

ALASKA STATE LEGISLATURE
HOUSE STATE AFFAIRS STANDING COMMITTEE

April 18, 2006

4:09 p.m.

MEMBERS PRESENT

Representative Paul Seaton, Chair
Representative Carl Gatto, Vice Chair
Representative Bob Lynn
Representative Jay Ramras
Representative Berta Gardner
Representative Max Gruenberg

MEMBERS ABSENT

Representative Jim Elkins

COMMITTEE CALENDAR

HOUSE CS FOR SENATE BILL NO. 310(FIN) am H

"An Act relating to the employment of prisoners; and providing for an effective date."

- MOVED HCS SB 310(STA) OUT OF COMMITTEE

SENATE BILL NO. 250

"An Act extending the termination date of the Council on Domestic Violence and Sexual Assault; and eliminating statutory references to the network on domestic violence and sexual assault."

- HEARD BUT NOT SCHEDULED

PREVIOUS COMMITTEE ACTION

BILL: SB 310

SHORT TITLE: EMPLOYMENT OF PRISONERS

SPONSOR(S): FINANCE

03/20/06	(S)	READ THE FIRST TIME - REFERRALS
03/20/06	(S)	FIN
03/27/06	(S)	FIN RPT 4DP 1NR
03/27/06	(S)	DP: WILKEN, GREEN, DYSON, STEDMAN
03/27/06	(S)	NR: HOFFMAN
03/27/06	(S)	FIN AT 9:00 AM SENATE FINANCE 532
03/27/06	(S)	Moved SB 310 Out of Committee
03/27/06	(S)	MINUTE(FIN)

03/31/06 (S) TRANSMITTED TO (H)
03/31/06 (S) VERSION: SB 310
04/03/06 (H) READ THE FIRST TIME - REFERRALS
04/03/06 (H) STA, L&C, FIN
04/11/06 (H) STA AT 8:00 AM CAPITOL 106
04/11/06 (H) Scheduled But Not Heard
04/13/06 (H) STA AT 8:00 AM CAPITOL 106
04/13/06 (H) Heard & Held
04/13/06 (H) MINUTE(STA)
04/18/06 (H) STA AT 4:00 PM CAPITOL 106

BILL: SB 250

SHORT TITLE: DOMESTIC VIOLENCE/SEXUAL ASSAULT COUNCIL

SPONSOR(s): RULES BY REQUEST OF LEG BUDGET & AUDIT

01/26/06 (S) READ THE FIRST TIME - REFERRALS
01/26/06 (S) HES, FIN
02/17/06 (S) HES AT 1:30 PM BUTROVICH 205
02/17/06 (S) Heard & Held
02/17/06 (S) MINUTE(HES)
02/22/06 (S) HES AT 1:30 PM BUTROVICH 205
02/22/06 (S) Heard & Held
02/22/06 (S) MINUTE(HES)
03/01/06 (S) HES WAIVED PUBLIC HEARING NOTICE, RULE
23
03/03/06 (S) HES AT 2:00 PM BUTROVICH 205
03/03/06 (S) Moved SB 250 Out of Committee
03/03/06 (S) MINUTE(HES)
03/06/06 (S) HES RPT 1DP 2NR 2AM
03/06/06 (S) DP: DYSON
03/06/06 (S) NR: WILKEN, GREEN
03/06/06 (S) AM: ELTON, OLSON
03/14/06 (S) FIN AT 9:00 AM SENATE FINANCE 532
03/14/06 (S) Moved SB 250 Out of Committee
03/14/06 (S) MINUTE(FIN)
03/15/06 (S) FIN RPT 3DP 3NR
03/15/06 (S) DP: WILKEN, GREEN, BUNDE
03/15/06 (S) NR: HOFFMAN, OLSON, STEDMAN
03/27/06 (S) TRANSMITTED TO (H)
03/27/06 (S) VERSION: SB 250
03/28/06 (H) READ THE FIRST TIME - REFERRALS
03/28/06 (H) STA, FIN
04/06/06 (H) STA AT 8:00 AM CAPITOL 106
04/06/06 (H) Heard & Held
04/06/06 (H) MINUTE(STA)
04/11/06 (H) STA AT 8:00 AM CAPITOL 106
04/11/06 (H) Moved HCS SB 250(STA) Out of Committee

04/11/06 (H) MINUTE(STA)
04/12/06 (H) STA RPT HCS(STA) NT 2DP 5NR
04/12/06 (H) DP: GRUENBERG, SEATON;
04/12/06 (H) NR: GARDNER, LYNN, GATTO, ELKINS,
RAMRAS

WITNESS REGISTER

SHARLEEN GRIFFIN, Director
Division of Administrative Services
Department of Corrections (DOC)
Juneau, Alaska

POSITION STATEMENT: Answered questions during the hearing on SB 310.

DARWIN PETERSON, Staff
to Senator Lyda Green
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Answered questions on behalf of the Senate Finance Committee, sponsor of SB 310, which is co-chaired by Senator Green.

PORTIA PARKER, Deputy Commissioner
Department of Corrections (DOC)
Juneau, Alaska

POSITION STATEMENT: Answered questions during the hearing on SB 310.

