

ALASKA LEGISLATURE COMMITTEE FILES, 1989-1990 8672
6162 HOUSE STATE AFFAIRS

566

HOUSE COMMITTEE ON STATE AFFAIRS

RECAP OF
SB 348

PERS Benefits for Probation Officers

Received April 3, 1990
by Sen. Duncan, Zharoff, Sturgulewski, Halford

Heard April 17, 1990

Passed Out of Committee April 17, 1990
3 Do Pass
1 No Recommendation

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SB 348: FERS Benefits for Probation Officers

- Item 1:** SB 348 by Sen. Duncan, Zharoff, Sturgulewski, Halford
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HOUSE COMMITTEE REPORT

4/18

(7)
Date Referred: April 3, 1990

FURTHER REFERRALS:

FINANCE



Date of Committee Action: _____

The STATE AFFAIRS Committee considered:

SB 348

SENATE BILL NO. 348

PERS BENEFITS FOR PROBATION OFFICERS

"An Act granting probation officers status as peace officers under the public employees' retirement system; and providing for an effective date."

RECOMMENDATIONS:

- be replaced with _____ the same title
- have attached amendment(s) a new title
- do pass
- do not pass
- no recommendation
- individual recommendations
- additional referral to the _____ Committee

ADOPTS: _____ letter of intent

ATTACHES NEW FISCAL NOTE(S):
(Dept)

APPROVES PREVIOUS:

(Date/Dept)

- fiscal impact _____
- zero fiscal note _____
- zero with analysis _____

Senate

- fiscal note(s) _____
- zero fiscal note(s) _____
- zero fn/analysis DOA/2/13/90

SIGNING DO PASS:

SIGNING:
(Check approp. column)

Do Not Pass No Rec Amend

David Hanley Hanley

David Engelstein Engelstein

W. C. Boucher Boucher

Signature	Do Not Pass	No Rec	Amend
<u>Eileen P. MacLean</u> MacLean			✓

W. C. Boucher
Chairman's Signature

FISCAL NOTE

REQUEST:

Revision Date: 2/12/90 Agency Affected: Administration
 Title: An Act granting probation officers status of peace officers under PERS BRU: Retirement and Benefits
 Sponsor: Duncan Components: Retirement and Benefits
 Requestor: Senate HECS

EXPENDITURES/REVENUES: (Thousands of Dollars)

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

POSITIONS:

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

ANALYSIS: (Attach a separate page if necessary)

THIS BILL IS ESTIMATED TO COST THE STATE OF ALASKA \$166.9 IN INCREASED PERSONAL SERVICES FOR FY 91 AND EACH YEAR THEREAFTER.

The attached sheet discusses the fiscal implications of this bill to the Public Employees' Retirement System.

Prepared by: Sally Smith *Sally Smith* Phone: 465-4470
 Division: Retirement and Benefits Date: 2/12/90
 Approved by Commissioner: Frank S. Baxter *Frank S. Baxter* Date: 2/12/90
 Agency: Department of Administration

Distribution (by preparer):
 Legislative Finance
 Legislative Sponsor
 Requestor
 Office of Management and Budget
 Impacted Agency(ies)

Senate Bill 348
Analysis of Fiscal Implications to the Retirement Funds
Prepared by Division of Retirement & Benefits
Department of Administration
January 12, 1989

Analysis: This bill is intended to include Public Employees' Retirement System (PERS) members who serve as Probation Officers under "Peace Officer/Firefighter" coverage. They are currently covered under the "All Other" category. We have assumed that this bill will increase the "Peace Officer/Fireman" participation and decrease the "All Other" participation in PERS by 175 members.

This bill, if amended to clarify the covered group, will increase the state FY91 PERS contribution rate by .03%. The state payroll is estimated to be \$492,656,834 in FY90 and remain stable each year thereafter. The University of Alaska (U of A) PERS payroll is estimated to be \$63,654,027 in FY91 and remain stable each year thereafter.

The state cost of \$166.9 is calculated as follows:

State FY91 payroll	\$ 492,656,834
Increase in PERS rate	X <u>.03%</u>
Total FY91 state cost	\$147,797
U of A FY91 payroll	\$ 63,654,027
Increase in PERS rate	X <u>.03%</u>
Total FY91 U of A cost	<u>19,096</u>
TOTAL FY 91 STATE COST.....	<u>\$166,893</u>

This bill will not materially affect the accrued liabilities or the funding ratio of the PERS fund.

POSITION PAPER

SENATE BILL NO. 348

For an Act entitled: "An Act granting probation officers status as peace officers under the public employees' retirement system; and providing for an effective date."

This bill would amend the definition of "peace officer" in Title 39 to include probation officers and would permit probation officers to retire after twenty (20) years service.

Probation officers employed on the effective date of the act could claim prior years of probation officer service as peace officers for the purpose of credited service. Probation officers claiming this retroactive service would accrue an indebtedness to the retirement system equal to the difference between their actual employee contribution and the contribution which they would have made at the peace officer rate.

No distinction is made between juvenile and adult probation officers.

BACKGROUND

For most state employees the Public Employee Retirement System (PERS) provides for normal retirement at age 55 or 30 years service if hired before July 1, 1986 and at age 60 or 30 years service if hired after June 30, 1986.

Employees defined as "peace officers" or fire fighters are eligible to retire with normal benefits after 20 years of service without regard to age. PERS regulations and Title 39 define "peace officer" as an employee of a police agency or other governmental organization who has primary responsibility for "the prevention and detection of crime and the enforcement of the fish and game, penal, traffic or highway laws of the state...". This special retirement plan for peace officers was enacted in 1960 in recognition of the dangers and stress related to the performance of peace officer duties and the need for persons performing peace officer functions to be physically and mentally fit. Peace officers are encouraged to retire before the inevitable loss of the physical and emotional stamina required for peak performance.

Over the years, eligibility for the 20 year peace officer retirement plan has been expanded to include other job classifications with the same characteristics as the original group of eligible positions. Fire fighters, fire chiefs, special officers commissioned by the state troopers, correctional officers and correctional superintendents have now been included in addition to the original group of police officers, state troopers and police chiefs.

Correctional officers and correctional superintendents became the first justice system employees to participate as "peace officers" who were not in the traditional law enforcement category. Failure to also include probation officers, youth counselors employed at juvenile correctional institutions and youth facility superintendents in the peace officer retirement system has resulted in an inequity between similar job classifications in the justice system. The job characteristics of law enforcement powers, danger, stress, and the need for physical and emotional fitness which justified inclusion of correctional officers and correctional superintendents are present to an equal or greater degree with juvenile and adult probation officers, youth counselors and youth facility superintendents. The same can be said for social workers assigned to perform child protection service (CPS) work. These employees perform some of the most stressful and dangerous work enforcing child protection laws of all justice system employees enforcing state laws.

The disparate treatment of these job classes with respect to 20 year retirement demoralizes the ineligible employees and reduces the benefits to the employing agency of an established progressive career track. There is little incentive for an employee of either the adult or juvenile correctional systems to seek professional advancement through the probation officer series, to work in youth corrections or to work in child protection rather than in an adult corrections institutions. To do so would deprive the employee of the security of a 20 year retirement option. Employees are drawn down the career ladder rather than up.

Position Paper
SB 348
H&SS

Page 3

An agency whose employees are eligible for 20 year peace officer retirement potentially accrues a number of organizational benefits. Recruitment and retention of a skilled, satisfied and stable work force can contribute significantly to achievement of public service goals. Such an agency can more easily attract the most qualified workers.

Investment in in-service training and other staff development has a high pay off because employees stay with the agency longer and use acquired skills and knowledge for the benefit of the organization which invested in their development. In turn, reduced turn-over lowers long term staff development costs and the inevitable losses in productivity and quality associated with inexperienced staff.

DEPARTMENT POSITION

The Department defers to the Department of Administration regarding the effects of 20 year retirement on the Alaska's retirement and benefits system.

However, the department would be strongly opposed to expanding eligibility for 20 year peace officer retirement to probation officers only, and particularly if it were restricted to apply only to the newly created adult probation officer series. Doing so would only compound the inequity already present between equivalent justice system job classes. It would also create problems for this department in the recruitment and retention of staff to juvenile probation officer, youth counselor and social worker positions. These positions would become the entry point for persons into state service and the training ground for employees who seek the greater benefits which would be available in the adult correctional system. The Department of Health and Social Services would become the training ground for the Department of Corrections.

POSITION PAPER/Department of Health & Social Services

If eligibility for 20 year peace officer retirement is to be expanded, it should include not only juvenile and adult probation officers but also youth counselors, youth facility superintendents and social workers performing child protective service work. An effort to eliminate the current inequity between correctional officers and probation officers should not introduce an even greater inequity between similar justice system job classifications simply because of the department by which they are employed

Russell Webb
Russell Webb, Director
Division of Family and Youth Services

2/21/90
Date

Myra M. Munson
Myra M. Munson
Commissioner
Dept. of Health and Social Services

2/22/90
Date

ALASKA PEACE OFFICERS ASSOCIATION, INC.



Shirley A. Warner
PRESIDENT

Telephone
(907) 788-8851

4501 S. Bragaw St.
Anchorage, Alaska 99507-1599

PEACE OFFICERS ASSOCIATION

P.O. Box 240108 • Anchorage, AK 99524-0108 • (907) 378-8481

Boyd
file

Pauloff RM 308



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M James Messick

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Petersburg
Sctt Eddy

February 16, 1990

The Honorable Senator Jim Duncan
P. O. Box V
Juneau, Alaska 99811

Dear Senator Duncan,

The Alaska Peace Officers Association, Inc. supports Senate Bill 348 which grants probation officers status as peace officers under the public employees' retirement system.

We believe that Probation Officers are a dedicated and professional group who encounter the same type of dangers as do peace officers. Probation Officers work hand in hand with law enforcement to maintain order and enforce the law when probationers do not abide. For these reasons Probation Officers should be entitled to the same retirement system. We appreciate your insight and your representation in sponsoring this bill on behalf of our fellow officers.

Sincerely,

Shirley A. Warner

Shirley A. Warner
President

STATE OF ALASKA

DEPARTMENT OF CORRECTIONS

BOARD OF PAROLE

STEVE COWPER, GOVERNOR

ALASKA BOARD OF PAROLE
P.O. BOX T
JUNEAU, ALASKA 99811-2000
PHONE: (907) 465-3384

February 27, 1990

Honorable Jim Duncan
Alaska State Senate
Room 119 Capitol Building
P.O. Box V
Juneau, Alaska 99811

RE: Senate Bill 348

Dear Senator Duncan:

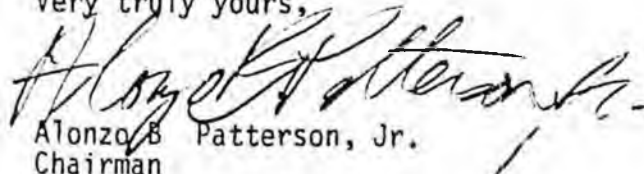
The members of the Alaska Parole Board would like to take this opportunity to commend you for the introduction & the support of Senate Bill 348. We strongly support this legislation.

