

S B

446

Professional Line

FD-36

PHONE MESSAGE

TO	<i>Mary / Mike</i>	DATE	<i>2/12</i>	TIME	AM
FROM	<i>Doug Griffin / Haldey</i>	AREA CODE			PM
OF		NO.			
		EXT.			
<p>SB446 - munis & responsibility of business design to give munis more resp^s funds. Think we, will oppose it -</p>					
SIGNED					
PHONED	<input type="checkbox"/>	CALL BACK	<input type="checkbox"/>	RETURNED CALL	<input type="checkbox"/>
WANTS TO SEE YOU	<input type="checkbox"/>	WILL CALL AGAIN	<input type="checkbox"/>	WAS IN	<input type="checkbox"/>
				URGENT	<input type="checkbox"/>



446

STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

February 7, 1990

The Honorable Tim Kelly
President of the Senate
Alaska State Legislature
P.O. Box V
Juneau, AK 99811

Dear Mr. President:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill relating to municipalities and the responsibility to provide for the custody and care of prisoners.

Existing law places upon the commissioner of public safety the responsibility for the custody and care of state prisoners pending admission into a state correctional facility. Where state correctional facilities do not exist, this has resulted in a large number of communities holding state prisoners and contracting with the commissioner of public safety for the associated costs. Unfortunately, municipalities are not obligated under present law to hold prisoners, and some have threatened to close down their jails. This would create serious problems for the state due to the high costs of transporting prisoners across vast distances to state facilities, which are already crowded.

This bill would shift from the state to the larger municipalities the responsibility for the care and custody of prisoners arrested in outlying areas, but would still require the state to pay for the cost of care, including certain medical expenses, of prisoners. Moreover, a municipality's obligation would last only until a prisoner is sentenced or accepted into a state correctional facility.

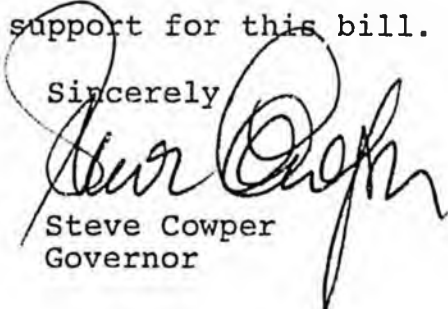
Under this bill, only organized boroughs without a state correctional pretrial facility, and cities of 1,000 or more people that are 50 miles or more away from a state pretrial facility, would be affected. The state would continue to have the responsibility for, and pay the cost of care for, prisoners arrested in smaller communities.

This bill is a reasoned attempt to have municipalities share the responsibility for addressing the problem of

crime committed in their communities, and at the same time relieve the state of having to spend unnecessary resources to transport prisoners from communities who refuse to assist in their care.

I respectfully request your support for this bill.

Sincerely



Steve Cowper
Governor

FISCAL NOTE

REQUEST:

Revision Date: _____
Title: Municipalities' responsibilities for prisoners
Sponsor: Rules Committee
Requestor: Governor

Agency Affected: Public Safety
BRU: Commissioner's Office
Component: Contract Jails

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

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

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

GENERAL FUND						
FEDERAL FUNDS						
OTHER/PROG RCPT						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS:

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

ANALYSIS: (Attach a separate page if necessary)

The amount needed to reimburse local communities for housing prisoners charged with violations of state law in local "contract jails" continues to grow. Appropriations for this program must continue, but passage of this bill would not itself impose a cost. This bill is intended to require certain communities to continue to maintain a local jail.

Prepared by: Gayle A. Horetski, Deputy Commissioner
Division: Office of the Commissioner

Phone: 465-4322
Date: 1/31/90

Approved by Commissioner: Arthur English
Agency: Department of Public Safety

Date: 1/31/90
Page 1 of 1

Alaska MUNICIPAL League

TELEPHONE
(907) 586-1325
FAX 463-5480

217 SECOND STREET, SUITE 200
JUNEAU, ALASKA 99801

February 12, 1990

RECEIVED

FEB 13 1990

Commissioner Art English
Department of Public Safety
Post Office Box N
Juneau, Alaska 99811

Dear Commissioner English:

I received a copy of a proposed bill "relating to municipalities and the care and responsibility for prisoners" from a municipal official on February 1st. The proposed legislation was brought to the attention of the Alaska Municipal League Board of Directors by Mayor Willie Goodwin, a Board member. The Board asked me to follow up and express the AML's opposition to the bill quickly in hopes that it would not be pursued by the Administration.

