

ALASKA STATE LEGISLATURE
HOUSE STATE AFFAIRS STANDING COMMITTEE

February 17, 2015

8:08 a.m.

MEMBERS PRESENT

Representative Bob Lynn, Chair
Representative Wes Keller, Vice Chair
Representative David Talerico
Representative Louise Stutes
Representative Max Gruenberg
Representative Jonathan Kreiss-Tomkins

MEMBERS ABSENT

Representative Liz Vazquez

COMMITTEE CALENDAR

HOUSE BILL NO. 68

"An Act relating to the preparation, electronic distribution, and posting of reports by state agencies."

- HEARD & HELD

HOUSE BILL NO. 93

"An Act relating to the duties of probation officers; and relating to conditions of parole."

- MOVED CSHB 93(STA) OUT OF COMMITTEE

PREVIOUS COMMITTEE ACTION

BILL: HB 68

SHORT TITLE: ELECTRONIC DISTRIB. OF REPORTS

SPONSOR(S): REPRESENTATIVE(S) KREISS-TOMKINS

01/21/15	(H)	READ THE FIRST TIME - REFERRALS
01/21/15	(H)	STA, FIN
02/12/15	(H)	STA AT 8:00 AM CAPITOL 106
02/12/15	(H)	Heard & Held
02/12/15	(H)	MINUTE (STA)
02/17/15	(H)	STA AT 8:00 AM CAPITOL 106

BILL: HB 93

SHORT TITLE: PROBATION AND PAROLE: WORK, TRAVEL ACCOM.

SPONSOR(s): REPRESENTATIVE(s) TILTON

01/30/15 (H) READ THE FIRST TIME - REFERRALS
01/30/15 (H) STA
02/17/15 (H) STA AT 8:00 AM CAPITOL 106

WITNESS REGISTER

BERETT WILBER, Staff
Representative Jonathan Kreiss-Tomkins
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Responded to a question during the hearing on HB 98, on behalf of Representative Kreiss-Tomkins, prime sponsor.

REPRESENTATIVE CATHY TILTON
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: As prime sponsor, presented HB 93.

SUZANNE DOWNING, Staff
Representative Cathy Tilton
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Presented a sectional analysis of HB 93 on behalf of Representative Tilton, prime sponsor.

CARRIE BELDEN, Director
Division of Probation and Parole
Department of Corrections (DOC)
Anchorage, Alaska

POSITION STATEMENT: Testified during the hearing on HB 93.

QUINLAN STEINER, Director
Central Office
Public Defender Agency
Department of Administration
Anchorage, Alaska

POSITION STATEMENT: Provided comments during the hearing on HB 93.

ACTION NARRATIVE

[8:08:42 AM](#)

CHAIR BOB LYNN called the House State Affairs Standing Committee meeting to order at 8:08 a.m. Representatives Gruenberg, Kreiss-Tomkins (via teleconference), Stutes, Talerico, and Lynn were present at the call to order. Representative Keller arrived as the meeting was in progress.

HB 68-ELECTRONIC DISTRIB. OF REPORTS

[8:09:22 AM](#)

CHAIR LYNN announced that the first order of business was HOUSE BILL NO. 68, "An Act relating to the preparation, electronic distribution, and posting of reports by state agencies."

[8:10:30 AM](#)

REPRESENTATIVE GRUENBERG moved to adopt the proposed committee substitute (CS) for HB 68, Version 29-LS0352\H, Nauman, 2/16/15, as a work draft.

REPRESENTATIVE KELLER objected for the purpose of discussion.

[8:10:55 AM](#)

REPRESENTATIVE KREISS-TOMKINS, testifying telephonically as the prime sponsor of HB 68, explained that Version H incorporated changes to ensure that Alaskans could obtain hard copies of state agency reports from the Alaska State Library free of charge, "within reasonable limits." He explained that the Alaska State Library receives 10 requests for such reports each year at an estimated cost of \$50-\$150, which he opined was a pittance compared to the half million dollars that HB 68 is projected to save.

