed between the date of the defendant's unconditional discharge on the immediately preceding offense and commission of the present offense unless the prior conviction was for an unclassified or class A felony;

(B) a conviction in this or another jurisdiction of an offense having elements similar to those of a crime against a person or a crime involving domestic violence is considered a prior conviction;

(C) two or more convictions arising out of a single, continuous criminal episode during which there was no substantial change in the nature of the criminal objective are considered a single conviction unless the defendant was sentenced to consecutive sentences for the crimes; offenses committed while attempting to escape or avoid detection or apprehension after the commission of another offense are not part of the same criminal episode or objective;

(4) AS 12.55.125(i),

(A) a conviction in this or another jurisdiction of an offense having elements similar to those of a sexual felony is a prior conviction for a sexual felony;

(B) a felony conviction in another jurisdiction making it a crime to commit any lewd and lascivious act upon a child under the age of

1 16 years, with the intent of arousing, appealing to, or gratifying the sexual
2 desires of the defendant or the victim is a prior conviction for a sexual
3 felony;

4 (C) two or more convictions arising out of a single,
5 continuous criminal episode during which there was no substantial change
6 in the nature of the criminal objective are considered a single conviction
7 unless the defendant was sentenced to consecutive sentences for the
8 crimes; offenses committed while attempting to escape or avoid detection
9 or apprehension after the commission of another offense are not part of
10 the same criminal episode or objective.

11 * Sec. 7. AS 12.55.155a is amended to read:

12 (a) If a defendant is convicted of an offense and is subject to sentencing under
13 AS 12.55.125(c), (d)(1), (d)(2), (e)(1), (e)(2), (e)(3) [(e)(4)], or (i) and

14 (1) the presumptive term is four years or less, the court may decrease
15 the presumptive term by an amount as great as the presumptive term for factors in
16 mitigation or may increase the presumptive term up to the maximum term of
17 imprisonment for factors in aggravation;

18 (2) the presumptive term of imprisonment is more than four years, the
19 court may decrease the presumptive term by an amount as great as 50 percent of the
20 presumptive term for factors in mitigation or may increase the presumptive term up to
21 the maximum term of imprisonment for factors in aggravation.

22 * Sec. 8. AS 12.55.165(a) is amended to read:

23 (a) If the defendant is subject to sentencing under AS 12.55.125(c), (d)(1),
24 (d)(2), (e)(1), (e)(2), (e)(3) [(e)(4)], or (i) and the court finds by clear and convincing
25 evidence that manifest injustice would result from failure to consider relevant
26 aggravating or mitigating factors not specifically included in AS 12.55.155 or from
27 imposition of the presumptive term, whether or not adjusted for aggravating or
28 mitigating factors, the court shall enter findings and conclusions and cause a record of
29 the proceedings to be transmitted to a three-judge panel for sentencing under
30 AS 12.55.175.

31 * Sec. 9. AS 12.55.185 is amended by adding a new paragraph to read:

1 (17) "sexual felony" means sexual assault in the first degree, sexual
2 abuse of a minor in the first degree, sexual assault in the second degree, sexual abuse
3 of a minor in the second degree, unlawful exploitation of a minor, distribution of child
4 pornography, sexual assault in the third degree, incest, indecent exposure in the first
5 degree, possession of child pornography, and felony attempt, conspiracy, or
6 solicitation to commit those crimes.

7 * Sec. 10. AS 33.20.010(a) is amended to read:

8 (a) Notwithstanding AS 12.55.125(f)(3) and 12.55.125(g)(3), a prisoner
9 convicted of an offense against the state or a political subdivision of the state and
10 sentenced to a term of imprisonment that exceeds three days is entitled to a deduction
11 of one-third of the term of imprisonment rounded off to the nearest day if the prisoner
12 follows the rules of the correctional facility in which the prisoner is confined. A
13 prisoner is not eligible for a good time deduction if the prisoner has been sentenced
14 [TO A]

15 (1) to a mandatory 99-year term of imprisonment under
16 AS 12.55.125(a) after June 27, 1996; [OR]

17 (2) to a definite term under AS 12.55.125(l); or

18 (3) for a sexual felony under AS 12.55.125(i) and has one or more
19 prior sexual felony convictions as determined under AS 12.55.145(a)(4).

20 * Sec. 11. The uncodified law of the State of Alaska is amended by adding a new section to
21 read:

22 APPLICABILITY. (a) The changes made to AS 12.55.125 and 12.55.145 by this Act
23 apply to sentencings for offenses committed on or after the effective date of this Act. All
24 references to prior or previous convictions in AS 12.55.125 and 12.55.145, as amended by
25 this Act, apply to convictions occurring before, on, or after the effective date of this Act.

26 (b) The changes made to the earning of good time deductions under AS 33.20.010
27 apply to offenses occurring on or after the effective date of this Act. References to prior
28 convictions under AS 33.20.010(a) apply to offenses occurring before, on, or after the
29 effective date of this Act.

CHANGES FROM SB 85 TO CS SB 85 ()
[Work Draft ; 23-LS0512\S, Luckhaupt, 4/8/03]

1. p. 3, line 31 – delete “attempted”
2. p. 4, line 8 – add “serious” before “physical”
3. p. 4, line 25 -- replace “four” with “five”
4. p. 4, line 29 – replace “six” with “ten”
5. p. 8, lines 7-22 – replace with new Section 10, p. 9 , lines 7-19

Patrick Dougherty
Vice President & EditorSteve Lindbeck
Associate Editor

1946 by Norman C. Brown

Katherine Fanning, Editor and Publisher, 1971-1983

Lawrence Fanning, Editor and Publisher, 1967-1971

OPINION

COMPASS: Points of view from the community

Get tough with repeat offenders

By SEN. HOLLIS FRENCH

Like most Alaskans, I am proud of our state. However, a recent news article disturbed me. The article reported that the rates of sex assault in Anchorage, and in Alaska as a whole, are among the highest in the nation. Since 1976, the state has ranked in the top five in the nation for reported rapes per capita.

I got to thinking about that and the question I kept coming back to is this: What am I going to say to the people of my district and the people of this state when I am rightly asked, "What did you do to stop this?" Did I help to strengthen the laws? Did I raise the community's awareness? Did I help get money for a shelter or help fund a study that would look at the pattern of the cases?

We can't go on leading the nation in sex assault. I feel ashamed about that. We must use all our power to get our rates down and keep them down.

Gov. Murkowski promised during the campaign and in his State of the State address to get tough on crime. I welcome the governor's attitude. I would encourage him to focus on the truly bad actors in the criminal justice system — on the individuals who, in just a few minutes of outrageous behavior, can inflict a lifetime of damage on a victim.

I have three proposals.

First, we must strengthen the laws on repeat sex offenders. We must carefully target those individuals who have been convicted of sex crimes in the past, and when they commit another sex crime we must



hammer them and hammer them hard.

The law as it stands treats all repeat felons the same. For example, if you commit a sex assault, do your prison time and upon release commit another sex assault, the law treats that first conviction as if it were the same as stealing a car or forging a check. All two-time felons are the same, according to the law. I would argue, however, that a two-time rapist is different. A two-time rapist needs to spend a long time in a small place where he can't hurt anyone else. I'll be proposing a change to the sentencing laws to deal with these hard-core repeat offenders.

My second idea jelled when I read about Carlos Rodriguez, who was released from prison recently. Rodriguez made his criminal career enticing young boys 12 to 14 years old with drugs and alcohol, then forcing sex on them. Most were too ashamed to go to the police. Several of his victims committed suicide over the years. Now Rodriguez is out of prison and in the care of an overworked parole officer.

