

**ALASKA STATE LEGISLATURE
LEGISLATIVE BUDGET AND AUDIT COMMITTEE**

Anchorage, Alaska

September 5, 2006

3:04 p.m.

MEMBERS PRESENT

Senator Gene Therriault, Chair (via teleconference)

Senator Bert Stedman (via teleconference)

Senator Lyda Green (via teleconference)

Senator Lyman Hoffman

Representative Ralph Samuels, Vice Chair

Representative Mike Hawker

Representative Kevin Meyer (alternate, via teleconference)

MEMBERS ABSENT

Senator Ben Stevens

Senator Gary Wilken (alternate)

Representative Mike Chenault

Representative Pete Kott

Representative Beth Kerttula

Representative Reggie Joule (alternate)

OTHER LEGISLATORS PRESENT

Representative Carl Gatto

Representative Mark Neuman (via teleconference)

COMMITTEE CALENDAR

REVISED PROGRAM - LEGISLATIVE (RPLs)

PREVIOUS COMMITTEE ACTION

No previous action to record

WITNESS REGISTER

MARC ANTRIM, Commissioner

Department of Corrections

Juneau, Alaska

POSITION STATEMENT: Presented RPLs 20-6-0123 and 20-6-0124.

SHARLEEN GRIFFIN, Director
Administrative Services
Department of Corrections
Juneau, Alaska

POSITION STATEMENT: Provided information and answered questions related to RPL 20-6-0123.

DAVID TEAL
Legislative Fiscal Analyst
Legislative Finance Division
Juneau, Alaska

POSITION STATEMENT: Augmented his written testimony related to RPL 20-6-0123.

ACTION NARRATIVE

VICE CHAIR RALPH SAMUELS called the Legislative Budget and Audit Committee meeting to order at [3:04:06 PM](#). Senators Hoffman, Stedman (via teleconference), and Green (via teleconference) and Representatives Hawker, Meyer (alternate, via teleconference), and Samuels were present at the call to order. Senator Therriault arrived (via teleconference) as the meeting was in progress. Also present were Representatives Gatto and Neuman (via teleconference).

REVISED PROGRAM - LEGISLATIVE (RPLs)

RPL 20-6-0123

[3:04:44 PM](#)

REPRESENTATIVE HAWKER made a motion to approve RPL 20-6-0123, regarding institutional overcrowding, with a requested \$385,000 in operating funds from 1002 federal receipts.

VICE CHAIR SAMUELS objected for the purpose of discussion.

[3:05:16 PM](#)

MARC ANTRIM, Commissioner, Department of Corrections (DOC), explained that DOC is requesting receipt authority to receive and expend funding that it has had on hand from the U.S. Department of Justice, Bureau of Justice Assistance. The funds were received as part of the State Criminal Alien Assistance Program (SCAAP, pronounced "s-cap"), a program that implements Section 242(j) of the Immigration and Nationality Act set up to reimburse eligible states and local governments for [costs]

"incurred for the incarceration of certain aliens convicted in sentence for felony offenses by various states and localities." He said the money is applied for on an annual basis and is essentially paid out to all 50 states. He concluded, "This additional receipt authority and ... expending of funding will be used to cover additional personnel and service expenditures, due to any continued escalation of prisoner population in all of our facilities across the state."

[3:06:44 PM](#)

VICE CHAIR SAMUELS turned the gavel over to Senator Therriault.

[3:07:22 PM](#)

COMMISSIONER ANTRIM, in response to a request by Chair Therriault, recapped his introduction.

[3:08:50 PM](#)

REPRESENTATIVE HAWKER asked Commissioner Antrim to confirm that "this is [fiscal year 2006 (FY 06)] personnel costs for the year ended in June."

COMMISSIONER ANTRIM answered that's correct.

REPRESENTATIVE HAWKER asked how the department planned to cover those costs without the SCAAP funds.

COMMISSIONER ANTRIM responded that the department would have requested a supplemental appropriation in January [2007].

REPRESENTATIVE HAWKER stated his understanding that the SCAAP monies were designated to the State of Alaska, were available to spend, and simply had not been incorporated in the budget. Furthermore, those monies would lapse into the general fund if not allocated through this RPL by the legislature.

