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HB

544

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HB

562

HB

544

# COMMITTEE REPORT

## HOUSE

1/28/80

FURTHER:

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

Mr. Speaker:

The Committee on JUDICIARY has had HB 544

"An Act relating to categories of fishing; and providing for an effective date."

under consideration and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass  do not pass
- do pass with attached amendments(s)
- replace with <sup>Resources</sup> CS for HB 544  same title  
 new title
- and recommends \_\_\_\_\_
- AND attaches a "Letter of Intent"  New Fiscal Note
- reports it back without recommendation
- referred to the \_\_\_\_\_ Committee

**MEMBERS SIGNING  
DO PASS**

T. Bushholdt No Piranhas

Walter Anderson (with Amendment)

Charles Adams (long dive)

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**MEMBERS HAVING  
OTHER RECOMMENDATIONS:**

P. J. C. \_\_\_\_\_ N. Lee

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Charles Adams  
CHAIRMAN

FISCAL NOTE

I. REQUEST

Bill Resolution No. CSHB 544

Title An Act relating to categories of fish and categories of fishing

Requested by Judiciary Committee

Date 3-28-80

II. FISCAL DETAIL

Agency Affected Department of Fish and Game

Program Category Affected Natural Resources

BRD, Program, or Subprogram(s) Affected Division of Commercial Fisheries

(Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 80	FY 81	FY 82	FY 83	FY 84	FY 85
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
<b>TOTAL</b>		-0-	-0-	-0-	-0-	-0-

FUNDING (Thousands of Dollars)

GENERAL FUND		-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

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

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

There is no fiscal impact associated with this legislation.

IV. DATE

March 28, 1980

PREPARED BY

Russell H. Clark

AGENCY

Department of Fish and Game

PHONE

465-4120

Original: Legislative Finance

cc: Budget and Management

Prime Sponsor (First Legislator Named)

Office of the Governor-Keith Speckins

33-001 (Rev. 12/79)

SUMMARY OUTLINE OF TESTIMONY ON HB 544

Prepared by  
Gregory F. Cook, Executive Director  
Boards of Fisheries and Game  
Alaska Department of Fish and Game

Presented to the House Resources Committee  
January 22, 1980

HB 544 SEEKS TO PREVENT THE DEPARTMENT AND THE BOARD OF FISHERIES FROM MAKING NEW CATEGORIES OF FISHERIES, SUCH AS "PERSONAL CONSUMPTION" FISHERIES. IN CONTRAST TO THE BOARD OF FISHERIES, NO SUCH AUTHORITY IS CURRENTLY PROVIDED THE DEPARTMENT UNDER TITLE 16. THE ISSUE MAY NOW ACTUALLY BE MOOT SINCE THE BOARD OF FISHERIES REJECTED A PROPOSED REGULATION TO CREATE SUCH A PERSONAL CONSUMPTION CATEGORY AT THEIR DECEMBER, 1979, PUBLIC MEETING. NONETHELESS, YOU MAY FEEL THAT SOME ACTION IS STILL APPROPRIATE. TO ASSIST YOU, I HAVE SOME BRIEF BACKGROUND INFORMATION TO PRESENT.

FIRST, THE COPPER RIVER SUBSISTENCE FISHERY--BOTH FISHWHEEL AND DIPNET--WILL BE MANAGED IN 1980 ACCORDING TO THE COPPER RIVER MANAGEMENT PLAN. (COPIES OF THAT PLAN ARE AVAILABLE.) THE PLAN PROVIDES FOR ALLOCATION OF SOCKEYE SALMON AMONG DIFFERENT ALASKANS BASED ON A VARIETY OF CRITERA. THOSE CRITERIA WERE SELECTED BASED ON THE MANDATES OF THE "SUBSISTENCE LAW" (CHAPTER 151, SLA 1978), AND EMPHASIZE:

1. CUSTOMARY AND TRADITIONAL DEPENDENCE
2. AVAILABILITY OF ALTERNATIVE RESOURCES
3. LOCAL RESIDENCY

NEXT IT SHOULD BE EMPHASIZED THAT THE LAW MANDATES A PRIORITY FOR ALL SUBSISTENCE USES. THOSE USES TAKE PRIORITY OVER ALL COMMERCIAL AND ALL SPORT USES.

FINALLY, THE BOARD OF FISHERIES IS CONCERNED THAT THE LEVEL OF SUBSISTENCE USE SHOULD, IN MOST INSTANCES, BE KEPT WITHIN CUSTOMARY AND TRADITIONAL LEVELS OF USE. FOR EXAMPLE, IT HAS COME TO THE BOARD'S ATTENTION THAT AN INCREASING NUMBER OF FISHERMEN ARE NOW DRIVING TO RAMPART TO FISH THE YUKON WITH GILLNETS AND PARTAKE OF THE SUBSISTENCE PRIORITY. AN UNLIMITED EXPANSION OF SUBSISTENCE USE IN THIS AREA, AS WELL AS OTHERS, COULD, IN SOME INSTANCES, CAUSE A CLOSURE OF COMMERCIAL AND/OR SPORT FISHERIES. THIS MAY OR MAY NOT BE IN THE PUBLIC'S BEST INTERESTS.

A FUNDAMENTAL QUESTION WHICH YOU MAY WISH TO CONSIDER IN EVALUATING HB 544 IS HOW BROAD DO YOU WISH THE SUBSISTENCE PRIORITY TO BE? AT THE PRESENT TIME, THE BOARD OF FISHERIES MAY CLASSIFY NEW, NON-CUSTOMARY, NON-TRADITIONAL USES AS SOMETHING DIFFERENT FROM SUBSISTENCE. THIS REMOVES THOSE NON-TRADITIONAL ACTIVITIES FROM THE SUBSISTENCE PRIORITY. I SUGGEST THAT YOU LEAVE THIS AUTHORITY TO CLASSIFY WITH THE BOARD OF FISHERIES.

TO EXPRESS YOUR CONCERN FOR THIS ISSUE OF CLASSIFICATION, YOU MAY WISH TO CHANGE THE FORM ONLY OF THIS BILL. THE NEW FORM COULD BE A HOUSE JOINT RESOLUTION. THE RESOLUTION COULD REQUEST PRIOR CONSULTATION WITH THE LEGISLATURE BEFORE THE BOARD MAKES A DECISION TO RECLASSIFY A FISHERY FROM SUBSISTENCE TO ANOTHER CATEGORY. IN THIS MANNER, YOU WOULD LEAVE THE BOARD OF FISHERIES FREEDOM TO CONTINUE TO MANAGE THE RESOURCE, YET STILL MAKE VERY CLEAR YOUR CONCERNS.

THE BOARD OPPOSES PASSAGE OF HB 544. THE BOARD FEELS IT IS IMPORTANT TO PREVENT NEW, NON-TRADITIONAL USES OF FISHERY RESOURCES FROM RESTING UNDER THE BROAD UMBRELLA OF SUBSISTENCE. THE ABILITY TO CREATE NEW CATEGORIES OF FISHERIES IS AN IMPORTANT TOOL IN PREVENTING THE UNLIMITED EXPANSION OF NEW, NON-TRADITIONAL "SUBSISTENCE" FISHERIES.

THANK YOU.

TO: House Judiciary Committee

DATE: January 21, 1980

FILE NO:

TELEPHONE NO: 465-4108

FROM: Gregory F. Cook  
Executive Director  
Boards of Fisheries and Game

SUBJECT: Personal Consumption Fishery;  
House Bill 544

In response to the January 21, 1980 telephone request from Sandra Stringer of your office, enclosed is a copy of Proposal #428, Personal Consumption Fishery, which was before the Board of Fisheries during its Fall 1979/1980 regulatory meeting. The proposal was rejected and the Board instead adopted a management plan for the Copper River salmon fisheries (#80-66-FB) which is also enclosed.

#### BACKGROUND INFORMATION

The Copper River subsistence fishery has existed for many years. Prior to construction of the Richardson Highway, participants in this fishery were mainly local residents. As road conditions improved and more leisure time became available, the number of non-local fishermen increased. These new participants in the fishery have come primarily from the Fairbanks and Anchorage areas.

Increased fishing pressure and poor returns of fish to the Copper River system in recent years has required the Board of Fisheries to take action to restrict commercial, sport and subsistence fisheries in the Copper River area. Restricting these fisheries has been a complex and difficult task. Consequently, the Board has considered a variety of alternatives before taking action. One alternative approach, suggested by the Board itself, was to create a category to be known as "personal consumption" fisheries. Such a classification would remove the fishery from the legislatively-mandated priority of subsistence.

This option was rejected by the Board of Fisheries at their public meeting in December 1979. The Board also rejected a second alternative proposed which called for differentiation among subsistence users by gear type only. The Board elected instead to develop a management plan: The plan's goal is to insure that subsistence needs are met first for those most dependent on the resource. Other subsistence users whose level of dependence is generally lower receive a lower priority as specified in AS 16.05.251(b).

PERSONAL CONSUMPTION FISHERY

428.

5 AAC 41.001-900. PERSONAL CONSUMPTION FISHERY. Establish a personal use category of fishermen that allows the taking of fish by gear not allowed under current sport fishing regulations. Fish taken under the regulations of this chapter could only be used for personal consumption, not for barter, trade, or sale.

The proposed regulation reads as follows:

ARTICLE 1.  
STATEWIDE PROVISIONS.

5 AAC 41.001. APPLICATION OF THIS CHAPTER. (a) Regulations in this chapter apply to personal consumption fishing for finfish, shellfish, and aquatic plants.

(b) The regulations of this chapter do not prohibit the personal consumption of finfish, shellfish, or aquatic plants legally taken under the subsistence, commercial, and sport fishing regulations of this title.

(c) The unlawful possession of fish (5 AAC 39.197), the definitions (5 AAC 39.975) and the abbreviations and symbols (5 AAC 39.997) set forth and defined in ch. 39 of this title are applicable to the regulations in this chapter.

5 AAC 41.005. PERSONAL CONSUMPTION FISHING PERMITTED. Finfish, shellfish, and aquatic plants may be taken for personal consumption only as provided in this chapter.

5 AAC 41.010. METHODS, MEANS, AND GENERAL RESTRICTIONS. (a) Fish may be taken for personal consumption only by dip net.

(b) Fish may be taken for personal consumption only by residents.

(c) It is unlawful to buy, sell, trade, or barter personal consumption caught fish or their parts.

5 AAC 41.015. PERSONAL CONSUMPTION FISHING PERMITS AND REPORTS.

(a) Finfish, shellfish, and aquatic plants may be taken only under the authority of a personal consumption fishing permit issued by the commissioner or a local representative of the department.

(b) The following permit conditions apply unless otherwise specified by the personal consumption fishing regulations in this chapter:

(1) the numbers of fish taken for personal consumption may not exceed the limits set out in the permit;

(2) permits must be obtained from a local representative of the department prior to personal consumption fishing;

(3) permits must be retained in the possession of the permittee and be readily available for inspection while taking or transporting the species for which the permit is issued;

(4) the permit may designate the species and numbers of fish to be harvested, time and area of fishing, the type and amount of fishing gear and other conditions necessary for management or conservation purposes;

(5) if specified on the permit, each personal consumption fisherman shall keep accurate daily records of the catch involved, showing the number of fish taken by species, location and date of the catch and such other information as the department may require for management or conservation purposes;

(6) personal consumption fishing reports must be completed on forms provided by the department and submitted to the department office from which the permit was issued at a time specified by the department for each particular area and fishery;

(7) if applicable, the total annual possession limit for the permittee must be entered on each permit by the department representative issuing the permit; if applicable the department representative issuing the permit shall require from an applicant documented proof of residency, income, or other criteria required by regulation, or in the absence of such documentation, a signed affidavit setting forth duration of residency, income, or other criteria required by regulation, to determine the applicable annual possession limit and residency of the applicant;

(c) If the return of catch information necessary for management and conservation purposes is required by a personal consumption fishing permit, a permittee who fails to comply with such reporting requirements is ineligible to receive a personal consumption permit for that activity during the following calendar year, unless the permit applicant demonstrates to the department that failure to report was due to loss in the mail, accident, sickness, or other unavoidable circumstances.

5 AAC 41.020. DEFINITIONS. In this chapter

(1) "personal consumption fishing" means the taking, attempting to take or possession of finfish, shellfish, or aquatic plants by an individual for consumption as food by that individual or his immediate family;

(2) "dip net" means a bag-shaped net suspended from a frame, which may not exceed five feet in any outside dimension, is attached to a single handle and is operated by hand.

ARTICLE 12.  
PRINCE WILLIAM SOUND AREA.

5 AAC 41.600. DESCRIPTION OF THE PRINCE WILLIAM SOUND AREA. The Prince William Sound area includes all waters of Alaska between the longitude of Cape Fairfield and the longitude of Cape Suckling.

5 AAC 41.605. DESCRIPTION OF DISTRICTS AND SUBDISTRICTS. (a) The Upper Copper River district consists of all waters of the main Copper River from the confluence of the Slana River downstream to an east-west line crossing the Copper River at the confluence of the unnamed stream located approximately 1-1/4 mile below the U.S.G.S. gauging cable across the Copper River, as designated by Alaska Department of Fish and Game regulatory markers;

(b) the Chitina subdistrict consists of all waters of the main Copper River from the downstream edge of the Chitina-McCarthy Road Bridge downstream to an east-west line crossing the Copper River at the confluence of the unnamed stream located approximately 1-1/4 mile below the U.S.G.S. gauging cable across the Copper River, as designated by the Alaska Department of Fish and Game regulatory markers.

5 AAC 41.610. FISHING SEASONS. In the Chitina subdistrict of the Upper Copper River district, salmon may only be taken from June 1 through September 30.

5 AAC 41.620. LAWFUL GEAR AND GEAR SPECIFICATIONS. Salmon may be taken only by dip net.

5 AAC 41.625. WATERS CLOSED TO PERSONAL CONSUMPTION FISHING. All waters of the Prince William Sound area, except for those in the Chitina subdistrict are closed to personal consumption fishing.

5 AAC 41.630. PERSONAL CONSUMPTION FISHING PERMITS. Salmon may only be taken under the authority of a personal consumption fishing permit. Only one permit per year will be issued to an individual or household.

5 AAC 41.645. PERSONAL CONSUMPTION BAG AND POSSESSION LIMITS. The total annual possession limit for each permit is as follows:

(1) 15 salmon for a permit issued to an individual not a member of a household under (2) of this section;

(2) 30 salmon for a permit issued to the head of a household.

Justification: This is an alternative to existing regulations in response to a request by the Board of Fisheries at the March 1979 meeting.

Proposed by: Staff on request of the Board of Fisheries.

