

LEG. FINANCE - BILLS 1985 - 1986 2339

CSHB 113 cont. - HB 114

339

1 department. The annual estimated balance in the account may be used  
2 by the legislature to make appropriations to the Department of Educa-  
3 tion to carry out the purposes of AS 14.07.030.

4 \* Sec. 13. AS 14.07.059(a) is amended to read:

5 (a) The Alaska school activities fund is established in the  
6 general fund under the administration of [WITHIN] the Department of  
7 Education.

8 \* Sec. 14. AS 14.07.059 is amended by adding a new subsection to read:

9 (d) All fees, including membership fees and activity and events  
10 fees collected by the Alaska School Activities Association must be  
11 deposited in the Alaska school activities fund, and must be separately  
12 accounted for by the commissioner of administration. The annual  
13 estimated balance in the fund may be used by the legislature to make  
14 appropriations to the Department of Education to carry out the pur-  
15 poses of this section.

16 \* Sec. 15. AS 14.20.020(c) is amended to read:

17 (c) The board may establish by regulation additional require-  
18 ments for the issuance of certificates, including the fees to be  
19 charged for each certificate.

20 \* Sec. 16. AS 14.20.020 is amended by adding a new subsection to read:

21 (e) The commissioner of administration shall separately account  
22 for teacher certification fees deposited in the general fund. The  
23 annual estimated balance in the account may be used by the legislature  
24 to make appropriations to the Department of Education to carry out the  
25 purposes of this section and to support the activities of the Profes-  
26 sional Teaching Practices Commission under AS 14.20.460, 14.20.470,  
27 and 14.20.500.

28 \* Sec. 17. AS 14.25.180(a) is amended to read:

29 (a) The commissioner of revenue is the treasurer of the system

1 and has powers and duties for this purpose including but not limited  
2 to the following:

3 (1) to act as official custodian of the cash and securities  
4 belonging to the system and provide adequate safe deposit facilities  
5 for them;

6 (2) to receive all items of cash belonging to the system;

7 (3) to collect the interest and principal on securities  
8 acquired by the system and deposit the interest and principal in the  
9 retirement fund;

10 (4) to invest and reinvest the assets of the retirement  
11 fund in accordance with this section;

12 (5) to receive and spend appropriations from the retirement  
13 fund to cover the cost of custodial duties assigned by this section.

14 \* Sec. 18. AS 14.40.210 is amended to read:

15 Sec. 14.40.210. POWERS OF PRESIDENT OF THE UNIVERSITY. (a) The  
16 president of the University of Alaska may

17 (1) give general direction to the work of the University of  
18 Alaska in all its departments subject to the approval of the Board of  
19 Regents; [.]

20 (2) appoint the deans, heads of departments, professors,  
21 assistants, instructors, tutors, and other officers of the University  
22 of Alaska to the positions established by the Board of Regents.

23 (b) The president of the University of Alaska shall separately  
24 account for university receipts deposited in the treasury of the uni-  
25 versity. The annual estimated balance in the account may be used by  
26 the legislature to make appropriations to the university to carry out  
27 the purposes of AS 14.40.

28 \* Sec. 19. AS 14.40 is amended by adding a new section to article 3 to  
29 read:

1           Sec. 14.40.490. DEFINITION. For purposes of AS 14.40.120 --  
2           14.40.490, "university receipts" includes

- 3           (1) student fees, including tuition;
- 4           (2) receipts from university auxiliary services;
- 5           (3) recovery of indirect costs of university activities;
- 6           (4) sales and rentals of university property;
- 7           (5) federal receipts;
- 8           (6) gifts, grants, and contracts; and
- 9           (7) sales, rentals, and services of educational activities.

10       \* Sec. 20. AS 14.56.030(8) is amended to read:

11           (8) apply for, receive, and spend federal, state, or pri-  
12       vate funds available for library purposes, including charging fees for  
13       reproduction or printing costs and for mailing and distribution of  
14       state publications and research data, in accordance with the Executive  
15       Budget Act (AS 37.07);

16       \* Sec. 21. AS 14.56 is amended by adding a new section to read:

17           Sec. 14.56.035. ACCOUNTING AND DISPOSITION OF FEES. The commis-  
18       sioner of administration shall separately account for publication and  
19       distribution fees received under AS 14.56.030(8) and deposited in the  
20       general fund. The annual estimated balance in the account may be used  
21       by the legislature to make appropriations to the Department of Educa-  
22       tion to carry out the purposes of AS 14.56.030.

23       \* Sec. 22. AS 14.57.010(b) is amended to read:

24           (b) The department shall

25           (1) acquire artifacts, natural history specimens, art  
26       objects, etc., that pertain to the human and natural history of Alaska  
27       by purchase and by gift;

28           (2) identify, catalog, preserve, and display these acquisi-  
29       tions;

1 (3) acquire and catalog Alaskan photographs and maintain a  
2 card catalog of this collection;

3 (4) accept endowments, grants, and gifts in accordance with  
4 the Executive Budget Act (AS 37.07) [ESTABLISHED STATE POLICY];

5 (5) collect and maintain books, periodicals, pamphlets, and  
6 other materials pertinent to museum administration, techniques and  
7 collections;

8 (6) assist and advise in the development of local museums;

9 (7) collect and keep current information concerning museum  
10 activities throughout the state;

11 (8) coordinate the museum activities of the state with  
12 those of other agencies;

13 (9) keep the museum open at reasonable hours for the conve-  
14 nience of visitors;

15 (10) provide museum services and administer state and other  
16 grants-in-aid to museums in the state to supplement and improve their  
17 services, the grants to be paid from money [FUNDS] appropriated for  
18 that purpose, or from other money [FUNDS] available for that purpose.

19 \* Sec. 23. AS 14.57 is amended by adding a new section to read:

20 Sec. 14.57.015. ACCOUNTING AND DISPOSITION OF RECEIPTS. The  
21 commissioner of administration shall separately account for each  
22 endowment or grant from a private donor received under AS 14.57.-  
23 010(b)(4) and deposited in the general fund. The annual estimated  
24 balance in the account may be used by the legislature to make appro-  
25 priations to the Department of Education to carry out the purposes of  
26 AS 14.57.010.

27 \* Sec. 24. AS 16.05.050 is amended by adding new paragraphs to read:

28 (14) sell fish caught during commercial fisheries test  
29 fishing operations;

1 (15) charge fees equal to the cost of services provided by  
2 the department, including provision of public shooting ranges, brood-  
3 stock and eggs for private nonprofit hatcheries, department publica-  
4 tions, and other direct services.

5 \* Sec. 25. AS 16.05 is amended by adding a new section to read:

6 Sec. 16.05.055. ACCOUNTING AND DISPOSITION OF RECEIPTS. The  
7 commissioner of administration shall separately account for money  
8 collected under AS 16.05.050(4), (14), and (15) and deposited in the  
9 general fund. The annual estimated balance in each account may be  
10 used by the legislature to make appropriations to the department to  
11 carry out the activities for which fees have been charged or for which  
12 the money was collected.

13 Sec. 26. AS 16.05.826 is amended by adding a new subsection to read:

14 (d) The commissioner of administration shall separately account  
15 for receipts from waterfowl conservation limited edition prints,  
16 deposited in the general fund. The annual estimated balance in the  
17 account may be used by the legislature to make appropriations to the  
18 department to carry out the purposes set out in AS 16.05.130(b).

19 \* Sec. 27. AS 16.43 is amended by adding a new section to read:

20 Sec. 16.43.105. ACCOUNTING AND DISPOSITION OF FEES. The commis-  
21 sioner of administration shall separately account for fees collected  
22 under AS 16.43.100(16) and deposited in the general fund. The annual  
23 estimated balance in the account may be used by the legislature to  
24 make appropriations to the commission to carry out the activities for  
25 which fees have been charged.

26 \* Sec. 28. AS 16.51.160(b) is amended to read:

27 (b) The seafood marketing assessment collected under this chap-  
28 ter must [SHALL] be deposited in the general fund. The legislature  
29 may make appropriations to the Department of Commerce and Economic

1 Development for the purpose of providing financing to the institute  
2 based on the annual estimated balance in the account [COLLECTIONS OF  
3 THE SEAFOOD MARKETING ASSESSMENT], and may appropriate additional  
4 money beyond the seafood marketing assessment as need is demonstrated  
5 by the institute.

6 \* Sec. 29. AS 17.30.100(a) is amended to read:

7 (a) The commissioner of public safety shall cooperate with other  
8 state and federal agencies in the discharge of their responsibilities  
9 pertaining to illicit traffic in controlled substances and in sup-  
10 pressing the abuse of controlled substances. Under this section, the  
11 powers of the commissioner of public safety include but are not lim-  
12 ited to the following:

13 (1) arranging for the exchange of information among govern-  
14 ment officials concerning illicit traffic in and abuse of controlled  
15 substances;

16 (2) coordinating training programs pertaining to controlled  
17 substances at both local and state levels; [AND]

18 (3) cooperating with the Drug Enforcement Administration of  
19 the United States Department of Justice by establishing a centralized  
20 unit to accept, catalog, file, and collect statistics, including  
21 records of persons who have violated the provisions of this chapter or  
22 AS 11.71 in the state and making the information available for feder-  
23 al, state, and local law enforcement purposes; and

24 (4) the department, in cooperation with other states and  
25 federal agencies, may apply for and accept money necessary to exchange  
26 information concerning narcotics trafficking between the states.

27 \* Sec. 30. AS 17.30.100 is amended by adding a new subsection to read:

28 (c) The commissioner of administration shall separately account  
29 for money received under (a)(4) of this section and deposited in the

1 general fund. The annual estimated balance in the account may be used  
2 by the legislature to make appropriations to the Department of Public  
3 Safety to carry out the purposes of this section.

4 \* Sec. 31. AS 18.50.330(b) is amended to read:

5 (b) The state registrar shall account for fees received by the  
6 bureau under this section and shall pay them to the Department of  
7 Revenue. The Department of Revenue shall deposit them in the general  
8 fund. The commissioner of administration shall separately account for  
9 the fees deposited in the general fund. The annual estimated balance  
10 in the account may be used by the legislature to make appropriations  
11 to the department to carry out the purposes of this section.

12 \* Sec. 32. AS 18.60 is amended by adding a new section to read:

13 ARTICLE 12. MISCELLANEOUS PROVISIONS.

14 Sec. 18.60.950. ACCOUNTING AND DISPOSITION OF FEES. The commis-  
15 sioner of administration shall separately account for fees collected  
16 by the Department of Labor under this chapter and deposited in the  
17 general fund. The annual estimated balance in the account may be used  
18 by the legislature to make appropriations to the Department of Labor  
19 to carry out the purposes of this chapter.

20 \* Sec. 33. AS 18.62.030 is amended to read:

21 Sec. 18.62.030. FEE. When submitting an application, an appli-  
22 cant shall pay a fee of \$40 for a certificate valid for one year or  
23 \$75 for a certificate valid for three years. The commissioner of  
24 administration shall separately account for certificate of fitness  
25 fees deposited in the general fund. The annual estimated balance in  
26 the account may be used by the legislature to make appropriations to  
27 the Department of Labor to carry out the purposes of this chapter.

28 \* Sec. 34. AS 18.70 is amended by adding a new section to read:

29 Sec. 18.70.977. FEE. When submitting an application to build a

1 new facility, the applicant shall pay any fees established by regu-  
2 lations adopted under AS 18.70.080. The commissioner of administra-  
3 tion shall separately account for fees collected under this section  
4 and deposited in the general fund. The annual estimated balance in  
5 the account may be used by the legislature to make appropriations to  
6 the Department of Public Safety to carry out the purposes of this  
7 chapter.

8 \* Sec. 35. AS 19.05 is amended by adding a new section to read:

9 Sec. 19.05.046. ACCOUNTING AND DISPOSITION OF RECEIPTS FROM  
10 NONSTATE ENTITIES. The commissioner of administration shall separ-  
11 ately account for money derived from maintenance services provided to  
12 nonstate entities which is deposited in the general fund. The annual  
13 estimated balance in the account may be used by the legislature to  
14 make appropriations to the department to carry out the purposes of  
15 this chapter.

16 \* Sec. 36. AS 19.10.060 is amended to read:

17 Sec. 19.10.060. REGULATION OF WEIGHT AND LOAD OF VEHICLES AND  
18 USE OF HIGHWAYS DURING CERTAIN SEASONS. (a) The department, with  
19 respect to highways under its jurisdiction, may

20 (1) establish limitations on weight, size, and load of  
21 vehicles;

22 (2) [Repealed, sec. 25 ch. 144 SLA 1977.]

23 (3) prohibit the operation of or impose restrictions on  
24 vehicular use of highways during certain seasons of the year;

25 (4) establish fees to implement this section.

26 (b) The commissioner of administration shall separately account  
27 for fees collected under (a) of this section and deposited in the  
28 general fund. The annual estimated balance in the account may be used  
29 by the legislature to make appropriations to the department to carry

1 out the purposes of this section.

