

ALASKA STATE LEGISLATURE
SENATE COMMUNITY & REGIONAL AFFAIRS COMMITTEE

March 20, 2002

1:33 p.m.

MEMBERS PRESENT

Senator John Torgerson, Chair
Senator Alan Austerman
Senator Pete Kelly

MEMBERS ABSENT

Senator Randy Phillips
Senator Georgianna Lincoln

COMMITTEE CALENDAR

SENATE BILL NO. 231

"An Act relating to correctional facilities."

MOVED CSSB 231 (CRA) OUT OF COMMITTEE

PREVIOUS COMMITTEE ACTION

SB 231 - No previous action to record.

WITNESS REGISTER

Jerry Burnett
Staff to Senator Lyda Green
Alaska State Capitol, Room 125
Juneau, AK 99801-1182
POSITION STATEMENT: Introduced SB 231

Linda Freed
Representative for City of Kodiak
P.O. Box 1397
Kodiak, AK 99615
POSITION STATEMENT: Testified on SB 231

Chief T. C. Kamai
Police Chief
P.O. Box 1397
Kodiak, AK 99615
POSITION STATEMENT: Testified on SB 231

George Avila
No address provided

POSITION STATEMENT: Testified on SB 231

John Mapes
No address provided

POSITION STATEMENT: Testified on SB 231

Mayor John Williams
210 Fidalgo Suite 100
Kenai, AK 99611

POSITION STATEMENT: Testified on SB 231

Daniel Bates
No address provided

POSITION STATEMENT: Testified on SB 231

Jim Lecrone
No address provided

POSITION STATEMENT: Testified on SB 231

Don Valesko
No address provided

POSITION STATEMENT: Testified on SB 231

Dennis Geary
No address provided

POSITION STATEMENT: Testified on SB 231

Joseph Chavez
No address provided

POSITION STATEMENT: Testified on SB 231

Colleen Soberay
No address provided

POSITION STATEMENT: Testified on SB 231

Steve Sweet
No address provided

POSITION STATEMENT: Testified on SB 231

Daniel Colang
No address provided

POSITION STATEMENT: Testified on SB 231

Margaret Branson
City of Seward Representative
Box 271
Seward, AK 99664

POSITION STATEMENT: Testified on SB 231

Charles Campbell

No address provided

POSITION STATEMENT: Testified on SB 231

John Duffy

No address provided

POSITION STATEMENT: Testified on SB 231

ACTION NARRATIVE

TAPE 02-5, SIDE A

CHAIRMAN JOHN TORGERSON called the Senate Community & Regional Affairs Committee meeting to order at 1:33 p.m. Present were Senators Austerman, Kelly and Chairman Torgerson.

#SB 231

SB 231-CORRECTIONAL FACILITY EXPANSION

JERRY BURNETT, Staff to Senator Lyda Green, introduced SB 231 as an act that provides for local construction of approximately 1,200 new beds in existing correctional facilities throughout the State of Alaska. The need for additional beds is well recognized; in 1998 the Legislature authorized the construction of an 800 bed privately constructed and operated prison in Delta Junction, but it was never built. Then in 2001 the Legislature passed HB 149, which authorized construction of a minimum of 800 beds on the Kenai Peninsula but they weren't built either. In both cases the local community turned down the opportunity to construct the beds. Because SB 231 provides for the expansion of additional beds at existing facilities, it should overcome the question of local approval since the correctional facilities are already accepted as a part of the communities.

Currently there are several hundred Alaskan prisoners who are in facilities outside of Alaska so the money spent to house those inmates provides jobs for people in Arizona not in Alaska. SB 231 would bring those jobs and some of those prisoners home. Even with the added 1,200 beds, a shortage is likely to occur in a few years because the Department of Corrections reports that the prison population is growing by about 300 prisoners per year.

CHAIRMAN TORGERSON asked whether they had received a letter of support from Fairbanks.

MR. BURNETT replied that they don't have a resolution in support of SB 231 from the Fairbanks North Star Borough at this time.

CHAIRMAN TORGERSON asked whether they are considering a

resolution.

MR. BURNETT replied it is his understanding that one resolution had failed to be approved, but it may come up for reconsideration.