As you know, the members & staff of the Parole Board work daily with the probation/parole officers around Alaska. We are aware of the physical danger, emotional stress, threats and intimidation they are subject to on a regular basis. I understand ample testimony has been provided to legislative committees so the members understand the hazards probation/parole officers are faced with. Probation/parole officers are peace officers & have the authority to arrest without a warrant. They interact daily with the same felons arrested by police officers & supervised by correctional officers in our correctional facilities.

The probation/parole officer's role has become more community protection oriented in recent years, making the job more hazardous and stressful. We believe the minimal funding necessary to put probation/parole officers under the 20 year retirement is fully justified and long past due.

We greatly appreciate your support in strengthening the criminal justice system in Alaska.

Very truly yours,


Alonzo B. Patterson, Jr.
Chairman

ABP/rs

cc: Co-Sponsors

STATE OF ALASKA

STEVE COWPER, GOVERNOR

Cowan

DEPARTMENT OF CORRECTIONS

SOUTHCENTRAL REGION OFFICE

2300 EAST 42ND AVENUE
ANCHORAGE ALASKA 99508-5202
PHONE (907) 561-4426

RECEIVED DEC 14 1989

December 11, 1989

The Honorable Jim Duncan
Alaska State Legislature
P.O. Box V
Juneau, Alaska 99811-3100

Dear Senator Duncan:

Thank you for your letters regarding Probation Officers in the Peace Officers' Retirement Program.

Our Probation Officers often ask about the logic that includes Correctional Officers in the twenty-year retirement, but not Probation Officers. I have to admit that I do not see the logic. Probation Officers supervise offenders alongside Correctional Officers in the institutions and in every imaginable circumstance outside the institutions. When a Probation Officer finds an offender in violation of the conditions of their probation or parole, they make arrests and return the offender to the institution. It is stressful, hazardous, dangerous duty.

Having Correctional Officers in Peace Officers' Retirement but not Probation Officers puts a chill on our efforts to promote Correctional Officers to Probation Officers because they are slow to leave their twenty-year retirement.

I discussed all of this in the Governor's Office during my first year as Commissioner. Because Governor Cowper is intent on holding down the State operating budget, we decided not to introduce the legislation. The Division of Retirement and Benefits estimates that including Probation Officers would cost \$560,000 per year.

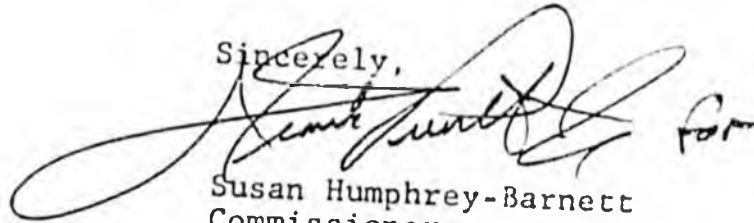
Because of this budget consideration and because Probation Officers are the next logical series to include, I would think Probation Officers would come before other personnel who have direct contact with inmates.

Department of Corrections
Letter

The Honorable Jim Duncan
December 11, 1989
Page Two

I continue to appreciate your interest in the Department of Corrections and thank you for the opportunity to comment on this issue.

Sincerely,

A handwritten signature in cursive script, appearing to read "Susan Humphrey-Barnett", with a large flourish at the end.

Susan Humphrey-Barnett
Commissioner

SHB:dlh

October 17, 1989

ALASKA PROBATION/PAROLE ASSOCIATION POSITION PAPER

The Alaska Probation/Parole Association supports the passage of Senator Duncan's proposed legislation. This bill would make probation officers members of the Peace Officers Retirement System. Current employees would have the option of buying into the Peace Officers Retirement System. New employees hired after the effective date of the bill would automatically be members of the Peace Officers Retirement System. Requiring current employees to "buy in" will maintain the integrity of the retirement fund.

It is the position of the Association that, in order to attract and retain qualified probation officers, encourage career advancement, and fairly compensate probation officers for the physical and mental stress of their job duties, probation officers should be placed in the Peace Officers Retirement System. The Association offers the following commentary in support of this position.

Alaska Statute 01.10.060(6) defines "peace officer" as follows:
"Peace officer" means any officer of the State Troopers, members of the police force of any incorporated city or borough, United States marshals, and their deputies, and other officers whose duty it is to enforce and preserve the public peace;." Alaska Statute 11.81.900(38) defines peace officer as "... a public servant vested by law with a duty to maintain public order or to make arrests whether

the duty extends to all offenses or is limited to a specific class of offenses or offenders." In addition to the counseling and rehabilitative aspects of probation and parole work the State of Alaska class specifications for probation officer provide: "Probation Officers investigate cases of parole or probation violators, compile evidence required to effect the suspension of parolee or probationer, and apprehend violators for return to custody." Furthermore, the class specifications require that the probation officer "Cooperate with local and state police, institutional and judicial officials in the supervision of parolees and probationers," and "maintains personal contacts at office and periodically visits with parolees and probationers to assist them with problems of social readjustment." In simpler language, probation officers arrest suspected probation and parole violators, take them to the jail and book them into jail in exactly the same manner as any other peace officer. Likewise, probation officers are required to meet probationers and parolees in the field, often at the probationer's or parolee's residence under tense and hostile situations. Probation officers are required to search probationers and parolees and their residences and automobiles for the presence of drugs, stolen property, weapons, etc. Sometimes arrests and searches are accomplished with the assistance of other peace officers.

When the safety of the probation officer and society require it, probation officers are authorized to carry weapons when making arrests, home visits, and searches. In addition to the traditional law enforcement aspects of the probation officer job the nature of their service in overseeing the rehabilitation and

readjustment to society of felony offenders certainly constitutes the maintenance of public order. Probation officers are also authorized to execute judge-issued arrest warrants per A.S.33.05.070 and A.S.22.15.210. Probation officers are designated officers of the Court under A.S.33.05.030.

Probation officers also work in institutions counseling prisoners, classifying prisoners for custody and treatment, and otherwise supervising prisoners. They work directly beside correction officers and are exposed to exactly the same risk of physical harm and the same mental stress as correction officers. 7AAC60.195(e) includes institutional probation officers in the definition of "professional correctional personnel" along with correctional officers, assistant superintendent, etc. and requires that they complete similar training and meet the same rigorous physical standards. At the present time, correction officers are already members of the Peace Officers Retirement System as described in A.S.39.35.680(27)(C). It seems particularly unfair that probation officers who work in the institutional setting should be denied the same coverage in the retirement system as the other employees who work in exactly the same area and encounter the same risk and stress.

Field probation officers can transfer into institutional probation officer jobs, institutional probation officers can transfer into field probation jobs and institutional correctional officers have the opportunity to seek promotion to the position of probation officer. It would

greatly facilitate effective personnel management in the probation/parole field if institutional staff and field staff could make lateral transfers and seek promotions without having to fear loss of retirement status. In short, a correctional officer has it, a probation officer does not.

Federal probation officers in Alaska are members of the Federal Peace Officers Retirement System. A number of other state and local probation offices throughout the United States provide that their probation and parole officers be members of the Peace Officers Retirement System or have the option to join the Peace Officers Retirement System. A recent study conducted by the Anchorage Probation Office revealed that twenty-six other states define their probation officers as "peace officers" and that thirty-six states require probation officers to make their own arrests.

There is no question that probation officers render service to the state that of necessity places them in hazardous situations. Physical confrontation is to be expected. The fact that people lose their physical vigor and strength with age is a self-evident proposition. The state should encourage the retirement of person with jobs that have these demands before they pass the age where they may become a more likely target for assault by an offender. Likewise, the stress occasioned by the ever-present possibility for violence to the probation officer and threats to his family are quite similar to those experienced by police officers and should be treated in the same way.

Finally, Adult Probation Officers are under the Police Standards Council by virtue of recent legislation. They are the only employee class of peace officers who are not under the Police Standards Council. This legislation is consistent with the goals and objectives of the Department of Corrections, and hopefully the Governor. So long as probation officers are expected to discharge peace officer functions, their retirement benefits should reflect that fact.

b. EXAMPLE / Checklist Contact Sheet

LEGISLATIVE SPONSOR: HS State Affairs
 Pub. Hear Work Ses. Inv. Hear
 LEGISLATIVE REFERENCE: SB 348
 SUBJECT: PERS Benefits for Probation Officers
 CONTACT: Ann PH: 4963

TC DATE/DAY: Tues, Apr 17
 TIME: 8:30-10:00
 JUNEAU ROOM: Cap 102
 BRIDGE: _____
 # OF PORTS: _____
 DATE TAKEN/BY: 4/12 Debbie

TELECONFERENCE SITES:

LIO'S

Anchorage
 Barrow *
 Bethel
 Delta Junction *
 Dillingham *
 Fairbanks
 Glennallen *
 Juneau
 Ketchikan
 Kodiak
 Kotzebue
 Mat-Su
 Nome
 Petersburg *
 Sitka
 Soldotna
 Valdez *

LTC'S

Homer
 Wrangell

VTS'S

See List on
 Reverse Side

ALL LIO'S

OTHER SITES WELCOME WITH PRIOR NOTIFICATION

Fairbanks OFFNETS: Lou Reece } will go to LIO'S
Betsy 276-3363

CHAIRING SITE: _____

CHAIRPERSON: _____

[] CONFORMS TO LEGISLATIVE COUNCIL POLICY 4/85

 SIGNATURE OF SPONSOR/CONTACT PERSON

 DATE

SPECIAL INSTRUCTIONS

per Bill Parker



University of Alaska
Fairbanks, Alaska 99775-5260

NOT IN
PACKETS
Brian Rogers
Vice President for Finance
(907) 474-7448

February 9, 1990

The Honorable Jim Duncan
Room 119
Capitol
P. O. Box V
Juneau, Alaska 99811

RE: Fiscal Note for Senate Bill 348

Dear Senator Duncan:

Enclosed is a copy of the University's fiscal note for Senate Bill 348, "An Act Granting Probation Officers Status of Peace Officers Under PERS."

If you have any questions about the note, please do not hesitate to contact me or Marsha Hubbard, Director of Statewide Budget at 474-7593.

Sincerely,

A large, stylized handwritten signature in black ink, appearing to be "BR" with a flourish.