2 \* Sec. 37. AS 19.25 is amended by adding a new section to article 2 to  
3 read:

4 Sec. 19.25.035. DAMAGES TO STATE HIGHWAYS AND ROADS. (a) The  
5 driver or owner, or both, of a vehicle, self-propelling or otherwise,  
6 that damages state-owned road or highway-related property such as  
7 bridges, overpasses, signal poles, street lights and poles, traffic  
8 signals, guardrails, or fences may be held financially liable for that  
9 damage.

10 (b) The commissioner of administration shall separately account  
11 for damages deposited in the general fund which are recovered from  
12 vehicle owners, drivers, or insurance companies for damage to property  
13 related to state-owned roads and highways. The annual estimated  
14 balance in the account may be used by the legislature to make appro-  
15 priations to the department for the purpose of repairing the damage.

16 \* Sec. 38. AS 19.25.200 is amended to read:

17 Sec. 19.25.200. ENCROACHMENT PERMITS. An encroachment may be  
18 constructed, placed, changed or maintained across or along a highway  
19 but only in accordance with regulations adopted by the department. No  
20 encroachment may be constructed, placed, maintained or changed until  
21 it is duly authorized by a written permit issued by the department.  
22 The department may charge a fee for a permit issued under this sec-  
23 tion. The commissioner of administration shall separately account for  
24 encroachment permit fees deposited in the general fund. The annual  
25 estimated balance in the account may be used by the legislature to  
26 make appropriations to the department to carry out the purposes of  
27 this section.

28 \* Sec. 39. AS 21.06 is amended by adding a new section to read:

29 Sec. 21.06.260. ACCOUNTING AND DISPOSITION OF FEES. The com-

1       missioner of administration shall separately account for fees collect-  
2       ed under this chapter and deposited in the general fund. The annual  
3       estimated balance in the account may be used by the legislature to  
4       make appropriations to the Department of Commerce and Economic Devel-  
5       opment to carry out the operations of the division of insurance.

6       \* Sec. 40. AS 23.05.060 is amended to read:

7               Sec. 23.05.060. POWERS OF THE DEPARTMENT. The department may

8                       (1) enforce all state labor laws;

9                       (2) act as mediator and appoint deputy commissioners of  
10       conciliation in labor disputes whenever it considers the interest of  
11       industrial peace requires it;

12                      (3) make investigations, collect and compile statistical  
13       information concerning the conditions of labor generally and upon all  
14       matters relating to the enforcement of this chapter;

15                      (4) institute court proceedings against an employer of  
16       labor without cost to the employee when it is satisfied that the  
17       employer has failed to pay an employee an amount due by contract;

18                      (5) issue cease and desist orders and other orders and  
19       regulations necessary for the enforcement of state labor laws;

20                      (6) under the Executive Budget Act (AS 37.07), receive and  
21       spend money derived from agreements with local governments, nongov-  
22       ernmental organizations, or other individuals.

23       \* Sec. 41. AS 23.05 is amended by adding a new section to read:

24               Sec. 23.05.070. ACCOUNTING AND DISPOSITION OF RECEIPTS. The  
25       commissioner of administration shall separately account for money  
26       received under AS 23.05.060(6) and deposited in the general fund. The  
27       annual estimated balance in the account may be used by the legislature  
28       to make appropriations to the department to carry out the purposes of  
29       AS 23.05.060.

1 \* Sec. 42. AS 23.15.130(c) is repealed and reenacted to read:

2 (c) The commissioner of administration shall separately account  
3 for receipts paid into the vocational rehabilitation small business  
4 enterprise revolving fund. The annual estimated receipts of the fund  
5 may be used by the legislature to make appropriations to the depart-  
6 ment to aid licensees in operating vending machine facilities.

7 \* Sec. 43. AS 26.05.230(b) is amended to read:

8 (b) The armory of each battalion, company, or other unit is sub-  
9 ject to the order of the adjutant general and under the charge of its  
10 armory board which shall keep in the armory all property furnished by  
11 the state. Except for scout battalions organized under special au-  
12 thority of the Secretary of the Army, no unit may be furnished with  
13 arms or equipment until a suitable armory is provided for their depos-  
14 it. Subject to regulations adopted by the adjutant general, an armory  
15 may be used for any reasonable and legitimate civilian activity so  
16 long as the activity does not interfere with its use for military  
17 purposes. Proceeds received as rental or otherwise at an armory from  
18 nonmilitary use must [SHALL] be deposited in the state general fund.  
19 The commissioner of administration shall separately account for facil-  
20 ities rental fees deposited in the general fund. The annual estimated  
21 balance in the account may be used by the legislature to make appro-  
22 priations to the Department of Military and Veterans' Affairs to carry  
23 out the purposes of this section.

24 \* Sec. 44. AS 28.05.021 is amended by adding a new subsection to read:

25 (b) The commissioner of administration shall separately account  
26 for money derived from activities authorized under this section and  
27 deposited in the general fund. The annual estimated balance in the  
28 account may be used by the legislature to make appropriations to the  
29 department to carry out the purposes of this section, including

1 payment to commissioned agents.

2 \* Sec. 45. AS 28.10.431 is amended by adding a new subsection to read:

3 (i) The commissioner of administration shall separately account  
4 for the collection costs received under (e) of this section and depos-  
5 ited in the general fund. The annual estimated balance in the account  
6 may be used by the legislature to make appropriations to the depart-  
7 ment to carry out the purposes of this section.

8 \* Sec. 46. AS 33.30.070 is amended to read:

9 Sec. 33.30.070. FURNISHING [COMMISSIONER MAY CONTRACT TO FUR-  
10 NISH] FACILITIES TO UNITED STATES OR A POLITICAL SUBDIVISION OF THIS  
11 STATE. The commissioner may contract with the proper authorities of  
12 the United States or a political subdivision of this state to provide  
13 the services of state prison facilities for the safekeeping, care, and  
14 subsistence of persons held under the authority of the law of the  
15 [THEIR] respective jurisdictions. The commissioner of administration  
16 shall separately account for payments received for the services pro-  
17 vided under this section and deposited in the general fund. The  
18 annual estimated balance in the account may be used by the legislature  
19 to make appropriations to the department to carry out the purposes of  
20 this section.

21 \* Sec. 47. AS 33.32.020(a) is amended to read:

22 (a) There is established in the Department of Corrections an  
23 intra-governmental service [A] fund [TO BE] known as the correctional  
24 industries fund. All expenses of the correctional industries program,  
25 except salaries and benefits of state employees, may [ARE TO] be fi-  
26 nanced from the correctional industries fund and budgeted in accord-  
27 ance with the Executive Budget Act (AS 37.07). The commissioner of  
28 corrections shall report annually to the legislature all activities  
29 and balances of the fund.

1 \* Sec. 48. AS 33.32.020(b) is amended to read:

2 (b) The legislature may appropriate to the correctional indus-  
3 tries fund any amounts necessary to implement this chapter. Money [,  
4 WHICH MAY EQUAL OR EXCEED THE AMOUNTS] received by the state for ser-  
5 vices rendered or products sold by the correctional industries program  
6 must be deposited in the correctional industries fund. The annual  
7 estimated balance in the fund may be used by the legislature to make  
8 appropriations to the Department of Corrections to carry out the  
9 purposes of this section.

10 \* Sec. 49. AS 34.55.020 is amended by adding a new subsection to read:

11 (g) The commissioner of administration shall separately account  
12 for filing, registration, and inspection fees collected under this  
13 chapter and deposited in the general fund. The annual estimated bal-  
14 ance in the account may be used by the legislature to make appropria-  
15 tions to the department to carry out the purposes of this section.

16 \* Sec. 50. AS 37.15.420(a) is amended to read:

17 (a) There is established a capital project fund [A SPECIAL FUND  
18 OF THE STATE] known as the "International Airports Construction Fund,"  
19 into which must [SHALL] be paid the proceeds of the sale of the bonds  
20 (except any accrued interest paid on them, which must [SHALL] be paid  
21 into the bond redemption fund) and any grant or other money which is  
22 legally provided for the same purposes for which the bonds are au-  
23 thORIZED. The money in the construction fund must [SHALL] be used to  
24 pay the costs of acquiring, equipping, constructing and installing  
25 additions and improvements to and extensions of and facilities for the  
26 airports and costs incidental thereto, including costs of the au-  
27 thorization, issuance and sale of the bonds. To the extent provided  
28 in the bond resolution, money in the construction fund may also be  
29 used for the payment of interest on the bonds during the period of

1 actual construction, and for such further period, not exceeding one  
2 year after the period of construction, as may be provided in the bond  
3 resolution. Money in the construction fund may also be transferred to  
4 the bond redemption fund, to the extent provided in the bond resolu-  
5 tion, to establish a reserve for the payment of the principal of and  
6 interest on the bonds.

7 \* Sec. 51. AS 37.15.430(a) is amended to read:

8 (a) There is established an enterprise fund [ANOTHER SPECIAL  
9 FUND OF THE STATE,] known as the "International Airports Revenue  
10 Fund," [WHICH SHALL BE COMPLETELY SEGREGATED AND SET APART FROM ALL  
11 OTHER FUNDS OF THE STATE, WHICH IS A TRUST FUND FOR THE USES AND PUR-  
12 POSES PROVIDED IN AS 37.15.410 -- 37.15.550, AND] into which must  
13 [SHALL] be paid all revenues, fees, charges, and rentals derived by  
14 the state from the ownership, lease, use, and operation of the air-  
15 ports and all of the facilities and improvements of them and facil-  
16 ities and improvements used in connection with them. These revenues,  
17 charges, fees and rentals do [SHALL] not include the proceeds of any  
18 state tax or license. The money in the revenue fund may [SHALL] only  
19 be used for the purpose of (1) paying or securing the payment of the  
20 principal of and interest on the bonds and of and on any other revenue  
21 bonds issued by authorization of the legislature to provide money  
22 [FUNDS] to acquire, equip, construct, and install additions and im-  
23 provements to, and extensions of and facilities for, the airports, and  
24 to be payable out of the revenue fund, (2) [THE PURPOSE OF] paying the  
25 normal and necessary costs of maintaining and operating the airports  
26 and all of the improvements and facilities of them, (3) [THE PURPOSE  
27 OF] paying the costs of renewals, replacements, and extraordinary  
28 repairs to the airports and all of the improvements and facilities of  
29 them, (4) [THE PURPOSE OF] redeeming before their fixed maturities

1 any and all revenue bonds issued for the purposes of the airports, (5)  
2 [THE PURPOSE OF] providing money [FUNDS] to acquire, construct and  
3 install necessary additions and improvements to and extensions of and  
4 facilities for the airports and all of their facilities, and (6) [THE  
5 PURPOSE OF] providing money [FUNDS] to pay any and all other costs  
6 relating to the ownership, use, and operation of the airports.

7 \* Sec. 52. AS 38.35.140(b) is amended to read:

8 (b) The lessee shall reimburse the state for all reasonable  
9 costs incurred in processing an application filed under AS 38.35.050  
10 and in monitoring the construction of the pipeline on the right-of-  
11 way. The commissioner of administration shall separately account for  
12 money received under this subsection and deposited in the general  
13 fund. The annual estimated balance in the account may be used by the  
14 legislature to make appropriations to the Department of Natural Re-  
15 sources to carry out the purposes of this section.

16 \* Sec. 53. AS 39.35.080 is amended to read:

17 Sec. 39.35.080. DUTIES OF COMMISSIONER OF REVENUE. The commis-  
18 sioner of revenue is the treasurer of the system and shall

19 (1) act as official custodian of the cash and securities  
20 belonging to the system and provide adequate safe deposit facilities  
21 for them;

22 (2) receive cash belonging to the system;

23 (3) collect the interest and principal on securities ac-  
24 quired by the system and deposit it in the pension fund maintained in  
25 the name of the system;

26 (4) invest and reinvest the assets of the pension fund in  
27 accordance with AS 39.35.110; and

28 (5) receive and spend appropriations from the retirement  
29 fund to cover the cost of custodial duties.

1 \* Sec. 54. AS 41.08 is amended by adding a new section to read:

2           Sec. 41.08.025. ACCOUNTING AND DISPOSITION OF RECEIPTS. The  
3 commissioner of administration shall separately account for money  
4 received under AS 41.08.020(b)(5) from agreements with individuals,  
5 private agencies, communities and private industry, and deposited in  
6 the general fund. The annual estimated balance in the account may be  
7 used by the legislature to make appropriations to the Department of  
8 Natural Resources to carry out the purposes of AS 41.08.020.

9 \* Sec. 55. AS 42.05.651 is amended by adding a new subsection to read:

10           (b) The commissioner of administration shall separately account  
11 for investigation and hearing costs collected under this section and  
12 deposited in the general fund. The annual estimated balance in the  
13 account may be used by the legislature to make appropriations to the  
14 commission to carry out the purposes of this section.

15 \* Sec. 56. AS 42.06.610 is amended by adding a new subsection to read:

16           (c) The commissioner of administration shall separately account  
17 for investigation and hearing costs collected under this section and  
18 deposited in the general fund. The annual estimated balance in the  
19 account may be used by the legislature to make appropriations to the  
20 commission to carry out the purposes of this chapter.

