

1982 INT.

CORRECTIONS

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ALASKA LEGISLATURE

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December 27, 1982

Senate President Jay Kerttula
Pouch V
Juneau, AK 99811

Dear Senator Kerttula:

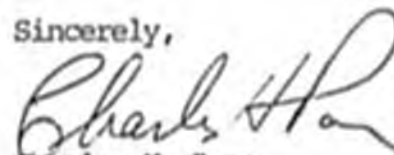
Many people have been offering solutions for the "crime problem" ranging from mandatory and stricter sentencing to creating a separate Department of Corrections. The important factor which many people overlook is that there are no simple solutions to complex problems.

There are many aspects of the crime problem: prevention, law enforcement, trials and sentencing, corrections, probation and the parole system. Too often the proponents of simple answers do not realize that it is a seamless web: altering any part of it affects the whole structure. There is an interrelation of all of the aspects and all parts must be examined to determine the full impact of any proposed solution. Failure to do this may lead to unexpected end results.

There are many decision making levels in the criminal justice system. The police set priorities about who will be arrested; prosecutors decide whom to prosecute and on what charges. In court, the judge and jury make judgments about who will be sentenced, for what charge, what type of punishment and for how long. If a defendant goes to jail, the corrections officials, the warden and guards make decisions concerning good time, daily treatment and place and type of incarceration. The parole system decides who will get out early and when. Although policy is set by laws and regulations handed down by the legislative and executive branches, there is still a degree of independent control over most of the decisions. Changes in laws concerning sentencing may in fact affect decisions made by police when making arrests as well as decisions made by the Parole Board.

Attached are discussions of some of the major parts of this complex web and problems associated with each for your review. I do not offer any simple solution. Because of the complexity of the problem, you and the Speaker might want to consider a joint special committee which would handle all aspects of the matter in concert with the Executive Branch.

Sincerely,



Charles H. Parr

Enclosures (4)
CHP:cmk

CRIME PREVENTION

Perhaps the first step in solving the "crime problem" should be prevention. By making homes and businesses less accessible and less inviting to would-be criminals, one can discourage some people from committing crimes. In addition, by eliminating some of the aggravating circumstances which cause crimes, the crime rate can also be reduced.

In Alaska, alcohol is associated with a vast number of crimes. The State has become involved in programs which are aimed at reducing alcohol abuse, and this can prevent many crimes from ever happening. Legislative action now allows local option for villages that want to go "dry" or reduce the amount of alcohol available to residents. The Department of Health and Social Services has for years funded numerous alcoholism programs and is currently in the process of evaluating the success of these programs.

With the increasing number of accidents and arrests because of drunk driving, many local governments are investigating ways to reduce these occurrences. These range from programs to educate the citizens to ordinances to reduce bar hours to projects to clean up some of the bar areas. By getting the drunk driver off the road, these communities are attempting to prevent crimes. Since there is a mandatory three day jail sentence for driving while intoxicated, a reduction in the number of people arrested and convicted for DWI will result in a decrease in the prison population.

State Troopers in conjunction with several local city police departments have initiated Neighborhood Watch Programs. The Neighborhood Watch Program encourages citizens to call the police when they see something suspicious in their neighborhood. It also is an educational project which advises residents on what to do to make their homes less susceptible to a burglary.

Another program promoted by the State Troopers and local police is the engraving of an identification number on valuables. Most police stations have engraving tools which they will loan to an individual so that he or she can etch an identifying number (e.g. social security number, driver's license number, etc.) on any valuables. By having a traceable, identifying mark on household valuables, police have a better chance of recovering stolen goods. Increasing the arrest and recovery rate may act as a deterrent to criminals.

Worth investigating are such techniques as having reformed criminals speak in schools and taking school "field trips" to local prisons.

There is an old axiom that "an ounce of prevention is worth a pound of cure." State government should encourage and assist in such preventive measures throughout the state on a much larger scale than heretofore. These programs, whether on a state or local level, can help prevent crime and will affect the many levels of the crime problem.

LAW ENFORCEMENT

A basic element of the "crime problem" is adequate and competent law enforcement. For some crimes, there is only one arrest made out of every six crimes reported. Many crimes are never even reported; so less than 16% of these crimes lead to an arrest. Not all arrests, lead to a trial and not all trials to convictions; therefore, a very low percentage of crimes reported result in the criminal being punished.

By improving police capability to catch people who commit crimes, these figures could be improved. An effective step toward improvement of the investigation and arrest procedure for the Alaska State Troopers was legislative approval of funds for a computer fingerprinting network for the Alaska State Troopers. The entire computer network is not yet on line; however, the microfilm section will be completed and ready for use by January 1983.

The private sector has established a method of promoting community involvement in the law enforcement arena. Groups such as "Crime Stoppers" have been formed throughout the U.S. including Alaska. Crime Stoppers offers cash rewards for information leading to the arrest and conviction of criminals and has a 24 hour phone line available for people to call who want to give information relating to crimes but would like to remain anonymous. Most of the money used in these programs is from private donations and the system seems to be effective in helping solve crimes.

Since studies have shown that long prison sentences do not deter criminals, perhaps because so few believe that they will be caught or convicted, it may be more productive in fighting crime to augment the arrest and conviction rate than to espouse stronger sentences. If the State provided more support for the law enforcement section of the "crime chain", this could lead to an increase in the arrest and conviction rate which would mean that, by incarcerating the criminal or deterring others, the public would be more protected. An increase in the number of people going to jail, with all other factors remaining the same, could, however, add to the overcrowding problem which currently exists. Therefore, other aspects of the crime problem must be examined concurrently. Possible ways to mitigate the prison overcrowding will be discussed in the Corrections section.

CORRECTIONS

State prisons are currently operating statewide at 26% above operating capacity. On November 8, 1982, the statistics ranged from the Fairbanks Correctional Center daily prisoner count of 189 with an operating capacity of 106 (80% above capacity) to the Palmer Medium Security Prison having a daily count of 94 with an operating capacity of 100 (6% below capacity). All but three of the institutions in Alaska were filled above capacity. In addition, the Federal Bureau of Prisons has imposed a maximum limit of 200 long-term inmates accepted from Alaska. Currently there are 188 Alaskans placed with the Bureau of Prisons, and the Division of Corrections estimates that the ceiling will be reached within a few months. By the year 1990, the total overcrowding has been estimated as high as 1082 above maximum housing capacity.

The obvious overcrowding and the veto of the bond package which would have added 380 beds force the State to decide what to do with these prisoners and those that are expected in the future. Many advocates of putting all people who break the law behind bars for longer periods of time and those who propose the abolition of a parole system have not looked at the effects of these actions. With longer prison sentences and without a parole system (which provides a method of releasing those prisoners who no longer pose a threat to society and who have fulfilled the reformation principle stated in Section 12 of the Constitution) there will be more and more people in the prisons. The prisons have a maximum capacity. If overcrowding goes too far, the courts may order a reduction (courts in other parts of the country have required release of prisoners to improve conditions). Then the State will be forced to take action. By anticipating this probability and working on alternatives now, Alaska may avoid being faced with making a hasty decision concerning overcrowding.

There are other aspects of corrections which may influence the State's decision. It costs Alaska over \$25,000 per year for each inmate in a state prison. Proponents of stricter sentencing with no parole need to realize that putting people in prison costs the State a lot of money; money which could be spent in other ways (education, health, roads, for example). The decision makers must weigh these costs and benefits and determine what is best for the people of Alaska.

Basically, the State can spend money on building more prisons to accommodate the ever growing prison population or it can decrease the number of people going to prisons. There are many ways of reducing the total number of inmates without letting the "hardened criminal" go free.

By utilizing the alternatives to incarceration, the State can punish those who break the law and, at the same time, help decrease the growing prison population. The alternatives and variations of sentencing include pre-trial intervention, sentence bargaining, probation, community corrections, work release and parole. Some crimes and situations would be better dealt with by having the guilty party do unpaid work for a volunteer organization for a determined number of hours as an alternative to being put in jail for a year. This would not

only mean that the State would not have to pay the \$25,000 to house, feed and clothe the person, but others would be benefiting from his or her services rendered.

Another alternative is closely-supervised paid work, with the proviso that money received go to restitution and support of the prisoner's family. These areas are not exclusive of each other; a prisoner could have some contact with several of the programs. The important factor is that there are alternatives to simple incarceration. The people who make the decision concerning punishment should have a wide range of options.

By using a mix of these various methods depending on the type of crimes and the circumstances, the State can see that "justice" is served and that the corrections problem is minimized.

PAROLE BOARD

Section 21 of the Alaska Constitution states ". . . A parole system shall be provided by law." Presently, the fulfillment of this obligation to the people of the State of Alaska is uncertain. Because of the Governor's veto of the Parole Board bill (SB 327) during the last legislative session, the Parole Board is currently in it's "wind down" year. The next legislature must act to continue the Parole Board or to create an alternate parole system to carry out this constitutional mandate.

Recent action on the parole board began with an exhaustive Sunset review by the House Judiciary Committee in 1980. The bill which resulted passed the House but died in the Senate. New bills were introduced in both the House and Senate in 1981. The House bill extending the life of the current Parole Board was held up in the House HESS Committee. The Chairman was attempting to do a complete and thorough evaluation of the parole system, but it became evident that there would not be enough time to get the detailed bill through the legislative process before the end of the session. Therefore, it was agreed to extend for an additional year the sunset date of the Parole Board. During the 1982 session, the work on the parole bill was completed. House CS for CS for Senate Bill 327, which extended the life of the Parole Board and made several changes in the parole system, passed the legislature but was met with a veto.

Governor Hammond, in his veto message, stated that there were two major reasons why he vetoed the legislation. One reason was the conflicts arising between HCS CSSB 327 and HCS CSSB 535 (the comprehensive crime bill). These discrepancies arose because the two bills were being drafted at the same time and the HESS Committee did not have a chance to see the final version of the comprehensive crime package before sending out the final version of the Parole Board bill. The conflicts between the Parole Board bill and the comprehensive crime bill can easily be ironed out during the next legislative session.

The other reason for the veto was that "a discretionary parole system . . . (was) in direct contradiction with the presumptive sentencing scheme in the criminal code and . . . (Governor Hammond's) long-held philosophy in favor of certainty in sentencing." The philosophical problem that Governor Hammond had with the Parole Board is moot; the new Governor may not see things the same way.

One should also note that the Parole Board has shown great improvement since the Sunset review of 1980. A good balance has been struck between over-rigid standards and "flying by the seat of the pants." The most important indicator--the recidivism rate--is at a fairly low figure, indicating that public safety is being protected.

Alaska faces a serious overcrowding of its corrections institutions. The recent trend toward mandatory and longer sentences can only exacerbate the situation. In this context, it is foolhardy to do away with a safety valve which could release some pressure, and a well-run parole board operating under constraints similar to that in the vetoed bill could be such a safety valve.

#1 King up-to-date on history
worked on in '79
81 - one year extension
got thru in '82 - made some changes

#1 Constitutional

#600's conflicts

Discuss some of the figures
will come out earlier because of overcrowding
parole effectiveness

Leg. Info for 79-80 # of House bill - Parol Bd.
w/letter of intent (?)
get copies # Sunset Report in House Journal
about March 15

- 80 Sunset Review
June '83

Clackain

~~2010~~
Cindy & Sam Guckert
~~2010~~ 2001 Cowles
College, ~~11/2 99 105~~ 99701

Prisons

~~Sam Guckert~~

Sam

litigation, prisoners rights

Legislatures, many times, impose lengthy sentences
w/out considering the fiscal impact

long-term costs

Exec. Director - parole Board

*presumptive sentencing: more defining
gives guidance to the court

set amount w/ ^{50%} mitigating & aggravating circumstances
*parole - (out of jail) let out of jail at anytime

*good time - earn while in jail 33%
days off

*furlough programs - work release

given
→ Sylvester Moore - (states persons) in Corrections

428-3380 cocker
Spaniel Pups

lost { Carney
Bylarna
Sutcliffe

Demo / Brown
1055 / Bucholdt 10- / senate
Cotton 10- / all incumb.
return

Vol. IV - Am. Prisons & Prob

Kenai { Malone → close
D - Smith
R - Fischer } Demo Ahead by 30
Senate

p. 9

even after implementation, difficult to tell
what Δ's in prison = jail populations or
consequences of the law
many variables

uncertainty = indeterminate sentences (w/parole)

prison terms are
for punishment
not
rehabilitation

determinate - more precise way of determining
projected prison terms
& population
reduces disparity in prison terms

parole - release valve for overpopulation
of prisons

economic standpoint
cost/benefit
could be used

Alternatives-

• Pre-Trial Intervention (or diversion)
offender (attorney) prosecutor
work out deal w/ ~~att~~ before criminal
record) - i won't be tried

• Sentence Bargaining
(Plea Barg. - agreement bet. D + P that if
you plead guilty to a lesser term) AG stopped this
5 yrs. ago

sent. B - agreement in advance as to the
sentence he'll get. (~~att~~ Plead
guilty i. P will ask for
lower sentence)

• Probation - tried, convicted, probation

• Community Corrections: sentenced but
not in prison

a. work release program

staying in jail but working during day

cc. b. usually not in jail but w/ an
agency (non profit or municipal agency)
usually for free

• Sentencing
• Parole

Call DP
(attorney)



③ Law Enforcement - investigation & arrest
arrest in every 6 seconds

by improving police methods to catch
people who commit crimes

Mjr. Carhonen

Most effective thing done in several yrs was
approved for computer network for

call Troop's
office -
is this online

Crime Stoppers - is it state supported? not of the money \$ 3 mill ??
is private contributions

LeRoy Cook
4516-2005

④ Preventive Side - much crime assoc. w/ alcohol -
local option for villages that want to go dry

ale. programs
DHSS - SARA - voluntary programs

12 hour hold law

Neighborhood watch program? state encouragement & assistance

Do the Troop's
have any
programs like
these

Cover

Corrections

Letter Addressed to Kerrulla - w/ short Reports as back-up

(As a sep. Dept - direct access to Gov.

seamless web - affect any part of it - it will affect the whole structure
interrelation of all of the aspects
crime prevention

law enforcement
trials sentencing
corrections
parole board

Crime problem is not simple
all aspects must be examined
attached are discussions
of some of the major
portions of the complex web

in action needs to
start w/ a simple
statement laying
out problem

sentencing - judgments
many decisions made at all levels
who will be arrested
priorities

Prosecutors decides who to prosecute
what charges are going to be filed
In court - judge & jury make decisions
where they go, for how long
sentenced

In jail - warden & guards
Parole Board - who gets out & when

Address:

① Parole Board - const. quote

cc: Sheffield
Josephson

② starting of PAB -

Conflicts between PAB & 535 should be ironed out
in compliance w/ const. mandate & Gov. veto will
mean PAB will die & no Parole system
in effect unless
leg. acts

Reasons for veto
take issue w/ the position
Pt. out we need a system under Const.

Recidivism Rate - not very high (5% maybe) repeat offenders
higher for violating terms of Parole

to Gov. feels will

Corrections & need to develop ^{alternatives} or use existing Alternatives

over crowding & matters in flux

Judge directing state and overcrowding

Supremct. - local decisions

overcrowding alone was not cruel & unusual
punishment but in connection to other things

DIVISION OF CORRECTIONS - ACTIVITY SUMMARY

Jurisdiction Population
November 01, 1982

capacity - normal
capacity - emergency

| | | MALE | | | | sub total | FEMALE | | | | sub total | TOTAL |
|------------------|---------|--------------|------------|------------|------------|-------------|--------------|----------|----------|-----------|-----------|-------------|
| | | MISDEMEANANT | | FELON | | | MISDEMEANANT | | FELON | | | |
| | | unsent. | sent. | unsent. | sent. | | unsent. | sent. | unsent. | sent. | | |
| KETCHIKAN | 22-30 | 0 | 7 | 7 | 14 | 28 | 0 | 0 | 0 | 0 | 0 | 28 |
| JUNEAU | 90-100 | 7 | 13 | 24 | 88 | 132 | | | | | | 132 |
| JHIRC | 4-6 | | | | | | 0 | 0 | 1 | 0 | 1 | 1 |
| FAIRBANKS | 104-110 | 10 | 32 | 47 | 87 | 176 | 1 | 1 | 0 | 1 | 3 | 179 |
| ANCH 3RD | 70-80 | 0 | 1 | 33 | 51 | 85 | | | | | | 85 |
| ANCH 6TH | 100-115 | 7 | 0 | 78 | 0 | 85 | 3 | 3 | 8 | 1 | 15 | 100 |
| RIDGEVIEW | 90-90 | 33 | 46 | 46 | 9 | 134 | | | | | | 134 |
| MCCC | 28-30 | | | | | | 0 | 3 | 0 | 26 | 29 | 29 |
| IDMC | 160-180 | 2 | 0 | 18 | 154 | 174 | | | | | | 174 |
| NOME | 30-34 | 3 | 7 | 16 | 7 | 33 | 0 | 0 | 0 | 0 | 0 | 33 |
| PALMER MEDIUM | 115-115 | 0 | 13 | 0 | 138 | 150 | | | | | | 150 |
| PALMER MEDIUM | 100-104 | 0 | 6 | 0 | 89 | 95 | | | | | | 95 |
| TOTALS | | 62 | 124 | 269 | 637 | 1092 | 4 | 7 | 9 | 28 | 48 | 1140 |

Halfway Houses
Ketchikan
Juneau
JHIRC
Fairbanks
Anch 3rd
Anch 6th

| | | |
|----|---|--|
| | | |
| 0 | 0 | |
| 0 | 0 | |
| 0 | 0 | |
| 15 | 0 | |
| 2 | 0 | |
| 0 | 0 | |

Halfway Houses
Ridgeview
MCC
IDMC
Nome
Palmer
Palmer
TOTAL

| | | |
|-----------|----------|--|
| | | |
| 0 | 0 | |
| 0 | 3 | |
| 21 | 0 | |
| 0 | 0 | |
| 20 | 0 | |
| 0 | 0 | |
| 58 | 3 | |

F.B.P.
188
TOTAL
1328

Corrections Projections

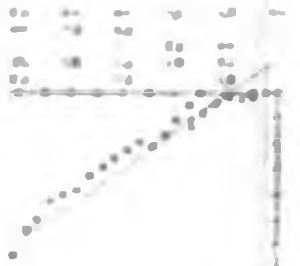
| Year | Y1 | Y2 | Y3 | Y4 | Y5 | Y6 | Y7 | Y8 | Y9 | Y10 | Y11 | Y12 | Y13 | Y14 | Y15 | Y16 | Y17 | Y18 | Y19 | Y20 | Y21 | Y22 | Y23 | Y24 | Y25 | Y26 | Y27 | Y28 | Y29 | Y30 | | |
|------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|
| 1980 | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 | | |
| | 1.0000 | 2.0000 | 3.0000 | 4.0000 | 5.0000 | 6.0000 | 7.0000 | 8.0000 | 9.0000 | 10.0000 | 11.0000 | 12.0000 | 13.0000 | 14.0000 | 15.0000 | 16.0000 | 17.0000 | 18.0000 | 19.0000 | 20.0000 | 21.0000 | 22.0000 | 23.0000 | 24.0000 | 25.0000 | 26.0000 | 27.0000 | 28.0000 | 29.0000 | 30.0000 | | |
| | 779.0000 | 771.0000 | 772.0000 | 772.0000 | 778.0000 | 791.0000 | 810.0000 | 794.0000 | 810.0000 | 846.0000 | 867.0000 | 861.0000 | 877.0000 | 891.0000 | 905.0000 | 921.0000 | 950.0000 | 969.0000 | 1004.0000 | 1023.0000 | 1068.0000 | 1064.0000 | 1059.0000 | 1076.0000 | 1120.0000 | 1161.0000 | 1171.0000 | 1183.0000 | 1183.0000 | 1239.0000 | 1260.0000 | 1330.0000 |

ROW LINEAR REG. CODE 1
 SOURCE OF 9
 TOTAL 73 896653
 REG 1 666443 566449 5 918 0
 RESID 32 30207 0 247 8
 SQUARE 1 256

YWMT = 650 779 * 16 277
 Y1 Y2 YWMT RESIDUAL

| Y | Y1 | Y2 | YWMT | RESIDUAL |
|----|----|------|------|----------|
| 1 | 00 | 771 | 00 | 707.00 |
| 2 | 00 | 771 | 00 | 723.72 |
| 3 | 00 | 776 | 00 | 739.24 |
| 4 | 00 | 782 | 00 | 755.06 |
| 5 | 00 | 791 | 00 | 772.13 |
| 6 | 00 | 810 | 00 | 804.68 |
| 7 | 00 | 819 | 00 | 832.93 |
| 8 | 00 | 846 | 00 | 857.49 |
| 9 | 00 | 867 | 00 | 864.76 |
| 10 | 00 | 876 | 00 | 886.04 |
| 11 | 00 | 905 | 00 | 918.50 |
| 12 | 00 | 921 | 00 | 951.12 |
| 13 | 00 | 950 | 00 | 967.39 |
| 14 | 00 | 960 | 00 | 969.64 |
| 15 | 00 | 1004 | 00 | 1014.21 |
| 16 | 00 | 1023 | 00 | 1040.75 |
| 17 | 00 | 1068 | 00 | 1046.75 |
| 18 | 00 | 1064 | 00 | 1065.07 |
| 19 | 00 | 1059 | 00 | 1061.70 |
| 20 | 00 | 1076 | 00 | 1087.57 |
| 21 | 00 | 1120 | 00 | 1113.04 |
| 22 | 00 | 1161 | 00 | 1113.11 |
| 23 | 00 | 1171 | 00 | 1124.78 |
| 24 | 00 | 1183 | 00 | 1124.78 |
| 25 | 00 | 1183 | 00 | 1244.01 |

27 00 1397 17 YWMT Jan 1983
 47 00 1400 05 YWMT Jan 1984
 41 00 1407 29 YWMT Jan 1985



Local burglars real opportunists

By KRIS CAPPS
Staff Writer

Breaking into someone's house is an intrusion as personal as reading another person's diary. And it happens at least once a day in Fairbanks.

Unfortunately, burglaries are crimes difficult to solve and stolen property can be difficult to recover.

"Property crimes in general are difficult to solve," said Investigator Chuck Lamica of the Alaska State

Neighborhood Watch plan set

Probably no precautions would have deterred the burglar who hit a residence in Broadmoor Acres last year.

The burglar cut a hole in the roof to enter the home and escaped with a large number of stolen guns.

There is no way to completely burglar-proof a house, but there are steps that can be taken to deter burglars.

"Make it as difficult as possible for a burglar to get in," said Investigator Chuck Lamica of the Alaska State Troopers.

To aid in discouraging burglars, Troopers and Fairbanks City Police

(See WATCH, page 7)

Troopers. "It's too easy to get rid of the evidence. It can be sold, spent, melted down, or taken to Anchorage."

For example, during the month of October, property valued at \$51,558 was stolen from city residents as a result of robberies, burglaries and thefts. City police were able to recover property worth \$5,083.

"It's a drop in the bucket," said City Detective Jim Barclay. "Usually, in most burglaries, we have nothing to go on."

Through the end of October, 300 burglaries had been reported in the city this year. That figure is down 18 percent from last year when 366 burglaries were reported during the same period.

"Our biggest problem crimewise right now is burglaries," said Lt. Bob Jent, chief investigator at the Troopers.

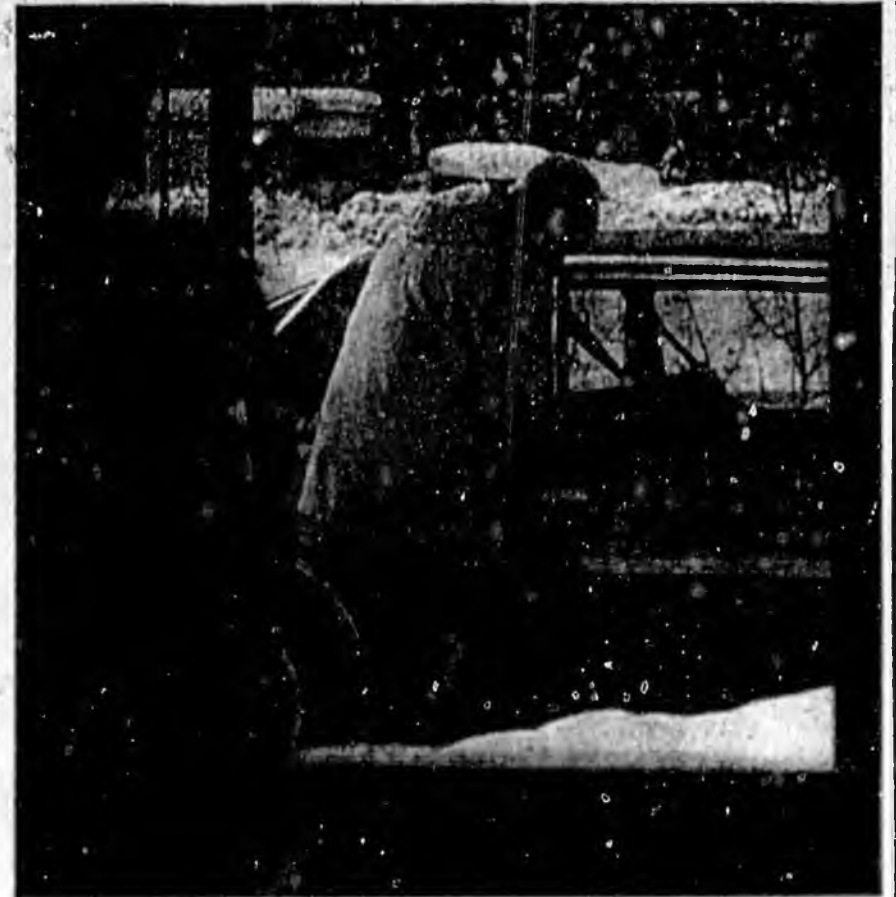
Lamica headed burglary investigations at the Troopers for about six months. During that time, 176 burglaries were reported.

The doors of 29 percent of those homes were not locked, according to case reports.

"A general attitude up here is 'This is Alaska. We don't need to do that,'" Lamica said. "But Alaska has its share of bad apples too."

Don't think it can't happen to you.

(See BURGLARY, page 7)



NEIGHBORHOOD WATCH—The national crime prevention program encourages citizens to call police when they see something suspicious in their neighborhood.

(Illustration by Jim McCann)

WATCH . . .

(Continued from page 1)
are initiating a Neighborhood Watch Program—asking neighbors to band together to keep an eye on each other's homes.

"People in a neighborhood know what should and shouldn't be there," said Lamica.

Neighborhood Watch is a national crime prevention program enlisting active participation of local citizens in cooperation with law enforcement.

Neighbors get to know each other and work together in a program of mutual assistance.

In cities elsewhere, it has been a proven deterrent, according to City Detective Jim Barclay.

City police also offer a Home Survey Program and participation in Operation I.D.

If requested, a police officer will inspect your home and suggest inexpensive ways to better secure it against burglars.

In addition, police offer use of an engraver to etch social security numbers on valuables such as cameras, televisions, and other items normally stolen during a burglary.

Authorities hope people will become involved in the Neighborhood Watch Program and will report suspicious circumstances more readily.

"If it's a false alarm, fine. That's what we're there for—to check it

out," said Lamica.

"A lot of people are afraid to call," added City Detective Jim Barclay.

He said citizens do not have to wait for a crime to take place before calling.

"You know what's going on in your neighborhood," he said. "We don't."

Anyone interested in initiating a Neighborhood Watch Program in their neighborhood can call Lamica at 633-1114 or Barclay at 633-1337.

Burglars typically look for the easy targets. These can be houses set back from the road without porch lights, homes with hollow core doors or with door hinges on the outside, and doors with spring release locks.

Authorities offer these tips for deterring burglars.

- Make sure doors and windows are locked.

- Leave an inside light on when you are not home. Think about leaving a radio on as well.

- Troopers maintain a vacation log and will check on your home in your absence.

- Keep bushes cleared from the front of the house.

- Keep a porch light on when you are not home. "I haven't worked too many where there was a bright light outside," Lamica said.

- Have someone pick up your mail and newspaper if you are not home.

- If there is snow on the ground, have someone drive into your driveway or occasion to leave tracks.

"They are looking for houses with no one there," the investigator pointed out.

- It's nice to have a big dog that will make a lot of noise when a stranger appears, though that's no guarantee of preventing a burglary. Lamica cited a recent case in which the juvenile burglar beat the watchdog, sending him covering into his doghouse. He then proceeded to burglarize the residence.

- Remove the crank from crank-type windows, but keep it close at hand so it can be used in event of a fire.

- Record serial numbers of valuables and engrave your social security number on valuables. Of the 176 burglaries Lamica investigated last year, only three victims had recorded serial numbers.

- Photograph jewelry and other valuables. If you have a lot of valuable jewelry that you don't wear, don't keep it in the home. Put it in a safe deposit box.

- Homeowners who return home and have any reason to suspect a burglar may still be inside should not enter. Go to a neighbor's home and call police.

Crimstoppers, a program which pays a reward for information on crimes, has proven to be an effective tool in solving burglaries. Lamica said every case he submitted to Crimstoppers last year resulted in an arrest or the return of stolen property.

Original signal in the well proclaimed baby man of the Russian court, was murdered in 1915.

BURGLARY . . .

(Continued from page 1)

he said, because it can. "It's like being in a war," he said. "You think you're not gonna get hit—the guy next to you is gonna get hit."

The person who has been burglarized for the first time is generally stunned," Lamica said.

"It really shocks them," he said. "Someone has taken their prized possessions and most of them are stunned."

He compared a burglary to reading someone else's diary.

Barclay compared it to rape. "Your house has been violated," he said. "The personal property you've worked for—in an hour, man, it's gone."

It can be an upsetting emotional experience for a burglary victim and many express anger at the burglar and at themselves for not being more security-minded.

Authorities believe that most of the burglars in Fairbanks are opportunists, rather than professionals.

"They typically go for the easy stuff," Lamica said. "Most of them

are spur of the moment."

Barclay agreed, saying most city burglaries are accomplished by kicking in doors.

Most local burglars—probably 80 percent—are juveniles and they come from all walks of life.

Lamica said he has arrested juveniles with wealthy parents as well as juveniles in the low-income bracket. Some adults he has arrested for burglary appear to be model citizens in other respects, he said. Most are unemployed and have families.

Juvenile burglars are easier to pin-point. Easily led by peer pressure, they commonly work in pairs.

One group of juveniles hit six houses in one day last year. Every house was unlocked, Barclay said.

Lamica recalled a five-year-old burglary ring which committed 10 burglaries in the Old Steese area last year.

The youths keyed in on houses with no lights on, knocked on the door and proceeded to break in if no one

answered. In addition to cleaning out the residence, the kids sprayed the interior with a fire extinguisher.

Lamica doubts that any of the juveniles ever profited from the burglaries. Most of the stolen property was found where it had been thrown in ditches off the side of the road or stashed in two of the youngsters' bedrooms.

Barclay had a similar experience, finding stolen guns in the bushes where they had been thrown when the young burglars tired of carrying them.

Most burglars are repeat-offenders, Barclay said. Inevitably, several burglaries may be solved with the arrest of one person.

Getting the stolen property back to the victim is another matter. If the owner has not recorded serial numbers, he may never see his property again.

"We may catch the guy and you still won't get your stuff back," Barclay said.

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STATE OF ALASKA

DEPT. OF HEALTH AND SOCIAL SERVICES

DIVISION OF ADULT CORRECTIONS

JAY S. HAMMOND, GOVERNOR

*POUCH H-03
JUNEAU, ALASKA 99811
PHONE:*

November 16, 1982

Ms. Cynthia Klepaski
950 Cowles
Room 224
Fairbanks, Alaska 99701

Dear Ms. Klepaski:

Per our recent telephone conversation please find the enclosed November 1, 1982 Jurisdictional Population summary sheet. This sheet details normal and emergency capacities as well as institutional populations. Some of these institutions have jurisdiction over people located in "halfway houses"; hence these persons are included in the given institutional totals. The 188 inmates housed in "F.B.P." are those outside in the federal system.

The computer print out details projections for January of 1983, 1984 and 1985. These are circled in ink first above the graphic presentation.

Average length of sentence will best be answered by contacting the Alaska Court System.

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

Sincerely,


Brian Sylvester
Research Section



WESTERN CONFERENCE

THE COUNCIL OF STATE GOVERNMENTS

720 SACRAMENTO STREET, 3rd FLOOR SAN FRANCISCO, CALIFORNIA 94108 (415) 888-3760

MEMORANDUM

TO: Western Conference Corrections Committee

FROM: Dan Sprague, Director *DS*

DATE: December 4, 1982

SUBJECT: UPDATE ON PRISON POPULATIONS IN THE WEST

Our staff has compiled the attached information showing that prison population increases continue to be significant in our states.

Please let me know if you would like additional information on this subject. -

Composed of Legislators representing the following States

Alaska • American Samoa • Arizona • California • Colorado • Commonwealth of the Northern Mariana Islands
Cuba • Hawaii • Idaho • Montana • Nevada • New Mexico • Oregon • Utah • Washington • Wyoming

PRISON POPULATION CONTINUES TO GROW

On an annual basis, 1982 midyear prison population growth was equivalent to 14.3%, 2 percentage points higher than in any previous year. Most of the six-month increase occurred in the state prison population, which grew by 7.3%.

The following chart shows the increases in prison population in the Western states.

| | <u>Total Prisoner Population</u> | | |
|-----------------------|----------------------------------|----------------|----------------|
| | <u>12/31/81</u> | <u>3/31/82</u> | <u>6/30/82</u> |
| WEST | 55,182 | 57,752 | 60,966 |
| Montana | 831 | 859 | 875 |
| Idaho | 957 | 1,002 | 1,026 |
| Wyoming | 587 | 619 | 654 |
| Colorado ⁱ | 2,772 | 2,847 | 3,026 |
| New Mexico | 1,497 | 1,615 | 1,717 |
| Arizona | 5,223 | 5,451 | 5,641 |
| Utah | 1,140 | 1,179 | 1,189 |
| Nevada | 2,116 | 2,324 | 2,552 |
| Washington | 5,336 | 5,569 | 5,896 |
| Oregon | 3,295 | 3,476 | 3,593 |
| California | 29,202 | 30,402 | 32,182 |
| Alaska ⁱ | 1,019 | 1,142 | 1,297 |
| Hawaii ^{c,k} | 1,207 | 1,267 | 1,318 |

^c Figures include both jail and prison inmates; jails and prisons are combined into one system.

ⁱ The population count for 6/30/82 is an estimate.

^k Population count for 3/31/82 is an estimate.

The next chart shows how population increases translate into significant percentage increases. Percent increases in the West were the highest of the nation's four regions.

Percent Change in Prison Population

| | <u>from 12/31/81 to 5/30/82</u> | <u>from 3/31/82 to 6/30/82</u> |
|---------------|-------------------------------------|------------------------------------|
| UNITED STATES | 6.9 | 3.3 |
| NORTHEAST | 7.6 | 4.1 |
| NORTH CENTRAL | 3.5 | 1.0 |
| SOUTH | 7.7 | 3.4 |
| WEST | 10.5 | 5.6 |
| Montana | 5.3 | 1.9 |
| Idaho | 7.2 | 2.4 |
| Wyoming | 11.4 | 5.7 |
| Colorado | 9.2 | 6.3 |
| New Mexico | 14.7 | 6.3 |
| Arizona | 8.0 | 3.5 |
| Utah | 4.3 | 0.8 |
| Nevada | 20.6 | 9.8 |
| Washington | 10.5 | 5.9 |
| Oregon | 9.0 | 3.4 |
| California | 10.2 | 5.9 |
| Alaska | 27.5 | 13.6 |
| Hawaii | 9.2 | 4.0 |

The third chart highlights additional statistics about prison populations in the West:

| <u>States with Increases of 10% or More Since 1981</u> | | <u>States with Increases of 500 or More Since 1981</u> | | <u>States with Incarceration Rates of 200 or More per 100,000 U.S. Population</u> | |
|--|------|--|-------|---|-----|
| North Dakota | 32.1 | California | 2,980 | Nevada | 295 |
| Alaska | 27.3 | Washington | 560 | Alaska | 200 |
| Nevada | 20.6 | | | | |
| New Mexico | 14.7 | | | | |
| Wyoming | 11.4 | | | | |
| Washington | 10.5 | | | | |
| California | 10.2 | | | | |

Causes of Continued Population Growth

Many factors have contributed to the trend of increasing admissions to and declining releases from state prison. Some are readily apparent, others are the source of disagreement. Causes identified by corrections analysts include:

- o widespread adoption of new sentencing and parole laws has lengthened prison stay;
- o new and tougher laws on drunk driving;
- o economic conditions contribute to increased commitments for property offenses;
- o the continued growth of the most prison-prone population.

(Source: Bureau of Justice Statistics Bulletin, "Prisoners at Midyear 1982, October/November 1982," NCJ 84875)



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STATE GOVERNMENT NEWS—
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FEATURES

| | |
|---|-----------|
| America's Prisons: No Vacancy | 4 |
| <i>States are experimenting with ways to reduce prison overcrowding, ranging from sentencing guidelines to community corrections.</i> | |
| Kentucky Settles Prison Suit Out of Court | 8 |
| Aid Coming for Agent Orange Victims | 15 |
| Clean Air Reporter | 20 |
| <i>Nonattainment areas and a federal bill to reauthorize and amend the Clean Air Act are reported this month.</i> | |

DEPARTMENTS

| | |
|---|-----------|
| Federal Report | 9 |
| <i>Congress changes budget procedures.</i> | |
| Legislative Actions, Legislative Session Dates | 10 |
| <i>Reports on sessions in Arizona, Mississippi and Rhode Island.</i> | |
| Stated Briefly | 13 |
| Council Close-Up | 14 |
| <i>President Reagan meets with CSG Executive Committee.</i> | |
| Regional Reports | 16 |
| <i>This new feature contains reports from CSG's four regions—Midwestern, Southern, Eastern and Western.</i> | |
| Professional Directory; Readers Service; New Products; Calendar; Classified | 24 |

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America's Prisons:

No Vacancy

BY ELAINE S. KNAPP, editor

A no vacancy sign could be posted in front of many state prison systems because of overcrowding. And, on the other side of the coin, courts are increasingly ordering prisons to improve conditions and reduce populations.

State prisons in America (including Washington, D.C.) hold 283,070 adults, while another 7,612 state inmates are housed in local jails, according to *The Corrections Yearbook*, published by Criminal Justice Institute, Inc. Criminal justice experts say that the prison population is climbing due to: the "baby-boom" generation reaching crime-prone ages; an increase in crime; a retributive public mood resulting in mandatory and longer sentences; conservative parole policies, and an increase in the number of persons per capita committed to prison.

The reason for overcrowding is the fact that the criminal justice system is not a system, but a series of isolated groups. C. Paul Phelps, secretary of the Louisiana Department of Corrections, told a meeting of southern legislators last year. He said reassessment of the entire system was needed.

Overcrowding is blamed for violence and poor conditions in prisons. Moreover, if present trends continue, a drop in prison population is not expected until the mid-1990s.

Imprisonment Questioned

Various experts and studies, most recently one by ABT Inc. Associates of Cambridge, Mass., for the U.S. Department of Justice, question the value of imprisonment for nonviolent and less

serious offenders. The suggestion is that states should take a systematic approach to deciding which offenders should use valuable prison space. Ways of keeping less serious offenders out of prison include sentencing guidelines, pre-trial release and diversion, restitution, probation and community correction.

Once an inmate is in prison, there are ways to speed release—parole, good time, work release, pre-parole release, furloughs, clemency, commutations, half-way houses and community corrections. In 1980, there were 12,000 state prisoners in work-release programs; some 73,000 furloughs granted; 174,690 persons on state-supervised parole and 198 community treatment centers and 153 half-way houses, according to *The Corrections Yearbook*.

Construction Expensive

The other choice to deal with overcrowding is to build more prisons. However, this is expensive and controversial, as often communities don't want to host and taxpayers don't want to pay for a prison. Michigan voted down a .1 percent hike in property taxes last November to fund new prisons. The Department of Corrections argued that prisons were substandard and overcrowded, and the department estimated it would take five years and \$30 million to build a 550-bed facility.

According to data in *The Corrections Yearbook*, it costs from a low of \$11,000 in Idaho to a high of \$130,000 in Alaska to build a new cell. About half the states opened new or additional prison facilities totaling \$133.5 million last fiscal

year (1979-80). Another \$816.2 million is being spent on construction for 25,121 new prison beds. Keeping an inmate costs about \$10,000 per year in many states.

According to the ABT study, it would cost \$8 billion just to build new prisons to meet current needs. The study found that community sentencing and release alternatives do not slow growth of prison populations. (The five-volume study is available from the U.S. Superintendent of Documents.)

Prisons Don't Curb Crime

The public's insistence on incarceration has led to overcrowding in prisons and has not been successful in reducing crime, according to Don Hutto, director of the Virginia Department of Corrections. He questioned the worth of spending \$10,000 annually to lock up non-violent offenders and urged alternatives to imprisonment.

Kenneth Schoen, program officer for criminal justice of the Edna McConnell Clark Foundation, also sees no relationship between crime and prison population. More effective in reducing crime, Schoen said, would be surer apprehension of criminals. Prisons should be used to quarantine the dangerous and punish the persistent and serious offender, so these types must be sorted out from non-dangerous offenders, Schoen said.

The per-capita rate of imprisonment is high in the U.S. compared to other Western countries. Overall in the U.S., there are 138 prisoners per 100,000 state population, according to *The Corrections Yearbook*. The lowest is New

Hampshire at 32 and the highest is South Carolina at 274 per 100,000. The rate per 100,000 population is 97 in Canada, 80 in Great Britain and 66 in France.

Longer Terms Costly

The swing from flexible to inflexible sentences is partly to blame. For a time, indeterminate sentences were imposed with the idea that criminals would be set free when rehabilitated. The practice was criticized as unworkable and unfair, resulting in passage of determinate and mandatory sentencing. Determinate sentences establish flat terms or set strict guidelines for sentences, while mandatory minimum sentences require certain lengths of prison terms.

Tougher sentences can be expensive. One study, by the Urban Systems Institute of the Carnegie-Mellon University's School of Urban and Public Affairs, showed a proposed mandatory sentencing law would increase prison costs by 40 percent in Pennsylvania. In California, where 283 bills were received this session by the Assembly Criminal Justice Committee, the Department of Corrections estimated that adding one year to robbery sentences would result in 1,100 more prisoners by 1985, because inmates would be kept in the system longer.

Parole Important

One of the quickest ways to reduce prison overcrowding is to move offenders through the system more rapidly, asserts Becki Ney, vice president of the American Institute of Criminal Justice. One reason the system doesn't work smoothly is that it is fragmented among police, prosecution, judges, corrections and legislatures, Ney commented.

Parole boards which feel responsible for alleviating overcrowding (often in response to court order) are the most important factor in moving prisoners through the system, according to a study prepared by Ney and others in 1980, *Release Procedures*. States which are liberal with good time for sentence reduction and allow parole at the minimum sentence are most effective.

Work release is another method of letting prisoners leave early. The largest work release programs are in Florida, North Carolina and South Carolina. Iowa also uses work release extensively.

Pre-parole release, giving an inmate time to find a job and housing, is also used. North Carolina allows release as much as a year early under a Pre-Release and Aftercare Program (PRAC) which offers service centers but not residential housing to help inmates adjust. Furloughs may also be used prior to parole, with Connecticut and Maryland grant-

ing extended furloughs. Another method is Michigan's Emergency Powers Act, which mandates release of prisoners when the system exceeds capacity.

Community corrections acts have also been passed to keep offenders in the community and out of state prisons in Kansas, Minnesota and Oregon.

Ney believes that community corrections hasn't worked because of the "widening of the net"—people who previously would have gotten probation are being placed in community correc-

Doubling-up Inmates Gets Approval from High Court

Placing more than one prisoner in a cell is constitutional, as long as other prison conditions are adequate, the U.S. Supreme Court ruled June 15 in an Ohio case, *Chapman v. Rhodes*. Although 1,400 inmates at the Southern Ohio Correctional Facility in Lucasville were doubled-up in cells with 63 to 68 feet of space, the trial court hadn't found any other unhealthy or dangerous conditions.

Justice Lewis Powell wrote, "The Constitution doesn't mandate comfortable prisons." Powell further wrote that courts cannot assume that state legislatures and prison officials are insensitive to the requirements of the Constitution regarding prisoners.

Entire state prison systems in eight states were under court order for overcrowding or total conditions, according to a Feb. 1 report by the National Prison Project of the American Civil Liberties Union. These states were Alabama, Arkansas, Florida, Mississippi, Oklahoma, Rhode Island, Tennessee and Texas. One or more state prisons were under court order or had been declared unconstitutional in another 18 states: Colorado, Delaware, Georgia, Illinois, Kentucky, Louisiana, Maryland, Michigan, Missouri, Nevada, New Hampshire, New Mexico, Ohio, Oregon, Utah, Virginia, Washington and Wyoming. Prisons were under court challenge in still another nine states: Arizona, California, Indiana, Iowa, Maine, Massachusetts, North Carolina, South Carolina and Wisconsin. The state prison is closed in Vermont. Prisons are also under court order in Puerto Rico and the Virgin Islands, as are District of Columbia jails.

tions facilities instead. Unless use of community corrections is tied to the number of prison beds available, the problem will continue, Ney predicted.

Other administrative options to reduce prison population include reclassification to make more inmates eligible for parole, release or community corrections. Clemency or commutations can also be effective—Maryland recently released 1,000 prisoners this way. Court orders to reduce overcrowding can also result in volume releases, as recently occurred in Georgia and Texas.

"The basic choice," Ney noted, "is probation or prison." Indeed, there were 1.25 million persons under probation supervision in the U.S. in 1976, according to the *Sourcebook of Criminal Justice Statistics, 1979*, published by the Law Enforcement Assistance Administration.

Minnesota Guidelines

Minnesota has seen a 20 percent drop in new prisoners since adoption of sentencing guidelines in May 1980. The guidelines recommend short or no prison time for property crimes (especially by first offenders) and longer terms for violent crimes (even by those without criminal histories).

The guidelines were authorized by the legislature to reduce disparity in sentencing and to keep the prison population within capacity. A nine-member commission developed the guidelines, which are presumptive, meaning the judge must consider the guidelines, but may depart from them, reports Dale Parent, director of the Sentencing Guidelines Commission.

Although Minnesota's new prison admissions have dropped 20 percent, the overall decline in prison population has only been 7 percent. This may indicate that the parole board no longer feels under pressure since the prison system is below capacity, Parent commented.

Members of the commission are the chief justice or his designee, two trial court judges, a county attorney, a public defender, the commissioner of corrections, the parole board chairman and two citizens—bringing together many elements of the criminal justice system.

The sentencing guidelines, by determining who goes to prison and who doesn't go, are a "more promising approach to controlling prison population" than Minnesota's community corrections, because the guidelines affect judges directly, declares Gerald Strathman, director for research and information systems of the Department of Corrections.

(continued)



LARGEST—The world's largest walled prison, the State Prison of Southern Michigan in Jackson, was the scene of May riots.

No Vacancy

(continued)

A 1980 evaluation of the Minnesota Community Corrections Act by the Department of Corrections found that the act had not diverted many people from state prison nor increased public safety, and that local jail populations were increasing and costs were rising. It did find that counties were doing a better job of administering corrections and providing more services.

The Community Corrections Act, passed in 1973, provides subsidies to counties or combinations of counties with 30,000 or more population to establish a centralized corrections program. The participating counties assumed responsibility for probation, parole, residential and other community programs. The state subsidy for fiscal 1980 was \$13 million. Some 27 of Minnesota's 87 counties, representing 70 percent of the population, have joined the program. The state decided to continue the program for two more years, but not allow more counties to join.

A problem has been that those sentenced to community corrections were those who might previously have been released on probation. Strathman noted that although the evaluation showed major problems, it did not say that treating offenders in the community doesn't work.

Oregon Reduces Population

Oregon courts have increased use of probation from 68 percent to 80 percent

since passage of the Community Corrections Act in 1977, reports Niel Chambers, executive assistant of the Department of Corrections.

Oregon recently reduced its state penitentiary population by 500 through expanded work release, changes in parole procedures, and boarding a few women at a county jail to free space for many male inmates.

One of the steps Oregon took was to switch to non-residential work release. The 47 staffers who once supervised 100 inmates in state residences now supervise 300 inmates in the community at large. Work release can be granted within 90 days of parole or discharge.

Iowa Goes to Communities

Although Iowa's prison population has climbed, persons who went into community corrections would have filled another couple of institutions, comments Eugene Gardner, chief of the Bureau of Community Corrections of the Division of Adult Corrections.

In response to a lawsuit for overcrowding at the state penitentiary, Iowa has reduced its population from 900 two years ago to 645. It is classifying inmates to lesser security levels, has converted a mental hospital to a corrections facility and is dividing up its prison into more units of 100 cells.

Community corrections includes pre-trial release, probation, work release and parole. Each of Iowa's eight judicial districts has a community corrections program under a board of directors. The programs are accredited annually by the state, which has provided \$13.5 million for next year. Community corrections

staff interview offenders and may recommend their release while awaiting trial. If the offender complies with a self-help program, probation may be recommended. Offenders may also be sentenced to one of 17 residential facilities in communities. The residences are also used for work release. Rent is charged to those using the facilities.

Community corrections is doing a good job, but the public attitude is not receptive and judges don't always use it, Gardner said.

Hawaii Uses Community Service

Hawaii's Community Service Sentencing Program (CSSP) is not considered an alternative to incarceration, according to a recently completed study. Community service usually is required of first-time offenders who might otherwise be candidates for probation or deferred acceptance of a guilty plea.

The study showed that 1,286 offenders were ordered to perform 40,635 hours of community service from June 1, 1979, to May 31, 1980. Donated services were estimated at \$125,698 at the minimum wage.

The CSSP operating budget is \$52,500 with staff supplemented by volunteers. The CSSP arranges for offenders to serve at 63 qualifying organizations. Some areas of concern, reports Earl J. Yonehara, volunteer services administrator, are liability protection and medical protection.

Michigan Speeds Release

Michigan expects to release about 800 inmates 90 days early under an Emergency Powers Act invoked by Gov. William G. Milliken May 20. The governor declared that "a prison overcrowding emergency" existed because the population exceeded capacity for 30 consecutive days. Michigan prisons were designed to hold 12,874, but had a population of 13,111.

The order shortened minimum sentences by 90 days, meaning that most of those released early were eligible for parole or living in community half-way houses.

The emergency releases, which began May 20, will continue for 90 days, and some 400 had been released early as of mid-June. The released spaces in minimum security and community corrections mean that other inmates can now move through the system faster, said Luella Burke of the Department of Corrections.

Meanwhile, disciplinary action, including firing, was taken in June against several guards and administrators as a result of an internal investigation of riots in May at three Michigan prisons. A task force on the causes of the riots is due to report by August 1.

Other Methods

State legislation to deal with prison overcrowding was the subject of a recent 50-state survey by CONTACT (P.O. Box 81826, Lincoln, Neb. 68501). The survey was prompted by a 1980 Oklahoma law (H.J. Res. No. 1064) which requires the Pardon and Parole Board to consider all non-violent offenders for parole six months prior to their scheduled release in case of overcrowding. During an overcrowding emergency, inmates cannot be transferred to the state from county facilities without permission and the state must pay counties for keeping such inmates. The maximum capacity of correctional facilities, based on 60 square feet per inmate per cell and 75 square feet per inmate for dormitories, will be determined by the director of corrections and the Employment Review Board.

A Connecticut law (P.A. 80-442), effective July 1, allows the commissioner of corrections, in case of overcrowding of pre-trial inmates, to petition courts to reduce bond to a written promise to appear for inmates awaiting trial. The commissioner may petition the superior court to modify any inmate's sentence in case of overcrowding.

Other survey responses included payment to local jails to keep state inmates in Georgia, Louisiana and New Jersey. Mississippi in 1981 renewed its law allowing the state to pay for state prisoners in local jails—there are now over 1,000. Nationwide, there are as many as 7,612 state inmates backed up in local jails due to overcrowding, according to *The Corrections Yearbook*.

For More . . .

Among CSG reports on corrections available free to state officials are:

✓ *Planning for Changes in Corrections Populations*, RM613, \$3.50.

✓ *State Subsidies to Local Corrections: A Summary of Programs*, RM614, \$3.50.

Write: Order Dept., The Council of State Governments, Iron Works Pike, P.O. Box 11910, Lexington, Ky. 40578.

The Corrections Yearbook, 1981 pocket guide, is available for \$1.75 from the Criminal Justice Institute, Inc., 60 E. 42nd St., Suite 956, New York, N.Y. 10165.

The ABT study is available in five volumes from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. Publication numbers are consecutive: 027-000-01085-7, 86-5, 87-3, 88-1 and 89-0.

The address for CONTACT is P.O. Box 81826, Lincoln, Neb. 68501.

PRISON POPULATION AND ANNUAL COST PER INMATE, BY STATE, AS OF 1/1/81*

| State | Total inmate population: + (excess) | Male | Female | Total rated capacity† | Annual cost per inmate |
|------------------------------------|-------------------------------------|----------------|---------------|-----------------------|------------------------|
| Alabama | 4,658 (1,373) | 4,472 | 186 | 3,768 | \$ 8,997 |
| Alaska | 643 | 613 | 30 | 611 | 24,338 |
| Arizona | 3,391 (29) | 3,215 | 176 | 3,489 | 13,040 |
| Arkansas | 2,591 | 2,507 | 84 | 2,735 | 5,011‡ |
| California | 23,508 (729)§ | 22,430 | 1,078 | 23,514 | 12,000 |
| Colorado | 2,308 | 2,249 | 59 | 2,525 | 9,475 |
| Connecticut | 2,231 | 2,059 | 172 | 2,294 | 12,128 |
| Delaware | 1,342 | 1,292 | 50 | 1,199 | 13,425 |
| Florida | 20,237 (285) | 19,405 | 832 | 19,896 | 7,037‡ |
| Georgia | 9,271 (894) | 8,874 | 397 | 9,188 | 6,245‡ |
| Hawaii | 783 | 761 | 22 | 726 | 12,771 |
| Idaho | 836 | 810 | 26 | 819 | 9,200 |
| Illinois | 11,846 | 11,540 | 306 | 11,964 | 10,035 |
| Indiana | 6,709 | 6,466 | 243 | 4,795 | 10,577 |
| Iowa | 2,347 | 2,252 | 95 | 2,190 | 13,400 |
| Kansas | 2,495 | 2,384 | 111 | 2,479 | 10,622 |
| Kentucky | 3,608 | 3,477 | 131 | 3,042 | 6,375 |
| Louisiana | 7,319 (1,267) | 7,016 | 303 | 7,299 | 8,873 |
| Maine | 653 | 632 | 21 | 749 | 11,660 |
| Maryland | 7,443 (282) | 7,216 | 227 | 6,082 | 7,284 |
| Massachusetts | 3,249 (128) | 3,119 | 130 | 2,371 | 12,000 |
| Michigan | 12,458 (73) | 12,007 | 451 | 13,013 | 10,000 |
| Minnesota | 1,884 | 1,823 | 61 | 2,000 | 13,000 |
| Mississippi | 3,391 (1,200) | 3,303 | 88 | 2,819 | 7,665 |
| Missouri | 5,379 | 5,213 | 166 | 4,655 | 5,409 |
| Montana | 704 | 679 | 25 | 722 | 11,680 |
| Nebraska | 1,175 | 1,132 | 43 | 1,250 | 15,059 |
| Nevada | 1,833 | 1,721 | 112 | 1,391 | 10,000 |
| New Hampshire | 290 | 284 | 6 | 282 | 18,000 |
| New Jersey | 5,366 (200) | 5,168 | 198 | 6,385# | 10,100 |
| New Mexico | 1,406 | 1,361 | 45 | 1,797 | 6,387‡ |
| New York | 21,579 | 20,969 | 610 | 21,132 | 11,963 |
| North Carolina | 15,485 | 14,868 | 617 | 14,498 | 7,665 |
| North Dakota | 259 | 257 | 2 | 350 | 10,333 |
| Ohio | 13,135 | 12,534 | 581 | 10,720 | 6,000 |
| Oklahoma | 3,906 | 3,795 | 111 | 3,748 | 10,000 |
| Oregon | 2,594 | 2,518 | 76 | 2,210 | 10,000 |
| Pennsylvania | 8,070 | 7,810 | 260 | 8,723 | 10,933 |
| Rhode Island | 672 | 650 | 22 | 838 | 20,169 |
| South Carolina | 7,936 (609) | 7,609 | 327 | 5,387 | 5,666 |
| South Dakota | 651 | 633 | 18 | 610 | 8,030 |
| Tennessee | 6,111 | 5,902 | 209 | 5,860 | 7,088 |
| Texas | 29,637 | 28,390 | 1,247 | 26,573 | 2,920 |
| Utah | 817 | 797 | 20 | 862 | 10,000 |
| Vermont | 442 | 426 | 16 | ** | 13,076 |
| Virginia | 8,677 (543) | 8,389 | 288 | 8,952 | 9,602 |
| Washington | 4,342 | 4,188 | 154 | 3,527 | 8,587 |
| West Virginia | 1,308 | 1,266 | 42 | 1,250 | 7,000 |
| Wisconsin | 3,800 | 3,666 | 134 | 3,548 | 13,000 |
| Wyoming | 419 | 389 | 30 | 380 | 7,742 |
| Total state | 281,194 (7,612) | 270,536 | 10,658 | 265,017†† | ... |
| Local jails—state inmates (excess) | (7,612) | ... | ... | ... | ... |
| Dist. of Columbia | 1,876 | 1,876 | 0 | 1,870 | ** |
| Federal system | 23,783 | 22,528 | 1,255 | 24,786 | 13,503 |
| U.S. Total | 314,463 | 294,960 | 11,893 | 291,673 | ... |

*Source: *The Corrections Yearbook, 1981*, published by Criminal Justice Institute, Inc., New York, N.Y.
 †Refers to the maximum number of inmates that each state's system is designed to hold as determined by the state corrections agency (criteria may vary from one state to another).
 ‡Includes direct services such as food and bedding only.
 §Actively convicted narcotics addicts.
 ¶Includes facilities to house youthful offenders under 18 who are not included in the 1/1/81 adult population figures.
 **Information not available.
 ††Total state inmate population on 1/1/81 for all 50 states combined exceeded the total rated capacity by approximately 16,000, or 6 percent.
 Note: The annual cost per inmate figures generally represent the average cost per inmate in all types of prison facilities. But individual costs can vary from one institution to another in a state and from one individual to another, depending on the type of service received (such as work/study release), e.g., actual cost for an inmate in maximum security may be higher than for one in minimum security because more money is needed to maintain a higher level of supervision.

Kentucky Settles Prison Suit

BY MICHAEL KANNENSOHN, Kentucky Bureau of Corrections

Kentucky is operating its two largest penal institutions under stipulations of a consent decree which settled a consolidated class action suit by inmates.

The negotiated settlement, which became final in May 1980, avoided protracted and costly court proceedings, as well as possible expenditures such as have been ordered in court suits in other states.

The case dates back to 1976 when independent suits filed by inmates at Kentucky State Penitentiary (KSP) were consolidated into a class action suit against the Kentucky Department of Justice (DOJ) and Bureau of Corrections. The chief complaint was the need to reduce overcrowding to meet American Correctional Association cell space standards. Other concerns included meeting ACA physical, safety and environmental standards; providing specialized care for inmates with non-acute psychiatric and psychological problems; improving rehabilitation programs and health, food and sanitation services; and upgrading personnel and training procedures for correctional staff.

U.S. District Judge Edward Johnstone consulted with U.S. District Judge Frank Johnson on a similar inmate suit in Alabama and with the U.S. Department of Justice's Civil Rights Division. In May 1979, the issue was joined by Kentucky State Reformatory (KSR) inmates.

Settlement Preferred

Kentucky DOJ staff in 1979 employed consultants to assist with a response to findings filed by federal experts following a tour of KSP and KSR. A Kentucky DOJ national survey showed most states incurred extraordinary legal and compliance costs in similar court cases. DOJ attorneys advised that settlement was preferable to proceeding to trial. However, the 1979 election year stymied negotiations toward an out-of-court settlement since a new administration and newly elected General Assembly would not enter office until January 1980.

Newly elected Gov. John Y. Brown Jr. and the Kentucky General Assembly, in a unique action, agreed to appropriate funds to meet the terms of a reasonable negotiated settlement. The terms of the consent decree required a \$50 million appropriation (\$42 million in new construction and renovation; \$8 million in programs and operations). This amount was appropriated. The Kentucky DOJ was able to successfully negotiate and encompass in the decree most of the outstanding issues from the suits. Of

numerous allegations, only those dealing with harassment of inmates and guard brutality at KSP have gone to trial. No decision has been rendered as of this writing.

The consent decree established various compliance timetables within a year's period, with the exception of certain provisions for new construction and renovation. The Bureau of Corrections met all the six-month stipulations except for the mandate to reduce the combined KSP and KSR inmate populations by 600.

Steps Taken

The major problem was that labor and construction delays prevented the scheduled fall opening of a new medium security facility, the Luther Lockett Correctional Complex. Even a responsive parole board, which dramatically increased the number of inmates paroled from May 28 to Nov. 23, 1980, could not make up the difference. However, the original six-month deadline was extended to Feb. 28, 1981, by Judge Johnstone.

Also during this period, DOJ Secretary Neil Welch and Bureau of Corrections Commissioner George Wilson appealed to judges to reduce the number of convicted felons committed to the state until either the Lockett facility was completed or another population reduction strategy could be devised.

Either because of this appeal or for coincidental reasons, the succeeding months saw a significant decrease in judicial rates of commitment to the Bureau of Corrections, particularly for less serious offenders. In addition, relatively high rates of parole continued, but the key element in the bureau's eventual ability to meet the population reduction deadlines was a suggestion offered by several circuit court judges to increase use of local jails with vacant beds.

Prison Standards Revised

The American Correctional Association has issued a new and revised second edition of its *Standards for Adult Correctional Institutions*. The mandatory standards for purposes of accreditation, address conditions affecting life, health or safety of inmates and staff. Copies are available for \$10 from ACA, 4321 Harwood Rd., College Park, Md. 20740.

The bureau contracted with several jails at a rate of \$11 per day for each state pre-release inmate held. This was an advantage for local jailers who otherwise had empty cells, but fixed operational costs, and who received \$6.75 per day for local prisoners. It was also a bargain for the state compared with the average institutional cost of \$19 a day.

The extended mid-year deadline was met through these new policies even though the Lockett facility was still delayed. The facility did open in time to meet the one-year deadline set by the court.

Meanwhile, the Kentucky Correctional Psychiatric Center experienced construction delays. The inmates asked that officials be held in contempt for failure to meet consent decree stipulations related to the Psychiatric Center. A hearing is set for July 22. In the meantime, a personnel assessment was completed, authorizing the bureau to fill positions at the Psychiatric Center.

Negotiated Settlement Succeeds

In summary, the cooperation of the governor and the legislature permitted the state to negotiate an amicable settlement, without a fractious and extended court conflict, to the litigation brought by the inmates. This contrasts with the experiences of other states which were not provided with the resources or the political support necessary for a negotiated settlement of litigated issues. The consent decree, while entailing inevitable difficulties of implementation, has served to stimulate long-deferred action by state policymakers to correct the substandard conditions in Kentucky's two major penal institutions. Finally, the state has succeeded in meeting most of the consent decree stipulations. This accomplishment despite Kentucky's financial problems makes the state's efforts to achieve compliance even more remarkable.

Kentucky plans to cope with the projected further growth in inmate population through a variety of initiatives, including development of community correctional facilities and regionalized jail systems, and introduction of legislation to divert minor offenders from the state correctional system. The upgrading of institutional facilities required by the decree should be completed by 1984 according to the bureau's schedule.

Private Prisons?

Private enterprise should be allowed to try running a prison on an experimental basis, suggests Peter Greenwood, head of the criminal justice research program at the Rand Corp., in a *Los Angeles Times* article.

1981
POCKET GUIDE

THE CORRECTIONS YEARBOOK

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TABLE OF CONTENTS

INTERVIEW WITH ALLEN BREED,
DIRECTOR, NATIONAL INSTITUTE
OF CORRECTIONS ... 5

INTRODUCTION 14

SECTION ONE/ADULT OFFENDERS

NUMBER OF PRISONS IN U.S. 15

SUMMARY OF CURRENT AND
PROPOSED PRISON CONSTRUCTION 15

PRISON POPULATION BY STATE AND
SEX ON JANUARY 1, 1981
Also Includes Federal Bureau of Prisons'
(FBP) Statistics & Prison Capacity By State 16

NEW PRISON FACILITIES
CONSTRUCTED BY STATE AND BY THE
FBP 1979/1980; DOLLAR COST;
NUMBER OF BEDS ADDED 20

CURRENT AND PLANNED PRISON
CONSTRUCTION BY STATE AND FBP 22

COST OF PRISON CONSTRUCTION
PER CELL 26

NUMBER OF CORRECTIONAL
EMPLOYEES 26

see 4 COST PER INMATE 27

INMATE RACIAL COMPOSITION
BY STATE 28

THE CORRECTIONS YEARBOOK™

By S. David Hicks

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| | | | |
|--|----|--|----|
| AVERAGE AGE FOR INMATES | 30 | NUMBER OF PRISONS WITH CONJUGAL VISITS | 36 |
| LENGTH OF TIME SERVED | 30 | NUMBER OF COMMUNITY TREATMENT CENTERS AND HALF-WAY HOUSES: NUMBER OF RESIDENTS | 37 |
| NUMBER OF INMATES SERVING LIFE SENTENCES | 31 | NUMBER OF INMATES PER 100,000 POPULATION BY STATE | 38 |
| DEATH ROW STATISTICS | 31 | RATIO OF PRISONERS TO CORRECTIONS OFFICERS BY STATE AND FOR FBP | 39 |
| PRISONER DEATHS BY VIOLENCE IN 1980 | 32 | STARTING SALARIES FOR CORRECTIONS OFFICERS BY STATE AND FOR FBP | 40 |
| STAFF DEATHS BY VIOLENCE 1980 | 32 | PAROLE STATISTICS | 41 |
| NUMBER OF INMATES IN PROTECTIVE CUSTODY | 32 | STATE AND FEDERAL CORRECTIONAL BUDGETS | 42 |
| PRISONER ESCAPES IN 1980 | 33 | POPULATION TOTALS FOR THE 10 LARGEST JAILS IN THE U.S. | 44 |
| PERCENTAGE OF INMATES WITH PRIOR FELONY CONVICTIONS BY STATE | 34 | <u>SECTION TWO/JUVENILE OFFENDERS</u> | |
| NUMBER OF INMATES ON WORK RELEASE | 35 | NUMBER OF JUVENILE CORRECTIONAL FACILITIES BY TYPE OF FACILITY | 45 |
| NUMBER OF INMATES IN PRISON INDUSTRIES | 35 | NUMBER OF JUVENILES IN CONFINEMENT BY STATE AND SEX | 46 |
| NUMBER OF FURLOUGHS GRANTED IN 1980 | 35 | LENGTH OF TIME SERVED | 49 |
| NUMBER OF PRISONER RIGHTS SUITS IN 1980 | 36 | | |
| NUMBER OF PRISONS WITH FORMAL GRIEVANCE PROCEDURES | 36 | | |

| | |
|---|----|
| NEW CONSTRUCTION: TOTAL COST; BEDS ADDED | 49 |
| COST PER JUVENILE OFFENDER BY STATE | 52 |
| NUMBER OF CORRECTIONAL EMPLOYEES IN JUVENILE FACILITIES | 53 |
| STARTING SALARIES FOR OFFICERS | 53 |
| OFFENDER DEATHS BY VIOLENCE IN 1980 | 53 |
| STAFF DEATHS BY VIOLENCE IN 1980 | 53 |
| JUVENILE PAROLE STATISTICS | 53 |
| STATE JUVENILE CORRECTIONS BUDGETS | 54 |
| <u>SECTION THREE/LEGISLATIVE</u> | |
| KEY STATE LEGISLATORS CONCERNED WITH CORRECTIONS | 55 |
| <u>SECTION FOUR/FOREIGN</u> | |
| PRINCIPAL CHARACTERISTICS OF THE CORRECTIONAL SYSTEMS IN CANADA, GREAT BRITAIN, DENMARK, FRANCE, JAPAN, SOUTH AFRICA, SWEDEN, WEST GERMANY. | 58 |

Allen F. Breed is one of the nation's leading authorities on corrections. He is Director of the National Institute of Corrections; formerly, he was Director of the California Youth Authority. His views are respected by his colleagues throughout the correctional field, and his experience has given him a unique perspective on adult corrections, juvenile justice and their interaction. THE CORRECTIONS YEARBOOK™ asked for his views on four vital questions. His replies are given below.