Back in 1983, when he was convicted, Rodriguez was sentenced to 24 years in prison. So 1983 plus 24 should equal 2007.

There's no Democratic way to feel about this, nor is there a Republican way to feel. There's only one way to feel, and that's outraged.

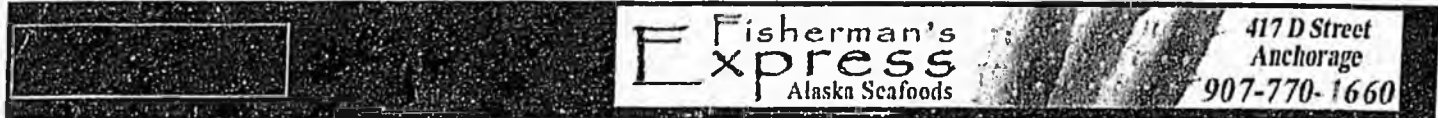
Why was he released early? Good time. Prisoners earn good time for obeying the rules in prison. Good time is why Carlos Rodriguez is out on the streets. Repeat sex offenders should not get the same good time reduction as other repeat offenders.

We also need to know state-wide. It has been proposed to provide demographic information about rape victims and offenders in Anchorage and to provide more details about the actual assaults. The same questions should be researched statewide.

The overwhelming majority of sex assaults committed in this state are inflicted upon women and children. There's no political angle to this subject. There's no Democratic way to feel about this, nor is there a Republican way to feel. There's only one way to feel, and that's outraged.

Please join me in sharing that feeling of outrage. Please join me in supporting legislation and funding to address Alaska's problems in this area. Always, we must lead the nation in sex assaults. This is one area in which every Alaskan would be proud to be in last place.

Sen. Hollis French represents District M in Anchorage.



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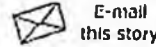
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TOP ALASKA STORIES

Local rape rates are increasing

ANCHORAGE: City had 5th highest number of reported sexual assaults in nation.

By Tataboline Brant
Anchorage Daily News
(Published: February 15, 2003)

Anchorage had the fifth highest rate of reported rape among 274 metropolitan areas in the United States, according to 2001 statistics released Friday by city officials.

The numbers are based on the FBI's 2001 Uniform Crime Reports and were condensed into a report by the SAFE City Program, part of the Municipality's Department of Health and Human Services.

Anchorage police presented the statistics, along with some of their own, on Thursday to the Alaska Native Women's Sexual Assault Committee, a volunteer task force that meets monthly. The committee had asked police to make the presentation, said committee member Karen Lee, program director for the Alaska Native Justice Center.

What they heard was alarming, she said: "We were surprised to see such a dramatic increase over the last three years."

According to Anchorage police statistics, the number of reported rapes in Anchorage per 100,000 population has been on the rise in recent years after dropping to 59.5 in 1999. It climbed to 75.2 in 2000 and 81.3 in 2001. That put the city fifth behind Rapid City, S.D.; Bremerton, Wash.; Panama City, Fla.; and Benton Harbor, Mich., according to SAFE City statistics.

The 2002 rate is not yet tabulated, but police told committee members they expect another increase, Lee and others said.

Rape is not a new problem in Alaska. Since 1976, the state has ranked in the top five states in the nation for the highest rate of reported rape per capita, according to SAFE City statistics. For 19 out of the last 26 years -- including 2001 -- Alaska ranked highest in the nation, SAFE's numbers show.

Anchorage Assemblywoman Anna Fairclough, executive director of STAR, Standing Together Against Rape, said she wasn't surprised that the state ranked highest in 2001.

"We've always known at STAR that we have held the No. 1 spot," she said.

What was alarming were the statistics about Anchorage, Fairclough said. When you look at the overall rate for major crimes in the city -- homicide

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when you look at the overall rate for major crimes in the city -- homicide, rape, burglary, aggravated assault, theft, robbery -- Anchorage looks like a pretty safe place to live compared with the rest of the nation. But look at the rape category alone and Anchorage "just screeches to the top," she said.

Fairclough did not know what may have caused the rate of reported rapes in Anchorage to rise in the last few years: "It would be a guess as to why."

Committee members Lee and Denise Morris, president of the Alaska Native Justice Center, said they too could only speculate on why the numbers have gone up.

The Alaska Native Women's Sexual Assault Committee was formed in 1999, after police released statistics indicating that more than 50 percent of the reported cases of sexual assault occurring in Anchorage had been reported by Alaska Native women, Morris said. Perhaps the committee had something to do with why the rates rose in 2000 and 2001, Lee said. "What happens sometimes when you bring awareness is people feel empowered to report," she said. "But that's only one scenario."

The committee will continue to study the issue and try to come up with solutions, said Morris, the committee chair. The task force already does "meet and greet" campaigns about three times a year, targeting Alaska Native women, Morris said. It hands out literature about how to stay safe.

"I think there's more that could be done," Morris said.

SAFE City wants to do a comprehensive study on sexual assaults in Anchorage, said Rhonda Grove, a statistical analyst with the program.

Funding for the study has not yet been secured, but officials already have plans to develop the methods for the study in the next year, she said.

The study would likely provide demographic information about rape victims and offenders and more details about the actual assaults, among other things, she said, which could be used to fight the problem.

Reporter Tataboline Brant can be reached at tbrant@adn.com and 907-257-4321.

S B

g g

SENATE COMMITTEE REPORT First Committee of Referral

DATE: 3/4/03

FURTHER: Finance

Date of 5-Day Notice: 3/6/03
(in accordance with Uniform Rule 23)

DATE TURNED
IN TO OFFICE: 3/14/03

State Affairs Committee considered SENATE BILL NO. 99

SB 99 CORRECTIONAL FACILITIES

"An Act expressing legislative intent regarding privately operated correctional facility space and services; relating to the development and financing of privately operated correctional facility space and services; authorizing the Department of Corrections to enter into an agreement for the confinement and care of prisoners in privately operated correctional facility space; and providing for an effective date."

and recommends:

- be replaced with _____ CS _____ (_____)
- adopt previous _____ CS _____ (_____)
- attached amendment(s)
- adopt Letter of Intent by _____ Committee
- further referral to _____ Committee

Senate Bill:

same title

new title

House Bill:

same title

technical title

new: SCR # _____

NEW FISCAL NOTE(S):

Department	Date	Fiscal	Zero	FN#
DOC	3/10/03	✓		
DPS	3/11/03	✓		
DOT + PF	3/11/03	✓		
DOR	3/7/03	✓		

PREVIOUS FISCAL NOTE(S):

Department	Date	Fiscal	Zero	FN#

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	DO PASS	DO NOT PASS	NO REC	AMEND
			✓	
	✓			
			✓	
CHAIR:			✓	

MAR 13 2002



March 11, 2003

The Honorable Gary Stevens
Chairman
Senate State Affairs Committee
Alaska State Legislature
State Capitol-Room 417
Juneau, Alaska 99801-1182

Dear Chairman Stevens:

Corrections Corporation of America (CCA) appreciates the opportunity to present its views on S.B. 99 to your Committee. As you know, CCA has housed Alaska inmates in its Florence, Arizona facilities since 1995 and we highly value this long-standing relationship with the State of Alaska and the Department of Corrections.

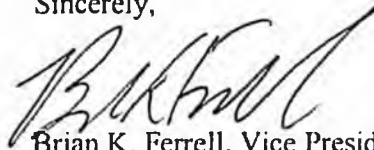
We understand that S.B. 99 raises major policy issues which the Committee is addressing. We also understand that the issue of whether or not the State should allow construction of a private-owned prison in Alaska is one which only Alaskans and their elected representatives can decide. Therefore, we believe this is a matter best reserved for Alaskans to decide.

