

ALASKA LEGISLATURE COMMITTEE DOZ DOZ

1723 SJ HB 156 - HB 194



Alaska State Legislature

House of Representatives

Committee on State Affairs

Official Business

Pouch V
State Capitol
Juneau, Alaska 99811

March 9, 1981 - Monday · 3:00

Reel #641-14: 0000-0078

Agenda: HB 156 (Legislative Contracts)
 HB 20 (Loans to Develop Electric Svc.)
 HB 21 (Rural Electrification Fund)
 HB 58 (Competitive Bidding)

Testifying: Jan Bomhoff
 Rep. Pappy Moss
 Pete Kelly, Admin. Assist., Rep. Moss

Chairman Miller called the meeting to order.

All members were present.

HB 156

Jan Bomhoff, representing the Anchorage Womens' Free Committee, wrapped up her testimony in support of the bill. She mentioned several weaknesses, and suggested amendments to offset them.

HB 20, 21

Rep. Pappy Moss, prime sponsor, testified. He stressed the urgent need for electrical service, but added that consumer groups are not able to amass funds necessary, or shoulder the payments. The purpose of the bill would be to do so--

Discussion centered around the 50 million dollar figure estimated to cover the project.

Chairman Miller recommended that the bill be passed on to Finance, as the Committee was conceptually in favor of it; however, he would attach a letter of intent to Chairman Cotten advising further study of the 50 million dollar figure, which was questionable.



Alaska State Legislature

House of Representatives

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Pouch V
State Capitol
Juneau, Alaska 99811

-2-

Chairman Miller also recommended that a subcommittee of State Affairs investigate the 50 million dollar figure more thoroughly.

Rep. Brown moved to pass the legislation out as a CS.

There were objections from Rep. Cuddy and Rep. Abood.

A vote was taken, and the motion was approved.

Do Pass: Miller, Fuller, Brown

Do not Pass: Cuddy, Abood

HB 58

Chairman Miller reviewed the status of the bill from its first hearing on February 20.

There was additional discussion.

Rep. Fuller moved to pass the bill out, and refer it to Finance.

Rep. Cuddy objected.

A vote was taken, and the bill was passed out of Committee.

Do Pass: Fuller

No Rec: Miller, Abood, Brown

Do Not Pass: Cuddy

H

B

158

COMMITTEE REPORT
SENATE

FURTHER: None

4/15/81

Date: April 8, 1981

Mr. President:

The Committee on JUDICIARY has had CSHB 158(Jud)
state regulation of fireworks

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

- do ~~pass~~ INDICATE REC. do not pass
- do pass with attached amendments(s)
- replace with CS for _____ same title
 new title
- and recommends _____
- AND attaches a "Letter of Intent" New Fiscal Note
- reports it back without recommendation
- referred to the _____ Committee

MEMBERS SIGNING
DO PASS

Charles Stan

MEMBERS HAVING
OTHER RECOMMENDATIONS:

Don Kay Davis

[Signature]
CHAIRMAN
DO PASS

REPRESENTATIVE RANDY
Phillips
HOUSE DISTRICT 8

TO: THE HONORABLE PAT RODEY
CHAIRMAN, SENATE JUDICIARY COMMITTEE
ROOM 125, CAPITOL BUILDING

FROM: REPRESENTATIVE RANDY ~~PHILLIPS~~ ^{REE}

DATE: APRIL 15, 1981

RE: CS HB 158

Attached is some backup information on the captioned bill for your committee's review.

I would appreciate an early scheduling of this bill for hearing before your committee. If you have any questions, please do not hesitate to contact me at 4949.

Thank you for your consideration.

Alaska State Legislature



IN SESSION:
POUCH V
JUNEAU, ALASKA 99811
(907) 465-4949

BOX 142
EAGLE RIVER, ALASKA
99577
(907) 694-4949

Representative Randy Phillips

HOUSE DISTRICT 8
MEMORANDUM

TO: ALL MEMBERS OF THE HOUSE OF REPRESENTATIVES

DATE: MARCH 30, 1981

FROM: REPRESENTATIVE RANDY PHILLIPS *R.C.P.*

RE: BILL ANALYSIS
CSHB 158 (JUDICIARY)

The main thrust of the bill is:

Elimination of the requirement that the state and all governmental subdivisions of the state be named as insured parties on the person's insurance policy.

Through research and testimony, the following conclusions were reached:

1. That these insurance requirements do in fact discriminate in favor of the large out-of-state fireworks companies. The little in-state companies have experienced difficulties in obtaining insurance because of the statutory requirements.
2. No clearly justified benefits--either to the state or a possible injured party--exist with the inclusion of these provisions.
3. These items were enacted into the statutes back in 1969, allegedly in response to lobbying by a large fireworks outfit. No evidence arose to the contrary.

The secondary changes in the bill are:

1. Reduction of the permit fee from \$500 to \$50.
2. Reduction of required public liability insurance for bodily injury from \$300,000 to \$200,000.
3. Reduction of required public liability insurance for property damage from \$100,000 to \$50,000.

NOTE: In the past, as indicated by the State Fire Marshall's Office, there have been very few damages or injuries in the State due to fireworks.

Attachments

Phillips Says Legislature Goofed

By BOB MILLER
Times Staff Writer

Senate President Brad Phillips has sworn in an affidavit that the final hours of the last legislature "were marked by a frenzied effort to dispose of unfinished business and on some occasions resulted unavoidably in hasty and uninformed actions on important legislative matters . . ."

The Anchorage Republican made the statement in an affidavit that is being used in a court attempt to set aside a

law that was passed by the legislature to regulate fireworks in the state.

Phillips said, "It is my intention to press for the repeal or appropriate amendment of this law at the next session of the legislature and I do not believe it is in the public interest that it be enforced or allowed to be enforced in its present form."

At issue is Senate Bill 362 which became Chapter 116 of the Alaska Statutes after it was signed by Gov. Keith H. Miller last May 22. James E. Norene of

Western States Fireworks and Joseph Bagwill of Alaska Fireworks are seeking to have the law set aside because it allegedly creates a monopoly for an "Outside" firm, Ace Fireworks Co.

Defendants in the case are Ace, State of Alaska, Empire Fire and Marine Insurance and Kenneth J. Tobey Inc., an insurance firm. Edgar Paul Boyko, who represents Norene and Bagwill, is using Phillips' affidavit in the case.

Superior Court Judge C. J.

Oechipinti has issued a preliminary injunction to prevent the state from enforcing the insurance provision of the law.

In the preliminary injunction order, Judge Oechipinti indicated Ace has a monopoly on the fireworks business in the state because it is the only one that can get insurance as prescribed by the law.

In his affidavit, Phillips said "To my knowledge, this particular piece of legislation did not receive the proper attention or investigation and it was passed

Due To Haste In 'Final Hours'

and approved by the legislature in this manner only because of representations made to affiant and others by persons believed to be reliable that such legislation was non-controversial . . ."

Henry Pratt of Anchorage was the lobbyist for Ace Fireworks during the last session and worked for passage of the bill. Phillips said he has subsequently come to the conclusion that the law created "an unlawful monopoly."

The affidavit strongly hints that the bill passed in the final

days of the legislature which adjourned May 1. The record shows that the bill was approved by the Senate on April 15 and finally by the House on May 1. It was considered first April 11 in the Senate after the Local Affairs Committee reported it out with a "do pass" recommendation.

The only senators who voted against it were:

Robert Blodgett, D-Teller; P. B. Hagglund, R-Fairbanks; Jay Hammond, R-Naknek; C. R. Lewis, R-Anchorage; Lowell

Thomas Jr., R-Anchorage, Sen. W. I. Palmer, R-Niukluk, was absent.

Phillips continued, "Being personally in the insurance business and in order to test the claims of the Alaskan business interests affected, I made an effort to obtain either in the domestic and foreign markets coverage as required by this law, for the legitimate members of the Alaska industry supplying fireworks to the Alaska retailers, and discovered that the kinds of insurance coverage which is written into

this law cannot be obtained either on the domestic or foreign markets, or only at prohibitive rates; if at all, because it entails risks which are virtually impossible of proper ascertainment or evaluation."

He indicated the bill passed because just before adjournment legislators found it necessary "to rely on the representations of persons believed to be trustworthy, who urged such last minute legislative actions upon members of the legislature."

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. CS HB 158 (JUD)

Title An Act relating to state regulation of fireworks.

Requested by House Judiciary

Date 3/24/81

II. FISCAL DETAIL

Agency Affected Department of Commerce & Economic Development

Program Category Affected Public Protection

BRU, Program, or Subprogram(s) Affected Division of Insurance

(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	0					
200 TRAVEL	0					
300 CONTRACTUAL	0					
400 COMMODITIES	0					
500 EQUIPMENT	0					
600 LAND & STRUCTURES	0					
700 GRANTS, CLAIMS, ETC.	0					
TOTAL	0					

FUNDING (Thousands of Dollars)

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

POSITIONS

FULL TIME	0					
PART TIME	0					
TEMPORARY	0					

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

IV. DATE March 27, 1981

PREPARED BY Kenneth C. Moore, Director of Insurance

AGENCY Department of Commerce & Economic Development

PHONE 465-2515

Original: Legislative Finance

cc: Budget and Management

Prime Sponsor (First Legislator Named)

James E. Norene
717 Irwin St.
Anchorage, Ak. 99504

Mr. Randy Phillips
House of Representatives
Pouch Y
Juneau, Alaska 99801

Dear Mr. Phillips:

As you know, I have handled firework sales for over thirty years in Alaska, and am still supplementing my pension with firework sales.

In 1969, a bill was passed in the legislature (S.B. 302 am, Chapter 116 amended to add a new Chapter 72, State regulation of fireworks). The bill was introduced by Ace Fireworks Co. of Seattle, to gain a monopoly in the State of Alaska, as the insurance requirements were such that it was impossible to obtain the policy even through Lloyds of London. Even Ace Fireworks Company's insurance company refused me a policy. The case was taken to court, I was able to get an injunction through the courts, including the State Supreme Court, which eliminated the insurance clause, and I was able to stay in business.

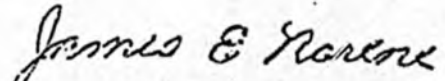
Now, I have just learned that in 1972, I was supposed to appear in court within 60 days to substitute the State of Alaska as party defendant in place of the individual defendants originally named, and failing to do so the case would be dismissed. I was never notified nor issued a subpoena and only learned of the action as of yesterday through the State Fire Marshal's office in Anchorage. Once again, I am denied a State fireworks license while the large companies in Seattle, Tacoma, and Denver can monopolize the State of Alaska because the State law prohibits the small companies in Alaska from obtaining insurance as called for in the Act.

I know that it is almost sine die, in legislature, but with your cooperation and other members of both houses I feel sure that the amendment that I am submitting can be pushed through before adjournment. I am not trying to eliminate other firework companies, only amend the Act so Alaska businessmen can stay in business and not be subjected to monopolies. I am including a copy of a bill and memorandum from the Legislative Affairs Agency which was sent to Brad Phillips in 1970 and never introduced or passed, which would have eliminated the problem. I would appreciate your consideration and help, as the present Act is discriminatory to Alaskans.

I'm sorry that I am sending this request at such a late date, but as I mentioned before, it only came to my attention yesterday.

It is imperative that action be taken. Our orders were placed in January, and it will create an economic disaster if not corrected before July 1st.

Sincerely yours,



James E. Norene
Former Legislator

STATE OF ALASKA
THE LEGISLATURE

POUCH Y - STATE CAPITOL
JUNEAU, ALASKA 99801

LEGISLATIVE AFFAIRS AGENCY

February 27, 1970

MEMORANDUM

TO: Senator Brad Phillips

FROM: Greg Machyowsky, Legislative Counsel

SUBJECT: Attached bill relating to state fireworks control

As we discussed, the attached bill amends AS 18.72 to eliminate the requirement that wholesalers of fireworks obtain insurance for products liability and reduces the amounts of public liability insurance required. In addition, the bill reduces the amount of the annual license fee required to engage in the business of wholesale sale of fireworks.

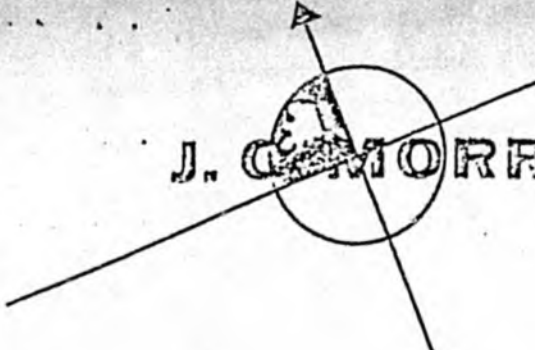
The bill does not remove the authority of the state fire marshall to enforce the law and regulations issued under the fire safety code with respect to use of fireworks (a copy of the current regulations is attached).

As you know, the state supreme court, in State v. Norene (457 P.2nd 926, August, 1969) has enjoined enforcement of the existing law insofar as it requires insurance policies to provide for coverage of the state and political subdivisions of the state as additional insureds. The fire marshall's regulations (at 13 AAC 51.010(b)) now omit the requirement for the state and political subdivisions as additional insureds on a policy.

In addition, from the supreme court's opinion, there is a possibility that the entire requirement for insurance may at least temporarily be unenforceable, pending any future determination of the validity of the provisions. However, at present neither the insurance requirement nor that part of it requiring additional insureds has been actually declared unconstitutionally discriminatory. In view of the unusual legal status of the provisions, though, the legislature may wish to revise the provisions, particularly the requirements for additional insureds. Consideration of deletion of the additional insureds requirement is recommended by the revisor in this year's Legislative Oversight of the Administration of Statutes.

Enclosures

C 1970



J. C. MORRIS AGENCY, INC.

INSURANCE AGENTS: GENERAL • CASUALTY • BOND • LIFE
938 5TH AVENUE • ANCHORAGE, ALASKA 99501
(ON 5TH AVENUE FACING CAPTAIN COOK HOTEL)

June 14, 1969

Mr. James Norene
717 Irwin St.
Anchorage, Alaska

Dear Mr. Norene:

We were unsuccessful in obtaining liability coverage for you on fireworks sales in the State to meet the new Law. None of our Standard markets will consider a risk of this type. We also submitted the risk to Lloyd's of London for their consideration, but they too have declined.

