ALASKA LEGISLATURE COMMITTEE FILES 1981-1982 8672

1610 HJ HB 225 - PAROLE BOARD

Table R10

Categorized Months Sentenced by Race
Mandatory Releasees and Parolees Combined

	Sentence Categories																							
	Under 7		7 - 12		Cum	13 - 24		Cum	25 - 36		Cum	37 - 60		Cum	61 - 120		Cum	Over 120		Total		Unknown	
Race	#	%	#	%	%	#	%	%	#	%	%	#	%	%	#	%	%	#	%	#	%	#	%
White	27	5%	109	20%	26%	124	23%	49%	113	21%	70%	94	18%	88%	49	9%	97%	17	3%	533	100%	90	14%
Black	3	2%	8	6%	9%	23	18%	27%	24	19%	45%	48	38%	83%	13	10%	93%	9	7%	128	100%	0	
Native	14	6%	45	18%	23%	63	25%	48%	59	23%	72%	38	15%	87%	23	9%	96%	10	4%	252	100%	0	
Other	0		4	17%	17%	5	22%	39%	4	17%	57%	4	17%	74%	3	13%	87%	3	13%	23	100%	0	
Total	44	5%	166	18%	22%	215	23%	45%	200	21%	67%	184	20%	86%	88	9%	96%	39	4%	936	100%	90	9%

felonies; natives and whites have essentially equal proportions of new felonies and there were no new felonies outside these groups.

Table R11

Parolee
New Felonies by Race

	Race				
	White	Black	Native	Other	Total
Number of Cases	383	111	152	15	661
Number of New Felonies	19	14	9	0	42
Percent New Felonies	5%	13%	6%	-	6%

From these observations we can look at release characteristics of racial groups in summary form.

Release Characteristics by Race

Whites	Blacks	Natives	Others
medium proportion paroled	largest proportion paroled	smallest proportion paroled	medium proportion paroled
shortest mean sentences	second longest mean sentences	third longest mean sentences	longest mean sentences
(with natives) shortest mean terms served	second longest mean terms served	(with whites) shortest mean terms served	longest mean terms served
(with natives) served largest proportion of sentence	served medium proportion of sentence	(with whites) served largest proportion of sentence	served smallest proportion of sentence
low proportion new felonies	higher proportion new felonies	low proportion new felonies	no new felonies

Sentence Length and Release Type

Another example of the use of these data comes from the question: "What proportion of persons in each sentence length category receives parole?" Tables R12 and R13 respond. Note that as sentence length increases proportion paroled grows. This is true both for the years 1970-80 and 1975-80.

Table R12

Release Type by Sentence Length
Mandatory Releasees and Parolees
1970 - 1980

	Mandatory Releasees	Parolees	
Months Sentenced	#	#	%
Under 7	27	17	39%
7 - 12	103	74	42%
13 - 24	103	122	54%
25 - 36	68	144	68%
37 - 60	40	159	80%
61 - 120	18	78	81%
Over 120	3	38	93%
Total	362	632	

Table R13

Release Type by Sentence Length
Mandatory Releasees and Parolees
1975 - 1980

	Mandatory Releasees	Parolees	
Months Sentenced	#	#	%
Under 7	13	2	13%
7 - 12	61	16	21%
13 - 24	80	53	40%
25 - 36	57	75	57%
37 - 60	35	95	73%
61 - 120	16	49	75%
Over 120	2	15	88%
Total	264	305	

Matrix Decision Making

The last report on this undertaking* left off with spelling out the principles of matrix decision making and sample formats of decision tables. The next step in the progression from experimentation with the ideas underlying matrix decisions to operationalization involves analyzing data on terms served. In the months elapsing since last report those data have been secured and tentatively analyzed (data editing remains incomplete).

The derivation of risk scores is an empirical endeavor, risk scores being the product of the relation between parole performance and background factors. In the previous analysis the 665 Alaska parole cases under study were segmented into four risk categories--very low risk, low risk, medium risk, and high risk. The very low risk cases are seen essentially as cases on which risk is not an element. The risk dimension thus makes a contribution to the release decision in about 40% of the cases (269 of 665).

The other axis of the matrix has to do with seriousness. The decision was made to follow the new Alaska Criminal Code (effective January 1, 1980) on this dimension.[3] Thus, the categories that dimension encompasses are: Unclassified, Felony A, Felony B, Felony C, Misdemeanor A, Misdemeanor B, and Violation. Because our interest is in imprisoned offenders, the last three categories have marginal applicability.

A decision matrix adhering to these constraints takes this general form:

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* Neitheructt, M. G. *Alaska and Parole Guidelines.* San Francisco: Bay Area Research Design Associates, November 1979

Table M1

General Form
Decision Matrix

Crime Categories	Risk Scores: 0 & Over	-1 - -4	-5 - -8	-9 & Under
Unclassified				
Felony A				
Felony B				
Felony C				
Misdemeanor A				
Misdemeanor B				
Violation				

Several issues are pertinent to applying this decision form to parole release choices. One can be relatively secure in the supposition that risk scores will relate to release (at least parole release) outcomes because the scores were derived using parole performance as the criterion. However, it may be that the crime categories are related to empirical considerations.

Further, assurance is absent that there is any correlation between risk and prison time served or between "seriousness" and time served. This dilemma is made more complex by the possibility that whatever relations do exist will take forms not readily clarified by accepted analytical approaches. Thus, it is necessary to look at some varied presentations of relationships before placing the cases in a two-dimensional table.

When the study cases are classified on the seriousness dimension and placed in risk categories, the following table emerges. Table M2 tells us that mean months of prison time served before parole increase steadily as risk becomes greater (reading across the table) and that terms served decrease consistently as crime categories grow less serious (reviewing

Table M2

MEAN MONTHS
TIME SERVED

Alaska Parolees

1971 - 1979

Crime Categories	Risk Scores: 12 - 0 #	12 - 0 Mos.	-1 - -4 #	-1 - -4 Mos.	-5 - -8 #	-5 - -8 Mos.	-9 - -15 #	-9 - -15 Mos.	
Unclassified	17	50.2	5	69.2	2	92.5	0		
Felony A	122	18.3	46	28.8	10	61.1	1		
Felony B	143	16.1	68	23.4	27	33.0	0		
Felony C	52	12.0	33	16.4	7	24.3	0		
Misdemeanor A	11	8.2	4	13.8	1	37.0	0		
Misdemeanor B	9	7.6	2	17.5	0		0		
Violation	Too few to categorize								
Unknown	42		33		28		2		
Total	396		191		75		3		665

Table M3

Parolee
Median Months Served
by Crime Category
by Risk Group

Crime Category	Risk Group: Lowest Risk Mdn Mos	Mid80% Mos Svd	Mid60% Mos Svd	#	Low Risk Mdn Mos	Mid80% Mos Svd	Mid60% Mos Svd	#	Moderate Risk Mdn Mos	Mid80% Mos Svd	Mid60% Mos Svd	#	High Risk #
Unclassified	37	9 - 94	16 - 91	17	45	-	-	5	-	-	-	2	
Felony A	14	5 - 34	8 - 26	122	26	11 - 48	16 - 43	46	49	29 -108	36 - 79	10	
Felony B	15	5 - 28	6 - 23	143	20.5	10 - 41	12 - 31	68	33	18 - 49	19 - 45	27	
Felony C	10	5 - 22	8 - 17	52	13.5	7 - 30	10 - 23	33	24	17 - 32	17 - 32	7	
Misdemeanor A	6	3 - 16	3 - 15	11	13	-	-	4	-	-	-	1	
Misdemeanor B	6	2 - 8	2 - 8	9	-	-	-	2	-	-	-	0	
Unknown				42				33				28	
Total				396				191				75	3

table columns). Cautions about the size of the study groups in the misdemeanor and violations seriousness cells and in the highest risk group remain appropriate. Also, the number of unknown cases in each risk score column could have an impact.

Looking at mean time served is not adequate, however, because the mean may be an inappropriate measure of central tendency when scores vary widely. Thus Table M3 presents median months served (the median being the middle point of each score array) and then the middle 80% time served range and the middle 60% time served range. Again, the medians follow the pattern of the means. Note, however, that Felony A and B "lowest risk" cases (column 1, row 2) have similar medians, probably indicating that the A and B Felonies are treated as comparable unless the inmate is a parole risk. Notice also that the differences in felony class ranges appear primarily on the upper bounds.

With added confidence that the data have some consonance with "reasonable expectations" (that more serious offenders will serve more time and that greater risks will do likewise), we can move to fill in the decision matrix. Were a decision maker hearing analogous cases to those analyzed here to employ a time-set matrix designed to encompass 80% of the relevant cases, his/her reference table would look something like Table M4.

Table M5 affords the same perspective but includes only the middle 60% of the terms served.

In each of these tables (M4 and M5) the decision maker would be viewing products of release decisions which have ranged over substantial numbers of months. Since one of the purposes of these matrices is to increase equity in decision making (that is, enhance the degree to which like inmates are treated alike), one can take the opposite tack and refer to a matrix in which minimum variability is described, with

Table M4

Months Served Matrix
80% Inclusive

Crime Category	Risk Scores			
	0 & Over	-1 - 14	-5 - -8	-9 & Under
Unclassified	9 - 94	-	-	-
Felony A	5 - 34	11 - 48	29 - 108	-
Felony B	5 - 28	10 - 41	18 - 49	-
Felony C	5 - 22	7 - 30	17 - 32	-
Misdemeanor A	3 - 16	-	-	-
Misdemeanor B	2 - 8	-	-	-
Violation	-	-	-	-

Table M5

Months Served Matrix
60% Inclusive

Crime Category	Risk Scores			
	0 & Over	-1 - -4	-5 - -8	-9 & Under
Unclassified	16 - 91	-	-	-
Felony A	8 - 26	16 - 43	36 - 79	-
Felony B	6 - 23	12 - 31	19 - 45	-
Felony C	8 - 17	10 - 23	17 - 32	-
Misdemeanor A	3 - 15	-	-	-
Misdemeanor B	2 - 8	-	-	-
Violation	-	-	-	-

documentation of exceptions.

A method of doing this is to start with the category median and allow only 10% variation above and below that value. This results in a matrix like Table M6. Though this

Table M6

Months to be Served Matrix
10% Bounded Median

	Risk Scores			
Crime Category	0 & Over	-1 - -4	-5 - -8	-9 & Under
Unclassified	36 - 47	45	-	-
Felony A	11 - 17	21 - 35	41 - 57	-
Felony B	12 - 17	17 - 22	27 - 39	-
Felony C	8 - 12	12 - 15	18 - 30	-
Misdemeanor A or B or Violation	4 - 8	11 - 19	-	-

table has the form and configuration the data dictate (that is, it is a strict interpretation of the data, starting in each cell with the population median score and moving up and down the array to include the 20% of cases nearest the median), it has some discontinuities that may be troublesome. The "Unclassified, -1 - -4" value is not a range but a fixed term, the product of a limited number of relevant cases. Also, the table gives no assistance with cases falling in 7 cells (including all the highest risk cases); again, we see the impact of strictly interpreting rules applied to a limited population.

Thus, we face the same quandary many others working with similar data have met. Several have used an approach sometimes referred to as "smoothing". In other words, the data are conformed to assure easier application while preserving the empirical sense of the findings.

There are several aspects of judgment that impact the table's final form. One way to bring the decision matrix to

a more useful state could be to modify it as follows.

Table M7

Example
Months Served Matrix

	Risk Scores			
Crime Category	0 & Over	-1 - -4	-5 - -8	-9 & Under
Unclassified	36 - 47	41 - 50		
Felony A	11 - 17	21 - 35	41 - 57	
Felony B	12 - 17	17 - 22	27 - 39	
Felony C	8 - 12	12 - 15	18 - 30	
Misdemeanor/ Violation	4 - 8	11 - 19		

The "Unclassified, -1 - -4" range can be settled upon by taking the average range of the other -1 - -4 categories and distributing this average around the category median. Similar procedures can be used to as great an extent as is deemed necessary; however, it is important to recognize that these steps exceed the grasp which these analyses can give and so are based on such considerations as "policy", "public protection," etc. It is highly unlikely that many cases of great risk but with misdemeanor/violation crimes will be encountered, so the last two vacant cells in the matrix probably are inconsequential.

A different situation exists regarding the last column of the table. It is observable that there are few of these cases getting parole. It may be, though, that several such persons appear before the Board. We get some idea of this by looking at mandatory release time served data. These seem to say that very few of these types of cases are being released from Alaska prison custody, since only 15 subjects in that set had served over 5 years.

Release Matrix

The matrices presented thus far have used all available

data because a large number of cases is necessary to allow stability of findings. Alaska presents a peculiar necessity for using only part (rather than all) of the available data, in that in 1974 substantial law changes introduced minimum terms as a significant release-decision consideration.

Thus, all things considered, we felt it necessary to develop the final form of the suggested matrix resting only on 1975 and succeeding cases. Thus, Table M8 takes only those cases paroled on and after January 1, 1975 into consideration. Notice that that gives somewhat more smoothness in form and also reflects higher minimum terms for several categories.

The work is incomplete, of course, for matrix decision making requires continuing update. At this juncture, though, the preferred decision set seems to be reflected in Table M8.

Table M8

Suggested
Months Served Matrix
(1975 & later cases base)

Crime Category	Risk Scores			
	0 & Over	-1 - -4	-5 - -8	-9 & Under
Unclassified				
Felony A	17 - 23	29 - 36	41 - 57	
Felony B	16 - 21	21 - 28	33 - 41	
Felony C	13 - 19	14 - 19	18 - 24	
Misdemeanor/ Violation	7 - 10	11 - 19		

Race - An Afterword

Throughout these endeavors the Board has (commendably) been open to consideration of use of any factor whose relation to parole performance (risk) could be demonstrated empirically. Some original decision factors were deleted because of their instability, their susceptibility to devious alteration, etc.

Race, though a "hot" issue, has steadfastly been retained in the risk analyses, the Board's view being that if it added information it should be retained as a consideration. Feedback on the published work to date has been laden with (sometimes ominous) comments about using race as a release decision factor. Thus, the Board has asked the Alaska Attorney General for a formal legal opinion on the matter and requested an analysis of how many cases would actually change risk categories as a result of deletion of race from the scoring program.

The Attorney General's report is not yet in hand. Data analysis reveals that only 14 cases would change risk score categories with the deletion of race. In most instances the person's risk score would improve though, ironically, in a few the risk score is made more detrimental by deletion of the item.

Conclusion

As this report tells, the primary task during this contract period was to develop a time served matrix which the Alaska Board of Parole could implement. That task has been accomplished, as have several others. It is recommended that it be used in a "dry run" a couple of hearing schedules and then be implemented. Meantime, the Board needs to find the resources to have analytical services available to it, to update the tables at least semi-annually, to keep its computerized case records current, to assure its ability to respond to data inquiries fully, and to forward its desire to understand more fully its own practices and their implications.

FOOTNOTES

1. See: Neithercutt, M. G. *Parole Guidelines for Alaska.* Juneau: Alaska Board of Parole, December 1979

2. The data base herein fluctuates somewhat as cases have been added in phases. The mandatory release group is stable throughout, though parolee counts vary.

3. Pending legislation was used to classify drug offenses.

STATE OF ALASKA

JAY S. HAMMOND, GOVERNOR

DEPT. OF HEALTH AND SOCIAL SERVICES
OFFICE OF THE COMMISSIONER

POUCH H 01
JUNEAU, ALASKA 99811
PHONE:

Honorable Fred E. Brown
Chairman
Judiciary Committee
Alaska House of Representatives
Pouch V
Juneau, Alaska 99811

Dear Chairman Brown:

House Bill 261 is essentially the same bill as passed by the House last year as HB 983. Departmental staff are working on the fiscal notes and position papers and they should be completed before the end of the week.

I have enclosed copies of last year's fiscal notes and position papers that will give you some idea of the impact of the bill. Since there are two other bills before the committee I expect the Department's position paper will change.

Sincerely yours,

Helen D. Beirne

Helen D. Beirne
Commissioner

Enclosures

06-F38LH

POSITION PAPER
COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 983 (FINANCE)

Committee Substitute for House Bill 983 (Finance) presents many positive changes in the current Parole Board statute including:

a. Five year terms for Board members as recommended by the Commission on Accreditation for Corrections and other professional organizations.

b. Statutorily sets the compensation of Board members at $100/day and provides for a raise with the consumer price index in Anchorage.

c. Requires the Board to recommend statutory changes to the Legislature.

d. Requires the Board's regulations to be promulgated pursuant to the Alaska Administrative Code.

e. Allows the Board to discharge parolees from supervision after two years as recommended by the Corrections Masterplan consultants and other professional corrections organizations.

The changes listed in sections a), b), d), and e) above are supported by the Commission on Accreditation for Corrections and by the Alaska Corrections Masterplan consultants. The change in section c) would enchance the mutual planning and cooperation of criminal justice agencies in the State.

EXECUTIVE DIRECTOR

Section .090 has the executive director reporting directly to the Board with no direct links to an administrative department. The department recommends for improved administration and coordination of parole functions that cross many divisions and department lines in State Government that the Executive Director be responsible to the Governor or the Department of Health and Social Services and be assigned to work with the Parole Board.

"PAROLE RIGHTS"

Section 150 of the bill gives offenders a right to have copies of all information considered by the Board a minimum of 30 days in advance of any kind of parole hearing. Many hearings would be continued 90 days because of later arrival of material. Considerable expense and staff time would be saved by providing a summary of the information in the file rather than providing copies of all information in the file (average about 200 pages/file). This summary would give the

offender all pertinent information considered by the Board. Section .150 of CSHB 983 (Finance) also allows the offender a copy of all mental health records. Controversy surrounds the release of these records. Many clinicians and therapists are opposed to the release of patient records without benefit of medical interpretation.

GOOD TIME PROVISIONS

Section .170 of CSHB 983 (Finance) requires parolees be given good time for good behavior while on parole, but this good time earned is subject to forfeiture by the Board. There is no way to avoid an enormous amount of staff time, red tape, paperwork, more policies and procedures, and hearings to implement this section. Considerable additional travel expense will be incurred on interstate parole cases. Although the concept of parole good time is a unique approach, we recommend a more simple and less costly solution for the earlier release of parolees from supervision. Instead, the Committee might consider givng the Board the authority to release parolees from supervision after 1 year of good behavior rather than the 2 years listed in Section .270 of this bill, in lieu of the good time provision of this bill.

PAROLE CONDITIONS

Section .180 unduly restricts the imposition of necessary parole conditions by the Board. The courts allow any reasonable condition that relates to the person's crime. Where the Board determines that there is clear evidence, some parolees need to be restricted from associating with victims or their crime partners. The Board cannot require restitution during parole nor establish other conditions normally imposed by other parole agencies or the courts, such as having the car license numbers of drug dealers.

MODIFYING CONDTIONS OF PAROLE

Section .190 of CSHB 983 (Finance) requires 30 days written notice before a parole condition can be changed. This is impractical. Currently, conditions of parole are discussed with parolees at the release hearing. New conditions of parole are imposed only when immediate intervention is needed because of risk to the community or to the parolee. This section will not allow the Board to deal with a parolee's problems when they surface, posing a risk to the community and to the parolee.

