

SCR

21

SENATE COMMUNITY AND REGIONAL AFFAIRS COMMITTEE

Senator Joe Orsini  
Chairman

\_\_\_\_\_ Bill No. \_\_\_\_\_  
Senate  
Concurrent Resolution No. 21

Patrick Rodey  
Prime Sponsor

This Bill is currently in the Senate Community and Regional Affairs Committee for consideration. Your response, as prime sponsor, to the following questions will serve to hasten Committee action on this Bill.

1. What is the need for your proposed legislation; what is the goal you are trying to accomplish?

*retain local control of zoning*

2. Are there any other viable ways of accomplishing this same goal?

*electing a new governor.*

3. Persons or groups you know of who are supporting the legislation.

*Several Anchorage legislators*

4. Persons or groups you know of who are opposing the legislation.

5. Can you foresee any new problems that might be caused as a result of enactment of your bill?

*irritating the governor*

6. What is the earliest time you would like the Senate Community and Regional Affairs Committee to consider your bill?



STATE OF ALASKA  
OFFICE OF THE GOVERNOR  
JUNEAU

February 23, 1977

The Honorable Pat Rodey  
Alaska State Senate  
Pouch V  
Juneau, Alaska 99811

Dear Senator Rodey:

I understand you objected on the floor of the Senate to my recent action providing temporary female detention facilities in Anchorage. I regret you did not have an opportunity to discuss this action with officials of my Administration prior to your floor action because I feel that if you had been apprised of the facts in this matter, I suspect you would have supported my action. Although I was hesitant to exercise my legal authority in this manner, it was necessary that I do so in order to relieve a serious condition occasioned by the unavailability of adequate correctional facilities in Anchorage. The situation has reached emergency proportions and public interest demanded that action be taken now.

Let me provide you with information which convinced me to act.

1. My Administration requested a zoning variance from the Anchorage Municipal Assembly in order to provide a female detention center. By a 7 - 2 favorable vote the assembly granted the zoning variance. However, municipal rules require a two-thirds majority to override zoning; since there are eleven assembly members, the municipal attorney ruled that a 7 - 2 favorable vote was not sufficient. This matter is now being taken up in litigation. However, attorneys on both sides feel the court will not rule for many months.
2. The Human Rights Commission and Alaska Legal Services has filed a suit against the State charging discrimination in regard to detention facilities for female prisoners.

February 23, 1977

3. I have been assured by the Division of Corrections and the Department of Health and Social Services that there are no alternative structures available which, at a reasonable price, could be modified to meet the requirements of local and federal regulations for detention facilities.
4. The department has assured me that the correctional situation in Anchorage is at emergency proportions and further requested in writing assurance that Ridgeview Manor would only be temporarily used as a facility. (Note the attached letter from Commissioner Williamson.)

Based on the above information, I decided to exercise the authority vested in me under the Alaska Statutes and have ordered that alternations immediately begin to provide for a temporary correctional facility for women prisoners. In arriving at this decision, members of my Administration contacted the legislators from the effected district, Anchorage municipal officials including the Mayor's Office, Municipal Assembly, and the Zoning Commission. All those we talked to apparently understood the need for my action and all apparently agreed that it was truly in the State's best interest to provide for these facilities. I think the key element in this decision was the fact that the municipal assembly voted 7 - 2 in favor of the zoning variance and that attorneys on both sides agree that the court is very apt to rule in favor of upholding this vote. The problem has been that we cannot expect court action on this low priority case in the near future. Therefore, I felt it imperative I take immediate action.

I hope this information has provided you with a better understanding of the Ridgeview situation and gives you an idea of what prompted me to take this action.

Sincerely,

Jay S. Hammond  
Governor

# Rose Anticipates No Jail Challenge

Gov. Jay Hammond's order to open Ridgeview Manor as a women's jail over an Anchorage zoning ruling probably won't be challenged by the municipality.