Favor: Jerome M. Messeth (70-71)  
CR-PWS Adv. Cmte. (204)  
Gastineau Ch. Adv. Cmte. (211)  
Kodiak Adv. Cmte. (234)

Oppose: Naknek-Kvichak Adv. Cmte. (116)  
Fairbanks Adv. Cmte. (183)  
Commercial Fishermen of Cook's Inlet (216)

Action Taken:

ALASKA BOARD OF FISHERIES

COPPER RIVER SALMON MANAGEMENT PLAN

I. INTRODUCTION: The purpose of this plan is to insure an adequate escapement of salmon into the Copper River system and to provide management guidelines for equitable allocation of the harvestable resource.

II. COPPER RIVER SALMON RUN

- A. This policy governs only those salmon which pass the department sonar counters located at the Million Dollar Bridge.
- B. The Commercial Fisheries Division shall manage the Copper River commercial fishery to attain a total escapement into the Copper River of 350,000 salmon to insure that adequate escapement reach the spawning grounds and provide for a sport and subsistence harvest. The desired weekly escapements are shown in Table 1.
- C. The Commercial Fisheries Division shall manage the subsistence fishery on the Copper River consistent with AS 16.05.251(b) and to insure adequate escapement by restricting the subsistence harvest to the following levels (Table 2) based on escapement as determined by sonar evaluations and any other appropriate means.
- D. The department shall prepare application forms to obtain information necessary to determine what persons are qualified to receive subsistence permits described in Section III.

III. PERMITTING

A. Subsistence Permits: Permits may be issued to persons who show the greatest level of need for subsistence salmon on the basis of:

- Customary and direct dependence upon the resource as the mainstay of one's livelihood,
- Local residency, and
- Availability of alternative resources.

1. Class A Permit: A Class A Permit may be issued to any person who satisfies all of the following criteria:

a. Dependency

- i. 55 years of age or older
- ii. Annual income of no more than the amount identified in 5 AAC 01.630(b) (2) (3) and as

the income criteria regulation may be from time to time amended.

- iii. Use of a fishwheel to catch fish in the Copper River in ten of the last twelve years.

b. Residency

- i. Proximity to the resource as determined by Copper River residency as follows:

A Copper River Basin resident is an Alaska resident (as defined in Title 16) who for the preceding twelve consecutive months has maintained his place of residence and voting residence (if applicable) in the area described below and who does not maintain a permanent residence or voting residence elsewhere. The area includes Game Management Units 11, 13-A, 13-B, 13-C, 13-D as described in 5 AAC 90.010 and the Jacksina River drainage to its confluence with the Nabesna River.

2. Class B Permit: A Class B Permit may be issued to any person who is a Copper River Basin resident as defined above.
3. Class C Permit: A Class C Permit may be issued to any state resident who applies to and is determined by the Commissioner of Fish and Game or his delegate as a person who satisfies all of the following criteria:
  - a. Household size of three persons or more,
  - b. Household having one or more persons over 55 years old,
  - c. No more than one full-time employed person in the household,
  - d. Participation in the fishery for eight of the last ten years, and
  - e. Annual household income not to exceed \$10,000.
4. Class D Permit: A Class D Permit may be issued to any resident of the State of Alaska as defined in Title 16.

B. Permitting

1. When escapements of less than 300,000 are projected, the face value (number of fish allowed per permit) of permits as described in 5 AAC 01.630 may be reduced to insure that all permittees would be allowed to fish.
2. When escapement projections improve significantly during the season, face values of permits may be increased up to

full value as described in 5 AAC 01.630.

3. Permits must be returned no later than October 31 or a permit for the following year may be denied as provided in 5 AAC 01.015(c).
4. During closed fishing periods, the Chitina permit issuing station may be closed or operated at reduced hours to reduce manpower costs.

C. Delayed Season Opening

When sonar counts prior to June 1 indicate less than 250,000 projected escapement, the subsistence season opening may be delayed up to ten days to allow more accurate assessment of run strength and confirm appropriate allowable harvest allocations.

IV. COPPER RIVER SUBSISTENCE CHINOOK SALMON FISHERY:

When the Copper River dip net subsistence fishery is closed to the taking of sockeye salmon, it may be open to the taking of chinook salmon between June 1 through July 10, up to seven days per week.

V. COPPER RIVER SUBSISTENCE COHO SALMON FISHERY:

If the Copper River subsistence fishery is closed or restricted because of an inadequate escapement of sockeye and chinook salmon, the fishery may be reopened September 1 for the taking of coho salmon, which constitute the majority of the salmon at that time. By September 1, the escapement of sockeye and chinook salmon has essentially passed through the area. Also by this time, the subsistence fishery effort has decreased and constitutes less than five percent of the total effort on the fishery.

VI. UPPER COPPER RIVER SOCKEYE SALMON SPORT FISHERY:

When projected sockeye salmon escapements to the upper Copper River fall below 250,000, sport fishing for sockeye salmon shall be closed.

VII. COPPER RIVER CHINOOK SALMON COMMERCIAL FISHERY:

During years when commercial sockeye salmon fishery closures are in effect, limited chinook salmon harvests may be allowed under the following conditions:

- A. The incidental catch of sockeye salmon may not exceed ten percent of chinook salmon weekly harvest quotas when less than 250,000 sockeye salmon escapement is projected. When 250-350,000 sockeye salmon escapement is projected, the incidental catch may not exceed twenty percent.
- B. Maximum drift gill net per vessel shall be 150 fathoms of 8 1/2-inch or larger mesh.
- C. Fishing periods may not exceed six hours in length and fishing time will be set to avoid periods of maximized catch potential.

There will be two fishing periods per week unless more than 80 percent of the week's quota is taken during the first period.

- D. When weekly quotas are not obtained, no more than ten percent of that quota may be taken in the following week.
- E. 1. Weekly quotas for 1980 are as follows:

<u>Week*</u>	<u>Harvest Allocation</u>
21	2,000
22	4,000
23	3,000
24	1,000

- 2. Adjustments of up to one week may be made in the overall harvest allocation timing to compensate for seasonal variations due to early or late spring breakup or other environmental conditions.

\* Statistical weeks are in numerical sequence beginning with week number one (1), which is the week ending with the first Saturday of the calendar year.

ADOPTED: January 11, 1980  
Anchorage, Alaska

VOTE: 6/0

Copper River District to produce 350,000 desired escapement and 250,000 minimum escapement.\*\*

<u>Date</u>	<u>Week</u>	<u>Average Catch</u>	<u>Years</u>	<u>Percent</u>	<u>Cumulative Percent</u>	<u>Minimum Escapement</u>	<u>Cumulative Escapement</u>	<u>Expected Average Escapement</u>	<u>Cumulative Expected Average Escapement</u>	<u>Minimum Expected Sonar Escapement (Cumulative)</u>	<u>Average Expected Sonar Escapement (Cumulative)</u>
May 14-20	20	32,662	( 9)	4.7	4.7	11,750	11,750	16,440	16,440	*	*
21-27	21	102,868	(15)	14.8	19.5	37,000	48,750	51,790	68,230	11,750	16,440
28- 3	22	144,653	(16)	20.9	40.4	52,250	101,000	73,140	141,370	48,750	68,230
June 4-10	23	132,503	(18)	19.1	59.5	47,650	148,650	66,840	208,210	101,000	141,370
11-17	24	76,753	(18)	11.1	70.6	27,750	176,400	38,840	247,050	148,650	208,210
18-24	25	61,650	(18)	8.9	79.5	22,250	198,550	31,140	278,190	176,400	247,050
25- 1	26	48,838	(17)	7.0	86.5	17,500	216,150	24,490	302,680	198,650	278,190
July 2- 8	27	33,387	(18)	4.8	91.3	12,000	228,150	16,790	319,470	216,150	302,680
9-15	28	27,032	(18)	3.9	95.2	9,750	237,900	13,640	333,110	228,150	319,470
16-22	29	16,415	(18)	2.4	97.6	6,000	243,900	8,390	341,500	237,900	333,110
23-29	30	10,429	(18)	1.5	99.1	3,750	247,650	5,240	346,740	243,900	341,500
30- 5	31	4,660	(17)	0.7	99.8	1,750	249,400	2,440	349,180	247,650	346,740
Aug. 6-12	32	1,476	(17)	0.2	100.0	500	249,900	690	349,870	249,400	349,180
13-19	33	298	(13)	0.04		100	250,000	100	350,000	249,900	349,870
									250,000		
<b>AVERAGE</b>		693,564				250,000		350,000*	350,000***		350,000**

\* Escapement upriver.

\*\* 80,000 - 90,000 additional spawners required for Copper River Delta spawning areas.

\*\*\* Actual escapement requires subtraction of subsistence and sport fishery take.

TABLE 2: COPPER RIVER SUBSISTENCE FISHERY ALLOCATION PLAN

PROJECTED ESCAPEMENT	ALLOWABLE HARVEST	PERMITTEES <sup>1/</sup>	LEVEL OF PARTICIPATION
Less than 150,000	3-5,000	Class A <sup>2/</sup>	7 days/week
150-200,000	8-10,000	Class A Class B and C	7 days/week 2 days/week (Saturday-Sunday)
200-250,000	13-15,000	Class A Class D	7 days/week 2 days/week (Saturday-Sunday)
250-300,000	18-20,000	Class A Class D	7 days/week 3 days/week (Friday-Sunday)
300-350,000	23-25,000	Class A Class D	7 days/week 5 days/week (Thursday-Monday)
More than 350,000		Unrestricted	

1/ No distinction is drawn to gear type.

1/ Special permits are estimated to be 25-30 permits

HB

545

COMMITTEE REPORT

(7)

HOUSE

4/14

1/16/80

FURTHER: JUDICIARY

Date: 4/10/80

Mr. Speaker:

The Committee on HEALTH, EDUCATION AND SOCIAL SERVICES has had HB 545

"An Act amending the child protection laws; and providing for an effective date."

under consideration and (a majority of the committee) (the committee) reports it back with the following recommendations:

[ ] do pass [ ] do not pass

[ ] do pass with attached amendments(s)

[X] replace with CS for HB 545 [X] same title [ ] new title

and recommends it do pass

[ ] AND attaches a "Letter of Intent" [ ] New Fiscal Note

[ ] reports it back without recommendation

[ ] referred to the Committee

MEMBERS SIGNING DO PASS

Handwritten signatures: Chad Gattuso, [unclear], Joyce [unclear], [unclear] Beine, T Buchholdt

MEMBERS HAVING OTHER RECOMMENDATIONS:

Blank lines for other recommendations

T Buchholdt CHAIRMAN

*Sandra  
for your info*

April 2, 1980

Mr. Mike Walti  
Executive Director  
The Center for Children and Parents  
1343 G Street  
Anchorage, Alaska 99501

Dear Mr. Walti:

Thank you for sending the materials concerning  
emotional maltreatment.

HB 545 will be considered by the Health, Education  
and Social Services Committee next week. I will  
let you know when it will be brought up in the  
Judiciary Committee.

Sincerely,

Charles H. Parr

CHP:vc



THE CENTER FOR CHILDREN AND PARENTS

March 27

Dear Mr. Park,

This is the material I referred to in the Newsletter article.

I would like to testify in support of HB 545 when it comes before committee. The point of it all is protection of children not criticism of parental behavior. Thanks.

Mike Walti  
Executive Director

**EXHIBIT II**  
**INDICATORS OF EMOTIONAL MALTREATMENT\***

<u>PARENT BEHAVIOR</u>	<u>CHILD BEHAVIOR</u>	
CONSISTENT/GROSS FAILURE TO PROVIDE:	TOO LITTLE MAY RESULT IN:	TOO MUCH MAY RESULT IN:
Love (empathy) (praise, acceptance, self-worth)	Psycho-social dwarfism, poor self-esteem, self-destructive behavior, apathy, depression, withdrawn	Passive, sheltered, naive, "over self-esteem"
Stimulation (emotional/cognitive) (talking-feeling-touching)	Academic failure, pseudo-mental retardation, developmental delays, withdrawn	Hyperactivity, driven
Individuation	Symbiotic, stranger and separation anxiety	Pseudo-maturity
Stability/permanence/continuity of care	Lack of integrative ability, disorganization, lack of trust	Rigid-compulsive
Opportunities and rewards for learning and mastering	Feelings of inadequacy, passive-dependent, poor self-esteem	Pseudo-maturity, role reversal
Adequate standard of reality	Autistic, delusional, excessive fantasy, primary process, private (unshared) reality, paranoia	Lack of fantasy, play
Limits, (moral) guidance, consequences for behavior (socialization)	Tantrums, impulsivity, testing behavior, defiance, antisocial behavior, conduct disorder	Fearful, hyperalert, passive, lack of creativity and exploration
Control for/of aggression	Impulsivity, inappropriate aggressive behavior, defiance, sadomasochistic behavior	Passive-aggressive, lack of awareness of anger in self/others
Opportunity for extrafamilial experience	Interpersonal difficulty (peer/adults), developmental lags, stranger anxiety	Lack of familial attachment, excessive peer dependence
Appropriate (behavior) model	Poor peer relations, role diffusion, (deviant behavior, depending on behavior modeled)	Stereotyping, rigidity, lack of creativity
Gender (sexual) identity model	Gender confusion, poor peer relations, poor self-esteem	Rigid, stereotyping
(Sense of) (Provision of) security/safety	Night terrors, anxiety, excessive fears	Ob'vious to hazards and risks, naive

\*Ira S. Lourie M.D. and Lorraine Stefano. On Defining Emotional Abuse: Results of an NIMH/NCCAN Workshop. *Proceedings of the Second National Conference on Child Abuse and Neglect, 1977*, Volume 1.

## Emotional Maltreatment

Emotional maltreatment includes blaming, belittling or rejecting a child; constantly treating siblings unequally; and persistent lack of concern by the caretaker for the child's welfare. Emotional maltreatment is rarely manifest in physical signs; speech disorders, lags in physical development, and failure-to-thrive syndrome (which is a progressive wasting away usually associated with lack of mothering) are a few physical indicators of emotional maltreatment. More often it is observed through behavioral indicators, and even these indicators may not be immediately apparent.

Behavioral Indicators of Emotional Maltreatment: While emotional maltreatment does occur alone, it often accompanies physical abuse and sometimes sexual abuse. Emotionally maltreated children are not always physically abused, but physically abused children are almost always emotionally maltreated as well. The emotionally maltreated child may demonstrate the following behavioral characteristics<sup>1</sup>:


- habit disorders such as sucking, biting, rocking, enuresis, or feeding disorders
- conduct disorders including withdrawal and anti-social behavior such as destructiveness, cruelty and stealing
- neurotic traits such as sleep disorders and inhibition of play
- psychoneurotic reactions including hysteria, obsession, compulsion, phobias and hypochondria
- behavior extremes such as appearing overly compliant, extremely passive or aggressive, very demanding or undemanding

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<sup>1</sup>*Protective Services and Emotional Neglect.* Max Wald. Denver: The American Humane Association, 1961, pp. 6-7.