However, CCA wishes to clearly state that if the Legislature and Governor decide to authorize construction of a private prison in Alaska, the following are two issues which we believe are critically important and should be addressed in S.B. 99:

1. An open, competitive bid process conducted under the authority of the State law and under a Request for Proposal compiled by the Commissioner of Corrections', must be written into S.B. 99 to ensure that the State and Department obtain the most cost-effective winning bid; and
2. Any legislation passed by the House and Senate must not be encumbered by potential legal and constructional problems, such whether or not S.B. 99--as currently written--violates Alaska's constitution which prohibits local and special acts.

Finally, CCA wishes to stress that it would intend to participate in any competitive Request for Proposal (RFP) which would be issued under S.B. 99, provided that the RFP process is truly open to public review and is fairly conducted under State competitive bidding statutes.

Sincerely,



Brian K. Ferrell, Vice President
State Customer Relations

FISCAL NOTE

STATE OF ALASKA
2003 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: SB99
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: DOT&PF
 Title An Act expressing legislative intent BRU Highways and Aviation
regarding privately operated prisons Component Central Region Highway & Aviation
 Sponsor Bunde
 Requester SSTA Component No. 564

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009
Personal Services	0.0	50.0	50.0	50.0	50.0	50.0
Travel	0.0	0.0	0.0	0.0	0.0	0.0
Contractual	0.0	1,014.0	1,014.0	1,014.0	1,416.0	1,416.0
Supplies	0.0	0.0	0.0	0.0	0.0	0.0
Equipment	0.0	0.0	0.0	0.0	0.0	0.0
Land & Structures	0.0	0.0	0.0	0.0	0.0	0.0
Grants & Claims	0.0	0.0	0.0	0.0	0.0	0.0
Miscellaneous	0.0	120.0	120.0	120.0	195.0	195.0
TOTAL OPERATING	0.0	1,184.0	1,184.0	1,184.0	1,661.0	1,661.0

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

1002 Federal Receipts	0.0	1,160.0	1,136.0	1,110.0	1,562.0	1,535.0
1003 GF Match						
1004 GF						
1005 GF/Program Receipts	0.0	24.0	48.0	74.0	99.0	126.0
1037 GF/Mental Health						
Other: ARRC maintenance credits						
TOTAL	0.0	1,184.0	1,184.0	1,184.0	1,661.0	1,661.0

Estimate of any current year (FY2003) cost: 4,178.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2004 budget proposal:

POSITIONS

Full-time		1	1	1	1	1
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

- 2004 maintains existing 17 hour per day summer schedule and 9.75 hour (average) per day winter schedule. 2005 to 2007 changes to 17 hours per day 6 am to 11 pm 365 days per year to accommodate prison construction. 2008 and 2009 represent 19 hours per day 5 am to midnight 365 days per year to accommodate private prison operations of three 8 hour shifts daily.
- Department of Corrections vehicles on official public safety business will not be assessed tolls. All other vehicles will be assessed tolls per the current regulations.
- Operating the Tunnel 24/7 365 days a year would require going from two shifts to three shifts of tunnel operating personnel.
- One additional PFT State M&O employee would be needed starting in 2005.
- Total cost of 24 hour/7day operations is \$6,969.0. Total cost of 19hour/7day operation is \$5,839.0.

Prepared by: Dennis R. Poshard
 Division: Special Assistant to the Commissioner
 Approved by: Commissioner Mike Barton
 Agency: Alaska Department of Transportation and Public Facilities

Phone 465-3900
 Date/Time 3/11/03 10:22 AM
 Date 3/11/2003

FISCAL NOTE

STATE OF ALASKA
2003 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: SB 99
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Public Safety
 Title An act expressing legislative intent regarding BRU Alaska State Troopers
privately operated correctional facility... Component Judicial Services - Anchorage
 Sponsor Senator Bunde
 Requester Senate State Affairs Component No. 831

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009
Personal Services	134.0	134.0	134.0	134.0	134.0	134.0
Travel						
Contractual	19.8	19.8	19.8	19.8	19.8	19.8
Supplies	6.4	6.4	6.4	6.4	6.4	6.4
Equipment	48.6					
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	208.8	160.2	160.2	160.2	160.2	160.2

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

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

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	208.8	160.2	160.2	160.2	160.2	160.2
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	208.8	160.2	160.2	160.2	160.2	160.2

Estimate of any current year (FY2003) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2004 budget proposal:

POSITIONS

Full-time	2	2	2	2	2	2
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This fiscal note includes two new positions to address the construction of a private correctional facility in Whittier. The positions would provide prisoner transport and consist of two Court Service Officers who would be stationed at the Anchorage Judicial Services office. Year one costs include one-time items for vehicle purchases, firearms, and radios.

Prepared by: Lieutenant Matthew Leveque
 Division: Alaska State Troopers
 Approved by: William Tandeske, Commissioner
 Agency: Department of Public Safety

Phone 269-0390
 Date/Time 3/11/03 11:50 AM
 Date 3/11/2003

23-LS0710V
Kurtz
3/10/03

CS FOR SENATE JOINT RESOLUTION NO. 9()
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-THIRD LEGISLATURE - FIRST SESSION

BY

Offered:
Referred:

Sponsor(s): SENATOR BUNDE

A RESOLUTION

1 **Expressing confidence in and support for all members of the military, their families, and**
2 **employers of members of the National Guard.**

3 **BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 **WHEREAS** many members of the Alaska National Guard and many Alaskans serving
5 in our active forces have been assigned to duty overseas to assist people in countries around
6 the world, end the threat of terrorism, prepare for the very real threat of war, and to deal with
7 threats against our nation; and

8 **WHEREAS** members of the Alaska National Guard, their families, their employers,
9 and active duty members of the military make tremendous sacrifices every day in their service
10 to our country and to our state; and

11 **WHEREAS** the members of the Alaska National Guard and active duty members of
12 the military are well trained, well led, and committed to protecting and serving the citizens of
13 the United States and their interests abroad; and

14 **WHEREAS** members of the Alaska National Guard, active duty members of the
15 military, and their families make important contributions to the State of Alaska while they are
16 stationed here; and

1 **WHEREAS** the security of our nation, our state, and our citizens depends on the
2 willingness of these brave men and women to put themselves in harm's way;

3 **BE IT RESOLVED** that the Alaska State Legislature recognizes the commitment of
4 the members of the Alaska Army National Guard, the Alaska Air National Guard, and active
5 duty members of the military, and expresses its support for these gallant defenders of
6 freedom; and be it

7 **FURTHER RESOLVED** that the members of the Twenty-Third Alaska State
8 Legislature express their gratitude for the sacrifices of the families and, in the case of the
9 National Guard, the civilian employers of our men and women in uniform; and be it

10 **FURTHER RESOLVED** that the members of the Twenty-Third Alaska State
11 Legislature express their sincere hope and trust that all members of the Alaska National Guard
12 and active duty members of the military return safely to their families from wherever they
13 may be assigned.

14 **COPIES** of this resolution shall be sent to the Honorable George W. Bush, President
15 of the United States; the Honorable Donald Rumsfeld, United States Secretary of Defense;
16 General Richard B. Myers, Chairman of the Joint Chiefs of Staff; General Peter Pace, Vice
17 Chairman of the Joint Chiefs of Staff; General Eric K. Shinseki, Chief of Staff of the Army;
18 Admiral Vern Clark, Chief of Naval Operations; General James L. Jones, Commandant of the
19 Marine Corps; Lieutenant General Carrol H. "Howie" Chandler, Commander, Alaskan
20 Command; Brigadier General Craig Campbell, Adjutant General, Alaska Department of
21 Military and Veterans' Affairs; and to the Honorable Ted Stevens and the Honorable Lisa
22 Murkowski, U.S. Senators, and the Honorable Don Young, U.S. Representative, members of
23 the Alaska delegation in Congress.