21 \* Sec. 57. AS 42.30.225 is amended by adding a new subsection to read:

22           (f) The commissioner of administration shall separately account  
23 for certificate of compliance fees collected under this section and  
24 deposited in the general fund. The annual estimated balance in the  
25 account may be used by the legislature to make appropriations to the  
26 department to carry out the purposes of this section.

27 \* Sec. 58. AS 43.10 is amended by adding a new section to read:

28           Sec. 43.10.037. ACCOUNTING AND DISPOSITION OF FEES. The commis-  
29 sioner of administration shall separately account for collection fees,

1 added to delinquent taxes and deposited in the general fund. The  
2 annual estimated balance in the account may be used by the legislature  
3 to make appropriations to the Department of Revenue to carry out the  
4 purposes of this chapter.

5 \* Sec. 59. AS 44.21.160 is amended by adding a new subsection to read:

6 (g) The commissioner of administration shall separately account  
7 for data processing services fees charged to political subdivisions  
8 and deposited in the general fund. The annual estimated balance in  
9 the account may be used by the legislature to make appropriations to  
10 the department to carry out the purposes of this section.

11 \* Sec. 60. AS 44.33.020 is amended by adding new paragraphs to read:

12 (28) sell at cost, to the extent possible, publications and  
13 promotional materials developed by the department;

14 (29) as delegated by the governor, administer, under 16  
15 U.S.C. sec. 1856, the internal waters foreign processing permit proce-  
16 dures and collect related fees.

17 \* Sec. 61. AS 44.33 is amended by adding a new section to read:

18 Sec. 44.33.022. ACCOUNTING AND DISPOSITION OF FEES. The commis-  
19 sioner of administration shall separately account for fees collected  
20 under AS 44.33.020(28) and (29), respectively, and deposited in the  
21 general fund. The annual estimated balance in each account may be  
22 used by the legislature to make appropriations to the Department of  
23 Commerce and Economic Development to finance the programs from which  
24 the receipts are derived.

25 \* Sec. 62. AS 44.33.120 is amended by adding a new subsection to read:

26 (c) The commissioner of administration shall separately account  
27 for proceeds from the sale of pamphlets, brochures, and other graphic  
28 and pictorial materials, which are collected under this section and  
29 deposited in the general fund. The annual estimated balance in the

1 account may be used by the legislature to make appropriations to the  
2 Department of Commerce and Economic Development to cover the costs of  
3 the division of tourism.

4 \* Sec. 63. AS 44.37.025(b) is amended to read:

5 (b) The department shall engage and compensate recorders and  
6 deputy recorders, prescribe and account for recording fees, and do all  
7 other things necessary to maintain the recording system established  
8 under the laws of this state. The commissioner of administration  
9 shall separately account for fees charged under this section and  
10 deposited in the general fund. The annual estimated balance in the  
11 account may be used by the legislature to make appropriations to the  
12 Department of Natural Resources to carry out the purposes of this  
13 section.

14 \* Sec. 64. AS 44.41.020 is amended to read:

15 Sec. 44.41.020. DUTIES OF DEPARTMENT. (a) The Department of  
16 Public Safety shall administer functions relative to the protection of  
17 life and property. The department may enter into agreements with  
18 federal and local government agencies to train personnel of those  
19 agencies in the protection of life and property. The commissioner of  
20 administration shall separately account for training fees received  
21 under such an agreement and deposited in the general fund. The annual  
22 estimated balance in the account may be used by the legislature to  
23 make appropriations to the Department of Public Safety to carry out  
24 the purposes of this section.

25 (b) The department may enter into agreements with federal and  
26 local government agencies to provide a statewide criminal justice  
27 information system. Reasonable fees may be charged by the department  
28 to cover the costs of providing services under these agreements,  
29 including maintenance of terminal hardware and network connect

1 charges. The commissioner of administration shall separately account  
2 for the criminal justice information system fees deposited in the  
3 general fund. The annual estimated balance in the account may be used  
4 by the legislature to make appropriations to the Department of Public  
5 Safety to carry out the purposes of this section.

6 \* Sec. 65. AS 44.42.020(b) is amended to read:

7 (b) The department may

8 (1) engage in experimental projects relating to available  
9 or future modes of transportation and any means of improving existing  
10 transportation facilities and service;

11 (2) exercise the power of eminent domain, including the  
12 declaration of taking as provided in AS 09.55;

13 (3) publish plans, schedules, directories, guides, and man-  
14 uals for distribution, with or without charge, to private or public  
15 entities or persons.

16 Sec. 66. AS 44.42 is amended by adding a new section to read:

17 Sec. 44.42.025. ACCOUNTING AND DISPOSITION OF RECEIPTS. The  
18 commissioner of administration shall separately account for money  
19 deposited in the general fund which derived from the sale of documents  
20 under AS 44.42.020(b)(3). The annual estimated balance in the account  
21 may be used by the legislature to make appropriations to the depart-  
22 ment to carry out the purposes of AS 44.42.020.

23 \* Sec. 67. AS 44.76.010 is amended to read:

24 Sec. 44.76.010. WORKING CAPITAL FUND. The highways equipment  
25 [A] working capital fund is established as an intra-governmental  
26 service fund [IN THE STATE TREASURY] for the use of the Department of  
27 Transportation and Public Facilities.

28 Sec. 68. AS 44.76.020 is amended to read:

29 Sec. 44.76.020. USE OF FUND. The department shall use the fund

1 for necessary expenses resulting from the centralization of equipment  
2 maintenance and for the operation of supply depots. The annual esti-  
3 imated balance in the fund may be used by the legislature to make  
4 appropriations to the Department of Transportation and Public Facil-  
5 ities to carry out the purposes of this section.

6 \* Sec. 69. AS 44.83.195 is amended by adding a new subsection to read:

7 (c) The commissioner of administration shall separately account  
8 for money collected under (a) of this section and deposited in the  
9 general fund. The annual estimated balance in the account may be used  
10 by the legislature to make appropriations to the authority to cover  
11 the cost of project operations.

12 \* Sec. 70. AS 45.09 is amended by adding a new section to article 4 to  
13 read:

14 Sec. 45.09.409. ACCOUNTING AND DISPOSITION OF FEES. The commis-  
15 sioner of administration shall separately account for fees charged  
16 under AS 45.09.401 -- 45.09.408 and deposited in the general fund.  
17 The annual estimated balance in the account may be used by the legis-  
18 lature to make appropriations to the Department of Natural Resources  
19 to carry out the purposes of AS 45.09.401 -- 45.09.408.

20 \* Sec. 71. AS 45.55 is amended by adding a new section to read:

21 Sec. 45.55.265. ACCOUNTING AND DISPOSITION OF FEES. The commis-  
22 sioner of administration shall separately account for all fees col-  
23 lected under AS 45.55.010 -- 45.55.260 and deposited in the general  
24 fund. The annual estimated balance in the account may be used by the  
25 legislature to make appropriations to the Department of Commerce and  
26 Economic Development to carry out the purposes of AS 45.55.

27 \* Sec. 72. AS 66.03.020 is amended by adding a new paragraph to read:

28 (12) deposit environmental service fees into an account in  
29 the general fund.

1 \* Sec. 73. AS 46.03 is amended by adding a new section to read:

2       Sec. 46.03.025. ACCOUNTING AND DISPOSITION OF FEES. The commis-  
3 sioner of administration shall separately account for environmental  
4 service fees collected under AS 46.03.020(12) and deposited in the  
5 general fund. The annual estimated balance in the account may be used  
6 by the legislature to make appropriations to the department to carry  
7 out the purposes of

8           (1) AS 03.05 -- seafood processor permits;

9           (2) AS 18.35 -- food service and bar permits;

10           (3) AS 46 -- drinking water plan review, air quality per-  
11 mits, hazardous waste clean-up, on-site fees, wastewater disposal  
12 permits, subdivision approval, oil pollution control plan approval and  
13 applications, and water and wastewater operator training.

14 Sec. 74. AS 47.10.170 is amended by adding a new subsection to read:

15       (1) The commissioner of administration shall separately account  
16 for support fees collected under this section and deposited in the  
17 general fund. The annual estimated balance in the account may be used  
18 by the legislature to make appropriations to the Department of Health  
19 and Social Services to carry out the purposes of this section.

20 \* Sec. 75. AS 47.23 is amended by adding a new section to read:

21       Sec. 47.23.125. ACCOUNTING AND DISPOSITION OF FEDERAL RECEIPTS  
22 AND AGENCY COLLECTIONS. (a) Federal incentive payments received by  
23 the state under 42 U.S.C. sec. 658 must be deposited in the general  
24 fund. The commissioner of administration shall separately account for  
25 these payments. The annual estimated balance in the account may be  
26 used by the legislature to make appropriations to the Department of  
27 Revenue to carry out the purposes of AS 47.23.020.

28       (b) The commissioner of administration shall separately account  
29 for the state share of payments made by obligors under AS 47.23.120

1       which are collected by the agency and deposited in the general fund.  
2       The annual estimated balance in the account may be used by the legis-  
3       lature to make appropriations to the Department of Health and Social  
4       Services to carry out the purposes of AS 47.10.230 -- 47.10.260 and  
5       AS 47.25.310 -- 47.25.420.

6       \* Sec. 76. AS 47.25.030 is amended by adding a new subsection to read:

7               (e) The commissioner of administration shall separately account  
8       for money received under this section and deposited in the general  
9       fund. The annual estimated balance in the account may be used by the  
10      legislature to make appropriations to the Department of Administration  
11      to carry out the purposes of this section.

12      \* Sec. 77. AS 47.30.910 is amended by adding a new subsection to read:

13              (g) The commissioner of administration shall separately account  
14      for medical care and treatment fees collected under this section and  
15      deposited in the general fund. The annual estimated balance in the  
16      account may be used by the legislature to make appropriations to the  
17      department to carry out the purposes of this section.

18      \* Sec. 78. AS 47.80.150(e) is amended to read:

19              (e) All money paid by the person with a handicap or on the per-  
20      son's behalf, under this section, must [SHALL] be deposited in the  
21      general fund [STATE TREASURY].

22      \* Sec. 79. AS 47.80.150 is amended by adding a new subsection to read:

23              (g) The commissioner of administration shall separately account  
24      for medical care and treatment fees collected under this section and  
25      deposited in the general fund. The annual estimated balance in the  
26      account may be used by the legislature to make appropriations to the  
27      department to carry out the purposes of this chapter.

28      \* Sec. 80. This Act takes effect July 1, 1986.

11223

BILL SHEFFIELD, GOVERNOR

**DEPARTMENT OF ADMINISTRATION**

POUCH C (MS 0218)  
JUNEAU, ALASKA 99811  
PHONE: (907) 465-2180

*DIVISION OF RISK MANAGEMENT*

February 20, 1986

The Honorable Don Bennett  
President of the Senate  
Alaska State Senate  
State Capitol - Box V  
Juneau, AK 99811

Dear Senator Bennett:

Re: Risk Management FY 86 Funding

Thank you for your call and your interest in proper funding of Risk Management obligations and responsibilities.

I hope the following will be of assistance in understanding our present situation as respects both the FY 86 estimated shortfall and the FY 87 budget request. Incidentally, estimated claims payments within our SIR's (deductibles) are actuarially computed by Coopers & Lybrand, Seattle for each fiscal year.

Risk Management's FY 86 original funding request was \$17,431.0 - the requested increase over the previous year was primarily due to anticipated increased insurance premiums and self-insured retentions due to the then deteriorating insurance markets. Subsequently the Governor approved a request for \$17,342.2 or 16.1% over FY 85.

Final FY 86 appropriation was \$15,342.2 or a reduction of \$2,000.0 from the initial budget request - an increase of 2.7% over the previous year.

As you are probably aware, the impact of the insurance crisis on all public entities (including the State) was even more severe than anyone thought. The State Workers' Compensation and Liability self-insured retentions were increased from \$200,000 to \$1,500,000 per occurrence. Total premium costs to the State for insurance excess of self-insured retentions (all lines) increased approximately 85%.

After consulting with the State property/casualty insurance actuary concerning our increased retentions, we estimated a cash

The Honorable Don Bennett  
February 20, 1986  
Page 2

shortfall for FY 86 of approximately \$5,262.5 created entirely by increased premium costs and increased levels of self-insurance.

Supplemental appropriations were discouraged. We felt substantial additional charges to the agencies thru payroll deduction would not only create severe hardships, but would also impact agency budget management most unfairly. In other words, we did not want to go back to the agencies for this sum of money.

We, therefore, examined all possible avenues of available funds to meet the problem for FY 86.

At that time we had a substantial balance in the loss payment trust accounts of \$1,625.0, as well as claim encumbrances of \$2,109.1. These two available funds could account for approximately \$3,734.1 of our shortfall. The Division of Finance advised us that there was \$1,286.0 in the insurance payroll deduction reserve plus another \$400.0 estimated balance for FY 86. The combination of these three funds would satisfy our predicted shortfall.


Please remember that the funds in the payroll deduction account were originally withheld from payroll for payment of self-insured Workers' Compensation and Liability claims. It would seem prudent to use them for that purpose, and we are simply asking for the authority to use these moneys for payment of claims as needed.

House Bill No. 113 also addresses the subject of special reserve accounts for specific obligations. Its passage would permit our use of these funds under proper circumstances.