Unfortunately, the legislation, HB 489 and SB 446, was introduced on February 7, 1990 in the Rules Committees at the request of the Governor. I was told by Mayor Goodwin that he was told by the Administration that they were going to discuss the legislation further internally and would discuss it with at least the affected municipalities prior to its introduction. I understand this did not happen. I was unaware of the bill and do not know your intent behind the bill but I wanted to try and outline why the AML opposes the legislation.

I will address the proposed legislation generally first. First and foremost, public safety is a constitutionally-mandated function of the State. Secondly, the proposed legislation is another mandate on local government and for which there is no obligation to reimburse the municipalities affected for the cost of carrying out the mandate. Thirdly, the legislation is inequitable and another disincentive to incorporation because it would only affect municipalities, and, in doing so, it affects only some municipalities - those with 1000 or more people and those in which the State has not met its responsibility to build adequate correctional facilities. And, finally, if there is a desire by the Administration to make changes in the roles and responsibilities of state and local governments in the provision of government services to Alaskans (a study and discussion which AML has supported and encouraged for a number of years) such a piece meal and unilateral approach is surely not the best way to do so.

Specifically, the proposed legislation would add the "custody and care of prisoners, i.e. jails, as a mandatory power. Already, the mandatory powers of education, taxation and planning are more than most of Alaska are willing to take on. Second class boroughs that would be affected by this legislation would be required to take on jail powers when they do not or may not have police powers!

Commissioner Art English
February 12, 1990
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The premise under which the State contracts with approximately 17 municipalities for jails is contained in Section 33.30.041, i.e. "If the commissioner determines that it would be in the best interest of the state...". The contract jails are therefore, by statutory finding, beneficial to the State if for no other reason than its cheaper than building additional facilities and staffing them with state employees. I do not dispute that there are benefits to the municipalities with who the State contracts, for example, having prisoners remaining in their community at least until sentenced. There are local costs, too. The most recent concern has been the cost of liability insurance.

Currently, the State pays municipalities for the operation of the contract jails. The language proposed in Section 33.30.071 provides for reimbursement up to the amount appropriated by the legislature. This is a hollow promise to municipalities based on our experience with other state reimbursement programs such as the senior citizens property tax exemption, school debt reimbursement, and revenue sharing programs. If the intent is to fully reimburse the costs under the proposed legislation then the legislation would not save any more money for the State (which I assume is the reason behind the legislation) than the existing program does.

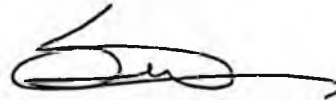
As mentioned above, a major concern of municipalities is liability insurance availability and cost for many municipal services, particularly police and jail functions. The exposure is increased with other state mandates such as the AS 37.47 and the Busby ruling for which we got only partial relief last year (SB 66). The cost and availability of insurance for municipalities is one reason the AML established the Alaska Municipal League Joint Insurance Association, Inc. (AML/JIA). Police and jail operation risks make police professional liability coverage one of the most expensive coverages available from our experience. That experience also tells us that such coverage on a first dollar basis may be hard to find in the future.

The Alaska Municipal League passed resolution No. 90-11 asking the State to indemnify municipalities operating contract jails as a reasonable cost of doing business and because \$1 million of first dollar coverage is very expensive and inadequate. I understood the State was sympathetic to these concerns and were at least looking into providing excess insurance. The proposed legislation makes the problem worse. Under the legislation, municipalities would be clearly responsible for, and therefore liable for, jail operations even if they followed state guidelines exactly. Such a change could make first dollar coverage unaffordable or unavailable. In fact, we are looking now for any market for police professional liability coverage for municipalities in Alaska as of July 1, 1990. This legislation if introduced and passed will not help!