[8:13:17 AM](#)

REPRESENTATIVE KELLER directed attention to language in Section 4, subsection (b), on page 3, [lines 16-19 of Version H], which read as follows [original punctuation provided]:

(b) Except as provided in (a) of this section, electronic distribution and electronic posting on the Alaska Online Public Notice System (AS 44.62.175) fulfills any obligation in state law to publish, prepare, or present a report, and electronic distribution fulfills any obligation in state law to submit a report.

REPRESENTATIVE KELLER asked whether Representative Kreiss-Tomkins knew the scope of what that affects, and whether it affects the requirement to post notifications on regulations.

[8:15:09 AM](#)

REPRESENTATIVE KREISS-TOMKINS said he did not have a copy of Version H in front of him.

REPRESENTATIVE KELLER explained that he did not want to slow down the bill, but questioned whether the committee should await clarification before moving the proposed legislation out of committee.

CHAIR LYNN indicated a willingness to hold HB 68, or pass it out of committee.

REPRESENTATIVE KELLER said he was willing to do either, but asked Representative Kreiss-Tomkins if he would mind if the bill was held over for another hearing.

REPRESENTATIVE KREISS-TOMKINS said he thought waiting until Thursday would be fine; however, his staff is available to address the issue.

[8:17:05 AM](#)

BERETT WILBER, Staff, Representative Jonathan Kreiss-Tomkins, Alaska State Legislature, on behalf of Representative Kreiss-Tomkins, offered her understanding that regulations do not fall under the definition of agency reports, and she said she would like to verify before the committee takes definitive action.

CHAIR LYNN, after ascertaining no one further wished to testify, closed public testimony.

REPRESENTATIVE STUTES suggested that the committee hold HB 68 until it receives an answer to the aforementioned question.

[8:18:51 AM](#)

REPRESENTATIVE KELLER removed his objection to the motion to adopt the proposed committee substitute (CS) for HB 68, Version 29-LS0352\H, Nauman, 2/16/15, as the working document. There being no further objection, Version H was before the committee.

[HB 68 was held over.]

HB 93-PROBATION AND PAROLE: WORK, TRAVEL ACCOM.

[8:18:59 AM](#)

CHAIR LYNN announced that the final order of business was HOUSE BILL NO. 93, "An Act relating to the duties of probation officers; and relating to conditions of parole."

[8:19:19 AM](#)

REPRESENTATIVE CATHY TILTON, Alaska State Legislature, as prime sponsor, presented HB 93. She related that a 2013 Anchorage Daily News article indicated that Alaska has the nation's highest rate of recidivism. She said the Department of Corrections (DOC) reported that the number of probationers successfully completing their court ordered release has increased from 48 percent in 2011, to 66 percent in 2014. She said the proposed legislation would build upon the trend of the "smart justice effort." Representative Tilton stated that it is in the public's best interest that probationers find gainful employment and reestablish themselves in society. She said experts, such as Partners for Progress, identify employment, housing, and social services, such as rehabilitation and therapy, as the three components most needed to keep a probationer from reoffending. She said few employers are willing to hire someone with a record. A study of the Urban Institute showed that just 12.5 percent of employers would accept an applicant with a criminal record. Once a probationer does get a job, his/her employment and probation reporting sometimes fall into the same time period.

REPRESENTATIVE TILTON said the proposed legislation would clarify that one duty of the probation officer would be to accommodate the efforts of the probationer to keep his/her employment when setting up [probation meeting times]. Further, the bill would allow the probationer reasonable travel within the state when it was not in conflict with other terms of his/her probation. She explained that because Alaska is a large state, travel can be required when searching for employment.

[8:22:13 AM](#)

SUZANNE DOWNING, Staff, Representative Cathy Tilton, Alaska State Legislature, presented a sectional analysis of HB 93 on behalf of Representative Tilton, prime sponsor. She expressed

appreciation to the Department of Corrections, the Alaska Court System, and the Public Defender Agency for their assistance with HB 93. She said the sections of the bill would make small changes to existing statute and reinforce best practices.