I might also add that the use of these funds will exhaust any possible reserves for FY 87 - therefore, our FY 87 budget is totally on a cash flow basis for all loss payments irrespective of the year in which the loss occurred.

I would be pleased at any time to go over our requested FY 87 budget and supporting actuarial exhibits.

Sincerely,



Donald J. Hitchcock  
Director

cc: Marsha Hubbard  
Deputy Commissioner  
Department of Administration

Mike McMullen  
Special Assistant to the  
Commissioner  
Department of Administration

## STATE OF ALASKA

Bill Sheffield, Governor

## DEPARTMENT OF ADMINISTRATION

DIVISION OF FINANCE

POLICH C (MS 0204)  
JUNEAU, ALASKA 99811  
PHONE:

February 10, 1986

The Honorable Al Adams  
Chairman  
House Finance Committee  
P.O Box V (MS 3100)  
Juneau, AK 99811

Dear Mr. Chairman:

This letter is intended to provide you and the House Finance Committee a brief background on the need for House Bill Number 113. We request that this bill be scheduled for review by the House Finance Committee.

SUBJECT OF PROPOSED BILL:

To establish a formally recognized reserve account within the General Fund into which agency charges for terminal leave, leave cash-ins, unemployment insurance, and workers' compensation general liability are deposited and from which all distribution payments are paid centrally by the Division of Finance via the reserve account.

SUMMARY/EXPLANATION OF INTENT:

Currently, budgeted amounts for employer charges concerning terminal leave, leave cash-in, unemployment insurance, and workers' compensation general liability have been budgeted as a uniform percentage in each agency's budget. The Division of Finance assesses each agency the budgeted percentage to cover the above items.

Problems inevitably arise during changes in administration when terminal leave payments run substantially higher than normal. During periods of heated labor contract negotiations, requests for leave cash-in also run significantly higher than normal. Estimates for insurance needs are based on historical data. When changes to the market take place causing higher than average employer charges, the amount budgeted remains fixed but the employer obligation still remains to pay all claims.

February 10, 1986

Until recently the effects of the above usually offset one another so that the net budgetary impact was minimal. Recently, all budgetary impact has been increasing with no offset elsewhere. Accordingly, we are placed in the position of analyzing and assessing agency lapsed balances to generate funding needed to cover these underbudgeted costs.

In an effort to smooth the budgetary impact caused by the factors described above, the central reserve account approach was recommended. The central reserve account mechanism would allow the State to continue budgeting a uniform percentage adjusted on an annual basis. If funding were underestimated, this mechanism would allow us to wait until the fiscal year-end before additional agency assessments were made when lapsed balances are better known. The additional funds required would be generated from known lapsing balances, thus producing a minimal impact on agency operating budgets. Payments for workers' compensation general liability would be excepted from this practice.

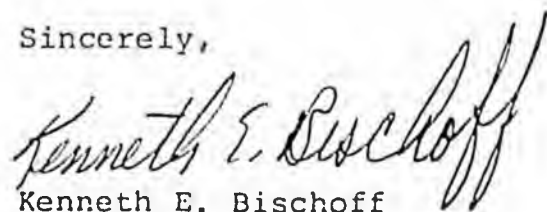
ESTIMATED FISCAL IMPACT:

Capital: NONE

Operating: NONE

This bill is basically a housekeeping effort and is intended to clean up and prevent the sloppy budgetary condition described above so that the process surrounding payment of terminal leave, leave cash-in and assessment of insurance charges runs smoothly and efficiently.

Sincerely,



Kenneth E. Bischoff  
Director

KEB/rmm  
5/3D1/0210-01

BILL SHEFFIELD  
GOVERNOR



STATE OF ALASKA  
OFFICE OF THE GOVERNOR  
JUNEAU

January 23, 1985

The Honorable Ben Grussendorf  
Speaker of the House  
Alaska State Legislature  
Pouch V  
Juneau, AK 99811

Dear Representative Grussendorf:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill that provides an orderly system for accounting for and paying cash benefits to which state employees are entitled by law or through collective bargaining agreements. These benefits include cash payment of excess accrued annual leave, cash-out of annual leave upon termination, and employer contribution for unemployment benefits of former employees.

The bill creates a reserve account that permits the Department of Administration to charge appropriations made to state agencies for salaries and benefits, so that these benefits may be equitably allocated throughout the executive budget. Currently, there is no reliable method for anticipating the rate of expenditure necessary to pay these obligations for each fiscal year, and no mechanism exists to assure benefits for state employees in those agencies that experience unanticipated claims. The public suffers as well when an agency budget is overtaxed by having to pay these benefits. This reserve account will serve as a management tool that gives the Department of Administration the ability to apply savings in one department to payment of unanticipated claims arising in another.

Sincerely,

A handwritten signature in cursive script that reads "Bill Sheffield".

Bill Sheffield  
Governor

COMMITTEE REPORT  
HOUSE

FURTHER:

(11)

4/25/85

Date: 4/25/85

The Committee on FINANCE has had HB 114  
"An Act relating to correctional facilities, and the imprisonment and  
rehabilitation of offenders."

under consideration and recommends:

- do pass  do not pass
- do pass with attached amendments(s)
- replace with CS for HB 114  same title  
 new title
- and recommends 114 - same as HB 114
- AND attaches a "Letter of Intent"  New Fiscal Note
- reports it back without recommendation  Zero Fiscal Note Attached
- referred to the \_\_\_\_\_ Committee

MEMBERS SIGNING  
DO PASS

[Signature]

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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MEMBERS HAVING  
OTHER RECOMMENDATIONS:

[Signature]

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\_\_\_\_\_

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\_\_\_\_\_

[Signature]  
CHAIRMAN

STATE OF ALASKA 1985 LEGISLATIVE SESSION  
FISCAL NOTE

Revision Date: \_\_\_\_\_

**REQUEST:**

Bill/Resolution No.: CS HB 114 (Jud)  
 Title: "An Act relating to correctional facilities and the imprisonment and rehabilitation of offenders."  
 Sponsor: Rules/Governor  
 Requestor: House Finance  
 Date of Request: April 29, 1985

**FISCAL DETAIL:**

Agency Affected: DEPARTMENT OF CORRECTIONS  
 Program Category Affected: \_\_\_\_\_  
Administration of Justice  
 BRU, Program or Subprogram(s) Affected: \_\_\_\_\_  
Offender Confinement, Reformation and Supervision

**EXPENDITURES/REVENUES: (Thousands of Dollars)**

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
<b>OPERATING</b>						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
<b>TOTAL OPERATING</b>	-0-	-0-	-0-	-0-	-0-	-0-

<b>CAPITAL</b>	-0-	-0-	-0-	-0-	-0-	-0-
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<b>REVENUE</b>	-0-	-0-	-0-	-0-	-0-	-0-
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**FUNDING: (Thousands of Dollars)**

GENERAL FUND	-0-	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>	-0-	-0-	-0-	-0-	-0-	-0-

**POSITIONS:**

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

**ANALYSIS:** Attach a separate page if necessary.

This legislation will have no fiscal impact on the Department of Corrections.

Prepared By: William W. Ladwig  
 Division: Deputy Commissioner - Administration

Phone: 465-3376  
 Date: April 29, 1985

Approved by Commissioner:   
 Agency: DEPARTMENT OF CORRECTIONS

Date: April 29, 1985

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency (ies)

Offered: 4/25/85  
Referred: Finance

Original sponsor: Rules/Governor

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

2

CS FOR HOUSE BILL NO. 114 (Judiciary)

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FOURTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6 For an Act entitled: "An Act relating to correctional facilities, and the  
7 imprisonment and rehabilitation of offenders."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 \* Section 1. AS 09.20.020 is amended to read:

10 Sec. 09.20.020. DISQUALIFICATION OF JURORS. A person is dis-  
11 qualified from serving [TO ACT] as a juror if the person

12 (1) has served as a juror in the state within one year of  
13 the time of examination for service; or

14 (2) has been convicted of a felony for which the person has  
15 not been unconditionally discharged. Unconditional discharge has the  
16 meaning given in AS 12.55.185 [FELONY AND THE CIVIL RIGHTS OF THE  
17 PERSON HAVE NOT BEEN RESTORED].

18 \* Sec. 2. AS 11.56.340 is repealed and reenacted to read:

19 Sec. 11.56.340. UNLAWFUL EVASION IN THE FIRST DEGREE. (a) A  
20 person commits the crime of unlawful evasion in the first degree if,  
21 while charged with or convicted of a felony,

22 (1) the person fails to return to official detention within  
23 the time authorized following temporary leave granted for a specific  
24 purpose or limited period; or

25 (2) while on furlough under AS 33.30.101 - 33.30.131 the  
26 person fails to return to the place of confinement or residence within  
27 the time authorized by those having direct supervision.

28 (b) Unlawful evasion in the first degree is a class A misdemeanor  
29 or.

1 \* Sec. 3. AS 11.56.350 is repealed and reenacted to read:

2 Sec. 11.56.350. UNLAWFUL EVASION IN THE SECOND DEGREE. (a) A  
3 person commits the crime of unlawful evasion in the second degree if,  
4 while charged with or convicted of a misdemeanor,

5 (1) the person fails to return to official detention within  
6 the time authorized following temporary leave granted for a specific  
7 purpose or limited period; or

8 (2) while on furlough under AS 33.30.101 - 33.30.131 the  
9 person fails to return to the place of confinement or residence within  
10 the time authorized by those having direct supervision.

11 (b) Unlawful evasion in the second degree is a class B misde-  
12 meanor.

13 \* Sec. 4. AS 12.47.050(d) is repealed and reenacted to read:

14 (d) Notwithstanding a contrary provision of law, a defendant  
15 receiving treatment under (b) of this section may not be released

16 (1) on furlough under AS 33.30.101 - 33.30.131, except for  
17 treatment in a secure setting; or

18 (2) on parole.

19 \* Sec. 5. AS 33.30 is amended by adding new sections to read:

20 ARTICLE 1. ESTABLISHMENT, CONTROL, AND MANAGEMENT.

21 Sec. 33.30.011. DUTIES OF COMMISSIONER. The commissioner shall

22 (1) establish, maintain, operate, and control correctional  
23 facilities suitable for the custody, care, and discipline of persons  
24 charged or convicted of offenses against the state or held under  
25 authority of state law;

26 (2) classify prisoners;

27 (3) for persons committed to the custody of the commis-  
28 sioner, establish programs, including furlough programs that are  
29 reasonably calculated to

- 1 (A) protect the public;  
2 (B) maintain health;  
3 (C) create or improve occupational skills;  
4 (D) enhance educational qualifications;  
5 (E) support court-ordered restitution; and  
6 (F) otherwise provide for the rehabilitation and  
7 reformation of prisoners, facilitating their reintegration into  
8 society;

9 (4) provide necessary medical services for prisoners in  
10 correctional facilities or who are committed by a court to the custody  
11 of the commissioner, including examinations for communicable and  
12 infectious diseases; and

13 (5) provide necessary psychological or psychiatric treat-  
14 ment if a physician or other health care provider, exercising ordinary  
15 skill and care at the time of observation, concludes that

16 (A) a prisoner exhibits symptoms of a serious disease  
17 or injury that is curable or may be substantially alleviated; and

18 (B) the potential for harm to the prisoner by reason  
19 of delay or denial of care is substantial.

20 § c. 33.30.021. REGULATIONS. The commissioner shall adopt  
21 regulations to implement this chapter.

22 Sec. 33.30.031. CONTRACT FOR CONFINEMENT AND CARE OF PRISONERS.

23 (a) The commissioner shall determine the availability of state cor-  
24 rectional facilities suitable for the detention and confinement of  
25 persons held under authority of state law. If the commissioner deter-  
26 mines that suitable state correctional facilities are not available,  
27 the commissioner may enter into an agreement with a public or private  
28 agency to provide necessary facilities. Correctional facilities  
29 provided through agreement may be in this state or in another state.

1 The commissioner may not enter into an agreement with an agency unable  
2 to provide a degree of custody, care, and discipline similar to that  
3 required by the laws and regulations of this state.

4 (b) Unless the purpose is to involve prisoners in a program  
5 established under AS 33.30.091 - 33.30.131 or to confine prisoners  
6 convicted of a misdemeanor, the commissioner may not enter into an  
7 agreement with a privately operated correctional facility under (a) of  
8 this section.

9 (c) An agreement with a private agency to provide necessary  
10 facilities under (a) of this section is subject to the provisions of  
11 the Fiscal Procedures Act (AS 37.05).

12 (d) A person employed outside the facility while confined in a  
13 privately operated correctional facility established under (a) of this  
14 section is subject to the provisions of AS 33.30.131.

15 (e) The commissioner may enter into an agreement with the United  
16 States, another state, a municipality of this state, or another state  
17 agency, to provide a correctional facility for the custody, care, and  
18 discipline of a person held under authority of the law of that juris-  
19 diction.

20 Sec. 33.30.041. LEASE OF CORRECTIONAL FACILITY TO MUNICIPALITY.

21 (a) If the commissioner determines that it would be in the best  
22 interest of the state, the commissioner may enter into an agreement  
23 with a municipality of the state for the lease of a state correctional  
24 facility or for the use and operation of a state correctional facility  
25 for the joint benefit of the municipality and the state.