ACTION NARRATIVE

CHAIR PAUL SEATON called the House State Affairs Standing Committee meeting to order at [4:09:10 PM](#). Representatives Gatto, Ramras, Gardner, Gruenberg, and Seaton were present at the call to order. Representative Lynn arrived as the meeting was in progress.

SB 310-EMPLOYMENT OF PRISONERS

[4:09:56 PM](#)

CHAIR SEATON announced the first order of business was SENATE BILL NO. 310, "An Act relating to the employment of prisoners; and providing for an effective date."

[4:09:58 PM](#)

SHARLEEN GRIFFIN, Director, Division of Administrative Services, Department of Corrections (DOC), testified as follows:

The majority of restitution orders require the offender to start paying when they are released or furloughed and can go to work making funds to pay for their restitution. However, some offenders would like to start paying on their restitution while they're incarcerated. When that is the case, we will take up to 10 percent of their wages to pay restitution.

[4:11:09 PM](#)

CHAIR SEATON asked Ms. Griffin to confirm that moving the order of restitution would not remove the incentive for prisoners to work in "the work projects."

[4:11:18 PM](#)

MS. GRIFFIN confirmed that is correct.

[4:11:24 PM](#)

REPRESENTATIVE GARDNER asked:

In the event that an inmate has a restitution order in effect, but it's to take effect after they're released, and then that person gets one of these jobs and is making more than the 30 or 60 cents an hour that they might do in prison, would the department - under this legislation now - automatically take up to 10 percent of the prisoner's income for restitution first, under this bill?

[4:11:56 PM](#)

MS. GRIFFIN said she doesn't think it would be taken automatically if the court order didn't require restitution until the person was released. She said, "We would abide by the court order, unless there [was] some change that came into effect that would allow us to be able to do that."

[4:12:13 PM](#)

REPRESENTATIVE GARDNER asked if it is reasonable to believe that the reason court orders take effect after a person is released

is because, as a general rule, people who are in prison don't have any way of earning money.

[4:12:31 PM](#)

MS. GRIFFIN responded that that probably is a reasonable belief; however, she stated, "I'm just not sure."

[4:12:48 PM](#)

CHAIR SEATON encouraged witnesses to say when they don't know an answer, because he said he doesn't want anyone to be "estimating what the court is doing when we don't know their reasons."

[4:13:12 PM](#)

REPRESENTATIVE GARDNER recollected that the previously adopted [Conceptual] Amendment 1 was Representative Elkins', and she said she thinks Representative Elkins' intention was that restitution "would begin when an inmate has a source of income." She added, "But I guess that's not in the province of this bill to address."

[4:13:30 PM](#)

REPRESENTATIVE GARDNER moved to adopt Amendment 2, labeled, 24-LS1764\G.1, Luckhaupt, 4/13/06, which read as follows:

Page 3, lines 6 - 17:

Delete all material and insert:

"* **Sec. 2.** AS 33.30.191(b) is amended to read:

(b) The commissioner may enter into contracts or cooperative agreements with any public agency for the performance of conservation projects. **After the effective date of this Act, the** [THE] commissioner may enter into a contract with an individual or **private organization** [AGENCY] for the employment of prisoners if the **commissioner consults with local union organizations before contracting and ensures that the contract will not result in the displacement of employed workers, be applied in skills, crafts, or trades in which there is a surplus of available gainful labor in the locality, or impair existing contracts for services** [WORK TO BE PERFORMED WILL HAVE MINIMAL NEGATIVE IMPACT ON AN EXISTING PRIVATE INDUSTRY OR LABOR FORCE IN THE STATE AS DETERMINED BY

THE CORRECTIONAL INDUSTRIES COMMISSION UNDER
AS 33.32.015]."

[4:13:47 PM](#)

CHAIR SEATON objected for discussion purposes.

[4:14:22 PM](#)

DARWIN PETERSON, Staff to Senator Lyda Green, Alaska State Legislature, answered questions on behalf of the Senate Finance Committee, sponsor of SB 310, which is co-chaired by Senator Green. He explained that Amendment 2 is the result of a compromise between the sponsor, the Department of Corrections, and the labor unions. He stated that the intent of the proposed bill is not to take any jobs away from the private sector, but just to maintain the prison employment program as a tool for rehabilitation and, if necessary, "to fill jobs that are not taken already by members of the private sector."

[4:15:11 PM](#)

MR. PETERSON, in response to a question from Chair Seaton, offered his understanding that the sponsor, the department, and representatives of the labor union are in support of [Amendment 2]. He added that he does not think those people have stated as much for the record, but department and union representatives are currently available to testify.

[4:15:23 PM](#)

REPRESENTATIVE GATTO remarked:

You mentioned that you didn't want to take jobs away from the private sector, but the consult here is restricted to union organizations. Would anyone else not in the union organization be consulted, or would they not have any consideration under this legislation?

[4:15:48 PM](#)

MR. PETERSON suggested that the bracketed language within Amendment 2 could be amended.

[4:16:15 PM](#)

REPRESENTATIVE GATTO asked, "If we said local labor organizations instead of local union organizations, do you feel that would cover both?"