DISCHARGE OF PAROLE

Section .250 of CSHB 983 (Finance) requires that parolees be discharged from supervision automatically after five years on parole. The only exception would be if the parolee had been charged with a felony offense while on parole. An additional phrase is recommend to be inserted in line 19, "or has not violated parole by absconding supervision". Without this phrase, a parolee could abscond supervision the date of his release. As long as he was able to avoid detection for a period of five years, he would suffer no liability.

REVOCATION OF PAROLE

Section .290 also requires that the Commissioner prove by "clear and convincing evidence" that a parolee has violated the terms of his parole. This is a higher standard of proof than the courts have adopted in probation and parole revocation cases in Alaska, and is higher than the standard adopted by any other court or paroling agency in this country. The "preponderance of the evidence" standard is more appropriate.

PAROLE ARREST WARRANTS

Section .300 of CSHB 983 (Finance) requires that a parole violation warrant be obtained from a judicial officer. This requirement will unnecessarily tax the already overburdened judicial system. The additional paperwork required from parole officers to secure a judicial would increase their workload and the Alaska Supreme Court has already said this is an unnecessary burden on the parole officers. It is standard procedure in all other states to have a warrant issued by the Board, member of the Board or a corrections staff person.

ADDITIONAL BURDEN ON THE BOARD

Of major concern to the Department would be the increase in "Board member days" spent on Parole Board business as a result of this bill. With the responsibilities outlined in CSHB 983 (Finance), the average number of days spent by each Board member on Board business will increase from the current 45 to 60 days per year, to a minimum of 122 to 137 days per year. Considering there are 251 work days in a year, being a Parole Board member would be a half time job. A full time Board would probably become a necessity in the near future due to the increased workload mandated by CSHB 983.

RECOMMENDATION OF THE DEPARTMENT

The Department recognizes the positive changes to the Parole System that are made by CSHB 983 (Finance), but recommends that further study is necessary in order to fine tune those concepts into a workable Parole System of benefit to the public and the offenders it supervises.

Recommended by: Samuel H. Trivette Date May 22, 1980

Samuel H. Trivette
Executive Director

Approved by: Helen D. Beirne Date 5/22/80

Helen D. Beirne, Commissioner
Department of Health & Social Services

THE LEGISLATURE OF THE STATE OF ALASKA
ELEVENTH LEGISLATURE

FISCAL NOTE

I. REQUEST
Bill/Resolution No. CS House Bill No. 983 (Finance)
Title "An Act relating to parole of offenders and continuing the Board of Parole."
Requested by House Judiciary Committee Date May 22, 1980

II. FISCAL DETAIL
Agency Affected Department of Health and Social Sevices
Program Category Affected Justice
BRU, Program, or Subprogram(s) Affected Adult Confinement & Probation/Community Programs
(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		501.9	547.1	596.3	650.0	708.5
200	TRAVEL		26.5	28.9	31.5	34.3	37.3
300	CONTRACTUAL		207.9	226.6	247.0	269.2	293.4
400	COMMODITIES		8.4	9.2	10.0	10.9	11.9
500	EQUIPMENT		14.3	15.6	17.0	18.5	20.2
600	LAND & STRUCTURES						
700	GRANTS, CLAIMS, ETC.						
	TOTAL		759.0	827.4	901.8	982.9	1,071.3

FUNDING (Thousands of Dollars)

GENERAL FUND		759.0	827.4	901.8	982.9	1,071.3
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

FULL TIME		15	15	15	15	15
PART TIME						
TEMPORARY						

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

A. Adult Confinement

There will be an increase in out-of-state prisoner care. In-state correctional centers are at optimum capacity, therefore, caseload increases must be accomodated through out-of-state placements.

1. The restriction on changing conditions of parole will result in 10 to 15 revocations of parole. The average length of incarceration is estimated to be sixty days.

15 x 60 x $34.26 = $30,834
Related Travel 15 x $500 = $7,500

Walt Jones for Roger Lange

Original: Legislative Finance
cc: Budget and Management
Prime Sponsor (First Legislator Named)

Prepared by: Roger C. Lange Date: May 22, 1980
Division/Office: Corrections Ph: 465-3376
Department of Health & Social Services

Approval DHSS Mgt. & Bdgt: _____ Date: _____

33-001 (Rev. 12/79)
Modify by DHSS (11-28-79)

2. The provisions of this bill restricts the imposition of non-association with convicted felons or victims as parole conditions. Therefore, a number of persons who would otherwise be paroled will remain in custody. It is estimated that 7 individuals would not be released from custody each fiscal year to a maximum of twenty-one (21) persons.

FY 1981:	7 x 365 x $34.26 =	$ 87,534
FY 1982:	14 x 365 x $37.34 =	190,807
FY 1983:	21 x 365 x $40.70 =	311,966
FY 1984:	21 x 365 x $44.37 =	340,096
FY 1985	21 x 365 x $48.36 =	370,679

(9% annual increase of the daily rate)

3. Reference to treatment in the bill will result in mandatory provision of services within the correctional centers. The Board of Parole will not release any persons who are a "risk" for committing a subsequent illegal act.

a. Most court-ordered treatment is for alcohol and drug abuse-related offenders. One additional counselor position (Probation Officer II) for eight of the nine correctional centers will be required (Anchorage Annex ommitted).

Eight position posts:

Personal Services	$ 278,200
Travel	4,000
Contractual	8,300
Commodities	5,100
Equipment	7,600
TOTAL	$ 303,200

b. Some court-ordered treatment will have to be purchased from resources in the local community where the correctional center is located. There is no valid methodology to compute this need, so $50,000 for FY 1981 is included as a "best guess".

4. The bill specifies that inmates will have available copies of all materials considered by the Board of Parole. There are approximately 300 cases per year which are considered by the Board of Parole. It is estimated tat each file contains 200 pages of documentation, which would take an average of two (2) years to duplicated at $Ø.05 per page. The cost, therefore, would be:

Clerical time costs (at time and one-half):
300 x 2 x $12.14 = $ 7,285

Duplicating costs:
300 x 200 x $Ø.05 = 3,000
$10,285

B. Probation and Community Programs

1. The provision for "good time" for parolees will require an additional workload increment for the probation/parole staff. A monthly computation of "good time" will be required. It is estimated that 600 reports will have to be written annually. Appearances by the supervisory probation officer at the "good time" hearings will be necessary (600 appearances). Approximately 68 reports will have to be written for early release cases. The manpower needed to accomplish the above itemized tasks is four (4) Probation Officer II's and two (2) Clerk Typist III's and one (1) Probation Officer III.

Position Costs (average):

Personal Services	$ 216,400
Travel	15,000
Contractual	21,000
Commodities	3,300
Equipment	6,700
Total	$ 262,400

C. Except for cost specified for A-2 above, a cost of living index of 9% is applied to all fiscal years over the preceding fiscal year estimates.

THE LEGISLATURE OF THE STATE OF ALASKA
ELEVENTH LEGISLATURE

FISCAL NOTE

I. REQUEST
Bill/Resolution No. CS HB 983 (Finance)
Title An Act Relating to parole of offenders; Continuing the Parole Board
Requested by House Judiciary Committee Date May 16, 1980

II. FISCAL DETAIL
Agency Affected Department of Health and Social Sevices
Program Category Affected Administration of Justice
BRU, Program, or Subprogram(s) Affected Parole Board
(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		27.3	29.8	32.5	34.8	37.2
200	TRAVEL		64.5	74.2	85.3	93.8	103.2
300	CONTRACTUAL		61.8	66.7	72.0	77.8	84.0
400	COMMODITIES		1.0	1.1	1.2	1.3	1.4
500	EQUIPMENT		2.1				
600	LAND & STRUCTURES						
700	GRANTS, CLAIMS, ETC.						
800	COMPENSATION		89.7	103.2	115.6	127.2	139.9
	TOTAL		246.4	275.0	306.6	334.9	365.7

FUNDING (Thousands of Dollars)

GENERAL FUND		246.4	275.0	306.6	334.9	365.7
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

FULL TIME		1	1	1	1	1
PART TIME						
TEMPORARY						

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

Original: Legislative Finance
cc: Budget and Management
Prime Sponsor (First Legislator Named)

Prepared by: [signature] Date: 5/22/80
Division/Office: Parole Board PH: 465-3385
Department of Health & Social Services

33-001 (Rev. 12/79)
Modify by DHSS (11-28-79)

Approval DHSS Mgt. & Bdgt: _____ Date: _____

THE LEGISLATURE OF THE STATE OF ALASKA
ELEVENTH LEGISLATURE

SECTION BY SECTION ANALYSIS
P. 1

FISCAL NOTE

I. REQUEST
Bill/Resolution No. CS HB 983 (Finance)
Title An Act Relating to parole of offenders; Continuing the Parole Board
Requested by House Judiciary Committee Date May 16, 1980

II. FISCAL DETAIL
Agency Affected Department of Health and Social Sevices
Program Category Affected Justice
BRU, Program, or Subprogram(s) Affected Parole Board
(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-81

	SECTIONS	Overall Costs	.010	.020/.030	.050	.080	
100	PERSONAL SERVICES						
200	TRAVEL		14.0	2.8			
300	CONTRACTUAL	30.0	1.5			8.0	
400	COMMODITIES						
500	EQUIPMENT						
600	LAND & STRUCTURES						
700	GRANTS, CLAIMS, ETC.						
800	COMPENSATION		22.5		28.1		
	TOTAL	30.0	38.0	2.8	28.1	8.0	

FUNDING (Thousands of Dollars)

GENERAL FUND	30.0	38.0	2.8	28.1	8.0	
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

FULL TIME						
PART TIME						
TEMPORARY						

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

Original: Legislative Finance
cc: Budget and Management
Prime Sponsor (First Legislator Named)

Prepared by: Samuel H. Trivett Date: May 22, 1980
Division/Office: Parole Board PH: 465-3385
Department of Health & Social Services

33-001 (Rev. 12/79)
Modify by DHSS (11-28-79)

Approval DHSS Mgt. & Bdgt: _____ Date: _____

THE LEGISLATURE OF THE STATE OF ALASKA
ELEVENTH LEGISLATURE

SECTION BY SECTION ANALYSIS
P.2

FISCAL NOTE

I. REQUEST
Bill/Resolution No. CS HB 983 (Finance)
Title An Act Relating to parole of offenders; Continuing the Parole Board
Requested by House Judiciary Committee Date May 16, 1980

II. FISCAL DETAIL
Agency Affected Department of Health and Social Sevices
Program Category Affected Justice
BRU, Program, or Subprogram(s) Affected Parole Board
(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-81

	SECTIONS	.150	.170	.190	.290		TOTALS
100	PERSONAL SERVICES		27.3				27.3
200	TRAVEL	13.1	22.8	2.7	9.1		64.5
300	CONTRACTUAL		22.3				61.8
400	COMMODITIES		1.0				1.0
500	EQUIPMENT		2.1				2.1
600	LAND & STRUCTURES						
700	GRANTS, CLAIMS, ETC.						
800	COMPENSATION	14.5	12.5	1.5	10.6		89.7
	TOTAL	27.6	88.0	4.2	19.7		246.4

FUNDING (Thousands of Dollars)

GENERAL FUND	27.6	88.0	4.2	19.7		246.4
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

FULL TIME		1				1
PART TIME						
TEMPORARY						

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

Original: Legislative Finance
cc: Budget and Management
Prime Sponsor (First Legislator Named)

Prepared by: Samuel H. Trivette Date: May 22, 1980
Division/Office: Parole Board Ph: 465-3385
Department of Health & Social Services

33-001 (Rev. 12/79)
Modify by DHSS (11-28-79)

Approval DHSS Mgt. & Bdgt: _____ Date: _____

A. Section .010, Members

Included in this section are funds to cover cost of 2 additional Board members at the quarterly board hearings. Because of their presence at hearings, hearings are lengthened by 12 minutes/hearings adding up to 12 additional days of hearings per year. Some additional zeroxing and more long distance phine calls for new members.

Travel and Per Diem	14.0
Contractual	1.5
Compensation	22.5
	38.0

B. Sections .020 & .C30, Nomination/Selection of Members

Budget one trip to Anchorage, Fairbanks, Bethel, Nome, Kenai, Ketchikan and Sitka to meet with organizations to recruit for Board members, and administer member assessment. One additional 1 day trip to 1 location to do final interviews and train on member responsibilities.

Travel	2.8	x 45% = $3,220

C. Section .050, Compensation

The bill would provide payment to the Board members for any day they are conducting business, including the reading of files, handling board business by phone, as well as hearings.

a) Reading reports-assume 225 cases/year x 3/4 hours per file = 23 "member days". Guess 23 X 7 members = 16.1
b) Phone log shows average of 30 calls/quarter to the office X 4 quarters/year = 120 calls for handling appeals, requests for special hearings, mandatory release conditions, etc. = 12.0

Total	28.1

D. Section .C80, Responsibilities

Cost to rent meeting rooms, advertise, professional recording of hearings, to establish regulation in Alaska Administrative Code (other costs in FY-81 budget). 2.0

Contract with criminal justice research firm to validate and keep parole guidelines research current in order to avoid law suites. 6.0

Total	8.0

F. Section .150, Release Hearings

Current statute allows the Board to conduct interviews of prisoners in the Federal Prison System by one member and then conduct a full hearing in Alaska with all members, with the interviewer presenting all information from the Federal Bureau of Prisons interview. This section requires the prisoner's presence at the hearing and these figures reflect the cost of sending two more members on the twice annual trek to the contract facilities to hold hearings on applicants.

Travel	9.6
Compensation	5.4

This section also requires that all information be made available to parole applicants a minimum of 30 days in advance. Information is frequently not received until the week of hearings, and therefore some hearings will have to be reheard again. Guess that 20% of cases (approximately 300) will be reheard, or 60 hearings/year.

Transportation	3.5
Compensation	9.1
Total Transporation =	13.1
Total Compensation =	14.5

G. Section .170, Good Time

This section mandates the awarding of good time while on parole. Money is included to contract with someone to draft regulations and policy to implement this section, since standards in this area are novel to correctional agencies and no definitions or formats are available to follow. Since parolees generally have more rights than do prisoners, we anticipate establishing the same minimum due process safeguards set forth under current Division of Corrections institutional good time policies. Current Board hearings are taxed to their maximum capacity in terms of time and additional hearing times would be established between quarterly meetings to handle all good time matters (including forfeitures), and any overflow of revocations. This would require the Board to be available at all Division of Corrections Parole Offices twice yearly to handle cases in the outlying areas. Assuming only 5 members and 1 staff person, the costs would be:

Transportation and Per Diem	22.8
Compensation	12.5
Contractual (regulations)	3.6

One Administrative Assistant would be hired to keep up with the complex record keeping system, handle increased flow of reports from parole officers, and oversee the operation of the office in the absense of the professional staff (due to their greatly-increased traveling). This position is necessitated by this section as well as the additional work load brought about by Sections .010, .020, .080, .190, and .290.

Personnel	27.3
Equipment	2.1
Commodities	1.0

There is no space available in the Parole Board office or in the Department of Health and Social Services building for more staff or for additional space for files, and space will have to be leased from the private sector. Proposed to rent 1200 square feet at $1.30 per square foot.

Contractual	18.7

H. Section .190, Change in Conditions

Due to the very cumbersome nature of this section and since there is often the need for the parole officer to intervene in a case on short notice to enable the parolee to remain in the community and to protect the public, it is anticipated that in approximately 15 cases/year a parole officer will have a parolee arrested to expedite the condition change process. This will of course require an additional 15 preliminary revocation hearings.

Transportation (7 hearings only)	1.8
Per Diem	.9
Compensation	[illegible]
	.4

I. Section .290, Revocation Hearings

The "clear and convincing evidence" test will result in a representative from the District Attorney's office presenting most of the cases for the Division of Corrections, as is done in probation revocation cases now. Assume District Attorney's will be present in 3/4 cases (27) which will result in a doubling in the length of the hearing time in those cases resulting in 14 additional "board days per year".

Per Diem	7.6
Compensation	9.8

Due to the 30 day requirement for information to be dispursed to parolees before preliminary hearings, anticipate rescheduling 8 hearings because of requests for continuances at the original hearings.

Per Diem and Transportation	1.5
Compensation	.8
Total Per Diem & Transportation	9.1
Total Compensation	10.6

J. Overall Costs

This bill will greatly increase the record - keeping responsibilities of the Board. It will be necessary to collect and maintain various kinds of data on all corrections clients that is not currently being kept. Because of the volume and variety of information to be kept, automation appears reasonable. We will contract with a computer firm to write the appropriate programs, set up and maintian the necessary reports for the Board. A criminal justice researcher familiar with the requirements of this bill and with the Board, advises that $30,000 would minimally be required to handle the tasks. The Department has been unable to meet our current data needs and I am sure the additional work will be outside their capabilities, and this is why we would propose to contract for the services.

Contractual	30.0

[illegible]

K. Assumption for FY 82 Through FY 85

a) Personnel = 9% in FY 82 and FY 83; 7% thereafter.
b) Travel = 15% in FY 82 and FY 83; 10% thereafter.
c) Compensation = Consumer Price Index will increase by 15% in FY 82; 12% in FY 83; 10% in FY 84 and FY 85.
d) Contractual = 8%.
e) Commodities = 8%.

THE LEGISLATURE OF THE STATE OF ALASKA
ELEVENTH LEGISLATURE

FISCAL NOTE

I. REQUEST
Bill/Resolution No. CS House Bill No. 983
Title "An Act relating to parole of offenders and continuing the Board of Parole."
Requested by House Judiciary Committee Date April 21, 1980

II. FISCAL DETAIL
Agency Affected Department of Health and Social Sevices
Program Category Affected Justice
BRU, Program, or Subprogram(s) Affected Adult Confinement & Probation/Community Programs
(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		562.3	612.9	668.0	728.2	793.7
200	TRAVEL		36.5	39.8	43.4	47.3	51.5
300	CONTRACTUAL		224.3	339.9	474.6	517.3	563.9
400	COMMODITIES		11.0	12.0	13.1	14.2	15.5
500	EQUIPMENT		19.7	-0-	-0-	-0-	-0-
600	LAND & STRUCTURES						
700	GRANTS, CLAIMS, ETC.						
	TOTAL		853.8	1004.6	1199.1	1307.0	1424.6

FUNDING (Thousands of Dollars)

GENERAL FUND		853.8	1004.6	1199.1	1307.0	1424.6
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

FULL TIME		17	17	17	17	17
PART TIME						
TEMPORARY						

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

A. Adult Confinement

There will be an increase in out-of-state prisoner care. In-state correctional centers are at optimum capacity, therefore, caseload increases must be accommodated through out-of-state placements.

1. The restriction on changing conditions of parole will result in 10 to 15 revocations of parole. The average length of incarceration is estimated to be sixty days.