Brian Rogers
Vice President for Finance

BR:kap

Enclosure

cc: Alison Elgee, Division Director for Office of Management & Budget
Gina Spartz, Administrative Assistant for Legislative Finance Division
Senator Fred Zharoff
Senator Arliss Sturgulewski
Senator Rick Halford

FISCAL NOTE

REQUEST:

Revision Date: _____
 Title: An Act Granting Probation
Officers Status of Peace Officers
 Sponsor Under PERS Duncan
 Requestor: _____

Agency Affected: University of Alaska
 BRU: All
 Components: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 91	FY 92	FY 93	FY 94	FY 95	FY 96
PERSONAL SERVICES	19.1	19.1	19.1	19.1	19.1	19.1
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	19.1	19.1	19.1	19.1	19.1	19.1
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND	19.1	19.1	19.1	19.1	19.1	19.1
FEDERAL FUNDS						
OTHER						
TOTAL	19.1	19.1	19.1	19.1	19.1	19.1

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

The attached sheet discusses the fiscal implications of this bill to the Public Employees' Retirement System.

Prepared by: Marsha Hubbard Phone: 474-7593
 Division: Director, Statewide Budget Date: 2/9/90
 Approved by Commissioner: Brian Rogers Date: 2/9/90
 Agency: University of Alaska


Distribution (by preparer):
 Legislative Finance
 Legislative Sponsor
 Requestor
 Office of Management and Budget
 Impacted Agency(ies)

Fiscal Note Analysis for Senate Bill 348
"An Act Granting Probation Officers Status of Peace Officers Under PERS"
Prepared by the University of Alaska
February 9, 1990

Analysis: This bill is intended to include Public Employees' Retirement System (PERS) members who serve as Probation Officers under "Peace Officer/Firefighter" coverage. They are currently covered under the "All Other" category.

This bill, if amended to clarify the covered group, will increase the state FY91 PERS contribution rate by .03%. The University of Alaska PERS payroll is estimated to be \$63,654,027 in FY90 and relatively stable each year thereafter.

U of A FY90 PERS Payroll	\$63,654,027	
	<u>X</u>	<u>.03%</u>
		<u>\$19,096</u>

State of Alaska Department of Corrections Policies and Procedures		Index #: 902.16 Page 1 of 7
		Effective Date: 86-R-15
Approved by: Roger V. Endell	Distribution: A, B, C	Related ACA Standards: 2-3169, 2-3172, 2-3178
Supersedes:	Subject: USE OF FIREARMS, RESTRAINTS AND OTHER FORCE	
Chapter: INTAKE, CLASSIFICATION AND SUPERVISION		

I. AUTHORITY:

In accordance with AS 44.28.030, AS 33.05.010, AS 33.16.180, and AS 33.30.030, the Department of Corrections shall develop and adopt policies and procedures that are consistent with laws for the guidance, government and administration of correctional facilities, programs and field services.

II. PURPOSE:

To establish procedures regarding the carrying of firearms, restraints and the use of force by probation officers.

III. APPLICATION:

To all employees.

IV. DEFINITIONS:

As used in this document, the following definitions shall apply:

A. Authorized Ammunition:

Handgun/Revolver: .357 Magnum Caliber, 158 grain, half-jacketed hollow point bullet, factory load service ammunition; or .38 Special Caliber, 148 grain wad-cutter, practice ammunition meeting SAAMI specifications.

B. Authorized Firearm:

Handgun/Revolver: Smith and Wesson, Model 19 or Model 66, two and one-half inch barrel (round-butt) for probation officers, .357 Magnum Caliber.

C. Certified Officer:

A Correction's employee who has received certified training in the use of firearms, chemical agents, and/or other security equipment and has met standards set for their proper and lawful use; and has met annual and otherwise required requalification for certification.

D. Deadly Weapon:

As defined as AS 11.81.900(b)(13); "means any firearm, or anything designed for and capable of causing death or serious physical injury

Subject: USE OF FIREARMS, RESTRAINTS AND OTHER FORCE

including a knife, an axe, a club, metal knuckles, or an explosive"; and, in the case of prisoners, any tool, implement or apparatus that if wielded as a weapon could inflict serious physical injury.

E. Excessive Force:

An act of force in excess of what a reasonable person in similar circumstances would exert to subdue a resisting offender and/or to move a resisting offender to a secure location.

F. Force:

As defined as AS 11.81.900(b)(22); "means any bodily impact, restraint, or confinement or the threat of imminent bodily impact, restraint, or confinement; force includes both deadly and non-deadly force."

1. Deadly Force: As defined as AS 11.81.900(b)(12); "force which the person uses with the intent of causing, or uses under circumstances which he knows create a substantial risk of causing, death or serious physical injury; deadly force includes intentionally discharging or pointing a firearm in the direction of another person or in the direction in which another person is believed to be and intentionally placing another person in fear of imminent serious physical injury by means of a dangerous instrument."

2. Non-Deadly Force: As defined as AS 11.81.900(b)(32); "force other than deadly force."

G. Offender:

Person brought under the jurisdiction of the Department by Court or Parole Board Order or Conditional Commutation of Sentence by the Governor for purposes of probation, parole or other supervision or as the subject of a presentence investigation report.

H. Parolee:

An adult serving a sentence for violation of a state law who has been granted parole by the Alaska Board of Parole as defined and applied in 818.09, Parole, who has been released from incarceration by operation of law to parole supervision under AS 33.20.040(a); or a parolee from another jurisdiction under AS 33.10.010.

I. Physical Injury:

As defined as AS 11.81.900(b)(4); "means a physical pain or an impairment of physical condition."

Subject: USE OF FIREARMS, RESTRAINTS AND OTHER FORCE

J. Probationary:

An adult who has been convicted of a felony crime and ordered to a term of probation; may occasionally include misdemeanants from the District Court.

K. Restraint:

Security device designed for and applied to prevent the commission of violent or destructive acts including metal shackles such as handcuffs, leg irons, belly chains, and the like.

L. Risk:

A significant possibility as contrasted with a remote possibility that a certain result may occur or that certain circumstances may exist.

M. Serious Physical Injury: As defined as AS 11.81.900(b)(49):

1. "Physical injury caused by an act performed under circumstances that create a substantial risk of death; or"
2. "Physical injury that causes serious and protracted disfigurement, protracted impairment of health, protracted loss or impairment of the function of a body member or organ, or that unlawfully terminates a pregnancy."

N. Show of Force:

A demonstration of the present ability to apply force such as a shouted warning by an armed officer, display of a firearm, or the firing of a warning shot.

O. Substantial Risk:

Condition wherein it is substantially certain that a given result may occur or that given circumstances may exist.

V. POLICY:

- A. A Probation Officer employed by this Department may, pursuant to the procedures contained herein, carry a firearm and use non-deadly and deadly force, when justified, in the discharge of official duties.
- B. The identity of an employee involved in a shooting incident in the performance of duty will not be provided to the public. The Department will cooperate fully with any official investigation. It has been demonstrated that once the staff members identity becomes public knowledge, the potential for harrassment and possible retaliation substantially increases. If the employee's name has been made known through public records or through disclosure at public proceedings, the Regional Director or designee may verify the individual's identity in response to inquiries by news media representatives or other officials.

Subject: USE OF FIREARMS, RESTRAINTS AND OTHER FORCE

VI. PROCEDURES:

- A. Probation Officers may be authorized to carry a firearm on duty under the following circumstances:
1. Upon approval of the Regional Administrator, a Probation Officer may carry a firearm only when he or she is a certified officer and his or her immediate supervisor believes the use of deadly force may be necessary to prevent the officers death or serious physical injury. When the Regional Administrator is not readily available, the District Supervisor may authorize the carrying of a firearm;
 2. The carrying of firearms on duty for purposes other than training and/or qualification is prohibited except in accordance with this policy;
 3. The authorization to carry a firearm will be specific as to time and circumstance and will terminate upon reasonable belief that death or serious physical injury is no longer imminent;
 4. When a first line supervisor is not readily available, a Probation Officer may make the decision to carry independently if:
 - a. he or she believes that under the guidelines of this policy he or she would be permitted to carry;
 - b. if the need to conduct a necessary contact or supervision step is urgent and cannot reasonably await a supervisor's authorization; and
 - c. the action is immediately reported through a supervisor to the Regional Administrator, as circumstances allow; and
 5. This Policy does not require a Probation Officer to carry a firearm in the discharge of official duties.
- B. Documentation is required each and every time a Probation Officer is armed in accordance with this policy, as follows:
1. A Report of Carrying a Firearm (form 20-902.16A) will be completed by the requesting Probation Officer prior to each authorized carrying of a firearm other than for practice or qualification. Each officer shall file the report with his or her immediate supervisor;
 2. A line entry must be made in the Weapons and Ammunition Log (form 20-902.16B) each time a firearm and/or ammunition is issued;
 3. The Regional Administrator shall periodically review the records retained by the District Supervisors in accordance with 1. and 2. above;

Subject: USE OF FIREARMS, RESTRAINTS AND OTHER FORCE

4. The officer who draws or discharges a firearm for any reason in the line of duty, other than during practice or qualification, shall immediately submit a written Report of Firearm Discharge in memorandum format describing the circumstances of the discharge or show of force and shall prepare the Special Incident Report (form 20-104.01) in accordance with 104.01, Special Incident Reporting. The Reports must be routed through the officer's immediate supervisor to the Regional Administrator;
5. In the event of firearm display or discharge per 4. above, the Regional Director in coordination with the Regional Administrator shall appoint a three member panel to review the circumstances of the incident. This panel will include the Regional Administrator acting as chairperson; and
6. The officer who discharges a firearm under the circumstances described under 4. above may be granted administrative leave as is appropriate to the circumstances at the discretion of the Regional Administrator.

C. Use of Firearms:

1. Issued firearms will be carried under the officer's control and out of sight at all times, except when in use;
2. Firearms carried by officers will be loaded at all times. All customary firearms safety precautions will be continuously practiced;
3. A Probation Officer is not authorized to carry a firearm while traceable quantities of any behavior altering substance is in the bloodstream;
4. The use of firearms is justified only when the Probation Officer reasonably believes the use or show of deadly force is necessary for defense of self or others against death or serious physical injury during the lawful discharge of official duties;
5. Warning shots are only justified under the deadly force circumstances outlined under D. below. Warning shots pose a hazard to innocent parties and when and where they are applied as a show of force should be aimed to minimize the threat to persons;
6. Firing at a fleeing person is not permissible except as outlined under D.1. below; and
7. The authority to carry firearms carries with it an obligation and responsibility to exercise discipline, restraint and good judgment in their use.

Subject: USE OF FIREARMS, RESTRAINTS AND OTHER FORCE

D. Use of Force and/or Restraints:

1. Deadly force may be used as a last resort to prevent the loss of life and may be applied only upon a reasonable belief that death or serious physical injury is imminent. Deadly force may be used as a last resort to apprehend a fleeing felon only if the Probation Officer has a reasonable belief, based upon circumstances at the time, that the felon's escape will endanger life or inflict serious physical injury unless arrested without delay;
2. Non-deadly force may be applied under circumstances of self defense, arrest and to prevent injury to the Probation Officer or others and to stop a fleeing felon and may include the application of restraints;
3. Excessive force is never justified in the application of force by Probation Officers; and
4. Restraint Application:
 - a. Restraint equipment will be applied under all circumstances of arrest;
 - b. Restraints may be used as a precautionary measure against escape of an offender under escort for any purpose;
 - c. Restraints may be used to prevent self-mutilation, injury to others or property damage when other reasonable methods of control have been tried and have failed; and
 - d. Restraints may be used to immediately gain control of a violent or dangerous situation.