- overly adaptive behaviors which are either inappropriately adult (parenting other children for example) or inappropriately infantile (rocking, head-banging or thumbsucking, for example)
- lags in emotional and intellectual development
- attempted suicide.

The behavior of emotionally maltreated and emotionally disturbed children is similar. However, parental behavior can help to distinguish disturbance from maltreatment. The parents of an emotionally disturbed child generally accept the existence of a problem. They are concerned about the child's welfare and are actively seeking help. The parents of an emotionally maltreated child often blame the child for the problem (or ignore its existence), refuse all offers of help, and are unconcerned about the child's welfare.

- 
- Emotional maltreatment is a parental (or caretaker) pattern of behavior that has an adverse effect on the child. It causes an emotional or mental injury.
  - The effect of emotional maltreatment can be observed in the child's abnormal performance and behavior.
  - The effect of emotional maltreatment is long-lasting. The maltreatment brings about an erosion of the child's capacity to think and to feel and is probably a chronic pattern of parental behavior rather than a single or even an occasional lapse on a parent's part.
  - The effect of emotional maltreatment constitutes a handicap to the child. It causes substantial impairment of the child's ability to think, to learn, to enter into relationships with others and to find satisfaction in his/her endeavors.

Recognition of emotional maltreatment starts with the effects or symptoms of the effects. For mental health practitioners who do not have the opportunity to observe parent-child interaction over an extended period, the indicators of emotional maltreatment can be observed in the child's behavior. These indicators are almost always more ambiguous than those in cases of physical abuse. The exhibit following this page describes the indicators of emotional maltreatment.

While emotional maltreatment may occur alone, it often accompanies physical abuse and sexual abuse. Emotionally maltreated children are not always physically abused, but physically abused children are almost always emotionally maltreated as well.

The behavior of emotionally maltreated and emotionally disturbed children is similar. However, parental behavior can help to distinguish disturbance from maltreatment. The parents of an emotionally disturbed child generally accept the existence of a problem. They are concerned about the child's welfare and are actively seeking help. The parents of an emotionally maltreated child often blame the child for the problem (or ignore its existence), refuse all offers of help, and are unconcerned about the child's welfare.

**EXHIBIT II**  
**DEVELOPMENTAL MILESTONES\***

AGE	MOTOR	MENTAL	LANGUAGE	SOCIAL
3-6 months	will bear weight on legs can roll over stomach to back engages hands in midline when pulled to sit, head is steady, does not fall back when on abdomen, can lift shoulders off mat when on abdomen, can lift head and look about will begin to reach for and grasp objects sits with support	looks at objects in hand looks after a toy which is dropped uses a 2-hand approach to grasp toys looks at objects as small as a raisin turns head to voice, follows with eyes	coos gurgles chuckles laughs aloud squeals has expressive noises	has a social smile will put a bottle with both hands anticipates food on sight
6-9 months	rolls from back to stomach gets feet to mouth sits alone, unsupported, for extended period (over 1 minute) stands with hands held on back, can lift head up beginning attempts to crawl or creep when sitting, reaches forward to grasp without falling	bangs toys in play transfers objects from hand to hand reaches for a toy with one hand picks up a toy he/she drops is persistent in obtaining toys would pull a toy to self by attached string	responds to name vocalizes to social stimulus has single consonants, i.e., ba, ka, ma combines syllables, i.e., da-da, ba-ba likes to make sounds with toys imitates sounds	expects repetition of stimulus likes frolicky play discriminates strangers smiles to mirror image takes some solid food to mouth bites and chews toys beginning to enjoy peekaboo
9-12 months	crawls well can sit steadily for more than 10 minutes stands holding on to furniture can pull to sitting position walks, holding on to a hand to furniture	will uncover a toy he/she sees covered up can grasp object small as raisin with thumb and one finger beginning to put things in and out of containers goes for an object with index finger outstretched likes to drop objects deliberately shows interest in pictures	understands no, or inflection of "no!" uses mama, or dada, first inappropriately, then with meaning by 12 months has at least one other word knows meaning of 1-3 words	cooperates in games will try to roll ball to another person plays peekaboo and peekaboo waves goodbye will offer toy without releasing it likes to interact in play with adult
12-18 months	by 18 months, walks well alone creeps up stairs can get to standing position alone can stoop and recover an object walking, pulls a pull-toy seats self on chair	looks at pictures in a book will scribble spontaneously with pencil or crayon uses spoon drinks from cup will follow one or two directions, i.e., take a ball to ...	has 3-5 words will point to one body part will point to at least one picture uses jargon, i.e., unintelligible "foreign" language with inflection imitates some words	cooperates in dressing holds own bottle or cup finger feeds points or vocalizes to make desires known shows or offers a toy
18-24 months	can run, albeit stiffly walks up and down stairs with one hand held hurls a ball can kick a ball or object jumps with both feet stands on one foot with one hand hold	can tower 2 or more 1 inch blocks turns pages of a book, even if 2-3 at a time will try to imitate what an adult draws with pencil can point to 2-3 body parts	by two years, has at least 20 words by two years, is combining two words in a phrase jargon, which was elaborate by 18 months, is gone by 24 months verbalizes desires with words	uses spoon, spilling very little removes one piece of clothing imitates housework more and more handles a cup quite well

\*If child is not accomplishing two or three of these milestones, consider developmental consultation.

EXHIBIT II (Con'd)

AGE	MOTOR	MENTAL	LANGUAGE	SOCIAL
2-3 years	<p>can walk up stairs without hand held</p> <p>can balance on one foot for one second</p> <p>can jump in place</p> <p>can walk on tiptoe</p> <p>can jump from the bottom step</p> <p>kicks ball forward</p> <p>can throw a ball</p>	<p>can tower 6 one inch blocks</p> <p>can dump a raisin from a bottle to attain without hints</p> <p>can imitate a vertical line, possibly a horizontal line, with pencil</p> <p>can anticipate the need to urinate or defecate</p> <p>if worked with, can toilet self</p>	<p>uses 2-4 word phrases</p> <p>uses plurals</p> <p>names at least one picture</p> <p>talks incessantly</p> <p>vocabulary 100-300 words by 3 years</p> <p>uses some personal pronouns, i.e., I, me, mine</p> <p>points to several parts of a doll on request</p> <p>identifies over 5 parts of own body</p>	<p>puts on some clothing</p> <p>washes and dries hands</p> <p>has parallel play with peers</p> <p>can pour from a pitcher</p>
3-4 years	<p>rides a tricycle</p> <p>alternates feet when going up stairs</p> <p>can stand on one foot for 2-5 seconds</p> <p>can broad jump</p> <p>uses scissors</p> <p>swings and climbs</p>	<p>can tower 8-10 one-inch blocks</p> <p>says full name</p> <p>can match colors</p> <p>has sense of round, square, and triangular shaped figures and can match them</p> <p>copies a circle, line, cross with pencil</p> <p>can repeat 2 digits</p>	<p>can answer some questions</p> <p>knows rhymes and songs</p> <p>asks questions</p> <p>has understanding of on, under, and behind</p>	<p>knows own sex</p> <p>beginning to play with other children</p> <p>unbuttons</p> <p>dresses with supervision</p>
4-5 years	<p>runs well and turns</p> <p>can hop on one foot 1-2 times</p> <p>beginning to skip</p> <p>stands on one leg for 10 seconds</p> <p>throws ball well overhand</p> <p>walks down stairs one foot to each step</p>	<p>can copy a cross with a pencil</p> <p>can pick the longer of two lines</p> <p>can copy a square with pencil</p>	<p>vocabulary over 1000 words</p> <p>can match colors, and by 5 years, name 3-4 colors</p> <p>counts 3 objects with pointing</p> <p>90% of speech intelligible</p> <p>can define words in terms of use</p> <p>can answer questions like, what do you do when you are cold... hungry... tired....?</p>	<p>can separate from mother easily</p> <p>dresses with little supervision</p> <p>buttons</p> <p>likes to play "dramatic" play, make-believe</p> <p>imaginative play with a doll</p>
5-6 years	<p>skips on both feet alternately</p> <p>can catch a bounced ball</p> <p>can walk heel to toe on a line</p> <p>can hop on one foot for 10 feet</p>	<p>can copy a square or triangle from looking at a copy</p> <p>gives age</p> <p>knows morning from afternoon</p> <p>draws a person with a body, with 3-6 parts</p> <p>prints simple words</p>	<p>can repeat 4 digits</p> <p>asks questions about meaning of words</p> <p>counts 10 objects</p> <p>names coins</p> <p>can tell what some things are made of</p> <p>can define some words</p>	<p>no supervision necessary for dressing</p> <p>plays "dress-up"</p> <p>elaborate dramatic play</p> <p>does simple chores unattended at home</p>

HB

546

(9)

# COMMITTEE REPORT

## HOUSE

3/7  
Review

1/16/80

FURTHER:

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

Mr. Speaker:

The Committee on JUDICIARY has had HB 546

"An Act increasing post-judgment interest rates."

under consideration and (a majority of the committee) (the committee) reports it back with the following recommendations:

do pass  do not pass

do pass with attached amendments(s)

replace with CS for HB 546  same title  new title

and recommends it do pass

AND attaches a "Letter of Intent"  New Fiscal Note

reports it back without recommendation

referred to the \_\_\_\_\_ Committee

### MEMBERS SIGNING DO PASS

Tom Winters  
Richard McQuinn  
Charles H. ...  
D. ...  
Buchheit  
Noble ...  
...  
...  
H. Malone

### MEMBERS HAVING OTHER RECOMMENDATIONS:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Charles H. ...  
\_\_\_\_\_  
\_\_\_\_\_

CHAIRMAN

THE LEGISLATURE OF THE STATE OF ALASKA  
ELEVENTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. Senate CS for CS for House Bill No. 546  
 Title "An Act increasing prejudgment and post-judgment interest rates. \*  
 Requested by Legislative Finance Division Date 4/17/80

\* and providing for an effective date."

II. FISCAL DETAIL

Agency Affected Department of Law  
 Program Category Affected General Government  
 BRU, Program, or Subprogram(s) Affected Legal Services  
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 80	FY 81	FY 82	FY 83	FY 84	FY 85
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
<b>TOTAL</b>	0	0	0	0	0	0

FUNDING (Thousands of Dollars)

	FY 80	FY 81	FY 82	FY 83	FY 84	FY 85
GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

	FY 80	FY 81	FY 82	FY 83	FY 84	FY 85
FULL TIME						
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

A "zero" fiscal note is being submitted to reflect the fact that the majority of judgments paid by the state are done by using supplemental appropriations. The Department of Law does have a \$15,000 annual appropriation which is used to pay miscellaneous small judgments. Since these latter judgments are paid timely, interest does not usually accrue. The cost of judgments paid by supplemental appropriation will increase approximately \$2,000 if the amount paid in this manner remains constant.

*Richard L. Pegues*

IV. DATE April 17, 1980 PREPARED BY Richard L. Pegues, Admin. Officer  
 AGENCY Department of Law

Original: Legislative Finance PHONE 465-3695  
 cc: Budget and Management

Prime Sponsor (First Legislator Named)

*incorporated in HB 545*

Introduced: 4/17/79  
Referred: Judiciary

1 IN THE HOUSE

BY MALONE

2 HOUSE BILL NO. 466

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the rate of prejudgment interest."

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

8 \* Section 1. AS 45.45.010(a) is amended to read:

9 (a) The rate of interest in the state [IS EIGHT PER CENT A YEAR  
10 AND NO MORE] on money after it is due is equal to the maximum rate that  
11 may be charged by express agreement of the parties in a contract or loan  
12 commitment under [EXCEPT AS PROVIDED IN] (b) of this section, determined  
13 as of the day the obligation accrues. [THE RATE OF INTEREST IN THE  
14 STATE IS SIX PER CENT A YEAR AND NO MORE ON

15 (1) MONEY RECEIVED TO THE USE OF ANOTHER AND RETAINED BEYOND  
16 A REASONABLE TIME WITHOUT THE OWNER'S EXPRESS OR IMPLIED CONSENT;

17 (2) MONEY DUE UPON THE SETTLEMENT OF MATURED ACCOUNTS FROM  
18 THE DAY THE BALANCE IS ASCERTAINED; OR

19 (3) MONEY DUE OR TO BECOME DUE WHEN THERE IS A CONTRACT TO  
20 PAY INTEREST AND NO RATE IS SPECIFIED.]

21 \* Sec. 2. This Act applies only to obligations accruing on or after the  
22 effective date of this Act.

23  
24  
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29

STATE OF ALASKA  
THE LEGISLATURE

POUCH Y - STATE CAPITOL  
JUNEAU, ALASKA 99811  
95 465-3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

January 14, 1980

SUBJECT: Post-Judgment Interest Rates  
(Work Order Number 7547)

TO: Representative Charles H. Parr, Chairman  
House Judiciary Committee  
Attn: Peggy Berck  
Administrative Assistant

FROM: Thomas A. Sofo  
Legislative Counsel

AS 45.45.010, the Alaska statute dealing with the legal rate of interest generally within the state, already requires the Department of Commerce and Economic Development to compile the 12th Federal Reserve District figure on a quarterly basis. If the intent behind the current amendment is to make the post-judgment interest rate more responsive to market conditions, this can be done on a quarterly basis (rather than semiannually as you have requested) without imposing any additional administrative burden on the bureaucracy.

TAS:ljb

STATE OF ALASKA  
THE LEGISLATURE

POUCH Y - STATE CAPITOL  
JUNEAU, ALASKA 99811  
907-465-3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

December 13, 1979

SUBJECT: Post-Judgment Interest Rates  
(Work Order Number 7547)

TO: Charles H. Parr, Chairman  
House Judiciary Committee  
Attn: Peggy Berck  
Administrative Assistant

FROM: Thomas A. Sofo  
Legislative Counsel *TAS*

At present post- and pre-judgment interest rates are both at eight percent. By amending the post-judgment interest rate in a manner which will undoubtedly make it higher than the eight percent pre-judgment rate of AS 45.45.010(a) we are creating a situation in which the big corporate defendant has financial incentive to delay litigation. It is only removed in degree from the earlier situation in which there was apparently post-judgment interest but no recognition of pre-judgment interest until the courts made it clear that such was necessary to counter certain abuses. A review of the case law indicates that we may be recreating a situation subject to the very misuses which the post-judgment and pre-judgment interests statutes and cases were designed to alleviate. Possibly we should consider amending or adding a section to AS 45.45.010 in such a manner as to reflect a calculation of the pre-judgment interest rate by the same manner post-judgment interest rates are calculated. Please let me know of your desires with regard to the above.