Assembly Chairman Dave Rose said yesterday he does not expect the municipality to seek a court test of Hammond's action because most assemblymen are in favor of the Ridgeview jail proposal anyway.

"I don't expect there will be a negative reaction" from the assembly, Rose said, "partly in light of the fact that a majority of the assembly approved the rezoning but mostly because the governor has assured us (Ridgeview) will be only a temporary facility and that the state will pursue long-range planning" for other correctional facilities.

Mayor George Sullivan, who returned to work yesterday after a two-week vacation, refused comment until he has had time to discuss the Ridgeview issue with municipal attorneys.

Meanwhile, Assemblyman Dave Walsh has prepared a resolution for assembly action tonight asking Hammond to delay moving the women's prison until municipal officials have been consulted.

Walsh said this morning he is uncertain whether he will introduce

the resolution. "The original reason (for the resolution) was that it appeared there was no communication with local officials" before Hammond's action Friday, he said. Walsh said he has since learned that Hammond's aides were in contact with Rose and other top local officials prior to the order.

Hammond's Ridgeview declaration is based on a 1974 statute allowing the governor to override local zoning laws when the state can show a compelling need to do so. The Ridgeview case apparently marks the first time the statute has been used.

A request for a special exception to allow a jail at the Ridgeview site failed in September because the assembly could not muster the necessary eight votes. A protest petition filed by neighbors of the Ridgeview facility activated a municipal ordinance requiring the two thirds vote for approval of the exception.

Of the nine assemblymen present at that September meeting, seven supported the jail, with only Assemblyman Don Smith and former assemblyman George Dickson opposing.

Dickson and Smith, whose district includes the former nursing home, cited the overwhelming opposition to the proposal presented at the public hearing as one reason for their opposition. The two also criticized the Ridgeview proposal as a stop-gap measure, a contention readily admitted by corrections officials.

Smith yesterday refused to speculate on the possibility of a municipal court appeal of Hammond's action. "I know the legal office is looking into it, whether he (Hammond) can do that, but I really don't know yet whether there's a chance of appeal or not," Smith said.

Smith said he is disappointed in Hammond's order.

"I thought that (the Ridgeview proposal) was over with and the state would be forced to do more long-range planning," he said. "But there's apparently not a lot anybody can do except grin and bear it."

Smith, who is going to Juneau this week, said he planned to request meetings with corrections officials and Hammond's staff to discuss the Ridgeview jail.

# Ultimatum Plays Part In Decision

An ultimatum from the state Human Rights Commission played at least some part in the timing of Gov. Jay Hammond's decision to override an Anchorage zoning ordinance to house a women's jail at Ridgeview Manor.

In a letter sent to Bill Huston, director of the state division of corrections, earlier this month, the commission announced its intent to reopen administrative hearings into the alleged discriminatory treatment received by women prisoners held in Anchorage's Sixth Avenue state jail annex unless the state came up with a solution to the problem by today.

The commission had suspended that action a year ago when the division originally announced the Ridgeview jail proposal. Commission Director Niel Thomas said yesterday the Ridgeview facility, which commissioners toured last year, is an adequate physical plant but that a judgement on whether corrections now will provide adequate rehabilitative programs for women inmates will have to wait until the Ridgeview jail actually opens.

Thomas confirmed that he sent a letter to Huston about Feb. 10. Huston said he didn't know whether Hammond was aware of the letter's contents when he made the declaration but the governor's executive assistant, Bill Gordon, said it "was at least part of" the timing of Hammond's order.

"But that (the letter) certainly wasn't the overriding factor," Gordon said, noting that Hammond and corrections officials have been concerned about inadequate facilities for women prisoners for some time.

"We've known that something would have to be done one way or another to alleviate the pressure," he said. "The attorney general's office did notify us that the Human Rights Commission was considering or had filed a suit."

Huston stressed that Ridgeview isn't a permanent solution to the division's problems. "All we're doing is relieving some of the pressure," he said. While Ridgeview may solve the problem of housing women prisoners it won't cure the overpopulation of male inmates.