COMMISSIONER ANTRIM deferred to Sharleen Griffin to answer the question. Notwithstanding that, he noted that heretofore, DOC has been allowed to carry the money from year to year and use it to fill in federal receipt authority as needed. However, this year the Division of Finance has determined that DOC will no longer be allowed to do that, thus he confirmed that any unexpended monies would be swept into the general fund. He commented that that is probably the more appropriate manner with which to treat those monies.

3:10:42 PM

REPRESENTATIVE HAWKER noted, "The fast-track [supplemental] that we appropriated last year did put a significant amount of money into the out-of-state contractual that apparently we're not going to be using. Is that money going to be lapsed back, or ... have you got your eyes set to move it someplace else?"

3:10:50 PM

SHARLEEN GRIFFIN, Director, Administrative Services, Department of Corrections (DOC), offered her belief that the supplemental appropriation for "out-of-state" was \$1,168.7. She said a reimbursable services agreement (RSA) has been executed for \$600,000 of that amount, due to inmates being housed instate rather than out of state. She relayed that the out-of-state component pays for medical costs; the department spent in excess of \$550,000 on one medical case out of Alaska, in which an offender drank chemicals.

REPRESENTATIVE HAWKER asked, "Has that used up the entire fast-track budget, then?"

MS. GRIFFIN answered yes.

3:12:10 PM

COMMISSIONER ANTRIM, in response to a comment by Representative Hawker, explained that the drinking of poison was not a case of stupidity, but was actually a case of poisoning. He offered further details.

3:12:41 PM

REPRESENTATIVE HAWKER surmised that the bottom line is that there is no money left from the \$1.2 million fast-track [supplemental].

MS. GRIFFIN responded that's correct.

3:13:01 PM

CHAIR THERRIault offered David Teal the opportunity to highlight his written testimony.

3:13:11 PM

DAVID TEAL, Director, Legislative Finance, said he thinks there is a general consensus that the Department of Administration will want DOC to "account for this in a different way in the future," which DOC will be doing. However, he said that doesn't change the fact that the money is available right now and technically can be used for this purpose. He said the more complicated issue is that of the RSA from out-of-state contracts into Alaska, because the funding cannot be transferred to "cover these costs," but that is what was done. He said the RSA probably doesn't meet the legal requirements. He suggested that is an issue the legislature may want to address when it reconvenes in January. He said, "They're going to have a supplemental because they're \$42,000 short on a state equipment plea."

[3:15:37 PM](#)

SENATOR GREEN indicated that the Senate Finance Committee had worked toward the ability to use the money for inmates no matter where they are imprisoned. She explained, "Because if we have prisoners to take care of, we have prisoners to take care of regardless of where they are."

CHAIR THERRIAULT asked Senator Green, "So, was that a difference in the structure of the [Department of] Corrections' budget out of the Senate side?"

SENATOR GREEN explained that the intention of the Senate was to make the money "more moveable."

REPRESENTATIVE SAMUELS removed his objection.

CHAIR THERRIAULT asked if there was any further objection. There being none, RPL 20-6-0123 was approved.

[RPL 20-6-0124](#)

[3:17:28 PM](#)

REPRESENTATIVE SAMUELS made a motion to approve RPL 20-6-0124, regarding the parole board, with a requested \$15,000 in operating funds from 1002 federal receipts.

[3:17:47 PM](#)

SENATOR THERRIAULT objected for the purpose of discussion.

[3:17:52 PM](#)

COMMISSIONER ANTRIM explained that DOC is requesting authority to receive and expend "these same SCAAP funds" to cover both personal and nonpersonal services - expenditures above and beyond the current FY 06 authorized amount - for the Parole Board. Simply put, he explained, the Parole Board saw a lot more offenders in its normal course of duties and ran out of money.

[3:19:12 PM](#)

REPRESENTATIVE HAWKER asked if the aggregate spending of the SCAAP monies of \$400,000 is the total amount available for FY 06.

[3:19:23 PM](#)

COMMISSIONER ANTRIM answered yes. He said, "It zeroes out that account."

[3:19:33 PM](#)

CHAIR THERRIAULT removed his objection. He asked if there was any further objection. There being none, RPL 20-6-0124 was approved.

CHAIR THERRIAULT stated his intent to hold another meeting soon because of upcoming audits.

[3:20:49 PM](#)

[Following was a discussion about the topic and timing of the upcoming meeting.]

ADJOURNMENT

There being no further business before the committee, the Joint Legislative Budget and Audit Committee meeting was adjourned at [3:23:20 PM](#).