We are sorry we can not assist you in this case,

Sincerely,

J. C. MORRIS AGENCY



Von R. Baxter



please reply via





PHONES WA 2-8716 OR WA 2-8717

DISTRIBUTING CO., Inc.

P. O. BOX 258 ■ TACOMA, WASHINGTON 98401

DISTRIBUTORS OF
**RED DEVIL
FIREWORKS.**

Office located ¼ mile north of Puyallup River Bridge on Old Seattle-Tacoma Highway

September 30, 1969

Mr. Jim Norene
717 Erwin Street
Anchorage, Alaska

Dear Jim:

I appreciated the time you gave me when I was in your area several weeks ago. When I arrived in Juneau, I discussed the fireworks bill with Mr. Andre Schalk, the Assistant State Fire Marshal. He was quite disturbed about this fireworks law and is looking forward to a change in the law to make it easier for his department to operate.

The attorney we spoke of in Seattle, is Mr. De Witt Williams, Attorney-at-Law, Washington Building, Seattle, Washington. We are checking on the insurance possibilities for you to see what expenses will be incurred.

Thanks again, Jim. I really enjoyed my visit to Alaska.

Best regards,

ZEBRA DISTRIBUTING COMPANY, INC.

Bernard L. Crowell,
Vice-President

BLC/pm

LAW OFFICES

BOYKO AND WALTON

330 "L" STREET

ANCHORAGE, ALASKA 99501

TELEPHONE
277-2671

EDGAR PAUL BOYKO
PETER B. WALTON
JAMES H. LACK
STEPHEN C. COWPER
ROBERT H. WAGSTAFF

May 13, 1970

Honorable Brad Phillips
President, Alaska State Senate
Pouch V
Juneau, Alaska 99801

Dear Brad:

I have your secretary's note of April 21, 1970 requesting my comments on the memo from Greg Machyowsky of the legislative affairs agency with respect to the fireworks insurance requirements of AS18.72.020(a)(1).

I agree with what he says, but feel that the matter has to be resolved by the legislature, since the final outcome of the litigation is still in doubt and in any event will not be ascertained prior to the 1970 fireworks season.

Accordingly, I have prepared a proposed amendment to the statute which would be acceptable to the local industry. I note, that the Governor's office is reported to be interested in considering introduction of an appropriate measure. Perhaps you could sell this to them, bearing in mind that our friend Hank Pratt has a conflict of interest as does our other good friend Senator Joe Josephson (who is the attorney of record for the outside fireworks company which was named as a defendant in the pending law suit).

For your convenience I am also enclosing a copy of Machyowsky's memorandum, so that you won't have to hunt for it.

Your response to the foregoing will be sincerely appreciated.

Cordially,

Edgar Paul Boyko

EPB:ss

CC: Mr. James Norene
Mr. Joseph Bagwill

encl



Alaska State Legislature

House of Representatives

Committee on State Affairs

Official Business

May 9, 1978

Pouch V
State Capitol
Juneau, Alaska 99811

Mr. James E. Norene
717 Irwin Street
Anchorage, Alaska 99504

Dear Jim:

Enclosed please find a memorandum I have sent to Senator "Brad" Bradley, Chairman of the Senate Commerce Committee where HB-546 now resides. You will also find a copy of the bill analysis and the Letter of Intent.

So far it looks good, but I will keep you informed as to the progress of the bill.

Sincerely,

A handwritten signature in cursive script, appearing to read "Bob Bradley".

REP. BOB BRADLEY
Chairman
House State Affairs Committee

Thanks again for your efforts in the past!

BB/ch

Enclosure(s)

PATRICK RODEY
SPENARD

601 W. 5TH AVE. SUITE 820
ANCHORAGE, ALASKA 99501

Alaska State Senate

JUNEAU, ALASKA 99811

DURING SESSION

POUCH V
JUNEAU, ALASKA 99811

May 8, 1978

Mr. James Noreer
717 Irwin
Anchorage, Alaska

Dear Jim:

Just wanted to drop you a note to let you know that I enjoyed talking with you.

In view of your interest, I wanted to enclose a copy of Committee Substitute for House Bill 546, which has been referred to the Senate Commerce Committee for further consideration.

I'll speak with Chairman Bradley about the bill, and am glad to have the benefit of your views on the legislation.

If there are any other legislative proposals of concern to you, Jim, please feel free to let me know.

Kindest regards,



Patrick Rodey

PR/ks

*Jim, I'll speak with Bradley so
we'll as Zigler to keep this
bill moving.*

POSITION PAPER

CS for House Bill No 158 (Judiciary)

"An Act relating to State regulation of fireworks."

CSHB No. 158 eases the requirements for an entrepreneur of fireworks to open a business. The required amount of liability insurance is decreased as is the cost of the annual license fee. One result of passage will most likely be an overall increase in the number of fireworks sales locations as well as an increase in the amount of fireworks sold in the State. This will in all probability cause a rise in the number of injuries associated with the use of fireworks.

We realize fireworks have roots deep in American history and tradition, however, we are concerned about accidental injuries associated with their usage. The U.S. Consumer Product Safety Commission (CPSC) has advised that presently Nationwide injuries are running at about 8,000 per year; up from of approximately 5,000 per year in 1974 and 1975. This rise in the annual number after 1975 is thought to be because of the resurgence of national spirit associated with the bicentennial celebration in 1976 and the annual Fourth of July celebrations. CPSC advises 80% of the accidents associated with fireworks come from misuse rather than malfunctioning or other causes.

Many towns and boroughs in the State have become so concerned about the dangers, the sale to untrained persons is prohibited.

The Department of Health and Social Services does not enforce this law. We are presenting this paper for your consideration and are taking a neutral position on its status.

Recommended by: David Bruce
David Bruce, Deputy Director
Division of Public Health

Date: April 1, 1981

Approved by: Helen D. Beirne
Helen D. Beirne
Commissioner

Date: 4/7/81

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. CS for House Bill No. 158 (Judiciary)

Title "An Act relating to State regulation of fireworks."

Requested by Commissioner's Office

Date April 1, 1981

II. FISCAL DETAIL

Agency Affected Department of Health and Social Services

Program Category Affected Health/Public Health

BRU, Program, or Subprogram(s) Affected _____

(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	0	0	0	0	0	0
200 TRAVEL	0	0	0	0	0	0
300 CONTRACTUAL	0	0	0	0	0	0
400 COMMODITIES	0	0	0	0	0	0
500 EQUIPMENT	0	0	0	0	0	0
600 LAND & STRUCTURES	0	0	0	0	0	0
700 GRANTS, CLAIMS, ETC.	0	0	0	0	0	0
TOTAL	0	0	0	0	0	0

FUNDING (Thousands of Dollars)

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

POSITIONS

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

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

IV. DATE April 1, 1981

PREPARED BY David Bruce

AGENCY Division of Public Health

PHONE 465-3090

Original: Legislative Finance
cc: Budget and...

Fireworks Displays— Contractor's Risks

This class of OL&T General Liability insurance has always been a difficult class of business to insure, even though there are many competent contractors engaged in setting off fireworks displays for various types of programs sponsored by others. At one time Fourth of July and special celebrations were the only times that fireworks were displayed, but today there are numerous occasions where shopping centers, municipalities, civic and fraternal organizations plan fireworks displays as attractions for the public. The insurance is written on each exhibition and is rated on the basis of contractor's receipts. Because of the inherent dangerous characteristics of explosives and the catastrophe hazard when large gatherings of the public are present, often with little spectator control on the part of the sponsoring organization, this is a very hard to place coverage. It is particularly difficult to obtain insurance on small contractors because little premium can accrue from such accounts. The class is underwritten on a highly selective basis by the following specialty insurers:

- Admiral Insurance Co.
- †Ambassador Insurance Co.
- †American Interinsurance Exchange
- America's Insurance Center
- Amusement Business Underwriters
- Associated Underwriters Inc.
- Dallafonte Group
- Geo. F. Brown & Sons, Inc.
- Capacity Managers International
- †Capitol Indemnity Corp.
- †Cravens, Dargen & Co. Special Risks
- †John H. Crowther, Inc.
- Delaware Valley Underwriting Agency, Inc.
- Gryden & Co.
- †EMC Underwriters, Ltd.
- †Empire Fire and Marine Insurance Co.
- Ensign Insurance Co.
- †Executive Excess Ltd.
- First Financial Insurance Co.
- †General Agents Insurance Co. of America
- †Great Southwest Fire Co.
- Horan, Goldman Co.
- Hull & Company, Inc.
- HAW Insurance Services
- †Illinois Surplus Lines Underwriters
- Insurance Co. of North America
- International Indemnity Co.
- ISI Corp.
- Lexington Insurance Co.
- Market Service, Inc.
- †Market Finders Insurance Corp.
- NAS Ltd.
- †National Indemnity Co.
- National Savings Insurance Co.
- †North East Insurance Co.
- †Penn-America Insurance Co.
- Phelan Special Risks, Inc.
- Risk Specialists Cos.
- Stewart Smith Mid America, Inc.
- Surplus Insurance Brokers of No. America
- Tower Special Facilities, Inc.
- Tudor Insurance/Westco Insurance Managers
- USA Alliance
- Western World Insurance Co.
- Wohlreich & Anderson Group
- Zurich American Insurance Co. of Illinois
- Underwriters at Lloyd's, London

H B

184

COMMITTEE REPORT
SENATE

4/1/82

FURTHER: Finance

Date: April 29, 1982

Mr. President:

The Committee on JUDICIARY has had CSHB 184 (Jud)

authorizing convening special sessions of the legislature at any location in the state

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

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

MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS:

Walter Anderson, Mike

CHAIRMAN



Official Business

Alaska State Legislature

Senate

Committee on Judiciary

Pouch V
State Capitol
Juneau, Alaska 99811

MINUTES OF THE SENATE JUDICIARY COMMITTEE

OF

APRIL 29, 1982

Butrovich Committee Room, State Capitol Juneau, Alaska

Legislation Before Committee:

- HB 184 - "An Act authorizing convening special sessions of the legislature at any location in the state."
- HB 621 - "An Act providing for the issuance of certificates of birth for persons born outside the United States and adopted by Alaska residents."
- HB 678 - "An Act relating to membership in electric and telephone cooperatives."
- HB 339 - "An Act relating to the judicial review of administrative regulations."

The meeting of the Senate Judiciary Committee was called to order by Chairman Rodey at 5:10 P.M. Committee members present were: Senators Anderson, Parr, and Rodey. Senators Bennett and Ray were absent.

003 - Call to order.

010 - Mr. Bruce distributed HB 184, Rep. Martin's bill.

019 - Senator Anderson moved to pass HB 184. There was no objection.

053 - Chairman Rodey brought HB 621 before the committee.

060 - Joan Brooks, Vital Statistics, testified in favor of HB 621.

192 - Jan Ivey, Juneau Adoptive Parents Group, testified in favor of this legislation also.

267 - Chairman Rodey laid HB 621 on the table.

276 - The next item on the agenda was HB 678.

290 - After brief discussion, Chairman Rodey laid HB 678 on the table.

293 - The last item of business was HB 339.

297 - Mr. Art Peterson, Department of Law, testified, stating that if the burden of proof agreement were taken out of , then the Department of Law would be in agreement with this bill.

348 - Diane Colvin, Department of Law, testified, explaining the committee substitute.

709 - After brief discussion, Chairman Rodey laid HB 339 on the table.

712 - Chairman Rodey adjourned the meeting at 5:50 P.M.



Official Business

Alaska State Legislature

Senate

Committee on Judiciary

Fouch V
State Capitol
Juneau, Alaska 99811

MINUTES OF THE SENATE JUDICIARY COMMITTEE

OF

APRIL 27, 1982

Burovich Committee Room, State Capitol Juneau, Alaska

Legislation Before Committee:

HB 210 - "An Act relating relating to child custody."

HB 184 - "An Act authorizing convening special sessions of the legislature at any location in the state."

HB 339 - "An Act relating to the judicial review of administrative regulations."

The meeting of the Senate Judiciary Committee was called to order by Chairman Rodey at 5:10 P.M. Committee members present were: Senators Parr, Anderson, and Rodey. Senators Bennett and Ray were absent.

003 - Call to order.

007 - Chairman Rodey brought HB 210 before the committee.

024 - Ninna Kinney, representing Department of HESS, testified in support of HB 210.

348 - Mr. Bruce relayed concerns expressed by telephone calls.

406 - Senator Parr suggested the following amendment: Page 3, Line 12, delete [After the first conference either party may withdraw, or], and on Page 3, Line 14, delete [Upon withdrawal by either party or]. There was no objection.

510 - Senator Parr moved to pass CSHB 210 from committee with individual recommendations. There was no objection.

528 - Chairman Rodey brought HB 339 before the committee.

535 - Mr. Bruce explains the changes made by the committee substitute.

561 - Diane Colvin, Legal Services, testified giving explanation of committee substitute.

766 - Senator Rodey asks Mr. Bruce to work with Diane Colvin to prepare better language which would require regulations to derive from specific sections of statutes rather than general chapter provisions.

827 - Chairman Rodey laid HB 339 on the table.

831 - Chairman Rodey brought HB 184 before the committee.

SIDE TWO

967 - Chairman Rodey requested Mr. Bruce to get information on special sessions being convened in other areas of the state if the majority so wishes.

985 - The meeting was adjourned at 6:10 P.M.

H B

194

COMMITTEE REPC

SENATE

3/25/82

FURTHER: Finance

Date: April 19, 1982

Mr. President:

The Committee on JUDICIARY has had CS 194 (HESS) and

prisoner employment and correctional industries

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

- do pass do not pass
- do pass with attached amendments(s)
- replace with CS for 11-181 same title
 new title
- and recommends DO PASS
- AND attaches a "Letter of Intent" New Fiscal Note
- reports it back without recommendation
- referred to the _____ Committee

MEMBERS SIGNING DO PASS

W. G. Anderson

MEMBERS HAVING OTHER RECOMMENDATIONS:

Bill Kay No Pass

CHAIRMAN

Anch June 4/13

Senate panel refines prison industries bill

by Bill White
Times Writer

Juneau — Prison inmates could become mechanics, sign makers, upholsterers or computer operators under a bill expected to be approved by a Senate committee this week.