15 x 60 x $34.26 = $30,834
Related Travel 15 x $500 = $7,500

Roger C. Lange

Original: Legislative Finance
cc: Budget and Management
Prime Sponsor (First Legislator Named)

Prepared by: Roger C. Lange Date: 04/23/80
Division/Office: Corrections PH: 465-3376
Department of Health & Social Services

33-001 (Rev. 12/79)
Modify by DHSS (11-28-79)

Approval DHSS Mgt. & Bdgt: _____ Date: _____

2. The provisions of this bill restricts the imposition of non-association with convicted felons or victims as parole conditions. Therefore, a number of persons who would otherwise be paroled will remain in custody. It is estimated that 7 individuals would not be released from custody each fiscal year to a maximum of twenty-one (21) persons.

FY 1981:	7 x 365 x $34.26 =	$ 87,534
FY 1982:	14 x 365 x $37.34 =	190,807
FY 1983:	21 x 365 x $40.70 =	311,966
FY 1984:	21 x 365 x $44.37 =	340,096
FY 1985:	21 x 365 x $48.36 =	370,679

(9% annual increase of the daily rate)

3. Reference to treatment in the bill will result in mandatory provision of services within the correctional centers. The Board of Parole will not release any persons who are a "risk" for committing a subsequent illegal act.

a. Most court-ordered treatment is for alcohol and drug abuse-related offenders. One additional counselor position (Probation Officer II) for eight of the nine correctional centers will be required (Anchorage Annex omitted).

Eight position posts:

Personal Services	$ 278,200
Travel	4,000
Contractual	8,700
Commodities	5,100
Equipment	7,600
TOTAL	303,200

b. Some court-ordered treatment will have to be purchased from resources in the local community where the correctional center is located. There is no valid methodology to compute this need, so $50,000 for FY 1981 is included as a "best guess."

4. The bill specifies that inmates will have available copies of all materials considered by the Board of Parole. There are approximately 300 cases per year which are considered by the Board of Parole. It is estimated that each file contains 200 pages of documentation, which would take an average of two (2) years to duplicate at $0.05 per page. The cost, therefore, would be:

Clerical time costs (at time and one-half):
300 x 2 x $12.14 = $ 7,285

Duplicating costs:
300 x 200 x $0.05 = 3,000
$10,285

B. Probation and Community Programs

1. The provision for "good time" for parolees will require an additional workload increment for the probation/parole staff. A monthly computation of "good time" will be required. It is estimated that 600 reports will have to be written annually. Appearances by the supervisory probation officer at the "good time" hearings will be necessary (600 appearances). Approximately 68 reports will have to be written for early release cases. The manpower needed to accomplish the above itemized tasks is four (4) Probation Officer II's and one (1) Clerk Typist III.

Position costs (average):

Personal Services	$ 155,900
Travel	15,000
Contractual	21,000
Commodities	3,300
Equipment	6,700
TOTAL	$ 201,900

2. Section 100 C requires that all offenders released from custody with any "good time" must be on parole for the duration of the "good time" earned. The additional persons requiring supervision cannot be absorbed by the existing probation staff. It is estimated that two (2) full-time Probation Officer II's would be required to supervise the approximate 175 offenders which are released annually. The period of supervision will range from 1 to 180 days, as offenders released under current law with more than 180 days of "good time" require supervision. One Probation Officer III would be required to supervise the six (6) Probation Officer II's identified, and one additional Clerk-Typist would be required to type the heavy volume of reports generated by probation officers.

Personal Services	$120,900
Travel	10,000
Contractural	16,400
Commodities	2,600
Equipment	5,400
TOTAL	$155,300

C. Except for cost specified for A-2 above, a cost of living index of 9% is applied to all fiscal years over the preceding fiscal year estimates.

FISCAL NOTE

HB 293

REST
Resolution No. HOUSE BILL NO 293
re Parole System relating to Correctional Facilities
equested by _____ Date March 6, 1981

I. FISCAL DETAIL
Agency Affected Department of Health & Social Services
Program Category Affected Offender Confinement, Reformation and Supervision
BRU, Program, or Subprogram(s) Affected Adult Confinement; Probation and Community Programs
(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 81	FY 82	FY 83	FY 84	FY 85	FY 86
100 PERSONAL SERVICES		610.2	665.1	725.0	790.2	861.3
200 TRAVEL		30.8	33.6	36.6	39.9	43.5
300 CONTRACTUAL		1,661.6	1,811.1	1,974.1	2,151.8	2,345.5
400 COMMODITIES		11.1	12.1	13.2	14.4	15.7
500 EQUIPMENT		46.2	-0-	-0-	-0-	-0-
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.		20.0	21.8	23.8	25.9	28.2
TOTAL	-0-	2,379.9	2,543.7	2,772.7	3,022.2	3,294.2

FUNDING (Thousands of Dollars)

GENERAL FUND		2,379.9	2,543.7	2,772.7	3,022.2	3,294.2
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

FULL TIME	-0-	17	17	17	17	17
PART TIME						
TEMPORARY						

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

Continuing analysis may require revision of this fiscal note.

The coocept represented by the bill places great reliance on community-based correctional programs as a means of off-setting the effect of there no looger being a discretionary parole function. This is a valid notion, provided we avoid placing people on extended furloughs in lieu of releasing them on parole and providing the Division of Adult Corrections is able to continue to utilizing sound practices in administering its community-based correctional programs. This involves placing careful time limitations on the community phases of the correctional continuum.

IV. DATE March 6, 1981 PREPARED BY Roger C. Lange
AGENCY Department of Health & Social Services
PHONE 465-3376

Original: Legislative Finance
cc: Budget and Management
Prime Sponsor (First Legislator Named)

HB
293

The Division of Adult Corrections can significantly increase the number of offenders in community programs without resorting to unproven, questionable practices, but to do so will require a significant increase in resources.

It is estimated that within two years we will be able to have 150 persons on some type of furlough status, or about 100 more than are presently in furlough placement. The probation/parole unit has been given the responsibility to supervise and provide resources to the persons placed on furlough. The workload standards, for the most part, will have to be changed for the investigation, reporting and supervision portion of the job because employees will be dealing with inmates, rather than just probationers and parolees. Inmates on furlough will require more scrutiny and resources, at least during the initial phase of release, than probationers and parolees, generally speaking, in order to help ensure community protection.

In order to provide the increased services, the Probation and Community Based BRU will need the following positions.

FY '82

Position	Location	Utilization	Cost
1 P.O. II	Ketchikan	Investigation, supervision & arrange services	$46,424
1 P.O. II	Juneau	Investigation, Supervision	$45,424
1 S.W. III	Juneau	Arrange services, & supervises Center	$43,124
2 P.O. II's	Anchorage	Investigations, Supervision	$98,848
1 Com. Couns.	Anchorage	Arrange services	$38,767
1 C.T. III	Anchorage	Clerical support	$29,300
1 P.O. II	Fairbanks	Investigation, Supervision	$58,662
1 Com. Couns.	Fairbanks	Arrange services	$43,324
1 C.T. III	Fairbanks	Clerical support	$32,000
1 P.O. II	Bethel	Investigations, Supervision, Arrange services	$59,236
1 P.O. II	Nome	Investigation, Supervision, Arrange services	$59,236
	Total position cost	(includes equipment, office space, etc.)	$554,345

In addition, approximately 100 more community program beds will be utilized at estimated cost of $1,620,000.

It will also be necessary to provide additional staff to prepare all pre-parole hearing reports. It is assumed that all inmates cases must be reviewed so that the inmate could be seen within a two year period. In order to accomplish this additional increment of activity, it is estimated that five new Institutional Counselor positions (Probation Officer II classification) will be needed. The location and costs are, as follows:

HB 293

Position	Location	Cost - FY 1982
1 P.O. II	Anchorage Central Office (Federal Bureau of Prisons inmates)	$39,664
1 P.O. II	Eagle River	$39,664
1 P.O. II	Palmer	$40,996
1 P.O. II	Fairbanks	$45,202
1 P.O. II	Juneau	$39,964
	Total Position cost (includes equipment, office space, etc.)	$205,490

It is assumed that there will be a constant 9% inflation rate through FY 1986. This percentage was applied to the applicable FY 1982 costs in computing subsequent fiscal year estimates.

(11) Persons confined in "Compact Institutions" under the terms of this compact shall at all times be subject to the jurisdiction of the sending state and may at any time be removed from said "Compact Institution" for transfer to a prison or other correctional institution within the sending state, for return to probation or parole, for discharge, or for any other purpose permitted by the laws of the sending state.

(12) All persons who may be confined in a "Compact Institution" under the provisions of this amendment shall be treated in a reasonable and humane manner. The fact of incarceration or reincarceration in a receiving state shall not deprive any person so incarcerated or reincarcerated of any rights which said person would have had if incarcerated or reincarcerated in an appropriate institution of the sending state; nor shall any agreement to submit to incarceration or reincarceration under the terms of this amendment be construed as a waiver of any rights which the prisoner would have had if he had been incarcerated or reincarcerated in any appropriate institution of the sending state, except that the hearing or hearings, if any, to which a parolee or probationer may be entitled (before incarceration or reincarceration) by the laws of the sending state may be had before the appropriate judicial or administrative officers of the receiving state. In this event, said judicial and administrative officers shall act as agents of the sending state after consultation with appropriate officers of the sending state.

(13) Any receiving state incurring costs or other expenses under this amendment shall be reimbursed in the amount of such costs or other expenses by the sending state unless the states concerned shall specifically otherwise agree. Any two or more states party to this amendment may enter into supplementary agreements determining a different allocation of costs as among themselves. (§ 2 ch 138 SLA 1957; am § 1 ch 106 SLA 1960)

ALR reference. — Validity of probation on condition of leaving state of locality, 70 ALR 100.

Sec. 33.10.020. Definition. As used in this chapter the term "state" means the several states and the Commonwealth of Puerto Rico, the Virgin Islands and the District of Columbia. (§ 1 ch 138 SLA 1957)

Chapter 15. Parole Administration Act.

Section
10. State board of parole
15. Executive director
20. Compensation and expenses
30. Governor to advise of duties and call board meeting
40. Payment of board expenses
50. Duty of board to consider those eligible for parole
60. Considerations in determining eligibility for parole
70. Order for parole
80. Granting of parole
90. Revocation of parole
100. Adoption of rules and holding of meetings
110. Authority of board to issue process

Section
120. Board may release prisoners to answer process
130. Orders, records, and annual report
140. Protection of records
150. Duties of the commissioner
160. Delegation of duties to executive director
170. Commissioner may assign duties of probation officers to parole officers
180. Persons eligible for parole
190. Release and terms and conditions of release
200. Retaking of parole violator
210. Execution of warrant to retake parole violator
220. Revocation upon retaking parolee
230. Fixing eligibility for parole at time of sentencing
240. Applicability to persons on parole or incarcerated
250. Administrative Procedure Act inapplicable
260. Definitions
270. Short title

Sec. 33.15.010. State board of parole. There is in the department a board of parole consisting of five members to be appointed by the governor, subject to confirmation by a majority of the members of the legislature in joint session. One of the members, who shall be chairman of the board, shall be a person with training or experience in the field of probation and parole, and he may be an official or employee of the department but may not be an official or employee of the division of corrections. The term of each of the other four members of the board is four years and until his successor is appointed and qualifies. Successors are appointed in the same manner as provided for the board members first appointed. A vacancy shall be filled for the unexpired term. (§ 2 ch 81 SLA 1960; am § 1 ch 5 SLA 1964; am § 1 ch 106 SLA 1968; am § 3 ch 107 SLA 1969; am § 48 ch 32 SLA 1971)

Effect of amendment. — The 1971 amendment substituted "division of corrections" for "youth and adult authority" in the second sentence.

Legislative committee reports. — For legislative committee report on ch. 106, SLA 1968 (CSHB 465), see 1968 House Journal, p. 515. For report on ch. 32, SLA 1971 (HB 111 am), see 1971 House Journal, p. 138.

Cited in Bear v. State, Sup. Ct. Op. No. 470 (File No. 813), 439 P.2d 432 (1968).

Am. Jur., ALR and C.J.S. references. — 15 Am. Jur., Criminal Law, §§ 443, 459, 498, 499, 529; 39 Am. Jur., Pardon, Reprieve and Amnesty, §§ 80 to 95.

Statute conferring power upon administrative body in respect to parole of prisoners or discharge of parolees, as unconstitutional infringement of power of executive, 14 ALR 1488.

24 C.J.S. Criminal Law §§ 1571, 1582, 1618; 67 C.J.S. Pardon § 1 et seq.

Sec. 33.15.015. Executive director. The board shall hire an executive director who has training and experience in the field of probation and parole. The executive director shall serve as the executive officer for the board in the accomplishment of its functions. He shall serve the board at the pleasure of the governor. (§ 1 ch 30 SLA 1972)

Sec. 33.15.020. Compensation and expenses. The members of the board, other than the chairman, shall not receive salaries but are entitled to compensation per day at an amount to be set by the governor for every day they are in session, and per diem and travel allowance as provided by law. The chairman is not entitled to a salary or compensation for days he attends a session of the board, but is

entitled to a per diem allowance and travel costs as provided by law. (§ 2 ch 81 SLA 1960)

Sec. 33.15.030. Governor to advise of duties and call board meeting. Upon appointment, the governor shall advise those appointed of their duties under this chapter and shall, as soon as practicable, call the first meeting of the members of the board. (§ 2 ch 81 SLA 1960)

Sec. 33.15.040. Payment of board expenses. The necessary expenses of the board shall be paid by appropriation made to the department. (§ 2 ch 81 SLA 1960)

Sec 33.15.050. Duty of board to consider those eligible for parole. The board shall consider all prisoners serving sentences who may be eligible for parole. (§ 3 ch 81 SLA 1960)

Sec. 33.15.060. Considerations in determining eligibility for parole. In considering a prisoner, the board shall consider the presentence report made to the sentencing court, the recommendations by the sentencing court and the prosecuting attorney, the report from the proper officers of the institution where the prisoner is incarcerated, the record of the prisoner and all pertinent information that will enable the board to make a determination. (§ 3 ch 81 SLA 1960)

Sec. 33.15.070. Order for parole. An order for parole shall contain the conditions imposed, including the fixing of the parolee's residence, which may be changed in the discretion of the board. (§ 3 ch 81 SLA 1960)

Sec. 33.15.080. Granting of parole. If it appears to the board from a review that a prisoner eligible for parole will, in reasonable probability, live and remain at liberty without violating the laws, or without violating the conditions imposed by the board, and if the board determines that his release on parole is not incompatible with the welfare of society, the board may authorize the release of the prisoner on parole. However, no prisoner may be released on parole who has not served at least one-third of the period of confinement to which he has been sentenced, or in the case of a life sentence, has not served at least 15 years. (§ 3 ch 81 SLA 1960; am § 1 ch 110 SLA 1974)

Effect of amendment. — The 1974 amendment added the second sentence.

Sec. 33.15.090. Revocation of parole. The board may revoke the parole granted to a prisoner for violation of a law or ordinance, or condition imposed by the board. (§ 3 ch 81 SLA 1960)

Sec. 33.15.100. Adoption of rules and holding of meetings. The board shall adopt rules which it considers necessary or proper with respect to the eligibility of prisoners for parole, the conduct of parole hearings, and conditions of release to be imposed on parolees. The

board shall meet as often as it finds necessary, but it shall meet at least twice each year. Three members constitute a quorum for the conduct of business. (§ 3 ch 81 SLA 1960; am § 2 ch 5 SLA 1964)

No rules promulgated by the parole board regarding eligibility of prisoners for parole have been brought to the attention of the supreme court. Robinson v. State, Sup. Ct. Op. No. 691 (File No. 1344), 484 P.2d 686 (1971).

Rules should be adopted as soon as practicable. — Concerning sentencing, sentence appeals, and parole matters in general, the supreme court believes it would be of benefit to all concerned if, as soon as practicable, the parole board, in conformity with this section, adopted rules regarding eligibility of prisoners for parole, the conduct of parole hearings, and conditions of release to be imposed on parolees. Robinson v. State, Sup. Ct. Op. No. 691 (File No. 1344), 484 P.2d 686 (1971).

The question of when a prisoner is eligible for parole when consecutive sentences are imposed is of considerable significance not only to the prisoner and the state, but also to the supreme court in carrying out its sentence review functions. If, under present practices and policies of the parole board, the accused is ineligible for parole until he has served all of an initial seven-year sentence and some portion of a consecutive sentence, then the supreme court would view the consecutive sentence as excessive and contradictory of the goal of rehabilitation in the administration of our system of criminal justice. Robinson v. State, Sup. Ct. Op. No. 691 (File No. 1344), 484 P.2d 686 (1971).

Sec. 33.15.110. Authority of board to issue process. The board may issue subpoenas and subpoenas duces tecum, and may issue warrants to retake a parole violator. (§ 3 ch 81 SLA 1960)

Sec. 33.15.120. Board may release prisoners to answer process. If a court of this state, another state, or the United States, or other authority issues a warrant charging a prisoner with a crime, the board may release the prisoner on parole to answer the warrant. (§ 3 ch 81 SLA 1960)

Sec. 33.15.130. Orders, records, and annual report. (a) If three members of the board are present at a meeting, all decisions of the board shall receive not less than two affirmative votes. If more than three members are present at the meeting, all decisions shall receive not less than three affirmative votes.

(b) The board shall keep a record of its acts and shall notify the commissioner of its decisions relating to prisoners considered for parole. At the close of each fiscal year the board shall submit to the governor, the commissioner, and the attorney general, a report containing statistical and other data of its work, including research studies which it may make of probation, sentencing, parole or related functions, and a computation and analysis of dispositions in criminal matters by the courts in the state. (§ 4 ch 81 SLA 1960; am § 3 ch 5 SLA 1964)

Sec. 33.15.140. Protection of records. The pre-parole reports submitted to the board are privileged and shall not be disclosed to anyone other than the board, the sentencing judge, the prosecuting attorney, or others entitled under this chapter to receive the information. However, the board or court may permit a prisoner, his

attorney, or other person having a proper interest in it to inspect the report or a part of it when the best interest or welfare of the prisoner makes it desirable or necessary. (§ 5 ch 81 SLA 1960)

Sec. 33.15.150. Duties of the commissioner. The commissioner is charged with the administrative duties and responsibilities necessary to

(1) conduct investigations of prisoners eligible for parole as the board requests;

(2) supervise the conduct of parolees and institute programs for reform and rehabilitation of parolees as the board requests;

(3) appoint and assign parole officers and personnel to the judicial districts in the state and to train and supervise parole officers and personnel;

(4) keep records, files and accounts as the board requests. (§ 6 ch 81 SLA 1960)

Sec. 33.15.160. Delegation of duties to executive director. The commissioner may delegate all or part of the administrative duties and responsibilities specified in § 150 of this chapter to the executive director of the board. (§ 6 ch 81 SLA 1960; am § 2 ch 30 SLA 1972)

Effect of amendment. — The 1972 amendment substituted "executive director" for "chairman."