[4:16:26 PM](#)

MR. PETERSON said he doesn't know.

[4:17:06 PM](#)

MR. PETERSON, in response to a request from Representative Gruenberg, outlined that Amendment 2 would require the commissioner of DOC to consult with local union organizations to ensure that no employed workers will be displaced from their jobs through the contracting of prison labor.

[4:17:43 PM](#)

REPRESENTATIVE GRUENBERG noted that the first sentence in Amendment 2, which is existing language in the bill, limits the commissioner to conservation projects. He asked Mr. Peterson, "Is the second sentence not limited to conservation projects?"

[4:18:35 PM](#)

MR. PETERSON told Representative Gruenberg that his observation is correct.

[4:18:43 PM](#)

REPRESENTATIVE GRUENBERG, regarding projects that are not conservation projects, noted, "There's no requirement for a consultation if they enter into a contract with a public agency." He asked if that is the intent of Amendment 2. He observed that "other people in the audience are nodding and smiling."

MR. PETERSON confirmed that Representative Gruenberg's interpretation is correct.

[4:19:47 PM](#)

REPRESENTATIVE GRUENBERG asked why a consultation is not required to enter into a contract with a public agency for a conservation project.

[4:20:32 PM](#)

MR. PETERSON offered his understanding that the word agency is eliminated in both the current version of the bill and in "the amendment."

[4:20:47 PM](#)

REPRESENTATIVE GRUENBERG pointed out that [the word "agency"] is not eliminated on line 5 of [Amendment 2, as numbered on the amendment].

[4:21:01 PM](#)

PORTIA PARKER, Deputy Commissioner, Department of Corrections (DOC), in response to Representative Gruenberg's question regarding why a consultation is not required [for a conservation project], said the department does not believe it's necessary. She explained, "These are not on-going, steady employment-type situations or jobs; they're generally done by a public [agency], other government agency, or municipality that would not do it otherwise if it had to pay union wage to have the work done." She offered some examples.

[4:22:38 PM](#)

REPRESENTATIVE GRUENBERG noted that there were representatives of organized labor present, and he said he would like to find out if they have any dispute with what Ms. Parker just said. He observed, "No, they're seeming to agree with you."

[4:23:04 PM](#)

CHAIR SEATON removed his objection to Amendment 2. He asked if there was any further objection to Amendment 2. There being none, it was so ordered.

[4:23:24 PM](#)

CHAIR SEATON reopened public testimony to allow anyone to respond to the adopted Amendment 2; however, after ascertaining that there was no one interested in testifying, he once again closed public testimony.

[4:23:44 PM](#)

REPRESENTATIVE GARDNER moved to report SB 310, as amended, out of committee with individual recommendations and the accompanying fiscal notes.

[4:24:08 PM](#)

REPRESENTATIVE GRUENBERG objected.

REPRESENTATIVE GARDNER, in response to a question from Representative Gruenberg, said her concerns have been addressed to her satisfaction.

REPRESENTATIVE GRUENBERG removed his objection.

[4:24:28 PM](#)

CHAIR SEATON asked if there was any further objection. There being none, HCS SB 310(STA) was reported out of the House State Affairs Standing Committee.

SB 250-DOMESTIC VIOLENCE/SEXUAL ASSAULT COUNCIL

[4:25:36 PM](#)

CHAIR SEATON announced that the committee would review a letter of intent to accompany SB 250, a bill that had already passed out of the House State Affairs Standing Committee.

The committee took an at-ease from [4:25:45 PM](#) to [4:26:56 PM](#).

[4:26:57 PM](#)

CHAIR SEATON explained that the letter of intent requests that the Council on Domestic Violence and Sexual Assault draft a strategic plan and present it to the committee in January 2007. The second page of the [letter], he indicated, shows the committee action. He explained that committee members must sign the same way they did when they signed the bill packet. For example, if a member signed "do pass" on the bill, he/she must sign "do pass" on the letter.

[4:28:15 PM](#)

CHAIR SEATON, in response to a question from Representative Gruenberg, reiterated his prior instructions. He explained that the letter of intent is consistent with [the bill], but was not

available at the time [that the bill passed out of committee]; therefore, it will follow now.

[4:28:37 PM](#)

REPRESENTATIVE GARDNER indicated that it is unfortunate that the letter was not available at the time the bill moved out, because it addresses the concerns she had regarding the bill and would have changed her signing of the bill to "do pass."

[4:28:53 PM](#)

CHAIR SEATON admitted that, optimally, he should have held the bill until the letter of intent was complete.

[4:29:01 PM](#)

REPRESENTATIVE GRUENBERG said he thinks members will have the opportunity to stand up on the House floor and announce a change of their previous votes, if they so choose.

[4:29:37 PM](#)

REPRESENTATIVE LYNN moved to report out of committee the letter of intent for the previously moved HCS SB 250(STA), with individual recommendations. There being no objection, the letter of intent for HCS SB 250(STA) followed the bill to the House Finance Committee.

ADJOURNMENT

There being no further business before the committee, the House State Affairs Standing Committee meeting was adjourned at [4:30:19 PM](#).