The measure, which has passed the House, would set up a prison industries program in Alaska's prisons. The state is one of only three in the nation that has no authority to set up such a program. The other two states, Delaware and Nevada, have established prison industries programs without legislation, according to the state Department of Health and Social Services.

"It's an extremely important piece of legislation," said Charles Campbell, former head of the state's corrections division and now a consultant to the department.

"Prison industry will not in itself be a panacea. It's a piece of what can be done," he said, adding that the addition of more than 300 beds in the state's jails this year also will help improve prison conditions.

What the opportunity will do is end the "forced idleness" imposed on most convicts, he said. The only activities at most jails involve working in the laundry or the cafeteria, although schooling is available, too, he said.

It would end a program of "warehousing, storage of people rather than rehabilitation," said Rep. Mike Beirne, R-Anchorage, who pushed

for the bill in the House with Rep. Don Clocksin, D-Anchorage.

"It's destructive to think the prisoners will be better equipped to return to the community if they're idle all the time," Campbell said. "There's a lot of lying on bunks and watching TV."

Only the Palmer jail has more advanced activities for convicts, he said. There prisoners operate a road grader and other equipment, and grow food in a greenhouse.

Industries that could be started include processing of farm products, a data input service to the state, sign making for highways, laundry service for the state ferry system, making of hardwood office furniture, a welding metal shop, small engine repairs and recycling of the rubber in tires for making roadbed material, according to the Department of Health and Social Services.

Sen. Bill Ray, D-Juneau, a member of the Judiciary Committee that's working on the measure, warned that the prison industries shouldn't compete with private businesses.

"The minute (the Health and Social Services commissioner) gets out of line with the labor unions, they'll be pulling his chain and he'll be backing off," he said.

A prison industries program wouldn't necessarily release highly skilled convicts. But it could instill in them a work ethic and a pride in the product or service produced, Camp-

bell said.

The Judiciary Committee has been discussing making three basic changes in the House bill. First, work would be mandatory, although Campbell said it is likely there wouldn't be enough work for everyone.

At the suggestion of Sen. Charlie Parr, D-Fairbanks, the panel also discussed giving the head of Health and Social Services the power to define new industries and a prohibition against competing with private companies.

At a committee meeting Monday, Ray objected to a section that would let prisoners earn a full wage, rather than the 41 cents an hour envisioned by the department.

Wally Roman of the department said the intent is to enable private companies to use prison labor. A lawn mower maker in Minnesota uses convicts, as does Western Hotels in Arizona for its reservations system. Paying full wages doesn't give the private companies lower costs compared with competitors. The convicts pay for their upkeep.

But the public won't accept full pay for convicts, Ray said. "It just ain't going to fly. The people will go insane."

Sen. Pat Rodey, D-Anchorage, chairman of the panel, directed his aide to get new language that will take care of the pay problem. "Hopefully, we can get all the burrs out of the saddle before we ride the bronco," he said.

POSITION PAPER

CS FOR HOUSE BILL NO. 194 (HESS) am

"An Act relating to prisoner employment and correctional industries; and providing for an effective date."

The Division of Adult Corrections proposes establishment of a correctional industries program as one of the measures needed to overcome idleness in the Alaskan prisons. The lack of opportunities for meaningful work is one of the most destructive aspects of confinement. The public is not served well when prisoners are released to the community after many months, sometimes years, of having been able to do little or no useful work. Pervasive idleness in prisons has contributed to the personal deterioration of inmates and the volatile instability of many prisons. The elimination of idleness within a correctional institution is one subject of great concern to facility administrators.

A primary advantage of a good industries program is that it can eventually become partially, if not fully, self-supporting. Of greater significance, it can provide prisoners with valuable training; especially in terms of basic work habits; the ability to work well with others, to follow instructions, to adhere to schedules and to have an interest in the product or service being produced. While these factors may be taken for granted by mainstream citizens accustomed to the world of work, they are foreign to many of those who tend chronically to get into trouble with the law. The point to be made here is that a good correctional industries program can be a tremendously important aspect of an effective correctional system.

Today, forty-seven states and the District of Columbia now have correctional industry enabling statutes written into law. The three states remaining without legislation are Delaware, Nevada, and Alaska. Of these three states, Delaware and Nevada are involved in correctional industries without enabling legislation. The State of Alaska is the last state to become actively involved in correctional industries activities. (Attached is a comparison study of Correctional Industry Programs operating in other state systems.)

The Division of Adult Corrections anticipates initiating a correctional industries program on a modest scale with an emphasis during the first year on market research and the development of potential industries. While we would want to establish certain correctional industries activities based on those which have proven successful in other states, our long-range interest lies in identifying approaches which will best serve the unique needs of the Alaskan prison population and will become compatible with the best interest of the people of the State. The proposed bill would establish a Correctional Industries Commission which would address the problems of idleness and lack of training in the prisons and would also have close ties to business, agriculture, organized labor and to the public as a whole. With the guidance

of such a Commission, a carefully balanced correctional industries program can be developed.

The marketing of products and services of correctional industries programs to private industry has the potential for contributing to the economy of the State and actively developing Alaska's resources. State capital invested in correctional industries can maintain a dual purpose of providing meaningful work for prison inmates with some real linkage to post release employment and also improve the position of industry in the State with the net result of increasing the gross product of the State.

Possibilities of promising industries include the establishment of an agricultural processing plant to process crops not presently cultivated but have had success in previous years. A netmaking operation for the developing bottomfish industry may be economically feasible and provide valuable training for the inmates. A data input service could be established to satisfy increasing state needs while providing inmates with marketable skills. Another possibility could be the establishment of a highway sign shop with decal-making capabilities for state markings on vehicles and property. The production of hardwood office furniture is another industry which has had much success in other state programs. A laundry operation may be considered for the State Ferry system. The Marine Highway system has considered establishing its own laundry and might therefore welcome a correctional industry as a regular supplier. Tire recycling within our facilities could produce crumb rubber for use as an asphalt mix aggregate for roadbed construction and joint crack fillers. Correctional Industries could develop an upholstering shop, a welding metal shop, the production of janitorial supplies, small engine repairs and numerous other successful ventures currently in operation within other states' correctional industry programs.

Recently, Chief Justice Warren Burger urged a revised approach to the rehabilitation of prisoners to bring crime under control. In remarks prepared for delivery at the University of Nebraska on December 16, the Chief Justice said, "The current human warehouse system should be changed to factories with fences around them, with inmates paid to produce goods."

The Division of Corrections endorses CS for House Bill 194 (HESS) amendment but requests one technical amendment that would align the proposed distinctly with administrative procedures. The amendment and this revision are as follows:

POSITION PAPER/Department of Health & Social Services

the court directs otherwise. The term "jail" limits the possible work placement opportunities for our prisoners.

The Division of Adult Corrections has had furlough programs since 1969 and, since 1971, has been utilizing halfway houses under contract as furlough centers. By operating the program from furlough centers rather than from the prison setting, the problem of work furlough participants being placed under pressure to bring in contraband is avoided. There are other advantages as well. Furlough in Alaska has functioned successfully with regards to work and other rehabilitative measures.

The emphasis on development of community-based alternatives to imprisonment for appropriate offenders began during the mid-1960's and has become an important component of progressive corrections programs throughout the country. The rationale for furloughs is based on the belief that, after a term of conventional imprisonment, the offender is in need of a period of structured reintegration into the community. Work furlough and utilization of furloughs for other appropriate purposes serve the best interest of the public by enabling the Division of Adult Corrections to avoid releasing prisoners directly to the community without adequate preparation.

Aside from the rehabilitative value, work release benefits the state by reducing the need for construction. The Alaska corrections system is presently experiencing an upsurge in prisoner population. All institutions are filled to capacity and there are presently 188 prisoners housed in the Federal Bureau of Prisons system outside of Alaska.

Work release programs serve to help alleviate our critical bed space need. Presently, we have 85 prisoners in halfway house programs. If these 85 persons were to be required to return to a prison at the end of the workday, rather than a halfway house, as is the current practice, the State would be required to build a new prison to accommodate the increase in prison population. Currently, construction costs per prison bed range from \$69,000 - \$136,200 in Alaska.

These ambiguities should be corrected if our continued use of contract halfway houses is to be on firm legal ground. The above language would clarify this ambiguity.

Recommended by: *Robert S. Hatrak*
for Robert S. Hatrak
Director, Division of Adult Corrections

Date: April 6, 1982

Approved by: *Helen D. Beirne*
Helen D. Beirne
Commissioner

Date: 4-6-82

THE PURPOSE OF THIS BILL IS TWO-FOLD. SINCE THIS LEGISLATURE HAS ADOPTED THE PHILOSOPHY OF IMPRISONING PEOPLE CONVICTED OF CRIMES RATHER THAN LETTING THEM OUT ON PROBATION, THE INTERESTS OF HUMANITY DICTATE A MORAL OBLIGATION TO THESE PERSONS TO SEE THAT THEY ARE NOT JUST WAREHOUSED BUT THAT THEIR POTENTIAL AS HUMAN RESOURCES BE RECOGNIZED AND ADDRESSED. SOCIETY WILL BENEFIT ALSO IF THESE PRISONERS WHO END THEIR JAIL SENTENCES DO NOT RETURN TO A LIFE OF UNEMPLOYMENT AND CRIME. ANY CHANGES MADE TOWARDS INSTILLING VALUES AND HABITS BETTER ADAPTED TOWARDS EARNING A LIVING AND ADJUSTING INTO SOCIETY WOULD BENEFIT SOCIETY FROM BOTH THE PROTECTION STANDPOINT AS WELL AS THE HIGH COSTS GENERATED THROUGH RECIDIVISM. ONE OF THE BEAUTIES OF THIS BILL IS THAT IT AIMS AT FISCAL SELF-SUFFICIENCY. GIVEN A FEW YEARS TO LET IT GET ON ITS FEET, RECEIPTS AND PROFITS SHOULD RETURN TO THE PROGRAM TO HELP PAY FOR ITS COSTS, WHICH ARE NOT GREAT AFTER THE INITIAL START-UP FUNDS HAVE BEEN EXPENDED.

THE COMMISSIONER HAS INFORMED OUR COMMITTEE THAT THE
AVERAGE PRISONER HAS AN EIGHTH GRADE READING LEVEL AND
HAS NOT ACQUIRED GOOD WORK HABITS. THIRTY-TWO PERCENT OF
THE POPULATION IS NATIVE. THE PERSON USUALLY HAS POOR SKILL
LEVELS, CANNOT MAINTAIN GOOD RELATIONSHIPS, HAS AN ALCOHOL
PROBLEM AND IF HE WASN'T A BAD RISK EMPLOYEE BEFORE HE WENT IN,
HE SURE IS WHEN HE GETS OUT WITH A CRIMINAL RECORD. ^{LESS THAN} PRISON
INDUSTRIES PROGRAM ATTEMPTS TO INSTILL GOOD WORK HABITS, INCEN-
TIVES THROUGH EARNING WAGES AND RESPONSIBILITY IN DEALING WITH
MONEY IN THE INMATES. ALTHOUGH SOME OF THE AIMS OF THIS LEGIS-
LATION ARE AMBITIOUS AND THE INDUSTRIES PROGRAM WILL NOT EVEN
BE DEVELOPED ENOUGH FOR SEVERAL YEARS FOR ADEQUATE EVALUATION
PURPOSES, IF NOTHING ELSE, THE PROGRAM WILL PROVIDE THE IDLE
PRISONER NOT ONLY WITH SOMETHING TO DO 250 DAYS A YEAR, BUT
REWARDS HIM IN A WAY THAT MIRRORS THE OUTSIDE WORLD.

NOW, TO GET BACK TO THE BILL ITSELF. THIS PIECE OF LEGISLATION IS DIVIDED INTO SEVERAL COMPONENTS. FIRST IS THE STATUTORY FRAMEWORK AUTHORIZING THE COMMISSIONER OF HEALTH AND SOCIAL SERVICES TO ENTER INTO AGREEMENTS FOR LAND, BUILDINGS AND PRODUCTS NECESSARY FOR THE IMPLEMENTATION OF THIS PROGRAM. INTERACTION WITH PRIVATE INDUSTRY IS ALLOWED ONLY IF THE PRISON INDUSTRIES COMMISSION ESTABLISHED BY THIS BILL REVIEWS AND APPROVES IT. PRISONERS ARE PAID A WAGE (IN THE FISCAL NOTE IT IS APPROXIMATED AT \$0.44/HOUR) AND THEIR EARNINGS ARE PUT INTO ACCOUNTS AFTER CERTAIN DEDUCTIONS ARE MADE FOR SUCH THINGS AS FAMILY SUPPORT AND RESTITUTION. THE MARKETING OF PRISON INDUSTRIES PRODUCTS IS DONE IN CONJUNCTION WITH THE DEPARTMENT OF ADMINISTRATION AND THE COMMISSIONER OF HEALTH AND SOCIAL SERVICES.

THE CORRECTIONAL INDUSTRIES COMMISSION IS A SEVEN MEMBER COMMISSION UNDER THE CHAIRMANSHIP OF THE COMMISSIONER OF HEALTH AND SOCIAL SERVICES. THE COMMISSIONER OF ADMINISTRATION SERVES ON THE COMMISSION ALONG WITH FIVE OTHER PERSONS APPOINTED BY THE GOVERNOR. THESE PERSONS MUST REPRESENT PRIVATE INDUSTRY, ORGANIZED LABOR, AGRICULTURE, THE GENERAL PUBLIC. THE PRISON POPULATION IS TO BE REPRESENTED BY AN EX-OFFENDER. THIS COMMISSION SHALL MEET AT LEAST FOUR TIMES A YEAR. THE FIRST TWO YEARS THEY WILL MEET AT LEAST TWO EXTRA TIMES FOR THE PURPOSE OF HOLDING PUBLIC HEARINGS REGARDING ASPECTS OF START-UP OF THE INDUSTRIES PROGRAM. THIS COMMISSION SHALL PROVIDE POLICY DIRECTION TO THE COMMISSIONER, OVERSEE BUDGET SUBMISSIONS, AND MAKE RECOMMENDATIONS TO THE COMMISSIONER REGARDING THE SPECIFIC PROGRAMS IMPLEMENTED BY THE INDUSTRY. THEY WILL REVIEW ALL INTERACTIONS WITH PRIVATE INDUSTRY TO ASCERTAIN THAT THERE WILL BE MINIMAL NEGATIVE IMPACT ON THE EXISTING PRIVATE INDUSTRY IN THE STATE OF ALASKA AND THAT PROPOSED PROGRAMS WILL CONTRIBUTE TO THE ECONOMY OF THE STATE.