26 (b) An agreement executed by the commissioner under (a) of this  
27 section must provide that

28 (1) the state has the right to detain or confine a prisoner  
29 held under authority of law in the correctional facility;

1           (2) the administrator of the correctional facility agrees  
2 to implement an order, concerning a prisoner, issued by a court of the  
3 state;

4           (3) the administrator of the correctional facility shall  
5 comply with the law, and regulations adopted by the commissioner,  
6 relating to the custody, care, and discipline of a prisoner detained  
7 or confined in the correctional facility; and

8           (4) the commissioner may inspect the correctional facility  
9 at any time to determine the conditions under which a prisoner is  
10 detained or confined.

11           (c) The agreement executed by the commissioner under (a) of this  
12 section may require the administrator of the correctional facility to  
13 comply with requirements that the commissioner considers necessary for  
14 the protection of the public or for the quality of care and programs  
15 for prisoners required by this chapter and regulations adopted by the  
16 commissioner.

17           ARTICLE 2. COMMITMENTS, PROGRAMS, AND FURLOUGHS.

18           Sec. 33.30.051. COMMITMENT TO COMMISSIONER. A person convicted  
19 of an offense against the state shall be committed to the custody of  
20 the commissioner for the term of imprisonment that the court directs.

21           Sec. 33.30.061. COMMISSIONER TO DESIGNATE FACILITY. (a) The  
22 commissioner shall designate the correctional facility to which a  
23 prisoner is to be committed to serve a term of imprisonment or period  
24 of temporary commitment. The commissioner may designate a facility  
25 without regard to whether it is maintained by the state, is located  
26 within the judicial district in which the prisoner was convicted, or  
27 is located in the state.

28           (b) The commissioner may designate an out-of-state facility  
29 under this section only if the commissioner determines that

1 rehabilitation or treatment of the prisoner will not be substantially  
2 impaired.

3 Sec. 33.30.071. RESPONSIBILITY FOR PRISONERS PENDING COMMITMENT.

4 (a) Notwithstanding AS 33.30.011(1), the commissioner of public  
5 safety shall provide for the custody, care, and discipline of prison-  
6 ers pending arraignment, commitment by a court to the custody of the  
7 commissioner of corrections, or admission to a state correctional  
8 facility. Except as provided in (c) of this section, the responsibil-  
9 ity for providing necessary medical services for prisoners remains  
10 with the commissioner of corrections under AS 33.30.011(4). The  
11 commissioner of corrections and the commissioner of public safety are  
12 not responsible for providing custody, care, and discipline for a  
13 person detained under AS 47.30.705 or AS 47.37.170, unless the person  
14 is admitted into a state correctional facility.

15 (b) The responsibility of the commissioner of public safety  
16 under (a) of this section does not begin until a prisoner is accepted  
17 into the custody of the commissioner of public safety, or admitted  
18 into a correctional facility or other facility designed for holding  
19 prisoners, and the commissioner of public safety is notified of the  
20 acceptance or admission.

21 (c) Medical services for a prisoner who is unconscious or in  
22 immediate need of medical attention before admission to a correctional  
23 facility or commitment by a court to the custody of the commissioner  
24 of corrections shall be provided by the law enforcement agency having  
25 custody of the prisoner. The law enforcement agency may require the  
26 prisoner to compensate the agency for the cost of medical services  
27 provided for a preexisting medical condition not arising out of the  
28 prisoner's arrest.

29 Sec. 33.30.081. TRANSPORTATION OF PRISONERS. (a) The

1 commissioner of public safety is responsible for transporting a pris-  
2 oner to and from the court having jurisdiction over the prisoner and  
3 for delivering a prisoner to a correctional facility upon temporary or  
4 final commitment by a court or upon transfer of a prisoner from one  
5 correctional facility to another either inside or outside the state.

6 (b) The commissioner of corrections shall make available return  
7 transportation to the place of arrest for a prisoner who is released  
8 from custody in a state correctional facility.

9 (c) The commissioner of public safety shall make available  
10 return transportation to the place of arrest for a prisoner who is  
11 released from custody before admission to a state correctional facili-  
12 ty.

13 (d) The commissioner of corrections shall adopt regulations  
14 governing the furnishing of transportation, discharge payments, and  
15 clothing to prisoners upon release from a state correctional facility  
16 at any stage of a criminal proceeding.

17 Sec. 33.30.091. DESIGNATION OF PROGRAMS. Except as provided in  
18 AS 33.30.111, the commissioner may assign a prisoner committed to the  
19 commissioner's custody to a program established under AS 33.30.011(3)  
20 considering

- 21 (1) safeguards to the public;
- 22 (2) the prospects for the prisoner's rehabilitation;
- 23 (3) the availability of program and facility space;
- 24 (4) the prospect of future judicial proceedings requiring  
25 the presence of the prisoner;
- 26 (5) the nature and circumstances of the offense for which  
27 the prisoner was sentenced;
- 28 (6) the needs of the prisoner as determined by a classi-  
29 fication committee and any recommendations made by the sentencing

1 court;

2 (7) the record of convictions of the prisoner with particu-  
3 lar emphasis on crimes specified in AS 11.41;

4 (8) the use of drugs or alcohol by the prisoner;

5 (9) the length of the prisoner's sentence; and

6 (10) other criteria considered appropriate by the commis-  
7 sioner, including experimental evaluation of correctional programs  
8 that are consistent with protection of the public and reformation of  
9 the prisoner.

10 Sec. 33.30.101. FURLOUGHS. (a) The commissioner shall adopt  
11 regulations governing the granting of prerelease and short-duration  
12 furloughs to prisoners to

13 (1) obtain counseling and treatment for alcohol or drug  
14 abuse;

15 (2) secure or attend vocational training;

16 (3) obtain medical or psychiatric treatment;

17 (4) secure or engage in employment;

18 (5) attend educational institutions;

19 (6) secure a residence or make other preparation for re-  
20 lease;

21 (7) appear before a group whose purpose is a better under-  
22 standing of crime or corrections; or

23 (8) for any other rehabilitative purpose the commissioner  
24 determines to be in the interests of the prisoner and the public.

25 (b) If the commissioner determines with reasonable probability  
26 that a prisoner can live under reduced supervision without violating  
27 the law or the conditions established for the conduct of the prisoner,  
28 the commissioner may grant a furlough after considering

29 (1) the factors in AS 33.30.091;

1           (2) violations, if any, by the prisoner of a condition of a  
2 prior furlough;

3           (3) the history, if any, of institutional misconduct by the  
4 prisoner; and

5           (4) the best interests of the prisoner and the public.

6           Sec. 33.30.111. PRERELEASE FURLOUGHS. (a) Furlough programs  
7 established under AS 33.30.101 must include prerelease furloughs  
8 designed to facilitate the reintegration of a prisoner into society.

9           (b) A facility that is specifically adapted to provide a resi-  
10 dence outside prison, including a halfway house, group home, or other  
11 placement that provides varying levels of restriction and supervision,  
12 may be used for a prisoner on a prerelease furlough.

13           (c) The restrictions and supervision required for a prerelease  
14 furlough shall provide safeguards that minimize risk to the public and  
15 include, as a minimum,

16           (1) frequent contact with the prisoner by persons supervis-  
17 ing the prisoner;

18           (2) knowledge by supervisory staff of the location of the  
19 prisoner;

20           (3) periodic reports by supervisory staff to the commis-  
21 sioner on the performance of the prisoner while on furlough; and

22           (4) a residential setting in which persons supervising a  
23 prisoner are obliged to immediately report to the commissioner any  
24 violation of a condition set for the prisoner's conduct.

25           (d) Notwithstanding AS 33.30.101(b), and other eligibility  
26 criteria established by the commissioner, that relate to risks to the  
27 public posed by the proposed furlough of a prisoner,

28           (1) a prisoner sentenced to a definite term of imprisonment  
29 of more than one year but less than five years is not eligible for a

1 prerelease furlough until the prisoner has served at least one-third  
2 of the sentence;

3 (2) a prisoner sentenced to a definite term of imprisonment  
4 of five years or more is not eligible for a prerelease furlough until  
5 the prisoner has served at least one-third of the sentence or is  
6 within three years of the release date, whichever is later; and

7 (3) a prisoner who is denied discretionary parole under  
8 AS 33.15.080 may not be granted a prerelease furlough for a period of  
9 at least one year following the denial unless the board of parole  
10 expressly waives this provision.

11 (e) A prisoner may request a prerelease furlough under proce-  
12 dures adopted by the commissioner. If the commissioner denies a  
13 request for a prerelease furlough, the commissioner shall provide the  
14 prisoner with a written explanation of the reasons for the denial.

15 (f) Upon request of the victim, in the case of a prisoner con-  
16 victed of a crime against a person, notice of the commissioner's  
17 intent to consider the prisoner for a prerelease furlough shall be  
18 sent to the victim. The victim may comment in writing on the intent  
19 of the commissioner to release the prisoner on prerelease furlough  
20 status. The commissioner shall consider the comments of the victim  
21 before making a final decision to release a prisoner on a prerelease  
22 furlough. If the victim requests notification, the commissioner shall  
23 make every reasonable effort to notify the victim of an intent to  
24 release the prisoner on a prerelease furlough. The notice must con-  
25 tain the expected date of the prisoner's release, the geographic area  
26 in which the prisoner will reside and other pertinent information  
27 concerning the prisoner's release that may affect the victim.

28 Sec. 33.30.121. SHORT-DURATION FURLOUGHS. (a) A short-duration  
29 furlough is an authorized leave of absence from a correctional

1 facility for a period not to exceed 12 hours at any one time, except  
2 for

3 (1) family visitations, that may not exceed one week or  
4 occur more frequently than once in each two-month period; or

5 (2) medical treatment, for which the furlough may not last  
6 longer than necessary for the treatment.

7 (b) A short-duration furlough may be granted to a prisoner at  
8 any time under regulations adopted by the commissioner.

9 Sec. 33.30.131. PRERELEASE OR SHORT-DURATION FURLOUGH INVOLVING  
10 EMPLOYMENT. (a) The commissioner may grant a prerelease or short-  
11 duration furlough to permit a prisoner to participate in suitable  
12 employment under conditions and at wages that represent the prevailing  
13 standard for the area. A prisoner may not participate in employment  
14 where an organized labor dispute is in progress.

15 (b) Unless alternative arrangements are expressly approved by  
16 the commissioner, when a prisoner is employed outside a correctional  
17 facility as part of a prerelease or short-duration furlough program,  
18 the earnings of the prisoner shall be delivered to the commissioner.  
19 If an employer transmits the earnings to the commissioner, the em-  
20 ployer has no liability to the prisoner for the earnings. The commis-  
21 sioner shall disburse the earnings of the prisoner, in an order deter-  
22 mined appropriate, under procedures adopted by the commissioner to

23 (1) pay for the room, board, and personal expenses of the  
24 prisoner in an amount or at a rate determined by the commissioner;

25 (2) pay any restitution or fine ordered by the sentencing  
26 court;

27 (3) reimburse the state for an award made for violent  
28 crimes compensation under AS 18.67 arising out of the criminal conduct  
29 of the prisoner;

1           (4) pay a civil judgment arising out of the criminal con-  
2 duct of the prisoner; and

3           (5) support the dependents of the prisoner, and to provide  
4 child support payments as required by AS 09.65.132.

5           (c) After making the disbursements authorized under (b) of this  
6 section, the commissioner shall retain the balance remaining in the  
7 account of the prisoner and give it to the prisoner upon release. The  
8 commissioner may permit the prisoner to draw upon a portion of this  
9 money for other purposes that the commissioner considers appropriate.

10          (d) Only the earnings retained by the commissioner under (c) of  
11 this section are subject to lien, attachment, garnishment, execution,  
12 or other proceedings to encumber money or property.

13          Sec. 33.30.141. EFFECT OF VIOLATION OF FURLOUGH CONDITIONS OR  
14 FAILURE TO RETURN. (a) If, after a hearing, a prisoner on a furlough  
15 is found to have violated the conditions established for the prison-  
16 er's conduct, the commissioner may immediately require the return of  
17 the prisoner to actual confinement for a period not to exceed the  
18 balance of the term of imprisonment or initiate disciplinary proceed-  
19 ings authorized by regulations adopted by the commissioner or both.

20          (b) The failure of a prisoner on a furlough to return to the  
21 place of confinement or residence within the time specified by those  
22 having direct supervision over the prisoner is an unlawful evasion  
23 under AS 11.56.340 - 11.56.350.

24                           ARTICLE 3. GENERAL PROVISIONS.

25          Sec. 33.30.151. EMPLOYMENT OF PRISON INMATES. (a) It is the  
26 policy of the state that prisoners be productively employed for as  
27 many hours each day as feasible, not to exceed 40 hours a week unless  
28 overtime has been specifically approved by the commissioner.