1) In 1976, the total number of adult inmates in state and Federal prisons was 250,000. This year, THE CORRECTIONS YEARBOOK™ finds that the total has jumped to 314,000, an increase of 64,000 in five years. Do you foresee this trend continuing through the '80's, which would mean approximately 416,000 inmates by the end of the decade? And, if you do, what are the consequences for America?

There is little accurate data that projects prison populations into the 80's on a nationwide basis. However, projections completed at the School of Urban and Public Affairs at Carnegie-Mellon University for the State of Pennsylvania give some of the most accurate clues of what lies ahead. The study concludes that:

Just as the changing age mix of population interacting with age-specific differences in crime rates seems to have accounted for much of the increased crime in recent years, a similar interaction with age-specific

differences in imprisonment probabilities probably accounts to a large extent for the pattern of change in prison populations in the '60's and '70's. Thus, even if crime starts to decline in the future because of continued aging of the post-war cohort, it might be expected that the prison population would continue to increase, since the baby-boom cohort will remain in the somewhat older prison-prone ages after they begin moving out of the high-crime-prone ages.

They go on to state that for Pennsylvania, at least, white inmates will peak in 1986, while the non-white inmate population will peak in 1996. Further, these conditions will lead to 55 per cent of the prison population being non-white by the year 2000. The fact that the inmates are receiving longer sentences tends to aggravate the overcrowding problem. The consequences of these projections are staggering in dollars and for the conditions of future confinement. For example, overcrowding gives rise to a host of acute problems and occasionally to grossly inhumane conditions such as the following:

Primitive or often non-existent classification and segregation procedures permit the commingling of the immature, sometimes juvenile, offender with the most criminalistic or violent-prone predators. Assaults, homosexual rape, knifings, and occasional killings result. The abused, fearful of retribution, fail to report their plight. The medical needs, sometimes

acute, frequently go untended. "Tank" or dormitory type housing, provide double deck bunks that preclude adequate surveillance by staff.

In the prison environment, tense and insecure conditions derived from overcrowding are typically countered with greater security measures. These include occasional "lock downs," which not only entail greater repression and regimentation, but also force work or training programs to a near halt with commensurate increases in hostility and frustration among even the compliant and conforming inmates.

Racial and ethnic gang formations, with the increased hazards they generate, exacerbated by overcrowding, frequently defy administrative countermeasures. Even though the staff may be able to contain the prisoners, the effective control of what goes on within the facility frequently passes to the inmate population. Too many prisoners in too little space, either in jail or penitentiary, not only increases the problems for management, but also multiplies the hazards for both staff and inmate.

Given the continuation of existing practices and policies, there appears to be little prospect of early reduction in prison and jail populations, although some drop may be felt by the mid '90's, largely as a result of shifts in age groups within the general population.

The dimensions of the need for additional and replacement bed space in jails and prisons is a matter of considerable

controversy among correctional administrators and other experts. A current study by ABT Associates, a prestigious national research firm, argues that additional construction will permanently exacerbate the problems of unnecessary confinement with its accompanying high costs (more beds attract more bodies thereby increasing the threshold and acceptance of confinement as the main solution to overcrowding). With prison construction costs now at sixty thousand dollars per bed, and annual operating costs at ten thousand dollars per inmate, there can be little argument as to the costliness of a high level of incarceration. There can also be considerable doubt about construction as an immediate solution since the length of time required to fund, design, construct and operationalize a facility is generally at least five years.

Without a doubt, the issue of prison overcrowding is the most critical problem facing corrections in the '80's.

2) Do you think that rehabilitation programs for adult inmates can work within the prison setting? If you do, what kinds of programs do you think are most effective? Should participation be mandatory?

The answer to this depends on what is meant by rehabilitation. If it refers to the traditional change therapies, by whatever name, the answer is 'no' for the majority and 'yes' for some smaller percentage. The so-called 'medical model' of rehabilitation for criminal offenders doesn't work be-

cause most offenders aren't sick. Those few who are classic cases of the mentally ill are sometimes responsive to treatment strategies for the ill.

The issue is – and has been for years – why we feel compelled to call certain survival skills, or capacity to perform necessary tasks, rehabilitation. It is questionable that any link will ever be found between education and reduced criminal behavior. That doesn't mean that the state is freed of an obligation to improve the capacity of its inmates educationally. Inmates who have difficulty in communication skills like reading and writing have a right to learn how to read and write that is independent of their confined status or future possible behavior. Effective vocational training for those who need it should be an entitlement whether in or out of prison. Recreation, a necessary human endeavor, is a normal reasonable requirement for everyone, criminals included.

The point is, these services and others like religion, health, etc., are offered because free people need them, not just prisoners. When we link these needed services to the concept of rehab and/or reduced criminal behavior we doom ourselves to defeat – they cannot prevent future acts of criminal behavior. We may correct deficiencies, like a doctor fixes a broken leg, but the doctor gives no guarantees regarding further broken legs. We should offer, voluntarily, those programs that most offenders need to improve their health, edu-

cation, etc., but not as rehabilitation. Instead, they should be made available as reasonable needs everyone has. Incidentally, providing these services, including real work opportunities, reduces the management problems we have with those we confine if we do not insist that participation is compulsory. The facts of learning make it clear that we learn best without duress.

This doesn't deny that for some small percent of our prison population, traditional psychiatric or therapeutic strategies may be appropriate. Again, however, we can offer these services, even promote, encourage, be aggressive in offering, but when 'push comes to shove' we can't make someone well who doesn't want to be. We can contain them, however, in a safe, fair, humane environment that does not make unreasonable or unrealistic demands.

3) THE CORRECTIONS YEARBOOK™ shows that there are approximately 27,000 juveniles being held in state correctional facilities. Thousands of other juveniles who got in trouble with the law reside in a wide variety of community facilities. What major changes, if any, would you like to see in the way juvenile justice is administered in the U.S.?

Juvenile Justice has come full circle. Once 'small adults' who were punished, subsequently 'children' to be protected, now juveniles are once again being seen as small adults, responsible for their actions and deserving of the full weight of adult court action with its powers of

punishment and deterrence.

The facts are, not all juveniles are children and not all children are young adults. The arbitrary lumping of youth by chronological age does not address the significant differences between the young adolescent and the more mature youth with one foot in a violent adult world. We need a juvenile justice system that limits itself to juvenile justice and not the larger issues of children's problems and needs.

Non-criminal behaviors and problems should be dealt with outside the justice system, and if services don't exist they should be created or the needs let go unmet. Don't intervene when you don't have solutions and don't use the court process and its controls for an absence of social programs.

Criminal behaviors should be dealt with in a juvenile court that limits its concerns and programs to young persons who have broken adult laws.

Generally speaking, I believe children, i.e., those under 10 years of age, should be dealt with by a family court or preferably a non-justice administrative agency.

Children between 10-16 who commit adult crimes should be dealt with by a juvenile justice court having at its command a full range of dispositions or punishments ranging from community work, probation, etc., to weekend custody and/or longer confinement in community-based institutions.

Young persons between 16-21 (18 if you

prefer) who commit illegal adult acts should be handled in a youthful offender court with a full range of punishments from community service to extended custody. This implies a state system for young persons like a youth authority, with multiple options for differential programming.

I'd like to see some of the theoretical models developed in the 1930's for children and youth actually tested as they were intended.

A Youth Corrections Authority Act, as proposed by the American Law Institute, makes as much sense today as it did in the late 1930's.

4) YEARBOOK statistics show that there are 15,000 adults and 6,000 juveniles in community-based facilities operated directly by state correctional agencies and the U.S. Bureau of Prisons. Other community facilities for offenders are run under different arrangements. What is your view on the use of community-based facilities in corrections?

The basic theory behind community corrections argues for increased program opportunities, accountabilities, visibility, local control, family involvement, etc. Although rarely stated, it also sets the scene or creates the opportunity for coordination and cooperation in the use of Federal resources. (Most Federal money emerges from the system at the county level; it is here that the coordinated use of Federal resources can occur if it can occur at all.)

The use of community-based facilities should be expanded. Lower security needs

reduces unnecessary expenditures for maximum security facilities. Lower per-capita costs of operation through the coordinated use of Federal resources can occur. The most important issue, however, is responsibility, i.e., holding the community accountable for its prejudices and preferences in criminal justice by not permitting the significant participants in the justice enterprise to shift the cost and consequence of their decisions to a higher level of government. Community corrections also permits the offender's family and the victim to be directly related to the correctional process in a positive way.

Prisons were invented to replace capital punishment, not to confine misdemeanants or even "just" felony offenders. Their invention permitted communities to make decisions about behavior and then shift the consequence of those decisions to different places within government to be paid for in someone else's dollars, personnel and time. Community corrections forces us to face up to the problems, limitations and costs of a larger correctional system that has been unable to demonstrate its value in controlling crime, costs or correcting behavior.

Whether contracted for from the private sector or operated by government, community corrections permits us to employ what we know about what works best with offenders, government and ourselves.

INTRODUCTION

More Americans than ever before seem to realize that corrections is a matter of considerable importance. It's awfully hard, they've learned, to make the punishment fit the crime. How we finally resolve that dilemma will play a key role, it has become clear, in determining the kind of society we pass on to the Twenty-First Century.

Newspapers, TV and magazines report constantly on correctional affairs – creating more interest and leading to an increased desire for current, reliable and readily accessible data on the nation's prison systems. THE CORRECTIONS YEARBOOK™ was designed to meet that need. It was introduced in 1980 and was greeted enthusiastically by correctional administrators, legislators, community groups, teachers and students. The 1980 edition (called INSTANT ANSWERS TO KEY QUESTIONS IN CORRECTIONS™) covered only adult corrections; the 1981 volume adds sections on juvenile and foreign corrections.

Most information was collected from the Criminal Justice Institute's own telephone and mail surveys conducted from October 1, 1980 to January 5, 1981. Any other sources are credited in the text. Special thanks must go to the commissioners and research personnel in all 50 state correctional agencies, as well as to top officials in the U.S. Bureau of Prisons, for their encouragement, help and cooperation.

Richard Kwartler
Editor

SECTION ONE/ADULT OFFENDERS

How many prisons are there in the U.S.?

There are 503 state and 43* Federal.

Prison Construction

State correctional systems opened 23 new institutions between July 1, 1979 and June 30, 1980, at a total cost of more than \$100 million. In the same period, 45 additions to existing facilities were opened, at a cost of more than \$50 million. The openings and additions added approximately 7,100 new beds to state corrections. Three of the new state institutions were designated maximum security.

The Federal Prison System added four new institutions, representing 1,748 beds.

In addition, 42 new state correctional institutions and 22 additions were under construction as of June 30, 1980. They are expected to add 20,932 new beds at a total cost of more than \$710 million. One Federal prison is being built, providing 200 new beds.

Plans for new prisons that are not yet under construction but have been approved include 34 facilities and additions providing at least 10,680 beds at a cost of more than \$450 million.

*The 1980 Pocket Guide incorrectly listed the number of Federal prisons. In January, 1980, there were 39.

How many people were confined in state and Federal prisons on January 1, 1981?

| | |
|---|----------------|
| U.S. TOTAL | 314,465 |
| Federal | 23,783 |
| State* | 283,070 |
| State inmates in local jails (excess) due to overcrowding | 7,612 |
| Male** | 294,960 |
| Female** | 11,893 |
| Total population in January, 1980: (revised) | 303,000 |

*Includes 1,876 Washington, D.C. inmates.

**Does not include the 7,612 state inmates in local jails.

Note: On an average day, about 160,000 men and women are held in locally operated jails.

PRISON POPULATION BY STATE

| STATE | TOTAL INMATE POPULATION + (EXCESS) | MALE | FEMALE | TOTAL RATED CAPACITY** |
|-------------|------------------------------------|--------|--------|------------------------|
| ALABAMA | 4,658 (1,373) | 4,472 | 186 | 3,768 |
| ALASKA | 643 | 613 | 30 | 611 |
| ARIZONA | 3,391 (29) | 3,215 | 176 | 3,489 |
| ARKANSAS | 2,591 | 2,507 | 84 | 2,735 |
| CALIFORNIA | 23,508 (729*) | 22,430 | 1,078 | 23,514 |
| COLORADO | 2,308 | 2,249 | 59 | 2,525 |
| CONNECTICUT | 2,231 | 2,059 | 172 | 2,294 |
| DELAWARE | 1,342 | 1,292 | 50 | 1,199 |
| FLORIDA | 20,237 (285) | 19,405 | 832 | 19,896 |
| GEORGIA | 9,271 (894) | 8,874 | 397 | 9,188 |
| HAWAII | 783 | 761 | 22 | 726 |
| IDAHO | 836 | 810 | 26 | 819 |
| ILLINOIS | 11,846 | 11,540 | 306 | 11,964 |
| INDIANA | 6,703 | 6,466 | 243 | 4,595 |
| IOWA | 2,347 | 2,252 | 95 | 2,190 |
| KANSAS | 2,495 | 2,384 | 111 | 2,479 |
| KENTUCKY | 3,608 | 3,477 | 131 | 3,042 |
| LOUISIANA | 7,319 (1,267) | 7,016 | 303 | 7,299 |
| MAINE | 655 | 632 | 21 | 749 |

*Civily convicted narcotics addicts.

**Refers to the maximum number of inmates that each state's system is designed to hold as determined by the state corrections agency (criteria may vary from one state to another).

| STATE | TOTAL INMATE POPULATION + (EXCESS) | MALE | FEMALE | TOTAL RATED CAPACITY* |
|----------------|------------------------------------|--------|--------|-----------------------|
| MARYLAND | 7,443 (282) | 7,216 | 227 | 6,082 |
| MASSACHUSETTS | 3,249 (128) | 3,119 | 130 | 2,371 |
| MICHIGAN | 12,458 (73) | 12,007 | 451 | 13,013 |
| MINNESOTA | 1,884 | 1,823 | 61 | 2,000 |
| MISSISSIPPI | 3,391 (1,200) | 3,303 | 88 | 2,819 |
| MISSOURI | 5,379 | 5,213 | 166 | 4,655 |
| MONTANA | 704 | 679 | 25 | 722 |
| NEBRASKA | 1,175 | 1,132 | 43 | 1,250 |
| NEVADA | 1,833 | 1,721 | 112 | 1,391 |
| NEW HAMPSHIRE | 290 | 284 | 6 | 282 |
| NEW JERSEY | 5,366 (200) | 5,168 | 198 | 6,385 |
| NEW MEXICO | 1,408 | 1,361 | 45 | 1,797 |
| NEW YORK | 21,579 | 20,969 | 610 | 21,132 |
| NORTH CAROLINA | 15,485 | 14,868 | 617 | 14,498 |
| NORTH DAKOTA | 259 | 257 | 2 | 350 |
| OHIO | 13,135 | 12,554 | 581 | 10,720 |
| OKLAHOMA | 3,906 | 3,795 | 111 | 3,748 |
| OREGON | 2,594 | 2,518 | 76 | 2,210 |
| PENNSYLVANIA | 8,070 | 7,810 | 260 | 8,723 |
| RHODE ISLAND | 672 | 650 | 22 | 838 |

*Includes facilities to house youthful offenders under 18 who are not included in the 1/1/81 adult population figure.

| STATE | TOTAL INMATE POPULATION + (EXCESS) | MALE | FEMALE | TOTAL RATED CAPACITY** |
|----------------|------------------------------------|---------|--------|------------------------|
| SOUTH CAROLINA | 7,936 (609) | 7,609 | 327 | 5,387 |
| SOUTH DAKOTA | 651 | 633 | 18 | 610 |
| TENNESSEE | 6,111 | 5,902 | 209 | 5,860 |
| TEXAS | 29,637 | 28,390 | 1,247 | 26,573 |
| UTAH | 817 | 797 | 20 | 862 |
| VERMONT | 442 | 426 | 16 | † |
| VIRGINIA | 8,677 (543) | 8,389 | 288 | 8,952 |
| WASHINGTON | 4,342 | 4,168 | 154 | 3,527 |
| WEST VIRGINIA | 1,308 | 1,266 | 42 | 1,250 |
| WISCONSIN | 3,800 | 3,666 | 134 | 3,548 |
| WYOMING | 419 | 389 | 30 | 380 |
| TOTAL STATE | 281,194 (7,612) | 270,556 | 10,638 | 265,017 |
| DIST. OF COL. | 1,876 | 1,876 | 0 | 1,870 |
| FEDERAL | 23,783 | 22,528 | 1,255 | 24,786 |
| U.S. TOTAL | 314,465 | | | |

Total state inmate population on 1/1/81 for all 50 states combined exceeded the total rated capacity by approximately 16,000, or six percent.

**Refers to the maximum number of inmates that each state's system is designed to hold as determined by the state corrections agency (criteria may vary from one state to another).

† Information not available.

What states have opened new prison facilities between July 1, 1979 and June 30, 1980?

| | NUMBER OF FACILITIES* | NUMBER OF BEDS ADDED | TOTAL DOLLAR COST |
|---------------|-----------------------|---|-------------------|
| ARIZONA | 1 add. | 120 | \$12,000,000 |
| ARKANSAS | 1 | 208 | 9,000,000 |
| | 1 add. | 184 | 3,700,000 |
| COLORADO | 1 | 75 | 750,000 |
| FLORIDA | 1 | 195 | ** |
| | 2 add. | 207 | 1,745,332 |
| GEORGIA | 1 add. | 266 | 7,000,000 |
| HAWAII | 2 | 252 | 18,736,345 |
| | 1 add. | ** | ** |
| IDAHO | 1 add. | 96 | 1,000,000 |
| ILLINOIS | 3 | 154 | 2,105,000 |
| | 7 add. | 350 | 5,600,000 |
| MAINE | 1 | 33 | ** |
| | 1 add. | 10 | 48,000 |
| MARYLAND | 1 add. | 128 | 1,200,000 |
| MICHIGAN | 1 | 320 | 5,400,000 |
| MISSOURI | 1 | 200 | 1,400,000 |
| | 2 add. | 100 | 275,000 |
| NEBRASKA | 2 | (484, replacement of obsolete facilities) | 14,000,000 |
| NEW HAMPSHIRE | 1 add. | 10 | ** |

| | NUMBER OF FACILITIES* | NUMBER OF BEDS ADDED | TOTAL DOLLAR COST |
|--------------------|-----------------------|----------------------------|----------------------|
| NEW JERSEY | 3 add. | (kitchen & visiting areas) | 2,000,000 |
| NEW MEXICO | 1 | 288 | 13,000,000 |
| NORTH CAROLINA | 1 | 480 | 14,000,000 |
| | 6 add. | 282 | 7,000,000 |
| OKLAHOMA | 1 | 305 | ** |
| | 1 add. | 49 | ** |
| SOUTH CAROLINA | 1 add. | 52 | \$63,052 |
| TENNESSEE | 2 | 800 | 18,200,000 |
| | 3 add. | 90 | 96,000 |
| TEXAS | 6 add. | 440 | ** |
| VIRGINIA | 2 | 216 | 10,017,768 |
| WASHINGTON | 2 | 180 | 880,000 |
| | 3 add. | 97 | 175,000 |
| WISCONSIN | 1 | 12 | 181,500 |
| | 2 add. | 205 | 2,519,000 |
| WYOMING | 1 add. | 37 | 287,000 |
| TOTAL STATE | 23 inst. | 3,718 | 93,658,500 |
| | 45 additions | 3,361 | 39,907,052 |
| | | 7,079 | \$133,563,552 |
| FEDERAL | 4 | 1,748 | ** |

**Add. signifies additions to existing facilities. Other figures represent new institutions.

**information not available.

How many new prison facilities were under construction or were planned and approved as of January 1, 1981?

FACILITIES UNDER CONSTRUCTION

| | NUMBER* | BEDS ADDED | TOTAL COST |
|-------------|---------|------------|-------------|
| ALABAMA | 1 | 600 | ** |
| ALASKA | 1 | 12 | \$3,500,000 |
| | 2 add. | 0 | 2,198,000 |
| ARIZONA | 1 | 120 | 12,000,000 |
| | 1 add. | 1,200 | 54,000,000 |
| ARKANSAS | 1 add. | 18 | 324,000 |
| CALIFORNIA | | | |
| COLORADO | 2 | 0 | 18,000,000 |
| | 1 add. | 30 | 150,000 |
| CONNECTICUT | 1 | 360 | 20,000,000 |
| DELAWARE | 2 | 424 | 28,491,000 |
| FLORIDA | 1 | 624 | 18,143,195 |
| | 6 id. | 1,463 | 8,640,000 |
| GEORGIA | 4 | 2,097 | 56,000,000 |
| | 1 ren. | 0 | 10,000,000 |
| HAWAII | 3 add. | 96 | 4,500,000 |
| IDAHO | | | |
| ILLINOIS | 3 | 1,700 | 64,200,000 |
| | 2 add. | 100 | 2,000,000 |
| INDIANA | 1 add. | 84 | ** |
| IOWA | 1 ren. | 120 | 1,900,000 |
| KANSAS | | | |
| KENTUCKY | 1 | 480 | 27,000,000 |
| | 1 add. | ** | ** |
| LOUISIANA | 1 | 500 | 19,858,750 |
| MARYLAND | 2 | 912 | 43,200,000 |

PLANNED CONSTRUCTION

| | NUMBER | BEDS ADDED | TOTAL COST |
|--|--------|------------|--------------|
| | 3 | 60 | \$24,408,300 |
| | 1 | 200 | 24,000,000 |
| | 1 | 200 | 3,250,000 |
| | 1 | 1,000 | 80,000,000 |
| | | | |
| | 1 | 624 | 30,000,000 |
| | | | |
| | 1 | 30 | 1,168,000 |
| | 1 | 96 | 1,400,000 |
| | | | |
| | 1 | 56 | 1,065,000 |
| | | | |
| | 1 | 500 | 27,700,000 |
| | 1 | 528 | 36,500,000 |

*"Add." signifies addition; "ren." signifies renovation.

**Information not available.

What is the current average cost of prison construction per cell?

The cost in the Federal system is about \$35,000. In state systems (of the 28 states that reported this figure), the cost ranged from a low of \$11,000 in Idaho to a high of \$130,000 in Alaska. Here's a sampling of other responses: Arizona—\$55,000; Delaware—\$67,196; Illinois—\$54,000; Louisiana—\$19,396; New York—\$45,000-\$80,000; Tennessee—\$22,000. (This figure is affected by the security level of particular institutions under construction and by such factors as the use of inmate labor, commercial labor costs, etc.)

How many corrections employees are there in the U.S.?

There are approximately 121,000 state corrections employees and 10,000 Federal. About 52 percent of them are corrections officers: there are 61,570 state corrections officers and approximately 6,000 Federal officers.

What is the cost per year for maintaining an inmate in confinement?

| | | | |
|---------------|----------|----------------|--------|
| ALABAMA | \$ 8,997 | MONTANA | 11,680 |
| ALASKA | 24,338 | NEBRASKA | 15,059 |
| ARIZONA | 13,040 | NEVADA | 10,000 |
| ARKANSAS | 5,011* | NEW HAMPSHIRE | 18,000 |
| CALIFORNIA | 12,000 | NEW JERSEY | 10,100 |
| COLORADO | 9,475 | NEW MEXICO | 6,387* |
| CONNECTICUT | 12,128 | NEW YORK | 11,963 |
| DELAWARE | 13,425 | NORTH CAROLINA | 7,665 |
| FLORIDA | 7,037* | NORTH DAKOTA | 10,333 |
| GEORGIA | 6,245* | OHIO | 6,059 |
| HAWAII | 12,771 | OKLAHOMA | 10,615 |
| IDAHO | 9,200 | OREGON | 10,400 |
| ILLINOIS | 10,035 | PENNSYLVANIA | 10,983 |
| INDIANA | 10,577 | RHODE ISLAND | 20,169 |
| IOWA | 13,400 | SOUTH CAROLINA | 5,666 |
| KANSAS | 10,622 | SOUTH DAKOTA | 8,000 |
| KENTUCKY | 6,375 | TENNESSEE | 7,088 |
| LOUISIANA | 8,873 | TEXAS | 2,920 |
| MAINE | 11,660 | UTAH | 10,000 |
| MARYLAND | 7,284 | | 20,000 |
| MASSACHUSETTS | 12,000 | VERMONT | 13,976 |
| MICHIGAN | 10,000 | VIRGINIA | 9,600 |
| MINNESOTA | 13,000 | WASHINGTON | 8,587 |
| MISSISSIPPI | 7,665 | WEST VIRGINIA | 7,000 |
| MISSOURI | 5,409 | WISCONSIN | 13,000 |
| | | WYOMING | 7,742 |
| | | FEDERAL SYSTEM | 13,500 |

* Includes direct services such as food and bedding only.

Note: The above figures generally represent the average cost per inmate in all types of prison facilities. But individual costs can vary from one institution to another in a state and from one individual to another, depending on the type of services received (such as work/study release). E.g., actual cost for an inmate in maximum-security may be higher than for one in minimum-security because more money is needed to maintain a higher level of supervision.

What is the racial composition of the U.S. inmate population?

Based on information provided by the following states for 1980, the approximate percentages are:

| | % BLACK | % WHITE | % HISPANIC | % INDIAN | % OTHER |
|---------------|---------|---------|------------|----------|---------|
| ALABAMA | 61 | 39 | | | |
| ALASKA | 9 | 52 | | 35 | 3 |
| ARIZONA | 21 | 49 | 28 | | 2 |
| ARKANSAS | 51 | 48 | | | |
| CALIFORNIA | 35 | 41 | 22 | | 2 |
| COLORADO | 19 | 52 | 24 | 1 | 4 |
| CONNECTICUT | 46 | 42 | 12 | | |
| DELAWARE | 56 | 44 | | | |
| FLORIDA | 45** | 55 | | | |
| GEORGIA | 60 | 40 | | | |
| HAWAII* | | | | | |
| IDAHO | 2 | 85 | 10 | 3 | |
| ILLINOIS | 60 | 37 | 3 | | |
| INDIANA | 27 | 72 | | | 1 |
| IOWA | 19 | 78 | 2 | | 1 |
| KANSAS | 33 | 61 | 3 | 2 | 1 |
| KENTUCKY | 28 | 71 | | | 1 |
| LOUISIANA | 72 | 28 | | | |
| MAINE | 1 | 99 | | | |
| MARYLAND | 76 | 23 | | | 1 |
| MASSACHUSETTS | 35 | 62 | 3 | | |
| MICHIGAN | 56 | 38 | 2 | | 4 |
| MINNESOTA | 18 | 71 | 2 | 8 | 1 |
| MISSISSIPPI | 67 | 32 | | | 1 |
| MISSOURI | 38** | 62 | | | |
| MONTANA | 2 | 81 | | 12 | 5 |
| NEBRASKA | 33 | 58 | 3 | 4 | 2 |

| | % BLACK | % WHITE | % HISPANIC | % INDIAN | % OTHER |
|----------------|---------|---------|------------|----------|---------|
| NEVADA | 29 | 66 | 3 | 1 | 1 |
| NEW HAMPSHIRE | 5 | 93 | | | 2 |
| NEW JERSEY | 60 | 30 | 3 | | 2 |
| NEW MEXICO | 10 | 44 | 45 | 1 | |
| NEW YORK | 52 | 28 | 19 | | 1 |
| NORTH CAROLINA | 54 | 42 | | | |
| NORTH DAKOTA | 1 | 63 | 1 | 35 | |
| OHIO | 49 | 51 | | | |
| OKLAHOMA | 29 | 64 | 1 | 6 | |
| OREGON | 12 | 80 | | | 8 |
| PENNSYLVANIA | 54 | 46 | | | |
| RHODE ISLAND | 23 | 76 | | | 1 |
| SOUTH CAROLINA | 57** | 43 | | | |
| SOUTH DAKOTA | 1 | 73 | | 26 | |
| TENNESSEE | 43 | 53 | | | 4 |
| TEXAS | 43 | 38 | 18 | | |
| UTAH | 9 | 74 | 14 | 2 | 1 |
| VERMONT | 1 | 99 | | | |
| VIRGINIA | 57 | 39 | | | 4 |
| WASHINGTON* | | | | | |
| WEST VIRGINIA | 13 | 87 | | | |
| WISCONSIN | 38 | 56 | | 3 | 3 |
| WYOMING | 4 | 84 | 6 | 6 | |
| FEDERAL | 26 | 62 | | 1 | 1 |

*Information not available
**Non-white

What is the average age of prison inmates?

In state systems, the average age of inmates ranged from 24 to 30 years. Of 42 states reporting, half had an average inmate age of 27.5 or less. In the Federal system, the average age was 33.

What is the average length of time served in state prisons?

Thirty-five states provided information in this area. The figures for 1980* show the following range in the average length of time served:

A high of 46 months in Hawaii to a low of 11 months in North Dakota.

Half of the states reporting had an average length of time served of 26 months or less. The Federal system indicated an average of 20.6 months.

*Based on lengths of time served by inmates released due to expiration of sentence, parole, probation, mandatory release or commutation of sentence. This figure is influenced by a state's sentencing policies and does not necessarily reflect the average length of time that will be served by offenders entering into a particular state correctional system today, since some states have changed their sentencing policies in recent years.
Note: In 1979, Nebraska's correct figure was 19 months.

How many prisoners are serving life sentences in the U.S.?

There are approximately 26,000 in state correctional systems. In the Federal system, there are 644.

Inmates serving life sentences constitute roughly nine percent of all state prisoners and approximately three percent of all Federal inmates.

How many prisoners are on death row?

There are approximately 730.

What is their racial/ethnic composition?

54% White; 42% Black; 4% Hispanic.

How many are women?

8.

How many people were executed in the past year? (Between June 30, 1979 and July 1, 1980.)

One male was executed by gas chamber in Nevada in Oct., 1979.

Thirty-seven states have capital punishment laws,** including three that were challenged and then found constitutional by the U.S. Supreme Court. They are: Florida, Georgia and Texas.

**Source: NAACP Legal Defense and Educational Fund Report, "Death Row, U.S.A.," December 20, 1979.

How many prisoners died violently in state and Federal prisons in the first six months of 1980?

Approximately 150.

This figure, which includes suicides, is roughly the same as the number of prisoners who died violently in all of 1979.

How many prison staff were killed while on duty in state and Federal prisons in the first six months of 1980?

2.

In all of 1979, four staff members were killed while on duty.

How many state prison inmates were in protective custody?

Approximately 8,500. This is about 3.6 percent of the population of all state prisons in the U.S.

Protective custody is defined as segregation of an inmate from the general prison population, usually as an attempt to protect the inmate from potential physical injury by other prisoners. The above figure indicates those people physically present in protective custody on June 30, 1980.

How many prisoners escaped from secure institutions during 1980?

Approximately 2,500.

Escapes from secure institutions are defined as cases of prisoners breaching the walled or fenced areas of prison facilities without authorization from the institutional administration. Not included, for example, are inmates who flee while on work release.

How many escapees are returned to custody?

No national statistics could be obtained on the number of escapees from secure institutions who have been returned to custody. However, for all types of escapes from state and Federal correctional institutions (including inmates who fled while on work or study release, or furloughs, or escaped from non-walled and non-fenced facilities), 8,427 were reported in 1977. In the same year, 8,068 escapees were returned.* (Returnees include individuals who were not among the 8,427, such as escapees from previous years.)

*Source: *National Prisoner Statistics Bulletin*, Dec. 31, 1977, Law Enforcement Assistance Administration.

What percentage of state prison inmates have served sentences for prior felony convictions?

| | | | |
|---------------|-------|-----------------|-----|
| ALABAMA | 34% | MONTANA* | |
| ALASKA | 54% | NEBRASKA | 28% |
| ARIZONA | 36% | NEVADA | 40% |
| ARKANSAS | 35% | NEW HAMPSHIRE | 58% |
| CALIFORNIA | 36% | NEW JERSEY | 42% |
| COLORADO | 32% | NEW MEXICO | 50% |
| CONNECTICUT | 59% | NEW YORK | 32% |
| DELAWARE* | | NORTH CAROLINA | 30% |
| FLORIDA | 41% | NORTH DAKOTA | 44% |
| GEORGIA | 33% | OHIO | 45% |
| HAWAII | 16% | OKLAHOMA | 48% |
| IDAHO | 42%** | OREGON | 51% |
| ILLINOIS | 60% | PENNSYLVANIA* | |
| INDIANA | 26% | RHODE ISLAND | 41% |
| IOWA | 36% | SOUTH CAROLINA* | |
| KANSAS | 37% | SOUTH DAKOTA | 43% |
| KENTUCKY | 50% | TENNESSEE | 39% |
| LOUISIANA | 50% | TEXAS | 33% |
| MAINE | 50% | UTAH | 53% |
| MARYLAND* | | VERMONT* | |
| MASSACHUSETTS | 58% | VIRGINIA | 37% |
| MICHIGAN | 45% | WASHINGTON | 11% |
| MINNESOTA* | | WEST VIRGINIA | 32% |
| MISSISSIPPI | 27% | WISCONSIN | 47% |
| MISSOURI | 34% | WYOMING | 67% |

*Information not available.

**Based on figures for 1979.

How many inmates were enrolled in work release programs* in 1980?

Approximately 12,000 prisoners in state institutions, or 4.3 percent. In the Federal system, 250 inmates participated in work and study-release programs throughout 1980.

*Defined as programs enabling an inmate to leave prison during the day for the purpose of holding a job in the community.

How many inmates work in prison industries?

Nearly 29,000 inmates work in industrial programs set up within state institutions. That's about 10 percent of all state prison inmates. The Federal System employs approximately 6,000 prisoners, or 25 percent of its population.

How many furloughs* were granted in 1980?

In state systems, inmates went out on about 73,000 separate furloughs. The Federal system granted 20,103.

Five states did not have furlough programs during 1980. They are New Hampshire, Oklahoma, West Virginia, Wisconsin and Wyoming.

*Defined as temporary releases of an inmate for activities other than work or school; e.g., family visits. Some inmates may take more than one furlough per year. The figure does not indicate the number of inmates involved.

How many state prisoner rights suits were filed in the Federal courts in 1980?

Approximately 12,400. The number of suits that are filed has increased steadily during the past decade. In 1975, 6,128 were filed, less than half the number filed in 1980. In 1979, there were about 11,800.

Prisoner rights suits constitute roughly seven percent of all civil cases filed in Federal court.

Source: Annual Report of the Administrative Office of the U.S. Courts, FY1980.

How many prisons have formal grievance procedures or committees for responding to written complaints from inmates?

443 state (88 percent of all state prisons) and all 43 Federal prisons. In addition, 19 state correctional systems employed ombudsmen to help deal with inmate complaints.

*How many prisons permit conjugal visitation?**

21 state prisons: 12 in California, one in Mississippi, four in New York and four in South Carolina.

*Defined as private visitation between inmate and family in a special building on institutional grounds.

How many state-owned community treatment centers and halfway houses are there in the U.S.?

There are 198 community treatment centers and 153 halfway houses in 30 states.

Community treatment centers are defined as facilities whose main function is to provide housing and treatment in a non-prison environment, usually near local business and industrial settings. Halfway houses are buildings whose main function is to act as a transitional setting for offenders leaving prison to re-enter the community. Many states house some of their offenders in community centers or halfway houses that are owned and operated by local governments or private organizations. This is often done on a contract basis, whereby the state provides partial funding for the program.

The Federal prison system operates nine community treatment centers of its own (which also perform half-way functions) and contracts with 400 facilities in local communities.

How many people resided in these community facilities?

Approximately 6,000 resided in state-owned community treatment centers and 4,800 in halfway houses (as of June 30, 1980). The Federal system housed 312 on January 1, 1981.

What are the basic annual starting salaries for correctional officers?

| | | | |
|---------------|----------|----------------|--------|
| ALABAMA | \$13,117 | MONTANA | 10,574 |
| ALASKA | 16,800 | NEBRASKA | 9,949 |
| ARIZONA | 14,400 | NEVADA | 11,700 |
| ARKANSAS | 9,256 | NEW HAMPSHIRE | 10,500 |
| CALIFORNIA | 16,216 | NEW JERSEY | 12,160 |
| COLORADO | 12,900 | NEW MEXICO | 13,020 |
| CONNECTICUT | 13,753 | NEW YORK | 11,746 |
| DELAWARE | 10,977 | NORTH CAROLINA | 10,476 |
| FLORIDA | 10,315 | NORTH DAKOTA | 11,148 |
| GEORGIA | 9,090 | OHIO | 9,048 |
| HAWAII | 10,656 | OKLAHOMA | 10,740 |
| IDAHO | 11,040 | OREGON | 12,972 |
| ILLINOIS | 12,540 | PENNSYLVANIA | 12,414 |
| INDIANA | 11,284 | RHODE ISLAND | 13,010 |
| IOWA | 12,750 | SOUTH CAROLINA | 9,545 |
| KANSAS | 11,472 | SOUTH DAKOTA | 9,610 |
| KENTUCKY | 9,384 | TENNESSEE | 10,092 |
| LOUISIANA | 10,200 | TEXAS | 10,178 |
| MAINE | 11,003 | UTAH | 11,943 |
| MARYLAND | 12,450 | VERMONT | 9,802 |
| MASSACHUSETTS | 12,532 | VIRGINIA | 10,270 |
| MICHIGAN | 14,064 | WASHINGTON | 14,148 |
| MINNESOTA | 13,900 | WEST VIRGINIA | 9,852 |
| MISSISSIPPI | 10,020 | WISCONSIN | 12,049 |
| MISSOURI | 10,176 | WYOMING | 12,696 |
| | | FEDERAL | 13,672 |

How many people are on parole?

There are approximately 174,690 on state-supervised parole (including 2,280 in Washington, D.C.) and 20,815 on Federally supervised parole.

U.S. TOTAL 195,505

(as of June 30, 1980)

What is the cost per year of maintaining one person on parole?

Thirty-four states supplied data. The costs that they reported ranged from a high of \$1,376 in Nebraska to a low of \$185 in Mississippi. The average of the figures given by the states was approximately \$610 per parolee per year.

Other responses included: California - \$1,100; Delaware - \$404; Iowa - \$876; Louisiana - \$369; Pennsylvania - \$1,000.

What are the budgets of the state and Federal correctional systems?

For Fiscal Year 1979-1980, the budgets are as follows:

(figures are for adult correctional services unless otherwise noted)

| | |
|---------------|--------------|
| ALABAMA | \$41,657,000 |
| ALASKA | 25,323,000* |
| ARIZONA | 56,000,000* |
| ARKANSAS | 13,900,000 |
| CALIFORNIA | 380,000,000 |
| COLORADO | 45,700,000 |
| CONNECTICUT | 42,000,000 |
| DELAWARE | 13,882,000 |
| FLORIDA | 89,000,000 |
| GEORGIA | 95,721,000† |
| HAWAII | 12,360,000* |
| IDAHO | 8,923,000 |
| ILLINOIS | 111,581,000* |
| INDIANA | 90,000,000* |
| IOWA | 40,000,000 |
| KANSAS | 24,684,000 |
| KENTUCKY | 32,948,000 |
| LOUISIANA | 57,641,000 |
| MAINE | 7,000,000 |
| MARYLAND | 60,000,000 |
| MASSACHUSETTS | 59,988,000 |
| MICHIGAN | 170,000,000 |

*Indicates combined adult and juvenile budgets.

(actual expenditures.)

†Includes estimated cost of rebuilding penitentiary following Feb. 2, 1980 riot.

| | |
|----------------|---------------|
| MINNESOTA | 71,000,000* |
| MISSISSIPPI | 18,700,000 |
| MISSOURI | 37,150,000 |
| MONTANA | 17,500,000* |
| NEBRASKA | 43,537,000* |
| NEVADA | 16,000,000 |
| NEW HAMPSHIRE | 5,400,000 |
| NEW JERSEY | 92,322,000* |
| NEW MEXICO | 70,000,000* |
| NEW YORK | 251,919,000 |
| NORTH CAROLINA | 122,606,000 |
| NORTH DAKOTA | 10,865,000* |
| OHIO | 97,800,000 |
| OKLAHOMA | 40,447,000 |
| OREGON | 52,143,000 |
| PENNSYLVANIA | 92,000,000 |
| RHODE ISLAND | 17,730,000 |
| SOUTH CAROLINA | 41,652,000 |
| SOUTH DAKOTA | 5,500,000 |
| TENNESSEE | 61,457,000 |
| TEXAS | 153,840,000 |
| UTAH | 17,694,000 |
| VERMONT | 9,000,000 |
| VIRGINIA | 80,076,000 |
| WASHINGTON | 65,400,000 |
| WEST VIRGINIA | 12,868,000* |
| WISCONSIN | 51,761,000 |
| WYOMING | 4,493,000 |
| FEDERAL | 333,244,000 |
| TOTAL STATE | 3,139,168,000 |
| U.S. TOTAL | 3,472,412,000 |

SECTION TWO/ JUVENILE OFFENDERS

What are the 10 largest jails in the U.S.?

The 10 largest jails, by population, in January, 1981, are:

| FACILITY | POPULATION |
|--|---------------|
| Los Angeles County Jail (Central Jail) Los Angeles, CA | 5,300 |
| Cook County Jail (Six Divisions) Chicago, IL | 4,332 |
| New York City House of Detention for Men East Elmhurst, NY | 2,669 |
| Parish Prison New Orleans, LA | 1,950 |
| Dallas County Jail (New, Old and Woodlawn facilities) Dallas, TX | 1,790 |
| Orange County Jail Santa Ana, CA | 1,602 |
| District of Columbia Detention Facility Washington, DC | 1,328 |
| Baltimore City Jail Baltimore, MD | 1,307 |
| Fulton County Jail Atlanta, GA | 1,173 |
| Holmsburg Prison (City Jail) Philadelphia, PA | 1,036 |
| Total | 22,487 |

Total population for the 10 facilities is slightly more than 3,000 higher than it was in January, 1980.

How many juvenile correctional facilities are there in the U.S.?

The numbers of state-operated juvenile correctional facilities of various types are:

| | |
|---|------------|
| Detention centers (short-term holding) | 70 |
| Training schools (long-term confinement), including Youth Development Centers | 149 |
| Ranches, camps, farms (long-term, minimum security confinement) | 74 |
| Community treatment centers | 213 |
| Halfway houses | 58 |
| Group homes | 281 |
| Special security and treatment facilities | 3 |
| Separate reception and diagnostic centers | 10 |
| TOTAL | 858 |

Please note: In order to obtain the most comparable data possible from the various state juvenile correctional systems, THE CORRECTIONS YEARBOOK™ defines juveniles as individuals between the ages of 12 to 18, which are the age limits that most states use. Some states, such as Connecticut, New York and South Carolina, define individuals over 16 as adults and therefore have some 16 and 17-year-olds in their adult correctional systems. Other juvenile offenders are committed to adult institutions in many states due to convictions for highly serious offenses. Juveniles in adult correctional institutions have not been included in the figures for juvenile offender populations.

How many juvenile offenders are confined in state-administered institutions?

On January 1, 1981, the number of juveniles held in secure and semi-secure long-term facilities (i.e., training schools and ranches, camps and farms) was:

| | |
|-----------------------|--------|
| | 26,698 |
| Male | 23,969 |
| Female | 2,729 |
| (1980 total = 25,911) | |

In other types of state-administered facilities, on January 1, 1980, the last date for which national figures have been gathered, the number of juvenile offenders was :

| | |
|-------------------------------|--------------|
| Detention centers | 1,988 |
| Community treatment centers | 3,135 |
| Halfway houses | 537 |
| Group homes | 1,962 |
| Special security/treatment | 146 |
| Separate reception/diagnostic | 942 |
| | <u>8,710</u> |

Note: In addition to these numbers, substantial populations of juvenile offenders are housed in institutions administered by local governments and private organizations in many states. The last Juvenile Detention and Correctional Facility Census conducted by the U.S. Census Bureau for the Law Enforcement Assistance Administration (1975) reported that a total of 42,459 juveniles were being held in such facilities as of June 30, 1975.

The number of juveniles in state-administered, secure and semi-secure (long-term) facilities on January 1, 1981 was:

| | TOTAL | MALE | FEMALE | RATED CAPACITY* |
|---------------|--------------------|------------------|------------------|-----------------|
| ALABAMA | 366 | 308 | 58 | 322 |
| ALASKA | 136 | 113 | 23 | 135 |
| ARIZONA | 319 | 298 | 21 | 290 |
| ARKANSAS | 216 | 194 | 22 | 309 |
| CALIFORNIA | 5,358 ¹ | 5,157 | 201 | 5,170 |
| COLORADO | 330 | 310 | 20 | 402 |
| CONNECTICUT | 118 | 95 | 23 | 150 |
| DELAWARE | 206 | 184 | 22 | 242 |
| FLORIDA | 648 | 593 | 55 | 864 |
| GEORGIA | 816 | 694 | 122 | 1,378 |
| HAWAII | 107 | 97 | 10 | 97 |
| IDAHO | 128 ^{..} | 111 | 17 | 150 |
| ILLINOIS | 967 | 929 | 38 | 1,040 |
| INDIANA | 825 | 639 | 186 | 490 |
| IOWA | 769 ² | 666 ² | 103 ¹ | 260 |
| KANSAS | 397 | 346 | 51 | 522 |
| KENTUCKY | 469 | 416 | 53 | 561 |
| LOUISIANA | 888 | 794 | 94 | .. |
| MAINE | 207 | 187 | 20 | .. |
| MARYLAND | 780 | 686 | 94 | 915 |
| MASSACHUSETTS | 202 | 164 | 38 | 219 |
| MICHIGAN | 636 | 576 | 60 | 648 |
| MINNESOTA | 222 | 185 | 37 | 265 |

*Note: Not all state figures for rated capacity include ranches, camps and farms, which are represented in population totals.
^{..} Information not available.
¹California includes youthful offenders over 18 years of age.
²Admissions throughout FY1979-1980.

| | TOTAL | MALE | FEMALE | RATED CAPACITY* |
|----------------|--------|--------|--------|--------------------|
| MISSISSIPPI | 293 | 268 | 25 | ** |
| MISSOURI | 315 | 255 | 60 | ** |
| MONTANA | 153 | 113 | 40 | 170 |
| NEBRASKA | 194 | 151 | 43 | 275 |
| NEVADA | 252 | 160 | 92 | 306 |
| NEW HAMPSHIRE | 105 | 80 | 25 | 121 |
| NEW JERSEY | 516 | 503 | 13 | ** |
| NEW MEXICO | 273 | 240 | 33 | 300 |
| NEW YORK | 971 | 811 | 160 | 2,254 |
| NORTH CAROLINA | 629 | 533 | 96 | 863 |
| NORTH DAKOTA | 96 | 68 | 28 | ** |
| OHIO | 1,249 | 1,157 | 92 | 1,481 |
| OKLAHOMA | 294 | 294 | 0 | 230 |
| OREGON | 661 | 575 | 86 | 664 |
| PENNSYLVANIA | 663 | 624 | 39 | 790 |
| RHODE ISLAND | 68 | 62 | 6 | 94 |
| SOUTH CAROLINA | 538 | 482 | 56 | 424 |
| SOUTH DAKOTA | 125 | 109 | 16 | 127 |
| TENNESSEE | 881 | 780 | 101 | 1,311 |
| TEXAS | 978 | 900 | 78 | 1,004 |
| UTAH | 90 | 90 | 0 | 300 |
| VERMONT | 21 | 21 | 0 | ** |
| VIRGINIA | 876 | 721 | 155 | 825 |
| WASHINGTON | 602 | 588 | 34 | 709 |
| WEST VIRGINIA | 166 | 156 | 10 | 470 |
| WISCONSIN | 495 | 460 | 35 | 588 |
| WYOMING | 180 | 114 | 66 | 240 |
| TOTAL STATE | 26,698 | 23,969 | 2,729 | 28,217 |

*Note: Not all state figures for rated capacity include ranches, camps and farms, which are represented in population totals.

** Information not available.

What is the average length of time served by juveniles in secure and semi-secure institutions?

The average length of time served ranged from a low of one month, seven days in Rhode Island to a high of 11 months in Michigan. Half of the forty-four states reporting in this area had an average length of time served of seven months or less.

What states have opened new juvenile correctional facilities in the past year?

(Between July 1, 1979 and June 30, 1980)

| | NUMBER OF FACILITIES* | NUMBER OF BEDS ADDED | TOTAL DOLLAR COST |
|--------------|-----------------------------|----------------------------|-------------------------|
| CALIFORNIA | 1 | 75 | ** |
| MARYLAND | 4 add. | 72 | \$1,230,000 |
| MONTANA | 1 add. | 0 | 900,000 |
| NEW YORK | 1 | 29 | ** |
| NEW MEXICO | 12 | 30 | 2,000,000 |
| | 4 add. | 18 | 500,000 |
| PENNSYLVANIA | 2 add. | 28 | ** |
| TEXAS | 1 | 28 | 230,395 |
| UTAH | 1 add. | 15 | 700,000 |
| TOTAL | 15 inst. 12 add. | 291 | 5,560,395 |

*"Add." signifies addition.

** Information not available.

What states were building or were planning to build new juvenile correctional facilities as of January 1, 1981?

FACILITIES UNDER CONSTRUCTION

| | NUMBER † | BEDS. | DOLLAR COST |
|---------------|---------------------|-------|--------------|
| ALABAMA | | | |
| ALASKA | 2 | 40 | \$4,000,000 |
| | 1 add. | 0** | 1,300,000 |
| ARIZONA | | | |
| ARKANSAS | 1 | 26 | 750,000 |
| GEORGIA | 1 | 30 | 1,000,000 |
| IDAHO | 1 add. | 8 | * |
| IOWA | 1 | 5 | * |
| MAINE | 1 add. | 30 | 995,000 |
| MARYLAND | 1 | 15 | 863,300 |
| MASSACHUSETTS | | | |
| MISSISSIPPI | 4 add. | 100 | * |
| NEW YORK | 2 add. | 90 | * |
| NEW MEXICO | 9 | 56 | 2,000,000 |
| OKLAHOMA | 1 | 58 | 5,000,000 |
| RHODE ISLAND | | | |
| TENNESSEE | 2 add. | 46 | * |
| VIRGINIA | 1 | 40 | 1,392,200 |
| WASHINGTON | 1 | 16 | 500,000 |
| TOTAL | 18 inst. 11 add. | 558 | \$17,800,500 |

† "Add." signifies addition.
 * Information not available.
 ** gymnasium.

PLANNED CONSTRUCTION

| NUMBER | BEDS | DOLLAR COST |
|-----------|------------|---------------------|
| 1 | 25 | \$ 750,000 |
| 1 | 7 | 1,500,000 |
| 2 | 48 | 1,000,000 |
| 2 | 0 | 6,400,000 |
| 1 | 25 | 700,000 |
| 2 | 50 | 2,000,000 |
| 1 | 40 | 3,000,000 |
| 10 | 195 | \$15,350,000 |

What are the costs per year of maintaining one juvenile offender in different types of institutions?

The cost per year in custody institutions such as training schools ranged from a high of \$42,779 in Rhode Island to a low of \$6,419 in Kentucky. (Costs vary within states and institutions due to specific characteristics of custody and treatment provided for different individuals.) The following is a sampling of responses from other states: Alaska—\$32,737; Delaware—\$16,461; Georgia—\$13,475; Illinois—\$20,000; Massachusetts—\$30,000; New York—\$20,075-\$37,230; Oklahoma—\$15,000; Tennessee—\$11,315-\$25,915; Wyoming—\$12,775. Forty-seven states responded to this question.

Twenty-four states provided figures for the annual cost of maintaining a juvenile in a group home. These ranged from \$22,995 in New York to approximately \$3,800 in Florida. Other figures reported for group homes included: Arizona—\$15,000; Kentucky—\$7,372; Maryland—\$14,538; Michigan—\$7,700; Oklahoma—\$14,000; Tennessee—\$10,175; Washington—\$15,403; Georgia—\$17,333; Massachusetts—\$14,000; Illinois—\$6,000.

How many full-time state juvenile correctional employees are there in the U.S.?

Approximately 42,000.

What is the basic starting salary for state juvenile correctional personnel who have titles equivalent to a correctional officer in the adult system?

This figure ranged from \$18,396 in Alaska to \$6,942 in Arkansas. (Figures include salaries for youth counselors, group leaders, dormitory supervisors and other titles comparable to the position held by correctional officers in adult systems.) Other states: Alabama—\$10,200—\$11,600; Idaho—\$13,450; Maine—\$12,000; New York—\$10,210; Ohio—\$10,130.

How many juvenile offenders and correctional staff members died violently in state institutions during 1980?

Five offenders. * Two staff members (between July 1, 1979 and June 30, 1980).

*Includes suicides.

How many juveniles are on aftercare or parole in the U.S.?

States reported a total of approximately 38,000 juveniles on parole or aftercare in their systems as of June 30, 1980.

SECTION THREE/ LEGISLATIVE

What are the budgets of the state juvenile corrections systems for FY 1979-80?

| | |
|-------------------------|---------------------------|
| ALABAMA \$ 9,413,363 | MONTANA \$ 3,781,602 |
| ALASKA 7,477,700 | NEBRASKA 4,066,284 |
| ARIZONA 11,427,27* | NEVADA 7,300,000 |
| ARKANSAS 8,374,489 | NEW HAMPSHIRE 3,250,000 |
| CALIFORNIA 182,200,000 | NEW JERSEY 10,219,000 |
| COLORADO 14,984,864 | NEW MEXICO 2,353,000 |
| CONNECTICUT 4,228,000* | NEW YORK 120,000,000 |
| DELAWARE 3,995,000 | NORTH CAROLINA 19,245,508 |
| FLORIDA 43,875,000* | NORTH DAKOTA 1,791,000 |
| GEORGIA 26,000,000 | OHIO 64,747,121* |
| HAWAII 1,786,209 | OKLAHOMA 29,230,837 |
| IDAHO 4,500,000 | OREGON 14,828,306 |
| ILLINOIS 30,000,000 | PENNSYLVANIA 28,957,000 |
| INDIANA 7,815,000* | RHODE ISLAND 3,678,957 |
| IOWA 7,000,000 | SOUTH CAROLINA 9,922,794* |
| KANSAS 5,470,000* | SOUTH DAKOTA 1,729,013 |
| KENTUCKY 13,595,928 | TENNESSEE 17,533,551 |
| LOUISIANA 14,000,000 | TEXAS 30,858,656 |
| MAINE 2,711,000 | UTAH 7,000,000 |
| MARYLAND 38,408,298 | VERMONT 2,734,060* |
| MASSACHUSETTS 2,800,000 | VIRGINIA 11,513,000 |
| MICHIGAN 21,000,000 | WASHINGTON 25,000,000 |
| MINNESOTA 7,700,000 | WEST VIRGINIA 3,164,023 |
| MISSISSIPPI 6,000,000 | WISCONSIN 10,858,918 |
| MISSOURI 14,171,989 | WYOMING 2,300,000 |

*Direct expenditures in Fiscal Year 1977, the last date for which data was available. (Source: Expenditure and Employment Data for the Criminal Justice System, Law Enforcement Assistance Adm., 1977.)

*Does not include cost of intake.

*Total Youth Commission Budget (includes other services such as foster care, shelters for homeless and abused children, etc.)

*Excludes community division monies.

Who are the key state senators and assemblymen concerned with correctional affairs?

| STATE | SENATE | HOUSE OR ASSEMBLY |
|-------------|---|--------------------------------------|
| ALABAMA | Reo Kirkland (205) 867-6644 | Brooks Hines (205) 867-5418 |
| ALASKA | Charles Parr (907) 465-4907 | |
| ARIZONA | Jim Kolbe (602) 255-4136 | Peter Dunn (602) 255-5977 |
| ARKANSAS | Morrell Gathright (501) 372-6211 | Charles W. Stewart (501) 372-6211 |
| CALIFORNIA | Omer Rains (916) 445-5957 | Terry Goggin (916) 445-3268 |
| COLORADO | William Hughes (303) 839-3006 | John Hamlin (303) 839-3006 |
| CONNECTICUT | Mary Martin (203) 566-7639 | Naomi Otterness (203) 566-7684 |
| DELAWARE | James T. Vaughn (302) 736-4610 | Jeffrey G. Mack (302) 736-4294 |
| FLORIDA | Joseph Carlucci (304) 733-8888 | James Ward (904) 488-4649 |
| GEORGIA | Joe Kennedy (404) 656-5035 | Forest Hays (404) 931-2328 |
| HAWAII | | Herbert J. Honda (808) 548-6432 |
| IDAHO | Mike Mitchell (208) 334-2000 | Larry Knigge (208) 334-2000 |
| ILLINOIS | Frank Oringo (312) 422-6051 Vince Demuzio (317) 854-3922 | |
| INDIANA | William C. Dunbar (317) 269-3501 | John W. Donaldson (317) 269-3786 |

| STATE | SENATE | HOUSE OR ASSEMBLY |
|---------------|---------------------------------------|--|
| IOWA | Lucas DeKoeter (515) 281-3371 | Nancy Shimanek (515) 281-3221 |
| KANSAS | Elwine Tomeroy (913) 357-0311 | Joe Hoagland (913) 342-1999 |
| KENTUCKY | Robert R. Martin (606) 623-3617 | Gerta Bendel (502) 459-4759 |
| LOUISIANA | Fritz Windhorst (504) 568-6097 | Charles Grisbaum (504) 887-6571 |
| MAINE | Dana Devoe (207) 289-2740 | Barry Hobbins (207) 289-2740 |
| MARYLAND | Joseph Curran (301) 841-3623 | Joseph Owens (301) 841-3488 |
| MASSACHUSETTS | Jack Backman (617) 727-7295 | A. Joseph DeNucci (617) 727-8137 |
| MICHIGAN | Basil Brown (517) 373-7748 | Jeff Padden (517) 373-0140 |
| MINNESOTA | Sam G. Solon (612) 296-4188 | Robert Vanasek (612) 296-4229 |
| MISSISSIPPI | Theodore Smith (601) 354-4604 | Robert G. Huggins (601) 354-7224 |
| MISSOURI | John Dennis (314) 751-2455 | Robert L. Fowler (314) 751-3240 |
| MONTANA | Mike Anderson (406) 449-6888 | Jerry Keyser (406) 449-4828 |
| NEBRASKA | (Unicameral Legislature) | William Nichol (402) 471-2808 |
| NEVADA | Susan Wagner (702) 885-5831 | Melvin D. Clegg, Jr. (702) 885-5884 |
| NEW HAMPSHIRE | Vesta Roy (603) 271-2715 | Minnie Caswell (603) 424-3655 |
| NEW JERSEY | W. J. Hamilton, Jr. (201) 248-5345 | George I. Lowski (201) 828-7996 |
| NEW YORK | Ralph Marino (518) 455-2911 | Melvin Miller (518) 455-4477 |
| NEW MEXICO | Caleb Chandler (505) 769-1921 | George Fettingler (505) 437-6620 |

| STATE | SENATE | HOUSE OR ASSEMBLY |
|----------------|---------------------------------------|--------------------------------------|
| NORTH CAROLINA | Joe Raynor (919) 733-5665 | Wilraa Woodard (919) 733-4111 |
| NORTH DAKOTA | Clayton Lodoen (701) 224-2000 | Bob Martison (701) 224-3388 |
| OHIO | Paul Pieller (614) 466-8049 | C.J. McLin (614) 466-8038 |
| OKLAHOMA | Bill Crutcher (405) 521-3421 | Carl Twidwell (405) 521-2711 |
| OREGON | Jan Wyers (503) 379-8833 | Tom Mason (503) 378-5962 |
| PENNSYLVANIA | George Gekas (717) 787-6801 | Warren H. Spencer (717) 787-8989 |
| RHODE ISLAND | John C. Revens, Jr. (401) 277-6625 | Jeffrey J. Teitz (401) 277-2258 |
| SOUTH CAROLINA | Horace Smith (803) 758-5088 | B.L. Hendrick, Jr. (803) 758-5202 |
| SOUTH DAKOTA | Mary McClure (605) 224-1972 | Jerry Lammers (605) 224-5951 |
| TENNESSEE | John Ford (615) 741-3304 | Lois DeBerry (615) 741-3830 |
| TEXAS | Roy Farabee (512) 475-4446 | Billy Hall (512) 475-2777 |
| UTAH | Bryce Flamm (801) 533-5701 | Paul P. Meehan (801) 533-4823 |
| VERMONT | Kathie Sorrell (802) 828-2228 | William Allen (802) 828-2228 |
| VIRGINIA | Fred T. Gray (804) 786-6797 | John D. Gray (804) 786-6609 |
| WASHINGTON | Ray Moore (206) 753-7670 | Joan Houchen (206) 753-7824 |
| WEST VIRGINIA | Jaines Davis (304) 348-2272 | Joseph Albright (304) 348-2239 |
| WISCONSIN | Carl Thompson (608) 266-3518 | David Davis (608) 286-5340 |
| WYOMING | Res Arney (307) 777-7711 | Elen Crowley (307) 777-7011 |

SECTION FOUR/ FOREIGN

CANADA

The Correctional Service of Canada operates 61 adult Federal institutions, including 16 community correctional centers. Most offenders committed to the Federal system are those with sentences longer than two years. Offenders who receive sentences of less than two years are generally committed to one of 105 adult and 11 juvenile facilities run by 10 Provinces. Among the 105 adult facilities are 45 community correctional centers, 17 jails and short-term detention centers, 34 camps and farms, five women's institutions, three work/study centers and one penitentiary.

Prison Population

Federal facilities: 9,529 (as of March 31, 1980). Provincial facilities: 13,658 (as of March 31, 1979). Juvenile facilities: approximately 1,500 (as of July 1, 1979). Total civilian population: 23,870,000 (April, 1980).

Average length of time served

Federal system: 3.5 years. Provincial system: 3 months (estimate).

Adult Prisoners per 100,000 Population

97 (for both systems combined).

Capital Punishment

The death penalty for crimes committed by civilians was abolished in 1976.

Source: *The Cost of Maintaining Offenders, Correctional Service of Canada, 1979-1980.*

GREAT BRITAIN (England, Wales, Scotland & Northern Ireland*)

The Prison Department of the Home Office of Great Britain administers jails and prisons in England and Wales. In Scotland, the governing body for corrections is the Home and Health Department. Prison sentences are used less frequently now than in the past: about 59 percent of adults convicted of indictable offenses were sent to prison in 1948, whereas only 34 percent were given prison terms in 1975. Probation and required community service have been used increasingly over the past several decades in lieu of incarceration. But prison sentences still constitute a substantial portion of the penalties imposed for individuals convicted of serious crimes.

Prison Population

48,000 males and 1,700 females in prisons and detention centers (average daily population as of November, 1979).

Total Civilian Population

50,000,000 (November, 1979).

Length of Time Served

Approximately one in 20 adult offenders spends more than two years in prison.**

Adult Prisoners per 100,000 Population

80 (includes detention centers).

Capital Punishment

There are no capital punishment statutes.

*Figures for N. Ireland not available.

Sources: *Prison Statistics, Home Office of Great Britain, 1979.*

***British Prisons, M. Fitzgerald and J. Sim; Basil Blackwell and Oxford.*

DENMARK

The Department of Prison and Probation of the Danish Ministry of Justice operates 15 adult prisons and eight youth "hostels" for juvenile offenders. Most adults convicted of serious offenses are sentenced to one of the 15 institutions (referred to as "state" prisons) for periods ranging from 30 days to 16 years. Life sentences are given in only a few unusual cases. Many offenders receiving prison sentences are committed to "open" prisons, which permit liberal conjugal visiting, frequent association among inmates in common meeting rooms as well as in work and study programs. Many other offenders are given sentences consisting of fines and required participation in halfway house programs. In addition, the Department oversees several "local" prisons, smaller facilities similar to local jails in the United States.

Prison Population

1,245 adults, of which 98 percent were males (state prisons, as of January 1, 1979).

Total Civilian Population

5,204,000 (1975).

Adult Prisoners per 100,000 Population

25 (state prisons, as of 1979).

Capital Punishment

There is no capital punishment in Denmark. The last execution was in 1891.

Sources: *Danish Statistical Yearbook, 1980*,
The Penal System of Denmark, Dept. of Prison and Probation, 1975.

FRANCE

The Penitentiary Administration is the central body responsible for administering prisons and jails in France. Correctional facilities are operated directly by nine regional divisions and each division administers several types of institutions: short-term detention centers; jails for those sentenced to periods up to one year; training schools geared to provide "professional" training for offenders under 28 years old; "open" prisons, which permit inmates to work unguarded and to leave the facilities during the day, special facilities for inmates considered mentally or physically ill and central maximum-security facilities.

Prison Population

35,655, of which 97 percent were males (as of January 1, 1980).

Total Civilian Population

53,583,000 (1980).

Length of Sentence

During 1979, 36.5 percent of all inmates were serving sentences of less than one year; 28 percent were sentenced to 1-3 years; 8.5 percent for 3-5 years and 25 percent to more than 5 years.

Adult Prisoners per 100,000 Population

66 (all facilities).

Capital Punishment

The French Penal Code permits a death sentence for murder and some crimes threatening the state's external security.

Sources: *Annuaire Statistique de la France 1979*,
Le Monde, December 20, 1980.

JAPAN

The Correction Bureau of the Ministry of Justice administers all prisons. Jails and detention centers are operated locally by 47 different jurisdictions (called "prefectures").

Prison Population

11,319, of which 97 percent were males, in 155 prisons and short-term detention centers (as of December, 1978).