FISCAL NOTE

STATE OF ALASKA
2003 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: SB 99
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Revenue
 Title Correctional Facilities BRU Revenue Operations
 Component Treasury Division
 Sponsor Senator Bunde
 Requester Senate State Affairs Committee Component No. 121

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009
Personal Services						
Travel	5.0					
Contractual	30.0					
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	35.0	0.0	0.0	0.0	0.0	0.0

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

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	35.0					
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	35.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2003) cost: 0.0
 Check this box (X) if funding for this bill is included in the Governor's FY 2004 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This legislation authorizes the Department of Corrections to enter into an agreement with the City of Whittier for the purposes of acquiring correctional facility space and services for state prisoners. Due to the State Bond Committee's role in these transactions, the state's bond counsel and financial adviser will have to participate in drafting the legal documents, structuring the transaction, and working with the rating agencies for each of the bond sales. The cost of this effort is estimated at \$30,000 in FY2004.

See attached page for additional discussion.

Prepared by: Deven Mitchell, State Debt Manager Phone 465-3750
 Division Treasury Division Date/Time 3/7/03 4:57 PM
 Approved by: Larry Persily, Deputy Commissioner Date 3/7/2003
 Agency Department of Revenue

FISCAL NOTE

STATE OF ALASKA
2003 LEGISLATIVE SESSION

BILL NO. SB99

ANALYSIS CONTINUATION

This legislation authorizes the Department of Corrections to enter into an agreement with the City of Whittier for the purposes of acquiring correctional facility space and services for state prisoners.

The agreement for the correctional facility and services would be for a minimum of 25 years and provide at least 1,200 prison beds. The lease shall have a capital component to pay for the facility and an operating component to pay for the cost of the City of Whittier to contract with private, third-party contractors to operate the facility for consecutive periods of five years. The legislation provides no requirement that tax-exempt financing be used for the facility, no maximum lease term, and no maximum project size in dollars or number of prisoners to be housed at the facility. The only security for bonds issued will be the pledge of State of Alaska's lease payments. This is a matter of concern to the Department of Revenue, as the credit of the State of Alaska is used each time a lease is directly pledged to a bond sale and, as such, the Department anticipates involvement in the debt issuance.

Over the past 20 years the state has made a concerted effort to centralize the issuance of debt involving the state's credit through the State Bond Committee. It is noteworthy that the Anchorage Jail, which is the last time the legislature authorized a lease-revenue transaction, was approved by the State Bond Committee, including all of the Municipality of Anchorage's transaction documents and terms of sale. The national bond rating agencies' primary contact during the review of the Anchorage Jail Revenue Bonds was the State of Alaska's Department of Revenue. These bond rating agencies review and rate almost all transactions of the state, and a lack of direct state involvement will draw concern during the state's annual ratings review. To the extent that the state's credit is insufficiently represented, or the pledge of the state is perceptually weakened by funneling through political subdivisions of the state, the cost of capital will increase on the project, with the result being increased cost to the state. In addition, any negative event that occurs with this financing will have the potential to lower the state's credit rating on other bonds and increase the cost of future projects.

In providing the cost estimates in this fiscal note, the following assumptions were made:

1. The City of Whittier will issue bonds in FY 2004
2. The City of Whittier will issue one series of bonds in an unidentified amount sufficient to build the correctional facility.
3. The required minimum term of 25 years for the bonds will result in a credit rating below the A1, A+, A+ that the state has achieved on other state-supported appropriation debt.

FISCAL NOTE

STATE OF ALASKA
2003 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: SB99 DOC 03 04
 () Publish Date: _____

Revision Date/Time (Note if correction): 3/10/03 7:30 am Dept. Affected: Department of Corrections
 Title Correctional Facilities BRU Administration & Operations
 Component _____
 Sponsor Senator Bunde Component No. _____
 Requester _____

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009
Personal Services	0.0	0.0	0.0	0.0	0.0	0.0
Travel	0.0	0.0	0.0	0.0	0.0	0.0
Contractual	0.0	0.0	0.0	27,896.8	55,793.6	55,793.6
Supplies	0.0	0.0	0.0	0.0	0.0	0.0
Equipment	0.0	0.0	0.0	0.0	0.0	0.0
Land & Structures	0.0	0.0	0.0	0.0	0.0	0.0
Grants & Claims	0.0	0.0	0.0	0.0	0.0	0.0
Miscellaneous	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	0.0	0.0	0.0	27,896.8	55,793.6	55,793.6

CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
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CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1003 GF Match	0.0	0.0	0.0	0.0	0.0	0.0
1004 GF	0.0	0.0	0.0	27,896.8	55,793.6	55,793.6
1005 GF/Program Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1037 GF/Mental Health	0.0	0.0	0.0	0.0	0.0	0.0
Other (Specify Type--Do not abbreviate)	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL	0.0	0.0	0.0	27,896.8	55,793.6	55,793.6

Estimate of any current year (FY2003) cost: 0 0

Check this box (X) if funding for this bill is included in the Governor's FY 2004 budget proposal:

POSITIONS

Full-time	0	0	0	0	0	0
Part-time	0	0	0	0	0	0
Temporary	0	0	0	0	0	0

ANALYSIS: (Attach a separate page if necessary)

The fiscal note was prepared based on the specific language of Senate Bill 99 and the Agreement to Provide Correctional Facility Planning, Promotion, Design, Construction and Operation between Cornell Corrections of Alaska, Inc and the City of Whittier dated February 19, 2002.

See attached:

Prepared by: Jerry D. Burnett, Director
 Division Administrative Services
 Approved by: Portia C.K. Parker, Deputy Commissioner
 Agency Department of Corrections

Phone 465-3339
 Date/Time 3/10/03 11:51 AM
 Date 3/10/2003

FISCAL NOTE

STATE OF ALASKA
2003 LEGISLATIVE SESSION

BILL NO. SB99 DOC 03 04

ANALYSIS CONTINUATION

SB99 specifically reads, on page 1, lines 11-13, and page 2, line 1:

"The legislature expects the Department of Corrections to contract with the city of Whittier for privately operated correctional facility space and services similar to those currently acquired for medium-custody and close-custody Alaska prisoners in a privately operated prison outside the state.

Similar contracts for privately operated correctional facility space for medium-custody and close-custody Alaska prisoners (CCA contract in Arizona) with the DOC exclude:

- Major medical (hospitalization, surgery, medical specialists, etc...) Note: major medical specifically is excluded in the agreement between Cornell and the City of Whittier.
- Officer/guard security during transport to medical facilities and security while at medical facilities
- Prescription medications/pharmaceuticals
- Transportation of prisoners
- Other services - the DOC and the state of Alaska still are constitutionally, legally and financially responsible for providing these other services.

Some of the "other services" that also are excluded from the Arizona contract, and thus excluded from the per diem rate in SB99 are (if it is to be considered a similar contract):

- Inmate Classification and Furlough
- Probation officers and probation/parole oversight (there is a special probation officer unit (the Arizona Unit) assigned to the current out of state contract)
- Probation officer travel and per diem
- Parole Board travel and per diem
- Inmate grievance response and oversight
- Contract and procurement oversight - every contract the state enters into requires oversight by government officials, as well contract negotiation services. The state must assure that the contractor provides the services, that all state statutes, regulations and mandates are met, and that the people of the state receive the services that they pay for. Oversight is required since the offenders are committed to the custody of the state.

· The costs associated with the inmate tracking computer system (a new Alaska facility must be equipped with the Offender Tracking Information System (OTIS)).
Note: there are some services that cannot be contracted for without statutory changes.