E. Firearms, Equipment and Ammunition:

1. The Department will provide authorized firearms, ammunition and equipment for all officers authorized to use them in accordance with this policy as outlined under A. above;
2. Firearms holsters and ammunition carriers will be provided by the Department. Officers may not provide nor utilize personal firearms, holsters or other weapons in the conduct of official business; and
3. Only authorized ammunition will be used in Department firearms.

F. Firearms Security:

1. Firearms and ammunition which are not in the possession of a qualified officer are to be secured in either a safe or file cabinet with a secure lock. A desk with a lock is not sufficient security;

Subject: USE OF FIREARMS, RESTRAINTS AND OTHER FORCE

2. The District Supervisor in each office having firearms assigned shall maintain the arms not in use in a secure container with controlled access; and
3. The Regional Administrator may authorize suitable firearms and ammunition storage for District Offices requiring such to be in conformance with this policy.

G. Inventory:

An inventory of firearms and ammunition will be conducted annually by the District Supervisor in accordance with 302.06, Inventory Control.

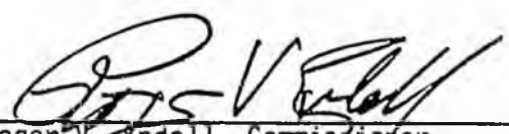
H. Training and Certification:

Training and certification in the use of firearms, restraints and other force will be accomplished in accordance with 401.04, Training For Specialized Groups of Employees, and 401.08, Firearms and Arrest Training For Probation Officers.

VII. IMPLEMENTATION:

This policy and procedure is effective as of the date signed by the Commissioner. Each Manager shall incorporate the contents of this document into local policy and procedure with 14 days. All local policies and procedures must conform to the contents of this document and any deviation from the contents of this document must be approved in writing by the Commissioner or designee.

DATE

August 15, 1986

Roger V. Endell, Commissioner
Department of Corrections

Forms applicable to this Policy.

INDEX #: 902.16A & B and 104.01

FORMS/A - Report of Carrying Firearm

B - Weapons and Ammunition Log

.01 - Special Incident Report

Kayam

STATE OF ALASKA

DEPARTMENT OF CORRECTIONS

X

STEVE COWPER, GOVERNOR

REPLY TO

- JUNEAU PROBATION OFFICE
P.O. BOX 021224
JUNEAU, ALASKA 99802-1224
PHONE: (907) 465-3180
- KETCHIKAN PROBATION OFFICE
ROOM 202, 415 MAIN STREET
KETCHIKAN, ALASKA 99901-6398
PHONE: (907) 225-3179
- SITKA PROBATION OFFICE
304 LAKE STREET, ROOM 210
SITKA, ALASKA 99835-7599
PHONE: (907) 747-6641

RECEIVED October 13, 1989

Senator Jim Duncan
P.O. Box V
Juneau, Alaska 99811

Dear Jim:

Chief Probation Officer Keith Stell tells me that you are filing a bill which would place probation officers under the peace officers retirement system. Thank you very much for supporting these efforts. We have been trying, without much success, to get under the peace officers retirement system for years.

Probation officers deal only with felons (no misdemeanants). The felons we deal with every day are often violent, emotionally disturbed people. We are required to go out into the community, sometimes at night, and arrest these people when they violate probation or parole. Likewise, our very heavy workloads, danger, and deadlines imposed by the Court, cause a high level of stress in this job.

Although I am no actuary, there are so few probation officers I cannot believe that the cost of including us in the peace officers retirement system is going to be more than a "drop in the bucket." Furthermore, it is my understanding that probation officers (myself included) are certainly willing to shoulder a share of any financial burden that our entry into the peace officers retirement system might occasion.

Once again, I wish to thank you very much for all the help you have given us and other public employees over the years.

Best regards,

Robert K. Collins

Robert K. Collins
District Probation Supervisor
Juneau

RKC/cm

March 19, 1990

Senator Jim Duncan
Senate Finance Committee
Pouch V
Juneau, AK 99811

RE: SB 348

Dear Senator:

Senate Bill 348, which places Probation Officers in the Peace Officer's and Fireman's Retirement System will soon have a hearing in the Senate Finance Committee. I hope the information which appears below will help you in deliberations.

Probation Officers are defined as Peace Officers in AS 11.81.900 (30a). Likewise, Probation Officers are covered under the Alaska Police Standards Council Act, AS 18.65.130. Probation Officers arrest probationers (AS 33.05.070) and parolees (AS 33.16.240). Probation Officers carry guns (Department of Corrections Policy and Procedure 902.16). Probation Officers search the residences of probationers and parolees for weapons, stolen property, and drugs. All in all, Probation Officers encounter the same hazards and stresses as those experienced by other Peace Officers.

Examples of dangerous situations drawn from my own experience include an instance where an offender hired a private investigator to investigate not only myself but my family so he could find information in my background with which to embarrass or impeach me in Court. Another probationer did a "drive-by" shooting at the probation office. He shot out the windows of an office directly above the probation office. He thought he was shooting at our office and in subsequent hearings he was convicted of shooting at our office. That same day the windows in an apartment owned by the Chief Probation Officer were shot out.

While arresting an offender and booking him into Lemon Creek Correctional Center, he became enraged when I would not agree to release him and assaulted me in the booking office. Last year, it was necessary to obtain the assistance of the Juneau Police Department and the Alaska State Troopers to serve an arrest warrant on a probation violator. Since he would not come out of his residence we had to kick the door down and enter with guns drawn. This probationer was found extremely intoxicated with a rifle in easy reach.

Several years ago, I searched the residence of a probationer and found substantial quantities of cocaine and two machine guns. I often interview probationers and parolees at Lemon Creek Correctional Center. These are people whose probation I have revoked. They are, naturally, angry and hostile toward me and assault is always a distinct threat. Some Probation Officers work in Correctional Centers all the time. In doing so, they work next to Correction Officers who have

Senator Jim Duncan
March 19, 1990
page two

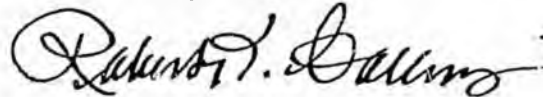
Peace Officer Retirement. This seems particularly unfair since both encounter the same stresses and dangers.

When I went to work for the Department of Corrections I was 32 years old. I felt that I was the physical equal (or perhaps better) of the 25 year old probationers and parolees with whom I dealt. Now, however, I am 48 years old. My caseload has remained in the 20-25 age group. In my opinion, it is unfair to me and a danger to the public to require older Probation Officers who are no longer the physical equal of their adversaries to arrest and struggle with younger, fitter, offenders.

All of our probationers and parolees are felons. We do not supervise misdemeanants. Thus, we supervise only the most dangerous kind of repeat offenders. Since we face the same stresses and dangers as those experienced by Police Officers, Correction Officers, and Alaska State Troopers, it seems just that we be included in the Peace Officer Retirement System.

Thank you for giving me the opportunity to air my views. The above information is my own position and may not reflect the position of the Department of Corrections. If you have any questions, please do not hesitate to contact me.

Very Truly Yours,



Robert K. Collins
District Probation Supervisor
9340 View Drive
Juneau, AK 99801
789-2074 (home)
465-3180 (work)

RKC/lc

cc: Keith Stell, Chief Probation Officer, Juneau

Jim:

This is all old news to you, but I wanted you to know what I'm sending to the other members of Senate Finance. Each of them got this letter. Thanks again for all your help.

Bob Collins

March 19, 1990



Senator Jim Duncan
Senate Finance Committee
Pouch V
Juneau, AK 99811

RE: SB 348

Dear Senator:

Senate Bill 348, which places Probation Officers in the Peace Officer's and Fireman's Retirement System will soon have a hearing in the Senate Finance Committee. I hope the information which appears below will help you in deliberations.

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Examples of dangerous situations drawn from my own experience include an instance where an offender hired a private investigator to investigate not only myself but my family so he could find information in my background with which to embarrass or impeach me in Court. Another probationer did a "drive-by" shooting at the probation office. He shot out the windows of an office directly above the probation office. He thought he was shooting at our office and in subsequent hearings he was convicted of shooting at our office. That same day the windows in an apartment owned by the Chief Probation Officer were shot out.

While arresting an offender and booking him into Lemon Creek Correctional Center, he became enraged when I would not agree to release him and assaulted me in the booking office. Last year, it was necessary to obtain the assistance of the Juneau Police Department and the Alaska State Troopers to serve an arrest warrant on a probation violator. Since he would not come out of his residence we had to kick the door down and enter with guns drawn. This probationer was found extremely intoxicated with a rifle in easy reach.

Several years ago, I searched the residence of a probationer and found substantial quantities of cocaine and two machine guns. I often interview probationers and parolees at Lemon Creek Correctional Center. These are people whose probation I have revoked. They are, naturally, angry and hostile toward me and assault is always a distinct threat. Some Probation Officers work in Correctional Centers all the time. In doing so, they work next to Correction Officers who have

RECEIVED

Parham

November 2, 1989

Senator Jim Duncan
Alaska Legislature
Pouch V
Juneau, Alaska 99811

Dear Senator Duncan:

I thought that a few examples of danger and stress faced by probation officers might help you justify your Bill putting probation officers under the Peace Officers Retirement System.

Some examples from my own experience include threats made on my life by dangerous psychopaths like Wallace Creer in 1984. My life was threatened by Gary Nolt in 1986 and 1987. My family has been threatened by probationer Randy Rodrigues in 1987. These are only a few examples. In actuality, my life has been threatened many times by probationers and parolees but, unfortunately, I do not always make notes and so when relying on my memory, I can't always remember names and dates from long ago.

I was assaulted at Lemon Creek Correctional Center when I was booking probationer Laberne Ebona in 1988. I was assaulted by probationer Gary Nolt in 1982. Probationer Ken Lancaster drove by the probation office and shot at our windows with a 12 gauge shotgun in 1986 or 1987. He hit the windows of the law library one floor above us; however, at an adjudication hearing the Court found that Mr. Lancaster was attempting to hit the windows in the probation office.

We routinely arrest probationers and parolees and are empowered to do so by statute (AS 33.05.070 and 33.16.240). In July, 1987 I accompanied several Juneau police officers and Alaska State Troopers to the residence of Daniel Trapp, a probation absconder. Mr. Trapp refused to answer our instructions to come out and surrender. The door was kicked down and we entered with guns drawn. Mr. Trapp was inside, extremely intoxicated, with a rifle not far away. In 1986 I searched the residence of probationer Scott McGonegal where I found substantial quantities of cocaine and a 9 mm sub-machine gun. I could cite a number of other examples.