(3)

MARKETING OF THE PRODUCTS IS STILL ANOTHER AREA ADDRESSED BY THIS BILL. FIRST OF ALL, PRODUCTS OR SERVICES CAN BE SOLD TO GOVERNMENTS, NON-PROFIT ORGANIZATIONS, AND, WHERE ALLOWED BY THE COMMISSION, TO PRIVATE INDUSTRY. IN ORDER TO ASSURE SOME MARKET POTENTIAL, PRODUCTS THAT ARE NEEDED BY THE STATE GOVERNMENT THAT CAN BE PRODUCED WITH COMPARABLE QUALITY STANDARDS BY THE CORRECTIONAL INDUSTRIES PROGRAM SHALL BE GUARANTEED THAT MARKET BY THE STATE. THE STATE IS ALSO ENJOINED TO COOPERATE IN IMPROVING AND EXPANDING THESE PRODUCTS. THIS IS A GUARANTEED MARKET. THE BENEFITS TO THE PROGRAM ARE OBVIOUS. THE DETRIMENT TO EXISTING ALASKAN INDUSTRY SHALL BE MINIMAL, IF ANY EXISTS, BECAUSE WE ARE TALKING ABOUT A VERY SMALL POPULATION COMPARATIVELY AND BECAUSE OF THE PROTECTIONS GUARANTEED UNDER THE PROVISIONS IN THIS LEGISLATION.

AS IT NOW STANDS, THE FEDERAL GOVERNMENT DOES NOT ALLOW ANY INTERACTION BY ITS AGENCIES & MILITARY ESTABLISHMENTS WITH CORRECTIONAL INDUSTRIES PROGRAMS. THERE IS CURRENTLY AN EFFORT TO CORRECT THIS SITUATION THROUGH AN EXPERIMENTAL PARTICIPATION PROGRAM CALLED THE FREE VENTURES PROGRAM. ONLY SIX OR SEVEN STATES NOW PARTICIPATE IN THIS PROGRAM BECAUSE THE STANDARDS ARE VERY HIGH AND CERTAIN ENABLING LEGISLATION MUST BE ON THE BOOKS. WE HAVE ATTEMPTED TO PRESERVE THE RIGHT TO PERHAPS PARTICIPATE IN THIS PROGRAM IN THE FUTURE BY THE INCLUSION OF CERTAIN LANGUAGE IN THIS BILL. THIS LANGUAGE DOES NOT PROHIBIT THE COMMISSIONER FROM PAYING A COMPETITIVE WAGE, PROTECTS PRIVATE INDUSTRY FROM DISPLACEMENT, AND SPECIFICALLY ALLOWS PRIVATE INDUSTRY TO PARTICIPATE. THERE MUST ALSO BE AN ATTEMPT TO PROVIDE FULL WORKING DAYS FOR THE INMATES WHO PARTICIPATE IN THE PROGRAM. BY THE WAY, PARTICIPATION IS VOLUNTARY.

DETAILS:

WITHIN SIX YEARS NINE SHOP SUPERVISORS FOR FOUR SITES WILL BE IN THE BUDGET. TWO OF THESE POSITIONS WILL COME FROM THE GOVERNOR'S OPERATING BUDGET. SEVEN ARE PROJECTED THROUGH THE FISCAL NOTE TO THIS BILL. THE CAPITAL PROJECTS LISTED ARE FOR METAL SHOP BUILDINGS. PROPOSALS HAVE ALREADY BEEN SUBMITTED TO THE ARCHITECTS. PALMER SHALL RECEIVE THE EXTRA SHOP SUPERVISOR SINCE IT HAS THE LARGEST PROGRAM CAPACITY.

AL ADAMS HAS REQUESTED THAT PAGE THREE, LINE ONE, BE AMENDED TO REFER TO THE FISCAL PROCEDURES ACT (AS 37.07): A SECTION WILL BE ADDED TO THAT TITLE THROUGH THIS LEGISLATION WHICH WILL EXEMPT CORRECTIONAL INDUSTRIES PROGRAMS FROM COMPETITIVE BIDS ONLY AS REGARDS THE PRODUCTS AND SERVICES GENERATED.

WORKMAN'S COMPENSATION PROHIBITION: PRISONERS PARTICIPATING IN THIS PROGRAM ARE PROHIBITED FROM RECEIVING WORKMAN'S COMPENSATION. THERE ARE SEVERAL REASONS FOR THIS. FIRST, THE DEPARTMENT ANTICIPATES A DEARTH OF APPLICATIONS AND PROBLEMS FROM INMATES ALL TOO WILLING TO CREATE A DIVERSION IN JAIL. SECOND, THE PROGRAMS WILL BE SELECTED FOR THEIR SAFETY ASPECTS IN ORDER TO PREVENT POSSIBLE INJURIES. THIRD, THE STATE PROVIDES ALL MEDICAL CARE FOR PRISONERS UNDER THEIR CARE. FOURTH, IF A PRISONER SHOULD SUSTAIN A DISABLING INJURY, HE WOULD HAVE THE RIGHT TO SUE AND GAIN A LOT MORE COMPENSATION THAN 66% OF \$0.44/HOUR WAGES.

THIS PROGRAM IS ALL READY TO GET ON-LINE. IF THE DEPARTMENT IS ALLOWED TO PROCEED, FACILITIES SHOULD BE COMPLETED WITHIN ONE CALENDAR YEAR. THE PALMER FACILITY IS PREPARED TO IMPLEMENT THE PROGRAM AS SOON AS THE SHOP SUPERVISOR COMES ON BOARD, WHICH THEY HOPEFULLY ANTICIPATE WILL BE IN TIME TO GROW SOME CROPS THIS SUMMER. THEY ALSO HAVE PLANS FOR SIGN MAKING AND SMALL MACHINE WORK, WHICH THEY DO NOW IN A VOCATIONAL EDUCATION PROGRAM, IF I AM CORRECTLY INFORMED ON THIS. FACILITIES IN FAIRBANKS, EAGLE RIVER, AND LEMON CREEK ARE ALSO CAPABLE OF STARTING UP WITHIN A YEAR. OUTSIDE OF INITIAL COSTS FOR THE BUILDINGS, THE ONLY REALLY ADDED EXPENSE AS FAR AS THE CORRECTIONAL INDUSTRIES PROGRAMS ITSELF IS CONCERNED IS THE ADDITION OF . SHOP SUPERVISORS AT EACH OF THE PROPOSED SITES. MEETINGS OF THE COMMISSION WILL DECREASE SLIGHTLY AFTER THE FIRST TWO YEARS. PROFITS SHOULD BE FORTHCOMING AFTER A FEW YEARS OF LAG-TIME IN WHICH THEY ARE GEARING UP. BY THE TIME THIS BILL IS SLATED FOR SUNSET REVIEW (1987) THE LEGISLATURE SHOULD BE IN A POSITION TO MAKE A PROGNOSIS FOR THE CONTINUATION OF THE PROGRAM.

SENATOR
PATRICK M. RODEY
3271 MCINTCLAIRE COURT
ANCHORAGE, AK 99503



SENATE MAJORITY LEADER
CHAIRMAN
SENATE JUDICIARY COMMITTEE
CHAIRMAN
SENATE SPECIAL COMMITTEE
ON BANKING

ALASKA STATE LEGISLATURE
POUCH V
JUNEAU, ALASKA 99811
(907) 465-3717

April 6, 1982

Mr. David Wetzel
Box 3813
Anchorage, AK 99510

Dear David:

Thank you for your letter of April 5 relating to prison industries.

HB 194, "An Act relating to prisoner employment and correctional industries.", is in the Senate Judiciary Committee and is scheduled to be heard Wednesday, April 7. I have enclosed a copy for your information and have highlighted the Article which would hopefully address your concern.

I do support this legislation and can assure you that I will vote for its passage when it is before my Committee.

I appreciate your contacting me with your concern. If I may be of any further assistance, please do not hesitate to contact me.

Kindest regards,

A handwritten signature in cursive script, appearing to read "Patrick M. Rodey".

Patrick M. Rodey
Senator

PMR/ds

(April 05, 1982)

Hon. Sen. Pat Rodey
Pouch II
Juneau, AK. (99811)

Dealing with this week.
HB 194

Dear Sen. Rodey:)

[RE:] [Prison Industries Program]

"The manpower Demonstration Research Corp. ran a supported work program between 1975 and 1980 that gave the hard-core unemployed one year of work experience. The results were striking; especially for AFDC [aid to Families with Dependent Children] mothers; after two years [twice as many] of the [manpower graduates] had [gotten off welfare] as those who received no work training at all." Plainly; says University of California at Berkeley sociologist Harold Wilensky, "it is [better] to invest in programs to train and employ the hard-to-employ than to pick up the tab on unemployment, welfare dependency, drug addiction, crime + prisons." (my own emphasis added)
(newsweek) (April 05, 1982) pg. 28

Sincerely, David Wetzel

HB 194

SENATOR
PATRICK M. RODEY
3271 MONTCLAIRE COURT
ANCHORAGE, AK 99503



SENATE MAJORITY LEADER
CHAIRMAN
SENATE JUDICIARY COMMITTEE
CHAIRMAN
SENATE SPECIAL COMMITTEE
ON BANKING

ALASKA STATE LEGISLATURE

POUCH V
JUNEAU, ALASKA 99811
(907) 465-3717

April 14, 1982

Allen F. Breed
Director
U.S. Department of Justice
National Institute of Corrections
Washington, D.C. 20534

Dear Mr. Breed:

Thank you for the information which you recently sent to me relating to prisons.

The article on Prison Industries was particularly timely as my committee is currently holding hearings on legislation which would establish such a program in Alaska.

Again, I appreciate your supplying me with this information.

Kindest regards,

Patrick M. Rodey
Senator

PMR/ds



U.S. Department of Justice

National Institute of Corrections

Washington, D.C. 20534

April 5, 1982

The Honorable Patrick M. Rodey
Chairman
Senate Judiciary Committee
State Capitol
Juneau, Alaska 99811

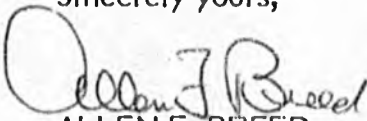
Dear Mr. Rodey:

Today, corrections in the United States is facing a crisis of significant magnitude. An expanding prisoner population is housed in deteriorating, overcrowded facilities at a time when the necessary financial resources are being reduced. These conditions are not likely to be resolved until lawmakers and the public recognizes and responds to corrections as a significant domestic issue that portends disorders, riots, and violence at an unprecedented level if not given the relief and assistance required.

The National Institute of Corrections was created in 1974 as a center in the nation to which state and local correctional agencies can look for many different kinds of practical assistance. Dedicated to improving and assisting state and local correctional services to develop and maintain safe, fair, humane and just programs, NIC offers, at no cost to the state or county, technical assistance and information to those responsible for local corrections.

As a legislator with concern or responsibility for corrections in your home state, we are taking this opportunity to acquaint you with the services offered by NIC. I am enclosing a series of brief articles on: 1) overcrowding, 2) alternatives to overcrowding, 3) prison construction, and 4) prison industries, prepared for a recent meeting of the Governors' Association. I hope you find the papers useful when deliberating correctional issues in your state. Additional information enclosed includes brochures on: NIC, its Information Center and Training Academy.

Sincerely yours,


ALLEN F. BREED
Director

Enclosures

*DATA - 8 COPIES
MAKE
OF
ARTICLE ON
PRISON INDUSTRIES*

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. CSHB 194 (HESS) am
Title An Act Relating to prisoner employment and correctional industries
Requested by _____ Date _____

II. FISCAL DETAIL

Agency Affected Health & Social Services
Program Category Affected Offender Confinement, Reformation & Supervision
BRU, Program, Or Subprogram(s) Affected Adult Confinement, Prison Industries
(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 82	FY 83	FY 84	FY 85	FY 86	FY 87
100 PERSONAL SERVICES		39.8	127.3	334.8	364.9	397.7
200 TRAVEL		21.8	23.8	19.7	21.5	23.4
300 CONTRACTUAL		10.9	11.9	13.0	14.1	15.5
400 COMMODITIES		100.0	150.0	163.5	178.2	194.3
500 EQUIPMENT		150.0	200.0	100.0	25.0	25.0
600 LAND & STRUCTURES		-	-	-	-	-
700 GRANTS, CLAIMS, ETC.		33.0	67.5	97.5	105.0	114.4
TOTAL	-0-	355.5	580.5	728.5	708.7	770.3

FUNDING (Thousands of Dollars)

		*	*	*	*	*
GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify Source)						

* See Analysis, Paragraph I

POSITIONS

		1	2	1	-0-	-0-
FULL TIME						
PART TIME						
TEMPORARY						

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

Assumptions:

A. Staff

- It is anticipated that seven additional shop supervisors will be needed to fully implement the Prison Industries Program. The seven shop supervisors would be hired during the next three fiscal years, on the following schedule:

IV. DATE April 7, 1982

PREPARED BY Roger C. Lange

AGENCY Division of Adult Corrections

Original: Legislative Finance
cc: Budget and Management

PHONE 465-3376

Prime Sponsor (First Legislator Named)

33-001 (Rev. 12/81)

Joanne C. Clark, Acting Director
Division of Management & Budget

<u>DATE</u>	<u>LOCATION</u>	<u># OF POSITIONS</u>
July, 1982	Palmer	1
July, 1983	Juneau	2
Oct., 1984	Eagle River	2
Oct., 1984	Fairbanks	2

A. The positions will all be Range 16 - Shop Supervisors; FY 1983 cost is computed as follows:

Monthly Salary \$2556

Annual Salary	\$30,672
Variable Benefits	5,101
Supplemental Benefits	1,880
Health Benefits	2,196
Total	\$39,849

B. Travel

1. Board travel consists of 4 board meetings to be held at institutions with industries programs. It is assumed an average of 6 board members will attend each meeting, with 4 requiring air travel. It is assumed each meeting will be of a three day duration. \$10,560
2. Public Hearings will be conducted at @ Board meeting whenever possible. However two meetings a year in addition may be needed in FY 83 and FY 84 for start up of industries. \$5,280
3. Staff travel of \$6,000 is included for supervision of the program.