One of those services is inmate transportation (inmate transportation is explicitly excluded from the per diem rate in SB99).

The fiscal note assumes that the costs of these other services are not included in the \$94 per diem rate.

For the purposes of this fiscal note, the following services are assumed to be included in the \$94 rate.

- Inmate incarceration services including, security, record keeping, etc.
- Food Service
- Health Care services at the correctional institution, including on-site infirmary and nursing care, mental health, routine dental, on-site pharmacy service. Per the agreement between Cornell and the City of Whittier, "Major medical care will be provided by the State of Alaska outside of the Facility."
- Inmate programs including culturally relevant services to Alaska Natives.
- Inmate work program.
- Religious services including the employment of a chaplain.
- Staff training
- Development of an emergency response plan.
- Facility maintenance

LEGAL SERVICES

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

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

State Capitol
Juneau, Alaska 99801-1182
Deliveries to: 129 6th St., Rm. 329

MEMORANDUM

March 7, 2003

SUBJECT: Sectional Summary - SB 99

TO: Senator Con Bunde
Attn: Karen McCarthy

FROM: Gerald P. Luckhaupt *JERRY*
Legislative Counsel

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

Section 1. Provides a statement of legislative intent.

Section 2. Authorizes the Department of Corrections to enter into an agreement with the City of Whittier for the care and custody of prisoners committed to the department; the agreement must be for a minimum of 25 years and requires the City of Whittier to enter an agreement with private contractors to construct and operate a prison of at least 1,200 beds; specifies maximum costs under the agreement; and provides other conditions.

Section 3. Repeals provisions authorizing the Department of Corrections to enter into a similar agreement with the Kenai Peninsula Borough.

Section 4. Provides an effective date.

GPL:med
03-278.med

cc: Senator Gary Stevens

SB99 Line Item Detail

FY06			Medical - Less Personal Service Costs		Administration		Inmate Programs		Statewide Direct Costs		TOTAL
Line Item	Amount	Comments	Amount	Comments	Amount	Comments	Amount	Comments	Amount	Comments	
PS											\$0.0
Travel											\$0.0
Contractual											\$0.0
Supplies											\$0.0
Equipment											\$0.0
Gratuities											\$0.0
TOTAL	\$0.0		\$0.0		\$0.0		\$0.0		\$0.0		\$0.0
FY07			Medical - Less Personal Service Costs		Administration		Inmate Programs		Statewide Direct Costs		TOTAL
Line Item	Amount	Comments	Amount	Comments	Amount	Comments	Amount	Comments	Amount	Comments	
PS	\$0.0										\$0.0
Travel	\$0.0										\$0.0
Contractual	\$20,586.0	\$94.00 per day cost includes capital costs for 6 month of FY07	\$2,901.8	Hospitalization & Other Professional Medical/Dental/Lab & Ophthalmology Contracts	\$972.4	DOA DP Chargebacks & Other DOA Chargebacks - some small contracts	\$792.80	Education & Other Contracts	\$2,299.5	Broad assumptions made for distribution of costs to several various components that provide direct services - line items could fluctuate drastically. Costs by line item pending distribution.	\$27,552.4
Supplies	\$0.0										\$0.0
Equipment	\$0.0										\$0.0
Gratuities	\$0.0										\$0.0
Miscellaneous	\$0.0										\$0.0
TOTAL	\$20,586.0		\$2,901.8		\$972.4		\$792.8		\$2,299.5		\$27,552.4
FY08			Medical - Less Personal Service Costs		Administration		Inmate Programs		Statewide Direct Costs		TOTAL
Line Item	Amount	Comments	Amount	Comments	Amount	Comments	Amount	Comments	Amount	Comments	
PS	\$0.0										\$0.0
Travel	\$0.0										\$0.0
Contractual	\$41,172.0	\$94.00 per day cost includes capital costs.	\$5,803.5	Hospitalization & Other Professional Medical/Dental/Lab & Ophthalmology Contracts	\$1,944.7	DOA DP Chargebacks & Other DOA Chargebacks - some small contracts	\$1,585.6	Education & Other Contracts	\$4,599.0	Broad assumptions made for distribution of costs to several various components that provide direct services - line items could fluctuate drastically. Costs by line item pending distribution.	\$55,104.8
Supplies	\$0.0										\$0.0
Equipment	\$0.0										\$0.0
Gratuities	\$0.0										\$0.0
Miscellaneous	\$0.0										\$0.0
TOTAL	\$41,172.0		\$5,803.5		\$1,944.7		\$1,585.6		\$4,599.0		\$55,104.8
FY09			Medical - Less Personal Service Costs		Administration		Inmate Programs		Statewide Direct Costs		TOTAL
Line Item	Amount	Comments	Amount	Comments	Amount	Comments	Amount	Comments	Amount	Comments	
PS	\$0.0										\$0.0
Travel	\$0.0										\$0.0
Contractual	\$41,172.0	\$94.00 per day cost includes capital costs.	\$5,803.5	Hospitalization & Other Professional Medical/Dental/Lab & Ophthalmology Contracts	\$1,944.7	DOA DP Chargebacks & Other DOA Chargebacks - some small contracts	\$1,585.6	Education & Other Contracts	\$4,599.0	Broad assumptions made for distribution of costs to several various components that provide direct services - line items could fluctuate drastically. Costs by line item pending distribution.	\$55,104.8
Supplies	\$0.0										\$0.0
Equipment	\$0.0										\$0.0
Gratuities	\$0.0										\$0.0
Miscellaneous	\$0.0										\$0.0
TOTAL	\$41,172.0		\$5,803.5		\$1,944.7		\$1,585.6		\$4,599.0		\$55,104.8

\$55,104,800 divided by 1,200 beds divided by 365 days = \$125.81 per manday

**STATE OF ALASKA
PROJECTED PRISON BED DEMAND
&
COST ANALYSIS**

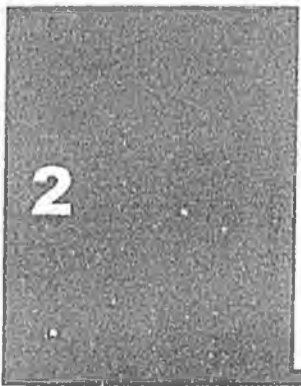
December 2002
(Revised February 28, 2003)

Frank Prewitt, JD, MS
Corrections Consultant
Former Assistant Attorney General, Deputy Commissioner & Commissioner
Alaska Department of Corrections