Sec. 33.15.170. Commissioner may assign duties of probation officers to parole officers. The commissioner may assign the duties of probation officers as provided in the Probation Administration Act to personnel appointed under § 150 (3) of this chapter. (§ 6 ch 81 SLA 1960)

Sec. 33.15.180. Persons eligible for parole. A state prisoner other than a juvenile delinquent, wherever confined and serving a definite term of over 180 days or a term the minimum of which is at least 181 days, whose record shows that he has observed the rules of the institution in which he is confined, may, in the discretion of the board, be released on parole, subject to the limitation prescribed in §§ 80 and 230 (a) (1) of this chapter. (§ 7 ch 81 SLA 1960; am § 34 ch 43 SLA 1964; am § 9 ch 68 SLA 1965; am § 2 ch 110 SLA 1974)

Effect of amendment. — The 1974 amendment added "subject to limitation prescribed in §§ 80 and 230 (a) (1) of this chapter" to the end of the section.

Chapter 43, SLA 1964, inapplicable to offense committed before October 1, 1964. — See 1964 Op. Att'y Gen., No. 8.

Quoted in Faulkner v. State, Sup. Ct. Op. No. 506 (File No. 885), 445 P.2d 815 (1968); Robinson v. State, Sup. Ct. Op. No. 691 (File No. 1344), 484 P.2d 686 (1971).

Sec. 33.15.190. Release and terms and conditions of release. The board may permit a parolee to return to his home if it is in the state, or to go elsewhere in the state, upon such terms and conditions, including personal reports from the paroled person as the board prescribes. The board may permit the parolee to go into another state upon terms and

conditions as the board prescribes, and subject to the provisions of any compact executed under the authority of ch. 10 of this title and amendments to it. A prisoner released on parole remains in the legal custody of the board until the expiration of the maximum term or terms to which he was sentenced, less good time allowances provided by law. While in the custody of the board, a person is subject to the disabilities imposed by AS 11.05.070. (§ 8 ch 81 SLA 1960)

Section held unconstitutional. — This section, insofar as it suspends, in conjunction with AS 11.05.070, the access of parolees to civil courts, violates the due process clauses of the Alaska and United States constitutions. Bush v. Reid, Sup. Ct. Op. No. 973 (File No. 1841), 516 P.2d 1215 (1973).

AS 11.05.070 and this section combine to deny a parolee the right to initiate civil suit; but such denial of access to the civil courts is a violation of due process and equal protection provisions of the Alaska and United States constitutions. State v. McCracken, Sup. Ct. Op. No. 978 (File No. 1781), 520 P.2d 787 (1973).

A parolee denied access to the judicial process by reason of his custodial status is thereby condemned to suffer a grievous loss of property rights protected by the due process clause of the 14th amendment of the United States Constitution. The supreme court would reach an identical result in interpreting the due process provisions of the Alaska Constitution alone. Bush v. Reid, Sup. Ct. Op. No. 973 (File No. 1841), 516 P.2d 1215 (1973).

The state, by this section and 11.05.070, denies parolees the right of access to the civil courts possessed by other persons. The state interest in denying parolees this right satisfies neither the "compelling state interest" test applied when a "fundamental right" is at stake, nor the traditional, more lenient "rational basis" test otherwise applicable. Bush v. Reid, Sup. Ct. Op. No. 973 (File No. 1841), 516 P.2d 1215 (1973).

Since there is neither a "compelling state interest" nor a "rational basis" for the state's denial to parolees of the right to initiate civil actions, this section denies parolees the "equal protection of the laws," in violation of the Alaska and United States constitutions. Bush v. Reid, Sup. Ct. Op. No. 973 (File No. 1841), 516 P.2d 1215 (1973).

Although the state has a legitimate interest in restricting some activities of parolees, prohibiting a parolee from initiating civil actions has no logical connection with such an interest. Bush v. Reid, Sup. Ct. Op. No. 973 (File No. 1841), 516 P.2d 1215 (1973).

The administration of a parole system differs so substantially from the administration of a prison that the reasons for denying convicts while imprisoned access to civil courts cannot logically support the "civil death" of parolees. Bush v. Reid, Sup. Ct. Op. No. 973 (File No. 1841), 516 P.2d 1215 (1973).

The only pertinent interest is preventing behavior which is detrimental to the restoration of a parolee into normal society. Since the parolee is no longer incarcerated, there is no justification based on the furthering of smooth penal administration. Bush v. Reid, Sup. Ct. Op. No. 973 (File No. 1841), 516 P.2d 1215 (1973).

The parolee's ability to avail himself of the civil judicial process in order to vindicate his rights and protect his property interests in fact furthers, rather than restricts, the parolee's constructive development and restoration into normal society. Bush v. Reid, Sup. Ct. Op. No. 973 (File No. 1841), 516 P.2d 1215 (1973).

Since this section and AS 11.05.070 deny parolees right to initiate civil suit. — In light of the absence of indications of legislative intent to distinguish the use of "the civil rights" in AS 11.05.070 from "all civil rights," and the strong common law authority holding that convicts are denied civil access to the courts, the supreme court held that AS 11.05.070 and this section combine to deny parolees the right to initiate civil suit. Bush v. Reid, Sup. Ct. Op. No. 973 (File No. 1841), 516 P.2d 1215 (1973).

AS 11.05.070 and this section when read together clearly indicate that a parolee's civil rights, similar to those of a prisoner, remain suspended during the time he is in the custody of the parole board. Bush v. Reid, Sup. Ct. Op. No. 973 (File No. 1841), 516 P.2d 1215 (1973).

This section expressly states that a parolee is subject to the disabilities imposed by AS 11.05.070. State v. McCracken, Sup. Ct. Op. No. 978 (File No. 1781), 520 P.2d 787 (1973).

The right to initiate civil suit is a right suspended by AS 11.05.070, and under this section, parolees—similar to convicts—are subject to this disability. State v. McCracken, Sup. Ct. Op. No. 978 (File No. 1781), 520 P.2d 787 (1973).

The bar to access to the civil courts is absolute and no ameliorative device exists. Bush v. Reid, Sup. Ct. Op. No. 973 (File No. 1841), 516 P.2d 1215 (1973).

Property rights impaired by depriving parolee access to courts. — See Bush v. Reid, Sup. Ct. Op. No. 973 (File No. 1841), 516 P.2d 1215 (1973).

Supreme court not impeded by narrower United States supreme court holding. — Finding that "civil death" of parolees violates the spirit and intention of the Alaska Constitution, the supreme court would not be impeded in its constitutional progress by a narrower holding of the United States supreme court. Bush v. Reid, Sup. Ct. Op. No. 973 (File No. 1841), 516 P.2d 1215 (1973).

Holding in Bush v. Reid to be applied prospectively. — The holding in Bush v. Reid, Sup. Ct. Op. No. 973 (File No. 1841), 516 P.2d 1215 (1973), is to be applied prospectively, not retroactively. State v. McCracken, Sup. Ct. Op. No. 978 (File No. 1781), 520 P.2d 787 (1973).

After December 14, 1973, the date of the opinion in Bush v. Reid, Sup. Ct. Op. No. 973 (File No. 1841), 516 P.2d 1215 (1973), time spent on parole shall not toll the statute of limitations, provided however, that any person on parole as of that date shall, in any event, have one year from that date within which to bring an action. State v. McCracken, Sup. Ct. Op. No. 978 (File No. 1781), 520 P.2d 787 (1973).

If the supreme court were to give retroactive effect to its holding in Bush v. Reid, Sup. Ct. Op. No. 973 (File No. 1841) 516 P.2d 1215 (1973), the statute of limitations would have begun to run upon a parolee's release on parole in 1969, but under the wording of the statutes then in effect, a parolee had no right to bring suit during the time he was on parole. Thus, a parolee might totally lose his right to bring a civil suit, rather than having that right merely suspended during time of sentence. State v. McCracken, Sup. Ct. Op. No. 978 (File No. 1781), 520 P.2d 787 (1973).

For example, if the time of parole was longer than two years, the statute of limitations would bar any action; and the combination of AS 11.05.070 and this section would have prevented filing at any point before release from parole. Such a result would be inconsistent with the legislative intent to suspend, not abolish, the exercise of civil rights while imprisoned or on parole, and would result in violation of due process. State v. McCracken, Sup. Ct. Op. No. 978 (File No. 1781), 520 P.2d 787 (1973).

Sec. 33.15.200. Retaking of parole violator. A warrant for the retaking of a state prisoner who violates his parole may be issued only by the board or a member of it and the warrant shall issue within the maximum term or terms to which the parolee was sentenced. A parole violator may be retaken with or without a warrant for violation of a term of parole. The unexpired term of imprisonment of the parolee shall be served and begins to run from the date he is returned to the custody of the commissioner under the warrant, and the time the prisoner was at liberty on parole does not diminish the time he was sentenced to serve. (§ 9 ch 81 SLA 1960)

ALR references. — Parole as suspending running of sentence, 28 ALR 947.

Right to notice and hearing before revocation of parole or conditional pardon, 54 ALR 1474; 132 ALR 1254; 29 ALR2d 1074.

Extradition of paroled convict, 78 ALR 422.

Sentence for new offense committed while accused was at large on parole or conditional release, as concurrent or consecutive, 116 ALR 811.

Sec. 33.15.210. Execution of warrant to retake parole violator. A parole officer or an officer of a state prison facility, or a prison facility made available to the state under contract, or a peace officer

authorized to serve criminal process in the state shall execute the warrant by taking the prisoner and confining him in a prison facility designated by the commissioner. A parolee who violates his parole may be retaken by a parole officer without a warrant and returned to the prison facility designated by him. (§ 10 ch 81 SLA 1960)

Sec. 33.15.220. Revocation upon retaking parolee. (a) Upon the retaking of a parolee, a peace officer making the arrest shall notify the parole officer. The parole officer upon making the arrest, or being notified by a peace officer of an arrest, shall immediately notify the board, or a member of the board. If the retaking is without a warrant, the parole officer shall submit to the board, or a member of it, a report in writing indicating in what manner the parolee violated the terms and conditions of his parole. The board shall have the parolee brought before it without unreasonable delay for a hearing on the violation charged, under such rules as the board adopts. If the violation is established, the board may then, or at any time within its discretion, revoke the order of parole and terminate the parole or change the terms and conditions of parole, or impose additional conditions. The parolee may waive the hearing provided for in this section.

(b) If parole is revoked and terminated, the prisoner is subject to serve the remainder of the term to which he was sentenced as provided in § 200 of this chapter. The board may require the prisoner to serve only a part of the term to which he was sentenced. If the board does not terminate all or part of the parole, the parolee shall be released from confinement and continue on parole under the terms and conditions the board prescribes. (§ 11 ch 81 SLA 1960)

Sec. 33.15.230. Fixing eligibility for parole at time of sentencing. (a) Upon entering a judgment of conviction, the court having jurisdiction to impose sentence, when in its opinion the ends of justice and best interests of the public require that the defendant be sentenced to imprisonment for a term exceeding one year, may

(1) designate in the sentence of imprisonment imposed a minimum term at the expiration of which the prisoner is eligible for parole, which term shall be at least one-third of the maximum sentence imposed by the court; or

(2) fix the maximum sentence of imprisonment to be served, in which case the court may specify that the prisoner is eligible for parole at the time the board determines.

(b) Upon commitment of a prisoner sentenced to imprisonment under (a) of this section, the commissioner, under such regulations as the board prescribes, shall have a complete study made of the prisoner and shall furnish to the board a summary report together with any recommendations which, in his opinion, would be helpful in determining the suitability of the prisoner for parole. This report may include, but shall not be limited to, data regarding the prisoner's

previous delinquency or criminal experience, circumstances of his social background, his capabilities, his mental and physical health, and such other factors considered pertinent. The board may make such other investigation as it considers necessary.

(c) Parole officers and government bureaus and agencies shall furnish the board information concerning the prisoner, and, whenever not incompatible with the public interest, their views and recommendations with respect to the parole disposition of his case.

(d) The board may adopt rules and regulations for the supervision, discharge from supervision, or recommitment of paroled prisoners. (§ 12 ch 81 SLA 1960; § 35 ch 43 SLA 1964; § 10 ch 68 SLA 1965; am § 3 ch 110 SLA 1974)

Effect of amendment. — The 1974 amendment substituted "shall be at least" for "may be less than, but shall not be more than" in paragraph (1) of subsection (a).

Editor's note. — Former AS 33.15.230 was repealed by ch. 43, § 35, SLA 1964. Present AS 33.15.230 was added by ch. 68, § 10, SLA 1965 and contains the identical language of the original section.

Denial of eligibility for parole is illegal under this section. Sonnier v. State, Sup. Ct. Op. No. 685 (File No. 1332), 483 P.2d 1003 (1971).

Sentence providing for eligibility for parole only after one-third of 10-year sentence served. — Where the trial judge imposed a sentence of 10 years in prison for rape with the provision that defendant would not be eligible for parole until he had served a full one-third of that sentence, and the transcript revealed that the judge imposed the sentence he did for the purposes of reaffirmation, deterrence, and protection, but not for rehabilitation, the supreme court concluded on the basis of the judge's comments that proper factors were considered and that the judge had a reasoned basis for the sentence imposed. Gordon v. State, Sup. Ct. Op. No. 831 (File No. 1537), 501 P.2d 772 (1972).

Applied in Gallard v. State, Sup. Ct. Op. No. 794 (File No. 1606), 497 P.2d 93 (1972); Newsom v. State, Sup. Ct. Op. No. 909 (File No. 1726), 512 P.2d 557 (1973).

Quoted in Faulkner v. State, Sup. Ct. Op. No. 567 (File No. 885), 445 P.2d 815 (1968); Robinson v. State, Sup. Ct. Op. No. 691 (File No. 1344), 484 P.2d 686 (1971).

Sec. 33.15.240. Applicability to persons on parole or incarcerated. This chapter applies to all persons convicted and sentenced in the superior court and the district courts of this state, and to all persons convicted of a crime punishable under laws enacted by the Alaska Territorial Legislature who were convicted and sentenced before Alaska became a state or before the Alaska state court system was in operation. (§ 13 ch 81 SLA 1960; am § 1 ch 38 SLA 1961; am § 3 ch 24 SLA 1966)

The state parole board has no jurisdiction to hear parole hearings of prisoners convicted under territorial law prior to statehood who are confined in federal penitentiaries. Moody v. State, 1 Alas. L.J. No. 12, p. 7 (Dec., 1963). See also Moody v. State, Sup. Ct. Op. No. 221 (File No. 401), 392 P.2d 466 (1964).

Nor has supreme court jurisdiction to hear petition for writ of habeas corpus. — Until some federal court determines that federal authorities are unlawfully exercising their parole authority over a prisoner convicted under Alaska territorial law prior to statehood, whose case has been finally determined, or until such time as the federal authorities relinquish jurisdiction over him, the supreme court has no jurisdiction to hear or consider such prisoner's petition for a writ of habeas corpus. Moody v. State, Sup. Ct. Op. No. 221 (File No. 401), 392 P.2d 466 (1964). See also Moody v. State, 1 Alas. L.J. No. 12, p. 7 (Dec., 1963).

As such prisoners are subject to sole jurisdiction of United States parole board. — A federal prisoner is subject to the sole jurisdiction of the United States

parole board, and therefore not entitled to a parole hearing before the Alaska parole board. Moody v. State, Sup. Ct. Op. No. 221 (File No. 401), 392 P.2d 466 (1964). See also Moody v. State, 1 Alas. L.J. No. 12, p. 7 (Dec., 1963).

State courts generally have no power to require a federal jailer to produce a federal prisoner, and federal authorities would or should honor a writ directed to it or any of its officials only if the petitioner is not exclusively a federal prisoner. Moody v. State, Sup. Ct. Op. No. 221 (File No. 401), 392 P.2d 466 (1964). See also Moody v. State, 1 Alas. L.J. No. 12, p. 7 (Dec., 1963).

There is no law enacted by Congress, nor has the federal government entered into an agreement with the state, transferring jurisdiction over prisoners convicted, whose cases, under territorial statute, were finally determined prior to statehood, to the state parole board. Moody v. State, Sup. Ct. Op. No. 221 (File No. 401), 392 P.2d 466 (1964). See also Moody v. State, 1 Alas. L.J. No. 12, p. 7 (Dec., 1963).

In the absence of some directive from the legislature of the territory of Alaska imposing a duty upon the parole board to assume jurisdiction over applications for parole of prisoners convicted under territorial law prior to statehood whose cases had been finally determined, the supreme court has no jurisdiction, since the Statehood Act, §§ 13, 14, 15, 16, 17, and 18, apply only to the judicial branch of the government and not to the executive, and the parole board is, without question, a branch of the executive department of the government. Moody v. State, Sup. Ct. Op. No. 221 (File No. 401), 392 P.2d 466 (1964). See also Moody v. State, 1 Alas. L.J. No. 12, p. 7 (Dec., 1963).

Sec. 33.15.250. Administrative Procedure Act inapplicable. The Administrative Procedure Act (AS 44.62) does not apply to this chapter. (§ 14 ch 81 SLA 1960)

Sec. 33.15.260. Definitions. In this chapter

(1) "board" means the Board of Parole;

(2) "commissioner" means the commissioner of the Department of Health and Social Services or his designee;

(3) "parole" means the release of a prisoner to the community by the parole board before the expiration of his term, subject to conditions imposed by the board and subject to its supervision.

(4) "department" means the Department of Health and Social Services. (§ 1 ch 81 SLA 1960; am § 6 ch 104 SLA 1971)

Effect of amendment. — The 1971 amendment substituted "Department of Health and Social Services" for "Department of Health and Welfare" in paragraphs (2) and (4).

Sec. 33.15.270. Short title. This chapter may be cited as the Parole Administration Act. (§ 15 ch 81 SLA 1960)

Cited in Bear v. State, Sup. Ct. Op. No. 470 (File No. 813), 439 P.2d 432 (1968).

Chapter 20. Pardons and Paroles.

Article

1. Remission of Sentences (§§ 33.20.010—33.20.060)
2. Power of Governor to Grant Pardons, Commutations and Reprieves (§§ 33.20.070—33.20.080)

Article 1. Remission of Sentences.

Section	Section
10. Computation generally	40. Released prisoner as parolee
20. Good time	50. Forfeiture for offense
30. Discharge	60. Restoration of lost good time

Sec. 33.20.010. Computation generally. (a) Each prisoner convicted of an offense against the state and confined in a penal or correctional institution for a definite term other than for life, whose record of conduct shows that he has faithfully observed all the rules and has not been subject to punishment, is entitled to a deduction from the term of his sentence beginning with the day on which the sentence starts to run, as follows:

(1) five days for each month, if the sentence is not less than six months and not more than one year;

(2) six days for each month, if the sentence is more than one year and less than three years;

(3) seven days for each month, if the sentence is not less than three years and less than five years;

(4) eight days for each month, if the sentence is not less than five years and less than ten years;

(5) ten days for each month, if the sentence is ten years or more.

(b) When two or more consecutive sentences are served, the basis upon which the deduction is computed is the aggregate of the several sentences. (§ 1 ch 107 SLA 1960)

Cited in Bear v. State, Sup. Ct. Op. No. 470 (File No. 813), 439 P.2d 432 (1968).