Total Civilian Population

117,000,000 (December, 1978).

Prisoners per 100,000 Population

35 (all facilities).

Capital Punishment

The death penalty is imposed for certain crimes. As of December, 1978, there were 17 individuals sentenced to die.

*Source: Office of the Japanese Consulate General,
280 Park Avenue, New York, NY.*

SOUTH AFRICA

Prison Population

102,000 (as of January 1, 1981).

Prisoners per 100,000 Population

440 (includes all confinement facilities).

Total Civilian Population

23,772,000 (1980).

*Source: Annual Report of the South African National
Institute for Crime Prevention and Rehabilitation
of Offenders.*

WEST GERMANY

Prisons and jails are under the jurisdiction of each of 11 states. There is no central federal prison administration.

Prison Population

41,289, of which 97 percent were males. 36,631 were adults; 3,778 were between the ages of 16 and 18 and 880 were 12-16 years old (as of March 31, 1978).

Total Civilian Population

61,400,000 (December 1978).

Length of Sentence

Approximately 36 percent of adult inmates were serving sentences of nine months or less; 34 percent were serving nine months to two years; 19 percent, two to five years; eight percent five to fifteen years, and three percent, life sentences.

Adult Prisoners per 100,000 Population

60 (does not include jails).

Capital Punishment

The death penalty was abolished in 1949.

Source: Statistical Yearbook of West Germany, 1980.

SWEDEN

The National Prison and Probation Administration is the central authority responsible for correctional facilities. There are 20 Federal prisons, 21 independent "remand" prisons, 51 local institutions, and numerous centers for non-institutional correctional activities such as counseling, probation and parole. All these facilities are located in 13 "correctional care regions" and 63 "non-institutional care districts."

Prison Population

4,407 in institutions and local jails and 16,130 under non-institutional treatment (as of December 31, 1979).

Total Civilian Population

8,000,000 (1979).

Length of Sentence

In 1978, the last period for which data was available, 72 percent of admissions to institutions were for less than four-month sentences; 17 percent for between four and twelve months and 11 percent for one year or more.

Adult Prisoners per 100,000 Population

55 (all facilities).

Capital Punishment

Swedish law does not provide for the death penalty.

Source: Correctional Care in Sweden, from Fact Sheets on Sweden, The Swedish Institute, 1979.

...ABOUT CJI

The Criminal Justice Institute, Inc. (CJI) conducts national, regional and local projects covering a wide range of activities — including operation of the National Center for Correctional Mediation (NCCM) and publication of "The Correctional Industries Association Newsletter."

NCCM is the nation's first agency devoted exclusively to using the voluntary process of mediation to resolve correctional conflicts. The "Newsletter" provides the only regular and comprehensive national coverage of prison industry operations.

CJI, a non-profit agency, is devoted to innovative projects. Dr. George M. Camp, former Corrections Commissioner in Missouri, is President. Richard Kwartler, founder and the first Editor of "Corrections Magazine," is Executive Vice President. He is Editor of the Yearbook.

For more information about NCCM, the industries "Newsletter" or other CJI programs, please write: Criminal Justice Institute, 60 East 42nd Street, Suite 956, New York, N.Y. 10165.

To order THE CORRECTIONS YEAR-BOOK™ for 1982, please fill out and return the separate order form included with this volume.

****PLEASE NOTE****

THE ORIGINAL FILE CONTAINS AN OVERSIZED DOCUMENT THAT IS UNSUITABLE FOR FILMING. PLEASE REFER TO THE ALASKA STATE ARCHIVES TO VIEW THE ORIGINAL.

NEWSPAPER

*"NATIONAL TREND TO KEEP HARDENED
CRIMINALS BEHIND BARS"*

DAILY NEWS MIRROR

Nov 3, 1982

STATE OF ALASKA

JAY S. HAMMOND, GOVERNOR

DEPT. OF HEALTH AND SOCIAL SERVICES

DIVISION OF CORRECTIONS
CENTRAL OFFICE ANCHORAGE

Pouch 6333
3601 C Street
Anchorage, Ak. 99502-0333
Phone: 338-7621

November 9, 1982

Senator Charlie Parr,
950 Cowles Street, Room 224
Fairbanks, Alaska 99701

Attn: Cynthia Clepaski

Dear Ms. Clepaski,

I am writing as a followup to our telephone conversation of November 8, 1982 regarding the current state of our prisoner population. For your information, I have compiled the following figures for the twelve institutions that are operated by the Alaska Division of Adult Corrections. The actual count is provided for the date of November 4, 1982. Although the figures may fluctuate one way or the other on any given day, the general trend is definitely in an upward direction.

| <u>Facility</u> | <u>Operating Capacity</u> | <u>Actual Count</u> | |
|-------------------------------------|---------------------------|---------------------|-----|
| Anchorage Annex | 100 | 97 | 13 |
| Anchorage Correctional Center | 70 | 76 | 46 |
| Ridgeview Correctional Center | 90 | 117 | 107 |
| Hiland Mountain Correctional Center | 160 | 193 | 133 |
| Meadow Creek Correctional Center | 28 | 32 | 41 |
| Palmer - Minimum | 106 | 149 | 143 |
| Palmer - Medium | 100 | 94 | 4 |
| Fairbanks Correctional Center | 104 | 189 | 145 |
| Nome Correctional Center | 30 | 39 | 39 |
| Juneau Correctional Center | 90 | 131 | 151 |
| Ketchikan Correctional Center | 22 | 22 | 0 |
| Johnson Center | 4 | 4 | 0 |

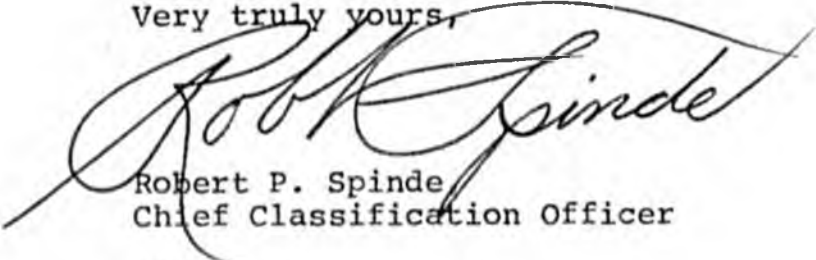
In addition to the foregoing, we have 188 prisoners placed out-of-state, mostly with the Federal Bureau of Prisons. As of the present time, the Bureau of Prisons has imposed a maximum limit

SENATOR PARR
November 9, 1982
Page Two

of 200 long-term inmates that they will accept from Alaska for placement. As with the other figures, the Federal Bureau of Prisons count goes up and down, but mostly up. My guess is that, if present trends continue, we shall be at the 200 mark with our Federal Bureau of Prisons prisoners within a matter of a few months. I am unable to say at this point whether there is any likelihood that the 200 limit might be increased.

I hope that the foregoing information is of some use to you. As I suggested on the phone, however, I believe that Dr. Richard Mohr would be the best Division of Corrections contact person for you to obtain information of a statistical nature. Dr. Mohr can be reached in Juneau at 465-3088. If I may be of further assistance at any time, please feel free to contact me.

Very truly yours,



Robert P. Spinde
Chief Classification Officer

RPS:as

corrections

COMPENDIUM

VOL V NO 8

KNOWLEDGE IS POWER

FEBRUARY 1981

OVERCROWDING: BLIGHT OF A NATION

In July of 1980, Iowa asked CONTACT if we were aware of any other states with overcrowding legislation similar to a law passed in Oklahoma in April of 1980.

To answer this question we circulated copies of the Oklahoma resolution to our contacts in the 50 states and asked them to identify similar legislation, or any other recent legislation or legislative movements that would impact on the crucial issue of overcrowding.

Our response was good, and we received replies that have enabled us to identify which states face severe overcrowding difficulties, and how they are dealing with them.

The survey, case law and legislation sections of this issue all deal with overcrowding. *Courts and Corrections* provides excerpts from the recently decided, infamous *Ruiz v. Estelle* case which brought the entire Texas Prison System under fire for overcrowding and related ills. *Legislation and Corrections* includes the complete text of Oklahoma House Resolution No. 1064 and excerpts from other states legislation, all of which illustrate some of the various methods they are employing to combat overcrowding.

A vast variety of means are being utilized by states in an attempt to right their crowded institutional wrongs. These include: new construction; renovation; early release; guidelines for sentencing; capping of institutional capacities; housing sentenced prisoners in county facilities; wide use of alternatives, such as pre-trial diversion, community service orders, probation and restitution, work release centers, rehabilitation centers and other community corrections related alternatives.

But, even with these legislative efforts, and in spite of state systems being nailed to the wall by the courts, what kind of support do states receive from their constituency? In some cases good, in some cases adequate and in many cases spectacularly apathetic. On the following page is Proposal E, promoted by the Michigan Department of Corrections, and designed to give them relief from their overcrowding difficulties via a slight tax increase. It was defeated by the voters of Michigan November 4, 1980, but we include it here because in a well presented and logical fashion, it lays before the voters the history and future of a correctional system in trouble — the miasma of problems and the grim future it faces.

Highlights

| | |
|-----------------------|--|
| CHART: | Overcrowding Legislation |
| COURTS: | <i>Ruiz v. Estelle</i> |
| LEGISLATION: | Overcrowding |
| WINDOW ON THE WORLD: | United Nations Conference in Caracas |
| SUCH A SMALL PERCENT: | Study of Delinquent Girls Funded |
| INTER ALIA: | National Institute for Sentencing Alternatives |
| CALENDAR: | "Is There Mental Health Behind Bars?" |
| PUBLICATIONS: | <i>Alabama Bound</i> |

THE BALLOT ISSUE

On November 4, Michigan voters will be asked to increase their income tax by one-tenth of one percent (4.6% to 4.7%) to pay for new prisons and to improve local corrections programs.

Proposal E was put on the ballot by the Michigan Legislature in an attempt to get the money needed to increase the capacity of the state prison system.

The income tax increase, which will cost the average taxpayer \$11.85 a year, is expected to raise \$55 million the first year and as much as \$72 million a year if the state's economic picture improves. The tax increase would run for five years (January 1, 1981 through December 31, 1985). During this time it could generate between \$275 million and \$360 million.

The tax increase will be removed January 1, 1985, unless a reauthorization is approved by the voters.

WHAT WOULD ALL THE MONEY BUY?

For the state system, it would buy at least four 550-bed prisons for male offenders at a five-year cost of about \$132 million or 36.7 percent of the total money available.

The legislation putting Proposal E on the ballot also calls for demolition of the 100-year-old Michigan Reformatory in Ionia by 1990. This antiquated and overcrowded facility houses young offenders in conditions which are the worst in the prison system.

The balance of the money can be used for improved jails and lockups and other local and state correctional purposes, as determined by the Legislature.

There has been legislation introduced to allow judges to extend the length of available jail time in conjunction with probation from six months for certain felons to one or more years and extend local jail sentencing options from one year to two or three years.

Passage of this legislation would require financial assistance to local units but would help to reduce prison population on the state level.

Passage of Proposal E could possibly provide the money for that purpose. There have been some estimates that extending jail time could reduce prison commitments by 1,000 or more.

WHY IS ALL THIS NECESSARY?

The Russian author Feodor Dostoevski once said a society can be judged by the condition of its prison. Many of Michigan's prisons are substandard, and all have been overcrowded since 1975.

Although it's impossible to know all the exact causes of prison crowding, one of the major reasons can be traced to the public's reaction to fear of crime. Another cause is the increase in serious, violent crime.

The criminal justice system has responded to this by sending more offenders to prison for longer periods of time.

A decade ago, minimum prison terms in Michigan averaged 22 months; now they are over 32 months.

In 1974, Michigan's prison system held less than 8,000 prisoners. Today it contains 15,200 men and women in a prison system designed for 13,500.

A long look into the future does not show any substantial relief for the state's crowded system.

Voter-approved elimination of "good time" on the minimum sentences of most offenders will probably further burden the system by 2,600 by the year 2000. It is also predicted that the prisons will hold 500 more prisoners as a result of the felony firearm statute.

If current sentencing practices remain unchanged, the system will eventually have to contain 19,000 prisoners. Unforeseen events such as protracted recession or harsher sentencing laws could drive the population even higher.

The capacity of the system has grown by nearly 4,000 beds since 1975 but it has not been enough.

We have not kept pace because of the extreme difficulty in acquiring prison sites and good facilities which can be converted to prisons in a reasonable time frame and at a reasonable price.

Prisons are very expensive — about \$30 million for a 550-bed facility — and they take a long time to build — from three to five years.

All construction is expensive, but prisons are especially expensive because of the special materials that must be used in their construction to make them secure and because of federal and state standards that must be met.

These standards have been developed, in part, by examining the outcome of court suits throughout the country on crowding and prison conditions.

Most standards call for 60 square feet of living space for every prisoner. In Michigan, some prisoners have less than 35 square feet. Most standards call for one toilet for each eight prisoners. In some Michigan prisons, there is only one toilet for as many as 20 prisoners.

Because conditions in many Michigan prisons fall far short of these standards, this state will almost certainly face a court ruling sometime in the near future which will force us to take drastic and immediate action to reduce the number of inmates in our prisons. Several lawsuits are currently pending against the state because of the overcrowding and other prison conditions. If prisons are not built and improved, these court actions can have results more costly to the taxpayer than this proposal.

By: Department of Corrections, Office of Public Information, P. O. Box 30003, Stevens T. Mason Building, Lansing, MI 48909; 517/373-2410.

OVERCROWDING --- January 1981

| State | Does your state have any legislation passed or pending concerning how to combat overcrowding? |
|----------------------|---|
| ALABAMA | No legislation; however, the Dept. of Corrections is still operating under the Federal Court's decision in the 1976 <u>Pugh vs Locke</u> case. The Federal Court has required that the number of inmates in each institution shall not exceed the design capacity for that institution. |
| ALASKA | No legislation, passed or pending. |
| ARIZONA | No Response |
| ARKANSAS | While under court order not to exceed the population limit set by Federal Court, we have no legislation nor is it anticipated in the near future. |
| CALIFORNIA | There have been three recent legislative measures introduced as part of efforts to face the problems of overcrowding and deterioration. SB 1342 was chaptered into law in 1978, followed by SB 196 in 1979. SB 1340, a measure authorizing new construction and modifications to existing facilities was passed effective January 1, 1981. (Copies of this bill is available from CONTACT upon request.) |
| COLORADO | No such legislation pending. |
| CONNECTICUT | Public Act #80-442, Substitute House Bill No. 6021 states that if the commissioner of correction determines that the number of pre-trial inmates exceeds the maximum number permissible to preserve the health, safety and welfare of all inmates in his custody, said commissioner may petition the court in which a criminal charge is pending against any inmate for a reduction of bond to a written promise to appear. Also states if the commissioner of correction determines that the number of sentenced inmates in all the correctional institutions of this state exceeds the maximum number permissible to preserve the health, safety and welfare of such inmates he may petition the superior court for modification of any inmate's sentence. (Copies of the complete bill are available from CONTACT upon request.) |
| DELAWARE | No legislation is pending at this time nor has there been any recent legislation passed. |
| DISTRICT OF COLUMBIA | While under court order to reduce the population of the District of Columbia's Department of Correction's facilities, there has been no legislation passed and there is none pending. |
| FLORIDA | No legislation passed or pending at this time. |
| GEORGIA | There have been no general bills or resolutions introduced in the General Assembly of Georgia that would broadly address the issue. However, Act 42 (GA Laws 1979, p. 376) does amend the 1956 Act revising laws relating to prisons so as to provide that after receipt of proper documentation from the Clerk of the Court the Department of Offender Rehabilitation shall reimburse counties for the cost of incarceration of felony prisoners beyond 30 days after the time at which there exists no further right of appeal. This law addresses those convicted offenders who are left in local jails after a period of time and closely parallels an earlier statute that provides for payment to counties to house state inmates in county correctional institutions. |
| HAWAII | To date there has been no legislation; however, we hope to introduce a bill to address this issue in 1981 legislative session. |
| IDAHO | No legislation. |
| ILLINOIS | No legislation passed or pending. |
| INDIANA | No Response |
| IOWA | Requested Survey |
| KANSAS | No Response |
| KENTUCKY | No legislation passed or pending designed to set specific limits on the inmate population; however, the Bureau of Corrections agreed in a consent decree resulting from litigation to reduce and maintain prison population at a specific number. |

| State | Does your state have any legislation passed or pending concerning how to combat overcrowding? |
|----------------|---|
| LOUISIANA | Act 776 of 1980 increases the amount paid by the Department of Corrections to sheriff or governing authority operating the jail for prisoners who are convicted and sentenced to the Department of Corrections but held in jail because we are unable to take custody. (A copy of this Act is available from CONTACT upon request.) |
| MAINE | No Response |
| MARYLAND | New Community Adult Rehabilitation Centers (CARC) laws definitely will impact overcrowding. (A copy of these laws are available from CONTACT upon request.) |
| MASSACHUSETTS | No Response |
| MICHIGAN | Proposal E--voters were asked to increase their income tax by .1 of 1 percent (4.6% to 4.7%) to pay for new prisons and to improve local corrections programs. This proposal was voted on last November (1980) and failed. (A copy of this proposal is available from CONTACT upon request.) |
| MINNESOTA | Sentencing Guidelines which have been developed and are now in effect take institutional capacities into consideration. (A copy of this legislation is available from CONTACT upon request.) |
| MISSISSIPPI | No Response |
| MISSOURI | Planning to incorporate the Oklahoma resolution (H.J. Res. No. 1064 Correctional Institutions-Population) in the current revision of the Missouri statute authorizing the Missouri Division of Corrections. |
| MONTANA | Hope to draft a proposal for the next legislative session to consider when they meet in 1981. |
| NEBRASKA | Do not have any legislation; but we are working towards ACA Accreditation and some of the standards we must comply with are an effort to prevent overcrowding. For example, single cells that are a certain size, etc. Nebraska is currently constructing a new Penitentiary and a new minimum-medium security unit. In 1979, we opened the new Diagnostic & Evaluation Center and the Lincoln Correctional Center which all use the single cell concept. |
| NEVADA | Our new facilities were part of the budget request and approved by the legislature in that manner. |
| NEW HAMPSHIRE | No such statute; New Hampshire is not now overcrowded. |
| NEW JERSEY | There is currently no legislation pending; however, the Department of Corrections presently has contracts with several county jails which provide for the holding of state sentenced inmates in those facilities upon payment of per diem to the counties which are signatories to these contracts. |
| NEW MEXICO | No legislation is planned. Concent decree for major institutions will be limited on square footage according to the ACA Standards. We are going to single cells, this will automatically help with combating overcrowding. |
| NEW YORK | Legislation is neither pending or past. The State of New York is dealing with the problem of inmate overcrowding by rehabilitating existing facilities and building three new facilities. |
| NEW YORK CITY | No legislation pending; however, we are in the process of renovating one of our closed facilities that is expected to house 426 inmates. This facility is scheduled to be opened some time in 1981 or early 1982. Additionally, the Departmental master plan includes the building of another facility in Manhattan, this facility will be for detention inmates and should alleviate some of our overcrowding problems. |
| NORTH CAROLINA | No Response |
| NORTH DAKOTA | No legislation is pending. |
| OHIO | No legislation passed or pending. |

| State | Does your state have any legislation passed or pending concerning how to combat overcrowding? |
|----------------|---|
| OKLAHOMA | H.J. Res. No. 1064 (Correctional Institutions-Population) A joint resolution concerning the capacity of Oklahoma correctional facilities; permitting certain persons to determine maximum capacity of correctional facilities; providing certain alternatives if correctional facilities reach maximum capacity; directing distribution; and declaring an emergency. (A copy of this resolution is available from CONTACT upon request.) |
| OREGON | No legislation passed or pending. |
| PENNSYLVANIA | No current plans to construct facilities or to refuse to receive inmates currently being sentenced; although state correctional system has an increasing population, we have not yet reached the state of being overcrowded. The Bureau of Correction, however, has recently heightened former policy which allowed the City of Philadelphia to transfer inmates awaiting trial or sentencing to the State Correctional Institution at Gaterford. We still accept county transfers on the basis of emergency need upon judicial request. There is no pending legislation. |
| RHODE ISLAND | No legislation passed or pending. |
| SOUTH CAROLINA | There have been several Acts passed in recent years with regard to combating overcrowding (i.e., extending work release programs, giving good time, restitution programs, etc.) (Copies of these acts are available from CONTACT upon request.) |
| SOUTH DAKOTA | No Response |
| TENNESSEE | Chapter 805, Public Acts of 1980 will, in part (if successful) provide some relief from overcrowding, although that was not its designed purpose. It is an Act to provide a method of calculating time reductions from certain prisoners' penitentiary sentences according to certain considerations. During the next legislative session (1981) the Administration may propose a bill which will offer monetary incentives to the counties to care for their own convicts who receive sentences of 5 years or less. It would be similar in purpose and effect to the Minnesota Community Corrections Statute. (Copy of Chapter 805, Public Acts of 1980 is available from CONTACT upon request.) |
| TEXAS | No legislation passed or pending. |
| UTAH | No Response |
| VERMONT | The subject of overcrowding has been litigated at least once involving our facility in St. Albans. In that case, the Court said that the living situation met constitutional minimum standards and the Department of Corrections prevailed. |
| VIRGINIA | No legislation passed or pending. (Copies of several pieces of legislation which deal with the reimbursements to localities and the most recently passed legislation establishing the Community Diversion Incentive Act for diversion of non-violent offenders to keep them in the community are available from CONTACT upon request.) |
| WASHINGTON | December 1979 Adult Corrections Master Plan was prepared to publicly respond to the crowding problem and to prepare a long-range plan for the operation of adult corrections. Some of the items covered that deal with the critical problem of institutional overcrowding are "Strategies for Resolution" (additional capacity, population review, diversion, capital plan, ACA recommendations re overcrowding), "Impact of Strategies" (population projection), and "Long-Range Forecast" (outline of policy alternatives). |
| WEST VIRGINIA | No Response |
| WISCONSIN | No legislation has been passed; however, a new 448 bed adult medium/maximum security institution was authorized. The legislation also passed language which states that once the new institution is operational we cannot exceed the rated bed capacity for three of our maximum security institutions unless an emergency exists. (A copy of the statute is available from CONTACT upon request.) |
| WYOMING | No Response |

| State | Does your state have any legislation passed or pending concerning how to combat overcrowding? |
|--------------------------------|--|
| FEDERAL BUREAU OF PRISONS - DC | No legislation passed or pending. The Federal prisons are not currently overcrowded. |
| GUAM | No legislation passed or pending. |
| PUERTO RICO | No legislation passed or pending. |
| <u>CANADA</u> | |
| ALBERTA | No legislation passed. |
| BRITISH COLUMBIA | During the past five years, we have been very active in developing programs to ensure that alternatives were available to courts rather than incarceration. These efforts have been successful, in that our institutional population has <u>decreased</u> during this period of time. |
| MANITOBA | No legislation passed or pending. |
| NEW BRUNSWICK | No Response |
| NEWFOUNDLAND | The problem of overcrowding does not present itself here primarily because courts rely very much on non-incarceral types of sanctions and, as well, sentence lengths appear to be less than the national average. No legislation is passed or pending. |
| NOVA SCOTIA | No Response |
| ONTARIO | We are at 82% of capacity, so we do not have an overcrowding problem. |
| PRINCE EDWARD ISLAND | Overcrowding has not been a problem. If it was, prisoners would be released on temporary absence (renewable) as provided for under the Federal "Prisons and Reformatories Act." (A copy of this Act is available from CONTACT upon request.) |
| QUEBEC | The Correctional Service of Canada operates under a single statute known as the Penitentiary Act which was passed in 1961. From time to time there have been amendments to that Act in order to bring it up to date, introduce new concepts, modify existing provisions or delete sections that are obsolete. Basically, however, the Penitentiary Act serves as a piece of enabling legislation while specific details regarding implementation of new programs are either provided for in regulations which are approved by Cabinet, or the individual Minister responsible makes the necessary decisions to proceed or not to proceed. Be that as it may, the Correctional Service of Canada is not currently experiencing an overcrowding situation in its federal institutions. If, however, we were experiencing such a situation, we would not proceed by way of new legislation; rather, we would prepare a submission to our Treasury Board outlining our needs and our plans regarding new accommodation and we would request the necessary resources to construct new facilities. In addition, if the proposed construction program entails the expenditure of rather significant resources and/or the construction program implies some dramatic changes of policy (i.e., 200 man institutions as opposed to 600 man institutions), we would also approach Cabinet for a decision. |
| YUKON TERRITORY | No legislation in place or pending. |

corrections COMPENDIUM

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KNOWLEDGE IS POWER

DECEMBER 1981

PRISON RIOTS AND VIOLENCE

In August of this year we contacted the State Departments of Corrections and the Federal Bureau of Prisons regarding prison riots and other prison violence.

Thirty-eight (38) states, Guam, and the Federal Bureau of Prisons responded to the survey. Of those, Kentucky, Michigan, Minnesota, Nebraska, Nevada, Oklahoma, and Guam reported that a riot or serious disturbance occurred within their systems during the period October 1, 1980 to July 1, 1981.

Considerable differences were evident in the severity of the incidents reported. The disturbances in Kentucky, Minnesota, and Oklahoma were, as prison disturbances go, relatively minor since there were no injuries or deaths, and since dollar damages were minimal. The disturbances in Nebraska resulted in four correctional officers receiving stab wounds. In a Nevada reported riot incident, two inmates were injured, three officers were taken hostage, and damages of \$10,000 were sustained. A Guam prison riot resulted in two inmate deaths, one inmate injury, and \$10,000 damage. The most severe riots reported were the May 22 and May 26, 1981 incidents at the State Prison of Southern Michigan, the Michigan Reformatory, and the Marquette Branch Prison which involved fires, vandalism, and assaults. A total of 71 staff persons and 108 inmates were injured, and damages and addi-

tional operating costs totaled nine million dollars.

According to the data provided by our respondents, 92 inmates were killed by inmates in 1980. Thirty-five (35) of these killings were during prison disturbances/riots, 33 of which occurred during the New Mexico prison riot in February 1980. Our 1981 (January 1 to July 1) figures indicate that 42 inmates have been killed by inmates. For 1980 our survey respondents gave no reports of staff persons being killed by inmates; however, four such staff deaths have been reported for the first half of 1981 — one in New Mexico, one in New York, and two in Texas.

Since CONTACT has frequently been asked about assaults on female correctional officers and has had no data available on the subject, our survey included the question: "At anytime have you ever had an incident/assault (involving injury or death) of a female correctional officer?" Approximately 40% of the jurisdictions responding reported incidents involving female correctional officers. Only two deaths, however, were reported. Two respondents pointed out that most assaults of female correctional officers occur in female institutions.

A complete breakdown of violence statistics from the responding jurisdictions follows.

Highlights

CHART:

LEGAL ISSUES:

INTER ALIA:

PRISON VIOLENCE STATISTICS

RICHARD CRANE'S CASE REPORTS
SUPREME COURT NEWS

JUVENILE CRIME STUDIES

CRIME ANALYSIS RESOURCE MATERIALS

ACJS ANNUAL MEETING

| STATE | Average Total Population | | Number of Inmates Killed by Inmates | | Number of Inmate Suicides | | Number of Inmates Killed During Riots | | Number of Staff Killed by Inmates | | Number of Staff Killed During Riots | |
|-------------------|---|--------|--|----------------------|---------------------------|-----------------------|---------------------------------------|------------|-----------------------------------|------------|-------------------------------------|------------|
| | 1980 | 1981* | 1980 | 1981* | 1980 | 1981* | 1980 | 1981* | 1980 | 1981* | 1980 | 1981* |
| ALASKA | 300 | 700 | 0 | 0 | Unknown | 3-4 | 0 | 0 | 0 | 0 | 0 | 0 |
| ARIZONA | 3,700 | 4,000 | 1 | Not Avail. | 1 | Not Avail. | Not Avail. | Not Avail. | Not Avail. | Not Avail. | Not Avail. | Not Avail. |
| ARKANSAS | 2,889 | 2,870 | 2 | 1 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| COLORADO | 2,751 | 2,769 | 3 | 0 | 3 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| CONNECTICUT | 2,146 | 2,333 | 1 | 0 | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| DIST. OF COLUMBIA | 3,628 | 3,729 | 2 (One inmate killed by outside intruder at minimum security facility) | 1 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 |
| IDAHO | 856 | 922 | 0 | 1 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 |
| ILLINOIS | 11,699 | 12,426 | 0 | 2 | 6 | 9 | 0 | 0 | 0 | 0 | 0 | 0 |
| IOWA | 2,391 | 2,891 | 2 | 2 | 0 | 1 (While on furlough) | 0 | 0 | 0 | 0 | 0 | 0 |
| KENTUCKY | 3,727 | 3,078 | 1 | 0 | 1 | 1 | 0 | 0 | 0 | 0 | 0 | 0 |
| LOUISIANA | 7,227 | 7,784 | 1 (FY 79-80) | 1 (FY 80-81) | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 |
| MAINE | 550 | 550 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| MARYLAND | 7,924 | 7,856 | 5 | 4 | 3 | 1 | 0 | 0 | 0 | 0 | 0 | 0 |
| MASSACHUSETTS | 3,067 | 3,308 | 0 | 0 | 1 | 2 | 0 | 0 | 0 | 0 | 0 | 0 |
| MICHIGAN | 15,060 | 15,102 | 0 | 2 (1981 thru June 1) | 5 | 1 (1981 thru June 1) | 0 | 0 | 0 | 0 | 0 | 0 |
| MINNESOTA | 1,914 | 1,911 | 3 | 0 | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| MONTANA | 678,47 | 704,89 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| NEBRASKA | 1,064 | 1,287 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| NEVADA | 1,709 | 1,908 | 1 | 0 | 3 | --- | 0 | 0 | 0 | 0 | 0 | 0 |
| NEW HAMPSHIRE | 270 | 335 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 |
| NEW JERSEY | 6,646 | 7,112 | 0 | 1 | 1 | 1 | 0 | 0 | 0 | 0 | 0 | 0 |
| NEW MEXICO | 1,444 | 1,475 | 40 | 3 | 0 | 0 | 33 | 1 | 0 | 1 | 0 | 1 |
| NEW YORK | 22,166 | 23,380 | 2 | 4 | 3 | 0 | 0 | 0 | 0 | 1 | 0 | 0 |
| NORTH CAROLINA | 18,470 | 18,243 | 1 | 0 | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| NORTH DAKOTA | 294 | 318 | 0 | 0 | --- | --- | 0 | 0 | 0 | 0 | 0 | 0 |
| OKLAHOMA | 4,460 (Estimated Average daily at facility based on Monday count data. Includes Community Correctional Center population.) | 4,702 | 4 | 1 | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |

| STATE | Average Total Population | | Number of Inmates Killed by Inmates | | Number of Inmate Suicides | | Number of Inmates Killed During Riots | | Number of Staff Killed by Inmates | | Number of Staff Killed During Riots | |
|---------------------------|--------------------------|--------|-------------------------------------|-------|---------------------------|-------|---------------------------------------|-------|-----------------------------------|-------|-------------------------------------|-------|
| | 1980 | 1981* | 1980 | 1981* | 1980 | 1981* | 1980 | 1981* | 1980 | 1981* | 1980 | 1981* |
| OREGON | 2,912 | 2,590 | 0 | 0 | 1 | 2 | 0 | 0 | 0 | 0 | 0 | 0 |
| PENNSYLVANIA | 8,114 | 8,563 | 0 | 0 | 4 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| RHODE ISLAND | 765.80 | 856.69 | 0 | 0 | 2 | 1 | 0 | 0 | 0 | 0 | 0 | 0 |
| SOUTH CAROLINA | 7,165 | 7,436 | 1 | 2 | 3 | 1 | 0 | 0 | 0 | 0 | 0 | 0 |
| SOUTH DAKOTA | 622 | 659 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| TEXAS | 28,175 | 30,487 | 3 | 4 | 2 | 1 | 0 | 0 | 0 | 2 | 0 | 0 |
| UTAH | 1,014.5 | 1,066 | 0 | 1 | 1 | 1 | 0 | 0 | 0 | 0 | 0 | 0 |
| VERMONT | 449.1 | 471.0 | 0 | 0 | 1 | 1 | 0 | 0 | 0 | 0 | 0 | 0 |
| VIRGINIA | --- | 8,444 | --- | 2 | --- | 1 | 0 | 0 | --- | 0 | --- | 0 |
| WEST VIRGINIA | 1,557 | 1,527 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| WISCONSIN | 3,634 | 3,933 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| WYOMING | 470 | 490 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| FEDERAL BUREAU OF PRISONS | 23,779 | 25,638 | 9 | 9 | 7 | 3 | 0 | 0 | 0 | 0 | 0 | 0 |
| GUAM | 107 | 86 | 2 | 1 | 0 | 0 | 2 | 0 | 0 | 0 | 0 | 0 |

--- No answer provided
 N/A Not applicable
 *Through July 1, 1981

Questions:

1. Average total state correctional population: 1980; 1981 through July 1
2. The number of inmates killed by inmates: 1980; 1981 through July 1
3. The number of inmate suicides: 1980; 1981 through July 1
4. The number of inmates killed in disturbances or riots: 1980 through July 1
5. The number of staff killed by inmates: 1980; 1981 through July 1
6. The number of staff killed in disturbances or riots: 1980; 1981 through July 1
7. Since October 1980 (to July 1, 1981) have any riots or serious disturbances occurred at any of your correctional

facilities? If yes, please list institution, date and a brief description.

Were any hostages taken? If yes, how many and who were they (staff, inmates, etc.)?

Total amount of dollar damage.

Number of staff injured.

Number of inmates injured.

Number of staff killed.

Number of inmates killed.

8. At anytime have you had an incident/assault (involving injury or death) of a female correctional officer? Please describe.
9. Do you have any reason to fear the possibility of a riot in the near future? Please explain.

States not responding:

| | |
|------------|-------------|
| Alabama | Mississippi |
| California | Missouri |
| Florida | Ohio |
| Hawaii | Tennessee |
| Indiana | Puerto Rico |
| Kansas | |

Information for the following states is available from CONTACT but was received after completion of the Survey Chart.

Delaware
 Georgia
 Washington

| STATE | Any Riots or Disturbances from October 1980 to July 1981 | Amount of Dollar Damage | Hostages Involved | Number of Staff Injured | Number of Inmates Injured | Number of Staff Killed | Number of Inmates Killed | Injury/Death of Female CO at Anytime | Do You Fear Possibility of Riot? |
|----------------------|--|------------------------------------|-------------------|-------------------------|---------------------------|------------------------|--------------------------|--|---|
| ALASKA | N/A | N/A | N/A | N/A | N/A | N/A | N/A | No | No |
| ARIZONA | No | N/A | No | N/A | N/A | N/A | N/A | No | In this business, the possibility is always there. |
| ARKANSAS | No | N/A | N/A | N/A | N/A | N/A | N/A | No | No |
| COLORADO | No | N/A | N/A | N/A | N/A | N/A | N/A | No | No |
| CONNECTICUT | No | N/A | N/A | N/A | N/A | N/A | N/A | Yes. Female Correctional Officers have incurred injuries on occasion as the result of accidents or assaultive inmates. | --- |
| DISTRICT OF COLUMBIA | No | N/A | N/A | N/A | N/A | N/A | N/A | No | No |
| IDAHO | No | N/A | N/A | N/A | N/A | N/A | N/A | No | Yes. The possibility of a riot always exists in the correctional setting. |
| ILLINOIS | No | N/A | No | N/A | N/A | N/A | N/A | Yes. During the July 1979 Pontiac Prison Riot in which 3 male correctional officers were killed, a female officer was severely beaten and left for dead. She survived the assault. | Yes. With continued growth in prison population and limited capacity to house more inmates tensions rise. |
| IOWA | No | N/A | No | N/A | N/A | N/A | N/A | Yes. A female inmate held a fork to the throat of a female correctional officer but the incident ended without injury. | No |
| KENTUCKY | Yes. One incident that may be classified as a disturbance occurred on March 17, 1981 at Blackburn Correctional Camp, a minimum security institution. This incident involved 9 residents and originally began with two inmates fighting. There were no serious injuries to either staff or residents. | Windshields of 3 vehicles damaged. | No | 0 | 0 | 0 | 0 | No | No |

| STATE | Any Riots or Disturbances from October 1980 to July 1981 | Amount of Dollar Damage | Hostages Involved | Number of Staff Injured | Number of Inmates Injured | Number of Staff Killed | Number of Inmates Killed | Injury/Death of Female CO at Anytime | Do You Fear Possibility of Riot? |
|---------------|--|--|-------------------|-------------------------|---------------------------|------------------------|--------------------------|---|--|
| LOUISIANA | No | N/A | N/A | N/A | N/A | N/A | N/A | There have been no incidents of this type within our adult male institutions; however, there have been numerous incidents involving injury (no deaths) at our adult facility for women. | No. At present, general atmosphere within LDOC facilities does not indicate an uprising in immediate future. |
| MAINE | The Maine State Prison was "locked down" to prevent anticipated inmate disturbances. | N/A | No | N/A | N/A | N/A | N/A | No | No |
| MARYLAND | No | N/A | N/A | N/A | N/A | N/A | N/A | No | Yes. The Division's facilities are overcrowded and the possibility exists because of the density of the inmate population. |
| MASSACHUSETTS | No | N/A | No | N/A | N/A | N/A | N/A | Yes. Usually simple assaults in the officers regular routine. The majority of injuries are treated at local hospital and released. | --- |
| MICHIGAN | Yes. Riots involving fires, vandalism and assaults occurred May 22 and May 26, 1981 at the State Prison of Southern Michigan, Michigan Reformatory, and Marquette Branch Prison. | \$5 million damages to facilities, plus approximately \$4 million more operating costs as a result of riots. | No | Total - 71 | Total - 108 | 0 | 0 | Yes. There have been at least two assaults involving injury - but no details available. No deaths in last five years. | Yes. Always, but no more than usual except recuperating from last disturbances takes time. |
| MINNESOTA | Yes. Minnesota Correctional Facility - St. Cloud, Feb. 19, 1981. Tear gas was used to quell a disturbance in which 29 Indian inmates barricaded themselves in a room. | N/A | Yes - 4 visitors | N/A | N/A | N/A | N/A | Yes. An inmate overpowered an officer at Minnesota's facility for women. | No |
| MONTANA | No | N/A | No | N/A | N/A | N/A | N/A | No | No. However, disturbances or riots can happen at any time. |

| STATE | Any Riots or Disturbances from October 1980 to July 1981 | Amount of Dollar Damage | Hostages Involved | Number of Staff Injured | Number of Inmates Injured | Number of Staff Killed | Number of Inmates Killed | Injury/Death of Female CO at Anytime | Do You Feel Possibility of Riot? |
|---------------------------|--|-------------------------|-------------------|-------------------------|---------------------------|------------------------|--------------------------|---|--|
| RHODE ISLAND | No | N/A | No | N/A | N/A | N/A | N/A | No | No |
| SOUTH CAROLINA | No | N/A | N/A | N/A | N/A | N/A | N/A | Yes. Officer injured during an unsuccessful escape attempt in October 1978. | No |
| SOUTH DAKOTA | No | None | No | N/A | N/A | N/A | N/A | No | No. Always a remote possibility. current militant leadership is temporarily in segregation. |
| TEXAS | No | N/A | No | N/A | N/A | N/A | N/A | No | No |
| UTAH | No | N/A | No | N/A | N/A | N/A | N/A | Yes. A brief attempted assault, but did not cause injury or death. | No |
| VERMONT | No | N/A | No | N/A | N/A | N/A | N/A | Yes. Several female CO's have been the subject of assaults by inmates with injuries resulting. This in no way implies that female CO's are any more or less victims of assaults than male CO's. Most assaults on female CO's are by female inmates. | No. Vermont is a community-based system with no centralized maximum security prison. |
| VIRGINIA | No | 0 | No | N/A | N/A | N/A | N/A | No | No |
| WEST VIRGINIA | No | N/A | No | N/A | N/A | N/A | N/A | No | As corrections officials everywhere are aware, this question is nearly impossible to answer. |
| WISCONSIN | No | N/A | No | N/A | N/A | N/A | N/A | No | Yes. It's always possible. |
| WYOMING | No | N/A | No | N/A | N/A | N/A | N/A | No | No |
| FEDERAL BUREAU OF PRISONS | No | N/A | No | N/A | N/A | N/A | N/A | Yes. There have been assaults on female correctional officers; however, our statistics are not broken down. We keep statistics on assaults on all institution staff, including volunteers. | No |
| GUAM | Yes. November 1980, different factions of inmates rioted resulting in two inmate deaths. | \$10,000 | No | 0 | 1 | 0 | 2 | No | No |

corrections COMPENDIUM

corrections file

VOL VI NO 9

KNOWLEDGE IS POWER

MARCH 1982

CONSTRUCTION AND OVERCROWDING

In November, 1981, CONTACT initiated a survey to update existing information on construction and overcrowding of prisons. Forty-six states, the District of Columbia, Guam, the Federal Bureau of Prisons, the Correctional Service of Canada, and ten Canadian provinces responded to the survey.

Despite interest in alternatives at both the sentencing and institutional levels, construction of more institutions as a means to ease overcrowding appears to be widely accepted among correctional policy-makers. The overwhelming majority of systems responding to the survey are constructing or renovating or planning to construct or renovate a correctional facility in 1982 — and at staggering costs. The estimated cost per cell is generally at \$50,000 and up. Medium security institutions are the most frequently being constructed or planned for, with minimum and maximum security new or renovated institutions also common. In addition, several states mentioned that their construction activity includes juvenile facilities, road camps, and areas of institutions used for such purposes as visiting or food service.

According to our data, there are twenty-six states currently under a court order to

correct an overcrowding situation. Of those states, Missouri is the only one we found not constructing or renovating to add bed space at this time. Thirty-one states, many of those under a court order already, are also currently involved in litigation in which the question of overcrowding, bed space, or area per inmate is an issue. The Federal Bureau of Prisons is not under a court order, but is currently renovating one institution which will add bed space.

Despite the fact that no Canadian respondents reported being under a court order regarding overcrowding, the majority of jurisdictions are constructing. In general, however, the Canadians are opting for institutions with less inmate capacity than most new institutions reported by our U.S. respondents.

The chart which follows provides a complete breakdown of construction activity, cost, and capacity. Following that is a listing of states currently under a court order for overcrowding and those involved in overcrowding-related litigation. Please also notice that as a supplement to our regular Legal Issues content, this month we also feature a review of court decisions on both jail and prison overcrowding.

Highlights

SURVEY:

Construction

Overcrowding, Court Orders and Litigation

LEGAL ISSUES:

Review of Court Decisions on Overcrowding

by Richard Crane

Case Reports

Supreme Court News

CONSTRUCTION - NOVEMBER 1981

| STATE | Current Construction/ Renovation or Planning to Construct/Renovate Correctional Facility in 1982 | Type of Facility(ies) | New | Renovation of Old | Estimated Date of Completion | Estimated Cost of Entire Project | Estimated Cost Per Cell | Capacity |
|----------------------|--|---|---|---|--|---|---|---|
| ALABAMA | Yes | 2, possibly 3, new medium to maximum prisons. | All | To some degree every year. | 1983 and 1984 | \$45 million for 2, \$75 million for 3. | --- | 1,000 - Inmate facilities. |
| ALASKA | Yes | Sentenced Male Housing. | Yes - 1 | Yes - 3 | 1983 | \$38.5 Million | \$139,000 | All projects under 175 total occupancy. |
| ARKANSAS | Yes | Maximum Security | Yes | --- | 1st phase - 1983 2nd phase - 1986 | \$13 Million | --- | 460 |
| ARIZONA | Yes | Juvenile - Arizona Diagnostic Center for Juveniles. | Yes | --- | July 1983 | \$7.3 Million | \$60,000 | 120 single cells |
| CALIFORNIA | Yes | Forestry Camps and both Minimum and Medium Security facilities. | Yes. 3 Forestry Camps, 6 Minimum Security satellite facilities, 3 Medium Security relocatable facilities. | Yes. 1 Medium Security facility, 1 Ranch Dorm, 13 Camps. | January 1, 1982 through June 30, 1983. | \$43 Million | \$12,000 | 3,700 |
| COLORADO | Yes | Minimum Security | Yes, Inmate Service Building. | Minimum Housing Units | November 1982 and March 1982. | New - \$600,000 Renovation - \$150,000 | Renovation - \$5,357 | Renovation - 28 additional cells. |
| CONNECTICUT | Yes | Maximum/Medium Security for 18-21 year old males. | Yes | Yes (additional) | New - Spring 1982 Renovation - September 1982 | \$30 Million | Approximately \$41,000 | 736 (336 new, 400 renovated) |
| DISTRICT OF COLUMBIA | Yes | Medium Security facility for misdemeanor offenders. | No | Yes - conversion of existing facilities. | May 1982 | \$1.5 Million | --- | 398 |
| DELAWARE | Yes | Multi-purpose facility which will house detentioners. The services of the Public Defender, Attorney General, Magistrate Court, and others will be provided here also. | Yes | --- | June 1982 | \$25 Million | \$89,444 | 360 beds |
| FLORIDA | Yes | Major institutions, community correctional centers, road prisons. | Expansion of housing at 6 institutions; one new road prison; 3 new community correctional centers. | Some renovations at almost all facilities. | 1982 - 1983 | 1981 - 82 appropriation - \$28 Million. | \$37,500/bed based on total institution construction and land cost divided by number of beds. | 1,198 new beds by January 1983. |
| GEORGIA | Yes | Two new facilities and renovation of one existing facility. | Yes - One medium security with 400 beds, one medium security with 400 correctional and 135 medical beds. | Yes - Remodeling one facility for 600 medium security inmates. (Facility was formerly a State Hospital) | December 1982 | \$30 Million for all projects. | \$32,000 new construction, \$883 for renovation. | 1,535 for all three facilities. |

CONSTRUCTION - NOVEMBER 1981

| STATE | Current Construction/ Renovation or Planning to Construct/Renovate Correctional Facility in 1982 | Type of Facility(ies) | New | Renovation of Old | Estimated Date of Completion | Estimated Cost of Entire Project | Estimated Cost Per Cell | Capacity |
|-------------|--|--|---|--|--|--|---|---------------------------------------|
| HAWAII | Yes | Community correctional centers, medium security facility, youth correctional facility. | Yes - Medium security. | Yes - Community facilities, youth facility. | 1984 - 1985 | \$75 - 90 Million | \$75,000 - \$90,000/cell. | Approximately 1,000 |
| IDAHO | Yes | Visiting center, guard towers, cellhouse, misc. remodeling. | Yes | Some | Ongoing operation. | About \$2 Million. | \$26,978 | 80 men in cellhouse. |
| ILLINOIS | Yes | Adult and juvenile, all security classifications. | Yes | Yes | Late 1983 | East Moline - \$10.75 Million. Vienna - \$45 Million. Sheridan - \$24 Million. | Average of new construction - \$61,346. | 1,300 total. |
| IOWA | Yes | Two medium security facilities. | Yes - 200 new beds. | Yes - 528 beds at former mental health hospital. | Late 1984 | --- | --- | --- |
| KANSAS | Yes | New medium security housing unit. | Yes - Honor Camp Eldorado. | Yes - renovation of cellhouses at Kansas State Penitentiary & Kansas State Industrial Reformatory. | January - July 1984 | \$15.3 Million. | \$53,242 | 288 - new medium security facility. |
| KENTUCKY | Yes | New institution, security class not yet determined. | Yes - New institution, plus additions to existing facilities. | Yes - Renovations at maximum and medium security facilities. | New institution - 36 months after contract awarded. New additions and renovations - 1982-1984. | New institution - \$25 Million. | --- | New institution 500. |
| MAINE | Yes | Maine State Prison (maximum/medium security). | No | Yes - Renovation of East Wing old housing area. | By fiscal year 1982 to meet fire and safety code standards). | Not projected at this time. | --- | 180 |
| MARYLAND | Yes | 720 bed medium security facility and 250 bed maximum security facility. | Yes - both. | --- | 1985 and 1986. | \$55.8 Million. | \$56,000 | 970 beds. |
| MICHIGAN | Yes | 2 multi-security level regional facilities, & 1 minimum security camp. | Yes - the regional facilities. | Yes - camp. | March 1984 and January 1985. | \$35 Million each for regional facilities, & \$12.1 Million for camp renovation. | \$63,000 | 500 |
| MINNESOTA | Yes | Maximum security institution for adult males. | Yes | --- | December 1981 | \$31 Million. | \$77,500 | 400 |
| MISSISSIPPI | Yes | 3 medium custody adult dorm residential facilities. | No | Yes | Fiscal Year 1983 | \$329,000 | --- | 3 units - 100 bed capacity each unit. |

CONSTRUCTION - NOVEMBER 1981

| STATE | Current Construction/ Renovation or Planning to Construct/Renovate Correctional Facility in 1982 | Type of Facility(ies) | New | Renovation of Old | Estimated Date of Completion | Estimated Cost of Entire Project | Estimated Cost Per Cell | Capacity |
|----------------|---|---|---|--|---|--|--|--|
| PENNSYLVANIA | While no plans are currently on paper, the current administration proposes to create 2205 new prison cells, all are male prison facilities encompassing minimum, medium, and maximum security facilities. | --- | --- | --- | --- | --- | --- | --- |
| RHODE ISLAND | Yes | Maximum security | --- | Yes - renovation of 126 cells in the old maximum building. | July 1983 | \$540,000 | \$4,286 | 126 cells being remodeled. |
| SOUTH CAROLINA | Yes | Cross Anchor Minimum Facility and Francis Lieber Medium Facility. | Yes - both. | --- | Cross Anchor - December 1982. Francis Lieber - September 1984. | Cross Anchor - \$10.4 Million. Francis Lieber - \$25.3 Million. | Cross Anchor - \$19,715. Francis Lieber - \$43,924. | Cross Anchor - 528. Francis Lieber - 576. |
| SOUTH DAKOTA | Yes | Maximum security for adult male felons. | No | Yes | 1 - 3 years. | \$1.5 - 2.5 Million. | --- | 440 single cells. |
| TENNESSEE | Yes | Prisons and community service centers - requested but not approved at this time. | Yes - Request the building of new dorms at existing facilities. | Yes - Requested for Fort Pillow. | --- | Approximately \$1 Million. | \$10,645 | 192 |
| TEXAS | Yes | Complete units, cell-blocks and dormitories. | Yes - Four new units. | None | Fiscal Year 1985. | --- | \$52,000 (support services included). | 43,418 total. |
| UTAH | Yes | Adult regional secure facility, community corrections center, renovation of medium security culinary, and various renovation and repair projects. | Yes | Yes | 1983 | \$10.3 Million. | \$10,330 | 1,000 |
| VERMONT | Yes | Medium/Maximum security adult facility. | Yes | Replacement | February 1982 | \$3.5 Million | \$36,000 | 97 |
| VIRGINIA | Yes | Two medium security institutions currently under construction; two more in 1982. | Yes | Plan to in the future. | January 1983 for the first two; January 1985 for the next two. | \$105 Million for the four institutions. | \$52,500 | 760 each facility. |

CONSTRUCTION - NOVEMBER 1981

| STATE | Current Construction/ Renovation or Planning to Construct/Renovate Correctional Facility in 1982 | Type of Facility(ies) | New | Renovation of Old | Estimated Date of Completion | Estimated Cost of Entire Project | Estimated Cost Per Cell | Capacity |
|--|--|--|---|--|---|--|---|---|
| WASHINGTON | Yes | Penitentiary, Corrections Centers, Reformatory, Medium Security Prison under construction and one being planned. | Yes - two medium security prisons. | Yes - Purdy Treatment Center for Women, Corrections Center, Penitentiary, Reformatory. | New facilities - January 1984 and December 1985. Renovations - 1984 and 1985. | New facilities - \$49.2 million each. Renovations - approximately \$49 million. | New facilities - \$35,000. | New facilities - 500 beds each. |
| WEST VIRGINIA | Yes | Maximum security. | No | Yes | Under study. | Under study. | Under study. | Under study. |
| WISCONSIN | Yes | Maximum, medium, and minimum security facilities. | Yes - one new maximum, two new medium, one new minimum. | Yes - at two maximum security institutions. | 1983 - 1986 | For new facilities - Maximum - \$36 million; medium - \$7 million and \$28 million; minimum - \$700,000. | Maximum - \$80,000; medium - \$48,000 and \$93,000; minimum - \$35,000. | 900 total new beds. |
| WYOMING | No | --- | --- | --- | --- | --- | --- | --- |
| FEDERAL BUREAU OF PRISONS | Yes | U.S. Penitentiary in Leavenworth, KS. | No | Yes | Unknown due to funding uncertainties. | \$10.7 Million | \$11,580 | 924 |
| GUAM | Yes | New correctional confinement units, plus renovations. | Yes | Yes | June 1984 | \$10 Million | --- | 160 male and 40 female. |
| CANADA CORRECTIONAL SERVICE OF CANADA - FEDERAL | Yes | Long range plans provide for construction of six new institutions and the expansion/upgrading of 17 existing facilities. | Yes | Yes | --- | Total of new institutions, 1981 dollars - \$153.2 Million. Total of renovations, 1981 dollars - \$172.6 Million. | --- | Total planned capacity of new institutions - 1,164. Will increase capacity of renovated institutions from 2,986 to 3,472. |
| ALBERTA | Yes | Six new correctional facilities and one renovation. | Yes | Yes | 1982 - 1986 | Total of all projects - \$197 Million. | --- | An additional 450 beds planned; another 330 beds under consideration. |
| BRITISH COLUMBIA | Yes | Remand Centre - secure (will offer full range of pre-trial services). | Yes | No | December 1982 | \$22 Million | Approximately \$146,000. | 150 |
| MANITOBA | Yes | Medium security for adult sentenced and remand prisoners. | --- | Yes | 1982 - 83 | \$1.5 Million | --- | --- |
| NEW BRUNSWICK | Yes | One regional correctional center, one detention center. | Yes | No | 1985 | \$14 Million | Approximately \$75,000 | 140 |

CONSTRUCTION – NOVEMBER 1981

| STATE | Current Construction/ Renovation or Planning to Construct/Renovate Correctional Facility in 1982 | Type of Facility(ies) | New | Renovation of Old | Estimated Date of Completion | Estimated Cost of Entire Project | Estimated Cost Per Cell | Capacity |
|----------------------|--|---|-----|--|---|-------------------------------------|--|--|
| NEWFOUNDLAND | Yes | Minimum security detention centers in Clerville and Bishop Falls, and minimum security center in Labrador. | Yes | Yes - will renovate prison in St. Johns to provide more program space. | New prisons - 1982. Renovation - 1983. | \$4.2 Million | Detention centers - \$35,000. Labrador - \$62,500. | Detention centers - 24 each. Labrador - 40. |
| NOVA SCOTIA | Yes | --- | --- | --- | --- | --- | --- | --- |
| ONTARIO | No | --- | --- | --- | --- | --- | --- | --- |
| PRINCE EDWARD ISLAND | Yes | --- | --- | --- | --- | --- | --- | --- |
| QUEBEC | No | --- | --- | --- | --- | --- | --- | --- |
| YUKON TERRITORY | Yes | Contemplating the renovation and addition to Whitehorse Correctional Center, and a possible renovation of property to create a minimum security facility. | --- | Whitehorse - in 3-5 years. Minimum facility - April 1982. | Whitehorse - \$17 Million. Minimum facility - \$100,000. | --- | Whitehorse would increase capacity from 46 to 110. Minimum facility - 34. | --- |

7

SURVEY QUESTIONS:

1. Is your state currently constructing or renovating, or planning to construct/renovate a correctional facility in 1982?
 - a. Type of facility(ies)
 - b. New?
 - c. Renovation of old?
 - d. Estimated date of completion
 - e. Estimated cost of entire project
Estimated cost per cell
 - f. Capacity
2. Is your state currently under court order to correct an overcrowding situation?
3. Is your state currently involved in litigation in which the question of overcrowding, bed space, or area per inmate is an issue?

SYSTEMS NOT RESPONDING:

- | | |
|---------------|-----------------------------|
| Indiana | Puerto Rico |
| Louisiana | Northwest Territory, Canada |
| Massachusetts | Saskatchewan, Canada |
| Ohio | |

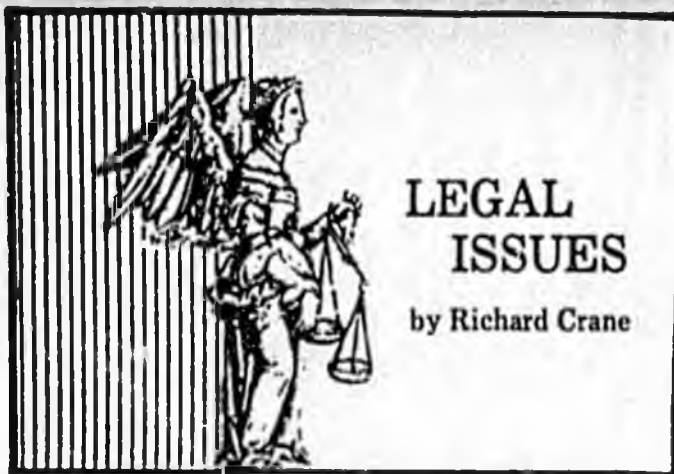
States currently under a court order to correct an overcrowding situation.

| | |
|---------------|----------------|
| Alabama | Louisiana |
| Alaska | Maryland |
| Arizona | Michigan |
| Arkansas | Mississippi |
| Connecticut | Missouri |
| Dist. of Col. | Nevada |
| Delaware | New Mexico |
| Florida | Oklahoma |
| Georgia | Rhode Island |
| Illinois | South Carolina |
| Indiana | Texas |
| Iowa | Washington |
| Kentucky | Guam |

States currently involved in litigation in which the question of overcrowding, bed space, or area per inmate is an issue:

| | |
|---------------|----------------|
| Alabama | Missouri |
| Alaska | Nevada |
| Arizona | New York |
| Arkansas | North Carolina |
| Colorado | Ohio |
| Connecticut | Oklahoma |
| Dist. of Col. | Oregon |
| Florida | Pennsylvania |
| Georgia | Rhode Island |
| Illinois | South Carolina |
| Indiana | South Dakota |
| Kentucky | Tennessee |
| Louisiana | Washington |
| Maine | Wisconsin |
| Maryland | Guam |
| Michigan | |

(Survey data gathered from November 1981 - January 1982. States listed as not responding at the end of the Construction Chart received follow-up calls so as to include this information on them as well.)



**TWO'S COMPANY, BUT THREE'S A CROWD . . .
A BRIEF REVIEW OF COURT DECISIONS
ON JAIL AND PRISON OVERCROWDING**

In 1977, prison officials in Ohio and Alabama bemoaned the fact that they had been ordered to provide every inmate with sixty or more square feet of living space and that they were not to house more than one inmate to a cell. Jail officials in Platte County, Missouri could understand their anguish . . . they had just been ordered to provide seventy square feet of space for each inmate. In 1979, the mood had changed and jail officials were rejoicing. In 1981, they were followed by prison officials. The reason: the U. S. Supreme Court in 1979 ruled that pre-trial detainees weren't entitled to single cells and, two years later, that convicted inmates could be double-bunked in cells which provided only thirty-one and a half square feet of space per man.

Two questions come quickly to mind: **WHY THE CHANGE** and **IS THERE REALLY A CAUSE FOR REJOICING?** What follows is a brief and, by necessity, incomplete answer to those questions.

The first major "conditions of confinement" cases involved barbaric conditions including overcrowding to the extent that inmates had ten to fifteen square feet of space each, shared one poorly functioning toilet with twenty inmates, and one doctor with a thousand others. When inmates did get to see a doctor the medication they were prescribed either wasn't available or there wasn't sufficient staff to ensure they got it. In addition, preventive medical care and psychiatric help were non-existent. Inmates walked around in the same clothes for weeks at a time and the living areas were fire traps. Inmates were often guarded by other inmates and were subjected to physical assaults and homosexual attacks. All of this occurred under the gaze of old-time correctional officials who either didn't have the funds or the inclination to correct the problems.

Faced with these conditions, the courts, applying the longstanding test for cruel and unusual punishment, found the conditions of these facilities "shocked the conscience." Once a constitutional violation was shown, the courts had the power to fashion relief

"coterminous with the scope of the constitutional violations." (*Newman v. Alabama*, 503 F.2d 1320 [5th Cir. 1974]).

Judges who were faced with the deplorable conditions outlined above ordered sweeping reforms in the institutions involved. Among the improvements ordered was that each inmate be given a certain amount of space to call his own, usually in the fifty to eighty square feet range. As time passed, suits were filed against prisons which did not provide fifty to eighty square feet of space, but which otherwise had little resemblance to the institutions previously described. Nevertheless, confirming the adage that "bad facts make bad law," many lawyers and judges applied the decisions in these older cases to determine whether the prison or jail under scrutiny was unconstitutionally overcrowded. It was these later cases which eventually reached the Supreme Court in 1979 and 1981.

In the 1979 case (*Bell v. Wolfish*, 99 S.Ct. 1981) and the 1981 prison case (*Rhodes v. Chapman*, 101 S.Ct. 2392), the Supreme Court had before it institutions which were a far cry from those described earlier in this article. Both facilities had been built in the 1970's and both were modern in every respect. However, it was also true that both exceeded their "design" capacity and that neither met the minimum square footage requirements established by such groups as the American Bar Association and the American Correctional Association. Nevertheless, the Court did not find these facts alone sufficient to amount to cruel and unusual punishment.

The Court noted that while the opinions of architects and public interest groups might be instructive in certain cases, they didn't establish the constitutional minima below which institutions could not fall. Further, the Court stated that judges are human (perhaps a debatable point), and are inclined to think that their solutions to prison problems are best. However, the Court stated that it was not the court's responsibility to initially devise plans to correct constitutional violations. This was the responsibility of the prison officials.

Perhaps more instructive was the Supreme Court's reliance on other factors, in addition to square footage, to determine whether the institutions in *Wolfish* and *Chapman* were violative of the Eighth Amendment. Facts the Court considered important were: inmates spent most of their waking hours outside the cells, the facilities were modern in construction, the institutions provided acceptable levels of security and medical care, food and sanitation were good, and, in *Wolfish*, inmates usually spent no more than sixty days at the jail.

What these cases teach is not that the "hands off" doctrine is back or that no amount of overcrowding will be found unconstitutional. But they do make it clear that double celling and crowding beyond the facility's design capacity do not automatically mean

the unit will be found unconstitutional and that uncomfortable and even harsh conditions may be tolerated by the courts. They also point that factors within the control of prison administrators — food, medical care, security, length of time in cell — are of significant importance in determining whether a facility violates the cruel and unusual punishment clause of the Constitution.

If there is a cause for rejoicing by corrections officials it is over the fact that they have regained the right to manage their institutions, but this must be tempered with the realization that the courts will still ensure that the constitutional rights of prisoners are scrupulously observed.

***** CASE REPORTS *****

NO MONEY IS NO EXCUSE

Inmates at the Buchanan County Jail in St. Joseph, Missouri, will be seeing improved prison conditions as the court found that conditions had fallen below constitutional standards. The district court ordered some changes to be put into effect immediately, but others will come about only after the parties meet, attempt to reach an agreement, and then submit proposals to the court.

Although all the parties and the court recognized that the county is in a financial bind, they all admitted that costs cannot prohibit the elimination of unconstitutional prison conditions. The judge stated he would order expenditures necessary to bring the jail to a decent minimum standard, not to make it a model prison.

Practices in the jail which the judge ordered stopped immediately included:

1. Confining more than one inmate to each cell.
2. Using stand-up cells for confinement of inmates for any period of time.
3. Confining any inmate for longer than one hour in any locked cell which does not have working plumbing.
4. Confining inmates to cells used as communal toilets.
5. Restricting any inmate (except for health or security reasons, reduced to writing) to less than three hours per week of physical exercise outside the tier on which he or she is confined, to be increased to a minimum of seven hours per week within sixty days.
6. Excluding any inmate from any religious activity or other authorized meeting without written findings of health or security reasons for so doing.

Heitman v. Gabriel, 524 F.Supp. 622 (W.D. Mo. 1981)

WILLINGNESS TO WORK CAUSES INMATE PROBLEMS

A prisoner doesn't have to be given *Miranda* warnings when he is questioned by a suspicious guard, according to the Virginia Supreme Court.

This case arose when a guard became suspicious because an inmate showed an unusual willingness to do his assigned work. The guard followed the inmate and saw him throw something over the fence. After repeated questioning by the guard, the inmate retrieved the object he had thrown. It turned out to be a vial containing cocaine.

The Court held that the on-the-scene questioning was permissible, even though the guard had not given the inmate notice of his rights under *Miranda v. Arizona*.

Beamon v. Commonwealth, 30 CrL 2275 (VA Sup. Ct. 1981)

BLACK IS TICKLED PINK — AWARDED \$5,000 BY COURT

Richard Black, an inmate at Illinois State Penitentiary in Joliet, was given \$5,000 in damages for time spent in isolation and punitive segregation for committing the offense of running in the prison yard.

During a fight at the penitentiary in which one inmate struck another with a pipe, someone yelled, "Stop that man." Black, along with other inmates, chased the offender until stopped by a guard firing into the air. Later that day Black was placed in punitive segregation. Twelve days were spent in isolation before the offense for which he was charged was read to him from the hallway. At no time was hearing held to determine the validity of the charge. After serving the maximum sentence of 15 days in isolation, Black was transferred without explanation to punitive segregation where he remained for 18 months.

The court held that Black had been deprived of procedural due process and subjected to excessive punishment, and ordered to be paid by the prison officials named in the suit.

Black v. Brown, 524 F. Supp. 856 (N.D. Ill. 1981)

BAPTISMAL CERTIFICATES AND OTHER EVIDENCE ADMISSIBLE AT PROBATION REVOCATION HEARING

After receiving anonymous information that Peter Rea was violating the terms of his probation and independently verifying much of this information, Mr. Rea's probation officer was justified in searching Rea's residence without a warrant and asking questions as to the alleged probation violations.

The anonymous caller claimed that Rea was in possession of cocaine and forged baptismal certificates, that he had left the state without permission, that he was involved in a conspiracy regarding false

claims on American Express travelers checks, and that he had recently been in an automobile accident. The New York City police department verified the automobile accident and American Express indicated that an investigation was being initiated and that Rea was suspected of being involved in such a conspiracy.

Upon searching Rea's residence, probation officers discovered a loaded pistol, rounds of ammunition and accessories for handguns, tear gas pellets, a stiletto knife, marijuana, drug paraphernalia, and blank baptismal certificates.

The court recognized the rehabilitative purpose of probation and held that evidence of a probation violation should not be excluded from the revocation hearing even if a warrant would be required in order to use the evidence for a separate criminal prosecution. The court held further that the statements Rea made to the officer after requesting an attorney would be allowed into evidence at the revocation hearing because a probationer does not enjoy the full constitutional rights of other citizens.

The court noted that a probationer is protected from harassment and untoward conduct by his probation officer through the use of civil suits for injunction or monetary damages.