CHAIRMAN TORGERSON asked whether that was the City of Fairbanks or the North Star Borough.

MR. BURNETT said it was the City of Fairbanks.

CHAIRMAN TORGERSON then asked about the Kenai Borough.

MR. BURNETT replied there is no support from the Kenai Borough, but the City of Kenai has come out in support of the bill. He called attention to the proposed amendment in the packets to remove the Kenai Peninsula Borough and insert the City of Kenai.

SENATOR AUSTERMAN asked whether during the initial discussions they had considered RFPs (request for proposals) on a statewide basis.

MR. BURNETT didn't know whether that was ever discussed. The first discussion was with the Matanuska-Susitna Borough and then with the Department of Corrections to determine where their needs were. Those areas were then targeted.

CHAIRMAN TORGERSON called for teleconferenced testimony to begin.

LINDA FREED, City Manager for the City of Kodiak, testified via teleconference, and called attention to proposed amendment #1 to add four community jails to the bill. They believe the facilities originally identified are important for the State of Alaska, but the community facilities form a backbone, a network and a partnership with those facilities. The operation of their facilities and the other community contract jails in the state actually save the state money because they reduce prisoner transportation as well as the associated labor costs to transport prisoners. If adopted, the amendment would provide a mechanism for them to expand and replace their 60 year-old jail facility. They are willing to commit local dollars as well as provide the land for the facility because they hope to replace their police station, fire station and other municipal facilities at the same time. They urge passage of SB 231 with proposed amendment #1.

CHAIRMAN TORGERSON commented other communities with contract jails would probably want to be added.

CHIEF KAMAI echoed Ms. Freed's testimony.

GEORGE AVILA testified via teleconference in support of SB 231.

It makes sense to add to existing facilities.

JOHN MAPES testified via teleconference from Kodiak in support of SB 231 because it makes sense add to existing facilities and keep inmates in Alaska near their homes, families, support groups and their heritage. He didn't want a prison in the tsunami area in Whittier.

MAYOR JOHN WILLIAMS from the City of Kenai testified via teleconference in support of SB 231 amended to include the City of Kenai so they could bond and fund the development of beds at the Wildwood facility. Several years ago the city did have a community jail and they were pleased to turn that responsibility over to the Wildwood Pre-trial Center when it opened.

The reason for bringing attention to the distinction between the City of Kenai and the Kenai Peninsula Borough is outlined in the letter from their city attorney. The City of Kenai is a first class home rule charter city and they have revenue bond ability for the development of economic projects in and around the city. Previously they have entered into partnering agreements with the state as evidenced by their city courthouse. They are "able to go the bonding on our own to help the state out on this matter."

CHAIRMAN TORGERSON informed Mayor Williams that proposed amendment #2 deletes the Kenai Peninsula Borough and inserts the City of Kenai.

DANIEL BATES, a Ketchikan correctional officer, testified via teleconference in support of SB 231. Many of the concerns in Ketchikan have already been addressed, but expanding existing facilities to deal with overcrowding is in everyone's best interest.

JIM LECRONE, a retired corrections sergeant, testified via teleconference from Anchorage in support of SB 231. He stated that public safety and corrections are a governmental function that should not be privatized. Several small local facilities are much preferable to one large regional one.

DON VALESKO, Business Manager of Public Employees Local 71, testified via teleconference in support of SB 231. The economics of providing jobs across the state is viewed favorably and adding to an existing facility is cheaper than starting from scratch. Expanding local facilities brings jobs to the areas and brings prisoners home.

DENNIS GEARY, Alaska Public Employees Association (APEA) Assistant Business Manager, testified via teleconference in support of SB 231. He said Mr. Valesko stated the position of APEA very well. The funding mechanism Senator Green came up with

is an excellent way to find a solution to a difficult problem. This makes good economic sense for local communities and the State of Alaska.

JOSEPH CHAVEZ, a Department of Corrections employee, testified via teleconference from Bethel in support of SB 231. Expanding the local facilities will increase efficiency and reduce the movement of prisoners. More staff would be hired which would mean economic benefit to the various communities. Additionally, the staff would be better trained than those in private prisons. The State of Alaska is mandated to provide for a secure and safe public and to provide for the care, management and reform of prisoners.