Am. Jur., ALR and C.J.S. references. — 15 Am. Jur., Criminal Law, §§ 443, 459, 520; 39 Am. Jur., Pardon, Reprieve and Amnesty, §§ 81 to 95.

Parole as suspending running of sentence, 27 ALR 447.

Withdrawal, modification or denial of good time allowance to prisoner, 127 ALR 1203.

24 C.J.S. Criminal Law § 1582.

Sec. 33.20.020. Good time. (a) A prisoner may, in the discretion of the commissioner of health and social services or his designee, be allowed a deduction from his sentence of not to exceed three days for each month of actual employment in a prison or camp project or activity for the first year or any part of it, and not to exceed five days for each month of any succeeding year or part of it.

(b) In the discretion of the commissioner the same allowance may also be made to a prisoner performing exceptionally meritorious service or performing duties of outstanding importance in connection with institutional operations.

(c) The allowance is in addition to commutation of time for good conduct, and under the same terms and conditions and without regard to length of sentence. (§ 2 ch 107 SLA 1960; am § 4 ch 104 SLA 1971)

Effect of amendment. — The 1971 amendment substituted "commissioner of health and social services" for "commissioner of health and welfare" in subsection (a).

Use of prisoners on public works projects. — A program authorizing the use of state prisoners on a voluntary basis on governmental public works projects is proper under the statutes. 1960 Op. Att'y Gen., No. 22.

Sec. 33.20.030. Discharge. A prisoner shall be released at the expiration of his term of sentence less the time deducted for good conduct. A certificate of deduction shall be entered on the commitment by the warden, keeper, or the commissioner. (§ 3 ch 107 SLA 1960)

Sec. 33.20.040. Released prisoner as parolee. (a) A prisoner serving the term or terms for which he was sentenced less good time deductions shall be released unconditionally if there remains less than 180 days to serve under his sentence. If there remains more than 180 days to serve under his sentence a prisoner, upon release, shall be considered as if released on parole until the expiration of the maximum term or terms for which he was sentenced less 180 days.

(b) This section does not prevent delivery of a prisoner to the authorities of a state or the United States entitled to his custody. (§ 4 ch 107 SLA 1960)

Sec. 33.20.050. Forfeiture for offense. If during the term of imprisonment a prisoner commits an offense or violates the rules of the institution, all or any part of his earned good time may be forfeited. (§ 5 ch 107 SLA 1960)

ALR and C.J.S. references. — Withdrawal, modification or denial of good time allowance to prisoner, 127 ALR 1203.

72 C.J.S. Prisons § 21.

Sec. 33.20.060. Restoration of lost good time. The commissioner may restore forfeited or lost good time or such portion of it which he considers proper upon recommendation of the keeper or person in charge of the penal or correctional institution in which the prisoner is incarcerated. (§ 6 ch 107 SLA 1960)

Cited in Bear v. State, Sup. Ct. Op. No. 470 (File No. 813), 439 P.2d 432 (1968).

ALR and C.J.S. references. — Right to credit for time served under erroneous or void sentence or invalid judgment of conviction necessitating new trial, 35 ALR2d 1283.

72 C.J.S. Prisons § 21.

Article 2. Power of Governor to Grant Pardons, Commutations and Reprieves.

Section
70. Governor may grant pardons, commutations and reprieves
80. Board of parole to investigate applications for executive clemency

Sec. 33.20.070. Governor may grant pardons, commutations and reprieves. The governor may grant pardons, commutations of sentence, and reprieves, and suspend and remit fines and forfeitures in whole or part for offenses against the laws of the State of Alaska or the Territory of Alaska. (§ 1 ch 16 SLA 1961)

Cited in Bear v. State, Sup. Ct. Op. No. 470 (File No. 813), 439 P.2d 432 (1968).

ALR references. — Power of executive to pardon one committed for contempt, 23 ALR 524; 26 ALR 21; 38 ALR 171; 63 ALR 226.

Statute conferring on court power as to suspension of sentence as infringement of

power of executive to grant reprieve and pardon, 26 ALR 400; 101 ALR 1402.

Recovery of fine or penalty after pardon, 26 ALR 1536.

Judicial investigation of pardon by governor, 30 ALR 238; 65 ALR 1471.

Formal requisites of pardon, 34 ALR 212.

Pardon as restoring license or other special privilege forfeited by conviction, 47 ALR 542.

Consent of convict as essential to a pardon, commutation or reprieve, 52 ALR 575.

Validity of and power to grant conditional pardon, 61 ALR 1411, 1413.

Change in sentence after commitment as infringement of pardoning power of executive, 168 ALR 711.

Offenses and convictions covered by pardon, 35 ALR2d 1241.

Sec. 33.20.080. Board of parole to investigate applications for executive clemency. The governor may refer applications for executive clemency to the board of parole. The board shall investigate each case and submit to the governor a report of the investigation, together with all other information the board has regarding the applicant. (§ 2 ch 16 SLA 1961)

Chapter 25. Western Interstate Corrections Compact.

Section
10. Compact enacted
20. Commitment or transfer of inmates under compact
30. Enforcement of compact
40. Board of parole to hold hearings under compact
50. Implementation of compact

Sec. 33.25.010. Compact enacted. The Western Interstate Corrections Compact as contained in this section is enacted into law and entered into on behalf of the State of Alaska with any and all other states legally joining in it in a form substantially as follows:

WESTERN INTERSTATE CORRECTIONS COMPACT

ARTICLE I

PURPOSE AND POLICY

The party states, desiring by common action to improve their institutional facilities and provide programs of sufficiently high quality for the confinement, treatment and rehabilitation of various types of offenders, declare that it is the policy of each of the party states to provide such facilities and programs on a basis of cooperation with one another, thereby serving the best interests of such offenders and of society. The purpose of this compact is to provide for the development and execution of such programs of cooperation for the confinement, treatment and rehabilitation of offenders.

(2) "commissioner" means the commissioner of the Department of Health and Social Services or his designee. (§ 1 ch 105 SLA 1960; am § 6 ch 104 SLA 1971; am § 4 ch 32 SLA 1979

Cross reference. — For provisions allowing imprisonment as a special condition of probation, see AS 12.55.086 added by ch. 32, SLA 1979.

Effect of amendment.

The 1979 amendment, in paragraph (1), inserted "except as authorized under AS 12.55.086" and substituted "provided in this chapter" for "hereinafter provided."

Authority to impose period of incarceration as condition of probation prior to enactment of AS 12.55.086. See Boyne v. State, Sup. Ct. Op. No. 1766 (File No. 3675), 586 P.2d 1250 (1978).

Applied in Jackson v. State, Sup. Ct. Op. No. 1194 (File No. 2422), 541 P.2d 23 (1975).

Chapter 10. Interstate Compact on Probation and Parole.

Sec. 33.10.010. Authorizing governor to execute interstate compact.

Cited in Gonzales v. State, Sup. Ct. Op. No. 1757 (File No. 3397), 586 P.2d 178 (1978).

Sec. 33.10.020. Definition.

Cited in Gonzales v. State, Sup. Ct. Op. No. 1757 (File No 3397), 586 P.2d 178 (1978).

Chapter 15. Parole Administration Act.

Section

80. Granting of parole
180. Persons eligible for parole

Sec. 33.15.010. State board of parole.

There is no authority which would sanction the expansion of the superior court's jurisdiction to pass sentence into a realm of review and modification which is statutorily vested in either the supreme court or the executive branch of government. Davenport v. State, Sup. Ct. Op. No. 1318 (File No. 2202), 543 P.2d 1204 (1975); Szeratics v. State, Sup. Ct. Op. No. 1525 (File No. 3390), 572 P.2d 63 (1977).

Sec. 33.15.060. Considerations in determining eligibility for parole.

Cited in Kraus v. State, Sup. Ct. Op. No. 1989 (File No. 4669), 604 P.2d 12 (1979).

Sec. 33.15.070. Order for parole.

Cited in Kraus v. State, Sup. Ct. Op. No. 1989 (File No. 4669), 604 P.2d 12 (1979).

Sec. 33.15.080. Granting of parole. If it appears to the board from a review that a prisoner eligible for parole will, in reasonable probability, live and remain at liberty without violating the laws, or without violating the conditions imposed by the board, and if the board determines that his release on parole is not incompatible with the welfare of society, the board may authorize the relase of the prisoner on parole: However, no prisoner may be released on parole who has not served at least one-third of the period of confinement to which he has been sentenced. (§ 3 ch 81 SLA 1960; am § 1 ch 110 SLA 1974; am § 14 ch 166 SLA 1978)

Effect of amendment.

The 1978 amendment deleted "or in the case of a life sentence, has not served at least 15 years" from the end of the section.

When prisoners may be paroled. — In the absence of a court order to the contrary, this section allows the parole board to parole a prisoner after one-third of his sentence has been served. Shaglonk v. State, Sup. Ct. Op. No. 1688 (File No. 3300), 582 P.2d 1034 (1978).

The trial court is not required to advise of parole minimums, or of its authority to fix parole eligibility, under the terms of Criminal Rule 11. Morgan v. State, Sup. Ct. Op. No. 1663 (File No. 2894), 582 P.2d 1017 (1978).

But it is preferable for court to so inform defendant. — While it is not necessary for the court to inform the defendant of the possibilities with reference to parole, it is preferable for a court to so inform the defendant, particularly if the court is imposing more than the minimum of one-third of the term required to be served for eligibility for parole. Morgan v. State, Sup. Ct. Op. No. 1663 (File No. 2894), 582 P.2d 1017 (1978).

Applied in Thomas v. State, Sup. Ct. Op. No. 1445 (File No. 2723), 566 P.2d 630 (1977); Post v. State, Sup. Ct. Op. No. 1642 (File No. 2851), 580 P.2d 314 (1978); Hansen v. State, Sup. Ct. Op. No. 1689 (File No. 3412), 582 P.2d 1041 (1978); Mills v. State, Sup. Ct. Op. No. 1826 (File No. 3984), 592 P.2d 1247 (1979); Williams v. State, Sup. Ct. Op. No. 1942 (File No. 4159), 600 P.2d 1092 (1979).

Quoted in State v. Lancaster, Sup. Ct. Op. No. 1247 (File No. 2571), 550 P.2d 1257 (1976); Labarbera v. State, Sup. Ct. Op. No. 1902 (File No. 3445), 595 P.2d 947 (1979).

Stated in Creed v. State, Sup. Ct. Op. No. 1553 (File No. 3638), 573 P.2d 1379 (1978); Kraus v. State, Sup. Ct. Op. No. 1989 (File No. 4669), 604 P.2d 12 (1979).

Sec. 33.15.090. Revocation of parole.

This section may be given effect independently of whether a released prisoner is under the custody of the parole board. Morton v. Hammond, Sup. Ct. Op. No. 1982 (File No. 4852), 604 P.2d 1 (1979).

Sec. 33.15.100. Adoption of rules and holding of meetings.

Parole Board urged to prescribe specific rules to govern situations where searches of parolees are permissible. — See Roman v. State, Sup. Ct. Op. No. 1521 (File No. 2638), 570 P.2d 1235 (1977).

Sec. 33.15.180. Persons eligible for parole. (a) A state prisoner other than a juvenile delinquent, wherever confined and serving a definite term of over 180 days or a term the minimum of which is at least 181 days, and who is not imprisoned in accordance with AS 12.55.125(c)(1), (c)(2), (c)(3), (d)(1), (d)(2), (e)(1), or (e)(2), whose record shows that he has observed the rules of the institution in which he is confined, may, in the discretion of the board, be released on parole, subject to the limitation prescribed in AS 33.15.080 and 33.15.230(a)(1).

(b) A state prisoner who has been imprisoned in accordance with AS 12.55.125(a) or (b) may not be released on parole until he has served at least the prescribed minimum term of imprisonment.

(c) A state prisoner imprisoned in accordance with AS 12.55.125(c)(1), (c)(2), (c)(3), (d)(1), (d)(2), (e)(1), or (e)(2) who is released under AS 33.20.030 shall be placed on parole for the period specified in the certificate of deduction, subject to written rules and conditions imposed by the board or his parole officer. (§ 7 ch 81 SLA 1960; am § 34 ch 43 SLA 1964; am § 9 ch 68 SLA 1965; am § 2 ch 110 SLA 1974; am §§ 15, 16 ch 166 SLA 1978)

Effect of amendment.

The 1978 amendment, inserted "and who is not imprisoned in accordance with AS 12.55.125(c)(1), (c)(2), (c)(3), (d)(1), (d)(2), (e)(1), or (e)(2)" in present subsection (a) and added subsections (b) and (c).

Editor's note. — Section 23, ch. 166, SLA 1978, provides, in subsection (d): "AS 33.15.180, as amended in secs. 15 and 16 of this Act, applies only to persons imprisoned for crimes committed on or after the effective date of this Act."

Cited in Stone v. State, Sup. Ct. Op. No. 1883 (File No. 4130), 598 P.2d 72 (1979).

Sec. 33.15.190. Release and terms and conditions of release.

This section and AS 33.20.040 in pari materia. — This section and AS 33.20.040 were enacted at the same time and concern the same subject, and are therefore in pari materia. Morton v. Hammond, Sup. Ct. Op. No. 1982 (File No. 4882), 604 P.2d 1 (1979).

And may be reconciled. — Although this section and AS 33.20.040 are in conflict since under this section, when the prisoner's term less good time has expired, he no longer remains in the legal custody of the board, yet under AS 33.20.040, he is to be considered as if released on parole until the expiration of his maximum term less 180 days, these provisions may be reconciled if, during the period of release, after the term less good time has expired but prior to the time that the maximum term for which he was sentenced less 180 days has terminated, the released prisoner is not in the legal custody of the parole board, but is nevertheless considered as if on parole so as to be subject to reincarceration upon violation of a statutory condition of parole. Morton v. Hammond, Sup. Ct. Op. No. 1982 (File No. 4882), 604 P.2d 1 (1979).

Sec. 33.15.200. Retaking of parole violator.

A parolee's liberty should be afforded all protections consistent with his status as one convicted of a crime and under supervision and restrictions, although released from incarceration. Davenport v. State, Sup. Ct. Op. No. 1479 (File No. 2865), 568 P.2d 939 (1977).

Warrant ordinarily required. — This section requires that absent exigent circumstances a parole officer must secure a warrant from the Parole Board or board member. Davenport v. State, Sup. Ct. Op. No. 1479 (File No. 2885), 568 P.2d 939 (1977).

Warrant issued only upon probable cause. — In order for the warrant requirement of this section to be meaningful, the warrant should be issued only upon probable cause of a violation of the conditions of parole being presented to the parole board or a member thereof. Davenport v. State, Sup. Ct. Op. No. 1479 (File No. 2885), 568 P.2d 939 (1977).

Written statement of probable cause required. — To avoid unnecessary appeals from warrants issued on oral statements, the contents of which may be subject to argument, in the future a written statement indicating probable cause shall be required to be filed with the parole board or member as justification for issuance of a warrant. Davenport v. State, Sup. Ct. Op. No. 1479 (File No. 2885), 568 P.2d 939 (1977).

Parolee subject to arrest for a wide variety of causes which do not apply to others. Davenport v. State, Sup. Ct. Op. No. 1479 (File No. 2885), 568 P.2d 939 (1977).

Usual arrest requirements not imposed as regards arrest of parolee. — To impose the same requirements on the arrest of a parolee as are otherwise mandated for an arrest, including an affidavit or sworn complaint, would constitute meaningless additional time and effort on the part of parole officers. Davenport v. State, Sup. Ct. Op. No. 1479 (File No. 2885), 568 P.2d 939 (1977).

For a discussion of cases decided in state and federal courts addressing the subject of parole arrest warrants, see Davenport v. State, Sup. Ct. Op. No. 1479 (File No. 2885), 568 P.2d 939 (1977).

Use of illegally obtained evidence in revocation proceeding. — Ordinarily, neither the Alaska Constitution nor its criminal rules bar the use of illegally obtained evidence in parole revocation proceedings. Davenport v. State, Sup. Ct. Op. No. 1479 (File No. 2885), 568 P.2d 939 (1977).

Credit for time served since arrest for subsequent offenses. — Where defendant's sentences were to be served consecutively to a sentence then being served for a parole revocation on an earlier offense, the trial court order that the defendant receive no credit for time served since his arrest was proper in view of the court's action in making the sentences consecutive to the time to be served on the parole revocation, for the time served from defendant's arrest should properly have been credited toward the parole revocation sentence. Reynolds v. State, Sup. Ct. Op. No. 1849 (File No. 4024), 595 P.2d 21 (1979).

Sec. 33.15.230. Fixing eligibility for parole at time of sentencing.

Alternatives available to courts concerning parole eligibility. — Sentencing courts may either recommend or order a limitation on parole eligibility at the time of sentencing, or they may say nothing about the matter. A sentence embodying a recommendation that the division of corrections not grant parole until a specific portion of the sentence is served is not binding on the parole board, although it may be considered relevant by the board. An order, however, must be followed by the parole board in its determination of a prisoner's eligibility for parole. Shagloak v. State, Sup. Ct. Op. No. 1688 (File No. 3300), 582 P.2d 1034 (1978).

Recommendation may not be later amended to order. — Since either a recommendation or an order as to parole eligibility was logically possible and no obvious mistakes were committed by the court's use of the term "recommendation" in the judgment, the court's recommendation may not be later amended to an order. Shagloak v. State, Sup. Ct. Op. No. 1688 (File No. 3300), 582 P.2d 1034 (1978).

Defendant's parole eligibility was governed by subsection (a)(1) of this section as it existed at the time he committed the offense for which he was ultimately sentenced. Elstad v. State, Sup. Ct. Op. No. 1912 (File No. 4272), 599 P.2d 137 (1979).

Use of 1974 version to determine eligibility unconstitutional. — Where subsection (a)(1) in 1973 provided that the term a prisoner had to serve before becoming eligible for parole could "not be more than one-third of the maximum

sentence imposed by the court" and in 1974 the statute was amended to provide that any term thus designated "shall be at least one-third of the maximum sentence imposed by the court," use of the amended version to determine parole eligibility for a crime committed in 1973 was sufficiently akin to the enforcement of an ex post facto law to amount to a denial of defendant's right to due process of law under Alaska Const., art. I, § 7. Elstad v. State, Sup. Ct. Op. No. 1912 (File No. 4272), 599 P.2d 137 (1979).

"Maximum sentence" means aggregates of sentences. — "Maximum sentence" does not mean the maximum given on an individual count, rather than the aggregate of any consecutive sentences imposed by the court on any number of counts. Thomas v. State, Sup. Ct. Op. No. 1445 (File No. 2723), 566 P.2d 630 (1977).

The phrase "maximum sentence imposed," as employed in this section, is intended to authorize the sentencing court to fix eligibility for parole based on the entire length of imprisonment the particular sentence requires. Thomas v. State, Sup. Ct. Op. No. 1445 (File No. 2723), 566 P.2d 630 (1977).