United States v. Rea, 524 F. Supp. 427 (E.D. N.Y. 1981)

INMATE MUST BE ADVISED OF INFORMATION WHICH MAY ADVERSELY AFFECT PAROLE

Dr. Earl Evans, a one-time resident of the federal penitentiary, had a letter in his behalf sent to the Parole Commission which appeared to be written by Arkansas' 39th governor, Dr. Bob Riley. He now claims that the regional parole commissioner's failure to accept the commission's recommendation of parole was based on false information from the U. S. Attorney in Arkansas to the effect that Dr. Riley was never governor and was dead at the time the letter was written. In fact, Dr. Riley was Arkansas' 39th governor, serving twelve days from January 3, 1975, to January 14, 1975, and he is still alive.

Although the court observed that the information given the commissioner seemed to be that Dr. Riley was not governor at the present time and a letter was sent by the U. S. Attorney correcting the information that Dr. Riley was dead, the case was sent back to the trial court to be heard in its entirety. The appeals court held that Dr. Evans should have been given notice of and an opportunity to respond to the misinformation concerning the governor.

Evans v. Dillehuntz, 662 F.2d 522 (8th Cir. 1981)

BOGUS RELIGIOUS PRACTICES NEED NOT BE ALLOWED

The denial of conjugal visits, banquets on designated church holidays, payment for services as

chaplain of his church, being allowed to have long hair and a beard, and the right to distribute the church newspaper were found not to be a denial of First Amendment right to religious freedom for Clovis Green, an inmate in the Missouri Training Center for Men in Moberly. Green had raised these claims based on his membership in the Human Awareness Life Church.

The court found that prison officials believed in good faith that this was a bogus religion concocted by Green solely for the purpose of obtaining privileges not available to the general population. The court went on to discuss Green's attitude in general, noting in particular his testimony that he would dismiss the hundreds of lawsuits he has pending in return for his release from custody. The court dismissed the case due to its "frivolous and malicious nature."

Green v. White, 525 F.Supp. 81 (E.D. Mo. 1981)

CITY FORCES STATE DEPARTMENT TO TAKE MENTALLY INCOMPETENT INMATES

City officials, who are under a court order not to keep mentally incompetent inmates more than 48 hours at the Duval County Jail in Florida, have won in their attempt to force the State Department of Health and Rehabilitative Services (HRS) to take these inmates.

After analyzing state law, the court decided that HRS does have the responsibility of caring for and keeping custody of inmates who have been declared mentally incompetent to stand trial. In the event that HRS lacks adequate bed space, it still has the duty to provide constitutionally fit facilities through such means as contracting with private hospitals, as the city sometimes has to do.

The court refused to give the city money damages for the expenses it incurred when it had to house some inmates at University Hospital in Jacksonville when HRS refused to take them in custody.

Miller v. Carson, 524 F.Supp. 1174 (M.D. Fla. 1981)

GUARD MUST PAY \$30,000 FOR FAILURE TO PROTECT INMATE

Daniel Wade, while in administrative segregation at the Alton, Missouri reformatory, was allegedly beaten and sexually assaulted by both his cellmates. His suit against three correctional officers, the superintendent of the reformatory, and the Director of Corrections resulted in a judgment against only one of the correctional officers, Officer Smith.

The district court dismissed the Director of Corrections and one officer on its own and the superintendent and another officer won by jury verdict. However, the jury ordered Officer Smith to pay \$30,000 in damages.

The officer who was exonerated by the jury had initially placed Wade in segregation with another

prisoner. Later, Officer Smith came on duty and placed a third inmate in the same cell.

On appeal, the court found that there was sufficient evidence for the jury to find that Smith acted with reckless and total disregard for the safety of prisoners in his care for the following reasons:

1. Smith knew that the third inmate placed in the cell had been ordered separated from the other inmates for his own safety and that of others.
2. Evidence showed that Smith made little or no effort to determine whether another cell was available.
3. There was no evidence that Smith checked on the inmates during his shift.
4. There had been a beating death in another cell during Smith's shift only a few weeks before.

Wade v. Haynes, 663 F.2d 778 (8th Cir. 1981)

OREGON 22 FRANKLIN 11

Harry Franklin, a prolific writ writer serving time in Oregon's prison system, was only partially successful recently when he appealed the dismissal of 33 lawsuits he had filed. The U. S. Court of Appeals for the Ninth Circuit ruled that the lower court had overreacted in dismissing all of Franklin's suits. They found that 11 of the 33 should have gone to trial to determine if the claims presented were true.

Among Franklin's claims which the appeals court returned for hearings were whether:

- (1) A female guard violated Franklin's right to privacy by conducting a strip search on him.
- (2) He was not allowed outdoor exercise on a regular basis.
- (3) He was not protected from inmates throwing harmful things into his cell.
- (4) His cell was bugged so that "his talk with God through prayers may have been overheard."

Among the suits which the appeals court found were properly dismissed were claims that two of Franklin's letters were lost because inmates handled the mail; that he did not receive a well-balanced breakfast following his insulin injections; and that the taking of twelve instead of two x-rays was an undue invasion of his body in violation of his religious beliefs.

Franklin v. Oregon, 662 F.2d 1337 (9th Cir. 1981)

***** SUPREME COURT NEWS *****

* In a close 5-4 decision, the Supreme Court set aside the death sentence which had been imposed on an Oklahoma defendant who murdered a police officer at the age of 16. Opponents of the death penalty were disappointed that the Court did not base its decision on the offender's age. They had hoped that the Court would state that the execution of a person who was 16 or younger at the time of his offense would automatically be prohibited under the U. S. Constitution. Instead, the Court ruled that the trial judge had erred by refusing to consider the youth's family background and emotional problems in mitigation of the death penalty. Thus, the Court did not say whether age alone could bar imposition of the death penalty.

* The Court held that a Virginia man was not subjected to cruel and unusual punishment even though he received a forty year sentence and a \$20,000 fine for possession and distribution of less than nine ounces of marijuana. The Court's ruling came despite the fact that even the prosecuting attorney felt the offender should have been released after three years, given the gross disparity between his sentence and those received by comparable offenders. (The average sentence was three and one-half years.)

* The Court recently heard oral arguments in a case involving institutionalized mental retardants. The Court's rulings on the level of treatment required and the use of physical restraints could have an effect on the operation of adult and juvenile correctional centers. The decision will probably be made public in the near future.

COMING ATTRACTIONS

- Must the parents of a juvenile be present when the child is questioned about his involvement in criminal activity?
- Can statements from confidential informants be used in prison disciplinary proceedings?
- May inmates placed in solitary confinement be deprived of all clothing?
- Can a jailor escape liability solely by showing he was "just following orders"?
- Is it constitutional to serve an inmate only one meal a day?
- Are pre-trial detainees entitled to contact visits?

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July 22, 1982

REPORT NO. 22

GOVERNOR'S ACTION

- Safety
Advisory
Council SENATE CS FOR CS FOR HOUSE BILL NO. 835 (L&C), (see pages 288;445;597;731;778;815;884;922;971). Signed by the Governor on June 14 - Chapter 90, SLA 1982 (relating to the Alaska Safety Advisory Council).
- AK Employment
Security Act
(exemptions) CS FOR HOUSE BILL NO. 726 (L&C)(AMENDED SENATE), (see pages 149;445;557;606;866;922;971). Signed by the Governor on June 14 - Chapter 91, SLA 1982 (providing an exemption from the Alaska Employment Security Act for certain employees of certain corporations).
- School
Construction
(transferring
admin.) SENATE CS FOR CS FOR HOUSE BILL NO. 279 (FIN), (see pages 916;954;970). Signed by the Governor on June 14 - Chapter 92, SLA 1982 (relating to school construction and transferring the administration of school or education-related facility construction from the Dept. of Transportation and Public Facilities to the Dept. of Education; effective date).
- Workers'
Compensation SENATE CS FOR CS FOR HOUSE BILL NO. 159 (L&C), (see pages 384;398;581;670;714;861;915;954;970). Signed by the Governor on June 14 - Chapter 93, SLA 1982 (relating to Workers' Compensation; effective date).
- Limited Entry
Permits
(penalties) SENATE CS FOR CS FOR HOUSE BILL NO. 637 (JUD)(AM, SENATE), (see pages 33;589;649;717;730;814;877;942). Signed by the Governor on June 15 - Chapter 94, SLA 1982 (relating to the taking, purchase, or sale of certain fishery resources; effective date). The following message from the Governor accompanied the bill:

"While I am signing SCS CS HB 637 (Jud) am 8 into law, I am concerned that language in sec. 1 allowing a permit holder to be absent from the site to sell fish may create a situation wherein the section becomes unenforceable. I am requesting the commissioner of public safety to advise me as to whether this new language creates an enforcement problem this fishing season so that I may submit corrective legislation to the next legislature."

GOVERNOR'S ACTION

- Chilkat Bald Eagle Preserve/Haines Forest Mgmt. Area HOUSE CS FOR CS FOR SS FOR SENATE BILL NO. 796 (RES), (see pages 249;359;748;756;841;903;924). Signed by the Governor on June 15 - Chapter 95, SLA 1982 (providing for the management of state-owned land in the Haines area; establishing the Alaska Chilkat Bald Eagle Preserve and the Haines State Forest Resource Management Area; effective date).
- Real Estate Commission HOUSE CS FOR SENATE BILL NO. 816 (L&C), (see pages 325;681;692;761;841;903;924). Signed by the Governor on June 14 - Chapter 96, SLA 1982 (continuing the existence of the Real Estate Commission and amending the statutes relating to the commission's responsibilities and the real estate surety fund; effective date).
- Foster Homes (licensing of) SENATE BILL NO. 650 (AMENDED HOUSE), (see pages 15;333;340;602;853;906;923;939). Signed by the Governor on June 14 - Chapter 97, SLA 1982 (relating to licensing of foster homes, group homes, nurseries, and institutions; effective date).
- Vets' Burial Allowance HOUSE CS FOR CS FOR SENATE BILL NO. 146 (SA)(AM. HOUSE), (see pages 318;845;922). Signed by the Governor on June 14 - Chapter 98, SLA 1982 (relating to veterans' burial allowances).
- Small Loans (interest rates) CONFERENCE CS FOR HOUSE BILL NO. 524, (see pages 614;821;883;909;920;944;971). Signed by the Governor on June 14 - Chapter 99, SLA 1982 (relating to small loans; effective date).
- Special Sessions (outside Juneau) CS FOR HOUSE BILL NO. 184 (JUD), (see pages 115;438;550;557;606;789;829;954). Signed by the Governor on June 14 - Chapter 100, SLA 1982 (authorizing convening special sessions of the legislature at any location in the state).
- State Budget (FY '83 operating & capital) SENATE CS FOR HOUSE BILL NO. 146 (FIN), (see pages 919;960;994;1002;1021). Signed by the Governor on June 16 with partial vetoes - Chapter 101, SLA 1982. The following messages accompanied the bill (the first letter to the House, the second to the Senate):

I have today signed the Fiscal Year 1981 Operating and Capital Budgets (HCS HB 146 Fin) (with vetoes and reductions) into law. Fashioning a budget this session was an extremely difficult task given the rather significant decrease in revenues that confronted us all. Although I appreciated the efforts of the House to decrease the budget in line with the revised revenue estimates, I am nonetheless pleased that the Senate version of the Operating Budget is the one that finally passed the Legislature. I believe the Senate operating budget represents a responsible compromise between reduced revenues and ongoing needs for State services.

Through the mutual efforts of the Senate and my office, we were able to strategically impose cuts of more than \$100 million to my original operating budget request, while at the same time not imposing havoc on programs delivering needed services to Alaskans. The net result of this cooperative effort is that I did not have to take my reliance to any portions of the operating budget.

There were, however, veto/reductions in the Capital Budget totaling \$16.3 million. My vetoes were generally based on one or more of the following features: (1) duplication, (2) designated grants to named non-profit entities, (3) insufficient and/or non-persuasive backup, and (4) lack of an adequate public purpose.

GOVERNOR'S ACTION

SCS HB 148 (Fin) (cont'd)

In any case, my total reductions were a rather small fraction of the entire budget, since there seems to be more concentration on basic governmental functions (e.g. roads, schools) this year, as opposed to past budgets.

And to the Senate:

I have today signed the Fiscal Year 1983 Operating and Capital Budgets (SCS HB 148 Fin) (with vetoes and reductions) into law. Fashioning a budget this session was an extremely difficult task and I deeply appreciate the assistance you, members of the Senate Finance Committee and other members of the Senate extended to me and my staff. Without your concern and cooperation, the Fiscal Year 1983 Operating Budget passed by the House could conceivably have passed the Legislature. The drastic reductions imposed by the House were often illogical, ill-founded and targeted at those segments of Alaska's population least able to help themselves.

However, through the mutual efforts of the Senate and my office, we were able to strategically impose cuts of more than \$100 million to my original operating budget request, while at the same time not imposing havoc on programs delivering needed services to Alaskans. The net result of this cooperative effort is that I did not have to take my red pen to any portions of the operating budget.

There were, however, veto/reductions in the Capital Budget totaling \$16.3 million. My vetoes were generally based on one or more of the following factors; (1) duplications, (2) designated grants to named non-profit entities, (3) insufficient and/or non-persuasive backup, and (4) lack of an adequate public purpose.

In any case, my total reductions were a rather small fraction of the entire budget, since there seems to be more concentration on basic governmental functions (e.g. roads, schools) this year, as opposed to past budgets.

Again, I want to thank you for your assistance this year on the budget and other matters. As always, it has been a pleasure to work with you and other members of the Senate.

- Permanent Fund Dividends (alternative) HOUSE CS FOR CS FOR SENATE BILL NO. 842 (FIN)(AM. HOUSE), (see pages 401;681;687;692;894;944;1011;1020). Signed by the Governor on June 16 - Chapter 102, SLA 1982 (providing for permanent fund dividends; effective date).
- Computer Network (statewide schools) SENATE BILL NO. 719 (AMENDED HOUSE), (see pages 134;672;825;834;893;959;984). Signed by the Governor on June 14 - Chapter 103, SLA 1982 (providing that the Dept. of Education conduct a computer network study; effective date).
- Child Protection Laws HOUSE CS FOR CS FOR SENATE BILL NO. 89 (FIN)(AM. HOUSE), (see pages 196;224;534;933;957;972). Signed by the Governor on June 14 - Chapter 104, SLA 1982 (amending the child protection laws; effective date).
- Appropriation (special) (birth defects) SENATE BILL NO. 737, (see pages 180;415;524;529;547;701;767;807;931;984). Signed by the Governor on June 14 - Chapter 105, SLA 1982 (making a special appropriation to the

GOVERNOR'S ACTION

SB 737, (cont'd)

Dept. of Health & Social Services to be used to combat the causes and effects of birth defects; effective date).

Appropriation
(special)
(DNR plant
quarantine
center) SENATE BILL NO. 772, (see pages 239;567;632;639;703;840;
907;985). Signed by the Governor on June 14 - Chapter 106,
SLA 1982 (making a special appropriation to the Dept. of
Natural Resources for construction of a plant quarantine sta-
tion at the plant materials center (AS 03.22) operated in
cooperation with the Institute of Agricultural Sciences; effective
date).

Coroners
(duties/
inquests) CS FOR SENATE BILL NO. 692 (JUD), (see pages 92;334;340;
604;700;893;983). Signed by the Governor on June 14 -
Chapter 107, SLA 1982 (relating to the duties of coroners and
the coroner's inquest).

Contractors
(bonds/regis-
tration) SENATE BILL NO. 45 (E.D. ADDED)(AM. HOUSE), (see pages
559;753;799;834;835;942;957;972). Signed by the Governor on
June 14 - Chapter 108, SLA 1982 (relating to contractors and
to registration of contractors; effective date).

Hunting &
Fishing Lic.
& Tag Fees CS FOR 2ND SS FOR SENATE BILL NO. 275 (RES)(AMENDED), (see
pages 267;336;423;434;696;837;980). Signed by the Governor on
June 14 - Chapter 109, SLA 1982 (relating to the compensa-
tion of persons collecting hunting and fishing license and tag
fees; effective date).

State Bonds
& Notes
(raising
interest
rate) HOUSE CS FOR CS FOR SENATE BILL NO. 748 (FIN), (see pages
184;623;680;691;840;959;985). Signed by the Governor on
June 14 - Chapter 110, SLA 1982 (relating to interest on
state bonds and notes; effective date).

In-Bond
Merchandise
(regulation of) SENATE BILL NO. 824 (AMENDED HOUSE), (see pages 362;480;633;
639;704;903;944;959;986). Signed by the Governor on June 14
- Chapter 111, SLA 1982 (relating to sale and delivery of in-
bond merchandise at international airports; effective date).

State
Personnel Act
(amending) HOUSE CS FOR CS FOR SENATE BILL NO. 193 (JUD)(AM. HOUSE),
(see pages 616;679;691;757;934;957;979). Signed by the
Governor on June 14 - Chapter 112, SLA 1982 (amending state
personnel laws; effective date).

State Loan
Programs
(amendments
to) CONFERENCE CS FOR SENATE BILL NO. 666, (see pages 55;140;
270;334;340;489;535;602;605;635;658;884;906;931;943;962;983
1008). Signed by the Governor on June 24 - Chapter 113, SLA
1982 (relating to certain state loan and grant programs;
effective date).

Appropriations
(state loan
programs) CONFERENCE CS FOR SENATE BILL NO. 322, (see pages 550;600
605;634;658;930;943;957;980). Signed by the Governor on June
24 - Chapter 114, SLA 1982 (making appropriations for various
state loan and grant programs; amending a 1981 appropriation for
senior citizen housing; effective date).

GOVERNOR'S ACTION

- Unemployment Insurance/ Child Care Workers CONFERENCE CS FOR SENATE BILL NO. 552, (see pages 477; 529; 546; 641; 758; 884; 898; 943; 958; 982). Signed by the Governor on June 24 - Chapter 115, SLA 1982 (relating to unemployment insurance and exempting certain child care workers from the Alaska Wage and House Act; effective date).
- Train Crews (minimum) CS FOR SENATE BILL NO. 849 (TRSP), (see pages 405; 568; 634; 639; 772; 807; 854; 1021). Signed by the Governor on June 24 - Chapter 116, SLA 1982 (relating to minimum crew requirements for the operation of railroad trains and engines; effective date).
- Driving While Intoxicated HOUSE CS FOR SENATE BILL NO. 611 (FIN)(AM, HOUSE), (see pp. 2; 194; 329; 377; 381; 699; 760; 958; 983). Signed by the Governor on June 24 - Chapter 117, SLA 1982 (relating to operating a motor vehicle, aircraft or watercraft while intoxicated).
- Child Support Enforcement (penalties & interest) CS FOR SENATE BILL NO. 741 (FIN)(AM, HOUSE), (see pages 181; 379; 479; 825; 834; 907; 984; 1009). Signed by the Governor on June 24 - Chapter 118, SLA 1982 (relating to child support enforcement; effective date).
- Munic. Aid Program (muni. & unincorporated communities) SENATE BILL NO. 836, (see pages 369; 420; 484; 509; 604; 843; 964; 987; 1020). Signed by the Governor on June 24 - Chapter 119, SLA 1982 (extending appropriations made for entitlements to municipalities and unincorporated communities and extending appropriations for administering the entitlements; effective date).
- Munic. Aid Program (extending time limit) SENATE BILL NO. 830, (see pages 367; 420; 484; 509; 604; 842; 964; 986; 1019). Signed by the Governor on June 24 - Chapter 120, SLA 1982 (extending the time during which assistance for municipalities and unincorporated communities is paid under ch. 60, SLA 1981; effective date).
- Life Insur. Policy Loans (int. rate & reinstatement) CS FOR SENATE BILL NO. 841 (L&C), (see pages 401; 628; 687; 751; 756; 763; 969; 1020). Signed by the Governor on June 24 - Chapter 121, SLA 1982 (relating to insurance policy provisions on policy loans and reinstatement of policies; effective date).
- Tampering With a Witness CONFERENCE CS FOR HOUSE BILL NO. 573, (see pages 78; 99; 119; 471; 821; 883; 909; 955; 971). Signed by the Governor on June 24 - Chapter 122, SLA 1982 (relating to the crime of tampering with a witness).
- Big Game & Wild Fowl (waste of) CONFERENCE CS FOR HOUSE BILL NO. 47, (see pages 383; 468; 505; 787; 812; 871; 883; 908; 953; 970). Signed by the Governor on June 24 - Chapter 123, SLA 1982 (relating to the prohibition against waste of meat of big game animals and wild fowl).
- Appropriation (special) (Avalanche Warning System) HOUSE BILL NO. 348 (AMENDED SENATE), (see pages 64; 1022). Signed by the Governor on June 24 - Chapter 124, SLA 1982 (making a special appropriation to the Dept. of Public Safety for the Alaska avalanche warning system; effective date). The Governor attached the following message:

GOVERNOR'S ACTION

HB 348 (AM S), (cont'd)

"While I have reduced the appropriation from \$446,000 to \$275,000 to reflect a single-year operation of the Avalanche and Fire Weather Forecast System, the intent of the legislation remains unchanged."

- Fed. Budget Impact Fund CONFERENCE CS FOR HOUSE BILL NO. 876, (see pages 303;446; 718;731;803;867;922;961;995;1005;1023). Signed by the Governor on June 24 - Chapter 125, SLA 1982 (providing for a federal budget impact fund; effective date).
- Testamentary Transfers (reenacting marital deduction) HOUSE BILL NO. 848, (see pages 292;598;608;718;731;866;955). Signed by the Governor on June 24 - Chapter 126, SLA 1982 (reenacting the law relating to the marital deduction in testamentary transfers; effective date).
- Interstate Corrections Compact (adopting) SENATE BILL NO. 186 (AMENDED HOUSE), (see pages 64;139;422; 434;534;845;943;957;979). Signed by the Governor on June 24 - Chapter 127, SLA 1982 (adopting the Interstate Corrections Compact; effective date).
- AK Railroad Transfer Advisory Commission HOUSE CS FOR CS FOR SENATE BILL NO. 212 (RLB), (see pages 753;822;814;889;967;1008;1014). Signed by the Governor on June 24 - Chapter 128, SLA 1982 (relating to the Alaska Railroad Transfer Advisory Commission; effective date).
- Agricultural Development Projects HOUSE CS FOR CS FOR SENATE BILL NO. 418 (RLB), (see pages 981;1008;1024). Signed by the Governor on June 24 - Chapter 129, SLA 1982 (relating to the disposal of land for agricultural development; effective date).
- Royalty Oil (sale of to Tesoro) HOUSE BILL NO. 888, (see pages 577;657;713;723;731;779; 816;1008). Signed by the Governor on June 24 - Chapter 130, SLA 1982 (relating to the sale of royalty oil by the State of Alaska to the Tesoro Alaska Petroleum Company; effective date).
- Royalty Oil (sale of to Doyon, Ltd.) CS FOR HOUSE BILL NO. 889 (FIN), (see pages 577;657;713; 723;731;779;817;1006). Signed by the Governor on June 24 - Chapter 131, SLA 1982 (relating to the sale of royalty oil by the State of Alaska to Doyon, Ltd.; effective date).
- Medicaid (eligibility/ services) CS FOR SENATE BILL NO. 817 (FIN), (see pages 325;626;826; 835;893;964;986;1010;1019). Signed by the Governor on June 24 - Chapter 132, SLA 1982 (relating to medical assistance for needy persons; effective date).
- AK Power Authority/ Power Projects CONFERENCE CS FOR HOUSE BILL NO. 9, (see pages 671;720;868; 908;925;944;960;991;1000;1021). Signed by the Governor on June 24 - Chapter 133, SLA 1982 (relating to energy; effective date).
- Campaign Law Violations HOUSE BILL NO. 89 (AMENDED), (see pages 51;83;1000;1024). Signed by the Governor on June 24 - Chapter 134, SLA 1982 (relating to remedies for violation of campaign laws).

GOVERNOR'S ACTION

Aid to Fam.
w/Dependent
Children
(raising
amounts)

CS FOR HOUSE BILL NO. 174 (FIN), (733;828;872;1002;1024).
Signed by the Governor on June 24 - Chapter 135, SLA 1982
(relating to aid to families with dependent children; effective date). The following message accompanied the bill:

This bill will increase the cash assistance by about \$50.00 per family per month to certain Alaska single parent families with needy children. It permits certain pregnant women who meet stringent need standards to receive cash assistance during their final trimester of the pregnancy.

Many of these less fortunate children and their families will benefit greatly by this limited payment increase. One needs only to look at an Anchorage or Fairbanks paper to realize that food and housing costs are rising steadily, making it difficult for persons on public assistance to purchase life necessities on their limited budgets. It will serve additionally to reduce the disparity in the current state system, which statutorily authorizes a single adult public assistance recipient who is aged, blind, or disabled, to receive monthly state payment significantly greater than that paid to low income AFDC families of two persons.

The passage of the bill was not accompanied by an appropriation which would enable it to pass on the full increase to eligible persons. This may negate some of the relief that this legislation was intended to give to the poor in Alaska. I have directed the Department of Health and Social Services to a administrative regulations to implement these changes in the law given the fact that no appropriation accompanied the bill.

I have also directed the Department of Health and Social Services to begin to implement SR 26 to prepare an additional job training and work experience program for AFDC recipients to enhance their employability and increase their likelihood of achieving economic independence. I want to ensure that we make every effort to develop independence from state public assistance and encourage responsible work attitudes, self-esteem and dignity. Adequate payments should be available on an interim basis to those most in need who are unable to find jobs. This bill would aid in rectifying some of these payment inequities.

Elec. &
Telephone
Cooperatives

SENATE CS FOR HOUSE BILL NO. 849 (SLS), (see pages 293;504;662;671;816;866;923;955;995;1023). Signed by the Governor on June 24 - Chapter 136, SLA 1982 (relating to cooperatives).

Public
Employees
(retirement &
benefits)

HOUSE CS FOR CS FOR SENATE BILL NO. 121 (FIN)(AM. HOUSE), (see pages 472;817;880;887;888;973;1007;1013). Signed by the Governor on June 24 - Chapter 137, SLA 1982 (relating to teachers', judicial, national guard, and public employees' benefits;; creating the Public Employees' and Teachers' Disability Review Board; effective date).

Public Health
Assistance

CONFERENCE CS FOR HOUSE BILL NO. 357, (see pages 536;647;708;722;730;775;863;874;928;944;960;995;1003;1022). Signed by the Governor on June 24 - Chapter 138, SLA 1982 (relating to vision and hearing screening examinations, public assistance, and other assistance provided by the state; effective date).

Appropriations
(special &
supplemental/
extending &
repealing)

COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 746 (FIN)(AM. H.), (see pages 183;374;423;508;641;702;848;907;1010;1017). Signed by the Governor June 25 - Chapter 139, SLA 1982 (Making special and supplemental appropriations; extending lapse dates; repealing certain appropriations; and providing for an effective date). The following message accompanied the bill, relating to vetoes and reductions (in addition to those sections mentioned the Governor also vetoed an appropriation in the amount of \$150,000 to the Dept. of Commerce and Economic Development,

GOVERNOR'S ACTION

CS SB 746 (FIN)(AM H), (cont'd)

Office of Mineral Development, for the production of a documentary film on Alaska's mining history and potential):

I have signed the following bill (with vetoes and reductions) and am transmitting the engrossed and enrolled copies to the Lieutenant Governor's Office for permanent filing:

COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 746 (Fin) am H
(Making special and supplemental appropriations;
extending lapse dates; repealing certain appro-
priations; and providing for an effective date)
Chapter 139, SLA 1982

Most of my vetoes dealt with the fiscal note section (Section 14). These vetoes resulted from funding not being needed for the fiscal notes, either because the bills did not pass the Legislature, or having passed the Legislature, were vetoed by me.

The one significant non-fiscal note veto concerned Section 17, appropriating \$2.2 million to the University of Alaska, for site preparation and planning for student housing at Anchorage. I vetoed this appropriation because I do not believe that a last minute legislative add-on is the proper method to deal with a long-standing controversy regarding student housing at the Anchorage campus. This is especially true in that the Senate had virtually no choice in dealing with this bill--they had to accept or reject it in its entirety since the House had already adjourned.

I think the student housing situation should be resolved in a more appropriate fashion, involving actions by the Board of Regents.

State
Geographic Bd.
(Native place
names)

COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 727 (SA), (see pages 173;423;434;761;885;901;907;968;1017). Signed by the Governor June 28 - Chapter 140, SLA 1982 (Relating to the duties of the State Geographic Board; and providing for an effective date).

Appropriations
(prior year
adjustments)

SENATE CS FOR CS FOR HOUSE BILL NO. 643 (FIN) (re-eng), (see pages 35;120;138;634;921;961;969;1005;1022). Signed by the Governor June 28 - Chapter 141, SLA 1982 (Repealing, amending, making, and extending lapse dates on appropriations; and providing for an effective date). The following message accompanied the bill:

I have signed the following bill (with vetoes and reductions) and am transmitting the engrossed and enrolled copies to the Lieutenant Governor's Office for permanent filing:

SENATE COMMITTEE SUBSTITUTE FOR
COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 643 (Fin) re-engrossed
(Repealing, amending, making, and extending
lapse dates on appropriations;
and providing for an effective date)
Chapter 141, SLA 1982

This was a rather difficult bill to deal with, given its rather potpourri nature of operating items, capital items, re-appropriation items, new items, etc. However, I have completed my action, with the net effect of a reduction of some \$3 million dollars, once all things are taken into account.

Since there were so many items, I will not list the reasons for each specific veto/reduction, but rather I will provide the general factors that caused vetoes. I vetoed/reduced sections where:

- (1) the legislature inappropriately tried to transfer funding from projects that were ongoing, or where the funds had already been spent;

GOVERNOR'S ACTION

SCS CS HB 447 (FIN)(re-eng), (cont'd)

- (2) there was insufficient backup to justify the project, or the level of funding for the project;
- (3) funding for a project was provided to an inappropriate entity--for instance, funding was given to a municipality to perform functions which were outside the scope of the municipality's charter;
- (4) there was duplicate funding in other bills;
- (5) the use of the appropriation was not an appropriate State function;
- (6) the funding level was excess to the current needs; and
- (7) the program should have received funding from another source.

AK Renewable Resources Corporation

HOUSE CS FOR CS FOR SENATE BILL NO. 697 (FIN), (see pages 95;563;746;756;839;1009;1017). Signed by the Governor June 30 - Chapter 142, SLA 1982 (Establishing the Alaska Resources Corporation in place of the Alaska Renewable Resources Corporation (AS 37.12); and providing for an effective date).

Criminal Laws (amending)

HOUSE CS FOR CS FOR SENATE BILL NO. 535 (2d JUD)(AM H), (see pages 474;531;572;577;640;758;906;967;1005;1014;1027). Signed by the Governor July 3 - Chapter 143, SLA 1982 (Relating to criminal law and procedure and amending the revised criminal code; changing Rule 37, Rules of Criminal Procedure and Rule 901, Alaska Rules of Evidence). The following message accompanied the bill:

Among the most significant sections of this bill are provisions that (1) redefine and restrict the scope of the insanity defense, (2) specify the type of immunity that must be afforded witnesses who are compelled to testify in criminal trials, (3) increase the penalty for sexual assault in the first degree, and (4) establish presumptive sentences for all class A felony offenses.

Since this bill was adopted by the legislature, several concerns have arisen pertaining to the procedures surrounding the formulation and passage of the bill. I requested the Department of Law to review these concerns to determine whether the bill contained legal deficiencies.

In part because this bill was voted on during the final days of the legislative session, concerns have been raised by some that the bill did not receive sufficient public review before passage. This concern is frequently raised when legislation passes during the final days of a session. A review of the legislative history of this bill, however, reveals that it received substantial committee attention.

The Senate Judiciary Committee, for example, held approximately 10 committee hearings over a two-year period on the original version of the bill. The House Judiciary Committee reviewed the Senate Committee Substitute at also approximately ten hearings and held nearly as many meetings to separately consider the revisions to the insanity laws. Several statewide teleconference hearings were held by the House Judiciary Committee on this bill. That committee also held a separate hearing on the immunity sections of the bill. Sections revising the penalties for sexual assault and authorizing telephonic search warrants received hearings on separate bills, in both judiciary committees.

Before voting to concur with the version of the bill that passed the House, the Senate Judiciary Committee met to review the House changes. An extensive commentary and sectional analysis accompanying the bill was prepared and distributed to all legislators before the vote, and that commentary was adopted by both houses.

GOVERNOR'S ACTION

HCS CS SB 535 (2d JUD)(AM H), (cont'd)

Far from supporting the conclusion that this bill was not exposed to sufficient committee work and public review, the legislative history of the bill demonstrates that the individual sections in this bill received considerable attention.

Concerns have also been raised that the bill pertains to more than a single subject. However, all the sections in the bill pertain to one general subject as required by art. II, sec. 13 of the Alaska Constitution: refinements in Alaska's recently revised criminal code.

In interpreting the requirements of the single subject rule, the Alaska Supreme Court has held that the rule must be construed with considerable breadth to prevent the legislature from being unduly restricted in scope and permissible subject matter, thereby multiplying the number of necessary enactments and their interrelationships. Gallert v. State, 522 P.2d 1120 (Alaska 1974). See also, Brunt v. State, ___ P.2d ___, Op. No. 98 (Alaska App. June 25, 1982). As the supreme court observed in Gallert:

Ultimately the decision in cases of this kind must be made on a basis of practicality and reasonableness. In determining whether a bill is confined to one subject, we agree with the statement:

'All that is necessary is that act [sic] should embrace some one general subject; and by this is meant, merely, that all matters treated of should fall under some one general idea, be so connected with or related to each other, either logically or in popular understanding, as to be parts of, or germane to, one general subject.'

Id., at 1123 (citation omitted; emphasis added).

Although this legislation contains two provisions that purportedly change court rules, the sections noting that effect, secs. 43 and 44, were never brought up for separate votes after the bill was concurred in by the Senate on a 13-6 vote. Section 43 notes that the effect of sec. 18 of the bill is to change Rule 17, Rules of Criminal Procedure, by allowing for the issuance of telephonic search warrants. Section 44 notes that sec. 40 of the bill amends Rule 901, Alaska Rules of Evidence, by specifying requirements for the authentication of photographic evidence of property unlawfully taken.

Article IV, sec. 15 of the Alaska Constitution requires a two-thirds vote for a statute to "change" the court rules, and Rule 19(e) of the Uniform Rules of the Alaska Legislature requires a separate vote on rule-change provisions. Since the vote by the Senate to concur with HCS CS SB 535 (2d Jud) as it received the necessary 11 votes required by Rule 41 for concurrence, but fell short of the 14 votes necessary to effect a rule change, secs. 43 and 44 of the bill are of no effect under Rule 19(e). The third sentence of Rule 19(e) provides that "[i]f the section effecting a change in the court rule fails to receive the required two-thirds vote, the section is void and without effect and is deleted from the bill." It is not clear whether secs. 43 and 44, or their respective companions (18 and 40), are the ones "effecting" the change.

There is some argument that a two-thirds vote was not necessary on either secs. 43 or 44, because the two new statutes are not in conflict with and did not have the

K Section 43 appeared as sec. 4 in SB 687, An Act relating to the issuance of search warrants, which passed the Senate on February 11, 1982, on a 17-0-3 vote. 1982 Senate Journal, 269. Section 44 appeared as sec. 3 in CS SB 686 (Jud), An Act relating to the return of property seized by law enforcement agencies, which passed the Senate on April 27, 1982, on a 20-0 vote. 1982 Senate Journal, 1048.

GOVERNOR'S ACTION

HCS CS SB 535 (2d JUD)(AM H), (cont'd)

effect of changing court rules. However, even if a two-thirds vote was necessary, the Senate's vote to concur in the House amendments was not affected by the subsequent failure to adopt the rule changes. The vote to concur passed by the required 11 votes, and that vote was to adopt the identical bill that had passed the House. Under Rule 39(e) the failure of the Senate to take a separate vote on the rule change simply meant only that secs. 43 and 44 (and potentially their respective companions -- 18 and 40) are now "void and without effect."

The issue that is presented is very similar to one which has arisen when one house votes to concur in amendments made by the other house, but then fails to adopt, for example, an immediate effective date included in the bill by a two-thirds vote as required by Rule 39(f). The procedure specified in Rule 39(e) pertaining to votes on court rule changes is virtually identical to the language in Rule 39(f) pertaining to votes on special effective date clauses. There is ample authority in support of the rule that a failure to adopt a special effective date by a two-thirds vote after concurring in a bill by a majority vote means that the bill has been adopted with an ordinary 90-day effective date. This authority rests on a construction of the effective date as not being a material factor influencing the favorable vote. This rule should apply by analogy to the failure of the Senate to vote separately on the rule change provisions in this bill. Consequently, I have concluded that HCS CS SB 535 (Jud) AM H has been adopted by the legislature but without the effect of changing the court rules cited in secs. 43 and 44.

Public
Contracts

SENATE CS FOR CS FOR HOUSE BILL NO. 156 (FIN)(AM S), (see pages 25;926;953;1021). Signed by the Governor July 21 - Chapter 144, SLA 1982 (Relating to public contracts; and providing for an effective date).

REAA Budget
Oversight
Committee
(extending
life of)

SENATE CS FOR HOUSE CONCURRENT RESOLUTION NO. 23 (FIN), (see pages 613;930;956;971). Read by the Governor on June 14 - Legislative Resolve No. 15, 1982 (extending the life of the Regional Educational Attendance Area Budget Oversight Committee).

Vets' Housing
(g.o. bond
indebtedness)

CS FOR HOUSE JOINT RESOLUTION NO. 71 (SA), (see pages 48; 157;489;599;605;612;867;929;956;996;1007). Read by the Governor June 28 - Legislative Resolve No. 18, 1982 (Proposing an amendment to the Constitution of the State of Alaska relating to incurring general obligation indebtedness for veterans housing).

U.K.'s Embargo
on AK Salmon

SENATE RESOLUTION NO. 29, (see pages 999;1011). Read by the Governor on June 14 - Senate Resolve No. 7, 1982 (requesting Congress and the President to urge the United Kingdom to lift its embargo of Alaska canned salmon).

GOVERNOR'S ACTION

Aid to Sen. Ziegler
(legislative employees)

SENATE RESOLUTION NO. 30, (see pages 999;1011). Read by the Governor on June 14 - Senate Resolve No. 8, 1982 (recognizing McKie Campbell, Bobby Carroll, Glenn Svendsen and Russ Josephson for their efforts in coming to the aid of Senator Robert H. Ziegler, Sr.).

Aid to Sen. Ziegler
(Juneau Fire Dept.)

SENATE RESOLUTION NO. 31, (see pages 999;1011). Read by the Governor on June 14 - Senate Resolve No. 9, 1982 (recognizing members of the Juneau Fire Department for their quick and efficient response to a crisis in the Alaska Senate).

BILLS VETOED BY THE GOVERNOR

Water, Sewer & Solid Waste Facilities

HOUSE CS FOR CS FOR SENATE BILL NO. 252 (FIN)(AM, HOUSE), (see pages 793;824;834;891;957;979). Vetoed by the Governor on June 16. The following message accompanied the bill:

Under the authority of art. II, sec. 15, of the Alaska Constitution, I have vetoed House Committee Substitute for Committee Substitute for Senate Bill 252 (Fin) an H. relating to grants for water supply, sewerage and solid waste facilities; and providing for an effective date. While I support the basic thrust of this bill - increasing the state's grant proportion of water, sewer and solid waste facilities - there are several provisions which are objectionable.

The bill would allow replacement of obsolete facilities to be grant eligible. In the past, the Department of Environmental Conservation has funded only new construction, expansion, and modification of facilities. Replacement of obsolete facilities should be funded by revenues accumulated from user charges. In this way, communities and users are encouraged to provide adequate operation and maintenance or they will foot the bill for costs to replace projects which have become "obsolete" through neglect.

The bill would also apparently allow funding of water delivery and honey bucket collection vehicles. The Attorney General has ruled that these vehicles cannot be eligible for funding through general obligation bond financing, as the Constitution restricts general obligation bonds to capital projects. General fund moneys could be used for vehicles; however, the principle source of funds for water and sewer projects has been general obligation bonds.

Finally, the bill would mandate that the Department of Environmental Conservation provide grants to communities with village safe water projects to assist in operation and maintenance of these projects. Presently, the authority to provide these grants is contained in the Village Safe Water Act and is discretionary. If the department determines that a community must have a state grant for the project to survive, and if the operation is sufficiently cost-efficient and funds are available, the department can fund grants in these villages. The proposed revisions would mandate these grants regardless of the community's ability to pay, the operating history of the project, or how well it is run. To the extent possible, these projects should pay their own way without relying on the state to subsidize them.

A veto of this bill would have little effect over the next year. No funds were appropriated by the legislature to implement the provisions of the bill; in fact, the Department of Environmental Conservation does not have sufficient funds to award grants under the existing formula to the extent it has grant applications. There is also no funding available for operation and maintenance grants to communities with village safe water facilities.

I am requesting the Commissioner of Environmental Conservation to work on draft legislation addressing these issues for me to consider for submittal to the next legislature.

GOVERNOR'S ACTION

Parole of
Offenders/
Parole Bd.

HOUSE CS FOR CS FOR SENATE BILL NO. 327 (FIN)(AM. HOUSE),
(see pages 410;618;679;691;697;837;897;923;961). Vetoed by the
Governor on June 16. The following message accompanied the
bill:

Under art. II, sec. 15, of the Alaska Constitution, I have vetoed MCS CSSB 327(Fin) an H which continues the existence of the Board of Parole. I have vetoed this bill for two reasons. The first is because of several irreconcilable legal conflicts between this bill and MCS CSSB 535 (2d Jud) SM H, the comprehensive crime bill which also passed the Legislature. The second reason is that continuation of a discretionary parole system is in direct contradiction with the presumptive sentencing scheme in the criminal code and my long-held philosophy in favor of certainty in sentencing.

The major legal problem with this legislation, considered in conjunction with the comprehensive crime bill and provisions in existing law, is that it would have the unintended effect of making rapists eligible for release on parole when they would not be eligible for release under existing law or under the provisions of the crime bill. Another equally serious problem is that the parole bill, considered in conjunction with provisions in the crime bill, would have the effect of making eligible for parole defendants with two prior felonies who commit class A felony offenses such as armed robbery or assault in the first degree.

Still another legal problem in this bill is that an amendment adopted on the House floor does not effect the change intended. That amendment was offered with the clear intent to require a prisoner to serve at least one-half of his sentence before he would be eligible for parole. The amendment was not properly drafted, and unless a court specifically provides otherwise, a prisoner would still be eligible for parole after serving only one-third of his sentence.

These legal problems were clearly not intended by the legislature but were inadvertently caused by oversights in drafting or as a consequence of two bills passing the legislature which did not cross-reference to each other. In addition to these legal problems, however, there are fundamental public policy reasons why I have vetoed this bill.

Continuation of a discretionary parole system administered by the parole board is in direct contradiction to my long-held philosophy in favor of determinate sentencing and certainty in the length of a sentence served. The central premise of Alaska's criminal justice system should be that punishment is based on the type of crime committed by the defendant and his prior criminal history. The revised criminal code went a long way to accomplish that goal by specifying presumptive sentences with no parole for repeat felony offenders. To allow a parole board to continue with discretionary authority to release an offender after serving only one-third of his sentence based upon a prediction as to whether the offender has been rehabilitated, is in direct conflict with the sentencing scheme in the criminal code and the sentencing philosophy my administration has strenuously advocated.

My veto does not mean that the parole board will cease to exist on July 1, 1982. Rather, the board will have one additional year to function and the legislature will have ample opportunity to consider the issue again next year. AS 44.66.181(b). A veto will, however, prevent an unintended loosening of the law on parole eligibility for rapists and defendants with two prior felonies who commit class A felonies.

Insurance
Contracts
(issuance of)

CONFERENCE CS FOR SENATE BILL NO. 831, (see pages 367;420;
530;547;604;641;719;762;850;885;903;924;940). Vetoed by the
June 15. The following message accompanied the bill:

Under art. II, sec. 15, of the Alaska Constitution, I have vetoed Conference Committee Substitute for Senate Bill 831, relating to insurance; and providing for an effective date. While there is some merit to the "housekeeping" portions of the bill, sec. 3, which would prohibit the State from using so-called "wrap-up" insurance programs, could cost the state large sums of money and, at the same time, serve no public purpose.

GOVERNOR'S ACTION

CCS SB 831, (cont'd)

The Alaska Power Authority and the Division of Risk Management predict that the Alaska Power Construction Program, APCOP, can realize substantial savings in the costs of constructing APA power projects. As the Tye project is the first one constructed under this program, more will be known on actual cost savings and safety implications when that project is completed. The Power Authority, nevertheless, is planning to secure the services of an independent insurance consulting firm to evaluate wrap-up programs, and to make recommendations as to whether the Authority should continue to use the APCOP approach.

Section 3 of the bill prohibits the state from requiring a contractor to obtain insurance from a particular insurer, agent or broker or to agree to provide insurance to a contractor who is awarded a state construction contract. I do not find this prohibition in the best interest of the state. If, after receiving the independent evaluation of wrap-up programs it appears wise to submit corrective legislation, I will do so.

Guide Lic. & Control Bd. SENATE BILL NO. 834 (AMENDED HOUSE), (see pages 369;567;573;578;705;964;987;1010). Vetoed by the Governor on June 24.
(cont. exist.) The following message accompanied the bill:

Under art. II, sec. 15, of the Alaska Constitution, I have vetoed SB 834 am H, relating to the Guide Licensing and Control Board. By doing so, I have avoided the serious constitutional and practical problems which would be caused by sec. 2 of the bill which would require that there be a "clearly demonstrated need" for all board regulations and would declare all regulations "contrary" to that requirement "void." This language violates the constitutional separation-of-powers doctrine and art. III, secs. 1, 16, and 24 of the Alaska Constitution by infringing upon the inherent authority of the guide board to adopt "interpretative" regulations to execute AS 08.54. The language is also fatally deficient from a practical perspective because it is literally impossible to divine its real meaning and application. It is unclear and confusing as to who would demonstrate what sort of a need to whom, when, and how. In fact, sec. 2 of the bill seems to contradict sec. 3 which mandates board adoption of specific regulations.

I want to make clear that by this veto I do not intend to "sunset" the guide board. Rather, I am confident that the next legislature will continue the board's existence before it reaches its June 30, 1983 termination.

Nat'l Pet. Reserve Trust Fund Acct. CS FOR SENATE BILL NO. 835 (FIN)(AM. HOUSE), (see pages 369;819;882;887;991;1011;1019). Vetoed by the Governor on June 24. The following message accompanied the bill:

Under art. II, sec. 15, of the Alaska Constitution, I have vetoed CS SB 835 (Fin) am H which would have created a National Petroleum Reserve, Alaska, Special Account consisting of money to be received by the State from the federal government under Public Law 96-514. This veto affects setting up the account only and not the amounts to be received. The actual amounts to be received and the dates of receipt are as yet undetermined.

The dedication of such federal monies to this special fund appears to be inconsistent with the general policy regarding dedication of funds and would also be inconsistent with the dedication of revenues to the Alaska Permanent Fund. Such possible defects in the legislation could have been cured by appropriating monies to the fund rather than by dedication of the amounts to it.

GOVERNOR'S ACTION

CS SB 835 (FIN)(AM H), (cont'd)

Further detailed research is also necessary in order to assure that communities that most need these impact funds receive them for planning, construction, maintenance and operation of essential public facilities, and other necessary public services in conjunction with the development of the National Petroleum Reserve in Alaska, and competitive leasing of oil and gas from that reserve.

Admin. Regulations
(adoption of) CONFERENCE CS FOR HOUSE BILL NO. 339, (see pages 116;345;468; 505;874;908;1003;1021). Vetoed by the Governor on June 24.
The following message accompanied the bill:

Under art. II, sec. 15 of the Alaska Constitution I have vetoed CCSHB 339, relating to the adoption of administrative regulations. In doing so, I am avoiding the serious constitutional and practical problems raised by sec. 1 of the bill. That section purports to authorize future legislatures to have bills contain a prohibition on the adoption of administrative regulations.

First of all, the provision is rather meaningless in that this legislature is not in a position to authorize future legislatures. Apart from any constitutional problems, a future legislature would already have authority to include in bills whatever it wanted to include. Secondly, in this bill's apparent declaration that such a future bill would be valid, it ignores the fundamental distinction in administrative law between "legislative" type administrative regulations and "interpretative" (or "interpretive") administrative regulations. This distinction has been addressed by legal scholars and courts throughout the country, including the Alaska Supreme Court. Thirdly, in ignoring that distinction and purporting to authorize the prohibition of all administrative regulations, this bill infringes upon the executive branch's constitutional right and obligation to execute the laws. An administrative regulation is one tool used by the executive branch in performing its constitutional duties. And finally, the second sentence of the proposed AS 24.30.032 appears to be a grant of regulations-adoption authority, contrary to the first sentence of existing AS 44.62.020 and inconsistent with the second sentence of AS 44.62.020 and with AS 44.62.030.

I share the legislature's and the public's concern about the quantity and the quality of administrative regulations. However, I believe that this bill does not improve the situation and, in raising constitutional, legal, and practical problems, does not further the public interest.

Municipal Code Revision HOUSE CS FOR CS FOR SENATE BILL NO. 180 (JUD)(AM H), (see pages 191;336;378;421;508;694;835;888;974;1007). Vetoed by the Governor July 15. The following message accompanied the bill:

Under Article II, Sec. 15, of the Alaska Constitution, I have vetoed MCS CSBH 180(Jud) am H, relating to municipal government.

I regret having to take this action for several reasons. Certainly, the bill contains many meritorious revisions and improvements to the municipal code. These were the product of an arduous undertaking accomplished after three years of unprecedented cooperation among legislators, state and local government officials and staff. Further, there are some concepts contained within questionably designed and inadequately considered amendments which I believe should be addressed responsibly by the next Legislature. While perhaps none of these amendments is individually sufficiently flawed to warrant a veto of the entire measure, a combination of them creates significant problems that have incurred greater collective public opposition than has almost any other legislative action in my entire political experience. It's for these reasons that I have regretfully concluded that it is simply not in the best public interest to permit this bill to become law.

For example, the amendment redefining "population" and permitting the counting of workers at "isolated job sites" appropriately recognizes that the influx of seasonal

GOVERNOR'S ACTION

HCS CS SB 180 (JUD)(AM H), (cont'd)

employees can significantly impact local services for which there is now no readjustment provided under revenue sharing statutes. However, I am advised by counsel that the manner in which this matter is handled in SB 180 seriously jeopardizes the resolution reached by the state with the U.S. Census Bureau and could incur substantial losses in federal funding to both state and local governments. While I believe some redistribution of state funds is warranted to assist communities most impacted by seasonal and temporary influxes of population, (whether they be "isolated" communities or otherwise), I am concerned with the potential inequity created by this amendment. The vagueness of the term "isolated job site," I am advised, could result in endless litigation no matter what clarifying efforts might be made through regulation. This questionable feature, coupled with prospective revenue losses to the state treasury ascribed to it by the Department of Revenue in their request for veto, are but two of several causes for concern.

I as well favor the basic policy decision of the Legislature that forest values above ground, (just as mineral values beneath it), should be accorded different status for purposes of municipal taxation. However, the provision exempting forest lands from municipal property taxation contains a definition by reference that poses substantial problems of interpretation and impact according to all concerned state agencies. I am advised by the Department of Law, for example, that the definition problem alone would probably induce costly and unnecessary litigation.

Perhaps more importantly, bond counsel advises that the bill would gravely impede local government general obligation bond programs in progress and significantly harm the credit ratings of virtually all Alaska communities. This feature is perhaps the most damaging potentially of all the questionable features contained in SB 180 and, in the view of most financial consultants, would alone warrant veto. I am certainly in no position to second guess and override them in this conclusion. They assert the resulting adverse effect of this feature is likely to be a decline in market value of outstanding issues and an increase in the costs for new financing. Potential impact on the state's bond bank is, of course, of equal concern.

Additionally, the Department of Natural Resources has expressed major concerns over the manner in which this amendment might apply, despite their agreement with the avowed basic philosophical intent of the amendment's sponsors. They point to the Oregon forest value taxing policies as a far preferable approach to meet that objective. Accordingly, I have directed that legislation be drafted which would more appropriately address this matter.

Another problem rests in the attempt to clarify statutory references regarding tax exemptions of undeveloped Alaska Native Claims Settlement Act lands. Agencies have raised unanswered questions as to whether the language is indeed clarified. Moreover, a retroactivity feature of this provision casts serious "public purpose" doubts upon the legality of the proposed solution.

The amendment prohibiting local governments from passing ordinances relating to firearms has been violently objected to by some law enforcement people. It causes me concern as well because of my reluctance to permit state government to impede the ability of local communities to govern in a manner deemed by themselves most responsive to their unique needs.

Objected to by many others requesting veto is the further intrusion into the conduct of local government business represented by amendment 13. This would expand the initiative and referendum process to include local administrative matters. Those requesting veto assert that actions of the governing body elected by the public should be subject of initiative and referendum; but that ongoing daily administrative matters should be subjected to the usual review and oversight inherent in the concept of a governing body of elected officials held accountable for actions of those whom they employ. For state government to impose its will in such matters upon local governments without far more public debate than was accorded this amendment, appears to me to be yet another undue incursion of "Big Brother" into local matters.

GOVERNOR'S ACTION

HCS CS SB 180 (JUD)(AM H), (cont'd)

Another section affects a major change in public utility regulatory philosophy, and reverses the direction chosen with deregulation in 1980. In urging veto a multitude of agencies and utilities pled for further public hearings and agency consideration before so drastic a change be contemplated. Again, if this alone were the measure's greatest flaw, I perhaps would not have vetoed it. However, in conjunction with a multitude of other alleged defects and public confidence eroding features, it adds one more reason for my action.

A final problem is one related to language, not concept. This provision allows municipalities to use the group insurance concept for the purpose of pooling their workers compensation liabilities and claims handling. The language appears to mandate board adoption of regulations permitting a municipal employer group to recede under any circumstances. It seems only prudent that qualifications be stipulated so that municipalities requesting approval for group self insurance status are subject to the same regulatory criteria as any other self-insured employer.

The subject legislation has produced more controversy and debate than any other to emerge from the 12th Legislature. Because I find some issues addressed in the amendments, as well as the municipal code revisions, to be desirable, I am taking specific steps to encourage the 13th Legislature to address these issues. Accordingly, I have directed that legislation be drafted which would accomplish the municipal code revisions effective prior to the floor amendments. This would address the problem areas in a manner both acceptable to me and, I believe, to most legislators.

I have also directed that legislation be prepared to address the forest lands and taxation issue in a more acceptable manner to accommodate the appropriate intent of these amendments' sponsors.

I have also directed legislation be prepared to address the workers compensation provisions allowing local governments to use the group self-insurance concept for the purpose of pooling their workers compensation liabilities and claim handling.

Further, I'm directing the Department of Community and Regional Affairs to draft regulations on the provision of state assistance to local governments in a manner which compensates more equitably those communities impacted by seasonal, temporary and isolated workers. Minimally, I would hope that in the short term we could at least "hold harmless" the North Slope Borough, which otherwise stands to lose about \$2 million in revenues from the amount they received last year. All other municipalities would receive, I'm told, increases. Accordingly, I would hope that all other municipalities, which rose in violent protest over the prospects of revenue losses to themselves were SB 180 to become law, would be equally concerned about revenue losses incurred by other municipalities through this measure's veto.

I do not intend to submit legislation re-regulating public utilities at the municipal level unless some valid arguments can be presented for this change.

The legislative package presented to the 13th Legislature will, of course, be that of the future governor. Therefore, I cannot guarantee that all these proposals will come before the House and Senate. However, several key legislators who are likely to return assure me of their dedication toward address of these matters.

Despite the bill's problems, I was at first inclined to go along with policy decisions rendered by the Legislature in their passage of 180. After all, by so doing I could assure these issues would be addressed next session if as serious as opponents were contending. However, a growing crescendo of public opposition, virtually unanimous staff and agency veto recommendations, plus pleas from some legislators who now wish to do penance for having voted for the measure, cause me to conclude that while a veto does a disservice to

GOVERNOR'S ACTION

HCS CS SB 180 (JUD)(AM H), (cont'd)

the legitimate concerns of some communities and interests, permitting the bill to become law could incur even more disservice to all others. Finally, as one of two senators who will assuredly return next session, let me urge you, Mr. President, to place this crucial issue high upon your agenda.

This report is a simple compilation of information and it is not, nor is it intended to present, a legal interpretation.

This report includes all action taken by Governor Hammond from June 14 through July 21, 1982. This is the final report for the 2nd session of the Twelfth Alaska Legislature.

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| HOUSE BILLS | PAGES |
|---------------------|--|
| Carry-Overs: | |
| HB 2 | 435;641;714;730;811;860; 925;960;1012 |
| HB 8 | 491;579;664 |
| HB 9 | 671;720;868;908;925;944; 960;991;1000;1021; 1042 |
| HB 11 | 487;579 |
| HB 12 | 861;925;952 |
| HB 18 | 64 |
| HB 23 | 642;720 |
| HB 24 | 644;721 |
| HB 26 | 883;1012 |
| HB 29 | 558;630;664;684;722;799; 852;855 |
| HB 34 | 870 |
| HB 37 | 436;645 |
| HB 41 | 732 |
| HB 47 | 383;448;505;787;812;871; 883;908;953;970;1041 |
| HB 50 | 53 |
| HB 52 | 312 |
| HB 54 | 437 |
| HB 74 | 492;550;658;670;803;813; 871;897 |
| HB 89 | 51;83;1000;1024;1042 |
| HB 93 | 705;781 |
| HB 100 | 637 |
| HB 101 | 115;706;730;733;774;787; 820;871;904;1026 |
| HB 111 | 580 |
| HB 112 | 152;535;730;774;914 |
| HB 113 | 535 |
| HB 114 | 343;494;528;548 |
| HB 121 | 51;83 |
| HB 126 | 103;384;581 |
| HB 136 | 82;161 |
| HB 137 | 75;152;375;394 |
| HB 146 | 152;322;438;603;813;871; 904 |
| HB 148 | 919;960;994;1002;1021; 1038 |
| HB 151 | 707 |
| HB 153 | 507 |
| HB 154 | 469;672 |
| HB 155 | 915 |
| HB 156 | 25;926;953;1021;1047 |
| HB 159 | 384;398;581;670;714;861; 915;954;970;1037 |
| HB 165 | 581;781 |
| HB 169 | 225 |
| HB 170 | 153;163 |
| HB 174 | 733;818;872;1002;1024; 1043 |
| HB 176 | 752;820 |
| HB 180 | 75;134;159;229;312 |
| HB 184 | 115;438;550;557;606;789; 829;954;1038 |
| HB 187 | 332;457;852;945 |
| HB 191 | 583 |
| HB 194 | 155;438;528;548;734;820; 904;996 |
| HB 199 | 51;388;451 |
| HB 201 | 678;715;724 |
| HB 206 | 158;195;789;820;852;949 |
| HB 210 | 344;536;715;730;789;829; 872;942 |
| HB 216 | 919;971;998 |
| HB 225 | 583 |
| HB 227 | 115;121;225;397;457 |
| HB 231 | 116 |
| HB 237 | 50;82;161 |
| HB 244 | 314 |
| HB 252 | 101;606;783 |
| HB 273 | 314 |
| HB 279 | 916;954;970;1037 |
| HB 286 | 429;585 |
| HB 287 | 51;83;142;160;471;494; 528;905;997 |
| HB 293 | 457 |
| HB 294 | 52;83 |
| HB 298 | 52;83 |
| HB 304 | 536;659;670;829 |
| HB 313 | 734;862 |
| HB 318 | 61;358;820;874;905;996 |
| HB 321 | 586 |
| HB 330 | 862 |
| HB 332 | 314;659;670;716 |
| HB 333 | 588;586 |
| HB 338 | 645 |

| HOUSE BILLS (cont'd) | |
|-----------------------------|--|
| Carry-Overs (cont'd) | |
| HB 339 | 116;346;468;505;874;908; 1003;1021;1051 |
| HB 344 | 116;327;354;789;874;1026 |
| HB 348 | 64;1022;1041 |
| HB 349 | 346 |
| HB 356 | 558 |
| HB 357 | 536;647;708;722;730;775; 863;874;928;944;960; 995;1003;1022;1043 |
| HB 358 | 51 |
| HB 365 | 346;647 |
| HB 366 | 875;905 |
| HB 370 | 586 |
| HB 377 | 672;875;909 |
| HB 386 | 789;821;905;996 |
| HB 400 | 496;550;557;606 |
| HB 409 | 201;388;438;468;506;613; 790;829;876;905;1025 |
| HB 412 | 537;647 |
| HB 421 | 409;471 |
| HB 420 | 587 |
| HB 437 | 533 |
| HB 438 | 439 |
| HB 451 | 347 |
| HB 453 | 607;634;673;708;905;910 |
| HB 457 | 389;468;506;613 |
| HB 464 | 348;708 |
| HB 465 | 348;709 |
| HB 472 | 370;684;753;799;945 |
| HB 473 | 78;99;119;865;955 |
| HB 476 | 160 |
| HB 487 | 457 |
| HB 492 | 497 |
| HB 497 | 497;539 |
| HB 498 | 498;539 |
| HB 500 | 271;349 |
| HB 501 | 648 |
| HB 524 | 614;821;883;909;920;944; 971;1038 |
| HB 528 | 498;606;612;955 |
| HB 532 | 195;197;270;333;456;609 |
| HB 546 | 389;648 |
| HB 548 | 865 |
| HB 549 | 539;612;659;866;876;921; 942;947 |
| HB 550 | 271 |
| HB 573 | 78;99;119;471;821;883; 909;955;971;1041 |
| HB 574 | 156 |
| HB 575 | 78;99;119;829;876;885 |
| HB 577 | 79;99;120;866;883;921; 997 |
| HB 578 | 116 |
| HB 579 | 371;679;808 |
| HB 586 | 226;322;588;709;730;735; 775;790;829;877;905; 1026 |
| HB 590 | 156;701;322;457;589;716; 730;753;814;877;906; 1025 |
| HB 591 | 649;664;722;730;775;814; 877;997 |
| HB 594 | 541 |
| HB 597 | 226;354;375;615;744;808 |
| HB 608 | 349;441;506;548;557;735 |
| HB 612 | 80;121 |
| HB 618 | 441;664 |
| HB 620 | 83 |
| 1982 Bills: | |
| HB 621 | 26;103;116;138;159;736; 877;906;1025 |
| HB 622 | 26 |
| HB 623 | 26 |
| HB 624 | 26;350;501 |
| HB 625 | 27 |
| HB 626 | 27 |
| HB 627 | 27 |
| HB 628 | 28;117 |
| HB 629 | 28 |
| HB 630 | 28;314;357 |
| HB 631 | 30;227 |
| HB 632 | 31;117;121 |
| HB 633 | 31;117;355;375;395;918; 1000 |
| HB 634 | 31;664 |
| HB 635 | 31;397;541;709;776 |
| HB 636 | 32 |

HOUSE BILLS (cont'd)

HB 637 33;589;649;717;730;814;
877;942;1037
HB 638 33
HB 639 34;429;542;649
HB 640 34;80;227;265;321;409;
484;517;570;606;808;
854;855
HB 641 34
HB 642 34;508;590;722
HB 643 35;120;138;634;921;961;
969;1005;1022;1044
HB 644 35
HB 645 35
HB 646 35
HB 647 36
HB 648 36;442;591
HB 649 36;444;591;730;776;928;
928
HB 650 37;350;591
HB 651 37;390;591;730;776;815;
928
HB 652 37;390;592
HB 653 38;350
HB 654 38;391;592;731;777;815
HB 655 38
HB 656 38
HB 657 40;54;350
HB 658 40
HB 659 41
HB 660 42;351
HB 661 43
HB 662 43
HB 663 44;103;227
HB 664 45;32
HB 665 45;592
HB 666 45;592;613;659;684
HB 667 45
HB 668 46;315;356;469;506;790;
870;906;1025
HB 669 46;117
HB 670 46;650
HB 671 65
HB 672 65;457
HB 673 67;121
HB 674 67;145;650
HB 675 68;117;551;557;606;791
HB 676 68;156
HB 677 68;121
HB 678 68;501;660;670;878;906;
997
HB 679 69;437;650
HB 680 69;12;397;651
HB 681 69;31;502
HB 682 69
HB 683 70;351;375;395
HB 684 70;502;607;613;661;736;
921;996
HB 685 70;502;607;613;661;736;
921;996
HB 686 71;156
HB 687 104;391
HB 688 104
HB 689 104;202;315;651
HB 690 104
HB 691 105
HB 692 105
HB 693 105
HB 694 105;502;709;731;778;815
HB 695 106;592;651;709;731;778;
791;883;922;942;1025
HB 696 107;593;651;709;731;778;
792
HB 697 107;228;502;551;718;731;
821;884;909;922;942
HB 698 107
HB 699 108;552;652
HB 700 109;232;315
HB 701 109;593;651;664;722
HB 702 109;723;764
HB 703 109;852
HB 704 110;444;449;508;710
HB 705 110;149
HB 706 110
HB 707 111;228
HB 708 111;228;311;327;421;458
HB 709 145;339;391;551;593;662;
723
HB 710 145
HB 711 146
HB 712 146
HB 713 146

HOUSE BILLS (cont'd)

HB 714 146
HB 715 146
HB 716 146
HB 717 146
HB 718 147;397
HB 719 147
HB 720 147
HB 721 147;392;397;420;455;879;
996
HB 722 148;652;664
HB 723 148;272;392
HB 724 148;272;393
HB 725 149;352
HB 726 149;445;557;606;866;922;
971;1037
HB 727 149
HB 728 149
HB 729 149
HB 730 149
HB 731 149
HB 732 150
HB 733 150
HB 734 150
HB 735 150
HB 736 150
HB 737 150
HB 738 150
HB 739 151
HB 740 202
HB 741 202;445
HB 742 203;710
HB 743 203;232;551
HB 744 203
HB 745 204
HB 746 204
HB 747 204
HB 748 205
HB 749 205;593;594
HB 750 205
HB 751 206;542;710
HB 752 206;322
HB 753 206
HB 754 206;323
HB 755 206
HB 756 207;445;507;578;549;736;
822;852;913
HB 757 208;653;710
HB 758 210;594
HB 759 212
HB 760 212
HB 761 212
HB 762 212;429
HB 763 214
HB 764 213
HB 765 216
HB 766 217
HB 767 217
HB 768 220
HB 769 221
HB 770 221;710
HB 771 222
HB 772 222
HB 773 222
HB 774 223
HB 775 223
HB 776 272
HB 777 272
HB 778 273
HB 779 273
HB 780 273
HB 781 273
HB 782 273
HB 783 273
HB 784 273
HB 785 274
HB 786 274
HB 787 274
HB 788 274
HB 789 274
HB 790 275
HB 791 275
HB 792 275;393;508;543
HB 793 275
HB 794 276
HB 795 276
HB 796 276
HB 797 278
HB 798 278;595
HB 799 278
HB 800 279;543;712
HB 801 279;595
HB 802 278
HB 803 279