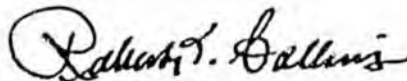
Letters of Support from
Probation Officers Statewide

Senator Jim Duncan
November 2, 1989
Page Two

I am enclosing a copy of Department of Corrections Policy and Procedure 902.16 which describes the Department's gun policy. It is currently being revised to allow probation officers more independent discretion.

Jim, I have called a number of other probation officers around the State and have asked them to give you a few examples from their own personal experience, hopefully the equivalent of the information I have provided above. If I can be of further assistance, please do not hesitate to call on me.

Very Truly Yours,



Robert K. Collins
Probation Officer III
Juneau

RKC/cm
Enclosure

Susan J. Ard
P.O. Box 2748
Sitka, AK 99835

Senator Jim Duncan
P.O. Box 1
Juneau, AK 99811-3100

November 21, 1989

Dear Senator Duncan:

I thought it would be helpful to share with you some "real life" experiences I have had in my role as a probation officer over the past 8 years. I believe you will agree that a probation officer is most definitely a peace officer and subject to the same stresses and hazards as law enforcement officers etc.

Approximately three years ago I was supervising a man with a history of misdemeanor assaultive conduct as well as felony level property crimes. This individual had a serious alcohol problem which further increased his potential for violence. While residing in Sitka this man violated his probation by committing a new, misdemeanor offense, consuming alcohol and failing to report to his probation officer. He was arrested and a bail review hearing was held. The judge released this man back to the community under the condition he not consume alcohol at frequent establishments that serve alcohol. Less than 6 hours later, while having dinner at a local

restaurant, I observed this man staggering through the restaurant. Consequently I requested the assistance of our local police department and contacted this man on his fishing vessel. He was extremely intoxicated. I arrested him for violating probation and his conditions of release. This man proceeded to threaten me over the course of the booking process and for several days thereafter. He threatened to shoot me, sink my boat when my family was on it, blow me up, and harm my family. Following his court arraignment he whispered to me that I would be sorry if he got out of jail. Fortunately this man did not follow through on his threats but he did cause a good deal of anxiety and concern for my family and myself.

Approximately 4 years ago I was involved in the search of one of my probationers' houses. This individual had 2 prior felonies and an assaultive background. The search turned up several handguns and ammunition stolen in a burglary several weeks previously. Fortunately I was able to arrest this man without incident but the potential for

Charm is always there. The very nature of our jobs places probation officers in a touchy position; we enforce the orders of the Court which often means violating a persons probation and threatening their freedom.

On one occasion following a sentencing hearing 2 1/2 years ago in which I recommended a stiff sentence for a child abuser, the defendant wife became extremely angry. Not only did she verbally assault me in the courtroom but she attempted to physically confront me. The defendant (her husband) was able to grab her and hold her down while I left the Court room.

Finally I wanted to share with you an incident that involved a fellow probation officer in the Anchorage/Kenai area. This man had his home fire bombed and was seriously burned as a result. Although the police investigation was never able to determine who was responsible, this man was very certain one of his probationers was to blame based on past supervision problems.

In conclusion, there is always the potential

-12/7

you violence with this position. There
is certainly ongoing stress and the
underlying knowledge that many of
our day to day duties place us in dangerous
situations.

Thank you once again Senator Duncan
for your sponsorship of the bill relating to
placing probation officers under Peace
Officers Retirement.

Sincerely,

Susan J. Ford
P.O. Box 2748
Sitka, Alaska 99835

CC Representative Ben GRUSSENDORF
Senator Richard ELIASON

November 21, 1989

Sen. Jim Duncan
P.O. Box V
Juneau, Alaska 99811-3100

RECEIVED NOV 27 1989

*Raymond
A. [unclear]*

Dear Jim,

I am writing this letter to add my support to the bill you will be submitting this legislative session that would place Probation Officers under the 20 years retirement plan.

I have been with the Department of Corrections for approximately 21 years now. Four of those years has been as a Probation Officer assigned to the Lemon Creek Correctional Center. During my time at this facility as a Probation Officer I was exposed to the same dangers that Correctional Officers faced. As an institutional Probation Officer I have prepared many many reports that have resulted in inmates not getting out on parole. I have been required to qualify with weapons. I have had to pick up inmates on work furlough that had violated rules.

It should be noted that Probation Officers do have some power of arrest. It should be understood that Probation Officers face physical injury or death when attempting to arrest Parole/Probation violators that do not want to return to jail. Passage of this bill will of course make me eligible to retire. It will, I believe, save the State money down the road. There are many employees that would take advantage of the retirement that have lots of years in and are well up on the pay scale. The State of Alaska could hire replacements for those people for I would think one third the cost.

Thank you for your support in this matter

Yours Truly,

Brice H. Pearson

December 8, 1989

*Parsons
File*

Senator Jim Duncan
Alaska Legislature
Pouch "V"
Juneau, AK 99811

RE: Peace Officer Retirement for
Probation Officers

Dear Senator Duncan:

As requested, this letter is submitted with a few examples of incidents which have occurred in the Kenai area during the last few years. These incidents are indicative of the types of assaults and threats directed at probation officers. There are more and I will attempt to document them for submission at a later date.

In September 1986, a Molotov cocktail was found to be burning on the front steps of a probation officer's residence in Kenai. It burned itself out and did not explode. Approximately ten days later, at 2:00 a.m., the same officer was asleep in his bed. He suddenly awoke to the sounds of breaking glass. Within seconds, his apartment was engulfed in fire and he barely had time to put on his pants and run outside. In the process, he suffered second degree burns on his feet, arms, and upper back. His hair and eyebrows were singed and he spent several weeks in the hospital undergoing treatment for his burns. To this day, he bears terrible scars which were left by the burns. Physically and psychologically he will be affected for a lifetime.

Police investigated the above incident. Evidence indicated that someone had thrown a Molotov cocktail through the P.O.'s window. The incendiary device exploded and engulfed the inside of the residence. The interior of his apartment and its contents were completely destroyed. If he had not escaped within seconds there is a good chance he would be dead. Although the above arson (attempted murder?) was never solved, no one in the community, including the police, have any doubt that the assault was committed by an individual on the probation officer's caseload. The officer had received several threats by offenders during the years he was a probation officer. Police investigation revealed that an individual on the officer's caseload had admitted to "getting him" and acknowledged an earlier attempt had failed. However, there was not enough evidence to indict the alleged assailant.

In addition to the above, another probation officer in Kenai was involved in an incident where his personal vehicle was stolen and set ablaze. According to the police investigation, the same offender who was reportedly involved in the first arson had knowledge of the theft and arson of the probation officer's vehicle.

The above two examples involved people who were supervised by probation officers and who may have been angered by the officer's actions, i.e.,

Senator Duncan
12/8/89
Page Two.

filing to revoke probation or parole due to violating their conditions. The offender who was believed to be involved in the above incidents had reportedly indicated that the probation officer was "getting too close to his drug dealings" and he was not going to go back to jail.

A third example involves what can happen when probation officers recommend that an offender be incarcerated for a substantial period of time. Approximately one year ago, I had recommended a maximum five year sentence for an offender with a substantial prior record in the state of Washington. His record included burglary, theft, sale of cocaine, assault and numerous violations of probation and parole. His crimes in Kenai involved burglary of a dwelling as well as several misdemeanor convictions. While detained in a side cell following sentencing, the offender stated, "Hey you punk, how can you recommend five years for me, you don't even know me. You're a f..... punk, remember this face you f..... punk, remember this face." The offender is very capable of following through with his veiled threats and will be released to the Kenai area (to my caseload) during the next year or so.

In addition to the above, an offender's parole was recently revoked and he was ordered to serve the balance of his sentence, which was several years. He had violated his parole for assaulting his wife as well as a friend, numerous thefts, using drugs and consuming alcohol. It was my testimony and documentation of his violations that resulted in the revocation of his parole. He placed the blame for his loss of freedom and his additional prison sentence directly on me. According to other inmates, he has talked of revenge upon release.

The above incidents are but a few. Probation officers are frequently threatened and many assaults have occurred. The potential for danger or death is always present, as is concern for the safety of the employee's family. A probation officer's job is inherently dangerous. However, due to the drug epidemic sweeping the country and the increasingly violent offender we are encountering, probation and parole officers are facing many of the dangers and stresses as experienced by other peace officers. We are the only peace officers included under the Police Standards Act that are not included under law enforcement retirement. For reasons as noted above, we feel we are justified in our desire for peace officer retirement.

Thank you for allowing me to share my perspective concerning this topic. If you have questions, please do not hesitate to contact me.

Sincerely,



Curt Geoffrion
District Supervisor
Adult Probation & Parole - Kenai

110 Trading Bay Rd. #190
Kenai, AK 99611

cc: Rep. Swackhammer

RECEIVED NOV 13 1989

Roxanne

November 8, 1989

Senator Jim Duncan
ATTN: Roxanne
PO Box V
Juneau, Alaska 99811

Dear Roxanne:

Lew Reece indicated to me the other day that Senator Duncan would be interested in some of the day to day activities of probation officers in terms of the Peace Officers Retirement. Let me give you some examples of things that have happened recently. In my own case, just a few days ago I assisted Bob Collins in arresting a murderer we have on parole. It was a fairly routine arrest except for the fact that the guy was a dangerous person who gets real dangerous when he has been drinking and that is basically why we arrested him. It is always a touchy situation when you go to arrest one of these fellows who has violently taken someone's life in the past (he stabbed his wife to death with a letter opener during one of his drinking bouts). At any rate, you don't know when you go to arrest one of these guys if they are armed or not. In this case he went along with us without any problems and we were relieved that that was the situation.

I just got a call from Sue Ford in our Sitka Probation Office. She notifies me that the probation office car has had the tires slashed. She doesn't know who did it but it could be any one of a number of people that she has supervised. Sue, by the way, has had several threats to her over the past years she has worked in Sitka and will be forwarding a copy to Senator Duncan detailing those threats.

Enclosed with this letter is a threatening letter to Patty Barnes, our probation officer in Ketchikan. The letter is postmarked from Seattle on 23 October 1989. The contents of the letter you can read for yourself and interpret for yourself what it might mean. Again, we don't know who sent the letter but assume it is someone she has been supervising, either on probation or parole.

Finally, attached is a sheet of photographs of guns recovered from the Fairbanks Probation District in the past year. This does not include all of the guns that have been recovered but for graphic purposes does include many automatic weapons which are not, of course, used for hunting purposes.