C. Contractual funds are included for specialized services not available from state agencies plus long distance telephone and postage costs. It is assumed that the cost for additional heat and electricity will be absorbed by the institutions conducting the industries programs.

D. Commodities funds are to purchase raw materials needed in the manufacturing of products.

E. Funds to purchase equipment will be needed in significant amounts for the first three years for the new product/service lines, as they are developed.

F. Funds requested in Grants and Claims is for the payment to inmates of wages earned. The following table represents the estimates of persons in the program, average wages, etc.

<u>FISCAL YEAR</u>	<u>FULL TIME INMATES</u>	<u>DAYS PER YEAR WORKED</u>	<u>HOURS PER DAY WORKED</u>	<u>AVE. HOURLY WAGE</u>	<u>TOTAL WAGES</u>
1983	40	250	7.5	\$.44	\$33,000
1984	75	250	7.5	.48	67,500
1985	100	250	7.5	.52	97,500
1986	100	250	7.5	.56	105,000
1987	100	250	7.5	.61	114,375

G. Capital expenditures are addressed in the Governor's Capital budget, as follows:

FY 1983	Juneau Prison Industries Building	\$1,248,500
FY 1983	Eagle River Prison Industries	1,306,200
FY 1983	Fairbanks Prison Industries	1,542,000
FY 1985	Palmer Prison Industries Remodel	200,000

The above costs are, therefore, not included in the fiscal note.

H. Inflation

It is assumed that there will be a uniform 9% inflation rate through FY 1986.

- I. Funding identification has not been made as the proposed legislation is not specific as to the manner program receipts are to be handled. Funding could be identified as all general funds or a combination of general funds and program receipts.

Without knowing what specific industries are to be developed or the time frame in which goods or services are available to the specified consumers, no estimate of program receipts can be made at this time. It is assumed, however, that all program receipts will either be identified as part of the funding or deposited directly into the state treasury.

CORRECTIONAL INDUSTRY PROGRAMS

COMPARISON BY STATES

- I. INTRODUCTION
- II. CORRECTIONAL INDUSTRY PROGRAMS/STANDARD INDUSTRIAL CLASSIFICATIONS (SIC)
- III. CHART - COMPARISON BY STATES
- IV. CORRECTIONAL INDUSTRY PROGRAMS BY STATES



John R. Wald Company
INCORPORATED

HUNTINGDON, PENNSYLVANIA 16652
314 643-3908

- INTRODUCTION -

In an effort to more completely list the variety of Correctional Industry Programs operating in corrections today and relate these to comparable industries prevalent in the private sector, we have prepared the attached Comparison by States using the Standard Industrial Classification (SIC) system, as outlined by the U. S. Department of Commerce.

Under the Standard Industrial Classification (SIC) system, an industry is generally defined as a group of establishments producing a single product or a, more or less, closely related group of products. The product groupings from which industry classifications are derived are based on such considerations as whether they are typically produced by the same establishment, similarity of manufacturing processes, types of materials used, types of customers, and the like. The system operates in such a way that the definitions become progressively narrower with successive additions of specific classifications. There are 20 very broad 2-digit groups. The products of the manufacturing industries have been assigned codes based on the industry from which they originate. An establishment is classified in a particular industry if its production of the primary products of that industry exceeds its production of products of any other single industry. In a few instances, however, the industry classification of an establishment is determined not only by the products it makes, but also by the processes employed in making those products.

In earlier censuses, a number of small establishments may have been misclassified as to industry. The industry classifications for these establishments were assigned on the basis of brief descriptions of the general activity of the establishment. Where the description is incomplete or there are relatively fine lines of demarcation between industries or between manufacturing and nonmanufacturing activity, the code assigned to an establishment could differ from that which would have been assigned on the basis of more complete product information.

While some establishments produce only the primary products of the industry in which they are classified, it rarely happens that all the establishments in an industry specialize to this extent.

II

CORRECTIONAL INDUSTRY PROGRAMS/STANDARD INDUSTRIAL
CLASSIFICATIONS (SIC)

In our effort to relate Correctional Industry Programs to Standard Industrial Classifications we prepared the attached outline, listing every known Correctional Industry Program under each of the Code 20 thru Code 40 Standard Industry Classification (SIC). Industrial Code efforts were made to (identify), first, the so-called traditional correctional industries and, secondly, the variety of new ventures and/or satellite type programs with the Standard Industrial Classifications.

CORRECTIONAL INDUSTRY PROGRAMS

STANDARD INDUSTRIAL CLASSIFICATION (SIC) INDUSTRIAL CODE

20 FOOD & KINDRED PRODUCTS

Abattoir/Meat Processing
Cannery
Coffee & Tea
Dairy Products
Farming
Feed/Flour/Grain
Orchard

21 TOBACCO PRODUCTS

22 TEXTILE MILL PRODUCTS

Cordage/Twine/Rope
Knitting
Spin/Weave

23 APPAREL, OTHER TEXTILE PRODUCTS

Canvas Specialty Products
Drapery
Flags
Garment
Glove
Hosiery (see Knitting)
Linens
Rugs
Tailor

24 LUMBER AND WOOD PRODUCTS

Carpentry
Containers
Forest Mgmt./Timber
Furniture
Park Equipment
Pressure Creosote Treatment
Saw Mill & Lumber Products
Snow Fence Mfg.
Misc. Wood Products

25 FURNITURE & FIXTURES

Furniture
Wood (new)
Metal (new)
Repair/Refinishing
Upholstering
Mattress/Pillow
Office Partitions
Venetian Blinds

26 PAPER AND ALLIED PRODUCTS

Bags
Boxes (cardboard)

27 PRINTING AND PUBLISHING

Bookbinding/Repair
Decals
Engraving (Name Plates,
Plaques)
Printing
Rubber Stamps
Silkscreening
Validation Stickers

28 CHEMICALS AND ALLIED PRODUCTS

Janitorial Products
Paint
Soap Products

29 PETROLEUM & COAL PRODUCTS

Oil Recycling

30 RUBBER & PLASTICS PRODUCTS

Plastic Bags
Plastic Products
Tire Recapping

- CORRECTIONAL INDUSTRY PROGRAMS -
(SIC)

31 LEATHER & LEATHER PRODUCTS

Belts
Leather Bags
Shoes (New & Repair)

32 STONE, CLAY, AND GLASS PRODUCTS

Masonry Products
Concrete
Brick

33 PRIMARY METAL INDUSTRIES

Foundry

34 FABRICATED METAL PRODUCTS

Auto Tags
Machine Shop
Metal Working
Sheet Metal
Tubular
Signs (Metal
Misc. Metal Products

35 MACHINERY EXCEPT ELECTRICAL

Business & Office Machine Repair
Farm Machinery

36 ELECTRICAL EQUIPMENT & SUPPLIES

Electronics
Maintenance (Electric)

37 TRANSPORTATION EQUIPMENT

Auto Repair
Bus Repair
Truck Repair

38 INSTRUMENTS RELATED PRODUCTS

Dental (Prosthetics/Lab)
Optical Lab

39 MISCELLANEOUS MANUFACTURING INDS.

Brooms/Brushes/Mops
Educational Toys

40 SERVICE INDUSTRIES (MISCELLANEOUS)

Freight Service
Laundry/Dry Cleaning
Nursery
Records Conversion
Outside Labor Services

III

CHART

CORRECTIONAL INDUSTRY PROGRAMS

COMPARISON BY STATES

The attached chart was prepared indicating those Industrial Programs (indicated by dots "•") active in each state.

As with any survey it is difficult to assure 100% validity to the programs by state. The results of our research and survey, as indicated on the chart, were arrived at by consensus thru the following sources of information:

1. John R. Wald Company chart titled "State Use Correctional Industries Comparison by States" dated 1-1-74.
2. Correctional Industries Association's 1978-79 Directory.
3. Industry Survey by State of Michigan conducted March 1977.
4. John R. Wald Company publication "Correctional Industries - State Use Sales" 11-1-77.
5. State Correctional Industry Catalogues.
6. Spot calls to Industry Directors, picked at random.
7. Spot reviews in-person with Correctional Industry personnel.

CORRECTIONAL INDUSTRY PROGRAMSCOMPARISON BY STATESALABAMA

Cannery
Knitting
Garment
Saw Mill & Lumber Products
Printing
Validation Stickers
Auto Tags
Records Conversion

ALASKA

NO INDUSTRIES

ARIZONA

Abattoir/Meat Processing
Dairy Products
Farming
Carpentry
Furniture
Wood (New)
Mattress/Pillow
Decals
Engraving (Name Plates, Plaques)
Printing
Validation Stickers
Auto Tags
Metal Working
Signs (Metal)
Dental (Prosthetics/Lab)
Freight Service
Records Conversion

ARKANSAS

Garment
Mattress/Pillow
Printing
Plastic Products
Records Conversion

CALIFORNIA

Dairy Products
Farming
Orchard
Knitting
Flags
Garment
Glove
Linens
Furniture
Misc. Wood Products
Wood (New)
Metal (New)
Mattress/Pillow
Bookbinding/Repair
Printing
Validation Stickers
Janitorial Products
Shoes (New & Repair)
Auto Tags
Metal Working
Sheet Metal
Tubular
Signs (Metal)
Misc. Metal Products
Optical Lab

CALIFORNIA (Cont'd)

Educational Toys
Laundry/Dry Cleaning

COLORADO

Abattoir/Meat Processing
Cannery
Dairy Products
Farming
Flags
Garment
Linens
Tailor
Furniture
Park Equipment
Saw Mill & Lumber Products
Wood (New)
Upholstering
Office Partition
Printing
Validation Stickers
Auto Tags
Metal Working
Sheet Metal
Signs (Metal)
Electronics
Auto Repair
Freight Service
Nursery

CONNECTICUT

Dairy Products
 Farming
 Garment
 Furniture
 Park Equipment
 Misc. Wood Products
 Wood (New)
 Repair/Refinishing
 Upholstering
 Mattress/Pillow
 Office Partition
 Engraving (Name Plates, Plaques)
 Printing
 Rubber Stamps
 Validation Stickers
 Tire Recapping
 Auto Tags
 Machine Shop
 Signs (Metal)
 Business & Office Machine Repair
 Auto Repair
 Dental (Prosthetics/Lab)
 Optical Lab
 Laundry/Dry Cleaning
 Records Conversion

DELAWARE

Repair/Refinishing

DISTRICT OF COLUMBIA

Garment
 Metal (New)
 Repair/Refinishing
 Upholstering
 Printing
 Silkscreening

DISTRICT OF COLUMBIA (Cont'd)

Validation Stickers
 Auto Tags
 Machine Shop
 Metal Working
 Tubular
 Signs (Metal)
 Laundry/Dry Cleaning

FLORIDA

Abattoir/Meat Processing
 Cannery
 Dairy Products
 Farming
 Garment
 Glove
 Hosiery
 Linens
 Forest Mgmt./Timber
 Furniture
 Park Equipment
 Pressure Creosote Treatment
 Saw Mill & Lumber Products
 Misc. Wood Products
 Wood (New)
 Metal (New)
 Repair/Refinishing
 Mattress/Pillow
 Boxes (Cardboard)
 Bookbinding/Repair
 Decals
 Printing
 Validation Stickers
 Janitorial Products
 Soap Products
 Tire Recapping
 Shoes (New & Repair)
 Concrete
 Brick

FLORIDA (Cont'd)

Auto Tags
 Metal Working
 Sheet Metal
 Misc. Metal Products
 Auto Repair
 Truck Repair
 Dental (Prosthetics/Lab)
 Optical Lab
 Nursery
 Records Conversion
 Outside Labor Services

GEORGIA

Garment
 Furniture
 Misc. Wood Products
 Wood (New)
 Metal (New)
 Repair/Refinishing
 Upholstering
 Mattress/Pillow
 Printing
 Silkscreening
 Validation Stickers
 Janitorial Products
 Concrete
 Auto Tags
 Metal Working
 Sheet Metal
 Signs (Metal)
 Misc. Metal Products

HAWAII

Printing

IDAHO

Carpentry
Furniture
Wood (New)
Metal (New)
Repair/Refinishing
Upholstering
Auto Tags
Metal Working
Sheet Metal
Tubular
Signs (Metal)
Misc. Metal Products
Auto Repair
Records Conversion

ILLINOIS

Abattoir/Meat Processing
Dairy Products
Farming
Tobacco Products
Knitting
Drapery
Garment
Linens
Furniture
Saw Mill & Lumber Products
Wood (New)
Metal (New)
Repair/Refinishing
Upholstering
Mattress/Pillow
Janitorial Products
Soap Products
Metal Working
Sheet Metal
Tubular
Signs (Metal)
Misc. Metal Products
Dental (Prosthetics/Lab)
Brooms/Brushes/Mops

INDIANA

Flags
Garment
Tailor
Furniture
Misc. Wood Products
Wood (New)
Metal (New)
Mattress/Pillow
Engraving (Name Plates, Plaques)
Printing
Validation Stickers
Janitorial Products
Soap Products
Auto Tags
Machine Shop
Metal Working
Sheet Metal
Tubular
Signs (Metal)
Misc. Metal Products
Brooms/Brushes/Mops

IOWA

Garment
Furniture
Wood (New)
Metal (New)
Repair/Refinishing
Upholstering
Mattress/Pillow
Office Partitions
Printing
Validation Stickers
Janitorial Products
Soap Products
Tire Recapping
Auto Tags
Metal Working
Sheet Metal
Tubular

IOWA (Cont'd)

Signs (Metal)
Auto Repair
Laundry/Dry Cleaning
Records Conversion
Outside Labor Service

KANSAS

Garment
Furniture
Wood (New)
Metal (New)
Repair/Refinishing
Upholstering
Mattress/Pillow
Silkscreening
Janitorial Products
Paint
Soap Products
Metal Working
Tubular
Signs (Metal)