HOUSE BILLS (cont'd)

HB 804 280;488;503;653
 HB 805 280
 HB 806 280;595
 HB 807 281;353;375;395;472;528;
 609
 HB 808 281
 HB 809 281
 HB 810 281
 HB 811 282;543;731;778;792;822;
 852;949
 HB 812 282;544;596;662;670;792
 HB 813 282
 HB 814 282
 HB 815 282
 HB 816 283
 HB 817 283
 HB 818 283
 HB 819 283
 HB 820 283
 HB 821 284
 HB 822 284
 HB 823 284
 HB 824 284
 HB 825 284
 HB 826 284
 HB 827 285
 HB 828 285
 HB 829 285
 HB 830 285
 HB 831 285
 HB 832 286
 HB 833 287
 HB 834 288
 HB 835 288;443;597;731;778;815;
 884;922;971;1037
 HB 836 289;503;653
 HB 837 289;654
 HB 838 289;544;597;781
 HB 839 290;393
 HB 840 290;503
 HB 841 290
 HB 842 290
 HB 843 291
 HB 844 291;597;655;723;731;778;
 815;879;942
 HB 845 291
 HB 846 291
 HB 847 292;544
 HB 848 292;598;608;718;731;866;
 955;1042
 HB 849 293;304;662;671;816;866;
 928;935;995;1023;1043
 HB 850 293
 HB 851 293;339;381;488;638;755
 HB 852 294;655
 HB 853 295;544;655
 HB 854 295;712
 HB 855 295
 HB 856 296
 HB 857 296
 HB 858 296;340
 HB 859 297
 HB 860 297
 HB 861 297
 HB 862 298;544;655
 HB 863 298
 HB 864 298;356
 HB 865 299;356
 HB 866 299;596;856;779;787;918
 HB 867 299
 HB 868 300;356;393;446
 HB 869 300;656;733
 HB 870 300
 HB 871 301
 HB 872 301;713;773;782
 HB 873 301
 HB 874 302
 HB 875 302
 HB 876 303;446;718;731;803;867;
 922;961;995;1005;
 1023;1042
 HB 877 304
 HB 878 304;545
 HB 879 304
 HB 880 304
 HB 881 304;457
 HB 882 305
 HB 883 306
 HB 884 306
 HB 885 306
 HB 886 307;304

HOUSE BILLS (cont'd)

HB 887 307
 HB 888 577;657;713;723;731;779;
 816;1005;1042
 HB 889 577;657;713;723;731;779;
 817;1006;1042
 HB 890 833
 HB 891 833
 HB 892 833
 HB 893 833
 HB 894 834

HOUSE JOINT RESOLUTIONS

Carry-Overs:

HJR 4 755
 HJR 12 81;117;396;420;456;559;
 929
 HJR 14 446;724
 HJR 17 50;82;161
 HJR 22 118;160;507
 HJR 30 120;138;159;472;684;
 753;803
 HJR 31 433
 HJR 39 51;83
 HJR 41 545;657;730;780;919;961;
 1006;1025
 HJR 48 598
 HJR 65 357
 HJR 66 171

1982 Resolutions:

HJR 67 48;121;157;317
 HJR 68 48
 HJR 69 48;546
 HJR 70 48
 HJR 71 48;157;489;599;605;612;
 867;929;956;996;
 1007;1047
 HJR 72 49
 HJR 73 49;353;577;664
 HJR 74 72;118;138;159;195;376;
 397
 HJR 75 72;118;469;505
 HJR 76 72;118;469;505
 HJR 77 111;489;663;671;879;909;
 970
 HJR 78 112;490;551;557;605
 HJR 79 112
 HJR 80 151;228;263;322;333;397
 HJR 81 224
 HJR 82 224;546
 HJR 83 308
 HJR 84 308
 HJR 85 308
 HJR 86 309;764
 HJR 87 309
 HJR 88 309
 HJR 89 310
 HJR 90 310;447;528;549
 HJR 91 310

HOUSE CONCURRENT RESOLUTIONS

Carry-Overs:

HCR 8 51;83
 HCR 13 121
 HCR 23 613;930;956;971;1047
 HCR 46 "

1982 Resolutions:

HCR 48 49;118
 HCR 49 49;157;375;394;403;852;
 910
 HCR 50 73;118;138;159;483;549;
 609
 HCR 51 73;118;469;504
 HCR 52 73;119;469;504
 HCR 53 73
 HCR 54 113
 HCR 55 113;228;318;323;355;375
 HCR 56 114;318;489
 HCR 57 151;353;356;375;483;549;
 609
 HCR 58 263;311;320;335;421;552
 HCR 59 311

SENATE BILLS

PAGES

Carry-overs:

| | |
|--------|---|
| SB 5 | 53;84 |
| SB 17 | 53;84 |
| SB 37 | 321;397 |
| SB 42 | 780;887;930;932;937;956 971 |
| SB 45 | 559;753;799;834;835;942; 957;972;1040 |
| SB 51 | 171 |
| SB 57 | 53;84 |
| SB 64 | 189;685;744;755 |
| SB 69 | 639;843;922;1026 |
| SB 77 | 382;421;455;609 |
| SB 78 | 574 |
| SB 84 | 51;341;396;549 |
| SB 89 | 196;224;534;933;957;972; 1039 |
| SB 95 | 371;560;630;638;693;764; 803;822;852;947 |
| SB 101 | 606;693 |
| SB 103 | 318;719;764;830;852;880; 897;945 |
| SB 108 | 99 |
| SB 111 | 822;844;945 |
| SB 119 | 61;101;152;640 |
| SB 121 | 472;817;880;887;888;973; 1007;1013;1043 |
| SB 135 | 190;792;818;880;887;888 |
| SB 143 | 114;304;630;783 |
| SB 146 | 318;845;922;1038 |
| SB 150 | 788;800;855 |
| SB 162 | 140;161;324 |
| SB 167 | 266;335;376;381;599;757; 934 |
| SB 175 | 328;961 |
| SB 180 | 191;336;378;421;508;694; 835;888;974;1007; 1051 |
| SB 183 | 517 |
| SB 186 | 64;139;422;434;534;845; 943;957;979;1042 |
| SB 188 | 396;435;783 |
| SB 190 | 64;320;531;550;744;767; 949 |
| SB 193 | 616;679;691;757;934;957; 979;1040 |
| SB 195 | 473 |
| SB 203 | 152;159;197;229;232 |
| SB 205 | 780;889;930;932;938;1007; 1023 |
| SB 207 | 793 |
| SB 212 | 753;822;834;889;967;1008; 1014;1042 |
| SB 215 | 473 |
| SB 238 | 74;225;333;353;552 |
| SB 252 | 793;824;834;891;957;979; 1048 |
| SB 256 | 846;930;990;1012 |
| SB 266 | 600;824;847;997 |
| SB 274 | 336;317 |
| SB 275 | 267;336;493;434;696;837; 980 |
| SB 289 | 139 |
| SB 299 | 139;197;224;435;696;853; 908;943 |
| SB 314 | 473;371;577;697 |
| SB 320 | 371;819;830;880;887;891; 990;1024 |
| SB 322 | 530;600;605;634;658;930; 943;957;980;1040 |
| SB 323 | 374;377 |
| SB 327 | 410;618;697;691;697;837; 897;923;961;1049 |
| SB 333 | 64 |
| SB 343 | 321;397 |
| SB 365 | 781;892;930;934;938;938; 980 |
| SB 399 | 62;101;601 |
| SB 415 | 560 |
| SB 418 | 981;1008;1024;1042 |
| SB 430 | 372;425 |
| SB 437 | 673 |
| SB 465 | 191 |
| SB 466 | 192 |
| SB 472 | 474 |
| SB 473 | 518;574;635 |
| SB 483 | 192 |
| SB 485 | 141;157;396 |
| SB 488 | 192;372;378 |
| SB 489 | 193;372;378 |

SENATE BILLS (cont'd)

| | |
|-------------|---|
| SB 512 | 337 |
| SB 513 | 193;269;319 |
| SB 517 | 679;691;758;837 |
| SB 525 | 194;270;423;434;698;837; 982;1012;1014 |
| SB 535 | 474;531;572;577;640;758; 906;967;1005;1014; 1027;1045 |
| SB 539 | 619;685;745;755 |
| SB 545 | 63;269;319;601;837 |
| SB 547 | 141;157;698;847;923;938; 998 |
| SB 548 | 99;477;485;528;546;699; 848;949 |
| SB 552 | 477;529;546;641;758;884; 898;943;958;982;1041 |
| SB 557 | 519;635 |
| SB 559 | 53;84 |
| SB 573 | 534 |
| SB 590 | 194 |
| SB 592 | 520;746;755 |
| SB 593 | 602;605;635;663;754;781; 824;901;945 |
| SB 600 | 142 |
| SB 603 | 140;483;529;546;641 |
| SB 604 | 25;50;84 |
| 1982 Bills: | |
| SB 608 | 1;85;67 |
| SB 609 | 1 |
| SB 610 | 1;329;508 |
| SB 611 | 2;194;329;377;381;699;760; 958;983;1041 |
| SB 612 | 2;194;573;578;761;892;939 |
| SB 613 | 2;233 |
| SB 614 | 2 |
| SB 615 | 2;520 |
| SB 616 | 3;520 |
| SB 617 | 3;373 |
| SB 618 | 3 |
| SB 619 | 3 |
| SB 620 | 3;413 |
| SB 621 | 4;619;884;923;937 |
| SB 622 | 4 |
| SB 623 | 4 |
| SB 624 | 4;378 |
| SB 625 | 5 |
| SB 626 | 5;102 |
| SB 627 | 5;521 |
| SB 628 | 5 |
| SB 629 | 6;25;50;82;122 |
| SB 630 | 6;55;330;479;574;631; 638;761;838;990 |
| SB 631 | 6 |
| SB 632 | 6;270;330 |
| SB 633 | 7;373 |
| SB 634 | 8;270;620;635 |
| SB 635 | 8;373;414;483;508 |
| SB 636 | 8 |
| SB 637 | 8;330;423;434 |
| SB 638 | 9;172 |
| SB 639 | 9 |
| SB 640 | 9 |
| SB 641 | 9 |
| SB 642 | 9;270 |
| SB 643 | 10 |
| SB 644 | 10 |
| SB 645 | 10 |
| SB 646 | 11 |
| SB 647 | 12 |
| SB 648 | 13;194;270;479;529;547; 699 |
| SB 649 | 14;63;620;683;746;755; 935;967 |
| SB 650 | 15;333;340;602;853;906; 923;939;1038 |
| SB 651 | 16;330 |
| SB 652 | 16;737 |
| SB 653 | 17;563 |
| SB 654 | 17 |
| SB 655 | 18 |
| SB 656 | 20 |
| SB 657 | 20;414 |
| SB 658 | 20;268;479;529;547;699; 849;923;1026 |
| SB 659 | 20;194;268;319 |
| SB 660 | 21;140 |
| SB 661 | 21 |
| SB 662 | 21 |
| SB 663 | 21;195 |

SENATE BILLS (cont'd)

| | | | |
|------------------|--|------------------|---|
| SB 664 | 22 | SB 740 | 181;623;680;691 |
| SB 665 | 55;373 | SB 741 | 181;379;479;825;834;907; 984;1009;1041 |
| SB 666 | 55;140;270;334;340;485; 535;602;605;635;658; 884;906;931;943;962; 983;1008;1040 | SB 742 | 181 |
| SB 667 | 55 | SB 743 | 181 |
| SB 668 | 56;620;923;937;968 | SB 744 | 182;337;524;529;547;701; 768;807;854 |
| SB 669 | 57;414 | SB 745 | 183;415 |
| SB 670 | 58;85;414 | SB 746 | 183;374;423;508;641;702; 848;907;1010;1017; 1043 |
| SB 671 | 59;522 | SB 747 | 183;425;675 |
| SB 672 | 85;195 | SB 748 | 184;623;680;691;840;959; 985;1040 |
| SB 673 | 86;737 | SB 749 | 184;624;748;756;761;849; 997 |
| SB 674 | 86 | SB 750 | 184;624;686;754;801;854; 964;969;1024 |
| SB 675 | 86 | SB 751 | 185 |
| SB 676 | 86;373 | SB 752 | 186;415;530;547;769;804; 854;881;902;1025 |
| SB 677 | 86 | SB 753 | 186 |
| SB 678 | 87 | SB 754 | 233;625 |
| SB 679 | 87;373 | SB 755 | 234 |
| SB 680 | 87;374 | SB 756 | 236;575 |
| SB 681 | 87 | SB 757 | 236;415;484;509 |
| SB 682 | 87 | SB 758 | 236;794 |
| SB 683 | 88 | SB 759 | 236;424;434;702;825;849; 946 |
| SB 684 | 88;399;522;575;737;803; 824;834;838;892;939; 1026 | SB 760 | 237;739;754 |
| SB 685 | 90;378;669;794 | SB 761 | 237 |
| SB 686 | 90;378;621;801;834 | SB 762 | 237 |
| SB 687 | 91;140;197;224;396;700; 892 | SB 763 | 237 |
| SB 688 | 91;140 | SB 764 | 238 |
| SB 689 | 91;622 | SB 765 | 238;334;340;702;825;849; 945 |
| SB 690 | 92 | SB 766 | 238;331 |
| SB 691 | 92;415 | SB 767 | 238;524;575;632;638;702; 902;997 |
| SB 692 | 92;334;340;604;700;893; 1040 | SB 768 | 238;416;485;530;547;663; 702;770;830;854;881; 902;945 |
| SB 693 | 93;268;631;691;839;893; 936;964;984 | SB 769 | 239;525;680;691;771 |
| SB 694 | 94 | SB 770 | 239 |
| SB 695 | 95;374 | SB 771 | 239;424;509;535;714;808 |
| SB 696 | 95 | SB 772 | 239;567;632;639;703;840; 907;985;1040 |
| SB 697 | 95;563;746;756;839;1009; 1017;1045 | SB 773 | 239;485 |
| SB 698 | 96;522 | SB 774 | 240;379 |
| SB 699 | 125;415 | SB 775 | 240 |
| SB 700 | 123 | SB 776 | 240 |
| SB 701 | 126 | SB 777 | 241;485;567;805;800 |
| SB 702 | 126;195;566;573;578;641; 700;848;880;901;946 | SB 778 | 241;553;633;692;767;849; 882;903;998 |
| SB 703 | 126 | SB 779 | 242 |
| SB 704 | 126;738;830;881;887;968 | SB 780 | 243 |
| SB 705 | 126;738;881;887;968 | SB 781 | 243;525 |
| SB 706 | 127;739;881;887;968 | SB 782 | 244 |
| SB 707 | 127;885 | SB 783 | 244;416 |
| SB 708 | 127;511;830 | SB 784 | 244;425;686 |
| SB 709 | 127;268 | SB 785 | 244 |
| SB 710 | 128;374;674 | SB 786 | 245 |
| SB 711 | 129;374 | SB 787 | 245 |
| SB 712 | 129;686 | SB 788 | 245 |
| SB 713 | 129 | SB 789 | 246 |
| SB 714 | 129;415 | SB 790 | 246 |
| SB 715 | 130 | SB 791 | 247;795 |
| SB 716 | 131 | SB 792 | 247 |
| SB 717 | 133 | SB 793 | 247 |
| SB 718 | 133 | SB 794 | 247;633;740;825;835;841; 907;944;990 |
| SB 719 | 134;622;825;834;893;959; 984;1039 | SB 795 | 248;531;633;741 |
| SB 720 | 134;623 | SB 796 | 249;359;748;756;841;903; 924;1038 |
| SB 721 | 134;623 | SB 797 | 249 |
| SB 722 | 134;623 | SB 798 | 250;484;489;509;850;924; 1025 |
| SB 723 | 134;675;686 | SB 799 | 250;741 |
| SB 724 | 135 | SB 800 | 251 |
| SB 725 | 137 | SB 801 | 251;480;530;547;607;850; 949 |
| SB 726 | 173 | SB 802 | 251;525 |
| SB 727 | 173;423;434;761;885;901; 907;968;1017;1044 | SB 803 | 251;573;578;703;991 |
| SB 728 | 173;268 | SB 804 | 251;567 |
| SB 729 | 174 | SB 805 | 251 |
| SB 730 | 175;423;434 | SB 806 | 252;676 |
| SB 731 | 175;529;547 | SB 807 | 252 |
| SB 732 | 176;331;631;638;700;840; 901;924 | SB 808 | 253 |
| SB 733 | 176 | SB 809 | 254 |
| SB 734 | 176 | SB 810 | 255 |
| SB 735 | 178;479;673;748;756;761; 936;964;984 | SB 811 | 256;374;425 |
| SB 736 | 178;483;508;701 | SB 812 | 257 |
| SB 737 | 180;413;524;529;547;701; 767;807;931;984;1039 | SB 813 | 257;416 |
| SB 738 | 180;268 | | |
| SB 739 | 180;337 | | |

SENATE BILLS (cont'd)

SB 814 258
 SB 815 259
 SB 816 325;681;692;761;841;903;
 924;1038
 SB 817 325;626;826;835;893;964;
 986;1010;1019;1042
 SB 818 326
 SB 819 326
 SB 820 326
 SB 821 326
 SB 822 360;633;692;703;772;801;
 910
 SB 823 361;480;530;547;604;781;
 850;949
 SB 824 362;480;633;639;704;903;
 944;959;986;1040
 SB 825 363;419
 SB 826 364;420;573;578
 SB 827 364;485;627
 SB 828 366;420
 SB 829 366;628;754
 SB 830 367;420;484;509;604;842;
 964;986;1019;1041
 SB 831 367;480;530;547;604;641;
 719;762;850;885;903;
 924;940;1049
 SB 832 368;424;434;705;850;945
 SB 833 368;575
 SB 834 369;567;573;578;705;964;
 987;1010;1050
 SB 835 369;819;882;887;991;1011;
 1019;1050
 SB 836 369;420;484;509;604;843;
 964;987;1020;1041
 SB 837 400;526
 SB 838 400;480
 SB 839 400;485
 SB 840 401;567
 SB 841 401;628;687;751;756;763;
 969;1020;1041
 SB 842 401;681;687;692;894;944;
 1011;1020;1039
 SB 843 403;567;683;692;772;910
 SB 844 403
 SB 845 404;527
 SB 846 405;573;578
 SB 847 405
 SB 848 405
 SB 849 405;568;634;639;772;807;
 834;1021;1041
 SB 850 406
 SB 851 406;628
 SB 852 406
 SB 853 406
 SB 854 406;485
 SB 855 407
 SB 856 407;676;751;756;843
 SB 857 407
 SB 858 439;742
 SB 859 460
 SB 860 460
 SB 861 461;965
 SB 862 462
 SB 863 462;742
 SB 864 463;628;795;801;835;843;
 903;940;997
 SB 865 463;629
 SB 866 464;569;867
 SB 867 464
 SB 868 465;569;677
 SB 869 465;569
 SB 870 465
 SB 871 511;629;677;751;756
 SB 872 511;801;827;835;850;931;
 997
 SB 873 513
 SB 874 513;683;592;705;781;851;
 907;910;997
 SB 875 518;629;677;751;756;773;
 808;854
 SB 876 518;630;677;752;756;896;
 931;932;940;958;987
 SB 877 518;574;578;705;758;851;
 945
 SB 878 534;687
 SB 879 534
 SB 880 534;677
 SB 881 555;630;678
 SB 882 556
 SB 883 556
 SB 884 556

SENATE BILLS (cont'd)

SB 885 611;805;830
 SB 886 670
 SB 887 725;756;896;931;932;941;
 959;988
 SB 888 721
 SB 889 726;805
 SB 890 726;795
 SB 891 726;796
 SB 892 727;796
 SB 893 727;796
 SB 894 728
 SB 895 728;960;988;1011
 SB 896 811;868
 SB 897 857
 SB 898 857
 SB 899 913

SENATE JOINT RESOLUTIONS

Carry-Over Resolutions:

SJR 1 337
 SJR 6 63
 SJR 9 409
 SJR 10 268;377;547;843;908;1024
 SJR 12 799
 SJR 13 331;375
 SJR 24 409
 SJR 33 158;25
 SJR 34 488
 SJR 38 615;683;691
 SJR 39 615
 SJR 50 885
 SJR 53 331;377;381;535;989;1026
 SJR 54 101;142;806

1982 Resolutions:

SJR 55 22;410
 SJR 56 22
 SJR 57 23
 SJR 58 23;64
 SJR 59 24;375;421;434
 SJR 60 24;882;887
 SJR 61 60;96;142;485;527;575;
 827;908
 SJR 62 60;332
 SJR 63 60;932;952
 SJR 64 97;197
 SJR 65 98;270
 SJR 66 187;269;334;381;488;
 574;609
 SJR 67 187;334;340;435
 SJR 69 187;338
 SJR 69 187;332;421;434
 SJR 70 261;485;527;530;547;692;
 763;828;851;910
 SJR 71 261;375;377;381
 SJR 72 261;616;683;691
 SJR 73 262
 SJR 74 262
 SJR 75 262;332;338;421;434;535
 SJR 76 262;332;421;434;435;965;
 989
 SJR 77 262;410;485;531;574;578
 SJR 78 263
 SJR 79 327;527;530;548;692;828;
 851;910
 SJR 80 408;461;678;752;757
 SJR 81 408
 SJR 82 408;743
 SJR 83 468;574;578;764
 SJR 84 537;684;691
 SJR 85 612;743;802;835
 SJR 86 786
 SJR 87 859;868;925;967
 SJR 88 951;952;1011;1013
 SJR 89 999

SENATE CONCURRENT RESOLUTIONS

Carry-Over Resolutions:

SCR 31 382
 SCR 34 225

1982 Resolutions:

SCR 35 24
 SCR 36 60;868;960;967

SENATE CONCURRENT RESOLUTIONS (cont'd)

SCR 37 188;375;634;639;719
SCR 38 263
SCR 39 264
SCR 40 264
SCR 41 264
SCR 42 265
SCR 43 327;334;340;353;397
SCR 44 369;569;684;691;763;843;
989;1026;
SCR 45 370;678
SCR 46 466;574;578;692
SCR 47 467;569
SCR 48 467;882;937;989;1026
SCR 49 477
SCR 50 468;570;754;802;835
SCR 51 556;678;754
SCR 52 729;752;756;896
SCR 53 785
SCR 54 786;803;807;856
SCR 55 786;798

SENATE RESOLUTIONS

SR 20 22;409
SR 21 188
SR 22 265
SR 23 466;570
SR 24 556;575;634;724
SR 25 612;798;925;998
SR 26 729;798;960;1027
SR 27 785
SR 28 951;1011;1026
SR 29 999;1011;1047
SR 30 999;1011;1048
SR 31 999;1011;1048

SENATE SPECIAL RESOLUTIONS

SSR 1 138;142;232
SSR 2 370;377;458

SUBJECT INDEX (Reports 1 - 22)

| <u>SUBJECT</u> | <u>NUMBER</u> | <u>SHORT TITLE</u> | <u>PAGES</u> | |
|----------------|--|--|---|-------------|
| Appropriations | HB 76. | Approp/Alaska Court System/FY 83 capital projects | 214 | |
| | HB 751 | Approp/Barrow Sr. Citizens Home | 206;542;710 | |
| | *HB 643 | Approp/prior year adjustments/ (Ch. 141, 1982) | 35;120;138;634;921;961;969;1005; 1022;1044 | |
| | *HB 148 | Approp//Budget/FY '83/cap. & oper. (Ch. 101,1982) | 919;960;994;1002;1021;1033 | |
| | *SB 150 | Approp/Capital Budget/FY 83/ (Ch. 25,1982) | 766;800;855 | |
| | *SB 203 | Approp/Div. of Corrections/misc. transf. (Ch. 9) | 152;159;197;229;232 | |
| | SB 744 | Approps/FY '83 Operating Budget/Alternate/oil & & gas litigation fees | 182;337;524;529;567;701; 768;807;854 | |
| | SB 804 | Approp/Land Clearing Account/Agric. Loan Fund | 251;567 | |
| | SB 103 | Approp/Salmon Quality Control/Fish Product Loans | 318;719;764;830;852;880;897 | |
| | HB 50 | Approp/State Budget/FY 82 | 53 | |
| | HB 666 | Approp/State Budget/FY '83 | 45;592;613;659;684 | |
| | *SB 746 | Approps/spec. & supp./extend. & repeal./(Ch.139,'82) | 183;374;423;508;641;702;848;907;1010 1017;1043 | |
| | *SB 322 | Approps/state loan programs/ (Ch. 114, 1982) | 550;600;605;634;658;930; +3;957;980; 1040 | |
| | SB 825 | Approps/Power Projects/making & amending | 363;419 | |
| | SB 793 | Approps/Whittier area improvements/DOT&PF | 247 | |
| | HB 478 | Auth. for appropriation/Lower Kuskokwim REAA | 160 | |
| | Appropriations/Special | SSHB 126 | Approps/Spec/agric. development/Nenana-Totchaket | 103;384;581 |
| | | HB 645 | Approp/Spec/Agriculture study | 35 |
| | | HB 839 | Approps/Spec/airports/improvements & facilities | 290;393 |
| | | HB 715 | Approp/Spec/Akiachak dock | 146 |
| HB 717 | | Approp/Spec/Akiachak High School | 146 | |
| HB 713 | | Approp/Spec/Akiachak multi-purpose facility | 146 | |
| HB 716 | | Approp/Spec/Akiachak slough | 146 | |
| HB 714 | | Approp/Spec/Akiachak waste facility | 146 | |
| HB 818 | | Approp/Spec/Akiak river bank | 283 | |
| HB 737 | | Approp/Spec/Akolmiut sanitation | 150 | |
| *SSSB 162 | | Approp/Spec/AK Agric. Action Council (Ch. 10) | 140;161;324 | |
| SSSB 708 | | Approp/Spec/AK Medivac System | 127;511;830 | |
| HB 370 | | Approp/Spec/Alaska Native Foundation/1981 pr. trans | 586 | |
| *HB 453 | | Approp/Spec/AK Seafood Mkt. Inst. (Ch. 31, 1982) | 607;634;673;708;905;910 | |
| HB 366 | | Approp/Spec/ASBA/Housing built under Bartlett Act | 875;905 | |
| HB 777 | | Approp/Spec/Aniak athletic field | 272 | |
| HB 779 | | Approp/Spec/Aniak day care center | 273 | |
| SB 465 | | Approp/Spec/Aniak dike extension | 191 | |
| HB 781 | | Approp/Spec/Aniak dike extension | 273 | |
| HB 783 | | Approp/Spec/Aniak landfill equipment | 273 | |
| HB 782 | | Approp/Spec/Aniak/Morgan's Road Improvements | 273 | |
| HB 780 | | Approp/Spec/Aniak replat | 273 | |
| SB 483 | | Approp/Spec/Aniak road improvements | 192 | |
| HB 787 | | Approp/Spec/Aniak roads | 274 | |
| SB 466 | | Approp/Spec/Aniak slough bridge | 192 | |
| HB 778 | | Approp/Spec/Aniak waste heat greenhouse | 273 | |
| HB 786 | | Approp/Spec/Aniak water and sewer | 274 | |
| SB 683 | | Approp/Spec/Anchorage/W. Northern Lta. Blvd. | 88 | |
| HB 865 | | Approp/Spec/Arctic Research Lab | 299;356 | |
| SB 746 | | Approp/Spec/Arctic Game/mining film & misc. | 183;374;423;508;641;702;848;907; 1010;1017 | |
| HB 785 | | Approp/Spec/Atnautluak fire equipment | 274 | |
| *HB 348 | | Approp/Spec/Av. Warn. Syst./ (Ch. 124, 1982) | 64;1022;1041 | |
| HB 804 | | Approp/Spec/Bering River coal fields study | 280;488;503;653 | |
| SB 840 | | Approp/Spec/Bering River coal fields study | 401;567 | |
| SB 703 | | Approp/Spec/Bering Sea shellfish study | 126 | |
| HB 822 | | Approp/Spec/Bethel alcohol treatment center | 284 | |
| HB 728 | | Approp/Spec/Bethel boat harbor | 149 | |
| HB 823 | | Approp/Spec/Bethel centennial center | 284 | |
| HB 729 | | Approp/Spec/Bethel/erosion control | 149 | |
| HB 819 | | Approp/Spec/Bethel fire station | 283 | |
| HB 820 | | Approp/Spec/Bethel fire truck | 283 | |
| HB 734 | | Approp/Spec/Bethel maintenance building | 150 | |
| HB 732 | | Approp/Spec/Bethel/parks | 150 | |
| HB 821 | | Approp/Spec/Bethel pre-maternal home | 284 | |
| HB 731 | | Approp/Spec/Bethel rec. center | 149 | |
| SB 839 | | Approp/Spec/Bethel rec. center | 400;485 | |
| SB 838 | | Approp/Spec/Bethel river bank/dock | 400;480 | |
| HB 784 | | Approp/Spec/Bethel road equipment | 273 | |
| SB 808 | | Approp/Spec/BIA schools/upgrading | 253 | |
| *SB 737 | | Approp/Spec/birth defects/ (Ch. 105, 1982) | 180;415;524;529;547;701;767;807;931; 984;1039 | |
| SB 678 | | Approp/Spec/Bristol Bay fisheries study | 87 | |
| SB 675 | | Approp/Spec/Bristol Bay salmon qual. control | 86 | |
| SB 809 | | Approp/Spec/bush projects/various | 254 | |
| HB 72 | | Approp/Spec/Chefornak boardwalk | 149 | |
| HB 735 | | Approp/Spec/Chefornak electrical power | 150 | |
| HB 736 | Approp/Spec/Chefornak riverfront/navig. imprv. | 150 | | |
| HB 437 | Approp/Spec/Chenega village reloc. | 389;468;506;613 | | |
| HB 760 | Approp/Spec/Coal transportation/DOT&PF | 212 | | |
| SB 688 | Approp/Spec/computerized fingerprint system | 91;140 | | |
| *HB 344 | Approp/Spec/computer. fingerprint syst. (Ch. 80) | 116;327;354;789;874;1026 | | |
| SB 722 | Approp/Spec/computer network study/DOE | 134;623 | | |
| SB 721 | Approp/Spec/computers for schools | 134;623 | | |
| HB 363 | Approp/Spec/Cordova hospital study | 346;647 | | |
| HB 797 | Approps/Spec/correctional facilities | 278 | | |
| SB 680 | Approp/Spec/Dillingham beach erosion | 87;374 | | |
| HB 631 | Approp/Spec/Dillingham dock & harbors | 30;227 | | |
| SB 676 | Approp/Spec/Dillingham dust suppression | 86;373 | | |
| SB 679 | Approp/Spec/Dillingham sidewalks/bike paths | 87;373 | | |
| SB 640 | Approp/Spec/Drug Abuse Crnt Program | 9 | | |
| SB 644 | Approp/Spec/Education Endowment Fund | 10 | | |
| HB 826 | Approp/Spec/Eek fire equipment | 284 | | |
| HB 696 | Approp/Spec/Employ. Training & Voc. Education | 107;593;651;709;731;778;792 | | |
| HB 827 | Approp/Spec/energy & village growth program | 285 | | |

| <u>SUBJECT</u> | <u>NUMBER</u> | <u>SHORT TITLE</u> | <u>PAGES</u> |
|------------------------|--|--|--|
| Approps/Spec. (cont'd) | SB 691 | Approp/Spec/Fairbanks Hospital improvements | 92;415 |
| | HB 700 | Approp/Spec/Fairbanks Hospital improvements | 109;232;315 |
| | HB 682 | Approp/Spec/Fairbanks Schools | 69 |
| | HB 872 | Approp/Spec/Federal Budget Impact Fund | 301;713;723;782 |
| | SB 788 | Approp/Spec/Fishermen's Gear Damage Fund | 245 |
| | HB 825 | Approp/Spec/fishing industry study/W. Alaska | 284 |
| | HB 749 | Approp/Spec/Girdwood/Aleyska pathway | 205;393;594 |
| | SB 728 | Approp/Spec/Girdwood/Aleyska pathway | 173;268 |
| | SB 636 | Approp/Spec/Gravina Island Crossing/Ketchikan | 8 |
| | HB 549 | Approp/Spec/Health Communications | 539;612;659;866;876;921;942;947 |
| | HB 789 | Approp/Spec/Health Promotion Act | 274 |
| | SB 674 | Approp/Spec/hearing & vision testing program | 86 |
| | HB 465 | Approp/Spec/hearing & vision testing program | 348;709 |
| | SB 742 | Approp/Spec/home improvement/energy loan fund | 181 |
| | HB 349 | Approp/Spec/Homer Hospital | 346 |
| | HB 244 | Approps/Spec/hospitals/Wrangell & Petersburg | 314 |
| | SB 660 | Approp/Spec/Jordan Creek Birth Center/Juneau | 21;140 |
| | HB 841 | Approp/Spec/Juneau Pioneers' Home | 290 |
| | SB 764 | Approp/Spec/Juneau Pioneers' Home | 238 |
| | HB 829 | Approp/Spec/Kalskag office complex | 285 |
| | HB 830 | Approp/Spec/Kalskag recreation area | 285 |
| | HB 765 | Approp/Spec/Ketchikan elementary school | 216 |
| | HB 690 | Approp/Spec/Kodiak bike paths | 104 |
| | HB 801 | Approp/Spec/Kodiak day care center | 279;595 |
| | HB 691 | Approp/Spec/Kodiak pioneers' home | 105 |
| | HB 707 | Approp/Spec/Kodiak port facility | 111;228 |
| | HB 692 | Approp/Spec/Kodiak senior cit. center | 105 |
| | HB 719 | Approp/Spec/Kodiak State Office Building | 147 |
| | HB 738 | Approp/Spec/Kwethluk exam room | 150 |
| | SB 791 | Approp/Spec/Legislative Information Offices | 247;795 |
| | HB 875 | Approp/Spec/loan and grant programs/various | 302 |
| | HB 828 | Approp/Spec/Lover Kalskag school | 285 |
| | HB 730 | Approp/Spec/Makoryuk slaughterhouse | 149 |
| | SB 711 | Approp/Spec/Mental Health Fund | 129;374 |
| | SB 746 | Approp/Spec/mining film/Arctic Winter Games | 183;374;423;508;641;702;848;907 |
| | SB 672 | Approp/Spec/Misc. municipal purposes | 85;155 |
| | HB 812 | Approp/Spec/Mt. Edgcomb high school | 282;544;596;662;670;792 |
| | HB 739 | Approp/Spec/Napakiak sanitation vehicle | 151 |
| | HB 760 | Approp/Spec/Nat'l Guard Armory/Delta Junction | 212 |
| | SB 837 | Approp/Spec/Nanana dock expansion | 400;526 |
| | SSHB 286 | Approp/Spec/Nanana ferry | 429;585 |
| | HB 333 | Approp/Spec/Nanana Totchakat Area | 388;586 |
| | SB 207 | Approp/Spec/Noma port facility | 793 |
| | SB 814 | Approp/Spec/Perm. Fund dividends | 644;721 |
| | HB 750 | Approp/Spec/Perserverance Trail repair | 205 |
| | SB 739 | Approp/Spec/Perserverance Trail repair | 180;268 |
| | *SB 772 | Approp/Spec/Plant Quar.Center/DNR/(Ch. 106, '82) | 239;567;632;639;703;840;907;983; 1040 |
| | SB 430 | Approp/Spec/Port Heidan Erosion Control | 372;425 |
| | HB 710 | Approp/Spec/Pub. Defender/Dillingham & Kodiak | 145 |
| | SB 758 | Approp/Spec/Railroad Study/Seward Peninsula | 236;794 |
| HB 880 | Approp/Spec/Reindeer Study/U of A | 304 | |
| HB 748 | Approp/Spec/reserva account for leave | 208 | |
| SB 887 | Approp/Spec/revenue sharing | 729;756;896 | |
| HB 273 | Approp/Spec/Road reconstruction/SK Alaska | 314 | |
| SB 614 | Approp/Spec/Rural Elec. Loan Fund | 2 | |
| HB 629 | Approp/Spec/Sitka roads | 28 | |
| HB 626 | Approp/Spec/Sitka School gym renovation | 27 | |
| HB 625 | Approp/Spec/Sitka Schools | 27 | |
| SB 866 | Approp/Spec/State Services/contracting for/study | 464;569;867 | |
| HB 809 | Approp/Spec/Status of Men | 281 | |
| HB 646 | Approp/Spec/Student Loan Fund | 33 | |
| SB 718 | Approp/Spec/Student Loan Fund | 133 | |
| HB 702 | Approp/Spec/Supp. Housing Dev. Grant Fund/C&RA | 109;723;764 | |
| Jd555B 608 | Approp/Spec/Susitna hydroelectric project | 1;85;477 | |
| SB 682 | Approp/Spec/Temperate Activities Loan Fund | 87 | |
| SS HB100 | Approp/Spec/Terror Laka Hydro project | 637 | |
| HB 712 | Approp/Spec/Toksook airport relocation | 146 | |
| HB 817 | Approp/Spec/Tuluksak fire equipment | 283 | |
| SB 657 | Approp/Spec/UAA campus expansion | 20;414 | |
| SB 622 | Approp/Spec/UAA student residential complex | 4 | |
| HB 671 | Approp/Spec/UAA student residential complex | 65 | |
| SB 618 | Approp/Spec/U of A Arts & Sciences Facility | 3 | |
| SB 617 | Approps/Spec/U of A capital projects | 3;373 | |
| SB 876 | Approp/Spec/U of A-DNR land transfer | 516;630;677;732;756;896;931;932;940; 959;987 | |
| SB 93 | Approp/Spec/U of A engineering facility | 95;374 | |
| SB 489 | Approp/Spec/U of A general endowment | 193;372;378 | |
| HB 813 | Approp/Spec/U of A/Kuskokwim C.C./dorm | 282 | |
| SB 619 | Approp/Spec/U of A Law School | 3 | |
| SB 215 | Approp/Spec/U of A medical research | 473 | |
| HB 699 | Approp/Spec/U of A/purchase of Careage House | 105;352;652 | |
| HB 867 | Approp/Spec/U of A/salaries & benefits | 299 | |
| SB 616 | Approp/Spec/U of A School of Medicine | 3;520 | |
| HB 501 | Approp/Spec/University Within Walls program | 648 | |
| SB 779 | Approp/Spec/Vets Home Improvement Loans | 242 | |
| HB 775 | Approp/Spec/Vets Loan Fund/C&ED | 223 | |
| HB 840 | Approp/Spec/Water & Sewer/statewide | 290;503 | |
| HB 676 | Approp/Spec/Willow Creek Road/user facilities | 68;156 | |
| HB 628 | Approp/Spec/Yakutat dock and warehouse | 28;117 | |
| HB 815 | Approp/Spec/Yukon-Kuskokwim Health Corp. | 282 | |
| HB 814 | Approp/Spec/Yukon-Kuskokwim Oil & Gas Task Force | 282 | |
| HB 816 | Approp/Spec/Yukon-Kuskokwim medic | 283 | |

| SUBJECT | NUMBER | SHORT TITLE | PAGES | |
|--------------------------------|-----------------------------|--|---|----------------------------|
| Appropriations/Supplemental | SP 739 | Approp/Supp/Alaska Judicial Council | 180;337 | |
| | HB 18 | Approp/Supp/Avalanche Warning System | 64 | |
| | HB 706 | Approp/Supp/Day Care Assist. Program | 110 | |
| | HB 294 | Approp/Supp/Dept. of Law/misc. judgments | 52;83 | |
| | SB 895 | Approp/Supp/Dept. of Public Safety/sal. & ben. | 728;760;988;1011 | |
| | *HB 29 | Approp/Supp/DOTPF (Ch. 26, 1982) | 558;630;664;684;722;799;852;855 | |
| | SSSB 670 | Approps/Supp/Gov's Office/LAA/salaries | 58;85;414 | |
| | *HB 685 | Approps/Supp/Gov's Office/LAA/salaries (Ch. 51) | 70;502;607;613;661;736;921;996 | |
| | SB 894 | Approp/Supp/Human Rights Commission | 728 | |
| | *HB 136 | Approp/Supp/Iditarod/Seward Park (Ch. 8, 1982) | 82;161 | |
| | SB 665 | Approp/Supp/Low Income Weatherization Program | 55;373 | |
| | SB 322 | Approp/Supp/misc. claims against the state | 550;600;605;634;658 | |
| | *HB 709 | Approp/Supp/New Cap. Site Plan. Comm. (Ch. 13, 82) | 111;228;321;327;421;458 | |
| | *HB 201 | Approp/Supp/operation of legis. (Ch. 18, 1982) | 678;715;724 | |
| | HB 358 | Approp/Supp/Publ. & Soc. Services | 51 | |
| | *SB 629 | Approp/Supp/Student Loan Fund (Ch. 6, SLA 1982) | 6;25;50;82;122 | |
| | HB 298 | Approp/Supp/U of A/misc. purposes | 52;83 | |
| | Abortion | HJR 84 | Right to Life Amendment/state constitution | 308 |
| | | HJR 85 | Fed. Courts/jurisdiction in area of abortions | 308 |
| | | SSHB 550 | Killing of a Fetus/criminal penalties | 271 |
| SSHB 500 | | Limiting use of state money to pay for | 271;349 | |
| HB 793 | | Protection of liveborn children | 275 | |
| Acquitted Defendants | SB 863 | Acquitted Defendants/award of costs | 462;742 | |
| | SB 399 | Adoption Records/access to | 62;101;601 | |
| Adoption | HB 497 | Children/bearing and adoption of | 497;539 | |
| | HB 656 | Parental Rights/relinquishment | 38 | |
| Adult Education | SB 667 | Adult Preparatory Education | 55 | |
| | HB 673 | Adult Preparatory Education | 67;121 | |
| Adult Public Assistance | *HB 357 | Adult Public Assistance/misc. ems. (Ch. 138, '82) | 536;647;708;722;730;775;863;874;928 944;960;995;1003;1022;1043 | |
| | HB 740 | Advertising by a Contractor | 202 | |
| Adv. rising | HJR 87 | Kirghiz Refugees/resettlement in Alaska | 309 | |
| | SSHB 663 | Agent Orange/reports of exposure to | 44;103;227 | |
| Agent Orange | SB 696 | Agent Orange/reports of exposure to | 95 | |
| | *SB 17 | Agency Budgeting (Ch. 2, SLA 1982) | 53;84 | |
| Agency Budgeting | HB 644 | Agriculture/conditions in state | 35 | |
| | SB 857 | Agricultural Dev. Facilities/bond sale for | 107 | |
| Agriculture | *SB 418 | Agric. Development Projects/(Ch. 129, 1982) | 981;1008;1024;1042 | |
| | SD 776 | Agricultural Experiment Stations/transf. to DNR | 240 | |
| | SB 525 | Agricultural Land Lotteries | 194;270;423;434;698;837;982;1012 | |
| | SSJR 10 | Agricultural Rights on state land/const. amend. | 288;377;547;843;908;1024 | |
| | SB 803 | Agric. Loan Fund/establishing Land Clearing Acct. | 251;573;578;703;991 | |
| | *HB 237 | Agriculture Loan Fund/increasing (Ch. 7, 1982) | 50;82;161 | |
| | SSHB 126 | Approps/Spec/agric. dev./Nenana-Totchakat | 107;384;384;581 | |
| | HB 645 | Approp/Spec/agriculture study | 35 | |
| | *SSSB 162 | Approp/Spec/AK Agric. Action Council (Ch. 10) | 140;161;324 | |
| | SB 804 | Approp/Spec/Land Clearing Acct./Agric. Loan Fund | 251;567 | |
| | SSSB 702 | Approp. Transfer/Nenana-Totchakat project (Ch.42) | 120;195;566;573;578;641;700;948;880; 901;946 901 | |
| | *HB 318 | Baa Disease/control of (Ch. 55, 1982) | 61;558;820;874;905;996 | |
| | HB 833 | Board of Agric./Division of Agric./creation | 287 | |
| | HB 635 | Farm Vehicles/operation on highways | 31;397;541;709;730;776 | |
| | Aid to Fam. W/Dep. Children | *HB 174 | AFDC/increasing amounts/(Ch. 133, 1982) | 733;828;872;1002;1024;1043 |
| SSB 638 | | Community Work Experience Program/AFDC recipients | 9;172 | |
| *SR 26 | | Job Training & Work Exp. Prgm/AFDC recip. (SR 5) | 729;798;960;1027 | |
| Air Carriers | HB 634 | Air Carriers/limit on damages awarded | 31;664 | |
| | *SB 611 | Aircraft Operation/penalties for/(Ch. 117, 1982) | 2;194;329;377;381;699;760;958;983; 1041 | |
| Aircraft | HB 622 | Aircraft Operation/penalties for | 26 | |
| | HB 882 | Aircraft Safety Inspection/voluntary | 305 | |
| | SB 884 | Aviation Fuel/imposing surtax on | 556 | |
| Air Fares | SB 623 | Air Fares/negot. rate for offic. state travel | 4 | |
| | *SB 37 | Airport Revenue Bonds (Ch. 11, 1982) | 321;397 | |
| Airports | SB 890 | Airport, Port & Transp. Facilities/bond sale | 726;795 | |
| | HB 239 | Approps/Spec/airports/improvements & facilities | 290;393 | |
| Akiachak | *SB 343 | Fbks. Airport impvmts/approp. sources (Ch. 12) | 321;397 | |
| | HB 715 | Approp/Spec/Akiachak dock | 146 | |
| | HB 717 | Approp/Spec/Akiachak High School | 146 | |
| | HB 713 | Approp/Spec/Akiachak multi-purpose facility | 146 | |
| | HB 716 | Approp/Spec/Akiachak slough | 146 | |
| | HB 714 | Approp/Spec/Akiachak waste facility | 146 | |
| | HB P.18 | Approp/Spec/Akiak river bank | 283 | |
| | HB 737 | Approp/Spec/Aholmiut sanitation | 150 | |
| Akiak | HB 868 | Silver Anniv. Commissioner/lapsing approp. | 100;356;393;446 | |
| | *SSSB 162 | Approp/Spec/AK Agric. Action Council (Ch. 10) | 140;161;324 | |
| Aholmiut | HJR 67 | AK Capital Investment Fund/estab/const. amend. | 48;121;157;357 | |
| Alaska '84 | *SSSB 796 | Bald Eagle Preserve/establishing/(Ch. 93, 1982) | 249;359;748;756;901;903;924; 1038 | |
| AK Agric. Action Council | SB 655 | ACFC/transferring and amending | 18 | |
| AK Capital Investment Fund | *SB 767 | AK Comm. on Postsec. Educ./membership (Ch. 64) | 238;324;575;632;638;702;902;997 | |
| AK Chilkat Bald Eagle Preserve | SB 829 | AK Commission on the Status of Women | 366;628;754 | |
| AK Coastal Policy Council | SB 873 | AK Corporations Code/rewrite of | 513 | |
| AK Comm. on Postsec. Ed. | *HB 726 | AK Employment Sec. Act/exemptions/(Ch. 91, '82) | 149;443;557;608;868;971;1037 | |
| AK Commission on Stat. Women | SB 662 | Alaska Energy Center/abolishing | 21 | |
| AK Corporations Code | HB 313 | AK Fisheries Center/establishment | 734;862 | |
| AK Employment Security Act | HB 789 | Approp/Spec/AK Health Promotion Act | 274 | |
| AK Energy Center | SJB 87 | AK Highway/federal money for paving | 839;868;923;967 | |
| AK Fisheries Center | SB 637 | AK Historical Commission/membership | 8;330;423;434 | |
| AK Health Promotion Act | HB 487 | AMFC & AIDA/amendments to programs | 457 | |
| AK Highway | | | | |
| AK Historical Commission | | | | |
| AK Housing Fin. Corp. | | | | |

| SUBJECT | NUMBER | SHORT TITLE | PAGES |
|-------------------------------|-------------------------|---|---|
| AHFC, (cont'd) | *SB 593 | AHFC & AIDA bonds/FY '82 limit (Ch. 35) | 602;605;635;663;754;781;824;901;945 |
| | SB 609 | AHFC/procedure for adoption of regulations | 1 |
| AK Industrial Dev. Auth. | SB 600 | Vets Housing Loans/issuance of G.O. bonds | 142 |
| | HB 487 | AIDA & AHFC/amendments to programs | 457 |
| | SB 595 | AIDA & AHFC Bonds/FY 82 limit | 602;605;635;663;754;781;824;901 |
| | SB 775 | AIDA/repayment of Rural Rehab. loans | 240 |
| | SB 783 | Multi-family dwelling as allowable projects | 274;416 |
| AK Marine Highway Authority | HB 651 | AK Marine Hwy. Auth/establishing Transp. Comm.) | 17;390;591;730;776;815;928 |
| | HB 661 | AK Marine Hwy. Auth/establishing (Crussendorf) | 43 |
| AK Medivac System | SB 708 | Approp/Spec/AK Medivac System | 127;511;830 |
| AK Muric. Bond Bank Auth. | HB 694 | AMBBA/misc. amendments | 105;502;709;731;778;815 |
| AK Nat'l Guard & Naval Mil. | HB 689 | Motor Vehicle Registration/member of Nat'l Gd. | 104;202;315;651 |
| | SB 625 | Nat'l Guard & Naval Militia/payment of per diem | 5 |
| AK Native Foundation | HB 370 | Approp/Spec/AK Native Foundation/1981 program | 586 |
| AK Natural Resource Trust | HB 642 | AK Natural Resources Trust/establishing | 34;508;590;722 |
| AK Power Authority | SS HB 100 | Approp/Spec/Terror Lake Hydro Project | 637 |
| | SR 22 | Geothermal Demonstration Project | 265 |
| | SCR 41 | Geothermal Demonstration Project | 264 |
| | *SSHB 9 | Hydro Financing/(Ch. 133, 1982) | 671;720;868;908;925;944;960;991;1000 1021;1042 |
| | SB 784 | Issuance of bonds by/notice to Legislature | 244;425;686 |
| AK Public Offices Commis. | SB 769 | Power Projects of the Alaska Power Auth. | 239;525;680;691;771 |
| | HB 852 | Conflict of Interest/filing of statement | 294;655 |
| | SB 167 | Election Campaigns/APOC/amendments | 266;335;376;381;599;757;934 |
| | HB 796 | Terminating & transferring APOC/amending laws | 276 |
| AK Public Utilities Commis. | SB 883 | APUC/costs of hearing | 556 |
| AK Railroad | SJR 77 | Alaska Railroad/right-of-way | 262;410;485;531;574;578 |
| | HJR 90 | Alaska Railroad/right-of-way | 310;449;528;549 |
| | SJR 76 | Alaska Railroad/right-of-way/Susitna dam | 262;332;421;434;435;965;989 |
| | HJR 91 | Alaska Railroad/right-of-way/Susitna dam | 310 |
| | SJR 69 | Alaska Railroad/transfer to state | 187;332;421;434 |
| | SB 212 | Alaska RR Advisory Commis./estab/(Ch. 128, '82) | 753;822;834;889;947;1008;1042 |
| | *SB 349 | Alaska RR Auth/min. train crews/(Ch. 116, '82) | 405;568;624;637;772;807;854;1021; 1041 |
| | SJR 67 | Alaska Railroad Employees/exemptions | 187;334;340 |
| | SCR 52 | AK Railroad Personnel Adv. Comm./establishing | 729;752;756 |
| | | AK Railroad Personnel Adv. Comm./establishing | 95;363;746;756;839;1009;1017;1045 |
| AK Renewable Resources Corp. | *SB 697 | AREC/reorganizing/(Ch. 142, 1982) | 607;634;673;708;905;910 |
| AK Seafood Marketing Inst. | *HB 453 | Approp/Spec./ASMI (Ch. 11, SLA 1982) | 232 |
| AK Securities Act | SB 807 | Alaska Securities Act/amending | 873;905 |
| AK State Housing Authority | HB 366 | Approp/spec/housing built under Bartlett Act | 312 |
| AK Transportation Commission | HB 52 | ATC/misc. amendments | 190;792;818;880;887;888 |
| | SB 135 | Motor Carriers | 861;925;952 |
| | HB 12 | Private Carriers/regulation by ATC | 246 |
| AK/US Olympic Trust Fund | SB 790 | AK/US Olympic Trust Fund/establishing | 235 |
| AK Water Use Act | SB 810 | Water Use Act/basin-wide water rights | 17 |
| Alcoholic Beverages | SB 654 | Alc. Bev. Licenses/in excess of population limit | 238;334;340;702;825;849;943 |
| | *SB 765 | Alcohol for Relig. Purposes/in "dry" towns (Ch. 38) | 284 |
| | HB 822 | Approp/Spec/Bathel alcohol treatment center | 407 |
| | SB 855 | Bev. Dispensary Licenses/elim. bond requirement | 240;379 |
| | SB 774 | Club Licenses/decreasing fee | 152;535;730;774;914 |
| | HB 112 | Drinking Age/advisory vote on raising | 368;375 |
| | SB 833 | Drinking Licenses | 194;329;377;381;699;760;958;1031;1041 |
| | *SB 611 | Driving While Intox./amending laws/(Ch. 117, '82) | 22 |
| | SB 664 | Driving While Intoxicated/sentences for | 69;352;397;651 |
| | HB 680 | Drunk Drivers/special licenses for | 40;54;350 |
| | HB 657 | Drunk Driving Laws/misc. amendments to | 439 |
| | SSHB 423 | Drunk Driving Laws/amendments to | 156 |
| | SSHB 374 | Limiting Hours of Sale | 289;344;597;781 |
| | HB 838 | Liquor Tax/increasing | 343;495;528;548 |
| | Alcoholism & Drug Abuse | HB 114 | Alcoholism & Drug Abuse/Advisory Board |
| Aleksandr Baranov Game Refuge | SB 730 | Aleksandr Baranov Game Refuge/establishing | 11;352;457;502 |
| Alt. Tech. & Energy Loans | HB 681 | Alt. Tech. & Energy Loan Fund/raising loan limits | 88 |
| Anchorage | SB 683 | Approp/Spec/Anchorage/W. Northern Ite. Blvd. | 172 |
| Aniak | HB 777 | Approp/Spec/Aniak athletic field | 275 |
| | HB 779 | Approp/Spec/Aniak day care center | 191 |
| | SB 463 | Approp/Spec/Aniak dike extension | 275 |
| | HB 781 | Approp/Spec/Aniak dike extension | 275 |
| | HB 783 | Approp/Spec/Aniak landfill equipment | 274 |
| | HB 782 | Approp/Spec/Aniak/Morgan's Road improvements | 192 |
| | HB 780 | Approp/Spec/Aniak replat | 274 |
| | SB 483 | Approp/Spec/Aniak road improvements | 192 |
| | HB 787 | Approp/Spec/Aniak roads | 192 |
| | SB 466 | Approp/Spec/Aniak slough bridge | 274 |
| | HB 778 | Approp/Spec/Aniak waste hear greenhouse | 274 |
| | HB 766 | Approp/Spec/Aniak water & sewer | 343;637;730;780;919;961;1006;1025 |
| Appropriation | NJR 41 | Defining "Appropriation"/const. amendment | 35;120;138;634;921;961;969;1005;1022; 1044 |
| Appropriations | HB 643 | Special & Supp./prior year adjust/(Ch. 141, '82) | 71;156 |
| Appropriation Transfers/Adj. | HB 686 | Approp. Adjustments/FY 82/Div. of Corrections | 35;120;138;634;921;961;969;1005;1022 |
| | HB 643 | Approp/prior year adjustments | 126;195;566;573;578;641;700;848;880; 901;946 |
| | *SSSB 702 | Approp. Transfer/Hanana-Totchakat agric. project (ch. 42) | 516;630;677;752;756;896;931;952;940; 959;987 |
| | SB 876 | Approp. Transfer/U of A land | 80;121 |
| Architects & Engineers | HB 612 | Architectural & Engineering Svcs/public contracts | 326 |
| | SB 819 | State Contracts/architects, engineers, land surv. | 405;573;578 |
| Architectural Barriers | SB 846 | Arch. Barrier Regulations | 408;481;678;752;757 |
| Arctic Policy | SJR 80 | Arctic Policy/national | 299;336 |
| Arctic Researc. Lab | HB 863 | Approp/Spec/Arctic Research Lab | 298;336 |
| | HB 864 | Arctic Research Lab/Operation of | 183;374;423;508;641;702;848;907;1010; 1017 |
| Arctic Winter Games | SB 746 | Approp/Spec/mining film/Arctic Winter Games | 79;99;120;866;883;921;997 |
| Arrest | *HB 577 | Arrest/resisting or interfering/use of force | 289;503;653 |
| Art | HB 836 | Art in Public Places | |

| SUBJECT | NUMBER | SHORT TITLE | PAGES |
|--------------------------------|-----------|---|--|
| Art, (cont'd) | HJR 39 | Support and Encouragement of the Arts | 51;83 |
| Artificial Insemination | HB 498 | Children/bearing & parent-child relationship | 498;539 |
| Assault | HB 575 | Criminal Assault/culpable mental states | 78;99;119;829;876;885 |
| Assemblies, Borough | SB 725 | Reapportionment of Borough Assemblies | 137 |
| Athletic Commission | SB 513 | Athletic Commission/moving to Dent. Commerce | 193;269;319 |
| Atmautluak | HB 785 | Approp/Spec/Atmautluak fire equipment | 274 |
| Attorney General | HJR 22 | Elected Attorney General/const. amendment | 118;160;507 |
| | SSSB 674 | Investigative Powers/unfair trade practices | 67;145;653 |
| Auditor, State | SJR 56 | Elected State Auditor/const. amendment | 22 |
| | SB 645 | Elected State Auditor/provisions for | 10 |
| Autopsies | HB 745 | Autopsies/payment for | 204 |
| | SB 789 | Autopsies/payment for | 246 |
| Avalanche Warning System | *HB 348 | Approp/Spec/Avalanche Warning System/(Ch. 124, '82) | 64;1022;1041 |
| | HB 18 | Approp/Supp/Avalanche Warning System | 64 |
| Aviation Fuel | SB 884 | Aviation Fuel/imposing sur-tax on | 556 |
| | HB 101 | Motor & Aviation Fuel Taxes/state taxes | 115;706;730;733;774;787;820;871;904;1026 |
| Aviation Fuel Refiners | HB 332 | Liability of Aviation Fuel Refiners | 314;659;670;716 |
| Bail | SB 545 | Release on Bail after Conviction | 63;269;319;601;837 |
| | HB 578 | Release on Bail after Conviction | 116 |
| Bald Eagles | HB 881 | AK Bald Eagle Preserve/Haines Forest Mgmt. | 304;457; |
| | *SB 796 | AK Chilkat Bald Eagle Pres./estab./(Ch. 95, '82) | 249;359;748;756;841;903;924;1039 |
| Banking | *SB 749 | Equity Participation/legal int. rate (Ch. 56) | 184;624;748;756;761;849;997 |
| | *SB 752 | Finan. Insts/outside banks/sav. assoc. (Ch. 75) | 186;415;530;547;769;804;854;881;902;1025 |
| | SB 750 | Interest Rates/tereregulation | 184;624;686;754;801;854;964;969;1024 |
| | *HR 16 | House Spec. Committee on Banking/estab. (HR 3) | 47;50;82;122 |
| | SB 751 | Money Market Mutual Funds | 185 |
| | SB 756 | Out-of-State Banks/ownership of Alaska banks | 236;575 |
| | *SB 748 | State Bonds and Notes/raising int. rates/(Ch. 110, '82) | 184;623;680;691;840;959;985;1040 |
| Banks | SB 647 | Banks & Fin. Institutions/exam. fees | 12 |
| Baranov | SB 730 | Aleksandr Baranov Game Refuge/establishing | 175;423;434 |
| Barrow | HL 731 | Appropriation/Barrow Sr. Citizens Home | 206;342;710 |
| Bee | *HB 318 | Bee Diseases/control of (Ch. 55, SLA 1982) | 61;558;820;874;905;996 |
| Bering-Chukchi Sea | SB 703 | Approp/Spec/Bering Sea shellfish study | 126 |
| | SJR 60 | Bering-Chukchi Sea Fishery Mgmt. Plan/disapprov. | 24;882;887 |
| | *HJR 74 | Bering-Chukchi Sea FMP/disapprov. (LR 5, 1982) | 72;118;138;159;195;376;397 |
| Bering River | HB 804 | Approp/Spec/Bering River coal fields/study | 280;488;503;653 |
| | SB 840 | Approp/Spec/Bering River coal fields/study | 401;567 |
| Bethel | HB 822 | Approp/Spec/Bethel alcohol treatment center | 284 |
| | HB 728 | Approp/Spec/Bethel boat harbor | 149 |
| | HB 823 | Approp/Spec/Bethel centennial center | 284 |
| | HB 729 | Approp/Spec/Bethel erosion control | 149 |
| | HB 819 | Approp/Spec/Bethel fire station | 283 |
| | HB 820 | Approp/Spec/Bethel fire truck | 283 |
| | HB 734 | Approp/Spec/Bethel maintenance building | 150 |
| | HB 732 | Approp/Spec/Bethel parks | 150 |
| | HB 821 | Approp/Spec/Bethel pre-maternal home | 284 |
| | HB 731 | Approp/Spec/Bethel rec. center | 149 |
| | SB 839 | Approp/Spec/Bethel rec. center | 400;485 |
| | SB 838 | Approp/Spec/Bethel river bank/dock | 400;480 |
| | HB 784 | Approp/Spec/Bethel road equipment | 273 |
| Beverage Containers | HB 771 | Prohibited Bev. Containers/plastic rings | 222 |
| Beverage Dispensary Lic. | SB 855 | Bev. Dispensary Licenses/bond requirement | 407 |
| Big Game | *HB 47 | Big Game & Wild Fowl/waste of meat/(Ch. 123, '82) | 383;468;503;787;812;871;883;908;953;970;1041 |
| Big Game Drawings | SB 624 | Big Game Drawings/alin. permit fees | 6;378 |
| Birth Certificates | *SSMB 621 | Birth Certificates/adopted aliens (Ch. 76) | 26;103;116;138;159;734;877;906;1025 |
| | SB 610 | Birth Certificates/name of natural father | 1;329;423;508 |
| Birth Defects | *SB 737 | Approp/Spec/birth defects/(Ch. 105, '82) | 180;415;524;529;547;701;767;807;931;984;1039 |
| Blood Tests | SSMB 438 | Blood Tests for Motor Veh. Offenses | 439 |
| Blue Ribbon Commission | SCR 55 | Blue Ribbon Comm. on Mt. Edgecumbe N.S. | 786;798 |
| | *SCR 44 | Blue Ribbon Comm. on Personnel Act (LR 17) | 369;369;684;691;763;843;989;1026 |
| Board of Nursing | *SB 738 | Nursing/practice of (Ch. 14, SLA 1982) | 74;225;333;353;552 |
| Board of Regents/U of A Boards | SB 631 | Terms of Members/U of A Board of Regents | 6 |
| | HB 114 | Alcoholism & Drug Abuse Boards | 343;494;528;548 |
| | *SB 874 | Board of Elec. Examiners/cont. exist. (Ch 60) | 315;683;692;705;781;851;907;940;997 |
| | HB 634 | Boards of Transportation/establishing | 38;391;592;731;777;815 |
| | SB 737 | Board of Welding Examiners/cont. existence | 236;415;484;509 |
| | *SB 727 | Geographic Board/Native place names/(Ch. 140, '82) | 173;423;434;761;885;901;907;968;1017;1044 |
| | HB 199 | Guide Licensing & Control Board | 51;388;451 |
| | SB 834 | Guide Lic. & Control Bd/cont. exist./(vetoed) | 369;367;373;378;703;964;987;1010;1050 |
| | HB 223 | Parole of Offenders/Parole Board/revision | 583 |
| | SB 327 | Parole of Offenders/judicial committee/(vetoed) | 410;618;879;891;897;837;897;923;961;1049 |
| Bonds | SB 101 | Teachers' Retirement Board/regulations | 606;693 |
| | *SB 45 | Contractors/bonds & registration of/(Ch. 108, '82) | 359;753;799;834;835;942;957;972;1040 |
| | HB 884 | Probate/waiving bond req. for personal repres. | 306 |
| | SB 771 | Restaurants/exclud. from bond req/purch. of fish | 239;424;509;535;714;808 |
| Bonds/Revenue | SB 857 | Agric. Development Facilities/bond sale | 407 |
| | *SB 37 | Airport Revenue Bonds (Ch. 11, 1982) | 321;397 |
| | SB 890 | Airport/parts/transp. fac./auth. bond sale | 726;795 |
| | *SB 393 | AMFC & AIDA Bonds/FY '82 limit/(Ch. 35) | 602;605;835;863;754;781;824;901;945 |
| | HB 696 | AK Munic. Bond Bank Authority | 103;502;709;731;778;815 |
| | SB 784 | AK Power Authority bonds/notice to Legislature | 244;425;686 |
| | HB 768 | Coal Transport. & Shipping/issuance of bonds | 220 |
| | HB 890 | Correctional Facilities/g.o. bonds for | 833 |
| | SB 887 | Court & Correction Facilities | 725;756;896;931;932;941;959;988 |
| | SB 892 | Court/Correct/Mil. & Pub. Safety fac./bond sale | 727;796 |
| | HB 891 | Education Facilities/g.o. bonds for | 833 |
| | SB 163 | Education/U of A and school districts | 781;892;930;932;938;954;980 |