TAS:ljb

Enclosure

\*Sec. 3. AS 45.45.010(a) is amended to read:

(a) The rate of interest in the state (IS EIGHT PER CENT A YEAR AND NO MORE) on money after it is due is two percentage points (EIGHT PER CENT A YEAR) above the annual rate charged member banks for advances by the 12th Federal Reserve District that prevailed on the 25th day of the month preceding the commencement of the calendar quarter during which the day the obligation to pay occurs. except as provided in (b) of this section. (DELETE ALL REMAINING LANGUAGE IN THIS SUBSECTION, IE, SUBSECTION (a) ).

\*Sec. 4. AS 34.34.010 (d) is amended to read:

(d) Notice of the annual rate charged member banks for advances by the 12th Federal Reserve District prevailing on the 25th day of the month preceeding the commencement of each calendar quarter required for the (MAXIMUM INTEREST RATE COMPUTATION UNDER (b) OF THIS SECTION SHALL BE PROVIDED BY THE DEPARTMENT OF COMMERCE.) interest rate computation under (a) of this section and for the maximum interest rate computation under (b) of this section shall be provided by the Department of Commerce.

GARRETSON & JARVI

*Attorneys at Law*

750 WEST SECOND AVENUE

SUITE 201

ANCHORAGE, ALASKA 99501

WALTER H. GARRETSON

KENNETH O. JARVI

JACOB H. ALLMARAS

T. W. PATCH

TELEPHONE  
(907) 278-6131

October 22, 1979

Honorable Joe L. Hayes  
District 12  
625 West 5th Avenue, Suite 1  
Anchorage, AK 99501

Dear Joe:

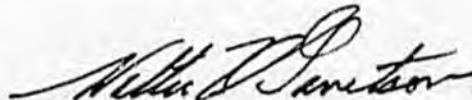
I would be greatly honored by your sponsorship of a bill in the legislature which would address the concern expressed in my letter of September 17, 1979. There was a minor error in the transcription of the wording suggested in my letter. I will restate the proposed addition to AS 45.45.010(a).

In the event an action is filed in any court in this state, including any federal court, on a claim for money due on an express or implied contract for the payment of money, prejudgment interest shall accrue from the date the action is filed on any principal amount unpaid as of the date the action is filed at the highest rate allowed from time to time under (b) of this section until judgment, notwithstanding any agreement of the parties.

If I can be of any assistance, please do not hesitate to call upon me.

Very truly yours,

GARRETSON & JARVI



Walter H. Garretson

WHG/lw

HB 546 file



P.O. BOX 1330  
FAIRBANKS, ALASKA 99701

*Fairbanks*  
**MEDICAL ASSOCIATION**

HCR 40-  
HJR 57-  
HRS 644-  
HB 933-



April 7, 1980

Honorable Robert H. Ziegler, Sr.  
Pouch V  
Juneau, Alaska 99811

RE: CSHB 546 - Regarding  
Pre and Post Judgment  
Interest Rates

Dear Senator Ziegler:

Thank you for requesting medical society input on this bill. The position of the Fairbanks Medical Association is that there already exists a significant imbalance in tort law, such that it is easier and often cheaper to sue than it is to defend. This encourages a settlement of non-meritorious suits in preference to bearing the cost of defense. This bill, if passed, would worsen this imbalance by further increasing the advantage to plaintiff of prolonged litigation, and increasing the motivation of defendants to settle prematurely in non-meritorious cases. Although the "fairness" of an "appropriate" interest rate geared to economic conditions may appear logical on the surface, we believe that this is a bad proposed law - for this reason.

Please write or call if you would like to discuss this matter. Again, thank you for your interest.

Sincerely,

Donald E. Thieman, M.D.  
President  
Fairbanks Medical Association  
1001 Noble Street  
Fairbanks, Alaska 99701

DET:mb

cc: Douglas Smith, M.D., President  
Alaska State Medical Association

Winthrop Fish, M.D., Chairman  
Alaska State Medical Association Legislative Committee

Martha MacDermaid, Executive Secretary  
Alaska State Medical Association

Introduced: 1/16/80  
Referred: Judiciary

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

2 CS for HOUSE BILL NO. 546

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - SECOND SESSION

5 A BILL  
prejudgment AND

6 For an Act entitled: "An Act increasing<sup>^</sup>post-judgment interest rates."

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

8 \* Section 1. AS 09.30.070 is amended to read:

9 Sec. 09.30.070. INTEREST ON JUDGMENTS. The annual rate of inter-  
10 est on judgments and decrees for the payment of money is two percentage  
11 points [EIGHT PER CENT A YEAR] above the annual rate charged member  
12 banks for advances by the 12th Federal Reserve District that prevailed  
13 on the 25th day of the month preceding the commencement of the calendar  
14 <sup>quarter</sup>half during which the judgment or decree is rendered, except that a  
15 judgment or decree founded on a contract in writing, providing for the  
16 payment of interest until paid at a specified rate not exceeding the  
17 legal rate of interest for that type of contract, bears interest at the  
18 rate specified in the contract if the interest rate is set out in the  
19 judgment or decree [, BUT IN NO EVENT MAY IT BE MORE THAN 10 PER CENT A  
20 YEAR].

21 \* Sec. 2. AS 09.30.070 is amended by adding a new subsection to read:

22 (b) Notice of the annual rate charged member banks for advances by  
23 the 12th Federal Reserve District prevailing on the 25th day of the  
24 month preceding the commencement of each calendar <sup>quarter</sup>half required for the  
25 maximum interest rate computation under (a) of this section shall be  
26 provided by the Department of Commerce and Economic Development.

27  
28  
29

HB

562

# COMMITTEE REPORT

## HOUSE

1/18/80

FURTHER: FINANCE

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

Mr. Speaker:

The Committee on JUDICIARY has had HB 562

"An Act providing for the issuance of general obligation bonds in the amount of \$22,901,200 for the purpose of paying the cost of capital improvements for correctional, public safety, and military affairs facilities; and providing for an effective date."

under consideration and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass  do not pass
- do pass with attached amendments(s)
- replace with CS for HB 562  same title  
 new title
- and recommends Do Pass
- AND attaches a "Letter of Intent"  New Fiscal Note
- reports it back without recommendation
- referred to the \_\_\_\_\_ Committee

**MEMBERS SIGNING  
DO PASS**

W. B. ...

Walter ... Do Pass

...

...

...

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**MEMBERS HAVING  
OTHER RECOMMENDATIONS:**

... N.P.

... No Rec.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

...

CHAIRMAN

# STATE OF ALASKA

JAY S. HAMMOND, GOVERNOR

DEPT. OF HEALTH AND SOCIAL SERVICES

OFFICE OF THE COMMISSIONER

POUCH H 01 - JUNEAU 99811

MAR 3 1980

Document# 12-80

The Honorable Nels A. Anderson  
Alaska State Legislature  
Pouch "V"  
Juneau, Alaska 99811

Dear Mr. Anderson:

This letter is in response to the request you made of Director of Corrections, Charles Campbell at a recent meeting of the House Judiciary Committee. My understanding is that you wanted to have assurance from this Department with respect to the alcoholism counseling and other rehabilitative programs to be provided in conjunction with the expansion of the physical facilities of the Division of Corrections.

As you know, we are in the beginning phase of implementing a Corrections Master Plan for Alaska. You may have reviewed the documents prepared by the primary master plan consultants, but we want to stress that the planning process itself is ongoing, dependent for its success on input from a wide range of people. I am sure you know from review of the Master Plan documents and from the comments of Director Campbell that we are presently placing a great deal of stress on upgrading the helping programs within the Division of Corrections. Our hope and expectations are that the Office of Alcoholism and Drug Abuse will be adequately funded to resume its work in providing alcoholism counseling not only at Lemon Creek, but elsewhere in the prison system of the State. Bob Cole, Director of our Office of Alcoholism and Drug Abuse and Director Campbell are working together toward development of program of this regard.

Mr. Campbell's main emphasis for the present is on improvement of the basic conditions of confinement for persons serving sentences in our institutions. Our belief is that the environment in our institutions, characterized by substandard housing, inadequate supervision, idleness and poor communication between staff and inmates, must be addressed satisfactorily in order for helping programs to function effectively.

As stressed by the Master Plan documents, we intend to emphasize community based options to conventional confinement in the future and we furthermore intend to develop strong resources for alcoholism treatment in conjunction with our community based programs.

Randall Ackley of the University of Alaska, Juneau, and Mr. Campbell have recently conferred and discussed the prospects of a conference involving University of Alaska people and Division of Corrections' staff. The purpose would be to initiate a system-wide program of education,

The Honorable Nels A. Anderson, Jr.  
Page 2

MAR 3 1980

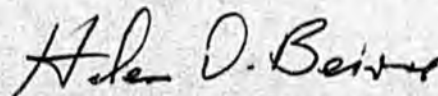
consisting of adult base education, college level courses, arts and crafts and vocational training. The Criminal Justice Planning Agency has indicated its receptivity to helping with funds for such a conference.

One of the more significant moves recently made by the Division of Corrections is the establishment of a position for an Assistant Director for correctional programs. At present there is no staff member in the Central Office of the Division of Corrections whose first priority is the development of rehabilitative programs. We have had a number of excellent programs at various locations throughout the State, but they tend to be developed on a hit-and-miss basis and have been precariously funded. Our belief is that a strong centrally coordinated ongoing effort should be made with regard to rehabilitative programs, furthermore that this effort should be viewed as an essential component of the mission of the Division of Corrections.

I would again want to assure you that we have no intention of proceeding with a building program without giving major attention to the development of needed programs.

Let me express my appreciation for your concern and support.

Sincerely,



Helen D. Beirne  
Commissioner

cc: House Judiciary  
Chairman, Charles H. Parr  
Committee Members

# STATE OF ALASKA

JAY S. HAMMOND, GOVERNOR

## DEPT. OF HEALTH AND SOCIAL SERVICES

DIVISION OF CORRECTIONS

POUCH H-03  
JUNEAU, ALASKA 99811

February 29, 1980

Document# 13-80

The Honorable Charles H. Parr  
Alaska State Legislature  
Pouch "V"  
Juneau, Alaska 99811

Dear Mr. Parr:

When I met with the House Judiciary Committee on February 22, 1980, you asked that we provide additional information with respect to current cost estimates for the G.O. Bond projects listed in H.B. 562. You also wanted information with respect to proposed bed space capacity for the Nome Jail and information regarding operating costs. All of this information will be provided for you and the other Committee members in a separate letter.

Meanwhile, I would like to respond here to four additional areas of information requested by you, by Representative Anderson, by Representative Barnes and by Representative O'Connell.

1. Representative Anderson voiced his concern with respect to programs of alcoholism counseling and rehabilitative programs. He expressed his unwillingness to support new construction on the part of the Division of Corrections without written assurances as to the intent of the Department of Health & Social Services with regard to providing adequate programs. I have asked Commissioner Beirne to respond to this request. She has done so in a separate letter; copies will be provided for members of the Committee
2. You reminded the Committee and me of the recent tragic riot at the New Mexico State Prison and inquired as to what kind of contingency we might be able to build into new facilities, designed to aid in the quelling of disturbances which might arise in the future.

Your concern is appropriate. It is essential for those of us who are in charge of prisons to be constantly alert to the signs which might indicate the beginnings of serious trouble. We do not have in mind, however, to build into the structures any kind of system designed to control disturbances. For a number of years there have been discussions regarding systems of the sort you may have in mind, but the technology for such a system has not been developed. The various gas agents which are occasionally used for controlling disturbances in prisons and elsewhere are potentially dangerous. They must be used by well trained people with great care and discrimination.

Each of our institutions has an emergency plan, and our officers are trained in the use of equipment which might become needed in the event of disturbances.

Recently we sent two of our higher level employees to special training courses funded by the Law Enforcement Assistance Administration in dealing with hostage situations. A seminar will be conducted in April for all of our superintendents on this same subject. Several of us have had experience in dealing with hostage situations, and I can assure you that we have the capability of handling such matters in accordance with techniques which have proven to be most successful.

Far and away the best safeguard against riots and disturbances in prisons, however, is the avoidance of those conditions which cause them. Almost invariably there are warning signs in advance of the outbreak of disturbances.

My belief is that we have perhaps been more vulnerable to disturbances over the past several years than we are likely to be in the future. As you know, we have been short staffed in our institutions. Prisoners not only need supervision, they also need access to the staff. Otherwise communication between staff and inmates breakdown. This can result in a dangerous situation. Idleness and an absence of a reasonable range of rehabilitative opportunities also result in unrest and dissatisfaction among prisoners. If you will review the literature on prison riots, you will see that they simply do not occur where jurisdictions have made an adequate effort to address these kinds of problems. I have personally made the strongest effort I know how to communicate to the superintendents in our institutions my views with respect to such matters. There is broad ranging concern about prison conditions in the State and measures are being taken to make improvements where needed. I believe there is a perception throughout the State that we are slowly but surely moving toward development of a sound and responsive correctional system. I assure you, however, we will avoid becoming complacent about the kind of danger you called to my attention.

3. Representative O'Connell requested additional information with respect to visiting conditions at Eagle River. I was interested in his observations inasmuch as he had indicated that he had not visited the institution as a legislator or as a state official, but in the same manner in which persons routinely visit prisoners at the facility. This would enable him to make a judgment about conditions which would be especially valid.

While in Anchorage this week, I conferred with Superintendent Krause and made a study of the dimensions of the visiting room and looked into the visiting policy at the Eagle River institution. Representative

The Honorable Charles H. Parr  
Page 3  
February 29, 1980

O'Connell is correct in noting that visiting conditions there are far from ideal; 350 sq. feet are provided for a visiting room. The problem with this relatively small space is that during those times of the week when several families would be visiting, conditions will undoubtedly be quite crowded and private conversation would hardly be possible. Ironically, however, conditions for visiting are better at Eagle River than anywhere else in the Alaska prison system.

Because of his awareness of cramped conditions in the visiting room, Superintendent Krause has been making a staff conference room immediately adjacent to the visiting room, available for visiting on days when several families are visiting. This has alleviated the problem to some extent. In addition, Eagle River's visiting hours are liberal. Visiting is allowed until 9:00 p.m. every evening. The inmates at the institution are being urged to schedule visits, when possible, at times of the week when crowding is less likely to be a problem. During the warmer weather, an outside visiting yard is being used. The Eagle River climate does not make it practical, however, to count on this arrangement for more than three or four months out of the year.