KENTUCKY

Garment
Linens
Furniture
Wood (New)
Metal (New)
Validation Stickers
Janitorial Products
Soap Products
Tire Recapping
Auto Tags
Metal Working
Sheet Metal
Tubular
Signs (Metal)

LOUISIANA

Abattoir/Meat Processing
Cannery
Garment
Linens
Mattress/Pillow
Decals
Janitorial Products
Scap Products
Auto Tags
Signs (Metal)
Dental (Prosthetics/Lab)
Brooms/Brushes/Mops

MAINE

Furniture
Wood (New)
Repair/Refinishing
Upholstering
Printing
Concrete
Auto Tags
Signs (Metal)

MARYLAND

Cannery
Garment
Furniture
Wood (New)
Metal (New)
Mattress/Pillow
Boxes (Cardboard)
Printing
Paint
Auto Tags
Metal Working
Sheet Metal

MARYLAND (Cont'd)

Tubular
Signs (Metal)
Misc. Metal Products
Brooms/Brushes/Mops

MASSACHUSETTS

Canvas Specialty Products
Flags
Garments
Furniture
Wood (New)
Repair/Refinishing
Upholstering
Mattress/Pillow
Boxes (Cardboard)
Silkscreening
Shoes (New & Repair)
Foundry
Auto Tags "
Metal Working
Signs (Metal)
Misc. Metal Products
Auto Repair
Brooms/Brushes/Mops

MICHIGAN

Spin/Weave
Canvas Specialty Products
Flags
Garments
Hosiery
Linens
Furniture
Misc. Wood Products
Wood (New)
Metal (New)

MICHIGAN (Cont'd)

Repair/Refinishing
Upholstering
Mattress/Pillow
Office Partition
Boxes (Cardboard)
Decals
Engraving (Name Plates, Plaques)
Printing
Silkscreening
Validation Stickers
Belts
Shoes (New & Repair)
Auto Tags
Machine Shop
Metal Working
Sheet Metal
Tubular
Signs (Metal & Wood)
Maintenance (Electric)
Brooms/Brushes/Mops
laundry/Dry Cleaning

MINNESOTA

Cordage/Twine/Rope
Furniture
Misc. Wood Products
Wood (New)
Metal (New)
Repair/Refinishing
Upholstering
Mattress/Pillow
Printing
Validation Stickers
Plastic Products
Foundry
Auto Tags
Machine Shop
Metal Working

MINNESOTA (Cont'd)

Sheet Metal
Tubular
Farm Machinery
Bus Repair
Records Conversion
Outside Labor Services

MONTANA

Abattoir/Meat Processing
Dairy Products
Farming
Mattress/Pillow
Printing
Auto Tags
Signs (Metal)

NEW HAMPSHIRE

Dairy Products
Farming
Furniture
Wood (New)
Repair/Refinishing
Printing
Auto Tags
Auto Repair

MISSISSIPPI

Bookbinding/Repair
Janitorial Products

NEBRASKA

Flags
Garment
Furniture
Park Equipment
Wood (New)
Metal (New)
Repair/Refinishing
Upholstering
Mattress/Pillow
Engraving (Name plates, Plaques)
Printing
Validation Stickers
Janitorial Products
Soap Products
Auto Tags
Metal Working
Sheet Metal
Tubular
Signs (Metal)
Misc. Metal Products

NEW JERSEY

Knitting
Garment
Metal (New)
Mattress/Pillow
Printing
Validation Sticker
Janitorial Products
Soap Products
Auto Tags
Machine Shop
Metal Working
Sheet Metal
Tubular
Signs (Metal)
Brooms/Brushes/Mops

MISSOURI

Garment
Glove
Furniture
Park Equipment
Wood (New)
Metal (New)
Upholstering
Boxes (Cardboard)
Bookbinding/Repair
Printing
Validation Stickers
Janitorial Products
Soap Products
Shoes (New & Repair)
Auto Tags
Metal Working
Sheet Metal
Signs (Metal)
Freight Service
Laundry/Dry Cleaning
Records Conversion

NEVADA

Bookbinding/Repair
Auto Tags

NEW MEXICO

Furniture
 Misc. Wood Products
 Wood (New)
 Repair/Refinishing
 Upholstering
 Mattress/Pillow
 Decals
 Engraving (Name Plates, Plaques)
 Printing
 Silkscreening
 Validation Stickers
 Auto Tags
 Signs (Metal)
 Auto Repair

NEW YORK (Cont'd)

Auto Tags
 Machine Shop
 Metal Working
 Sheet Metal
 Tubular
 Signs (Metal)
 Misc. Metal Products
 Electronics
 Auto Repair
 Bus Repair
 Truck Repair
 Optical Lab
 Brooms/Brushes/Mops

NORTH DAKOTA

Furniture
 Wood (New)
 Repair/Refinishing
 Upholstering
 Janitorial Products
 Metal Working
 Tubular
 Signs (Metal)

NEW YORK

Canvas Specialty Products
 Flags
 Garment
 Linens
 Tailor
 Furniture
 Saw Mill & Lumber Products
 Snow Fence Mfg.
 Misc. Wood Products
 Wood (New)
 Metal (New)
 Upholstering
 Mattress/Pillow
 Boxes (Cardboard)
 Engraving (Name Plates, Plaques)
 Printing
 Silkscreening
 Janitorial Products
 Soap Products
 Plastic Bags
 Foundry

NORTH CAROLINA

Meat Processing
 Cannery
 Farming
 Garment
 Tailor
 Forest Mgmt./Timber
 Furniture
 Wood (New)
 Repair/Refinishing
 Upholstering
 Mattress/Pillow
 Printing
 Janitorial Products
 Paint
 Soap Products
 Oil Recycling
 Auto Tags
 Metal Working
 Sheet Metal
 Signs (Metal)
 Misc. Metal Products
 Laundry
 Outside Labor Services

OHIO

Tobacco Products
 Garment
 Linens
 Furniture
 Wood (New)
 Metal (New)
 Mattress/Pillow
 Printing
 Validation Stickers
 Janitorial Products
 Soap Products
 Shoes (New & Repair)
 Auto Tags
 Machine Shop
 Metal Working
 Sheet Metal
 Tubular
 Signs (Metal)
 Bus Repair
 Truck Repair
 Dental (Prosthetics/Lab)
 Brooms/Brushes/Mops
 Records Conversion

OKLAHOMA

Abattoir/Meat Processing
Cannery
Garment
Mattress/Pillow
Boxes (Cardboard)
Printing
Auto Tags
Signs (Metal)
Records Conversion

OREGON

Furniture
Wood (New)
Metal (New)
Repair/Refinishing
Upholstering
Shoes (New & Repair)
Metal Working
Sheet Metal
Tubular
Auto Repair
Laundry/Dry Cleaning

PENNSYLVANIA

Abattoir/Meat Processing
Cannery
Coffee & Tea
Dairy Products
Farming
Knitting
Spin/Weave
Drapery
Garment
Linens
Furniture
Saw Mill & Lumber Products

PENNSYLVANIA (Cont'd)

Wood (New)
Metal (New)
Repair/Refinishing
Upholstering
Mattress/Pillow
Boxes (Cardboard)
Printing
Validation Stickers
Janitorial Products
Soap Products
Shoes (New & Repair)
Auto Tags
Metal Working
Sheet Metal
Tubular
Auto Repair
Dental (Prosthetics/Lab)
Educational Toys
Freight Service
Nursery
Records Conversion

RHODE ISLAND

Flags
Printing
Auto Tags
Signs (Metal)

SOUTH CAROLINA

Abattoir/Meat Processing
Dairy Products
Farming
Garment
Furniture
Wood (New)
Metal (New)

SOUTH CAROLINA (Cont'd)

Repair/Refinishing
Upholstering
Mattress/Pillow
Venetian Blinds
Bookbinding/Repair
Decals
Silkscreening
Auto Tags
Metal Working
Sheet Metal
Tubular
Signs (Metal)
Misc. Metal Products
Laundry/Dry Cleaning
Janitorial Products

SOUTH DAKOTA

Farming
Furniture
Wood (New)
Repair/Refinishing
Upholstering
Bookbinding/Repair
Printing
Auto Tags
Signs (Metal)

TENNESSEE

Garment
Linens
Furniture
Misc. Wood Products
Wood (New)
Upholstering
Printing
Janitorial Products
Paint

TENNESSEE (Cont'd)

Soap Products
Metal Working
Sheet Metal
Tubular
Signs (Metal)

TEXAS (Cont'd)

Dental (Prosthetics/Lab)
Brooms/Brushes/Mops
Educational Toys
Freight Service
Records Conversion

VIRGINIA

Garment
Linens
Furniture
Misc. Wood Products
Wood (New)
Metal (New)
Upholstering
Office Partitions
Boxes (Cardboard)
Bookbinding/Repair
Engraving (Name Plates, Plaques)
Printing
Tire Recapping
Shoes (New & Repair)
Concrete
Auto Tags
Machine Shop
Metal Working
Sheet Metal
Signs (Metal)
Dental (Prosthetics/Lab)
Laundry/Dry Cleaning
Records Conversion

TEXAS

Abattoir/Meat Processing
Coffee
Spin/Weave
Canvas Specialty Products
Drapery
Flags
Garment
Linens
Furniture
Saw Mill & Lumber Products
Misc. Wood Products
Wood (New)
Repair/Refinishing
Upholstering
Mattress/Pillow
Boxes (Cardboard)
Engraving (Name Plates, Plaques)
Validation Stickers
Janitorial Products
Soap Products
Plastic Products
Tire Recapping
Belts
Shoes (New & Repair)
Auto Tags
Sheet Metal
Signs (Metal)
Misc. Metal Products
Bus Repair
Truck Repair

UTAH

Abattoir/Meat Processing
Dairy Products
Metal (New)
Printing
Auto Tags
Machine Shop
Metal Working
Sheet Metal
Tubular
Signs (Metal)

VERMONT

Coffee & Tea
Farming
Saw Mill & Lumber Products
Misc. Wood Products
Printing
Validation Stickers
Auto Tags
Signs (Metal)

WASHINGTON

Dairy Products
Farming
Metal (New)
Upholstering
Printing
Validation Stickers
Auto Tags
Metal Working
Sheet Metal
Signs (Metal)
Business & Office Machine
Repair
Auto Repair
Records Conversion

WEST VIRGINIA

Garment
Linens
Printing
Auto Tags
Signs (Metal)

WISCONSIN

Farming
Furniture
Wood (New)
Metal (New)
Upholstering
Decals
Engraving (Name Plates, Plaques)
Printing
Silkscreening
Validation Stickers
Auto Tags
Metal Working
Sheet Metal
Tubular
Signs (Metal)
Business & Office Machine Repair
Records Conversion

WYOMING

Garment
Upholstering
Mattress/Pillow
Printing
Shoes (New & Repair)
Auto Tags
Signs (Metal)

FEDERAL

Spin/Weave
Canvas Specialty Products
Drapery
Garment
Glove
Linens
Rugs
Furniture
Misc. Wood Products
Wood (New)
Metal (New)
Repair/Refinishing
Upholstering
Mattress/Pillow
Printing
Plastic Products
Tire Recapping
Shoes (New & Repair)
Machine Shop
Metal Working
Sheet Metal
Tubular
Signs (Metal)
Misc. Metal Products
Electronics
Auto Repair
Brooms/Brushes/Mops
Records Conversion

PRISON CONSTRUCTION INITIATIVES

Prepared for:

The National Governor's Association

By:

The National Institute of Corrections

February 21, 1982

In March, 1981, the Attorney General appointed a Task Force on Violent Crime to recommend policy and legislative initiatives that would address the nation's alarming rate of violent and serious criminal activity. A final report of the Task Force, which was co-chaired by Governor James Thompson of Illinois and former Attorney General Griffin Bell, was issued on August 17, 1981. The report included a recommendation that the National Institute of Corrections (NIC) develop models for maximum, medium and minimum security facilities of 750 and 500 beds, or fewer, from which states would choose appropriate models for construction. The report also recommended a \$2 billion program of federal assistance for prison construction.

While the recent economic climate and fiscal conditions have precluded adoption of the \$2 billion aid program at this time, the National Institute of Corrections felt it important, nonetheless, to follow through on the recommendation concerning model designs for correctional facilities.

In recognizing the significance of this task, and in determining how best to approach the recommendation, a number of considerations were taken into account. First was the clear expression by the states of the need to have assistance in developing options for coping with the pervasive problem of overcrowded and outdated prisons. Indeed, the Criminal Justice Committee of the National Governors' Association designated federal assistance for construction as the highest criminal justice priority. Recent studies, state and federal courts, and corrections administrators have all recognized the extraordinary overcrowding problem existing in many of this country's correctional facilities. A 1978 survey* indicated that 55 percent of cells in state prisons provided for less than 60 square feet per inmate, the amount of space considered by national and professional standard-setting bodies as a minimum requirement for humane and safe operation of such institutions. That same survey noted that one-half of all inmates were incarcerated in cells or dormitories shared with one or more prisoners with less than 60 square feet per person. While there are not constitutional barriers to placing two inmates in a single cell, as decided by the Supreme Court in Rhodes v. Chapman on June 17, 1981, the deleterious effects created by overcrowding on the individual's mental and physical health are well-documented, as are the implications for prison violence. In addition, confining too many prisoners in too little space increases management and safety problems for staff.

The spate of lawsuits over the past decade challenging conditions of prison confinement has made it clear that inmates are entitled to a safe and humane living environment. Given that a substantial number of correctional facilities are antiquated and incapable of meeting minimum federal standards, or are already under court order for unconstitutional conditions, more than two-thirds of the states have begun new prison construction programs. In addition, with the high level of violent crime being experienced throughout the country, legislators and governors have proposed prison construction to respond to the public's cry to ensure that the violent criminal be kept off the streets.

*Mullen, et al., America's Prisons and Jails, National Institute of Justice, 1980.

NIC's National Information Center surveyed the states' corrections officials in October, 1981, to attempt to get a picture of construction and renovation activity. The results of that survey -- as summarized in the tables following this discussion -- provided further impetus for NIC's current technical and developmental assistance in this area.