29          (b) The commissioner may enter into contracts or cooperative

1 agreements with any public agency for the performance of conservation  
2 projects. The commissioner may enter into a contract with an indi-  
3 vidual or agency for the employment of prisoners if the work to be  
4 performed will have minimal negative impact on an existing private  
5 industry or labor force in the state as determined by the Correctional  
6 Industries Commission under AS 33.32.015.

7 (c) The commissioner may direct a prisoner to participate in a  
8 type of productive employment listed in (d)(1), and (d)(4)-(6) of this  
9 section while the prisoner is confined in a correctional facility. A  
10 prisoner who refuses to participate in productive employment when  
11 directed under this section is subject to disciplinary sanctions  
12 imposed in accordance with regulations adopted by the commissioner.

13 (d) In this section "productively employed" includes the follow-  
14 ing kinds of employment:

15 (1) routine maintenance and support services essential to  
16 the operation of a correctional facility;

17 (2) education including both academic and vocational;

18 (3) industrial, agricultural, and service activities con-  
19 ducted in accordance with AS 33.32;

20 (4) public conservation projects including but not limited  
21 to forest fire prevention and control, forest and watershed enhance-  
22 ment, recreational area development, construction and maintenance of  
23 trails and campsites, fish and game enhancement, soil conservation,  
24 and forest watershed revegetation;

25 (5) renovation, repair or alteration of existing correc-  
26 tional facilities as permitted by AS 44.65.050(d); and

27 (6) other work performed inside or outside of a correction-  
28 al facility if the work has minimal negative impact on an existing  
29 private industry or labor force in the state as determined by the

1 Correctional Industries Commission under AS 33.32.015.

2 Sec. 33.30.156. PAY OF PRISON INMATES. Each prisoner who is  
3 productively employed, as defined in AS 33.30.151(d)(1) or 33.30.-  
4 151(d)(3) - (6), may receive for that work compensation at a rate  
5 determined by the commissioner under AS 33.32.050 if the money is  
6 available from legislative appropriations. The provisions of AS 33.-  
7 32.050 and AS 33.32.040(b) apply to prisoners employed in the correc-  
8 tional industries program and to prisoners productively employed in  
9 activities outside that program.

10 Sec. 33.30.161. TRANSMISSION OF DOCUMENTS. (a) When a prisoner  
11 is admitted to a correctional facility, a copy of the commitment shall  
12 be delivered with the prisoner as evidence of the authority of the  
13 correctional facility to hold the prisoner.

14 (b) When a person is sentenced to a term of imprisonment, copies  
15 of the pre-sentence report, sentencing report prepared under AS 12.-  
16 55.025, and any other information of the probation office or of the  
17 court that may affect the person's rehabilitation shall be transmitted  
18 to the superintendent of the correctional facility in which the pris-  
19 oner will be confined.

20 (c) The commissioner shall adopt regulations providing for the  
21 security, confidentiality, and use of documents transmitted under (b)  
22 of this section.

23 Sec. 33.30.171. SUPERINTENDENT OF CORRECTIONAL FACILITY MAY  
24 ADMINISTER OATHS AND ACKNOWLEDGMENTS. The superintendent of a correc-  
25 tional facility or the superintendent's assistant may administer oaths  
26 to and take acknowledgments from a prisoner, but may not request or  
27 accept compensation from a prisoner for acts performed under this  
28 section.

29 Sec. 33.30.181. TELEPHONE ACCESS AND MONITORING INSIDE

1 CORRECTIONAL INSTITUTIONS. (a) Except as provided in (b) of this  
2 section, a prisoner shall have reasonable access to a telephone.

3 (b) A prisoner who is classified maximum custody, is placed in  
4 segregation as punishment for a rule infraction, or is placed in  
5 segregation because the prisoner poses a threat to others or to the  
6 security of a correctional facility may not have access to a telephone  
7 except to communicate with an attorney, to otherwise communicate as  
8 provided in Rule 5(b) of the Alaska Rules of Criminal Procedure, or in  
9 an emergency as determined appropriate by the commissioner.

10 (c) Notwithstanding AS 42.20.300 and 42.20.310, in order to  
11 preserve the security and orderly administration of the institution  
12 and to protect the public, the commissioner may authorize the use of  
13 monitoring or recording equipment to listen to a telephone conversa-  
14 tion of a prisoner who has been convicted of an offense if a warning  
15 is posted by the telephone informing the prisoner that a call may be  
16 monitored or recorded. A telephone call made by or to a prisoner who  
17 has not been convicted or a telephone call between an attorney and a  
18 prisoner may not be monitored or recorded except when authorized by a  
19 court.

20 Sec. 33.30.191. EFFECT OF JUDGMENT OF CONVICTION ON CIVIL  
21 RIGHTS. (a) A person who is convicted of a felony involving moral  
22 turpitude as defined in AS 15.60.010 is disqualified from voting in a  
23 state or municipal election until the person's unconditional dis-  
24 charge.

25 (b) A person who is convicted of a felony is disqualified from  
26 serving as a juror until the person's unconditional discharge.

27 (c) In this section "unconditional discharge" has the meaning  
28 given in AS 12.55.185.

29 Sec. 33.30.201. DISPOSAL OF ABANDONED PERSONAL PROPERTY. (a)

1 Except as provided in (b) of this section, it is the obligation of  
2 each person committed to the custody of the commissioner to provide  
3 for the appropriate disposition of all of the person's property re-  
4 maining at a correctional facility within 90 days of the date of the  
5 person's release or transfer from the correction facility.

6 (b) The commissioner shall provide for the shipment to the  
7 receiving facility of a reasonable amount of a prisoner's property, as  
8 determined by the commissioner, when the prisoner is transferred from  
9 one correctional facility to another.

10 (c) A prisoner's personal property that remains at a correction-  
11 al facility after 90 days from the date of the prisoner's release or  
12 transfer is considered abandoned, and shall be delivered to the De-  
13 partment of Administration for disposal under AS 44.71.010.

14 (d) The state is not liable for any loss or damage to personal  
15 property properly determined to be abandoned under (c) of this sec-  
16 tion.

17 Sec. 33.30.211. EXCESS MONEY AS CONTRABAND. (a) A prisoner who  
18 possesses money in an amount greater than that permitted by the com-  
19 missioner is subject to disciplinary sanctions under regulations  
20 adopted by the commissioner.

21 (b) Money in the possession of a prisoner in an amount greater  
22 than that permitted by the commissioner is contraband. If, after a  
23 hearing under regulations adopted by the commissioner, a prisoner is  
24 found to have been in possession of contraband under this section, the  
25 contraband shall be forfeited and deposited into the general fund.

26 Sec. 33.30.221. FORFEITURE OF PROPERTY. A conviction of a  
27 person for a crime does not work a forfeiture of property, except in  
28 cases where a forfeiture is expressly provided by law.

29 Sec. 33.30.231. CRIME AGAINST SENTENCED PRISONER. A person who

1 commits a crime against a sentenced prisoner is punishable as if the  
2 prisoner was not sentenced and incarcerated.

3 Sec. 33.30.901. DEFINITIONS. In this chapter, unless the con-  
4 text requires otherwise,

5 (1) "commissioner" means the commissioner of the Department  
6 of Corrections;

7 (2) "correctional facility" or "facility" means a prison,  
8 jail, camp, farm, half-way house, group home, or other placement  
9 designated by the commissioner for the custody, care, and discipline  
10 of prisoners; a "state correctional facility" means a correctional  
11 facility owned or run by the state;

12 (3) "court" means the supreme court, the court of appeals,  
13 the superior court, the district or magistrate court, or a justice or  
14 judge of a court;

15 (4) "crime against a person" means a crime as set out in  
16 AS 11.41, except custodial interference under AS 11.41.320 and 11.41.  
17 330; or a crime against a person in this or another jurisdiction  
18 having elements substantially identical to those of a crime as set out  
19 in AS 11.41, except custodial interference under AS 11.41.320 and  
20 11.41.330;

21 (5) "department" means the Department of Corrections;

22 (6) "furlough" means an authorized leave of absence from  
23 actual confinement for a designated purpose and period of time;

24 (7) "health care provider" means

25 (A) a physician's assistant or nurse practitioner  
26 licensed to practice in the state and working under the direct  
27 supervision of a licensed physician or psychiatrist, or

28 (B) a mental health professional as defined in AS 47  
29 10.915;

1 (8) "municipality" means a borough or city in the state, or  
2 a municipality unified under AS 29.68.240 - 29.68.440, authorized by  
3 law to establish a correctional facility;

4 (9) "prisoner" means a person, other than a juvenile, held  
5 under authority of state law in official detention as defined in  
6 AS 11.81.900(b);

7 (10) "temporary commitment" means detention of a person for  
8 any period under authority of state law, but does not include confine-  
9 ment upon conviction and judgment of a court of this state;

10 (11) "victim" has the meaning given in AS 12.55.105.

11 \* Sec. 6. AS 33.32.015(b) is amended to read:

12 (b) The commissioner of corrections may

13 (1) subject to the Fiscal Procedures Act (AS 37.05), use,  
14 purchase, lease, equip, and maintain buildings, machinery, and other  
15 equipment, and may purchase materials and enter into contracts, which  
16 may be necessary for the correctional industries program,

17 (2) provide for prisoners to be employed in rendering  
18 services and producing articles, materials, and supplies needed by a  
19 state agency, a political subdivision of the state, an agency of the  
20 federal government, other states or their political subdivisions, or  
21 for use by nonprofit organizations,

22 (3) if the Correctional Industries Commission established  
23 in AS 33.32.070 approves, employ prisoners to provide services or  
24 products as needed by private industry if the services or products  
25 have potential for contributing to the economy of the state and will  
26 have minimal negative impact on an existing private industry or labor  
27 force in the state,

28 (4) authorize a prisoner to engage in productive employment  
29 within or outside a correctional facility or enter into a contract

1 under AS 33.30.151 for the employment of a prisoner if the Correctional  
2 al Industries Commission determines that the employment will have  
3 minimal negative impact on an existing private industry or labor force  
4 in the state, and

5 (5) subject to the provisions of AS 37.05, enter into joint  
6 cooperative ventures with private industry for the establishment and  
7 operation of "Free Venture" industries under AS 33.12.017, if the  
8 Correctional Industries Commission determines that the "Free Venture"  
9 industry will have minimal negative impact on an existing private  
10 industry or labor force in the state.

11 • Sec 7 AS 33 32 is amended by adding a new section to read:

12 Sec. 33 32.017. "FREE VENTURE" CORRECTIONAL INDUSTRIES. (a)  
13 Upon recommendation of the Correctional Industries Commission estab-  
14 lished under AS 33 32 070, the commissioner may establish "Free Ven-  
15 ture" correctional industries for the sale of goods or services to the  
16 public or private sector. A "Free Venture" correctional industry is a  
17 correctional industry that is operated and managed in total or in part  
18 by a private industry or organization within a correctional facility  
19 under an agreement entered into under AS 33 32 033(b)(5)

20 (b) The commissioner shall provide appropriate space, utilities,  
21 security and inmate workers to the private industry or organization.

22 (c) The private industry or organization shall provide all  
23 machinery, tools, supplies, materials, transportation, training,  
24 supervisory personnel, management, marketing, and insurance necessary  
25 for the operation of the "Free Venture" industry.

26 (d) In exchange for the space, utilities, and inmate workers  
27 provided to it, the private industry or organization shall pay to the  
28 commissioner a weekly payment in an amount not less than the sum of  
29 the existing minimum hourly wage established under AS 33 30 051.

1 multiplied by the total number of hours worked during that week by  
2 inmates employed in the "Free Venture" correctional industry.

3 (e) The private industry or organization shall indemnify, save  
4 harmless, and defend the state, its agents, officers, and employees  
5 from liability of any kind resulting from injuries or damages sus-  
6 tained by a person or property as a result of the use of the goods or  
7 services of the "Free Venture" industry.

8 \* Sec. 8. AS 33.32.030 is amended by adding a new subsection to read:

9 (f) The provisions of this section do not apply to "Free Ven-  
10 ture" industries established under AS 33.32.017.

11 \* Sec. 9. AS 39.35.360(e) is amended to read:

12 (e) An employee of a detention facility provided by a local  
13 government unit to the territorial or state government under AS 33.-  
14 30.031 or former AS 33.30.060, who continues in state employment upon  
15 transfer of the facility to the state, is entitled to credited service  
16 for prior service with the facility if the employee remains in contin-  
17 uous employment with the state until July 1, 1976. To obtain credited  
18 service the employee is required to make retroactive contributions for  
19 the period of service between January 1, 1961, and the effective date  
20 of the transfer of the facility to the state.

21 \* Sec. 10. AS 44.65.050 is amended by adding a new subsection to read:

22 (d) The Department of Corrections and the Department of Trans-  
23 portation and Public Facilities may enter into agreements under this  
24 chapter for the construction, renovation, repair or alteration of  
25 state correctional facilities as defined in AS 33.30.301. An agree-  
26 ment entered into under this subsection is limited to an estimated  
27 cost of \$100,000 for each project as determined by the terms of the  
28 agreement.

29 \* Sec. 11. The following laws are repealed: AS 33.30.010, 33.30.020.