MS. DOWNING pointed out that Section 1 addressed the aforementioned provisions related to accommodating the efforts of a probationer to find work and allowing him/her to travel as part of that effort. Section 2 would amend AS 33.16.150(a) to conform [to Section 1, AS 33.05.040] to read that as a condition of parole, parolees should be able to travel in state for work or to make diligent efforts to secure work, so long as the travel is not contrary to the conditions of parole. She said Section 3 has similar conforming language to ensure that the statute is consistent throughout. She said other changes in HB 93 are grammatical.

[8:23:44 AM](#)

REPRESENTATIVE GRUENBERG directed attention to the word "accommodate" on page 2, line 28, and questioned whether that was the best word to use.

CHAIR LYNN asked if anyone else could think of a better word. He asked Representative Gruenberg if he had an amendment related to the word "accommodate".

REPRESENTATIVE GRUENBERG answered no.

REPRESENTATIVE GRUENBERG recommended a grammatical change that would relocate the word "only" on page 4, line 30.

REPRESENTATIVE TILTON, in response to Chair Lynn, said she would be amenable to the change.

[8:26:27 AM](#)

REPRESENTATIVE GRUENBERG moved Amendment 1, as follows:

Page 4, line 30:
Delete "only"

Page 4, line 31:
Following "employment"
Insert "only"

Therefore, the paragraph would read as follows:

(12) Refrain from traveling in the state to make diligent efforts to secure or maintain steady employment only if the travel violates other conditions of parole.

There being no objection, Amendment 1 was adopted.

[8:27:19 AM](#)

CARRIE BELDEN, Director, Division of Probation and Parole, Department of Corrections (DOC), stated that she does like the proposed legislation and that the DOC supports employment for probationers and a decrease in recidivism. She expressed her only concern was that Section 3 might be too constricting for the probation officer (PO) who has treatment meetings, court hearings, and other office visits. She explained that a PO might not be able to get a travel pass issued in time because he/she has not been given enough advance notice or might have to delay a travel pass for a time in order to work out victim or treatment issues, for example. She reiterated her concern that the language of Section 3 might "box them in," and she again stated her support of HB 93.

[8:29:02 AM](#)

MS. BELDEN, in response to Representative Keller, explained that the concerning language was on [page 4, line 30, through page 5, line 1]; although she suggested the recently adopted Amendment 1 may have improved the language.

[8:29:45 AM](#)

REPRESENTATIVE GRUENBERG offered his understanding that Ms. Belden was saying there might be other reasons that could cause the Board of Parole to deny a travel request other than a violation of condition of parole.

MS. BELDEN responded that was correct.

REPRESENTATIVE GRUENBERG acknowledged that the DOC was very much by the book. He asked Ms. Belden whether she had a suggestion to improve the language.

MS. BELDEN responded that at the moment she did not have a suggestion for an amendment.

[8:31:59 AM](#)

QUINLAN STEINER, Director, Central Office, Public Defender Agency, Department of Administration, stated that HB 93 would promote employment for probationers, which he stated was key for success on parole and probation.

MR. STEINER offered to answer questions and in response to Representative Gruenberg, he said he thought he understood the concern raised by Ms. Belden; however, he would need a more detailed explanation of the mechanism of where that would come up or how it would come up before he could craft a solution.

MS. DOWNING offered her belief that the language in the statute gives quite a bit of leeway to POs through the use of the word "may".

CHAIR LYNN suggested that basically HB 93 was "a guidance bill."

MS. DOWNING concurred.

REPRESENTATIVE GRUENBERG said he would agree in general; however, he said the aforementioned language in [paragraph] (12) may limit that discretion.

[8:35:40 AM](#)

MS. BELDEN suggested adding: "and if approved by the probation officer". She explained that the PO would know what was going on in a particular case and whether there were issues in treatment that might be hampered or issues related to location of travel.

CHAIR LYNN, after ascertaining no one further wished to testify, closed public testimony.