Senator Jim Duncan
November 8, 1989
Page Two

I have encouraged the probation officers to contact your office with information concerning their daily activities with reference to the stress level and the hazardous duty that we really are engaged in. This is peace officer work, no two ways about it and the probation officers should be accorded the benefit of Peace Officer Retirement.

Again, Roxanne, thanks to you and Senator Duncan for your help with this.

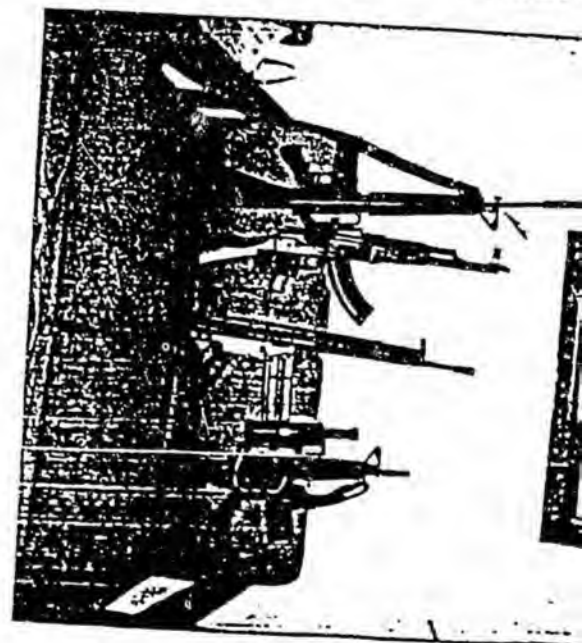
Sincerely,



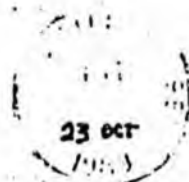
Keith Stell
17025 Glacier Highway
Juneau, Alaska 99801

KS:cm

cc Representative Fran Ulmer
Representative Bill Hudson
Representative Swackhammer



10/23/83



Patty Barnes
415 main st rm 202
Ketchikan, Alaska
99901

BITCH,
HELL
IS
COMING
TO
GET
YOU!

RECEIVED DEC 26 1989

Duncan
+ FLO

December 21, 1989
P.O. Box 917
Douglas, AK 99824

The Honorable James Duncan
Alaska State Senate
Pouch "V"
Juneau, Alaska 99811

RE: PEACE OFFICER RETIREMENT FOR PROBATION OFFICERS

Dear Senator Duncan:

It is my understanding that you will be attempting to pass a bill during this legislative session which will give Alaskan Probation/Parole Officers 20 year retirement.

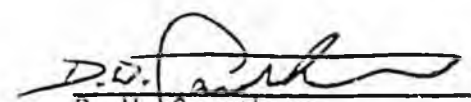
I wish to express my support of this bill and any actions you feel appropriate to have it passed into law.

I am presently the Superintendent of the Lemon Creek Correctional Center and have worked for the Alaskan Corrections system for approximately 14 years. I have had the privilege of being an institutional probation/parole officer at Lemon Creek for several years and a field probation/parole officer in Bethel Alaska for several years. It is a dangerous job and in my opinion, deserving of the 20 year retirement. I personally have been in numerous situations where I was stranded, due to weather, in small, isolated western Alaskan villages for days and had to deal with intoxicated felonious probationers shooting firearms or assaulting family members.

Additionally, institutional probation/parole officers deal one hundred percent of their time with some of Alaska's most dangerous prisoners. If a list were developed outlining several of the prisoners presently incarcerated and their offenses, I believe it would underscore the difficult and dangerous job these professional officers have.

Again, I appreciate your efforts in obtaining 20 years retirement for probation/parole officers and recognizing the important role they play in our Criminal Justice System. Thank you.

Sincerely,


D. W. Carothers

DWC/jmg
cc: Representative Swackhammer

S B

370

HOUSE COMMITTEE ON STATE AFFAIRS

RECAP OF
SB 370

Physician Members of PERB and TRB

Received April 18, 1990
by the Rules Committee by Request of the
Governor

Heard April 24, 1990

Passed Out of Committee April 24, 1990
4 Do Pass

TABLE OF CONTENTS

SB 370: Physician Members of PERB and TRB

- Item 1: SB 370 by the Rules Committee by Request of the Governor
- Item 2: Fiscal Note by the Department of Administration
- Item 3: Transmittal Letter from the Office of the Governor, January 8, 1990

HOUSE COMMITTEE REPORT

(7)

Date Referred: April 18, 1990

FURTHER REFERRALS:

Date of Committee Action: _____

The STATE AFFAIRS Committee considered:

SB 370

SENATE BILL NO. 370

PHYSICIAN MEMBERS OF PERB AND TRB

"An Act expanding the Public Employees Retirement Board and the Teachers' Retirement Board to include two physician members to hear disability appeals; dissolving the Public Employees' and Teachers' Disability Review Board; and providing for an effective date."

RECOMMENDATIONS:

- be replaced with: _____ the same title
- have attached amendment(s) a new title
- do pass
- do not pass
- no recommendation
- individual recommendations
- additional referral to the _____ Committee

ADOPTS: _____ letter of intent

ATTACHES NEW FISCAL NOTE(s):
(Dept)

APPROVES PREVIOUS: _____ (Date/Dept)

- fiscal impact _____
- zero fiscal note _____
- zero with analysis _____

- fiscal note(s) 4/6/90 DOA
- zero fiscal note(s) _____
- zero fn/analysis _____

SIGNING DO PASS:

SIGNING:
(Check approp. column)

Do Not Pass
No Rec
Amend

[Signature] merand
[Signature] Dunkelstein
[Signature] Maclean
[Signature] Boucher

	Do Not Pass	No Rec	Amend

[Signature]
Chairman's Signature

Help center of Bureau

Re: Appeals

problem;

Disability Board proposal

DO NOT WITH

SEPARATE BOARD

include

physicians

DISABILITY

BY THE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

DO NOT WITH
1/2 SAVE 8/2

1 IN THE SENATE

2

SENATE BILL NO. 370

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

SIXTEENTH LEGISLATURE - SECOND SESSION

5

A BILL

6

For an Act entitled: "An Act expanding the Public Employees Retirement

7

Board and the Teachers' Retirement Board to include

8

two physician members to hear disability appeals;

9

dissolving the Public Employees' and Teachers'

10

Disability Review Board; and providing for an effective

11

date."

12

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

13

* Section 1. AS 14.25.035(a) is repealed and reenacted to read:

14

(a) There is established the Alaska Teachers' Retirement Board

15

as follows:

16

(1) The governor shall appoint five members for overlapping

17

three-year terms. One member must be a resident who is receiving

18

retirement benefits under this chapter. Statewide teacher organiza-

19

tions may submit to the governor a list of recommended nominees to

20

serve on the board.

21

(2) The governor shall appoint physicians authorized to

22

practice medicine in the state to serve as members of the board only

23

for the purpose of hearing appeals to determine medical eligibility

24

for disability benefits under AS 14.25.130. The governor shall ap-

25

point two physicians each from at least two of the state's four judi-

26

cial districts. The Public Employees Retirement Board and the

27

Teachers' Retirement Board may submit to the governor a list of

28

recommended physicians to serve on the board. The two physician

29

members from the judicial district in which a disability appeal

1 medicine in the state to serve as members of the board only for the
2 purpose of hearing appeals to determine medical eligibility for
3 disability benefits under AS 39.35.400 and 39.35.410. The governor
4 shall appoint two physicians each from at least two of the state's
5 four judicial districts. The Public Employees Retirement Board and
6 the Teachers' Retirement Board may submit to the governor a list of
7 recommended physicians to serve on the board. The two physician
8 members from the judicial district in which a disability appeal
9 hearing is conducted shall serve on the board during the hearing. If
10 one or more of the physicians in the judicial district in which a
11 disability hearing is conducted is unable to serve at the hearing, or
12 if there is no physician member from that judicial district, other
13 physician members shall serve at the hearing, selected for such
14 hearings on a rotating basis, in accordance with regulations adopted
15 by the board. Physician members serve at the pleasure of the
16 governor.

17 (e) Members of the board identified in (b) of this section or
18 elected under (c) of this section do not receive compensation for
19 their services on the board. Physician members of the board are
20 entitled to hourly compensation for their services at a rate to be
21 determined by the commissioner of administration. The rate of compen-
22 sation shall be consistent with the physicians' normal hourly
23 earnings. All members of the board are entitled to travel expenses
24 and per diem when it is necessary to travel.

25 * Sec. 4. AS 39.36.010, 39.36.020, and 39.36.500 are repealed.

26 * Sec. 5. TRANSITION. Notwithstanding secs. 1 and 3 of this Act,
27 physicians appointed to serve on the former Public Employees' and Teachers'
28 Disability Review Board (repealed by sec. 4 of this Act) are appointed to
29 serve as phy. an members of the Alaska Teachers' Retirement Board and the

CORRECTION

**THIS DOCUMENT
HAS BEEN REPHOTOGRAPHED
TO ASSURE LEGIBILITY**

Item 1

Help office of Gov
Re: Appeals
problems
Disability Board process
DO work with
SENATE BOARD
include
physicians
Disability

BY THE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

DO NOT WORK
1/2 SAVE 8/2

1 IN THE SENATE

2 SENATE BILL NO. 370

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act expanding the Public Employees Retirement
7 Board and the Teachers' Retirement Board to include
8 two physician members to hear disability appeals;
9 dissolving the Public Employees' and Teachers'
10 Disability Review Board; and providing for an effective date."
11

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

13 * Section 1. AS 14.25.035(a) is repealed and reenacted to read:

14 (a) There is established the Alaska Teachers' Retirement Board
15 as follows:

16 (1) The governor shall appoint five members for overlapping
17 three-year terms. One member must be a resident who is receiving
18 retirement benefits under this chapter. Statewide teacher organiza-
19 tions may submit to the governor a list of recommended nominees to
20 serve on the board.

21 (2) The governor shall appoint physicians authorized to
22 practice medicine in the state to serve as members of the board only
23 for the purpose of hearing appeals to determine medical eligibility
24 for disability benefits under AS 14.25.130. The governor shall ap-
25 point two physicians each from at least two of the state's four judi-
26 cial districts. The Public Employees Retirement Board and the
27 Teachers' Retirement Board may submit to the governor a list of
28 recommended physicians to serve on the board. The two physician
29 members from the judicial district in which a disability appeal

1 hearing is conducted shall serve on the board during the hearing. If
2 one or more of the physicians in the judicial district in which a
3 disability hearing is conducted is unable to serve at the hearing, or
4 if there is no physician member from that judicial district, other
5 physician members shall serve at the hearing, selected for such
6 hearings on a rotating basis, in accordance with regulations adopted
7 by the board. Physician members serve at the pleasure of the
8 governor.