As Table I indicates, between October of 1980 and October, 1981, space for almost 20,000 state prisoners was constructed. Approximately 69% of the beds were designed for medium security use, with 25% for maximum security. The remaining 7% were designated as minimum security. As exhibited in Table II, the projected cost to the States for active construction efforts is almost \$866 million. An additional \$816 million has been authorized for construction of 15,652 beds (Table III), though specific projects have not yet begun. Finally, it is expected that this fiscal year state legislatures will be considering construction proposals totaling over \$1.5 billion (see Table IV).

Clearly, the exorbitant cost of construction has meant that many states have had difficulty in moving forward with their plans to renovate and/or build. In recognition of the dilemma being faced by the states and the critical need to improve prison conditions, the NIC assistance program was launched.

It should be noted, however, that neither NIC's response nor the Task Force's original recommendation was meant to encourage an increase in total institutional bedspace; but rather to ensure that states be able to meet their needs and most appropriately utilize that space which is available. Thus, the National Institute of Corrections is developing models at various security levels to accommodate inmate populations not to exceed 75%.

The purpose of the "Model Correctional Facilities Program" is to develop an up-to-date body of knowledge concerning the design of correctional facilities and their functional characteristics. The three essential parts of the program are:

- o publication of a manual of "Design Criteria for Correctional Facilities;"
- o development of monographs on "Case Studies" of exemplary correctional facilities, representing the current state-of-the-art in correctional architecture; and,
- o presentation of a "Design Workshop," bringing together the most advanced concepts for correctional programs with the most forward looking architectural solutions.

The initial program will focus on medium security facilities, for it is within this category that both the need for new institutions and the challenge for innovation is the greatest. Modern classification systems reveal that only a small percentage of inmates require maximum security facilities, and many states already have sufficient capacity for this group. Also, it is generally accepted that 30 to 40 percent of inmate populations can be housed in minimum security facilities, where security features are less problematic and where surplus facilities can often be utilized.

Design Criteria for Correctional Facilities

In collaboration with the American Correctional Association, the National Institute of Corrections and the Bureau of Prisons are preparing a design criteria handbook that will incorporate the latest concepts in the planning and design of secure correctional facilities. The publication and distribution of this handbook is intended to assist planners, as well as key decision-makers in governmental agencies and legislative bodies, in the development of new institutions.

The focus will be on methods and procedures that can be used to arrive at highly functional, secure designs, which utilize contemporary materials and create normal, more residential appearing environments. Both the standards of the American Correctional Association (ACA) and the Department of Justice will be incorporated into the design criteria. Overall, the goal is to present clear, concise guidelines for planning contemporary correctional facilities. The current timetable is to publish the initial document by September, 1982.

Case Studies of Exemplary Correctional Facilities

In each of the past eight years, the American Institute of Architects (AIA) and the American Correctional Association have collaborated to exhibit the better examples of new correctional facility designs that have been developed throughout the nation. While the exhibit program has provided certain exposure for these designs, the most noteworthy and exemplary projects from recent years should be given greater and deeper coverage, and their records of success more widely distributed.

In cooperation with the AIA and the ACA, a committee has been formed to select a number of designs for publication. One or more examples from each of the following categories will be chosen.

- o Detention centers or jails
- o Minimum security facilities
- o Medium security facilities
- o Maximum security facilities

The operational and design features of the chosen examples will be described in monographs. Publication of the first monograph is scheduled for June, 1982, and all monographs will be circulated through existing channels to state and local governments.

Design Workshop

NIC has proposed an intensive "design-in" workshop. The workshop would be modeled after the AIA's Renewal/Urban Design Assistance Team (R/UDAT) program. The process brings together administrators, planners, and designers in two to seven (2

to 7) day workshops where the primary objective is to define broad community goals and policies, as well as specific programs, in an open process where everyone concerned has an opportunity to participate in the process.

The adaptation of the R/UDAT program to the design of a correctional facility is planned as follows:

- o A pre-design program and an architectural outline will be prepared.
- o An inter-disciplinary team of correctional administrators, managers, planners and designers will assemble for a design workshop.
- o The workshop will extend over a period of several very intensive, action-packed days.
- o The objectives of the workshop will be to generate the most advanced concepts of future correction institution designs, where both practicality and cost consciousness will be emphasized.
- o The results of the workshop will be published and widely distributed. It is expected that future individual designs will be able to profit from the ideas generated during the design workshop.

The current target is to conduct the Design Workshop by the Summer of 1982.

In addition to these specific plans concerning models for correctional institutions, NIC will continue to work closely with state officials and correctional administrators to develop appropriate alternatives to incarceration, innovative plans for alleviating overcrowding, and strategies for coping with diminishing resources. Such efforts are part of NIC's on-going technical assistance mandate and will continue in conjunction with any new program.

TABLE I

Cell/bed space of state prison construction or renovation completed
October, 1980 through September, 1981

State	Maximum Security	Medium Security	Minimum Security	Total
Alabama	---	1,000	200	1,200
Alaska	128	32	7	167
Arizona	---	1,200	---	1,200
Arkansas	18	200	---	218
California	---	600	---	600
Colorado	721	---	---	721
Connecticut	---	---	---	---
Delaware	---	---	---	---
Florida	---	300	---	300
Georgia	---	1,388	---	1,388
Hawaii	---	---	---	---
Idaho	96	---	40	136
Illinois	---	1,500	200	1,700
Indiana	80	84	---	164
Iowa	190	120	---	310
Kansas	---	---	---	---
Kentucky	---	250	---	250
Louisiana	---	500 *	---	500
Maine	---	---	60	60
Maryland	400	512	---	912
Massachusetts	---	200	---	200
Michigan	411	---	---	411
Minnesota	---	---	---	---
Mississippi	---	---	---	---
Missouri	---	500	---	500

* Also includes maximum and minimum security ratings within the same facility.

TABLE I
(Con't.)

State	Maximum Security	Medium Security	Minimum Security	Total
Montana	---	---	---	---
Nebraska	320	320	---	640
Nevada	288	---	---	288
New Hampshire	---	---	10	10
New Jersey	---	---	12	12
New Mexico	---	192	---	192
New York	268	1,137	60	1,465
North Carolina	---	288	---	288
North Dakota	---	---	---	---
Ohio	---	---	---	---
Oklahoma	---	---	---	---
Oregon	---	---	---	---
Pennsylvania	---	---	---	---
Rhode Island	96	---	---	96
South Carolina	250	596	524	1,370
South Dakota	---	---	---	---
Tennessee	---	800	---	800
Texas	792	1,240	---	2,032
Utah	---	---	---	---
Vermont	---	98	---	98
Virginia	72	---	---	72
Washington	144	649	100	893
West Virginia	---	---	---	---
Wisconsin	---	---	50	50
Wyoming	---	520 *	---	520
TOTALS	4,274	14,226	1,323	19,823

* Also includes maximum and minimum security ratings within the same facility.

In addition, Indiana constructed temporary dorms to house 320 inmates during renovation of a permanent facility, New York opened temporary space for 1,080 inmates, and Texas opened space for 1,600 inmates in tents.

Total permanent and temporary prison facility construction completed between October, 1980 and September, 1981.

Permanent	19,823
Temporary	3,000
	<u>22,823</u>

TABLE II

Cell/bed space and costs of active construction projects of state correctional systems as of October, 1981

State	Cell/Bed Space	Cost (In Millions)	State	Cell/Bed Space	Cost (In Millions)
Alabama	992	\$ 21	Montana	---	---
Alaska	210	\$ 16	Nebraska	256	\$ 16.1
Arizona	400	\$ 10	Nevada	612	\$ 30
Arkansas	104	\$ 5.7	New Hampshire	100	\$ 6.2
California	1,718	\$ 10.5	New Jersey	850	\$ 40
Colorado	---	---	New Mexico	488	\$ 6
Connecticut	360	\$ 25	New York	512	\$ 40
Delaware	424	\$ 28	North Carolina	1,800	\$ 56
Florida	400	\$ 12	North Dakota	350	\$ 10.5
Georgia	1,535	\$ 32	Ohio	---	---
Hawaii	206	\$ 6.5	Oklahoma	725**	\$ 21.5
Idaho	---	---	Oregon	---	---
Illinois	400	\$ 7	Pennsylvania	---	\$ 7
Indiana	194	\$ 3.1	Rhode Island	242	\$ 7.5
Iowa	564	\$ 2.5	South Carolina	728	\$ 16
Kansas	56	\$ 1.5	South Dakota	---	---
Kentucky	150	\$ 5.5	Tennessee	---	---
Louisiana	500	\$ 32	Texas	6,924***	\$112
Maine	---	---	Utah	---	\$ 4
Maryland	---	---	Vermont	98	\$ 3.5
Massachusetts	---	\$ 70 *	Virginia	1,100	\$ 53
Michigan	710	\$ 34	Washington	500	\$ 32
Minnesota	400	\$ 31.8	West Virginia	---	---
Mississippi	1,456	\$ 30	Wisconsin	370	\$ 15
Missouri	104	\$ 5.5	Wyoming	---	---

* \$70 million has been designated for renovation of existing state correctional facilities.

** Partially, renovation required by court order which will reduce facility capacity.

*** Constructed with maximum security potential, but may be used for less secure inmate housing.

TABLE III

Prison construction authorized by states, but not initiated as of October, 1981

State	Cell/Bed Space	Cost (In Millions)	State	Cell/Bed Space	Cost (In Millions)
Alabama	984	\$ 28	Montana	---	---
Alaska	266	\$ 45.7	Nebraska	---	---
Arizona	---	---	Nevada	150	\$ 4.3
Arkansas	---	---	New Hampshire	---	---
California	96	---	New Jersey	500	\$ 30 *
Colorado	---	---	New Mexico	1,088	\$ 70
Connecticut	156	\$ 24 **	New York	1,674	\$120.7
Delaware	---	---	North Carolina	150	Unavailable
Florida	1,200	\$ 55	North Dakota	---	---
Georgia	200	\$ 3.5	Ohio	---	---
Hawaii	---	---	Oklahoma	90	\$.7
Idaho	80	\$.7	Oregon	---	---
Illinois	---	---	Pennsylvania	---	---
Indiana	240	---	Rhode Island	---	---
Iowa	500	\$ 12	South Carolina	796	\$ 21.1 ***
Kansas	Renovation	\$ 5.2	South Dakota	---	---
Kentucky	---	\$ 1.9	Tennessee	480	\$ 1.6
Louisiana	---	---	Texas	3,344	\$145
Maine	---	---	Utah	---	---
Maryland	970	\$ 57.2	Vermont	---	---
Massachusetts	434	\$ 41.5	Virginia	1,000	\$ 66
Michigan	550	\$ 30	Washington	---	---
Minnesota	---	---	West Virginia	---	---
Mississippi	---	---	Wisconsin	1,000	\$ 73
Missouri	---	---	Wyoming	---	---

* New Jersey has also authorized an additional \$12 million for jail construction.

** Includes \$16 million for a Vocational/Educational Complex.

*** Construction in South Carolina has been frozen until more favorable interest rates are available for construction bonds.

TABLE IV

Prison construction being considered by state legislatures or proposed during next legislative session as of October, 1981

State	Cell/Bed Space	Cost (In Millions)	State	Cell/Bed Space	Cost (In Millions)
Alabama	1,000	\$ 65	Montana	---	---
Alaska	300	\$ 48	Nebraska	---	---
Arizona	400	\$ 12	Nevada	---	--- *
Arkansas	742	\$ 12	New Hampshire	---	\$ 15
California	5,500	\$520	New Jersey	---	---
Colorado	400	Unknown	New Mexico	---	---
Connecticut	700	\$ 8.8	New York	---	---
Delaware	---	---	North Carolina	750	\$ 25.5
Florida	---	---	North Dakota	100	\$ 2
Georgia	1,500	\$ 50	Ohio	---	--- **
Hawaii	800	\$ 35	Oklahoma	---	---
Idaho	---	---	Oregon	500	\$ 60
Illinois	1,100	\$ 64	Pennsylvania	1,225	\$112
Indiana	700	\$ 29.5	Rhode Island	180	\$ 14
Iowa	---	---	South Carolina	---	--- ***
Kansas	300	\$ 15	South Dakota	---	\$ 21
Kentucky	700	\$ 31.1	Tennessee	800	Unknown
Louisiana	150	\$.3	Texas	3,844	\$145
Maine	---	---	Utah	---	\$ 60
Maryland	692	\$ 7 ****	Vermont	---	---
Massachusetts	---	--- *****	Virginia	500	\$ 40
Michigan	---	--- *****	Washington	500	\$ 47
Minnesota	596	\$ 27 *****	West Virginia	750	\$ 30
Mississippi	1,000	\$ 36.9	Wisconsin	---	---
Missouri	---	---	Wyoming	100	\$ 8.5

* \$150,000 has been appropriated for planning. Some estimates project current inmate population will double within 5 years.

** Five-Year projection indicates need to expand capacity by 3,000 of an approximate cost of \$233 million.

*** Previously authorized \$33 million prison construction package was recently reduced to \$2 million.

**** Cost represents only 1 of 2 proposed facilities, i.e., 196 beds.

***** Preliminary planning to convert 3 mental institutions to correctional facilities. Costs unavailable.

***** 10-year projection indicated need for 6 new facilities. Details of cost and size unavailable.

***** Proposal to convert 1,100-bed facility to 500-bed facility. New facility represents 96 beds.

POSITION PAPER

CS FOR HOUSE BILL NO. 194 (HESS) am

"An Act relating to prisoner employment and correctional industries; and providing for an effective date."

The Division of Adult Corrections proposes establishment of a correctional industries program as one of the measures needed to overcome idleness in the Alaskan prisons. The lack of opportunities for meaningful work is one of the most destructive aspects of confinement. The public is not served well when prisoners are released to the community after many months, sometimes years, of having been able to do little or no useful work. Pervasive idleness in prisons has contributed to the personal deterioration of inmates and the volatile instability of many prisons. The elimination of idleness within a correctional institution is one subject of great concern to facility administrators.

A primary advantage of a good industries program is that it can eventually become partially, if not fully, self-supporting. Of greater significance, it can provide prisoners with valuable training; especially in terms of basic work habits; the ability to work well with others, to follow instructions, to adhere to schedules and to have an interest in the product or service being produced. While these factors may be taken for granted by mainstream citizens accustomed to the world of work, they are foreign to many of those who tend chronically to get into trouble with the law. The point to be made here is that a good correctional industries program can be a tremendously important aspect of an effective correctional system.