| SUBJECT | NUMBER | SHORT TITLE | PAGES | |
|------------------------------|--------------------|---|---|-----------------------------|
| Bonds/Revenue, (cont'd) | SB 891 | Hospital Facilities/auth. bond sale for | 726;796 | |
| | SJR 50 | Housing/g.o. indebtedness/const. amendment | 885 | |
| | SB 888 | Housing/low income/authorizing bond sale for | 725 | |
| | SchSSHB 851 | Sustna Hydro Project/issuance of bonds | 293;339;381;488;638;755 | |
| | SB 205 | Transportation bonds/authorizing issuance of | 780;889;930;932;938;1007;1023 | |
| | HB 892 | Transportation Projects/g.o. bonds for | 833 | |
| | HB 759 | Transportation projects/issuance of bonds | 278 | |
| | HB 893 | U of A & Postsecond. Educ. Facilities/g.o. bond | 833 | |
| | SB 893 | U of A & School Dist. Construction/bond sale | 727;796 | |
| | HB 878 | U of A dormitories/issuance of bonds | 104;345 | |
| | SB 600 | Vets Housing Loans/issuance of bonds for | 162 | |
| | SB 889 | Water, Sewer & Solid Waste Facilities/bond sale | 726;805 | |
| | HB 894 | Water, Sewer & Solid Waste Facilities/g.o. bonds | 834 | |
| | SB 42 | Water, Sewer & Solid Waste Facilities/bond sale | 780;887;930;932;937;956;971 | |
| | SB 748 | State Bonds & Notes/raising in... rate/(Ch. 110,'82) | 184;623;680;691;840;959;985;1040 | |
| | Bonds & Notes | SB 725 | Reapportionment of Bor. Assemblies | 137 |
| | Borough Assemblies | HB 57 | Boys' State/16th annual (LR 8, 1982) | 151;353;356;375;483;549;609 |
| Boys' State | HB 597 | Sale of Bread/Sale of Food | 226;354;375;615;744;808 | |
| Bread | HB 643 | Approp/Bristol Bay Dev. Study/transf. of appropa. | 35;120;138;634 | |
| Bristol Bay | SB 678 | Approp/Spec/Bristol Bay fisheries study | 87 | |
| | SB 675 | Approp/Spec/Bristol Bay salmon qual. control | 86 | |
| | SB 737 | Approp/Spec/birth defects/Fed. Budget Impact Fund | 180;415;524;529;547;701;767;807;931 | |
| Budget, Federal | HB 872 | Approp/Spec/Fed. Budget Impact Fund | 301;713;723;782 | |
| | HB 17 | Fed. Federal Budget/const. amendment (LR 1) | 50;82;161 | |
| | SB 709 | Fed. Budget Impact Fund/creation of | 127;268 | |
| | HB 876 | Fed. Budget Impact Fund/creation of/(Ch. 125,'82) | 303;446;716;731;803;867;961;993;1005 1023;1042 | |
| Budget, State | SB 17 | Agency Budgeting (Ch. 2, SLA 1982) | 53;84 | |
| | HB 50 | Approp/State Budget/FY '82 | 53 | |
| | HB 666 | Approp/State Budget/FY '83 | 45;392;613;659;684 | |
| | HB 148 | Approp/State Budget/FY '83/oper. & cap./(Ch.101,'82) | 919;960;994;1002;1021;1038 | |
| | SB 744 | Approp/FY '83 operating budget--alternate | 182;337;524;529;547;701;768;807;854 | |
| | SB 150 | Capital Budget/FY 83 (Ch. 25, SLA 1982) | 766;800;855 | |
| | SB 659 | Capital Budget/defining "capital outlay" in | 20;194;269;319 | |
| | HR 15 | FY 83 Budget Bill (HR 2, 1982) | 47;50;122;782 | |
| | SJR 63 | Spending Limit/repealing | 60;932;952 | |
| | HB 594 | State Capital Projects/annual implem. program | 541 | |
| BIA Schools | SB 808 | Approp/Spec/upgrading BIA schools | 253 | |
| Burial | SB 146 | Vets' Burial Allowances/(Ch. 98, 1982) | 318;445;922;1038 | |
| Bush Projects | SB 809 | Approp/Spec/various bush projects | 254 | |
| Business Corporations | HB 386 | Business Corporations (Ch. 54, SLA 1982) | 789;821;905;996 | |
| Business Lic. Tax | SB 879 | Business Lic. Tax/exempting sales of cap. assets | 554 | |
| Busing | HR 85 | Federal Courts/jurisdiction in area of busing | 308 | |
| Byers Lake | SB 707 | Byers Lake/reopening as Veterans Lake | 127;885 | |
| Campaign Contributions | HB 137 | Income Tax Credits/repals of | 75;152;375;394 | |
| Campaigns | HB 89 | Campaign Law Violations/committee for/(Ch.134,'82) | 51;83;1000;1024;1042 | |
| Committees | HB 676 | Approp/Spec/Willow Creek Road/user facilities | 68;156 | |
| Canadian Pilot Car Drivers | SJR 86 | Pilot Cars/operation by non-resident aliens | 786 | |
| Canadian Truckers | SJR 82 | Canadian Truckers/limiting deliveries in Alaska | 408;743 | |
| Capital Access | HB 805 | Capital Access/improving access to gov't. | 280 | |
| Capital Budget | SB 659 | Capital Budget/defining "capital outlay" in | 20;194;269;319 | |
| | SB 150 | Capital Budget/FY 83 (Ch. 25, SLA 1982) | 766;800;855 | |
| Capital Improvement Projects | HR 67 | AK Capital Investment Fund/creating/const. amend. | 48;111;157;357 | |
| | HR 41 | AK Capital Investment Fund/const. amendment | 545;657;730;780;919;961;1006;1025 | |
| | HB 630 | Capital Imp. Projects by Legislature/procedures | 37;350;591 | |
| | SB 851 | Capital Projects/Funds | 406;628 | |
| | SB 689 | Capital Projects/operating cost fund | 91;622 | |
| | SSSJR 61 | Spending Limit/Cap. Investment Fund/const. amend. | 60;96;142;483;527;575;827;908 | |
| | HB 618 | State Aid for Cap. Projects/from O&G revenues | 441;644 | |
| | HB 594 | State Capital Projects/annual program for | 541 | |
| Capital Move | HB 708 | Approp/Supp/New Cap. Site Plan. Comm. (Ch. 13) | 111;228;321;327;421;458 | |
| | HB 805 | Capital Access/improving access to gov't. | 280 | |
| | SSSJR 31 | Capital Relocation/const. amendment | 433 | |
| | SB 27 | New Cap. Site Planning Comm./determinations of | 785 | |
| Carriers | SB 842 | Motor Freight Carriers/permits for | 462 | |
| Census | HB 660 | Population/methods of determining | 42;331 | |
| Certificates of Fitness | HB 761 | Certificates of Fitness/electricians & plumbers | 702;645 | |
| Cheformak | HB 727 | Approp/Spec/Cheformak boardwalk | 149 | |
| | HB 735 | Approp/Spec/Cheformak electrical power | 150 | |
| | HB 736 | Approp/Spec/Cheformak riverfront & nav. imprv | 150 | |
| Chenega | HB 457 | Approp/Spec/Chenega Village Relocation | 389;468;506;613 | |
| Childbirth | HB 498 | Children/bearing of & parent-child relationship | 498;539 | |
| Child Care | SB 517 | Child Care Facility Loans/extending term | 679;691;758;837 | |
| | SB 332 | Child Care Workers/comm. from Vega & Hour Act/(Ch. 115,'82) | 477;529;544;641;710;884; 898;943;950;982;1041 | |
| Child Custody | SB 723 | Child Custody/pro-trial mediation | 134;675;686 | |
| | HB 210 | Child Custody, and custody | 344;516;714;730;769;829;872;942 | |
| | HB 332 | Child Custody/visitation rights (Ch. 15, 1982) | 195;197;201;333;456;609 | |
| Child Protection Laws | SB 89 | Child Protection Laws/(Ch. 104, 1982) | 196;224;334;933;957;972;1039 | |
| Child Support Enforcement | SB 741 | Child Support Enforcement/pen. & int./(Ch.118,'82) | 181;379;479;825;834;907;984;1009; 1041 | |
| Children | HB 497 | Children/bearing and adoption of | 497;539 | |
| | SB 786 | Council on Early Childhood/establishing | 345 | |
| | SB 325 | Exceptional Children/education of/center based | 557;572;577 | |
| Chilkat Bald Eagle Preserve | SSSJR 796 | AK Chilkat Bald Eagle Preserve/estab./(Ch.95,'82) | 249;359;748;756;641;703;924;1038 | |
| Chiropractors | SB 671 | Chiropractors/licensing by credential | 59;322 | |
| Citizens Adv. Commission | SB 877 | Citizens' Advisory Com. selcom/Fed. Ment. Areas(Ch. 37) | 516;574;578;705;752;851;945 | |
| | SB 632 | Citizens Adv. Com/Fed. Ment. Areas/int. ops.(Ch. 36) | 348;426;434;703;856;945 | |
| Civil Rights | SB 64 | Civil Rights Act of 1871/mult. liability | 97;197 | |
| Clinical Social Workers | HB 850 | Clin. Social Workers/licensing of | 793 | |
| | SB 792 | Clin. Social Workers/licensing of | 347 | |
| Clinic Services | HB 791 | Clinic Services/repealing definit./medicaid | 275 | |
| Club Licenses | SB 776 | Alcoholic Beverages/decreasing club lic. fee | 240;379 | |

| <u>SUBJECT</u> | <u>NUMBER</u> | <u>SHORT TITLE</u> | <u>PAGES</u> |
|---|---|--|-------------------------------------|
| Coal | HB 769 | Approp/Spec/DOT&PF/coal transportation | 221 |
| | SB 840 | Approp/Spec/Bering River Coal study | 401;567 |
| | HB 804 | Approp/Spec/Bering River Coal study | 280;488;503;653 |
| | HB 768 | Coal Transp. & Shipping/issuance of bonds | 220 |
| | *SB 843 | Surface Coal Mining (Ch. 29, SLA 1982) | 403;567;683;692;772;910 |
| Coast Guard | SSHB 762 | Surface Coal Mining | 212;429 |
| | SJR 88 | Coast Gd. Helicopter in Cordova | 951;952;1011;1013 |
| | *SJR 66 | Coast Guard/user fees/opposing (LR 7, 1982) | 187;269;354;381;488;504;609 |
| Coastal Policy Council Coastline Management Code of Ethics Code Revision Commission Collective Bargaining | HJR 83 | Coast Guard/user fees/opposing | 308 |
| | SB 655 | AK CPC/transferring and amending | 18 |
| | HJR 88 | State coastline jurisdiction/req. Congress for | 309 |
| | SSSB 175 | Code of Ethics/state offic. & employees | 328;961 |
| Commercial Code Commercial Fishing | *SB 864 | Cont. existence/amending duties (Ch. 65, '82) | 463;628;795;801;835;843;903;940;997 |
| | SB 668 | Pub. Employees & Teachers | 56;620;923;937;968 |
| | *HB 174 | Pub. Employees & Teachers/(Ch. 135, 1982) | 733;828;872;1002;1024;1043 |
| | *SB 77 | Commercial Transactions (Ch. 16, SLA 1982) | 382;421;455;609 |
| | SB 788 | Approp/Spec/Fishermen's Gear Damage Fund | 245 |
| Commercial Fishing & Agric. Bank Commercial Transactions Commissions | *SB 658 | Commercial Fishing Lic. Fees/increasing (Ch. 79) | 20;268;479;529;547;699;848;923;1026 |
| | SB 755 | Commercial Fishing Licenses | 234 |
| | *HB 668 | Commerc. Fishing Records/accessibility (Ch. 7?) | 46;315;356;469;506;790;878;906;1025 |
| | SSSB 51 | Commercial Fishing Violations | 171 |
| | SB 787 | Fishermen's Gear/damage to/estab. fund | 245 |
| | *HB 637 | Limited Entry Permits/penalties/(Ch. 94, 1982) | 33;589;649;717;730;814;877;942;1037 |
| | HB 688 | CFAB loan records/access to | 104 |
| | *SB 77 | Commercial Code/Commer. Trans/ (Ch. 16, 1982) | 382;421;455;609 |
| | SB 767 | AK Commission on Postsec. Education/membership | 238;326;575;632;638;702;902 |
| | SB 829 | AK Comm. on the Status of Women | 366;628;734 |
| Common Carriers | SB 313 | Athletic Commission/transfer to Dept. of Commerce | 193;269;319 |
| | SCR 55 | Blue Ribbon Comm. on Mt. Edgecumbe H.S. | 784;798 |
| | *SCR 44 | Blue Ribbon Comm. on Personnel Act (LR 17) | 369;569;684;691;763;843;989;1026 |
| | *SB 877 | Cit. Advisory Comm. on Fed. Mgmt. Areas (Ch. 37) | 516;574;578;705;732;851;945 |
| | *SB 832 | Cit. Adv. Comm./TMA 'extend. approp. (Ch. 36) | 368;424;426;705;850;945 |
| | *SB 864 | Code Revision Comm./cont. exist. (Ch. 65) | 463;628;795;801;835;843;933;940;997 |
| | SR 27 | New Cap. Sits Planning Comm's/determinations of | 785 |
| | HB 704 | Real Estate Commission/continuing existence | 110;444;449;508;710 |
| | SJR 82 | Canadian Truckers/limiting deliveries in Alaska | 408;743 |
| | SB 135 | Motor Carriers/ATC/regulation of owner operators | 190;792;818;880;887;888 |
| | SB 862 | Motor Freight Carriers/permits | 462 |
| | HB 703 | Communic. Media/use in public meetings | 109;652 |
| | SB 634 | Community Work as cond. of probation or parole | 8;270;620;635 |
| | SB 638 | Community Work Exper. Program/AFDC recipients | 9;171 |
| | SB 648 | Workers' Comp/for community work | 13;194;270;479;526;547;699 |
| Competitive Bidding | SB 415 | Competitive Bidding Procedures | 560 |
| | SB 865 | Competitive Bidding/minority preference | 463;629 |
| | SB 722 | Approp/Spec/Computer network study/DOE | 134;623 |
| Computers | SB 721 | Approp/Spec/computers for schools | 134;623 |
| | *SB 719 | Computer Netw. Study/state schools/(Ch. 103, '82) | 134;622;825;834;893;959;984;1039 |
| | SCR 37 | Computers and Telecommunications Systems/laws | 188;379;634;639;719 |
| | SB 720 | Computers for Schools/state assistance | 134;623 |
| | SB 652 | Dept. of Environ. Conserv./submission of info. to | 16;737 |
| Confidential Information Conflict of Interest | HB 852 | Conflict of Interest/filing of statement | 294;655 |
| | HB 194 | Financial Disclosure/amending laws | 469;672 |
| Congress Constitution, Alaska | HJR 86 | Ten Exempt Schools/urging cong. passage HR 5313 | 309;764 |
| | *SSJR 10 | Agric. Rights/disposition of on state land | 268;377;547;843;908;1024 |
| | HJR 67 | AK Capital Investment Fund/creating/const. amend. | 48;121;157;357 |
| | HJR 61 | "Appropriation"/defining/AK Capital Investment Fund/const. amendments | 545;657;730;780;919;961;1006;1025 |
| | HJB 4 | Appropriation Growth Limit/const. am. | 753 |
| | SSJR 31 | Capital Relocation/const. amendment | 633 |
| | HJR 89 | Constitutional Rights/under state constitution | 310 |
| | HJR 22 | Elected Attorney General/const. amendment | 118;140;507 |
| | SJR 56 | Elected State Auditor/const. amendment | 22 |
| | SJR 50 | General Obligation Bond Indebtedness/const. am. | 593 |
| Constitutional Rights | SJR 54 | Gov's Appointees/removal by legislature | 10;142;806 |
| | SJR 39 | Housing/state debt for/const. am, state | 815 |
| | HJR 77 | Legislative Amendment of Regs/const. am. | 111;489;663;671;879;909;970 |
| | JR 57 | Legislative Session Length/const. amendment | 23 |
| | HJB 68 | Legislative Session Length/const. amendment | 48 |
| | HJR 70 | Legislative Session Length/const. amendment | 48 |
| | HJR 13 | Legislative Session Length/const. amendment | 81;117;396;420;436;559;929 |
| | SJR 6 | Legislative Session Limit/const. amendment | 63 |
| | SJR 68 | Legislators/forfeiture of office, felony conv. | 187;338 |
| | HJR 24 | Legislators/terms & elec. of/const. amendment | 409 |
| | SJR 55 | Legislators/terms of/const. amendment | 22;410 |
| | SJR 9 | Legislators/terms of/const. amendment | 409 |
| | HJR 48 | Legislature/increasing size of/const. amendment | 398 |
| | HJR 14 | Liberty Amendment | 444;724 |
| | HJR 81 | Natural Resources Trust/estab./const. amendment | 224 |
| | SSJR 86 | Oil & Gas Prod. Severance Tax/dedication of | 111 |
| | SJR 58 | Permanent Fund/contributions to/const. amendment | 23;64 |
| | HJR 69 | Perm. Fund/contrib. to/const. amend. | 48;546 |
| | HJR 72 | Perm. Fund/increasing contrib. to/const. amend. | 49 |
| | SJR 1 | Public School Fund/const. amendment regarding | 337 |
| HJR 84 | Right to Life amendment/state constitution | 308 | |
| SSJR 61 | Spending Limit/Cap. Investment Fund/const. amend. | 80;94;142;483;527;575;827;908 | |
| HJR 79 | Spending Limit/expenditures exceeding/const. am. | 112 | |
| SJR 65 | Spending Limit/expenditures exceeding/const. am. | 98;370 | |
| Constitution, U.S. | HJR 89 | Constit. Rights/under state constitution | 310 |
| | SB 713 | Indiv. & Const. Rights/violation of gov't | 119 |
| | *HJB 17 | Balanced Federal Budget/const. amendment | 50;83;161 |
| | SJR 81 | Constitutional Convention/federal | 408;685 |
| | SJR 13 | District of Columbia/voting rts/const. amendment | 331;375 |
| HJB 14 | Liberty Amendment/urging adoption of | 444;724 | |

| SUBJECT | NUMBER | SHORT TITLE | PAGES |
|--------------------------------------|---|--|--|
| Construction | SB 848 | School Construction/preventative maintenance | 405 |
| | SB 724 | Public Construction Contracts/overtime & wages | 135 |
| Construction Contracts | SSHB 146 | Public Contracts/payment procedures | 152;322;438;605;813;871;904 |
| | SB 878 | State Construc. Contracts/insurance | 554;587 |
| Contractors | HR 740 | Advertising by a Contractor | 202 |
| | *SB 45 | Contractors/bonds & registration/(Ch. 108, '82) | 559;753;799;834;835;942;957;972; 1040 |
| Contracts | HB 832 | Contractors/regulation of | 286 |
| | HB 870 | Fiberglass Ducts/prohibiting | 300 |
| | SB 866 | Approp/Spec/study of contract. for state svcs. | 464;569;867 |
| | SB 865 | Competitive Bidding/minority preference | 463;629 |
| | SCR 56 | Delivery of Services to State Residents | 468;570;754;802;835 |
| | HB 608 | Nonprofit Organizations/grants & contracts | 349;441;506;548;557;735 |
| | *HB 156 | Public Contracts/proced. for/(Ch. 144, 1982) | 25;926;953;1021;1047 |
| | SB 878 | State Construc. Contracts/insurance | 554;607 |
| | SB 819 | State Contracts/Architects, Engineers, Land Surv. | 326 |
| | HB 546 | State Contracts for Professional Services | 389;648 |
| | SR 23 | State Services/study of contracting for | 466;570 |
| | Copper River Cordova | SJR 89 | Copper River Bridge (federal funds) |
| Coroners | HB 363 | Approp/Spec/Cordova hospital study | 346;647 |
| | SJR 88 | Coast Guard Helicopter in Cordova | 951;952;1011;1013 |
| Corporate Income Tax | *SB 692 | Coroners/duties/inquests/(Ch. 107, 1982) | 92;334;340;604;700;893;983;1040 |
| | SB 641 | Corporate Tax Exemption/establishing | 9 |
| Corporations | HB 866 | Investment Tax Credit/natural resources | 299;598;656;779;787;918 |
| | SB 612 | Munic. Assistance Fund/inc. in tax contrib. to | 2;194;373;598;761;892;939 |
| | SB 873 | AK Corporations Code/rewriting | 513; |
| | *HB 386 | Business Corporations (Ch. 54, SLA 1982) | 789;821;905;996 |
| | HB 886 | Financial Statements of | 307;504 |
| | SB 801 | Financial Statements of | 251;480;530;547;607;850;949 |
| | SB 445 | Native Claims Corporations/reinstatement of | 404;527 |
| | *HB 726 | Unemployment Insurance/exemptions/(Ch.91, '82) | 149;445;557;406;866;971;1037 |
| | HB 863 | Unemployment Insurance/exemption for small corps. | 298 |
| | *HB 194 | Prisoner Employment/correc. industries (Ch. 53) | 155;438;528;548;734;820;904;996 |
| | HB 686 | Approp. Adjustments FY 82/Div. of Corrections | 71;156 |
| | HB 797 | Approp/Spec/correctional facilities | 778 |
| *SB 203 | Approp. Transfers/Corrections & misc. (Ch. 9) | 152;159;197;229;232 | |
| SB 887 | Correctional facilities/bonds for | 725;756;896;931;932;941;959;988 | |
| HB 890 | Correctional Facilities/g.o. bonds for | 833 | |
| SB 892 | Corrections, Courts, Mil. & Pub. Safety/bond sale | 727;796 | |
| SB 860 | Corrections/Dept. of/establishing | 460 | |
| Cor.-of-Living Allowance Cenccils | SJR 1 | Federal C-O-L-A/adjustment of | 261;375;377;381 |
| *SR 28 | Council on Domestic Violence/Sex. Assault (SR 6) | 951;1011;1026 | |
| SB 786 | Council on Early Childhood/establishing | 245 | |
| SB 592 | Proceedings inv. minors/parents' rt. to counsel | 520;746;755 | |
| HB 763 | Approp/Alaska Court System/FY 83 capital projects | 214 | |
| SB 887 | Court facilities/bonds for | 725;756;896;931;932;941;959;988 | |
| SB 892 | Court/Corrections/Mil. & Pub. Safety Fac./bonds | 727;796 | |
| HB 674 | Judicial Elections/Superior & Dist. Courts | 26;350;501 | |
| SB 895 | Supreme Court/auth. over court facilities | 93;268;631;691;839;893;936;964;984 | |
| Crim. | HB 849 | Crime Victim Compensation | 500;654;713 |
| HB 855 | Joint Committee on Crime/estab. | 113;228;318;323;355;375 | |
| HB 377 | Crime of Intimidation | 672;875;909 | |
| HB 638 | Criminal Justice Dept/creation of | 32 | |
| *HB 577 | Arrest/justification of force (Ch. 63) | 79;99;120;864;883;921;997 | |
| HB 627 | Crime Victims and Witnesses/rights of | 27 | |
| HB 575 | Criminal Assault/culpable mental status | 78;99;119;829;876;885 | |
| *SB 535 | Criminal Law/misc. amendments/(Ch. 143, 1982) | 474;531;572;577;640;756;906;947; 1005;1027;1045 | |
| HB 672 | Domestic Violence | 65;457 | |
| SB 694 | Domestic Violence | 94 | |
| HB 180 | Drug and Criminal Laws/amending and revising | 75;154;159;229;322 | |
| *SB 190 | Drug Laws/revision (ch. 45) | 44;320;331;350;744;767;949 | |
| HB 620 | Drug Laws/revision | 83 | |
| SB 898 | Insanity Defense/restricting | 857 | |
| SSHB 330 | Killing of a Vetus/criminal penalties | 271 | |
| SB 685 | Minors/unlawful conduct | 90;378;649;794 | |
| HB 658 | Preemptive Sentencing/minor changes | 40 | |
| SB 545 | Release on Bail after Conviction | 63;269;319;601;837 | |
| HB 378 | Release on Bail after Conviction | 116 | |
| SB 687 | Search Warrants/issuance by phone testimony | 91;140;197;224;396;700;892 | |
| SB 684 | Seized property/return of by police & courts | 90;378;621;801;834 | |
| HB 673 | Sexual Assault/changing criminal penalties | 78;99;119;845;955 | |
| SB 714 | Sexual Assault/crime of | 129;415 | |
| SB 715 | Sexual Assault/mandatory sentencing | 130 | |
| *HB 573 | Tampering With a Witness/(Ch. 122, 1982) | 78;99;119;472;821;883;909;955;971; 1041 | |
| HB 632 | Violent Crime/committed by a minor | 31;117;121 | |
| SB 633 | Violent Crime/release on personal recognizance | 31;117;355;375;395;918;1000 | |
| HB 843 | Violent Crime/setting aside a conviction | 291 | |
| *HB 532 | Visitation Rights/grandparents (Ch. 15, 1982) | 195;197;270;333;456;609 | |
| Custody | HB 706 | Approp/Supp/Day Care Assistance | 110 |
| Day Care | SB 517 | Child Care/day care assistance | 479;691;758;837 |
| SB 858 | Community Care Facilities/licensing | 459;742 | |
| HB 859 | Natural Death/right to | 295 | |
| Death | *HB 74 | Debtors and Creditors/rights of (Ch. 62, 1982) | 492;550;658;670;803;813;871;997 |
| Debtors & Creditors | SB 712 | Delinquent Minors/lowest age of jurisdiction | 129;468 |
| Delinquent Minors | HB 760 | Approp/Spec/Mat'l Guard Armory/Delta Junct. | 312 |
| Delta Junction | *SJR 33 | Denali Park Roads/improving & extending (LR 16) | 331;371;381;333;989;1026 |
| Denali Park | HR 65 | Denali Park Roads/improving & extending | 337 |
| Dental Disease | HB 412 | Dental Disease Prevention Programs | 587;647 |

| <u>SUBJECT</u> | <u>NUMBER</u> | <u>SHORT TITLE</u> | <u>PAGES</u> |
|---|---------------|---|--|
| Dental Examiners | HB 857 | Bd. of Dental Examiners/continuing existence | 296 |
| Dentistry/practice of | *SB 822 | Dentistry/practice of (chapter 28, 1982) | 360;633;692;703;772;801;910 |
| Dept. of Corrections | SB 860 | Dept. of Corrections/establishing | 460 |
| Dept. of Environmental Cons. | SB 652 | DEC/submission of confidential info. to | 16;737 |
| Dept. of Health & Soc. Svcs. | SB 650 | Foster Homes/licensing of | 15;333;340;602;853;906;923;939 |
| Dept. of Labor | SB 700 | Avatar Safety Code adopting updated version | 125 |
| | EO 52 | Labor Standards & Safety Div/creating | 52;394 |
| Dept. of Natural Resources | SB 875 | U of A Trust Land/transfer of ownership | 516;629;677;751;756;773;808;854 |
| | HB 34 | U of A Trust Land/transfer of ownership | 870 |
| Dept. of Transportation & Public Facilities | *HB 29 | Approp/Supp/DOT&PF (Ch. 26, SLA 1982) | 558;630;664;84;722;799;852;855 |
| | HB 648 | DOT&PF/changes in responsibilities | 36;442;591 |
| | HB 653 | DOT&PF/fiscal year change | 38;350 |
| | HB 649 | DOT&PF/regional directors | 36;444;591;730;776;928;952 |
| Dillingham | SB 680 | Approp/Spec/Dillingham beach erosion | 87;374 |
| | HB 631 | Approp/Spec/Dillingham dock & harbors | 30;227 |
| | SB 676 | Approp/Spec/Dillingham dust suppression | 86;373 |
| | SB 679 | Approp/Spec/Dillingham sidewalks & bike paths | 87;373 |
| Disabled Persons | *SB 145 | Disab.Vets./ree hunt.& sp.fish lic. (Ch. 21'82) | 114;504;630;783 |
| Disaster Assistance | *HB 216 | Disaster Assistance/flood relief (Ch. 68) | 919;970;998 |
| Discrimination | HB 356 | Parenthood/discrim. based on sale-rental of prop. | 558 |
| | HR 17 | State Loan Programs/discrimination in | 151;353 |
| Displaced Homemakers | HB 26 | Displaced Homemakers/(approp. transfer/hospitals) | 883;1012 |
| | *HB 287 | Domestic Violence/Displaced Homemakers (Ch.61) | 51;83;142;160;471;494;528;905;997 |
| District of Columbia | SJR 13 | D.C./voting rights/U.S. const. amendment | 331;375 |
| Domestic Violence | *SR 28 | Council on Dom. Violence & Sexual Assault (SR 6) | 951;1011;1026 |
| | *HB 287 | Domestic Violence/amending laws (Ch. 61, 1982) | 51;83;142;160;471;494;528;905;997 |
| | HB 672 | Domestic Violence/amending laws | 65;457 |
| | SB 694 | Domestic Violence/amending laws | 94 |
| | HB 693 | Domestic Violence Network/funding requirement | 105 |
| | SB 620 | Violent Crimes Compensation/for domestic viol. | 3;413 |
| Douglas Bridge | SB 766 | Douglas Bridge/naming | 238;331 |
| | *HB 807 | Douglas Bridge/naming (Ch. 17, SLA 1982) | 281;353;375;395;472;528;609 |
| Doyon, Ltd. | SB 880 | Royalty Oil Contract/Doyon, Ltd. | 554;677 |
| | *HB 889 | Royalty Oil Contract/Doyon, Ltd. (Ch. 131, 1982) | 577;657;713;723;731;779;817;1006;104. |
| Drinking Age | HB 112 | Drinking Age/advisory vote on raising | 152;535;750;774;914 |
| Drinking Age/Marijuana | HB 155 | Drinking Age/Legalizing Marijuana/adv. vote on | 915 |
| Drinking Licenses | SB 833 | Drinking Licenses | 368;575 |
| Driver Improvement | *SS SB 69 | Driver Improvement (Ch. 78) | 639;843;922;1026 |
| Drivers' Licenses | SB 761 | Driver's License/showing blood type on | 237 |
| Driving Licenses | HB 680 | Convicted Drunk Drivers/special lic. for | 69;352;397;651 |
| Driving While Intoxicated | *SB 611 | Driving While Intoxicated/mn.laws/(Ch. 117, '82) | 194;329;377;381;699;760;958;983; 1041 |
| | SB 664 | Driving While Intoxicated/sentences for | 22 |
| | HB 657 | Drunk Driving Laws/misc. amendments to | 40;54;350 |
| Drug Abuse | SB 640 | Approp/Spec/Drug Abuse Grant Program | 9 |
| | SD 639 | Drug Abuse Grant Program/establishing | 9 |
| Drug Paraphernalia | SSHB 338 | Drug Paraphernalia/prohibiting sale to minors | 645 |
| Drugs | HB 180 | Drug & Criminal Laws/amending & revising | 75;154;159;229;322 |
| | HB 620 | Drug Laws/revision | 83 |
| | *SB 190 | Drug Laws/revision (Ch. 45) | 64;320;331;350;744;767;949 |
| | HB 861 | Corvital HJ (procaine hydrochlorid.)/legalizing | 297 |
| | HB 679 | Imitation Controlled Substances | 69;637;850 |
| | SSHB 858 | Marijuana plants/civil penalty | 296;340 |
| | HB 111 | Optometry/practice of and drugs | 560 |
| Duty Free Merchandise | SB 874 | In-Bond Merchandise/regulation of | 382;480;833;439;704;903;944;959;986; 1040 |
| Economic Disaster Fund | SB 854 | Economic Disaster Fund/abolishing | 406;485 |
| Education | HB 673 | Adult Preparatory Education | 67;121 |
| | HB 667 | Adult Preparatory Education | 45 |
| | SB 767 | AK Comm. on Postsecond. Educ/student member | 238;524;575;632;638;702;902;977 |
| | SB 722 | Approp/Spec/computer network study/DOE | 134;623 |
| | SB 721 | Approp/Spec/computers for schools | 134;623 |
| | HB 501 | Approp/Spec/University Within Walls program | 648 |
| | SB 365 | Bonds/U of A & school districts | 718;892;930;932;938;958;989 |
| | SB 858 | Community Care Facilities/licensing | 459;742 |
| | SB 719 | Computer Network Study/state schools | 134;622;875;834;893;959;984 |
| | SB 720 | Computers for Schools/state assistance | 134;623 |
| | HB 773 | Educ. Benefits/dependents of Vietnam casualties | 222 |
| | SB 781 | Education Benefits/veterans | 245;525 |
| | SB 365 | Education Bonds/U of A & school districts | 718;892 |
| | HB 891 | Education Facilities/g.o. bonds for | 833 |
| | SB 325 | Exceptional Children/education of/summer based | 557;572;577 |
| | SB 717 | Health Educ. Curriculum/in state schools | 133 |
| | HB 711 | Hediah Schools/instruction unit allotment | 146 |
| | SB 844 | Mt. Edgumbe REAA/creation of | 403 |
| | SCR 42 | Paraprofessional Educators/training | 265 |
| | SB 849 | Public Education/payment for | 14;63;620;685;746;755;935;947 |
| | HB 887 | Public School Curricula | 307 |
| | HB 1 | Public School Fund/const. amendment regarding | 337 |
| | *HCH 23 | REAA Budget Oversight Comm./est. (L.R. 15, '82) | 613;930;956;971;1047 |
| | *SB 95 | School Board Members/election by section (Ch. 43) | 371;560;630;638;693;764;803;822;852; 947 |
| Education Endowment Fund | SB 644 | Approp/Spec/Education/Endowment Fund | 10 |
| | SB 643 | Education Endowment Fund/establishing | 10 |
| | SCR 45 | Task Force to Study | 370;678 |
| Eek | HB 826 | Approp/Spec/Eek Fire Equipment | 284 |
| Elderly | SB 773 | Protection of the Elderly | 239;485 |
| | HB 854 | Protection of the Elderly | 295;712 |
| Elections | SB 167 | Election Campaigns/APOC/amendments | 280;335;376;381;599;737;934 |
| | SB 299 | Election Code/misc. amendments to | 139;197;226;433;496;853;906;943 |
| | HB 877 | Gubernatorial Elections/runoff/Gov. & Lt. Gov. | 68;121 |
| | SB 755 | Judicial Retention Elections | 178;479;875;748;758;761;916;944;984 |
| Electrical Examiners | *SB 874 | Board. of Elec. Examiners/cont. exist. (Ch. 60) | 515;683;692;703;781;851;907;940;997 |

| <u>SUBJECT</u> | <u>NUMBER</u> | <u>SHORT TITLE</u> | <u>PAGES</u> | |
|---|---------------------------|---|--|--|
| Elec. & Telephone Co-ops | HB 670 | Elec. & Phone Co-ops/meetings open to members | 46;650 | |
| | *HB 678 | Elec. & Phone Co-ops/membership (Ch. 66) | 68;501;660;670;878;906;997 | |
| | SB 701 | Elec. & Phone Co-ops/membership | 126 | |
| | *HB 849 | Elec. & Phone Co-ops/voting of members/(Ch.136, '82) | 293;504;662;671;816;866;928;955;995;1023;1043 | |
| Electricians | HB 741 | Certificates of Fitness/electricians & plumbers | 202;445 | |
| | Elevators | SB 700 | Elevator Safety Code/adopting updated version | 125 |
| | Elmendorf By-Pass Highway | *HB 721 | Renaming Elmendorf By-Pass Highway (Ch. 52) | 147;392;397;420;455;879;996 |
| | Emergency School Maint. | SB 763 | Emergency School Maintenance Fund/estab. | 237 |
| | Eminent Domain | SB 882 | Eminent Domain Cases/judgment interest | 556 |
| | Employees | SB 861 | Rights of Employees | 461;965 |
| | Employment | SB 868 | Employment & Productivity Committee/U of A | 465;569;677 |
| | | SCR 51 | Employment & Productivity Committee/U of A | 556;678;754 |
| | | *HB 194 | Prisoner Employment & Correctional Industries | 155;438;528;548;734;820;904;996 |
| | | SB 621 | Tax Credits/for employment of the elderly | 4;619;884;923;937 |
| | | *SB 552 | Unemployment Ins./child care workers/(Ch.115, '82) | 477;529;546;641;758;884;898;943;958;982;1041 |
| Employment Training, Voc. Ed. | HB 696 | Approp/Spec Emp. Training & Voc. Educa. | 107;593;631;709;731;778;792 | |
| | *HB 695 | Employment Training & Vocational Educ. (Ch. 71) | 106;592;651;709;731;778;791;883;922;942;1025 | |
| Energy & Power Development | SSSB 320 | Staff Development Program/REAA's & School Dist. | 371;819;830;880;887;891;990;1024 | |
| | SB 769 | Alaska Power Authority/power projects of | 239;525;680;691;771 | |
| | HB 681 | Alt. Tech. & Energy Loan Fund/raising limits | 69;352;457;502 | |
| | HB 827 | Approp/Spec/energy & village growth program | 283 | |
| | SSSB 608 | Approp/Spec/Sustina hydroelectric project | 1;85;477 | |
| | SSSB 100 | Approp/Spec/Terror Lake hydro project | 637 | |
| | SB 825 | Approps/power projects making and amending | 363;419 | |
| | SB 646 | Hydroelectric Financing Plan | 11 | |
| | HB 655 | Hydroelectric Financing Plan | 38 | |
| | HB 758 | Hydroelectric Financing | 210;594 | |
| | SB 828 | Hydroelectric Financing | 366;420 | |
| | SSSB 9 | Hydroelectric Financing/AK Power Authority | 671;720;868;908;925;944;960;991;1000;1021 | |
| | Endowments | HB 742 | Mineral Interest on State Land | 203;710 |
| SB 489 | | Approp/Spec/U of A general endowment/phys. sci. | 193 | |
| SSSB 488 | | General Endowment/U of A physical sciences | 192;372;378 | |
| Equal Rights Amendment | MJR 89 | Constitutional Rights/under state constitution | 310 | |
| | *SB 749 | Equity Participation/legal int. rate (Ch. 36) | 184;624;748;756;761;849;997 | |
| Estate Tax | *HB 848 | Testamentary Transfers/marital deduc./(Ch. 126, '82) | 292;398;808;718;731;866;933;1042 | |
| Ethics | SSSB 175 | Code of Ethics/state offic. & employees | 328;961; | |
| | HB 153 | Legislative Ethics Commission/estab. | 507 | |
| Exec. Reports/Publications | HB 792 | Executive Reports and Publications/printing of | 275;393;508;543 | |
| | SB 875 | Submission to state | 516;629;677;731;736;773;808;854 | |
| Exploration Data | HB 548 | Submission to state | 865 | |
| | SB 886 | Fair Labor Standards Act/overtime compensation | 670 | |
| Fair Labor Standards Act | HB 700 | Approp/Spec/Fairbanks hospital improvements | 109;232;315 | |
| | SB 691 | Approp/Spec/Fairbanks hospital improvements | 92;415 | |
| Fairbanks | HB 682 | Approp/Spec/Fairbanks schools | 69 | |
| | *SB 343 | Phks. airport impvts/approp. sources (Ch. 12) | 321;397 | |
| Farming | HB 635 | Farm Vehicles/operation on highway | 31;397;541;709;730;776 | |
| Fed. Budget Impact Fund | HB 872 | Approp/Spec/Fed. Budget Impact Fund | 301;713;723;782 | |
| | SB 737 | Approp/Spec/Fed. Budget Impact Fund/birth def. cen | 180;415;524;529;547;701;767;807;931; | |
| | SB 709 | Fed. Budget Impact Fund/creating | 127;268 | |
| | *HB 876 | Fed. Budget Impact Fund/(Ch. 125, 1982) | 303;446;718;731;803;867;922;961;995;1003;1023;1042 | |
| Federal C-O-L-A | SJR 71 | Federal Cost-of-Living Allowance/adjustment of | 261;378;377;381 | |
| Federal Courts | MJR 85 | Jurisdiction of/abortion, busing, prayer | 308 | |
| | *SB 877 | Cit. Advisory Comm. on FMA's (Ch. 37) | 516;574;578;705;752;851;945 | |
| Federal Mgmt. Areas | *SB 832 | Cit. Adv. Comm. on FMA's/ext. approp. (Ch. 36) | 348;424;434;705;850;945 | |
| | *MJB 17 | Bel. Federal Budget/const. amendment (LR 1) | 50;82;161 | |
| Federal Revenues | SB 692 | Medical/state takeover | 96;322 | |
| | MJB 86 | Tax Exempt Schools/urging cong. pass. HR 331) | 309;764 | |
| Fed. Tax Exemptions | HB 870 | Fiberglass Ducts/prohibiting | 500 | |
| Fiberglass Ducts | SB 183 | Financial Disclosure/exempting physicians | 517 | |
| Financial Disclosure | HB 154 | Financial Disclosure/public officers & candidates | 469;672 | |
| | SB 647 | Finan. Institutions/examination fees | 12 | |
| Financial Institutions | *SB 801 | AK Corporations/financial statements of (Ch. 49) | 251;480;330;547;607;830;949 | |
| Financial Statements | HB 886 | AK Corporations/financial statements of | 307;504 | |
| | *HB 344 | Approp/Spec/computerized fingerprint system (Ch. 80, SLA 1982) | 116;327;354;789;874;1026 | |
| Fingerprinting | SB 688 | Approp/Spec/computerized fingerprint system | 91;140 | |
| Fire Suppression Fund | *HB 756 | Fire Suppression Fund/funds for (Ch. 30, 1982) | 207;445;507;528;549;736;822;852;910 | |
| | SB 624 | Big Game Drawings/eliminating permit fees | 4;378 | |
| Fish & Game | *HB 47 | Big Game & Wild Fowl/waste of meat/(Ch. 123, '82) | 343;468;505;787;812;871;883;908;953;970;1041 | |
| | HB 328 | Fish & Game Code/misc. amendments to | 498;606;812;955 | |
| Fish & Game | SB 806 | Fish & Game Violations/issuance of citations | 252;676 | |
| | HB 231 | F&G violations/seizure of property | 116 | |
| Habitat Management | MJB 73 | Habitat Management/fire mgmt. plans | 72;118;469;505 | |
| | MCR 52 | Habitat Management/fire mgmt. plans | 73;119;469;504 | |
| Hunting & Fishing Lic. & Tags/Inc. vendor fee | *SSSB 275 | Hunting & Fishing Lic. & Tag Fees/(Ch. 109, '82) | 267;336;423;434;696;837;980;1040 | |
| | HB 842 | Hunting & Fishing Lic. & Tags/Inc. vendor fee | 290 | |
| Hunting & Sport Fishing Licenses/lifetime | HB 766 | Hunting & Sport Fishing Licenses/lifetime | 217 | |
| | HB 824 | Muck-Osen/transfer of surplus | 284 | |
| Predator Management | MJR 76 | Predator Management | 72;118;469;505 | |
| | MCR 51 | Predator Management | 73;118;469;504 | |
| Fish Buyers | HB 810 | Fish Buyers/records of purchases | 281 | |
| | *SR 25 | AK Fisheries/Senate Special Committee (SR 4) | 812;798;925;998 | |
| Fisheries | HB 313 | AK Fisheries Center/establishing | 734;862 | |
| | *SB 103 | Approp/Salmon Qual. Control/fish product loans (Ch. 34, SLA 1982) | 318;719;764;830;852;880;897;945 | |
| | SB 703 | Approp/Spec/Bering Sea snailfish study | 126 | |

| <u>SUBJECT</u> | <u>NUMBER</u> | <u>SHORT TITLE</u> | <u>PAGES</u> | |
|-----------------------------|-----------------------|---|---|-------------------------|
| Fisheries, (cont'd) | SB 678 | Approp/Spec/Bristol Bay fisheries study | 87 | |
| | SB 675 | Approp/Spec/Bristol Bay salmon qual. control | 86 | |
| | HB 825 | Approp/Spec/fisheries industry study/W. Alaska | 284 | |
| | SJM 60 | Bering-Chukchi Sea Fishery Mgmt. Plan/disapprov. | 24;882;887 | |
| | *HJR 74 | Bering-Chukchi Sea FMP/disapprov. (LR 5, 1982) | 72;118;138;159;195;376;397 | |
| | SCR 40 | Board of Fish/trolling restrictions | 264 | |
| | SSSB 51 | Commercial Fishing Violations | 171 | |
| | HB 810 | Fish Buyers/records of purchases | 281 | |
| | HB 669 | Fish Processing Loans/transfer of funds | 46;117 | |
| | *SB 768 | Fish Prod. Loan Guarantees/salmon quality control (Ch. 33, SLA 1982) | 278;416;485;530;547;663;702;770;830;854;881;902;945 | |
| | *SCR 48 | Foreign Processing of AK Salmon/joint ventures (LR 14, 1982) | 467;882;937;989;1026 | |
| | *HJR 70 | N. Pacific Chinook salmon fishery/mgmt. by NPFMC (LR 11, 1982) | 261;485;527;530;547;692;763;828;851;910 | |
| | HB 744 | Retail Fish Vendors | 203 | |
| | *SCR 43 | Salmon Quality Control & Mktng/Jc. Comm. (LR 4) | 327;334;340;353;397 | |
| | HB 400 | Salmon Seine Vessels/reepling max. length | 496;550;557;606 | |
| | *SB 872 | Seafood Industry/quality assurance (Ch. 57) | 511;801;827;835;850;931 | |
| | HJR 78 | "Seaweed Rebellion"/foreign fishing/200-mile lim. | 112;490;551;557;605 | |
| | SCR 31 | S.E. Alaska Troll Fishery | 382 | |
| | HJR 88 | State Coastline Jurisdiction/req. Congress for United Kingdom Embargo of AK Salmon/(SR 7,'82) | 309 | |
| | *SR 29 | Fisheries Enhancement Loans/long-term | 999;1011;1047 | |
| | Fisheries Enhancement | HB 664 | Fisheries Enhancement Loans/long-term | 45;52 |
| | | *HB 472 | Fisheries Enhance.Loan Prog./Max. Amts (Ch. 32) | 370;684;753;799;945 |
| | Flood Relief | HB 216 | Flood Relief/Disaster Assistance | 919;970;998 |
| | Food | HB 597 | Food/sale of | 226;354;375;615;744;808 |
| | Foreign Processors | *SCR 48 | Foreign Proc. of AK Salmon/encour. joint ventures (LR 14, 1982) | 467;882;937;989;1026 |
| | Forests | HB 802 | Board of Forestry/adding two members | 279 |
| | | HB 881 | Haines Forest Mgmt./AK Bald Eagle Preserve | 304;437 |
| Foster Homes | *SB 650 | Lic. by Dept. of Health & Soc. Svcs./(Ch. 97,'82) | 13;333;340;602;853;906;923;939;1075 | |
| | SB 651 | Payment for child care | 16;330 | |
| Franklin D. Roosevelt Day | MCR 53 | Franklin D. Roosevelt Day | 73 | |
| Gambling | SB 632 | Pull-tabs and Punchboards/permits for | 6;270;330 | |
| | HB 623 | Pull-Tabes and Punchboards/permits for | 26 | |
| | *HB 640 | Pull-Tabes and Punchboards/permits for (Randolph) (Ch. 27, SLA 1982) | 3;80;227;265;321;409;484;517;570 606;808;854;853 | |
| Game | SB 815 | Nongame Wildlife/Nonconsumptive Use of Game | 259 | |
| Game Refuges | SB 730 | Aleksandr Baranov Game Refuge/estab. | 175;423;434 | |
| Gas, Natural | SCR 38 | Natural Gas/transportation to Interior Alaska | 263 | |
| Gas Pipeline | SCR 38 | Gas Pipeline/financing of | 60;868;960;967 | |
| | MCR 54 | Gas Pipeline/financing of | 113 | |
| General Relief Assistance | HB 176 | General Relief Assistance | 752;820 | |
| Geographic Board | *SB 727 | State Geog. Bd/Native place names/(Ch. 140,'82) | 173;423;434;761;883;901;907;968;1017 1044 | |
| Geothermal | SCR 41 | AK Power Auth/geothermal demonstration project | 264 | |
| | SR 22 | AK Power Auth/geothermal demonstration project | 265 | |
| Gerovital H3 | HB 861 | Gerovital H3 (procaine hydrochloride)/legislizing | 297 | |
| Girdwood | SB 728 | Approp/Spec/Girdwood-Alayaska Pathway | 173;268 | |
| | HB 749 | Approp/Spec/Girdwood-Alayaska Pathway | 203;393;394 | |
| Girls' State Governor | *MCR 50 | Girls' State/14th Annual (LR 9, 1982) | 73;118;138;159;483;549;609 | |
| | SJR 54 | Gov's Appointees/removal by legislature | 101;142;806 | |
| | SJR 78 | Gov's term of office/const. amendment | 263 | |
| | HB 677 | Gubernatorial Elections/runoff/Gov. & Lt. Gov. | 68;121 | |
| Grant Land Grants | SB 897 | General Grant Land/Income used for schools | 857 | |
| | SB 640 | Approp/Spec/Drug Abuse Grant Program | 9 | |
| | HB 873 | Approp/Spec/Loan and Grant programs | 302 | |
| | SB 639 | Drug Abuse Grant Program/establishing | 9 | |
| | HB 608 | Nonprofit Organizations/grants and contracts | 349;441;506;548;557;558 | |
| | SB 793 | Outdoor Rec. & Historic Properties Grant Fund | 248;531;655;741 | |
| | HB 877 | Scholarship Grant Program | 304 | |
| | SB 627 | State Asst. to Munic/grants to nonprofits | 3;521 | |
| | SB 677 | State Grants/direct puts/named recipients | 86 | |
| | *SB 559 | State Grants/disbursement proced. (Ch. 4, 1982) | 33;84 | |
| | HB 764 | State Grants/disbursement procedure | 215 | |
| | SB 762 | State Grants/disbursement procedure | 237 | |
| | SB 735 | Transitional Grants/Cities & Boroughs | 178;479;675;748;754;761;936;964;984 | |
| | HB 304 | Water, Sewer & Solid Waste Fac./grants for | 536;659;670;829 | |
| | SB 752 | Water, Sewer & Solid Waste Fac./grants (vetoed) | 793;824;834;891;957;979;1048 | |
| Guide Lic. board | HB 199 | Guide Licensing & Control Board | 51;388;431 | |
| | SB 834 | Guide Lic. & Control Bd./cont. exist. (vetoed) | 369;567;573;578;703;964;987;1010; 1050 | |
| Gun Control | SJR 74 | Gun Control/opposing | 262 | |
| Habitat Management | MCR 52 | Habitat Management/Fire mgmt. plans | 73;119;469;504 | |
| | HJR 75 | Habitat Management/Fire mgmt. plans | 72;118;469;505 | |
| Haines | HB 881 | Haines Forest Mgmt. Area/AK Bald Eagle Preserve | 304;437 | |
| Handicrafts | SB 663 | Alaska Native Handicrafts/I.D. seals | 21;193 | |
| Handicapped Persons | *SSSB 778 | Public Vending Facilities (Ch. 69) | 241;553;633;692;762;849;882;903;998 | |
| Naugon, Rev. E. J. | *SCR 54 | Rep. Erate Naugon/honoring (LR 10, 1982) | 786;803;807;856 | |
| Hazardous Substances Health | HB 806 | Hazardous or Toxic Substances/info. on use of | 280;393 | |
| | HB 788 | AK Health Promotion Act/establishing | 274 | |
| | *HB 549 | Approp/Spec/health communications (Ch. 44) | 339;612;659;866;876;921;942;947 | |
| | HB 789 | Approp/Spec/Health Promotion Act | 274 | |
| | HB 815 | Approp/Spec/Tukon-Kushokwin Health Corp. | 287 | |
| | *SB 822 | Dentistry/practice of/(chapter 28, 1982) | 360;633;692;703;772;801;910 | |
| | MCR 59 | Health Care/state policy | 311 | |
| | SB 717 | Health Education Curriculum/state schools | 133 | |
| | SB 754 | Health Planning & Development | 233;623 | |
| | *SB 617 | Medicaid/eligibility for/(Ch. 132, 1982) | 325;626;826;835;893;964;984;1010;1019 1042 | |
| | SB 760 | Nat'l Health Planning & Resources Dev. Act | 237;739;754 | |
| | HB 844 | Rural Health Facilities/maintenance fund | 291;397;653;723;733;778;813;879;942 | |

| <u>SUBJECT</u> | <u>NUMBR</u> | <u>SHORT TITLE</u> | <u>PAGES</u> |
|-----------------------------|--------------|---|--|
| Health, (cont'd) | SB 782 | Rural Health Facilities/maintenance fund | 244 |
| | SSHB 41 | State Health Insurance | 732 |
| Hearing | SB 674 | Approp/Spec/hearing & vision testing | 86 |
| | HB 465 | Approp/Spec/hearing & vision testing | 348;708 |
| | SB 673 | Hearing & Vision screening/public schools | 86;737 |
| | HB 464 | Hearing & Vision screening/public schools | 348;709 |
| Highways | SJR 87 | Alaska Highway/paving | 859;868;925;967 |
| | HB 273 | Approp/Spec/Road reconstruction/SE Alaska | 316 |
| | *HB 721 | Elmendorf By-Pass Highway/renaming (Ch. 52) | 147;392;397;420;455;873;996 |
| | HB 579 | Klondike Highway | 371;679;808 |
| | HB 652 | Municipal Highway Maintenance | 37;390;592 |
| | HB 718 | Old Seward Highway/renaming | 147;397 |
| | SCR 35 | Petersville Highway/upgrading of | 24 |
| Historic Properties | SB 795 | Outdoor Rec. & Hist. Properties Grant Fund | 248;531;635;741 |
| Hohman, George | *SSR 1 | Sen. George Hohman/expulsion from Senate (SR 1) | 138;162;232 |
| | *SSR 2 | Sen. George Hohman/expulsion from Senate (SR 2) | 370;377;458 |
| Homer | HB 349 | Approp/Spec/Homer hospital | 346 |
| Home Rule Municipalities | SB 736 | Home Rule Municipalities/incorporation | 178;483;508;701 |
| Homesites | HB 873 | Land Disposal Bank/homesites/interest/sale price | 301 |
| Homesteads | HB 2 | Homestead Entry Program on State Land | 435;641;714;730;811;860;925;960;1012 |
| | SB 875 | Homestead Program/U of A land/exploration data | 516;629;677;751;756;773;808;854 |
| | SB 785 | Veterans' Homesteads | 244 |
| | HB 837 | Veterans' Homesteads | 289;654 |
| Honey | SB 573 | Honey/sale and labeling of | 534 |
| Hospitals | HB 365 | Approp/Spec/Cordova hospital study | 346;647 |
| | SB 691 | Approp/Spec/Fairbanks hospital improvements | 92;415 |
| | HB 700 | Approp/Spec/Fairbanks hospital improvements | 109;232;315 |
| | HB 349 | Approp/Spec/Homer hospital | 346 |
| | SB 616 | Approp/Spec/U of A School of Medicine | 3;520 |
| | HB 26 | Approp. Transfer/hospitals | 8 1012 |
| | SB 891 | Hospital Facilities/bond sale | ,796 |
| | SB 656 | Medical Hospital or Dental Services Corps. | |
| | SB 415 | U of A Hospital & Medical Center/creation | 4;520 |
| House of Wickersham | HCR 8 | House of Wickersham/Preservation | 51;83 |
| Housing | SB 783 | A.I.D.A./multi-family dwellings as projects of | 244;416 |
| | HB 366 | Approp/Spec/ASHA housing built under Hartlett Act | 875;905 |
| | SB 742 | Approp/Spec/home improvement/energy loan fund | 181 |
| | CR 702 | Approp/Spec/Supp. Housing Dev. Grant Fund | 109;723;764 |
| | SJR 50 | General Obligation Bond Indebtedness/const. am. | 885 |
| | HB 874 | Housing & Student loan programs/amendments | 302 |
| | HB 834 | Housing Assistance payment program | 288 |
| | SB 729 | Housing Loans/improvement, energy conserv. | 174 |
| | SB 888 | Low Income Housing/bond sale | 725 |
| | SB 800 | Multi-Family Housing Loans/interest subsidy | 251 |
| | SJR 39 | State Debt for Housing/const. am., state | 615 |
| | SB 119 | Teacher Housing/rural areas | 61;101;132;640 |
| | SB 780 | Vets' Home Improvement Loans | 243 |
| | *HJR 71 | Veterans' Housing/G.O. Bond/(L.R. 15,'82) | 48;157;489;599;605;612;847;929;936; 996;1007;1047 |
| Human Rights Commission | SB 894 | Approp/spec/Human Rights Commission | 728 |
| | HB 701 | Human Rts. Commis/award of damages by | 109;593;652;664;722 |
| Hunting | *2dSSSB 273 | Hunting & Fishing Lic. & Tags/vendors/(Ch. 109,'82) | 267;336;423;434;696;837;980;1000 |
| | HB 842 | Hunting & Fishing Licenses & Tags/inc. vendor fee | 290 |
| | *SSHB 409 | Hunting/nonresident hunters (Ch. 74, SLA 1982) | 201;388;438;468;506;613;790;829;860; 905;1025 |
| | HB 800 | Sports Licenses/licensing hunting & trapping | 279;543;712 |
| Husbandry Implements | HB 635 | Farm Vehicles/operation on highway | 31;397;541;709;730;776 |
| Hydroelectric Projects | *SSHB 9 | AK Power Authority/hydro financing/(Ch. 133,'82) | 671;720;868;908;925;944;960;991;1000; 1021;1042 |
| | SSSB 608 | Approp/Spec/Susitna hydro project | 1;85;477 |
| | SB 828 | Hydroelectric Financing/Hydro projects | 366;420 |
| | SB 646 | Hydroelectric Financing Plan (Governor) | 11 |
| | HB 655 | Hydroelectric Financing Plan " | 38 |
| | HB 758 | Hydroelectric Financing Plan (Resources) | 210;594 |
| | 3chSSSB 831 | Susitna Hydro Project/issuance of bonds | 293;339;381;488;628;755 |
| | SB 896 | Susitna Hydro Project/prelim. Legis. approval | 811;868 |
| | SB 826 | Susitna Hydro Project/prelim. work | 364;420;573;578 |
| Husbandry, Implements of | HB 635 | Farm Vehicles/operation on highway | 31;397;541;709;730;776 |
| Iditarod Trail Race | *HB 136 | Approp/Supp/Iditarod/Seward Park (Ch. 8, 1982) | 82;161 |
| Imitation Controlled Subst. | HB 679 | Imitation Controlled Substances | 69;637;650 |
| Impasse Resolution | SB 828 | Public Employee Collective Bargaining | 56;620;923;937;968 |
| In-Bond Merchandise | *SB 824 | In-Bond Merchandise/regulation of/(Ch. 111,'82) | 362;480;633;639;704;903;944;959;986; 1040 |
| Initiatives | HB 753 | Initiative, Referendum & Recall | 206 |
| Insecurity Defense | SB 898 | Insecurity Defense/restricting | 837 |
| Insurance | SB 882 | Eminent Domain Cases/judgment interest | 556 |
| | SB 831 | Insurance Contracts/issuance of/(vetoed) | 367;480;530;547;604;641;719;762;830; 883;903;924;940;1049 |
| | *SB 841 | Life Ins. Pol.Loans/int. rate & reinst.(Ch.121,'82) | 401;628;687;751;756;763;969;1020; 1041 |
| | *SB 548 | Medical Indemnity Corp. of Alaska/ame. (Ch. 46) | 99;477;485;528;546;699;848;949 |
| | SSHB 11 | Nurse Midwives/coverage and services | 487;579 |
| | SB 878 | State Construction Contracts/insurance on | 554;687 |
| | SSHB 41 | State Health Insurance | 732 |
| | SB 869 | Surety Insurers/records of | 463;569 |
| | HB 846 | Title Insurance Rating Organizations | 291 |
| | *SB 798 | Title Insurance Rating Organizations (Ch. 73) | 250;484;489;509;850;924;1025 |
| | *SB 749 | Equity Participation/raising int. rates (Ch. 54) | 184;624;748;756;761;849;997 |
| Interest Rates | SB 750 | Interest Rates/deregulation | 184;624;686;754;801;854;964;969;1024 |
| | SB 856 | O & G Production Tax/int. rate on delinquent | 407;676;751;756;843 |
| | HB 524 | Small Loans/late payment fee/(Ch. 99, 1982) | 614;821;883;909;920;944;971;1038 |
| | *SB 748 | State Bonds & Notes/int. rates/(Ch.110,'82) | 784;623;680;691;840;939;983;1040 |

| <u>SUBJECT</u> | <u>NUMBER</u> | <u>SHORT TITLE</u> | <u>PAGES</u> |
|-----------------------------|---------------|--|--|
| Interstate Compact. Compact | *SB 186 | Interstate Compact/adopt. (Ch. 127, '82) | 64;139;422;434;534;845;943;957;979; 1042 |
| Intimidation | HB 377 | Crime of Intimidation/Criminal Code | 672;875;909 |
| Inventories, Business | SB 699 | Business Inventories/exemp. from munic. taxation | 125;415 |
| | HB 754 | Business Inventories/exemp. from munic. taxation | 206;323 |
| Investment Tax Credit | HB 866 | Investment Tax Credit/natural resources | 299;598;656;779;787;914 |
| Job Training | *SR 26 | Job Training & Work Exper. Program/AFDC recipients (SR 5, 1982) | 729;798;960;1027 |
| Joint Ventures | *SCR 48 | Foreign Processing/AK Salmon/encour. joint vent. (LR 14, 1982) | 467;882;937;989;1026 |
| Jordan Creek Birth Center | SB 660 | Approp/Spec/Jordan Creek Birth Center/Juneau | 21;140 |
| Journalism | *SR 24 | Journalistic Achievement Day (SR 3, 1982) | 556;576;634;724 |
| Judges | HB 624 | Judicial Elections/Superior & District Courts | 26;350;501 |
| | SB 289 | Superior Court/increasing no. of judges | 139 |
| | *SSHB 590 | Superior Court/increasing no. of judges (Ch. 70, SLA 1982) | 156;201;322;457;589;716;730;753;814; 877;906;1025 |
| Judicial Council | SB 739 | Approp/Supp/AK Judicial Council | 180;337 |
| Judicial Elections | SB 735 | Judicial Retention Election | 178;479;675;748;756;761;936;964;994 |
| Judicial Retirement | HB 767 | Retirement Systems/amendments to Retirement Systems/amendments to Retirement Systems | 217 |
| | SB 753 | Retirement Systems/amendments to Retirement Systems | 186 |
| Juneau | SB 764 | Approp/Spec/Juneau Pioneers' Home | 238 |
| | HB 841 | Approp/Spec/Juneau Pioneers' Home | 290 |
| | HCR 8 | House of Wickarsham/preservation | 51;83 |
| Juries | SB 811 | Jury List/compilation of/incl. soc. sec. number | 256;374;625 |
| | SB 626 | Prohibiting smoking in rm. where jury is meeting | 5;102 |
| Kalskag | HB 829 | Approp/Spec/Kalskag office complex | 285 |
| | HB 830 | Approp/Spec/Kalskag rec. area | 285 |
| Ketchikan | HB 765 | Approp/Spec/Ketchikan elementary school | 216 |
| | SB 636 | Approp/Spec/Gravina Island Crossing | 8 |
| Killing of a Fetus | SSHB 550 | Killing of a Fetus/criminal penalties | 271 |
| Klondike Highway | *HB 579 | Klondike Highway (Ch. 22, SLA 1982) | 371;679;808 |
| Kodiak | HB 690 | Approp/Spec/Kodiak bike paths | 104 |
| | HB 801 | Approp/Spec/Kodiak day care center | 279;595 |
| | HB 691 | Approp/Spec/Kodiak pioneers' home | 105 |
| | HB 707 | Approp/Spec/Kodiak port facility | 111;228 |
| | HB 692 | Approp/Spec/Kodiak senior cit. center | 105 |
| | HB 719 | Approp/Spec/Kodiak state office building | 147 |
| | HB 711 | Kodiak Schools/instructional unit allotment | 146 |
| Kuskokwim Commun. College | HB 813 | Approp/Spec/U of A/Kuskokwim C.C. dorm | 282 |
| Kwethluk | HB 738 | Approp/Spec/Kwethluk ex. room | 150 |
| Labor Relations | SB 64 | Labor Relations/public employees/school boards | 189;685;744;753 |
| Labor Standards & Safety | EO 52 | Labor Stand. & Safety Division/establishing | 52;394 |
| Land Disposal | HB 2 | Homestead Entry Program on state land | 435;641;714;730;811;860;925;960;1012 |
| | SB 875 | Homestead Program/U of A land/exploration data | 516;629;677;731;756;773;808;854 |
| | HB 873 | Land Disposal Bank/homesites/interest/sale price | 301 |
| | HB 742 | Land Disposal/mineral interest on state land | 203;710 |
| | SB 745 | Land Disposal Surveys | 183;415 |
| | *HB 811 | Preference to Occupants (Ch. 47) | 282;543;731;778;792;822;852;949 |
| | HB 871 | State Land Disposal/interest rates for purchase | 301 |
| | SB 785 | Veterans' Homesteads | 244 |
| | HB 887 | Veterans' Homesteads | 289;654 |
| | HB 772 | Veterans' Land Discounts/state land | 222 |
| Land, Federal | HB 467 | Control of land conveyed to state by fed. gov't | 45 |
| | MJR 30 | Federal Land/military maneuvers on | 120;138;151;178;684;753;803 |
| Land, State | SSJR 10 | Agric. Rights/disposition of/const. amendment | 268;377;414;843;908;1024 |
| | SB 897 | Gen. Grant Land/income used for schools | 857 |
| | SB 732 | Mineral Production Licenses/state land | 176;331;631;638;700;840;901;924 |
| | SB 525 | State Land/agricultural land lotteries | 194;270;423;434;698;837;982;1012 |
| | HB 8 | State Land/management & control | 491;579;664 |
| | HB 34 | U of A Trust Lands/settlement with state | 870 |
| Landlords | *HB 252 | Landlord Obligations/(Ch. 20, 1982) | 101;606;783 |
| | HB 722 | Landlord remedies | 148;652;664 |
| Law School, U of A | F 619 | Approp/Spec/U of A Law School | 3 |
| Leave | HB 748 | Approp/Spec/reserve account for leave | 205 |
| | HB 747 | State Employees/reserve acct. for leave | 204 |
| Legal Services | HB 548 | Legal Services/civil cases (SCS; explor. data) | 865 |
| Legislators | SJR 68 | Convicted Legislators/forfeiture of office | 187;338 |
| | HB 647 | Payment of per diem to Legislators | 36 |
| | HB 638 | State Loan Programs/legislators' eligibility | 33 |
| | SJR 24 | Terms & Election of/const. amendment | 409 |
| | SJR 55 | Terms of Legislators/const. amendment | 22;410 |
| | SJR 9 | Terms of Legislators/const. amendment | 409 |
| Legislature | *HR 14 | Adjournment of 12th Legislature (HR 1, 1982) | 47;50;84;782 |
| | SB 791 | Approp/Spec/Legis. Information Offices | 247;795 |
| | *HB 201 | Approp/Supp/Operation of Legis. (Ch. 18, '82) | 678;715;724 |
| | HB 650 | Capital Improve. Projects/procedures for | 37;350;391 |
| | HCR 55 | Crime, Joint Committee on/establishing | 113;228;318;323;355;375 |
| | SB 333 | Earlier Organization of Legislature | 64 |
| | SJR 54 | Gov'n Appointees/removal by Legislature | 101;142;806 |
| | *HR 16 | House Spec. Comm. on Banking/estab. (HR 3) | 47;50;82;122 |
| | HJR 77 | Legislative Annulment of Regs/const. amend. | 111;489;643;671;879;909;970 |
| | *HB 156 | Legislative Contracts/awarding of/(Ch. 144, '82) | 35;926;953;1021;1047 |
| | HA 153 | Legislative Ethics Commission/estab. | 507 |
| | SB 777 | Legislative Professional Staff Loan Program | 241;485;567;805;830 |
| | SJR 57 | Legislative Session Length/const. amendment | 23 |
| | HJR 68 | Legislative Session Length/const. amendment | 48 |
| | HJR 70 | Legislative Session Length/const. amendment | 48 |
| | HJR 12 | Legislative Session Length/const. amendment | 81;117;396;420;456;559;929 |
| | SJR 6 | Legislative Session Limit/const. amendment | 63 |
| | SCR 39 | Presiding Officer/removal/amend. to Unif. Rls. | 264 |
| | HB 850 | Regulation Review/legislative | 293 |
| | HJR 48 | Size of/increasing/const. amendment | 598 |
| | *HB 184 | Spec. Sessions/outlets Juneau/(Ch. 100, '82) | 115;438;550;557;606;789;829;934; |