1 33.30.030, 33.30.040, 33.30.050, 33.30.060, 33.30.070, 33.30.080, 33.30.-  
2 090, 33.30.100, 33.30.110, 33.30.120, 33.30.130, 33.30.140, 33.30.150,  
3 33.30.160, 33.30.170, 33.30.180, 33.30.185, 33.30.190, 33.30.225, 33.30.-  
4 227, 33.30.250, 33.30.260, 33.30.290, 33.30.300, 33.30.310, 33.30.320, and  
5 33.30.900.

6     <sup>a</sup> Sec. 12. Regulations adopted under a statute amended or repealed by  
7 this Act continue in effect until amended or repealed by the commissioner  
8 of corrections, except to the extent that a regulation is inconsistent or  
9 in conflict with a provision of this Act.

STATE OF ALASKA 1985 LEGISLATIVE SESSION  
FISCAL NOTE

Revision Date: \_\_\_\_\_

REQUEST

Bill/Resolution No.: CSHB 114 (Jud)  
Title: "An Act relating to  
correctional facilities..."  
Sponsor: Rules Committee  
Requestor: House Finance  
Date of Request: 4/29/85

FISCAL DETAIL

Agency Affected: Public Safety  
Program Category Affected: \_\_\_\_\_  
Administration of Justice  
BRU, Program or Subprogram(s) Affected: \_\_\_\_\_  
Alaska State Troopers

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
<b>OPERATING</b>						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL		200.0	210.0	220.5	231.5	243.1
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
<b>TOTAL OPERATING</b>		200.0	210.0	220.5	231.5	243.1

<b>CAPITAL</b>						
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<b>REVENUE</b>						
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FUNDING: (Thousands of Dollars)

GENERAL FUND		200.0	210.0	220.5	231.5	243.1
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>		200.0	210.0	220.5	231.5	243.1

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary

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Date: 4/29/85

Approved by Commissioner: Robert J. Sundberg  
Agency: Department of Public Safety

Date: 5/1/85

Distribution (by Agency preparing fiscal note):

- Legislative Finance
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7/1/84

COST ANALYSIS

CSHB 114 (Jud)

The Alaska State Troopers will be affected by the proposed Section 33.30.071(c). The law enforcement agency taking custody will be, by statute, responsible for all injuries or medical problems the subject may have incurred prior to our taking custody. This will have even greater impact on municipal police agencies than on this Department. Costs shown are for medical services. A 5% annual inflation factor is applied to FY 87 and beyond.

300 Contractual Services

Medical Costs            \$200.0

COMMENTARY AND SECTIONAL ANALYSIS  
FOR THE 1985 AMENDMENTS TO ALASKA'S LAWS ON  
CORRECTIONAL FACILITIES AND THE IMPRISONMENT  
AND REHABILITATION OF OFFENDERS  
CS FOR HB 114 (JUDICIARY)

Introduction

This Act represents a comprehensive attempt to update Alaska's laws on correctional facilities and the imprisonment and rehabilitation of offenders. Many of these laws have not changed since Alaska became a state, while the legal and administrative problems confronted by Alaska's correctional system are dramatically different than they were 25 or even 10 years ago. This Act incorporates changes necessary to respond to both decisions by the courts and the practical necessities of administering the Alaska correctional system in the 1980's.

Section 1. AS 09.20.020, Disqualification of Jurors.

This section amends one of the two statutory bases for which a person is disqualified from serving as a juror. Under this section, a person convicted of a felony is disqualified from serving as a juror until the person is unconditionally discharged from any supervision. Under former AS 09.20.-020, a person was disqualified from serving as a juror if the person was convicted of a felony and had not had his or her civil rights restored. This is a technical amendment only.

This amendment to AS 09.20.020 is necessary to conform with new AS 33.30.191, which provides, as one of the effects of a felony conviction, disqualification from serving as a juror until the person's unconditional discharge.

Sections 2-3. AS 11.56.340 and AS 11.56.350, Unlawful Evasion in the First and Second Degrees.

These sections repeal and reenact criminal statutes relating to unlawful evasion from custody to provide specific references to AS 33.30.101--33.30.131 pertaining to furlough of prisoners. These sections make clear that failure of a prisoner on furlough to return to the place of confinement or residence within the time authorized by those having direct supervision over the prisoner constitutes the crime of unlawful evasion. The degree of the crime remains the same as provided for under existing law.

Section 4. AS 12.47.050(d), Disposition of Defendant Found Guilty But Mentally Ill.

Prior to amendment, AS 12.47.050(d) prohibited a prisoner found guilty but mentally ill who is receiving treatment from being released on furlough under AS 33.30.150, 33.30.250, or 33.30.260, or on parole. This section makes technical changes to reflect the new statutes pertaining to furlough

of prisoners, AS 33.30.101--33.30.131. It also creates an exception to this general rule by permitting a guilty but mentally ill prisoner to be furloughed to a secure setting for purposes of treatment.

Under AS 33.30.101(a)(3) and AS 33.30.121(a)(2), a prisoner requiring medical or psychiatric treatment outside of a correctional facility may be furloughed for this purpose. Permitting a prisoner found guilty but mentally ill to be furloughed to a facility such as the Alaska Psychiatric Institute is consistent with the clear intent to protect the public and at the same time to provide necessary treatment through a furlough to a secure setting.

Section 5. AS 33.30.011--33.30.301, Correctional Facilities and Programs.

This section adds new sections to provide an updated statutory scheme pertaining to correctional facilities and management and control of Alaska's prisoners. A brief analysis of each section and its intent follows:

ARTICLE 1. ESTABLISHMENT, CONTROL, AND MANAGEMENT.

Section 33.30.011. Duties of Commissioner.

This section sets out the duties of the commissioner of corrections. Subsection (1) combines the responsibilities set out in former AS 33.30.010 and 33.30.040 and makes clear that management and control of correctional facilities, as well as the responsibility for providing for the custody, care, and discipline of prisoners, rests with the commissioner.

Subsections (2) and (3) incorporate the responsibilities set out in former AS 33.30.020 (classifying prisoners and establishing programs for their rehabilitation). Subsection (3) expands those responsibilities by setting out specific goals which the programs are reasonably calculated to achieve. In addition, it requires the commissioner to establish furlough programs which are addressed in sections 33.30.101--33.30.131.

Subsection (4) requires the commissioner to provide necessary medical services for prisoners, a responsibility provided for in former AS 33.30.050. Necessary medical services includes treatment for dental, visual and audio problems.

Subsection (5) requires the commissioner to provide necessary psychological or psychiatric treatment for prisoners under the standard articulated by the Alaska Supreme Court in Rust v. State, 582 P.2d 134, opinion on reh. 584 P.2d 38 (Alaska 1978). This subsection requires a physician or other health care provider to exercise professional judgment under

the Rust standard in determining the need for psychological or psychiatric care. Health care provider is defined in the definition section, 33.30.901 so as to be consistent with professional standards of medical practice and Alaska's mental health statutes (AS 47.30.915).

Section 33.30.021. Regulations.

This section requires the commissioner to adopt regulations to implement this chapter and thus does not constitute a substantive change from former AS 33.30.030.

Section 33.30.031. Contract for Care and Confinement of Prisoners.

Subsections (a) and (b) authorize the commissioner to determine the availability of state correctional facilities for state prisoners, and to contract with public or private entities to provide necessary facilities when state facilities are not available. These subsections are based on former AS 33.30.060, but expand the commissioner's authority to contract with a private agency to confine prisoners convicted of a misdemeanor. Former AS 33.30.060 did not permit the commissioner to contract with private agencies for the confinement of prisoners. In essence, this will permit contracting with a privately operated jail for misdemeanants, but such a facility

must provide a similar degree of care and discipline as that required in state facilities.

Subsection (b) also clarifies the authority of the commissioner to house prisoners (both felons and misdemeanants) who are on furlough in a privately operated facility (e.g. halfway house). Although this authority existed under a reasonable interpretation of a number of prior statutes, it was not expressly set out.

Subsection (c) mandates that any agreement with a private agency to provide necessary facilities is subject to the competitive bidding requirements set out in the Fiscal Procedures Act (AS 37.05).

Subsection (d) makes clear that a prisoner on furlough, a probationer, or a parolee who is housed in a privately operated correctional facility and who is working will be required to pay for all or part of the prisoner's living expenses, as well as contribute to court ordered fines and restitution, awards made to victims which arose out of the prisoner's criminal conduct, and to support the prisoner's dependents. A judgment, court order, or order of the child support enforcement agency to make child support payments has priority over other financial obligations as set out in AS 09.65.132. These requirements are fully set out in AS 33.30.131.

Subsection (e) permits the commissioner to enter into an agreement with other jurisdictions or another state agency in this state (e.g., juveniles in the custody of the commissioner of health and social services) to provide a correctional facility for persons in custody. This subsection incorporates the provisions of former AS 33.30.070 and various interstate compacts located in AS 33.36.

Section 33.30.041. Lease of Correctional Facility to Municipality.

This section is essentially a reenactment of former AS 33.30.080 and permits the commissioner to lease a state correctional facility to a municipality or to jointly operate such a facility with a municipality if determined to be in the best interest of the state.

ARTICLE 2. COMMITMENTS, PROGRAMS, AND FURLOUGHS.

Section 33.30.051. Commitment to Commissioner.

This section is essentially identical to former AS 33.30.090 and reflects that convicted prisoners are committed to the custody of the commissioner.

Section 33.30.061. Commissioner to Designate Facility.

This section is based primarily on former AS 33.30.-100 and 33.30.110 and makes clear that it is the commissioner who determines which facility a prisoner is to be sent to serve a term of imprisonment or period of temporary commitment. While it is not explicitly stated, the authority of the commissioner to designate a facility for a prisoner under subsection (a) is intended to include the authority to order a prisoner transferred from one facility to another (included in former AS 33.30.120).

Subsection (b) makes clear that before the commissioner may designate an out-of-state facility for a prisoner to serve a term of imprisonment, the commissioner must determine that the prisoner's access to rehabilitation or treatment programs will not be substantially impaired.

Section 33.30.071. Responsibility for Prisoners Pending Commitment.

This section is based primarily on former AS 33.30.-130 and describes who is responsible for a state prisoner pending initial court appearance and clarifies what agency is responsible for providing medical services for a prisoner.

Pending arraignment, commitment by a court to the custody of the commissioner of corrections, or admission to a

state correctional facility a state prisoner is the responsibility of the commissioner of public safety. However, medical care remains the responsibility of the commissioner of corrections unless a prisoner in police custody is in immediate need of medical care prior to admission into a correctional facility. Under these circumstances, the law enforcement agency having custody of the prisoner is responsible for providing necessary medical care. However, the law enforcement agency is not precluded from requiring the prisoner to compensate the agency for medical services provided for a medical condition which existed prior to and did not arise out of the arrest.

This section also clarifies what has been a gray area in the past. If an intoxicated person is taken into protective custody under AS 47.37.170, or taken into custody for an emergency mental evaluation under AS 47.30.705, the state is responsible for the cost of care only if the person is admitted into a state facility. If the person is admitted into a municipal facility, then the municipality must bear the cost. This is a just way to share the burden of a statewide problem.

Section 33.30.081. Transportation of Prisoners.

This section reenacts former AS 33.30.130(b) and AS 33.30.160 reflecting that the commissioner of public safety

is primarily responsible for transporting state prisoners. It is recognized that the commissioner of corrections has been assuming an increasingly greater role in the transportation of non-high risk prisoners through an agreement with the commissioner of public safety. This section in no way disapproves of this practice. If the respective agencies and the legislature become satisfied that corrections personnel have received sufficient training to transport high risk prisoners while adequately protecting the public, it may well become an efficient and cost effective measure to statutorily transfer this responsibility to the commissioner of corrections in the future.

This section also codifies present practice whereby a state prisoner released from a state correctional facility is provided the fare for return transportation to the point of arrest by the commissioner of corrections. When the release is from a facility other than a state correctional facility, the fare for return transportation is provided by the commissioner of public safety.

Section 11.30.091. Designation of Programs.

This section sets out the criteria the commissioner should consider in assigning a prisoner to any program established for the treatment and care of prisoners. It also makes

clear that assignment of a prisoner to a pre-release furlough program is governed by AS 11.10.111.

The Alaska Supreme Court has held that where a prisoner has a serious particular identifiable medically-related problem associated with the prisoner's criminal behavior i.e., alcohol, psychological or drugal, then the prisoner must be provided access to some program reasonably related to addressing the causes of these problems. See, Good v. State, 595 P.2d 420 (Alaska 1979); Abraham v. State, 595 P.2d 524 (Alaska 1979); Hust v. State, supra.

However, the case law also strongly supports the proposition that the Commissioner of Corrections has the discretion to determine what particular programs will be made available to a prisoner, especially a prisoner who does not have a serious medically-related problem associated with his or her criminal behavior, and the appropriate time the programs will be made available.

As long as a decision as to what type of program and when that program is provided is neither arbitrary nor capricious, these decisions are left entirely in the discretion of the Commissioner. See Barry v. State, 595 P.2d 427, 433 (Alaska 1979); Good v. State, supra; Blanchard v. State, 595 P.2d 524.

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The first part of the document discusses the importance of maintaining accurate records of all transactions and activities. It emphasizes the need for transparency and accountability in all financial dealings.