It is significant that subsection (a) does not read "the maximum sanction provided for the commission of the particular crime." Thomas v. State, Sup. Ct. Op. No. 1445 (File No. 2723), 566 P.2d 630 (1977).

When subsection (a)(1) formerly provided that the minimum imposed by the judge not exceed one-third of the maximum sentence he imposed, this meant one-third of the total number of years. Davis v State, Sup. Ct. Op. No. 1453 (File No. 2698), 566 P.2d 640 (1977).

Where defendant was convicted on five counts of selling heroin and one count of possessing heroin and was sentenced to ten years, the maximum term, on each count, with one of the sentences to run consecutively to the others, and the other five to run concurrently with each other, for a total of 20 years imprisonment, defendant was to be ineligible for parole until he had served five years, and all the sentences were made consecutive to two sentences he had not yet finished serving, the imposition of consecutive sentences did not violate Alas. Const., art. I, §§ 9 and 12 and the minimum of five years before parole did not violate subsection (a) of this section. Davis v. State, Sup. Ct. Op. No. 1453 (File No. 2698), 566 P.2d 640 (1977).

Eligibility for parole does not guarantee parole. — It does not follow from subsection (a)(1) of this section that there is any certainty that a prisoner will actually be paroled after serving one-third of the maximum sentence imposed. Huff v. State, Sup. Ct. Op. No. 1493 (File No. 3201), 568 P.2d 1014 (1977).

Imposing maximum sentence with provision for parole after at least one-half sentence served. — The trial court was not clearly mistaken in imposing the statutory maximum sentence of three years imprisonment, with a provision that defendant not be eligible for parole until at least one-half of his sentence was completed. Horton v. State, Sup. Ct. Op. No. 1515 (File No. 3359), 570 P.2d 482 (1977).

Informing defendant of possibilities with reference to parole. — While it is not necessary for the court to inform the defendant of the possibilities with reference to parole, it is preferable for a court to so inform the defendant, particularly if the court is imposing more than the minimum of one-third of the term required to be served for eligibility for parole. Morgan v. State, Sup. Ct. Op. No. 1663 (File No. 2894), 582 P.2d 1017 (1978).

In Alaska the trial court is not required to advise of parole minimums, or of its authority to fix parole eligibility, under the terms of Criminal Rule 11. Morgan v. State, Sup. Ct. Op. No. 1663 (File No. 2894), 582 P.2d 1017 (1978).

Sentence of less than one year. — It is beyond the authority of trial courts to determine parole eligibility where the sentence is for less than one year. State v. Tucker, Sup. Ct. Op. No. 1665 (File No. 3567), 581 P.2d 223 (1978).

Applied in Hansen v. State, Sup. Ct. Op. No. 1689 (File No. 3412), 582 P.2d 1041 (1978).

Quoted in Kraus v. State, Sup. Ct. Op. No. 1989 (File No. 4669), 604 P.2d 12 (1979); Charles v. State, Sup. Ct. Op. No. 2017 (File No. 4492), 606 P.2d 390 (1980).

Stated in Davis v. State, Sup. Ct. Op. No. 1599 (File No. 3540), 577 P.2d 690 (1978); Williams v. State, Sup. Ct. Op. No. 1942 (File No. 4159), 600 P.2d 1092 (1979).

Cited in Donlun v. State, Sup. Ct. Op. No. 1270 (File No. 2438), 550 P.2d 369 (1976); Morrell v. State, Sup. Ct. Op. No. 1577 (File No. 2790), 575 P.2d 1200 (1978).

Chapter 20. Pardons and Paroles.

Article 1. Remission of Sentences.

Derivation. — Alaska's mandatory release scheme is derived from 18 U.S.C. §§ 4161-66. Morton v. Hammond, Sup. Ct. Op. No. 1982 (File No. 4882), 604 P.2d 1 (1979).

Section

10. Computation of good time
20. [Repealed]

Sec. 33.20.010. Computation generally.

Cited in McGinnis v. Stevens, Sup. Ct. Op. No. 1207 (File Nos. 2255, 2312), 543 P.2d 1221 (1975); Morton v. Hammond, Sup. Ct. Op. No. 1982 (File No. 4882), 604 P.2d 1 (1979).

Sec. 33.20.010. Computation of good time. Notwithstanding AS 12.55.125(f)(3) and (g)(3), each prisoner convicted of an offense against the state and sentenced to imprisonment, whose record of conduct shows that he has faithfully observed the rules of the institution in which he is confined, is entitled to a deduction from his term of imprisonment of one day for every three days of good conduct served. (§ 1 ch 107 SLA 1960; am § 17 ch 166 SLA 1978)

Effect of amendment. — The 1978 amendment rewrote this section.

Editor's note. — Section 23, ch. 166, SLA 1978, in subsection (c), provides: "AS 33.20.010, as re-enacted in sec. 17 of this Act, applies to all persons serving terms of imprisonment in state correctional institutions on or after the effective date of this Act, but is not retroactive in application."

Sec. 33.20.020. Good time.

Repealed by § 21 ch 166 SLA 1978.

Cross reference. — As to computation of good time, see AS 33.20.010.

Editor's note. — The repealed section derived from § 2, ch. 107, SLA 1960; § 6, ch. 104, SLA 1971.

Sec. 33.20.030. Discharge.

Applied in Morton v. Hammond, Sup. Ct. Op. No. 1982 (File No. 4882), 604 P.2d 1 (1979).

Sec. 33.20.040. Released prisoner as parolee.

The wording of 18 U.S.C. § 4164 is very close to that of subsection (a). Morton v. Hammond, Sup. Ct. Op. No. 1982 (File No. 4882), 604 P.2d 1 (1979).

This section and AS 33.15.190 in pari materia. — Alaska Statute 33.15.190 and this section were enacted at the same time and concern the same subject. and are therefore in pari materia. Morton v. Hammond, Sup. Ct. Op. No. 1982 (File No. 4882), 604 P.2d 1 (1979).

And may be reconciled. — Although AS 33.15.190 and this section are in conflict since under AS 33.15.190, when the prisoner's term less good time has expired, he no longer remains in the legal custody of the board, yet under this section, he is to be considered as if released on parole until the expiration of his maximum term less 180 days, these provisions may be reconciled if, during the period of release, after the term less good time has expired but prior to the time that the maximum term for which he was sentenced less 180 days has terminated, the released prisoner is not in the legal custody of the parole board, but is nevertheless considered as if on parole so as to be subject to reincarceration upon violation of a statutory condition of parole. Morton v. Hammond, Sup. Ct. Op. No. 1982 (File No. 4882), 604 P.2d 1 (1979).

Article 2. Power of Governor to Grant Pardons, Commutations and Reprieves.

Sec. 33.20.070. Governor may grant pardons, commutations and reprieves.

There is no authority which would sanction the expansion of the superior court's jurisdiction to pass sentence into a realm of review and modification which is statutorily vested in either the supreme court or the executive branch of government. Davenport v. State, Sup. Ct. Op. No. 1218 (File No. 2202), 543 P.2d 1204 (1975); Szeratics v. State, Sup. Ct. Op. No. 1525 (File No. 3390), 572 P.2d 63 (1977).

Chapter 30. Prison Facilities.

Article
3. General Provisions (§§ 33.30.200 — 33.30.320)

Article 1. Establishment, Control and Management.

Section
55. [Repealed]

Sec. 33.30.010. Commissioner to control and manage state prison facilities.

Duty to promulgate regulations. — The commissioner is under a legislative mandate and has the concomitant duty to promulgate appropriate regulations concerning prison facilities and the numerous other matters coming within the ambit of AS 33.30.010 — 33.30.260. McGinnis v. Stevens, Sup. Ct. Op. No. 1517 (File No. 3094), 570 P.2d 735 (1977).

Commissioner's control of prison system. — There are strong indications of a legislative intent to leave the establishment, control, and management of the prison system in the hands of the Commissioner of the Department of Health and Welfare whenever practical under the state constitution. Rust v. State, Sup. Ct. Op. No. 1668 (File No. 3172), 582 P.2d 134, on rehearing modified on other grounds, 584 P.2d 38 (1978).

Administration must be neither arbitrary nor vindictive. — As an extension of the state, the Division of

JAY S. HAMMOND
GOVERNOR

STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

January 21, 1982

RECEIVED JAN 2 2 1982

The Honorable Joe Hayes
Speaker
House of Representatives
Alaska State Legislature
Pouch V
Juneau, AK 99811

Dear Mr. Joe Speaker:

I would like to bring to your attention a crisis situation which affects the public safety of Alaskans living in our major urban areas, and which requires immediate action by the Legislature. That problem is the skyrocketing prison population. Division of Corrections data show that our prison system is overburdened with prisoners and suffering from a shortage of staff. In addition, the Division's prisoner profile data demonstrate that we are locking up more felons for longer periods of time, indicating the problem may be long-term in nature.

The explosive growth confronting the Division is best demonstrated by "booking" data. In 1975 there were 13,283 bookings throughout the prison system. The Division is projecting more than 18,000 bookings during this fiscal year and could well see 20,000 bookings during calendar year 1982. The logistics of dealing with the interviews, personal property, photographs, fingerprinting, bail, attorneys and transportation of that number of people are the cause of some of our difficulties at the 6th Avenue Facility. In order to comply with a December 1981 court order by Judge Carlson, and to meet other treatment standards mandated by the court by February 19, 1982, the Division of Corrections must shift inmates from the 6th Avenue facility to other facilities statewide.

As you know, through our mutually cooperative past efforts, the Legislature and Administration have attempted to address this problem by allocating substantial amounts of operating and capital funds to the Division. The ongoing capital program will result in 25 to 40 new beds coming into service

at the Ridgeview correctional site in Anchorage. At the same time that these beds are added, however, some of the capacity at 6th Avenue will be taken out of service, so this will result in a net gain of only 15 beds.

In March the 100 beds authorized for Palmer will be ready for occupancy. This facility will have developed from concept stage to occupancy in ten months due to a "fast track" process and the hard work of the Division's staff.

Other projects now underway and the expected completion dates include:

1. The Ketchikan jail, with a planned occupancy of 30 beds, will be ready by May, 1982; originally it was scheduled to open in September. The old Federal Jail now used in Ketchikan will be discontinued when the new jail is opened.

2. In Juneau, the women and children's facility will open next month. This is a joint-use facility with four beds for women and three detention beds for juveniles. The availability of these beds will create an equal amount of space at the Southeast Correctional Facility at Lemon Creek.

3. Also in Juneau, the Lemon Creek facility, with a capacity of 95 beds has been scheduled for interior remodeling. This project is scheduled for completion in October 1983, and will result in a net increase of 36 beds.

4. In the Anchorage area, in addition to the Palmer and Ridgeview projects already mentioned, the new Post Road pre-trial and pre-sentence facility with 180 beds is scheduled for completion in December, 1982.

5. While the present 6th Avenue facility was planned to be returned to the leasor, the Municipality of Anchorage, it now appears necessary to retain it as a correctional facility. The Ridgeview facility was also scheduled to be taken out of service when the new women's unit was opened at the Eagle River Correctional Center; however, Ridgeview was kept on line because of the population pressures and now houses about 50 sentenced misdemeanants. Of course, we have coordinated our efforts regarding this facility in the past with Mayor Sullivan and with the present administration of Mayor Knowles.

6. The Eagle River Correctional Center now has 80 more beds for males under construction with a scheduled completion date of July, 1982.

7. There will be 67 additional beds at the Fairbanks adult correctional center expected to become available in October, 1983.

8. The facility in Nome, with 32 beds, is scheduled for completion in the fall, 1983. This will be again offset by the old beds and facility being taken off line.

9. Progress in constructing the Bethel jail is moving with site selection and preparation. A scheduled completion date has not been determined.

We believe these actions -- together with passage of my FY83-84 corrections budget -- will ultimately help alleviate the long-term prison population problem. However, the immediate problem of a presently burgeoning prison population and Judge Carlson's ruling presented me with an immediate problem. As Governor, I am responsible for making certain that the public safety of all Alaskans is guaranteed. Therefore, I asked Commissioner Beirne and my staff to develop a short-term plan to insure that the increasing number of prisoners would be kept in secure facilities under humane conditions.

I also requested the Department and my staff to review each appropriation in the agency's FY82 budget to determine if there were potential sources of existing funds that could be used to implement any plan we developed, thereby avoiding the need to request supplemental general funds from the Legislature. After a considerable amount of review and discussion of options, I decided to implement a plan by taking the following actions:

1. Open the Palmer Facility ahead of schedule on March 1, 1982 and provide immediate staffing of 35 positions. The Department plans to move prisoners from overcrowded facilities throughout the state to Palmer as soon as it opens.

2. Increase the capacity of Ridgeview men's facility from 45 to 80 beds and authorize additional positions to accommodate the expanded population.

3. Provide a 56 bed modular addition to the Fairbanks facility and authorize five positions to staff the additional beds.

4. Authorize five positions for the Anchorage 6th Avenue Annex to bring the facility into compliance with Judge Carlson's order.

5. Add 13 beds to the special treatment unit at Eagle River and provide one position to staff the additional beds.

I propose a no cost, "delete/add" appropriation to cover the cost of the plan I authorized in December. Put simply, the plan -- totaling $2.75 million -- would require no new additional funds as it would be covered by savings incurred in other programs in the Department. However, due to the prohibition of transferring funds between appropriations, Legislative approval of the no cost appropriation is needed.

I recognize that the issue of adding new positions is one of great sensitivity to the House. However, considering the crisis situation which faces the corrections system, and the resultant potential danger to the public safety of Alaskans living in Anchorage, Fairbanks, Eagle River, Palmer, Juneau and other areas of the state, I had no choice but to authorize immediate hiring of 70 new staff to address it. To date, the Department has hired 24 people to fill the positions which I authorized.

The "new position" issue is complicated by the fact that the Legislature overrode my veto of language to the FY82 budget bill which limits the number of positions which an agency may fill. It is our view that, even assuming that the Legislature can limit the Executive's authority to hire the number of people it considers necessary in carrying out the law, this provision in the budget bill amounts to an attempt by the Legislature to make substantive law in an appropriation bill, which, of course, is illegal. Therefore, we view this provision as a nullity. We are exploring possible courses of action to address this matter and therefore will not deal with it further in this letter. However, knowing the House's interest in this issue, and in an attempt to work cooperatively with its members to solve this serious problem, the following actions are being requested or taken:

1. I am submitting a $2.75 million no cost, "delete/add" appropriation bill to the House for review

and, hopefully, rapid approval. Funding for this appropriation would cover the costs of the 70 corrections positions noted earlier in this letter.

2. I have directed Commissioner Beirne and her staff to be available to discuss this matter with you and other members of the House.

3. I am ordering Commissioner Beirne to cease recruitment and hiring of persons to fill the remaining 46 positions which I authorized in December, pending legislative approval of the proposed appropriation.

4. If the no cost, "delete/add" appropriation is not passed by the Legislature by February 5, 1982, I'll have little recourse but to order Commissioner Beirne to terminate the 24 persons who have been hired to address the crisis situation.

As you can readily determine, my Administration is placed in a very difficult position on this matter. The State Constitution charges me with providing for the public safety of all Alaskans. Clearly, the crisis in corrections poses serious potential public safety problems for each community in which a correctional facility is located and to the public in general.

This is but demonstrated by the recent escape attempt -- which was nearly successful -- at the 6th Avenue facility in Anchorage. Although I am not stating that escape attempts will be commonplace at our correctional facilities if my plan is not approved by the House, I am stating that the potential for dangerous felons escaping from jail will be greatly increased, as will the potential for inmate violence and the host of other dangerous acts that traditionally go hand in hand with overcrowding.

Another problem we face in this matter is the potential for further judicial action to address the overcrowding situation. The range of possible remedial action runs the gamut of court-ordered transfer of prisoners to -- as has occurred recently in other states -- action to release prisoners.

I took my action in December to address this immediate problem and to respond to Judge Carlson's court order. However, overriding my veto of budget bill language which limits the number of positions the executive branch may establish and fill at each of the state's correctional facilities, the Legislature has created a serious problem for the people of Alaska and me as Chief Executive; one in which I am limited in what I can do and therefore will require your assistance to overcome. Complicating the situation is Representative Adams' well-publicized statements that he will not authorize any new positions in the FY83 operating budget, and in fact, plans to delete nearly $300 million from it. In view of these pronouncements, it would appear unwise to add 70 new positions to the Division of Corrections staff, only to have them eliminated by the House in the FY83 budget. Therefore, I would appreciate an early indication of the House's intent in regard to my no cost, "delete/add" appropriation and to the Division's FY83 budget request. I am determined to solve this problem, but will need your help to do it.

If I, Commissioner Beirne, or my staff may be of assistance to you in your policy deliberations on this matter, please do not hesitate to contact us.

Sincerely,

Jay S. Hammond
Governor

Alaska State Legislature

HOUSE CALENDAR

BARNES

OFFICIAL BUSINESS OF THE HOUSE

NINETEENTH DAY

Friday

Chaplain: Father Innocent
St. Nicholas Russian Orthodox

January 29, 1982
Convenes: 10:00 a.m.

SECOND READING OF HOUSE BILLS

HB 229 "An Act relating to employee overtime compensation; and providing for an effective date."
- State Affairs report, p.133 with C/S (SA) new title: "An Act relating to the Alaska Wage and Hour Act; and providing for an effective date."

HB 632 "An Act providing for waiver of jurisdiction under AS 47.10 over a minor if there is probable cause for believing that the minor committed a violent crime and the minor is over 16 years of age or that the minor committed murder regardless of the minor's age."
- Judiciary report, p.134

HB 643 "An Act repealing and amending certain appropriations made in 1981; making an appropriation to the legislative finance division for a Bristol Bay development study; and providing for an effective date."
- Finance report, p.166 with CS(Fin) same title.

SECOND READING OF HOUSE RESOLUTIONS

HJR 30 "Relating to military maneuvers in Alaska on federally managed land.'
- State Affairs report, p.133

CITATIONS

*Honoring - Jerry Austin by Representatives Fuller and Vaska and Senator Ferguson

*Recognizing - National School Nurse Day by Senators Stimson, Sturgulewski, Rodey and Bradley

Committee Announcements on back
(Subject to change)

HOUSE

DATE: January 29, 1982 — DAILY COMMITTEE ANNOUNCEMENTS — Prepared by the Chief Clerk's Office

COMMUNITY & REGIONAL AFFAIRS
Capitol 102 - MWF - 8:30 to 9:45am

No Meeting Scheduled

JUDICIARY
Capitol 124 - 1:15 daily

1/29 - Testimony - HB 206 and HB 47

RULES
Capitol 204

No Meeting Scheduled

FINANCE
Capitol 519

1/29 - 8:30 - Fish & Game - 519 Capitol
1:30 - HB 675, HB 101, HB 344
519 Capitol
2:45 - Revenue Work Session
519 Capitol

LABOR & COMMERCE
Behrends Conf. Rm. - Mon-Thu - 1-3:00pm

No Meeting Scheduled

STATE AFFAIRS
Capitol 102 - 1:00 to 3:00pm

1/29 - HB 663 and SB 146(Testimony)
HB 184

HEALTH, EDUCATION & SOCIAL SERVICES
Capitol 112 - MWF - 3:00 to 4:30pm

1/29 - HB 210 - (Child Custody
Teleconference)

RESOURCES
Capitol 118 - 3:00 to 5:00pm

1/29 - HB 199 and HJR 63(hearing)

TRANSPORTATION
Capitol 112 - 8:30am daily

1/29 - Committee Work Session

Alaska State Legislature

TWELFTH LEGISLATURE - SECOND SESSION

S E N A T E C A L E N D A R

FRIDAY
January 29, 1982
10:00 a.m.