| SUBJECT | NUMBER | SHORT TITLE | PAGES |
|----------------------------|-----------|---|--|
| Legislature, (cont'd) | | | 1038 |
| | SB 821 | Special Session/called by the Governor | 326 |
| | HCR 13 | Standing Committees/amendment/Unif. Rules | 121 |
| | HCR 56 | Telecommunications/policy of Legislature | 114;318;489 |
| | HCR 46 | Unif. Rules/misc. amendments | 315 |
| Liability | HB 332 | Aviation Fuel/liability | 314;659;670;716 |
| Liberty Amendment | HJP 14 | Liberty Amendment/U.S. Constitution | 446;724 |
| Licenses | HB 428 | Litigation involving state actions/lic. & permits | 576 |
| | SB 732 | Mineral Production Licenses | 187;331;631;638;700;840;901;924 |
| | *SSSB 111 | Sport Fishing Permits & Lic. fees (Ch. 40) | 822;844;945 |
| Lieutenant Governor | HB 677 | Gubernatorial Elections/runoff/Gov. & Lt. Gov. | 68;121 |
| Life Insurance | *SB 841 | Life Ins. Pol.Loans/interest & reinst./Ch. 121, '82 | 401;628;687;711;756;763;969;1020;1041 |
| Limited Entry | *HB 637 | Limited Entry Permits/penalties/Ch. 94, '82 | 33;589;649;717;730;814;877;942;1037 |
| Liquor Tax | HB 838 | Liquor Tax/increasing | 289;544;597;781 |
| Loan Funds | *HB 237 | Agric. Loan Fund increasing (Ch. 7, SLA 1982) | 50;82;161 |
| | SB 803 | Agric. Loan Fund/land clearing account | 251;573;578;703;991 |
| | *SB 593 | AHFC & AIDA Bonds/FY 83 limit (Ch. 35) | 602;605;633;663;754;781;824;901;945 |
| | EB 487 | AHFC & AIDA loan programs/amendments to | 457 |
| | SB 590 | Alaska Housing Finance Corp./revolving loan fund | 194 |
| | SB 783 | A.I.D.A./multi-family dwellings as projects | 244;416 |
| | SB 775 | A.I.D.A./repayment of Rural Rehab. loans | 240 |
| | HB 681 | Alt. Tech. & Energy Loan Fund/raising limits | 69;352;502 |
| | SB 804 | Approp/Land Clearing Account/Agric. Loan Fund | 251;567 |
| | *SB 103 | Approp/Salm. qual. cont./fish prod.loans (Ch. 34) | 318;719;764;830;852;880;897;945 |
| Loan Funds (cont'd) | SB 742 | Approp/Spec/home imprvt./energy loan fund | 181 |
| | HB 875 | Approps/Spec/loans and grant programs | 302 |
| | SB 614 | Approp/Spec/Rural Elec. Loan Fund | 2 |
| | HB 646 | Approp/Spec/Student Loan Fund | 35 |
| | SB 718 | Approp/Spec/Student Loan Fund | 133 |
| | SB 682 | Approp/Spec/Temperate Act. Loan Fund | 87 |
| | *SB 322 | Approps/state loan program/Ch. 114, '82 | 550;600;605;634;658;930;943;957;980;1040 |
| | SB 779 | Approps/Spec/Vets Home Improvement Loans | 242 |
| | HB 775 | Approp/Spec/Vets Loan Fund/C&ED | 223 |
| | *SB 629 | Approp/Supp/Student Loan Fund (Ch. 6, SLA 1982) | 6;25;50;82;122 |
| | SB 317 | Child Care Facility Loans/extending terms | 679;691;758;837 |
| | *SB 768 | Fish Product Loan Guarantees (Ch. 33) | 238;416;485;530;547;663;702;770;830;854;881;902;945 |
| | *HB 472 | Fisheries Enhance. Loan Prog./max.amts (Ch. 32) | 370;484;753;799;945 |
| | HB 664 | Fisheries Enhancement Loans/long-term | 45;32 |
| | HB 669 | Fish Processing Loans/transfer of funds | 46;117 |
| | SB 729 | Housing Loans/improvement, energy conservation | 174 |
| | SB 800 | Multi-Family Housing Loans/interest subsidy | 251 |
| | SB 859 | Native Claims Loan Program/repeal of | 406 |
| | HB 165 | Public Utility Rev. Loan Fund | 581;781 |
| | HB 641 | Resident Loan Program/establishing | 34 |
| | SB 628 | Rural Elect. Loans/increasing int. rates on | 5 |
| | HB 638 | State Loan Programs/Legislators' eligibility | 33 |
| | *SB 666 | State Loan Programs/misc. amms./Ch. 113, '82 | 55;140;270;334;340;489;535;602;605;633;658;884;906;931;943;962;983;1008;1040 |
| | HB 630 | State Loan Programs/termination & consolidation | 28;314;337 |
| | HB 874 | Student & Housing Loans/amendments | 302 |
| | HB 492 | Student Loan Program/amendments | 497 |
| | HB 803 | Student Loans/deferred pmts/armed forces | 379 |
| | SSSB 709 | Student Loans/eligibility requirements | 145;339;391;531;593;662;723 |
| | SB 852 | Temperate Activities Fund/abolishing | 406 |
| | SB 681 | Temperate Activities Loan Fund/increasing amount | 87 |
| | SB 780 | Vets Home Improvement Loans | 243 |
| | SB 600 | Vets Housing Loans/issuance of G. O. Bonds | 142 |
| | *NJR 71 | Vets' Housing/G.O. bond indebtedness/(LR 18, '82) | 48;157;489;599;603;812;867;929;956;99-1007;1047 |
| | HB 774 | Vets' Loans/amendments to program | 323 |
| Loan Programs | HR 17 | Discrimination in State Loan Programs | 151;353 |
| Loan Records | HB 688 | CFA Loan Records/access to | 104 |
| | HB 687 | State Loan Records/access to | 104;391 |
| Local Hire | HB 697 | Local Hire/comp. state employees | 107;228;502;551;718;731;821;884;909;922;942 |
| Longevity Bonus | HB 725 | Longevity Bonus/absence from state | 149;352 |
| | SB 818 | Longevity Bonus/increasing | 326 |
| | HB 191 | Longevity Bonus/30-year domicile | 583 |
| Low Income Housing | SB 888 | Low Income Housing/g.o. bond sale | 725 |
| Lower Kalesag | HB 828 | Approp/Spec/Lower Kalesag School | 385 |
| Lower Kuskokwim REAA | HB 478 | Auth. for approp/Lower Kuskokwim REAA | 140 |
| Malpractice Insurance | SB 548 | Med. Indemnity Corp. of Alaska/amendments | 99;1477;485;528;546;699;848;949 |
| Marijuana | SSSB 858 | Marijuana Plants/civil penalty | 294;340 |
| | HB 159 | Marijuana--legalizing/Drinking Age/adv. vote on | 915 |
| Marine Highways | HB 651 | AK Marine Hwy. Auth/establishing (Transp. Comm.) | 37;390;591;730;776;815;928 |
| | HB 661 | AK Marine Hwy. Auth/establishing (Gruesendorf) | 43 |
| | HCR 48 | Shuttle Ferry Service/Improving | 49;118 |
| Marine Park System | SB 794 | State Marine Park System/establishing | 247;835;740;825;833;841;907;944;990 |
| Marriage | HB 113 | Marriage of Limited Duration | 535 |
| Marital Law | SJR 75 | Marital Law in Poland | 262;332;338;421;434;535 |
| Martin Luther King Day | *SB 604 | Martin Luther King Day/designating (Ch. 3, 1982) | 25;50;84 |
| Medicaid | HB 791 | Clinic Services/repealing definition | 375 |
| | *SB 817 | Medicaid/eligibility/Ch. 132, '82 | 325;626;826;835;893;944;964;1010;1019;1042 |
| | SB 698 | Medicaid/state takeover | 96;522 |
| Medical Assistance | HB 330 | Pregnant Women/costs of care of | 882 |
| | SSSB 81 | State Health Insurance | 732 |
| Medical Benefits | HB 883 | Workers' Comp./medical benefits | 306 |
| Medical/Dental Svc. Corps. | SB 656 | Med. Hospital or Dental Services Corps. | 20 |

| <u>SUBJECT</u> | <u>NUMBER</u> | <u>SHORT TITLE</u> | <u>PAGES</u> |
|-----------------------------|---------------|--|---|
| Med. Indemnity Corp. | SB 54B | Medical Indemnity Corp. of Alaska/amendments | 99;477;485;528;546;699;848;949 |
| Medical School, U of A | SB 616 | Approp/Spec/U of A School of Medicine | 3;520 |
| | SB 615 | U of A Hospita. & Medical Center/creation | 2;520 |
| Medical Services | SSHB 11 | Midwifery/licensing | 487;579 |
| Medivac | SSSB 708 | Approp/Spec/Medivac System | 127;511;830 |
| | HB 816 | Approp/Spec/Yukon-Kuskokwim medivac | 283 |
| Mekoryuk | HB 730 | Approp/Spec/Mekoryuk slaughterhouse | 149 |
| Men, Status of | HB 808 | Status of Men/commission on | 281 |
| Mental Health Fund | SB 711 | Approp/Spec/Mental Health Fund | 129;374 |
| | SB 710 | State Trust Funds/administration of | 128;374;674 |
| | HB 151 | State Trust Funds/Ment. Health & Pub. Sch. Fund | 707 |
| Midwifery | SSHB 11 | Midwifery/licensing | 487;579 |
| | SB 747 | Midwifery/regulation, licensura | 183;425;675 |
| Military Affairs' | SB 892 | Court, Correc., Military & Pub. Safe. Fac./bonds | 726;796 |
| | SB 653 | Mil. Affairs' Emergency Svs. Employees | 17;563 |
| Military Maneuvers | HJR 30 | Federal Land/military maneuvers | 120;138;159;472;684;753;;803 |
| Military Personnel | SCR 47 | Property Rights/mil. pensions/divorced spouses | 467;569 |
| Minerals | HB 742 | Mineral Interest on State Land | 203;710 |
| | SB 732 | Mineral Production Licenses/state land | 176;331;631;638;700;840;901;924 |
| Mining | SB 746 | Approp/Spec/Mining Film/Arctic Winter Games | 183;374;423;508;641;702;848;907;1010 |
| | SSHB 762 | Surface Coal Mining in Alaska | 212;429 |
| | *SB 843 | Surface Coal Mining in Alaska (Ch. 29, 1982) | 403;567;683;692;772;910 |
| Minors | *SB 89 | Child Protection Laws/(Ch. 104, 1982) | 196;224;534;933;957;972;1039 |
| | SB 712 | Delinquent Minors/lowering age jurisdiction | 129;686 |
| | HB 843 | Detention of Runaways | 291 |
| | SS HB338 | Drug Paraphernalia/prohibiting sale to minors | 645 |
| | *SB 547 | Exclusion of Public/sax. assault trials (Ch. 67) | 141;157;698;847;923;938;998 |
| | SB 392 | Proceedings inv. minors/parents' rt. to counsel | 520;746;755 |
| | SB 485 | Sexual Assault/minors/videtaped testimony | 141;157;396 |
| | SB 685 | Unlawful conduct by | 90;378;669;794 |
| | HB 632 | Violent Crime/committed by a minor | 31;117;121 |
| Mobile Homes | *HB 206 | Mobile Home Rental Agreements (Ch. 48) | 158;195;789;820;852;949 |
| Money Market Funds | SB 751 | Money Market Mutual Funds | 185 |
| Motor Fuel Tax | *HB 101 | Motor Fuel Tax & Aviation Fuel/taxes on (Ch. 82, SLA 1982) | 115;706;730;733;774;787;820;871;904;1026 |
| | HB 37 | Motor Fuel Tax/levy of | 436;645 |
| Motor Freight Carriers | SB 862 | Motor Freight Carriers/permits | 462 |
| | SB 135 | Motor Freight Carriers/ATC/amendments | 190;792;818;880;887;888 |
| Motor Vehicle Reg. | HB 689 | Motor. Veh. Registration/members of Nat'l Guard | 104;202;315;651 |
| Motor Vehicles | HB 794 | Motor Veh. Dealers/prohib. cert. trade practices | 276 |
| | HB 795 | Motor Vehicle Rustproofing/warranties | 276 |
| Mount Edgecumbe | HB 812 | Approp/Spec/Mt. Edgecumbe High School | 282;544;596;662;670;792 |
| | SCR 55 | Blue Ribbon Commis. Mt. Edgecumbe High School | 786;798 |
| | SB 844 | Mt. Edgecumbe REAA/creation | 403 |
| Multi-Family | SB 800 | Multi-Family Housing Loans/interest subsidy | 251 |
| Municipal Aid Program | *SB 830 | Municipal Aid Prog./ext. time limit/(Ch. 120, '82) | 367;420;484;509;604;642;964;986;1019;1041 |
| | *SB 836 | Munic. Aid Prog./mun. & uninc. comm./(Ch. 119, '82) | 369;420;484;509;604;843;964;987;1010;1041 |
| Municipal Assistance Fund | SB 612 | Increase in % of Corp. Income Tax contrib. to | 2;194;573;578;761;892;939 |
| Municipal Code Revision | HB 170 | Revision of AS 29, Municipal Code | 153;163 |
| | SB 180 | Revision of AS 29, Municipal Code?(vetoed) | 191;336;378;421;508;694;835;888;974;1007;1051 |
| Municipal Grant Lands | SB 897 | Gen. Grant Land/income used for schools | 857 |
| Municipalities | SB 672 | Approp/Spec/misc. municipal purposes | 85;195 |
| | SB 689 | Business Inventories/exempt. from munic. taxation | 123;413 |
| | HB 754 | Business Inventories/exempt. from munic. taxation | 204;323 |
| | SJR 64 | Civil Rights Act of 1871/munic. liability | 97;197 |
| | SB 736 | Home Rule Municipalities/incorporation | 178;483;508;701 |
| | SSHB 723 | Munic. Aid Program/extending time limits | 148;272;392 |
| | *SB 830 | Munic. Aid Prog./ext. time limit/(Ch. 120, '82) | 367;420;484;509;604;842;964;986;1019;1041 |
| | *SB 836 | Munic. Aid Prog./munic. & uninc. comm./(Ch. 119, '82) | 369;420;484;509;604;843;964;987;1020;1041 |
| | SR 21 | Munic. Aid Program/req. 100% funding | 188 |
| | SB 735 | Munic. Assistance/trans. grants/cities & bor. | 178;6;9;675;748;756;761;936;964;984 |
| | HB 421 | Property Tax Exemption/residential | 409;471 |
| | HB 170 | Revision of AS 29, Municipal Code | 153;163 |
| | SB 180 | Revision of AS 29, Municipal Code/(Vetoed) | 191;336;378;421;508;694;835;888;974;1007;1051 |
| | *HB 279 | School Construction/state aid/(Ch. 92, 1982) | 916;954;970;1037 |
| | SB 797 | State Aid to Municipalities | 249 |
| | SB 627 | State Asst. to Munic/grants to nonprofits | 3;521 |
| | SB 716 | State Rev. Sharing/aid to unincorp. communities | 131 |
| | HB 746 | State Rev. Sharing/aid to unincorp. communities | 204 |
| | SB 802 | Tax Exemptions/property under Native Claims Act | 251;523 |
| | HB 865 | Tax Exemptions/property under Native Claims Act | 306 |
| | SSHB 724 | Unincorp. Communities/extending approp. | 148;272;393 |
| | SB 473 | Urban Renewal & Dev. Projects/for municipalities | 518;574;635 |
| | SB 871 | Utility Facilities/relocation | 511;629;677;751;758 |
| Municipal Property Tax | SB 314 | Munic. Property Tax/exemptions/senior cit. | 473;571;577;697 |
| | SB 859 | Munic. Property Tax/exemption/surviving spouse | 460 |
| | SSSB 613 | Municipal Property Tax Limitation | 2;233 |
| Mask Onen | SB 624 | Big Game Drawings/eliminating permit fees | 4;378 |
| | HB 824 | Mask Onen/transfer of excess | 284 |
| MX Missiles | SSBJR 73 | MX Missiles/opposing deployment in Alaska | 49;353;377;664 |
| | SJR 62 | MX Missiles/opposing deployment in Alaska | 60;332 |
| Mapahiah | HB 739 | Approp/Spec/Mapahiah sanitation vehicle | 151 |
| National Garden Week | SJR 59 | National Garden Week/supporting | 24;375;421;434 |
| Nat'l Guard & Naval Militia | SB 625 | AK Nat'l Guard & Naval Militia/pmt. of per diem | 5 |
| | HB 760 | Approp/Spec/Nat'l Guard Army/Delta Junction | 212 |
| | HB 689 | Motor Veh. Registration/members of Nat'l Guard | 104;202;315;651 |

| <u>SUBJECT</u> | <u>NUMBER</u> | <u>SHORT TITLE</u> | <u>PAGES</u> |
|------------------------------|---------------|---|--|
| Nat'l Guard, (cont'd) | HB 767 | Retirement Systems/amendments to | 217 |
| | SB 753 | Retirement Systems/amendments to | 186 |
| National Park Service | *SJR 79 | NPS/regs. & field orders in AK parks (LR 12) | 327;527;530;548;692;828;851;910 |
| Nat'l Petroleum Trust Acct | SB 835 | Nat'l Petroleum Reserve Trust Account/(vetoed) | 369;819;822;887;991;1011;1019;1050 |
| Native Claims Settlement Act | SB 845 | Native Claims Corporations/reinstatement | 404;527 |
| | SB 853 | Native Claims Loan Program/repel of | 406 |
| | HB 885 | Tax Exemptions/properties under the Claims Act | 306 |
| | SB 802 | Tax Exemptions/properties under the Claims Act | 251;525 |
| Native Handcrafts | SB 663 | Alaska Native Handcrafts/I.D. seals | 21;195 |
| Natural Death | HB 855 | Natural Death/right to | 295 |
| Natural Gas | SCR 37 | Natural Gas/transportation to interior Alaska | 263 |
| Natural Resources Trust | HJR 61 | Nat. Resources Trust/estab./const. amendment | 224 |
| Naturopathic Healing | SB 274 | Naturopathic Healing/licensing of practitioners | 336;517 |
| Nelechina Public Use Area | SB 812 | Nelechina Public Use Area/establishing | 257 |
| Nenana | SB 837 | Approp/Spec/Nenana dock expansion | 400;526 |
| | SSRB 286 | Approp/Spec/Nenana ferry | 429;585 |
| Nenana-Totchaket | SSHB 126 | Approp/Spec/agric. development/Nenana-Totchaket | 103;384;581 |
| | HB 333 | Approp/Spec/Nenana Totchaket area | 388;586 |
| | *SSSB 702 | Approp. Transfer/Nenana-Tot. eg. proj. (Ch. 42) | 126;195;566;573;578;641;700;846;880; 901;946 |
| Neutral Pronouns | *SB 266 | Alaska Statutes/use of neutral pronouns (Ch. 58) | 600;824;847;997 |
| New Cap. Site Plan. Commis. | SR 27 | New Cap. Site Planning Commis/determinations of | 785 |
| Ninilchik | *HCR 49 | Ninilchik speed limits (LR 13, 1982) | 49;157;375;394;483;852;'' |
| Nome | SB 207 | Approp/Spec/Nome port facility | 793 |
| | SJR 12 | Deep Water Port/Nome | 799 |
| Nongame Wildlife | SB 815 | Nongame Wildlife/nonconsumptive use of game | 259 |
| Nonprofit Organizations | HB 608 | Nonprofit Organiz./grants to & contracts with | 349;461;506;548;557;735 |
| Nonresident Hunters | *SSHB 409 | Nonresident Hunters (Ch. 74, SLA 1982) | 201;388;438;468;506;613;790;829;876; 905;1025 |
| North Pacific Fisheries M.C. | *SJR 70 | N. Pac. Chinook Salmon/reg. of by NPFMC (Ch. 11) | 261;485;527;530;547;692;763;828;851 913 |
| Nuclear Disarmament | SSHJR 73 | MX Missiles/nuclear disarmament | 49;333;577;664 |
| Nuclear Weapons | SJR 85 | Nuclear Weapons/proposing a freeze on | 612;743;802;835 |
| Nursing | SSRB 11 | Midwifery/licensing of | 487;579 |
| | *SB 238 | Nursing/practice of (Ch. 14, SLA 1982) | 74;225;333;353;351 |
| Occupational Licensing | HB 662 | Occupational Licensing Fees/centralized | 43 |
| Oil & Gas | SB 744 | Approps/Spec/legal fees, oil & gas matters/ FY 83 operating budget/alternate version | 182;337;524;529;547;701;768;807;854 |
| | HB 814 | Approp/Spec/Yukon-Kuskokwim Oil & Gas Task Force | 282 |
| | SB 835 | Nat'l Petroleum Reserve Trust Account/(vetoed) | 369;819;882;887;991;1011;1019;1050 |
| | SCR 38 | Natural Gas/transportation to interior Alaska | 263 |
| | SB 836 | O&G Production Taxes/int. on delinquent | 407;676;751;756;843 |
| | SSHJR 66 | O&G Severance Tax/dedication of proceeds | 111 |
| | SCR 33 | Outer Cont. Shelf Oil & Gas Leases | 785 |
| | *HB 889 | Royalty Oil Contract/Doyon, Ltd./(Ch. 131, '82) | 577;657;713;723;731;779;817;1006; 1042 |
| | SB 880 | Royalty Oil Contract/Doyon, Ltd. | 554;677 |
| | SB 881 | Royalty Oil Contract/Tesoro Alaska Pet. Co. | 535;630;678 |
| | *HB 888 | Royalty Oil Contract/Tesoro/(Ch. 130, '82) | 577;657;713;723;731;779;816;1005; 1042 |
| | HB 818 | State Aid for Capital Projects/from O&G proceeds | 441;664 |
| Oil & Gas Conservation Com. | HB 54 | O&G Conserv. Commis./commissioners' salaries | 437 |
| Older Alaskans | SB 867 | Older Alaskans/incentive to hire | 464 |
| Old Seward Highway | HB 718 | Old Seward Highway/renaming | 147;397 |
| Olympics | SB 790 | Alaska/US Olympic Trust Fund/establishing | 246 |
| | SJR 73 | US Olympic Fund/donations to | 262 |
| Operating Cost Fund | SB 689 | Capital Projects Operating Costs Fund/creating | 91;622 |
| Optometrists | HB 111 | Optometry/practice of and drugs | 580 |
| Outer Continental Shelf | SCR 33 | OCS Oil & Gas Leases | 785 |
| Out-of-State Banks | *SB 752 | Out-of-State Banks/financial inst./savings assoc. (Ch. 75, SLA 1982) | 186;412;510;547;769;804;854;881;902; 1022 |
| | SB 756 | Out-of-State Banks/ownership of Alaska banks | 236;575 |
| Overtime Compensation | SB 886 | Overtime/authorizing certain methods of payment | 670 |
| | HB 229 | Overtime Compensation/payment of | 115;121;225;397;457 |
| Overweight Vehicles | *HB 586 | Overweight Vehicles/issuance of permits for (Ch. 77, SLA 1982) | 226;322;588;709;730;735;775;790;829; 877;905;1026 |
| Parenthood | HB 356 | Discrim. based on sale or rental of real prop. | 558 |
| Parks | *SJR 33 | Denali Park Roads/improving & extending (LR 16) | 331;377;381;335;989;1026 |
| | MJR 65 | Denali Park Roads/improving & extending | 357 |
| | SB 812 | Nelechina Public Use Area/establishing | 257 |
| | SB 731 | Shuyak Island State Park/establishing | 175;329;347 |
| | SB 794 | State Marine Park System/establishing | 247;635;740;825;835;841;907;944;990 |
| Parole | HB 223 | Parole of Offenders | 583 |
| | HB 293 | Parole of Offenders/Executive Clemency | 457 |
| | *SB 327 | Parole of Offenders/jud. comm./(vetoed) | 410;618;679;691;697;837;897;923;961; 1049 |
| Permanent Fund | SS HB24 | Approp/Spec/Perm. Fund Dividends | 644;721 |
| | HB 770 | Perm. Fund/amendments to Board & investments | 221;710 |
| | HB 743 | Perm. Fund/contingency distribution | 203;232;351 |
| | SJR 58 | Perm. Fund/contributions to/const. amendment | 23;64 |
| | SB 885 | Perm. Fund/dedication of revenue | 611;805;830 |
| | SB 830 | Perm. Fund Distribution/contingency plan | 406 |
| | HB 860 | Perm. Fund/distribution/new plan | 297 |
| | SS HB33 | Perm. Fund Dividends | 642;720 |
| | SSHB 437 | Perm. Fund Dividends/alt. plan for distribution | 533 |
| | *SB 842 | Perm. Fund Dividends/altern.(Gov)/(Ch.102,'82) | 101;681;687;692;894;944;1011;1020; 1039 |
| | HB 847 | Perm. Fund/estate application | 292;341 |
| | MJR 69 | Perm. Fund/approp. to/const. amend. | 48;546 |
| | HB 72 | Perm. Fund/increasing contrib. to/const. amend. | 49 |
| | *SSHB 684 | Perm. Fund/investment & management of (Ch. 81, SLA 1982) | 88;399;522;575;737;801;824;834;838; 892;939;1026 |
| | HB 853 | Perm. Fund/removing time limit for application | 295;344;653 |

| SUBJECT | NUMBER | SHORT TITLE | PAGES |
|----------------------------|-----------|---|--|
| Permanent Fund, (cont'd) | HB 755 | Perm. Fund/voter approval of funding | 205 |
| | SB 743 | Perm. Fund/voter approval of funding | 181 |
| Permits | SB 84 | Issuance of State Permits | 51;341;396;549 |
| | HB 428 | Litigation involving state actions/lic. & permits | 587 |
| | *HB 586 | Overweight Vehicles/issuance of permits for (Ch. 77, SLA 1982) | 226;322;588;709;730;735;775;790;829; 877;905;1026 |
| | *SSSB 111 | Sport Fishing Permits & Lic. Fees (Ch. 40) | 822;844;945 |
| Perserverance Trail | HB 750 | Approp/Spec/Perserverance Trail repair | 205 |
| | SB 738 | Approp/Spec/Perserverance Trail repair | 180;268 |
| Personnel Act | *SCR 44 | Blue Ribbon Commission on/extending (LR 17) | 369;569;684;691;763;843;989;1026 |
| | *SB 193 | State Personnel Act/amending/(Ch. 112,1982) | 616;679;691;757;934;957;979;1047 |
| Petersburg | HB 244 | Approp/Spec/Petersburg Wrangell hospitals | 314 |
| Petersville Highway | SCR 35 | Petersville Highway/upgrading of | 24 |
| Physicians | SB 183 | Financial Disclosure/exempting physicians | 517 |
| Pilot Cars | SJR 86 | Pilot Cars/operation by nonresident aliens | 786 |
| Pioneers' Homes | HB 841 | Approp/Spec/Juneau Pioneers Home | 290 |
| | SB 764 | Approp/Spec/Juneau Pioneers Home | 238 |
| | HB 691 | Approp/Spec/Kodiak pioneers' home | 105 |
| | SB 256 | Exempting from requirement/Nursing Home Admin. | 846;930;990;1012 |
| | SR 20 | Pioneers' Homes/teleconference fac. for | 22;409 |
| Plant Quarantine Station | *SB 772 | Approp/Spec/DNR/plant quar. station/(Ch. 106,'82) | 239;567;632;639;703;840;907;985; 1043 |
| Plastic Rings | HB 771 | Prohibited Beverage Containers | 222 |
| Plumbers | HB 741 | Certificates of Fitness/plumbers & electricians | 202;645 |
| Poland | SJR 75 | Poland/Martial Law in | 262;332;338;421;434;535 |
| Population | HB 660 | Population/methods of determining | 42;351 |
| Port Heiden | SB 430 | Approp/Spec/Port Heiden erosion control | 372;425 |
| Ports and Harbors | HB 715 | Approp/Spec/Akiachak dock | 146 |
| | HB 728 | Approp/Spec/Bethel boat harbor | 149 |
| | HB 631 | Approp/Spec/Dillingham dock & harbors | 30;227 |
| | HB 707 | Approp/Spec/Kodiak port facility | 111;228 |
| | SB 207 | Approp/Spec/Nome port facility | 793 |
| | HF 628 | Approp/Spec/Yakutat dock and warehouse | 28;117 |
| | SC 190 | Bond sale/Airports, ports & trans. fac. | 726;795 |
| | SJR 12 | Deep Water Port/Nome | 799 |
| Power Projects | SB #75 | Approps/power projects/making & amending | 363;419 |
| | SB #80 | Power Projects/private owned/financed by APA | 239;525;680;691;771 |
| Prayer | HJR 83 | Prayer/federal courts jurisdiction | 308 |
| Predator Management | SCR 51 | Predator Management | 73;118;469;504 |
| | HJR 76 | Predator Management | 72;118;469;505 |
| Pregnant Women | HB 497 | Children/bearing & adoption of | 497;539 |
| | HB 330 | Pregnant Women/costs of care of | 862 |
| Presumptive Sentencing | HB 658 | Presumptive Sentencing/minor changes | 40 |
| Prisoners | *SB 186 | Interstate Corrections Compact/(ch. 127, 1982) | 64;139;422;434;534;845;943;957;979; 1042 |
| | HB 225 | Parole of Offenders | 583 |
| | HB 293 | Parole of Offenders/executive clemency | 457 |
| | SB 327 | Parole of Offenders/judicial committee/(vetoed) | 410;618;679;691;697;837;897;923;961; 1049 |
| | *HB 194 | Prisoner Employment/Correct. Industries (Ch. 53) | 155;438;528;548;734;820;904;996 |
| | HB 451 | Prisoner Treatment Program | 347 |
| | SB 633 | Prisoner Work Programs | 7;373 |
| Privacy, Rights to | SB 713 | Indiv. & Const. Rights/violation by gov't | 129 |
| Private Carriers | HB 12 | Private Carriers/reg. by ATC | 861;923;952 |
| Probate | HB 884 | Personal Representative/waiving bond | 306 |
| Professional Contracts | HB 546 | State Contracts for Professional Services | 389;648 |
| Property | SB 795 | Outdoor Rec. & Historic Properties Grant Fund | 248;331;633;741 |
| | SCR 47 | Property Rights/military persons/divorced spouses | 467;569 |
| | SB 686 | Seized Property/return of by police/courts | 90;378;621;801;834 |
| Property Tax | SB 613 | Municipal Property Tax Limitation | 2;233 |
| Psychol. & Psychol. Assoc. | HB 856 | Psychol. & Psychol. Assoc. Examiners/cont. exist. | 296 |
| | SB 823 | Psychol. & Psych. Assoc. Exams./req. of (vetoed) | 361;480;530;547;604;718;830;949 |
| Public Assistance | *HB 357 | Adult Pub.Assistance/misc. am/(Ch. 138,'82) | 536;647;708;722;730;775;863;874;928; 944;960;995;1003;1022;1043 |
| | HB 176 | General Relief Assistance | 732;820 |
| | SB 870 | State Public Assistance Programs/amendments | 465 |
| Public Contracts | SB 724 | Construction Contracts/Payment of o.t.and wages | 135 |
| | SSRM 146 | Public Construction Contracts/payment proced. | 132;322;438;605;813;871;904 |
| | *HB 156 | Public Contracts/reqs. of/(Ch. 144, 1982) | 23;926;953;1021;1047 |
| Public Defender | HB 710 | Approp/Spec/Kodiak & Dillingham offices | 145 |
| Public Employees | HB 683 | Approp/Supp/Gov's Office & LAA/salaries | 70;302;607;613;661;736;921;996 |
| | SSSB 670 | Approp/Supp/Gov's Office & LAA/salaries | 38;83;414 |
| | *HB 174 | Collec.Barg./pub. emp. & teachers/(Ch. 135,'82) | 733;828;872;1002;1024;1043 |
| | SB 664 | Collective Bargaining/teachers & pub. employees | 56;620;923;937;968 |
| | HB 732 | Credit for military service/teachers retirement. | 206;322 |
| | SB 635 | Immunity of public employees | 8;373;414;483;508 |
| | SB 64 | Labor Relations/school boards | 189;683;744;755 |
| | HB 675 | Limiting Number of | 68;117;331;337;606;791 |
| | SB 357 | Public Employee Benefits/misc. am. (Fincher) | 519;635 |
| | HB 121 | Public Employees'/Teachers' Benefits/retirement | 51;83 |
| | HB 703 | Pub. Employees/Teachers' Retirement | 110;169 |
| | HB 862 | Public Employees Retirement System/dup. benefits | 398;544;655 |
| | HB 884 | Pub. Officers & Employees/pay rates | 70;302;607;613;661;736;921;996 |
| | SB 649 | Pub. Officers & Employees/pay rates | 57;416 |
| | SB 813 | Retirement & PRPA | 237;416 |
| | *SB 121 | Retirement Benefits/public employees/(Ch. 137,'82) | 472;817;880;887;888;973;1007;1013; 1043 |
| | SB 193 | Retirement Benefits/limiting adjustments | 473 |
| | HB 767 | Retirement Systems/amendments to | 217 |
| | SB 753 | Retirement Systems/amendments to | 186 |
| | SB 472 | Retirement/territorial service credit/PERS | 474 |
| | SB 861 | Rights of Employees | 461;965 |
| | *SB 193 | State Personnel Act/amending/(Ch. 112, 1982) | 618;879;691;757;934;957;979;1040 |

| <u>SUBJECT</u> | <u>NUMBER</u> | <u>SHORT TITLE</u> | <u>PAGES</u> |
|----------------------------|---------------|--|---|
| Public Employees, (cont'd) | SB 827 | State Retirement Systems/misc. amendments | 364;485;627 |
| | SSHB 639 | Supplemental Employee Benefits/amendments | 34;629;542;649 |
| Public Land | HB 667 | State Control of land conveyed by fed. gov't | 45 |
| Public Meetings | HB 703 | Communications Media/use in public meetings | 109;652 |
| Public Records | HB 720 | Public Records/access to | 147 |
| Public Safety | SB 895 | Approps/Supp/Dept. of Public Safety/sal. & ben. | 728;960;988;1011 |
| | SB 892 | Bond sale/Pub. Safety Facilities | 727;796 |
| Public School Fund | SJR 1 | Public School Fund/const. amendment regarding | 337 |
| | SB 710 | State Trust Funds/admin. of | 128;374;674 |
| | HB 151 | State Trust Funds/Public Sch. & Ment. Health Funds | 707 |
| Public Utilities | HB 163 | Public Utility Revolving Loan Fund | 581;781 |
| Pull-Tabs & Punchboards | SB 632 | Pull-Tabs & Punchboards/permits for | 6;270;330 |
| | HB 623 | Pull-Tabs & Punchboards/permits for | 26 |
| | *HB 640 | Pull-Tabs & Punchboards/permits for (Randolph) (Ch. 27, SLA 1982) | 34;80;227;265;321;409;484;517;570; 606;808;854;855 |
| Quality Control | SB 103 | Approp/salmon quality control/fish product loans | 318;719;764;830;852;880;897;945 |
| | SCR 43 | Salmon Quality Control & Mktg/Joint Committee | 327;334;340;353;397 |
| | SB 872 | Seafood Industry/quality assurance | 511;801;827;835;850;931;997 |
| Railroads | HB 12 | AK Railroad Commis./(SCS: ATC/private carriers) | 861;925;952 |
| | HJR 71 | Alaska Railroad/right-of-way/Susitna dam project | 310 |
| | SJR 76 | Alaska Railroad/right-of-way/Susitna dam project | 262;332;421;434;435;965;989 |
| | HJR 90 | Alaska Railroad/rights-of-way | 310;447;528;549 |
| | SJR 77 | Alaska Railroad/rights-of-way | 262;410;485;532;574;578 |
| | SJR 69 | Alaska Railroad/transfer to state | 187;332;421;434 |
| | SJR 67 | Alaska Railroad Employees/exemptions | 187;334;340;435 |
| | *SB 212 | Alaska RR Authority/establishing/(Ch. 128, '82) | 753;822;834;889;967;1008;1042 |
| | SCR 32 | AK Railroad Personnel Advisory Committee/estab. | 729;752;756;856 |
| | SB 758 | Approp/Spec/railroad study Seward Peninsula | 236;794 |
| | *SB 849 | Train Crews/minimum/AK RR Authority/(Ch. 116, '82) | 405;568;634;639;772;807;854;1021; 1041 |
| Reagan, Ronald | SJR 34 | Reagan's Economic Recovery Program/supporting | 488 |
| Real Estate Commission | HB 704 | Real Estate Commis/continuing existence | 110;444;449;508;710 |
| | *SB 816 | Real Estate Commis/cont. existence/(Ch. 96, '82) | 325;681;692;761;841;903;924;1038 |
| Real Property | HB 356 | Discrim. based on parenthood/sale or rental | 558 |
| Reapportionment | SB 725 | Borough Assemblies/reapportionment | 137 |
| Recording | SB 78 | Recording/Recordable Documents | 574 |
| Records | SB 399 | Adoption Records/access to | 62;101;601 |
| | HB 688 | CFAB loan records/access to | 104 |
| | *HB 668 | Commercial Fishing Records/access to (Ch. 72) | 46;315;356;469;506;790;878;906;1025 |
| | HB 720 | Public Records/access to | 147 |
| | SB 78 | Recording/Recordable Documents | 574 |
| | HB 798 | Records & Information/disclosure/vital stats. | 278;395 |
| | HB 687 | State Loan Records/access to | 104;391 |
| Recreation Areas | HB 750 | Willow Creek State Rec. Area/estab. | 205 |
| Referendum | HB 733 | Initiative, Referendum & Recall | 206 |
| Refiners | HB 332 | Aviation Fuel Refiners/liability | 314;639;670;716 |
| Refugees | HJR 87 | Kirghis Refugees/resettlement in Alaska | 309 |
| REAA's | SB 844 | Mc. Edgewood REAA/creation | 403 |
| | *HCR 23 | REAA Budget Oversight Committee/(L.R.13) | 613;910;956;971;1047 |
| | SB 847 | REAA's/operating budget review | 403 |
| | SB 95 | REAA's/school board members/election by section | 371;370;630;638;693;764;803;822;833; 947 |
| | SSSB320 | REAA's/Staff Development Program | 371;819;830;860;887;891;990;1024 |
| Regional Resource Centers | SB 603 | Regional Resource Centers/not instrum. of state | 160;483;529;544;641 |
| Regulation Review | HB 839 | Regulation Review/legislative | 297 |
| Regulations | *SSSB 5 | Administrative Regulations (Ch. 1, 1982) | 93;84 |
| | HB 339 | Administrative Regs/judicial review/(vetoed) | 116;346;466;505;674;908;1003;1021; 1031 |
| | SB 609 | AMFC/procedure for adoption of regulations | 1 |
| | SB 646 | Architectural Barrier Regulations | 403;373;378 |
| | SB 642 | Expiration of Regulations | 9;270 |
| | HJR 77 | Legislative Annulment of Regs/const. amendment | 111;489;663;671;879;909;970 |
| | SB 101 | Teachers' Ret. Board/promul. of regs. | 606;691 |
| Reindeer | HB 880 | Approp/Spec/reindeer study/U of A | 304 |
| Reports | HB 792 | Executive Reports & Publications | 275;393;508;343 |
| Resident Loan Program | HB 641 | Resident Loan Program/establishing | 34 |
| Restaurants | SB 771 | Restaurants/excluding from bonding reqs. | 239;424;509;535;714;808 |
| Retail Fish Vendors | HB 744 | Retail fish vendors/bond | 203 |
| Retirement | SB 337 | Public Employee Benefits/misc. ans. (Fischer) | 519;635 |
| | HB 121 | Pub. Employees'/Teachers' Benefits/retirement | 51;83 |
| | HB 705 | Pub. Employees'/Teachers' Retirement | 110;169 |
| | SB 195 | PERS/Teachers' Retirement/limiting adjustments | 475 |
| | *SB 121 | Public Employees Retirement/(Ch. 137, 1982) | 472;817;880;887;888;973;1007;1013; 1043 |
| | HB 662 | Pub. Employees Retirement System/duplicate bene. | 298;344;653 |
| | SB 472 | Pub. Employees Retirement/territ. service credit | 474 |
| | SB 813 | Retirement & PRPA/public employees | 257;416 |
| | HB 767 | Retirement Systems/amendments to | 217 |
| | SB 755 | Retirement Systems/amendments to | 186 |
| | SB 827 | State Retirement Systems/misc. amendments | 364;485;627 |
| | SB 101 | Teachers' Ret. Board/promul. of regs. | 606;693 |
| | HB 752 | Teachers' Retirement/credit for military svc. | 206;322 |
| | SB 661 | Teachers' Retirement/credited svc. for mil. svc. | 21 |
| | HB 761 | Teachers' Retirement/rural service | 212 |
| | HB 698 | Teachers' Retirement System/amendments | 107 |
| Revenue Sharing | HE 746 | Aid to unincorporated communities | 204 |
| | SB 672 | Approp/Spec/misc. municipal purposes | 85;195 |
| | SB 887 | Approp/Spec/revenue sharing | 725;736;896;931;932;941;939;96- |
| | SSHB 724 | Municipal Aid Program/ascending appropriation | 148;272;393 |
| | SSHB 723 | Munic. Aid Program/extending time limit | 148;272;392 |
| | *SB 830 | Munic. Aid Prog./ext.time limit/(Ch. 120, '82) | 367;420;444;509;604;642;964;966;1019; 1041 |
| | *SB 856 | Mun. Aid Prog./munic's & uninc.com./ (Ch. 119, '82) | 369;420;484;509;604;643;964;967;1020; |

| <u>SUBJECT</u> | <u>NUMBER</u> | <u>SHORT TITLE</u> | <u>PAGES</u> |
|---------------------------|---------------|--|--|
| Revenue Sharing, (cont'd) | | | 1041 |
| | SB 612 | Munic. Assist. Fund/inc. in tax contrib. to | 2;194;573;578;761;892;939 |
| | SSSB 613 | Munic. Property Tax Limitation | 2;233 |
| | *HB 279 | School Construction/state aid/(Ch. 92, 1982) | 916;954;970;1037 |
| | HB 618 | State Aid for Cap. Projects/from O&G proceeds | 441;664 |
| | SB 797 | State Aid to Municipalities | 249 |
| | SB 627 | State Assist. to Munic/grants to nonprofits | 5;521 |
| Right to Life | SB 716 | State Rev. Sharing/aid for unincorp. communities | 131 |
| Roads and Trails | HJR 84 | Right to Life/const. amendment, State | 308 |
| Royalty Oil | HB 629 | Approp/Spec/Sitka roads | 28 |
| | SB 880 | Royalty Oil Contract/Doyon, Ltd. | 554;677 |
| | *HB 889 | Royalty Oil Contract/Doyon, Ltd./(Ch. 131, '82) | 577;657;713;723;731;779;817;1006; 1042 |
| | *HB 888 | Royalty Oil Contract/Tesoro/(Ch. 130, '82) | 577;657;713;723;731;779;816;1005; 1042 |
| | SB 881 | Royalty Oil Contract/Tesoro Alaska Pet. Co. | 555;630;678 |
| Rural Elec. Loan Fund | SB 614 | Approp/Spec/Rural Elec. Loan Fund | 2 |
| | SB 628 | Rural Elec. Loans/increasing interest rates on | 5 |
| Rural Health Facilities | HB 844 | Rural Health Facilities/maintenance fund | 291;597;655;723;731;778;815;879;942 |
| | SB 782 | Rural Health Facilities/maintenance fund | 244 |
| Russia | HJR 82 | Siberian Pentecostals/plight of | 224;546 |
| Rustproofing | HB 795 | Motor Vehicle Rustproofing | 276 |
| Safety Advisory Council | *HB 835 | Safety Advisory Council/(Ch. 90, 1982) | 288;455;597;731;778;815;884;922;971; 1037 |
| Salaries | SSSB 670 | Approps/Supp/Gov's Office & LAA/salaries | 58;83;414 |
| | *HB 685 | Approps/Supp/Gov's Office & LAA/salaries (ch. 31) | 70;502;607;613;661;736;921;996 |
| | SB 669 | Public Officers/Employees/pay raise | 57;414 |
| | *HB 684 | Public Officers/Employees/pay raise (ch. 50) | 70;502;607;613;661;736;921;996 |
| Salmon | *SB 103 | Approp/salm. qual. cont./Fish Prod.Loans (Ch. 34) | 318;719;764;830;852;880;897;945 |
| | *SCR 48 | Foreign Processing of AK Salmon (LR 14) | 467;882;937;989;1026 |
| | *SCR 43 | Salmon Qual. Control & Mktg./Jt. Comm. (LR 4) | 327;334;340;353;397 |
| | HB 400 | Salmon Seine Vessels/repealing max. length | 496;550;557;606 |
| | *SR 29 | U.K. Embargo on Alaska Salmon/(S.R. 7, 1982) | 999;1011;1047 |
| Savings Associations | *SB 752 | Financial Institutions/Savings Assoc./outside banks (Ch. 75, SLA 1982) | 186;415;530;547;769;804;854;881;902; 1025 |
| Scholarship Grants | HB 877 | Scholarship Grant Program | 304 |
| School Boards | SB 64 | Labor Relations/school boards | 189;685;744;755 |
| | *SB 95 | School Board Members/elac. by section (Ch. 43) | 371;360;630;638;693;764;803;822;852; 947 |
| Schools | SB 808 | Approp/Spec/BIA schools/upgrading | 253 |
| | SB 722 | Approp/Spec/computer network study/DCU | 134;623 |
| | SB 721 | Approp/Spec/computers for schools | 134;623 |
| | HB 682 | Approps/Spec/Fairbanks schools | 69 |
| | HB 765 | Approp/Spec/Ketchikan elem. school | 214 |
| | HB 828 | Approp/Spec/Lower Kalsag School | 285 |
| | HB 812 | Approp/Spec/Mt. Edgcombe High | 282;344;596;662;670;792 |
| | HB 626 | Approp/Spec/Sitka school gym renovation | 27 |
| | HB 625 | Approp/Spec/Sitka Schools | 27 |
| | SCR 55 | Blue Ribbon Commis. Mt. Edgcombe High School | 786;798 |
| | SB 365 | Bond Issue/U of A & School Districts | 781;892;930;932;938;958;980 |
| | SB 893 | Bond Issue/U of A & School Districts | 727;796 |
| | SB 838 | Community Care Facilities/licensing | 459;742 |
| | *SB 719 | Computer Network Study/state schools/(Ch. 103, '82) | 134;622;825;834;893;959;984;1039 |
| | SB 720 | Computers for schools/state assistance | 134;623 |
| | HB 412 | Dental Disease Prevention Programs | 587;647 |
| | HB 891 | Education Facilities/g.o. bonds for | 833 |
| | SB 763 | Emergency School Maintenance Fund | 237 |
| | SB 897 | General Grant Land/income used for schools | 837 |
| | HB 711 | Kodiak Schools/instructional allotment | 146 |
| | SB 844 | Mt. Edgcombe REAA/creation | 403 |
| | SB 649 | Public Education/payment for | 14;63;620;685;746;755;935;967 |
| | HB 887 | Public School Curricula | 307 |
| | SB 847 | REAA's/operating budget review | 405 |
| | SB 848 | School Construction/preventative maintenance | 405 |
| | *HB 279 | School Construction/state aid/(Ch. 92, '82) | 916;954;970;1037 |
| | SSSB 320 | Staff Development Program/REAA's & School Dist. | 371;819;830;880;887;891;990;1024 |
| | HB 321 | Student Meals/state aid for | 386 |
| | HJR 86 | Tax Exempt Schools/urging Cong. pass. H.R. 5315 | 309;764 |
| | SB 119 | Teacher Housing/rural areas | 61;101;152;1640 |
| | HB 893 | U of A & Postsecond. Educ. Facilities/bonds for | 833 |
| | SB 673 | Vision/Hearing Screening/schools | 86;737 |
| | SB 770 | Yakutat City School Dist/increasing allotment | 239 |
| Seafood Marketing | *HB 453 | Approp/Spec/AK Seafood Mkt. Inst. (Ch. 31) | 607;634;673;708;905;910 |
| Seafood Processors | SB 872 | Seafood Industry/quality assurance | 511;801;827;835;850;931;997 |
| Search & Seizure | HB 231 | Fish & Game Violations/seizure of property | 116 |
| | SB 713 | Indiv. & Const. Rights/Relation by gov't | 129 |
| Search Warrants | SB 687 | Search Warrants/issuance by phone testimony | 91;140;197;224;396;700;892 |
| "Seavued Rebellion" | HJR 78 | Foreign fishing within 200-mile limit | 152;490;551;557;605 |
| Securities | SB 807 | Alaska Securities Act/amending | 252 |
| Seine Vessels | HB 400 | Salmon Seine Vessels/repealing max. length | 496;550;557;606 |
| Senate Spec. Committee | SR 25 | Alaska Fisheries/Senate Special Committee | 612;798;925;998 |
| Senior Citizens | HB 731 | Approp/Barrow Sr. Citizens Home | 206;342;710 |
| | HB 692 | Approp/Spec/Kodiak senior cit. center | 105 |
| | HB 725 | Longevity Bonus/absence from state | 149;352 |
| | SB 818 | Longevity Bonus/increasing | 326 |
| | HB 191 | Longevity Bonus/30-year domicile | 583 |
| | SB 314 | Munic. Prop. Tax Exemptions for sr. citizens | 473;571;577;697 |
| | SB 867 | Older Alaskans/incentive to hire | 464 |

| SUBJECT | NUMBER | SHORT TITLE | PAGES | |
|--|---|--|--|-------------------|
| Sr. Citizens, (cont'd) | SB 773 | Protection of the Elderly | 239;485 | |
| | HB 854 | Protection of the Elderly | 295;712 | |
| | SB 799 | SAVE Program/ASCET Program/establishing | 250;741 | |
| | SB 621 | Tax Credits/for employment of the elderly | 4;619;884;923;937 | |
| | SSHJR 66 | O&G Prod. Severance Tax/dedication of proceeds | 111 | |
| | *HB 136 | Approp/Iditarod/Seward Park (Ch. 8, 1982) | 82;161 | |
| | HB 718 | Old Seward Highway/renaming | 147 | |
| | *SR 28 | Council on Domestic Violence & Sexual Assault (SR 5, 1982) | 951;1011;1026 | |
| | | SB 726 | Sexual Assault/assistance to victims | 173 |
| | | HB 473 | Sexual Assault/adjusting criminal penalties | 78;99;119;865;955 |
| Severance Tax Seward Seward Highway Sexual Assault | SB 714 | Sexual Assault/civil of | 129;415 | |
| | SB 715 | Sexual Assault/mandatory sentencing | 130 | |
| | *SB 547 | Sexual Assault/minor/exclus. of pub. (ch. 67) | 141;157;698;847;923;938;998 | |
| | SB 485 | Sexual Assault/minors/videotaped testimony | 141;157;396 | |
| | SJR 83 | Ukrainian Journalist/leave from prison | 468;574;578;764 | |
| | HCR 48 | Shuttle Ferry Service/improving | 49;118 | |
| | SB 731 | Shuyak Island State Park/establishing | 175;529;547 | |
| | HJR 82 | Siberian Penecostals/attempts to emigrate to U.S. | 224;546 | |
| | HB 868 | Silver Anniversary Commission/lapsing approp. | 300;356;393;446 | |
| | HB 629 | Approp/Spec/Sitka roads | 28 | |
| HB 626 | Approp/Spec/Sitka school gym renovation | 27 | | |
| HB 625 | Approp/Spec/Sitka schools | 27 | | |
| Small Business Administration | SJR 38 | Small Business Administration (Funding of) | 615;683;691 | |
| Small Business Week | SCR 46 | Small Business Week/proclaiming | 466;574;578;692 | |
| Small Loans | *HB 524 | Small Loans/interest/late payment fee/(Ch.99,'82) | 614;821;883;909;920;944;971;1038 | |
| Smoking in Public Places | SB 626 | Prohib. smoking in room where jury is meeting | 5;102 | |
| | HB 665 | Smoking in Public Places/prohibiting | 45;592 | |
| Social Workers | HB 850 | Clinical Social Workers/licensing | 293 | |
| | SB 792 | Clinical Social Workers/licensing | 247 | |
| Solid Waste | HB 894 | Water & Sewer/Solid Waste/Safe Water Fac. bonds | 834 | |
| | SB 42 | Water, Sewer & Solid Waste Bonds | 780;887;930;932;937;956;971 | |
| | HB 304 | Water, Sewer & Solid Waste Facilities/grants for | 536;659;670;829 | |
| | SB 252 | Water, Sewer & Solid Waste Facs./grants/(vetoed) | 793;824;834;891;957;979;1048 | |
| Special Sessions | *HB 184 | Special Session/outside Juneau/(Ch. 100,'82) | 115;438;550;557;606;789;829;934;1038 | |
| | SB 821 | Spec. Sessions/called by the Governor | 326 | |
| Speed Limits | *HCR 49 | Mainichik & other speed limits/reducing (LR 13) | 49;157;375;394;483;852;910 | |
| Spending Limit | SSSJR 61 | Spending Limit/Cap. Investment Fund/const. amend. | 60;96;142;483;527;575;827;908 | |
| | SJR 65 | Spending Limit/expenditures exceeding | 98;270 | |
| | HJR 79 | Spending Limit/expenditures exceeding | 112 | |
| | SB 814 | Spending Limit/implementation of | 258 | |
| | SJR 63 | Spending Limit/repealing | 60;932;952 | |
| | HB 755 | Spending Limit/voter approval of funding | 206 | |
| | SB 743 | Spending Limit/voter approval of funding | 181 | |
| Sport Fishing Licenses | *SB 145 | Disab.Vots/free hunt.& sp.fish lic./(Ch.21,'82) | 114;504;630;783 | |
| | *SSSB 111 | Sport Fishing Permit & Lic. Fees (Ch. 40) | 822;846;945 | |
| | HB 800 | Sports Licenses/licensing hunting & trapping | 379;543;712 | |
| Square Dance | HB 776 | Square Dance/State Dance | 272 | |
| Staff Loan Program | SB 777 | Staff Loan Program/Legislative professional | 241;485;567;803;830 | |
| State Auditor | SJR 36 | Elected State Auditor/const. amendment | 22 | |
| | SB 645 | Elected State Auditor/provisions for | 10 | |
| State Employees | HB 748 | Approp/Spec/Reserve Acct. for leave | 205 | |
| | SB 861 | Rights of Employees | 461;965 | |
| | HB 747 | State Employees/reserve acct. for leave | 204 | |
| | HB 697 | Temporary State Employees/hiring of locals | 107;228;302;351;718;731;821;884;909;942 | |
| State Geographic Board | *SB 727 | State Geog. Bd/Native place names/(Ch. 140,'82) | 179;423;434;761;885;901;907;968;1017;1044 | |
| State Loan Programs | *SB 666 | State Loan Programs/ans. to/(Ch. 113, 1982) | 53;140;270;334;340;489;535;602;605;635;658;884;906;931;943;962;983;1008;1040 | |
| State Medical Board | SB 237 | Medicine/prof. licensing & practice of | 353 | |
| State Services | SB 866 | Approp/Spec/study of contracting for state svcs. | 464;569;867 | |
| | SCR 30 | Delivery of services to state residents | 468;570;734;802;835 | |
| | SR 23 | State Services/study of contracting for | 466;570 | |
| Statutes | *HB 591 | Alaska Statutes/corrective amendments (ch. 59) | 649;664;722;730;775;814;877;997 | |
| | *SB 266 | Alaska Statutes/neutral pronouns in (ch. 58) | 600;824;847;997 | |
| Status of Men | HB 809 | Approp/Spec/Commission on the Status of Men | 281 | |
| | HB 808 | Commission on the Status of Men | 281 | |
| Stores/Fish Markets | *SB 771 | Restaurants/Stores/Fish Mts/bonds (ch. 23) | 239;424;509;535;714;808 | |
| Strikes | SB 653 | Mil. Affairs' Emerg. Svcs. Employees/no strikes | 17;363 | |
| Student Loans | HB 646 | Approp/Spec/Student Loan Fund | 35 | |
| | SB 718 | Approp/Spec/Student Loan Fund | 133 | |
| | *SB 629 | Approp/Supp/Student Loan Fund (Ch. 6, SLA 1982) | 6;25;50;82;122 | |
| | HB 803 | Deferred Payment/armed forces | 279 | |
| | SSMB 709 | Eligibility requirements/amending | 145;339;391;551;593;662;723 | |
| | HB 874 | Student and Housing Loans | 302 | |
| | HB 492 | Student Loan Program/amendments | 497 | |
| Student Meals | HB 321 | Student Meals/state aid for | 586 | |
| Students | SB 437 | Teacher/Student Confidentiality | 673 | |
| Sumner | *SB 874 | Board of Electrical Examiners/cont. ex. (ch.60) | 515;683;692;705;781;851;907;940;997 | |
| | SB 737 | Board of Welding Examiners/cont. existence | 236;415;484;509 | |
| | *SB 864 | Code Revision Commission/cont. existence (ch.65) | 463;628;795;801;833;843;903;940;997 | |
| | HB 857 | Dental Examiners/continuing | 296 | |
| | HB 223 | Parole of Offenders/Parole Board | 583 | |
| | *SB 816 | Real Estate Commission/cont. exist./(Ch. 96,'82) | 127;681;692;761;841;903;924;1038 | |
| | HB 704 | Real Estate Commission/continuing existence | 110;444;449;508;710 | |
| | HB 858 | Psychologist & Psych. Associate Examiners | 296 | |
| | SSSB 630 | Sumner Laws/amendments to | 6;35;330;479;574;631;638;761;838;990 | |
| Superior Court | *SSSB 590 | Superior Court Judges/increasing number (Ch. 70, SLA 1982) | 156;201;323;457;589;716;730;753;814;877;906;1025 | |
| | SB 289 | Superior Court Judges/increasing number | 139 | |

| SUBJECT | NUMBER | SHORT TITLE | PAGES |
|----------------------------|-------------|---|--|
| Supp. Employee Benefits | SSHB 639 | Supp. Employee Benefits/public employees | 34;429;542;649 |
| Supp. Housing Dev. Grants | HB 702 | Approp/Spec/Supp. Housing Dev. Grant Fund/C&RA | 109;723;764 |
| Supreme Court | SB 693 | Sup. Court/authority over court facilities | 93;268;631;691;839;893;936;964;984 |
| Surety Insurers | SB 869 | Surety Insurers/records of | 465;569 |
| Surface Coal Mining | SSHB 762 | Surface Coal Mining | 212;429 |
| | *SB 843 | Surface Coal Mining (Ch. 29, SLA 1982) | 403;567;683;692;772;910 |
| Susitna Hydro Project | SSSB 608 | Approp/Spec/Susitna hydroelectric project | 1;85;477 |
| | SJR 76 | AK Railroad/right-of-way Susitna dam | 26;332;421;434;435;965;989 |
| | HJM 91 | AK Railroad/right-of-way Susitna dam proj. | 310 |
| | 5thSSHB 851 | Susitna Hydro Project/bond sale | 293;339;381;488;638;755 |
| | SB 896 | Susitna Hydro Project/prelim. Legis. approval | 811;868 |
| | SB 826 | Susitna Hydro Project/preliminary work | 364;420;573;578 |
| Tax Credits | HB 137 | Income Tax Credits/repairs of | 75;152;375;394 |
| | SB 621 | Tax Credits/for employment of the elderly | 4;619;884;923;937 |
| | SB 690 | Tax Credits/property taxes & rentals | 92 |
| Taxes | SB 884 | Aviation Fuel/imposing surtax on | 556 |
| | SB 879 | Business Lic. Tax/exempt. sale of cap. assets | 554 |
| | SB 641 | Corporate Tax Exemption/establishing | 9 |
| | HB 866 | Investment Tax Credit/natural resources | 299;598;656;779;787;918 |
| | HB 838 | Liquor Tax/increasing | 289;544;597;781 |
| | HB 37 | Motor Fuel Tax/levy of | 436;645 |
| | HB 421 | Munic. Prop. Tax Exemption/residential | 409;471 |
| | SB 314 | Munic. Prop. Tax Exemption/citizens | 473;571;577;697 |
| | SB 659 | Munic. Prop. Tax Exemption/surviving spouse | 460 |
| | SSSB 613 | Munic. Prop. Tax Limit/rav. sharing recipients | 2;333 |
| | SB 802 | Munic. Tax Exem. -/property und. Native Claims Act | 251;525 |
| | HB 885 | Munic. Tax Exempt/property und. Native Claims Act | 306 |
| | SSBJR 66 | O&G Prod. Severance Tax/dedication of proceeds | 111 |
| | SB 856 | O&G Prod. Tax/interest on delinquent | 407;676;751;756;843 |
| | *HB 187 | Penalty on Tax (Ch. 39) | 332;457;852;945 |
| | *HB 101 | State Taxes/misc. amendments (motor/aviation fuel taxes) (Ch. 92, 1982) | 115;706;730;733;774;787;820;871;904;1026 |
| | HB 93 | State Taxes/technical amendments | 705;781 |
| Teachers | SB 668 | Collective Bargaining/teachers & pub. emp. | 56;620;923;937;968 |
| | HB 174 | Collective Bargaining/teachers & pub. emp. | 733;828;872;1002;1024 |
| | SSSB 320 | Staff Development Program/REAA & School Dist. | 371;819;830;880;887;891;990;1024 |
| | SB 119 | Teacher Housing/rural areas | 61;101;152;640 |
| | SB 805 | Teacher Tenure | 251 |
| Teachers' Retirement | HB 752 | Credit for Military Service | 206;322 |
| | SB 661 | Credited service for military service | 21 |
| | HB 761 | Early Retirement/rural service | 212 |
| | SB 195 | Limiting adjustment/PERS & Teachers Retirement | 473 |
| | HB 121 | Pub. Employees/Teachers Benefits & Retirement | 51;83 |
| | HB 705 | Pub. Employees/Teachers Retirement | 110;169 |
| | HB 767 | Retirement Systems/amendments | 217 |
| | SB 753 | Retirement Systems/amendments | 186 |
| | SB 101 | Teachers' Ret. Board/promul. of regs. | 606;633 |
| | HB 698 | Teachers' Retirement System/amendments | 107 |
| | SB 437 | Teacher/Student Confidentiality | 673 |
| Telecommunications | SCR 37 | Computers and Telecommunications Systems/laws | 188;375;634;639;719 |
| | SR 20 | Pioneers' Homes/teleconference fac. for | 22;409 |
| | MCR 56 | Policy of Legislature regarding approp. for | 114;318;489 |
| | HB 831 | State policy on Telecommunications | 285 |
| Telephone Cooperatives | HB 670 | Elec. & Phone Co-ops/meetings open to members | 46;650 |
| | *HB 678 | Elec. & Phone Co-ops/membership (Ch. 66) | 68;501;660;670;878;906;997 |
| | SB 701 | Elec. & Phone Co-ops/membership | 126 |
| | *HB 849 | Elec. & Phone Co-ops/voting of members/(Ch. 136, '82) | 293;504;662;671;816;866;928;935;991023;1043 |
| | SB 539 | Telephone Co-ops/definition of "telephone svc." | 619;683;743;755 |
| Temperate Activities Loans | SB 642 | Approp/Spec/Temp. Activities Loan Fund | 87 |
| | SB 832 | Temperate Activities Loan Fund/abolishing | 406 |
| | SB 681 | Temp. Activities Loan Fund/increasing amount | 87 |
| Temporary Employees | HB 697 | Temp. State Employees/hiring of/local hire | 107;228;502;551;718;731;821;884;909;922;942 |
| Tenure | SB 805 | Teacher Tenure | 251 |
| Tesoro Alaska Petroleum | SB 881 | Royalty Oil Contract/Tesoro Alaska Pet. Co. | 555;630;678 |
| | *HB 888 | Royalty Oil Contract/Tesoro/(Ch. 130, '82) | 577;657;713;723;731;779;816;1005;1042 |
| Testamentary Transfers | *HB 848 | Repealing marital deductions/(Ch. 126, 1982) | 292;598;608;718;731;866;953;1042 |
| Timber Sales | *HB 811 | Land Disposal/pref. to occup/timber land (Ch. 47) | 282;543;731;778;792;822;852;949 |
| | SCR 49 | USFS Timber Sale/Windham Bay | 467 |
| Title Insurance | *SB 798 | Title Insurance Rating Organizations (Ch. 73) | 250;484;486;509;850;924;1025 |
| | HB 846 | Title Insurance Rating Organizations | 291 |
| Toksook | HB 712 | Approp/Spec/Toksook airport relocation | 148 |
| Toxic Substances | HB 806 | Hazardous or Toxic Substances/info. on use of | 280;595 |
| Trade Practices | SSHB 676 | Atty. General/power to investigate unfair pract. | 67;145;650 |
| Train Crews | *SB 849 | Train Crews/minimum/AR RR Auth./(Ch. 116, '82) | 405;508;634;639;772;807;854;1021;1041 |
| Transportation | HB 651 | AK Marine Hwy. Auth/establishing (Transp. Comm.) | 37;390;591;730;776;815;928 |
| | HB 661 | AK Marine Hwy. Auth/establishing (Gruesendorf) | 43 |
| | HB 52 | AK Transp. Comm. ion/misc. amendments | 112 |
| | HB 29 | Approp/Supp/Dept. of Transp. & Public Facilities | 538;630;666;684;722;799;852;855 |
| | SB 793 | Approp/Whittier area improvements/DOT&PP | 247 |
| | HB 654 | Board of Transportation/establishing | 38;391;592;731;777;815 |
| | SB 890 | Bond Issue/Airports, ports & trans. facilities | 726;795 |
| | SB 205 | Bond Issue/Transportation projects | 780;889;930;932;938;1007;1023 |
| | HB 648 | Fact. of Transp. & Public Fac/changes in respons. | 34;442;591 |
| | HB 633 | Dept. of Trans. & Public Fac/fiscal year change | 38;350 |
| | HB 649 | Dept. of Transp./regional directors | 36;444;591;730;776;928;952 |
| | HB 652 | Municipal Highway Maintenance | 37;390;592 |
| | *HB 586 | Overweight Vehicles/issuance of permits (Ch. 77, SLA 1982) | 226;323;588;709;730;735;775;790;829;877;903;1026 |
| | HB 12 | Private Carriers/reg. of by ATC | 861;923;952 |