The Eagle River facility is excellent in virtually all other respects. It is unfortunate that better visiting arrangements were not designed in initially. In view of the serious deficiencies in conditions of confinement throughout the system, however, I do not think we can justify giving the visiting situation a high priority as opposed to other construction needs. I will continue to give attention to this matter and will work with Mr. Krause toward further means whereby we will be able to alleviate the problem. I will also take another careful look at visiting problems elsewhere in the State.

4. Representative Barnes asked for the names of those who served on the Citizens' Advisory Committee for selection of a site for a pre-trial facility in Anchorage. Representative Barnes also wanted to know how the Committee was selected. The Committee was selected by me on the basis of recommendations from Commissioner Beirne and others knowledgeable about Anchorage. I was unfamiliar with Anchorage at the time this committee was selected last summer, but great care was taken to bring together a representative group. It included a police official, an ex-offender and others who represent a variety of perspectives. I can say that divergent points of view were expressed. Representative Barnes' opposition to our selection of the API/MYC site for the new jail was strongly supported by members of the Committee. Name of the members of the Committee are attached.

My hope is that I have responded adequately to the various points of information requested by the Committee.

Sincerely,

Charles F. Campbell  
Director

ANCHORAGE CITIZENS' ADVISORY COMMITTEE

FOR

PRE-TRIAL FACILITY

Roger Endell, Chairman  
Norman Bessman  
Sairuddin Abdullah  
Dick Anglemeyer  
Juana Cole  
Dr. Raymond Fedje  
Janelle Fernandez  
John Lilljenstolpe  
Margie MacNeille  
Paul McGee, Jr.  
Donna Mathews  
Mike Meehan  
Rick Nerland  
Major Brian Porter  
Kalen Sacton  
Allen Tesche  
Ethan Windahl, Magistrate  
Julie Winegarden

1 IN THE HOUSE

BY THE RULES COMMITTEE BY  
REQUEST OF THE GOVERNOR

2 HOUSE BILL NO. 562

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act providing for the issuance of general obliga-  
7 tion bonds in the amount of \$22,901,200 for the  
8 purpose of paying the cost of capital improvements  
9 for correctional, public safety, and military affairs  
10 facilities; and providing for an effective date."

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

12 \* Section 1. For the purpose of paying the cost of capital improvements  
13 for correctional, public safety, and military affairs facilities, general  
14 obligation bonds of the state in the principal amount of not more than  
15 \$22,901,200 shall be issued and sold. The full faith, credit, and resources  
16 of the state are pledged to the payment of the principal of and interest  
17 and redemption premium, if any, on these bonds. These bonds shall be  
18 issued under the provision of AS 37.15 as those provisions read at the time  
19 of issuance.

20 \* Sec. 2. (a) If the issuance of these bonds is authorized by the  
21 qualified voters of the state, a special fund of the state to be known as  
22 the "1980 Correctional, Public Safety, and Military Affairs Facilities Con-  
23 struction Fund" shall be established, to which shall be credited the  
24 proceeds of the sale of bonds described in sec. 1 of this Act except for  
25 accrued interest and premiums.

26 (b) There is appropriated from the "1980 Correctional, Public Safety,  
27 and Military Affairs Facilities Construction Fund" to the Department of  
28 Military Affairs the amount of \$687,500, for construction of an armory at  
29 Sitka.

150  
 1000  
 875  
 200  
 175  
 70  
 875  
 25 x 35 = 875  
 Pub Safety  
 Holy Cross 150,000  
 Galena = 720,000  
 Chevak - 175,000  
 4500  
 200  
 900,000  
 75  
 700,000

(c) There is appropriated from the "1980 Correctional, Public Safety, and Military Affairs Facilities Construction Fund" to the Department of Health and Social Services the amount of \$21,110,800, allocated in accordance with the following projects and estimates:

Project	Location	Amount
(1) Expansion of correctional center	Eagle River	\$3,547,800
(2) Upgrade and construct addition to correctional center	Juneau	3,098,600
(3) Expansion of correctional center	Fairbanks	3,602,300
(4) Construct regional jail facility	Nome	6,989,100
(5) Construct pre-trial addition to correctional center	Anchorage	3,873,000

*Master plan*  
 5,630,000  
 4672  
 2,000,000  
 add + none  
 2,000,000  
 828,000 per yr inmate  
 180-96 126-96 3,900,000  
 + 1,200,000

(d) There is appropriated from the "1980 Correctional, Public Safety, and Military Affairs Facilities Construction Fund" to the Department of Public Safety the amount of \$1,102,900, allocated in accordance with the following projects and estimates:

Project	Location	Amount
(1) Construct trooper housing and 5-mile	Fort Yukon	\$ 539,600
(2) Emergency generator for dispatch center	Anchorage	563,300

*computer*  
 1376  
 288  
 237  
 539  
 776  
 260

\* Sec. 3. If the issuance of these bonds is authorized by the qualified voters of the state, the amount of \$20,200 or as much of that amount as is found necessary is appropriated from the general fund of the state to the state bond committee to carry out the provisions of this Act and to pay expenses incident to the sale and issuance of the bonds authorized in this

320 will  
L.I.P.P.Y.

1 Act. The amounts expended from the appropriation authorized by this sec-  
2 tion shall be reimbursed to the general fund from the proceeds of the  
3 sale of the bonds authorized by this Act.

4 \* Sec. 4. The amount withdrawn from the public facility planning fund  
5 for the purpose of advance planning for the improvements financed under  
6 this Act shall be reimbursed from the proceeds of the sale of bonds author-  
7 ized by this Act.

8 \* Sec. 5. The question whether the bonds authorized in this Act are to  
9 be issue shall be submitted to the qualified voters of the state at the  
10 next general election and shall read substantially as follows:

11 Proposition

12 State General Obligation Correctional, Public  
13 Safety, and Military Affairs Facilities Construc-  
14 tion Bonds \$22,901,200

15 Shall the State of Alaska issue its general obligation bonds  
16 in the principal amount of not more than \$22,901,200 for the  
17 purpose of paying the cost of capital improvements for correc-  
18 tional, public safety, and military affairs facilities?

19 Bonds Yes [ ]

20 Bonds No [ ]

21 \* Sec. 6. This Act takes effect immediately in accordance with AS 01.-  
22 10.070(c).

23  
24  
25  
26  
27  
28  
29



# Alaska State Legislature

## House of Representatives

### Committee on Judiciary

Pouch V  
State Capitol  
Juneau, Alaska 99811

Official Business

March 12, 1980

The Honorable Terry Gardiner  
Speaker of the House  
Alaska State Legislature  
Pouch Y, State Capitol  
Juneau, Alaska 99811

Dear Mr. Speaker:

The House Judiciary Committee, in considering HB 562, received a recommendation from the Department of Law that the bill be split in order to avoid any possible conflict with the "one subject rule." In addition, the Committee felt that at this juncture smaller projects should be funded by direct appropriation rather than bond issues. Direct appropriation should permit projects to be on-stream at least one year sooner and the administration has in recent years moved rather slowly on bond issues.

For the above reasons the Committee has removed from CSHB 562 all of the smaller projects and recommends that the Finance Committee consider direct appropriation for them. Recommended projects and amounts follow:

Armory construction, Sitka . . . . .	\$687,500
Public Safety Building, Galena . . . . .	720,000
Trooper Housing, Fort Yukon Five-Mile Holy Cross. . . . .	300,000
Emergency Generator, Dispatch Center, Public Safety, Anchorage . . . . .	563,300
Emergency Generators for Public Safety, Glennallen Delta Nome Kodiak Palmer Tok Bethel. . . . .	323,000

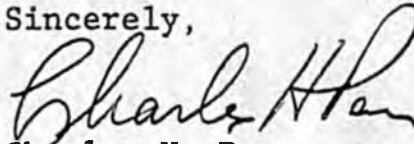
Mr. Speaker

-2-

March 12, 1980

The bond issue amount recommended in CSHB 562 for pre-trial addition to the Correctional Center in Anchorage does not include the cost of site acquisition. If the facility is not located on State land, the Division of Corrections estimates that an additional \$1,200,000 will be required.

Sincerely,



Charles H. Parr  
Chairman

CHP:vc

RICHARD A. ZAGARS, P.E.  
Route 4, Box 4631  
JUNEAU, ALASKA 99803

(907) 789-7683

TO Department of Transportation  
Design & Construction  
Southeastern Region  
Box 1467  
Juneau, Alaska 99802

*A company there  
Nov 28  
organizing in S.E.*

THE FOLLOWING WAS NOTED:

The Sitka National Guard Armory Building is of wood frame and timber construction throughout, with trusses spanning 48 feet over the Drill Room; foundation is poured concrete with interior footing pads supporting timber posts, beams, and joists.

Inspection of the structure was visual, supplemented with core samples taken with an increment borer. Approximately 15 borings were made. One was taken from a north wall stud in Classroom 101, two from the exterior face of north wall Drill Room columns, and the remainder from inside the Drill Room, mostly in the lower part of the laminated 2"x 10" columns supporting roof trusses.

The cores from Classroom 101 showed that the stud was completely rotted. All other borings showed varying amounts of dry rot, to the extent that significant strength reductions can be assumed. In several of the borings, cores were not recovered because of the relatively soft nature of the wood and ease with which the boring tool was turned into the wall members. In 2 of the borings, at truss columns, the borer penetrated between 2" and 2½", and then was easily pushed through the remainder of the column. The south wall appeared to be fairly sound, but the north wall was generally in poor structural condition, becoming worse towards the northeast corner of the Drill Room. One column top was accessible from the low roof over Classroom 101. This column had

DATE	May 25, 1978	JCB NO	
PROJECT	Alaska National Guard Armory		
LOCATION	Sitka, Alaska		
CONTRACTOR		OWNER	
WEATHER	Cloudy	TEMP.	50 ° at AM ° at PM
PRESENT AT SITE	J. Waddell, R. Zagars		

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**FIELD REPORT**

SIGNED \_\_\_\_\_

RICHARD A. ZAGARS, P.E.  
Route 4, Box 4631  
JUNEAU, ALASKA 99803

(907) 789-7683

TO \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

DATE May 25, 1978		JOB NO.	
PROJECT Alaska National Guard Armory			
LOCATION Sitka, Alaska			
CONTRACTOR		OWNER	
WEATHER		TEMP.	° at AM ° at PM
PRESENT AT SITE			

THE FOLLOWING WAS NOTED:

its exterior siding removed and exposed a completely saturated and deteriorated condition of wood rot to the extent that it could only be considered to be structurally valueless. Adjacent Classrooms 101 and 102 have wall studs and joists rotted and weakened throughout. This entire area should probably be condemned and not considered for salvage or repair.

At the time of the inspection, roof repairs were in progress and several roofing cutouts made it possible to inspect roof sheathing. Shiplap sheathing was fairly sound, but thoroughly wet from leakage and condensation from inadequate or non-existent joist space ventilation, providing all of the necessary ingredients for wood rot. The under-floor crawl space in this portion of the structure was saturated, and joists and floor sheathing were wet with water, probably originating at the roof levels. Underfloor construction indicated that many floor joists had previously rotted out and collapsed. Additional 2"x 12" joists were lapped over the original joists, but, although they strengthened the floor system, they could not be construed as being capable of supporting normal design loads.

Generally, especially considering the poor condition of the Drill Room roof truss supports, I consider the structure unsafe for occupancy, and not meeting minimum standards for resisting design

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**FIELD REPORT**

SIGNED \_\_\_\_\_

RICHARD A. ZAGARS, P.E.  
Route 4, Box 4631  
JUNEAU, ALASKA 99803

(907) 789-7683

TO

DATE		May 25, 1978		JOB NO.	
PROJECT					
Alaska National Guard Armory					
LOCATION					
Sitka, Alaska					
CONTRACTOR			OWNER		
WEATHER			TEMP.		
			° at		AM
			° at		PM
PRESENT AT SITE					

THE FOLLOWING WAS NOTED:

snow, wind, or seismic forces. Weakened floor areas observed indicated that reduced floor live loads are necessary in some areas for any future occupancy. It is my opinion that some areas of the building are safe for continued normal use, while others could be made to accommodate limited usage by the use of temporary structural repairs. It is necessary, however, to remove much of the wall finish material to properly evaluate the framing and provide an accurate judgment.

With regard to future plans for the structure, I am of the opinion that the entire superstructure has outlived its useful life, although the concrete foundation appears to be in excellent condition. Considering the amount of deterioration that was observed during this brief inspection, if future occupancy is intended, I recommend that a thorough inspection be accomplished before next winter in order to more realistically evaluate alternate plans for repair, reconstruction, limited use, or demolition of the structure.