Table of Contents



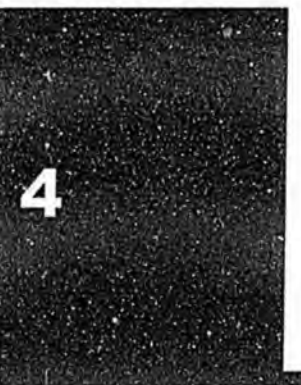
**UNDERSTANDING ALASKA'S
CORRECTIONS DILEMMA**



**PROJECTED INMATE BED
DEMAND**



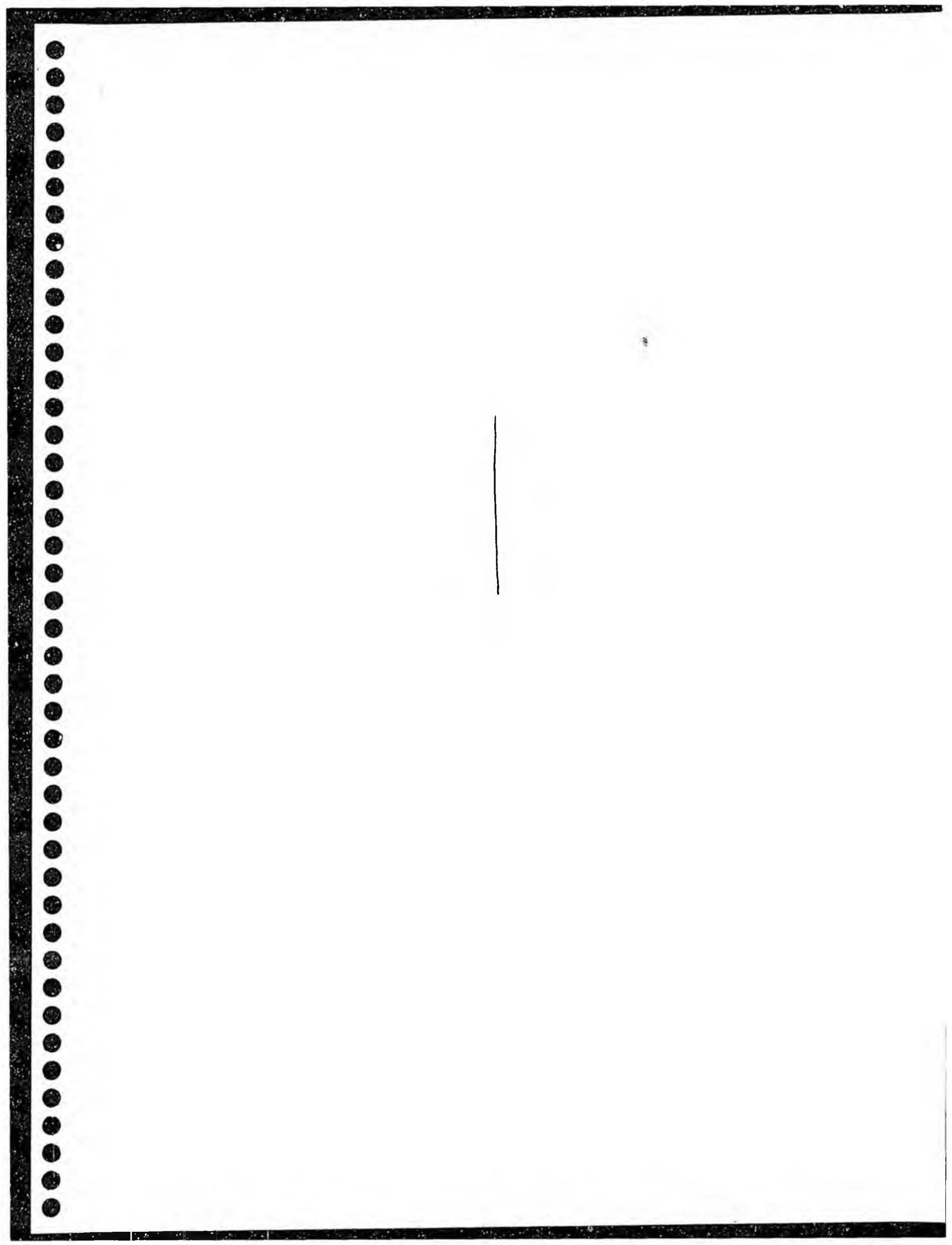
**PUBLIC / PRIVATE
CAPITAL & OPERATING COST
COMPARISON**



**D.O.C.
OPERATING & CAPITAL
EXPENSE APPENDIX**



**REFERENCES
EXECUTIVE SUMMARY
HARVARD LAW REVIEW 2002
US DEPT. OF JUSTICE - PRIVATIZATION
AZ AUDITOR GENERAL - PERFORMANCE
PRIVATE PRISONS BY STATE: 2001
AK DEPARTMENT OF LABOR COST OF LIVING**



Understanding Alaska's Prison Dilemma

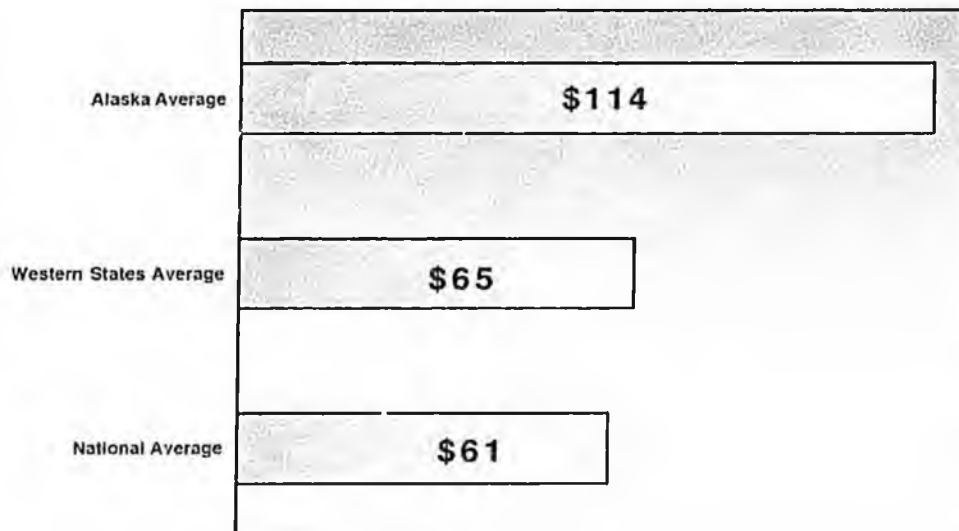
Compared to other states, Alaska has a small, easily managed and relatively incident free correctional system. There are no gangs, no serious contraband issues, no riots, few assaults and rare escapes. The problem is cost. It simply costs too much to house a prisoner in a state built and operated facility in Alaska.

Without facility debt service, the average cost of care, per day, per inmate, in Alaska is \$113, compared to a national average of \$61 and Western states' average of \$65. With roughly 3000 inmates, Alaska pays \$57 million dollars more each year to confine prisoners than it would cost to house the same prisoners in most other states.

Alaska's correctional system is small and one of the few unified correctional systems still operating in the United States. In most states, misdemeanor and felony services are divided between municipal, county, state and federal authorities. In Alaska, authority is centralized in one Department of Corrections, which manages all pre-trial, pre-sentenced, sentenced, pre-release, probation and paroled offenders, and contract federal offenders.

Over the years, Alaska's local governments have found it necessary, or expedient, to waive jurisdiction and control over local offenders. In response, the State has filled the void by operating small, multipurpose, regional correctional facilities, which, in other states, would be county or city jails.

Comparison of Daily Prisoner Costs



(Prison Dilemma continued)

Jails are historically used to confine local offenders until trial and sentenced misdemeanants for up to twelve months. Long-term prisoners are sent to larger, centralized, State or Federal prisons.

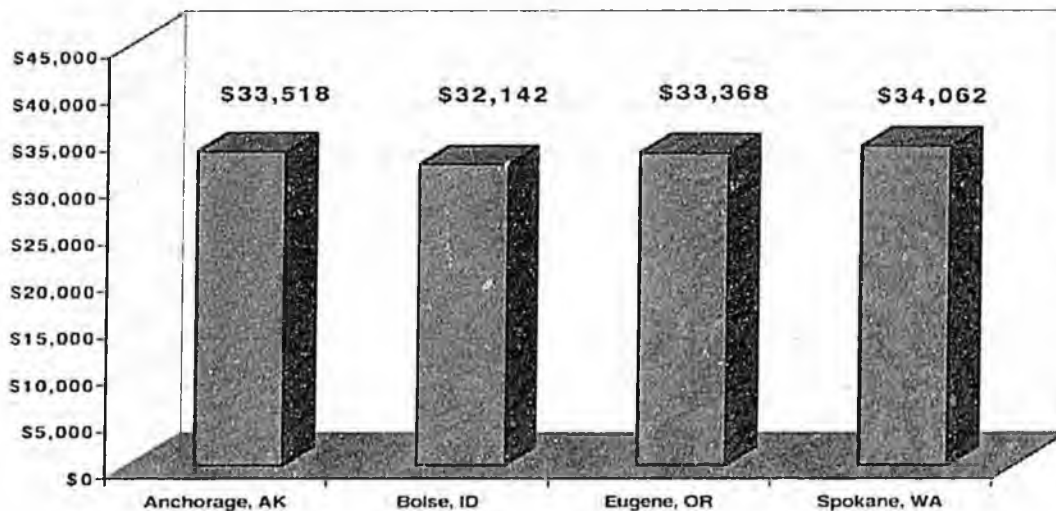
Only Alaska houses long-term prisoners in small, decentralized facilities.