Today, forty-seven states and the District of Columbia now have correctional industry enabling statutes written into law. The three states remaining without legislation are Delaware, Nevada, and Alaska. Of these three states, Delaware and Nevada are involved in correctional industries without enabling legislation. The State of Alaska is the last state to become actively involved in correctional industries activities. (Attached is a comparison study of Correctional Industry Programs operating in other state systems.)

The Division of Adult Corrections anticipates initiating a correctional industries program on a modest scale with an emphasis during the first year on market research and the development of potential industries. While we would want to establish certain correctional industries activities based on those which have proven successful in other states, our long-range interest lies in identifying approaches which will best serve the unique needs of the Alaskan prison population and will become compatible with the best interest of the people of the State. The proposed bill would establish a Correctional Industries Commission which would address the problems of idleness and lack of training in the prisons and would also have close ties to business, agriculture, organized labor and to the public as a whole. With the guidance

of such a Commission, a carefully balanced correctional industries program can be developed.

The marketing of products and services of correctional industries programs to private industry has the potential for contributing to the economy of the State and actively developing Alaska's resources. State capital invested in correctional industries can maintain a dual purpose of providing meaningful work for prison inmates with some real linkage to post release employment and also improve the position of industry in the State with the net result of increasing the gross product of the State.

Possibilities of promising industries include the establishment of an agricultural processing plant to process crops not presently cultivated but have had success in previous years. A netmaking operation for the developing bottomfish industry may be economically feasible and provide valuable training for the inmates. A data input service could be established to satisfy increasing state needs while providing inmates with marketable skills. Another possibility could be the establishment of a highway sign shop with decal-making capabilities for state markings on vehicles and property. The production of hardwood office furniture is another industry which has had much success in other state programs. A laundry operation may be considered for the State Ferry system. The Marine Highway system has considered establishing its own laundry and might therefore welcome a correctional industry as a regular supplier. Tire recycling within our facilities could produce crumb rubber for use as an asphalt mix aggregate for roadbed construction and joint crack fillers. Correctional Industries could develop an upholstering shop, a welding metal shop, the production of janitorial supplies, small engine repairs and numerous other successful ventures currently in operation within other states' correctional industry programs.

Recently, Chief Justice Warren Burger urged a revised approach to the rehabilitation of prisoners to bring crime under control. In remarks prepared for delivery at the University of Nebraska on December 16, the Chief Justice said, "The current human warehouse system should be changed to factories with fences around them, with inmates paid to produce goods."

The Division of Corrections endorses CS for House Bill 194 (HESS) am but requests one technical amendment that would align the proposed distinctly with administrative procedures. The amendment and this revision are as follows:

CS (HESS) am.
amendment"

the court directs otherwise. The term "jail" limits the possible work placement opportunities for our prisoners.

The Division of Adult Corrections has had furlough programs since 1969 and, since 1971, has been utilizing halfway houses under contract as furlough centers. By operating the program from furlough centers rather than from the prison setting, the problem of work furlough participants being placed under pressure to bring in contraband is avoided. There are other advantages as well. Furlough in Alaska has functioned successfully with regards to work and other rehabilitative measures.

The emphasis on development of community-based alternatives to imprisonment for appropriate offenders began during the mid-1960's and has become an important component of progressive corrections programs throughout the country. The rationale for furloughs is based on the belief that, after a term of conventional imprisonment, the offender is in need of a period of structured reintegration into the community. Work furlough and utilization of furloughs for other appropriate purposes serve the best interest of the public by enabling the Division of Adult Corrections to avoid releasing prisoners directly to the community without adequate preparation.

Aside from the rehabilitative value, work release benefits the state by reducing the need for construction. The Alaska corrections system is presently experiencing an upsurge in prisoner population. All institutions are filled to capacity and there are presently 188 prisoners housed in the Federal Bureau of Prisons system outside of Alaska.

Work release programs serve to help alleviate our critical bed space need. Presently, we have 85 prisoners in halfway house programs. If these 85 persons were to be required to return to a prison at the end of the workday, rather than a halfway house, as is the current practice, the State would be required to build a new prison to accommodate the increase in prison population. Currently, construction costs per prison bed range from \$69,000 - \$136,200 in Alaska.

These ambiguities should be corrected if our continued use of contract halfway houses is to be on firm legal ground. The above language would clarify this ambiguity.

Recommended by: Kenneth Humphreys
for Robert S. Natrak
Director, Division of Adult Corrections

Date: April 6, 1982

Approved by: Helen D. Beirne
Helen D. Beirne
Commissioner

Date: 4-6-82



Alaska State Legislature

Senate

Committee on Judiciary

Pouch V
State Capitol
Juneau, Alaska 99811

Official Business

MINUTES OF THE SENATE JUDICIARY COMMITTEE

OF

APRIL 14, 1982

Butrovich Committee Room, State Capitol Juneau, Alaska

Legislation Before Committee:

- SB 863 - "An Act providing for the award of costs and attorney fees incurred by defendants acquitted of offenses and by individuals who prevail in certain state administrative proceedings; changing Rules 79 and 82, Rules of Civil Procedure; and providing for an effective date."
- HB 194 - "An Act relating to prisoner employment and correctional industries; and providing for an effective date."
- SB 861 - "An Act relating to rights of persons who report violations of law; and providing for an effective date."
- SB 175 - "An Act relating to standards of conduct for public officials and employees; establishing a State Ethics Commission; and providing for an effective date."
- SJR 68 - Proposing an amendment to the Constitution of the State of Alaska providing that a legislator who is convicted of a felony forfeits legislative office.

The meeting of the Senate Judiciary Committee was called to order by Chairman Rodey at 1:05 P.M. Committee members present were: Senators Rodey, Ray, and Parr. Senators Bennett and Anderson were absent.

002 - Call to order.

009 - Chairman Rodey brought HB 194 before the committee.

042 - Mr. Stark, Department of Law, testified in favor of HB 194.

167 - Senator Anderson entered the meeting.

385 - Senator Parr moved to add "or labor force" on Page 1, Line 28. There was no objection.

441 - Senator Ray moved that on Page 5, Line 8, "on a basis that is competitive with other sources" be added after the word "service".

There was no objection. He also objected to the commission having all discretion in pay plans. He wanted some limit on the amount.

455 - Chairman Rodey directed the staff to prepare language to meet Senator Rays concerns. This language reads: On page 6, Line 4, A wage established under the pay plan may not exceed 50 percent of the minimum wage established under AS 23.10.065.

460 - HB 194 was returned to file for the language to be drafted.

465 - Chairman Rodey brought SB 861 before the committee.

478 - Jack Chenoweth, Ombudsman, testified stating that this bill should be included in Title 29.

695 - Senator Fischer testified in favor of his bill.

765 - SB 861 returned to file.

780 - Chairman Rodey adjourned due to the joint session.



Official Business

Alaska State Legislature

Senate

Committee on Judiciary

Pouch V
State Capitol
Juneau, Alaska 99811

MINUTES OF THE SENATE JUDICIARY COMMITTEE

OF

APRIL 19, 1982

Butrovich Committee Room, State Capitol Juneau, Alaska

Legislation Before Committee:

- HB 206 - "An Act relating to the termination of rental agreements of mobile home park dwellers and tenants."
- SB 863 - "An Act providing for the award of costs and attorney fees incurred by defendants acquitted of offenses and by individuals who prevail in certain state administrative proceedings; changing Rules 79 and 82, Rules of Civil Procedure; and providing for an effective date."
- HB 194 - "An Act relating to prisoner employment and correctional industries; and providing for an effective date."
- SJR 61 - Proposing amendments to the Constitution of the State of Alaska relating to appropriations and the retention, investment and expenditure of certain state revenues; and superseding the amendments proposed by Legislative Resolve No. 1, First Special Session of the Twelfth Legislature (FSs FCCS SJR 4).

The meeting of the Senate Judiciary Committee was called to order by Chairman Podey at 1:35 P.M. Committee members present were: Senators Rodey, Parr, and Ray. Senators Anderson and Bennett were absent.

003 - Call to order.

008 - Chairman Podey brought HB 206 before the committee.

027 - Rep. Mitch Abood, prime sponsor of HB 206, testified, addressing the need of trailer park owners to be able to evict trailer space renters that don't abide by court rules.

065 - Senator Ray asked for the bill in subcommittee, and promised to report back with the bill in several days.

084 - Ben Marsh, representing himself, testified in favor of the bill and gave the legislative history of legislation dealing with evicting trailer space renters.

268 - Ira Walker, representing himself, testified in favor of HB 206, stating that it is difficult to keep a cleanly court under current law. If there is junk present, AHFC will not finance trailers in junk courts.

334 - Paul Fry, representing himself, testified in favor of the bill also. He expressed his concern of having the word "reasonable" in the present language.

363 - Kathy Cruichshank, representing herself, testified in favor of the bill, stating that unsanitary conditions under current law are not controllable by park owners which brings the value of the parks down.

405 - Anita Thompson, representing herself, expressed the problems she was having collecting her rent. She was in favor of HB 206.

445 - Chairman Rodey directed that the bill be put in a subcommittee of one with Senator Ray.

454 - Chairman Rodey next brought HB 194 before the committee.

460 - Mr. Bruce explains the changes in committee substitute.

520 - Senator Parr moved the committee substitute to be adopted. There was no objection.

526 - Senator Anderson moved to pass CSHB 194 with individual recommendations. There was no objection.

535 - Chairman Rodey next brought SJR 61 before the committee.

537 - Lt. Governor, Terry Miller, testified in favor of SJR 61, expressing his support for this bill in place of SJR 4 which was passed last year. He stated three areas which should be addressed by the committee:

- 1.) Phasing in amendment.
- 2.) Issue of liquidity.
- 3.) Catastrophic drop in revenues.

620 - Senator Ray questions need for Section 26. He felt it cluttered up the Constitution.

635 - Lt. Gov. Miller stated that maybe it should be a transitional clause.

856 - Senator Dankworth, prime sponsor of the bill, testified in favor of the resolution, stating that it is far superior to SJR 4. He had no feeling on the Governor's amendment and left it up to the committee.

258 - Rep. Hugh Malone testified, agreeing with Senator Dankworth that SJR 4 is a bad idea. He addressed the questions of having "money" or "the balance" on Line 4, Page 2. He also asked what role the Legislature would play in determining the market rate.

286 - Rep. Malone stated that the Legislature should develop projections on liquidity of fund. re: 20% of fund may be appropriated.

534 - Ron Lear, Budget and Audit, answered questions from the committee members.

575 - Senator Ray asked what "capital projects" are, stating that this language is fairly restrictive. Suggested possibly using "capital improvements".

596 - SJR 61 returned to file until Wednesday's meeting.

713 - Chairman Rodey brought SB 863 before the committee.

715 - Senator Ray moved SB 863 be passed with individual recommendations. There was no objection.

719 - The meeting was adjourned at 2:55 P.M.

BRIDE ACCUSED OF GIVING INMATE POT

A Pima County, Arizona, Jail inmate who was released for a short time recently to get married was visited three days later by his bride at the jail. She soon wound up behind bars, too.

Jailers disapproved of the wedding present she allegedly tried to give him.

Michael Hodge, 24, was getting 40 marijuana cigarettes from his new wife, Pamela, 19, when jail officials intervened, authorities said.

Mrs. Hodge was arrested and locked in a cell well away from her husband's.

Hodge, who is in the jail on charges of probation violation, kidnapping, sexual assault and burglary, had been allowed to go to court to be married.

Sheriff's Maj. Dennis Douglas said that when Mrs. Hodge came to the jail for a routine Sunday afternoon visit, she burned a small hole in the plastic partition that separates visitors from prisoners.

Douglas said she then began passing marijuana cigarettes through the small hole. He said jail officials suspected something wrong was going on in the visitation booth when they smelled burning plastic.

Hodge was returned to his cell, sans wedding present and wife. Mrs. Hodge remained behind bars until being released on her own recognizance.

(BURGER, continued from page one)

thinking and build factories with fences around them where we will first train inmates and then have them engage in useful production?" he said.

"If we are to fulfill one of the most fundamental obligations of government -- the protection of people and homes -- there must be both more effective law enforcement and a drastic change in our prison systems," he said.

"When a society places a person behind walls and bars it has an obligation -- a moral obligation -- to do whatever can reasonably be done to change that person before he or she is released."

Likes European Systems

Burger said he based his comments on observations as a judge and from his visits to prisons in the United States and most countries of Europe for 25 years, including the Soviet Union and recently the People's Republic of China.

"I have long been satisfied we have not gone about the matter in the correct way," he said.

He said he decided to speak out on the issue because the U.S. is about to embark on a multi-billion dollar prison construction program.

"Plainly, if we can divert more people from lives of crime we would benefit both those who are diverted and the potential victims," Burger said. "Yet all that has been done in the correctional systems up to now has not prevented this appalling increase in reported crime rates."

"For many years I shared the optimism and hopes of rehabilitation programs with such distinguished penologists as James V. Bennett (former director of the Federal Bureau of Prisons) and Torsten Eriksson, his counterpart in Sweden. Those hopes now seem to have been based more on optimism than reality," Burger added. He said that even with the "enlightened correctional practices" of Sweden and other countries, the results in terms of rehabilitation have "fallen short of expectations," although some countries have "long done much more than we do" in the education and training of prison inmates.

"But the fact that the problem is far more difficult than we had thought is the very reason we must consider changes and enlarge our efforts," he explained.

"On several occasions I have laid down one proposition to which I adhere today, and it is this: when society places a person behind walls and bars it has an obligation -- a moral obligation -- to do whatever can reasonably be done to change that person before he or she is released back into the stream of society," Burger said. "This is more emphatically so with respect to the repeat or recidivist prisoner. If we had begun 25, 35 or 50 years ago to develop the kinds of programs in correctional institutions that are appropriate for an enlightened and civilized society, the word 'recidivist' might not have as much currency as it does today. This is not simply a matter of compassion but a hard matter of our own protection."

Reading, Writing, Arithmetic

Burger said it is predictable that a person confined in a penal institution for two, three, five, or more years, who is then released without being able to read, write, spell or do simple arithmetic and not trained with any marketable skill, will be vulnerable to returning to a