COLLEEN SOBERAY, City of Bethel representative, testified via teleconference that the city passed a resolution in support of the bill. The Yukon Kuskokwim Correctional Facility is located in Bethel and expansion of that facility would allow prisoners to be closer to their families and culture, which would enhance rehabilitation efforts.

The economic impact associated with returning prisoners to Alaska or incarcerating prisoners in Alaska should be shared statewide. It makes sense that Alaskan residents benefit from the money that is currently spent in Arizona. The Department of Corrections is a responsive agency and the city supports the creation of additional professional jobs for the community. Now more than ever, all options need to be explored to foster economic development and to create jobs in the community. The city also supports the financing concept identified in the bill.

STEVE SWEET testified via teleconference from Fairbanks in support of SB 231. Expansion of existing facilities is preferable to privatization.

DANIEL COLANG testified via teleconference in support of SB 231. He has been a corrections officer for 25 years and overcrowding has been a problem during his entire career. The additional beds are sorely needed.

MARGARET BRANSON testified via teleconference that the City of Seward supports SB 231 and other bills that are similar. The Spring Creek Facility was built with the idea of expansion and it now has a very successful youth offender program. They are interested in expanding this facility because the number of youth offenders is rising.

There was no additional teleconferenced testimony.

CHARLES CAMPBELL testified that he is a past Director of Corrections in Alaska and Compliance Monitor for the Cleary

facility. The regional approach would allow several projects to be started simultaneously. He was very much in favor of expanding existing facilities and avoiding the construction of a single large prison. Correctional programs work better in smaller facilities.

Ninety five percent of the inmates in Alaska prisons will return to the community so neglecting measures that would help offenders become more responsible citizens does not make sense economically or otherwise. Alcohol and drug programs need to be expanded and prison industries should be supported because idleness is the bane of good corrections. Each of the facilities that would be expanded has community volunteer programs and those should be encouraged.

JOHN DUFFY, Matanuska-Susitna Borough Manager spoke in favor of SB 231. Rather than reiterate all the testimony that had already been given, he simply stated they support the regional approach, which spreads the economic impact throughout the state and addresses many community needs for expansions.

MARGO KNUTH from the Department of Corrections reminded members of the Governor's bills SB 336 and HB 497 for expansion of corrections facilities. The administration appreciates the regional approach suggested by Senator Green's bill and the facilities that are listed are in the right places and ask for the right number of beds. Including the four community jails that are in the Governor's bill seems timely and appropriate. All 15 community jails in the state are looking for resources, but the four mentioned in this bill are the ones that are the most highly utilized. Because of the current budget concerns, it makes sense to include those four jails based on the utilization rates.

She pointed out a small typographical error on page 1, line 12. The word "facility" should be changed to "facilities" because within the Matanuska-Susitna Borough there is the Palmer Correctional Facility, the Mat-Su Jail and the Point MacKenzie Farm. This bill is to authorize expansion of all those facilities. There are differences in the financing mechanisms between Senator Green's bill and the Governor's bill but it might be best to consider those issues in the Finance Committee.

CHAIRMAN TORGERSON announced they had proposed amendments #1, #2, and technical amendment #3 to consider.

SENATOR AUSTERMAN made a motion to adopt amendment #1. On page 2, line 6 it added Dillingham, Kodiak, Kotzebue and North Slope Borough to the list for new or expanded correctional facilities.

There being no objection, amendment #1 was adopted.

SENATOR AUSTERMAN made a motion to adopt amendment #2, which changed page 2, line 5 to delete the Kenai Peninsula Borough and add the City of Kenai.

There being no objection, amendment #2 was adopted.

SENATOR AUSTERMAN made a motion to adopt technical amendment #3 to delete "facility" and insert "facilities" on page 1, line 12.

There being no objection, amendment #3 was adopted.

SENATOR AUSTERMAN made a motion to move SB 231 and attached fiscal note from committee with individual recommendations.

There being no objection, SB 231 moved from committee.

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ADJOURNMENT

There being no further business before the committee, Chairman Torgerson adjourned the meeting at 2:05 p.m.