Alaska's regional correctional facilities lack the economy of scale and design efficiency to be cost effective. But they are a necessary component of regional public safety and should be limited to necessary and customary local jail services. Prisons should be located in the most cost effective and resource enriched areas of the state to capture economy of scale, operational efficiency and program effectiveness.

While economy of scale is a problem, the driving force behind the cost of corrections in Alaska is inflated personnel costs.

In June 2001, Alaska Department of Labor released a living cost comparison between rail-belt Alaska and lower 48 communities. On the Runzheimer scale, when total costs (including taxation, but excluding the PFD) are compared, the cost of living in the Anchorage area is comparable to Eugene, Spokane, Boise; it costs less to live in Fairbanks costs than Seattle and Portland. Therefore, it should be fair to assume that Alaska's rail-belt correctional officer wage and benefits bear some rational relationship to Washington, Oregon and Idaho. They do not.

Cost of Living Comparisons

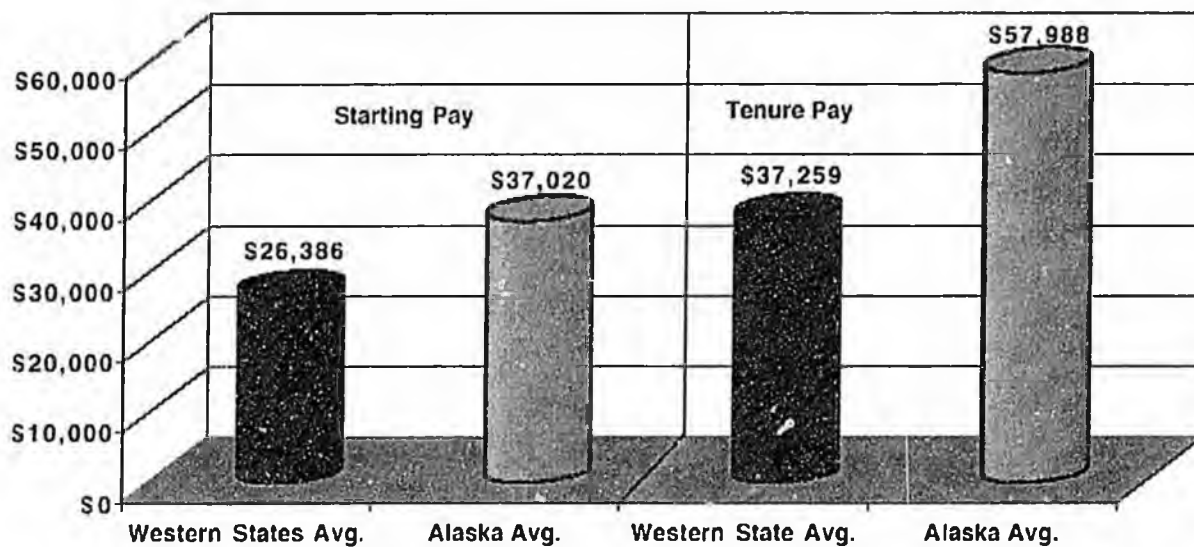


The Corrections Yearbook, published by the Criminal Justice Institute, Inc., is the national repository for corrections statistics and lists correctional officer salaries by state. With a high school diploma, after training, correctional officers in Oregon, Washington and Idaho are paid an average starting salary of \$26,386; Alaska pays \$37,020. The tenured average salary in these states is \$37,2529; *in Alaska it's \$58,000*. By comparison, the starting wage and benefits for a correctional officer at the proposed Whittier Prison is \$35,840. This is not Alaska starting government wage and benefits, but certainly not substandard by private sector standards. The starting wage for public school teachers and university instructors in Anchorage is at, or about, the same level.

(Prison Dilemma continued)

Correctional officer wages in the Anchorage area, where most correctional services are delivered, are fifty-five percent higher than the Northwest and national average. In addition, Alaska pays a COLA for more expensive areas of the State, as well as a twenty-year retirement not available in Washington, Idaho and Oregon. Incredibly, the longevity wage and benefit package for a correctional officer in Bethel is over \$93,000 per year.

Salary Comparisons



A Collaborative Effort

With no municipal, county, federal or private sector competition, the Alaska Department of Corrections has evolved by default, into a government monopoly that has controlled industry standards and inflated costs beyond industry norms. This could explain the aggressive union opposition to a local government owned, but privately managed prison in Alaska.

In a recent analysis of the cost and quality of privately managed prisons, researchers at the Harvard Law Review found that "(t)he most rigorous studies find clearly positive cost savings. But none of the more rigorous studied finds quality at private prisons lower than quality at public prisons, and most find private prisons outscoring public prisons on quality indicators" (Section 5, References).

In a monograph entitled "Emerging Issues on Privatization," the U.S. Department of Justice recently found that "where correctional officer salaries and fringe benefits have been excessive, privatization has led to cost savings and forced the public sector to re-examine how it conducts business." The federal report concurs with a recent finding by the Auditor General for the State of Arizona that private prisons met or exceeded Department operational standards at a cost averaging about 12 percent less than state-operated beds for similar inmates" (Section 5, References).

Years ago, the Department of Defense, the Federal Bureau of Prisons and a rapidly growing number of states recognized that public service and safety is no longer the sole province of government, particularly in corrections. To sustain a dynamic, quality driven, 21st Century correctional system, Alaska's public and private sector must work together to offer Alaskans safe and effective correctional services at a fair price.

Today, Alaska's largest (and among the best run) prison is a privately owned and operated prison in Arizona. The same service can be delivered in Alaska, creating hundreds of jobs, bolstering the Alaska economy with an annual revenue stream of over \$30 million, and holding a reasonable and justifiable line on the operation budget of the Department of Corrections.

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TRANSCRIPT

Hearing on HB 498 Before the House Finance Committee, March 28, 2002

QUESTION: *What accounts for the difference in cost between the Knowles' Administrations regional correctional center expansion plan and the Whittier prison plan?*

ANSWER: "Simply stated, the Administrations' plan provides prison and jail services under one roof and intentionally avoids economy of scale by duplicating programs and services throughout the State. To understand what is happening you must know the difference between a jail and a prison.

Jails are meant to hold prisoners from arrest, until sentencing, and for very short periods of incarceration. The mission of a jail is safe and secure confinement... no frills, no programs, just confinement.

After sentencing, felons and long-term misdemeanants in other states, and the federal system, are transferred to central prisons designed to meet the inmates' security and program needs.

A year, or so, before release, long-term inmates should transfer to pre-release facilities (halfway houses) near their homes to prepare for safe and successful reintegration.

Effective prison programs require access to mental health, adult education, vocational training and substance abuse resources that are in limited supply in most Alaska communities.

Duplicating programs in regional facilities throughout the State is inefficient, cost prohibitive and ineffective because quality and program continuity are hard to maintain.