COPIES TO \_\_\_\_\_

# FIELD REPORT

SIGNED *Richard A. Zagars*

PROJECT TITLE Armory		LOCATION(S) Sitka	AREA SERVED Sitka	ELECTION DISTRICT(S) 3																		
OBJ. NO(S) 1,2,3	OPERATING BUDGET BRU(S) Military Preparedness	NAME(S)	BUDGET COMPONENT NUMBERS 05-56-01-02-01	START DATE Oct 82																		
PROJECT NARRATIVE		PROJECT TYPE		COMPLETION DATE Dec 83																		
<p>I. <u>PROJECT NEED STATEMENT:</u> The Sitka armory was built in 1911 and used as a USO building for several years. Although the construction was adequate at the time, the years have taken their toll on the wood frame structure and sections of the building are now condemned. The facility has passed the point where it is economically feasible to repair or maintain for its intended use of an assembly and training facility for the Army National Guard. In its present state, it represents an eyesore to the community and has a negative impact on recruiting and retention.</p> <p>II. <u>PROJECT DESCRIPTION:</u> A 15,000 square foot armory consisting of 5,400 square foot drill hall and administration, storage, lockers, latrine, weapons, security, and kitchen areas. Will also provide parking and exterior fence and lighting.</p> <p>III. <u>DOCUMENTATION OF ESTIMATED CAPITAL COST:</u> Costs were obtained through DOIPF-ICC (See attached memo). In addition to the actual construction costs, the following costs must be included in the capital costs. The Federal Government will participate in each category as indicated. These percentages are based on DOIPF costs on prior projects, wherein the DOIPF must pay their operating and personnel costs from capital budget funds. All percentages are based on actual construction costs.</p>		<input checked="" type="checkbox"/> Building Construction (C) <input type="checkbox"/> Other Improvement (I) <input type="checkbox"/> Equipment (E) <input type="checkbox"/> Land (L) <input type="checkbox"/> Professional Services (P) <input type="checkbox"/> Other (O)		APPROPRIATION REQUEST <table border="1"> <tr><td>1002</td><td>FED. RCPTS.</td><td>1,062.5</td></tr> <tr><td>1003</td><td>G/F MATCH</td><td>687.5</td></tr> <tr><td>1004</td><td>GEN. FUND</td><td></td></tr> <tr><td>1005</td><td>I/A RCPTS.</td><td></td></tr> <tr><td></td><td>G.O. BONDS</td><td></td></tr> <tr><td colspan="2">TOTAL</td><td>1,750.0</td></tr> </table>	1002	FED. RCPTS.	1,062.5	1003	G/F MATCH	687.5	1004	GEN. FUND		1005	I/A RCPTS.			G.O. BONDS		TOTAL		1,750.0
		1002	FED. RCPTS.	1,062.5																		
1003	G/F MATCH	687.5																				
1004	GEN. FUND																					
1005	I/A RCPTS.																					
	G.O. BONDS																					
TOTAL		1,750.0																				
PROJECT CHARACTERISTICS <input checked="" type="checkbox"/> Totally New Facility <input type="checkbox"/> Addition to Existing Facility <input type="checkbox"/> Renovation of Existing Facility <input type="checkbox"/> Major Maintenance or Repair <input type="checkbox"/> Supplement Previously Authorized Funds to Enable Completion <input type="checkbox"/> One of Several Phases <input type="checkbox"/> Major External Funding Source <input type="checkbox"/> Other		GOVERNOR'S RECOMMENDATION APPROVED DEFERRED DISAPPROVED <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <table border="1"> <tr><td>1002</td><td>FED. RCPTS.</td><td></td></tr> <tr><td>1003</td><td>G/F MATCH</td><td></td></tr> <tr><td>1004</td><td>GEN. FUND</td><td></td></tr> <tr><td>1005</td><td>I/A RCPTS.</td><td></td></tr> <tr><td></td><td>G.O. BONDS</td><td></td></tr> <tr><td colspan="2">TOTAL</td><td></td></tr> </table>		1002	FED. RCPTS.		1003	G/F MATCH		1004	GEN. FUND		1005	I/A RCPTS.			G.O. BONDS		TOTAL			
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1003	G/F MATCH																					
1004	GEN. FUND																					
1005	I/A RCPTS.																					
	G.O. BONDS																					
TOTAL																						
NO YES SITE FEATURES <input type="checkbox"/> <input checked="" type="checkbox"/> Site Currently Owned? <input type="checkbox"/> <input checked="" type="checkbox"/> All Utilities Available? <input type="checkbox"/> <input checked="" type="checkbox"/> Access Already Available?		OPERATIONAL COST & NO. PERSONNEL INCREASE (DECREASE) YEAR 83 YEAR 83 FEDERAL RCPTS. GEN. FUND TOTAL ANNUAL OPERATIONAL COST POSITION (FTE)		PREVIOUS YR-PRIORITY GP-80-2 AGENCY PRIORITY GP-81-1 GOVERNOR'S PRIORITY 81-1																		
		FUNDING SOURCE FEDERAL RCPTS. GEN. FUND TOTAL ANNUAL OPERATIONAL COST POSITION (FTE)		01-1035a (12/79)																		

CATEGORY Public Protection

AGENCY Military Affairs

PROGRAM Life & Property

01-1035a (12/79)

35a

PROPOSED CAPITAL PROJECT

REVISED DATE

000035

CAPITAL PROJECT EXPENDITURES (CASH FLOW)	TOTAL	BUDGET YEAR	BUDGET YEAR Plus 1	BUDGET YEAR Plus 2	BUDGET YEAR Plus 3	BUDGET YEAR Plus 4	REMAINING COST
Planning and Engineering	161.3	161.3					
Land							
Construction	1,513.7		1,513.7				
Equipment							
Administration and Other	75.0		75.0				
Total Annual Expenditure (Capital Cost)	1,750.0	161.3	1,588.7				

CONTINUATION OF NARRATIVE

III. DOCUMENTATION OF ESTIMATED CAPITAL COST: (Con't)

ITEM	TOTAL RCMT %	FEDERAL MATCH %	STATE RCMT %	COSTS \$000		
				FEDERAL	STATE	TOTAL
Const Costs (Contractor) <sup>1</sup>	100.0	70.0	30.0	\$ 990.3	\$124.4	\$1,114.7
Site Investigation (A/E)	0.6	0.0	0.6	0.0	8.5	8.5
Design Costs (A/E)	7.4	3.8	3.6	53.8	50.9	104.7
Admin Costs (DOIPF)	0.4	0.0	0.4	0.0	5.7	5.7
Design Costs (DOIPF)	3.4	0.0	3.4	0.0	48.1	48.1
Const Admin Costs <sub>2</sub> (DOIPF)	4.9	1.3	3.6	18.4	50.9	69.3
Contingency Fund	7.0	0.0	7.0	0.0	99.0	99.0
TOTAL				\$1,062.5	\$687.5	\$1,750.0

<sup>1</sup> The Federal Government normally funds this type of construction 75%. However, there are certain features on these buildings which the government will not support and therefore must be funded by the State. These features are required either by State code, are required to further support the civilian use of the facility, or are required by the State mission of the National Guard.

<sup>2</sup> The Federal Government will normally support any change orders to the construction contract at the same level as the construction contract. However, they must meet the federal criteria and be approved by the Federal Government prior to the State giving the contractor the notice to proceed. Any other change order must be funded by the State. If this money is not used under this project, it will be returned to the appropriate fund after completion of the project.

CATEGORY Public Protection AGENCY Military Affairs PROGRAM Life & Property

PROJECT TITLE Amory

35b

PROPOSED PROJECT  
ANALYSIS

REVISED  
DATE

000036

IV. ANALYSIS OF ESTIMATE OF OPERATIONAL EXPENSE: A new facility will be considerably more efficient to run with an anticipated 20 percent savings in operational expenses on an annual basis. Inflation will offset part of the savings but the continued deterioration of the Sitka armory will cause our operational expenses to skyrocket. All employees are federally paid except the custodian.

V. IDENTIFICATION OF ALTERNATIVES CONSIDERED: If we continued to utilize this facility as is, we will be subjecting our personnel probable injury due to structural collapse. We have pursued possible leasing of alternate facilities in Sitka but no facilities exist that could be utilized. If a new structure does not become available in the near future, the Sitka unit will have to be disbanded.

CONTINUATION FORM

CATEGORY Public Protection

AGENCY Military Affairs

PROGRAM Life & Property

PROJECT TITLE Armory

35

REVISED DATE \_\_\_\_\_

000037

Copies to all members

# PIONEER JAYCEES



POST OFFICE BOX 309 — JUNEAU, ALASKA 99802

Representative Charles Parr  
Pouch "V"  
Juneau, Alaska 99811

Dear Rep. Parr:

On behalf of the Pioneer Jaycees, I would like to invite you to a meeting of the Pioneer Jaycees to be held on Sunday March 9<sup>th</sup>, 1980 from 1:00 - 3:00 PM. This meeting will be held in the Dining Room at the Southeast Regional Correctional Institution (SERCI).

One of the topics on the agenda will be the lack of available funding for any alcohol and drug rehabilitation programs. Another topic for discussion will be the School program and the funding problem for it. CETA funds will be cancelled on June 31<sup>st</sup>, due to a new ruling that inmates are not eligible for CETA programs. We would like to see this program continue because without it, there is no rehabilitation here.

I would also ask that you invite the other members of the House Judiciary Committee to this meeting. This is a matter of vital importance to the inmates here at SERCI.

If you will be able to attend this meeting, would you please contact Dan Carothers, the Institutional Counselor, during the hours of 8:30 - 4:00 PM, before March 7<sup>th</sup>, 1980 so that we can have a full list of those persons who will be attending this meeting. We need this list for Institutional Security Purposes.

I would also like to apologize for the short notice, but we have been having problems obtaining final approval for this meeting from the administration.

Thank you for your time and consideration of this matter.

Awaiting a favorable reply.

Respectfully;

*William Hawley*  
President - Pioneer Jaycees  
William Hawley

*Corrections Bond Issue*

NOTES--HOUSE JUDICIARY COMMITTEE TESTIMONY

November 30, 1979, Anchorage

Roger Endell, Justice Center, UAA

*"The Corrections Center Study, State Legislative Options"*

In April of 1978 I completed a study for the Legislature for the Alaska Division of Corrections. In the preface to that study I indicated that large sums of money had been directed toward researching correctional problems. These projects included: \$33,000 for an Anchorage pre-trial detention study; \$50,000 for development of Phase I of the master plan; \$143,000 for the Justice Facilities Planning Study; \$111,000 for development of Alaska Criminal Justice Facility Standards; and \$183,000 for the Corrections/Master Plan for the State of Alaska. This list does not include the routine correctional budget, supplemental appropriations, capital improvement projects approved by the voters of approximately \$30 million, nor smaller grants or expenditures for lesser projects.

The one-half million plus dollars I have listed for research and planning purposes to guide the future of correctional policy has now been spent. We now have the results of those work efforts. It is now time for the legislative and executive branches of government to make rational decisions based on the results of these several projects so that the taxpayers receive a fair return for their investment. It is not the time for emotional discussions which ignore the fruits of these projects.

In December of 1978 the Justice Center sponsored the Legislative Conference on Corrections. We had as speaker at that conference members of the state legislatures of Hawaii, Oregon and

Florida as well as Mr. Richard Pettigrew of the White House staff. As far as I know we were the first state in the nation to sponsor such an interstate legislative exchange of problems and potential solutions concerning corrections. The Center has also conducted two annual statewide criminal justice conferences to discuss justice issues, the last having been completed just last month. At the earlier conference Mr. Pettigrew, fresh from the White House, warned that to bring reform to our correctional system would require boldness, and a determination from our legislators that correctional changes must be made. He stated clearly that these changes would require legislative courage at a time when the public wants relief from being further victimized by criminal and deviant behavior. To continue to provide for more of the same, that is, more prisons, more cells, more restrictive punishments through harsher sentences would not only be ineffective in reducing the crime rate, it would add a further very expensive burden to the taxpayers.

It is my opinion that taxpayers are being twice victimized by our present system. We have no difficulty identifying the actual victim of a criminal act, but the community of taxpaying citizens is also being victimized by having to pay for the extremely high cost of incarceration. An example might be found in the present \$30 million bond issue for new institutions in this state each of which, on the adult side, is a replacement facility--not providing new prison space or beds, and is the present \$25 million D.O.C. budget.

I suggest that it is now time to make critical correctional decisions and your opinion, those of you on this committee, will play a crucial part in this decision making process. As the sentencing provisions of the new criminal code will reflect, there is a cry to

get tough on crime and criminals. But at what cost? How much are you, or the taxpayers willing to pay in order to be tough? Will getting tough reduce the crime rate? The evidence available to us from national level research is that building more prisons has absolutely no effect on the crime rate.

This is no longer a liberal vs. conservative argument. We must make decisions on facts--what we know as opposed to what we think or feel may be right. I like to think that I am neither a flaming liberal nor an arch conservative. The business that you are about calls for the same logic but further requires that you both represent and lead your individual constituencies. On emotion laden issues your job may not be an easy one as Mr. Pettigrew warned.

The two master plan summaries I have prepared for your use make it emphatically clear that the traditional answer to solving correctional problems, that is in building more prisons, will cost Alaskans multi-millions of dollars. That may be okay if the taxpayers are willing to take on this additional burden.

On the other hand, we have indications at hand which demonstrate that our present correctional system, that is the institutional side of corrections, is right now at full capacity and in fact is overflowing into the Federal Bureau of Prisons system. At the same time the new criminal code will cause an additional and probably severe demand for additional institutions. Estimates of the impact of the new code range as high as a 50% increase in our institutional space requirements, i.e., a doubling of our present capacity due primarily to the elimination of parole, more punitive statutory good time provisions, the elimination of meritorious and extra-meritorious good time, and the limiting of judicial discretion for repeat offenders. For example, Charles Campbell, Director of

Corrections, tells me that under the new code, 40% of the offenders now on probation will not be eligible for that sentencing alternative under provisions of the new code. This is in spite of the fact that probationers in Alaska have only a 12% failure rate, half of which are due to technical, not criminal, violations. These figures would tell any rational man or woman that we can afford to affectively supervise more people on probation not fewer, and that this can be done without increased risk to the public and the tremendously high cost of incarceration. Again, logic and economics have provided a clear message for us.

I am not proposing, nor does the master plan, that we let more people go, that we soften our approach to crime, or that we further frustrate the hard working law enforcement officers in this state. I am suggesting, as does the correctional master plan, that we redirect our efforts, our money, our personnel toward effective and close supervision of our low risk offender population in other than additional prisons. In 1974 Alaska had approximately 400 prisoners locked behind bars in-state and out. In 1979 we have approximately 800. In a short 5 years our prison population has doubled. There is no evidence that this rate of exallation will decrease. There is a substantial probability that it will in part increase. Since our system is now full, where will you put these people?

We should make every effort to prevent crime and we do have reasonable means available to help to do this. How much money and effort are you willing to put into crime prevention efforts?

We should make every effort to catch and convict more criminals and delinquents. How much money and effort are you prepared to direct toward increased law enforcement effectiveness?

We should correct the behavior of those caught and convicted. Here also more money is required, for although we may prevent some crime and catch and convict more criminals and delinquents we must by the laws that you the legislature have passed, supervise and provide custody for these people. The question here is not how much money and effort you are willing to spend but how you will direct that it be used, for it must be provided if you are to avoid a future which I might otherwise predict will be one of both inmate writs and possibly riots due to inadequate and unconstitutional care.

The State of Alaska is at a crossroads. I could more fully outline two potential future scenarios, had I more time, depending on the decisions you make with regard to the future of corrections.

One scenario involves the building of several new prisons in Alaska costing multi-millions of dollars for the purpose of locking up, in a traditional sense, the offenders that our new criminal code will provide.

The second scenario reflects the realities of economics which might better be directed toward merely remodeling our present institutions to provide for approximately 200 new prison beds, but more importantly adding up to 222 new correctional staff at a cost of roughly \$6.4 million and directing them <sup>to</sup> develop strong alternatives to the prison. This scenario should include a strong restitution and community service concept to literally allow offenders the opportunity to earn their way to freedom in economic terms. By putting our 800 and more incarcerated offenders to work doing public works projects, perhaps including the construction of new jails and other public facilities particularly in rural Alaska, the taxpayers can receive a measure of relief from the tax bite and offenders can benefit from learning to complete honest work. We should pay them

a reasonable wage, and they in turn should reimburse the victim and the state, keep their families off of welfare, put aside savings toward release and in fact be released when they have earned their way out of jail.