| <u>SUBJECT</u> | <u>NUMBER</u> | <u>SHORT TITLE</u> | <u>PAGES</u> | |
|--|---------------------------------|--|--|--|
| Transportation, (cont'd) | RCR 48 | Shuttle Ferry Service/Improving | 49;118 | |
| | HB 799 | Transp. Improvements/bond issue | 278 | |
| | HB 892 | Transportation Projects/g.o. bonds for | 833 | |
| Trapping | *SB 37 | Transportation Safety (Ch. 3, 1982) | 53;84 | |
| | HB 800 | Sports Licenses/licensing hunting & trapping | 279;543;712 | |
| | *SB 759 | Trapping Cabins/size of (Ch. 41) | 236;424;434;702;825;849;946 | |
| Trolling | SCR 40 | Board of Fish/Trolling restrictions | 264 | |
| Trust Funds | SCR 31 | S.E. Alaska Troll Fishery | 382 | |
| | HB 642 | Alaska Natural Resource Trust/establishing | 34;508;590;722 | |
| | SB 790 | AK/US Olympic Trust Fund/establishing | 246 | |
| | SB 711 | Approp/Spec/Mental Health Fund | 129;374 | |
| | HJR 81 | Natural Resources Trust/estab./const. amendment | 224 | |
| | SB 710 | State Trust Funds/administration of | 128;374;674 | |
| | HB 151 | State Trust Funds/(Mental Health & Public School | 707 | |
| Tuluksak Ukrainian Journalist Unemployment Insurance | SJR 77 | U.S. Olympic Fund/donations to | 262 | |
| | HB 817 | Approp/Spec/Tuluksak fire equipment | 283 | |
| | SJR 63 | Ukrainian Journalist/release from prison | 468;574;578;764 | |
| | *HB 726 | AK Employment Security Act/exemptions/(Ch.91, '82) | 149;445;557;606;866;922;971;1037 | |
| | HB 863 | AK Employment Security Act/exemptions | 298 | |
| | HB 863 | AK Employment Security Act/operation of | 298 | |
| | HM 757 | Unemployment Insurance/miscellaneous amendments | 208;653;710 | |
| | *SB 552 | Unemployment Insurance/misc.ams./(Ch.115, '82) | 477;529;546;641;758;884;898;943;958; 982;1041 | |
| | Uniform Comparative Fault Act | SB 899 | Uniform Comparative Fault Act | 913 |
| | Uniform Rules | RCR 46 | Misc. Amendments | 315 |
| SCR 39 | | Presiding Officer/removal/amending Rules | 264 | |
| RCR 13 | | Standing Committees/amendment/Unif. Rules | 121 | |
| *HCR 58 | | Uniform Rules/suspending SB/190 (LR 6) | 265;311;320;335;421;551 | |
| Unincorporated Communities | | SB 716 | State Revenue Sharing/aid for unincorp. commun. | 131 |
| | | HB 746 | State Revenue Sharing/aid for unincorp. commun. | 204 |
| | | SSHB 724 | Unincorporated Communities/extending approps. | 148;272;393 |
| | | *SR 29 | U.K Embargo of Alaska Salmon/(S.R. 7, 1982) | 999;1011;1017 |
| United Kingdom U. S. Forest Service University of Alaska | | SCR 49 | USFS Timber Sale/Windham Bay | 467 |
| | | SB 778 | Agric. Experiment Stations/transfer to DNR | 240 |
| | HB 865 | Approp/Spec/Arctic Research Lab | 299;358 | |
| United Kingdom U. S. Forest Service University of Alaska | SB 657 | Approp/Spec/UAA campus expansion | 20;416 | |
| | SB 489 | Approp/Spec/U of A general endowment/phys. sci. | 193;372;378 | |
| | SB 622 | Approp/Spec/UAA student residential complex | 4 | |
| | HB 671 | Approp/Spec/UAA student residential complex | 65 | |
| | SB 618 | Approp/Spec/U of A Arts & Sciences Fac. | 3 | |
| | SB 817 | Approp/Spec/U of A capital projects | 3;373 | |
| | SB 695 | Approp/Spec/U of A engineering facility | 95;374 | |
| | HB 813 | Approp/Spec/U of A/Kuukokwin C.C. dorm | 282 | |
| | SB 619 | Approp/Spec/U of A Law School | 3 | |
| | SB 215 | Approp/Spec/U of A medical research | 473 | |
| | HB 699 | Approp/Spec/U of A/purchase of Careage House | 108;352;652 | |
| | HB 880 | Approp/Spec/U of A/reindeer study | 304 | |
| | HB 867 | Approp/Spec/U of A/galleries and benefits | 299 | |
| | SB 616 | Approp/Spec/U of A School of Medicine | 3;520 | |
| | SB 876 | Approp/spec & transfers/U of A land transfer | 316;830;677;752;756;896;931;932;940; 959;987 | |
| | HB 298 | Approp/Spec/U of A/misc. purposes | 52;83 | |
| | HB 864 | Arctic Research Lab/operation | 298;356 | |
| | HB 879 | Board of Regents/U of A/estab. tenure | 304 | |
| | SB 631 | Board of Regents/U of A/terms of members | 6 | |
| | HB 683 | Board of Regents/U of A/terms of members | 70;352;375;395 | |
| | SB 893 | Bonds/U of A & School District | 727;796 | |
| | SB 365 | Bonds/U of A & School District | 781;892;930;932;938;958;960 | |
| | SCR 45 | Education Endowment Fund/tank force to study | 370;678 | |
| | SB 868 | Employ. & Productivity Committee/estab. | 465;549;677 | |
| | SCR 51 | Employ. & Productivity Committee/estab. | 556;678;754 | |
| | HB 893 | U of A & Postsecond. Educ. Facilities/bonds for | 833 | |
| | HB 878 | U of A Dormitories/bond sale | 304;545 | |
| | SSSB 488 | U of A General Endowment/physical sciences | 192;372;378 | |
| | SB 615 | U of A Hospital & Medical Center/creation | 2;520 | |
| | SB 876 | U of A Land Transfer/approps./spec. & transfers | 316;630;677;752;756;896;931;932;940; 959;987 | |
| Urban Renewal Utilities | HB 34 | U of A Trust Land/settlement with state | 870 | |
| | SB 875 | U of A Trust Land/State Land (homesteading) | 516;629;677;751;756;773;808;854 | |
| | SB 473 | Urban Renewal & Dev. Projects/for municipalities | 518;574;835 | |
| | HB 165 | Public Util. Rev. Loan Fund | 581;781 | |
| | SB 871 | Utility Facilities/relocation of | 511;629;677;751;756 | |
| | Vehicles, motor | SSHB 438 | Blood Tests for Mvt. Veh. Offenses | 439 |
| | | *SSSB 69 | Driver Improvement Act (Ch. 78, SLA 1982) | 839;843;922;1026 |
| | | *SB 611 | Driving While Intoxicated/penalties/(Ch. 117, '82) | 194;329;377;381;699;760;938;983; 1041 |
| | HB 635 | Farm Vehicles/operation on highway | 31;397;541;709;730;776 | |
| | HB 794 | Motor Veh. Declares/prohib. certain trade pract. | 276 | |
| HB 506 | Overweight Vehicles/permits for | 226;322;588;709;730;733;775;790;829; 877;905 | | |
| Vending Facilities Veterans | SB 314 | Gr. Citizens/exemption from registration tax | 473;571;577;697 | |
| | SB 512 | Street Beds/registration of | 337 | |
| | *SSSB 778 | Public Vending Facilities/blind & handi. (ch. 69) | 241;553;633;692;762;849;862;903;978 | |
| | SSHB 463 | Agent Orange/reports of exposure to | 44;103;127 | |
| | SB 696 | Agent Orange/reports of exposure to | 95 | |
| | SB 779 | Approp/Spec/Veterans Home Improvement Loans | 242 | |
| | SB 705 | Approp/Spec/Veterans Lake Memorial | 126;738;881;887;968 | |
| | SB 706 | Approp/Spec/Veterans Lake Mem. caretaker fee. | 127;739;881;887;968 | |
| | HB 775 | Approp/Spec/Veterans' Loan Fund/CAED | 223 | |
| | SB 707 | Byers' Lake/remaining Veterans lake | 127;885 | |
| | *SB 146 | Burial Allowances/(Ch. 98, 1982) | 318;845;922;1038 | |
| | *SB 145 | Dis.Veto/free hunt.& op.fish lic./(ch.21, '82) | 114;504;630;783 | |
| | HB 773 | Educ. Benefits/dependents of Vietnam casualties | 222 | |

| <u>SUBJECT</u> | <u>NUMBER</u> | <u>SHORT TITLE</u> | <u>PAGES</u> |
|----------------------------|---------------|--|--|
| Veterans, (cont'd) | SB 781 | Educ. Benefits/veterans | 243;525 |
| | SB 780 | Vets' Home improvement Loans | 243 |
| | SB 785 | Vets' Homesteads | 244 |
| | HB 837 | Vets' Homesteads | 289;654 |
| | *HJR 71 | Vets' Housing/G.O. bonds/(L.R. 18, '82) | 48;157;489;599;605;612;867;929;956; 996;1007;1047 |
| | SB 600 | Vets' Housing Loans/issuance of bonds for | 142 |
| | HB 772 | Vets' Land Discounts/state land | 222 |
| | HB 774 | Vets' Loans/amendments to program | 223 |
| | SB 704 | Vets Memorials/construc. & maint. of by DNR | 126;738;830;881;887;968 |
| | HB 627 | Crime Victims and Witnesses/rights of | 27 |
| Victims and Witnesses | SA 726 | Sexual Assault/assistance to victims | 173 |
| | SJR 84 | Victim Rights Week | 557;684;691 |
| Villages | HB 821 | Approp/Spec/energy & village growth program | 285 |
| | HB 790 | Village Water & Sewer/feas. studies | 275 |
| Violent Crime | HB 869 | Crime Victim Compensation | 100;656;713 |
| | HB 632 | Violent Crime/committed by a minor | 31;117;121 |
| | SB 108 | Violent Crime/raising limits of compensation | 99 |
| | HB 633 | Violent Crime/release on personal recognizance | 31;117;355;375;395;918;1000 |
| | HB 845 | Violent Crime/setting aside a conviction | 291 |
| Vision/Hearing Tests | SB 620 | Violent Crimes Comp/for domestic violence | 3;413 |
| | SB 674 | Approp/Spec/Hearing & Vision screening | 86 |
| | HB 465 | Approp/Spec/Hearing & Vision screening | 348;709 |
| | SB 673 | Hearing & Vision screening/public schools | 86;737 |
| Visitation Rights | HB 464 | Hearing & Vision screening/public schools | 348;708 |
| | *HB 332 | Visitation Rights/grandparents (Ch. 15, 1982) | 195;197;270;333;456;609 |
| Vital Statistics | *SSRB 621 | Birth Certificates/adopted aliens (Ch. 76) | 26;103;116;138;159;736;877;906;1023 |
| | SB 610 | Birth Certificates/name of natural father | 1;329;423;508 |
| | HB 798 | Records and Info. Disclosure/vital stats. | 278;595 |
| Vocational Education | HB 696 | Approp/Spec/Ed. of Empl. Training & Voc. Educ. | 107;593;651;709;731;778;792 |
| | *HB 695 | Employment Training & Voc. Education (Ch. 71) | 106;592;631;709;731;778;791;883;922; 942;1023 |
| Vocational Rehab. | *SSSB 778 | Public Vending Facilities (ch. 69) | 241;353;633;692;762;849;882;903;998 |
| | SB 799 | SAVE Program/ASCEI Program/establishing | 250;741 |
| Volunteers | SS 820 | Voter Reg./increasing fees for registrars | 326 |
| Voter Registration | HB 229 | Overtime Compensation/payment of | 115;121;223;397;457 |
| Water, Sewer & Solid Waste | SB 724 | Pub. Construct. Contracts/overtime & wages | 133 |
| | HB 840 | Approp/Spec/water and sewer | 290;503 |
| | HB 790 | Village Water & Sewer/feas. studies | 275 |
| | HB 894 | Water & Sewer/Solid Waste/Safe Water Fac. bonds | 834 |
| | SB 42 | Water, Sewer & Solid Waste Bonds | 780;887;930;932;937;956;971 |
| | HB 304 | Water, Sewer & Solid Waste Facilities/grants for | 536;659;670;829 |
| | SB 252 | Water, Sewer & Solid Waste Fac./grants/(voted) | 793;824;834;891;957;979;1048 |
| | SB 889 | Water, Sewer & Solid Waste Facilities/bond sale | 726;805 |
| | SB 810 | AK Water Use Act/basin-wide rights | 253 |
| | SB 663 | Approp/Spec/Low Income Weatherization Program | 53;373 |
| Weatherization Program | SB 737 | Ed. of Welding Examiners/cont. existence | 236;415;484;509 |
| | SB 793 | Appropriations/Whittier area improvements | 267 |
| Welding | HB 876 | Approp/Spec/Willow Creek Road/user facilities | 68;156 |
| Whittier | HB 759 | Willow Creek Rec. Area/establishing | 212 |
| Willow Creek | CS 49 | USFS Timber Sale/Windham Bay | 467 |
| Windham Bay | *HB 573 | Tampering With a Witness/crime of/(Ch.122, '81) | 78;99;119;473;821;883;909;933;971; 1041 |
| Witnesses | SB 829 | AK Commission on the Status of Women | 364;628;754 |
| | *SJR 33 | Women's History Month/designating (LR 2, 1982) | 158;232 |
| Workers' Compensation | *HB 159 | Workers' Comp/misc. amendments/(Ch. 9), '82) | 784;398;381;670;714;861;915;954;970; 1037 |
| | SB 648 | Workers' Comp/for community work | 13;194;270;479;529;547;699 |
| | HB 659 | Workers' Comp/injured worker/cost to employer | 61 |
| | HB 883 | Workers' Comp/medical benefits | 308 |
| | SCR 34 | World Food Day/designating | 229 |
| World Food Day | SB 740 | WWII Artifacts/prohibiting removal from State | 181;623;680;691 |
| World War II Artifacts | SJR 72 | WWII Artifacts/prohibiting removal from State | 261;816;843;691 |
| | HB 244 | Approp/Spec/hospitals/Wrangell & Petersburg | 314 |
| Wrangell | HB 619 | Approp/Spec/Tahutat dock and warehouse | 28;117 |
| Yakutat | SB 770 | Yakutat City School Dist/increasing unit allot. | 239 |
| | *SB 188 | Yukon Bridge/naming S. L. Patton/(Ch. 19, '82) | 396;455;783 |
| Yukon Bridge | *HJR 80 | Invitation to meet with AK Legislature (LR 3) | 131;220;263;322;333;397 |
| Yukon & NW Territories | HB 813 | Approp/Spec/Yukon-Kuskokwim Health Corp. | 283 |
| Yukon-Kuskokwim | HB 816 | Approp/Spec/Yukon-Kuskokwim codiver | 283 |
| | HB 814 | Approp/Spec/Yukon-Kuskokwim Oil & Gas Task Force | 283 |
| | *SR 31 | Aid to Senator Ileglar/Junco Fire Dept/(SR 8, '81) | 999;1011;1048 |
| Legisl. Senator Hubert | *SR 30 | Aid to Senator Ileglar/leg. employees/(SR 9, '81) | 999;1011;1048 |

STATE OF ALASKA

DEPARTMENT OF LAW

CRIMINAL DIVISION

JAY S. HAMMOND, GOVERNOR

POUCH KC -- STATE CAPITOL
JUNEAU, ALASKA 99811
PHONE: (907) 465-3428

November 3, 1982

Honorable Charles H. Parr
Alaska State Legislature
c/o Legislative Affairs Agency
Fairbanks, Alaska 99701

Dear Senator Parr:

I recently received a telephone inquiry from a member of your staff, Cynthia, regarding HCS CSSB 327(fin) am H, which Governor Hammond vetoed last term. Cynthia asked me for information about the nature of the conflicts between the parole board bill and the bill which amended the criminal code, HCS CSSB 535 (2d Jud) am H. There were numerous conflicts between the provisions of the two bills. Passage of parole board bill would have had unintended results on a prisoner's eligibility for parole.

I am enclosing a copy of Attorney General Wilson Condon's letter to the governor, dated June 11, 1982. This letter explains the conflicts between the two bills, and outlines the reasons for the attorney general's advice to the governor to veto the bill. I hope this letter provides the information Cynthia was seeking.

Please contact me if I can be of any further assistance.

Very truly yours,

WILSON L. CONDON
ATTORNEY GENERAL.

DANIEL W. HICKEY
CHIEF PROSECUTOR

By: 
Gayle A. Horetzki
Assistant Attorney General

GAH/gb-26

Enclosure

June 11, 1982

The Honorable Jay S. Hammond
Governor
State of Alaska
Pouch A
Juneau, Alaska 99811

Re: HCS CSSB 327(Fin) am H
(parole board continuation)
File no.: 388-099-82

Dear Governor Hammond:

At your request, we have reviewed HCS CSSB 327(Fin) am H which continues the existence of the Board of Parole, revises the statutes governing parole, and establishes a "prisoner treatment program." It is our recommendation that you veto this legislation on both legal and policy grounds.

While we will summarize our reasons for recommending a veto in this review letter, I think it would be appropriate for Dan Hickey and I to meet with you early next week to discuss this matter further. If you do not take action on this bill by the close of June 18, 1982, it will become law without your signature.

The practical consequences of a veto should first be considered. A veto does not mean that the parole board will cease to exist on July 1, 1982. Rather, the board will have one additional year to function and the legislature will have ample opportunity to consider the issue again next year. AS 44.66.010(b). On the other hand, allowing this legislation to become law will probably mean that the issue of whether Alaska should provide for discretionary parole of offenders will not come up until the 1984 legislative session. Under sec. 3 of the bill, the next "sunset" date for the parole board is July 1, 1984. Regardless of the makeup of the legislature next year, it is unlikely that it would be willing to consider the issue again, having continued the board this year.

The Honorable Jay S. Hammond
Governor

June 11, 1982
Page 2

As you are aware, the approach pursued by your administration on this issue is in sharp contrast to the approach in this bill. Your parole bill, HB 293, eliminated discretionary parole release by the parole board and established presumptive sentences for first offenders. While there was initial disagreement on the approach in HB 293 between the Department of Health and Social Services and the Department of Law, we were able to resolve our differences and come up with a revised bill that was enthusiastically supported by both departments. That version was eventually adopted by the House HESS Committee as a committee substitute for HB 225, a bill sponsored by Representative Martin continuing the parole board. CSHB 225, however, died in the House Judiciary Committee, and an attempt to adopt it on the House floor was unsuccessful.

The major legal problem with this legislation is that a critical section of your comprehensive crime bill, HCS CSSB 535 (2d Jud) am H (which passed the Senate on the final legislative day), pertaining to parole eligibility of persons who commit sexual assault in the first degree, would be repealed by sec. 4 of the parole bill. This repealer repeals all of AS 33.15, effective January 1, 1983, while the crime bill, in secs. 30 and 41, amends the existing statute on parole eligibility (AS 33.15.180) to eliminate parole for all persons convicted of committing sexual assault in the first degree, effective 90 days after becoming law. As a result, the prohibition against parole for persons convicted of that crime will go into effect on approximately October 1, 1982, but will be repealed on January 1, 1983.

The crime bill accomplishes its prohibition on parole for sex offenders by inserting a reference to the proposed AS 12.55.125(1) (in sec. 30) into existing AS 33.15.180(a) and (c) (in sec. 41). No comparable reference was included in the parole bill's proposed AS 33.16.

In addition, current law (AS 33.15.180, by its reference to specific paragraphs in AS 12.55.125(c), (d), and (e)) bars parole for all defendants with prior felony records. Thus, since (1) proposed AS 12.55.125(1) in the crime bill deals specifically with all sex offenders, (2) the proposed AS 33.16.100 in the parole bill does not refer to that subsection, and (3) the existing statute corresponding to AS 33.16.100 (AS 33.15.180, amended to include that reference) would be repealed by the parole bill, repeat sex offenders would not even be subject to the current law's prohibition on parole. If the parole bill is allowed to become law, persons

who commit rape or incest after January 1, 1983 will be eligible for release on parole after serving only one-third of their sentences, regardless of their status as repeat offenders. This result -- providing greater leniency than the current law -- certainly was not intended by the legislature.

Another significant legal problem raised by the parole bill pertains to parole eligibility of persons who commit class A felonies such as armed robbery and assault in the first degree. Under current law, these offenders are ineligible for parole if they have a prior felony record or if they committed the offense with a firearm. Under secs. 28 and 41 of the crime bill, all offenders who commit class A felonies are made ineligible for parole. Allowing the parole bill to become law, however, would have the unintended effect of making persons with two prior felonies who commit class A felonies eligible for parole. This is so because proposed AS 33.16.100 of the parole bill, which specifies parole eligibility of offenders based on the statute they were sentenced under, cross-references to existing statutes which have been renumbered in sec. 28 of the crime bill. The effect of that renumbering, combined with the references in proposed AS 33.16.100 in the parole bill, will have the unintended effect of making some of the most dangerous offenders in Alaska's criminal justice system eligible for parole when they would not be eligible for parole today.

Still another legal problem in the parole bill is that an amendment that was adopted on the House floor does not appear to effect the change intended. 1982 H.J., pp. 1784-1785. That amendment, of proposed AS 33.16.110 (at page 5, line 14 of this final version), was offered by Representative Meekins with the clear intent of requiring a prisoner to serve at least one-half of his sentence before he would be eligible for parole. That amendment, however, addressed only the point of parole eligibility set by the court at the time of sentencing. It did not address the basic statement of parole eligibility in proposed AS 33.16.120(b), which requires a prisoner to serve only one-third of his sentence. Thus, the court would be restricted, but the prisoner would still be eligible for parole after serving only one-third of the sentence.

In addition to these legal problems and several more-or-less minor drafting defects, there are fundamental public policy reasons to veto this bill.

Continuation of a discretionary parole system ad-

The Honorable Jay S. Hammond
Governor

June 11, 1982
Page 4

ministered by the parole board is in direct contradiction to your long-held philosophy in favor of determinate sentencing and certainty in the length of a sentence served. The central premise of Alaska's criminal justice system should be that punishment is based on the type of crime committed by the defendant and his prior criminal history. The revised criminal code went a long way to accomplish that goal by specifying presumptive sentences with no parole for repeat felony offenders. To allow a parole board to continue with discretionary authority to release an offender after serving only one-third of his sentence based upon a prediction as to whether the offender has been rehabilitated, is in direct conflict with the sentencing scheme in the criminal code and the philosophy your administration has strenuously advocated.

While the parole bill received broad support on the House and Senate floors, that support was not particularly solid. For example, the House Finance Committee unanimously recommended that the parole board sunset this year, and be allowed to wind down its business by July 1, 1983. In the Senate, several senators expressed interest in your bill but a reluctance to tackle the issue until a new administration took office. Finally, as noted earlier, the House HESS Committee adopted a revised version of your parole bill. Consequently, it is our conclusion that a veto of this legislation will trouble relatively few legislators; it probably would not cause great concern on the part of the overwhelming majority of legislators.

In summary, a veto will prevent an unintended loosening of the law on parole eligibility for rapists and defendants with two prior felonies who commit class A felonies, while at the same time it will allow the board one more year to operate and the legislature one more session to consider the issue. We look forward to discussing this issue with you early next week.

Very truly yours,

Wilson L. Condon
Attorney General

WLC:BS:11b

STATE OF ALASKA

DEPT. OF HEALTH AND SOCIAL SERVICES
OFFICE OF THE COMMISSIONER

JAY S. HAMMOND, GOVERNOR

POUCH H 01
JUNEAU, ALASKA 99811
PHONE: 465-3030

Document # 21-82

January 27, 1982


The Honorable Charles Parr
Chairperson
Senate HESS Committee
Pouch V
Juneau, Alaska 99811

Dear Senator Parr:

The information you requested from the Department regarding parole revocation statistics is enclosed.

If you have question on these statistics, please do not hesitate to contact me.

Sincerely,



Helen D. Beirne
Commissioner

Enclosure

ALASKA BOARD OF PAROLE

1981 REVOCATIONS

| PAROLEES | TOTAL | C.O.P. | R & C | R & RE | R & D |
|-------------------------------|-------|--------|-------|--------|-------|
| A. New Felony Conviction | 1 | 1 | 0 | 0 | 0 |
| B. In Lieu of Felony Conv. | 3 | 0 | 2 | 0 | 1 |
| C. Abscond | 2 | 0 | 1 | 0 | 1 |
| D. New Misdemeanor Conviction | 7 | 0 | 0 | 0 | 7 |
| E. In Lieu of Misdmr Conv. | 1 | 0 | 0 | 0 | 1 |
| F. Technical Violation | 6 | 2 | 1 | 2 | 1 |
| Total | 20 | 3 | 4 | 2 | 11 |

| M.R.'s | TOTAL | C.O.P. | R & C | R & RE | R & D |
|-------------------------------|-------|--------|-------|--------|-------|
| A. New Felony Conviction | 2 | 0 | 0 | 0 | 2 |
| B. In Lieu of Felony Conv. | 2 | 1 | 0 | 0 | 1 |
| C. Abscond | 1 | 0 | 0 | 1 | 0 |
| D. New Misdemeanor Conviction | 5 | 0 | 0 | 0 | 5 |
| E. In Lieu of Misdmr Conv. | 1 | 0 | 0 | 0 | 1 |
| F. Technical Violation | 2 | 0 | 0 | 0 | 2 |
| Total | 13 | 1 | 0 | 1 | 11 |

ACTION CODE:

C.O.P. = Continue on Parole

R & C = Revoke & Review Case Again

R & RE = Revoke & Reparole

R & D = Revoke & Deny

ALASKA BOARD OF PAROLE

1980 REVOCATIONS

| PAROLEES | TOTAL | C.O.P. | R & C | R & RE | R & D |
|-------------------------------|-------|--------|-------|--------|-------|
| A. New Felony Conviction | 4 | 0 | 1 | 0 | 3 |
| B. In Lieu of Felony Conv. | 4 | 1 | 0 | 1 | 2 |
| C. Abscond | 5 | 0 | 2 | 1 | 2 |
| D. New Misdemeanor Conviction | 5 | 1 | 2 | 1 | 1 |
| E. In Lieu of Misdmmr Conv. | 2 | 0 | 0 | 1 | 1 |
| F. Technical Violation | 3 | 1 | 1 | 1 | 0 |
| Total | 23 | 3 | 6 | 5 | 9 |

| M.R.'s | TOTAL | C.O.P. | R & C | R & RE | R & D |
|-------------------------------|-------|--------|-------|--------|-------|
| A. New Felony Conviction | 3 | 0 | 0 | 0 | 3 |
| B. In Lieu of Felony Conv. | 2 | 0 | 0 | 1 | 1 |
| C. Abscond | 1 | 0 | 0 | 0 | 1 |
| D. New Misdemeanor Conviction | 3 | 0 | 0 | 0 | 3 |
| E. In Lieu of Misdmmr Conv. | 1 | 0 | 0 | 0 | 1 |
| F. Technical Violation | 3 | 2 | 0 | 0 | 1 |
| Total | 13 | 2 | 0 | 1 | 10 |

ACTION CODE:

C.O.P. = Continue on Parole

R & C = Revoke & Review Case Again

R & RE = Revoke & Reparole

R & D = Revoke & Deny

ALASKA BOARD OF PAROLE

QUARTER _____, 198__

1981

| | |
|---------------------------------------|-----|
| PAROLED - INTERSTATE | 22 |
| PAROLED - ALASKA | 65 |
| PAROLED - DETAINER | 2 |
| CONTINUED | 34 |
| DENIED | 96 |
| PAROLE RESCIND & CONTINUED | 3 |
| PAROLE RESCIND & REPAROLED | 3 |
| PAROLE RESCIND & DENIED | 3 |
| PAROLE REVOKED & CONTINUED | 4 |
| PAROLE REVOKED & REPAROLED | 2 |
| PAROLE REVOKED & DENIED | 11 |
| MANDATORY PAROLE REVOKED & CONTINUED | 0 |
| MANDATORY PAROLE REVOKED & REPAROLED | 1 |
| MANDATORY PAROLE REVOKED & DENIED | 11 |
| CONTINUED ON PAROLE | 4 |
| REQUEST FOR RECONSIDERATION - GRANTED | 0 |
| REQUEST FOR RECONSIDERATION - DENIED | 5 |
| REQUEST FOR SPECIAL HEARING - GRANTED | 2 |
| REQUEST FOR SPECIAL HEARING - DENIED | 2 |
| PRELIMINARY HEARINGS THIS QUARTER | 17 |
| OTHER | 13 |
| TOTAL CASES HEARD | 290 |

ALASKA BOARD OF PAROLE

QUARTER _____, 198__

1980

| | |
|---------------------------------------|-----|
| PAROLED - INTERSTATE | 19 |
| PAROLED - ALASKA | 56 |
| PAROLED - DETAINER | 1 |
| CONTINUED | 57 |
| DENIED | 61 |
| PAROLE RESCIND & CONTINUED | 1 |
| PAROLE RESCIND & REPAROLED | 1 |
| PAROLE RESCIND & DENIED | 4 |
| PAROLE REVOKED & CONTINUED | 6 |
| PAROLE REVOKED & REPAROLED | 4 |
| PAROLE REVOKED & DENIED | 9 |
| MANDATORY PAROLE REVOKED & CONTINUED | 0 |
| MANDATORY PAROLE REVOKED & REPAROLED | 2 |
| MANDATORY PAROLE REVOKED & DENIED | 10 |
| CONTINUED ON PAROLE | 5 |
| REQUEST FOR RECONSIDERATION - GRANTED | 0 |
| REQUEST FOR RECONSIDERATION - DENIED | 1 |
| REQUEST FOR SPECIAL HEARING - GRANTED | 7 |
| REQUEST FOR SPECIAL HEARING - DENIED | 1 |
| PRELIMINARY HEARINGS THIS QUARTER | 19 |
| OTHER | 12 |
| TOTAL CASES HEARD | 276 |



Alaska State Legislature
House

JUNEAU, ALASKA

MESSAGE TO THE SENATE

Date May 17, 1982

MR. PRESIDENT:

Senate Concurred

The House has passed CSSB 327(Jud) (relating to parole of offenders; continuing the existence of the Board of Parole; eff. date) with the following amendment:

HCS CSSB 327(Fin)
amH

"An Act relating to parole of offenders; establishing a prisoner treatment program; and providing for an effective date."

(28-12)

Emy Lou Lloyd
Chief Clerk of the House



Official Business

Alaska State Legislature

Senate

Committee on

Health, Education & Social Services

Charlie Parr, Chairman
Terry Stimson, Vice-Chairman
Vic Fischer
Tim Kelly
Mike Colletta

Pouch V
State Capitol
Juneau, Alaska 99811

465-4907
465-4908

February 26, 1982

LETTER OF INTENT

ON

COMMITTEE SUBSTITUTE (HESS) FOR SPONSOR SUBSTITUTE SB 327

It is the intent of the Health, Education and Social Services Committee, in passing out CS for SS for Senate Bill No. 327, that:

- 1 - Good behavior while on parole should be rewarded by earlier release. The Committee considered "good time" allowances but because of costs and administrative burden opted for another alternative. The parole board is allowed to release parolees from parole after a minimum of 20 months of good behavior. This allowance is intended to provide the parole board with a means of rewarding good behavior of parolees.
- 2 - The parole board should meet more frequently than the required minimum of 4 times per year. Although SB 327 does not require that the board meet a minimum of 6 times a year, the members believe that the board should be given the funds to do so. More frequent hearings would allow for an initial parole hearing early in the prisoner's incarceration. This hearing may encourage the prisoner to better prepare himself for rehabilitation while in jail, and may possibly reduce the period of incarceration.

Senator Charles H. Parr
Chairman

STATE OF ALASKA
THE LEGISLATURE

POUCH Y - STATE CAPITOL
JUNEAU, ALASKA 99811
907-465-3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

March 5, 1982

SUBJECT: Parole Board
(CSHB 327 (HESS))

TO: Senator Charles H. Parr
Chairman, Senate Health, Education
and Social Services Committee

FROM: Richard A. Bradley
Legislative Counsel *B*

The bill is enclosed. A very few editorial changes were made to the bill.

One change was not made to the bill that the committee may wish to consider.

At Sec. 33.16.170(b), the parole board is granted permission to consider the "background" of the prisoner. The term seems broad and all encompassing. If that is the intention of the committee, then no revision is necessary.

But if there are any limits in time or subject that the committee thinks should be off limits in the considerations of the board, then a revision of the concept is in order.

RAB 1jb

Enclosure



Alaska Judicial Council

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CHIEF JUSTICE
SUPREME COURT

ESTIMATING ALASKA'S FUTURE PRISON POPULATIONS

Nicholas Maroules
Executive Director

I. INTRODUCTION

As has been well documented in the press over the past few months, Alaska's prisons have experienced an unprecedented increase in population over the past four years. There are three main components to our prison populations: (1) sentenced felons; (2) unsentenced felons; and (3) misdemeanants. Data provided by the Division of Corrections (DOC) suggests that the increase is due mainly to the first two groups--sentenced and unsentenced felons. From January 1, 1978 through January 1, 1982, the total felony population--sentenced and unsentenced--rose from 595 to 913, a 53% increase. Sentenced felons rose from 458 on January 1, 1978, to 717 on January 1, 1982, a 57% increase. During the same period unsentenced felons rose from 137 to 196, a 43% increase. During these four years, however, the number of misdemeanants in our system has remained at 140 plus or minus 20.

At the present time, the Division of Corrections maintains ten jail/prison facilities in the state. The following table reflects the normal and emergency operating capacities of the ten facilities and the number of prisoners in each facility as of January 27, 1982.

TABLE I

| STATE INSTITUTIONS | NORMAL OPERATING CAPACITY | EMERGENCY OPERATING CAPACITY | 01/27/82 PRISONER COUNT | % of NORMAL CAPACITY |
|----------------------|---------------------------|------------------------------|-------------------------|----------------------|
| Ketchikan | 22 | 30 | 21 | 95% |
| Juneau | 90 | 100 | 111 | 123% |
| Anchorage - 3rd Ave. | 70 | 80 | 81 | 116% |
| Anchorage - 6th Ave. | 100 | 115 | 133 | 133% |
| Ridgeview Men's | 50 | 50 | 46 | 92% |
| Eagle River Men's | 80 | 100 | 112 | 140% |
| Eagle River Women | 28 | 30 | 21 | 75% |
| Palmer | 113 | 113 | 107 | 95% |
| Fairbanks | 110 | 118 | 164 | 149% |
| Nome | 30 | 34 | 32 | 107% |
| TOTALS | 693 | 770 | 828 | 119% |

In addition to the 828 prisoners in state correctional facilities on January 27, there were 190 prisoners housed in federal institutions (Federal Bureau of Prisons) outside the state.

The population impact analysis being conducted is limited to anticipated changes among the sentenced felon population. This decision was made for two reasons. First, the Judicial Council's data concerns felony sentencing patterns and is thus most appropriate for an analysis of population impacts on this group. Second, and more importantly, the great preponderance of the dramatic increase in prison populations over the past four years has concerned the convicted felon portion of the population.

Our analysis uses a sophisticated computer program that considers the interaction of two distinct and fundamentally important data bases simultaneously in projecting population changes. The first is a base file of all inmates currently incarcerated in Alaska's prisons (including those in the FBP) and their probable release dates. The second is a micro data base of all 1980 offenders, including their offense and sentence.

II. PRISON POPULATION DYNAMICS/PROJECTIONS
BASED ON 1980 FELONIES

The first stage of the analysis considers the impact of 1980 felony dispositions, assuming they remain constant, for the next five years on our current prison population. Essentially, the program considers the current total prison population, the numbers of offenders due to be released and those entering the system each month, and calculates the necessary bed space needed for each of the next 60 months.

Many assumptions are of course implicit in such an analysis. The first is that 1980 sentencing patterns persist for the next five years. While this is not very likely to hold true, it is the best empirically available information on which to base the analysis. In addition, the sentences imposed by judges do not correspond to those actually served by offenders. Accordingly, we reduced each offender's sentence for both good time and parole. All offenders sentenced presumptively are eligible for a good time reduction only--25% being the maximum such reduction. In order to calculate the most conservative impact on the system, the sentences of all presumptively sentenced offenders were reduced by 25%. Non-presumptively sentenced offenders are eligible for both the 25% good time as well as parole. On the basis of information received from the Parole Board, it was decided to reduce the

sentences of these offenders by 30%. Finally, due to a limitation in our micro data base, the analysis does not include the impact of (1) probation revocations, and (2) consecutive sentences. We hope to include the impact of these factors in future analysis.

The following two tables reflect the impact of 1980 sentencing patterns on future prison populations. The first table makes no allowance for a growth rate in convictions, while the second adjusts for a 20% rate in the first year and a 5% per annum increase in the years thereafter. The 20% Year 1 increase attempts to approximate the serious increase in crimes and felony convictions experienced between 1980 and 1982. The model then assumes a modest 5% increase for the period between 1983 and 1986. As noted above, the analysis was conducted only for the sentenced felon population, which includes a base of N=665 current inmates.

TABLE II

PROJECTED SENTENCED FELONY PRISON
POPULATION COUNTS
(1980 Convictions - No Growth)

| | YEAR | | | | |
|----------------|----------|----------|----------|----------|----------|
| | <u>1</u> | <u>2</u> | <u>3</u> | <u>4</u> | <u>5</u> |
| 12th Month | 672 | 698 | 695 | 699 | 676 |
| Lowest Month | 672 | 691 | 695 | 699 | 676 |
| Highest Month | 717 | 716 | 738 | 734 | 729 |
| Annual Average | 693 | 702 | 717 | 720 | 703 |

Base Population (2/1/82) = 665

| Year | MONTH | | | | | | | | | | | |
|------|----------|----------|----------|----------|----------|----------|----------|----------|----------|-----------|-----------|-----------|
| | <u>1</u> | <u>2</u> | <u>3</u> | <u>4</u> | <u>5</u> | <u>6</u> | <u>7</u> | <u>8</u> | <u>9</u> | <u>10</u> | <u>11</u> | <u>12</u> |
| 1 | 677 | 680 | 684 | 684 | 698 | 710 | 717 | 709 | 706 | 698 | 688 | 672 |
| 2 | 705 | 691 | 697 | 716 | 711 | 703 | 696 | 695 | 708 | 703 | 711 | 698 |
| 3 | 729 | 738 | 738 | 725 | 721 | 714 | 712 | 700 | 712 | 704 | 718 | 695 |
| 4 | 720 | 724 | 722 | 723 | 727 | 712 | 723 | 717 | 715 | 734 | 730 | 699 |
| 5 | 721 | 718 | 714 | 719 | 729 | 722 | 706 | 685 | 679 | 677 | 696 | 676 |

TABLE III

PROPOSED SENTENCED FELONY PRISON
POPULATION COUNTS
(1980 Convictions--First Year Growth 20%, 5% Thereafter)

| | YEAR | | | | |
|----------------|----------|----------|----------|----------|----------|
| | <u>1</u> | <u>2</u> | <u>3</u> | <u>4</u> | <u>5</u> |
| 12th Month | 719 | 786 | 816 | 859 | 866 |
| Lowest Month | 657 | 749 | 815 | 855 | 864 |
| Highest Month | 757 | 801 | 848 | 902 | 923 |
| Annual Average | 727 | 778 | 831 | 873 | 890 |

Base Population (2/1/82) = 665

| Year | MONTH | | | | | | | | | | | |
|------|----------|----------|----------|----------|----------|----------|----------|----------|----------|-----------|-----------|-----------|
| | <u>1</u> | <u>2</u> | <u>3</u> | <u>4</u> | <u>5</u> | <u>6</u> | <u>7</u> | <u>8</u> | <u>9</u> | <u>10</u> | <u>11</u> | <u>12</u> |
| 1 | 687 | 695 | 704 | 709 | 728 | 746 | 757 | 751 | 752 | 744 | 737 | 719 |
| 2 | 763 | 749 | 761 | 788 | 783 | 780 | 773 | 774 | 793 | 787 | 801 | 786 |
| 3 | 830 | 845 | 848 | 834 | 833 | 829 | 828 | 815 | 832 | 823 | 845 | 816 |
| 4 | 855 | 863 | 864 | 869 | 878 | 864 | 881 | 874 | 873 | 902 | 897 | 859 |
| 5 | 875 | 895 | 893 | 904 | 923 | 919 | 899 | 871 | 864 | 865 | 893 | 866 |

Table II, reflecting no growth adjustment for 1980 felony sentences, essentially replicates what occurred in 1980 for each of the next five years, given the current prison population. The model indicates an anticipated change of -1 bed between month one (n=677) and month sixty (n=676). The lowest monthly bed count is 672 while the highest is 738 for a range of fluctuation of only 66 beds.

This projection model thus reveals that prison population fluctuations have largely stabilized. In addition, it strongly discounts the theory that the recent increase in prison populations was a result of the state's new criminal code. Replication of felony sentences rendered under the first year of the new criminal code does not result in continued population increases.

What then accounts for the population increases experienced in 1980-1981? We believe these increases were the result of unusually high felony sentences handed down in the 1977-1978 period as documented in the Judicial Council's most recent report of sentencing practices, Alaska Felony Sentences: 1976-1979 (November, 1979). Accordingly, it appears likely that the dramatic population increase experienced in 1980-1981 was a function of fewer monthly releases from prison during this period--due to the sentencing practices of 1976-1977--than they were a function of the number of (1980-1981) monthly admissions.

Table III replicates the above model adjusting for a 1982 growth of 20% over and above the 1980 cases and a further continued growth of 5% per annum thereafter. It is intended to represent the best empirically based projection of current sentencing practices on future jail populations. This model reveals an increase of 179 beds between month one (n=687) and month sixty (n=866), and a fluctuation of 236 beds between the lowest monthly count (n=687) and the highest (n=923). Thus, a maximum of 923 beds would be required over the next sixty months, 258 more than the January 27, 1982 population of 665.

III. Estimated Impact of HB 293 on Prison Populations:

The second portion of our prison population impact analysis concerns an estimation of the impact of House Bill 293 on future populations. The current Committee Substitute for HB 293 would extend presumptive sentencing to all felony offenders, with graduated presumptive terms within all classes of offense according to the number and recency of prior felony convictions, increase the maximum "good time" award from 25% to 33% of the total sentence while effectively eliminating parole decisions, and institute a furlough program that would result in an additional 50% (maximum) reduction in sentence length for periods served on the program.

The presumptive terms of incarceration proscribed by the bill are represented in the following chart.

Presumptive Sentences
(In Months)

| Class of Offense | First Felony Offense | Second Felony Offense | Third Felony Offense |
|------------------|----------------------|-----------------------|----------------------|
| "A" Felony | 60/72* | 100 | 180 |
| "B" Felony | 24 | 48 | 72 |
| "C" Felony | 12 | 24 | 36 |

*Applies to first offenders convicted of a Class A felony who used a weapon or caused serious injury.

On the basis of both prior criminal history information contained in the Judicial Council's 1980 felony sentencing data and the empirical outcomes of presumptively sentenced (repeat) offenders during 1980, we estimated the number of offenders that would be subject to first offense and second offense presumptive terms for each class of felony had they been sentenced under HB 293. However, we were unable to determine or calculate an estimate of the number of offenders that would be subject to third offense presumptive terms, owing largely to the very few number of cases thus sentenced in 1980. All offenders were assigned exactly the presumptive term applicable to them--i.e., we did not attempt to determine the number of sentences that would be aggravated above or mitigated below the presumptive term. In addition, the analysis assumes that all offenders would receive the maximum 33% reduction in sentence for good time. Finally, no assumptions were made regarding the impact of the furlough program on sentences.

The following two tables represent the impact of our model of HB 293 sentences on future prison populations. Table IV makes no allowance for a growth rate in convictions, while Table V adjusts for a 20% rate in the first year and a 5% per annum increase in the years thereafter. The explanation for this adjustment schedule is the same as that provided in the first aspect of the analysis, above.

Table IV reveals that, with no adjustments made for growth, our model of HB 293 sentencing results in continued decreases in prison populations after an initial increase during the first year. The net change between months one and sixty reveals a decrease of 179 beds with an overall range of fluctuation of 243 beds between the highest and lowest months ($n=754$ and $n=511$ beds, respectively).

Table V is the model we feel best conforms to empirical reality as it provides for the same growth adjustment as the model in Table III. This projection model results in a decrease of 57 beds between months one ($n=702$) and sixty ($n=645$), with a range of fluctuation of 157 beds between the highest and lowest months ($n=802$ and $n=645$, respectively). The initial population increases in year one in both these models are likely due to the present prisoner population.

TABLE IV

PROPOSED SENTENCED FELONY PRISON
POPULATION COUNTS
(Model of HB293 - No Growth)

| | YEAR | | | | |
|----------------|----------|----------|----------|----------|----------|
| | <u>1</u> | <u>2</u> | <u>3</u> | <u>4</u> | <u>5</u> |
| 12th Month | 657 | 612 | 571 | 542 | 511 |
| Lowest Month | 657 | 612 | 571 | 542 | 511 |
| Highest Month | 754 | 686 | 654 | 603 | 575 |
| Annual Average | 720 | 648 | 623 | 577 | 546 |

Base Population (2/1/82) = 665

| <u>Year</u> | <u>MONTH</u> | | | | | | | | | | | |
|-------------|--------------|----------|----------|----------|----------|----------|----------|----------|----------|-----------|-----------|-----------|
| | <u>1</u> | <u>2</u> | <u>3</u> | <u>4</u> | <u>5</u> | <u>6</u> | <u>7</u> | <u>8</u> | <u>9</u> | <u>10</u> | <u>11</u> | <u>12</u> |
| 1 | 690 | 709 | 722 | 740 | 748 | 754 | 754 | 752 | 722 | 709 | 686 | 657 |
| 2 | 686 | 665 | 669 | 671 | 658 | 636 | 642 | 639 | 638 | 635 | 636 | 612 |
| 3 | 645 | 654 | 654 | 652 | 633 | 626 | 621 | 623 | 612 | 592 | 598 | 571 |
| 4 | 594 | | 595 | 603 | 587 | 558 | 559 | 569 | 578 | 578 | 564 | 542 |
| 5 | 573 | 575 | 561 | 561 | 556 | 541 | 544 | 543 | 528 | 529 | 532 | 511 |

TABLE V

PROPOSED SENTENCED FELONY PRISON
POPULATION COUNTS
(Model of HB293 - Growth of 20% Year 1, 5% thereafter)

| | YEAR | | | | |
|----------------|----------|----------|----------|----------|----------|
| | <u>1</u> | <u>2</u> | <u>3</u> | <u>4</u> | <u>5</u> |
| 12th Month | 701 | 683 | 662 | 657 | 645 |
| Lowest Month | 701 | 683 | 662 | 657 | 645 |
| Highest Month | 802 | 741 | 749 | 721 | 712 |
| Annual Average | 759 | 714 | 718 | 691 | 685 |

Base Population (2/1/82) = 665

| <u>Year</u> | <u>MONTH</u> | | | | | | | | | | | |
|-------------|--------------|----------|----------|----------|----------|----------|----------|----------|----------|-----------|-----------|-----------|
| | <u>1</u> | <u>2</u> | <u>3</u> | <u>4</u> | <u>5</u> | <u>6</u> | <u>7</u> | <u>8</u> | <u>9</u> | <u>10</u> | <u>11</u> | <u>12</u> |
| 1 | 702 | 730 | 750 | 776 | 788 | 799 | 801 | 802 | 771 | 757 | 735 | 701 |
| 2 | 741 | 719 | 729 | 736 | 721 | 701 | 711 | 709 | 710 | 707 | 711 | 683 |
| 3 | 729 | 745 | 749 | 748 | 728 | 724 | 719 | 723 | 710 | 685 | 694 | 662 |
| 4 | 698 | 705 | 706 | 721 | 702 | 668 | 671 | 687 | 700 | 703 | 685 | 657 |
| 5 | 705 | 712 | 696 | 701 | 697 | 682 | 688 | 687 | 666 | 670 | 75 | 645 |

It is interesting to note that the HB 293 model results in decreased bed space despite the fact that no offenders in the model received what would amount to a straight probationary sentence. (That is, as stated earlier, we did not mitigate any presumptive terms.) Thus, all offenders would be sentenced to at least 12 months in prison. The gradual reduction is due to the very significant amount of good time (33%) likely to be earned and awarded under the bill.

STATE OF ALASKA

DEPT. OF HEALTH AND SOCIAL SERVICES

OFFICE OF THE COMMISSIONER

JAY S. HAMMOND, GOVERNOR

POUCH H 01
JUNEAU, ALASKA 99811

PHONE:

The Honorable Charles H. Parr
Alaska State Legislature
Pouch "V"
Juneau, Alaska 99811

Dear Senator Parr:

Thank you for allowing us the opportunity to review Senate HESS Committee projections related to correctional bed space issues. You will note that many of our numbers differ from those contained in your March 2, 1982 chart. We will be happy to discuss these modifications at your convenience.

In addition to the four areas of comment which we have included on the chart for clarification purposes, we feel it important that your committee also consider the following points in order to make appropriate use of the information.

First, these figures assume a "best case" scenario. A more commonly accepted planning practice would be to project from a point of less than full utilization of resources in order to allow for unpredicted variables.

Figures from 1981 and 1982 are historical as they have already occurred, while 1983 and subsequent figures represent January projections only. It is important therefore to view the yearly columns as a guideline and not as absolute data for the full twelve months. By way of explanation, since each month we project an additional 14 inmates the 139 "extra beds" in January of 1985 will have totally disappeared by November of that year and we theoretically will dip into a negative bed space category for a couple of months. We then show a January 1986 surplus of seven beds and in February we again resume our negative bed space posture at an increasing rate.

For the same "January vs. year" reasons some confusion will be experienced when comparing this chart to other data which the Department has distributed in the past. In this case your "year" is dealing with inmate projections and bed space available specifically in the month of January, while elsewhere we have prepared summaries showing increases which will be realized some time during a full calendar year. Upon consideration of these differences on a case-by-case basis I believe that our information is actually consistent.

The term "wasted beds" in the next to last category could be misleading. It is impossible to maintain full utilization of all facilities at all times, and therefore the 3% factor is applied. Regional factors and male/female factors are involved. If we are overcrowded in Ketchikan with pre-trial people, empty beds in Nome cannot help us out in the short term. If we have a four-person dorm with three males we cannot fill the empty space with a female who is being booked. The 3% "wasted bed factor" does not represent mismanagement, but rather it is a necessary "vacancy factor" resulting from the distribution of mixed populations at several different locations.

Finally, among our adjustments are three specific areas where explanations might be helpful.

- * Our January 1990 population projection is significantly higher than you had indicated and is mathematically consistent with our mutual figures for 1981 through 1987.
- * While our goal is to have 10% of the inmate population in halfway houses we realistically must gradually work up to that level and therefore have moved full compliance with that goal back to 1985.
- * This chart now rectifies an oversight in our previous distributions. While Bethel will be coming into the system with 40 new beds to Corrections, it will also be bringing with it a full city jail population that we do not account for in our current projections. Since it is a counter balance situation, for ease of presentation we have now deleted the 40 beds from consideration in all projection data.

We hope these comments assist you in understanding this complex program and we appreciate this opportunity to review your chart of March 2. We stand ready to provide clarification as will be helpful to your Committee.

Sincerely,



Helen D. Beirne
Commissioner

PROJECTION OF NUMBERS OF PRISONERS, STATE OF ALASKA, BY DIVISION OF ADULT CORRECTIONS, JANUARY 1982

CHART PREPARED BY SENATE HESS COMMITTEE STAFF, FEBRUARY 10, 1982; REVIEWED AND REVISED BY DIV. OF CORRECTIONS, 3/1/82

| <u>YEAR</u> | <u>1981</u> | <u>1982</u> | <u>1983</u> | <u>1984</u> | <u>1985</u> | <u>1986</u> | <u>1987</u> | <u>1990</u> | <u>Important Comment:</u> |
|--|-------------|-------------|-------------------|-------------|-------------------|-------------|-------------------|-------------|--|
| Total number of prisoners projected for Jan. of each year | 876 | 1069 | 1236 ¹ | 1405 | 1574 | 1743 | 1912 | 2423 | 1. Inmate projections beginning in 1983 consider current practice and historical data only. Actual numbers of inmates and new beds required may well be increased due to factors such as impact of pending legislation, economic conditions, and so on. 2. The Federal Bureau of Prisons on March 2, 1982 imposed a new ceiling on Alaska inmates, and now we may only place an inmate in FBP when one is returned to the State. The result is an immediate decrease in FBP placement availability from the former limit of 200. 3. Recent discussion would indicate that we will not be allowed to renew the Annex lease in 1987; therefore, we lose 100 beds at that time. 4. These figures assume construction of the 380 beds as requested in the Governor's FY '83 capital budget. If not funded, the total bed shortfall would become those figures listed in parentheses at the bottom right of the chart. 5. Wasted beds means those which cannot be used because of geographic location, sex differences, or other necessary considerations. It is really a vacancy factor. |
| Prisoners lodged in half-way houses | 40 | 61 | 90 | 120 | 157 | 174 | 191 | 242 | |
| Prisoners lodged in the Federal Bureau of Prisons systems (outside Alaska) | 197 | 187 | 175 ² | 175 | 125 | 125 | 125 | 125 | |
| Monthly average number of prisoners in Alaska institutions | 639 | 821 | 971 | 1110 | 1292 | 1444 | 1596 | 2056 | |
| Maximum number of prisoners in Alaska institutions | 697 | 842 | 1016 | 1155 | 1337 | 1489 | 1641 | 2101 | |
| Maximum housing capacity of Alaska institutions | 664 | 770 | 1016 | 1127 | 1522 | 1542 | 1442 ³ | 1442 | |
| Number of beds "short" in Alaska institutions | 33 | 72 | -0- | 28 | -185 ⁴ | -53 | 199 | 659 | |
| "Wasted" beds in Alaska institutions (3%) | 20 | 23 | 30 | 34 | 46 | 46 | 43 | 43 | |
| TOTAL shortfall of beds in Alaska institutions | 53 | 95 | 30 | 62 | -139 | -7 | 242 | 702 | |
| | | | | | (241) | (373) | (622) | (1082) | |

DATA ON ALASKA CORRECTIONAL INSTITUTIONS

| INSTITUTION: | Ketchikan | Juneau | Fairbanks | Anch. 3rd | Anch. 6th | AK Wem. Fac (Mdw Ck. C.F.) | Eagle River (Highland - C.F.) | Nome | Palmer | TOTALS |
|--|-----------|--------|-----------|-----------|-----------|-------------------------------|----------------------------------|------|--------|--------|
| maximum emergency capacity | 30 | 100 | 110 | 70 | 103 | 25 | 95 | 30 | 75 | 638 |
| working capacity | 28 | 95 | 108 | 65 | 85 | 25 | 85 | 28 | 75 | 589 |
| committed to the instit. 1/27/82 | 22 | 111 | 178 | 84 | 133 | 27 | 134 | 32 | 124 | 845 |
| actually in the inst. 1/27/82 | 21 | 111 | 164 | 81 | 133 | 21 | 112 | 32 | 104 | 779 |
| actually in the half-way houses 1/27/82 | 1 | 0 | 14 | 3 | 0 | 6 | 22 | 0 | 20 | 66 |
| number under/over maximum 1/27/82 | (9) | +11 | +54 | +11 | +30 | (4) | +17 | +2 | +29 | +141 |
| number under/over working capacity 1/27/82 | (7) | 16 | 56 | 16 | 48 | (4) | 27 | 4 | +29 | +185 |

PLEASE NOTE:

an additional 190 prisoners were housed outside Alaska in the federal bureau of prisons during this period.

STATE OF ALASKA

DEPT. OF HEALTH AND SOCIAL SERVICES

DIVISION OF ADULT CORRECTIONS

Bell 2
JAY S. HAMMOND, GOVERNOR

POUCH H-03
JUNEAU, ALASKA 99811
PHONE: 465-3376

May 12, 1982

The Honorable Donald Clocksin
Representative
Alaska State Legislature
Pouch V
Juneau, AK 99811

Document No. 168-82

Dear Representative Clocksin:

We have estimated that lengthening the time to serve to 1/2 of a sentence before receiving parole consideration will result in a need for 45 additional beds by 1986. The supporting information is attached.

Based on the assumption in the attachment, we project the cost for construction and operations of those additional beds to be \$1,600,000 in FY 84; \$849,000 in FY 85; \$926,000 in FY 86 for a total of \$3,375,000.

The construction cost for 45 beds would be \$3,105,000. The operation cost would total \$270,000. The operation cost does not include personal as we assume the 45 persons would be spread throughout the system and not require additional staff.

The American Correctional Association advises that their most recent study regarding this area was completed in 1978. For those states having legislation establishing eligibility for parole, none had a requirement greater than 1/3, and that figure was the most common one.

Sincerely,

Robert Hatrak
Robert Hatrak
Director

GIVEN:

Under present law an inmate is eligible for parole after serving one-third (1/3) of their sentence. During CY 1981 those persons paroled had served 49.77% of their original sentence; or approximately one-sixth (1/6) over the minimal parole eligibility requirement.

ASSUMPTION:

If the law for parole eligibility is extended to a minimal service requirement of one-half (1/2) the original sentence the following impact occurs:

One-half of the total months sentenced for those paroled in CY-81' is 3157. Increase of 3157 months by a factor of one-sixth (1/6) the original sentence results in a total accumulation of $(3157 + 526) = 3683$ months; or 58.34% of the original sentence is served.

SYSTEM IMPACT:

$(3683 - 3142) = 541$ additional months will be served; or an additional six and one-half (6 1/2) months per person/per sentence. Hence, 195 man-days per person (83 individuals) impacts 16,185 additional man-days; 44 1/2 additional beds per year.

| | FY84 | FY85 | FY86 | |
|---------------|---------|-------|-------|--|
| Food/Clothing | 80.0 | 88.0 | 96.0 | |
| Gratuities | 2.0 | 2.0 | 2.0 | |
| Beds | 1518.0 | 759.0 | 828.0 | 3 105.0 cost total of construction |
| Total | 1,600.0 | 849.0 | 926.0 | |

STATE OF ALASKA
THE LEGISLATURE

POUCH Y, STATE CAPITOL
JUNEAU, ALASKA 99811
907 465 3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

March 5, 1982

SUBJECT: Parole Board
(CSSB 327 (HESS))

TO: Senator Charles H. Parr
Chairman, Senate Health, Education
and Social Services Committee

FROM: Richard A. Bradley *B*
Legislative Counsel

We provided you with a memorandum along with the bill (CSSB 327 (HESS)) this morning.

Review has indicated an area where a further clarification may be made.

On page 5 of the bill, in subsecs. (h) and (c) at the top of the page, there are references to a "state prisoner imprisoned in accordance with AS 12.55.125(a) or (b)" and to a "state prisoner imprisoned in accordance with AS 12.55.125(c)(1), (c)(2), (c)(3), (d)(1), (d)(2), (e)(1) or (e)(2)".

It may be an improvement in clarity if the two phrases were clarified as follows:

(b) A state prisoner imprisoned for the crime of murder or kidnapping may not be released on discretionary parole until he has served at least the prescribed minimum term of imprisonment.

(c) A state prisoner imprisoned for the commission of a class A, B, or C felony who is released under AS 33.20.030 shall be placed on mandatory parole for the period specified in the certificate of deduction, less 180 days, subject to written conditions imposed by the board.

Senator Charles H. Parr
Page 2
March 5, 1982

The goal of the change would be direct understanding of the meaning of the reference as well as the result of freeing the sections from a technically awkward series of citations.

RA13:1jb

STATE OF ALASKA

AUDIT DIVISION
POUCH W—ALASKA OFFICE BUILDING

THE LEGISLATURE

BUDGET AND AUDIT COMMITTEE

JUNEAU, ALASKA 99811

February 24, 1982

TO: The Honorable Charles H. Parr
Chairman
Senate Health, Education and
Social Services Committee

FROM: Gerald L. Wilkerson, CPA *GLW*
Legislative Auditor
Division of Legislative Audit

SUBJECT: Discussion of Legislative
Oversight Responsibilities
as Related to Sunset Audits

As required by "sunset" legislation, your Committee has been assigned the oversight review of the Alaska State Board of Parole. In addition to the audit reports released earlier by this Division, the following information may be helpful.

According to AS 44.66.050, the standing committee of legislative jurisdiction as provided in Rule 20 of the Uniform Rules of the Legislature shall hold one or more hearings to receive testimony from the public and other parties that have associated responsibilities or interests. In addition, the Committee shall consider Legislative Audit's report, the agency's proposed budget, the agency's program performance report, and any other tools that might assist it in evaluating the conduct and activities of the agency being terminated.

It is important to note that the terminating agency shall have the burden of demonstrating a public need for its continued existence during the public hearings.

The determination of "public need" for continued existence shall take into consideration the following factors set out in AS 44.66.050(c):

1. The extent to which the board, commission or program has operated in the public interest.

2. The extent to which the operation of the board, commission, or agency program has been impeded or enhanced by existing statutes, procedures, and practices which it has adopted, and any other matter, including budgetary, resource, and personnel matters.
3. The extent to which the board, commission or agency has recommended statutory changes which are generally of benefit to the public interest.
4. The extent to which the board, commission or agency has encouraged interested persons to report to it concerning the effect of its regulations and decisions on the effectiveness of service, economy of service, and availability of service which it has provided.
5. The extent to which the board, commission or agency has encouraged public participation in the making of its regulations and decisions.
6. The efficiency with which public inquiries or complaints regarding the activities of the board, commission or agency filed with it, with the department to which a board or commission is administratively assigned, or with the office of the ombudsman have been processed and resolved.
7. The extent to which a board or commission which regulates entry into an occupation or profession has presented qualified applicants to serve the public.
8. The extent to which state personnel practices, including affirmative action requirements, have been complied with by the board, commission or agency to its own activities and the area of activity or interest.
9. The extent to which statutory, regulatory, budgeting or other changes are necessary to enable the agency, board or commission to better serve the interests of the public and to comply with the factors enumerated in this subsection.

The Legislative Audit reports have addressed these issues individually but only to the extent allowed by restricted audit scopes detailed within the reports.

The Law further states that the committee of reference shall, not later than the 60th day of the legislative session, submit a report to the presiding officer of each

house. The report is to include a summary of findings as to compliance with the "public need" factors enumerated above together with recommendations as to each of the following:

1. An identification of the problems or the needs that the programs and activities of the board, commission or agency are intended to address.
2. A statement, to the extent practicable, of the objectives of the program of the board, commission, or agency program, and its anticipated accomplishments.
3. An identification of any other programs having similar, conflicting or duplicate objectives.
4. An assessment of alternative methods of achieving the purposes of the program.
5. An assessment of the consequences of eliminating the board, commission or program and consolidating its activities with another program, or of funding it at a lower level.
6. A justification for the recommended continuation or extension of the board, commission or program, and an explanation of the manner in which it avoids duplication of or conflict with other efforts.
7. Any other information which, in the opinion of the committee, would improve the performance of the board, commission or agency with respect to its representation of and responsiveness to the public interest.

The committee of reference may introduce a bill providing for the reorganization or continuation of the agency being terminated as stipulated in AS 44.66.050(e).

If additional information is needed, please contact this office at 465-3830.

cc: Senator Arliss Sturgulewski
Chairman
Legislative Budget and Audit Committee

MEMORANDUM

State of Alaska

TO: Charlio Parr

DATE: March 25, 1982

FILE NO:

TELEPHONE NO:

FROM: Bill Zybach

SUBJECT: Paroles Granted

I contacted the Parole Board for information about the number of paroles granted in recent years. The Board reviews the cases of any prisoner that applies for parole. The total number of parole applicants is reflected in the "Total Release Hearings" column:

| YEAR | TOTAL RELEASE HEARINGS | PAROLES GRANTED | % GRANTED PAROLE |
|------|------------------------------|--------------------|---------------------|
| 1981 | 209 | 89 | 42.6% |
| 1980 | 194 | 76 | 39.2% |
| 1979 | 187 | 63 | 33.7% |
| 1978 | 221 | 71 | 32.1% |
| 1977 | 210 | 80 | 38.1% |
| 1976 | 218 | 65 | 29.8% |

Even though the prisoner population has increased significantly in recent years, the actual number of prisoners applying for parole has not. No data is gathered from those prisoners that waive the parole hearings. Some are ineligible by statute, because of presumptive sentencing or by order of the sentencing judge. Speculation is that some eligible prisoners don't want to bother with the work it takes to prepare a parole plan since the time between when they are eligible for parole (1/3 or more of sentence) and when they are eligible for release with good time (67% to 75% of sentence) is sometimes only a matter of months.

The information above indicates the year in which the lowest percentage of applicants were paroled was in 1976 (29.8%) and the highest year was 1981 (42.6%). The trend is for a larger percent to be paroled in successive years from 1976 through 1981 with the average over the six years being 35.9%. The Parole Board staff thinks the Board's guidelines may be a factor in the increased percentage of paroles granted.

BZ

V: What has been the rewarding part of this

Meeting a whole lot of sting people and know-what people in top positions, truly care. Most very concerned, and people. I've always had of interest in working the legislature because the kind of person who to see immediate ds, and you can see it the legislature. You with the legislator, you see bill come out, you see change, you see change.

...

V: What has been the frustrating part of this

Because I am in a position, I don't decisions. I get the information, I get the meeting together. It might be to make the decision if, but I can't do it. is not my role. Sometimes I get the same information as someone out-trying to work through bureaucracy. I don't just with our bureaucracy, I with the legislature, I with other departments, trying to pull things together can be very demand-

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to the person who will follow as special assistant in DHSS.

Behr: It's important to take a very positive view toward people. Everyone's trying to do the best job they can, but there's often constraints. My job is to help them overcome some of the constraints. Legislation came easy to me and I hope the next person does have a legislative background because it's real hard to pick up by yourself.

a very interesting person. I think the quality most admirable and unique in a person of her position is her human service orientation in terms of really caring about people, down to the single client who walks in the door with a problem. She really cares about people and she's not burned out on the system. She's real client-oriented.

If I had to describe her, she reminds me of some of the better college professors I've had. A motivator, a

feel about things and interpret that in their absence?

Behr: It's not an easy task. It takes quite some time to gather where the department is going, what are the main things the Commissioner stresses when she talks to people. That's why some commissioners pick long-time business associates so they don't have to go through this transition period.

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Parole Board Future Back in Twilight

A bill which would have continued the existence of the Alaska Parole Board has been vetoed by Governor Jay Hammond.

The Governor gave two reasons for his veto of SB 327. He cited irreconcilable legal conflicts with a comprehensive crime bill which also passed the legislature, and his belief that a discretionary parole system contradicts presumptive sentencing in the criminal code.

According to Hammond's veto letter to the Senate, when the parole bill and the comprehensive crime bill are combined, they have the unintended effect of making rapists eligible for parole when they would not be eligible for release under exist-

ing law or the crime bill, alone. In addition, the two bills have the combined effect of making eligible for parole persons who commit a class A felony when they already have two prior felony convictions. Armed robbery and assault in the first degree are examples of class A felony offenses.

Further, a House amendment that was intended to require a prisoner to serve at least one-half of his sentence before being eligible for parole fails to make that change according to Hammond. Because it was not properly drafted, a prisoner would still be eligible for parole after serving only one-third of the sentence.

Beyond the drafting over-

sights, Hammond stated his belief that punishment should be based on the type of crime committed and the defendant's prior criminal history, not on a prediction of rehabilitation.

Expiration of state boards and commissions is set in statute under sunset review, but the legislature can continue or re-establish them for up to four years.

The parole board was set to expire on June 30, 1980, but the legislature continued it pending completion of hearings and review.

Now the board has one more year to function and complete business. The next legislature also has the opportunity to reconsider and extend the board.