OFFICIAL BUSINESS OF THE SENATE

Nineteenth Legislative Day

Chaplain: Reverend Jimmie Stringer of the First Baptist Church

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CITATIONS

Honoring - The Sisters of Providence
by Senator Rodey

In Memoriam - Clayton L. Shupe
by Senator Rodey

Publication Notice - CITATIONS - 2/1/82

Honoring - Mae Tischer
by Senator Colletta

Honoring - Captain Edward Nelson, Jr.
by Representatives Miller, Duncan and Zharoff
and Senator Ray

HOUSE BILL NO. 229 by Randolph, Anderson, Beirne, Bettisworth, Fanning and Metcalfe, entitled:

"An Act relating to employee overtime compensation; and providing for an effective date."

was read the first time and referred to the State Affairs and Finance Committees.

2-26-81
H

1-25-82
H

HB 229

The State Affairs Committee has had HOUSE BILL NO. 229 (relating to employee overtime compensation; eff. date) under consideration and a majority of the committee recommend that it be replaced with COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 229 (SA):

"An Act relating to the Alaska Wage and Hour Act; and providing for an effective date"

HB 229 cont'd

and that it do pass. Concurring: Metcalfe (Chairman), Abood and Fanning. Not concurring: Miller and Brown had no recommendation.

Representative Adams moved and asked unanimous consent that the Finance referral be waived. There being no objection, it was so ordered.

HB 229 was referred to the Rules Committee for placement on the calendar.

HB 632

1/11/82
(H)

HB 632

HOUSE BILL NO. 632 by Anderson, entitled:

"An Act providing for waiver of jurisdiction under AS 47.10 over a minor if there is probable cause for believing that the minor committeed a violent crime and the minor is over 16 years of age or that the minor committed murder regardless of the minor's age."

was read the first time and referred to the Judiciary Committee.

1-25-82
H

HB 632

The Judiciary Committee has had HOUSE BILL NO. 632 (providing for waiver of jurisdiction under AS 47.10 over a minor if there is probable cause for believing that the minor committed a violent crime and the minor is over 16 years of age or that the minor committed murder regardless of the minor's age) under consideration and a majority of the committee recommend it do pass. Concurring: Barnes (Chairman), Anderson, O'Connell and Meekins. Not concurring: Buchholdt and Freeman have no recommendation.

HB 632 was referred to the Rules Committee for placement on the calendar.

HOUSE BILL NO. 643 by Chuckwuk, entitled:

"An Act repealing and amending certain appropriations made in 1981; making an appropriation to the legislative finance

was read the first time and referred to the Committees on Resources and Finance.

1-11-82
(H)

HB 643

Representative Fanning moved and asked unanimous consent that the Resources Committee referral on HOUSE BILL NO. 643 (repealing and amending certain appropriations made in 1981; making an appropriation to the legislative finance division for a Bristol Bay Development study; eff. date) be waived. There being no objection, HB 643 was referred to the Finance Committee.

1-14-82
H

HB 643

The Finance Committee has had HOUSE BILL NO. 643 (repealing and amending certain appropriations made in 1981; making an appropriation to the legislative finance division for a Bristol Bay development study; eff. date) under consideration and a majority of the committee recommends it be replaced with COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 643 (Fin) (same title) and that it do pass. Concurring: Adams (Chairman), Bettisworth, Hurlbert, Chuckwuk, Fuller and Cotten, Not concurring: Cuddy and Montgomery have no recommendation.

1-27-82
H

HB 643 was referred to the Rules Committee for placement on the calendar.

HJR 30

HJR 30

3-17-81
H

HOUSE JOINT RESOLUTION NO. 30 by Fanning, Abood, Brown, Bylsma, Moss, Phillips, Rogers and Randolph:

Relating to military maneuvers in Alaska on federally managed land.

was read the first time and referred to the State Affairs Committee.

1-25-82
H

HJR 30

The State Affairs Committee has had HOUSE JOINT RESOLUTION NO. 30 (relating to military maneuvers in Alaska on federally managed land) under consideration, and a majority of the committee recommend that it do pass. Concurring: Metcalfe (Chairman), Abood, Fanning and Brown. Not concurring: Miller recommends do not pass.

HJR 30 was referred to the Rules Committee for placement on the calendar.

State of Alaska

THE LEGISLATURE

HONORING - JERRY AUSTIN

The Twelfth Alaska Legislature on behalf of all Alaskans wishes to congratulate Jerry Austin of St. Michael, winner of the third annual Kuskokwim 300 Dog Sled Race.

Defending champion Jerry Austin has done it again. This time he mushed into Bethel a full 17 minutes ahead of his competitors. Incredible perserverance, discipline, and a fierce competitive drive, all attributes embodying the true Alaskan spirit, have enabled Jerry Austin to achieve triumph in this highly acclaimed dog sled race from Bethel to Aniak.

The Alaskan Legislature is proud of all those who took part in this exciting and grueling event, now an Alaskan tradition. We salute you, Jerry Austin, for another outstanding victory.

SPEAKER OF THE HOUSE

PRESIDENT OF THE SENATE

Date:

Requested by: Representatives Fuller and Vaska
and Senator Ferguson

State of Alaska

THE LEGISLATURE

RECOGNIZING - NATIONAL SCHOOL NURSE DAY

The Twelfth Alaska Legislature wishes to call to the attention of all Alaskans the observance of January 27, 1982, National School Nurse Day.

No longer is the school nurse the lady with the Band-Aid or bottle of Mercurochrome. Today's school nurse must deal with a myriad of complex problems ranging from chronic absences and learning difficulties to child abuse, drug abuse, incest, and teen-age pregnancy. In many cases the school nurse is the only contact many youth have with a health care professional. The need for such services cannot be underestimated or overstated.

The people of Alaska and of the nation can be proud of the services the school nurse so generously provides. It is through these professionals, in collaboration with other educators, that the school health program is able to contribute so significantly to attaining the maximum health and education potential of each student.

With great appreciation and gratitude for outstanding service we extend our ~~full support~~ congratulations and encouragement for the future of the school nurse program.

SPEAKER OF THE HOUSE

PRESIDENT OF THE SENATE

Date: 1/27

Requested by: Senator Terry Stimson & Sturgulewski
Rodey, Bradley.

OVERVIEW OF THE DAILY CALENDAR

HB 229 PROVIDES THAT A PERSON CANNOT BE EXCLUDED FROM THE DEFINITION IN IN AS 23.10.055(A) OF AN EXECUTIVE, ADMINISTRATIVE, OR PROFESSIONAL CAPACITY BECAUSE OF THE NUMBER OF HOURS SPENT IN OTHER DUTIES.

ALSO ALLOWS THE COURTS TO AWARD BACK PAY ONLY IN THE AMOUNT OF THE UNPAID WAGES OR OVERTIME IF THE COURT DETERMINES THAT THE EMPLOYER WAS NOT INTENTIONALLY VIOLATING AS 23.10.060 OR 23.10.065.

HB 643 THIS LEGISLATION IS BASICALLY A HOUSE CLEANING BILL FROM LAST YEAR, APPROPRIATION TO FISH AND GAME ARE REDUCED BY $250,000 AND ADDED TO LEGISLATIVE FINANCE DIVISION FOR PURPOSES OF A BRISTOL BAY DEVELOPMENT STUDY.

HJR 30 REQUIRES THAT WHENEVER POSSIBLE THE MILITARY SHOULD CONDUCT THEIR MANEUVERS ON FEDERAL LAND IN ALASKA.

HB 632

OF REMEDIAL LEGISLATION.

THE ARGUMENT THAT PEOPLE SHOULD NOT HAVE TO BORROW THEIR OWN MONEY FROM THE STATE FOR HYDRO PROJECTS PERSUADES ME ONLY WHEN ALL PEOPLE GET SIMILAR BENEFITS OR WE MEET THE NEEDS OF THOSE WHOSE NEEDS ARE LESS WELL MET THAN OTHERS. IF IT BE OUR CONCLUSION THAT WE ARE TO PROVIDE PUBLIC POWER SUBSIDIES, THEN ALL THE PUBLIC SHOULD BE FAVORABLY AFFECTED. THE LEGISLATION I'LL PROPOSE WOULD MORE EQUITABLY ADDRESS THAT ISSUE.

SINCE TO DATE THERE'S BEEN NO DECISION FROM THE COURT REGARDING THE PERMANENT FUND DIVIDEND PROGRAM, I'M PREPARING LEGISLATION WHICH PROVIDES AN ALTERNATIVE TO BE TRIGGERED ONLY BY AN ADVERSE RULING. MEANWHILE, SHOULD THE COURT RULE WISELY, CHECKS WOULD BE MAILED OUT SHORTLY. WHEN IT WAS SUGGESTED BY SOME WAG THAT I SHOULD SIGN THOSE CHECKS, I TOLD HIM THAT TO DO SO WOULD BE PRESUMPTIVE, UNSEEMLY, TACKY, ILL-RECEIVED AND OUTRAGEOUS -- SO I WENT AHEAD AND DID IT.

MUCH IS HEARD THESE DAYS ABOUT "ALASKANIZING" THE PERMANENT FUND. N THING WOULD MORE "ALASKANIZE" IT THAN IF EVERY ALASKAN WERE TO RECEIVE A DIVIDEND WHICH ROSE AND FELL DEPENDENT UPON SIZE AND PRUDENT INVESTMENT OF THE FUND.

FUND TRUSTEES NOW ADMINISTER INVESTMENTS OF SUCH MAGNITUDE THAT WHEN THEY SPEAK E.F. HUTTON LISTENS. TO IMPROVE PERFORMANCE THEY PROPOSE SOME CHANGES IN THE STATUTE. THESE ARE COMPILED INTO A BILL FOR YOUR CONSIDERATION.

I AGREE THAT IF THE FUND IS TO KEEP PACE WITH INFLATION, SOME EQUITY OWNERSHIP MUST BE ACQUIRED AND AT THE VERY LEAST ONE-HALF ITS EARNINGS FLOW BACK INTO THE FUND.

WHILE STILL IN OFFICE I'D LIKE TO SEE PASSAGE OF A DRUG BILL SIMILAR TO THE ONE WE AND THE SENATE HAVE ENDORSED. EPIDEMIC DRUG ABUSE, INCLUDING ALCOHOL, MAKES IT EVIDENT THAT WHAT WE'RE DOING -- OR NOT DOING -- ISN'T WORKING. I DON'T KNOW HOW EFFECTIVE THE PROPOSED DRUG BILL WILL PROVE TO BE. BUT WE ALL KNOW HOW INEFFECTIVE THE STATUS QUO HAS PROVEN. WHEN LEGISLATION IS ENDORSED BY THOSE WHO KNOW FAR MORE ABOUT THESE MATTERS THAN, I CONFESS, DO I, IT SEEMS THAT COMMON SENSE AND PUBLIC INDIGNATION WARRANT ACTION IF WE CARE AT ALL. AGAIN, PERCEPTION MAY BE AS IMPORTANT AS REALITY. IF YOU CAN'T SUPPORT IT, PUT IT UP FOR PUBLIC VOTE.

FREQUENTLY I'M ASKED: WHAT WAS ACHIEVED DURING THIS ADMINISTRATION? WHILE I'D LIKE TO TAKE FULL CREDIT FOR AT LEAST SOME OF THEM, NONE OCCURRED WITHOUT JOINT EFFORT AND MUCH MORE COOPERATION THAN SCREAMING HEADLINES GIVE US CREDIT FOR. I SUSPECT THAT WERE WE PARTY TO THEM OR BUT RELUCTANT PROTESTORS, THESE ARE THE MOST MEMORABLE OCCURRENCES WHILE MOST OF YOU HAVE BEEN IN OFFICE: (1) CREATION OF THE PERMANENT FUND. (2) EFFORTS TO MORE EQUITABLY PRIVATIZE THE PEOPLE'S WEALTH THROUGH DIVIDENDS. (3) FOR PROPOSING LIMITATION ON STATE SPENDING. (4) FOR EXPANDING AGRICULTURE. (5) FOR ADVANCES IN FISHERIES ENHANCEMENT. (6) FOR UNPRECEDENTED TAX REDUCTION. (7) FOR MULTI-MILLIONS IN LOW INTEREST LOANS. (8) FOR VAST EXPANSION OF EDUCATIONAL OPPORTUNITIES TO ALL.

(9) FOR PROVIDING TELECOMMUNICATIONS TO VIRTUALLY ALL ALASKANS. (10) FOR GREATLY INCREASED BENEFITS TO OLD-TIMERS. (11) FOR LAND DISBURSAL EXCEEDING ALL PRIOR ADMINISTRATIONS PUT TOGETHER. (12) FOR VAST INCREASES IN MUNICIPAL ASSISTANCE. (13) FOR GRANTING FAR GREATER PUBLIC "SAY" IN HOW THEIR MONEY IS EXPENDED. (14) FOR PROVIDING MEANS OF RESOLVING THE CAPITAL MOVE IMPASSE. (15) FOR DRAFTING THE SEVEN CONSENSUS POINTS TO BE PRESSED FOR IN D(2) LEGISLATION. (16) FOR AN ECONOMY IN WHICH MANY BUSINESS PEOPLE ASSERT THEY'VE NEVER DONE BETTER. (17) FOR AN UNEMPLOYMENT RATE FOR THE FIRST TIME BENEATH THE NATION'S HIGHEST. (18) FOR A PERIOD IN WHICH THE GREATEST INCREASE IN FEMALE AND MINORITY HIRING HAS OCCURRED. (19) FOR GREATER ATTENTION AND FINANCIAL SUPPORT FOR ALCOHOL AND DRUG ABUSE PROGRAMS AND FOR TOUGHER LAWS DEALING WITH OFFENDERS. (20) FOR AN AWARENESS THAT SOME KINDS OF GROWTH MAY BRING COSTS EXCEEDING BENEFITS, AND A WILLINGNESS TO EXERCISE THAT AWARENESS THROUGH SUCH THINGS AS REPURCHASE OF KACHEMAK BAY OIL LEASES AND SUCCESSFUL CHALLENGE TO SOME FEDERAL LEASING ON OUR CONTINENTAL SHELF. (21) FOR A CABINET AND STAFF WHICH EVEN SOME MEMBERS OF PREVIOUS ADMINISTRATIONS HAVE TOLD ME IS THE BEST COLLECTIVE CREW SINCE STATEHOOD. AND, FINALLY, FOR THE RELUCTANT ACKNOWLEDGEMENT FROM SOME OF OUR SEVEREST CRITICS THAT WE SEEM TO BE REASONABLY HONEST. OF COURSE, FOR ALMOST NONE OF THE ABOVE CAN THIS ADMINISTRATION TAKE FULL BLAME OR CREDIT. MOREOVER, ONLY TIME WILL TELL WHICH ACHIEVEMENTS WARRANT ONE AND NOT THE OTHER. I PREDICT TIME'S ASSESSMENT WILL TAKE ON FAR GREATER LUSTER IF BOTH THE DIVIDEND AND

SPENDING LIMIT ARE IN PLACE.

ONE ACHIEVEMENT I'D LIKE TO SEE YOU ALL GET CREDIT FOR IS LIMITING LEGISLATIVE SESSION LENGTH. A PUBLIC ADVISORY VOTE HAS OVERWHELMINGLY EXPRESSED SUPPORT. MY PROPOSAL WOULD LIMIT SESSIONS TO 90 DAYS; HOWEVER, EXTENSIONS OF 15 DAYS COULD BE CALLED WITHIN 3 LEGISLATIVE DAYS. ITEMS TO BE CONSIDERED MUST BE APPROVED BY A MAJORITY OF EACH HOUSE AND THE GOVERNOR.

SOME ASSERT THIS WOULD PLAY INTO SPECIAL INTEREST HANDS BY MAKING IT EASIER FOR THEM TO KILL CRUCIAL LEGISLATION. CONVERSELY, IT'S ALSO LESS LIKELY SPECIAL INTERESTS CAN GET LOUSY LEGISLATION PASSED WITHIN THE SHORTER TIMEFRAME. I SUSPECT THE PUBLIC WILL AGREE THAT HAZARDS OF LEGISLATION PASSED ARE FAR GREATER THAN THOSE OF LEGISLATION WHICH NEVER SEES THE LIGHT OF DAY.

NO DOUBT SOME WILL FEEL THAT 90 DAYS IS FAR TOO SHORT AND THAT YOU NEED 120. HOWEVER, UNDER MY PROPOSAL 90 DAYS IS BY NO MEANS A LIMIT ABSOLUTE. IT IS BUT A TARGET DATE FOR WHICH TO SHOOT. IF CRUCIAL REASONS OBLIGATE MORE TIME, IT CAN BE PROVIDED. STRETCH OUT THAT TARGET DATE BY YET ANOTHER MONTH, AND IT GROWS INDISTINCT AND FAR LESS EFFECTIVE. MOREOVER, WITH THE SPENDING LIMIT IT SHOULD BE MUCH EASIER TO STRUCTURE BUDGETS. WITH NO LIMIT, THE BUDGET PROCESS IS DRAWN OUT AND ENORMOUSLY COMPLEX -- A POTPOURRI OF POLITICS AND PERSONALITIES. CERTAINLY PREPARATION OF INGREDIENTS FOR ANY STEW CAN BE MORE READILY ACCOMPLISHED IF ONE FIRST KNOWS THE SIZE OF THE RESTRAINING POT. THE SPENDING LIMIT, BY DEFINING ITS DIMENSIONS,

SHOULD LEAD TO SHORTER SESSIONS. COUPLE THAT WITH THE FACTS THAT FORMULA PROGRAMS NOW AUTOMATICALLY DICTATE ABOUT HALF THE BUDGET PLUS THE LARGE GROWTH IN BOTH LEGISLATIVE STAFF AND INTERIM COMMITTEES, AND IT WOULD SEEM THAT THE LEGISLATIVE IN-SESSION BURDEN WOULD BE SUBSTANTIALLY REDUCED. FINALLY, SHOULD YOU STILL FEEL 90 DAYS IS TOO RESTRICTIVE, WHY NOT TRY IT ON FOR SIZE THIS SESSION? SHOOT FOR THAT TARGET DATE AND THEN PERMIT ONLY ITEMS DEEMED CRUCIAL BY THE MAJORITY TO BE BROUGHT UP BEYOND IT. AS ANOTHER SAFEGUARD, YOU COULD PROVIDE FOR VOTER REENDORSEMENT OR REJECTION IN 1986.