The second part of the document details the various methods and procedures used to collect and analyze data. It describes the use of statistical techniques and the importance of ensuring the reliability and validity of the information gathered. The text also discusses the challenges associated with data collection and the steps taken to overcome these challenges.

Conclusion

In conclusion, the document highlights the significance of thorough data analysis and the role of accurate record-keeping in achieving the organization's goals. It stresses the need for continuous monitoring and evaluation of the data to ensure that the organization remains on track and responsive to changing circumstances.

Lastly, subsection (f) incorporates the portion of the victim's rights bill passed by the Thirteenth Alaska Legislature which requires that a victim of a crime against a person be permitted to comment on the proposed furlough and, upon request, be notified of the furlough if it is granted.

Section 33.30.121. Short-Duration Furloughs.

This section describes the second type of furlough which may be granted a prisoner, a short-duration furlough. A short duration furlough is one in which a prisoner may be released for a period not to exceed 12 hours at any one time, except for a family visitation (similar to former AS 11.30.150) or for medical treatment which may last only as long as the necessary treatment. A short-duration furlough may be granted to a prisoner at any time under regulations adopted by the commissioner. This is consistent with former law and recognizes the rehabilitative value of family visitations for low risk prisoners as well as the occasional practical necessity of furloughing a prisoner to a location outside a correctional facility for medical treatment.

Section 33.30.131. Pre-release or Short-Duration Furlough Involving Employment.

This section authorizes the commissioner to collect the earnings of a prisoner who is working outside a correctional facility while on a furlough to pay for the room and board of the prisoner as well as for court ordered fines and restitution, awards made to victims which arose out of the prisoner's conduct, and to support the prisoner's dependents. The priority for child support payments established in AS 09.-65.132 is recognized here.

The obligation of a prisoner on furlough to make payments for the purposes set out in this section is extended to probationers and parolees who are working and residing in a privately operated correctional facility under AS 33.30.031.

Section 33.30.141. Effect of Violation of Furlough Conditions or Failure to Return.

This section explains that the penalties for violating the conditions established for a prisoner's conduct while on furlough may range from criminal prosecution for unlawful evasion to immediate return to actual confinement in a correctional facility as well as disciplinary proceedings.

ARTICLE 3. GENERAL PROVISIONS

Section 33.30.151. Employment of Prison Inmates.

This section reenacts prior law relating to the employment of prisoners (former AS 33.30.225) and expands these provisions in a number of ways. It expands the kind of work a prisoner may do to include renovation, repair or alteration of existing correctional facilities as permitted by AS 44.65.-050(d), a provision located in section 10 of this bill. This will provide gainful employment to prisoners thus helping to alleviate the problem of prisoner idleness, and also provide a substantial cost savings to the state.

Former AS 33.30.225(b), which is reenacted in subsection (b) of this section, permitted the commissioner to enter into a contract with a public agency for the employment of prisoners in conservation projects. Subsection (b) however, expands the commissioner's authority, clarifying an area which has limited the department's ability to involve prisoners in productive employment. This subsection permits the commissioner to enter into a contract with any individual or agency for the employment of prisoners if the work to be performed will have minimal negative impact on an existing private industry or labor force in the state as determined by the Correctional Industries Commission under AS 33.32.015. This is not intended to result in the sole benefit of an individual who may see the opportunity for inexpensive labor. Rather, it is intended to expand the rehabilitative opportunities available to prisoners, increase their opportunity to have funds

available upon release from custody, and minimize the dangers inherent in inmate idleness.

As in former AS 33.30.225, this section permits the commissioner to discipline prisoners who refuse to work.

Section 33.30.156. Pay of Prison Inmates.

This section reenacts prior law regarding pay of prisoners who are working (former AS 33.30.227). In addition, this section makes clear that inmates who are paid by the department for working are not covered by workers' compensation. This is simply a clarification of policy previously established by the legislature when it enacted the correctional industries program (AS 33.32) in 1982.

Section 33.30.161. Transmission of Documents.

This section is substantially the same as former AS 33.30.185 and explains what documents must be delivered to the correctional facility where the prisoner will be confined. As in former AS 33.30.185, it requires the commissioner to adopt regulations providing for the security and confidentiality of delivered documents.

Section 33.30.171. Superintendent of Correctional Facility May Administer Oaths and Acknowledgments.

This section reenacts former AS 33.30.190 by authorizing a correctional superintendent or assistant superintendent to notarize a prisoner's legal papers at no charge to the prisoner.

Section 33.30.181. Telephone Access and Monitoring Inside Correctional Institutions.

This is a new section which addresses access to telephones for prisoners and monitoring of prisoner telephone calls. Under subsection (a), prisoners must be given reasonable access to a telephone. Reasonable access will be determined by the commissioner.

Subsection (b) provides a limitation on access to a telephone for prisoners who present a security threat or who are in punitive segregation for rule violations. Access for these prisoners is limited to calls to attorneys or in an emergency as determined appropriate by the commissioner.

Subsection (c) permits the commissioner to authorize the monitoring or recording of telephone calls of prisoners who have been convicted of an offense in order to preserve the

security and orderly administration of a correctional facility and to protect the public. The prisoner must be informed of the monitoring capability. Telephone calls made by or to a prisoner who has not been convicted or between a prisoner and an attorney may not be monitored except when authorized by a court.

Section 33.30.191. Effect of Judgment of Conviction on Civil Rights.

This section clarifies a gray area that has existed for several years under former AS 33.30.310 and 33.30.320. AS 33.30.310 provided that the civil rights of a person who received a sentence of imprisonment for a term less than for life were suspended during the term of the sentence. AS 33.30.320 provided that a person who received a life sentence was thereafter considered civilly dead.

Former AS 33.30.310 and 33.30.320 are representative of the type of statute adopted at one time by nearly all states, but which have since been repealed or modified by legislative action or court decision in the great majority of jurisdictions due in large part to the recognition of their adverse impact on the rehabilitation of prisoners and the evolving standards of treatment due prisoners. By 1973, only 13 states retained civil death statutes. See, Johnson v.

Rockefeller, 58 F.R.D. 42, 48-50, 49 n.10 (S.D.N.Y. 1973). The number is considerably less today. A major problem with these statutes has been the almost universal failure to delineate what rights are civil rights. Even when courts have indicated that a right is a civil right, they have held that not all civil rights are suspended because of other superceding rights which derive from state or federal constitutions. See, e.g., Bush v. Reid, 516 P.2d 1215 (Alaska 1973), where the Alaska Supreme Court held that although a parolee fell within the proscriptions of AS 33.33.310, he nonetheless had the right to file a civil action in court, notwithstanding this clearly being a civil right. See, also, Salisbury v. List, 501 F. Supp. 105 (D. Nevada 1980) and Hudson v. Rhodes, 579 F.2d 46 (5th Cir. 1978), where these two courts disagreed on the right of an inmate to marry.

In recognition of the need to clarify which specific civil rights are affected by a criminal conviction, this section thus clearly delineates two specific rights which are suspended as a result of conviction for a crime until the prisoner's unconditional discharge. They are the right to vote for a person who is convicted of a felony involving moral turpitude (consistent with AS 15.05.030), and the right to serve on a jury for a person convicted of a felony who has not been unconditionally discharged. In section 1 of this bill, AS 09.20.020

is amended to conform with the suspension of the right to serve on a jury provided for in this section.

The right to commence a civil action in a court (i.e., access to the courts) is a civil right which some courts have ruled is suspended as a result of conviction for a crime. See, e.g., Tabor v. Hardwick, 224 F.2d 526 (5th Cir. 1955). However, suspending this right raises substantial constitutional questions as reflected in the Alaska Supreme Court's decision in Bush v. Reid, supra, and Johnson v. Rockefeller, supra at 48. Under this section, access to the courts is no longer limited.

Making clear that a prisoner has the same right to commence a legal action as a normal citizen does not mean that the prisoner has the same right to personally appear in court, particularly in a court action which is unrelated to the prisoner's confinement. While the right of a prisoner to personally appear in court is ultimately up to the judge before whom the matter is pending, it is important to note that courts and legislatures have recognized the legitimate security interests of corrections and law enforcement officials in not having to transport prisoners to court, particularly in matters unrelated to their confinement. See, e.g., Hubbard v. Montgomery, 372 So.2d 315, 317 (Ala. 1979); Johnson v. Rockefeller, supra at 48. See, also, New York Civil Rights Law §§ 79 and 79-a. This

is a recognition that, "Lawful incarceration brings about the necessary withdrawal or limitation of many privileges and rights, a retraction justified by the considerations underlying our penal system." Price v. Johnston, 334 U.S. 266, 285 (1948). Appearance through an attorney or by deposition will adequately safeguard a prisoner's interest in most cases. See, e.g., Alaska R. Civ. Pro. 27, 30.

Section 33.30.201. Disposal of Abandoned Personal Property.

This is a new section which addresses the practical problems of lack of space to store abandoned prisoner property and lack of a mechanism to dispose of the property.

Under this section, a prisoner's property remaining at a correctional facility which is not disposed of by the prisoner within 90 days of release or transfer is deemed abandoned, and will be delivered to the Department of Administration for disposal as if it were surplus state property. When a prisoner is transferred from one correctional facility to another, the commissioner is responsible for shipping a reasonable amount of the prisoner's personal property. The abandonment provisions only apply to property remaining after the shipment.

Section 33.30.211. Confiscation of Contraband.

This is a new section which authorizes the commissioner to impose disciplinary sanctions upon a prisoner who is found in possession of money in an amount greater than that permitted by the commissioner. If after a hearing, which satisfies minimum due process requirements, a prisoner is found to have possessed money in an amount greater than that permitted, the excess money is declared contraband and must be forfeited and deposited into the general fund.

The purpose of this section is to respond to the problem of prisoners who possess excess amounts of money which creates risks both to the personal safety of the prisoner in possession of the money as well as to the security of the institution. Similar statutes have been upheld as reasonable efforts to provide for the safety of prisoners and the security of correctional facilities. See, e.g., Harris v. Forsyth, 735 F.2d 1235 (11th Cir. 1984).

Prior to the adoption of this section, no statute existed authorizing the confiscation and forfeiture of excess money. Upon discovery it was placed in the prisoner's account.

This section will deter such illegal activities as gambling and the sale of drugs, which although often cannot be proven, are believed to frequently be the reason that prisoners are discovered in possession of large amounts of money.

Section 33.30.221. Forfeiture of Property.

This section reenacts the portion of former AS 33.30.290 which makes clear that unless a statute expressly provides for a forfeiture of property as a result of a conviction of a criminal offense, there may be no forfeiture of a prisoner's property.

Section 33.30.231. Crime Against Sentenced Prisoner.

This section is substantially similar to former AS 33.30.300, and makes clear that a crime committed against a sentenced prisoner is to be treated the same as a crime against any person.

Section 33.30.301. Definitions.

This section defines the terms used in AS 33.30.

Sections 4-7. AS 33.30.031(b), AS 33.30.031. "Free Venture" Correctional Industries.

Section 4 amends AS 33.30.031 dealing with prisoner employment and correctional industries. AS 33.30.031(b) permits the commissioner to authorize a prisoner to engage in productive employment within or outside a correctional facility.

or to enter into a contract with a private agency or individual for the employment of a prisoner if the employment will have minimal negative impact on an existing private industry or labor force in the state, as determined by the Correctional Industries Commissioner.

AS 11.12.015(b)(5) permits the commissioner to enter into a joint cooperative venture with private industry for the employment of prisoners in correctional industries. Such a joint venture is subject to competitive bidding laws, thus providing an equal opportunity for all interested parties in the private sector. A further safeguard is provided by permitting such a joint cooperative venture only if the Correctional Industries Commissioner determines that it will have a minimal negative impact on an existing private industry or labor force.

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The first part of the report deals with the general situation of the country and the progress of the work done during the year. It is followed by a detailed account of the various projects and the results achieved. The report concludes with a summary of the work done and a list of the names of the staff members who have been engaged in the work.

REPORT ON THE WORK OF THE YEAR

The work of the year has been carried out in accordance with the programme of work approved by the Council at its meeting on 15th December 1954. The main areas of activity have been the study of the various aspects of the problem and the carrying out of the various projects which have been mentioned in the report.

CONCLUSIONS

The results of the work done during the year have been very satisfactory and it is hoped that they will be of value to the Council in its future work.

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1. The first part of the document discusses the importance of maintaining accurate records of all transactions and activities. It emphasizes the need for transparency and accountability in all financial dealings.

2. The second part of the document outlines the various methods and techniques used to collect and analyze data. It highlights the importance of using reliable sources and ensuring the accuracy of the information gathered.

3. The third part of the document provides a detailed overview of the results of the study. It includes a comprehensive analysis of the data collected and a discussion of the findings. The results indicate that there is a significant correlation between the variables studied.

4. The fourth part of the document discusses the implications of the findings and offers recommendations for future research. It suggests that further studies should be conducted to explore the relationship between the variables in greater detail.

5. The fifth part of the document concludes the study and summarizes the key findings. It reiterates the importance of accurate record-keeping and the need for ongoing research in this field.

Page 10 of 10  
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