The question isn't whether beds are needed, the question is how many, what kind and where?

This Department's master plan says that 'the state now has an over abundance of medium custody inmates.' The Department needs 1,500 to 2,000 in-state beds for long-term prisoners to return prisoners from Arizona and sustain growth for the next five to ten years.

But, until jails are used as jails and prisons are used as prisons, it is hard, if not impossible, to accurately determine regional demand."

Whittier Prison Consultant Frank Prewitt

DEFINITIONS AND DEMOGRAPHICS

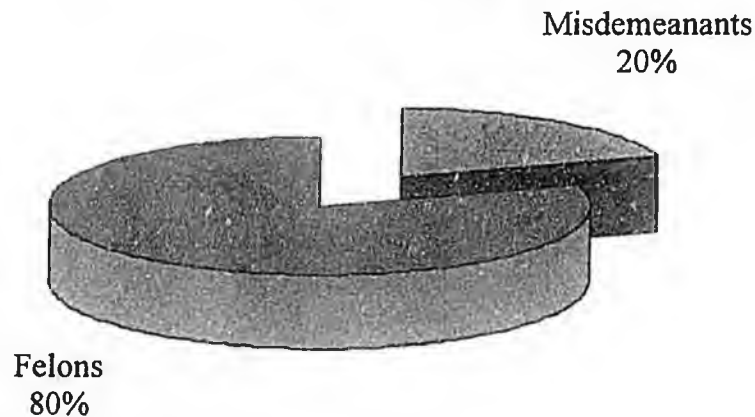
80% of Alaska inmates are felons¹

A felony is a crime that is punishable by death, or a fine and imprisonment for more than a year.

20% of Alaska inmates are misdemeanants¹

A misdemeanor is a crime that is punishable by fine and/or imprisonment for up to twelve months. (Misdemeanants can serve more than twelve months incarceration if sentenced for more than one offense and the sentences are served successively rather than concurrently.)

Percent of Prisoners by Type of Crime



Hard bed is a Correctional industry term-of-art referring to a bed in a prison or jail.

Soft bed is a halfway house or community treatment center bed.

Custody level is the degree of supervision given each inmate to protect against escape, or injury to staff, or inmates. In order of severity, the levels are maximum, close, medium, minimum, and community.

Under the DOC's graduated release policy, convicted **felons** begin their sentence in a hard bed and work their way to a soft bed through responsible behavior and successful completion of prison programs.

40% of pre-trial and sentenced misdemeanants occupy soft beds, while repeat and long-term misdemeanants occupy hard beds due to escape risk, safety concerns, or lack of soft beds.

¹ Alaska Department of Corrections 2000 Offender Profile, Page 8

INMATE GROWTH & BED DEMAND

Department of Corrections Daily Reported Inmate Count

A Snapshot of the total inmate population on December 4, 2002

Type of Incarceration	Numbers	Type of Beds
Institutions in state	2,971	hard beds
Arizona	631	hard beds
Other out of state	23	hard beds
CRC (halfway houses)	706	soft beds
Community treatment	32	soft beds
CRC offender supervision	68	home supervision
DOC electronic monitoring	146	home supervision
Pt Mac work farm	102	hard beds
Tents	0	hard beds
Total Inmate Population	4,679	(3,727 Hard Bed / 952 Soft and Home Supervision Beds)

On December 4, 2002 there were 4,679 felons and misdemeanants incarcerated by the State of Alaska.

- 3,727 felons and high-risk misdemeanants occupied hard beds.
- 738 low risk felons and misdemeanants occupied soft beds.
- 214 low risk felons and misdemeanants were completing or serving sentences at home under electronic monitoring or case management supervision.

The DOC's reported (conservative) annual prisoner growth rate is 5% (200 prisoners per year).

By the end of Governor Murkowski's first term (2006), there will be a demand for 4,530 hard beds. The total in-state hard bed maximum capacity is 2,986.

By 2006, the system will be short 1,544 hard beds.

By 2006, the system will be short 160 soft beds & 54 community supervision slots.

MOVING SENTENCED INMATES OUT OF REGIONAL JAILS TO CENTRAL PRISONS WILL RELIEVE OVERCROWDING, INCREASE EFFICIENCY AND REDUCE COST.

80% of un-sentenced prisoners are felons who will transfer to long-term prison hard beds. Duplicating prison and jail programs and services throughout the State is inefficient, cost prohibitive and ineffective because quality and program continuity cannot be maintained where resources are scarce.

Snapshot of Total Sentenced and Unsentenced Inmates by Institution					
Type	Institution	Men Sentenced	Men Unsentenced	Women Sentenced	Women Unsentenced
Jail/multi	Anvil Mt. (Nome)	44	47	1	5
Jail	Cook Inlet PT	80	311	0	0
Jail/multi	Fairbanks	47	139	3	13
Prison	Hiland Mt. CC	0	0	141	76
Jail	Ketchikan CC	18	33	5	2
Jail/multi	Lemon Creek CC	107	51	1	5
Jail	MatSu Pre-Trial	9	77	0	2
Prison	Meadow Creek	77	0	0	0
Prison	Palmer Med. CC	195	21	0	0
Prison	Palmer Min. CC	173	2	0	0
Jail	Anchorage Jail	110	266	3	19
Prison	Spring Creek CC	446	7	0	0
Prison	Wildwood CC	244	3	0	0
Jail	Wildwood PT	37	64	5	6
Jail/multi	YKCC Bethel	18	77	1	5
Total		1605	1098	160	133

Total Unsentenced Inmates

1231

42%

Total Sentenced Inmates

1765

58%

Source: Department of Corrections Daily Totals for November 22, 2002

With the probable exception of Bethel, transferring sentenced prisoners out of regional jails into new and expanded central prisons will provide relief to regional facilities and enable them to, once again, function as jails.

JUSTIFICATION FOR A 1,200 BED, HIGH MEDIUM PRISON

"Unfortunately, the State now has an over abundance of medium custody inmates."
 ADOC Feb 2002 Master Plan, pg. 3

52% of the total institution inmate population is medium or close custody.
 ADOC 2000 Offender Profile, pg. 7

To stay under emergency capacity, the total number of hard beds needed by 2006 will be 4,530. 2,356 hard beds will need to be medium/close custody beds.

Current In-State Medium/ Close Custody Prison Capacity

Highland Mt., Eagle River	225
Meadow Creek	52
Palmer CC medium	207
Springcreek, Seward (466 minus youth & max beds)	350
Wildwood, Kenai	249
Total Current Available Beds	1,083

The state will have a shortfall of 1,273 medium/close custody beds by the year 2006.

2,356	Projected Medium/Close Custody Bed Need
- 1,083	Current Available Medium/Close Custody Beds
1,273	Shortfall of Medium/Close Custody Beds

Adding 1,544 hard beds and 205 soft beds by 2006 will still leave the correctional system in the same overcrowded condition (operating at, or over emergency capacity) it is in today. *At least 2,000 hard beds are needed by 2006 to operate at maximum capacity through Governor Murkowski's second term.*

SUMMARY

Even if the Legislature authorized a 1,200 bed central prison (to return prisoners from Arizona) and an additional 600 to 800 regional beds this session, the beds will not be available until 2006. Each year these needs are not addressed, the conditions become more dangerous. When prisons are over-crowded, facilities wear out faster, routine is disrupted, security is compromised, and staff and inmates are exposed to an unreasonable risk of personal injury or death.

A 1,200 bed prison, and strategically expanding existing State beds, will provide the flexibility needed to avoid the costly expansion of most regional jails by moving long-term sentenced prisoners to central, less costly and more program-effective locations.

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