The cost of even 222 new correctional personnel at \$6 million is not half the probable cost of even one new medium security institution. Where do you want to put your money?

A third possible scenario might be that we do nothing. That would mean that we do what has traditionally been done in the field of corrections, i.e., become reactive to events, traumas, as they occur.

We have not before us the opportunity to be proactive by paying close attention to our past three years and one-half million dollars worth of expenditures on research. As I see it we have the three choices I have just cited, any one of which you can as a legislative body select. But you have no choice in whether or not to make a decision. Your decision this session will have long lasting repercussions for our state. I hope you will carefully weigh the alternatives and I think that you will find that the talented and capable justice professionals that we have in Alaska will be most anxious to provide you with information necessary to making that decision.

I compliment you on holding these forums so that you might receive information critical to your work.

Thank you for inviting me to speak.

I would be happy to address your questions.

# STATE OF ALASKA

JAY S. HAMMOND, GOVERNOR

## DEPARTMENT OF LAW

OFFICE OF THE ATTORNEY GENERAL

POUCH K-STATE CAPITOL  
JUNEAU, ALASKA 99811

March 5, 1980

The Honorable Charles H. Parr  
Chairman  
House Judiciary Committee  
Alaska State Legislature  
Pouch V  
Juneau, Alaska 99811

Re: HB 562 (G. O. bonds for  
correctional, public safety,  
and military affairs  
facilities)  
Our File: J-77-062-80

Dear Charlie:

This will confirm our phone conversation this afternoon on this bill. I am sorry I did not get to you sooner with the Department of Law's comments on the "single subject" aspect. You mentioned that, although your committee held a hearing on this bill this week, you would not be reporting it out for a few days.

To avoid straining the "one-subject rule" (art. II, sec. 13, Alaska Constitution; and see Gellert v. State, 522 P.2d 1120 [Alaska 1974]), we had intended to recommend to the governor that he introduce a sponsor substitute and another bill or two, separating the different kinds of facilities covered by this bill. Although the single subject of this bill could be considered to be something like public protection, we thought it would be better not to test the rule or invite challenges which could cause difficulty in selling the bonds.

HB 562 could either be split into three separate bills -- one for the correctional facilities, one for the public safety facilities, and one for the military affairs facilities -- or it could be divided into two, with one being for the correctional and the public safety facilities and one being for the military affairs facilities. We recommend the latter.

The Honorable Charles H. Parr, Chairman  
House Judiciary Committee

March 5, 1980

- 2 -

In Thomas v. Rosen, 569 P.2d 793 (Alaska 1977), the Alaska Supreme Court held that bond authorization bills are not appropriation bills. That case involved a question of the governor's exercise of the line-item veto, but the ruling would make the one-subject rule applicable to bond authorization bills.

Thank you for your consideration of this point.

Yours truly,

AVRUM M. GROSS  
ATTORNEY GENERAL

By:   
Arthur H. Peterson  
Assistant Attorney General

AHP:md

cc: Ron Lehr, Director  
Division of Budget & Management  
Governor's Office



Official Business

# Alaska State Legislature

## House of Representatives

### Committee on Judiciary

Pouch V  
State Capitol  
Juneau, Alaska 99811

March 7, 1980

#### MEMORANDUM

TO: Member of the House Judiciary Committee  
FROM: Charles H. Parr, Chairman  
SUBJECT: Construction Estimates

Mr. Clemens of the Department of Public Safety called and gave the following estimates for trooper housing which he had received from Anchorage and Fairbanks contractors:

	<u>5-Mile</u>	<u>Fort Yukon</u>
	(\$ Sq.Ft.)	(\$ Sq.Ft.)
Anchorage	\$70	\$80
Anchorage	70	80
Fairbanks	70	85
Fairbanks	75	90

CS

BY THE RULES COMMITTEE BY  
REQUEST OF THE GOVERNOR

1 IN THE HOUSE

2 HOUSE BILL NO. 562

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act providing for the issuance of general obligation  
7 bonds in the amount of \$22,901,200 for the  
8 purpose of paying the cost of capital improvements  
9 for correctional, ~~public safety, and military affairs~~  
10 facilities; and providing for an effective date."

*recalculated  
amt*

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

12 \* Section 1. For the purpose of paying the cost of capital improvements  
13 for correctional, ~~public safety, and military affairs~~ facilities, general  
14 obligation bonds of the state in the principal amount of not more than  
15 \$22,901,200 shall be issued and sold. The full faith, credit, and resources  
16 of the state are pledged to the payment of the principal of and interest  
17 and redemption premium, if any, on these bonds. These bonds shall be  
18 issued under the provision of AS 37.15 as those provisions read at the time  
19 of issuance.

*recalculated  
amt*

20 \* Sec. 2. (a) If the issuance of these bonds is authorized by the  
21 qualified voters of the state, a special fund of the state to be known as  
22 the "1980 Correctional, ~~Public Safety, and Military Affairs~~ Facilities Con-  
23 struction Fund" shall be established, to which shall be credited the  
24 proceeds of the sale of bonds described in sec. 1 of this Act except for  
25 accrued interest and premiums.

*is this  
lang  
needed  
ms?*

26 ~~(b) There is appropriated from the "1980 Correctional, Public Safety,  
27 and Military Affairs Facilities Construction Fund" to the Department of  
28 Military Affairs the amount of \$687,500, for construction of an armory at  
29 Sirka.~~

*recalculate amt.*

(c) There is appropriated from the "1980 Correctional, ~~Public Safety,~~  
~~and Military Affairs Facilities Construction Fund~~" to the Department of  
Health and Social Services the amount of \$21,110,800 allocated in accord-  
ance with the following projects and estimates:

<u>Project</u>	<u>Location</u>	<u>Amount</u>
(1) Expansion of correctional center	Eagle River	<del>\$5,547,000</del> <i>\$5,600,000</i>
(2) Upgrade and construct addition to correctional center	Juneau	<del>3,098,600</del> <i>3,100,000</i>
(3) Expansion of correctional center	Fairbanks	<del>2,602,300</del> <i>3,600,000</i>
(4) Construct regional jail facility	Nome	<del>6,989,100</del> <i>7,000,000</i>
(5) Construct pre-trial addition to correctional center	Anchorage	<del>9,879,000</del> <i>3,900,000</i>

~~(d) There is appropriated from the "1980 Correctional, Public Safety,~~  
~~and Military Affairs Facilities Construction Fund~~" to the Department of  
Public Safety the amount of \$1,102,900, allocated in accordance with the  
following projects and estimates:

<u>Project</u>	<u>Location</u>	<u>Amount</u>
(1) Construct trooper housing	Fort Yukon	\$ 539,600
	and 5- mile	
(2) Emergency generator for dispatch center	Anchorage	563,300

\* Sec. 3. If the issuance of these bonds is authorized by the qualified voters of the state, the amount of \$80,200 or as much of that amount as is found necessary is appropriated from the general fund of the state to the state bond committee to carry out the provisions of this Act and to pay expenses incident to the sale and issuance of the bonds authorized in this

1 Act. The amounts expended from the appropriation authorized by this sec-  
2 tion shall be reimbursed to the general fund from the proceeds of the  
3 sale of the bonds authorized by this Act.

4 \* Sec. 4. The amount withdrawn from the public facility planning fund  
5 for the purpose of advance planning for the improvements financed under  
6 this Act shall be reimbursed from the proceeds of the sale of bonds author-  
7 ized by this Act.

8 \* Sec. 5. The question whether the bonds authorized in this Act are to  
9 be issue shall be submitted to the qualified voters of the state at the  
10 next general election and shall read substantially as follows:

11 Proposition

12 State General Obligation Correctional, ~~Public~~  
13 ~~Safety, and Military Affairs~~ Facilities Construc-  
14 tion Bonds \$22,901,200

*re calculate amt.*

15 Shall the State of Alaska issue its general obligation bonds  
16 in the principal amount of not more than \$22,901,200 for the  
17 purpose of paying the cost of capital improvements for correc-  
18 tional, ~~public safety, and military affairs~~ facilities?

19 Bonds Yes [ ]  
20 Bonds No [ ]

21 \* Sec. 6. This Act takes effect immediately in accordance with AS 01.-  
22 10.070(c).  
23  
24  
25  
26  
27  
28  
29

TO:  The Honorable Charles H. Parr  
Chairman, House Judiciary Committee  
Alaska State Legislature

DATE: March 3, 1980

THRU: Helen D. Beirne, *Helen D. Beirne* Commissioner  
Dept. Health & Social Services

FILE NO.:

TELEPHONE NO.:

FROM: Charles F. Campbell, *Charles F. Campbell* Director  
Division of Corrections

SUBJECT: FY'81 Capital Request -  
Capital Needs and  
Operational Costs

As requested on February 22, 1980, the following are updated construction costs projections and estimated operational costs per inmate for those correctional projects contained in House Bill 562.

Eagle River Correctional Center: The architect for the original Eagle River construction was contacted in February, 1979, and projected the FY'81 requested \$3,547,800 for two (2) forty (40) bed additions. The same firm was re-contacted in January, 1980, and we were advised that the earlier figure was for summer, 1979, construction without inflation costs, with inadequate DOT/PF overhead, and with underestimated furnishing expenses. The architect now projects a 1980 construction and equipment cost of \$4,000,000. Applying usual DOT/PF project percentages to this figure, total project cost will now be \$5,436,141; an increase of \$1,818,341 over the figure contained in the FY'81 Capital Request. In addition, with a doubling of inmate population, the perimeter fencing will require improvement. As presented in the earlier request, it is estimated that adequately improved fencing will require an additional \$100,000.

Required additional funding: \$1,988,341

Operating Costs: With the current rated capacity of 80, a total of FY'79 actual expenditures, personal services and commodities indicates an average annual operational cost per inmate of \$21,951.

Using 1979 figures with the additional beds totaling 160, the average cost per inmate would be \$13,351 per year.

These figures indicate that by increasing inmate population by 80 beds and adding 10.2 new staff positions, a 39.2% cost reduction (\$8,599 per year), would be realized in average operational cost per prisoner.

Juneau Correctional Center Upgrade: \$3,098,600 is contained in the FY'81 Capital Request. See comment following Fairbanks Expansion.

Fairbanks Expansion: \$3,602,300 is contained in the FY'81 Capital Request. See comment following.

The FY'81 Capital upgrade and expansion requests to add 80 individual cells at SCC/Juneau and SCC/Fairbanks. It was proposed that we take 24 dormitory beds out of service for a net gain of 56 up-to-standard beds at each facility. Further study tells us that the service cores at these facilities may not support this many additional beds. We desire a reduction in the number of individual beds to be constructed from 80 to 60 for a net gain of 36 beds at each facility.

The FY'81 Capital request specifies \$100,000 for perimeter security at Fairbanks. We now believe more effective utilization of correctional

resources would be realized if the more sophisticated perimeter is transferred to the Juneau project. Fairbanks perimeter security will be adequate if the more serious offenders are placed at Juneau, as planned.

Even with the reduced project scope we are advised by DOT/PF that cost may still exceed requested funds. Since the impact of the upgrade and expansion at SCC/Juneau and SCC/Fairbanks are similar from a system-wide program perspective, and the critical need for additional program and bed space, it is suggested that Juneau's requested \$3,098,600 and Fairbank's requested \$3,602,300 be combined as one appropriation. The Division of Corrections may then have the flexibility to plan for maximum utilization of these funds for the special need and long-term inmate population.

Required additional funds: None, providing Juneau upgrade (3,098,600) and Fairbanks Expansion (3,602,300) funds are combined.

Operating Costs: Assuming that 60 private rooms are constructed at both SCC/Juneau and SCC/Fairbanks, by taking one, twenty-four men dorm out of service, the total population increase would be 36 at each facility. Each institution would require 5.2 additional staff. Using the same FY 79 expenses as before, following is a comparison of average inmate cost per year:

SCC/Juneau - with the current 95 capacity the average cost per inmate is \$19,531 per year. With the increase to 131, the average annual cost per inmate would be \$15,713. This 19.5% figure represents a \$3,818 dollar reduction in annual operational cost per inmate.

SCC/Fairbanks - with the current 103 capacity, the average inmate cost per year is \$21,969. With the increase to 139, the average annual inmate cost per year would be \$18,023. This 17.95% reduction represents an annual reduction in operational costs per inmate of \$3,945.

Nome State Jail Replacement: Current cost estimates are uncertain, however we are advised that representative figures for these projects are 1.5 times those of the Bethel project. Based on our Bethel experience, this \$6,989,100 Capital Request is subject to question. It is likely this 36 bed project will require in the area of \$9,000,000 to construct, an increase of approximately \$2,000,000 over requested funds.

Estimated Additional Need: \$2,000,000

Operating Costs: Currently the severely antiquated Nome facility averages 22 inmates per day with a functional capacity of 30. We intend to increase capacity to 36 and upgrade program services to standard.

With current capacity, the average annual cost per inmate is \$28,397. With the increased capacity, the average cost per inmate would be \$27,875. This 1.83% decrease in average operational cost (\$522 per year) represents not only increased capacity but also programming which can not be accommodated in the existing structure. Staffing increases included in this project, using 1979 dollars, include \$25,000 for contracting part-time instructors, hiring 1 full time counselor/caseworker and 3 correctional officer II's. By simply increasing bed capacity without elevating program services to standard, we would not be able to reduce reliance on the Federal Prison

system contract placements even with the greater number of beds. Cost projections relating to this factor are difficult to figure, however the benefit of increased instate bed space is evident in reduced dependence on the Federal Bureau of Prisons and improved correctional services to the Nome area, allowing prisoners to retain family ties.

Anchorage Pre-Trial: Projections indicate that 1978 Bond funds are adequate to constructing 96 bed facility. In addition to the bond funds, the FY 81 Capital Request includes \$3,873,000. This figure would add to the bond funded 96 beds another 84 beds for a total capacity of 180. In so doing, realistic detention needs (above the 96 bed figure) will be met, and the Third Avenue classification facility could be closed with that function being moved to the new structure. DOT/PF projections indicate that by combining bond monies and the FY 81 Capital Request, the 180 bed structure could be built; assuming direct legislative appropriation (initial design and co-construction is less costly and no additional inflation costs); construction on state owned land; and transfer of the \$1,800,000 currently identified for site purchase to the construction fund. However, should the structure be placed on a site requiring acquisition costs, either that additional amount would need funding or the 180 bed project would of necessity be drastically reduced and Third Avenue would be forced to continue in operation.