Commissioner Art English
February 12, 1990
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I hope these comments are helpful and convincing. Again, the AML is opposed to the proposed legislation. On behalf of the AML and the municipalities in Alaska, I encourage the Administration to work with local governments as partners and to discuss common problems and solutions with us before legislation is introduced that affects municipalities.

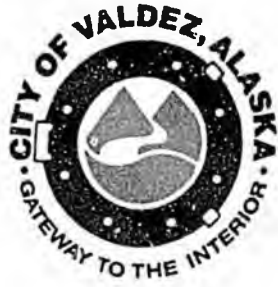
Sincerely,



Scott A. Burgess
Executive Director

cc: Deputy Chief of Staff Bob Evans
Mary Halloran, Director, OMB
Commissioner David Hoffman
Commissioner Susan Humphrey-Barnett
Representative Eileen MacLean
Senator Mike Szymanski ✓
AML Board of Directors
AML Legislative Subcommittee on Transportation,
Environment and Utilities and Public Safety

sab3:jails



RECEIVED
FEB 27 1990

February 22, 1990

Senator Mike Szymanski
Room 11, Capitol
P. O. Box V
Juneau, Alaska 99811

Dear Senator Szymanski:

Enclosed for your consideration is Resolution No. 9015 which was adopted by the Valdez City Council on February 20, 1990.

This resolution urges the Alaska State Legislature to oppose passage of Senate Bill 3446 and House Bill 489, an act relating to municipalities and the care of and responsibility for prisoners.

Thank you for your consideration of this resolution.

Yours truly,

Jeanne Donald
City Clerk

Enclosure

CITY OF VALDEZ, ALASKA

RESOLUTION NO. 9015

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF VALDEZ, ALASKA, RECOMMENDING THE OPPOSITION OF ADOPTION OF SENATE BILL 446 AND HOUSE BILL 489 AN ACT RELATING TO MUNICIPALITIES AND THE CARE OF, AND RESPONSIBILITY FOR PRISONERS.

WHEREAS, the City of Valdez urges the State of Alaska to exercise its responsibility to provide custody and care of prisoners and not pass this responsibility to municipalities; and

WHEREAS, the State currently is accountable for custody and care from time of arrest of prisoners; and

WHEREAS, it is now the obligation of the State to reimburse local municipalities for the custody and care of prisoners, and this obligation should remain at the State level rather than the municipal level; and

WHEREAS, any reimbursement by the State to local municipalities should be for total cost incurred by the municipalities rather than a fixed amount appropriated by the legislature; and

WHEREAS, the State is asking that responsibility of the Commissioner of Public Safety does not begin until a prisoner is accepted into a correctional facility or other facility designed for holding prisoners, and the commissioner of Public Safety is notified of the admission, the City denies this arrangement; and

WHEREAS, the State rather than the municipality, must assume full financial liability for prisoner custody and care from time of arrest unless gross negligence is shown on the part of the municipality.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF VALDEZ, ALASKA, that

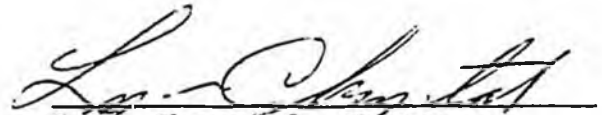
Section 1. The City of Valdez urges the Alaska State Legislature to oppose passage of Senate Bill 446 and House Bill 489 an act relating to municipalities and the care of and responsibility for prisoners.

Section 2. A copy of this resolution, properly certified, shall be sent to Senator Mike Szymanski, Senator Jay Kerttula, Representative Gene Kubina, Representative Eileen MacClean and the Alaska Municipal League.

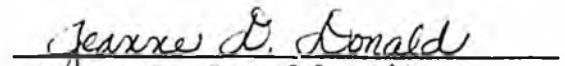
RESOLUTION NO. 9015
Page 2

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF
VALDEZ, ALASKA, this 20th day of February, 1990.

CITY OF VALDEZ, ALASKA


Lynn Chrystal, Mayor

ATTEST:


Jeanne D. Donald, City Clerk