CHAIR LYNN advised he was happy with the current intent and language of HB 93. He opined, "We should do everything we can to keep that person gainfully employed," and the conditions of the parole and where the PO works should mesh with the work needs of the parolee.

[8:37:43 AM](#)

REPRESENTATIVE KELLER pointed out that [the proposed legislation] was consistent with "where we've been going." He said the Justice Commission has been concerned and interested in

the transition of prisoners back into society. He recounted that Mr. Steiner had said HB 93 would promote employment, which is a key issue. He said he supported the current bill and would like to move it out of committee. He stated that the opportunity is there for the DOC, the Parole Board, the Office of the Public Defender, and everyone else concerned, to review the whole section of law as HB 93 moves forward and consider whether any changes could be made to enhance the work of the Justice Commission.

[8:39:17 AM](#)

REPRESENTATIVE GRUENBERG said he supported the bill and did not want to delay it, but posited that a couple more days to address concerns would not be too long. He asked Ms. Belden if she could craft the language she would like to see in a couple days, with the help of the sponsor.

MS. BELDEN answered in the affirmative. She reemphasized her support for HB 93 and the importance of employment to address recidivism.

REPRESENTATIVE GRUENBERG requested that Chair Lynn hold HB 93 for another hearing within the House State Affairs Standing Committee.

[8:41:29 AM](#)

CHAIR LYNN reiterated that he was ready to move the proposed legislation out of committee.

REPRESENTATIVE KELLER stated that he was comfortable with the explanation that the language was permissive and that "this will not rise to the level of justifying a floor amendment, but that the process is not over once it passes the floor."

REPRESENTATIVE GRUENBERG said he would like to know the prime sponsor's opinion regarding holding HB 93 in committee.

CHAIR LYNN stated that the House State Affairs Standing Committee was in control of the proposed legislation.

REPRESENTATIVE STUTES opined that in light of the contributors to the proposed legislation, the review of it, and the explanation of it, HB 93 [as amended] was ready to be moved out of committee.

REPRESENTATIVE TALERICO, in response to Chair Lynn, said he was comfortable in moving the bill forward.

[8:43:12 AM](#)

REPRESENTATIVE KELLER moved to report HB 93, Version 29-LS0404\W, [as amended], out of committee with individual recommendations and the accompanying fiscal notes.

REPRESENTATIVE GRUENBERG objected. He reiterated that something needs to be done to look at this because the department charged with the enforcement of the legislation had a legitimate concern. He indicated that the concern, if amended on the House floor, would not have the kind of debate and consideration it would have in the House State Affairs Standing Committee.

[8:44:25 AM](#)

REPRESENTATIVE KELLER said he would like to ask Ms. Belden if she considered this an issue of major concern.

MS. BELDEN suggested adding "and if approved by the department", following the last line of HB 93.

REPRESENTATIVE GRUENBERG expressed his willingness to propose a conceptual amendment incorporating the change suggested by Ms. Belden.

MS. BELDEN, in response to Representative Keller, suggested that the language could state: "and if approved by the Department of Corrections". She explained that would allow victim or treatment issues to be worked out along with the issuance of travel passes as it may be necessary to delay a travel pass.

[8:47:28 AM](#)

REPRESENTATIVE KELLER withdrew his motion to moved HB 93, Version 29-LS0404\W, [as amended], out of committee with individual recommendations and the accompanying fiscal notes.

[8:47:35 AM](#)

REPRESENTATIVE KELLER moved Conceptual Amendment 2, to add language following the word "parole" [on page 5, line 1] that would give discretion to the department. There being no objection, Conceptual Amendment 2 was adopted.

8:48:00 AM

REPRESENTATIVE KELLER moved to report HB 93, Version 29-LS0404\W, as amended, out of committee with individual recommendations and the accompanying fiscal notes. There being no objection, CSHB 93(STA) was reported out of the House State Affairs Standing Committee.

8:49:02 AM

ADJOURNMENT

There being no further business before the committee, the House State Affairs Standing Committee meeting was adjourned at 8:49 a.m.