9 * Sec. 2. AS 14.25.035(b) is repealed and reenacted to read:

10 (b) Members of the board appointed under (a)(1) of this section
11 do not receive compensation for their services on the board. Physi-
12 cian members of the board are entitled to hourly compensation for
13 their services at a rate to be determined by the commissioner of
14 administration. The rate of compensation shall be consistent with the
15 physicians' normal hourly earnings. All members of the board are
16 entitled to travel expenses and per diem when it is necessary to
17 travel.

18 * Sec. 3. AS 39.35.030 is repealed and reenacted to read:

19 Sec. 39.35.030. PUBLIC EMPLOYEES RETIREMENT BOARD. (a) There
20 is established a Public Employees Retirement Board as provided in this
21 section.

22 (b) Three members of the board are the members of the personnel
23 board of the Department of Administration (AS 39.25.060).

24 (c) Two members of the board must be members of the system
25 elected by a majority of the votes cast by members of the system.
26 Elections shall be conducted by the board. The term of office of an
27 elected member is six years. A vacancy in an unexpired elective term
28 shall be filled by election for a new six-year term.

29 (d) The governor shall appoint physicians authorized to practice

1 medicine in the state to serve as members of the board only for the
2 purpose of hearing appeals to determine medical eligibility for
3 disability benefits under AS 39.35.400 and 39.35.410. The governor
4 shall appoint two physicians each from at least two of the state's
5 four judicial districts. The Public Employees Retirement Board and
6 the Teachers' Retirement Board may submit to the governor a list of
7 recommended physicians to serve on the board. The two physician
8 members from the judicial district in which a disability appeal
9 hearing is conducted shall serve on the board during the hearing. If
10 one or more of the physicians in the judicial district in which a
11 disability hearing is conducted is unable to serve at the hearing, or
12 if there is no physician member from that judicial district, other
13 physician members shall serve at the hearing, selected for such
14 hearings on a rotating basis, in accordance with regulations adopted
15 by the board. Physician members serve at the pleasure of the
16 governor.

17 (e) Members of the board identified in (b) of this section or
18 elected under (c) of this section do not receive compensation for
19 their services on the board. Physician members of the board are
20 entitled to hourly compensation for their services at a rate to be
21 determined by the commissioner of administration. The rate of compen-
22 sation shall be consistent with the physicians' normal hourly
23 earnings. All members of the board are entitled to travel expenses
24 and per diem when it is necessary to travel.

25 * Sec. 4. AS 39.36.010, 39.36.020, and 39.36.500 are repealed.

26 * Sec. 5. TRANSITION. Notwithstanding secs. 1 and 3 of this Act,
27 physicians appointed to serve on the former Public Employees' and Teachers'
28 Disability Review Board (repealed by sec. 4 of this Act) are appointed to
29 serve as physician members of the Alaska Teachers' Retirement Board and the

1 Public Employees Retirement Board until physician members are appointed by
2 the governor under AS 14.25.035(a)(2), as reenacted by sec. 1 of this Act,
3 and under AS 39.35.030(d) as reenacted by sec. 3 of this Act. A physician
4 member of the former Public Employees' and Teachers' Disability Review
5 Board may be appointed by the governor to serve as a physician member of
6 the Alaska Teachers' Retirement Board and the Public Employees Retirement
7 Board.

8 * Sec. 6. This Act takes effect July 1, 1990.

Item 2

FISCAL NOTE

REQUEST:

Revision Date: 2/28/90

Agency Affected: Administration

Title: * (see below)

BRU: Retirement and Benefits

Sponsor: Rules Committee

Components: Retirement and Benefits

Requestor: Governor

* An Act expanding the Public Employees Retirement Board (PERB) and Teachers' Retirement Board (TRB) to include two physician members to hear disability appeals; dissolving the PERS and TRS Disability Review Board, . . .

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 91	FY 92	FY 93	FY 94	FY 95	FY 96
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	(2.0)	(2.0)	(2.0)	(2.0)	(2.0)	(2.0)
CONTRACTUAL	(6.0)	(6.0)	(6.0)	(6.0)	(6.0)	(6.0)
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING	(8.0)	(8.0)	(8.0)	(8.0)	(8.0)	(8.0)
CAPITAL	0	0	0	0	0	0
REVENUE	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	(8.0)	(8.0)	(8.0)	(8.0)	(8.0)	(8.0)
TOTAL	(8.0)	(8.0)	(8.0)	(8.0)	(8.0)	(8.0)

POSITIONS:

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

ANALYSIS: (Attach a separate page if necessary)

There is no fiscal impact in FY 90.

Consolidation of the Disability Review Board with the retirement boards will reduce travel costs for members and staff and attorney fees by eliminating two to four meetings per year.

Prepared by: Sally Smith, Director

Phone: 465-4470

Division: Retirement and Benefits

Date: 2/27/90

Approved by Commissioner: Frank S. Baxter

Date: 2/1/90

Agency: Department of Administration

Distribution (by preparer):

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



Item 3
370

STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

January 8, 1990

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

Dear Mr. President:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill expanding the Public Employees Retirement Board and the Teachers' Retirement Board to include two physician members when the boards are hearing disability appeals, and dissolving the Public Employees' and Teachers' Disability Review Board (DRB).

The bill repeals AS 39.36 (sec. 4 of the bill), which was enacted in 1982 to establish the DRB as an advisory board to the Public Employees Retirement Board (PERB), the Teachers' Retirement Board (TRB), and the administrator of the state retirement systems on disability claims and other medically related matters. The DRB's functions have proven to be very expensive, both to the retirement systems and to claimants. Justification for the expense is questionable, since the PERB rulings are contrary to the DRB's advice in a high percentage of appeals. Disability decisions will be made more expeditiously and less expensively, and the purpose of the legislature in establishing the DRB will be effectuated, if physicians are instead included as members of the PERB and TRB.

Sections 1 and 3 of the bill provide for appointment by the governor of physician members to serve on the boards only for the purpose of hearing appeals involving medical issues concerning entitlement to disability benefits. Two physicians will be appointed from at least two of the state's judicial districts. The two physician members from the judicial district in which a disability appeal hearing is conducted will serve on the board during the appeal unless unable to do so or unless there are no physician members from that judicial district, in which case physician members from other judicial districts will serve

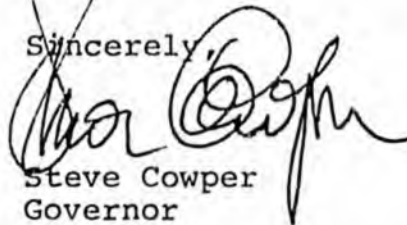
on a rotating basis under regulations adopted by the boards.

As with the DRB, physician members will be compensated for their service, at a rate determined by the commissioner of administration, commensurate with the physicians' normal hourly earnings. (Sections 2 and 3 of the bill.)

Transition provisions in sec. 5 of the bill allow current physician members of the DRB to serve as physician members of PERB and TRB until the governor appoints physician members.

I urge your prompt and favorable action on this measure.

Sincerely,

A handwritten signature in black ink, appearing to read "Steve Cowper", written over the typed name and title.

Steve Cowper
Governor

S B

389

HOUSE COMMITTEE ON STATE AFFAIRS

RECAP OF
SSSB 389

Admission Criteria for Pioneers' Home

Received March 7, 1990
by Sen. Kerttula, Szymanski

Heard March 20, 1990

Passed Out of Committee March 20, 1990
6 Do Pass

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SSSB 389: Admission Criteria for Pioneers' Home

- Item 1:** SSSB 389 by Sen. Kerttula, Szymanski
- Item 2:** Fiscal Note and Analysis by Department of Administration
- Item 3:** Memorandum from Sen. Kerttula, March 9, 1990
- Item 4:** Analysis of the Need for SSSB 389 by Pioneers of Alaska

HOUSE COMMITTEE REPORT

(7)

Date Referred: March 7, 1990

FURTHER REFERRALS:

HESS

Date of Committee Action: _____

The STATE AFFAIRS Committee considered:

SSSB 389

SS SENATE BILL NO. 389

ADMISSION CRITERIA FOR PIONEERS' HOME

"An Act relating to the Pioneers' Home."

RECOMMENDATIONS:

- [] be replaced with _____ [] the same title
[] have attached amendment(s) [] a new title
[X] do pass
[] do not pass
[] no recommendation
[] individual recommendations
[] additional referral to the _____ Committee

ADOPTS: _____ letter of intent

ATTACHES NEW FISCAL NOTE(S):
(Dept)

APPROVES PREVIOUS: (Date/Dept)

- [] fiscal impact _____
[] zero fiscal note _____
[] zero with analysis _____

- [] fiscal note(s) _____
[] zero fiscal note(s) _____
[X] zero fn/analysis 2/8/90 - DOA

SIGNING DO PASS:

SIGNING:
(Check approp. column)

Do Not
Pass
No Rec
Amend

	Do Not Pass	No Rec	Amend

Chairman's Signature

FISCAL NOTE

REQUEST:

Revision Date: _____
Title: "An Act relating to the
Pioneers' Home"
Sponsor: Sen. Kerttula
Requestor: _____

Agency Affected: Dept. of Administration
BRU: Pioneers' Benefits
Components: Pioneers' Homes

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY91	FY 92	FY 93	FY 94	FY 95	FY 96
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL	0	0	0	0	0	0
---------	---	---	---	---	---	---

REVENUE	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	0	0	0	0	0	0
TOTAL	0	0	0	0	0	0

POSITIONS:

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

ANALYSIS : (Attach a separate page if necessary)

Adding priority admission of persons in need of the care and benefits of the Home but who are not destitute would very slowly increase the revenues. This is very difficult to predict since the Division has very few admissions into Nursing and Assisted Living where priority now applies. Also most applicants who are destitute have some level of income.

Prepared by: Barbara Bathony *Barbara Bathony* Phone: 465-4400
Division: Pioneers' Benefits Date: 2-7-90

Approved by Commissioner: Frank S. Baxter *Frank S. Baxter* Date: 2/7/90
Agency: Department of Administration

Distribution (by preparer):

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

Item 3



Alaska State Legislature

SENATE

Official Business

P.O. Box V
State Capitol
Juneau, Alaska 99811

M E M O R A N D U M

Hells,
Jay

TO: Representative Red Boucher, Chairman
House State Affairs Committee

FROM: Senator Jalmar Kerttula

DATE: March 9, 1990

SUBJ: Senate Bill 389--
Admission to Pioneers' Homes

Senate Bill 389 makes three basic changes to current law to ensure that admission to the pioneers' homes is handled on an equitable and humane basis:

1. This bill provides that all in need would have equal access to the pioneers' homes, thus eliminating the current priority that the destitute have for admission to the homes.

Years ago, the priority for admission to the Pioneers' Homes was conferred on the destitute on humanitarian grounds -- there was no other place for the destitute to go. Today, with Medicaid assistance and other social programs, the destitute are about the only people who can afford to go to for-profit nursing homes. Eliminating this unnecessary priority improves access to long-term care for all of our pioneers.