Estimated additional need: None if placed on state owned land. Approximately \$1,200,000 if site must be acquired.

Operating Cost: Totaling the average cost per inmate at both the Annex and Third Avenue, we see current average operational costs per inmate \$17,732 per year. By combining the two facilities into one 180 bed operation, the average operating cost per inmate in 1979 figures would be \$15,783. This 11% reduction in operating costs per inmate represents an annual decrease of \$1,949 per inmate. These figures are primarily based upon deletion of duplicate positions: one Superintendent, one Assistant Superintendent, one Clerk/Typist, one Cook and four Correctional Officers. However, one additional officer was added, and greater efficiency may be anticipated in items such as fuel consumption, ordering, maintenance, etc.

Summary:

Eagle River Correctional Center: \$1,988,341 is needed for the Capital project, and a reduction in annual operating costs of 39.2% per inmate is anticipated.

Juneau Correctional Center: No additional funds are requested, however there is concern that requested funds will not be adequate to add 36 beds and therefore it is suggested that this project be combined with the Fairbanks project. An additional 36 beds would reduce annual operating costs per inmate by 19.5%.

Fairbanks Correctional Center: We suggest this be combined with Juneau funds. An additional of 36 beds would reduce annual operating costs per inmate by 17.95%.

Nome Correctional Center: Approximately \$2,000,000 additional is needed to complete this Capital project. A reduction in average operating costs per inmate of 1.83% is anticipated, however the increased capacity would be accompanied by improved programming and thereby relieve some reliance upon

Continued  
Page 4

the Federal Bureau of Prisons.

Anchorage Pre-Trial: No additional Capital funds are necessary providing this site is already state owned. Otherwise, approximately \$1,200,000 in site acquisition costs will be necessary if the 180 bed complex is to be assembled. This proposed merger of the Annex and Third Avenue functions would represent an 11% reduction in annual operating cost.

We will be happy to explain or expand upon this material at your request.

CFC:ph

# STATE OF ALASKA

JAY S. HAMMOND, GOVERNOR

## DEPT. OF HEALTH AND SOCIAL SERVICES

DIVISION OF CORRECTIONS

POUCH H-03  
JUNEAU, ALASKA 99811

February 29, 1980

Document# 13-80

The Honorable Charles H. Parr  
Alaska State Legislature  
Pouch "V"  
Juneau, Alaska 99811

Dear Mr. Parr:

When I met with the House Judiciary Committee on February 22, 1980, you asked that we provide additional information with respect to current cost estimates for the G.O. Bond projects listed in H.B. 562. You also wanted information with respect to proposed bed space capacity for the Nome Jail and information regarding operating costs. All of this information will be provided for you and the other Committee members in a separate letter.

Meanwhile, I would like to respond here to four additional areas of information requested by you, by Representative Anderson, by Representative Barnes and by Representative O'Connell.

1. Representative Anderson voiced his concern with respect to programs of alcoholism counseling and rehabilitative programs. He expressed his unwillingness to support new construction on the part of the Division of Corrections without written assurances as to the intent of the Department of Health & Social Services with regard to providing adequate programs. I have asked Commissioner Beirne to respond to this request. She has done so in a separate letter; copies will be provided for members of the Committee
2. You reminded the Committee and me of the recent tragic riot at the New Mexico State Prison and inquired as to what kind of contingency we might be able to build into new facilities, designed to aid in the quelling of disturbances which might arise in the future.

Your concern is appropriate. It is essential for those of us who are in charge of prisons to be constantly alert to the signs which might indicate the beginnings of serious trouble. We do not have in mind, however, to build into the structures any kind of system designed to control disturbances. For a number of years there have been discussions regarding systems of the sort you may have in mind, but the technology for such a system has not been developed. The various gas agents which are occasionally used for controlling disturbances in prisons and elsewhere are potentially dangerous. They must be used by well trained people with great care and discrimination.

The Honorable Charles H. Parr  
Page 2  
February 29, 1980

Each of our institutions has an emergency plan, and our officers are trained in the use of equipment which might become needed in the event of disturbances.

Recently we sent two of our higher level employees to special training courses funded by the Law Enforcement Assistance Administration in dealing with hostage situations. A seminar will be conducted in April for all of our superintendents on this same subject. Several of us have had experience in dealing with hostage situations, and I can assure you that we have the capability of handling such matters in accordance with techniques which have proven to be most successful.

Far and away the best safeguard against riots and disturbances in prisons, however, is the avoidance of those conditions which cause them. Almost invariably there are warning signs in advance of the outbreak of disturbances.

My belief is that we have perhaps been more vulnerable to disturbances over the past several years than we are likely to be in the future. As you know, we have been short staffed in our institutions. Prisoners not only need supervision, they also need access to the staff. Otherwise communication between staff and inmates breakdown. This can result in a dangerous situation. Idleness and an absence of a reasonable range of rehabilitative opportunities also result in unrest and dissatisfaction among prisoners. If you will review the literature on prison riots, you will see that they simply do not occur where jurisdictions have made an adequate effort to address these kinds of problems. I have personally made the strongest effort I know how to communicate to the superintendents in our institutions my views with respect to such matters. There is broad ranging concern about prison conditions in the State and measures are being taken to make improvements where needed. I believe there is a perception throughout the State that we are slowly but surely moving toward development of a sound and responsive correctional system. I assure you, however, we will avoid becoming complacent about the kind of danger you called to my attention.

3. Representative O'Connell requested additional information with respect to visiting conditions at Eagle River. I was interested in his observations inasmuch as he had indicated that he had not visited the institution as a legislator or as a state official, but in the same manner in which persons routinely visit prisoners at the facility. This would enable him to make a judgment about conditions which would be especially valid.

While in Anchorage this week, I conferred with Superintendent Krause and made a study of the dimensions of the visiting room and looked into the visiting policy at the Eagle River institution. Representative

The Honorable Charles H. Parr  
Page 3  
February 29, 1980

O'Connell is correct in noting that visiting conditions there are far from ideal; 350 sq. feet are provided for a visiting room. The problem with this relatively small space is that during those times of the week when several families would be visiting, conditions will undoubtedly be quite crowded and private conversation would hardly be possible. Ironically, however, conditions for visiting are better at Eagle River than anywhere else in the Alaska prison system.

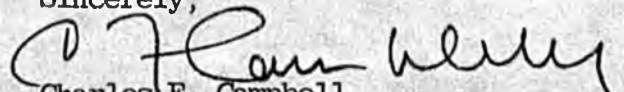
Because of his awareness of cramped conditions in the visiting room, Superintendent Krause has been making a staff conference room immediately adjacent to the visiting room, available for visiting on days when several families are visiting. This has alleviated the problem to some extent. In addition, Eagle River's visiting hours are liberal. Visiting is allowed until 9:00 p.m. every evening. The inmates at the institution are being urged to schedule visits, when possible, at times of the week when crowding is less likely to be a problem. During the warmer weather, an outside visiting yard is being used. The Eagle River climate does not make it practical, however, to count on this arrangement for more than three or four months out of the year.

The Eagle River facility is excellent in virtually all other respects. It is unfortunate that better visiting arrangements were not designed in initially. In view of the serious deficiencies in conditions of confinement throughout the system, however, I do not think we can justify giving the visiting situation a high priority as opposed to other construction needs. I will continue to give attention to this matter and will work with Mr. Krause toward further means whereby we will be able to alleviate the problem. I will also take another careful look at visiting problems elsewhere in the State.

4. Representative Barnes asked for the names of those who served on the Citizens' Advisory Committee for selection of a site for a pre-trial facility in Anchorage. Representative Barnes also wanted to know how the Committee was selected. The Committee was selected by me on the basis of recommendations from Commissioner Beirne and others knowledgeable about Anchorage. I was unfamiliar with Anchorage at the time this committee was selected last summer, but great care was taken to bring together a representative group. It included a police official, an ex-offender and others who represent a variety of perspectives. I can say that divergent points of view were expressed. Representative Barnes' opposition to our selection of the API/MYC site for the new jail was strongly supported by members of the Committee. The names of Committee members are attached.

My hope is that I have responded adequately to the various points of information requested by the Committee.

Sincerely,

  
Charles F. Campbell  
Director

ANCHORAGE CITIZENS' ADVISORY COMMITTEE

FOR

PRE-TRIAL FACILITY

Roger Endell, Chairman  
Norman Bessman  
Sairuddin Abdullah  
Dick Anglemeyer  
Juana Cole  
Dr. Raymond Fedje  
Janelle Fernandez  
John Lilljenstolpe  
Margie MacNeille  
Paul McGee, Jr.  
Donna Mathews  
Mike Meehan  
Rick Nerland  
Major Brian Porter  
Kalen Sacton  
Allen Tesche  
Ethan Windahl, Magistrate  
Julie Winegarden

PROJECT TITLE Fort Yukon & 5 Mile Housing		LOCATION(S) Fort Yukon & 5 Mile	AREA SERVED Haul Road & Bush Vicinity	ELECTION DISTRICT(S) 19
OBJ. NO(S) 4,5	OPERATING BUDGET BRUI(S) Detachments & CIB	NAME(S)	BUDGET COMPONENT NUMBERS 06-62-01-01-01	START DATE 6-81
PROJECT NARRATIVE I. Project Need  1. In FY-79, \$150,000 was transferred from DOT/PF via interagency agreement. The low bid for housing at the 5 Mile Haul Road Camp was received (H60026) on June 28, and totalled \$129,737. Available funds would not permit construction of the desired two AST housing units.  2. The 5 Mile Camp housing would provide law enforcement personnel near existing patrol areas. Many accidents, thefts, and assaults are still occurring on or near the pipeline. Patrols deter crime, although reported crimes increase. Adjacent villages along the pipeline could also be visited more frequently. Response time, including search and rescue emergencies, could also be increased by approval of CIP 81-5, an aircraft hangar at 5 Mile Camp.  3. Chapter 80, SLA 79 appropriated \$87,400 to build one housing unit for AST in Fort Yukon. Because of unpredictably high bids, it is expected that existing funds will not be adequate.  4. The CIPA funded Angel study concluded that bush residents face higher risks of: accidental death or injury, fire, homicide, suicide, rape or aggravated assault. Besides responding to routine enforcement concerns, search and rescue capabilities would also be increased.		PROJECT TYPE <input checked="" type="checkbox"/> Building Construction (C) <input type="checkbox"/> Other Improvement (I) <input type="checkbox"/> Equipment (E) <input type="checkbox"/> Land (L) <input type="checkbox"/> Professional Services (P) <input type="checkbox"/> Other (O)		APPROPRIATION REQUEST 1002 FED. RCPTS. 1003 G/F MATCH 1004 GEN. FUND 539.6 1005 I/A RCPTS. G.O. BONDS TOTAL
		PROJECT CHARACTERISTICS <input checked="" type="checkbox"/> Totally New Facility <input type="checkbox"/> Addition to Existing Facility <input type="checkbox"/> Renovation of Existing Facility <input type="checkbox"/> Major Maintenance or Repair <input checked="" type="checkbox"/> Supplement Previously Authorized Funds to Enable Completion <input type="checkbox"/> One of Several Phases <input type="checkbox"/> Major External Funding Source <input type="checkbox"/> Other		GOVERNOR'S RECOMMENDATION APPROVED DEFERRED DISAPPROVED <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> 1002 FED. RCPTS. 1003 G/F MATCH 1004 GEN. FUND 1005 I/A RCPTS. G.O. BONDS 539.6 TOTAL 539.6
		NO YES SITE FEATURES <input type="checkbox"/> <input checked="" type="checkbox"/> Site Currently Owned? <input type="checkbox"/> <input checked="" type="checkbox"/> All Titles Available? <input type="checkbox"/> <input checked="" type="checkbox"/> Access Already Available?		01-1035a (12/79)
OPERATIONAL COST & NO. PERSONNEL INCREASE (DECREASE)		FIRST OPERATING YEAR 82	ULTIMATE ANNUAL YEAR 83	PREVIOUS YR-PRIORITY N/A
FUNDING SOURCE FED. RCPTS. GEN. FUND				AGENCY PRIORITY 81-1
TOTAL ANNUAL OPERATIONAL COST		N/A	N/A	GOVERNOR'S PRIORITY 81-1
POSITION (FTE)				

CATEGORY Administration of Justice AGENCY Public Safety PROGRAM Crime Identification & Apprehension

01-1035a (7/79)

35a

PROPOSED CAPITAL PROJECT

REVISED DATE 10-4-79

000043

CAPITAL PROJECT EXPENDITURES (CASH FLOW)	TOTAL	BUDGET YEAR	BUDGET YEAR Plus 1	BUDGET YEAR Plus 2	BUDGET YEAR Plus 3	BUDGET YEAR Plus 4	REMAINING COST
Planning and Engineering							
Land							
Construction							
Equipment							
Administration and Other							
Total Annual Expenditure (Capital Cost)							

CONTINUATION OF NARRATIVE

II. Project Description

1. The residences (2 at 5 Mile, 1 at Fort Yukon) are planned to be 1,376 square feet with a 288 square foot attached garage.
2. Specifics can be provided by DOT/PF (H60026) bid info.
3. Land in both locations has been identified.

III. Estimated Capital Costs

1. The appropriation request combines facilities so that funds not needed for one might be used on the other if needed.
2. DOT/PF Life Cycle cost estimates are used. Site acquisition cost is not included in the cost estimate (State land will be used).

		5 Mile		Ft. Yukon	
\$777,000	Needed	Site & Design	\$ 33,000	Site & Design	\$ 40,000
-237,400	Available	Construction	209,000	Construction	253,000
<u>\$539,600</u>	Requested		<u>242,000</u>		<u>293,000</u>
			x 2		+484,000
			<u>\$484,000</u>		<u>\$777,000</u>

IV. Estimated Operating Costs

1. The Department of Administration Housing Program will have ample lead time to budget for operating expenses if this request is approved since construction is not expected to start until FY-82.

CATEGORY Admin. of Justice AGENCY Public Safety PROGRAM Crime Identification & Apprehension

PROJECT TITLE Ft. Yukon & Five Mile Housing

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PROPOSED PROJECT  
ANALYSIS

REVISED  
DATE 10-4-79

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2. Substantial utility and rent costs can be expected. Cost-of-living differentials are designed to offset higher than normal living costs, in accordance with the current housing policy.

V. Alternatives

1. Some level of service can still be provided on an infrequent basis from other posts, but travel and charter budgets have been reduced significantly so routine service cannot be frequent.

CONTINUATION FORM

CATEGORY Admin. of Justice AGENCY Public Safety PROGRAM Crime Identification & Apprehension

PROJECT TITLE Ft. Yukon & 5 Mile Housing

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