OTHER LEGISLATION I'LL PROPOSE WOULD CONSOLIDATE REVENUE SHARING AND MUNICIPAL ASSISTANCE TO BETTER RECOGNIZE TRUE NEEDS, ABILITY TO PAY, LOCAL EFFORT AND SELF-DETERMINATION. WITHOUT CHANGE, RECENT AMENDMENTS TO CORPORATE OIL AND GAS TAXES WOULD REDUCE AID TO LOCAL GOVERNMENTS.

ADDITIONALLY, I URGE YOU TO SUBMIT TO THE VOTERS A PROPOSAL TO INCREASE CONTRIBUTIONS TO THE PERMANENT FUND. CURRENTLY BUT ONE-TENTH OF OUR OIL WEALTH GOES INTO THE FUND. BY CONTRIBUTING A COMPARABLE PERCENTAGE OF THE SEVERANCE TAX, NOT SIMPLY ROYALTIES, THIS WOULD ALMOST DOUBLE, BUT STILL BE FAR LESS THAN PUBLIC PERCEPTION THAT ABOUT ONE-HALF OUR OIL WEALTH GOES IN THE FUND.

WHILE POSSIBLE TAKEOVER OF THE RAILROAD HAS BEEN DEFERRED, WE SHOULD ESTABLISH NOW THE MECHANISMS REQUIRED TO BEST ACCOMPLISH THIS. I WOULD BE PLEASED TO WORK WITH YOU ON SUCH LEGISLATION.

SOME YEARS AGO, I ADVISED THE LEGISLATURE THAT UNLESS THEY HAD A TWO-THIRDS VOTE FOR VETO OVERRIDE, PLEASE DON'T PUT UPON MY DESK ANY BILLS FURTHER LIBERALIZING SUCH THINGS AS GAMBLING, DRUG USAGE, PROSTITUTION, OR ABORTION. THESE ARE BASIC MORAL ISSUES WHICH, BEST ARE CHANGED BY PUBLIC VOTE. SUBSEQUENTLY, NONE OF THE THEN PENDING LEGISLATION SURFACED. NOW, HOWEVER, I AM ADVISED THERE WILL BE AN EFFORT TO LIBERALIZE SO-CALLED "CHARITABLE GAMBLING." IN THE PAST, SUCH EFFORTS WERE VETOED BY GOVERNOR EGAN ON ADVICE OF LEGAL COUNSEL THAT IT WOULD COMPOUND ENFORCEMENT COSTS AND PROBLEMS PLUS PAVE THE WAY FOR PROFESSIONAL GAMBLING AND ITS ATTENDANT UNSAVORY CONSEQUENCES. I QUITE AGREE. ACCORDINGLY, LET ME REITERATE THAT EITHER YOU SHOULD PLACE THIS ISSUE UP FOR PUBLIC VOTE OR HAVE AT LEAST TWO-THIRDS SUPPORT BEFORE BRINGING UP THE MATTER.

IN THAT REGARD, I PROPOSE WE TAKE ADVANTAGE OF THIS ELECTION YEAR BY PLACING ON THE BALLOT A SLATE OF ADVISORY QUESTIONS FOR WHICH THERE ARE NOT NOW CLEAR, COLLECTIVE PUBLIC VIEWPOINTS. FOR EXAMPLE, REPORTEDLY A MAYOR KNOWN FOR HIS DEVELOPMENTAL LEANINGS RECENTLY WON REELECTION IN A COMMUNITY PURPORTING TO SUPPORT PETROCHEMICAL DEVELOPMENT AFTER REVERSING HIS POSITION AND ANNOUNCING HE OPPOSED THE PROJECT. COULD IT BE ALASKANS SUPPORT PETROCHEMICAL DEVELOPMENT IN CONCEPT BUT NOT PRACTICE? SIMILARLY, SHOULD WE NOW SET A SEVERANCE TAX ON COAL AND STABILIZE IT, AS OIL PEOPLE LAMENT WE DID NOT IN THEIR CASE? OR SHOULD WE CHARGE NO SUCH TAX ON COAL DEVELOPMENT UNTIL IT IS ESTABLISHED? OR WOULD MOST ALASKANS PROMOTE

DEVELOPMENT AND POPULATION GROWTH WHETHER OR NOT THAT DEVELOPMENT CAN PAY ITS WAY? DO MOST ALASKANS WANT TO HELP FINANCE THE GASLINE? YOU COULD USE THE BALLOT TO FIND OUT JUST WHERE THE PEOPLE STAND.

I YET HOPE THAT WHILE IN OFFICE MOST ISSUES THAT DIVIDE ALASKANS MAY ABATE. FOR EXAMPLE, IN DRAWING UP THE SEVEN D(2) CONSENSUS POINTS, I'D HOPED TO GIVE SOME UNITY AND FOCUS TO OUR EFFORTS IN SECURING AN ALASKAN LANDS BILL WHICH WOULD PROVIDE BOTH RATIONAL RESOURCE DEVELOPMENT AND ADEQUATE ENVIRONMENTAL SAFEGUARDS. THAT THE FINAL PRODUCT PLEASED NO ONE IN ITS ENTIRETY SUGGESTS IT MAY YET APPROACH THOSE GOALS. REGARDLESS OF THAT BILL'S DEFICIENCIES, FEW CAN DENY THE AGGRAVATION LEVEL ON THAT ISSUE HAS DROPPED SEVERAL NOTCHES. SIMILARLY, WHEN I TOOK OFFICE THE STATE WAS ANGRILY DIVIDED OVER WHERE THE CAPITAL SHOULD BE. THE BALLOT QUESTION PRESENTED TO YOU LAST YEAR WILL TO THE BEST DEGREE POSSIBLE SETTLE THIS ISSUE. MEANWHILE, THAT ISSUE TOO HAS COOLED. THE FEW REMAINING HOTHEADED AND DISGRUNTLED, IN ATTEMPTING TO FAN ITS FLAMES, ARE PERCEIVED BY MOST AS SIMPLY BLOWING SMOKE. HOPEFULLY, THAT SMOKE WILL NOT OBSCURE THE VISION OF MOST WHO AWAIT THE CHANCE TO CAST A MORE ENLIGHTENED VOTE UPON THE QUESTION.

ONE EXPLOSIVE ISSUE YET REMAINS. THIS ISSUE IS SUBSISTENCE. UNTIL RECENTLY BUT A TIME BOMB TICKING IN THE WINGS, IT HAS NOW ROLLED TO CENTER STAGE. ITS POTENTIAL FOR SHATTERING DIVISIVENESS IS EVIDENT. IF WE'RE TO DEFUSE IT, THERE MUST BE BROADER UNDERSTANDING OF SOME BASIC FACTS.

THE NATIVE CLAIMS SETTLEMENT ACT WAS, OF COURSE, THE PRICE, AT THE TIME WILLINGLY ACCEPTED IN RETURN FOR THE TRANS-ALASKA PIPELINE, BY SOME WHO NOW DECRY THE ACT. AN APPENDAGE OF THAT ACT WAS THE SUBSISTENCE ISSUE.

MOST ALASKA NATIVES BELIEVE SUBSISTENCE CRUCIAL TO THEIR IDENTITY AND WAY OF LIFE. CURRENT STATUTES DEALING WITH SUBSISTENCE ARE VIEWED BY THEM AS ALMOST SACRED WRIT WHICH SHOULD NOT BE CHANGED. CONVERSELY, MANY URBAN SPORTSMEN VIEW SUBSISTENCE STATUTES AS UNNECESSARY AND BLATENTLY DISCRIMINATORY. THE PROBLEM IS BOTH ARE PARTLY RIGHT AND PARTLY WRONG. HAD THE LEGISLATURE NEVER PASSED THE CURRENT LAW, I BELIEVE A REASONABLE SUBSISTENCE PREFERENCE COULD HAVE BEEN PROVIDED WHICH MOST ALASKANS WOULD ACCEPT AS FAIR. HOWEVER, BY INCLUDING PREFERENCE FOR ILL-DEFINED "CUSTOMARY AND TRADITIONAL" USAGE INSTEAD OF ONLY NEED, OPPONENTS OF THE STATUTE FELT THEY WERE GIVEN A LONG, SHARP-BLADED SHAFT. NOW THEY'VE REVERSED THAT BLADE AND WOULD USE IT HEAVY-HANDEDLY TO PIN A SUBSISTENCE LAW REPEALER ON THE BALLOT WHICH, IF PASSED, IRONICALLY COULD DO MORE INJURY TO THEM THAN THOSE THEY VIEW AS THEIR OPPONENTS.

I CAN UNDERSTAND WHY THE LEGISLATURE WILL NOT LIKELY TINKER WITH THIS ISSUE. AFTER ALL, JUST LIKE D(2) IT'S A SURE LOSER IF YOU COME DOWN IN THE ARENA ANYWHERE BETWEEN THE WARRING FACTIONS. YET I'M CONVINCED THAT'S WHERE MOST WOULD BE IF THEY KNEW THE FACTS. I BELIEVE THIS ISSUE COULD BE DEFUSED BY AMENDING THE SUBSISTENCE STATUTE TO GRANT PREFERENCE ONLY WHERE RESOURCES WERE INSUFFICIENT TO MEET THE QUANTIFIABLE "NEEDS" OF THOSE

TRULY MOST DEPENDENT. IMPERFECT YARDSTICK THOUGH IT IS, INCOME LEVEL MAY BE THE BEST AND MOST ACCEPTABLE "NEED" MEASURE. "CUSTOMARY AND TRADITIONAL" USAGE, ON THE OTHER HAND, DEFIES DEFINITION, MUCH LESS MEASURE. FOR EXAMPLE, SHOULD I, HOPEFULLY LIVING IN THE BUSH ON A FAT RETIREMENT, BE GRANTED SPECIAL SUBSISTENCE PRIVILEGES BY SIMPLE VIRTUE OF AREA RESIDENCY WHILE, SAY, AN ANCHORAGE NATIVE WITH BUT ONE-TENTH MY INCOME IS DISQUALIFIED? "CUSTOM AND TRADITION" LANGUAGE MIGHT HAVE IT SO, BUT EQUITY AND COMMON SENSE DO NOT. THERE SIMPLY IS NO PROPER YARDSTICK BY WHICH TO MEASURE TRADITIONAL AND CUSTOMARY USE, AND IF YOU HAVE NO CLEAR MARKERS ON A YARDSTICK, IT SHOULD BE DISCARDED. IF YOU WON'T AMEND EXISTING LAW TO PROVIDE SOME BETTER MEANS OF MEASURE, AT LEAST MAKE SURE THAT YOUR CONSTITUENTS ARE WELL AWARE THAT REFERENDUM LANGUAGE DOES MUCH MORE THAN SIMPLY REPEAL THE STATE'S SUBSISTENCE LAW. IT WOULD AS WELL PROHIBIT USING ANY ACCEPTABLE "NEED" FACTOR IN DETERMINING SUBSISTENCE PREFERENCE; TO SAY NOTHING OF INVITING THE FEDERAL GOVERNMENT TO MANAGE OUR FISH AND GAME ON CERTAIN OF THEIR LANDS. AS ONE WHO REMEMBERS WELL THE STATEHOOD BATTLE LARGELY PREMISED ON THE CHARGE THAT WE COULD BETTER MANAGE OUR AFFAIRS THAN COULD THE FEDERAL GOVERNMENT, I CAN'T BELIEVE THAT MOST ALASKANS WOULD SUPPORT RETURN TO SUCH SPLINTERED MANAGEMENT WHICH CAN ONLY LEAD TO GREATER DIVISION AND CONFUSION. WHILE IN MY VIEW THE NATIVES ERR IN NOT SUPPORTING SOME DEFUSING AMENDMENTS TO SUBSISTENCE LAWS, THAT ERROR PALES IN CONTRAST TO THE PROBABLE DISSERVICE RENDERED ALL ALASKANS IF THE

REFERENDUM PASSES. THESE THINGS HAD BEST BE CLEARLY UNDERSTOOD BY YOUR CONSTITUENTS BEFORE THEY CAST THEIR VOTES OR IT WILL COME BACK TO HAUNT YOU.

IN CLOSING, A FEW WORDS OF SINCERE APPRECIATION. I MUST ADMIT MY FIRST MONTHS AS GOVERNOR WERE NOT FILLED WITH JUBILATION. I FELT NOT ONLY UNDULY OVERWORKED, BUT UNDULY WORKED OVER. I COUNTED DAYS UNTIL I COULD RETURN TO MY OLD LIFE. SOME OF YOU, NO DOUBT, COUNTED WITH ME. WHAT I LIKED LEAST WERE DEMANDS FOR IMMEDIATE SELECTION FROM TWO OR MORE ALTERNATIVES WHICH, TO ME, WERE OFTEN GARBED IN NON-DISTINCTIVE SHADES OF GRAY, EACH, HOWEVER, PASSIONATELY ENDORSED BY PARTISANS WHO FELT THEIR OPTION FESTOONED IN ALL THE COLORS OF THE RAINBOW. FREQUENTLY, THOSE UNSUCCESSFUL IN LOBBYING THEIR CAUSE WERE LIKE SOME THWARTED SWAINS, PATHETIC OR VINDICTIVE. FROM THEM ADVERSE DECISIONS PROMPTED CHARGES OF VENALITY, CORRUPTION, PERSONAL GAIN, OR, AT BEST, STUPIDITY. AND THESE CAME FROM OUR FRIENDS. OPPONENTS WERE EVEN LESS APPROVING.

DAILY WE IN GOVERNMENT, OF COURSE, ARE FACED WITH DECISIONS BOTH MUNDANE AND MOMENTOUS. AND AS SOME UNKNOWN AUTHOR SAID: "ON THE PLAINS OF HESITATION BLEACH THE BONES OF COUNTLESS MILLIONS WHO AT THE DAWN OF VICTORY SAT DOWN TO REST AND IN RESTING DIED.' WHILE, COMPARATIVELY, PRESENT TIMES HERE IN ALASKA MIGHT SEEM VERY GOOD, DON'T SIT BACK IN PRESUMPTION THAT THEY WILL GO ON FOREVER WITHOUT ASKING RUDE QUESTIONS OR SIFTING HEALTHY FROM UNHEALTHY GROWTH. IF I'VE DONE NOTHING MORE, I HOPE I'VE STUCK TOO MANY

NEEDLES IN THE CUSHIONS OF THOSE INCLINED TO QUIETLY SIT BACK.

OVER TIME SOME POINTED MESSAGES HAVE GOTTEN THROUGH AND MOST OF WHAT I'D HOPED TO DO HAS BEEN ACCOMPLISHED OR SET IN MOTION. FOR THAT, I HAVE ALL OF YOU TO THANK. YOURS HAS BEEN AN AWESOME JOB. YOU SHOULDERED BURDENS UNIMAGINED BY MOST YOUR CRITICS. TOGETHER WE'VE GONE THROUGH THE MOST TUMULTUOUS YEARS IN THIS STATE'S HISTORY AND HAVE COME THROUGH THEM PRETTY WELL. THOSE OF US WHO HAVE COME TO KNOW YOU ARE WELL AWARE THAT MOST POLITICIANS REALLY WANT TO DO WHAT'S RIGHT, SOMETIMES AGAINST ENORMOUS PRESSURES TO DO WRONG AND OFTEN WITH A BLURRING OF ANY CLEAR DISTINCTION.

IF POLITICIANS HAVE ONE COMMON BOND IT IS DESIRE TO BE LOVED. IN COURTING THE ELECTORATE TIME WILL JUDGE WHETHER LOVE AFFAIRS WERE SACRED OR PROFANE. MEANWHILE, SOMETIMES WE WONDER WHY OUR CRITICS TRY SO HARD TO MAKE US HATE THEM. IN MY CASE, THEY HAVE NOT SUCCEEDED. NOT ONLY HAVE THEY PROMPTED WARRANTED SOUL-SEARCHING, BUT AT TIMES WHIMSICAL DIVERSION. FOR EXAMPLE, WHO CAN REALLY HATE A FELLOW WHO COMES UP WITH SUCH A FULSOME TERM AS "POSEY-SNIFFING SWINE?"

MOREOVER, TO APPRECIATE WHEN ONE IS STANDING ON A MOUNTAIN TOP, HE MUST AS WELL TRAVERSE SOME VALLEYS. IN PROVIDING PITFALLS AND IMPEDIMENTS, ONES CRITICS ASSURE THAT SUCH WILL BE THE CASE. I THANK THEM FOR IT. NOT IN SPITE OF, BUT BECAUSE OF THEM DO I CONSIDER MYSELF AMONG THE LUCKIEST OF MEN, BOOSTED TO MORE THAN HIS SHARE OF APPRECIATED

MOUNTAIN TOPS. I THANK BOTH THOSE WHO SUPPORTED AND THOSE WHO HAVE MERELY SUFFERED MY PRESENCE IN THIS OFFICE. SPECIAL GRATITUDE TO THOSE WHO THROUGH THEIR PRAYERS OR PRESENCE HAVE SUSTAINED MY FAMILY AND MY ADMINISTRATION.

WHILE ADMITTEDLY THE FIRST FEW YEARS WERE LESS THAN TOTALLY ENCHANTING, IN RETROSPECT I'VE ENJOYED EVERY ONE OF THEM, ONCE AWARE THAT GRIEF ENRICHES GLORY. ALASKANS HAVE BEEN WONDROUS KIND, FORGIVING, INDULGENT AND SUPPORTIVE. THAT'S RIGHT -- SUPPORTIVE. WHILE ALL RECALL MY THIN VOTE MARGINS, IN THE LAST ELECTION YOU GAVE ME MORE THAN TWICE THE MARGIN GRANTED ANY OTHER GOVERNOR. SO WHAT IF WE HAD TO SLICE THE PIE FOUR WAYS TO GET IT?

SOME ASK IF I WILL RUN AGAIN, PERHAPS FOR CONGRESS? NOT ONLY ARE WE WELL-REPRESENTED THERE ALREADY, BUT ANYTHING COMPELLING MY DEPARTURE FROM ALASKA I VIEW AS A STEP BACKWARDS OFF THAT MOUNTAIN TOP SHARED BY ALL THOSE PRIVILEGED TO LIVE UP HERE.

BESIDES, I AGREE WITH ARTEMUS WARD WHO SAID: "THE PREVAILING WEAKNESS OF MOST PUBLIC MEN IS TO SLOP OVER. GEORGE WASHINGTON NEVER SLOPPED OVER." AFTER SOME 34 YEARS IN GOVERNMENTAL SERVICE, JAY HAMMOND'S COMING PERILOUSLY CLOSE TO SLOPPING OVER. KNOWING WHEN TO QUIT IS ONE WASHINGTONIAN ATTRIBUTE WE'D ALL DO WELL TO EMULATE.

IN MY FIRST INAUGURAL ADDRESS, I SAID THAT I WOULD DO MY BEST TO FASHION OF GOVERNMENT A "TABLE IN THE ROUND AT WHICH ALL ALASKANS COULD SIT AND SUP AS CO-EQUALS." YOU'VE PERMITTED ME TO UNDERTAKE THAT TASK. I REGRET THAT