Currently, there are two lists for admission to the Pioneers' Homes: one list for the destitute and one list for the non-destitute. Under current law, there are many long-time Alaskans who are not actually destitute (but are close and are just making it) and who have been waiting for admission for many years. These people are continually bumped by a person who has been on the destitute list for a matter of weeks or months. This is simply not right. It should be noted, that this statutory amendment does not limit the ability of the destitute to apply for admission to the homes, but it does eliminate their priority. Under this bill, admissions would generally be need-based and would be based on the chronological date of application.

2. This bill adds an age requirement of 65 for all admissions to the homes. Under current law, those who are

Representative Boucher
March 13, 1990
Page Two

destitute can be admitted earlier than age 65, and those who are not destitute can only be admitted after age 65. The bill would also allow spouses of residents to be admitted, if the spouse is not in need, if the spouse is at least 65.

3. This bill makes some housekeeping changes to the statutes dealing with debt collectibility of residents of the homes. Under this bill, the department could not require a payment for debt by a resident in any one month which is greater than the monthly amount for care which is set out in statute, except for debts incurred under AS 47.25.070. Under this bill, also, the collectibility of debts of former residents would be governed by the Probate Code.

Senate Bill 389 is supported by senior citizens as well as the Department of Administration, and the bill has a "0" fiscal note.

I appreciate your consideration of my request.

JK:kh

All people in need have equal admission
Age Requirement 65

An Analysis of the Need for
SSSB 389

The following is a narrative relating (1) the history of the procedure for admittance to Alaska's Pioneer Homes; and (2) explaining the suggested corrective legislation SSSB 389.

ORIGINAL PROCEDURE: When the Pioneer Homes were originally started the admittance procedure was two-pronged. They were open to anyone 65 yrs of age who had been a resident of the state continuously for 15 years immediately preceding application, and (1) ".....were destitute and in need of the aid and benefit of the home because of physical disability or other cause....."; or, (2) ".....who is not destitute....and upon agreement to pay to the state a sum each day...for the cost of care and support of the person at the home."

ADMINISTRATIVE INTERPRETATION: At some point in time, cloudy in most people's minds, it became an administrative determination that those persons who were destitute should have priority in admission to the homes. Regulations were promulgated and adopted providing for this type of priority admission procedure. One line of reasoning as to why this happened was that there were, at some time, too many residents of the homes who were paying for their care, in the manner of a hotel or boarding house, and did not really need the unique type of service the homes were intended to provide. This was considered inappropriate even though they were legally entitled to the opportunity as provided by the existing law. Another theory, suggested by some, was that the homes were really meant for indigents and that those other older Alaskans, with the financial means, should find private nursing or retirement homes and not look to the state for this type of care. Whatever the actual reason the administrative bureaucracy adopted, and put into actuality, the admission procedure that provides that indigents would be first if they were destitute irrespective of whether they were incapacitated or not.

ADMISSION INEQUITY: Needless to say the admission procedure presently in force, which has previously been described, is not only highly unsatisfactory, but is considered by many as grossly discriminatory. This is especially true when considering the concept upon which the homes were originally established. Presently the home's administrator has adopted two admission lists. One is an "indigents" list; the second list, I suppose, is labeled "others". No matter how long someone, who is in all other respects qualified for admis-

sion, is at the head of the "others" list, anyone who is judged destitute can apply and be placed on the "indigents" list and become admitted before anyone on the "others" list irrespective of how long that person has been waiting. Some seniors signed everything over to their heirs and declared themselves destitute in order to beat the system. The administrators responded by putting a requirement of being an indigent for two years prior to being allowed admittance. Obviously a problem exists and there is an urgency that it be resolved as rapidly as possible. The administrators recognize the need also and are hopefully looking to the legislature to rectify it.

CORRECTING THE PROBLEM: The Governor, the Pioneer Benefits Division, and the Pioneers of Alaska are all in agreement that SSSB 389 will go a long way in resolving the admittance problem. By removing the word "destitute" and defining the existing language "physical disability or other cause" this proposal appears to remove the discriminatory admission practice while at the same time equally protecting the rights of all our citizens. If SSSB 389 is adopted all applicants for entry to the Pioneers Homes will be judged equally (except in certain instances explained later). This judgement will be on their inability to maintain a household without regular assistance in shopping, housekeeping, meal preparation, dressing, or personal hygiene because of physical or medical impairment, infirmity, or disability and not on their ability to pay. The spouse of a person who qualifies for admission may also make application for admission at the same time the disabled person applies if the spouse is 65 yrs. of age and has been resident in the state continuously for 15 yrs. (This is the exception mentioned above.) The Dept. of Administration shall establish monthly rates of reasonable compensation a resident may be required to pay for his or her care if the person is financially capable of doing so. Under no circumstance will a person be refused admittance because of their failure of being able to pay. Conversely applicants who have alternate means of care will be encouraged to make use of them rather than overtax the limited space available in the Pioneers Homes.

ENDORSEMENT: The Pioneers of Alaska most heartily endorse SSSB 389 and recommend its earliest passage.

Bill Ray, Registered Lobbyist
Pioneers of Alaska

S B

399

HOUSE COMMITTEE ON STATE AFFAIRS

RECAP OF
CSSB 399 (SA)

Approving Certain State Leases

Received April 29, 1990
by the Rules Committee by Request of the
Governor

Heard May 2, 1990

Passed Out of Committee May 2, 1990
4 Do Pass
1 No Recommendation

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CSSB 399 (SA): Approving Certain State Leases

- Item 1:** CSSB 399 (SA) by the Rules Committee by
Request of the Governor
- Item 2:** Transmittal Letter from the Governor,
January 23, 1990
- Item 3:** Fiscal Note and Analysis by Department
Administration

HOUSE COMMITTEE REPORT

(7)

Date Referred: April 29, 1990

FURTHER REFERRALS:

Date of Committee Action: _____

The STATE AFFAIRS Committee considered:

CSSB 399(SA)

CS SB NO. 399 (SA)

APPROVING CERTAIN STATE LEASES

"An Act relating to certain leases of the Department of Administration; and providing for an effective date."

RECOMMENDATIONS:

- [] be replaced with _____ [] the same title
[] have attached amendment(s) [] a new title
[X] do pass
[] do not pass
[] no recommendation
[] individual recommendations
[] additional referral to the _____ Committee

ADOPTS: _____ letter of intent

ATTACHES NEW FISCAL NOTE(S):
(Dept)

APPROVES PREVIOUS:

(Date/Dept)

- [] fiscal impact _____ [] fiscal note(s) _____
[] zero fiscal note _____ *Sen* [X] zero fiscal note(s) 4/7/90, DOA
[] zero with analysis _____ [] zero fn/analysis _____

SIGNING DO PASS:

SIGNING:

(Check approp. column)

Do Not
Pass
No Rec
Amend

<i>George Hanley</i>	<i>James J. Donohue</i>			
<i>Paul Finkelstein</i>				
<i>Ray Zawacki</i>				
<i>W. J. Boucher</i>				

W. J. Boucher

Chairman's Signature

STEVE COWPER
GOVERNOR



STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

January 23, 1990

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

Dear Mr. President:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill approving certain leases of office space made by the Department of Administration. The approval is required by AS 36.30.080(c).

I have serious reservations about the validity of the provisions of AS 36.30.080(c) -- specifically, the provision that requires legislative approval of leases costing the state more than \$1,000,000 annually. That portion of the procurement code states that the approval must take the form of a general law rather than an appropriation. I agree that the legislature has the power to appropriate whatever amount it considers proper for the leasing of state office space. However, it violates the separation-of-powers doctrine for the legislature to retain a power of approval over individual leases. By doing this, the legislature could veto leasing decisions made by the Department of Administration. In effect, the legislature would be executing the law.

Out of respect for a coordinate branch of state government, I am introducing this bill so that the legislature is fully informed of all aspects of the leasing program. However, if appropriations are sufficient, I intend to direct the Department of Administration to execute the leases when they expire or when they are awarded. I hope that this bill will generate healthy discussion and constructive solutions to the state's need for adequate and economical office space for its agencies.

Sincerely,

A handwritten signature in black ink, appearing to read "Steve Cowper", written over the typed name.

Steve Cowper
Governor

Item 2

Item 3

FISCAL NOTE

REQUEST:

Revision Date: _____ Agency Affected: Departments of Administration, Education, Law, and Labor
 Title: An Act approving leases of office space by the DOA, and providing an effective date BRU: Leasing and Facilities
 Sponsor: Rules Committee Components: Leases
 Requestor: Governor

EXPENDITURES/REVENUES: (Thousands of Dollars)

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

POSITIONS:

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

ANALYSIS: (Attach a separate page if necessary)

There are no FY 90 costs associated with this Bill. The intent is to offer voluntary compliance with AS 36.30.080(c); there will be no fiscal impact.

See Attached

Prepared by: Robert J. Link *Robert J. Link* Phone: (907) 465-2250
 Division: General Services and Supply Date: 1/29/90
 Approved by Commissioner: Frank S. Baxter *Frank S. Baxter* Date: 1/29/90
 Agency: Department of Administration

Distribution (by preparer):
 Legislative Finance
 Legislative Sponsor
 Requestor
 Office of Management and Budget
 Impacted Agency(ies)

Changes in CS SB 399 (SA) have no fiscal impact. This fiscal note is appropriate. Projections of no fiscal impact would continue through 1996.

ANALYSIS: (Continued)

In compliance with AS 36.30.080(c) which states in part ". . . If the Department [Administration] intends to enter into a lease . . . with an annual rent to the State anticipated to exceed \$1,000,000, the Department shall provide notice to the Legislature." ". . . notice must include . . . anticipated annual lease obligation amount . . . total construction, acquisition . . . other costs of the project."

The following leases are expiring and will require that formal bids be issued in FY 91 for replacement space:

<u>Lease No.</u>	<u>Department</u>	<u>Location</u>	<u>Annual Cost Anticipated</u>
1532	Law	Anchorage	To exceed \$1,000,000
1627	Education	Juneau	To exceed \$1,000,000
1445	Labor	Anchorage	To exceed \$1,000,000

The cost of each new lease may exceed \$1,000,000.

Anticipated cost of acquisition	\$0.0
Anticipated cost of construction	\$0.0
Anticipated other costs of projects	\$0.0

No acquisition, construction, or other project costs are anticipated. These are strictly continuation of operating leases. The cost of operations will be borne by the lessors.

There are no additional costs associated with this bill. Agencies must be housed in appropriate space that will allow them to carry out their appointed missions as required by statute, regulation, or public policy.

S B

452

HOUSE COMMITTEE ON STATE AFFAIRS

RECAP OF
CSSB 452 (SA)

Expand Powers of Older Alaskans Commission

Received April 30, 1990
by Sen. Rodey

Heard May 2, 1990

Passed Out of Committee May 2, 1990
5 Do Pass